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## An Coiste um Chomhionannas Inscne

Daonlathas Neamhchríochnaithe: Comhionannas  
Inscne a bhaint amach

An Tuarascáil Deiridh Nollaig 2022

## Joint Committee on Gender Equality

Unfinished Democracy: Achieving Gender Equality

Final Report December 2022



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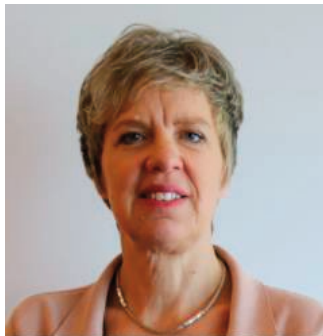
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<sup>1</sup> Appointed by Order of the Dáil of 12 July 2022.

## Cathaoirleach's Foreword



Over the course of 2022, the Committee held a range of hearings to consider the comprehensive recommendations produced by the Citizens' Assembly. The Committee regards the 45 Assembly recommendations as a blueprint for achieving a gender equal Ireland, and so the focus of our deliberations was on how best to secure their implementation. The aim of this report is thus to provide an action plan for change, with meaningful timelines for implementation.

The Assembly recommendations, and the action plan adopted by our Committee, lay emphasis upon the need to reform legislation and regulation, and to establish better public services and improved social protection in order to advance gender equality. It is acknowledged that the implementation of some of the recommendations may carry a financial cost, and costing is beyond the remit of this Committee, but it should be noted that the Assembly members expressed their willingness to support and pay higher taxes based on the principle of ability to pay, in order to make a reality of their recommendations.

The Committee engaged both in private and public, in person and through written submissions, with stakeholders, academics, Government Ministers and officials, civil society organisations and those with relevant lived experiences on a range of issues and policy areas relevant to gender equality, as considered by the Citizens' Assembly.

Building on the Interim Report which the Committee published in July 2022, this report presents wording for constitutional amendments to give effect to recommendations 1-3 of the Assembly regarding the Constitution. The report also sets out comprehensive recommendations on care and social protection; on measures to address Domestic, Sexual and Gender Based Violence (DSGBV); on the role that education can play in challenging gendered norms and stereotypes; on the impact of pay and workplace conditions on gender equality; on how to achieve gender equality in leadership, politics and public life; and on how the gender equality principle can be protected through law and policy.

The Committee acknowledges that the implementation of some Assembly recommendations is already underway, and we now call on the Government to ensure the timely implementation of all of our recommended actions. In particular, we want to see a referendum held in 2023 to give effect to Assembly recommendations 1-3.

As Cathaoirleach, I would like to thank the Committee Members for their constructive support and immense commitment to fulfilling our mandate. I would like to thank Dr Catherine Day and the members of the Citizens' Assembly for their hard work and dedication, as well as their continued engagement with the work of this Committee. Finally, I would also like to express my sincere gratitude to all the groups and individuals who came before the Committee to give evidence in person or remotely, and to all who provided written submissions. The expertise and experience of stakeholders was critical to the development of this report, and we thank you all for your valuable input.

We look forward to the implementation of our recommendations, and to the achievement of a truly gender equal society. As the Assembly has stated, 'gender equality is a matter of human rights, justice, and fairness. It must underpin all of our interactions as a society.'

Until gender equality is achieved, our democracy will remain unfinished.

A handwritten signature in black ink, reading "Ivana Bacik". The signature is written in a cursive, flowing style. The first name "Ivana" is written in a larger, more prominent script, and the surname "Bacik" follows in a similar but slightly smaller script. The signature is contained within a thin black rectangular border.

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Ivana Bacik T.D.

Cathaoirleach

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## Executive Summary

The Committee on Gender Equality was established to consider the 45 recommendations contained in the Report of the Citizens' Assembly on Gender Equality, together with the response of the Government to each such recommendation, having regard to the open letter to the Oireachtas contained in that report.

The Committee held 23 public meetings and received over 60 written submissions, evidence from which forms the basis for this report.

At the outset, the Committee agreed to focus on the implementation of the recommendations of the Citizens' Assembly, rather than reopening the substantive policy debates engaged in by the Assembly.

The Committee then proceeded to group the recommendations of the Citizens' Assembly into a series of five modules and examined the recommendations within each module in turn.

The Committee identified recommendations 1-3 relating to the Constitution as an initial priority; and in the first module in March 2022 considered evidence on these from legal experts, NGOs and Government. The Committee's Interim Report on Constitutional Change, published in July 2022, then set out several options for wording to be put to a constitutional referendum to give effect to the recommendations of the Citizen's Assembly.

The Committee sought feedback from legal experts, civil society stakeholders and Government on these options and, taking these views into account, this report proposes a recommended wording on each of the recommendations to be put to the Irish electorate in a constitutional referendum in 2023.

Hearings on the second module related to the issue of Domestic, Sexual and Gender-based Violence (DSGBV), covered in Assembly recommendations 37-41. Hearings on these recommendations were held in March-April 2022. This report sets out a range of recommended actions to tackle DSGBV in Ireland and support victims/survivors, based on the evidence heard.

The third module covered the recommendations on Norms, Stereotypes and Education (26-31), along with those on the Gender Equality Principle in Law and Policy (42-45). Based on the extensive evidence provided, the Committee calls for a range of actions to be taken at all levels of the education system to eliminate harmful gender stereotypes, ensure that subject choice and career information for students is not limited by gender, and to provide equitable access to education for all.

Having heard expert evidence on equality budgeting, the Committee also sets out recommendations on the implementation of gender-proofing principles within public finance policy; and on the collection of essential data on equality issues.

Over the course of five public meetings under the fourth module, the Committee considered the extensive recommendations of the Citizens' Assembly regarding Care and Social Protection (4-19).

The Committee recognises the fundamental importance of care in Irish society and the key role that social protection policies can play in supporting care and promoting gender equality. This report sets out a range of specific recommendations to implement the Citizens' Assembly's vision for social protection and care in Ireland.

Indeed, the Committee's recommended wording for constitutional change also proposes to enshrine recognition of the value of care within the text of the Constitution.

Finally, within the fifth module the Committee considered the Assembly recommendations related to Pay and Workplace Conditions (32-36); and Leadership in Politics, Public Life and the Workplace (20-25).

In both contexts, the Committee recognises that there is still much work to be done to achieve equality for men and women. Based on extensive engagement, the Committee has developed a set of recommended actions to implement the Assembly recommendations so as to improve gender balance in politics, reduce the gender pay gap and improve family-friendly and flexible work practices.

The report of the Citizens' Assembly on Gender Equality set out 45 recommendations which amount to a blueprint for the achievement of gender equality in Ireland.

Within this report, the Committee on Gender Equality has proposed a range of actions to give effect to the Citizens' Assembly recommendations and has set out proposed timelines for implementation.



## Recommendations and Action Plan

|   | Citizens' Assembly recommendation  | Committee's recommended action  | Deadline/timeline                                    | Government action to date |
|---|--|---|--|---------------------------|
| 1 | Article 40.1 of the Constitution should be amended to refer explicitly to gender equality and non-discrimination.  | Hold a constitutional referendum in 2023 to give effect to the Citizens' Assembly recommendations on constitutional change, on the basis of the wording proposed by the Committee in Chapter 1.   | Process to start immediately and conclude by Q4 2023 |                           |
| 2 | Article 41 of the Constitution should be amended so that it would protect family life, with the protection afforded to the family not limited to the marital family.   | Hold a constitutional referendum in 2023 to give effect to the Citizens' Assembly recommendations on constitutional change, on the basis of the wording proposed by the Committee in Chapter 1.   | Process to start immediately and conclude by Q4 2023 |                           |
| 3 | Article 41.2 of the Constitution should be deleted and replaced with language that is not gender specific and obliges the State to take reasonable measures to support care within the home and wider community.   | Hold a constitutional referendum in 2023 to give effect to the Citizens' Assembly recommendations on constitutional change, on the basis of the wording proposed by the Committee in Chapter 1.   | Process to start immediately and conclude by Q4 2023 |                           |
| 4 | <p>To improve the terms and conditions of those in paid employment as carers (for children and adults):</p> <p>a. They should have a pay structure and benefits (including sick pay and pensions) that rewards their level of skill and training, similar to those of teachers and nurses.</p> | <p>Ensure that the State assumes full responsibility for remuneration of employees in the childcare and early years sector, on the same basis as in the primary and secondary sector.</p> <p>Reduce childcare fees for parents by at least two thirds.</p> <p>Increase wages and improve working conditions and progression opportunities across the caring professions.</p> <p>Ensure that pay and conditions of work for care workers are negotiated through collective bargaining.</p> <p>Provide government subsidies for in-work training opportunities in the care sector.</p> <p>Ensure that all home care workers employed by non-statutory providers have equal pay and terms and conditions as those employed by the HSE.</p> <p>Conduct an examination of the intersection of care work and social protection schemes to remove anomalies such as the four out of seven days rule.</p> | Process to start immediately                         |                           |

|   | Citizens' Assembly recommendation  | Committee's recommended action  | Deadline/timeline                 | Government action to date  |
|---|--|---|-----------------------------------|--|
|   | b. They should have a career structure, including access to training and professional registration, which enables them to progress in their chosen area. | <p>Develop a career structure for carers in the early years sector, similar to that in primary education, which encourages people to remain in the sector while having a lifetime of career development within it.</p> <p>Reconfigure the delivery of support, based on the specificity and complexity of a client's needs and preferences and the different skill levels required within the homecare workforce.</p> <p>Adopt specific policies to promote gender balance and attract more male workers to the sector.</p> <p>End the practice of designated time increments for specific home care activity. E.g., 15 minutes to shower or 15 minutes to eat.</p> | Process to start immediately      | <p>First 5<sup>2</sup>, the cross-departmental strategy to support babies, young children and families, was published November 2019 and commits to developing a Workforce Development Plan for Early Learning and Childcare and School Age Childcare staff; establish a career framework; and work towards building a more gender-balanced and diverse workforce.</p> <p>In December 2021, Minister O'Gorman published 'Nurturing Skills: The Workforce Plan for Early Learning and Care and School-Age Childcare 2022-2028'<sup>33</sup>, which sets out a career framework for the early years sector.</p> <p>Regulation of SAC was introduced for the first time in 2019, under the remit of Tusla, following the publication of S.I. No. 575/2018.</p> |
|   | Reform Carer's Allowance by:   | Consider further increases to income disregards.  | Process to start immediately      | From June 2022, the capital/savings disregard for Carer's Allowance increased from €20,000 to €50,000. In addition, the weekly income disregard increased to €350 for single earners and €750 for carers with a spouse/partner.  |
| 5 | a. Increasing the level of the income disregard.   | <p>Increase means test threshold.</p> <p>Assess applicants to Carer's Allowance on individual means, rather than those of their partner or other household members.</p>   |                                   |  |
|   | b. Reimbursing the costs associated with caring.   | <p>Commission a 'Cost of Care' review that calculates the financial cost of unpaid care and examines the societal value of unpaid care.</p> <p>Bring social protection rates for carers in line with a minimum essential standard of living (MESL).</p> <p>Prepare a report on the potential introduction of a participation income as an income support that acknowledges the contribution given by carers to society.</p>   | Process to begin with Budget 2024 | From January 2023, the maximum rate of Carer's Allowance will increase by €12 with proportional increases for people on reduced rates of payment. The weekly rate for a qualified child will increase by €2 from €40 to €42 for children under 12 years of age. It will increase by €2 from €48 to €50 for   |

<sup>2</sup> [5223\\_4966\\_DCYA\\_EarlyYears\\_INTERACTIVE\\_Booklet\\_280x215\\_v1.pdf \(first5.gov.ie\)](#)

<sup>33</sup> Nurturing Skills: The Workforce Plan for Early Learning and Care and School-Age Childcare 2022-2028  
<https://assets.gov.ie/206497/c2e401c3-335d-46d5-9648-437db4ebccff.pdf>

|   | Citizens' Assembly recommendation   | Committee's recommended action   | Deadline/timeline            | Government action to date  |
|---|---|--|------------------------------|--|
|   |   | Payments made to those availing of Carer's Leave should be benchmarked to their previous earnings.   |                              | children aged 12 years and over.   |
|   | c. Increasing the ceiling on the number of hours in paid work outside the home.   | <p>Recognise that imposing a strict limit on the number of hours an unpaid worker can work or study disproportionately affects women, who are the vast majority of recipients of social protection schemes aimed at carers.</p> <p>Review the use of ceilings on earnings for the purpose of ensuring carers can avail of flexible working arrangements.</p>   | Process to start immediately | Under measures introduced in Budget 2022, there was an increase in Carer's Allowance recipient's employment/training/study hours from 15 to 18.5 hours.  |
|   | d. Providing access to State employment and training programmes.  | <p>Require INTREO and Education and Training Boards to make more high-quality, part time training and education schemes available on a voluntary basis. This may also be of benefit to persons on other payments such as Jobseekers Transitional payment.</p> <p>Ensure that those who do not meet means testing requirements for Carer's Allowance are none the less registered in the system in terms of care credits and PRSI record.</p> <p>Introduce care credits which ensure that periods of time spent caring are recognised not only in terms of pensions but when assessing other social protection entitlements or voluntary access to INTREO, Back to Education Allowance and other relevant schemes.</p> <p>Ensure that those who have returned from overseas who care for a family member are not excluded from qualification for Carer's Allowance or PRSI credit due to the fact that they do not have PRSI contributions in their previous 2 years.</p> | Process to start immediately | In September 2022, Minister for Social Protection Heather Humphreys announced funding of €2 million to support and improve the employment opportunities for family carers as part of the Dormant Accounts Fund Action Plan for 2022.   |
| 6 | The State should develop an individualised pension solution for carers to ensure they have an adequate income once they reach retirement age. | Develop and implement a scheme to ensure that long-term carers can be attributed with contributions for gaps in their record arising from time spent caring, and remove the requirement for 10 years PRSI contributions as a condition of qualification for the awarding of pensions credits in respect of care.   | Process to start immediately | <p>The Programme for Government includes a commitment to examine options for a pension solution for carers.</p> <p>The Report of the Commission on Pensions, published October 2021, recommended that long-term carers (defined as caring for more than 20 years) should be given access to the State Contributory Pension by having retrospective contributions paid for them</p> |

|   | Citizens' Assembly recommendation  | Committee's recommended action  | Deadline/timeline            | Government action to date  |
|---|--|---|------------------------------|--|
|   |  |   |                              | by the Exchequer when approaching pension age for any gaps in their contribution history arising from caring.  |
| 7 | <p>Improve respite provision for carers by:</p> <p>a. Increasing the level of the Carers' Support Grant in the next Budget and keeping it under review to ensure it keeps pace with other increases in social protection payments.</p> | <p>Increase the Carers' Support Grant to €2,000 and increase it thereafter in line with increases in the payment rates for Carers' Allowance and Carers' Benefit.</p>   | Process to start immediately | <p>Budget 2021 saw an increase in the amount provided in the Carer's Support Grant of €150 from €1,700 to €1,850.</p> <p>As part of measures announced in Budget 2023, carers who qualify for the Carer's Support Grant received an additional once-off payment of €500 in November 2022.</p>  |
|   | <p>b. Providing adequate access to a range of respite services to meet individual needs.</p>   | <p>Reform the existing systems of respite.</p> <p>Provide suitable respite options according to age, needs and preferences of carers and those cared for.</p> <p>Ensure provision of a system of emergency respite available to all carers nationwide.</p> <p>Ensure that an increase in respite provision does not result in disabled people being placed in institutions, but instead, ensure an expansion of services to include alternatives like in-home supports to make flexible, individualised alternatives more possible and allow freedom of choice.</p> <p>Ensure local access to respite including potential co-location of respite services alongside existing day care services.</p> <p>Consider specific access to personal needs assistance in order to facilitate persons with a disability having the opportunity to travel.</p> | Process to start immediately | <p>The HSE National Service Plan<sup>4</sup> includes a commitment to establish three additional specialist centre-based services to provide 4,032 respite nights to 90 children, one to be Prader-Willi appropriate and the other two to provide high-support respite for children and young adults with complex support needs, in addition to seven further respite services which will provide 9,408 nights to 245 children and adults in a full year.</p> <p>The Plan also commits to provide 53 additional intensive respite support packages to children and young adults.</p> |
| 8 | <p>Ireland should:</p> <p>a. Over the next decade move to a publicly funded, accessible and regulated model of quality, affordable early years and out of hours childcare.</p>   | <p>Move from privatised care provision towards a fully integrated public early years childcare and education system that provides households with universal access to public and high-quality childcare.</p> <p>Create a single agency to hold responsibility for planning and oversight for the early years sector, as one component of an overall National Planning Unit for Care to deliver a pathway to achieving a publicly funded, accessible and regulated model of quality,</p>   | Process to start immediately | <p>The First 5 strategy includes the objective of access to safe, high-quality, developmentally appropriate, integrated Early Learning and Care and School Age Childcare which reflects a diversity of need; The Department of Children, Equality, Disability, Integration and Youth is progressing a</p>  |

<sup>4</sup> [HSE National Service Plan 2022](#)

|  | Citizens' Assembly recommendation  | Committee's recommended action  | Deadline/ timeline  | Government action to date  |
|--|--|---|---|--|
|  |  | <p>affordable early years and out of hours childcare.</p> <p>Guarantee a universal level of quality and curriculum to every child regardless of location or parental income, in line with the best practice Scandinavian model.</p> <p>Ensure provision of free early childhood education and care, to be prioritised for low income and one-parent families in line with the European Child Guarantee.</p> <p>Ensure that early childhood education and care is not linked to a parent's participation in education or employment but instead, linked to children's needs and best interest.</p> <p>Address the lack of availability of childcare for low-income families in order to facilitate further training and employment.</p> <p>Ensure coordination between the Department of Children, Equality, Disability, Integration and Youth and the Department of Social Protection to coordinate efforts to bridge the gap in hours between the Working Family Payment requirements and the ECCE scheme provision.</p> <p>Examine the possibility of using capital investment to establish State owned early years facilities, potentially merged with primary schools to create educational campuses.</p> <p>Review and update the National Development Plan to ensure appropriate national infrastructure for childcare.</p> | <p>Process to start Budget 2024</p> <p>Process to start immediately</p> | <p>number of actions to meet this objective.</p> <p>The Early Childhood Care and Education Programme (ECCE) programme is a universal two-year pre-school programme available to all children within the eligible age range.</p> <p>Since November 2019, the National Childcare Scheme (NCS) has provided financial support to parents in respect of Early Learning and Care and School Age Childcare costs.</p> <p>The Core Funding scheme, in operation since 15 September 2022, is a supply-side payment for providers introduced to support quality (including improved staff pay), sustainability and enhanced public management of childcare and early years education.</p> |
|  | <p>b. Increase the State share of GDP spent on childcare, from the current 0.37% of GDP to at least 1% by no later than 2030 in line with the UNICEF target.</p> | <p>Ensure the 1% target is met whether of Gross National Income (GNI*) or GDP by 2023, with significant progress to be made each year.</p> <p>Assign the ongoing monitoring of the Citizens' Assembly recommendation on public expenditure on early-years and school-age care to a specific Oireachtas Committee.</p>   | <p>Process to start immediately</p>                                     | <p>Funding of €1.025 billion for Early Learning and Care and School Aged Childcare was announced as part of Budget 2023. This represents a €346 million increase on last year's funding and means the First 5 investment target of €1 billion by 2028 has been exceeded.</p> <p>Additional funding of €121 million has been allocated to reduce average parental co-payments for Early Learning and Care and School Aged Childcare under the National Childcare Scheme (NCS).</p> <p>Budget 2023 provides €266 million to support continued implementation</p>   |

|   | Citizens' Assembly recommendation   | Committee's recommended action   | Deadline/ timeline   | Government action to date  |
|---|---|--|--|--|
|   |   |  |  | of the Core Funding scheme from September 2022 to August 2023, and into the next programme year, with additional funding of €59 million being made available to cover the costs of increased levels of capacity and numbers of graduates in year one and for a number of enhancements in year two of the Scheme. |
| 9 | <p>Paid leave for parents should:</p> <p>a. Cover the first year of a child's life.</p>         | <p>Provide for paid parental leave that covers the first year of a child's life in line with the target set in the 'National Strategy for Women and Girls 2017-2020'.</p> <p>Ensure provision of wrap-around family support services to support families with challenges, to include high-quality early years care and education during the first year of a child's life.</p>  | Process to start immediately   |  |
|   | <p>b. Be non-transferable to encourage sharing of childcare responsibility between parents.</p> | <p>Consider and advance greater access to flexible work.</p> <p>Provide nine weeks non-transferable paid leave for each parent in line with EU Work-Life Balance Directive.</p>  | Process to start immediately   | Under the EU Work-Life Balance Directive, parental leave cannot be shared between parents in order to encourage the sharing of caring responsibilities between parents, and to encourage men in particular to take more parental leave.  |
|   | <p>c. Provide lone parents with the same total leave period as a couple.</p>                    | Introduce an additional scheme that tops up the parental leave entitlement of a lone parent to match the entitlement for couples under the EU Work-Life Balance Directive.   | Process to start immediately   | Officials from the Department of Social Protection described to the Committee that where someone is in receipt a lone-parent payment, there may still be a second parent in the frame with an entitlement to that leave.   |
|   | <p>d. Be incentivised by increasing payment levels to encourage increased take up.</p>          | <p>Ensure significant increases to the current level of maternity and paternity benefits, which amounts to only a third of the average industrial wage and is not sufficient.</p> <p>Conduct a review into the concept that payments in respect of maternity, paternity and parental leave should be paid as a percentage of the parent's wage, with reference to the recommendation in the Report of the Commission on Taxation and</p> | <p>Process to begin with Budget 2024</p> <p>Process to begin immediately</p> | <p>The rate of maternity and paternity benefit is €250 per week, as of December 2022.</p> <p>Both maternity and paternity benefit will increase by €12 to €262 from January 2023.</p>  |



|    | Citizens' Assembly recommendation   | Committee's recommended action  | Deadline/timeline                                      | Government action to date  |
|----|---|---|--|--|
|    |   | Welfare <sup>5</sup> , and taking into account the implications for equality.   |  |  |
| 10 | Older people and persons with disabilities should:<br><br>a. Be actively supported and resourced to live independently.                             | <p>Legislate for a statutory right to homecare.</p> <p>Ensure that intersectionality with regard to disability is understood and taken into account in the creation of appropriate laws and policies and the design and delivery of accessible, inclusive services.</p> <p>Ensure provision of services required for independent living, including personal assistance support, assistive technology, fully accessible public housing and transport, and an income above the poverty level.</p> <p>Introduce information and support measures for persons with disabilities to assist in accessing third-level education and training.</p> <p>Ensure that supported employment systems provide meaningful access to employment and progression (issue of capping).</p> <p>Support employers to provide reasonable accommodations that support disabled employees to be productive and progress further with employment.</p> <p>Ensure that part-time employment or volunteering opportunities should also be accommodated so that people have the ability to contribute in whatever way possible.</p> | <p>Q1 2025</p> <p>Process to start<br/>Immediately</p> |  |
|    | b. Have access to person centred financial supports to serve their individual needs.  | <p>Review means testing for the Disability Allowance and provide that the allowance is regarded as a cost of disability payment.</p> <p>Provide income disregard allowance over and above other social protection payments to recognise the additional cost of disability.</p> <p>Ensure that Disability Allowance is not ceased when the recipient reaches 66 years of age.</p>  | Process to start immediately                           |  |
|    | c. Be enabled to participate as fully as possible in decisions on their care needs, based on principles of fairness, respect, equality and dignity. | Bring about the long-delayed commencement of the Assisted Decision-Making (Capacity) Act 2015 as soon as possible.  | Q1 2023  | The passage of the Assisted Decision-Making (Capacity) Act 2015 was aimed at changing the existing law on capacity from the status approach of the wardship system to a flexible functional approach, enabling |

