



Irish Congress of Trade Unions

Submission to Citizen's Assembly on Gender Equality

March 2020

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Introduction

Congress welcomes this opportunity to submit views to the members of the Citizens' Assembly on Gender Equality. We know that women are at a significant disadvantage – something outlined for you in some detail, including in relation to paid work, by the CSO at your February 15 meeting¹.

Congress hopes that the Citizens' Assembly will mark a significant moment in terms of rebuilding our society and economy that ensures all of our people, irrespective of gender, can obtain decent work in order to live fulfilling lives.

Our submission will highlight some of the areas that need significant improvements. We hope the Citizens' Assembly will consider our recommendations when drafting its report. The following summarises the Congress recommendations:

- Support calls for a referendum to remove article 41.2 of the constitution and hold a consultative process to tackle the structural inequalities in our labour market.
- Legislative measures to tackle the gender pay and pensions gap.
- Government to conduct an inclusive transposition of the EU Work life Balance Directive in order to seek the improvements listed below:
 - The introduction of a legal right to flexible working arrangements;
 - An expansion of in-work family benefits (maternity, paternity and parental benefit);
 - Improved carers leave.
- The introduction of a legal right to collective bargaining.
- A substantial increase in investment in childcare to create a professionalised workforce delivering quality affordable childcare.
- Introduction of paid domestic violence leave, menopause leave, and reform of breastfeeding legislation.
- Addressing issues of women in leadership roles.
- Establish in Ireland - by way of referendum - a Right to Housing in law.

We hope that the proposals outlined in our submission will inform your discussions as you consider your proposals for Government. On behalf of Congress, I would like to thank the Citizens' Assembly for their consideration of these proposals and we remain at your disposal should you need any further information. We would be happy to supply further information on these and related issues upon request and would welcome an opportunity to address the Citizens' Assembly on the issues and proposals outlined in this submission.

Patricia King
General Secretary
Irish Congress of Trade Unions

¹ <https://www.citizensassembly.ie/en/what-we-do/meetings/gender-equality-key-facts-elaine.pdf>

1. Labour Market Structural Issues

Congress believes that the structure of our labour market demonstrates gender stereotyping linked to low pay and inequality and is the underlying cause of much gender inequality in our workplaces and society.

The table below (Table 1) is a stark illustration of how women predominate in those whose principal economic status is in home duties.

**Gender based Overall Principal Economic Status
in Labour Market (ROI) (Q1 2019)**

Table 1

Principal Economic Status	Male (000's)	Female (000's)
At Work	1,207.9	1,010.7
Unemployed	89.4	63.4
Student	219.2	224.6
Home Duties	20.3	312.8
Retired	298.1	296.4
Others	101.7	98.3

The following table (Table 2) is of Persons aged 15 years and over in Employment (Thousand) by Sex, and sector and show women predominating in health, social work, services and accommodation and food.

Table 2

2019Q4	Male	Female	Male (%)	Female (%)
Agriculture, forestry and fishing (A)	92.5	14.3	7.3%	1.3%
Industry (B to E)	203.3	83	16.0%	7.6%
Construction (F)	134.7	12.5	10.6%	1.1%
Services (G to U)	839.5	975.4	65.9%	89.7%
Wholesale and retail trade, repair of motor vehicles and motorcycles (G)	159	151.2	12.5%	13.9%
Transportation and storage (H)	87.9	20.1	6.9%	1.8%
Accommodation and food service activities (I)	81.4	97.8	6.4%	9.0%
Information and communication (J)	89.5	38.1	7.0%	3.5%
Financial, insurance and real estate activities (K,L)	58.6	56.5	4.6%	5.2%
Professional, scientific and technical activities (M)	75.7	65.5	5.9%	6.0%
Administrative and support service activities (N)	66.7	45.4	5.2%	4.2%
Public administration and defence, compulsory social security (O)	55.5	61.5	4.4%	5.7%
Education (P)	53.9	137.7	4.2%	12.7%
Human health and social work activities (Q)	62.6	231.7	4.9%	21.3%
Other NACE activities (R to U)	48.8	69.9	3.8%	6.4%
All NACE economic sectors	1273.1	1088	100.0%	100.0%

Table 3 below illustrates both how women mean and median weekly earnings are lower for women in all sectors, and that sectors predominated by women have overall lower weekly earnings.

Table 3**Mean and Median Weekly Earnings by Sex, NACE Rev 2 Economic Sector, (EADS)**

	2018		All	Male	Female
Both sexes	Industry (B to E)	Mean Weekly Earnings (Euro)	899.22	942.78	788
		Median Weekly Earnings (Euro)	706.73	740.27	628.68
	Construction (F)	Mean Weekly Earnings (Euro)	694.09	716.81	504.13
		Median Weekly Earnings (Euro)	626.1	648.31	441.57
	Wholesale and retail trade; repair of motor vehicles and motorcycles (G)	Mean Weekly Earnings (Euro)	562.3	670.89	454.41
		Median Weekly Earnings (Euro)	441.13	531.45	366.62
	Transportation and storage (H)	Mean Weekly Earnings (Euro)	738.69	768.44	636.34
		Median Weekly Earnings (Euro)	627.81	650.6	563.63

