Do Women’s Rights Policies Work? Implications on Gender Occupational Inequality*

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**Abstract**

Whereas the rise of women’s rights globally has contributed to the expansion of women’s economic rights and women–friendly employment policies, it is an empirical question to ask if the expansion of women’s economic rights at the policy level has improved women’s economic rights. Particularly, while the impact of the welfare state on the quantity and quality of women’s employment is widely studied, little research has further investigated the ways other (non-welfare) types of policies affect women’s occupational opportunities. In this paper, I attempt to explain the level of gender occupational inequality in 2004 in 35 countries through cross-national variations in particular state policies in 1984. I create an original indicator of two types of policies: laws designed to help women combine employment and childrearing responsibilities (measured by a paid maternity leave policy) and laws that promote non-discrimination (measured by a policy that guarantees equal access to all occupations and a policy that guarantees equal remuneration). My data thus include three policies altogether: maternity–leave policies and two distinct forms of anti-discrimination policies. I find that state policies are the strongest determinants, compared to global and female human capital factors, of the gender occupational inequality.

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but different types of policies have different impacts. Specifically, maternity leave is associated with a greater level of occupational gender inequality while anti-discrimination legislation is associated with less occupational inequality within countries. Although a panel analysis for a relatively small number of countries should not be overgeneralized, the results do introduce new information about policy-specific consequences for gender occupational inequality and provide a solid foundation for future research.

**Key Words:** women’s economic rights, gender occupational inequality, equal employment policy, maternity leave policy

### I. Introduction

In recent decades, scholars have increasingly studied the role played by the state in affecting women’s work. The nation state may shape the provision of employment opportunities for female labor and affect the structure of the labor market through various macroeconomic policies. It can also spark the supply of female labor by improving female human capital or through its family and employment policies. Particularly, whether and how the generous and expansive welfare state in general and particular policies, which provide services that help women combine employment and childrearing responsibilities, facilitate women’s access to the labor market and improve their position in the labor market have long interested welfare state scholars. The general question that has been asked is how the structure of welfare states as well as specific work and family policies have affected women’s access to the labor market. Scholars emphasize the role of the state as legislator and implementer of social and family services as well as
the role of welfare state as an employer, both of which are expected to affect women’s labor force participation and other opportunities for women in the labor market. Scholars generally agree that progressive social policies and a large public service sector are likely to provide women with better opportunities to join the economically active labor force (Rein, 1985; Esping-Anderson, 1990; Alestalo · Bislev · Furaker, 1991; Kolberg · Esping-Anderson, 1991; Daly, 2000; Korpi, 2000; Orloff, 2002; Gornick · Meyers, 2003).

Increasingly, scholars have investigated the role of the state not only in women’s labor force participation but also women’s occupational opportunities to attain powerful and elite occupational positions. The growing literature on this topic has focused on the welfare state in general and particular policies that provide services that help women combine employment and childbearing responsibilities. However, it is not clear how these policies that help women combine motherhood and employment affect women’s employment high-status jobs. Under the premise of the welfare state, the state facilitates both the supply of and demand for women in the labor market. Doing so, a group of scholars argue, generous benefits that facilitate mothers’ employment exacerbate gender occupational inequality as many new public, care jobs are created by generous welfare benefits (Esping-Anderson, 1999; Huber · Stephens, 2001; Klausen, 1999). Scholars also point out that even when policies like paid maternity leave enable women to combine family and work responsibilities, women still hold preferences to traditionally female jobs in an attempt to reconcile their dual roles as mothers and workers (Hakim, 1997). However, others find paid maternity leave
is associated with a decrease in sex occupational inequality by increasing women’s representation in high-status occupations such as managerial jobs and women’s entrance into traditionally male-dominated occupations (Chang, 2004).

Whereas the impact of the welfare state on the quantity and quality of women’s employment is widely studied, little research has further investigated the ways other types of policies affect women’s occupational opportunities. The welfare state is only part of the mechanisms through which state policies impact women’s work. With the exception of Chang’s (2004) study focusing on the role of occupational access laws on explaining sex occupational segregation in developing countries, few studies have accounted for the implications of state policies beyond welfare policies such as maternity leave and child-care support. Other types of policies include equal treatment legislation and equal access legislation. Although the welfare state approach has focused on women’s employment policies as a configuration of multiple provisions, its emphasis has been limited to policies that provide services that help women combine employment and childrearing responsibilities. It has rarely been attempted to explore the ways in which other (non-welfare state) policies affect women’s opportunities to obtain powerful positions in the labor market. For example, anti-discrimination policies provide equally important contexts in which women are employed in different occupations.

1) While Chang (2004) differentiates work-family policies from occupational access policies, she utilizes countries’ international law ratification as a proxy for actual policies in countries.
Based on previous literature, this paper identifies and tests the effects of different types of policies on sex occupational inequality. In the theory section, I attempt to describe two mechanisms through which state policies could impact occupational inequality.

The gendered labor market refers to different patterns of employment between men and women. There is a nearly universal tendency for men and women to be employed in different occupations (Anker, 1998). This differentiation includes both nominal segregation (e.g., women’s overrepresentation in the service sector and men’s overrepresentation in labor-intensive jobs) and hierarchical inequality (e.g., women concentrated in low-wage, and/or part-time marginal jobs) (Semynov & Jones, 1999; Daly, 2000; O’Connor & Orloff & Shaver, 1999). While occupational segregation by sex itself has many implications for gender relations (Anker 1998), sex occupational inequality refers to the more direct aspect of gender inequality in the labor market. It is estimated that about one third of all employed women in developed countries are working part-time (Blossfeld & Hakim, 1997; Orloff, 2002). In both developed and developing countries, women tend to occupy more non-managerial, non-professional positions than men (Chang, 2004; Mandel & Semyonov, 2006). Also, women are much more likely than men to work in the informal, home-based, and agricultural sectors, which are not counted in most labor statistics. Following other studies that have dealt with sex occupational inequality, in this paper, I define hierarchical dimensions of gender occupational segregation according to the prestige associated with an occupation (Fossett, 1984). I empirically define “high-status” “powerful”
occupations as managerial and professional positions.

