

From Formal Neutrality to Substantive Justice: An Evolutionary Analysis of U.S. Equality Law Through Landmark Workplace Gender Discrimination Cases

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Abstract. This paper examines the evolution of U.S. equality law in workplace gender discrimination, charting a shift from formal neutrality to substantive justice. Using doctrinal analysis of landmark cases—Phillips v. Martin Marietta (1971), Meritor Savings Bank v. Vinson (1986), and Price Waterhouse v. Hopkins (1989)—it shows how courts moved beyond surface non-discrimination to recognize hostile work environments, sex stereotyping, and mixed-motive decision-making under Title VII of the Civil Rights Act of 1964. The analysis finds that these rulings advanced substantive equality by addressing invisible harms and systemic bias, yet legal remedies still struggle with structural inequalities reinforced by organizational practices and social norms. The paper further evaluates limits in evidentiary burdens, procedural hurdles, and the expost nature of litigation. It concludes that achieving genuine gender justice requires a multi-pronged strategy: targeted statutory reform, proactive compliance and transparency mechanisms, data-driven monitoring tools, and coordinated cultural and organizational change. Policy recommendations outline preventive audits, clearer burden-shifting rules, and cross-sector collaboration to close the law–society gap.

Keywords: U.S. Equality Law, Workplace Gender Discrimination, Substantive Equality.

1. Introduction

Throughout the legal practices revolving around workplace gender equality, the U.S. equality law has evolved significantly in its approach in recent years, advancing from formal equality to substantive justice. Specifically, Title VII of the Civil Rights Act of 1964 (hereinafter referred to as “Title VII”) served as the foundation for the early framework of equality law, focusing on formal equality and the superficial legitimacy of employer standards, yet exhibiting the tendency to ignore the systemic gender discrimination in the broader social setting.

This situation did not last long, fortunately. As gender discrimination gradually shifted from explicit to implicit forms, and from individual targeting to deep-seated bias, legal professionals have become increasingly aware of the limitations of formal equality, deepening their critique towards it. This dual dilemma, both theoretical and practical, exposes a significant gap in existing practises on bridging formal equality and substantive equality: How can the law go beyond superficial

prohibitions on differential treatment and delve deeper into the underlying social norms and unbalanced power structures that shape gender inequality?

Therefore, this paper aims to examine the evolution of equality law from formal equality to substantive equality, through analytical and critical investigations into a series of landmark cases of workplace gender discrimination in the US, focusing on addressing three core questions: First, why and how did the initial paradigm with a heavy emphasis on formal equality under Title VII progress to substantive equality? Second, in what ways do the Court's rulings in these cases specifically embody the various stages of this development and the specific ways in which they transcend the different aspects of limitations of traditional law, thereby building and enriching the judicial logic of substantive equality? Third, what are some persisting limitations regarding the effectiveness of law to provide a solution to systemic gender discrimination, despite the already substantial legal reforms?

Through the lens of pivotal cases such as *Phillips v. Martin Marietta* (1971), *Meritor Savings Bank v. Vinson* (1986), *Price Waterhouse v. Hopkins* (1989), and *Ledbetter v. Goodyear Tire & Rubber Co.* (2007), this study will examine the advancement of judicial understanding of gender discrimination. The research will cover four aspects: institutional flaws of formal equality, judicial breakthroughs in the transition to substantive equality, contemporary practical limitations as well as the potential paths of legal reform going into the future, thus providing an analysis of both the historical evolution and the contemporary drawbacks that together characterise the American equality law.

The process of law from conforming to formal equality to adhering to substantive equality is essentially a microcosm of the growing recognition, response, and addressing of invisible discrimination, including emotional injury and unconscious bias. This study hopes to trace the evolution of legal justice from formal equality to substantive equality, not only highlighting the innovation of legal technology, but reflecting the deepening of society's understanding of gender power relations in the changing times as well. Its experiences and lessons have universal reference value for promoting global workplace gender equality governance.

