

UNEQUAL BY DESIGN:

**Occupational Segregation, Essential Labor,
and Economic Disparities in New York City**

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FPWA

About FPWA

FPWA is a leading anti-poverty, social policy and advocacy organization dedicated to strengthening human services organizations and faith institutions and advancing economic opportunity and justice for New Yorkers with low incomes. Since 1922, FPWA has driven groundbreaking policy reforms to better serve those in need. We work to dismantle the structural and systemic barriers that impede economic security and well-being, and we strengthen the capacity of human services agencies and faith organizations so New Yorkers with lower incomes can thrive and live with dignity.

Since co-founding the National True Cost of Living Coalition in 2024 and commissioning the Urban Institute to develop the True Cost of Economic Security (TCES) measure, FPWA has been working to ensure the implementation and utilization of an accurate measurement of what it truly takes to thrive in today's economy and society. TCES provides more than statistics; it unpacks the economic precarity of Americans – where it is concentrated, what costs drive it, and where resources are lacking. The unique insight that TCES provides is necessary for equitable budgeting and policymaking.

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Introduction

Essential workers in New York City sustain families, the economy, and the city itself by providing care, food, transportation, education, sanitation, construction, and other necessary goods and services. Yet many of the workers whose labor keeps this city functioning receive low wages, few benefits, unstable schedules, and little prestige in return. This disparity between the social importance of essential work and the material conditions under which it is performed is not incidental. It reflects longstanding law, policy, and institutional choices that sort workers into unequal tiers of compensation, protection, and mobility. This brief explores one of the drivers of this gap: occupational segregation.

Occupational segregation refers to the systematic sorting of workers into different industries and roles along lines of race, gender, immigration status, disability, and other marginalized identities.¹ It results in the overrepresentation of workers from historically marginalized groups in low-wage, exploitative, and precarious jobs or industries, as well as the underrepresentation of those workers in higher-wage, secure, and influential occupations. The result of this sorting is not simply access to specific jobs, but access to economic stability and long-term, potentially intergenerational mobility. In New York and across the U.S., many essential jobs, including care work, cleaning and maintenance, food service, construction, and agricultural work, along with certain administrative roles, are disproportionately filled by women, immigrants, and workers of color.^{2,3,4,5,6} These roles reflect entrenched occupational segregation, in which race, gender, immigration status, and other marginalized identities shape who performs undervalued essential labor and who holds higher-status roles.

The consequences of occupational segregation extend far beyond wages. Workers in highly segregated occupations often face elevated risk of workplace injury and illness, unpredictable scheduling, limited access to health insurance and retirement benefits, and restricted opportunities for advancement.⁷ Essentially, they have lower “job quality.”⁸ These conditions reverberate through communities and families, contributing to disparities in health outcomes, housing stability, long-term wealth accumulation, and generational economic security. Occupational segregation operates not only as a labor market issue but as a driver of broader social inequality.

This policy brief examines occupational segregation as a feature of New York City’s economy and a central barrier to economic security. It traces the historical and legal foundations that shape occupational segregation, explores its contemporary expression through a case study of the contrasting labor markets of the Bronx and Manhattan, and analyzes why existing policy interventions have been insufficient to dismantle structural inequities.

As the first brief in a broader series, it also begins to outline a path forward that centers worker power, improves job quality across sectors, and advances an economic model that recognizes essential labor not only symbolically but materially. By analyzing the essential labor of a segregated workforce, this brief seeks to shift the conversation from one of individual choices to structural change capable of building a more equitable and resilient New York City economy.

WHO ARE ESSENTIAL WORKERS?

The pandemic brought the term "essential worker" into mainstream use. It was often used to highlight heroism without addressing the conditions under which many essential workers continue to face low wages, limited benefits, and persistent economic insecurity.

The term essential worker has always been fluid, political, and contested.^{9,10} Throughout U.S. history, moments of national crisis have reshaped who is deemed "essential," often expanding labor force participation out of necessity while leaving underlying hierarchies intact. For example, the iconography of "Rosie the Riveter" from World War II is an enduring image of labor during that period. It was also a branding strategy by the U.S. government to recruit women into manufacturing and defense industry jobs previously closed to them to address the shortage of male workers created by military service. Women, along with other previously excluded workers, filled critical roles in shipyards, factories, and other wartime industries that were indispensable to the war effort. When the war ended, many women and workers of color were displaced by returning White servicemen, as gendered and racial labor norms were reasserted.¹¹

In this report, we use a broad definition of the term essential worker. Drawing from the Guidance on Executive Order 202.6, we consider workers in the listed industries to be essential.¹²

Some essential roles, like physicians and some financial professionals, are high-wage and high-influence, with greater stability, protections, and political power. Others, such as home health aides, grocery store clerks, cleaners, delivery workers, and many service workers, are low-wage positions with limited voice and fewer pathways to economic security. These differences are not accidental. They reflect decades of policy decisions that have structured opportunity unequally across communities and concentrated low-wage, low-benefit, high-risk work among people whose labor is essential but undervalued.

