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# **No Small Change**

## **Closing the Gender Pay Gap**

November 2017

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## SUMMARY OF RECOMMENDATIONS

Closing the Gender Pay Gap will require firm commitments in respect of the following:

- A Whole of Government Approach
- Effective Monitoring
- Appropriate Sanctions
- Sectoral and Professional Strategies
- Gender Proofing our Budget
- Comprehensive Data Collection

### Key actions to take:

#### Access to Justice

- Extend civil legal aid to employment equality and equal status claims
- Increase the transparency of the Workplace Relations Commission
- Discriminatory findings should trigger an equal pay audit
- Facilitate representative legal actions

#### Transparency & Targets

- Mandatory gender pay reporting by companies
- Impose real penalties for non-compliance
- Require employers to advertise proposed salaries
- Prohibit questions about salary history in the recruitment process
- Prohibit terms in contracts that prevent disclosure of wages

#### Flexibility not Insecurity

- Enhance provision for flexible work practices
- Strengthen the regulation of the casualisation of work
- Strengthen the regulation of precarious work
- Align the minimum wage with the living wage

## Equally Distribute Care Work

- Increased investment in the Affordable Childcare Scheme
- Extend paternity leave to 1 month
- 6 months paid parental leave to commence after maternity leave
- PRSI credits for carers

## Combat Occupational Segregation

- Education initiatives to address stereotyping in subject choices
- Innovative programmes to encourage girls into STEM
- Initiate roll out of an agreed national salary scale for the childcare workforce to recognise qualifications and professionalization

## Promote Women to Leadership Positions

- Implement the recommendations of *Hearing Women's Voices*
- Implement the recommendations of *Better Board, Better Business, Better Society*
- Implement the recommendations of *Parliament of All Talents*
- Introduce quotas for local elections
- Introduce quotas for boards of private companies

## 1. INTRODUCTION

Established in 1973, the National Women's Council of Ireland (NWCI) is the leading national women's membership organisation in Ireland. NWCI seeks full equality between men and women and we draw our mandate from a membership of over 180 groups and organisations across a diversity of backgrounds, sectors and locations. We also have a growing, committed individual membership.

NWCI's Strategic Plan 2016-2020, *Driving Women's Equality*, aims to build on the progress that NWCI has helped to bring about for women in Ireland to date and sets out our vision for the future. It includes two main goals, one in relation to progressing key human rights and equality issues for women and one in relation to further developing NWCI as a stable, diverse, sustainable and highly visible organisation.

NWCI welcomes the willingness of the Government to tackle the gender pay gap, which is fundamental to our goal of achieving economic equality and independence for women and central to the vision and objectives of the National Strategy for Women and Girls 2017-2020. The formulation of any new approach offers Ireland a critical opportunity to mitigate against its continuing low position in equality rankings, in both the EU and internationally. More substantially, however, we feel that this is an ideal opportunity for Ireland to emerge a world leader in this regard.

### 1.1 Structure

This paper and the recommendations it contains are intended to facilitate the groundwork for change, which we believe must reflect deliberate and explicit reconfiguring of current and future Government policies in order for the realization of substantive progress to emerge in the not too distant future. While acknowledging the important role that businesses have to play in addressing the gender pay gap this submission focuses on what actions the Government can take.

This position paper substantially formed the basis of NWCI's submission to the Department of Justice and Equality regarding their open consultation concerning measures to tackle the gender pay gap.

## 1.2 Role of NWCI in the Implementation of Actions Adopted

NWCI, as the national women's membership organisation is committed to working with Government in the implementation of any new actions undertaken. NWCI over the past 40 years has developed strong evidence based research resulting in a range of policies for advancement of women's equality and human rights. We will continue to bring forward the views, perspectives of our members and the lived experience of women on all elements of any actions adopted. We will work with the Gender Equality Division of the Department of Justice and Equality and all Government departments and state agencies in the implementation of their actions to eliminating the gender pay gap. We will reflect the experiences of women in all their diversity and strive to bring forward solutions to both the structural inequalities women experience and the immediate consequences of discrimination against women. It is critical for both an effective and successful action plan that the voices and experiences of women are an integral part of the implementation process.

## 2. WHAT IS THE GENDER PAY GAP?

The Nevin Economic Research Institute describe the gender pay gap as the percentage difference between the average earnings of males and females and note that while legislation to provide “equal pay for equal work” is enshrined in EU law, in every EU country a gender gap still persists due to the type of work women are involved in - which is comparatively lower paid than equivalent male roles.<sup>1</sup> The EU average gender pay gap is 16.4%, which is above that of Ireland's (13.9%); however, this is an increase from 12.6% in 2006, which reflects the fact that our pay gap figure is increasing.

### 2.1 Where is Ireland placed globally?

According to the 2017 figures of the global gender gap index compiled by the World Economic Forum, Ireland is ranked 8th out of 144 states. Ireland has slipped two places since 2016 when it dropped from fifth to sixth.<sup>2</sup>

The WEF report benchmarks 144 countries on their progress towards gender parity across four dimensions; economic participation and opportunity, educational levels, health, and political empowerment. Though broadly useful in providing indicative global data, the omission of core gender equality indicators in its considerations, such as the provision of childcare, which, given Ireland's appreciably high costs relative to members of the OECD, for example, would likely impact negatively on Ireland's overall rating.

PwC's annual 'women in work index' places Ireland at a disappointing 25th out of 33 OECD countries.<sup>3</sup>

### 2.2 Do men and women, working in the same job, with the same level of education and experience; make the same amount of money?

Women's careers can be analysed in many ways: by industry, by specialty, by seniority level, by company, but the prevailing and predominant conclusion is that on average women earn substantially less money than their male counterparts. Of particular significance, the gap widens with the number of years of experience that women have with their greater educational attainment having no impact on the earnings pay gap.<sup>4</sup>

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Summary of the Nevin Economic Research Institute definition as provided in NWCI *Submission to Low Pay Commission on Women And Low Pay*, 2016, page 9.

<sup>2</sup> The Global Gender Gap Report 2017

<sup>3</sup> PwC *Women In Work Index Closing the gender pay gap*, February 2017, page 7.

<sup>4</sup> Morgan Kinley Gender Pay Gap Ireland 2016 page 5.



### 2.3 Is Age More than Just a Number?

Earnings for both female and male full-time workers tend to increase with age, with differences among older workers considerably larger than gaps among younger workers. Women typically earn about 90 percent of what men are paid until 35 years. After that median earnings for women are typically 74–82 percent of what men are paid. After the age of 65, women have a third less than our male counterparts.<sup>5</sup>

When we bring together age with presence of children the gap becomes even wider. In 2016, figures compiled by employer-comparison site Glassdoor showed that mothers with at least one child earned significantly less than male workers, with the pay difference between women aged 25 to 44 with children and those without standing at 31 per cent. This is commonly referred to as “the motherhood penalty”.

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<sup>5</sup> Tara O'Neill, *The Gender Pay Gap in Ireland, does it exist?*, 2015, published on <https://www.morganmckinley.ie/article/gender-pay-gap-ireland-does-it-exist>

### 3. FAIRNESS CAN BE FRUITFUL

The gender pay gap matters, not only because inequalities between women and men are of interest in their own right, but also because this has serious implications for a woman's lifetime earnings and her ability to support her family and to save for retirement. Both Government and businesses play an important role in taking proactive action to address the root causes of the gender pay gap, however, this is not an altruistic endeavour as they will substantially benefit by its closure.