2. The era of formal equality: prohibition and its limitations

In the legal realm of gender equality in American workplaces, an approach to formal neutrality precedes the development of substantive equality, with the litigation based on Title VII prioritising textual compliance over contextual impact [1]. However, in legal practice, this framework's profound limitations quickly became apparent, as documented in studies highlighting how formal neutrality often perpetuates systemic inequalities [2]. Consequently, apart from indicating an initial success for the non-discriminative principle, the landmark case of *Phillips v. Martin Marietta Co.* (1971) also revealed, more importantly, the inherent limitations of the formal equality paradigm under Title VII, as analysed in judicial critiques of “de-differentiation” standards [3].

In this case, Phyllis Phillips was denied employment because she had a preschooler, while a male applicant with a preschooler was not [4]. However, also highlights a significant flaw in the formal equality framework, which is the fact that formal equality fails to address substantive differences [5]. The court noted that an employer may not explicitly reject a mother of a preschool child, but this did not address the deeper issue of discrimination against mothers. These issues include societal biases, cultural expectations, and other institutionalised norms, which are important topics in critical studies of gender and labour law [2]. In 1970s American society, the norm of gender-based division of labour meant that women still bore the bulk of childcare responsibilities, a reality extensively examined in sociological studies on workplace inequality [3]. In this way, *Martin Marietta's* policies

effectively exploited social expectations and maternal role norms that undermine women's career development, creating latent barriers to obtaining equal employment opportunities exclusively for women, as analysed in critiques of neutral policies as discriminatory [4]. Formal equality requires the law to remain formally neutral regarding gender differences, but it ignores the inherent discriminatory nature of these differences in the first place in a patriarchal society [5]. Using childcare responsibilities as a selection criterion aligns perfectly with social expectations of maternity that disadvantage women, allowing employer policies to systematically exclude women from the job market and create unequal treatment while yet being able to maintain a seemingly and deceptively neutral appearance.

Therefore, *Phillips v. Martin Marietta* represents a significant yet flawed achievement. By revealing that formal neutrality can, however, lead to substantive injustice, this case prompted the judiciary to re-examine the connotation of equal protection. Specifically, the Court overturned the "sex plus" doctrine and ruled that females affected by common stereotypes and social norms are protected by Title VII, marking a significant milestone in judicial recognition [4].

However, the Court's ruling in this case embodied only formal equality and failed to eliminate stereotypes, leading to academic and legal calls for reforms to achieve substantive equality, propelling equality law toward greater substantive equality. It indicated that the legal system was beginning to move beyond superficial treatment comparisons to address the underlying biases causing unequal treatment.

3. The shift to substantive equality: recognising invisible harms and systemic biases

3.1. Tackling the hostile environment: *Meritor Savings Bank v. Vinson*

With the *Meritor Savings Bank v. Vinson* (1986) case entering the public's view, the criteria for determining workplace gender discrimination under equality were radically reshaped. When employee Mechelle Vinson accused her supervisor of persistent sexual coercion, constituting discrimination prohibited by Title VII, the Court, for the first time, broke with the traditional "tangible economic loss" approach and incorporated a "hostile work environment" within the legal framework [6]. Based on Title VII, employers were only explicitly prohibited from discriminating "with respect to [an individual's] compensation, terms, conditions, or privileges of employment, because of such individual's sex", a scope that the Court interpreted and extended to encompass the intangible conditions of a hostile workplace [1]. This inclusion echoed the Equal Employment Opportunity Commission (EEOC) Guidelines, categorising non-economic harms caused by sexual harassment as a violation of Title VII too, by ruling that such conduct "unreasonably interferes with an individual's work performance or creates an intimidating, hostile, or offensive working environment" [6]. Prior equality law practices, resulting from the formal equality paradigm, were content to redress visible pecuniary harms like dismissal and reduced pay but treated the less tangible psychological harm of sexual harassment merely as friction in the workplace. Thus, this incomplete legal cognition is overturned by the Court in *Meritor Savings Bank v. Vinson* when it stresses that gender discrimination lies not only in economic harm and deprivation of economic right but in the systematic exertion of power over individuals and the subsequent deterioration of their professional dignity at work. Gender bias can create an environment that is intimidating, hostile, or humiliating, which, even without directly causing lost wages, still violates the equal employment rights between men and women in a really substantive way.