<sup>5</sup>Foundations for the Future: Report of the Commission on Taxation and Welfare <https://assets.gov.ie/234316/b4db38b0-1daa-4f7a-a309-fcce4811828c.pdf>

|    | Citizens' Assembly recommendation   | Committee's recommended action   | Deadline/ timeline           | Government action to date  |
|----|---|--|------------------------------|--|
|    |   |  |                              | persons to participate as fully as possible in decisions on their personal welfare, property and affairs, and healthcare – but its long-delayed commencement was postponed again in June 2022.   |
|    | d. Be facilitated and resourced as much as possible if their choice is to be cared for at home.   | Provide access to tailored, person-centred supports that promote choice, control and self-determination in the form of a personal assistance service, as a right, and increase investment in personal assistance resources to include a sustainable recruitment and retention strategy.<br><br>Provide a timeframe for design and implementation of the new statutory scheme for home-support services.  | Process to start immediately | Briefing from the Department of Health states the Government's commitment to establishing a new, statutory scheme for the financing and regulation of home-support services and confirms that work is ongoing in this regard.<br><br>The aim of the new scheme will be to provide equitable and transparent access to a high-quality level of care that is safe, effective, and person-centred for people based on their assessed care-needs.  |
| 11 | Provision for those who wish to be cared for at home should be improved by:<br><br>a. Providing a statutory right for payment for home care packages as well as nursing care. | Bring forward legislation to provide a statutory right to home care.<br><br>Introduce legislation to provide for statutory regulation of homecare by HIQA as recommended by the Law Reform Commission in 2012.<br><br>Invest in both the immediate resourcing and the longer-term training and recruitment of more Personal Needs Assistants and ensure every person with a disability who wishes to apply for PNA support has the opportunity to do so. | Process to start immediately | Department of Health outlines it is working with the ESRI to investigate the projected demand for and cost of home-support service provision across a range of financing models.<br><br>The first report <sup>6</sup> from this research was published in March 2021, focused on the potential demand for such a scheme.<br><br>A second report <sup>7</sup> , on the potential cost of introducing such a scheme across a range of funding scenarios, was published in February 2022. |
|    | b. Increasing the annual home care budget to meet growing demand  | Ensure the move away from a privatised and for-profit model of care and reconsider State provision of care services and other public services which are fundamentally about  | Process to start immediately | Budget 2021 saw an increase of €150 million allocated to home-support  |

<sup>6</sup> [Demand for the statutory home support scheme \(esri.ie\)](https://www.esri.ie/publications/demand-for-the-statutory-home-support-scheme)

<sup>7</sup> [HOME SUPPORT SERVICES IN IRELAND: EXCHEQUER AND DISTRIBUTIONAL IMPACTS OF FUNDING OPTIONS \(esri.ie\)](https://www.esri.ie/publications/home-support-services-in-ireland-exchequer-and-distributional-impacts-of-funding-options)

|    | Citizens' Assembly recommendation  | Committee's recommended action   | Deadline/timeline            | Government action to date   |
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|    | and reduce waiting lists.  | caring, in keeping with the constitutional protection for care recommended above.<br><br>Establish a National Planning Unit for Care, to oversee all aspects of care planning and implementation; to be responsible for data collection to ascertain the true number of carers and to plan for current and future needs for childcare, elder care and disability services.   |                              | services, bringing funding to €666 million.<br><br>In Budget 2022 a further €150 million was allocated, bringing total funding to €816 million.<br><br>Budget 2023 saw an additional €50 million of funding allocated to deliver the target of 24 million hours of home care in 2023.   |
| 12 | Lifelong care for persons with disabilities who need it should be seamless and there should not be any break in services provided or need to reapply for support when a person turns 18. | Develop and establish a National Planning Unit for Care, to ensure that health and social services are approached holistically as a critical factor in successful living and successful aging; to foster better linkages and coordination between all involved Government Departments.<br><br>Enable development of an individual-focused care system with supports following the person, as they age, change capacity or move to a new location.  | Process to start immediately |   |
| 13 | Adopt a fully individualised social protection system to reflect the diversity of today's lives and to promote an equal division of paid work and care.                                  | Establish an inter-departmental review into how best to adopt a fully individualised social protection system which supports financial independence for all persons and ensure that caring responsibilities are acknowledged and accommodated.<br><br>The review to consider the potential reform of the means test approach to entitlements through individualisation or its replacement with a system of Universal Basic Income (UBI) or participation income; to run in parallel with the pilot UBI scheme recommended below. | Process to start immediately | In November 2020 the National Economic and Social Council (NESC) published a report <i>The Future of the Irish Social Welfare System: Participation and Protection</i> <sup>8</sup> which sets out proposed measures to modernise family supports to reflect gender and care needs.<br><br>The Department of Social Protection advise that a move to a fully individualised system would represent a fundamental change in how social protection payments are assessed and paid and could give rise to very significant increases in costs. It would also have implications for application of additional criteria such as work-seeking by people who are currently classified as 'Qualified Adults'. |

<sup>8</sup> [151 Future Social Welfare.pdf \(nesc.ie\)](#)

|    | Citizens' Assembly recommendation   | Committee's recommended action   | Deadline/timeline   | Government action to date   |
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| 14 | <p>Social protection services should:</p> <p>a. Set social protection payments and/or supports at a level that lifts people above the poverty line, prevents deprivation and supports an adequate standard of living.</p> | Bring social protection rates in line with a minimum essential standard of living (MESL).  | Process to start immediately  | An Autumn Double Payment was paid to those in receipt of weekly social protection payments in October 2022. This was the first of 8 lump-sum payments totalling €1.2 billion to help with the cost of living, including: A €400 lump for those in receipt of the Fuel Allowance; a €200 lump sum for those in receipt of the Living Alone Allowance; a double payment of Child Benefit; a €500 payment for those in receipt of the Carer's Support Grant; and a €500 payment for people in receipt of Disability Allowance. |
|    | <p>b. Regularly train staff to prioritise dignity and respect in all contact with clients, including giving a choice in how they receive payments.</p>  | Introduce a comprehensive training programme, to include training for front-line staff specifically, on the challenges faced by lone parents.  | Process to start immediately  |   |
| 15 | Take account of gender equality issues in piloting a Universal Basic Income scheme.   | <p>Publish the Report of the Low Pay Commission on Universal Basic Income.</p> <p>Follow up on the Low Pay Commission Report, and the pilot Basic Income for the Arts (BIA) scheme, by instituting a more generalised pilot Universal Basic Income (UBI) scheme based on the 'participation income' approach, to include recognition of the value of socially useful activity such as care work.</p> | <p>Q1 2023</p> <p>Process to start immediately</p>                              | <p>In 2021 the Low Pay Commission was requested by the Department of Trade, Enterprise and Employment to examine UBI. The Low Pay Commission submitted its Universal Basic Income Report to the Minister for Enterprise, Trade and Employment in July 2022.</p> <p>In 2022, a three-year Basic Income for the Arts (BIA) pilot scheme was introduced to support the arts and creative practice by giving a payment of €325 a week to artists and creative arts workers.</p>   |
| 16 | Address the specific needs of lone parents to incentivise and support them in accessing work or education, including provision of child and after-school care.  | <p>Extend access to Jobseeker's Transitional Payment until a youngest child reaches 18 years of age.</p> <p>Establish a child maintenance service.</p> <p>Introduce measures to ensure that social protection payments will not be reduced based on the potential receipt of maintenance from a third party, e.g., a former spouse or</p>  | <p>Process to start immediately</p> <p>Q4 2023</p> <p>Process to begin with</p> | <p>In January 2023, the maximum weekly rate of the One-Parent Family Payment will increase by €12 with proportional increases for people on reduced rates of payment.</p> <p>The weekly rate for a qualified child will increase</p>  |

|    | Citizens' Assembly recommendation  | Committee's recommended action  | Deadline/ timeline                                     | Government action to date  |
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|    |  | <p>partner, and ensure that lone parents are not required to pursue maintenance from a former partner as a condition of receipt of social protection.</p> <p>In keeping with previous recommendations, prioritise the move from privatised care provision towards a fully integrated public early years childcare and education system that provides households with universal access to public and high-quality early years education and childcare.</p> <p>Ensure that SUSI grant support is available for lone parents to enable access to part-time, online and blended learning and access courses.</p> <p>Develop a new 'National Child Poverty Plan' with a dedicated unit that encompasses an integrated and cross-governmental approach to address high levels of poverty in lone-parent households.</p> | <p>Budget 2024</p> <p>Process to start immediately</p> | <p>by €2 from €40 to €42 for children under 12 years of age. It will increase by €2 from €48 to €50 for children aged 12 years and over.</p> <p>The Report of the Child Maintenance Review Group was published in November 2022.</p> <p>The Core Funding scheme, in operation since 15 September 2022, has been introduced to support quality, sustainability and enhanced public management of childcare and early years education for all parents, including lone parents.</p>   |
| 17 | Immediately address the impact of the marriage bar by automatically qualifying women affected by the marriage bar for a state pension.   | Ensure that women affected by the marriage bar qualify automatically for the full State pension.  | Process to start immediately                           |  |
| 18 | Regardless of the pension model, enrolment into pension savings should be automatic and start when a person starts earning, subject to a threshold on low incomes and an opt-out clause. | Ensure that the Irish Retirement Saving System Bill (2022) is gender-proofed prior to enactment.  | Process to start immediately                           | <p>The Programme for Government contains a commitment to introduce a pension auto-enrolment system to address the current pension coverage gap.</p> <p>The written response from the Department of Social Protection states that in line with the Economic Recovery Plan 2021<sup>9</sup>, implementation of an automatic enrolment (AE) system will commence over the course of 2022 and 2023 with the necessary legislative, organisational and process structures being put in place.</p> <p>The General Scheme of the Automatic Enrolment Retirement Saving System Bill 2022 was approved in</p> |

<sup>9</sup> [gov.ie - Overview of Economic Recovery Plan 2021 \(www.gov.ie\)](https://www.gov.ie/en/publications/2021-06-01-overview-of-economic-recovery-plan-2021/)

|    | Citizens' Assembly recommendation   | Committee's recommended action  | Deadline/ timeline           | Government action to date   |
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|    |   |   |                              | October 2022 and has been referred by the Minister for Social Protection to the Joint Committee for Social Protection, Community and Rural Development and the Islands, for pre-legislative scrutiny.                           |
| 19 | Introduce a Universal State Pension so that every resident of Ireland receives a pension upon reaching pension age. | <p>Initiate a process towards the introduction of a universal pension system which integrates both an employment-related system and a pension benefit or allowance system and which recognises the cost of disability.</p> <p>Consider decoupling the relationship between social protection and work, using the model of New Zealand as an example of best practice, where there is a residency-based universal pension right which is not based on relationship between paid employment and social protection.</p> <p>Ensure that consideration of the costs of a universal State pension is gender-proofed and includes consideration of the costs of private pension tax relief, which predominantly benefits men as they tend to be higher earners.</p> <p>Restore the right to retire on a pension for 65-year-olds by reintroducing the State Pension (Transition) Payment.</p> <p>Introduce a long-term Carer's Pension.</p> <p>Ensure the closing of the gender pension gap as a policy priority in respect of pensions and conduct a gender and equality analysis of all aspects of pension policy, including both social protection and taxation policy, such as the current marginal rate reliefs on private pensions. Any proposed pension reforms, including new auto-enrolment schemes or any potential changes to contributory requirements, should be subject to a rigorous gender proofing.</p> <p>Conduct detailed research and modelling around the introduction of a universal pension, including a cost benefit analysis of the potential costs of such a model as compared to current expenditures on contributory pensions, non-contributory pensions, qualified adult increases and tax relief on private pensions, and the respective impact or benefits in terms of distributional and gender equality, and financial security and independence for women.</p> | Process to start immediately | In response to recommendations of the Commission on Pensions, the Government plans to phase out the yearly average approach over the next ten years and use only a Total Contributions Approach to calculate the State pension. |



|    | Citizens' Assembly recommendation   | Committee's recommended action  | Deadline/timeline                           | Government action to date  |
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|    |   | As part of this process, commission a review, including a gender analysis, of private pension tax relief.   |   |  |
| 20 | By the end of 2022:<br>a. Extend the gender quota for party candidates at general elections to local elections, elections to the Seanad and European Parliament elections and review every 5 years. | Introduce legislation providing for statutory gender quotas for local, Seanad and European Parliament elections.<br><br>Introduce a coherent national gender quota strategy to accompany the legislation, with clear targets, actions and resources to ensure that Ireland rapidly accelerates to 50:50 gender balance across the Oireachtas and European Parliament representation for Ireland by 2030; such a strategy to incorporate nested quotas and targeted supports for ethnic minority women, Traveller women and disabled women, to help tackle the lack of diversity in elected office.<br><br>Mandate the Electoral Commission to review the national gender quota strategy every five years, starting five years from introduction of the strategy; such a review to include an audit of gender and diversity policies and practices in political parties. | Q1 2024<br><br>Q1 2024<br><br>Q4 2029       | In 2012, the Electoral (Amendment) (Political Funding) Act was adopted, introducing quotas for political parties of at least 30% women candidates and 30% men candidates to contest general elections. Quotas are linked to State funding and if the quota is not met, the party stands to lose 50% of the State funding it receives on an annual basis. The quota will rise to 40% from 2023 onwards. |
|    | b. Increase penalties for parties that do not meet the statutory gender quotas.   | Electoral Commission first review to consider consistency of data collection by political parties and the adequacy of penalties prescribed in law, and the prospect of providing additional funding to reward parties that have achieved quotas.  | Q4 2029                                     |  |
|    | c. The 30% threshold should be increased to 40% for women (and 40% for men) for all elections.  | Each Taoiseach on selecting their 11 nominees should have regard to diversity and gender balance.<br><br>Gender quota legislation for all elections to require a 40% threshold.   | Q4 2024                                     | Under the Electoral (Amendment) (Political Funding) Act 2012, the gender quota for general election candidates will rise to 40% from 2023 onwards.   |
| 21 | Improve gender balance on boards by:<br>a. Making funding to public bodies contingent on reaching a 40% gender balance quota by 2025.   | Prioritise the appointment of women to all current vacancies on public boards.<br><br>Adequately resource civil society organisations that will support and encourage a diverse network of potential new women candidates for boards.   | Q4 2025<br><br>Process to start immediately | A private members' bill introduced by Deputy Emer Higgins, the Irish Corporate Governance (Gender Balance) Bill 2021, passed Second Stage in the Dáil on 7 July 2022 with government support; it would require all companies to have 33% of each gender on their board within a year of commencing the legislation, and 40% within three years.  |

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|    |   |   |                        | A European Union (EU) directive to require companies listed in one or more EU member states to have gender-balanced boards was agreed to by the Council of Ministers in October 2022; it will set targets for the boards of large listed companies.              |
|    | b. Enacting gender quota legislation that requires private companies to have at least 40% gender balance according to specific criteria such as turnover, number of employees etc.                        | Introduce legislation that requires both public and private companies to have a gender balance quota of at least 40% membership on their boards.  | Q4 2025                |  |
|    | Public funding to cultural, sports, arts and media organisations should be contingent on:<br>a. A quota of 30% representation of women, and of men, on their Governing bodies by 2025 and 40% by 2030.    | Broadcast media to publish diversity and gender disaggregated data for all programmes including contributors and directly and indirectly employed presenters; to include both quantitative and qualitative indicators and analysis.<br><br>Introduce legislation that requires cultural, sports, arts and media organisations to have a gender balance quota of at least 30% membership on their governing bodies by 2025; and 40% by 2030. | Q4 2023                |  |
| 22 | b. Published plans to advance gender equality in their organisations.   | Require all bodies that receive public funding to have gender equality plans and publish them.<br><br>The legislation as referred to under 22(a) to require the preparation and implementation of gender equality plans.  | Q4 2023                |  |
|    | c. Annual reporting on progress towards agreed quotas on gender representation and funding.   | Require all non-commercial semi-state bodies in receipt of public monies over an agreed threshold to develop and publish and implement a gender equality and diversity strategy.  | Q4 2023                |  |
| 23 | Improve family-friendly practices for all representatives elected to public office by:<br>a. Making maternity, paternity and parental leave available to all elected representatives, including Ministers | Expedite passage and implementation of Local Government (Maternity Protection and Other Measures for Local Authority Elected Members) Bill 2022.<br><br>Introduce further legislation to extend entitlement to maternity, paternity and parental leave to TDs, Senators and Ministers.  | Q2 2023<br><br>Q4 2023 | In July 2022, the General Scheme of the Local Government (Maternity Protection and Other Measures for Local Authority Elected Members) Bill 2022 was published, providing for an entitlement of maternity protection to local authority elected members; and the |

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|    | <i>(through legislation or constitutional amendment as required).</i>   |  |   | <p>possibility of the appointment by co-option of an individual as a temporary substitute for an elected member in specified circumstances.</p> <p>On 22 November 22 Cabinet approved the Local Government (Maternity Protection and Other Measures for members of Local Authorities) Bill 2022. The Bill completed second stage on 1 December and is now before Dáil Éireann, third stage.</p> <p>The Houses of the Oireachtas have introduced a scheme to provide additional secretarial assistance to Members taking maternity leave.</p> |
|    | b. Providing flexible working options including remote working and voting and adjusting meeting times and rules to suit caring responsibilities <i>(through legislation or constitutional amendment as required).</i> | <p>Conduct a review into the provision of an adequate part-time and full-time remuneration package for Councillors, to include relevant social protection entitlements.</p> <p>Introduce legislation to ensure employment contracts include provisions to allow an employee to take a period of six weeks leave to run for public office without risk to their employment. To begin in public sector employment and then be rolled out more widely to the private sector.</p> <p>Ensure passage of legislation to enable constitutional amendment to put to the people on allowing remote voting for Oireachtas members in line with private members' bill, Thirty-Ninth Amendment of the Constitution (Remote Parliamentary Voting) Bill 2020.</p> <p>Building on the lessons and practices developed during Covid-19, put technological infrastructure and resources in place in Councils across the country in order to facilitate hybrid meetings and public streaming or broadcast of Council meetings.</p> | <p>Q4 2023</p> <p>Q4 2023</p> <p>Q4 2023</p> <p>Q2 2023</p> | <p>A private members' bill introduced by Deputy Jennifer Carroll MacNeill, the Thirty-Ninth Amendment of the Constitution (Remote Parliamentary Voting) Bill 2020, passed Second Stage in the Dáil on 10 February 2022 with government support; it would allow for remote voting in the Houses of the Oireachtas in specified and limited circumstances in which members not physically present may vote.</p>  |
| 24 | <p>Strengthen legislation, reporting and monitoring of press and social media by:</p> <p>a. Holding technology and social media companies accountable</p>   | <p>Ensure full implementation of the Online Safety and Media Regulation Act to create a statutory system for holding technology and social media companies accountable for online content.</p>   | Q1 2023   | <p>The Online Safety and Media Regulation Act 2022 has passed all stages in the Oireachtas. When enacted, it will establish a new regulator, a multi-person Media Commission</p>   |