1. **Recognise the benefits of increased productivity:** Achieving pay parity in the OECD could increase total female earnings by US\$2 trillion. The 2016 PwC Index also predicts that the expected gain from increasing female employment in Ireland is approximately €57 billion. Strong evidence indicates that greater gender equality in labour markets and education can contribute to inclusive and sustainable economic growth, national happiness and well-being.<sup>6</sup>
2. **Recognise the benefits of increasing the talent pool:** Studies identify that Europe is facing a shortfall of workers in the coming decades, especially at senior management level, due to the ageing profile of the population. To offset this there is a need to make full use of the underutilised talents of women.<sup>7</sup> Women tend to drop out of the labour force once they have children, leading to a haemorrhaging of talent. This phenomenon is seen across a variety of sectors.<sup>8</sup>
3. **Recognise the benefits of increasing economic power:** In Ireland, an Amarach/eumom study in 2013 found that women account for 58 percent of purchases and influence 85 percent of purchasing decisions.
4. **Recognise the benefits of a diverse workforce:** Studies have shown that organisations with a good gender-balance in senior positions tend to perform better than those that do not.<sup>9</sup> The experiences of Ida Tin, the Danish entrepreneur behind the period-tracking app Clue,

<sup>6</sup> Women, Government and Policy Making in OECD Countries: Fostering Diversity for Inclusive Growth, 2014)

<sup>7</sup> If the female employment rate in Europe remains constant, Europe can expect a shortfall of twenty-four million people active in the workforce by 2040. However studies show that if the female employment rate increased to that of male employment, the projected shortfall drops to three million.

<sup>8</sup> For example, from the late 1990s onwards female participation in Irish law schools was more than 50%. This represents nearly 30 years' worth of graduating classes which started out with more women than men. However women are not present in these numbers in the legal profession in its entirety. See Irene Lynch Fanning, Gender (In)Justice, (2017), A major research study into women in the law is currently underway at University College Cork, available at [http://www.dsba.ie/fileupload/2017%20other/040-042\\_Parchment\\_Summer\\_2017.pdf](http://www.dsba.ie/fileupload/2017%20other/040-042_Parchment_Summer_2017.pdf)

<sup>9</sup> See discussion at *Towards Gender Parity In Decision-Making In Ireland An Initiative Of The National Women's Strategy 2007 – 2016* (2013) at para 79.

highlight how financial opportunities can be missed in the absence of a diverse workforce. Tin started her first round of fundraising in 2012, pitching Clue to investors, who were usually men. In her first round, she raised only \$56,000. Five years and 5 million users later, her last round brought in \$20 million.<sup>10</sup>

5. **Recognise the benefits of supporting reconciliation of work and family life and equal responsibility of care between women and men:** The effects of the unequal sharing of domestic and caring activities over a women's lifecycle, in particular the presence of children and old-aged dependants, has significant implications for women's ability to actively take part in the labour market and the type/quality of employment opportunities available to her.
6. **Recognise the benefits of future proofing our society:** Addressing the gender pay gap must involve real planning for the future, and it should address gender issues related to automation as part of that work.<sup>11</sup> This is because occupations likely to be affected by automation, such as admin, clerical processing and food manufacture, reflect a large concentration of women. Further, the increased demands of modern life have contributed to the development of what is commonly known as "burnout" which has led to an increase in sick leave, and those leaving their sectors of choice.<sup>12</sup>
7. **Recognise the benefits of the knock on effect; closing the gender pension gap:** Due to low pay while in employment and a pension system still based on the male breadwinner model, the gender pension gap had risen by 2% in two years to 37% in 2014. The quarterly national household survey from the fourth quarter of 2015 found that almost one in ten female workers expected their spouse or partner's occupational or personal pension to be their main source of retirement income, compared with 2% of men.

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<sup>10</sup> The New Yorker, 'Ida Tin's Battle to Build Clue, a Period-Tracking App' By Lindsay Gellman March 19, 2017 <https://www.newyorker.com/business/currency/ida-tins-battle-to-build-clue-a-period-tracking-app>

<sup>11</sup> This was identified in the Scottish Parliament 2017 Report of the Economy, Jobs and Fair Work Committee 'No Small Change: The Economic Potential of Closing the Gender Pay Gap' at para. 78.

<sup>12</sup> House of Commons Women and Equalities Committee Gender pay Gap Second Report of Session 2015-16, para. 57 A survey from the UK Modern Families Index 2016 suggests that "burnout" is particularly significant for millennials and younger parents aged 16-35. They are almost twice as likely to report feeling burned out as older parents: 42% of millennial parents said they felt burned out most or all of the time, compared with only 22% of 36-45 year olds. It was reported that most parents deal with this by taking sick leave or annual leave.

#### 4. FACTORS CREATING THE GENDER PAY GAP

Many factors influence women's employment opportunities and progress at work which are reflected in the pay gap. The complex and often interrelated factors trap women in a vicious cycle of low pay and poor career progression. The factors listed below are expanded upon in detail in this submission.

- Discrimination in the workplace
- Pay Transparency
- Low pay and Precarious Work
- Occupational Segregation
- The Unequal Distribution of Care Work, the provision of early years and care services and policies that support the reconciliation of work and family life
- Women in Senior and Leadership Positions

## 5. MEASURES TO TACKLE THE GENDER PAY GAP

A whole of Government approach that incorporates firm commitments in respect of the following:-

1. **Firm commitment to adequate and effective monitoring:** To ensure that this remains firmly on the political agenda, actions agreed to tackle the gender gap must be included in the National Strategy for Women and Girls 2017-2020 and must become part of the monitoring process of the Strategy.
2. **Firm commitment to imposing appropriate penalties and sanctions:** Agreed measures adopted must be supported by legislative action and appropriate penalties and sanctions should the requirements not be met. The difficulties of achieving substantive progress by soft law measures is clearly exemplified by the decades it took to reach the target of 40% representation of women on our state boards.<sup>13</sup>
3. **Firm commitment to the development of individual sectoral and professional strategies, were applicable:** A one-strategy -fits-all approach will not adequately deal with the issue, and in that respect there is a clear need for the development of sectoral strategies. A 2003 study commissioned by the Department of Justice, Equality and Law Reform, which examined the gender gap across the IT, retail and food sectors, determined that issues vary by sector so that “economy wide” policies may be less effective than sectoral strategies.<sup>14</sup>
4. **Firm commitment to the process of gender proofing our budget:** The introduction of gender budgeting to Ireland provides an ideal opportunity to indicate and action government's commitment to the gender pay gap by ensuring that resource allocation and collection do not undermine and, indeed, progress those actions. One means of doing so is to publish Gender Equality Budget Statement alongside the budget each year which sets out, *inter alia*, the budgetary measures government will take to address the gender pay gap.
5. **Firm commitment to the collection of comprehensive and informative data:** Imperative to effectively informing equality proofing is the improved collection of sex-disaggregated data

<sup>13</sup> It was as far back as 1975 when the progress report of the First Commission on the Status of Women identified the low representation of women on boards of State-sponsored bodies (State Boards). Incremental measures undertaken by successive Governments since then have seen the representation of women creep towards the minimum target of 40%. On private company boards, 16% are comprised of women.

<sup>14</sup> Department of Justice, Equality and Law Reform, 'Developing Sectoral Strategies to Address Gender Pay Gaps A Comparative Analysis of Sectoral Wage Differentials in the European Union' para. 7.31.

and for data in critical areas relating to women's equality. Data also needs to be disaggregated to provide information on progress for different groups of women e.g. Traveller and Roma women, migrant women, lesbian, gay and bisexual women, women with disabilities, etc. Existing data collection and analysis measures provide prime opportunities to close knowledge gaps. The CSO, EU SILC and the National Quarterly Household Survey special modules all produce sex-disaggregated findings but not in full. Commitments to identify and close gaps in data collection in the National Strategy for Women and Girls are therefore to be commended.