The Court came up with the "unwelcome" standard as a legal innovation [6]. Instead of focusing on whether the person doing it meant well, the judgment looked at how the victim actually

experienced things. It did not depend on the perpetrator's feelings but on how the victim felt about it. So long as the perpetrator's behaviour was objectively sufficiently offensive and subjectively perceived by the victim as unwelcome, it constituted a violation. Furthermore, this standard also addresses verbal forms of harassment, such as demeaning comments or explicit language, no longer shielding such conduct when it serves to perpetuate gender-based harm in the workplace and contributes to a hostile working environment [7].

Therefore, this case adequately addresses gender discrimination by tackling its often intricate and subtle nature, coming in various forms, including institutional neglect, physical violence, or verbal harassment. The victim's subjective psychological experience is necessary to uncover such an injury. As Catharine MacKinnon points out in *Sexual Harassment and Gender Equality*, the *Meritor Savings Bank v. Vinson* (1986) case is significant because it transforms gender power structures into recognisable legal harms [8]. This foundational shift also paved the way for later landmark decisions, such as *Bostock v. Clayton County* (2020), which extended Title VII's protections to LGBTQ individuals by building on the Meritor Court's broad interpretation of "sex discrimination" beyond overt economic harm [9]. When the law begins to address the emotional ecology of the workplace, the judicial logic of substantive equality truly transcends formal financial compensation.

This shift in perspective shifts the law from simply prohibiting differential treatment to examining and dissecting the institutional roots that create inequality, thereby laying the legal foundation for addressing structural discrimination. The Court further clarified that employers cannot avoid liability merely by claiming ignorance of supervisory harassment, though it rejected absolute liability and emphasised the need to weigh agency principles in determining responsibility [6].

3.2. Deconstructing gender stereotypes: *Price Waterhouse v. Hopkins*

Other than recognising the intangible harms triggered by gender discrimination, the ruling in the case of *Price Waterhouse v. Hopkins* (1989) helped shape and advance the concept of substantive equality within equality law concerning another aspect, discriminatory intentions. Thus, when Ernst & Young refused to promote Ann Hopkins because she was insufficiently feminine, this provided the Court with an opportunity for a path-breaking decision that brought sex stereotypes into the ambit of legally recognised discrimination, exceeding the limited definition of biological sex under formal equality.

Specifically, Hopkins was explicitly advised to "take a course at charm school," "walk more femininely, talk more femininely, wear make-up, have her hair styled, and wear jewellery" to improve her chances of promotion [10]. Comments such as these are viewed by the Court as direct evidence of impermissible sex stereotyping [10]. The Court prohibits not only explicit sex classification and different treatment but also evaluation systems based on sex stereotypes. This finds support under Title VII, which expressly prohibits employers from discriminating against any individual "with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's sex" [1]. When an employer uses the prejudice that women should be gentle and submissive as a criterion for job evaluation, even if it uses neutral terms such as professional ability, it constitutes implicit discrimination.

The mixed-motive framework established in this case serves as a prominent landmark. The Court held that when a plaintiff proves that sex was a motivating factor in an employer's hiring decision, the burden of proof shifts to the employer, requiring the employer to prove that it would have made the same decision regardless of sex [10]. This rule radically changes the strict burden of proof required under formal equality, where plaintiffs must fully prove gender as the sole motive. Such a

shift is particularly critical given that women in the workplace often face a double bind: being perceived as either competent but unlikable or likeable but incompetent when they behave in ways that challenge gender stereotypes [11]. It effectively addresses the judicial difficulties posed by the insidious nature of gender discrimination, because in most cases of gender bias at work, other factors join in, making it hard to pin down a single causal link.

