



Joint Committee on Justice and Equality  
Leinster House  
Kildare Street  
Dublin 2  
D02 XR20

17 January 2019

**RE: Pre-legislative scrutiny of the General Scheme of the Gender Pay Gap Information Bill**

Dear Members of the Joint Committee,

NWCI, ICTU, SIPTU, and Fórsa would like to thank the Committee for the opportunity to discuss the General Scheme of Gender Pay Gap Information Bill.

In recent years, a number of countries enacted laws aimed at identifying and reducing gender pay disparity. The laws adopted demonstrate that countries are attempting bolder and more innovative strategies toward reaching true pay equality.

Given our legislation is still in its infancy, we have the opportunity to incorporate the learnings of these countries. So while we warmly welcome the spirit and direction of the General Scheme, we ask the Committee to consider a number of matters that we believe would serve to strengthen its overall scope.

Commencement Head 2 (3)(b) and Head 1(4)

Head 2 part (3)(b) requires employers to publish information relating to the pay of their employees two years from the commencement of the legislation. Head 1(4) does not specify a commencement date. As this legislation has long been signposted we urge that the publication of this information should occur within a year of commencement.

Threshold Figures Head 2, part 3(a).

We urge the Committee to recommend amending the applicable firm size to employers with 20 or more employees. This will cover just 4% of all the enterprises operating in the country and 70% of total employees (source: CSO Business demography data). This would be in line with Lithuania where the minimum threshold of 20 employees and would exceed the threshold prevailing in Sweden, all firms have to conduct a gender pay audit but those with 10 or more workers have to publish it (source: OECD 2017. The Pursuit of Gender Equality).

We urge the Committee to ensure the legislation captures the widest definition of employment, such that proprietary and non-proprietary directors, equity and non-equity partners along with those in “consultant” roles (with the company being their only client) are included.

#### Information Head 2 part 6 (iv and v).

We believe that it is critical that males and females who work full time hours are compared with males and females who work part time. It is not sufficient to compare PT male and female workers. This is important as we understand that those working fewer hours suffer a basic earnings, bonus and career progression penalty over the course of their working life, relative to full time workers. Therefore, in order to understanding the underlying factor behind the gender pay gap, part time workers must be compared with full time workers.

A copy must be sent to all employees and any trade union recognised by the employer. It should also be made publicly available.

#### Narratives

Employers should be required to provide a narrative alongside their gender pay statistics. A narrative is a contextual statement that will clarify why a gender pay gap is present. These narratives may assist employees to understand the employer’s case on the reason why the pay differential exists. Such a narrative is voluntary in the UK and only about 1/3 of employers provide one in their reports.

#### Action Plan Head 5

The General Scheme does not contain a requirement for employers to make an Action Plan. The absence of such a requirement means there is no obligation on an employer to tackle any gender pay gaps disclosed. This leaves the main pressure to be exerted by employees and by the media. We urge the Committee to recommend that Action Plans should be made mandatory and that any subsequent report should report progress against this action plan, including targets set.

#### Enforcement Head 3, 4 and 6

Absent from the General Scheme are clear penalties for non-compliance in respect of companies that report inaccurate data, as well as those that fail to report. We urge the Committee to recommend the Government commit to provide for specific fines, noting that uncertainty surrounding enforcement measures could lead to employers not taking their obligations seriously.

To conclude, increased transparency around pay will over time improve fairness. While this legislation in and of itself will not close the gender pay gap, it is an extremely important step, and one we completely support.

Yours sincerely,



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Orla O'Connor  
Director National Women's Council of Ireland

On behalf of:

Irish Congress of Trade Unions (ICTU)  
National Women's Council of Ireland (NWCi)  
Services Industrial Professional and Technical Union (SIPTU)  
Fórsa