## Recommendations

- Include all actions, targets and indicators to tackle the Gender Pay Gap in the National Strategy for Women and Girls 2017-2020.
- Monitor and report on progress as part of the monitoring process on National Strategy for Women and Girls.
- Initiate Gender Budgeting across key department, including Department of Business, Enterprise and Innovation, Department of Social Protection and Employment Affairs, to resource mitigating factors and reduce aggravating factors of the gender pay gap.
- Build capacity within the Civil and Public Service with regard to gender mainstreaming and gender budgeting, contributing to implementing the positive duty on public bodies to promote gender equality.
- Identify knowledge gaps in relation to gender inequality and use this as a base to drive improvements in the data infrastructure and analysis required to close those gaps.
- Ensure that evidence generated through improved data infrastructure and analysis regarding gender inequality is linked to relevant policies, as committed to in the National Strategy for Women and Girls.
- Take measures to build capacity within the Oireachtas Committees, prioritising those with financial and budgetary mandates, with regard to gender mainstreaming and gender budgeting. This responsibility could appropriately sit with the Parliamentary Budget Office.

## 5.1 Discrimination in the workplace

In Ireland, discrimination on the grounds of gender is prohibited under the Employment Equality Acts 1998 – 2015, and any complaint, in relation to same, can be brought to the Workplace Relations Commission (WRC). Discrimination, it should be noted, can be direct (where women are treated less favourable based on their gender), indirect (where due to a policy or practice that, although not designed to discriminate, results in unequal treatment between men and women), and due to unequal pay (where women and men are not paid the same wages although they carry out the same work or work of equal value). To close the gap, the Government needs to copper-fasten our governing legislation. This will involve addressing the emphasis placed on financially compensating the individual rather than requiring unfairly discriminating employers to change their behaviour. This is because the focus on individual litigation undermines any systematic progress towards pay equity.

### 5.1.1. Tackle the lack of data

The “unexplained” portion of the gender pay gap is often attributed to discrimination.<sup>15</sup> However, the extent of its significance is unknown. Therefore there is a clear indication that more data on this area is required.<sup>16</sup> The Irish Human Rights and Equality Act 2014 introduced a positive duty on public sector bodies, which includes a requirement to annually publish their human rights and equality goals and to carry out a human rights and equality assessment. Arising from this provision is the mandatory requirement to collect human rights and equality data.<sup>17</sup>

The former Equality Tribunal and Employment Appeals Tribunal published annual reports, the latter presenting its to the Minister for Jobs, Enterprise and Innovation in accordance with the Employment Equality Acts, detailing complaints of discrimination made under the 9 equality grounds. The Workplace Relations Commission will now have responsibility for this reporting, which will provide an insight into levels of *reported* gender discrimination.

<sup>15</sup> The Department of Justice Equality and Law Reform, “Developing Sectoral Strategies to Address Gender Pay Gaps: A Comparative Analysis of Sectoral Wage Differentials in the European Union” (2003), para 7.28.

<sup>16</sup> <https://www.esri.ie/pubs/BKMNEXT190.pdf> The only comprehensive major study regarding this matter in Ireland is Pregnancy At Work: A National Survey, which was undertaken by the Economic and Social Research Institute (ESRI) and published in 2011. It interviewed 2,300 women whose youngest child was born between July 2007 and June 2009 and found that 30 per cent of those who worked while pregnant experienced discrimination. A similar figure reported problems surrounding maternity leave. A further 5 per cent of women employed during their pregnancy said they were dismissed, made redundant or treated so badly that they had to leave. Other forms of unfavourable treatment included loss of salary or bonus or denial of promotion, being given unsuitable work or workloads, receiving unpleasant comments from managers or co-workers, and being discouraged from attending ante-natal appointments during work-time. See also <https://www.irishtimes.com/business/work/pregnant-and-working-you-may-still-face-discrimination-1.2314872>

<sup>17</sup> These assessments must be applied to internal and external operations and therefore provide valuable information on actions taken to address workplace bias or discrimination.

The National Quarterly Household Survey can and has examined self-identified experiences of inequality and discrimination over two years through special equality modules in 2004, 2010 and 2014, providing a second layer of empirical data. The National Statistics Board sets the focus of the NQHS and could conceivably prioritise a special equality module to capture data on perceived gender discrimination in the workplace, further closing the data gaps related to the gender pay gap.

### 5.1.2. Tackle the gaps in the Employment Equality Acts 1998 – 2015

The question of equal pay is an especially difficult one to resolve through individual litigation. This is because complainants encounter evidential problems. A successful complainant must show that there is a person of opposite sex in the same employment working for the same (or associated) employer doing “like work”. This is difficult to achieve in the context of gender-segregated employment which is further aggravated by the unavailability of a “hypothetical comparator”.<sup>18</sup> More particularly the most relevant information will be at the disposal of the employer, and there is no legal obligation on them to provide particular information to the claimant. Such a binding obligation would be more effective at allowing potential claimants to figure out if they have a legitimate claim at an earlier stage in proceedings, and facilitating swifter resolutions in claims that would help to reduce delay.<sup>19</sup>

### 5.1.3. Tackle the difficulties associated with the Workplace Relations Commission

The hearings and policy surrounding the WRC favours the employer. First, the hearings are conducted in private, which means there is no reputation threat to the employer. Furthermore the cases are anonymised, again meaning no reputational threat to the employer. This practice is carried into the labour court. Second, the compensatory measures are individualised and so cannot have effect beyond the parties to the case. While orders for actions seeking to change employers' behaviour have been made, it is not known how effective they have been.<sup>20</sup> It would be more beneficial to the powers of the WRC to require employers to conduct an equal pay audit, if they find they have discriminated on pay. This could be triggered after a number of cases have been found against them, perhaps three. It is also a stated aim of the

<sup>18</sup> See Frances Meenan and Owen Garvey, “The gender pay gap in Ireland- A legal review” (2010) 17(11) C.L.P. 225.

<sup>19</sup> The Employment Equality Act 1998 provides at Section 76 for the making of regulations under which an employee may request information, other than confidential information, from his or her employer about the remuneration of other employees in the same or a similar position. Employers are not obliged to provide such information. However, under section 81 of the Act, in any proceedings brought by the employee the Court or Workplace Relations Commission, as the case may be, may draw such inferences as seem appropriate from the failure to supply the information.

<sup>20</sup> Michelle O'Sullivan and Juliet McMahon, “Employment Equality legislation in Ireland: claimants, representation and outcomes” (2010) I.L.J. 329). Awards are capped at two years' salary for employees and at €13,000 for non-employees. The effectiveness of this in being dissuasive is questionable (particularly in the case of low income earners)



WRC to settle cases before they go to hearing; this is problematic in terms of persuading firms to alter their equality practises.

#### 5.1.4 Tackle the barriers that affect access to justice

The civil legal aid scheme is unavailable to those taking employment, employment equality or equal status claims to the Workplace Relations Commission. While the stated intention is to remove lawyers from the process, in practice, employers tend to be legally represented before the Commission. Should a complainant be successful they are not entitled to costs in addition to their settlement, they must pay them out of their award. The practical experience of our members indicates that the lack of legal aid in these cases is a major barrier to enforcing employment rights. Sometimes equality and employment law cases involve complex legal issues and there is a risk that individuals, including older persons, may not be able to present their cases in the manner that fairness demands without legal representation. Assistance in taking such a step would facilitate resolutions of cases of alleged discriminatory practices.<sup>21</sup>

#### 5.1.5 Tackle the overreliance on individual action to effect change in respect of equal pay

The use of class actions to combat discrimination could promote solidarity among the members of the group on behalf of whom the class action is taken and would spread the cost of litigation, helping to reduce some of the difficulties of access to justice.<sup>22</sup> In 2005 the Law Reform Commission recommended the introduction of multi-party litigation<sup>23</sup> (in other words “class actions”), on the basis that to do so can only strengthen public interest litigation and increase access to justice.