II. Theories of State Policies on the Quality of Women’s Employment

Investigators who attend to cross-national variations in state policies as key determinants in shaping women’s position in the labor market generally agree that various women-friendly state policies increase overall female labor force participation (Chang, 2004; Mandel · Semyonov, 2006; Abu Sharkh, 2009). Yet, the effects of policies on the quality of women’s employment are far from clear. Women-friendly employment laws include many different types with varying mechanisms and the ways in which these policies help women enter into the formal labor force are different. They may encourage more gender egalitarian attitudes in the labor market. They may make sure that women’s work is free of overt discrimination. These laws also include ways to reduce disadvantages associated with child bearing and child rearing responsibilities (Charles, 1992; Chang, 2000; Chang, 2004; Goldin, 1990).

Among others, anti-discrimination policies and work/family policies such as maternity or parental leave and the provision of child care have been identified as key mechanisms through which states reduce women’s labor market disadvantages. While policies, such as anti-discrimination, officially prohibit overt discrimination, they do not provide support to minimize women’s dual roles as
mothers and workers. Policies such as maternity leave, on the other hand, help strengthen mothers’ long-term labor-market attachment, which is necessary in managerial and professional occupations. In addition to types of policies, policy enforcement is another important consideration needed to assess a policy’s effectiveness. Countries draft laws in ways that signal their willingness to tolerate behavior inconsistent with those laws (see e.g., Perry-Smith · Blum, 2000). For example, countries with legislation that specifies more generous length and wage replacement for a paid maternity leave, as well as securing the position upon a return from the paid leave, will be more effective in achieving goals from the legislation compared to countries with legislation that does not specify length or wage replacement for a paid maternity leave. In this paper, I assess the strength of each type of state policy as well.

1. Theories of policies that provide services that help women combine employment and childrearing responsibilities

Welfare-type of women’s employment policies provide services that help women combine employment and childrearing responsibilities and facilitate women’s access to the labor market (Rein, 1985; Esping-Anderson, 1990). Among others policies of this kind, maternity leave policies are the most widespread mechanism through which states help women combine women’s dual roles as mothers and workers. Many international studies demonstrate that
women increase their labor force participation when the opportunity to take paid leave is guaranteed by the state law (Pylkkänen · Smith, 2003; Ruhm · Teague, 1997; Waldfogel et al, 1999). Maternity leave policy may also reduce gender occupational inequality.

First, generous maternity leave provisions strengthen mothers’ long-term labor-market attachment, which prevents women from exiting paid work (Gornick et al, 1997). This way, maternity leave policies enable women to remain in the labor force more continuously, allowing them to develop more years of work experience and greater labor force attachment. As women’s labor force attachment and job-related human capital increases, they are more likely to be able to compete with men at work. As labor market attachment is critical, especially in high status occupations, it could facilitate women’s representation in more elite male-dominated occupations. Also, maternity leave and child care services may encourage more gender egalitarian attitudes in the formal economy (Sjoberg, 2004). As ideals of gender egalitarianism increase, women are more likely to seek entrance into the labor market and into occupations beyond those traditionally open to them and employers should be more willing to hire women workers for a wider range of occupations including high-status occupations.

**H1:** Generous maternity leave policies are associated with less sex occupational inequality.

However, there are also reasons to believe that that the existence of maternity leave policies may impede women’s entry into
high-status occupations by rendering female workers more costly than male workers, especially if employers bear the cost of maternity leave rather than the state (Anker, 1998; Boserup, 1970; Safa, 1983). Also, maternity leave benefits can exacerbate the negative perceptions that surround the reliability of women’s work (Kaar, 2000). Indeed, even generous state–provided maternity and childcare benefits can adversely affect women’s occupational opportunities and patterns. While paid maternity leave serves as a device through which women’s employment rights are protected, a long absence from paid employment may discourage employers from hiring women to positions of authority and power and thus threaten women’s ability to compete successfully with men for elite positions (Mandel · Semyonov, 2006).

**H2:** Generous maternity leave policies are associated with a greater sex occupational inequality.

2. Theories of policies that promote equal opportunities and treatment of women

While policies such as maternity leave may help women access high-status positions, such as managerial and professional jobs, by enabling women’s dual roles as mother and workers, anti-discrimination policies attempt to reduce gender inequality in employment through a different mechanism. Two types of anti-discrimination policies are especially relevant: equal opportunity policies that provide women with unrestricted access to all
occupations regardless of fertility status and equal pay policies that provide equal treatment of women and men in the same position.

Anti-discrimination policies open up employment opportunities for women by providing them with a legal justification for seeking entry into all sectors of the labor market and by discouraging employers from discriminating against women (Goldin, 1990). They may also contribute to a cultural shift in gender norms, further legitimating women’s access to and position in the labor market and their entrance into male-dominated sectors and occupational positions. The legal and cultural pressures associated with these types of policies may have stronger effects in the formal labor market and in the more prestigious professional and managerial occupations than in the informal sectors (Chang, 2004).

**H3: Anti-discrimination policies are associated with less sex occupational inequality.**

Although anti-discrimination policies prohibit overt discrimination, they do not provide support to minimize women’s dual roles as mothers and workers. Anti-discrimination legislation is an important symbolic first step to facilitate women’s incorporation into the labor market, but it may not have a direct effect on occupational gender inequality.

It is important to note that such legislation, without changes in cultural assumptions about women’s role as wives and mothers and social services that lessen women’s family responsibilities, may contribute to exacerbating gendered occupational inequality while
facilitating women’s labor force participation (Chang, 2004). Under these circumstances, married women in less developed countries, while allowed by law to pursue economic activities, will exercise their improved access to the labor market by seeking employment that allows them to combine their work and family responsibilities, including flexible hours and part-time jobs. Work in sectors traditionally associated with females, such as sales and service sectors, may still be preferred by women (Lee · Hirata, 2001). If this is the case, most of the new women’s employment induced by anti-discrimination policies will be concentrated in non-managerial or non-professional jobs, making sex occupational inequality greater.

\textit{H4: Anti-discrimination policies are not associated with a greater sex occupation inequality.}

\section*{III. Methods}

\subsection*{1. Data and Measure}

1) **Dependent Variable: Gender Occupational Inequality**

The dependent variable used in this analysis is gender occupational inequality. It is measured by the logged odds that women relative to men are employed in “administrative/managerial” occupations and "professional/technical” occupations versus all
other occupations. These two major occupational categories are widely used by scholars of gender occupational inequality to indicate the most powerful and prestigious occupations (see eg., Semyonov, 1980; Charles, 1992; Chang, 2004).