	Accommodation and food service activities (I)	Mean Weekly Earnings (Euro)	347.64	396.52	305.94
		Median Weekly Earnings (Euro)	313.59	361.85	276.32
	Information and communication (J)	Mean Weekly Earnings (Euro)	1244.13	1346.82	1062.72
		Median Weekly Earnings (Euro)	991.18	1101.17	815.78
	Financial, insurance and real estate activities (K,L)	Mean Weekly Earnings (Euro)	1091.92	1331.04	883.32
		Median Weekly Earnings (Euro)	817.67	981.56	717.33
	Professional, scientific and technical activities (M)	Mean Weekly Earnings (Euro)	916.76	1075.78	756.5
		Median Weekly Earnings (Euro)	692.31	804.54	602.88
	Administrative and support service activities (N)	Mean Weekly Earnings (Euro)	595.89	670.17	499.05
		Median Weekly Earnings (Euro)	485.9	534.67	409.14
	Public administration and defence; compulsory social security (O)	Mean Weekly Earnings (Euro)	930.07	1007.48	830.51
		Median Weekly Earnings (Euro)	841.54	904.4	762.75
	Education (P)	Mean Weekly Earnings (Euro)	787.47	877.76	752.85
		Median Weekly Earnings (Euro)	743.71	798.38	728.92
	Human health and social work activities (Q)	Mean Weekly Earnings (Euro)	720.48	931.57	668.54
		Median Weekly Earnings (Euro)	643.54	752.83	613.02
	Arts, entertainment, recreation and other service activities (R,S)	Mean Weekly Earnings (Euro)	462.54	570.52	394.75
		Median Weekly Earnings (Euro)	363.79	436.23	326.15
	All NACE economic sectors	Mean Weekly Earnings (Euro)	740.72	847.35	635.12
		Median Weekly Earnings (Euro)	592.6	659.58	517.62

It is structural issues such as these that perhaps best underlie the ‘unexplained’ element of the gender pay gap. Women in Ireland are working in a system that was designed by one gender for one gender and has produced this range of inequalities.

In 2019 the employment rate for men was nearly 11 percentage points higher than rate for women.

Men show higher labour force participation in all age groups, other than under 20. The gender gap widens to about 16 percentage points for those aged 45-54 and 19 percentage points for those aged 55-59.

Men also work longer hours than women.

- 22% of men and 6% of women worked 45 hours or more a week.
- 31% of men and 18% of women worked 40 to 44 hours.
- 6% of men and 18% of women worked 20 to 29 hours.

President Michael D Higgins² has recently remarked on the state of gender equality in Ireland by saying that: “We have witnessed a steady increase in the numbers of women engaged in paid work, significant advancement in the educational achievements of women and girls, and enhanced legislation designed to prohibit discrimination in employment, and in service provision and access, on the basis of gender.

At a societal level, violence against women is no longer justified and tolerated as a private family matter, confined to the home and outside of the remit of public bodies of the State. Across all national policies gender impact is considered and monitored and it is now accepted that the participation of women in public life is critical to the empowerment of all women and to society as a whole.

Such progress, however, has not been even, and our journey towards the achievement of full equity between men and women is far from completed.

For example, while women have made considerable advances in terms of participation in third-level education they remain considerably underrepresented in politics, on state boards, at senior levels in public and civil service, and in many other areas of decision making and policy formation. In higher education, approximately three-quarters of Professors are male despite women comprising over half the workforce in that particular sector.

Despite advances in educational attainment, we have yet to fully break down traditional and stereotypical career expectations for girls and boys, and support unbiased subject and career choices. Women remain significantly underrepresented in STEM-based careers, which are not only important drivers of Ireland’s innovation, sustainability and competitiveness, but will also shape the industries and work of the future. Women are

² <https://president.ie/en/media-library/speeches/speech-at-a-reception-to-mark-the-25th-anniversary-of-the-beijing-declaration-and-platform-for-action>

more likely than men to work on a part time basis and in areas which tend to be feminised globally, such as office, clerical and care work.

Such discrepancies can no longer be attributed to the absence of qualifications, relevant skills or ambition amongst women, but rather to the many barriers that exist to their full participation in the workplace – including a lack of affordable childcare and an absence of the real flexibility in many organisations that would enable women to realise their professional potential”.

We address some of these issues in more detail below.

The inequalities reflect values from a century ago, including article 41.2 of our constitution and we would ask members of the Citizens’ Assembly to support calls for a referendum to remove that article.

2. Gender Pay and Pensions Gap

The gender pay gap is the difference between the average hourly pay of all male employees and of all female employees. The EU Gender Pay Gap Indicator³ developed by the European Commission compares the gender pay gap across EU Member States, measuring the difference between the average gross hourly earnings of men and women, expressed as a percentage of the average gross hourly earnings of men.

According to this indicator, the gender pay gap for Ireland has risen slightly over recent years, from 13.9% in 2015 to 14.4% in 2017. The EU average is 16%.

As illustrated above in the labour market section, there are a number of contributing factors including:

- Labour and education market segregation by gender and the corresponding unequal distribution of women and men in sectors, occupations and positions (horizontal and vertical segregation).
- Women are more likely to be in part time work which tends to be lower paid.
- Women are more likely to be involved in important unpaid tasks which leads to greater challenges in balancing work and family life.
- Women are more likely to have more absences and career breaks from the workplace and resultant impact on earnings, pension entitlements and promotional prospects.
- Lack of availability of quality, affordable childcare facilities and out-of-school hours care.
- Senior positions tend to be held by men.
- Pay discrimination, though illegal, still persists.
- Opaque and unsystematic wage setting processes which tend to be more advantageous to men.

³ https://ec.europa.eu/eurostat/statistics-explained/index.php/Gender_pay_gap_statistics

- Austerity and attacks on collective bargaining during the economic crisis.

While female employment has risen over the past decade, this masks an underlying inequality: the increase has been higher in low-paid roles in sectors such as retail, health and education and childcare, leading to a greater pay gap between men and women. The Low Pay Commission Report on the Preponderance of Women on Low Pay (October 2016)⁴ shows that of those earning the National Minimum Wage there are close to twice as many women as men. Between one third and half of this imbalance is based on caring responsibilities, hours worked, and the sectors in which women are employed. CSO data also demonstrates differing reasons for taking up part-time work with 52% of women related to caring responsibilities and 42% men indicating inability to source fulltime work.

The Congress submission to the Low Pay commission on the preponderance of women on the minimum wage outlined our approach to dealing with the issue of the predominance of women on low pay, including tackling:

- Gender occupational segregation at both a horizontal and vertical level.
- Lack of affordable quality early years care and education; and
- The importance of industrial relations and labour protections.

Combating precarious work has been a core part of the work of Congress and our Women's Committee. Legislation to tackle the scourge of zero-hour and low-hours contracts in the Republic of Ireland came into effect on March 1 2019⁵, after a five year campaign by the trade union movement.