In New York City, this divide is sharply visible. Immigrants, women of color, and workers from communities with long histories of disinvestment are disproportionately concentrated in the low-wage essential jobs that sustain families and the broader economy. Calling these workers "essential" without addressing these underlying inequities obscures the reality that the risks and burdens of essential labor are not shared evenly. Understanding who essential workers are and how the term has been politicized helps clarify the structural changes necessary to ensure that all workers who keep the city functioning can be economically secure.

Occupational Segregation as Structural Economic Design

Occupational segregation is not a peripheral feature of the U.S. economy; it is one of its central organizing principles. Rather than emerging from naturally occurring worker preference or skill, occupational segregation reflects generations of legislative, institutional, and policy design that determine who performs which forms of labor, under what conditions, and for whose benefit. Since its inception and reliance on an enslaved workforce through today's licensing regimes and labor law exclusions, the American economy has repeatedly relied on stratified labor markets that suppress wages for some workers while concentrating security and wealth among others. The functioning of our society and economy depends heavily on low-wage workers who provide essential goods and services. These workers perform the everyday labor that keeps households, communities, and entire industries functioning, even as their contributions remain systematically undervalued. This "low-road" approach relies on maintaining a workforce that can be paid less, offered few, if any, protections, and easily replaced.¹³

This structure is maintained through a constellation of policies that determine whose labor is valued and protected and whose remains invisible or exploitable.¹⁴ While there have been moments of economic expansion in which workers built and exerted power and profits were more widely shared, these gains were unevenly distributed and were never universal, often explicitly excluding the most marginalized workers by race, gender, or immigration status.^{15,16} Policies that create opportunity for some while simultaneously entrenching exclusion for others reinforce a labor market structured by difference and hierarchy, normalizing and sanctioning inequality.

Understanding occupational segregation requires moving beyond narratives that individualize economic outcomes. From a structural economic perspective, occupational segregation reinforces inequality and maintains structural economic deprivation.

Labor law exclusions, uneven educational investment, and public policies that fail to support caregiving and social reproduction create barriers to access and opportunity. By further concentrating risk among marginalized communities and segregating them out of the opportunity to attain high paying jobs that provide benefits and security, those at the top of the economic hierarchy gain outsized benefit.

STRUCTURAL ECONOMIC DEPRIVATION

Coined by FPWA CEO Jennifer Jones Austin, structural economic deprivation is defined as a designed system in which public policies, institutional practices, cultural representations and other norms work in various, often reinforcing ways to normalize and enable limitations on the ability of lower income people and communities to access financial, health, education and social resources that build and sustain wealth, thereby all but ensuring a socioeconomic strata with individuals, families and communities living perennially in or near poverty.

Historic and Legal Foundation of Occupational Segregation

RACE, SLAVERY, AND CRIMINALIZATION

The historical roots of occupational segregation can be traced to slavery, which embedded racial exploitation into the foundation of the American economy by legally defining Black people and their labor as property.¹⁷ Following abolition, Black Codes, Jim Crow laws, vagrancy statutes, and convict leasing systems continued to restrict mobility and forced Black workers into agricultural, domestic, and other low-wage roles.^{18,19,20,21}

Today, remnants of these systems persist. The incarceration carve-out of the 13th Amendment allows the extraction of unpaid or subminimum wage labor from prisoners. This carve-out disproportionately harms Black people who are incarcerated at six times the rate of White people due to racially discriminatory policing and sentencing practices.²² Incarcerated workers generate billions of dollars in economic value, often for private companies, while receiving minimal compensation and limited labor protections.^{23,24}

Those who have been released from prison also face a related but different type of occupational segregation. One of the collateral consequences of criminal system involvement is exclusion from employment due to criminal background checks.²⁵ One Bureau of Justice Statistics report, which included over 50,000 individuals who were released from federal prisons in 2010, found that 33 percent did not find employment at any time during the 4 years after their release.²⁶ Workers who have been incarcerated are more likely to be in careers that offer less growth, and they are often barred from careers that require credentials or licensure, which may be closed to them due to their convictions.²⁷

IMMIGRATION AND LEGAL EXCLUSION

Immigration policy has historically structured labor markets by channeling immigrant workers into some of the most dangerous and lowest-paid occupations. From canal and railroad construction in the 19th Century to agricultural and construction roles today, immigration policies have repeatedly created a workforce positioned to fill essential but undervalued roles. These patterns are not incidental. They reflect deliberate policy choices that restrict immigrants' legal rights and economic options. For example, visa structures, especially those that tie a worker's legal status to a single employer, limit the ability of workers to leave unsafe jobs without losing their status, effectively trapping workers in hazardous conditions. Licensing regimes and the nonrecognition of foreign credentials impose barriers to entry for certain fields and limit mobility for foreign-born workers, effectively funneling them into lower-wage positions.²⁸ This remains true even when immigrants possess education comparable to U.S.-born workers.²⁹

The risks are even higher for workers without work authorization or legal documentation. Foreign-born workers awaiting work authorization or lacking documentation have vanishingly few opportunities to earn the income they need to sustain their livelihood while in limbo. As a result, they are pushed into precarious, hazardous jobs with limited protections and thus face heightened vulnerability to wage theft, unsafe working conditions, and retaliation.^{30,31} This further entrenches their concentration in low-wage, essential jobs. Occupational segregation may be understood not only as a labor market dynamic but also as a product of immigration policy itself.