## Recommendations

- The National Quarterly Household Survey should prioritise a special equality module to capture data on perceived gender discrimination in the workplace, further closing the data gaps related to the gender pay gap.
- Publish statistics every six months on employment equality decisions by the Workplace Relations Commission, disaggregated by the nine grounds of discrimination, as committed to in the National Strategy for Women and Girls.

<sup>21</sup> Marguerite Bolger, “Enforcing claims under the Employment Equality Act, 1998” (1999) 5(2) Bar Review 110.

<sup>22</sup> Leo Flynn, “Reflections on pay equity in Ireland” (1995) D.U.L.J. 136.

<sup>23</sup> Multi-party litigation refers to instances where a collection or group of cases shares characteristics sufficient to allow them to be dealt with collectively. The central, common feature will vary with the group, but will militate in favour of a collective or group approach.

- Amend the Equality Act by introducing a new section, to extend the powers of the Workplace Relations Commission to require employers to conduct an equal pay audit, if they find they have discriminated on pay.
- Ensure that hearings before the Workplace Relations Commission are held in public, that cases are not anonymised, and evaluate and revise the stated aim of the WRC to settle cases before they go to hearing.
- The Civil Legal Aid Scheme should be expanded and supported to provide free legal representation to women taking claims under employment equality and equal status legislation.
- Investigate whether provision should be made under our equal pay laws for representative legal actions.

## 5.2 Pay Transparency

Transparency around pay will help remove the question of gender-influenced pay. An employer may be unaware that they even have a gender pay gap until they analyse their pay information. Requiring employers to be more open about gender pay differences should bring pressure to bear on them to explain the reasons for those differences and to consider what they can do to eliminate them.

### 5.2.1. Tackle the lack of transparency surrounding wages

It has been estimated that young women's wages are 90% of male earnings but for older cohorts this ratio widens. Women aged between 35 years and 44 years earn 71.5% of men's wages and those in the 55 to 64 years age group have incomes that are only 61.4% of those of men. Arguably it is at the time when women age and have greater resource demands in terms of health, care and other life costs, that the cumulative impact of their interrupted employment patterns becomes most punishing.<sup>24</sup> The Programme for Government includes a commitment to "promote wage transparency by requiring companies of 50 or more to complete a wage survey";<sup>25</sup> reflecting the global trend pointing towards mandatory, public gender pay gap reporting. The UK's new Equality Act regulations require private and voluntary sector employers with 250 or more staff to annually publish details of their gender pay gap figures for 'relevant employees'. This report must be published online for three years. While the UK Regulations are a step in right direction, they are essentially toothless, with no sanctions for non-compliance. Rather employers will only be deterred by the prospect of being 'named and shamed'. It is essential that any adopted legislation must attract strict penalties for non-compliance in addition employers should be obliged, via legislation, to produce pay audits and annual action plans covering all aspects of the pay gap on a mandatory basis.

### 5.2.2. Tackle the hidden discrimination inherent in wage negotiations

Low pay at an early job can affect salary at a later one, because hiring managers often base their offer on previous pay. Even candidates who negotiate and advocate strongly for themselves at the salary phase can wind up with a lower offer than someone who happened to earn more at an earlier position. In practice, workers who get lower offers are often women. Another hidden area includes clauses in contracts that prohibit employees from disclosing their wages.

<sup>24</sup> <http://www.tasc.ie/publications/cherishing-all-equally-2016/> Page 47

<sup>25</sup> The Labour Party published their Gender Pay Gap Information Bill 2017, which seeks to require all employers, both public and private, to regularly publish details of the mean and median incomes of men and women in their workplaces, and will also capture areas such as bonus payments.

## Recommendations

Legislate on wage transparency that comes with real penalties for non-compliance.

- This legislation should apply to all employers, both public and private, with a designated number of employees.
- This legislation should apply to all employees within the applicable company, including, full time, part time and contract workers.
- This legislation should require employers to carry out detailed equal pay audits requiring employers to assess where men and women are doing similar work or work of equal value in their organisations and to identify actions to reduce and close the pay gaps. The audit should also include all workers and all payments including bonus payments where we know significant gender gaps exist.
- Employers should be legally required to act on the data that they publish, and not just required to publish it.
- Employers should be legally required to state the minimum remuneration that they are prepared to offer for an advertised role.
- Prohibit employers from asking about salary history.
- Prohibit employers from inserting terms in a contract that prevent their employees from disclosing their wages.

## 5.3 Low Pay and Precarious work

Across the OECD countries, Ireland has the fourth highest proportion of low paid workers after the U.S., Estonia, and South Korea, and the majority of those on low incomes are women. We know from our members and from the available statistics, that low pay particularly affects women. 60% of those on low pay are women and 50% of women earn €20,000 or less per year, according to most recent available figures. Private sectors where women predominate such as hospitality or retail have been at the frontline of aggressive casualisation and job and wage erosion, with low pay compounded by precarious work and non-fixed hour contracts.

Despite women making up 65.8% of the workforce in 2013, women are mostly confined to lower grades such as clerical or staff officer. Public sector wage cuts over the recent period of recession have been found to hit those on lower grades hardest. ESRI research found that as women workers predominate in the lower and middle tiers of the public sector, pay cuts and freezes have had a far stronger effect on women than men.<sup>26</sup> Low pay can lead to social and cultural as well as economic exclusion, patterns of churning between 'low and no pay', limited access to mainstream credit, and can create further social pressures on mental and physical health.

### 5.3.1 Tackle low pay

Annual estimates from the OECD show that despite periods of economic boom and crisis the trend for low pay in Ireland has been steadily upwards so that by 2013 one in every five full-time male employees and almost three in every ten female full-time workers were low paid. Given the already historic and persistent high female low pay rates, the OECD data point towards a notable growth in male low paid employment as the crisis unfolded, however while post crisis trends are still emerging we know male involuntary unemployment is declining, full time job creation has increased at a much faster pace than part time employment and we see slower relative growth in female employment.

Overall average disposable income between men and women declined for both men and women over the crisis. On average in 2014 median male income was €18,327 and median female income was €18,012. The gap between median male and female income was €315; 1.7% of the median female wage, there are some indications this gap is growing, with women's greater proportional risk of low pay and part time work a contributory factor.

<sup>26</sup> [http://www.nwci.ie/?/news/article/report\\_highlights\\_urgent\\_need\\_to\\_address\\_growing\\_income\\_inequality\\_between](http://www.nwci.ie/?/news/article/report_highlights_urgent_need_to_address_growing_income_inequality_between)

While the Low Pay Commission did, in 2016, commission a report on women and minimum income, by and large the gendered dimensions of labour market segregation, wage levels and job security are not sufficiently considered in government budgets, policies or programmes. Each of these are critical factors in addressing the gender pension gap in Ireland. It is not clear to what degree the preponderance of low pay and low hours for women contributed to the growth of the gender pay gap in Ireland over the last four years. Therefore minimum wage policy should seek to addressing the differential between percentage of low paid men and low paid women and decreasing the gender pay gap. Specific indicators and targets should be developed and monitored.