Notably, this setup also laid key doctrinal ground for later rulings that widened Title VII's scope since it held that even partial reliance on gender-related bias triggers liability unless the employer can prove a real, gender-neutral reason for the choice [12]. This mixed-motive frame makes employers bear the burden of proof for gender bias in their choices, showing the law's effort to fix the power gap between labour and management via the design of procedural rules.

A much bigger legal breakthrough is in how the decision reformulates what gender means. By drawing a line between biological sex and socially made gender roles, the Court recognised that the core of stereotyped discrimination means to force society's expectations of women on individuals. This takes away their freedom and right to develop based on their own traits. This difference between biological sex and social gender roles later became key. It helped recognise that discriminating against transgender people also counts as sex discrimination under Title VII [13]. This shifted legal focus from whether there's a gender classification, to whether gender-based norms were assumed in the employer's decision. For example, if a woman is seen as unsuited for leadership, that really points to the stereotype that leadership is masculine, which is the actual root of gender inequality. The legal reasoning from *Price Waterhouse v. Hopkins* sets up a smarter, more thorough way to spot and fix hidden gender barriers at work. It moves equality law away from just aiming for neutral treatment on the surface to actually trying to fix the deeper power imbalances underneath.

Meritor Savings Bank v. Vinson (1986) and *Price Waterhouse v. Hopkins* (1989), in conclusion, together stand as the two main pillars showing how American equality law shifted from formal to substantive justice, highlighting two important parts of this change. *Meritor Savings Bank v. Vinson* (1986) brought hostile work environment into legal protection, moving beyond formal equality's focus on clear, tangible harm. This lets the law tackle gender inequality that comes in the form of emotional oppression. On the other hand, *Price Waterhouse v. Hopkins* (1989) breaks down and reshapes gender stereotypes, showing how discrimination can sneak into workplace decisions under the cover of neutral evaluation. Plus, by flipping the burden of proof, it makes sure hidden biases get pulled into the spotlight and face legal review. These cases got past formal equality's limits by looking at the expanded forms of harm and the deeper discriminatory motives, each in its own way. Equality law can only really fix systemic inequality when it does not just ask if there's different treatment, but also digs into how that treatment is justified or hidden by social norms. This change is not just a new legal tool; it's a big shift in how legal ideas work, moving from formal neutrality toward substantive fairness. It also lays the groundwork for laws dealing with deeper issues like wage gaps and occupational segregation.

4. The limits of law: unresolved issues and enduring challenges

This paper's discussion of key cases like *Phillips v. Martin Marietta* (1971), *Meritor Savings Bank v. Vinson* (1986), and *Price Waterhouse v. Hopkins* (1989) shows how American equality law has made a big jump from just formal neutrality to aiming for real, substantive justice. But even with this great judicial progress, the law still has limits as a social reform tool, namely, a gap between legal processes and social structures. When courts try to tackle systemic gender inequality by

handling individual cases, they often face a tough problem: fixing things for one person does not usually change the whole system.

The litigation system works after the fact and focuses on specific cases, which basically limits how far courts can step in. Take the *Phillips v. Martin Marietta* (1971) case, for example—it set the rule against implicit gender discrimination, but one ruling alone can not instantly change how companies hire. Employers might just tweak their hiring rules to keep out others, leaving lots more people to fight discrimination one by one in court. This shows the core issue with legal remedies being so individualised, echoing what Martha Minow pointed out in *Making All the Difference*, that lawsuits are good at solving particular disputes but are not built to break down deep-rooted patterns of discrimination baked into organisations, pondering on the limited impact and contribution of individual judicial cases to systemic change [14].