It was an important development to tackle precarious work practices and zero hour contracts which create downward pressure on employment standards across the economy and create intolerable uncertainty over hours and earnings for thousands of workers, the majority of whom are women.

More efforts are also needed to overcome occupational segregation, especially by negotiating larger wage increases for lower paid workers, particularly in female dominated sectors (the so-called 5 'C's': cleaning, catering, caring, cashiering and clerical work). This should be based on a strategy to level out pay differences between female-dominated sectors and male-dominated sectors and through the promotion of national sectoral collective bargaining in the joint labour committee system.

Despite commitments to introduce gender pay gap reporting legislation contained in the National Strategy for Women and Girls and in the last programme for Government, there has been a lack of action in implementing such measures. The Gender Pay Gap Information Bill 2019 was finally published in April 2019⁶. The Act was designed to amend the Employment Equality Act 1998 to require regulations to be made that will require certain employers to publish information in relation to the gender pay gap in

⁴ P.16 <https://assets.gov.ie/40388/2f7092f324644333bf38e3e4799aeea5.pdf>

⁵ <https://www.ictu.ie/publications/fulllist/employment-miscellaneous-provisions-act-2018-facts/>

⁶ <https://www.oireachtas.ie/en/bills/bill/2019/30/>

their organisations. The main provisions of the Bill included much of what we sought including:

- Gender pay gap reporting is initially limited to organisations with more than 250 employees – thereby omitting about two-thirds of the workforce. Importantly, however, the Bill proposes to lower that threshold to 50 employees after three years. (Congress would like to see this happening more quickly and for consideration to be given to an even lower threshold).
- The Act requires data to be disclosed by pay band and job classification.
- The Act also requires reporting on differences in bonus pay, part-time pay and the pay of men and women on temporary contracts.

Congress had pushed strongly for a narrative statement to accompany the data published and the Bill requires a statement setting out the reasons for such differences in that employer's case, and the measures (if any) being taken, or proposed to be taken, by the employer to eliminate or reduce such differences in that employer's case. While we would like to see a mandatory action plan included, this provision is an important one for trade unions and opens up space for negotiating actions to tackle the gender pay gap in companies.

Absent from the Bill are clear penalties for non-compliance in respect of companies that report inaccurate data, as well as those that fail to report. It is not clear either that companies will have to compare males and females who work full time hours with males and females who work part time. This is important because those working fewer hours suffer a basic earnings, bonus and career progression penalty over the course of their working life, relative to full time workers. Therefore, in order to understanding the underlying factor behind the gender pay gap, part time workers must be compared with full time workers. Some of these issues could be addressed in regulations.

The dissolution of the last Dáil meant the legislation fell and it is crucial that similar legislation be introduced in the current Dáil.

To conclude, while increased transparency around pay will of itself not close the gender pay gap, it is an extremely important step in promoting actions to tackle the problem at enterprise level and to shine a light on a glaring gender inequality in our labour market. Any new law should cover all organisations employing more than 20 people, which would cover 70% of those employed in Ireland.

At European level, the 16% gender pay gap between what women and men are paid across Europe is no longer acceptable. That is why Congress supports the ETUC Gender Pay Transparency campaign. As discussed above, pay transparency is a realistic solution to reduce the gender pay gap. Some member states have already taken steps in this direction. Now is the time to introduce an EU pay transparency law.

- In Portugal making employers give employees information on average salaries is believed to be why it has a relatively small gender pay gap.

- In France a law requiring employers and unions to discuss the gender pay gap once a year during pay negotiations resulted in the amount of collective agreements tackling the gender pay gap rising from 3% to 10% in the first 3 years.
- In Denmark the gender pay gap shrunk 7% in the 1000 firms covered by a law which obliged them to report on gender pay statistics.
- The ETUC is calling for a new EU Directive on Gender Pay Transparency that will end pay secrecy by:
 - banning pay secrecy clauses in contracts so that workers can discuss pay.
 - requiring information for job evaluation for the purpose of establishing equal pay for equal work.
 - making all employers produce pay information (audits) and annual action plans on pay equality.
 - supporting unions to negotiate with employers to tackle the pay gap.
 - requiring job advertisements to include the pay range.
 - preventing employers hiding behind privacy, data protection or administrative burden to avoid pay transparency.
 - ensuring transparency for the whole pay package including benefits, bonuses, pensions, allowances etc.
 - imposing sanctions on employers who do not take action.

If we take no action, it could take decades for us to achieve pay equality. Women can't wait that long. Europe can't wait that long. We ask members of the Citizens Assembly to support our calls for further action.

Gender Pension Gap

We have outlined above the fact that women do more unpaid work, take more career breaks reflecting their disproportionate share of caring responsibilities and this not surprisingly has consequences in the latter part of a woman's life. According to the ESRI⁷, the gender pension gap in Ireland is a staggering 35%.

The analysis finds that the average total weekly pension income in 2010 was €280 for women and €433 for men, indicating a gender pension gap of approximately 35%.

The total gender pension gap is due to differences in incomes from private and occupational pensions. 55% of retired men receive a private or occupational pension, compared to only 28% of women. For men and women who receive a state pension, there is no difference observed in the amount received, i.e. there is no gender gap in state pensions.

For occupational and private pensions, the research establishes that lower relative years of work experience among women increases the gender pension gap. The study shows a significant difference in the number of years worked by men and women. 93% of retired men had worked for more than 30 years, compared to 33% of retired women. 3% of retired men had never worked, compared to 22% of retired women.

⁷ <https://www.esri.ie/news/ireland-has-a-gender-pension-gap-of-35-per-cent>

In order to reduce the pension gender gap, policymakers need to consider measures to raise female employments levels, reduce the differences in occupational and private pension coverage across genders, ensure increased continuity in employment and adequately protect against care-related interruptions. Policies concerning the provision of increased and more affordable childcare and long-term care services can also play a role to increase female employment levels and ensure increased continuity in employment.