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|    | for immediately removing online content that constitutes sexual harassment, bullying, stalking, sexually violent or abusive content that they have identified or about which they have been informed.  | Introduce policy guidelines to encourage use of the NWCI toolkit on Social Media Policies for Political Parties.<br><br>Ensure effective enforcement of existing legislation aimed at holding social media companies to account.   | Q1 2023<br><br>Process to start immediately | to which an Online Safety Commissioner will be appointed, to be responsible for overseeing the new regulatory framework for online safety created by the Bill.   |
|    | b. Penalising and eliminating hateful and abusive language, including on the basis of gender, with regular reviews to ensure legislation keeps pace with technological advances.   | Ensure implementation of the Criminal Justice (Incitement to Violence or Hatred and Hate Offences) Bill 2022.  | Q4 2023                                     | On 10 November 2022, second stage debate commenced in the Dáil on the <a href="#">Criminal Justice (Incitement to Violence or Hatred and Hate Offences) Bill 2022</a> which will update the law on incitement to hatred offences and will create new aggravated offences for criminal behaviours motivated by hatred on a range of specified characteristics, including gender.<br><br>In 2021, Coco's Law, the Harassment, Harmful Communications and Related Offences Act, was passed to provide for two new offences dealing with the non-consensual distribution of intimate images. |
| 25 | Workplaces should be required to develop, resource, implement and monitor gender-neutral recruitment and promotion policies and practices including:<br><br>a. Specific policies to promote gender equality in leadership positions.<br>b. A requirement to operate gender-sensitive and anti-discriminatory selection and promotions processes.<br>c. Equal access to training, assignments and mentoring opportunities for all employees including part-time and remote workers. | Require the Workplace Relations Commission to prepare a Code of Practice on how to implement gender-neutral recruitment and promotion policies and practices, to include guidelines on ensuring access to opportunities for all employees, including part-time and remote workers. | Q4 2023                                     |  |

|    | Citizens' Assembly recommendation   | Committee's recommended action  | Deadline/timeline   | Government action to date  |
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| 26 | <p>Appropriately resources schools to facilitate:</p> <p>a. Provision of a broad range of subject choice that counters gender stereotyping.</p> | <p>Undertake research to review the extent to which single-sex primary and secondary schooling can serve to perpetuate and reinforce gender stereotyping and can mean restricted access to a full range of subject options in individual secondary schools.</p> <p>Ensure new schools are of mixed gender and create a strategic plan for the merging of existing single sex schools.</p> <p>Ensure that schools are provided with the resources to enable them to offer a broad range of subjects to all students in order to counter gender stereotypes; using online facilities where necessary to do so.</p> <p>Ensure that awareness of gender differences and strategies for gender-inclusive teaching are part of both Initial Teacher Education (ITE) and Continuing Professional Development (CPD) for both primary and post-primary teachers.</p> <p>Enhance linkages between primary and post-primary schools, and between post-primary schools and third level institutions, to allow students to try out a wider range of subjects.</p> <p>Provide DEIS schools with additional support to ensure that girls from a working-class background can access all subject options.</p> | Q4 2024   | The Department of Education has stated its commitment to resourcing a broad range of subjects in schools and a number of upskilling programmes are available to ensure that staff who want to obtain a further qualification in a particular area can do so. |
|    | <p>b. Provision of gender-neutral career information and advice from early second level education.</p>  | <p>Ensure that the provision of gender-neutral career information and advice is addressed in both CPD and ITE to help eliminate implicit and unconscious biases.</p>  | Q4 2024   |  |
| 27 | <p>Curriculum review and development should:</p> <p>a. Promote gender equality and diversity.</p>   | <p>Ensure that teaching about gender and gender-based discriminations is not the sole remit of speciality classes but is an important component of all subjects at post-primary level.</p> <p>Conduct a review of curricula in all subjects in order to improve the gender balance of studied individuals and groups, to improve gender equality and diversity of representation and address historic inequalities and exclusions.</p> <p>Commission a review of Civic, Social and Political Education (CSPE) curriculum to explore its potential to identify, address and challenge gender inequality and better encourage active political and civic participation for all young people. This review should also consider the impact which the cessation of CSPE as an exam subject at</p>  | <p>Process to start immediately</p> <p>Q4 2026</p> <p>Q4 2024</p> |  |

|    | Citizens' Assembly recommendation   | Committee's recommended action  | Deadline/timeline | Government action to date  |
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|    |   | Junior Cycle in 2019 has had on prioritisation or resourcing of the subject within schools.   |                   |  |
|    | b. Explicitly cover gender power dynamics, consent and domestic, sexual and gender-based violence – both online and offline – within the revised Relationships and Sexuality curriculum.  | <p>Ensure that the new RSE/SPHE curriculum is rolled out as soon as possible and that it includes an emphasis on how to counter gender stereotypes.</p> <p>Consult with teacher representatives in order to establish appropriate subject requirements for SPHE, which prospective teachers would be required to meet in order to register with the Teaching Council to deliver SPHE; this would oblige all teacher-education programmes to offer a learning pathway that would lead to an accredited qualification to teach SPHE.</p> <p>Make provision for personal development training for SPHE and RSE teachers, to address the potential for bringing unconscious bias into the classroom.</p> <p>Mainstream and integrate initiatives such as Bystander Intervention at University College Cork, Active Consent at University of Galway and Together Consent in Trinity College Dublin into the second level curriculum.</p> | Q2 2023           | <p>Consultation on the Junior Cycle specification closed in October 2022 and public consultation on the Background Paper and Brief for the redevelopment of senior cycle SPHE closed in November 2022.</p> <p>The NCCA has created support materials for teachers as part of an interim guidance toolkit.</p> <p>In April 2022 the introduction of the postgraduate programme for SPHE and RSE teachers was announced.</p> |
| 28 | <p>All levels of the education system from pre-school to third level, led by the relevant Government Department, should:</p> <p>a. Ensure that initial education and continuing professional development for staff includes modules promoting gender awareness and gender-sensitive teaching methods.</p> | <p>Undertake consultation with teacher representatives to develop training in gender-sensitive methods and skills. This to be made mandatory for all teachers in order to register with the Teaching Council, regardless of their chosen subject.</p> <p>School policies, especially anti-bullying, child protection and wellbeing policies should be grounded in a rights-based approach which embraces gender diversity.</p> <p>Review the use and enforcement of uniform codes and ensure they do not reinforce gender stereotypes and that there is no requirement for gendered clothing items.</p>   | Q4 2024           | <p>Equality, diversity and inclusion (EDI) considerations are already intrinsic to the curriculum. The Department of Education and the Teaching Council have designated inclusive education methods as a key component of all initial teacher education provision.</p>   |
|    | b. Monitor policies and practices – including school inspection and whole school evaluation – through the lens of gender equality and report regularly on trends and outcomes by gender.  | <p>Require funding agencies to ensure that the taking of leave for care purposes does not disadvantage those seeking funding for third level research.</p> <p>Expand the remit of the Schools Inspectorate to include consideration of factors impacting on gender within school staffing practices, to include:</p> <ul style="list-style-type: none"> <li>- provision of additional supports upon the return to work for those who have been on maternity, parental, carers or sick leave,</li> </ul>   | Q4 2024           | <p>An ongoing programme of internal training is provided for the Schools Inspectorate at both primary and post-primary level. The remit of the Inspectorate has been expanded to include practices around anti-bullying and oversight in STEM programmes, and the Inspectorate is tasked with looking at patterns of subject uptake, determining what is</p>   |



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|    |  | <p>whether academic or professional/administrative staff; and</p> <ul style="list-style-type: none"> <li>- the possible workplace impacts on women of assuming caring responsibilities at various life stages beyond maternity and early childhood care.</li> </ul>   |                   | <p>working well in one area and how that could be implemented elsewhere to encourage uptake of particular subjects, taking gender into consideration.</p> <p>At third level, a range of measures are already in place, including the requirement for HEIs to report annually to the Higher Education Authority (HEA) on progress in implementing the framework for consent. Funding is provided by the Department of Further and Higher Education, Research, Innovation and Science for this, with over €400,000 allocated to a number of initiatives.</p> |
| 29 | In view of the gendered impact on women, reform the Third Level Grants Scheme to ensure that those accessing part-time courses are eligible to apply for a grant.          | Conduct a review of the Third Level Grants Scheme to consider allowing individuals to access Back to Education supports more than once, and to address issues around the non-adjacent rate.   | Q4 2024           |  |
| 30 | Provide appropriate State funding and resources for:   | Publish the new STEM Education Implementation Plan.   | Q2 2023           | The Recommendations on Gender Balance in STEM Education were published by the Department of Education on 8 March 2022.   |
|    | a. Strengthening existing programmes to encourage women into male-dominated careers (e.g., STEM – Science Technology Engineering and Maths) and including apprenticeships. | <p>Provide for a gender equity subsidy for employers of apprentices from a minority gender in apprenticeship programmes where there is over 80% representation of a single gender.</p> <p>Establish an Equity of Access Committee as provided for under the Action Plan for Apprenticeships.</p> <p>Conduct a review of the Transition Year programme to provide more students, particularly girls, with the opportunity to try out apprenticeships and STEM courses.</p> | Q4 2024           | The Action Plan for Apprenticeships sets a target of 10,000 new apprenticeships registered every year by 2025.   |
|    | b. Developing initiatives to encourage men into female-dominated careers (e.g., caring professions).   | Conduct a review of the Transition Year programme to provide more students, particularly boys, with the opportunity to try out roles with traditionally low levels of representation from men, such as the caring professions, while ensuring that the value of care work is appropriately recognised and acknowledged.   | Q4 2024           |  |

|    | Citizens' Assembly recommendation  | Committee's recommended action  | Deadline/timeline             | Government action to date  |
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| 31 | Media and advertising, including social media, organisations should: <p>a. Be more strongly regulated to promote gender equality and avoid gender discrimination and stereotyping and take action where discriminatory behaviours occur.</p> | <p>Through the Advertising Standards Authority for Ireland and other bodies, introduce best practice standards and guidance for gender representation, including representation of men.</p> <p>Ensure full implementation of the Online Safety and Media Regulation Act 2022 to create a statutory system for holding technology and social media companies accountable for online content.</p> <p>Ensure implementation of the Criminal Justice (Incitement to Violence or Hatred and Hate Offences) Bill 2022.</p> <p>Introduce further legislation as required to regulate advertising to prevent gender stereotyping.</p> | <p>Q1 2023</p> <p>Q4 2023</p> | <p>The Online Safety and Media Regulation Bill 2022 has passed all stages in the Oireachtas.</p> <p>When implemented it will establish a new regulator, a multi-person Media Commission with the appointment of an Online Safety Commissioner.</p> <p>On 10 November 2022, second stage debate commenced in the Dáil on the <a href="#">Criminal Justice (Incitement to Violence or Hatred and Hate Offences) Bill 2022</a> which will update the law on incitement to hatred offences and will create new aggravated offences for criminal behaviours motivated by hatred on a range of specified characteristics, including gender.</p> <p>In 2021, Coco's Law, the Harassment, Harmful Communications and Related Offences Act, was passed to provide for two new offences dealing with the non-consensual distribution of intimate images.</p> |
|    | <p>b. Be obliged to annually publish details of their monitoring of, and compliance with, gender equality and inclusion measures.</p> <p>c. Make special efforts to improve the visibility of men performing caring roles.</p>               | <p>Ensure that the Media Commission to be created by the Online Safety and Media Regulation Act requires the publication of regular reports by media outlets on compliance with gender equality and inclusion measures, to include measures to promote the visibility of men performing caring roles.</p>   | Q4 2023                       |  |
| 32 | The State should set targets in legislation to reduce the hourly gender pay gap (currently 14%) to 9% by 2025 and to 4% by 2030 with a view to eliminating it by 2035.   | <p>Introduce amendments to the Gender Pay Gap Information Act to insert targets in line with the Citizens' Assembly recommendation.</p> <p>Require the CSO to carry out a detailed study of the adjusted gender pay gap by a number of characteristics, for example, public and private sector, economic or industrial activity, age etc., using the same methodology as the EU Commission.</p>   | Q4 2023                       | The Gender Pay Gap Information Act 2021 came into effect on 31 May 2022 and requires organisations to report on their hourly gender pay gap across a range of metrics.   |

|    | Citizens' Assembly recommendation   | Committee's recommended action   | Deadline/timeline                                  | Government action to date   |
|----|---|--|--|---|
| 33 | The Gender Pay Gap Information Bill should be enacted and implemented without delay. The law should include penalties for non-compliance and an obligation for annual reporting.                          | The Committee notes that the Gender Pay Gap Information Act 2021 is now in force.  |  |   |
| 34 | Increase the minimum wage to align it with the living wage by 2025 while considering potential employment impacts on small businesses.  | <p>Introduce legislation to provide a living wage informed by the minimal essential standards of living, set annually by the Living Wage Technical Group.</p> <p>Ensure that Social Protection payments are determined in accordance with benchmarking and in line with a minimum essential standard of living.</p> <p>Continue and increase funding allocated to independent expert calculation of the minimum essential standards of living.</p> | Q4 2025  | The Tánaiste and Minister for Enterprise, Trade and Employment Leo Varadkar has indicated the intention to bring forward legislation on a living wage informed by research of the Low Pay Commission and in response to requirements of the EU Directive on adequate minimum wages. |
| 35 | Support employment contract security through:   | Introduce a legal right to collective bargaining which would have the effect of enhancing working conditions for all, and of addressing the economic inequalities faced by women.  | Q4 2024  |   |
|    | a. Establishing a legal right to collective bargaining to improve wages, working conditions and rights in all sectors.  |  |  |   |
|    | b. Increased resourcing of the Workplace Relations Commission for more effective enforcement of current employment laws.  | Increase the number of WRC labour inspectors to at least 90 and conduct an analysis to determine if more are needed.   | Q4 2024  |   |
| 36 | Introduce a statutory right to reasonable access to flexible working.   | <p>Introduce the policy and legislative changes necessary to promote and encourage a widespread shift toward a four-day working week without loss of pay, as a measure to assist in effecting a cultural change on time and care and increase gender equality.</p> <p>Ensure implementation of the Work Life Balance and Miscellaneous Provisions Bill 2022.</p>   | <p>Process to start immediately</p> <p>Q1 2023</p> | The Work Life Balance and Miscellaneous Provisions Bill 2022 has completed Committee stage in the Dáil and will among other things introduce a statutory right to reasonable access to flexible working.  |
| 37 | All Government action to prevent and counter domestic, sexual and gender-based violence should be coordinated by a Cabinet Minister with direct responsibility for implementation of a national strategy. | Regional and community level implementation of the Third National Strategy arising from this new Statutory National Agency should be driven, managed, informed and co-designed by the existing cross-disciplinary expertise in the frontline services sector, alongside the significant DSGBV specialisms that exist in allied public service  | Q2 2023  | The Third National Strategy on DSGBV was published on 28 June 2022. It was also confirmed prior to that date that the Minister for Justice would be the lead minister for DSGBV and for the DSGBV Strategy.   |

|    | Citizens' Assembly recommendation  | Committee's recommended action   | Deadline/timeline                                  | Government action to date   |
|----|--|--|--|---|
|    |  | <p>professions, including policing, healthcare, social services and academia.</p> <p>Ensure the establishment of a Statutory National Agency with responsibility for DSGBV under the aegis of the Department of Justice, in accordance with commitment by Government.</p> <p>Ensure that action on the Third National Strategy on DSGBV begins immediately pending the establishment of the new Statutory National Agency.</p> |  | The Government has committed to establishing a new Statutory National Agency with responsibility for DSGBV under the aegis of the Department of Justice.  |
| 38 | <p>Eliminate tolerance in our society of domestic sexual and gender-based violence by developing and implementing awareness, prevention and education campaigns which may include children of an appropriate age on:</p> <p>a. The impact and harm caused by domestic, sexual and gender-based violence.</p> | <p>Establish a working group comprising relevant Departments and agencies, in accordance with Action 4.1.4 of the Third National Strategy on DSGBV, to ensure consistency and coherence in messaging and a planned, targeted rollout of awareness raising campaigns.</p> <p>Resource and introduce consent training at all levels of education and in community settings.</p>  | <p>Q2 2023</p> <p>Process to start immediately</p> | <p>A key action under the Second National Strategy on DSGBV was to carry out of a national awareness raising campaign to change societal behaviours and activate bystanders to prevent domestic violence. This campaign was multi-annual and for the first three years focused on domestic violence with the focus of the campaign shifting to sexual violence in 2019.</p> <p>Department of Justice launched the 'No Excuses' campaign focusing on sexual violence in 2019.</p> <p>At the outbreak of Covid-19 the Department of Justice launched a new public awareness campaign on domestic violence in the context of the Covid-19 crisis entitled 'Still Here'.</p> <p>As part of the Third National Strategy on DSGBV, an online learning hub<sup>10</sup> on sexual consent and awareness raising was launched in January 2022 (1.2.3)</p> |
|    | <p>b. Supports available to victims/survivors.</p>   | <p>Ensure implementation of Action 1.1.2 of the Third National Strategy on DSGBV, and that it will include targeted information campaigns to provide migrant and refugee women with information about their rights and with assurances that protection for victims/survivors of domestic violence is</p>   | <p>Q4 2023</p>                                     | <p>The Third National Strategy on DSGBV commits to delivering a creative public awareness raising campaign of pathways to safety and supports available to</p>  |

<sup>10</sup> [Active\\* Consent - Ireland's national resource hub on consent \(consenthub.ie\)](https://www.consenthub.ie/)

|    | Citizens' Assembly recommendation   | Committee's recommended action  | Deadline/timeline  | Government action to date  |
|----|---|---|--|--|
|    |   | available and will not affect immigration status.   |  | victims/survivors of DSGBV (1.1.2).  |
| 39 | <p>Support justice for victims/survivors by:</p> <p>a. Reviewing and reforming the courts system – including the family courts – to better protect and support victims/survivors of domestic, sexual and gender-based violence and their dependents and remove barriers to justice.</p> | <p>Introduce training for legal professionals to ensure that victims/survivors that seek help within the legal system are treated in a trauma-informed way.</p> <p>Ensure urgent improvement in co-ordination and linkages between family courts, criminal courts and child protection processes, ensuring the voice of the child is heard, improving eligibility for legal aid, and developing models for screening, fast-tracking and risk-assessing domestic abuse and child abuse cases.</p> <p>Take child maintenance out of the courts by implementing the proposed Child Maintenance Bill 2022, as supported by the Women's Caucus, which would create a voluntary scheme to assess parents for child maintenance liability, to be administered by the Revenue Commissioners.</p> <p>Establish a Statutory Child Maintenance Agency to keep child maintenance out of the courts where possible, and instead provide that the Agency step in when it comes to the arrangement, calculation and payment of child maintenance.</p> <p>Strengthen the regulation of court ordered psychiatric assessors in family law cases and review their use to guard against abuse.</p> | <p>Process to start immediately</p> <p>Q1 2024</p> <p>Q1 2024</p> <p>Q4 2025</p> | <p>As part of the reforms being introduced under <i>Supporting a Victim's Journey: A plan to help victims/survivors and vulnerable witnesses in sexual violence cases</i><sup>11</sup>, the victim/survivor will be entitled to their own dedicated legal advice<sup>12</sup> and support throughout the trial process.</p> <p>The Family Justice Oversight Group will publish an overall strategy for family law accompanied by the Family Courts Bill, which is going to develop family court hubs.</p> <p>A Child Maintenance Review Group was established by government in 2020, chaired by former Circuit Court Judge Catherine Murphy, to consider and make recommendations on the current treatment of child maintenance payments. The Report of the Child Maintenance Review Group was published in November 2022.</p> |
|    | <p>b. Developing guidelines and specialist training for judges and lawyers regarding the treatment of victims/survivors, including the exclusion of the consideration of sexual history, character, attire and counselling/medical records.</p>   | <p>Ensure speedy rollout of the judicial training programme instituted by the Department of Justice in conjunction with the Law Society and Bar Council.</p> <p>Ensure creation and delivery by the Garda College of a trauma informed curriculum.</p> <p>Provide resources to the Legal Aid Board and Probation Service to ensure that staff who deal with victims/survivors of DSGBV are equipped with the skills and knowledge to intervene sensitively where appropriate.</p>   | <p>Q4 2023</p>   | <p>Work is under way to develop specific training for all of the key personnel, including those in the legal profession, with whom a victim/survivor may come into contact during their journey throughout the criminal justice system.</p> <p>Preliminary trial hearings are being introduced to reduce delays and allow for sensitive legal issues to be dealt with before the trial starts.</p> <p>Action 3.3.8 of the Implementation Plan of the Third National Strategy on</p>  |