A deeper obstacle exists in the law's limited ability to intervene in structural social biases. Take *Meritor Savings Bank v. Vinson* (1986) and *Price Waterhouse v. Hopkins* (1989) as examples, while these cases tackled power inequalities and gender-based structural imbalances, they failed to break through the dichotomy of law-society division. Courts can ban workplace sexual harassment or stereotyping, but they cannot change the ongoing gender division of labour in families. U.S. Bureau of Labour Statistics data from 2023 shows this division means women still perform an overwhelming majority of unpaid housework, which indirectly strengthens workplace discrimination [15]. To make matters worse, Feminist scholar Judith Lorber argues in *The Paradox of Gender* that legal bans on explicit discrimination might even push discrimination into subtler social and cultural areas [16]. This appears through non-legal mechanisms like the motherhood penalty or beauty premium. The unfeminine evaluation Ann Hopkins faced in *Price Waterhouse v. Hopkins* (1989) was essentially society's gender norms projected into the workplace; the law can stop employers from making such rules clear in hiring, but it can not get rid of the patriarchal culture behind them.

Gender-based economic discrimination is still a big problem, and the *Lilly Ledbetter v. Goodyear* case from 2007 shows that. Lilly Ledbetter found out she had been paid less because she was a woman. She had proof that the discrimination had gone on for a long time. But the Court turned down her case, saying she missed the 180-day time limit [17]. This brings up a problem with fairness in the rules: the Court knew the discrimination was there, but the time limit made it too hard for her to get justice. In 2009, though, the Lilly Ledbetter Fair Pay Act changed the statute of limitations to fix this [18]. As Lani Guinier, a Harvard Law School professor, says in *The Tyranny of the Meritocracy*, “procedural technicism” makes the law a tool to keep things as they are [19]. When gender discrimination happens in small, constant ways, the rules themselves become barriers to real justice.

So, to sum up, the development of equality law in the U.S. has been a constant tug-of-war and balancing act between judicial ideals and real-world social stuff. When courts did things like expand protections for psychological harm in *Meritor Savings Bank v. Vinson* (1986) and break down gender stereotypes in *Price Waterhouse v. Hopkins* (1989), that showed how law can maybe reshape social norms. But *Ledbetter v. Goodyear Tire & Rubber Co.* (2007) threw up a red flag with its procedural snags, reminding people that court precedents, as tools for social change, are always restricted by the specifics of individual cases and the formal logic of the law. If people really want to tackle the big structural and systemic problems of workplace gender discrimination, maybe they need to move past the idea that courts are the be-all and end-all, striving towards collaborative changes through a multifaceted lens of legislative policy, social culture, and economic structures. This is not only the unfinished mission of American equality law, but also a common challenge facing the global cause of gender justice.

5. Future paths: institutional innovation and systemic reforms

After following how American equality law has developed from formal equality to substantive justice, it is crucial to point out that it has faced loads of practical challenges. Individual lawsuits struggle to shake up systemic discrimination, procedures become hurdles for rights and their protection, and social and cultural biases act like some invisible net, always holding back how the law works. So, what can equality law do to tackle all this? Based on research and practical insights from experts in the field, this paper sees some possible directions for improvement from a few different angles.

The law should start focusing on preventing discrimination before it happens instead of just punishing it afterwards. Look at the Ledbetter case. Because of a 180-day time limit, women could not keep fighting against pay discrimination [17]. It clearly shows how after-the-fact fixes have their limits. This paper believes the law could require big companies to do annual gender equality checks. They would have to thoroughly check if there is any hidden discrimination in how they hire people and pay them. Also, the time limits for filing lawsuits could be made more flexible. That way, victims could sue as long as the discrimination is still going on. They would not lose their chance to seek justice just because time passed. This kind of approach nips discrimination in the bud and has been found to be way more effective than punishment after the damage is done.

Technological innovation could offer fresh ways to tackle hidden discrimination. A lot of gender bias hides right there in the open, such as the hard-to-spot pay gaps between men and women doing the same job. Blockchain technology might come in handy here. It works like a clear electronic ledger, where companies could choose to upload info like salary ranges and any pay change records. This data is available to everybody; however, no one can tamper with it, making the treatment gap between female and male workers visible. Earlier, California tried making companies disclose salary ranges, but without technical verification, the meddling reduced effectiveness [20]. Since Blockchain is tamper-proof, it can effectively solve this problem.