GENDER, RACE, AND CARE WORK

Women's occupational segregation is rooted in both legal exclusions and social norms that undervalue care work and social reproduction. Historically, women have performed both productive and reproductive work within family units.^{32,33,34} In the U.S., enslaved Black women were forced to do both for White slaveholding families, a legacy that persists in the overrepresentation of Black women in care occupations today.^{35,36} Many caregivers, including cleaners, child care providers, and home care workers, were historically excluded from core labor protections, including collective bargaining rights and many workplace safety standards.³⁷ Still today, these exclusions disproportionately affect women of color and immigrant women, who continue to comprise a large share of the caregiving workforce.³⁸

During the early 20th Century, White women entered the paid workforce in higher numbers.³⁹ States and local governments enacted "protective" laws and marriage bars that limited women's work hours and occupational access, reinforcing gendered expectations and constraining economic autonomy.^{40,41}

Today's occupational segregation laws for women are less direct. Policies that fail to support intergenerational caregiving, including limited or no paid leave, insufficient access to affordable child care, and inflexible scheduling, have an outsized burden on women workers.^{42,43} The lack of access to these policies is particularly significant for women with children because women take on a greater share of unpaid labor in the household, including childrearing. These policies shift unpaid caregiving responsibilities onto women, constraining their options in the workplace and economic mobility.

Despite women earning college degrees at a higher rate than men and even when women enter higher paid occupations, wage penalties remain severe for women workers, with women of color and immigrant women earning far less than White women.^{44,45}

DISABILITY, TIPPED WORKERS, AND THE SUBMINIMUM WAGE

Federal labor law permits occupational segregation of disabled workers through the subminimum wage provision under Section 14(c) of the Fair Labor Standards Act. Tens of thousands of workers, the vast majority of whom have intellectual and developmental disabilities, are legally paid far less than the already meager \$7.25 federal minimum wage, reinforcing segregated employment structures that limit pathways to economic independence and security. While often framed as an accommodation, this policy institutionalizes exploitation and economic marginalization rather than inclusion.⁴⁶

In recent years, several states have passed laws to eliminate the subminimum wage. In New York State, bills have been introduced in both the Senate (S28A) and Assembly (A1006) that require employers to pay employees with disabilities the “same wage as an employee in a comparable position that does not have a disability.” Despite being introduced in every legislative session since 2017, these bills have not passed in either the Senate or Assembly.

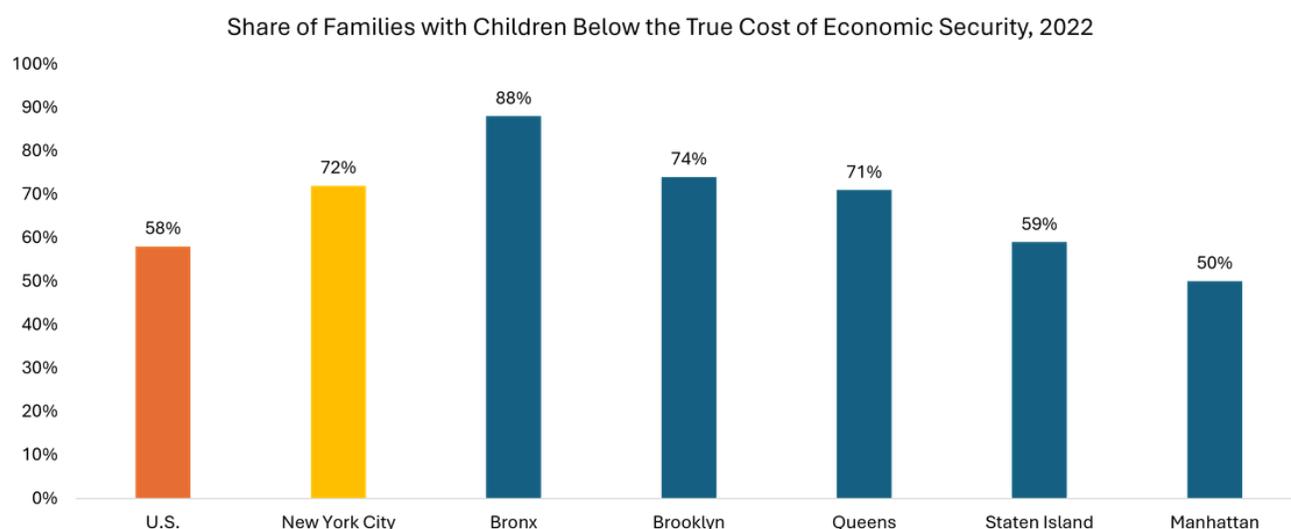
Historically, tipping has been used as a way of lowering costs for employers, permitting wage exploitation. After the abolition of slavery, Black hospitality workers such as food service workers and railroad porters were not given salaries and instead had to rely on tips from patrons. Today, two-thirds of tipped workers are women, and those women are disproportionately women of color. Tipped workers are also disproportionately single parents, and workers born outside of the U.S.⁴⁷

Currently, federal law permits employers to pay a subminimum wage of \$2.13 an hour to “tipped workers,” a wage that hasn’t changed since 1991. New York State law permits employers to combine a “cash wage” paid by the employer with a “tip credit” to account for income anticipated by tips received to attain the minimum wage. In 2026, for example, employers are permitted to pay service employees in New York City \$14.15 an hour, anticipating an additional \$2.85 an hour in tips.⁴⁸

Across the country, tipped workers are guaranteed the state minimum wage in only seven states.⁴⁹ Since 2019, bills have been introduced in both the New York Senate (S415A) and Assembly (A1200A) to phase out the subminimum wage over the course of a few years. These bills have not passed either house.