It is notable that this measure of sex occupational inequality is different from the direct percentage of women in administrative/managerial occupations. Administrative/managerial occupations are the most powerful and prestigious occupations in which women have been underrepresented (Semyonov, 1980). The proportion of women within that particular occupation group illustrates women’s relative representation in important decision-making in the economy and the state. In addition, the proportion of women in administrative/managerial occupations is examined in terms of its explicit relationship to women’s labor force participation, which has its own merit. In this paper, because I am more interested in the overall structure of sex occupational inequality beyond this particular occupation group, a measure that takes into account unequal sex representation in a broader hierarchical occupation system is more appropriate. The proportion of women in administrative/managerial occupations does not provide information about hierarchical inequality between sexes beyond that particular occupation group. One needs a measure that indicates the probability that a woman would, on average, be ranked at a higher (or lower) level occupation category than a man. This requires comparing women workers in a higher ranked occupation versus women workers in a lower ranked occupation as well as comparing the pattern against that of men.
For the reasons above, I utilize the odds of women relative to men being employed in managerial and professional occupations versus all other occupations to measure the structure of gender occupational inequality in 1984 and 2004 (Semyonov, 1980). This illustrates the differential placement of the two gender groups in a higher-status occupational category versus lower-status occupational grouping (i.e., the number of women in the two highest-status occupational groups divided by the number of women in lower-status positions, divided by the number of men in the two highest-status occupational groups divided by the number of men in lower-status positions). These odds ratios provide a margin-free indicator of gender inequality. This measure specifically indicates the extent of disparities between women and men within societies and is not confounded by the distribution of occupations in societies or by rates of labor force participation (Semyonov, 1980; Clark, 1991). The logarithm is used to make the relationship more linear. In a situation of perfect gender parity, the value of the logarithm would be 0 (since parity is equivalent to an odds ratio of 1 and the logarithm of 1 is 0). As the value changes in a negative direction,

2) An alternative way to measure gender ordinal occupational inequality is Liberson’s index of net differences (ND). ND provides information on inequality beyond managerial and professional occupations by ranking these non-managerial, non-professional positions according to prestige. However, it requires that definitions of occupation groups with different ranking are consistent and comparable across countries and between the two occupation standards, ISCO-68 and ISCO-88. Unfortunately, beyond managerial and professional occupations, definitions of a major occupational group tend to vary across countries and between the two occupation standards. For this reason, I chose the managerial plus professional occupations vs. lower status occupations to indicate ordinal gender occupational inequality.
gender inequality in favor of men grows larger; as it changes in a positive direction, inequality in favor of women grows. It should be noted that this indicator of ordinal gender occupational inequality pertains only to status or prestige. This does not mean that other dimensions of occupational gender inequality, such as occupational wage inequality or part-time work versus full-time employment, are less important. Such data are simply not available.

Employment data come from the International Labour Organization (ILO) LABORSTA, which provides detailed, comparable, occupational data from the early 1980s. The dataset comprises, for each country–year, a set of occupational categories and the number of women and men in each category. The full set includes data for more than 100 countries. Occupations are matched to a variety of national or international schemes. In order to maximize comparability of occupational classifications, I use occupational data based on two comparable international occupational classification schemes ISCO–68 or ISCO–88.

The two occupational classification schemes are highly comparable with respect to sub–occupations in each occupational group, based on the International Occupational Prestige Scale, the International Socio–Economic Index of Occupational Status, and class categories (Ganzeboom · Treiman, 1996). Furthermore, there is considerable similarity between the two international occupational schemes and across countries in their actual occupations and the extent of their occupational hierarchies (Stewart et al, 1980; Grusky · VanRompaey, 1992; Blackburn · Jarman · Brooks, 2000).
2) Independent Variables

The key independent variables utilized in this analysis include different types of state policies. The first state policy dimension is the provision of substantive benefits that facilitate combining motherhood with work. Maternity leave policies are used to measure this. The second type of policies refer to equal opportunity policies that provide women with unrestricted access to all occupations regardless of fertility status and equal pay policies that provide equal treatment of women and men with the same or comparable work.

I gathered a wide range of publicly available data on maternity leave policies across countries. I first relied most heavily on primary data sources including national–level legislation. I collected national legislation including acts and decrees governing maternity leave, occupational access, and equal pay. These legislative documents were obtained from several sources including the International Labour Organization NATLEX database, the International Labour Organization library in Geneva, and government websites. The ILO is the world’s single most comprehensive source of labor legislation and particularly ILO’s NATLEX database contains legislation related to labor, social security, and human rights for 186 countries. I accessed NATLEX online database during 2010 and reviewed every available legislation text indexed under the category “maternity protection” or “equality of opportunity and treatment.”

I coded these laws in terms of 1) the length of maternity leave
and the percentage of compensation in regular pay, 2) presence of 
equal pay laws, 3) laws regarding women’s access to night work, 
work regardless of industry, and work while pregnant. During the 
process, I realized that some of the legislation was available only in 
hard copy at the ILO library in Geneva. I went to Geneva in 
January 2011 and spent twenty days searching the archive and 
photocopying the legislation. I also conducted additional internet 
searches for the government websites of specific countries and 
searched government websites for the most current versions of 
legislation.