3. Collective Bargaining Rights

Collective bargaining is the process in which workers, through their trade unions, negotiate with their employers to determine their terms and conditions of employment, including pay, hours of work, holiday leave, sick pay and other benefits. Recognising the inherent power imbalance in the employment relationship the process of collective bargaining gives added weight to the expression of worker interest and as such the worker voice is recognised and respected. Collective bargaining is an essential part of a social market economy and without it there is no balance between capital and labour.

The Irish Congress of Trade Unions has, over many decades, campaigned to have legislation enacted which would give workers the legal right to engage in collective bargaining negotiations with their employer through their trade union⁸.

We believe that collective bargaining can be a key tool for wealth redistribution and tackling discrimination and inequality in our society. In fact, collective bargaining strength is positively associated not just with a higher labour share and with lower economic inequality but also with better economic performance. Nordic countries (Denmark, Finland, Iceland, Norway and Sweden) as well as Germany, Austria and the Netherlands provide concrete examples of countries with high levels of collective bargaining alongside high levels of employment and high levels of productivity. These countries' high-road model shows that collective bargaining is consistent with high levels of productivity, strong economic performance and less inequality.

Equality and equity at work are core trade union values. Discrimination based on not only gender but also on class, race, ethnicity, age, gender identity, disability, indigenous status, migration status and the intersection of these characteristics, still pervade the world of work, as does gender-based violence and harassment. Progress for women has stalled and discrimination, harassment and violence are on the rise again. Trade unions are working towards the full realisation of women's rights and protections. Through collective empowerment and women's equal representation in union leadership, through new regulation and the enforcement of existing regulations and through continued accountability, we can end discrimination and abuse. With women's rights, equality and equity at the core of their agenda, unions can win equal pay for work of equal value, stronger work life balance measures, and more investment in the care economy. The landmark ILO Violence and Harassment Convention 2019 (C190) and its

⁸ <https://www.ictu.ie/publications/fulllist/realising-the-transformative-effect-of-social-dial/>

Recommendation (R206), show the power of mobilisation of women, with their trade unions and their allies. Similarly, the ILO Centenary Declaration on the Future of Work is based on a transformative agenda for women's equality.

However, our ability to fully harness such ambition here in Ireland is hampered by the somewhat unique position in the developed world in that, while the Irish Constitution protects the right of freedom of association, trade unions have no legislative right to be recognised in the workplace for collective bargaining purposes, or to engage directly with employers.

Therefore, we have called for the Enactment of a statutory Trade Union Rights Act setting out a Charter of Rights for trade union members and would ask the members of the Citizens' Assembly to support this as a strong vehicle for gender equality in our workplaces and society.

4. Reconciling Work and Family Life

4.1 Flexible Working

The Covid-19 crisis has led to many of us working in a more flexible manner than previously and there will be much learning to be had from this experience. Pre-crisis, the ILO⁹ had observed that competitive demands have led to changes in working-time arrangements at the enterprise level, while changes in labour supply, and particularly the larger numbers of women in paid employment, are contributing to a growing concern about conflicts between paid employment and personal responsibilities, such as caring for family members. Measures to assist workers improve the balance between their working and personal lives are therefore taking on greater importance.

Flexible working is invaluable in helping people achieve a balance between work and home life and we believe that it should be the default position. As well as offering benefits to people across the workforce, making flexible working available in all but the most exceptional of circumstances would be a catalyst for promoting greater gender equality by giving families a greater say in how and when they share their caring responsibilities. It would also help to address some of the barriers disabled workers face in the workplace.

Flexible work schedules and other types of flexible working time arrangements can provide some of the most cost-effective solutions to achieve work life balance. However, the specific type of working time flexibility involved has a distinctive impact on work life balance. In general one can distinguish between working time flexibility that is employer-led and that which is worker-led.

⁹ https://www.ilo.org/wcmsp5/groups/public/---dgreports/---cabinet/documents/publication/wcms_649907.pdf

Employer oriented flexibility includes, for example, schedules that are being determined and varied according to the operational requirements of the business, such as shift work, hours averaging arrangements (including annualised hours) and on-call work.

Congress notes the findings of a research study, commissioned by Financial Services Unino and undertaken by the University of Limerick, on “Technology, Work and Skills: The Impact of Technology on Employees¹⁰” which reveals that women and men had some different experiences of workplace technology. Women were more likely to expect that there would be a significant level of automation of their role and that their work was being monitored through technology.

The study recommends that greater attention needs to be paid to possible gender implications of workplace technology. We recognise that while there may be some advantages to technology in regards to work life balance (WLB), e.g. in facilitating homeworking, there is evidence that the emergence of organisational cultures which either demand or institutionalise the use of technology to remain engaged with work outside of working hours erode the advantages that technology creates in relation to WLB. We will work to protect workers from such negative impacts of future technology on work, which includes legislation to provide workers for the right to disconnect and to end the informal extension of the working week and the over-use of technology for work purposes.

Congress calls for further analysis and action on the gender implications of workplace technology, particularly in those sectors and jobs which are most at risk.

Worker-oriented flexibility, on the other hand, refers to working time arrangements where employees have some degree of choice or influence over the timing (and sometimes also the place) of their work. Some prominent models are flexi-time arrangements, time-banking and compressed work weeks.

It is also possible for many different types of working time arrangements to be ‘balanced’, meaning that they are specifically designed to meet the needs of both workers and enterprises.

Congress believes that agreed flexible working options can be mutually beneficial and believes it is time to introduce legislation to make flexible working the norm across the economy. It is important to stress that we do not see this as including one-sided flexibility, available only on the employer’s terms. The flexible working arrangements that we are seeking to normalise are those which reflect genuine, two-way flexibility, helping workers balance work and their life outside the workplace. We would strongly oppose the introduction of any steps which promote employers’ ability to have an ‘on demand’ workforce, while minimising their obligations to the people who work for them. There is a presumption that there is autonomy of choice of work in the labour market, but the rise of insecure work has brought with it increased levels of forced flexibility.

