



**Congress Opening Statement to the Joint Committee on Justice and Equality on the “GENERAL SCHEME OF the GENDER PAY GAP INFORMATION BILL”**

Congress welcomes the opportunity to participate in today’s meeting on this important subject.

Ireland’s gender pay gap stands at 14% and is of course linked to a wide range of cultural, legal, social, and economic factors. It is a much more complex issue than the concept of equal pay for equal work and requires us to tackle amongst other issues:

- cultural conditioning, stereotypes and segregated labour markets;
- lack of a quality, affordable early years care;
- paid parental leave;
- collective bargaining and salary negotiation systems; and
- the barriers to women’s progression at all levels of their career.

Having said that, mandatory reporting of gender pay gaps in individual enterprises can make a significant contribution to tackling the gender pay gap and we therefore welcome the publication of the general scheme of the gender pay gap information bill. We also note the previous work on this by Senator Ivana Bacik and her 2017 Bill and hope that this new Bill will not further delay the introduction of such reporting.

It is clear that there is now a broad consensus on this issue across political parties, employer bodies, workers’ representatives and civil society organisations. We have had engagements with IBEC and met

together with Minister Flanagan and Stanton and officials in his Department with a view to agreeing how best to progress the idea of gender pay gap reporting.

In relation to the Bill at hand, we note that it will essentially enable the Minister to “make regulations requiring employers to **publish** information relating to the pay of their employees for the purpose of showing whether there are differences in the pay of male and female employees and , if so, the scale of such differences”.

It is significant that the head includes the word “publish”, but there is no detail set out at this stage as to how that will happen. In discussions with the Department, they indicated that a central website may well be administered by them. (similar UK website here: <https://gender-pay-gap.service.gov.uk/viewing/search-results?search> )

As well as the publication on an external website, Congress also believes that sharing the information with workers (the people directly affected) and their representatives can lead to useful discussion, further investigation and action. We have therefore requested that Gender pay gap information must be shared with employees and trade unions.

Other issues here include the fact that firms with fewer than 250 employees are initially excluded, dropping eventually to firms with 50 + people. This means that about 50% of all firms will not be obliged to report. As the scheme develops, it’s our view that far from fearing such a measure, some companies may begin to disclose publically on a voluntary basis as a signal of their commitment to workplace equality. Indeed we note the recent launch of a “pay disclosure pioneers” initiative, which will see leading businesses committing to early pay disclosure and advancement towards workplace equality, before legal requirement under new laws.

It is useful that bonus pay is included and also part-time work, given the predominance of women working in this way. We have also discussed the desirability of including a list of occupational categories as the best way to proceed on this and have discussed with IBEC a proposed list of four managerial and four non managerial categories which should be considered as a workable option. It is worth noting however, that if we were to go down the road of categorising workers per occupation, then we would also need to know the share of workers in that occupation.

Such a comprehensive list would be a significant improvement on the UK scheme and would lead to greater granularity in the data to be collected. The UK scheme also does not ask for the part time pay gaps.

There is no mention of the inclusion of a narrative with the figures reported. One of the lessons from the UK experience so far is that the narrative section of reports provides context and useful information to help interpret the raw data that companies publish. Congress has made the point that a narrative may explain what the figures represent and also include what actions the companies are going to take in order to narrow it. It also provides unions and others with the possibility of holding companies to account on their performance of these actions. We have suggested that a narrative should be compulsory. It is voluntary in the UK and only about 1/3 of employers provide one in their reports.

We also note the various enforcement mechanisms proposed in the scheme (role of the circuit court, equality reviews, roles for IHREC and the WRC) and are happy to discuss these in the general discussion today.

Briefly, allow me to flag a couple of these:

- Head 2(4) (a) and (c): classes of employer and employee-treatment of proprietary and non-proprietary directors along with those in “consultant” roles (with the company being their only client) will be important here. Also some sectors are organised in

terms of partnerships and not incorporated companies- how will they be treated?

- Head 6 (10). Is it prudent for the complainant's name to be published? It seems an extreme measure to disincentivise vexatious complaints.

Thanks for the opportunity to raise these issues and we look forward to the discussion.