<sup>11</sup> [Supporting a Victims Journey.pdf \(justice.ie\)](#)

<sup>12</sup> As recommended under Recommendation 39(d) of the Citizens' Assembly on Gender Equality

|  | Citizens' Assembly recommendation  | Committee's recommended action   | Deadline/timeline             | Government action to date  |
|--|--|--|-------------------------------|--|
|  |  |  |                               | DSGBV commits to 'examine and review the rationale for the disclosure of counselling notes as part of court proceedings including a victim/survivor perspective', starting with a review by the Department of Health.  |
|  | c. Introducing tougher sentences and rehabilitation programmes for the perpetrators of domestic, sexual and gender-based violence and sexual crimes. | <p>Reinstate and provide adequate resources for maintaining the Irish Sentencing Information System (ISIS).</p> <p>Ensure improved data systems within the criminal justice system to provide visibility on sentencing levels where the perpetrator is a current or former partner.</p>  | Q4 2023                       | <p>On 1 January 2019 the Domestic Violence Act 2018<sup>13</sup> entered into force, creating provisions for the offence of coercive control and for aggravating factors in sentencing, such as offences involving physical or sexual violence which are committed in the context of a recognised relationship.</p> <p>The Harassment, Harmful Communications and Related Offences Act<sup>14</sup> (also known as 'Coco's Law'), entered into force on 10 February 2021, creating offences for sending or threatening to send intimate images without the consent of relevant person.</p> <p>The Sex Offenders (Amendment) Bill 2021<sup>15</sup> has completed all stages in the Dáil and is currently at second stage in the Seanad. When enacted it will enhance current systems for the assessment and management of those convicted and will put those systems on a statutory footing.</p> |
|  | d. Providing specialised confidential health care and other support services for victims/survivors including legal representation.                   | <p>Provide for a statutory entitlement of 10 days domestic violence paid leave, as is already provided for by employers in the public and private sectors and endorsed by the trade union movement.</p> <p>Ensure that specialised confidential health care and other support services are developed in a victim/survivor-centred way so that those delivering the services are trained and understand the full impact of DSGBV.</p> | <p>Q1 2023</p> <p>Q4 2023</p> | <p>As part of the reforms being introduced under <i>Supporting a Victim's Journey: A plan to help victims and vulnerable witnesses in sexual violence cases</i><sup>16</sup>, the victim/survivor will be entitled to their own dedicated legal advice<sup>17</sup></p>  |

<sup>13</sup> [Domestic Violence Act 2018 \(irishstatutebook.ie\)](https://www.irishstatutebook.ie/eli/2018/act/12/enacted/en/html)

<sup>14</sup> [Harassment, Harmful Communications and Related Offences Act 2020 \(irishstatutebook.ie\)](https://www.irishstatutebook.ie/eli/2020/act/12/enacted/en/html)

<sup>15</sup> [Sex Offenders \(Amendment\) Bill 2021 – No. 144 of 2021 – Houses of the Oireachtas](https://www.irishstatutebook.ie/eli/2021/bill/144/enacted/en/html)

<sup>16</sup> [Supporting a Victims Journey.pdf \(justice.ie\)](https://www.justice.ie/public/Supporting_a_Victims_Journey.pdf)

<sup>17</sup> As recommended under Recommendation 39(d) of the Citizens' Assembly on Gender Equality



|    | Citizens' Assembly recommendation   | Committee's recommended action  | Deadline/timeline                            | Government action to date   |
|----|---|---|--|---|
|    |   | <p>Ensure that accessing of supports by victims/survivors does not increase their vulnerabilities and that appropriate safeguards are put in place regarding sharing of information with the Garda National Immigration Bureau or other bodies.</p> <p>Where a victim/survivor's status is linked to that of an abusive partner, put measures in place to enable them to receive independent immigration status.</p>  |  | and support throughout the trial process.   |
|    | e. Putting in place a Victims/Survivors Commissioner as an independent advocate and voice for victims/survivors.  | <p>Conduct a review into how best to put in place a commissioner as envisaged by the Citizens' Assembly; or alternatively ensure that the proposed new Statutory National Agency for DSGBV will deliver independent advocacy and voice for victims/survivors within the criminal justice process.</p> <p>Increase resources for the Legal Aid Board and NGOs to provide legal aid and court accompaniment to victims/survivors.</p>   | Q4 2023                                      | Implementation of this recommendation is not planned by Government.   |
| 40 | Ensure sufficient publicly funded provision of beds, shelters and accommodation for victims/survivors of domestic, sexual and gender-based violence across the country and their dependents in line with the Istanbul Convention. | <p>Ensure compliance with Article 23 of the Istanbul Convention and with the timelines for delivery of refuge provision in the Third National Strategy, including the commitment to double refuge accommodation over the lifetime of the Strategy; the delivery of 24 refuge places in Wexford, Dundalk and Navan in 2023 and 2024, project management and capacity building supports to 12 priority locations in 2022 and 2023; and the delivery of 14 additional safe homes by Q4 2022.</p> <p>Ensure that the link between domestic violence and homelessness is made clear and that the national Housing for All plan includes provision for medium to long-term accommodation specifically for victims/survivors of domestic violence and abuse.</p> <p>Introduce an exceptional needs payment to complement the domestic violence rent supplement, and to assist those experiencing domestic violence with other practical emergency outlays.</p> | <p>Q4 2024</p> <p>Q4 2023</p> <p>Q4 2023</p> | <p>In February 2022, TUSLA published a 'Review of the Provision of Accommodation for Victims of Domestic Violence' which recommends a series of immediate, medium and long-term actions to address inadequacy of provision.</p> <p>The Third National Strategy on DSGBV (28 June 2022) includes an action to 'develop, resource, and implement an agreed Strategic Accommodation Solutions Development Plan to implement the recommendations of the Review of Emergency Accommodation', and provides commitments to double refuge accommodation over the lifetime of the Strategy.</p> <p>Priority areas for refuge development have been identified by the government and an inter-departmental group has been established to implement the recommendations of the TUSLA review.</p> |
| 41 | Recognise female genital mutilation (FGM) as a ground for seeking asylum and  | Establish an intergovernmental working group on FGM to include relevant Departments, civil society, frontline services  | Q4 2025                                      | FGM already falls under 'gender' as a ground for seeking international  |

|    | Citizens' Assembly recommendation   | Committee's recommended action  | Deadline/timeline             | Government action to date  |
|----|---|---|-------------------------------|--|
|    | provide culturally sensitive specialised services for victims/survivors.  | <p>and representatives from affected communities; develop a National Action Plan on FGM to coordinate the response of Government agencies, with funding to support anti-FGM programmes and key targets to measure progress on elimination; and provide funding for a network of community health ambassadors to work with affected communities to change attitudes to FGM at a grassroots level.</p> <p>Ensure FGM is included within all National Strategies and policies on DSGBV.</p> <p>Introduce training programmes to provide migrant women with information on their rights in seeking asylum and include targeted information on recognising the signs of DSGBV with assurances that protection from DSGBV is available and will not affect immigration status.</p> <p>Allocate appropriate funding to provide physical and psychological support to victims/survivors of FGM and put safeguards in place to ensure that this information will be used solely for their support and for no other purpose.</p> <p>Ensure that FGM is recognised as a specific ground for seeking refugee status.</p> <p>Review and strengthen DSGBV and FGM specific training in line with international best practice for all in the Refugee Appeals Tribunal.</p> |                               | protection, so victims/survivors of FGM are currently legally entitled to seek international protection on this basis.   |
| 42 | Empower and adequately resource a statutory body for gender equality under the responsibility of a Cabinet Minister charged with cross-government coordination of gender equality issues. | <p>Commission a scoping exercise to establish what such an agency would look like in Ireland, to examine equivalent agencies and how it might expedite the coordination and implementation of gender equality measures.</p> <p>In preparing the successor to the National Strategy for Women and Girls, consider what more needs to be done to provide for high-level accountability for gender equality policy across Government, including in respect of effective development, resourcing, implementation and governance of policy, and the structures around it.</p>  | Q4 2023                       | <p>Primary responsibility for Government policies on gender equality currently rests with the Minister for Children, Equality, Disability, Integration and Youth, a member of the Cabinet.</p> <p>The Government has no plans to establish a statutory body for gender equality.</p> |
| 43 | Ensure data gathering on key gender equality issues (including care), regular publication of such data and remedial action where necessary.   | <p>Develop a cross-Departmental strategy on the gathering and publication of data on key gender equality issues.</p> <p>Institute a regular five-yearly Safety of the Person survey to be conducted by the new Statutory National Agency for DSGBV.</p> <p>Require the CSO to undertake work to develop standard classifications for carers and care related concepts.</p>  | <p>Q4 2023</p> <p>Q4 2024</p> | A data strategy is currently being drafted by the CSO and the Department of Children, Equality, Disability, Integration and Youth to address gaps and identify measures that can enhance the data captured.  |

|    | Citizens' Assembly recommendation   | Committee's recommended action   | Deadline/ timeline                           | Government action to date  |
|----|---|--|--|--|
|    |   | Reinstate the annual publication by the CSO of the Men and Women in Ireland Report and consider the addition of new data points within that report.  | Q4 2023                                      |  |
| 44 | Reflecting international best practice, require gender impact assessment of all proposed legislation and legislate for equality budgeting across all Government bodies including local authorities. | <p>Introduce legislation providing a statutory framework for the practice of gender equality budgeting.</p> <p>Publish an Equality Budget Statement to accompany the Budget each year.</p> <p>Establish an independent budgeting advisory group, similar to the framework used in Scotland, to include engagement with independent civil society and academic expertise.</p> <p>Ensure that gender proofing and equality budgeting reflects the impact on the individual and not just the household.</p> <p>Require public bodies to actively and visibly demonstrate clear application of the public sector equality and human rights duty in respect of departmental budgets, public procurement and the contracting of services.</p> <p>Ensure that the gendered impacts of taxation measures and tax policy are analysed and discussed as part of the budgetary decision-making process.</p> | <p>Q4 2024</p> <p>Q4 2023</p> <p>Q4 2023</p> | <p>The Cabinet Handbook requires that Memorandums for the Government should indicate the impacts of any legislative proposal under a number of headings, including gender equality.</p> <p>The Public Sector Equality and Human Rights Duty in section 42 of the Irish Human Rights and Equality Commission Act 2014 also requires public bodies to promote equality and prevent discrimination, including in the development of legislation.</p> <p>Equality budgeting is integrated within the performance budgeting framework for all 18 Government Departments but tends to be guided by administrative arrangements and circulars rather than being provided for through legislation.</p> |
| 45 | Anti-discrimination and equality legislation should be:   | Ensure a swift completion of the review into equality legislation; the review must consider how equality legislation can most effectively recognise intersectionality; and must also consider the implications for equality legislation of any changes to Articles 40 or 41 of the Constitution as part of the preparation for a referendum to implement recommendations 1-3 of the Citizens' Assembly.  | Q2 2023                                      | In June 2021, the Minister for Children, Equality, Disability, Integration and Youth announced his intention to conduct a review of equality legislation including the Employment Equality Acts and the Equal Status; this review is ongoing at the time of writing.   |
|    | a. Regularly reviewed to ensure effective monitoring, investigation, reporting and enforcement.   |  |  |  |
|    | b. Standard part of employee training.  | The Workplace Relations Commission must ensure that existing initiatives in specific sectors offering equality training to employees become a standard part of training in all workplaces; to include not just salaried staff but also volunteers, interns and contractors, among others, in the changing world of work.   | Q4 2024                                      | The statutory Code of Practice on Harassment and Sexual Harassment at Work (SI No. 208/2012) advises that a policy on harassment is an integral part of equal opportunities strategies in the workplace, and should include commitments to training all staff on these issues.   |

## List of Acronyms

|           |  |
|-----------|--|
| • CDP     | continuous professional development  |
| • CSO     | Central Statistics office  |
| • DCEDIY  | Department of Children, Equality, Disability, Integration and Youth          |
| • DEIS    | Delivering Equality of Opportunity in Schools                                |
| • DFHERIS | Department of Further and Higher Education, Research, Innovation and Science |
| • DFI     | Disability Federation Ireland  |
| • DPP     | Director of Public Prosecutions  |
| • DRCC    | Dublin Rape Crisis Centre  |
| • DSGBV   | domestic, sexual and gender-based violence                                   |
| • DWI     | Disabled Women Ireland   |
| • EBS     | Equality Budget Statement  |
| • ECCE    | early childhood care and education   |
| • ECI     | Early Childhood Ireland  |
| • EDI     | equality, diversity and inclusion  |
| • ERO     | Employment Regulation Order  |
| • ESRI    | Economic and Social Research Institute                                       |
| • FCI     | Family Carers Ireland  |
| • FGM     | female genital mutilation  |
| • GDP     | gross domestic product   |
| • GNI     | gross national income  |
| • GNP     | gross national product   |
| • HEA     | Higher Education Authority   |
| • HEIs    | higher education institutions  |
| • HSE     | Health Service Executive   |
| • ICCL    | Irish Council for Civil Liberties  |
| • ICTU    | Irish Congress of Trade Unions   |
| • IHREC   | Irish Human Rights and Equality Commission                                   |
| • ILMI    | Independent Living Movement Ireland  |
| • ISSU    | Irish Secondary Students Union   |
| • ITE     | initial teacher education  |
| • IUA     | Irish Universities Association   |
| • LEAs    | local electoral areas  |
| • NCCA    | National Council for Curriculum and Assessment                               |
| • NCS     | National Childcare Scheme  |
| • NESC    | National Economic and Social Council   |
| • NGO     | non-governmental organisation  |
| • NTWF    | National Traveller Women's Forum   |
| • NWCI    | National Women's Council Ireland   |
| • OECD    | Organisation for Economic Co-operation and Development                       |
| • PUP     | Pandemic Unemployment Payment  |
| • RCNI    | Rape Crisis Network Ireland  |
| • RSE     | Relationship and Sexuality Education   |
| • SFI     | Science Foundation Ireland   |
| • SIPO    | Standards in Public Office Commission  |
| • SMEs    | small and medium enterprises   |
| • SPHE    | Social, Personal and Health Education  |
| • STEM    | Science, Technology, Engineering and Maths                                   |
| • SUSI    | Student Universal Support Ireland  |
| • THEA    | Technological Higher Education Association                                   |
| • TUD     | Technological University, Dublin   |
| • TUI     | Teachers Union of Ireland  |
| • UBI     | universal basic income   |
| • UCD     | University College Dublin  |
| • USI     | Union of Students Ireland  |
| • WRC     | Workplace Relations Commission   |

## Chapter 1 – The Constitution

### Introduction

The remit of the Committee on Gender Equality is to consider all 45 recommendations of the Citizens' Assembly on Gender Equality. However, at the outset it was agreed by the Committee to prioritise consideration of recommendations 1 to 3 on the Constitution, which relate to proposed changes to Articles 40.1 and 41 of the Constitution.

The proposed change to the equality guarantee in Article 40.1 reflects the Assembly's wish to see constitutional recognition for the principles of gender equality and non-discrimination.

The proposed changes to Article 41 would meet the three aims identified by the Assembly: to remove the gendered language referring to women and mothers in the text; to ensure that the role of care is supported; and to create a more inclusive definition of family.

It has long been agreed that the way in which women and mothers are referred to in Article 41 is based on outdated gender stereotypes and should have no place in a constitutional text. Nor does the current text of Article 41 recognise the various forms of care, both inside and outside the home, both paid and unpaid and carried out by men and women, that is so valuable and indeed, essential to Irish society.

Indeed, throughout the Committee's hearings, it was pointed out that the existing language in Article 41 has impacted negatively upon the development of legislation and social policy; in the 'breadwinner' model of the social protection system; in the different entitlements for married and unmarried cohabiting partners and in the application of the 'full time availability' for work conditionality for certain social protection entitlements.

Furthermore, the definition of 'Family' in the same Article, as being confined to the family based upon marriage, has long been criticised for being insufficiently inclusive of diverse family forms in contemporary Ireland.

The Committee held a series of meetings on the Constitution in February and March 2022 and a summary of the issues considered and discussed can be found in the Committee's [Interim Report on Constitutional Change](#), which was published and laid before the Houses of the Oireachtas on 13 July 2022.

The key recommendation of both the Interim Report and this report is that a constitutional referendum be held in 2023 to give effect to the Citizens' Assembly recommendations on constitutional change.

The Interim Report sets out various alternative options for wording for constitutional amendments and, upon publication, was sent to Minister for Children, Equality, Disability, Integration and Youth, Roderic O'Gorman, and Taoiseach Micheál Martin for their response.

Following publication of the Interim Report, the Committee further sought the views of stakeholders and Members of the Citizens' Assembly on the options presented in the report, and was grateful to receive substantial feedback on those options.

On 29 September 2022, the Committee engaged with the Tánaiste Leo Varadkar, and asked him about the timeframe for the holding of a referendum. He commented that ‘..approximately a year is needed to prepare the ground, make sure we are ready for any disinformation and prepare for the campaign.’

On 12 October 2022, the Committee met with Taoiseach Micheál Martin, who confirmed that, ‘all the various complexities notwithstanding’, the Government is committed to holding a referendum on Article 41. The Taoiseach told the Committee that he ‘would like to see a referendum in 2023’, but declined to commit to a specific timeframe, as he pointed out that the Electoral Commission requires time to do its job and work needs to be done to prepare the ground in advance of a referendum.

Following this further engagement, the Committee revisited the options set out in its Interim Report and agreed a proposed wording that should be put to the people in a referendum in 2023 in order to give effect to recommendations 1-3 of the Citizens’ Assembly.

The Committee’s proposed wording is set out below.

In developing and agreeing this wording, the Committee was mindful of the following considerations:

- The need to take account of the views of stakeholders, civil society groups, experts and constitutional campaigners.
- The need to ensure that only those changes necessary to give effect to the Citizens’ Assembly recommendations would be proposed.
- The need to ensure that, as far as possible, the existing substance, language and text of the relevant constitutional provisions should be retained.

## Article 40.1

The Citizens’ Assembly in recommendation 1 sought to ensure explicit constitutional recognition for the principles of gender equality and non-discrimination. Following hearings and feedback, the Committee considered that the best way to achieve this was through removal of the current restrictive clause in the second sentence of Article 40.1 and its replacement with a positive assertion of equality and non-discrimination.

In the Committee’s consideration of the first sentence (the equality guarantee), it was decided that the language currently used should largely be retained in its present form rather than making any extensive change.

However, in order to reflect the wish of the Assembly to see gender equality recognised in this Article, the Committee has proposed the insertion of an additional clause into the guarantee (the first sentence).

After careful consideration following feedback on the options presented in the Interim Report, the Committee took the view that the phrase ‘without distinction as to sex’ should be inserted in order to reflect the spirit of this recommendation. This phrase is consistent with language already used elsewhere in the Constitution.

The Committee has also retained a further change to Article 40.1 proposed in the Interim Report, through deletion of the so-called restrictive 'social function proviso', and its replacement with an explicit reference to equality and non-discrimination, framed in positive terms.

In taking this approach, and in particular, through use of the phrase 'due regard', the Committee was also concerned to ensure that the proposed wording would not provide any obstacle to the taking of positive or affirmative action measures necessary to address past discriminations on any ground. In the view of the Committee, this proposed change would ensure constitutional recognition for the principles of equality and non-discrimination, to include the principle of gender equality.

## Article 41

In recommending text for amending Article 41, having reflected further on the options presented in the Interim Report, the Committee was keen to ensure that the existing protections for the Family be retained. Thus, no recommendation is made to change the text of Article 41.1.

Instead, the only changes proposed are to Articles 41.2 and 41.3.1.

### Article 41.2

The text proposed for Article 41.2 seeks to ensure the deletion of gender specific language in the existing provision; and further to ensure that the value of 'care' is recognised, both within the home and the wider community. In the Interim Report, the phrase 'wider community' itself was used, based on the language in Assembly recommendation 3, but feedback received by the Committee suggested that this phrase lacked precise or established legal definition and that the spirit of the recommendation could be implemented more effectively by reference to care both 'within and outside' the home and Family.

The proposed text also provides for the State to take 'reasonable measures' to support such care. The word 'care' is used, in accordance with Assembly Recommendation 3, to encompass consideration of the rights both of those being cared for, and those providing care.

It was considered that any use of 'care' as a verb might set up an inadvertent hierarchy of rights, and that this broader approach was preferable. In this context, the Committee was taking into account submissions from disabled persons, carers and others.

Among other options for change to Article 41.2 in the Interim Report was incorporation of the language of Article 8 of the ECHR on protection for 'private and family life.'