¹⁰ <https://www.ul.ie/news-centre/news/university-limerick-report-calls-measures-prevent-overuse-technology>

In 2019 the European Union adopted legislation—the Work-Life Balance Directive¹¹—designed to help parents and carers to combine their working and family lives. This is definitely a major step forward. But it is by no means the end of the battle to give women equal opportunities in the labour market and to enable workers to care for their children and other dependants in a fair, humane and stress-free way. Consequently, Congress will not only be pushing the Irish government to transpose the law as rapidly and comprehensively as possible, but also negotiating for even better work-life balance arrangements, not least in the area of flexible working.

Reconciling work and family care is a concern for workers in every sector throughout their working lives. Yet women still shoulder the bulk of responsibility for caring and this has an impact on their working lives, often forcing them to take part-time or lower-paid jobs or drop out of the labour market altogether. Work life balance entails a combination of measures allowing men to play a greater role in childcare and giving women access to flexible working, public services and childcare. It means that governments must recognise the diversity of family life in the 21st century.

Congress insists that trade unions must now be consulted and involved in the process of converting the Work Life Balance Directive into national law. The new Directive sets minimum standards but through collective bargaining unions can build on the basic legal rights, securing extra protection for carers as well as the full implementation of those rights.

Under the Directive the right for parents to request such flexible working arrangements has been extended to include working carers. Disappointingly however, it has failed to grant the right for flexible working time, instead providing only for the right to request it.

There is no doubt however that the Directive is good for citizens, business and the economy.

- Parents and carers will profit from a better work life balance. Moreover, the foreseen increase in women’s employment, their higher earnings and career progression will positively impact their and their families’ economic prosperity, social inclusion and health.
- Companies will benefit from a wider talent pool and a more motivated and productive labour force, as well as from less absenteeism. The rise in women’s employment will also contribute to addressing the challenge of demographic ageing and ensuring national financial stability.
- Reconciliation policies must not be considered as benefits for women or parents only but rather as a deeper change in employment policies and functioning of businesses, from which all employees, regardless of their gender and family status, as well as employers can benefit.

¹¹ <https://ec.europa.eu/social/main.jsp?catId=89&furtherNews=yes&newsId=9438&langId=en>

- Good work life balance has a positive impact on the wellbeing of workers. It can also contribute to achieving major policy goals: stimulating employment (especially among women and older workers) and growth; promoting children and youth development; and eventually achieving gender equality.

Congress believes that the implementation of the Directive would be a good start but that the employees' right to request modification should be unlimited. The reality is that the range of reasons people request flexible work - mental illness, domestic violence, ageing family members, and other pressures - do not afflict employees at predictable intervals, and only up to a maximum number of times per calendar year. Real flexibility and real options for workers require latitude to request modifications to work arrangements as necessary.

There should also be no restriction on the right to request a modification of work arrangements only after completing a minimum period of service with the employer. A right is a right. It must not be reduced to a privilege that is contingent on whether or not the employee has demonstrated his or her 'worthiness' in the eyes of the employer.

Ultimately our call is for all workers, regardless of employment contract, to have a day one right to flexible work. This should be implemented alongside a new duty on employers to advertise all roles as flexible.

Any new arrangements should also include the introduction of protections for those who seek flexible working options.

We ask the members of the Citizens' Assembly to support these calls.

4.2 Family Leaves

Despite recent improvements, Ireland lags behind our EU counterparts in terms of family leaves provided to working parents¹².

Research¹³ has shown that despite the increased costs associated with having a baby, most Irish households suffer a serious drop in income during this period. This is due to our low levels of parental benefits.

Maternity Benefit is a social insurance benefit. Women receive a flat rate €245 per week, regardless of their wage. This amounts to 30% of the average fulltime wage. This compares badly with other EU countries that provide pay-related benefit. In Austria, Denmark, France, Germany, the Netherlands, Spain and Portugal 100% of an

¹²

https://www.leavenetwork.org/fileadmin/user_upload/k_leavenetwork/annual_reviews/2019/2.2019_Compiled_Report_2019_0824-.pdf

¹³ How much will baby's first year cost?, Mummy Pages: <https://www.mummypages.ie/-how-much-will-babysfirst-year-cost-Revealed-the-Staggering-Cost-of-Raising-a-Baby-in-its-1st-year>, Irish Independent, October 4th 2017: <https://www.independent.ie/business/personal-finance/revealed-the-staggering-cost-of-raising-ababy-in-its-first-year-36196755.html>

employee's wage is paid. In all, 14 out of 27 EU countries pay 100% of the wage, while Italy, Sweden and Belgium pay approximately 80% of employee's wage while others pay 70 to 75%.

If an average-waged woman working in Ireland received the same level of Maternity Benefit as Danish, Dutch and German women she would receive €800 per week, approximately €550 per week more than the current benefit. In terms of maternity benefit, Ireland is an extreme outlier.

While 48% of women employees on maternity leave receive a top-up from their employer (though not necessarily up to their full wage), this is heavily weighted towards the public and financial sectors. The majority of women in the private sector do not receive any top-up.

Also, after 26 weeks paid maternity leave, women are entitled to take up 16 week, unpaid maternity leave. However, only 41% took any unpaid leave and of those who did the majority took less than the full 16 week entitlement. Reasons for this range from financial and employer pressures to concerns over return to employment and the impact on career.

4.2.1 Paternity Benefit

Irish paternity benefit for fathers is also weak. Fathers in Ireland receive 10 days paternity leave at €245 per week. Many other countries offer up to three weeks leave (Finland offers nine weeks). Again, in many of these countries recipients receive 80 to 100% of pay.

4.2.2 Parental and Parents Benefit

There are two types of parental leave:

- **Parent's Leave (Benefit):** this social insurance benefit provides for two weeks leave in respect of children less than one year of age (or first year of adoption). Payment is the same as Maternity/Paternity Benefit; that is, €245 per week.
- **Parental Leave:** this provides 22 weeks unpaid leave in respect of children under 12 years.