Building on the primary information I obtained, I clarified and 
supplemented it with various secondary data sources. This includes 
Social Security Programs Throughout the World (http://www.ssa.gov/
policy/docs/progdesc/ssptw/) and the ILO/UN Report (2000, 2005), 
and Raising the Global Floor: A World Legal Rights Database, 
Berkovitch’s (1998) information on the year of the first law on 
maternity leave and equal pay laws. For equal access policies, I 
could not obtain good secondary data to clarify the limited 
information I had through primary source surveys. Thus, I was 
able to construct data on the year of first maternity leave and equal 
pay law adoption, but not the first year of equal access policies.3)

Maternity Leave. Using the policy data, the key independent 
variables are constructed. First, in order to measure the scope of 
work–family policies, 4 dummy variables representing the level of 
maternity leave are included. Policies guaranteeing twenty–six 

3) Further information on maternity leave, equal pay, and equal access policy 
data are available on request.
weeks or longer of maternity leave with 75% of regular pay or higher are considered as a high-level maternity leave policy. This is above the international standard for maternity leave. When paid maternity leave is granted for 14 to 25 weeks with 75% of regular pay or higher, these policies are considered as a mid-level maternity leave policy. This is consistent with the international standard for maternity leave. When paid maternity leave is granted for less than 14 weeks or with a wage replacement of less than 75% of regular wage, these policies are considered as a low-level maternity leave policy. When there is no maternity leave policy, countries are coded as not having a maternity leave policy. For the multivariate analysis, all 35 countries had a paid maternity leave. As a result, for the multivariate analysis, higher-level of maternity protection is compared with low-level maternity leave policy not a lack of maternity leave policy.

**Equal Pay Laws.** The second state policy variable is equal pay legislation. These laws demand “equal pay for work of equal value” and prohibit different remuneration based on gender in most sectors of the workforce. If a country has an equal pay law in a given year, it is coded as 1.

**Equal Access Laws.** The third state policy consists of legislation that promotes women’s unrestricted access to all occupations. As early as the nineteenth century, many countries had employment regulations based on gender. Although these gender specific laws did not prohibit women’s paid work altogether, they created a gender-differentiated workforce in which women’s work was restricted to certain types, forms, and hours of work. Furthermore,
women’s fertility status (particularly when pregnant) was a legal justification for not hiring women even in the industries where women were allowed to work. Over the years, however, as global discourse on women’s work became centered around “equality” over “protection,” these laws came to be viewed as discriminatory (Berkovitch, 1999). Many countries have replaced these laws with ones that guarantee women’s equal access to all industries, night hour employment, and while pregnant, while other countries still have restrictions in employment based on gender. If women are allowed to work in all industries, during the night, and while pregnant in a country, it is coded as 1 (others as 0).

**Overall Level of Legal Protection of Women's Rights.** The three specific state policies discussed above represent key dimensions of women’s work and are expected to influence gender occupational inequality in unique ways. However, women’s work is being influenced by numerous other laws and regulations encompassing not only women’s employment rights but also larger gender relations in economic, social, and political areas. Furthermore, these legal rights may work together in altering gender relations and conditions of women’s work.

In order to contrast the effects of the three specific policies with the overall level of state legal protection of women’s rights laws, two measures are included. First, state policies and structures concerning women’s economic rights are measured by an index representing the degree to which women’s economic rights are protected in national laws. Data are from the Cingranelli–Richards (CIRI) Human Rights Database, which covers 195 countries.
annually from 1981–2008 providing information on the extent to which women’s economic rights are reflected in national laws and enforced by the government.

Women’s economic rights include equal pay for equal work, free choice of profession or employment without the need to obtain a husband or male relative’s consent, the right to gainful employment without the need to obtain a husband or male relative’s consent, equality of hiring and promotion practices, job security (including maternity leave and unemployment benefits), non-discrimination by employers, the right to be free from sexual harassment in the workplace, the right to work at night, the right to work in occupations classified as dangerous, the right to work in the military and the police force. This measure is a 4 point scale (ranging from 0 to 3). Considering that women’s rights to work encompass not only economic areas but also political and social areas, I also include an aggregated index of economic rights, political rights, and social rights protected in law. This measure is a 10 point scale (0 – 9). Due to the fact that the different types of state policies outlined above are all components of these aggregate indices, I compare the effects of an aggregate index in a separate model from ones including different types of state policies.

Penetration of Global Women’s Rights: As women’s rights to participate in the wage economy are global phenomena, I consider the ratification of five treaties concerning women’s work. The treaties include the 1951 ILO Equal Remuneration Convention, the 1952 ILO Social Security (Minimum Standards) Convention, the 1952 ILO maternity Protection Convention, the 1962 ILO Equality
of Treatment (Social Security) Convention, and the 1979 UN Convention on the Elimination of All Forms of Discrimination against Women.

The 1951 ILO Equal Remuneration Convention was the first international treaty to focus exclusively on women’s rights in employment and to express the notion of equality between men and women. These five treaties represent states’ formal endorsement of global women’s rights concerning work. The 1952 ILO Maternity Protection Convention revised the earlier ILO Maternity Convention (1919), which focused more on the protection of newborns and motherhood. The 1962 ILO Equality of Treatment (Social Security) Convention expanded equal treatment from “equal pay for equal work” to “equal pay for work of equal value.” The 1952 ILO Maternity Protection Convention was the first treaty to conceptualize maternity benefits as a way for the state to facilitate the reentry of mothers into paid employment and as a device to guarantee women’s rights to work. The 1952 ILO Social Security (Minimum Standards) Convention specified the minimum mandatory length of maternity leave, the protection from dismissal, and the rate of cash benefits to be paid. The 1979 UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) was the most comprehensive international treaty on the issues of gender inequality and gender discrimination. It mandated not only the equal rights of women but also the elimination of all forms of gender discrimination against women. It prohibited all measures that are discriminatory against women even when the governments did not intend them to be (Article 2). Furthermore, it
obligates the state to “modify the social and cultural patterns of conduct of men and women… with the view to achieving the elimination of … practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women” (Article 5). It explicitly protects women’s rights to non-discrimination in employment as it mandates the state to ensure that women have the right to the same employment opportunities, the rights to a free choice of profession and employment, the rights to promotion, training, job security and benefits, equal pay for work of equal value, and equal access to unemployment, retirement, and sick benefits (Article II(I)).

<Figure 1> Cumulative Ratification of International Treaties concerning Women’s Work, 1952–2011
Figure 1 shows the ratification trend for these five child rights treaties. The 1951 ILO Equal Remuneration Convention and the 1979 CEDAW are ratified by most countries in the World by 2011. The primary variation for these two treaties relates to the timing of ratification, which ranges from 1952 (or 1990 for the CEDAW) to 2010 (or 2011 for the CEDAW). The Equal Remuneration treaty had a steady stream of ratifications. The CEDAW was ratified at a much faster rate as more than half of all countries in the world ratified it within a decade since it became available in 1979. The Minimum Age Convention had a steady stream of ratifications when it was first proposed. As the CEDAW became widely ratified, the Equal Remuneration Convention also picked up the rate of ratification during the 1990–2000 periods. This suggests that intensification of global concern over gender equality since the CEDAW and the late adopters of the Equal Remuneration treaty are part of the more recent “norm cascade.” The other three ILO treaties had a much slower stream of ratifications and, in some sense, whether a country ratified these treaties capture the varying commitment to women’s employment rights.