However, feedback from stakeholders and others caused the Committee to conclude that it would not be appropriate to insert language from another human rights instrument into the Constitution, particularly as Article 8 is already frequently cited in the Irish courts and thus explicit recognition of the need for protection for 'private and family life' is already provided for elsewhere.



It was also concluded that by leaving Article 41.1 unchanged, robust protection for the Family and family life will remain in the Constitution. However, the change proposed by the Committee to Article 41.3.1 set out below will ensure a more expansive definition of family beyond that of the Family based on marriage.

### Article 41.3.1

The Committee recommendation on change to Article 41.3.1 is closely based upon the words used by the Assembly in their recommendation 2. It seeks to retain much of the existing language of the text, and to ensure that the Family retains a special status; but that its definition includes but is no longer limited to the marital family.

An alternative means to achieve the Assembly's stated aim was however also considered by the Committee, which would involve simply the deletion of the phrase 'on which the Family is founded' from the existing text of Article 41.3.1.

The Committee believes that this alternative approach, like the proposal recommended below, would enable recognition of a more expansive definition of family. This alternative approach would also ensure retention of special recognition for the institution of marriage; and would not introduce the phrase 'marital family'; these precise words are not contained in the current text of the Constitution.

## Conclusion

Finally, the Committee again emphasises that through the careful consideration it has given to recommendations 1-3 on constitutional change, the extensive engagement carried out with stakeholders on potential forms of wording for such change, and the process of preparing both the Interim Report and this final report, our work should provide the Government with a clear pathway to achieve the holding of a referendum on these recommendations in 2023, even taking into account the need for lead in time identified by both Taoiseach and Tánaiste. The Committee urges that any preparatory work necessary for the holding of such a referendum should commence now.

| Current text of Article 40.1  | Committee Recommended Wording   |
|---|---|
| All citizens shall, as human persons, be held equal before the law.   | All citizens shall, as human persons without distinction as to sex, be held equal before the law.       |
| This shall not be held to mean that the State shall not in its enactments have due regard to differences of capacity, physical and moral, and of social function. | The State shall in its enactments have due regard to the principles of equality and non-discrimination. |

| Current text of Article 41  | Committee Recommended Wording   |
|---|---|
| <p>1. 1° The State recognises the Family as the natural primary and fundamental unit group of Society, and as a moral institution possessing inalienable and imprescriptible rights, antecedent and superior to all positive law.</p> <p>2° The State, therefore, guarantees to protect the Family in its constitution and authority, as the necessary basis of social order and as indispensable to the welfare of the Nation and the State.</p> | <p>1. 1° The State recognises the Family as the natural primary and fundamental unit group of Society, and as a moral institution possessing inalienable and imprescriptible rights, antecedent and superior to all positive law.</p> <p>2° The State, therefore, guarantees to protect the Family in its constitution and authority, as the necessary basis of social order and as indispensable to the welfare of the Nation and the State.</p> |
| <p>2. 1° In particular, the State recognises that by her life within the home, woman gives to the State a support without which the common good cannot be achieved.</p> <p>2° The State shall, therefore, endeavour to ensure that mothers shall not be obliged by economic necessity to engage in labour to the neglect of their duties in the home.</p>   | <p>2. 1° The State recognises that care within and outside the home and Family gives to the State a support without which the common good cannot be achieved.</p> <p>2° The State shall, therefore, take reasonable measures to support care within and outside the home and Family.</p>  |
| <p>3. 1° The State pledges itself to guard with special care the institution of Marriage, on which the Family is</p>  | <p>3. 1° The State pledges itself to guard with special care the Family, including but not limited to the marital family.</p>   |

founded, and to protect it against attack.

3.2° A Court designated by law may grant a dissolution of marriage where, but only where, it is satisfied that –

- i there is no reasonable prospect of a reconciliation between the spouses,
- ii such provision as the Court considers proper having regard to the circumstances exists or will be made for the spouses, any children of either or both of them and any other person prescribed by law, and
- iii any further conditions prescribed by law are complied with.

3.3° Provision may be made by law for the recognition under the law of the State of a dissolution of marriage granted under the civil law of another state.

4. Marriage may be contracted in accordance with law by two persons without distinction as to their sex.

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## Chapter 2 – Domestic, Sexual & Gender-Based Violence

### Introduction

The issue of domestic, sexual and gender-based violence (DSGBV) was not included in the original Oireachtas resolution establishing the Citizens' Assembly on Gender Equality, but the Assembly agreed early on within its deliberations to consider this topic, given its importance as a gender equality issue. The Assembly found, based on the evidence considered by its members, that 'this is a very significant problem in Ireland and one which was exacerbated by Covid-19.'<sup>18</sup>

The Committee agreed that, given its significance as a gender equality issue, this topic and related recommendations 37-41 would be considered early on in the Committee hearings process.

### General Findings

The Committee noted that, according to evidence before it, DSGBV 'is both cause and effect of gender inequality. It is impossible to talk about it, address it and mitigate against gender inequality unless we talk about the violence that supports it.'<sup>19</sup>

As outlined in the written submission from the National Women's Council of Ireland (NWC),<sup>20</sup> since 1996, 230 women have died violently in the Republic of Ireland, with 61% of those women killed in their own homes. A total of 87% of women were killed by someone known to them.<sup>21</sup>

The link between gender-based violence and gender inequality has been clearly established. For women and girls to enjoy equal opportunities and full participation at all levels of society, they must be first able to live violence-free lives.

The recommendations of the Citizens' Assembly in this category are mainly focused on ensuring that the necessary services and expertise are in place for victims/survivors of DSGBV, alongside reforms in the justice system to support and protect victims/survivors.

However, the successful and sustainable implementation of these recommendations will require more than legislation, with significant investment of resources also required. The Committee's proposed actions set out below take that into account.

### Citizens' Assembly Recommendation 37

*All Government action to prevent and counter domestic, sexual and gender-based violence should be coordinated by a Cabinet Minister with direct responsibility for implementation of a national strategy.*

<sup>18</sup> Citizens' Assembly Report, p.82.

<sup>19</sup> RCNI Opening Statement 31.03.22

<sup>20</sup> NWC written submission to the JCCE p.28

<sup>21</sup> [womens\\_aid\\_femicide\\_factsheet\\_2020.pdf \(womensaid.ie\)](https://www.womensaid.ie/womens_aid_femicide_factsheet_2020.pdf)

Prior to the Committee's first public hearing on this theme, it had been announced in July 2021 that the Minister for Justice would be the lead Minister for DSGBV and for the DSGBV Strategy. The Committee welcomed this decision by Government as following through on recommendation 37.

During her appearance before the Committee on 28 April 2022<sup>22</sup> prior to publication of the welcomed Third National Strategy on Domestic, Sexual and Gender-Based Violence (DSGBV) on 28 June 2022, Minister for Justice Helen McEntee told the Committee that the Government would, for the first time, establish a new Statutory National Agency whose task will be responsibility for DSGBV. The new Statutory National Agency for DSGBV will have responsibility for policy and service delivery and will be responsible for overseeing all of the actions set out in the Third National Strategy on DSGBV. It will bring together the expertise that exists within the Department of Justice and Tusla and will come under the aegis of the Department of Justice.

Minister McEntee advised that a number of the objectives in the new National Strategy were in line with the recommendations of the Citizens' Assembly on Gender Equality. The first of these objectives will be to ensure the availability of accessible, quality specialist and community-based domestic, sexual and gender-based violence services across the State, so that all who experience DSGBV will have access to integrated services, no matter where they live. A further objective is to ensure a victim/survivor-centred wraparound service through the creation of a clear, integrated local pathway for adults and for children to access information services and various different supports.

The Committee welcomed the announcement of a new Statutory National Agency for DSGBV. However, questions remain regarding the locus of responsibility and the process and timelines of implementation for certain elements while the agency is being established. Minister McEntee confirmed that the Department of Justice is working with Tusla and the Department of Children, Equality, Disability, Integration and Youth (DCEDIY) to sign off on a memorandum of understanding (MOU). When this has been signed, the Department of Justice, and Minister McEntee as Minister, will be responsible for the delivery of services, working directly with Tusla.

Minister McEntee told the Committee that there are a number of layers in place with respect to accountability. The Minister emphasised that this is a whole-of-government strategy; However, she confirmed that the Department of Justice will oversee the implementation of the strategy. The new Statutory National Agency, working with the Department, will oversee implementation when it is established, and political oversight will be provided by the Cabinet Committee on Social Affairs and Equality, chaired by An Taoiseach<sup>23</sup>. A High-Level Oversight Board will be co-chaired by the Secretaries General of the Departments of the Taoiseach and Justice<sup>24</sup>.

With regard to mechanisms for reporting, Minister McEntee told the Committee that the intention is to report on a half-year basis. The budget will be set out for the lifetime of the

<sup>22</sup> [Joint Committee on Gender Equality meeting transcript 28 April 2022](#)

<sup>23</sup> [Third Domestic, Sexual and Gender-Based Violence Strategy: Implementation Plan](#), p.43

<sup>24</sup> [Draft National Strategy on Domestic, Sexual and Gender Based Violence 2022-2026: Summary Report](#), p.7

strategy and will include all Departments involved and their actions. The Committee heard that the funding for the delivery of services is set to increase from current levels, and there will be new capital spending on refugees and accommodation.

Concerns about the timeline for delivery of these measures flowing from the establishment of the new Statutory National Agency were expressed to the Committee by a number of agencies appearing before it. For example, the Dublin Rape Crisis Centre (DRCC) was of the view that the governing legislation for the new Statutory National Agency must have sufficient reach and power to ensure an integrated cross-departmental response will be adopted. As such, it could be some 12-18 months before that agency will be established and able to take charge. In the years that it will take to build the new agency, Dublin Rape Crisis Centre advocates that an *ad hoc* agency should be established to ensure that there is no risk of side-lining the work in this sector and that the current momentum is not lost. Otherwise, there is a risk that the first two years of the Third National Strategy will be spent solely dealing with the establishment of an agency and the requisite legislation.

Minister McEntee confirmed that the remit of the new Statutory National Agency will not just include the delivery of service and refuge accommodation but will also include responsibility for the delivery of national awareness campaigns. Minister McEntee told the Committee that the Third National Strategy envisages more focused campaigns and education within schools and that her Department has been working closely with Minister for Education, Norma Foley, on that piece of work.

Minister McEntee outlined that the new Statutory National Agency will be developed on an ongoing basis and measures will be put in place to ensure continuous engagement with front-line workers, the community and relevant sectors. Consultation will continue when the strategy is launched and if it is found that something is not happening or working, the Department/Agency will seek feedback from the sector and those working on the ground. Minister McEntee told the Committee that this is the first time that the National Strategy has been co-designed with the sector and expressed the hope that the process has been very beneficial for both sides.

Safe Ireland welcomed the significant progress that has been made with the integration of services and policy into a single Ministry with oversight from the Department of the Taoiseach. According to Ms McDermott of Safe Ireland, regional and community level implementation of the Third National Strategy arising from this new Statutory National Agency should be driven, managed and co-designed by the existing cross-disciplinary expertise in the frontline services sector, alongside the significant DSGBV specialisms that exist in allied public service professions including policing, healthcare, social services and academia.

Ms McDermott cautioned that we should not rush to shoehorn domestic violence into any of the previous existing structures that are inappropriate. Ms McDermott cautioned that women and victims/survivors must be visible at the forefront of structural response and that categorising the DSGBV under the remit of services for children and young people, as was previously the case, is inappropriate and is not a structure that the organisation can support. In their view, such positioning reinforces sexist stereotypes, repeats previous difficulties in

the structural positioning of domestic violence and erases and infantilises the status of women and the violence they experience. Both Safe Ireland and Men's Development Network emphasised the need to take the time to reflect on the necessary structures.

Sarah Benson of Women's Aid welcomed a number of inclusions in the new Third National Strategy which had been omitted from previous strategies, particularly in the area of prevention. There is an explicit acknowledgement of the impact of pornography, particularly on young boys, and a direct acknowledgement of the need to connect with policies like the anti-bullying strategy. That said, she shared the view that there have been missed opportunities to look sensitively and carefully at the intersection between gender inequality and additional discrimination, prejudice and vulnerability that may be due to sexuality, gender identity, race or ethnicity.

All of the organisation representatives that appeared before the Committee were clear that they are struggling in terms of resources and capacity to do the work that is being asked of them at present, without considering the work that will be asked of them in the next two to three years as the new Statutory National Agency is being built. The written submission to the Joint Committee from the NWCI, similarly, outlined that many of their member organisations working at community level are 'barely surviving and are increasingly unable to provide essential supports and advocacy for women in our communities.'<sup>25</sup> Demand for frontline services is high and continues to grow but only moderate increases are being provided in State-allocated funding.<sup>26</sup>

Dr Saidléar of the Rape Crisis Network Ireland (RCNI) emphasised that, in order to address the issue of sexual violence, it is essential to take seriously the analysis, advice and sustained specialisation that has been built up and is available in the sector. However, this type of specialisation, requires serious investment. The individuals working on the frontline and providing these skills require security of employment and organisational support.

A further issue raised was the apparent imbalance between funding provided to the sector and the governance and compliance requirements imposed on the services, e.g., requirements regarding therapeutic notes and disclosure, recording and data protection. According to Safe Ireland, at present service providers are 'dealing with a 19<sup>th</sup> century infrastructure trying to respond to 21<sup>st</sup> century problems', with services and front-line providers working tirelessly to provide services under extremely stressed circumstances. Stakeholders told of a lack of long-term planning at State level and described how the use of Service Level Agreements on an annual basis creates uncertainty and prevents long term planning for service providers. Article 23 of the Istanbul Convention sets out a clear requirement to provide an adequate ratio of shelter relative to the population of the State. Ireland currently falls short on achieving this international standard. In addition to urgent provision of services, organisations in this sector also need to be properly resourced in order to properly participate fully in advocacy, and consultation and participation around development of policy.

<sup>25</sup> NWCI written submission to the JCGE p.27

<sup>26</sup> Dáil debate on [Domestic Violence \(Amendment\) Bill...: 21 May 2019: Dáil debates \(KildareStreet.com\)](#), referenced by NWCI in written submission p.29



DRCC outlined that if the new National Strategy and current reforms are successful, there will be an increase in demand for services as victims/survivors feel empowered to make disclosures. As such, organisations will need to be resourced to deal with the increased numbers of people seeking help. The Committee stressed the importance of including advocates and organisations working in the DSGBV sector in decision-making at national level.

During her appearance before the Committee, Minister McEntee agreed that funding must be increased for service providers and assured the Committee that the aim is to not merely match funding to the increase in accommodation, but also increase supports for the work already happening and allow services to expand. The Implementation Plan for the Third National Strategy commits to 'undertake a review of funding processes for DSGBV Services in order to support more effective organisational capacity and to support service delivery'<sup>27</sup>.

#### **The Committee recommends:**

- That regional and community level implementation of the Third National Strategy arising from this new Statutory National Agency should be driven, managed, informed and co-designed by the existing cross-disciplinary expertise in the frontline services sector, alongside the significant DSGBV specialisms that exist in allied public service professions including policing, healthcare, social services and academia.
- The establishment of a new Statutory National Agency with responsibility for DSGBV under the aegis of the Department of Justice, in accordance with commitment by Government.
- That action on the Third National Strategy on DSGBV begins immediately, pending the establishment of the new Statutory National Agency.

### **Citizens' Assembly Recommendation 38**

*Eliminate tolerance in our society of domestic sexual and gender-based violence by developing and implementing awareness, prevention and education campaigns which may include children of an appropriate age on:*

- a. The impact and harm caused by domestic, sexual and gender-based violence.*
- b. Supports available to victims/survivors.*

This recommendation seeks to eliminate tolerance of DSGBV through the development and implementation of prevention and awareness raising campaigns. The importance of robust and integrated national, regional and local community responses in combating DSGBV was also mentioned.

<sup>27</sup> Third National Strategy on Domestic, Sexual and Gender-Based Violence: Implementation Plan p.49  
[DOJ\\_DSGBV\\_IMP\\_Plan\\_Web.pdf \(justice.ie\)](#)

As part of the Third National Strategy on DSGBV, under action point 1.2.3, an online learning hub<sup>28</sup> on sexual consent and awareness raising was launched in January 2022. Action 1.1.2 of the Third National Strategy commits to delivering a creative public awareness raising campaign of pathways to safety and supports available to victims/survivors of DSGBV.

The Committee heard from Men's Development Network representative Colm Kelly Ryan that 'prevention is better than intervention. If we can prevent it from happening and can engage with men and boys...on changing the norms in society, creating safe spaces for reflection and moving towards action, that is how we will make change happen.'<sup>29</sup>

The Committee heard about the research carried out by Women's Aid in 2021 which found that there is a greater need for awareness to help young people challenge the social norms and behaviours that justify and enable DSGBV and help to model healthy, mutual, positive and respectful relationships. The research found that young people demonstrated a strong desire to intervene and keep each other safe from abusive intimate partners. However, they expressed a desire for more support and information on how to do this safely and effectively.<sup>30</sup>

The Men's Development Network shared the view that the topics of healthy relationships, consent, gender equality and gender-based violence must be addressed in a continuous programme that runs through the life course of the education system. This should be holistic in nature and engage young people in an age-appropriate way. They are of the view that some form of grading system should be put in place so that educators can benchmark progress. The Committee heard that because extracurricular education programmes are not part of the core curriculum, schools and teachers cannot then measure or quantify the success of the programmes. All stakeholders called for an updated Relationships and Sexuality Education (RSE) curriculum for primary and post-primary students which meets the needs of students and addresses consent and DSGBV. As this is directly relevant to recommendation 27, under Norms & Stereotypes and Education, this topic is addressed in more detail in Chapter 3.

Women's Aid told the Committee that specific prevention campaigns targeting young people should be carried out. The Committee heard that intimate partner violence is often inaccurately framed as an issue for established married or cohabiting couples that does not often impact young people and their dating and intimate relationships. However, according to research commissioned by Women's Aid<sup>31</sup> one in five young women, and one in 11 young men, has suffered intimate relationship abuse by a partner. A particular concern is that 50% of the young women affected were abused by a male partner or ex-partner when under the age of 18. A recent WHO global prevalence review has found that intimate partner violence starts early, with 24% of women aged between 15 and 19 years having already experienced physical or sexual violence, or both, by an intimate partner.<sup>32</sup>

<sup>28</sup> [Active\\* Consent - Ireland's national resource hub on consent \(consenthub.ie\)](https://www.consenthub.ie/)

<sup>29</sup> Colm Kelly, JCGE Transcript 07.04.22 p.27

<sup>30</sup> Women's Aid written submission to the JCGE p.3

<sup>31</sup> [one in five women report womens aid 2020.pdf \(womensaid.ie\)](https://www.womensaid.ie/wp-content/uploads/one-in-five-women-report-womens-aid-2020.pdf)

<sup>32</sup> [Violence against women \(who.int\)](https://www.who.int/news-room/fact-sheets/detail/intimate-partner-violence)

Any awareness, prevention and education campaigns targeting young people should be developed based on research and collaboration with young people so that they are relevant to their lives and hopefully more effective than general campaigns. Such campaigns should include a specific focus on young people's dating relationships and be informed by the social context of gender inequalities and negative gendered stereotypes, which have to be redressed to effectively combat the gendered nature of much dating abuse itself. Safe Ireland notes that language and conceptualisation are crucial to finding an age-appropriate way to discuss the issue of DSGBV. The Committee heard that nobody should have to live in an oppressive home and that we must move away from the 'tropes and fatalism upon which we rely all the time – you made your bed now lie in it.'<sup>33</sup> It is necessary to make room for people, particularly young people, with varying identities and concerns and to conceptualise domestic, sexual and gender-based violence across the standard social expulsion and poverty categories of social policy<sup>34</sup> and to address these issues under the heading of diversity and inclusion.

In their written submission to the Joint Committee, the Men's Development Network called for recommendation 38 to be expanded to include training that engages with men and boys on how to act as allies for gender equality in ending DSGBV, in accordance with the Prevention Pillar of the Istanbul Convention.<sup>35</sup>

Furthermore, the Men's Development Network called for prevention and awareness raising efforts that target the general public, rather than specific sectors of society, in accordance with Article 13(1) and (2) of the Istanbul Convention. Men's Development Network made the point that this conversation must reach family homes and permeate that private space. At the core of this is awareness-raising campaigns, messaging and the use of media and social media.

AkiDwA highlighted the need to ensure that victims/survivors are aware of the supports available to them, and raised the particular issues faced by migrant women. AkiDwA told the Committee that they often hear from migrant women, particularly those applying for international protection, who hesitate to report domestic violence for fear that such a disclosure would negatively affect their application for international protection or citizenship. As a result of the Habitual Residence condition, a qualifying condition for social protection payments introduced in 2004, women who leave their partner due to violence and thus no longer satisfy the condition may find themselves destitute. AkiDwA also highlighted that if a woman is dependent on her spouse, she is reliant on him for residency or, if they are claiming for international protection and they come as a couple, refugee status.