A Case Study on the Relationship Between Occupational Segregation and Economic Security in New York City: The Bronx vs. Manhattan

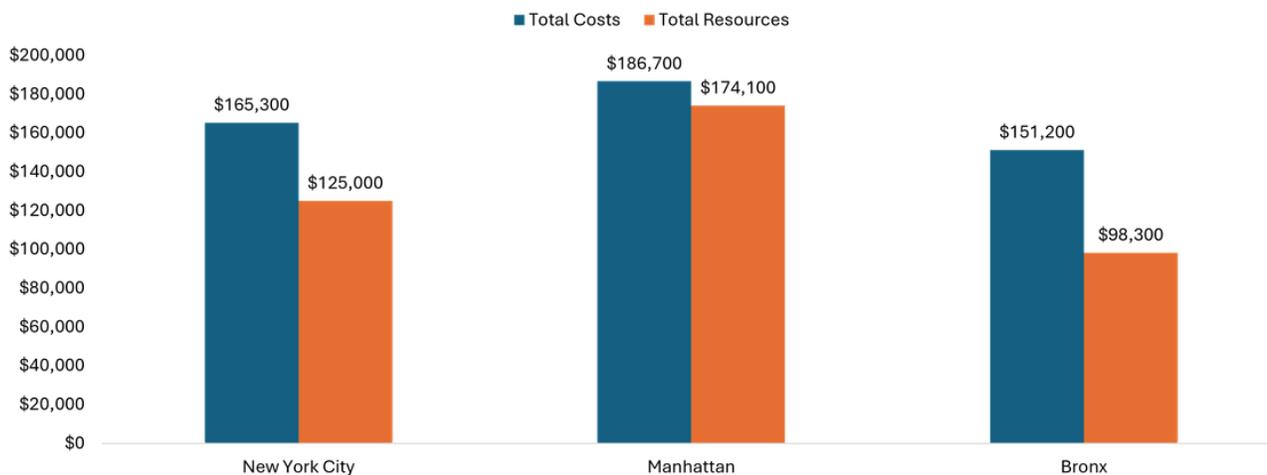
There is widespread economic insecurity in New York City. According to the True Cost of Economic Security (TCES) measure, approximately 62 percent of New Yorkers are economically insecure, meaning they do not have sufficient resources to cover a comprehensive set of recurring costs, manage debt, and save for emergencies and the future.^{50,51} Families with children in New York City have a higher rate of precarity: 72 percent are economically insecure. While the majority of New York City families with children are not economically secure, rates of economic insecurity are not evenly distributed across the boroughs, with the Bronx and Manhattan falling on either end of the spectrum. In the Bronx, 88 percent of families with children are economically insecure, compared to 50 percent in Manhattan.



Notes: Families with children and adults ages 18-64. Data from analysis performed by the Urban Institute and shared with FPWA.

Not only is there a greater share of families in the Bronx who are economically insecure, these families are also further away from reaching economic security than those in other boroughs. About 1 in 5 (19 percent) of Bronxites have less than half of what they need to attain economic security. In comparison, only 12 percent of Manhattanites fall into the same category. Despite facing lower total costs than families in Manhattan, families in the Bronx also have substantially fewer resources. This means they face significantly larger resource gaps. Families with children in the Bronx have an average gap of \$52,900, whereas similar families in Manhattan face a much smaller gap of only \$12,600 to reach economic security.