*Women’s Rights INGOs:* While international laws represent a formalized commitment, the diffusion of policies across countries requires continuous support from global civil society. Transnational networks and international nongovernmental organizations transmit cultural models embodied in international laws to nation-states and communities (Meyer et al, 1997; Boli · Thomas, 1999; see also Keck · Sikkink, 1998). In the case of human rights, clear evidence suggests that ties to the global human rights social movement
networks affect the adoption and implementation of national laws and structures (Finnemore, 1996; Frank et al, 2000; Boyle 2001; Boyle · Kim, 2009; Kim · Boyle, 2012). Thus, I include ties to the global women’s rights regime measured by memberships in international women’s rights NGOs. Women’s rights INGO membership data come from Paxton et al. (2006).

Control variables: This analysis includes a number of control variables that prior research has identified as key determinants of gender occupational inequality. Integration into the global economy has influenced women’s work. Particularly, export promotion and trade liberalization, which involve increased labor market flexibility and openness to the world economy tend to generate an increase in female employment, especially in the tradable sector. This increase is partly due to the lower labor costs of women compared to men (Standing, 1989; Stichter, 1990; Fernandez–Kelly, 1994), but also to more gender egalitarian practices of foreign-owned and export-oriented firms in terms of hiring preferences and the pay gap between sexes (Villarreal · Yu, 2007). In order to account for the effects of economic openness, I include a measure of trade as percent of GDP (World Bank 2010). In order to account for countries’ different economic and political circumstances, I include a logged measure of GDP per capita (World Bank 2010) and level of democracy, measured in a 21 point scale (−10 to 10) (Marshall · Jaggers, 2002). Women’s Human Capital is another important determinant of gender occupational inequality. In order to capture women’s human capital, I include two measures: female labor force participation rates (World Bank, 2010) and female gross enrollment
2. Research Design

The goal of my analysis is to determine if there are unique effects of specific policies on gender occupational inequality, which the overall level of legal protection of women’s rights may mask. To this end, I first examine the distribution of the three state policies across countries and over-time and the relationship between particular policies and overall indices of legal protection of women’s economic rights and women’s rights based on all countries (N = 195). Then, I utilize panel regression analysis in which gender occupational inequality, measured in 2004, is regressed upon itself and other independent variables measured 20 years ago in 1984 for 35 countries. The unit of analysis is a country. This time period covers approximately two decades and accommodates the analysis’s focus on change in gender occupational inequality. The choice of countries included in the panel regression analysis is driven by availability of information, mostly the availability of employment information in both 1984 and 2004. Results from this analytical sample of 35 countries may not be generalizable to all countries in the world. A separate analysis (not shown) suggests that countries not included in the regression analysis on average tend to be economically less developed and less democratic than countries included in the regression analysis. Particularly, it should be noted that some countries with a high-level of population and a large volume of paid labor such as India and China are not included in
the regression analysis. Nevertheless, the sample contains countries from various regions and levels of economic development. Although there is no apparent reason to expect the sample differs substantially from countries not included in the analysis in terms of sex occupational inequality and explanations for that inequality, further research is needed to know for sure. Thus, results from this analysis should still be taken with caution.

Panel regression analysis provides estimates of the effects of the independent variables on change in the dependent variable. However, these estimates are likely to be conservative because of the high correlation between the dependent variable and the lagged dependent variables (Hannan · Quinn, 1979). The panel regression analysis presented here is likely to yield especially conservative estimates since only 35 countries provide data that could be used in the calculation of the dependent variable in both 1984 and 2004. Accordingly, a significance level of .10 can be interpreted as fully significant (as opposed to marginally) (Pedhazur, 1982). Operationalization of variables and descriptive statistics for the panel regression analysis can be found in Appendix 1.

### IV. Results

#### 1. Descriptive Information on State Policies

Countries vary in the timing of adoption and the content of policies for the three particular policies. Figure 2 presents world
patterns in the adoption of state policies on paid maternity leave and equal pay policy. Information on the timing of the equal access policy is not available and not included in the figure. It shows the cumulative number of countries that passed the relevant legislation based on the policy information I gathered. For the paid maternity leave policy, countries in the world have steadily incorporated paid maternity leave into their legislation from five countries in 1883 to 177 countries in 2009. For the equal pay policy, it is clear that the late 1950s serve as a turning point. This period corresponds to the years when the ILO Equal Remuneration treaty and the ILO Equal Treatment treaty were created at the global level. Until then less than twenty countries adopted equal pay laws but since then there has been a sharp and steady increase. By 1986, 110 countries in the world adopted a policy granting women’s economic rights to equal pay. By 2009, 138 countries had incorporated the principle of equal pay into their national legislation.

<Figure 2> Cumulative Number of Countries Having a Paid Maternity Leave Policy and an Equal Pay Policy, by Year, 1883–2009
Figure 3 breaks down maternity leave policies by benefit level in 1984 and 2004. Out of 186 countries for which maternity leave policy information is available, forty countries did not offer any paid maternity leave in 1984 whereas in 2004 only twelve countries were left without a paid leave policy. This means that twenty-seven countries adopted a paid maternity leave policy between 1985 and 2004.

Regardless of when a country adopted the first maternity leave policy, about half of these countries with a paid maternity leave policy offered less than 14 weeks or less than 75% of normal wage, which is below the international standard (the 1952 ILO Maternity Protection Convention). Of those countries that had a paid maternity leave policy by 1984, forty countries offered 14-25 weeks of paid maternity leave with a 75% or higher wage replacement rate and twenty-six countries offered 26 weeks or more paid maternity leave at a 75% or higher wage replacement rate. Of those twenty-seven countries that adopted a paid maternity leave policy
between 1985 and 2004, fourteen countries did not meet the international standard; twelve met the standard; and one surpassed the standard.