### 5.3.2. Tackle the Minimum Wage / living wage

Due to women's predominance in low paid employment, the introduction of the minimum wage historically represented one of the few measures to significantly narrow the gender pay gap. It remains critical as a means of protecting the most vulnerable workers from in-work poverty, putting money into circulation in the local economy and reducing wage inequality between women and men. Research indicates that women are more likely to account for a significant majority of those benefitting from positive wage increases to the minimum wage. We therefore advocate for continued incremental increases in the statutory minimum wage<sup>27</sup> and the promotion of the 'Living Wage', set for 2017 at €11.70.<sup>28</sup>

Payment of a living wage to workers improves social and economic wellbeing and reduces pressure on social transfers such as the Working Family Payment (formerly the Family Income Supplement). An emerging group who do not enjoy the benefit of minimum wage protection are some sectors of self-employed, including many piece-rate workers, child care workers, caterers, cleaners etc. Again, the majority of workers in these sectors are women. In such instances contracts should be regulated to ensure at least minimum wage or sectoral wage outcomes.

### 5.3.3 Tackle precarious work

The association between low pay and those on temporary contracts of employment is statistically significant in the Irish data, and a reason for some of the concerns regarding the growing precarity of work for employees with certain characteristics and in certain sectors of

<sup>27</sup> In line with the Programme for a Partnership Government commitment, work under Action 1.14 of the National Strategy for Women and Girls 2017- 2020 will "aim to increase the minimum wage to €10.50 per hour over the next five years, relying on the recommendations from the Low Pay Commission on the level of adjustment each year"

<sup>28</sup> The Vincentian Partnership make it clear that this calculation is for a single adult working full time with no childcare costs and also provide a series of weekly or monthly calculations for different household types.

the labour market.<sup>29</sup> Sectors where women predominate such as hospitality or retail have been at the frontline of aggressive casualization and job and wage erosion, with low pay compounded by precarious work and non-fixed hour contracts. OECD (2014b) data for Ireland point towards employees in precarious or 'non-regular' employment as being young (less than 25 years), working in low skilled occupations and more likely to be female and have low completed education levels. Precarious schedules and income can make it difficult to plan care, limit educational opportunities and participation, inhibit spending and reduce access to credit. In their 2014 Employment Outlook the OECD noted 12 concerns regarding increasing labour market segmentation and evidence of limited progression from temporary to permanent contracts of employment.

Although precarity is not unusual to labour markets at the outset of an economic recovery, there are justifiable concerns that it may persist, become structural and become the norm for more employees, particularly women. Action 1.15 of the National Strategy for Women and Girls 2017-2020 makes provision to "bring forward legislation in response to problems caused by the increased casualization of work and to strengthen the regulation of precarious work (among men and women)." The progression of legislation through the Houses of the Oireachtas aimed at addressing problems caused by the increased casualization of work and to strengthen the regulation of precarious work are to be warmly welcomed. The creeping erosion of wages and hours not only hurts women workers, it also damages the wider economy, putting pressure on social protection supplements that keep working families out of poverty and reducing spending in local communities.

## Recommendations

- Increase the minimum wage to €10.50 per hour in the short term, and move towards aligning the minimum wage with the living wage in the medium term (currently €11.70 per hour).
- Ensure minimum wage is paid in all productive work experience placements and extended to core groups traditionally excluded from coverage.
- Expedite through the Oireachtas legislation in response to problems caused by the increased casualization of work and to strengthen the regulation of precarious work

<sup>29</sup> A detailed analysis of this area, including extensive referencing of the supporting expert analysis, is presented in NWCi's submission to the low pay commission on women and low pay (11 March 2016). See [http://www.nwci.ie/images/uploads/NWCI\\_Low\\_Pay\\_Commission\\_Submission\\_Final\\_NWCI\\_March2016.pdf](http://www.nwci.ie/images/uploads/NWCI_Low_Pay_Commission_Submission_Final_NWCI_March2016.pdf)

(among men and women), as committed to in the National Strategy for women and Girls 2017-2020.



## 5.4 Occupational Segregation

Female-dominated occupations tend to pay less, often much less, than male-dominated occupations. The four lowest paid sectors - accommodation and food, admin, wholesale and retail and arts are all areas where women employees predominate. However, the issue is more complex because even in traditionally poorly paid sectors, men still receive higher remuneration. For example, Arts is among one of the four lowest paid sectors in Ireland, however, a recent survey of almost 200 organisations receiving Arts Council funding found recognition and resourcing was much lower for women in the arts than it was for men. This is compounded by the fact that low pay tends to follow where women work. Where men come into traditionally feminised sectors, the pay tends to go up; where women move into sectors where they have not been before the pay tends to go down.<sup>30</sup>

### 5.4.1 Tackle gender segregation educational and career development

Even though women are now substantially more educated than men the gender pay gap persists.<sup>31</sup> Part of the problem lies in what women study, which plays a large role in where they work later on. While young women in OECD countries now, on average, obtain more years of schooling than young men, girls are much less likely to study in the science, technology, engineering and mathematic fields. (2017 OECD) Young girls and young women do not make choices about what to study and where to work in a vacuum. They make them under the influence of peers, family members and adults who tell them, through words and actions, the subjects and careers that are acceptable for them to choose — and these influences inevitably inform their later decisions on careers. Work needs to begin with early years and continue through school.

The National Strategy for Women and Girls 2017-2020 includes a set of actions to tackle the gender imbalance in STEM education and careers, and increase female participation in apprenticeships. These actions are to be commended. Further is the commitment to require higher education institutions to have Athena SWAN gender-equality accreditation in order to be eligible for research funding from Science Foundation Ireland, the Irish Research Council

<sup>30</sup> According to a 2009 study published in the academic journal *Social Forces* that looked at 50 years' worth of U.S. Census Bureau income data, when a substantial number of women move into a field, as has happened in biology and design, the average wage drops for everyone in that field, men included. The opposite can be true, too. In the early days of computer science, when programming was considered a monotonous, low-level task akin to typing or filing, there were more women in the field, and the pay was much lower. Now that we think about it as a way to design the technological future, more men are entering computer science, and the pay has risen.

<sup>31</sup> Educational attainment rates for women have risen significantly since 2007 and continue to be higher than they are for men. In 2016, 82.9% of women aged 25-64 had completed at least upper secondary education compared to 71.2% in 2007 (the comparable rates for men are 64.6% in 2007 and 76.9% in 2016). 58.4% of women aged 30-34 had successfully completed tertiary education compared to 48.9% in 2007 (the comparable rates for men are 38.7% in 2007 and 46.4% in 2016).

and the Health Research Board. As well as those commitments designed to address gender stereotypes that, from the youngest age, limit women's and girls' educational and occupational opportunities.

#### 5.4.2 Tackle occupational segregation otherwise known as career clustering

EC (2013) find the under-/overrepresentation of women and men (horizontal segregation) in Ireland is more pronounced regarding both 'sectors' and 'occupations' than in the EU- 27. The extent of sectoral gender segregation in Ireland is slightly above the EU-27 level with women in Ireland are more likely to be found in gender typical sectors than on EU-27 average. The extent of occupational gender segregation (OGS) in Ireland is also higher than the overall OGS of the EU-27 meaning women in Ireland are more likely to be found in gender typical occupations than on EU-27 average. 65.7% of Irish men and 53.0% of Irish women are working in their respective top-5 favourite sectors with women tend to be bunched into a narrow range (six) of occupation types which are lower paid including clerical roles; sales; health; personal services; childcare; and education. These deeply embedded occupational stereotypes are socially constructed through education and market processes at a very early age and cause women to end up on lower pay without reaching their full potential.

