

Submission to the Working Group on Seanad Reform

National Women's Council of Ireland



Submission prepared by

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Introduction

Established in 1973, the National Women's Council of Ireland (NWCI) is the leading national women's membership organisation in Ireland. NWCI represent a membership of over 185 groups and organisations across a diversity of backgrounds, sectors and locations and are committed to the promotion of full equality between women and men. We also have a growing, committed, individual membership.

NWCI greatly appreciate this opportunity to make our contribution to the Working Group on Seanad Reform.

When the Commission on the Status of Women first reported in 1973 women in politics and public life was a key priority. Since then National Women's Council of Ireland (NWCI) has prioritised actions to encourage women into public life. The impact of women's exclusion from the political process is very evident: from budgets and cut-backs which target women to the treatment of women in the Magdalene laundries.

NWCI and our members campaigned for and welcomed the introduction of legislative quotas in 2012, and look forward to their implementation at the next General Election. Electoral quotas represent only one part of the solution, however, to a complex issue of women's participation in public life more broadly, indeed they impact little if at all on the workings of the Seanad.

Quotas are likely to help to address the absence of women on ballot papers, they do not however address the high levels of attrition among female politicians, nor do they seek to address any of the many reasons that women, and indeed men, cite for resigning their seat or not contesting forthcoming elections.

The risk of electing increased numbers of women only for them to leave politics after one term in office is very real. It is critical that we do not rely on quotas alone to increase the number of women in politics, we must also focus on retaining women in our political system.

How politics is practised must be reformed, to bring citizens closer to the process of governing. The process of reviewing how the Seanad operates is a significant opportunity in this reform process. In this submission, NWCI encourage the Working Group on Seanad Reform to consider

this process as an opportunity to increase and enhance women’s participation in Irish politics, into the long term, while also shifting how politics is seen and experienced by all citizens. This submission proposes reforms to create a Seanad where the role and contribution of member, particularly women is enhanced in a meaningful way. The barriers for women’s participation in politics are encapsulated in the “5 C’s”:¹

- ✓ Cash – women earn, on average, 14% less than men, so have less resources to deploy in expensive election campaigns
- ✓ Care – women do the overwhelming majority of care and domestic work leaving less leisure time to build the essential networks and relationships
- ✓ Confidence – acutely conscious of the maleness of the system women sometimes do not put themselves forward but prefer to be asked to run for election
- ✓ Candidate selection – political parties are the gatekeepers and tend towards selecting male candidates
- ✓ Culture – the male-designed and dominated culture is off-putting to many women

This submission will largely focus on the fifth “C” – parliamentary culture. Many of the the recommendations contained in this report have been drawn from NWCI’s report ‘*A Parliament of all Talents: Building a Women-Friendly Oireachtas*’, published in 2014.

Masculine culture in the Oireachtas

Culture is like a ‘rulebook’ we use to learn how to behave. Our culture is so dominant it feels like *common sense*, even if often *it is not*. We refer to these rules unconsciously and automatically. It includes the explicit and unwritten codes of conduct the rituals and practices. From NWCI’s perspective the cultural practices and institutional values of the Oireachtas are male ordered. These practices and values include:

- Hierarchy is valued over participatory decision-making
- Competition is valued over collaboration
- There is little or no work-life balance

¹ *Report on women’s participation in politics* (2009). Joint Committee on Justice, Equality, Defence and Women’s Rights. http://www.oireachtas.ie/documents/committees30thdail/j-justiceedwr/reports_2008/20091105.pdf

- Business is often done outside the relevant chamber, on weekday nights in the pub.
- Members vote on the party line, even when their personal views differ from it – because of the Whip system which helps enforce party discipline
- Debates are “win-lose” because of the adversarial debating and voting system²
- Members heckle speakers from other parties
- Important decisions can be made during dramatic late-night sessions
- Members cannot take breaks for maternity or paternity leave
- Weakness and vulnerability are not acceptable: even for physical or mental illnesses. A number of high profile cases in recent years have shown that when members are faced with serious health issues they are expected to pretend nothing is happening and still be seen to perform their duties.