![Figure 4](image.jpg)

*Figure 4* Equal Pay Policies in 1984 and 2004

Figure 4 shows equal pay policies in 1984 and 2004. Out of 166 countries for which equal pay policy information is available, 107 countries had equal pay legislation in 1984 whereas by 2004 133 countries had one.

![Figure 5](image.jpg)

*Figure 5* Equal Access Policies
Figure 5 breaks down equal access policies by conditions under which women’s equal opportunity to be employed applies. Out of 136 countries for which maternity leave policy information is available, 93 countries have legislation that women should be able to choose to work during night hours where men have such choice. For the equal opportunity to be employed in any industries, 67 out of 136 countries guarantee the right. Eighty out of 136 countries have legislation that prohibits restrictions or dismissal of pregnant women from work.

The following three charts examine the relationship between these three types of policies and the overall index of women’s rights reflected in national laws.

<Figure 6> Average Women’s Economic Rights and Overall Women’s Rights Score by the Level of Maternity Leave Benefits in 1984 and 2004

Figure 6 shows the average women’s economic rights and overall women’s rights score by the level of maternity leave benefits in 1984 and 2004. The first two sets of bars represent average state
legal protection of women’s economic rights scores by maternity leave policies in 1984 and 2004, respectively. The last two sets of bars represent average state legal protection of women’s rights scores by maternity leave policies in 1984 and 2004, respectively. Overall, the level of maternity leave benefits corresponds to the aggregated women’s economic rights and overall women’s rights scores in 1984 as well as in 2004. The mean scores for the economic rights and overall rights are the lowest for countries with no or low-level paid maternity leave policies and the highest for countries with a high-level maternity leave policy. Interestingly, countries with less than 14 weeks of paid maternity leave benefits did not score any higher in their economic rights or overall rights scores than countries without paid maternity leave benefits. Figure 6 suggests that countries with high-level maternity leave benefits also do better in other policies related to women’s employment rights and women’s rights in general.

<Figure 7> Average Women’s Economic Rights and Overall Women’s Rights Score by the Equal Pay Policy in 1984 and 2004
Figure 7 shows the average women’s economic rights and overall women’s rights score by the equal pay legislation in 1984 and 2004. The first two sets of bars represent average state legal protection of women’s economic rights scores by presence or absence of equal pay legislation in 1984 and 2004, respectively. The last two sets of bars represent average state legal protection of women’s rights scores by presence or absence of equal pay legislation in 1984 and 2004, respectively. In 1984, having an equal pay policy corresponds to the aggregated women’s economic rights and overall women’s rights scores. However, in 2004 the gap narrows down making the two groups of countries indistinguishable. This could have resulted from the fact that by 2004 about 80% of countries have equal pay legislation whereas 64% of the countries had it in 1984.

\[\text{Legal protection score} \\text{Yes} \quad \text{No}\]

\[\text{Legal protection of women’s economic rights by working night hours} \quad \text{legal protection of women’s economic rights by working any industries} \quad \text{Legal protection of women’s economic rights by working while pregnant} \quad \text{Legal protection of women’s rights by working night hours} \quad \text{legal protection of women’s rights by working any industries} \quad \text{Legal protection of women’s rights by working while pregnant}\]

\(<\text{Figure 8}>\) Average Women’s Economic Rights and Overall Women’s Rights Score by the Equal Access Policy
Figure 8 shows the average women’s economic rights and overall women’s rights score by the equal access legislation: women’s rights to work during night hours, women’s rights to work in any industries, and women’s rights to work during pregnancy. From the figure, it is clear that equal access policies in terms of working during night hours and in any industries are associated with a higher index scores. However, equal access to work during pregnancy is not clearly associated with the two index scores. Overall, while varying in the mechanisms through which women’s employment is facilitated, all of the three policies contribute to the aggregated indices of state protection of women’s economic rights or the overall women’s rights.

2. Results from Panel Regression

The results of panel regression analysis of the odds of women to be employed into managerial and professional occupations under conditions of various combinations of independent and control variables for a sample of countries (N = 35) are presented in Table 1. Although specified in the methods section, female tertiary education enrollment rate, ratification of international treaties, women’s INGO membership, and a non-OECD country dummy had no significant effects. Therefore, I present results omitting these variables. Model 1 includes control variables and maternity leave policies. First, the odds of women employed in managerial and professional occupations in 1984 are highly significant in predicting the odds 20 years later. This suggests that there are significant
| Controls | Model 1 | Model 2 | Model 3 | Model 4 | Model 5 | Model 6 |
|----------|---------|---------|---------|---------|---------|---------|
| GDP per capita (logged) in 1984 | 0.157* | 0.072 | 0.101 | 0.130* | 0.135* | 0.134* |
| Democracy in 1984 | -0.024+ | -0.02 | -0.022 | -0.024+ | -0.024 | -0.033* |
| (0.013) | (0.012) | (0.014) | (0.014) | (0.014) | (0.012) | |
| Female labor force participation in 1984 | -0.002 | -0.004 | -0.004 | -0.002 | -0.002 | -0.004 |
| (0.004) | (0.004) | (0.005) | (0.004) | (0.004) | (0.004) | |

| State Policies | Model 1 | Model 2 | Model 3 | Model 4 | Model 5 | Model 6 |
|----------------|---------|---------|---------|---------|---------|---------|
| High-level maternity leave in 1984 | -0.299+ | -0.302+ | -0.230+ | -0.164 | -0.159 | -0.165 |
| Mid-level maternity leave in 1984 | -0.135 | -0.132 | -0.135 | -0.025 | -0.025 | -0.021 |
| Equal pay law in 1984 | 0.295+ | 0.309+ | 0.294+ | 0.164 | 0.163 | 0.172 |
| (0.148) | (0.138) | (0.141) | (0.148) | (0.138) | (0.141) | |
| Equal access law | 0.027 | 0.029 | 0.036 | 0.029 | 0.036 | 0.036 |
| Overall legal protection of women’s rights in 1984 | 0.240* | 0.240* | 0.240* | 0.240* | 0.240* | 0.240* |
| Overall legal protection of women’s employment rights in 1984 | 0.240* | 0.240* | 0.240* | 0.240* | 0.240* | 0.240* |
| Trade (%GDP) | -0.001 | -0.003 | -0.004 | -0.002 | -0.002 | -0.002 |
| Log odds women’s employment in high status occupations in 1984 | 0.585*** | 0.588*** | 0.574*** | 0.564*** | 0.574*** | 0.606*** |
| (0.123) | (0.122) | (0.134) | (0.129) | (0.131) | (0.116) | |
| Constant | -1.008+ | -1.042+ | -1.045+ | -1.001+ | -1.001+ | -1.001+ |
| (0.505) | (0.507) | (0.507) | (0.502) | (0.495) | (0.495) | |
| Number of countries | 35 | 35 | 35 | 35 | 35 | 35 |
| R-squared | 0.625 | 0.621 | 0.580 | 0.671 | 0.673 | 0.681 |

