

Short Communication

Deconstructing women's double burden that returned to work during the COVID-19 pandemic

Comunicação Breve

Desconstruindo a dupla jornada das mulheres que retornaram ao trabalho durante a pandemia da COVID-19

Comunicación Breve

Deconstruyendo la doble carga de las mujeres que regresaron al trabajo durante la pandemia de COVID-19

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Abstract

The *double burden* for women has returned during the COVID-19 pandemic. As a result of the pandemic, an unprecedented percentage of women have lost their jobs or are working from home. The COVID-19 pandemic has brought back a centuries old burden, which adds to the many other burdens women face regularly – the *homework burden* –, that is engaging in piecework and childcare at the same time. Mapping the laws and the legal determinants of women's health disparities must be undertaken to stem the tide of this new wave of the feminization of poverty.

Keywords

COVID-19. Healthcare Disparities. Women's Rights. Women, Working. Health Law.

Resumo

A dupla jornada das mulheres voltou à tona durante a pandemia de COVID-19. Como resultado da pandemia, uma percentagem sem precedentes de mulheres perdeu seus empregos ou está trabalhando de casa. A pandemia da COVID-19 trouxe de volta um fardo secular, que se soma aos muitos outros fardos que as mulheres enfrentam regularmente, – o fardo do trabalho doméstico –, que consiste em trabalhar e cuidar dos filhos ao mesmo tempo. O mapeamento das leis e dos determinantes legais das disparidades na saúde das mulheres devem ser realizados para conter a maré dessa nova onda de feminização da pobreza.

Palavras-chave

COVID-19. Disparidades em Assistência à Saúde. Direitos da Mulher. Mulheres Trabalhadoras. Direito Sanitário.

Resumen

El doble viaje de las mujeres pasó a primer plano durante la pandemia de COVID-19. Como resultado de la pandemia, un porcentaje sin precedentes de mujeres ha perdido su empleo o trabaja desde casa. La pandemia de COVID-19 ha traído de vuelta una carga de siglos de antigüedad, además de muchas otras cargas que las mujeres enfrentan habitualmente – la carga del trabajo doméstico –, que consiste en trabajar y cuidar a los niños al mismo tiempo. Es necesario realizar un mapeo de las leyes y los

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determinantes legales de las disparidades en la salud de las mujeres para detener la marea de esta nueva ola de feminización de la pobreza.

Palabras clave

COVID-19. Disparidades en Atención de Salud. Derechos de la Mujer. Mujeres Trabajadoras. Derecho Sanitario.

Astonishingly, two years of COVID-19 pandemic executive orders have turned the clocks back more than a century for the economic advancement of working women, especially parents who unexpectedly find themselves home with remote work, regular household chores and teaching children while schools are closed. This touches the lives of everyone concerned about the next generation including LGBTQIA+ parents who have biological ties to posterity thanks to assisted reproductive technologies (ART).

As the *New York Times* reported on Feb 28, 2022 (1), a hairdresser who bought equipment for use in her home during the pandemic could not work while schools were closed, although her spouse continued his work outside the home full time and therefore without interruption in pay or pension accrual. Noelle Rodriguez is quoted by David Leonhardt in the article *Classroom Disruptions: We look at the surprising number of recent classroom shutdowns in the US*: “I cannot collect unemployment, I don’t get any sick pay, I’m self-employed so I had zero income during that time”. This anecdotal information tracks very closely the findings of the International Labor Organization (ILO) and UN Women that the pandemic force majeure meant that “Over 2 million moms left the labour force in 2020 according to new global estimates” (2). UN Women coined the term *she-cession* to describe these disproportionate impacts of the COVID-19 pandemic on women’s careers (3). The U.S. Senate acknowledged that “COVID–19 threatens to roll back decades of progress for women and girls, disproportionately affecting women economically, educationally, and with respect to health” (4). Ironically, the real-time circumstances of the COVID-19 pandemic have returned to the original meaning of the term *homework*: the dictionary definition of *homework* refers to piecework at home (5). While virtual learning opened the door to remote teaching globally, neither the academic community nor the households that became substitute classrooms were prepared for the task. Decades of unequal pay combined with these new pandemic realities often resulted in women leaving their jobs to fill gaps in childcare while helping their children with remote learning.

Although many will agree that more women are home thanks to the pandemic regardless whether they have paying jobs there is an open question whether this regression of women’s economic rights is protected by any state or municipal laws or instead raises federal equal protections questions.