AkiDwA called for targeted information campaigns to empower migrant and refugee women about their rights, and provide support in recognising the signs of domestic violence along with assurances that protection is available for victims/survivors of domestic violence and will not affect immigration status. Furthermore, AkiDwA emphasised that migrant women are not a homogenous group. They come from different ethnic backgrounds and have differing

<sup>33</sup> Mary McDermott JCGE Transcript 07.04.22 p.22

<sup>34</sup> Safe Ireland are currently engaged with TASC on a project in this area

<sup>35</sup> Men's Development Network written submission to the JCGE p.12

immigration status, which affects their ability to integrate into society and the ways in which they receive supports and any other kinds of services.

**The Committee recommends:**

- That the Government establishes a working group comprising relevant Departments and agencies, in accordance with Action 4.1.4 of the Third National Strategy on DSGBV, to ensure consistency and coherence in messaging and a planned, targeted rollout of awareness raising campaigns.
- That the Government resources and introduces consent training at all levels of education and in community settings.
- The implementation of Action 1.1.2 of the Third National Strategy on DSGBV, and that it will include targeted information campaigns to provide migrant and refugee women with information about their rights and with assurances that protection for victims/survivors of domestic violence is available and will not affect immigration status

**Citizens' Assembly Recommendation 39:**

*Support justice for victims/survivors by:*

- Reviewing and reforming the courts system – including the family courts – to better protect and support victims/survivors of domestic, sexual and gender-based violence and their dependents and remove barriers to justice.*

In 2019, Ireland ratified the Istanbul Convention. Meeting the standards of this Convention is a core requirement to tackling DSGBV. The new Government strategy, 'Supporting a Victim's Journey: A plan to help victims and vulnerable witnesses in sexual violence cases', is a key step to ensuring implementation and offers an opportunity to progress Ireland's commitment to the Convention.

The Committee heard from Minister McEntee that improving the courts system for victims/survivors, particularly for vulnerable victims/survivors, is a key priority for her and the Department of Justice. As part of the reforms being introduced under 'Supporting a Victim's Journey: A plan to help victims and vulnerable witnesses in sexual violence cases'<sup>36</sup>, the victim/survivor will be entitled to their own dedicated legal advice<sup>37</sup> and support throughout the trial process.

Minister McEntee told the Committee that the Family Justice Oversight Group has been looking at the family justice structures within the legal system and will publish an overall strategy for family law accompanied by the Family Courts Bill, which is going to develop family court hubs. There will be a particular focus in that strategy, as well as the domestic violence strategy, on how to bridge the gap where there are civil and criminal proceedings

<sup>36</sup> [Supporting a Victims Journey.pdf \(justice.ie\)](#)

<sup>37</sup> As recommended under Recommendation 39(d) of the Citizens' Assembly on Gender Equality

happening at the same time and in turn, how to ensure that people are not re-traumatised and that there is sharing and crossover of information where possible.

During the meetings held on 31 March and 7 April, representatives from the organisations working in the sector outlined issues that they have observed or that victims/survivors have experienced throughout their journey through the justice system. Research carried out by Women's Aid in 2019 found that 'for the majority of women surveyed, the criminal justice system did not provide adequate justice or increase their feelings of safety. Sadly, most of the women interviewed said they would not, or were unsure if they would, go through the process again, including in cases where a conviction was obtained against their partner.'<sup>38</sup>

A mapping exercise carried out by the Department of Justice identified situations in which there are parallel civil and criminal proceedings, and possibly child protection proceedings, as opportunities for perpetrators to seek to exercise coercive control and potentially further traumatise victims/survivors. Stakeholders described 'a concerning disconnect between the family and criminal courts'<sup>39</sup>, whereby in cases of domestic violence and child abuse, these courts may deal with the same families but do not work together to protect women and children from an abusive partner or father. Women's Aid outlined to the Committee that they regularly hear of cases in which a history of domestic abuse, including convictions for criminal offences against the mother, is minimised, ignored or dismissed in custody and access proceedings as a separate matter.

Stakeholders welcomed new legislation on coercive control<sup>40</sup>, which will support a mindset shift to look at the pattern of behaviours, rather than single acts of violence, criminal damage or threats. However, further work remains to be done. Instances of coercive control, directly towards the victim/survivor and indirectly towards children, were raised as being a particular impediment to justice for victims/survivors of domestic, sexual and gender-based violence.

RCNI described how coercive control can be exerted in family law situations through the requirement for dual consent. For example, where a child has been referred by professionals for play therapy or other services, access to these services can be blocked by one parent in a way that amounts to coercive control.

Safe Ireland told the Committee of a structural barrier faced by 'qualified adults' who are seeking dental, optical or audiology treatments via the Treatment Benefit Scheme.<sup>41</sup> In some cases 'practitioners are required to solicit the consent of the perpetrator in order for an injured woman to be treated.'<sup>42</sup>

The Committee also heard that there is a great body of research to show that 'if coercive control is being exerted against an adult member of the household, the non-abusing parent, *de facto*, then it is also being exerted against children.'<sup>43</sup> Article 31 of the Istanbul Convention<sup>44</sup> requires that domestic abuse be taken into account when determining custody

<sup>38</sup> JCGE Transcript 31.03.22 p.8

<sup>39</sup> JCGE Transcript 31.03.22 p.8

<sup>40</sup> [Domestic Violence Act 2018, Section 39 \(irishstatutebook.ie\)](https://www.irishstatutebook.ie/eli/2018/act/39/enacted/en/html)

<sup>41</sup> [gov.ie - Treatment Benefit Scheme \(www.gov.ie\)](https://www.gov.ie/en/treatment-benefit-scheme/)

<sup>42</sup> JCGE Transcript 07.04.22 p.13

<sup>43</sup> JCGE Transcript 31.03.22 p.12

<sup>44</sup> [Council of Europe Convention on preventing and combating violence against women and domestic violence \(coe.int\)](https://www.coe.int/t/e/treaties/Convention_on_preventing_and_combating_violence_against_women_and_domestic_violence.aspx)

and access, and that these arrangements be safe for children and the non-abusive parent. Unfortunately, the Committee heard, this is not always the case in Ireland.

Stakeholders emphasised there should be an assumption that if there is abuse against the mother in that situation, that the children, by virtue of being in the environment, are not witnesses but victims and survivors in their own right. This distinction is not currently well understood. It is important to move away from the physical incident model and recognise the complexity of the experience of children and young people. Being a witness or a victim as a child correlates with increased risk of being a victim or perpetrating later in life and, as such, a significant amount of work is required to recognise the trauma that children experience within these kinds of relationships, and the impact that has on them and on their relationships. There is an urgent need to improve co-ordination and linkages between family courts, criminal courts and child protection, ensuring the voice of the child is heard, improving eligibility for legal aid, and developing models for screening, fast-tracking and risk-assessing domestic abuse and child abuse cases.

In addition, RCNI expressed concern about instruments such as the invitation for people to undergo psychiatric assessment, for example, as part of family law cases. The Committee heard that this is offered as an invitation but may be somewhat coerced. RCNI raised concern about people being subjected multiple times to psychiatric assessments and highlighted that the assessors are ‘not necessarily psychiatrists at all. In fact, their professional qualification is uncertain. It is an area that is unregulated’<sup>45</sup>. It may be appropriate for the Oireachtas to look at the regulation of assessors and the protection of people going through that system and how they are referred to it. Committee members noted the importance of introducing measures to ensure that this tool is not abused.

Women’s Aid highlighted that the maintenance system needs reform and strongly endorsed the establishment of a separate maintenance structure that lifts responsibility out of the courts, makes it less adversarial and takes the responsibility to pursue maintenance or, where there are breaches of maintenance orders, the obligation to keep going back to court, away from the victim/survivor. The Committee heard that this could also reduce the number of guardianship cases as these often go to court in response to a maintenance application.

#### **The Committee recommends:**

- That the Department of Justice introduces training for legal professionals, to ensure that victims/survivors that seek help within the legal system are treated in a trauma-informed way.
- Ensure urgent improvement in co-ordination and linkages between family courts, criminal courts and child protection processes, ensuring the voice of the child is heard, improving eligibility for legal aid, and developing models for screening, fast-tracking and risk-assessing domestic and child abuse cases.
- That child maintenance is removed from the courts by implementing the proposed Child Maintenance Bill 2022, as supported by the Women’s Caucus, which would

<sup>45</sup> JCGE Transcript 31.03.22 p.20



create a voluntary scheme to assess parents for child maintenance liability, to be administered by the Revenue Commissioners.

- The establishment of a Statutory Child Maintenance Agency to keep child maintenance out of the courts where possible, and provision instead that the Agency step in when it comes to the arrangement, calculation and payment of child maintenance.
- Strengthening the regulation of court ordered psychiatric assessors in family law cases and the review of their use to guard against abuse.

*b. Developing guidelines and specialist training for judges and lawyers regarding the treatment of victims/survivors, including the exclusion of the consideration of sexual history, character, attire and counselling/medical records.*

All representatives from the NGOs present at the meetings on this module emphasised the vital importance of appropriate and ongoing training on best practice in the treatment of victims/survivors. The written submission from the Irish Council for Civil Liberties (ICCL) states that training is required urgently for criminal judges and prosecution solicitors and barristers on the appropriateness of evidence on previous sexual conduct, sexual history, character and attire of sexual and gender-based violence complainants.

Research undertaken in 2009 on behalf of the Dublin Rape Crisis Centre, based on an analysis of 40 rape cases tried in the Central Criminal Court between 2003 and 2009, showed that judges very frequently granted defence application to introduce evidence about the sexual history of rape victims/survivors pursuant to section 3 of the Criminal Law (Rape) Act 1981, despite the highly prejudicial nature of the reasons being offered by the defence. One commonly used defence argument was that the victim/survivor was 'promiscuous'. This sort of argument, unfortunately, strengthens myths about rape and has the potential to undermine the victim/survivor's evidence in court.<sup>46</sup>

Minister McEntee informed the Committee that work is under way to develop specific training for all of the key personnel, including those in the legal profession, with whom a victim/survivor may come into contact during their journey throughout the criminal justice system. Indeed, the Committee heard that training for the judiciary around domestic and sexual violence has already begun. The intention is that, as more judges are trained, they will then be able to train and engage with colleagues further so that there will be a larger number of people who have been specifically trained within the judicial system. The Department of Justice have also been engaging with the Law Society and Bar Council on this.

The Minister further confirmed that there will be an introduction of preliminary trial hearings, which will reduce delays in the trial processes and allow for sensitive legal issues to be dealt with before the trial starts.

<sup>46</sup> DRCC Opening Statement JCGE meeting 31.03.22



An issue to the fore of the discussion of this recommendation was the disclosure of medical records. NGO representatives expressed real concern that the new provisions around admission of counselling records in the 2017 Act<sup>47</sup> are still not addressing victims/survivors' needs and concerns and are still enabling defence counsel to undermine the victim/survivor's character. The ICCL submission states that 'currently, if a SGBV complainant refuses to disclose same this can result in the withdrawal of the prosecution or the direction of an acquittal by the trial judge.'<sup>48</sup> If the complainant does not agree to their counselling records being disclosed in court, the investigators can say that, as they do not have access to the notes, they do not have the full story and it is at the discretion of the DPP to decide whether the case will proceed or not. As such, the complainant may feel pressure to disclose their records. The Committee heard that the section has not been tested much, as in most cases the decision has been made before the decision to prosecute has been taken.

Minister McEntee told the Committee that the medical records issue is very much part of *Supporting a Victim's Journey*. One of the key elements, from her perspective, is making sure that victims/survivors know they can object to their records being presented in court, which is often not known. Action 3.3.8 of the Implementation Plan of the Third National Strategy on DSGBV commits to 'examine and review the rationale for the disclosure of counselling notes as part of court proceedings including a victim/survivor perspective', starting with a review by the Department of Health in Q3 2022.<sup>49</sup>

#### **The Committee recommends:**

- The speedy rollout of the judicial training programme instituted by the Department of Justice in conjunction with the Law Society and Bar Council.
- The creation and delivery by the Garda College of a trauma informed curriculum.
- That the Department of Justice provides resources to the Legal Aid Board and Probation Service to ensure that staff who deal with victims/survivors of DSGBV are equipped with the skills and knowledge to intervene sensitively where appropriate.

#### *c. Introducing tougher sentences and rehabilitation programmes for the perpetrators of domestic, sexual and gender-based violence and sexual crimes*

While not all NGOs working in DSGBV prioritised or emphasised the introduction of tougher sentences, the DRCC and others voiced strong support for the introduction of a more consistent sentencing system. Ms Scott of the DRCC told the Committee that when victims/survivors engage in the criminal justice process they want to know the likely outcome. While they will be aware that the defendant may be convicted or acquitted, in the absence of sentencing guidelines or a sentencing database, it is difficult to predict the

<sup>47</sup> [Criminal Law \(Sexual Offences\) Act 2017, Section 39 \(irishstatutebook.ie\)](https://www.irishstatutebook.ie/eli/2017/act/39/enacted/en/html)

<sup>48</sup> ICCL written submission to the JCGE p.4

<sup>49</sup> Third National Strategy on Domestic, Sexual & Gender-Based Violence: Implementation Plan, p.36  
[DOJ\\_DSGBV\\_IMP\\_Plan\\_Web.pdf \(justice.ie\)](#)

consequences of a conviction or the likely sentence. The DRCC recommended that the Irish Sentencing Information System (ISIS) database be reinstated and resourced.

The RCNI expressed concern about how proceedings in the family law courts intersect with cases before the criminal courts involving domestic and sexual violence, particularly where the family law cases do not involve any State bodies. Dr Saidléar of the RCNI told the Committee that ‘there are many anecdotes but no good data or evidence. Specifically, transparency is required. Private family law courts are essentially a black box through the *in camera* rule.’<sup>50</sup> The RCNI suggested that there is no reason why data cannot be gathered from these cases, while protecting the identities and safety of those involved in such cases. In particular, with regard to sexual violence and disclosures of sexual violence against children, concerns were expressed about what happens when an allegation of child sexual abuse in or around the family disappears into the private family law system.

The review of the criminal justice system should account for the need for improved data systems that could give visibility on sentencing levels where the perpetrator is a current or former partner.

#### **The Committee recommends:**

- That the Department of Justice reinstates and provides adequate resources for maintaining the Irish Sentencing Information System (ISIS).
- Improved data systems within the criminal justice system to provide visibility on sentencing levels where the perpetrator is a current or former partner.

#### *d. Providing specialised confidential health care and other support services for victims/ survivors including legal representation.*

During her appearance before the Committee, Minister McEntee confirmed that as part of the reforms being introduced under *Supporting a Victim's Journey: A plan to help victims and vulnerable witnesses in sexual violence cases*<sup>51</sup>, the victim/survivor will be entitled to their own dedicated legal advice<sup>52</sup> and support throughout the trial process.

Minister O’Gorman told the Committee that during the transposition of EU Work-Life Balance Directive, legislative provisions would be added to the Bill in order to enable a person to avail of paid domestic violence leave as a statutory right. Minister O’Gorman clarified that it was originally proposed to bring paid domestic violence as a separate piece of legislation, but it was decided that it would be more appropriate to incorporate it into the Work-Life Directive Bill.

There were some media reports to the effect that when introduced there would be a requirement for proof in order to avail of paid domestic violence leave. However, during his appearance before the Committee on 10 October 2022, the Taoiseach, Micheál Martin

<sup>50</sup> JCGE Transcript 31.03.22 p.14

<sup>51</sup> [Supporting a Victims Journey.pdf \(justice.ie\)](#)

<sup>52</sup> As recommended under Recommendation 39(d) of the Citizens’ Assembly on Gender Equality

confirmed that there will be no requirement for proof in order to avail of domestic violence leave. The Committee heard that Government would bring forward Committee Stage amendments to the Work-Life Balance and Miscellaneous Provisions Bill. The Bill will provide for five days' domestic violence leave and is modelled on existing *force majeure* provisions in the Parental Leave Act 1998.

The Department of Children, Equality, Disability, Integration and Youth will be tendering for expert advice to create templates and provide guidance for employers on how to deal with this. The Committee heard that this is the first time that an Irish government has legislated for domestic violence paid leave however, the Members also heard that the provision of ten days domestic violence paid leave has been in place in a number of organisations across the public and private sector for some time. In addition, the committee also heard that following the introduction of ten days domestic violence paid leave in Galway University the Minister for Further and Higher Education, Research, Innovation and Science, wrote to all the third level institutions in June 2020 asking that they introduce the same paid leave for victims and survivors of domestic abuse, and following this request Trinity, UCC, UCD and DCU agreed to do so early last year. The Taoiseach clarified that while five days will be the statutory allowance, it remains open to any employer to go beyond the statutory allowance.

SIPTU outlined to the Committee, that based on research on how long it can take for victims/survivors to make necessary legal arrangements and arrangements for alternative accommodation, for themselves and their families, the five-day allowance provided for in the legislation<sup>53</sup> does not go far enough and should be increased to ten days.

The DRCC told the Committee that specialised confidential health care and other support services must be conceived in a victim/survivor-centred way so that those delivering the services are trained and understand the emotional, traumatic impact of DSGBV. Preferably these should be specialist services where the victims/survivors do not have to keep reporting and reliving the sexual assault again and again. This is particularly important in the cases of children and vulnerable people.

#### **The Committee recommends:**

- That the Government provides for a statutory entitlement of 10 days domestic violence paid leave as is already provided for by employers in the public and private sectors and endorsed by the trade union movement.
- That the Government ensures that specialised confidential health care and other support services are developed in a victim/survivor-centred way so that those delivering the services are trained and understand the full impact of DSGBV.
- That the Government ensures that accessing of supports by victims/survivors does not increase their vulnerabilities and that appropriate safeguards are put in place regarding sharing of information with Garda National Immigration Bureau or other bodies.

<sup>53</sup> [Work Life Balance and Miscellaneous Provisions Bill 2022](#)

- That, where a victim/survivor's status is linked to that of an abusive partner, the Department of Justice puts measures in place to enable them to receive independent immigration status.

*e. Putting in place a Victims/Survivors Commissioner as an independent advocate and voice for victims/survivors.*

With regard to this recommendation, during her appearance before the Committee on the 28 April, Minister McEntee told the Committee that 'the Commissioner is not something we have on our agenda in terms of actions.'<sup>54</sup>

The DRCC however told the Committee that it has long lobbied for the establishment of a Victims/Survivors Commissioner dedicated to protecting and upholding the rights of victims/survivors.

The Irish Council for Civil Liberties (ICCL) submission to the Joint Committee on Gender Equality also states strong support for the establishment of an independent Commissioner for access to justice for victims/survivors. The submission further states that the ICCL has long called for a Victims' Ombudsman to centralise victims/survivors' rights and provide a complaints mechanism and the submission reiterates that call.

The Committee urges the Government to take action to put in place a Commissioner as envisaged by the Citizens' Assembly; or alternatively to consider how the proposed new Statutory National Agency for DSGBV might ensure availability of an independent advocate and voice for victims/survivors within the criminal justice process.

**The Committee recommends:**

- That the Department of Justice conducts a review into how best to put in place a commissioner as envisaged by the Citizens' Assembly; or alternatively ensure the proposed new Statutory National Agency for DSGBV will deliver independent advocacy and voice for victims/survivors within the criminal justice process.
- That the Department of Justice increased resources for the Legal Aid Board and NGOs to provide legal aid and court accompaniment to victims/survivors.

**Citizens' Assembly Recommendation 40**

*Ensure sufficient publicly funded provision of beds, shelters and accommodation for victims/survivors of domestic, sexual and gender-based violence across the country and their dependents in line with the Istanbul Convention.*

The Third National Strategy on DSGBV (published 28 June 2022) includes an action to 'develop, resource, and implement an agreed Strategic Accommodation Solutions

<sup>54</sup> Minister McEntee, JCGE Transcript 28.04.22 p. 12

Development Plan to implement the recommendations of the Review of Emergency Accommodation', and provides commitments to double refuge accommodation over the lifetime of the Strategy, deliver 24 refuge places in Wexford, Dundalk and Navan in 2023 and 2024, deliver project management and capacity building supports to 12 priority locations in 2022 and 2023 and deliver 14 additional safe homes by Q4 2022 with further expansion in 2023<sup>55</sup>.

During her appearance before the Committee, Minister McEntee stated her goal was that everyone who needs a refuge space will get one but acknowledged the need to dramatically increase the provision of refuges across the country. The Minister confirmed that she has established a high-level interdepartmental group to review the current system for the provision of refuge space and accommodation, to identify priority areas for refuge development, to implement necessary changes to deliver additional spaces as effectively and as quickly as possible, and to implement the recommendations of the Tusla review.

However, in his appearance before the Committee, Minister O'Gorman acknowledged that the mechanisms for delivery of new refuge spaces were not working fast enough.

Ms McDermott of Safe Ireland told the Committee that the importance of locally accessible domestic violence services cannot be overstated. Men's Development Network told the Committee that at the time of meeting, there was no provision of refuge specifically for men, though crisis accommodation has and can be gained for men through various different systems. The DRCC also raised the need to consider shelters and accommodation for victims of trafficking and exploitation.