(*p < .10  **p < .05  ***p < .01  **p < .001 (two-tailed tests); standard errors in parentheses.
Notes: The following variables had no significant effect in any of the models and were therefore omitted: female tertiary education enrollment, ratification of international treaties, women’s INGO membership, and a non-OECD country dummy.)
cross-national differences in the odds of women to be employed to managerial and professional occupations. By controlling the odds of women to be employed to managerial and professional occupations in 1984, the focus of this analysis is on changes from 1984 based on the level of independent variables in 1984. Control variables are largely insignificant partly due to a small sample size. However, these findings also suggest that a country’s economic and political circumstances as well as women’s human capital alone cannot explain gender occupational inequality. GDP per capita shows a significant, positive effect. Although not significant, the directions of coefficients are largely consistent with the prior literature. Democracy shows a negative sign. Women’s labor force participation shows a negative sign, consistent with prior literature, suggesting a winnowing effect, in which women are selectively recruited into the labor force in areas where women are already concentrated (Charles and Grusky 2004). This decreases women’s relative representation in professional and managerial occupations by increasing newly added women’s employment into non-professional and non-managerial occupations.

Model 1 also includes maternity leave benefits. Generous maternity leave benefits are associated with lower-level of women’s representation in managerial and professional occupations. However, mid-level maternity leave benefits are not different from low-level or no paid maternity benefits. The negative effect of high-level of maternity leave policy on women’s relative odds of attaining managerial or professional positions provides support for H2.

Results suggest that highly generous maternity leave programs
make sex occupational inequality deeper not because they are not enforced or nominal but because they have an actual impact on women’s employment conditions. Highly generous maternity leave programs may be successful to recruit women into paid employment. However, such increase in women’s employment through maternity leave programs tend not to happen in high-status positions, resulting in more sex occupational inequality. This could be explained in several ways. First, it may be because women who are qualified for high-paying jobs are already in the paid labor market whereas those women workers who otherwise would have not worked in a social context in which maternity leave programs are absent have more diverse human capital that does not necessarily meet required qualification in more prestigious jobs.

Second, this also provides support that institutional arrangements which allow long absence from paid work encourage discrimination against women by employers. Paid maternity leaves pave the way for mothers back to the labor market and strengthen women’s attachment to the labor market. However, they also remove mothers from workplaces for several months. Although paid maternity leave programs are presumed to enable women to remain in the labor force more continuously, a long absence from paid employment can be interpreted as an interference of work continuity at the firm level. This absence may make women less competitive in the workplace and exacerbate the negative perceptions that surround the reliability of women’s work (Hansen, 1997). It discourages employers from hiring women to positions of authority and power.
Cultural assumptions about women’s role as wives and mothers are also important. Under circumstances in which paid maternity leave programs operate without a change in cultural assumptions about men’s and women’s family responsibilities, married women will exercise their improved access to the labor market through maternity leave policies by seeking employment that allows them to combine their work and family responsibilities, such as flexible hours and part-time work, as opposed to highly intensive managerial or professional jobs.

Model 2 includes equal pay laws. Contrary to maternity leave laws, equal pay laws are associated positively with women’s relative odds of attaining managerial and professional jobs, providing support for H3. It is notable that equal pay laws, while not providing substantial support to minimize conflicts arising from women’s dual roles as mothers and workers, do provide some substantial benefits (in wages) compared to men. These laws contribute to more equal treatment of men and women within managerial and professional occupations, which in turn may contribute to a cultural shift in gender norms, further legitimating women’s access to and position in the labor market and their entrance into male-dominated sectors and occupational positions.

Model 3 includes equal access laws. Unlike equal pay laws, equal access laws are not associated with the odds of women relative to men having managerial and professional jobs. These laws, like equal pay laws, officially prohibit overt discrimination but without substantial benefits. Although equal access legislation opens up employment opportunities for women by providing them with a
legal justification for seeking entry into all sectors of the labor market and by discouraging employers from discriminating against women, the kind of industries and occupations that are most directly affected by equal access legislation (i.e., “dangerous” occupations and occupations involving night work) tend to be in non-managerial and non-professional positions.

Model 4 includes all three state policies. Policy effects are robust when considered separately or together. Both the negative effects of high-level of maternity leave policies and the positive effects of equal pay laws remain the same. Policy effects remain the same after trade is controlled for in model 5. Trade does not have significant association with the odds.

Models 6 and 7 include overall indexes of women’s employment rights laws and women’s rights laws. Even after controlling for countries’ economic and political circumstances, and global contexts, both women’s employment rights laws and women’s rights laws are significant and positive. This suggests that although different types of specific policies have different mechanisms to recruit women into high-status positions in the labor market, gender occupational inequality is, after all, part of larger gender inequality.

4) In a separate analysis not shown, I checked if the duration of policy implementation mattered. Cumulative years of equal pay laws enforced had a positive effect on the odds of women to be employed in managerial and professional occupations. However, cumulative years of maternity leave laws or equal access laws did not have significant effects.

5) I also checked if state policy effects are contingent on the global context variables (trade, ratification of international laws, and linkage to global women’s rights movement). None of the interaction terms between state policy and global context was significant.
V. Discussions and Conclusion

This analysis finds that state policies regarding women’s employment are highly relevant to gender occupational inequality. Two types of policies, paid maternity leave legislation and anti-discrimination legislation, have opposite effects. Maternity leave policies are associated with a greater inequality while anti-discrimination policies are associated with a less inequality.