Diversity and Decision Making

Evidence is strong that increasing diversity leads to a better quality of decision-making and better performance.³ This has held true in politics also where studies “show that if group leaders actively facilitate minority opinion, the group is more likely to get a right answer (where a right answer is available).”⁴

The record of poor decision-making processes in banks and trading rooms throughout the world is still felt. Diversity breaks through the likelihood of “group-think” and helps create a better decision-making environment where all ideas and perspectives are welcomed. Our democracy is more complete when a diverse range of individuals and sectors engage fully in representing their own perspectives, particularly in the formulation of policy.

Reform 1: Create a family-friendly Oireachtas

- Introduce maternity leave for women politicians
- Introduce paternity leave for all men, including male politicians
- Work more business hours, including aligning the term with the primary-school holidays and discontinuing the practice of all-night debates with no advance notice.
- Introduce video-conferencing and remote-voting

² The public feel that views expressed by politicians in these debates are expedient to their current status: government or opposition. The public believe that politicians change their views to suit the moment rather than shape their views based on values and principles so the credibility of passionate debates is undermined.

³ *Gender equality in education, employment and entrepreneurship*. OECD (2012), p91.

⁴ “Deliberation’s darker side” by Archon Fung, in *National Civic Review* (winter 2004), p50.

Rationale

Women in Ireland are responsible for most of the care and domestic work, even when both partners in a relationship are working. The unrealistic expectation of politicians to prioritise their work over all else is to the detriment of politics. It asks parliamentarians to sacrifice family life to succeed, places an extra burden on women. Secondly, it disadvantages those who don't have the means to put themselves forward because of care responsibilities, including lone parents, 90% of whom are women. Balancing family life with work is a difficult task, particularly so in a job that demands erratic hours of work and lengthy commutes. This is supported by research conducted by Dr Mary P. Murphy of UCC which found that "all respondents pointed to a negative impact, particularly in terms of having less time with their families and having minimal free time."⁵ As a result the national decision-making process misses out on the valuable experience and insight of the people with these experiences.

Maternity and paternity leave for politicians

Maternity leave is not available for women politicians, and while paid paternity leave is now being seriously considered by Government, it is being limited to just two weeks, long-term leave for fathers is not on the national agenda either. Politicians are not legally classified as 'employees', and so do not enjoy the same statutory entitlements as an employee. Many politicians are also uncomfortable with the idea of allowing someone else replace them for a period of time as that poses the risk of allowing a potential political competitor to deal directly with constituents or the media.

What do other countries do?

Other countries use different mechanisms to deal with the challenge.

- "In Portugal, Article 5 of the Statute of Members (Law No. 7/93 of March 1993) allows temporary substitution on "important grounds" – which include "taking maternity or paternity leave" The Statute also provides that temporary substitution does not result in loss of income.
- In Colombia, Denmark, Estonia, Iceland and the Netherlands, the substitute is the next person on the electoral list.

⁵ *First time TDs: socialisation of new parliamentarians in Ireland* (2012), p6. Accessed via <http://webpages.dcu.ie/~leg/Murphy.pdf>

- In Australia, the *Options for Nursing Mothers* report was commissioned because of a concern that the parliamentary arithmetic may shift from a large overall majority to a narrow majority after an election. There was significant concern that introducing proxy voting would be a “dangerous precedent”; in the end the first proxy vote was cast in October 2008 based on clearly developed principles.⁶
- In New Zealand a proxy voting system exists providing “a means by which a member who is absent from the Chamber and cannot vote in person has his or her vote recorded. A proxy may be of an open nature applying to all business for an indefinite period and leaving it to the proxy holder as to the way in which the vote will be exercised. It can be applied to a specific vote, or be withdrawn at any time.”⁷

Paternity leave

If a male politician becomes a father, in the majority of cases, the primary care giver, most often his female partner is at home receiving support from the State or her employer to care for the child. To date a woman politician has had no such comfort. Her male partner is not entitled to any meaningful paid leave. It is critical that fathers take more responsibilities for childcare if women are to have more opportunities for political participation at the highest levels.