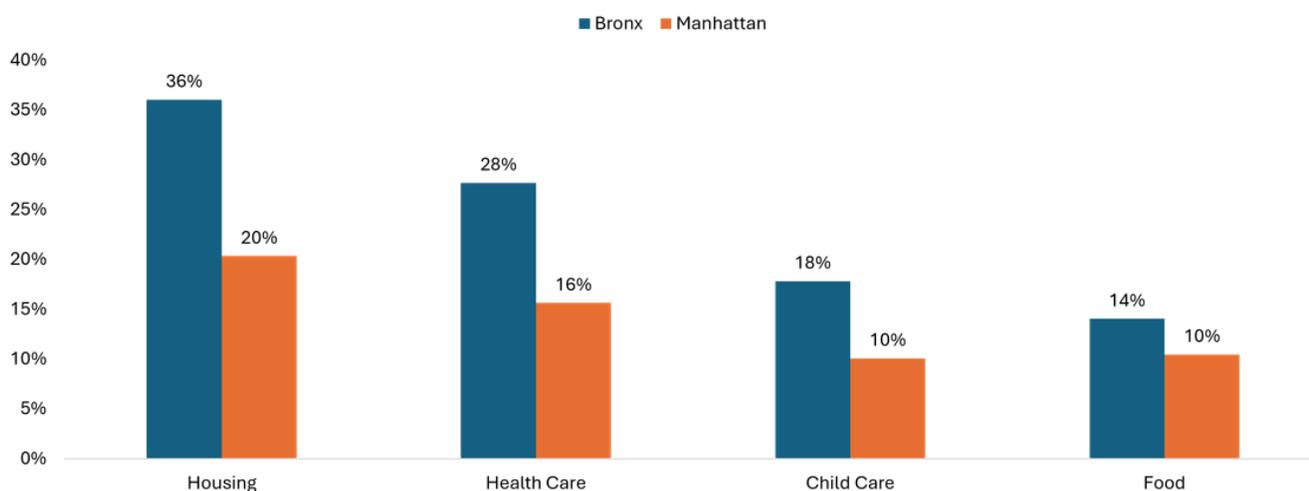
Gap Between Median Resources and Median Costs for Families with Children, New York City, 2022



Notes: Only includes families with adults ages 18-64. Data from analysis performed by the Urban Institute and shared with FPWA.

For families with children in New York City, housing, health care, child care, and food are the largest costs. While the median costs for some of these items are not substantially different between the Bronx and Manhattan, the resources people have to meet these costs are substantially lower in the Bronx. As a result, essential costs eat up a greater share of available resources for these families. When looking at median costs as a percentage of median total resources, we see meaningful differences in cost-burden for these items between the two boroughs. For example, housing for families in the Bronx, on average, takes 36 percent of the family's resources, compared to only 20 percent for families in Manhattan. Average health care costs account for 28 percent of family resources in the Bronx, compared to only 16 percent for Manhattan. Child care costs account for 18 percent of resources for families in the Bronx, compared to 10 percent in Manhattan.

Median Costs as a Percentage of Median Total Resources, New York City, 2022



Notes: Only includes families with children and adults ages 18-64. Data from analysis performed by the Urban Institute and shared with FPWA.

A variety of resources are considered in the TCES, including: positive self-employment income; interest, dividends, rent, royalties, and income from estates or trusts; pension income and distributions from retirement savings accounts; cash transfers from social insurance and public assistance programs; cash value of in-kind public supports; the value of employer-sponsored health insurance and health insurance subsidies; the value of parent-provided child care; and the value of tax credits. However, the primary way that most families accrue the resources they need to meet the cost of living is through earned income (including wages, salary, commissions, bonuses, and/or tips, from all jobs). Therefore, we must look at occupational outcomes and consider the forces that shape them.

There is a significant difference in the occupational landscape between the Bronx and Manhattan, which undeniably contributes to the observed disparities in economic security between the two boroughs. Below, we outline the top 10 occupations (by number of workers) in each borough and average total person earnings.⁵² Across all occupations, average total person earnings are substantially higher in Manhattan (\$89,204.87) than they are in the Bronx (\$53,739.68).

This is driven by the fact that the top 10 occupations among Manhattan residents are overwhelmingly high-wage, high-prestige roles, whereas the top 10 occupations among Bronx residents are predominantly essential but low-wage roles that are deeply undervalued both socially and economically. The essential workers of the Bronx (home health and personal care aides, retail workers, maids, janitors, and teaching assistants) keep New York running and often sustain the households of the lawyers, judges, chief executives, legislators, financial managers, software developers, and managers living in Manhattan.

#	New York City	# of Workers	Average Earnings	Bronx	# of Workers	Average Earnings	Manhattan	# of Workers	Average Earnings
	All Occupations	5,084,110	\$67,406	All Occupations	738,986	\$53,740	All Occupations	1,128,977	\$89,205
1	Home Health Aides	193,839	\$25,119	Home Health Aides	49,062	\$29,211	Other Managers	51,573	\$228,490
2	Other Managers	138,006	\$126,682	Cashiers	28,921	\$21,456	Lawyers & Judges	38,862	\$255,387
3	Retail Salespersons	103,335	\$31,144	Janitors & Building Cleaners	26,311	\$27,555	Software Developers	26,907	\$154,263
4	Cashiers	101,806	\$19,006	Unemployed	22,286	\$ -	Home Health Aides	24,727	\$26,112
5	Janitors & Building Cleaners	101,773	\$30,398	Personal Care Aides	21,197	\$23,554	Chief Executives & Legislators	24,358	\$225,182
6	Teaching Assistants	91,394	\$29,264	Security Guards	19,872	\$33,719	Management Analysts	23,307	\$284,012
7	Elementary & Middle School Teachers	86,245	\$67,143	Retail Salespersons	19,230	\$24,735	Financial Managers	21,903	\$335,575
8	Software Developers	83,776	\$137,771	Maids & Housekeeping Cleaners	14,373	\$29,914	Postsecondary Teachers	20,820	\$117,312
9	Registered Nurses	82,976	\$77,554	Teaching Assistants	14,034	\$34,818.90	Retail Salespersons	18,592	\$45,737
10	Construction Laborers	82,610	\$40,219	Construction Laborers	13,609	\$28,400.67	Marketing Managers	17,847	\$188,057