Nevertheless, results should not be seen as dichotomizing state policies into the good and the bad. Gender relations and gender inequality are complex phenomena. Institutionalized systems assign people into different categories and organized social relations of inequality develop on the basis of that difference (Ferree · Lorber · Hess, 1999). Like class or race relations, gender relations and inequality involve cultural beliefs and distributions of resources at the macro level, patterns of behavior, organizational practices, and identities at the individual level. Like class or race inequality, particular efforts to promote one dimension of gender equality may inhibit another dimension of gender equality. For example, generous maternity leave policies are effective in attracting more women into employment and also make women’s dual roles as mothers and workers more compatible. However, they also come with a codification of child-rearing responsibilities as women’s job and make women more “costly” to hire. Likewise, anti-discrimination
laws also have certain limitations in terms of not being able to address societal allocation of family responsibilities to women, which is real in everyday lives. The very complexity of gender relations and gender inequality, however, also suggests that there are many potential fronts available to alter the relations. When particular policy efforts are put together, state interventions seem to be making the difference. Also, although state interventions might have their own limitations, after all, state policies (whether considered individually or collectively) are the only factor that has significant influence in this analysis on women’s relative odds of managerial and professional employment.

I would like to address the limitations of this research. The sample of 35 countries included in the panel regression analysis is driven by data availability and therefore results may not be generalizable to other countries in the world. Nevertheless, the sample contains broad regional and economic representation. There is no reason to expect the sample differs dramatically from other countries with respect to gender occupational inequality and its relationship to state policies. However, I cannot know for sure until data are available for more countries.

Due to the lack of time-varying detailed state policy data for most countries, this paper incorporates state policy information with an assumption that once adopted a policy does not change in contents or level of benefits. This assumption is made not because I believe it is the case but because data are not available. Consequently, this analysis examines if the level (as opposed to subsequent changes) of state policies in 1984 is associated with the
level of gender occupational inequality in 2004. By including the level of gender occupational inequality in 1984 in the equation, it enables us to focus on changes in gender occupational inequality from 1984 and 2004 and the influence of state policies at an earlier year on the dependent variable at a later year. Nevertheless, it is impossible to truly test causal relationships or to observe how simultaneous changes in the state policies impact gender occupational inequality. Despite these limitations, the richness of the data on state policies enables a more detailed analysis of particular state policies and their differing effects on gender occupational inequality than was possible with either welfare-type of policies (e.g., maternity leave policies) alone or highly aggregated state policy indexes.

The odds of women relative to men having higher-status positions are only part of gender occupational inequality. Future research should look at how state policies with different mechanisms to influence women’s employment are associated with other forms of gender occupational inequality such as wage and job security.
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<Appendix 1> Operationalization of Variables and Descriptive Statistics for the Panel Regression Analysis

| Variable                        | Operationalization                                                                 | Source                  | Mean | Std. Dev. | Min  | Max  |
|---------------------------------|-------------------------------------------------------------------------------------|-------------------------|------|-----------|------|------|
| **Economic globalization**      |                                                                                     |                         |      |           |      |      |
| Trade                           | Trade (% of GDP)                                                                     | World Bank: WDI         | 61.18| 32.86     | 17.34| 139.70|
| **Penetration of global Women's employment Rights** |                                                                                     |                         |      |           |      |      |
| State ratification of key international treaties regarding women's work | The number of treaties ratified: the 1951 ILO Equal Remuneration Convention, the 1952 ILO Social Security (Minimum Standards) Convention, the 1952 ILO maternity Protection Convention, the 1962 ILO Equality of Treatment (Social Security) Convention, and the 1979 UN Convention on the Elimination of All Forms of Discrimination against Women | ILO, UN                 | 2.29 | 1.25      | 0    | 4    |
| Country membership              | WINGO # of WINGOs of which citizens of the country has a membership                  | YIO, UIA                | 7.64 | 2.66      | 2.5  | 12.5 |
| **Political**                   |                                                                                     |                         |      |           |      |      |
| Level of democracy              | Democracy-autocracy measure (-10 to 0)                                              | Polity IV dataset       | 3.31 | 7.47      | -9   | 10   |
| **Economic**                    |                                                                                     |                         |      |           |      |      |
| GDP per Capita                  | GDP per capita (2000 U.S. $ value) (logged)                                         | World Bank: WDI         | 8.17 | 1.50      | 4.77 | 10.20|
| **State institutional characteristics** |                                                                                     |                         |      |           |      |      |
| Maternity leave policy in 1984  | Various sources*                                                                    |                         |      |           |      |      |
| High-level maternity leave      | 26 weeks or more with 75-100% wage replacement                                        |                         |      |           |      |      |
|                                 | 25.71%                                                                              |                         |      |           |      |      |
| Variable                        | Operationalization                                                                 | Source                          | Mean   | Std. Dev. | Min | Max |
|--------------------------------|-----------------------------------------------------------------------------------|---------------------------------|--------|-----------|-----|-----|
| Mid-level maternity leave      | 14–25 weeks with 75–100% wage replacement                                          |                                 | 25.71% |           |     |     |
| Low-level maternity leave      | Less than 14 weeks or less than 75% wage replacement                                |                                 | 48.57% |           |     |     |
| Equal pay law in 1984          | Having a law demanding “equal pay for work of equal value (coded 1; otherwise 0)    | Various sources*                | 85.71% |           |     |     |
| Equal access law               | women are allowed to work in all industries, during night, and while pregnant in a country (coded 1; otherwise 0) | Various sources*                | 31.43% |           |     |     |
| Women’s economic rights reflected in law | Women’s economic rights reflected in law (4 point scale)                          | CIRI Human Rights Data Project  | 1.60   | 0.69      | 0   | 3   |
| Women’s rights reflected in law | Women’s rights reflected in law (10 point scale)                                  | CIRI Human Rights Data Project  | 4.66   | 1.91      | 0   | 8   |
| Female labor force participation | % women in the labor force                                                          | World Bank: WDI                | 41.77  | 14.74     | 11.6| 75.6|
| Female tertiary education      | Female tertiary education enrollment rates (gross)                                  | Schofer 2005                    | 18.70  | 14.81     | 0.3 | 77.7|