Ms McDermott advised the Committee that substantial knowledge and expertise exists in the networks of refuge and support services throughout the country. This expertise should be utilised fully to create a skills-led community response and to develop the establishment of refuges that provide safety and high-end skills, alongside increased capacity for frontline triage, including risk and safety assessment. Ideally, when a woman presents at a refuge, support and services should automatically kick in, such as: legal supports; accompaniment; advice; housing and accommodation outside of the needs of the refuge; social protection; education; training and employment; and crucially, the full therapeutic supports required.

Stakeholders emphasised that crisis accommodation through refuge is not of itself a solution to DSGBV generally, nor does it meet the full accommodation and support needs of a woman in her journey to safety. The Committee heard that the journey to safety for a woman can take up to two years<sup>56</sup>. While refuges will always be needed, they are only part of the response, not the solution.

Safe Ireland highlighted that national housing policy does not recognise women in domestic violence circumstances as homeless. Therefore, they fall substantially outside the net of current interventions and priorities. The Committee heard that other jurisdictions have

<sup>55</sup> Third National Strategy on Domestic, Sexual & Gender-Based Violence: Implementation Plan, p.25  
[DOJ\\_DSGBV\\_IMP\\_Plan\\_Web.pdf \(justice.ie\)](#)

<sup>56</sup> [Assessing-the-Social-and-Economic-Costs-of-DV-July2021.pdf \(safeireland.ie\)](#)

successfully addressed these issues in the round, with the whole housing approach model in the UK<sup>57</sup> cited as a model of best practice.

The link between domestic violence and homelessness must be made clear and the national Housing for All strategy must include medium to long-term accommodation action specifically for victims/survivors of domestic violence and abuse.

Women's Aid told the Committee that one of the reasons that refuges were full is because there has not been enough movement on accommodation. The housing crisis and challenges with access to local authority housing makes finding a home extremely difficult. Safe Ireland welcomed the domestic violence rent supplement, which has now been mainstreamed<sup>58</sup> and called for an exceptional needs payment to assist people experiencing domestic violence with other practical emergency outlays.

Finally, alongside greater provision of refuge space, government policy must also focus upon how to ensure that victims/survivors of domestic violence and abuse have the option of remaining safely in their homes with specialist support. The current position where it is invariably the victims/survivors who are forced to leave the family home, rather than the abuser, must be addressed.

Both Ministers O'Gorman and McEntee assured the Committee that this fundamental issue is under examination and will be looked at in the context of the Third National Strategy on Women and Girls.

#### **The Committee recommends:**

- That the Department of Justice ensures compliance with Article 23 of the Istanbul Convention and with the timelines for delivery of refuge provision in the Third National Strategy, including the commitment to double refuge accommodation over the lifetime of the Strategy; the delivery of 24 refuge places in Wexford, Dundalk and Navan in 2023 and 2024, project management and capacity building supports to 12 priority locations in 2022 and 2023; and delivery of 14 additional safe homes by Q4 2022.
- That the link between domestic violence and homelessness is made clear and that the national Housing for All plan includes provision for medium to long-term accommodation specifically for victims/survivors of domestic violence and abuse.
- That the Department of Social Protection introduces an exceptional needs payment to complement the domestic violence rent supplement, and to assist those experiencing domestic violence with other practical emergency outlays.

<sup>57</sup> [What is the Whole Housing Approach? - daha - Domestic Abuse Housing Alliance \(dahalliance.org.uk\)](https://dahalliance.org.uk)

<sup>58</sup> [Minister Humphreys announces Access to Rent Supplement for Victims of Domestic Violence to become permanent - MerrionStreet](#)



### Citizens' Assembly Recommendation 41

*Recognise female genital mutilation (FGM) as a ground for seeking asylum, and provide culturally sensitive specialised services for victims/survivors.*

In her evidence to the Committee, Minister McEntee asserted that FGM already falls under 'gender' as a ground for seeking international protection. Thus, victims/survivors of FGM are currently legally entitled to seek international protection on this basis. However, she added that further work will be carried out to develop a strategy on this, through the Department of Health.

According to research carried out by AkiDwA, 5,975 women who have been subjected to female genital mutilation (FGM) are living in Ireland. Some 6,000 girls under 15 years of age, who were born or are living in Ireland but who originate from countries in which FGM is practiced, are also at risk. AkiDwA outlined that the impacts of FGM upon survivors are psychological, physical, social and sexual. They informed the Committee that 'due to the difficulty to engage in intimacy, women who have undergone FGM suffer domestic violence in their homes and many times they have no one to whom they can disclose what they are going through.'<sup>59</sup>

Dr Munyi of AkiDwA informed the Committee that key policy steps in this area should include the establishment of an intergovernmental working group that includes relevant Departments, civil society, frontline services and representatives from affected communities; the development of a national action plan on FGM which outlines and coordinates the response of Government agencies, with funding to support anti-FGM programmes and key targets and indicators to measure progress on elimination; and the establishment of funding for a network of community health ambassadors who would work with affected communities, including young people, religious groups and men, to change attitudes to FGM at a grassroots level. The intergovernmental working group to also assess measures to counter the risk of FGM to those 6,000 girls under the age of 15 who were born or are living in Ireland but originate from countries in which FGM is practiced.

AkiDwA advised that central to an action plan would be the streamlining of FGM services. The Committee heard that at present there is only one clinic in Ireland which deals with FGM. Streamlining FGM services would mean that a woman could walk into any hospital in Ireland, be triaged, taken to the relevant department and be seen by a doctor. This will require training for doctors to take care of FGM-related needs, both physical and psychological, as well as cultural sensitivity.

AkiDwA highlighted a lack of clarity as to where responsibility for dealing with FGM lies, stating they have been 'moved around different Departments. First, we were told that it was the role of the HSE, then moved to Cosc and so on.'<sup>60</sup> AkiDwA are seeking a clear locus of responsibility to ensure that action is taken.

It was noted that the wording for recommendation 41 refers to recognising FGM as a ground for seeking asylum. However, it is already a fundamental human right to seek asylum and as

<sup>59</sup> JCGE Transcript 07.04.22 p.5

<sup>60</sup> JCGE Transcript 07.04.22 p.16



such, stakeholders urged that FGM be considered as a ground for refugee status, rather than seeking asylum.

**The Committee recommends:**

- That the Government establishes an intergovernmental working group on FGM to include relevant Departments, civil society, frontline services and representatives from affected communities; develop a National Action Plan on FGM to coordinate the response of Government agencies, with funding to support anti-FGM programmes and key targets to measure progress on elimination; and provide funding for a network of community health ambassadors to work with affected communities to change attitudes to FGM at a grassroots level.
- That the Government ensures that FGM is included within all National Strategies and policies on DSGBV.
- That the Department of Justice introduces training programmes to provide migrant women with information on their rights in seeking asylum and include targeted information on recognising the signs of DSGBV with assurances that protection from DSGBV is available and will not affect immigration status.
- That the Government allocates appropriate funding to provide physical and psychological support to victims/survivors of FGM and put safeguards in place to ensure that this information will be used solely for their support and for no other purpose.
- That FGM be recognised as a specific ground for seeking refugee status.
- The Department of Justice reviews and strengthens DSGBV and FGM specific training in line with international best practice for all in the Refugee Appeals Tribunal.

## Chapter 3 – Norms & Stereotypes and Education

### Introduction

The Oireachtas resolution establishing the Citizens' Assembly acknowledged the role of traditional norms and stereotypes in perpetuating gender inequality, asking the Assembly for recommendations which would 'challenge the remaining barriers and social norms and attitudes that facilitate gender discrimination towards girls and boys, women and men.'

The recommendations under this heading recognise the importance of education in perpetuating or eliminating traditional norms and stereotypes and seek to encourage the disruption of such norms and stereotypes via education.

### General Findings

The Committee heard from the Irish Secondary Schools Union (ISSU) that

'Gender norms and stereotypes damage the way in which society operates. This is directly because of the value we have continually placed on specific gender roles and the lack of value on others.'<sup>61</sup>

The Committee heard extensive evidence generally about the way in which gender norms and stereotypes are being reinforced through the education system, including through the enforcement of gendered uniforms, single-sex schooling and limitations in subject choices and career guidance information and how the Citizens' Assembly recommendations can challenge such stereotyping. But a key aspect of the education system in Ireland which is not addressed within the Assembly recommendations is that of sex-segregated schooling. The Committee heard from Mr Byrne of TU Dublin, that evidence suggests that in a co-educational setting, gender-stereotyping of curriculum subjects can be less likely to occur. Mr Byrne observed that while Ireland has unusually high numbers of students in single-sex schools when compared to other countries<sup>62</sup>, there are no single-sex third level institutions and no single-sex places of work. In Mr Byrne's view, a prominent tool at our disposal in defeating stereotypes is familiarity; placing students in sex segregated schools does not help to achieve that type of familiarity.

While this issue is beyond the scope of the Assembly recommendations, the Committee considers that the Government should undertake research to review the extent to which single-sex primary and secondary schooling can serve to perpetuate and reinforce gender stereotyping and can mean restricted access to a full range of subject options in individual secondary schools.

### Citizens' Assembly Recommendation 26

*Appropriately resource schools to facilitate:*

<sup>61</sup> Bukke Adebawale, JCCE Transcript 05.05.22 p.23

<sup>62</sup> 17% at primary and 30% at post-primary

*a. Provision of a broad range of subject choice that counters gender stereotyping.*

In respect of this recommendation, Minister Foley informed the Committee that the Department is committed to resourcing a broad range of subjects in schools and that a number of upskilling programmes are available to ensure that staff who want to obtain a further qualification in a particular area can do so. However, during his appearance before the Committee, Minister Simon Harris accepted that 'It is a fact that in some all-girls schools, there has not been sufficient subject diversity.'<sup>63</sup>

Indeed, the Committee heard that school is often one of the very first places students see gender stereotypes, with expectations placed on young girls to study subjects such as Home Economics and, similarly, on young boys to study subjects such as Woodwork or Technology.

Subject choice at second level can thus constrain options for women in seeking entry to courses at Third Level. Some Leaving Certificate subjects provide a foundation level for certain courses at third level, such as Engineering, which is offered as a subject in most boys' schools but few girls' schools. This can leave female students at a distinct disadvantage to male counterparts and may hinder their progression and retention in the subject.

For example, Ms Sheridan of Women in Research, a PhD candidate at the Centre for BioNano Interactions (CBNI) at University College Dublin, told the Committee of her own experience of secondary school, where Engineering was not offered to her and cited figures showing that only 10% of those taking up engineering in mixed schools are female. This is reflected in university intake which stands at circa 8%.

Dr O'Sullivan of Maynooth University, shared the view that science and technology subjects should be mandatory in the same way as Mathematics and English, citing 2018 figures which show that while 92% of all boys' schools offer Physics, Chemistry and Biology on the Leaving Certificate timetable, only 77% of girls' schools do; this figure drops even lower in co-educational schools, to 62%.<sup>64</sup> In 2021 these figures stood at 90% for boys schools, 79% for girls schools, while only 60% of co-ed schools offered all three subject choices.

Ms Neville of the ISSU told the Committee that these stereotypes are compounded by a lack of resourcing for schools and as such, it is vital that schools are given the resources to enable them to offer a broad range of subjects to all students in order to counter gender stereotypes.

Ms Sheridan of Women in Research made reference to the expansion of online education over the last two years as a result of the pandemic and sees no reason why, 'if there is not a teacher in a regional area, we cannot expand the libraries and computer classes to a

<sup>63</sup> Minister Simon Harris, JCGE Transcript 05.05.22 p.9

<sup>64</sup> [Education Indicators for Ireland December 2021 p.16](#)

computer programme'. Ms Sheridan proposed that there are existing programmes which have the capacity for expansion to get those skills into schools<sup>65</sup>.

While the question of subject availability is undoubtedly a large factor in the uptake of certain subjects, the Committee heard evidence from representatives from all levels of the education system that the issue of culture within traditionally male-dominated classes is also a significant barrier to participation for girls and women.

The Committee heard anecdotal evidence about female students who had performed well in classes such as Woodwork at Junior Certificate level but decided against taking the subject for Leaving Certificate due to the culture they experienced within the classroom. Ms Adebawale of the Union of Students Ireland (USI) shared her own experience of being 'one of the only black women studying within my agriculture science classes, which is typically a very white male dominated space. It was something I loved but it was not necessarily an environment that allowed me to stay.'<sup>66</sup> She proposed that implementing recommendation 28 would also help, by providing professional development for staff members.

Ms Exton told the Committee that in her view, once toxic masculinity begins in the classroom, it can develop into much more serious issues in adulthood.

Awareness of gender differences and strategies for gender-inclusive teaching should form part of both Initial Teacher Education (ITE) and Continuing Professional Development (CPD) for both primary and post-primary teachers.

Women in Research recommends that schools, in partnership with universities where possible, should provide a more inclusive learning environment and seek to fully introduce students to subject options in late primary or early post-primary education, allowing them the opportunity to explore and engage with subjects they may not have considered or encountered before. Linkages between primary and post-primary schools, and between post-primary schools and third level institutions should be increased to allow students to try out a wide range of subjects and make clearer pathways between subjects, courses and schools which would make the transition between educational stages easier.

The objective of this recommendation is to ensure that there is equality in subject provision for girls and boys across the education system. However, in some cases more concerted efforts will be required to counter the particular needs and vulnerabilities experienced by those of both genders who are coming from a background of social or economic disadvantage.

During the meeting with Minister Foley, Members raised the fact that no all-girls DEIS school is participating in the pilot computer science programme. In response, Minister Foley told the Committee that it is a matter for schools to put themselves forward for pilot programmes, such as the computer science pilot.

Later, this same point was raised with Dr Katriona O'Sullivan and representatives of Women in Research. Dr O'Sullivan shared that view that 'it is not up to schools. That is a cop-out in a

<sup>65</sup> Emily Sheridan JCGE Transcript 19.05.22 p.37

<sup>66</sup> Bukke Adebawale JCGE Transcript 05.05.22 p.34

sense. Schools, especially those that are disadvantaged, are offering as much emotional and social support to their students as possible.<sup>67</sup> Dr O'Sullivan made the point that it is difficult for DEIS schools to incorporate much of what is on offer from the Government because they are busy caring for the many challenges that they are presented with in their schools. Dr O'Sullivan urged the Committee to consider the intersection between gender and class.

DEIS schools need added support to ensure that girls from a working-class background can access all subject options. The intersection of gender, class and ethnicity must also be considered to ensure all girls are served by the education system.

**The Committee recommends:**

- That the Department of Education undertakes research to review the extent to which single-sex primary and secondary schooling can serve to perpetuate and reinforce gender stereotyping and can mean restricted access to a full range of subject options in individual secondary schools.
- That the Department of Education ensures new schools are of mixed gender and creates a strategic plan for the merging of existing single sex schools.
- That the Department of Education ensures that schools are provided with the resources to enable them to offer a broad range of subjects to all students in order to counter gender stereotypes; using online facilities where necessary to do so.
- That the Department of Education and the Department of Further and Higher Education, Research, Innovation and Science enhance linkages between primary and post-primary schools, and between post-primary schools and third level institutions, to allow students to try out a wider range of subjects.
- That the Department of Education provides DEIS schools with additional support to ensure that girls from a working-class background can access all subject options.

*b. Provision of gender-neutral career information and advice from early second level education.*

The Committee is of the opinion that the advice and information that is given to students around potential career choices can be critical in the decision that they go on to make about their future careers. However, it has become apparent that many young people are being phased into or indeed, out of, certain career paths due to the gendering of certain professions according to traditional gender norms and stereotypes.

The Committee heard that one of Minister Foley's first acts as Minister for Education was to ensure the provision of 120 careers guidance posts that would fully restore ex-quota allocations to schools. Minister Foley told the Committee that ensuring that all students have access to 'positive, inclusive and high-quality guidance' is hugely important. However, Mr Byrne of TUD cautioned that while the objective may be to create an inclusive culture which is diverse and open to steering boys toward caring professions or girls towards STEM

<sup>67</sup> Dr Katriona O'Sullivan JCGE Transcript 19.05.22 p35

professions, the reality may be that ‘subconsciously and unbeknownst to some teachers, they may inadvertently steer them towards their gender-type subjects.’<sup>68</sup> In this regard, it is vital that the need to ensure provision of gender-neutral career information and advice is addressed in both CPD and ITE to help eliminate implicit and unconscious biases.

The Committee heard from Ms Neville of the ISSU that ‘if you are not seeing yourself in that position and cannot picture it, then it is not accessible to you. If careers teachers in boys’ schools do not have modules on caring, nursing, music and so on, the boys will not even think of doing that...the only career options they are getting is what is being presented to them by their schools.’<sup>69</sup>

**The Committee recommends** that the Department of Education ensures that the provision of gender-neutral career information and advice is addressed in both CPD and ITE to help eliminate implicit and unconscious biases.

## Citizens’ Assembly Recommendation 27

*Curriculum review and development should:*

### *a. Promote gender equality and diversity.*

A conversation is needed about how gender stereotypes and issues of equality roll through the entire education system from primary through to Third Level. As Ms Exton told the Committee, ‘Everything comes back to the education system. If we have an intersectional education system that takes everyone and everything into account, we will have an intersectional society that takes everyone and everything into account’.

Ms Sheridan suggested that teaching about gender and gender-based discriminations should not be the sole remit of speciality classes but rather, should be an important component of all subjects in post-primary education. Indeed, this point was raised by Men’s Development Network representatives during the meetings on Domestic, Sexual and Gender-based Violence.

ISSU witnesses emphasised the importance of challenging stereotypes and addressing gender inequality by commissioning a review of all subjects. It was emphasised by multiple witnesses that thought should be given to ensuring better representation of women and to generating a better understanding of historical gender inequalities in the curriculum. Ms Exton stated ‘In my junior certificate history book, there were three women pictured, and one of them was simply associated with Michael Collins, so there was nothing in the curriculum about her and it was just her image. It is very frustrating to be a young woman and to see this, and to be an activist and to see there are so many narratives that are just taken away from us.’<sup>70</sup>

<sup>68</sup> David Byrne JCGE Transcript 12.05.22 p.8

<sup>69</sup> Emer Neville JCGE Transcript 12.05.22 p.12

<sup>70</sup> Saoirse Exton JCGE Transcript 12.05.22, p.22



Committee members highlighted the fact that Civic, Social and Political Education (CSPE) since 2019 is no longer an exam subject. The importance of CSPE in building young people's relationships with society and empowering young women was emphasised.

Dr Jacqueline Fallon of the NCCA, highlighted the importance of integrating drama into the curriculum. Committee members emphasised the benefits of introducing drama at a young age as a tool for empowerment and therefore offering a progressive approach to gender proofing.

Dr Jennifer Brennan of THEA shared the view that higher education will need to put significant efforts into co-creating with students an inclusive learning environment, celebrating diversity and ensuring that the curriculum and the teaching strategies are inclusive. THEA's members are working on a project to embed gender equality and intersectionality in the curriculum, supported by the HEA's gender equality enhancement fund.

All THEA members are rolling out dedicated training on sexual violence and harassment to students and staff, and while this is positive, it is clear that age-appropriate training on consent should be offered as early as possible in the education system.

#### **The Committee recommends:**

- That the Department of Education ensures that teaching about gender and gender-based discriminations is not the sole remit of speciality classes but is an important component of all subjects at post-primary level.
- That the Department of Education conducts a review of curricula in all subjects in order to improve the gender balance of studied individuals and groups, to improve gender equality and diversity of representation and address historic inequalities and exclusions.
- That the Department of Education commissions a review of Civic, Social and Political Education (CSPE) curriculum to explore its potential to identify, address and challenge gender inequality and better encourage active political and civic participation for all young people. This review should also consider the impact which the cessation of CSPE as an exam subject at Junior Cycle in 2019 has had on prioritisation or resourcing of the subject within schools.

- b. Explicitly cover gender power dynamics, consent and domestic, sexual and gender-based violence – both online and offline – within the revised Relationships and Sexuality curriculum.*

Discussions around the teaching of Relationships and Sexuality Education (RSE), a programme which resides within the Social, Personal and Health Education (SPHE) curriculum, featured prominently during the meetings held on Module B: Domestic, Sexual and Gender-Based Violence, as well as during the meetings held to consider the recommendations around Norms and Stereotypes. The Committee agreed that it is imperative that comprehensive SPHE and RSE programmes are provided for all students in

all schools. But frustrations were evident across a range of stakeholders regarding the perceived delays in development and implementation of the new curriculum for SPHE and RSE. The Committee believes that the new curriculum should be rolled out as soon as possible.

The Programme for Government commits to 'Develop inclusive and age appropriate RSE and SPHE curricula across primary and post-primary levels, including an inclusive programme of LGBTI+ relationships and making appropriate legislative change if necessary.'<sup>71</sup>

During her appearance before the Committee, Minister Foley outlined the timelines for development and implementation of the new RSE curriculum, telling the Committee that 'we have been very clear that where is an issue, whatever is required to be done...up to and including legislation, that will be done.'