Notes: This data is from the American Community Survey 1-Year Estimates Public Use Microdata Sample (2024). Top 10 occupations determined by number (weighted by PUMS person weight) of workers per occupation. Borough categories are a summation of worker numbers for all Community District PUMAs that comprise the borough. "Average Earnings" is Average Total Person Earnings in 2024 (person-weighted), with N/A withheld. The Unemployed category includes "Unemployed, With No Work Experience In The Last 5 Years Or Earlier Or Never Worked." The Lawyers & Judges category includes "Lawyers, And Judges, Magistrates, And Other Judicial Workers." The Security Guards category includes "Security Guards & Gambling Surveillance Officers."

These outcomes may be partially explained by demographic differences between the Bronx and Manhattan. Individuals whose identities are the targets of aforementioned policies perpetuating occupational segregation are concentrated in the Bronx. For example, 88 percent of the population of the Bronx is comprised of people of color, compared to only 50 percent of the population of Manhattan. A greater proportion of the population in the Bronx is foreign-born (36.2 percent) than in Manhattan (29.3 percent); the proportion of people with disabilities in the Bronx is double that of Manhattan (16.2 percent vs 8.1 percent); and the rate of residents admitted to local jails in the Bronx (303 per 100,000 adults ages 16 and older) is nearly double that of the rate in Manhattan (166 per 100,000 adults ages 16 and older).^{53,54,55}

These demographic differences reflect the results of numerous policies, such as redlining, disinvestment, and exclusionary growth strategies, that intentionally concentrate marginalized populations in areas with constrained opportunity.^{56,57} Insurers denied coverage or offered predatory policies in redlined areas, with high concentrations of Black and Brown people, that made property ownership riskier and reinvestment less likely, accelerating housing deterioration and neighborhood decline. Redlining depressed homeownership, house values, and rents.⁵⁸ Collectively, these practices limited not only homeownership but wealth accumulation in the Bronx, constraining intergenerational access to capital, high-performing schools, and professional networks that facilitate access into higher-paying, higher-status jobs.

These same exclusionary policies were part of a broader architecture of racialized disinvestment: public and private institutions channeled resources, infrastructure, and opportunity toward whiter, wealthier areas while withholding them from communities of color. The combined effect of this disinvestment is increased environmental exposure risk (either from poor air quality or from the built environment) along with reduced healthcare access, which contributes to the higher rate of people with disabilities in the Bronx.^{59,60}

Areas with more Black and Latine residents, such as the Bronx, are subject to greater surveillance and more punitive enforcement because racialized groups are perceived as threats. In this context, policing functions as a mechanism of social control to maintain existing hierarchies.⁶¹ Thus, observed differences in incarceration rates are an artifact of these forces rather than a difference in propensity to commit crimes.

These disparities in economic security and occupational outcomes between Manhattan and the Bronx are not the result of individual choices, but of long-standing, institutionalized practices that have shaped who has access to opportunity and who is systematically excluded from it. Understanding that these inequities are rooted in intentional structural forces, rather than happenstance, helps illustrate why the occupations most concentrated in marginalized communities remain undervalued and underpaid.

This context lays the groundwork for examining why existing government interventions, despite their intent, have been unable to meaningfully disrupt occupational segregation or address the economic insecurity it produces.

Government Interventions to Occupational Segregation are Insufficient

Occupational segregation is a systemic issue. Despite decades of policy efforts focused on ending discrimination in hiring and employment, ensuring gender wage parity, and improving occupational health and safety standards, there remain low-wage, high-risk occupations with segregated workforces. As explored below, this is in part due to the focus on stopping or remedying individual acts, though resource and enforcement issues undermine the success of this work, rather than structural change.

ANTI-DISCRIMINATION LAW MITIGATES BUT DOES NOT ELIMINATE OCCUPATIONAL SEGREGATION

Federal, state, and local anti-discrimination laws prohibit discriminatory hiring and employment practices. At the federal level, statutes such as Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act of 1990, and the Age Discrimination in Employment Act of 1967 prohibit discrimination based on race, sex, religion, national origin, disability, and age (“protected classes”). Yet these laws contain significant limitations, both in how they are written and how they are enforced. Not only do they fail to prohibit discrimination due to characteristics other than those listed above, they exclude independent contractors, employees of very small businesses, and incarcerated workers.⁶² These exclusions mean that many low-wage workers, including most domestic workers and gig workers, are not covered by federal anti-discrimination protections.⁶³

At times, anti-discrimination laws themselves include provisions that undermine their stated purpose. For example, the Equal Pay Act of 1963 was passed to end gender-based pay discrimination and close the gender pay gap. Within the statute itself are four exceptions under which a pay differential will be found non-discriminatory: seniority systems, merit systems, systems which measure earnings by quantity or quality of production, and a differential based on any other factor other than sex that perpetuate the gender pay gap. Seniority systems can enshrine existing inequality, merit-based and performance-based systems can be highly subjective, masking gendered expectations, and “differentials based on any other factors other than sex” can serve as a catchall that allows employers to assert their discriminatory wage practices are a “business necessity.”⁶⁴ More than fifty years after its passage, women still earn significantly less than men.