In addition, intelligent algorithms could be created for automatic analyses of the impacts of corporate policies on workers who are male and female, complementing the deficiencies of the law. While laws can prohibit discriminatory behaviour, they struggle to immediately change preconceived notions. Some managers might quietly hold the view that women do not fit leadership roles. This bias should be slowly tackled with the help of education. Firms can use empathy training where men go through the stress of managing work and home life. A related method has raised female promotion rates by 19% at Microsoft [21]. More fundamentally, gender equality education should be incorporated into primary and secondary school curricula so that children understand from an early age that career choice has nothing to do with gender.

Finally, the United States may learn from the successful experiences of other countries. For example, South Africa has established an Equality Commission to proactively investigate corporate discrimination [22]. Another advancement is seen in India's requirement for internal complaints committees to facilitate employee rights protection [23]. These practices are worth emulating. By establishing a collaborative model connecting the government, the businesses, and the society, with the government setting anti-discrimination standards, technology companies developing monitoring tools, and industry associations providing oversight, a closed-loop system can be formed, leveraging both the flexibility of the US judicial system and the efficiency of administrative oversight.

Looking back at the evolution of US equality law, from *Phillips v. Martin Marietta* (1971) to *Price Waterhouse v. Hopkins* (1989), each breakthrough was accompanied by a response to real-world problems. This study believes that the future development of US equality law requires a multi-pronged approach involving law, technology, and education, addressing both procedural

loopholes and deeper structural issues in society. As for everyone, understanding these areas for legal reform will not only help the people understand the complexity of social equity but may also allow them to participate in promoting equality in various ways in the future. After all, the pursuit of justice always requires the collective attention and action from the public.

6. Conclusion

In conclusion, this study demonstrates that the evolution of U.S. equality law from formal neutrality to substantive justice has significantly contributed to the advancement of workplace gender equality. The analysis of landmark cases such as *Phillips v. Martin Marietta*, *Meritor Savings Bank v. Vinson*, and *Price Waterhouse v. Hopkins* shows how the judiciary gradually moved beyond superficial prohibitions on differential treatment to recognise the deeper, structural dynamics of discrimination. These decisions collectively mark a profound jurisprudential shift: from treating equality as the mere absence of explicit distinctions to acknowledging the subtle yet pervasive harms arising from hostile environments, gender stereotypes, and systemic biases.

Nevertheless, the study also finds that law remains an imperfect tool for addressing entrenched inequalities. The reliance on individual litigation often limits the transformative capacity of judicial remedies, as rulings can resolve discrete disputes without dismantling broader social and cultural barriers. Cases like *Ledbetter v. Goodyear Tire & Rubber Co.* highlight the procedural constraints that can obstruct justice even when discrimination is evident, underscoring the need for more proactive mechanisms. Moreover, while courts can prohibit overtly discriminatory practices, they struggle to challenge the persistent gendered division of labour and implicit cultural expectations that sustain inequality in the workplace.

Against this backdrop, the research suggests that future progress requires an integrated approach. Legal reforms should be combined with technological innovations, such as greater transparency in pay structures, and social initiatives, including education and awareness campaigns that challenge stereotypes at their root. Cross-national comparisons also offer valuable insights: institutions like equality commissions or internal grievance committees in other jurisdictions could provide models for systemic reform in the United States.

Ultimately, the pursuit of substantive gender justice demands more than isolated legal victories. It requires sustained collaboration between lawmakers, courts, employers, and society at large. By recognising both the achievements and the limitations of U.S. equality law, this study underscores that the journey towards genuine workplace equality is ongoing, and that the lessons of past jurisprudence should guide more comprehensive and forward-looking reforms in the future.

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