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Civil Rights Department Releases Groundbreaking Data On Non-Binary Workers
Pay Data Reports Show Non-Binary Workers Concentrated in Lowest-Paying Jobs

Sacramento – The California Civil Rights Department (CRD) today released data on non-binary workers from the 2020 pay data reports submitted to the department by private employers with 100 or more employees. CRD is the first state or federal agency to systematically collect comprehensive quantitative data on non-binary workers' employment, compensation, and job placement.

The data, which are available for download on the CRD's pay data results webpage, show that non-binary workers are concentrated in the lowest-paid jobs. The data also show a large percentage of non-binary workers in the highest-paid jobs, but this was not consistent across race and ethnicities, with few Black and Latino non-binary workers in high-paying jobs. Non-binary workers were also concentrated into jobs as laborers, sales workers, and service workers.

"The experience of non-binary people in the workplace is not well known, in part because employers in many states are not required to recognize the identities of their non-binary employees," said California Civil Rights Department Director Kevin Kish. "California has been a leader in its official recognition of non-binary gender and CRD is committed to understanding the unique obstacles to equal employment for non-binary workers."

The data provide rare insights into an understudied population of California workers. "Non-binary" is an umbrella term that encompasses people with gender identities that fall outside traditional conceptions of male and female. People who identify as non-binary include individuals who identify as neither male nor female, both male and female, gender nonconforming, Two Spirit, and/or individuals who reject a binary gender identity. California's Gender Recognition Act of 2017 (California Senate Bill 179), which created a non-binary gender category for state-issued documents and identity cards, acknowledges that non-binary people frequently experience discrimination in employment. However, understanding of non-binary workers' experience with employment discrimination is limited by a dearth of large-scale quantitative data on non-binary workers.

The data on non-binary workers were collected under Government Code section 12999, requiring employers with 100 or more employees to report their workers' pay, job, and demographic data to CRD. Employers were instructed to report workers' sex as female, male, or non-binary, using workers' own self-identification if possible. The data collection therefore excludes workers who decline to

disclose their non-binary identity to their employers, including because of stigma or fear of negative workplace repercussions.

Non-binary workers' data is reported on the [pay data results webpage](#) as percent ranges, which represent the 5% range within which the actual percentage of non-binary workers lies (for example, 2% of non-binary workers would be reported in the "0-5%" percent range). The use of percent ranges enables CRD to publish non-binary data that otherwise would have been withheld to prevent the release of any individually identifiable information, as required by Government Code section 12999(g).

Findings regarding non-binary workers' pay include:
- Non-binary workers are concentrated in lower-paying jobs. Over half (50-55%) of non-binary workers were in jobs paying less than $30,679, compared to 32% of male and 43% of female workers. More than a third of non-binary workers (35-40%) were in the lowest paying jobs earning $19,239 and under, compared to 22% of male and 30% of female workers.
- Nearly half of Hispanic or Latino non-binary workers (45-50%) were in the lowest paying jobs earning $19,239 and under, as were over half (50-55%) of White non-binary workers. Black non-binary workers and Asian non-binary workers each had 35-40% in the lowest paying jobs earning $19,239 and under.
- The regions with the greatest concentration of non-binary workers in the lowest paying jobs are the Stockton metropolitan area, the San Luis Obispo-Paso Robles metropolitan area, and the Sacramento-Arden-Arcade-Roseville metropolitan area. In the Stockton metropolitan area, 90-95% of non-binary workers earned $19,239 and under, compared to 29% of men and 39% of women. In the San Luis Obispo-Paso Robles metropolitan area, 70-75% of non-binary workers earned $19,239 and under, compared to 27% of men and 36% of women. In the Sacramento-Arden-Arcade-Roseville metropolitan area, 60-65% of non-binary workers earned $19,239 and under, compared to 26% of men and 31% of women.
- Nearly a quarter (20-25%) of non-binary workers statewide were in the highest paying jobs earning $208,000 or more, compared to 11% of male workers and 5% of female workers. But the percentage was much lower for non-binary workers who identified as Hispanic or Latino, Black or African American, or Native Hawaiian or Other Pacific Islander; only 0-5% of non-binary workers from each of those race/ethnicity categories earned $208,000 or more.
- The San Francisco-Oakland-Fremont metropolitan area was the region with the largest percentage of non-binary workers in high-paying jobs, with 40-45% of non-binary workers earning $208,000 and over, compared to 20% of men and 12% of women.

Findings regarding non-binary workers' jobs include:
- Non-binary workers are concentrated in jobs as laborers and helpers, sales workers, and service workers (20-25% each). The percentage of non-binary workers was greater than the percentages of men and women working in the same jobs: 12% of men and 8% of women were laborers and helpers; 11% of men and 15% of women were sales workers; and 13% of men and 17% of women were service workers.

- Hispanic or Latino non-binary workers had the largest percentage of jobs as laborers and helpers (40-45%), which was greater than the percentage of Hispanic or Latino men (21%) or women (14%) in the same laborer jobs.
- The Agriculture, Forestry, Fishing, and Hunting industry had the highest concentration of non-binary workers in laborer and helper jobs (95-100%). Non-binary workers in the agriculture industry were more highly concentrated in laborer jobs than men (77%) or women (78%) in the same industry.
- The Finance and Insurance industry had 75-80% of non-binary workers in sales positions, compared to 13% of men and 8% of women in the same industry.

These findings are based on data aggregated from reports submitted to CRD in 2021 (covering calendar year 2020) by private employers under Senate Bill 973 (Government Code section 12999). Under that law, private employers with 100 or more employees anywhere in the United States, so long as they have one California employee, must annually report data on the pay, hours worked, job category, race/ethnicity, and sex of their California employees. The 2020 findings reflect data on 6.3 million employees working in approximately 149 thousand California establishments but may not be representative of all of California's workers.

For more information about the data, including the confidentiality of individual employer and employee information, visit: https://calcivilrights.ca.gov/paydatareporting/results/.

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The CRD is the state agency charged with enforcing California's civil rights laws. The mission of the CRD is to protect the people of California from unlawful discrimination in employment, housing and public accommodations and from hate violence and human trafficking. For more information, visit the CRD's web site at calcivilrights@ca.gov.