Other EU countries provide more generous benefits though comparisons are difficult given the complexity of systems. In Germany, for instance, parents receive up to 12 months leave at 67% of earnings, with unpaid leave for older children. In Austria, parents can take up to three years with five different compensation options.

Again, the EU Work Life Balance Directive proposes improvements in this area, including an individual right to 4 months of parental leave, from which 2 months are non-transferable between the parents and are paid. The level of payment and the age limit of the child is to be set by member states.

Congress would ask that the Citizens' Assembly recommend that the process of transposing the Directive should be used to explore a New Insurance Deal for Parents,

one which would maintain family incomes and ensure that all employees should enjoy the same support regardless of income or occupation. Such an arrangement would constitute a transformation in family support and work life balance, ensure that all employees enjoy similar supports and put us on a par with best practice in Europe.

Congress requests the Citizens Assembly to recommend placing family benefits on a pay-related basis and extend such paid leave for both women and men.

4.3 Carers Leave

Family carers are the main source of care provision for those in need of care due to a long-term illness, disability or frailty living in the community. It is worth noting that:

- Approximately 4.1% of the Irish population are carers (CSO 2016¹⁴).
- 54.6% of carers are in the labour force (CSO, 2016).
- 61% of carers are female, 39% male.
- An ageing population will mean increased demand for care will soon exceed supply.

Consequently, balancing work with care obligations will become an increasingly important health, social and economic issue and we will need more public investment in our care infrastructure.

While there are existing entitlements in the Carer's Leave Act 2001, Congress is seeking improved terms and conditions for carers seeking to reconcile work with caring responsibilities, which would enable carers to remain in touch with the labour market to the greatest extent possible.

The transposition of the EU Work Life Balance Directive provides for:

- A minimum of 5 days carers leave per year, per worker.
- Right for carers and parents to request flexible work arrangements.
- And 'significant room for manoeuvre' regarding implementation.

It provides a useful context for a discussion that would lead to improved arrangements for working carers. Congress again notes that the Directive is a minimum standard and is seeking more ambition, including payment to avoid it remaining an option for the better off only.

4.4 Breastfeeding Breaks at Work

To mark National Breastfeeding Week 2019, ourselves and Baby Feed Legal Group Ireland issued a statement to remind all workers of their rights relevant to infant feeding and to seek better legal provision for such rights. Currently, under Irish law, women who are breastfeeding are entitled to time off or a reduction in working hours to breastfeed their baby, up until the child is 26 weeks of age. This time can be used in several different ways:

¹⁴ <https://www.cso.ie/en/releasesandpublications/ep/p-cp9hdc/p8hdc/p9cr/>

- You can breastfeed during these breaks if your child is being cared for nearby.
- Your childminder can bring your baby to the workplace at your break times.
- You can express and store breast milk during these breaks if your employer provides a suitable room for this.
- If there are no facilities for breastfeeding or expressing at work, you can reduce your working hours by one hour each day (per eight-hour working day) without loss of pay (e.g. by starting an hour later or leaving an hour earlier).

Provision of these breaks until the child is 26 weeks old is the nationally mandated minimum. The exception is the Civil Service and education sector where trade unions successfully negotiated an entitlement to lactation breaks for female employees up until their child's second birthday, to bring it into line with Department of Health's best evidence-based recommendations for breastfeeding¹⁵. These are the only sectors of the workforce where this exists.

We have continually made the case for an extension of the period and believe that the upcoming paid parental leave scheme and the transposition process for the EU Work Life Balance Directive provide an opportunity to extend the entitlement to lactation breaks until at least the infant's second birthday. Such improvements are provided for in an Action of the National Strategy for Women and Girls: Action 2.18 "Extend provision for breastfeeding breaks under employment legislation¹⁶".

In addition to the rights of women, under the Maternity Protection (Time off for Ante-Natal Classes) Regulations 2004, expectant fathers have a once-off right to paid time off work to attend the last two antenatal classes prior to the birth of a child. However, this entitlement does not extend to every pregnancy, while the woman is in employment it is only a once-off right. We also believe that it should apply to all pregnancies.

5. The Care Economy

The care of children and older people is highly gendered. The overwhelming majority of carers of children in the home are women. 98% of employees in Early Years Services (e.g. childcare, early education) are women. Women undertake 65% of all unpaid care in the home.

The Irish childcare system is broken. Childcare fees are the highest in the EU36 while 60% of employees in the childcare sector – almost all women – earn below the Living Wage of €12.30 per hour. Many early years professionals are forced to sign on the dole when the childcare facility in which they work is closed for summer holiday¹⁷. Our childcare system is widely recognised as being a significant barrier to greater labour force participation by women – as households can't afford the fees.

¹⁵ <https://www2.hse.ie/babies-and-toddlers/breastfeeding/>

¹⁶ P.49 http://justice.ie/en/JELR/National_Strategy_for_Women_and_Girls_2017_-_2020.pdf/Files/National_Strategy_for_Women_and_Girls_2017_-_2020.pdf

¹⁷ <https://www.pobal.ie/app/uploads/2019/12/Annual-Early-Years-Sector-Profile-Report-AEYSPR-2018-19.pdf>

Irish childcare is not treated as a professional public service. Affordability and professionalisation are opposed to one another. If a provider wants to improve wages and working conditions, they must increase fees (thus undermining affordability and women's participation in the labour force). If a provider wants to reduce fees, they must squeeze pay and working conditions (as labour makes up 70% of providers' expenditure).

The problems of affordability and professionalisation are opposed to each other under the current and so a new model is required:

- The Government take over the payment of wages in the childcare sector – similar to what happens in the early education (the 15-hours free education for three and four year olds) and primary school sectors. This would immediately reduce providers' costs by 70%.
- Childcare fees would only need to cover the providers' non-labour costs. These fees would be capped at, for example, €60 per week – a generous amount to cover such costs.

Under these proposals, affordability and professionalisation now work together, not against each other. The first step the Government should take is to raise all pay in the sector to a Living Wage minimum as part of a medium term strategy to ensure wages and working conditions reflect the growing professionalisation of the sector.

Under these proposals women will have greater access to the labour market while employees can bargain for appropriate wages and working conditions.