Countries like the UK and Ireland where fathers have both less responsibilities, and less opportunity, to care for their young children tend to have lower participation of women in public life.⁸

NWCI advocates the introduction of a Scandinavian model of childcare which is based upon a publically funded, quality and affordable childcare system. This would include 26 weeks paid maternity leave, 10 days paid paternal leave and 26 weeks paid parental leave shared out between the father or a mother, depending on the family context.

Work business hours

There are two issues with Seanad sitting hours; the normal sitting hours of the Seanad are not business hours and, secondly, important debates happen through the night. The lack of normal

⁶ *Gender sensitive parliaments*. IDEA (2012), p94.

⁷ David McGee, *Parliamentary Practice in New Zealand* (Dunmore Publishing Ltd, 2005), pp. 213-4.

⁸ Leave models from *An accessible childcare model*. NWCI, p26. Percentage of women in parliament from Inter-Parliamentary Union league table, correct as of 26 August 2013.

sitting hours is often supported by parliamentarians, particularly from rural areas, as the most efficient way to do business and to ensure politicians keep a link to their constituencies on non-sitting days.

However, as the Oireachtas itself identified:

the long hours culture of parliamentary politics has repeatedly been identified by women legislators as a disincentive to women's political participation... The main finding of this analysis is the high degree of consensus among women legislators that the parliamentary schedule should be adjusted to accommodate family care responsibilities. This support transcended party, self-interest or time of service....More than eighty percent of women members of the Oireachtas supported three proposals advanced to make the parliamentary timetable more family friendly – ending the parliamentary day earlier, reserving Monday as a 'family-day', and increasing the number of 'committee only' days.”⁹

The Seanad should run a series of pilots of new working hours on a trial basis. A pilot scheme would allow members to see which hours worked in practice for them.

Align with the primary-school terms

Although there has been some progress to match the Oireachtas calendar with the school calendar this has not happened as a formal matter of policy or practice. In 2013 schools were on Easter break from 22 March to the 8 April while the Oireachtas rose on the 29 March, not sitting again until the 16 April. By aligning the calendar more closely to the school calendar in terms One and Two it would be easier for politicians to spend time with their families and plan holidays.

End the late-night debates

Many of the most serious decisions are made at times which are neither family-friendly nor suitable for effective decision-making. Since 2008 this includes debates on the bank guarantee, the wind-down of the IBRC and the legislation for the X-Case. The X Case debate even resulted in an incident, albeit in the Dáil, where one male TD grabbed his female colleague, shining a national light on the culture of sexism in the chamber. Speaking on RTÉ's Prime Time Mary O'Rourke, member of the Working Group stated:

⁹ *Women's participation in politics*. Joint Houses of the Oireachtas Report, p12.

“what woman would want to go in to a career to get shouted on at 3 o’clock in the morning. Sure we’ve got more sense!”¹⁰

This problem can be dealt with swiftly by the Government committing to no longer holding any late-night debates.

Video conferencing and remote voting

Technology has been a significant factor in changing work practices throughout the world. It has liberated employees from being tied to their desks and created new types of interactions. In 2007 a pilot was conducted to look at the potential of e-consulting in the Oireachtas.¹¹ Despite the reported success of this pilot, the process has yet to be rolled out as common practice.

In 2010, Senator Fidelma Healy Eames explained “...*there are things that can be done to improve how things are run to make [working in politics] easier for women or parents. Video conferencing is one, and...remote voting.*”¹² Both video conferencing and remote voting would allow women with family responsibilities to work from their constituency offices. Fianna Fáil has endorsed remote voting in their *Gender Equality Action Plan*.¹³ Video conferencing could also be used to allow politicians to interact with their constituents and to hold clinics from their offices in Leinster House.

Recommendation 2: Develop rules which promote a culture of respect

- The Ceann Comhairle of the Seanad should lead the development of a ‘Code of Conduct’ for acceptable and respectful behaviour in the Oireachtas among members and staff.