Segregation is very obvious in hours worked with women far more likely to work part time than men and even more likely to be 'voluntarily' working part time than men. While much of Irish female part time employment is described as 'voluntary' there is little choice in the context of restricted availability and affordability of care (child and elder). The rate of Irish women working part-time (34.9%) is above the EU-27 average (32.1%). Also, the average weekly part-time working hours by women (18.8 hours) are below EU-27 average (20.2 hours). Comparative data indicate that the proportion working part-time because they could not find full-time work is higher in Ireland (41.4%) than in the EU (28.9% in EU15 and 29.6% in EU283) (Eurostat, 2015a). While childcare is the dominant factor determining the likelihood of part-time work associated factors include limited transport and location of childcare facilities restrict women to local labour markets school time working hours. However other structural issues include occupational segregation, social welfare and tax treatment of secondary earnings, culture and lack of sharing of care, emotional work and household work.

#### 5.4.3 Tackle the under-valuation of work areas

When we look at the types of work that are female dominated, low paid and undervalued, they are centred on work that has traditionally been considered as the responsibility of women inside and outside of the home – caring roles, nursing, teaching, cleaning, clerical and secretarial. The skills required in these professions are not recognised to the same extent as

male centred roles and professions and therefore not valued through pay.<sup>32</sup> Even where the skills are recognised, there is a long tradition of not giving a high value to those skills. Pay and grading systems are still likely to be based on male skills models which may in fact perpetuate the pay gap. It is also often assumed that women's skills are “natural” and this tends to underlie their low valuation.

### *An example of the childcare sector*

The sector is dominated by women,<sup>33</sup> and is traditionally low-paid despite the high degree of responsibility and educational attainment (37% at graduate level<sup>34</sup>). The OECD has consistently stated the belief that gender imbalance within this profession is seen to reflect deeply-held cultural beliefs about child-rearing and the roles of women and men in society. In July 2017, the Joint Committee on Children and Youth Affairs, published a 'Report on the Working Conditions of the Early Years Education and Care Sector 2017'. They commented that the years of experience and qualifications count for little in terms of pay, working conditions, and respect. NWCI endorses the recommendations adopted in the official report.<sup>35</sup> The responsibility for pay and conditions needs to be clearly taken on by the state and a sustainable pay structure needs to be adopted. This is a major strategic challenge as the sector's ability to deliver a quality publicly model of childcare dependant on a qualified professional workforce.

## Recommendations

- Education based initiatives to tackle gender stereotyping in subject choices in secondary schools to include training and support for career guidance teachers
- Innovative programmes to encourage girls into STEM, as committed to in the National Strategy for Women and Girls.
- Initiate roll out of an agreed national salary scale for the childcare workforce to recognise qualifications and professionalization.

<sup>32</sup> Joint Committee on Children and Youth Affairs July 2017 Report on the Working Conditions of the Early Years Education and Care Sector 2017

<sup>33</sup> The Early Years Sector Profile 2016-2017 (Pobal 2016)

<sup>34</sup> Joint Committee on Children and Youth Affairs July 2017 Report on the Working Conditions of the Early Years Education and Care Sector 2017

<sup>35</sup> [http://www.impact.ie/wpcontent/uploads/2017/07/Report\\_on\\_Working\\_Conditions\\_of\\_the\\_Early\\_Years\\_Education\\_and\\_Care\\_Sector\\_2017.pdf](http://www.impact.ie/wpcontent/uploads/2017/07/Report_on_Working_Conditions_of_the_Early_Years_Education_and_Care_Sector_2017.pdf)

- Implement the recommendations of the Joint Committee on Children and Youth Affairs, 'Report on the Working Conditions of the Early Years Education and Care Sector 2017'.

## 5.5 The Unequal Distribution of Care Work

Women's labour force participation rates have moved closer to men's rates over the past few decades, but in every OECD country women are still less likely than men to engage in paid work, with the last Census revealing that women provided around two-thirds (66.1%) of all care hours in Ireland. However, in Irish society, the dominant approach is to value paid employment and to treat unpaid informal care work as some form of private choice, and although care work is essential to the common good and performs vital social and economic functions, it is neither prioritised nor sufficiently supported.

### 5.5.1 Tackle the lack of support attributed to carers

The State has been remarkably hesitant to create any new space for protecting the important work of informal unpaid caring. One example of the failure of the social security system to recognise care work is the manner in which a person is deemed to be a new entrant if they have not contributed to the social insurance system for the previous two years. Those that may wish to combine care work with part-time waged work find that they are not eligible for social welfare payments (i.e. Jobseekers Allowance), are not registered as unemployed and are, therefore, discriminated against in terms of welfare income and opportunities to participate in training programmes.

Time spent caring should be recognised and credited, both for people currently in the workforce and those who are now of retirement age who have spent a large portion of their lives caring. The National Pensions Framework made a commitment to replace the Homemakers' disregard with credits for new pensioners, but there is yet to be official confirmation of when this will happen. A provision in the Constitution recognising the value of care work in a gender neutral manner would be a useful symbolic statement. However any serious attempt to improve the lot of carers in Ireland must include enforceable constitutional socio-economic rights.

### 5.5.2 Tackle the lack of investment in care infrastructure

Childcare remains the single most significant barrier to women's equal participation to men in all aspects of society, including employment. The arrival of children means that a woman typically has nine years less experience than a father with identical qualifications and expertise by the age of 47 years. The absence of adequate childcare provisions makes it difficult for many women to access full-time employment or training. In many cases the cost of childcare does not justify employment. Take up of part-time and full-time employment by women is directly linked to the lack of affordable and quality childcare.

The provision of high quality affordable early years and childcare for out of school hours is key to closing the gender pay gap. In 2004 NWCi recommended a model of publicly funded childcare. The model includes subsidisation of early years and afterschool, capped fees and accompanied by a parallel system of paid maternity, paternity and parental leave. Budget 2017 was a landmark budget with the introduction of the Affordable Childcare Scheme, which saw the first step to achieving publicly subsidised universal childcare in Ireland. Sustained investment is now required in order to fully realise this goal and ensure that all children, parents and the childcare workforce can experience a high quality model of childcare on par with most other European countries.

### 5.5.3 Tackle the disproportionate responsibility for childcare that is placed on women

Providing equal support to men and women for looking after children, as well as other forms of unpaid caring roles, is one of the most effective policy levers in reducing the gender pay gap. A decent period of paid paternity leave would allow more fathers to care for their young children and push this out of the domain of 'women's work' for good.<sup>36</sup> The 2016 introduction of paternity leave was an important step in recognising the role of the fathers and the need to achieve a greater distribution of care between women and men.<sup>37</sup> Ireland is an outlier in the EU by not providing paid parental leave which makes it very difficult for most parents to avail of it for any lengthy period.<sup>38</sup>

### 5.5.4 Tackle the lack of support for women returning back to work

Many women who have left the labour market due to caring responsibilities, or for other reasons, may need or want to return to paid employment. In all cases, the skills and experience of this group of women is to the benefit of Irish society. The Government should therefore invest in supporting their smooth return to the labour market as a matter of urgency. Activation policies that ignore the costs of returning to work and/or women's care responsibilities will remain ineffective. In addition, horizontal employment segregation accounts for at least some of the gendered experience of low pay in Ireland. Gender targets have to be developed for all

<sup>36</sup> National Strategy for Women and Girls 2017-2020 to 1.2 Publish proposals for the implementation of the commitment in the Programme for a Partnership Government to expand paid leave in the first year of a child's life by end-2017 and legislate for them as soon as possible thereafter.