For childcare and care for older people in the community, Congress asks the Citizens' Assembly to recommend that childcare be treated as a public service by:

- (a) the state taking over a substantial proportion of providers expenditure (i.e. wages and in-work benefits) and;**
- (b) caps on childcare fees to ensure affordability and greater labour force participation for women.**

6. Gender based Violence and Sexual Harassment in the World of Work

All workers have the right to work free from sexual harassment as a human right, a workplace right and a safety right. Yet workplace sexual harassment and gender based violence continues to be widespread and pervasive. Women bear the brunt of sexual harassment at work with international studies showing that around 1 in 3 working women will experience sexual harassment in the workplace over the course of their working life.

That is why Congress participated in the workers group at the ILO to negotiate a new international labour standard to tackle the issue. This resulted in the agreement of a

new ILO Convention 190¹⁸ in June 2019 and we are urging the Irish Government to continue to prioritise the ratification of that instrument despite the Covid-19 crisis - as violence and harassment in the world of work will surely survive this crisis.

Our 2019 survey¹⁹ of trade union members found that the most common incident of sexual harassment reported by respondents was verbal e.g. unwelcome jokes of a sexual nature (half of all incidents); verbal sexual advances (40%), comments of a sexual nature about their body or clothes (one third). Around one in seven respondents reported experiencing unwanted sexual touching or attempts to kiss them. 2% reported being seriously sexually assaulted or raped at work, of which five respondents said that this occurred within the past 12 months.

In line with existing research, the survey found that in eight out of ten cases (81%) the harasser was a man. For the majority, the perpetrator is a colleague (half of all incidents). One in three reported that their direct manager or another manager was their harasser.

The survey found that a high number of workers experiencing sexual harassment take no action either formal or informal, and an unacceptably high level express dissatisfaction with their employer's actions among those who do report. Four in five workers (81%) took no action, while only one in four of the small minority who did report sexual harassment to their employer felt it was taken seriously and dealt with satisfactorily. Three quarters felt that it was not dealt with satisfactorily, half of whom reported that they were treated worse as a result e.g. passed over for promotion or other opportunities targeted for further bullying or harassment.

The Employment Equality Act places a legal requirement on employers to have a policy and procedures in place to prevent sexual harassment in their workplace and to deal robustly with any complaints. However, the number of complainants who are dissatisfied with the handling of their complaint or the outcome remains persistently high. In addition, the number of women who do not report incidents points to serious failures in the system.

Workers need to know that, if they make a complaint it will be taken seriously and that appropriate action will be taken against perpetrators.

We need to see employers in Ireland committing to more urgent action and to communicating a zero tolerance for harassing behaviours in the workplace. Employers who fail to meet their obligations in relation to sexual harassment should face significant sanctions.

7. Menopause

¹⁸ <https://www.ictu.ie/bdc19/news/2019/06/21/ictu-welcomes-adoption-of-new-ilo-convention-and-r/>

¹⁹ <https://www.ictu.ie/press/2019/11/25/ictu-survey-reveals-shockingly-high-levels-of-unde/>

The menopause remains a taboo subject with women finding it difficult to raise the issue with their manager. In Northern Ireland, our Women's Committee²⁰ found that half of women stated that menopause had been '*treated as a joke*' in the workplace; only 40 percent would '*feel comfortable*' discussing menopause in the workplace while 55 % said that the gender of their line manager would influence their decision to raise the issue. This is despite the fact that 81% of women in menopause will experience symptoms; 45% will endure moderate to severe symptoms. These symptoms can have a significant impact on women's health and wellbeing. The menopause affects women when they are often juggling demanding jobs, school-age children and elderly parents. This can have an impact on emotional wellbeing and lead to excessive levels of stress. In the UK the Employment Tribunal held that an employers' failure to deal with menopausal symptoms was discriminatory under the Equality Act.

This calls for a similar response in Ireland; namely, a requirement that employers deal with medical conditions arising out of menopause in the same way as they would deal with other medical conditions.

Congress calls for a national conversation on the subject of a statutory menopausal leave. In the short term there should be a statutory recognition of menopausal symptoms as a medical condition, requiring that employers treat it as such.

8. Domestic Violence and Abuse

Domestic abuse is considered to be the physical, sexual, financial, emotional or psychological abuse of one person against another within a family environment or by an intimate current or former partner.

Domestic abuse can exact a considerable physical, psychological and financial toll on victims. And the Covid-19 crisis is having worrying impact. Home is not always the safest place during the Covid-19 Crisis and there are worrying reports from China and Italy that indicate an increase in domestic violence incidents during the crisis. We must remember that workplaces and schools often offer sanctuary for victims of domestic violence. Job losses, remote working, self-isolation and other measures are already impacting on victims. The reality that the abuser may also be at home more can be very scary.

In the workplace this can manifest itself in absenteeism and lowered performance. Article 18 of ILO Recommendation 206²¹ on violence and harassment in the world of work states that appropriate measures to mitigate the impacts of domestic violence in the world of work could include:

- (a) leave for victims of domestic violence.
- (b) flexible work arrangements and protection for victims of domestic violence.

²⁰ <https://www.ictuni.org/publications/ictu-menopause-survey-results/>

²¹ https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:R206

- (c) temporary protection against dismissal for victims of domestic violence, as appropriate, except on grounds unrelated to domestic violence and its consequences.
- (d) the inclusion of domestic violence in workplace risk assessments.
- (e) a referral system to public mitigation measures for domestic violence, where they exist; and
- (f) awareness-raising about the effects of domestic violence.

This is useful guidance for future actions here in Ireland. Workplaces must adopt guidelines to help identify victims of domestic violence and abuse so that employers, managers, trade union representatives and work colleagues can provide a safe and supportive environment. A crucial part of this support should be the introduction of paid domestic leave. This has already been introduced in New Zealand and the Philippines. Following the New Zealand example, a new Domestic Violence leave should be introduced, allowing for up to 10 days of full paid leave.