Rationale

The principles of respect for the dignity of every person are integral to our understanding of a modern workplace. The Oireachtas should function as the role model for other organisations across Ireland. Sadly, *some* members of our national parliament have yet to apply this principle in their day-to day activities.

¹⁰ *Prime Time*, RTÉ One. Broadcast Tuesday 26 February 2013.

¹¹ E-Consultation Research Project: *Evaluation of the houses of the Oireachtas pilot e-consultation for the proposed broadcasting bill*, G. H. Fagan, P. McCusker, M. Murray, D. R. Newman, and D. O’Donnell (2007). Retrieved from <http://www.ictparliament.org/sites/default/files/econsultation.pdf>

¹² “Coverstar”, F. Healy Eames, in *Irish Tatler* (October 2010), p24.

¹³ *Gender Equality Action Plan*. Fianna Fáil (2013), p11.

While a gender audit of the Oireachtas will help uncover a range of processes which need to be overhauled there are some areas where the need for reform is evident already. The Ceann Comhairle of the Seanad can take the lead in promoting these reforms in the Seanad and across the Oireachtas. At the centre of this reform must be a system of rules which outline what is expected of all members and hold to account those responsible for infractions.

Heckling and disruption can disadvantage women, as well as men, who don't conform to traditional masculine stereotypes or who haven't been schooled in the ways of University debating chambers. In 2011 the Houses of the Oireachtas regularly receives complaints from members of the public about the style of debate in the both chambers. A code of conduct would make debates in both Houses less intimidating and alien, and make women's voices more likely to be heard, including more diverse groups of women.

To tackle sexism in all its forms the Oireachtas needs to develop rules for members and staff which should penalise any behaviour which is considered sexist. The code should specifically state what constitutes unacceptable behaviour:

- Inappropriate and/or unwanted touching
- Name-calling
- Interruptions during debates
- Sexist, racist or other derogatory 'jokes'
- Behaviour which would reasonably be deemed to breach equality legislation
- Anti-bullying stipulations
- Guidelines on behaviour inside and outside the Oireachtas, including on social media

For Oireachtas members this code would be applied by the Oireachtas Committee on Procedures and Privileges while for staff it would be through the appropriate human resources channels. While it may be considered as an update to the existing Codes of Conduct¹⁴ it would – more usefully - be a separate code focused on ensuring respect, and preventing sexism and harassment. The code should also provide provisions to support whistle-blowers who wished to highlight sexist behaviour.

¹⁴ *Code of Conduct for members of Dáil Éireann other than office holders*. Available at <http://www.oireachtas.ie/viewdoc.asp?fn=/documents/press/codeofconduct.htm>

Reform 3: Invest in politicians

- Senators should be given gender-sensitivity training so that they understand why and how to introduce equality and gender analysis in to their daily work
- ‘Continuing Professional Development’ programmes for Oireachtas members should be delivered in partnership with an academic institution

Rationale

Ongoing education and investment in people is a cornerstone of high quality organisations. The skillsets of politicians are not developed over time so our politicians are not given the chance to reflect, learn and improve. Nor do politicians have any appreciation of the differing impact of policies on women and men. To overcome these challenges Senators should be given a far more intensive training programme with learning supports focused on policy as much as technology. All training should have a strong focus on gender.

In the UK training is provided to new parliamentarians with a view to helping them “achieve their full potential” in their roles. This is in contrast to the Irish system where the induction training is focused only on the mechanics of the Oireachtas and not on the policy and legislative priorities.

‘Effective Continuing Professional Development (CPD)’ should be a hallmark of our political system. It will help to attract high calibre candidates, including women, who know that they will be able to use CPD to improve their performance on behalf of constituents.

Specific training on gender and equality will assist Oireachtas members in understanding the gendered nature of Irish society, the social impact of that gendering, and how the fulfilment and promotion of women’s rights is an investment in building a better society.