The U.S. Equal Employment Opportunity Commission (EEOC), the central federal anti-discrimination enforcement body, has historically focused on processing individual charges rather than pursuing broad systemic investigations, and anti-discrimination claims may only be brought by workers who are members of a protected class.* While recognition of protected classes demonstrates an understanding of the systemic nature of discrimination and its harms in the labor market, redress for that harm has been structured around individual justice.

* Recognized by the Supreme Court in Griggs v. Duke Power Company and incorporated into Title VII in 1991, hiring and employment practices that are unrelated to the job and not necessary to the employer’s business and which have a “disparate impact” on protected classes are also prohibited. Disparate impact analysis has been particularly useful in expanding opportunities for workers with criminal records. In 2025, the Trump Administration issued an Executive Order seeking to eliminate the use of disparate impact claims.

To remedy discrimination, individual workers must file a complaint with the appropriate agency, identifying harm suffered as a result of an employer's actions based on the worker's inclusion in a protected class. Even if a worker is able to prove their case, the goal of anti-discrimination remedies is to put the claimant in the same or nearly the same position they would have been in if they never faced discrimination.⁶⁵ This may include damages, backpay, reinstated employment, and recovery of attorney's fees, expert witness fees, and court costs. This form of justice is both individualistic and retroactive, and neither roots out systemic harms to reorient the workplace toward equity, nor prevents future harm.

Some have suggested that the EEOC data collections may be the key to reform.⁶⁶ The EEOC has developed tools such as EEO-1 data collection to identify patterns of discrimination and support systemic enforcement. Historically, the EEO-1 data collection has collected demographic data on race, sex, and ethnicity from qualifying employers. This data collection has been instrumental in EEOC investigations into patterns of discrimination through statistical data. Unfortunately, these initiatives remain limited by resources and political constraints. The 2016 introduction of the EEO-1 Component 2 pay and data collection, which required qualifying employers to collect pay data to accompany their demographic and employment data, was the subject of litigation during the first Trump Administration and has been discontinued.^{67,68}

STATE AND LOCAL PROTECTIONS AND THEIR LIMITS

States and municipalities sometimes offer broader anti-discrimination protection. New York State and New York City, for example, provide more expansive anti-discrimination protections than federal law.^{69,70} Through "dual filing" arrangements, state and local Fair Employment Practices Agencies partner with the EEOC in enforcement.

Like the EEOC, the New York State Division of Human Rights (DHR) and New York City Commission on Human Rights (CCHR) have the capacity to look at systemic harm. DHR has a Division Initiated Action Unit (DIAU) which can file claims based on systemic patterns of discrimination, and CCHR has a Law Enforcement Bureau which can initiate its own cases based on patterns of discrimination.^{71,72} However, these agencies, like the EEOC, are largely complaint-driven and constrained by understaffing and underfunding.^{73,74} Their limited capacity to pursue sector-wide or occupation-wide investigations means that systemic segregation often remains untouched.

FEDERAL PREEMPTION AS A STRUCTURAL CONSTRAINT

Even when states or cities attempt to enact more protective labor standards, federal preemption doctrines can prohibit them from doing so. The Supreme Court-developed doctrines in Garmon and Machinists interpret the National Labor Relations Act (NLRA) as preempting states from regulating conduct that is either protected or prohibited by federal labor law, or that Congress intended to leave unregulated. These holdings have limited state authority to create alternative collective bargaining regimes or impose certain labor standards tied to organizing activity.

These preemption doctrines harm workers. Federal law blocks states and localities from innovating more protective labor regimes, yet federal enforcement itself is under-resourced and politically contingent. The result is regulatory centralization without robust protection, a structural barrier to addressing occupational segregation at scale.

LOW-WAGE, HIGHLY SEGREGATED OCCUPATIONS ARE OFTEN CARVED OUT OF SAFETY STANDARDS

Occupational segregation is reinforced by unequal job quality. Low-wage occupations have higher rates of on-the-job illness and injury than the national average.⁷⁵ The federal laws that regulate workplace health and safety standards exclude many of the lowest wage workers, including those working in private residences, which can leave domestic and care workers vulnerable.⁷⁶

Enforcement by the Occupational Safety and Health Administration (OSHA) is similarly complaint-driven and dependent on worker reporting. Workers in precarious or immigrant-heavy sectors may fear retaliation or immigration consequences, deterring complaints. Further, under the current Trump Administration there has been a dismantling of institutions dedicated to occupational health and safety. The National Institute for Occupational Safety and Health (NIOSH), which provides research and training that informs the development and implementation of safety standards, has had a reduction in budget and staff resulting in diminished capacity for inspections and follow-up on complaints.⁷⁷

As federal oversight weakens, the already fragile system of workplace accountability becomes even more strained. With fewer inspections, reduced investigative capacity, and diminished deterrence, employers face less scrutiny and fewer consequences for noncompliance. This erosion of oversight not only limits the government's ability to identify hazardous conditions but also signals to employers that enforcement may be inconsistent or unlikely. This is particularly harmful given that employers are already underreporting job-related serious injury and illnesses.⁷⁸

COMPLAINT-DRIVEN PROCESSES OVERBURDEN INDIVIDUALS AND FAIL TO ADDRESS SYSTEMIC ISSUES

Different agencies at the city, state, and federal level have authority over enforcement of municipal, state, and federal statutes. Each of these systems requires workers to initiate claims, and navigating multiple bureaucratic systems is complex and time-consuming. Workers must determine jurisdiction, comply with strict filing deadlines, and potentially manage overlapping investigative processes. Accessing legal representation is often prohibitively expensive, and contingency representation may be unavailable when potential damages are small.