<sup>37</sup> New dads can take two weeks' paternity leave in one continuous block any time in the 26 weeks following baby's birth or adoption. Paternity benefit is €235 a week. During its first three months, 5,013 paternity benefit claims were awarded — yet, in that period, 14,740 babies were born. The Department of Social Protection says the figure doesn't account for fathers taking their leave up to six months after their child is born. However, the 29% take up should be closely monitored. In Sweden and Norway, where the take up rate is at 80%, paternity benefit is full pay. Here it's reduced pay unless your employer tops it up.

<sup>38</sup> National Strategy for Women and Girls 2017-2020 to 1.2 Publish proposals for the implementation of the commitment in the Programme for a Partnership Government to expand paid leave in the first year of a child's life by end-2017 and legislate for them as soon as possible thereafter.

apprenticeship and trainee programmes alongside targeted recruitment campaigns to ensure maximum take-up by women.<sup>39</sup>

### 5.5.5 Tackle the issues associated with flexible working

Moving to a culture where flexibility is the norm and employees are judged on outcomes rather than presenteeism lies at the heart of addressing the gender pay gap. Flexible working conditions should not be conflated with what has been referred to as 'flex-insecurity' or precarious, non-fixed hour contracts. Flexibility should not mean insecurity. Nor does it mean part-time work but includes for example jobs shares, late starts, early finishes, and working from home. The advantage of flexible working is that it can benefit all employees, men and women, as well as employers. However, flexible hours and flexible working arrangements are generally at the discretion of individual employers and are not governed by specific legislation. So while the right to request flexible working has been extended to all employees with at least 26 weeks' service from 30th June 2014, employers are only required to consider requests and deal with applications in a 'reasonable manner'.

## Recommendations

- Gender equality targets to be established for apprenticeship and trainee programmes and targeted recruitment campaigns to ensure maximum take-up by women.
- Increased investment in the Affordable Childcare Scheme to ensure that childcare becomes affordable and accessible for all parents and is of a high quality. In addition services should be resourced sufficiently, particularly community based services so as to ensure that they have the capacity to both meet the requirements of the scheme and provide a high quality service.
- Identify a model for future capping of childcare fees.
- Extend paternity leave to 1 month.
- Introduce 6 months paid parental leave and benefit to commence after maternity leave, on a phased basis so that parents can have greater choices in the first year of a child's life.

<sup>39</sup> National Strategy for Women and Girls 2017-2020 to 1.3 Promote initiatives to support women returning to work from maternity leave.

- Establish statutory flexible working policies in all types of employment with all employees having an enforceable right to such an option. This would have the effect of making family-friendly options integral to all workplaces, thus transforming the culture of work fundamentally.
- Time spent caring should be recognised and PRSI credited both for people currently in the workforce and those who are now of retirement age who have spent a large portion of their lives caring.



## 5.6 Women in Senior and Leadership Positions

The prevalence of the glass ceiling – by which is meant, according to the Glass Ceiling Commission 1996, the ‘invisible, artificial barriers that prevent qualified individuals from advancing within their organisation and reaching full potential’, results in significant the absence of women in senior management both in Ireland. For many, the glass ceiling or its equivalent continues to prevent educated, qualified and experienced women from reaching their goals. The gender pay gap is a consequence of women not excelling to senior decision-making roles in the workforce and progressing in their careers. A higher proportion of men in management and senior leadership roles is a key factor in gender pay disparity. The underrepresentation of women in senior leadership extends to many sectors in Ireland including business, higher education, the media and on company boards. Women are still dramatically underrepresented in the higher echelons of both business and public sector organisations.

In business, women comprise 14% of CEOs or Head of Operations in companies in Ireland.<sup>40</sup> Women represent just 16% of corporate board members in Ireland. In higher education, only 29% of the highest-paid non-academic staff in the universities, and only 17% in the institutes of technology, are women. Just 7% of surgeons in Ireland are women. Less than a quarter of voices on news and current affairs broadcasting are women according to NWCI's 2015 *Hearing Women's Voices* report.<sup>41</sup> In politics, women comprise just 22% of members of Dáil Éireann.

### 5.6.1 Tackle the pipeline

NWCI believes that organisations in the private and public sector can create effective leadership pipelines for women by creating family-friendly work environments, identifying training against unconscious gender biases and proactively supporting women's professional development.<sup>42</sup> The National Strategy for Women and Girls includes a commitment to create a package of measures to increase women's representation in senior management positions. NWCI advocates that the Government should ensure that this package includes recommendations and supports for companies and organisations to establish and maintain a family-friendly work environment, incorporate gender sensitivity training into workplace management, human resources, and employee training to identify ‘unconscious gender bias’ and implement training and mentoring programmes for women at senior management and board level. The report in 2016 from Morgan McKinley<sup>43</sup> on tackling the gender pay gap also

<sup>40</sup> [http://www.dcu.ie/sites/default/files/leadership-talent/women\\_in\\_management\\_survey\\_-\\_2015.pdf](http://www.dcu.ie/sites/default/files/leadership-talent/women_in_management_survey_-_2015.pdf)

<sup>41</sup> [http://cdn.thejournal.ie/media/2015/11/hearing\\_womens\\_voices\\_2015\\_final.pdf](http://cdn.thejournal.ie/media/2015/11/hearing_womens_voices_2015_final.pdf)

<sup>42</sup> [http://www.nwci.ie/images/uploads/Better\\_Boards\\_PDF.pdf](http://www.nwci.ie/images/uploads/Better_Boards_PDF.pdf)

<sup>43</sup> [https://www.morganmckinley.ie/sites/morganmckinley.ie/files/gender\\_pay\\_gap\\_in\\_ireland\\_2016.pdf](https://www.morganmckinley.ie/sites/morganmckinley.ie/files/gender_pay_gap_in_ireland_2016.pdf)

identifies that working to improve the leadership pipeline for women employees, coupled with transparency in relation to wages, is critical in addressing the gender pay gap.

### 5.6.2 Tackle women's representation in politics

It's important for young women to see women leaders and role models at all decision making levels, including in the Oireachtas. Women comprise just 22% of TDs in Ireland. Ireland is 76<sup>th</sup> in world for women's representation in lower or single house of national parliaments. Ireland ranks 25<sup>th</sup>/28<sup>th</sup> in the EU for women's representation in parliament. The Electoral (Amendment) (Political Funding) Act 2012 introduced a 30% quota for the 2016 General Election and this will rise to 40% in 2023. Political parties who fail to comply with this legislation will lose half of their state funding. NWCI welcomes this quota legislation and we saw an increase in women's representation in the Dáil grow from 15% in 2011 to 22% in 2016.

Just 20.8% of county and city councillors are women. There is considerable variance across the 31 local authorities. The numbers of local councillors who are women range from a high of 43% in Dun Laoghaire-Rathdown, to a low of just 8% in Donegal. The NWCI welcomes the commitment in the National Strategy for Women and Girls to work with local authorities, the Association of Irish Local Government (AILG) and political parties to promote and assist women candidates and to investigate supports to promote the participation of women in the 2019 local government elections. NWCI advocates that a gender quota for local elections should also be introduced, given the success of the quota in General Election and also taking into account that the majority of candidates for Dáil Éireann start off their political careers as councillors to this will improve the leadership pipeline for women in politics. NWCI also recommends that maternity leave be introduced for female elected representatives in Ireland and that paid paternity leave be introduced for male politicians. NWCI published a report with recommendations for tackling women's under-representation in the Oireachtas in 2014: *A Parliament of All Talents: Building a Women Friendly Oireachtas*<sup>44</sup>

### 5.6.3 Tackle women's representation in higher education leadership

The Higher Education Authority's national review of gender equality in higher education institutions<sup>45</sup> determined that the 'fix the women' approach – aimed at getting women to change to fit the existing culture has not resulted in substantial change. Gender must be considered as an integral part in the development of workplace practices. Most recently the Royal College of Surgeons in Ireland identified in their 2017 Report of the Gender Diversity Short Life Working Group 'Progress: Promoting Gender Equality In Surgery' that a key driver

<sup>44</sup> [http://www.nwci.ie/images/uploads/A\\_Parliament\\_of\\_all\\_Talents.pdf](http://www.nwci.ie/images/uploads/A_Parliament_of_all_Talents.pdf)

<sup>45</sup> [http://hea.ie/assets/uploads/2017/04/hea\\_review\\_of\\_gender\\_equality\\_in\\_irish\\_higher\\_education.pdf](http://hea.ie/assets/uploads/2017/04/hea_review_of_gender_equality_in_irish_higher_education.pdf)

for change within their organisation is the decision of the Health Research Board to require that all higher education institutions (of which the RCSI is one) to achieve Athena SWAN gender equality accreditation by 2019 in order to remain eligible for research funding. Therefore real change requires hard penalties.