Oireachtas training should seek to:

- Be non-party political but should lead to an increased understanding of policy issues (based on legislative priorities) and improve skills
- Introduce gender and equality in theory and practice at an early stage
- Help Senators realise their full potential so they can better serve constituents

Reform 4: Promote solidarity among women politicians

- All political groupings should designate a small amount of their funding to the establishment of a women's caucus with an independent secretariat

Rationale

Promoting solidarity among women is a key mechanism for finding solutions outside of traditional party lines. Other countries have taken measures to support women's caucuses which promote solidarity and policy action among women. Irish politicians are wary of crossing party lines as the adversarial nature of the political divide exposes them. Although there are cross-party groups on some issues (eg. Palestine, family planning, African development) these are the exception rather than the norm.

In the past the Women's Political Association (WPA) existed as a forum for women TDs to meet and discuss issues of common concern. Attempts have been made to resuscitate versions of the WPA by some women. Ivana Bacik organised a number of initiatives to promote women in political life, including once-off meetings as well as a photograph of all living, current and former, women Oireachtas members. Mary Mitchell O'Connor organised a 'wine and cheese' evening, open to all women politicians, for the purpose of building networks and offering support to one another. However, to date no caucus has been successfully established.

The Working Group should support the establishment of such a caucus, setting aside resources for Senators in the efforts to create the mechanism.

Reform 5: Extend the Franchise to provide universal access

NWCI supports the recommendation for universal franchise as outlined by Senator Katherine Zappone, '*Open it Don't Close It*', in which she outlines how the Seanad electorate could be reformed, in a way that would give the Seanad a mandate distinct from and secondary to that of Dáil Éireann, but would still include universal franchise. She outlines how legislation has the potential to

"give all citizens ownership of Seanad Éireann on the basis of One Person One Vote. The necessary steps would include giving voting rights to all Dáil electors, restricting the votes of local authority members, and extending the graduate constituency to all third-level graduates. Each voter could then themselves

*decide which of the six constituencies they wished to belong to (i.e. one of the five vocational panels or the university panel)*¹⁵.

It is critical that the existing voting system be extended to recognise the diversity of voices that exist in Ireland today. Gender balance is an integral part of diversity.

Reform 6: Instate NWCI as a nominating body

NWCI as the largest women's group in the country, with 190 group members, and an increasing number of individual members, will be submitting an application to the Register of Nominating Bodies to the Seanad. We call on the Working Group on Seanad Reform to support this application.

Reform 7: Provide for the election of equal numbers of males and females

NWCI supports the Seanad Bill, 2013 brought forward by Senator Katherine Zappone, in particular Section 7, which provides for the election of an equal number of males and females to the Seanad.

The bill outlines how each constituency could be reformed to consist of a gender sub panel, one for male candidates, and one for female candidates. According to the system that she has devised, the electorate would be asked to vote for the same number of men and women from each panel, with the exception of the Agricultural Panel, where equal numbers of males and females will be selected, and an additional candidate, of either gender, will be elected who has secured the next highest number of votes¹⁶.

This reform would acknowledge the principles upon which legislative quotas for General Elections were introduced, and restate the importance of gender balance in the Seanad, and across the Houses of the Oireachtas. It would also support the work currently being carried out by all political parties to increase the number of women elected, and ensure that there is continuity of efforts to reform the entire system, rather than just one element.

Conclusion

NWCI calls on the Working Group on Seanad Reform to take this opportunity to make robust recommendations for reform of the Seanad primarily, and to consider in making those

¹⁵ http://www.senatorkatherinezappone.ie/files/Open_It,_Dont_Close_It_-_Seanad_Reform.pdf

¹⁶ http://senatorkatherinezappone.ie/files/Official_Seanad_Bill_2013.pdf

recommendations the potential for the Seanad to pilot significant reform that could then be rolled out across all functions of the Oireachtas, including elected representatives and staff.

NWCI would again like to thank the Working Group on Seanad Reform for providing us with an opportunity to make a submission on such an important area. We greatly look forward to further engagement around the transposition of these recommendations, and in the wider reform process.