Further, the power imbalance between employers and low-wage workers makes filing claims risky. Retaliation, while illegal, requires a separate complaint process and additional proof. While awaiting resolution of their claim, workers may be without wages or employment. One survey of nearly 700,000 claims filed with the EEOC between 2012 and 2016 found that at least 63 percent of claimants eventually lost their job (increasing to 67 percent of workers filing disability-related claims), roughly 40 percent of claimants reported retaliation, and only 12 percent of cases ended in monetary award for the claimant, with a median payout of \$8,500.⁷⁹ For low-wage workers, the risk of lost wages and unemployment may work as a chilling factor in reducing viable claims against employers.

Even when workers have successful claims, government agencies often fail to deliver timely justice.⁸⁰ Both the U.S. Department of Labor and New York State Department of Labor are responsible for investigating and enforcing wage-related law and policy including wage theft claims.^{81,82} DocumentedNY compiled data from both the U.S. and New York State Departments of Labor and found a record of more than \$535 million in illegally withheld wages between 2012 and May of 2024, which is a small portion of the estimated \$1-4 billion in backpay owed to New York State workers.⁸³ Despite having successful claims, many workers are still waiting years to receive their wages. ProPublica reporting from 2023 found that between 2017 and 2021 the New York State Department of Labor found \$126 million in wages that had been stolen from workers, but its enforcement unit had only recovered \$79 million of that total (63 percent of the back wages) by February of 2023.⁸⁴ This is the result of persistent understaffing within enforcement units. New York State has since classified wage theft as larceny under the New York State penal code. As of 2025 the long wait times for justice persist.⁸⁵

Ultimately, government interventions against occupational segregation do not eradicate the phenomena or the harm because they do not counter the laws and policies that have resulted in the disproportionate sorting of historically marginalized communities. They also do not eliminate the disparities in wages, benefits, and overall job quality between different firms, occupations, or industries. Finally, the current structures do not address the power imbalance between workers and employers.

Conclusion: Toward Structural Solutions

Occupational segregation in New York City is not the byproduct of individual preference or isolated discrimination; it is the cumulative result of intersecting and reinforcing public policies that structure access to work, wages, benefits, security, and mobility. Labor law exclusions, immigration status constraints, occupational licensing barriers, housing segregation, unequal educational investment, and the collateral consequences of criminal systems involvement do not operate independently. Together, they channel workers from historically marginalized communities into specific sectors and roles, many of them essential to the city's functioning, while limiting access to higher-wage, more secure occupations. The disparities observed between the Bronx and Manhattan are therefore not anomalous, they are predictable outcomes of institutional design.

Existing government interventions may mitigate individual harms to some workers but leave this underlying architecture largely intact. Enforcement of anti-discrimination statutes, wage laws, and workplace safety standards is largely complaint-driven, requiring individual workers, often those in the most precarious and lowest-wage positions, to initiate claims, navigate complex bureaucratic systems, and risk retaliation, and wage and job loss. Entire categories of workers, including independent contractors, domestic workers in private homes, and incarcerated workers, are excluded from full coverage under key federal protections. Even where legal protections exist, under-resourced enforcement agencies and lengthy adjudication processes reduce deterrence and delay relief.

Federal preemption doctrines further restrict states and municipalities from experimenting with alternative labor regimes or broader collective bargaining structures, centralizing authority without ensuring robust national enforcement of rights. The result is a system that addresses discrimination and labor violations episodically and after harm has occurred, rather than restructuring the institutional arrangements that channel workers into segregated occupations in the first place.

Addressing occupational segregation requires shifting from reactive enforcement toward structural reform. Structural solutions must operate at multiple levels. First, they must strengthen worker power by expanding collective bargaining rights, supporting sectoral standards, and ensuring meaningful worker voice across industries. Second, they must raise and universalize labor standards by eliminating exclusions and carve-outs that leave workers unprotected. Third, they must confront the broader policy landscape that shapes occupational access, including immigration policy, licensing regimes, housing and educational opportunities, and barriers to employment of people with criminal systems involvement.

Occupational segregation is sustained by historic and current policy choices, and its effects are layered over generations of exclusion and disinvestment that continue to shape present-day opportunity. As long as labor law exclusions, enforcement gaps, and unequal access to education, housing, credentials, and opportunity remain embedded in our laws, regulations, and institutions, disparities in wages and job quality will reproduce themselves across boroughs and generations. Meaningful reform must therefore both redesign the rules that structure work going forward and confront the accumulated inequities those rules have already produced.

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