Congress asks the Citizens Assembly to recommend that domestic violence paid leave be introduced and that article 18 of ILO Recommendation 206 be used to inform this and other actions in this area.

9. Women in Leadership

Lower rates of female labour market participation, the concentration of women in lower paid jobs and outside of senior management roles and few supports for working parents are deeply connected to the lack of gender balance and low levels of women in economic decision-making. Gender balance in leadership roles in trade unions, business, politics and public life is crucial to ensure accountability and responsiveness to women in all their diversity. Ensuring that the voices of women are heard in decision making and that their participation is supported and resourced is key to tackling gender inequalities from the ground up. Congress has recently implemented a women in leadership programme and plans to continue and develop this initiative.

In July 2018, the Taoiseach, Minister for Justice, and the Minister for Equality announced a new Review Group – Balance for Better Business²² - composed of senior business figures and government officials to make recommendations on how to increase the percentage of women on corporate boards and in senior management in leading Irish companies.

Our General Secretary, Patricia King is on the advisory group to the initiative. Congress recognises the urgent need for action in this area. We showed in our 2018 annual report on CEO pay, *'Because We're Worth it – the Truth about CEO Pay'* that there were only two female CEOs in twenty-seven leading Irish companies we reviewed.

²² <https://www.betterbalance.ie/>

The Review Group needs to take a holistic view of the barriers women face daily in the workforce and if the recommendations are to fully capture this, it is essential that the voices and experiences of female workers are included.

Achieving gender diversity on corporate boards is unlikely to be realised if this new initiative is confined to senior figures in business and government officials. As the representative of some 800,000 working people, some 50% of whom are female, Congress has long campaigned for measures to improve access to childcare, a positive change in the work culture and promoting confidence in young female workers to put themselves forward for promotion.

In May 2019 they set targets of 33% female representation on boards of ISEQ 20 companies by 2023 and 25% for other listed companies. They also set a target of no all-male boards by the end of 2019.

The launch of the second Balance for Better Business Report in December 2019 revealed that while progress had been made, serious gender imbalance persists:

- ISEQ 20 companies achieve 2020 interim target of at least 25% female directors.
- Virtually no progress made among the other listed companies.
- No change made to all-male boards listed on Euronext Dublin.
- Gap between Ireland and other EU member states closing, but Ireland remains 17th.

The Gender targets were extended to leadership teams and private companies. While the initiative is a welcome one, clearly more needs to be done.

Congress requests the Citizen's Assembly to propose that effective measures are implemented to promote women's participation and leadership in all forms of decision-making in the workplace.

Wider Societal Issues

Our submission is mainly in relation to workplace issues but our recent Women's Conference also debated a number of motions²³ in relation to wider societal issues. Given the current housing and homelessness crisis, we have included some suggestions below on that.

10.Right to Housing is a Gender Issue

Housing is a gender issue insofar the failure of the State to uphold and vindicate a Right to Housing, a right to adequate, appropriate and affordable accommodation - either in law or in practical terms - has had serious, ongoing and profound consequences for thousands of families.

²³ https://www.ictu.ie/download/pdf/ictu_womens_conference_2020.pdf

It is well established that evictions are the single greatest cause of family homelessness in Ireland and that more than a third of the 10,271 people currently listed as homeless are children - a fact that has obvious and damaging implications for the role of women within the family unit. Indeed, a staggering 60% of homeless families are headed by single parents with the majority of those single parents being women.

Ireland's homeless increased by over 200% since between 2014 and 2018, while the number of homeless families has increased by over 300% since 2015.

A key concern from a gender perspective is the fact the rate of female homelessness seen in Ireland is double that of other EU states.

In addition, for those who have managed to secure accommodation the broken nature of Ireland's housing model often means that such accommodation is very expensive and results in savings having to be made on other essentials - such as food and clothing - within a family budget. Again, this would tend to impact most on females in the household.

House prices in Dublin are more than nine times the average wage and over half the country is classified as 'unaffordable' in terms of accommodation.

The ongoing housing and homeless crisis arises primarily from the State's failure to ensure an adequate supply of public and affordable housing and having effectively outsourced the provision of same to the private sector, leading to huge shortages and excessive prices.

Ireland is not alone in this and it has been estimated that housing costs are an increasing concern for some 80 million Europeans. The consequent increase in crowded, unsuitable and precarious accommodation impacts most on minority groups (ethnic and gender), persons with disabilities, migrants and children.

A key component of the overall solution is to establish in Ireland - by way of referendum - a Right to Housing in law. This right already exists in some 81 countries worldwide and was previously recommended for adoption in this country in 2016, by the Constitutional Convention, as part measures to strengthen an array of economic, social and cultural rights.

While the adoption of such a right would not of itself solve the housing crisis it would remove a barrier to a number of essential measures in this area which it is currently argued are 'unconstitutional' and would also establish a clear aspiration as to the type of society we wish to create.

As pointed out by the former UN Special Rapporteur on the Right to Housing, the Committee on Economic, Social and Cultural Rights, has determined that the right to adequate housing "should not be interpreted narrowly, as a right to mere physical shelter or to housing conceived as a commodity. Rather, the right to housing must be understood in relation to the inherent dignity of the human person."

In her final report (January 2020)²⁴, the UN Rapporteur sets out specific guidelines for addressing discrimination, inequality and ensuring gender equality in respect of the Right to Housing.

The guidelines point out that: “Discrimination, exclusion and inequality are at the heart of almost all violations of the right to housing. Housing systems have intensified social, economic, political and spatial inequalities.”

The Rapporteur explains that: “As a result of discrimination and inequality in housing, many women and girls live in insecure, undignified and unsafe conditions, at increased risk of homelessness and violence.”

Therefore “the right to housing must be recognised as a central component of women’s right to substantive equality, which requires that laws, policies and practices be altered so that they do not maintain, but rather alleviate, the systemic disadvantages that women experience.”

Congress asks the Citizens’ Assembly to support our call for a referendum on the right to housing.

Irish Congress of Trade Unions March 2020

²⁴ <https://undocs.org/en/A/HRC/43/43>