Eleanor Roosevelt famously noted that rights begin in the *small places* including neighborhoods and home (6). The interaction between work and home was vibrant in her lifetime when women had paying work at home while caretaking and when most farms were a single-family enterprise. Thus, the first instinct is that matters of wage and hours and working conditions should be governed by state or municipal law. Federal law addresses working conditions outside the home but protections for income and health of caretakers at their own home safe are not addressed or even contemplated in federal labor laws in the USA. Questions about labor rights have less power when conflicting with individual rights to do the best one can in circumstances.

In addition to the disproportionate economic impacts, the European Union has noted that “the COVID-19 crisis has exacerbated existing inequalities for women and marginalized groups in society, putting them at higher risk of domestic violence, unemployment and exposure to the virus, due to their

overrepresentation in sectors that have been most affected” (7). Similarly, UNICEF noted that the “COVID-19 outbreak has uncovered pressure points impacting women and girls across an array of key issues including rise of gender-based violence” (8).

Mindful of the dangers of returning to older oppressive traditions that irreparably harmed women, approaches to pandemic response and long-term pandemic relief can easily fold these concerns into larger policy programs and thereby eradicate these issues.

According to Sameera Al Tuwajjri, a Lead Health Specialist in World Bank:

Of particular concern is that COVID-19 is likely to increase maternal and child mortality due to the disruption of health systems and decreased access to food. In its recent analysis, the Lancet used reports of the supply- and demand-side effects of the pandemic to model scenarios in which coverage of essential maternal and child health interventions is reduced. ...reductions in coverage of around 15 percent for six months would result in 253,500 additional child deaths and 12,190 additional maternal deaths, while reductions of around 45 percent for six months would result in 1,157,000 additional child deaths and 56,700 additional maternal deaths. (9)

Additionally, Al Tuwajjri noted that

During a pandemic, many women avoid seeking essential health services. The Global Financing Facility for Women, Children and Adolescents also found from their data from 63,000 health facilities that COVID-19 is disrupting essential health services for women and children in many lower-income countries. Substantial disruptions have been seen in outpatient visits and vaccinations for young children in most countries. (9)

Furthermore, Al Tuwajjri feared “There is a higher risk of sexual exploitation and violence during a public health crisis [...] The rule of law becomes fragile in a pandemic, exposing vulnerable women and girls to gender-based violence.” (9).

As discussed in the report *Legal Tools for Pandemic Preparedness*, by O’Neill Institute for National and Global Health Law of Georgetown University Law Center, Washington DC, (in collaboration with The Foundation for the National Institutes of Health, USA), “Many women bore the brunt of a lack of childcare as schools closed or switched to remote learning; some were compelled to leave the workforce.” (10).

Which of the pandemic laws will stay in the long term and which will be cast aside as truly temporary?

The long-term effects of the she-cession are not predictable but emerging data suggests that there may be a long-term impact in the economic differences between men’s and women’s pensions because women have left the workforce temporarily while ongoing employment had remained stable for most men. Therefore, the COVID-19 pandemic will likely deepen gender gaps and rejuvenate the *feminization of poverty*, an old expression that underscores the inextricable link between poverty and gender. At the same time, new laws to control the pandemic can provide an opportunity to pick out root causes from the greater cultural matrix when planning next steps in pandemic preparedness. It is not immediately evident which remnants of arcane sexism embedded in laws promulgated under the auspices of responding to the COVID-19 emergency will outlast the pandemic and which will be overturned as newer laws outline the path towards an equitable, post-pandemic stability in civil society.

A survey of unmet needs and job loss protection under state and federal laws including pandemic executive orders will facilitate recognition the gaps and strong points on this analysis. Without such vital legal research there is an increased risk of hardened lines along the division of gender-based health disparities. Thus, a clear gender-based analysis of the rights and obligations for women s employment during the pandemic is urgently needed.

Mapping the legal landscape of executive orders and new laws designed to fight the COVID-19 pandemic could reveal where gender bias reasserted itself in the legal landscape. Evaluating policies considering their gendered impacts can offer a vibrant tool for protecting hard-won rights in civil society during pandemic recovery. Mapping these laws from the standpoint of gender equity therefore is a vital and timely task that touches destiny.

Conflicts of interest

The author declares there is no conflicts of interest.

Author contribution

The author is responsible for the conceptualization, writing, critical review and approval of final version to be published.

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