NWCI is encouraged by the Athena Swan initiative and welcomes the commitments in the National Strategy for Women and Girls to review gender balance under a new Systems Performance Framework for Higher Education Institutions.

Just over half of all of lecturers in the seven universities are female, these numbers fall dramatically at higher grades such as associate professor (29%) and professor (21%). There has never been a woman president since the establishment of the first Irish university about 425 years ago. There is a similar gender gap in the 14 publicly-funded institutes of technology, though three of these institutes are headed by women. It is critical that progress is monitored in relation to representation on governing bodies; academic councils; executive management; academic staff at each grade; professor grades; senior non-academic staff; achievement and retention of Athena SWAN awards; and perceived gender inequality amongst staff members.

#### 5.6.4 Tackle women's representation in senior positions in the public and civil service

Just two out of fifteen permanent heads of Government departments are women. Women comprise just 23% of roles at the equivalent grade to secretary general in the civil service. The representation of women in senior decision making roles varies across Government departments. For example, following on from the agreed actions arising from the "Gender and Culture Review of the Department of Agriculture, Food and Marine 2015", it is vital that this Department continues to implement agreed actions to increase women's representation and provide dedicated resources and personnel with responsibility to progress these actions. All Government departments should be obliged to publish data in relation to pay at each level and gender representation of employees and each department, where applicable, should attach actions to address the under-representation of women. The Department of Public Expenditure and Reform aims to provide a comprehensive databank on numbers of employees in the public service. NWCI advocates that each Government department should be responsible for taking action to improve gender equality in the public service.

The most recent data available on gender segregation in local authorities is from a survey conducted by the Irish Independent newspaper in 2013. Key finding included that just ten of the (then) 34 local authorities had no women employed at managerial level; just three CEOs

were women, women comprised just one fifth of Directors of Services and around one eighth of Heads of Finance were women.<sup>46</sup>

NWCI welcomes the commitments in the current National Strategy for Women and Girls to research barriers preventing women from application for senior positions in the civil service and to conduct a mapping exercise on gender balance in the public service. It is critical that following any research that clear actions are identified and implemented to increase the representation of women in senior positions in the public service and civil service. NWCI also welcomes the progressive measures in the National Strategy for Women and Girls in relation to gender equality in the workplace, such as the commitment to require companies of 50 employees or more to complete a wage survey periodically and report the results (Action 1.23).

#### 5.6.5 Tackle Women's Representation in the Media

Pay transparency is critical to address the gender pay gap. Almost three-quarters of those who earn salaries of more than €100,000 a year in RTE are men, according to figures obtained by The Sunday Times.<sup>47</sup> Over half of RTÉ staff paid less than €40,000 are women. Women made up 48.3% of RTE's 1,984 staff at the end of 2016, but they accounted for just 29.6% of the 125 workers whose basic annual salary was more than €100,000. NWCI advocates for mandatory reporting to be introduced for public and private sector organisations in Ireland as outlined in section 5.2 of this submission. NWCI's Hearing Women's Voices report<sup>48</sup> contains a number of recommendations on tackling women's under-representation on air at station and programme level including monitoring and reporting on the gender breakdown of voices at programme level; striving for gender balance in relation to experts and guests; requiring all stations to report on gender balance and implementing a gender quota for voices on air.

#### 5.6.6 Tackle women's representation on company boards

The Government set a target of 40% representation of women on State boards in 1993 and in 2017 the number of women on State boards is 39.4%, with some State boards meeting the target and others lagging behind. For State boards who have met the target, NWCI welcomes the new target of 45% that has been set for Ministers and nominating bodies. The pace of change has been extremely slow as a result of this soft-measure approach.

<sup>46</sup> [http://www.impact.ie/wp-content/uploads/2017/05/What-gets-measured-gets-managed\\_gender-inequality-in-local-government.pdf](http://www.impact.ie/wp-content/uploads/2017/05/What-gets-measured-gets-managed_gender-inequality-in-local-government.pdf)

<sup>47</sup> <https://www.thetimes.co.uk/article/rtes-cheques-in-the-male-w2nzdkr97?t=ie>

<sup>48</sup> [http://www.nwci.ie/images/uploads/Hearing\\_Womens\\_Voices\\_2015\\_final.pdf](http://www.nwci.ie/images/uploads/Hearing_Womens_Voices_2015_final.pdf)

In 2013, NWCI published our Better Boards, Better Business, Better Society report with recommendations for Government and for businesses on increasing women on private and State boards.<sup>49</sup> Women comprise just 16% of those on corporate boards in Ireland, far below the EU average of 23%. Without targets or quotas, we could be waiting decades for gender equality on corporate boards. NWCI believes that countries such as Norway serve as an example of how we can accelerate the pace of change and improve women's representation on corporate boards. Norway was the first country in the world to introduce a gender quota for boards in 2015 and within three years they saw women's representation increase from 17% to 40%.

NWCI welcomes the commitments in the National Strategy for Women and Girls (2017 – 2020) which aim to commission an independent review of the situation of women in the governance and senior management of companies in Ireland and of measures to promote and to increase women's representation. NWCI also welcomes the commitment in the National Strategy for Women and Girls to develop and implement a package of measures to promote greater representation of women on corporate boards and in the senior management of companies. It is vital that any package of measures is adequately resourced and includes provision for a quota for women on corporate boards.

## Recommendations

- Commission an independent review of the situation of women in the governance and senior management of companies in Ireland and of measures to promote and to increase women's representation, such as targets for business as outlined in the National Strategy for Women and Girls.
- Conduct research on barriers preventing women from application for senior positions in the civil service and create an action plan to address these barriers as outlined in the National Strategy for Women and Girls.
- Map gender balance in senior positions in the public and civil service, and based on learnings, prioritise actions to increase women's representation in the public service as outlined in the National Strategy for Women and Girls.
- Develop and implement a package of measures to promote greater representation of women on corporate boards and in the senior management of companies as outlined

<sup>49</sup> [http://www.nwci.ie/images/uploads/Better\\_Boards\\_PDF.pdf](http://www.nwci.ie/images/uploads/Better_Boards_PDF.pdf)

in the National Strategy for Women and Girls. NWCI advocates that such a package of measures should include a gender quota for boards and measures to improve the business leadership pipeline.

- Implement the recommendations of the expert group report on the HEA's National Review of Gender Equality in Irish Higher Education.
- Implement the recommendations in the 2015 NWCI Hearing Women's Voices report.
- Implement the recommendations in NWCI's Better Board, Better Business, Better Society report.
- Implement the recommendations in NWCI's 2014 Parliament of All Talents report.
- Introduce a quota for local elections in Ireland.



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