She explained that consultation on the Junior Cycle specification closed in October 2022 and public consultation on the Background Paper and Brief for the redevelopment of senior cycle SPHE closed in November 2022. Work on the primary curriculum framework will be published in 2023 with the introduction of individual subject specifications to follow. The NCCA has also created support materials for teachers as part of an interim guidance toolkit.

The Committee heard that the importance placed on sufficient public consultation with all stakeholders is in part cause of the delay in development and implementation of the revised RSE curriculum. The NCCA clarified that the onset of the Covid-19 pandemic rendered consultation during that time impossible. Dr Sullivan told the Committee that 'community engagement is key, particularly around sensitive areas of the curriculum. If one does not have community engagement on the ground then that can really impact on take-up in schools and, indeed, mass opting out of teaching across our schools, which is a scenario that nobody wants to see'<sup>72</sup>.

Minister Foley told the Committee that SPHE is a mandatory curriculum subject at both primary and post-primary level, and that access to sexual and health education is an important right for students at all levels, from primary through to senior cycle. She clarified, in relation to opt-outs for parents, that 'what is laid down in the curriculum is and must be followed within our schools.'<sup>73</sup>

She also informed the Committee that the introduction of the postgraduate programme<sup>74</sup> for SPHE and RSE teachers announced in April 2022, will greatly help in making sure that schools will have well-trained staff who will be confident in delivering the programmes. The Committee heard that the tender process is currently taking place and that Minister Foley hopes to roll it out in the coming months, most likely early 2023.

<sup>71</sup> [Programme for Government - Our Shared Future](#) p. 95

<sup>72</sup> Dr Patrick Sullivan, JCGE Transcript 14.07.2 p.11

<sup>73</sup> Minister Foley JCGE Transcript 19.05.22 p.14

<sup>74</sup> [gov.ie - Minister Foley announces initiative to provide a new postgraduate upskilling programme for post-primary SPHE/RSE teachers \(www.gov.ie\)](https://www.gov.ie/en/minister-foley-announces-initiative-to-provide-a-new-postgraduate-upskilling-programme-for-post-primary-sphe/rse-teachers/)

In his appearance before the Committee, Minister Harris stated that it is necessary to link in across primary, secondary and third levels, and that ‘there is little point in talking about consent at third level, for example, if we do not have a comprehensive sexual education curriculum at primary and secondary level in an age-appropriate manner....if we wait until our young people are aged 18 years and entering third level to educate them on consent, in many ways the damage can be done; certainly it can be more difficult to undo perceived norms at that stage.’<sup>75</sup>

Ms Neville told the Committee that ‘the education system has a responsibility to educate young women, men and non-binary people about gender power dynamics, consent and domestic, sexual and gender-based violence’<sup>76</sup>, and that they would like to see each student receiving fully comprehensive RSE. Mr Byrne of TU Dublin suggested that such issues would be best addressed in mixed gender environments.

The Committee emphasised the importance of ensuring that school ethos would not serve as any obstacle to the delivery of the full RSE curriculum to every child.

NCCA representatives outlined that RSE resides within the wellbeing curriculum which now has a dedicated allocation of 400 hours within the junior cycle curriculum and ‘there is not a choice for schools on curricular provision on that....there will never then be a situation whereby if a significant percentage of the parents of students going to that school decide, based on their personal ethos, that they want to remove their child from the class, the school would be able to say it does not have the demand.’<sup>77</sup>

The NCCA told the Committee that their review of RSE ‘found that the biggest barriers to inclusive, effective and child-centred RSE are teacher confidence and competence’ rather than school ethos. Thus, the personal development piece is essential to the professional development of SPHE and RSE teachers as ‘it gives them an opportunity to interrogate and understand their own particular biases and prejudices, including gender ones, that they might be bringing into the classroom.’<sup>78</sup>

The Committee understands that research carried out by Mr Byrne of TU Dublin also suggests that a significant issue with the provision of RSE, at a practical level, is the discomfort some teachers may have in delivering the subject. As many as one third of post-primary teachers delivering the SPHE curriculum, within which RSE resides, have received no training in this curriculum or related pedagogies. ‘Worryingly, it is also apparent that SPHE may sometimes be assigned to a teacher based on their balance of available teaching hours, as opposed to their expertise in the subject.’<sup>79</sup>

Mr Byrne told the Committee that SPHE currently does not appear to be recognised on the Teaching Council’s registration for curriculum subject requirements, which outlines the requisite skills and accreditation to deliver each subject of the post-primary curriculum. To this end, he proposes that appropriate subject requirements be established for SPHE, which

<sup>75</sup> Minister Harris JCGE Transcript 05.05.22 p.3

<sup>76</sup> Emer Neville JCGE Transcript 12.05.22 p.3

<sup>77</sup> Barry Slattery JCGE Transcript 14.07.22 p.13

<sup>78</sup> Annette Honan JCGE Transcript 14.07.22 p.8

<sup>79</sup> David Byrne JCGE Transcript 12.05.22 p.4

prospective teachers would be required to meet in order to register with the Teaching Council to deliver SPHE. This would oblige all consecutive and concurrent teacher-education programmes to offer a learning pathway that would lead to an accredited qualification to teach SPHE. This would in turn, potentially reduce the propensity for untrained teachers to deliver lessons in sensitive topics such as sex and sexuality, consent and sexual or gender-based violence. The Committee heard that a significant obstacle to the successful implementation of this recommendation, would be resources in terms of the necessary curriculum development and lecturers to provide ITE in this area.

#### **The Committee recommends:**

- That the Department of Education ensures that the new RSE/SPHE curriculum is rolled out as soon as possible and that it includes an emphasis on how to counter gender stereotypes.
- That the Department of Education consults with teacher representatives in order to establish appropriate subject requirements for SPHE, which prospective teachers would be required to meet in order to register with the Teaching Council to deliver SPHE; this would oblige all teacher-education programmes to offer a learning pathway that would lead to an accredited qualification to teach SPHE.
- That the Department of Education makes provision for personal development training for SPHE and RSE teachers, to address the potential for bringing unconscious bias into the classroom.
- That the Department of Education mainstreams and integrates initiatives such as Bystander Intervention at University College Cork, Active Consent at University of Galway and Together Consent in Trinity College Dublin into the second level curriculum.

### **Citizens' Assembly Recommendation 28**

*All levels of the education system from pre-school to third level, led by the relevant Government Department should:*

- Ensure that initial education and continuing professional development for staff includes modules promoting gender awareness and gender-sensitive teaching methods.*

Stakeholders voiced strong support for recommendation 28(a) and for the need to provide appropriate initial teaching education (ITE) and continuing professional development (CPD), which includes specific gender-related modules, to educators at all levels. It was suggested to the Committee that training in how to develop gender-sensitive teaching methods skills should be mandatory for all teachers in order to register with the Teaching Council, regardless of their chosen subject.

The submission from the Teachers Union of Ireland (TUI) calls for ITE to include relevant modules outlining and promoting gender awareness, alongside the provision of CPD for all school personnel, not just those delivering the RSE curriculum, in order to help develop an

understanding of the complexities of gender and gender identities. This should focus on challenging notions and understanding of gender and it should also address specific methods to prevent and tackle gender-based harassment and bullying. School policies, especially anti-bullying, child protection and wellbeing policies should be grounded in a rights-based approach which embraces gender diversity.

Minister Foley told the Committee that equality, diversity and inclusion (EDI) considerations are intrinsic to the curriculum. For this reason, the Department of Education and the Teaching Council have designated inclusive education methods as a key component of all initial teacher education provision.

**The Committee recommends:**

- That the Department of Education undertakes consultation with teacher representatives to develop training in gender-sensitive methods and skills. This to be made mandatory for all teachers in order to register with the Teaching Council, regardless of their chosen subject.
- That school policies, especially anti-bullying, child protection and wellbeing policies should be grounded in a rights-based approach which embraces gender diversity.
- That the Department of Education reviews the use and enforcement of uniform codes and ensure they do not reinforce gender stereotypes and that there is no requirement for gendered clothing items.

*b. Monitor policies and practices – including school inspection and whole school evaluation – through the lens of gender equality and report regularly on trends and outcomes by gender.*

An ongoing programme of internal training is provided for the Schools Inspectorate at both primary and post-primary level. The remit of the Inspectorate has been expanded to include practices around anti-bullying and oversight in STEM programmes. Specifically, the Inspectorate is tasked with looking at patterns of subject uptake, determining what is working well in one area and how that could be implemented elsewhere to encourage uptake of particular subjects, taking gender into consideration.

At third level, Minister Harris described a range of measures already in place, including the requirement for higher education institutions (HEIs) to report annually to the Higher Education Authority (HEA) on progress in implementing the framework for consent<sup>80</sup>, which includes Aims for students, staff and institutional practice. Funding is provided by the Department of Further and Higher Education, Research, Innovation and Science for this, with over €400,000 allocated to a number of related initiatives.

The Committee heard that the Irish Universities Association (IUA) has been developing EDI training across the Universities as part of professional development, encompassing

<sup>80</sup> [Safe, Respectful, Supportive and Positive - Ending Sexual Violence and Harassment in Irish Higher Education Institutions](#)

unconscious bias training as a key part of processes for recruitment for both academic and professional administrative staff and more generalised EDI and anti-racism training.

Professor Scott of the Irish Universities Association (IUA) clarified that while this training is not yet mandatory for all members of staff, it is available and there has been strong take-up. Third level institutions represented by THEA are also rolling out the online equality, diversity and inclusion in higher education training programme developed by the IUA. An HEA-led advisory group on ending sexual harassment and violence has been established, with representation from all HEIs.

The Committee also heard about initiatives in the Higher Education sector to tackle sexual and gender-based harassment, such as a report and support tool for HEIs called Speak Out<sup>81</sup>. Previously, the only mechanism to make a disclosure was through the formal complaint processes which are known to be adversarial; this may contribute to the under-reporting of incidents.<sup>82</sup> In addition to the data collected via reporting support tools such as Speak Out, environmental investigations have also been introduced to supplement the traditional complaints-based approach. This new approach would enable a review to be undertaken of relevant cultural and behavioural challenges, to examine what solutions might be adopted to address those challenges.

There is also a need to monitor policies and practices through the lens of gender equality in order to make schools and colleges better environments for staff, as well as students. Dr Brennan told the Committee that THEA institutions have also been looking at administrative policies, such as recruitment, through a gender lens. The Committee heard that in the case of one THEA Member organisation, measures include the introduction of a policy that all shortlisting must be done by at least one man and one woman; a policy that all interview panels must have a minimum of 40% women members; and the removal of a requirement of one year's service before being able to avail of parental leave.

The IUA told the Committee that many HEIs are now implementing return to work policies. For those who have been on maternity, parental, carer's or sick leave, the return to work should be staggered and they should have additional support from their manager. In the university sector, 'protected time' is provided to allow staff the space to re-engage in research upon return from family-related leave. Positive initiatives include providing a 50% reduction in teaching load in the first year of return, to be negotiated to fit the needs of the person returning. For example, this could entail a half year of no teaching on return in order that the person can build research back up. Another element of support is grant support to rebuild research activities. The Committee heard that a further issue being examined is how to mirror the supports provided to academic staff for professional and administrative staff, recognising that the challenge of returning is not limited to academics.

The Committee heard that one of the main reasons that people do not go for promotion is that the workload would be incompatible with caring responsibilities. Mr McMahon of the IUA told the Committee that there are initiatives being rolled out which aim to cater to those who

<sup>81</sup> [gov.ie - Minister Harris launches 'Speak Out', an online and anonymous tool for students and staff to report violence and sexual harassment \(www.gov.ie\)](https://www.gov.ie/en/minister-harris-launches-speak-out-an-online-and-anonymous-tool-for-students-and-staff-to-report-violence-and-sexual-harassment/www.gov.ie/)

<sup>82</sup> Tony McMahon JCGE Transcript 05.05.22 p.28



have caring responsibilities, such as core hours policies so that key meetings and such events take place within designated times. In terms of workload allocation models, Mr McMahon informed the Committee that ‘we make sure there are not gender issues in how we allocate workload and the types of roles assigned.’<sup>83</sup> Research is typically given a high value in terms of promotion but is it important that an equal value is placed on teaching, engagement and other activities.

Dr Brennan of THEA told the Committee that an issue which needs to be addressed in the area of research, is how the funding agencies can provide support. In particular, in terms of how the funding agencies assess research and whether or not they take into account the fact that someone has taken a break during their research career. The IUA told the Committee that promotions policies must take account of special circumstances, namely absences for caring reasons which can disadvantage women disproportionately.

The possible impacts on women of assuming caring responsibilities at various life stages must be addressed, not just post-maternity leave but throughout their career when children and older relatives may be dependent on them.

#### **The Committee recommends:**

- That the Government require funding agencies to ensure that the taking of leave for care purposes does not disadvantage those seeking funding for third level research.
- That the Department of Education expands the remit of the Schools Inspectorate must be expanded to include consideration of factors impacting on gender within school staffing practices to include:
  - The provision of additional supports upon the return to work for those who have been on maternity, parental, carers or sick leave, whether academic or professional/administrative staff.
  - The possible workplace impacts on women of assuming caring responsibilities at various life stages beyond maternity and early childhood care.

### **Citizens’ Assembly Recommendation 29**

*In view of the gendered impact on women, reform the Third Level Grants Scheme to ensure that those accessing part-time courses are eligible to apply for a grant.*

While this recommendation sits within the category of Norms & Stereotypes and Education, the impact of the lack of eligibility for grants for those pursuing part-time courses is also relevant to issues discussed in Chapter 4 on Care and Social Protection, specifically recommendation 16.

The student grant and free fees scheme are only available to students who undertake study on a full-time basis, which disproportionately impacts women who are more likely to study part-time, often due to caring responsibilities or other commitments during the day. Dr

<sup>83</sup> Tony McMahon JCGE Transcript 05.05.22 p.40

Brennan informed the Committee that, across the technological higher education sector, there are more female than male students studying part-time, in contrast to the full-time cohort.

The Review of SUSI system survey carried out by THEA found that many full-time postgraduate and older students responded that they would have studied part-time if that option had been available and that some of the barriers to part-time study are financial. Furthermore, the submission from the Teachers Union of Ireland (TUI) highlights that the need for grants for part-time students is exacerbated by the lack of investment in universal and affordable childcare. Consideration should be given to allowing individuals to access Back to Education supports more than once.

Issues around the non-adjacent rate were also raised. If a student lives 30 kilometres or less from their place of study, they will receive the adjacent rate of grant support. If a student lives over 30 kilometres away, then they will receive the increased non-adjacent rate, to reflect the further distance from the place of study. This can mean that two students who live 29 km and 31 km away from their place of study will incur the same travel cost yet receive a different rate of grant support.

Minister Harris admitted that ‘there is an inconsistency in the policy approach. We tell people to take up part-time education and study in flexible ways but do not provide a SUSI grant.’<sup>84</sup> Work is needed to eliminate poverty traps and the disconnect that sometimes arises between the initiatives of different Departments and tease out the inconsistencies. The Indecon report on the Review of the Student Grant Scheme<sup>85</sup> was published in February 2022. As part of this review, Minister Harris announced in March 2022 changes to the SUSI grant scheme<sup>86</sup>, telling the Committee that the rate of the grant will increase and there will be an increase in the household income threshold.

The creation of the new Technological Universities has had the effect of bringing education to the regions where those living there could not previously easily access third level education. In addition, the onset of the Covid-19 pandemic saw the move to online provision of education, further providing wider educational access. Minister Harris identified ‘the reform of financial supports, particularly the student grant’<sup>87</sup> as a key building block to expand educational access.

**The Committee recommends** that the Department of Further and Higher Education, Research, Innovation and Science conducts a review of the Third Level Grants Scheme to consider allowing individuals to access Back to Education supports more than once, and to address issues around the non-adjacent rate.

<sup>84</sup> Minister Harris JCGE Transcript 05.05.22 p.6

<sup>85</sup> [Review of the Student Grant Scheme](#)

<sup>86</sup> [Changes to the Student Grant Scheme announced in Budget 2022 SUSI](#)

<sup>87</sup> Minister Harris JCGE Transcript 05.05.22 p.12

### Citizens' Assembly Recommendation 30

*Provide appropriate State funding and resources for:*

- a. Strengthening existing programmes to encourage women into male-dominated careers (e.g., STEM – Science, Technology, Engineering and Maths) and including apprenticeships.*
- b. Developing initiatives to encourage men into female-dominated careers (e.g., caring professions).*

Minister Foley informed the Committee that the Recommendations on Gender Balance in STEM Education<sup>88</sup> were published by her Department on 8 March 2022.

The recommendations 'point to the need to support equitable learner access to and experiences of STEM in order to inspire learning, foster creativity and prepare for later engagement and success'.<sup>89</sup> It is intended to include these recommendations in the new STEM implementation plan for the period 2022-2026, which is yet to be published but will include roles, responsibilities and timelines set against each recommendation.

Minister Harris outlined to the Committee the Action Plan for Apprenticeships<sup>90</sup> which sets a target of 10,000 new apprenticeships registered every year by 2025. The Committee heard that the number of female apprentices is increasing, albeit from a low base, rising from a figure of 665 at the end of 2019 to 1,482 in March 2022. Minister Harris also told the Committee of a recently announced gender equity bursary<sup>91</sup>, which provides a subsidy for employers of apprentices from a minority gender in apprenticeships where there is over 80% representation of a single gender.

Minister Foley told the Committee that the Department is currently looking at a redrawing of the transition year programme to give students the opportunity to try out apprenticeships, STEM courses and more. This would assist with encouraging diversity in STEM and other subject areas, as discussed above in relation to recommendation 26.

Further to the programme of work set out in the STEM Education Policy Statement, the Department of Education is involved in a number of initiatives such as the Science Foundation Ireland Discover Primary Science and Maths programme<sup>92</sup> and the STEM Passport for Inclusion<sup>93</sup>, which is aimed at disadvantage and the encouragement of STEM in DEIS schools specifically. The Committee heard from Dr O'Sullivan, who has been funded by Science Foundation Ireland (SFI) to deliver the programme, which offers senior cycle girls across Ireland key STEM resources: a STEM university qualification while they are still in secondary school, a STEM mentor and STEM career guidance. The programme has a number of partners in the field<sup>94</sup> and invites every university and school across Ireland to

<sup>88</sup> [Recommendations on Gender Balance in STEM Education](#)

<sup>89</sup> Minister Foley JCGE Transcript 19.05.22 p.4

<sup>90</sup> [gov.ie - Action Plan for Apprenticeship, 2021 to 2025 \(www.gov.ie\)](#)

<sup>91</sup> [gov.ie - Minister Harris announces new gender-based funding for apprenticeship employers \(www.gov.ie\)](#)

<sup>92</sup> [Discover Primary Science and Maths | Science Foundation Ireland \(sfi.ie\)](#)

<sup>93</sup> [STEM Passport for Inclusion | Maynooth University](#)

<sup>94</sup> Partners include: Munster Technological University; Microsoft Ireland; Teen-Turn; Accenture; and Dogpatch Labs, among others

build a STEM pathway for girls. Dr O’Sullivan credits these partnerships with providing the difference between this and other programmes.

The Committee was told of many examples of excellent programmes throughout the country, but these are not well communicated, and a systems approach and better linkages are needed. Programmes that support gender equality should be identified evaluated and then scaled appropriately.

It was highlighted that encouraging everyone to engage with STEM or take up apprenticeships alone is not the same as addressing gender inequality, and that the humanities are key to addressing gender inequality. Women in Research suggest that the recommendation to improve the visibility of men performing caring roles should be broadened to portraying and respecting care work as valuable regardless of gender. The ISSU raised the point that career information and education should always be gender-neutral and never maintain its focus on what men and women should or should not do.

The Committee heard that there is a significant body of work ongoing through the Teaching Transforms Programme<sup>95</sup> to encourage diversity in the teaching and wider education sector. Minister Foley noted that in leadership roles in primary schools more than 2,000 principals are female, while more than 1,000 are male. This is stark when one considers that only 14% of teachers at primary school level are male. Minister Foley made the point that while it is important to increase the number of male teachers, another key aspect is to increase the diversity of educators – a point that was raised by witnesses during the sessions on domestic, sexual and gender-based violence.

#### **The Committee recommends:**

- That the Department of Education publishes the new STEM Education Implementation Plan.
- That the Department of Further and Higher Education, Research, Innovation and Science provides for a gender equity subsidy for employers of apprentices from a minority gender in apprenticeship programmes where there is over 80% representation of a single gender.
- That the Department of Further and Higher Education, Research, Innovation establishes an Equity of Access Committee as provided for under the Action Plan for Apprenticeships.
- A review of the Transition Year programme to provide more students, particularly girls, with the opportunity to try out apprenticeships and STEM courses.
- A review of the Transition Year programme to provide more students, particularly boys, with the opportunity to try out roles with traditionally low levels of representation from men, such as the caring professions, while ensuring that the value of care work is appropriately recognised and acknowledged.

<sup>95</sup> [gov.ie](http://gov.ie) - Teaching Transforms. Shape the future. ([www.gov.ie](http://www.gov.ie))

### Citizens' Assembly Recommendation 31

*Media and advertising, including social media organisations should:*

- a. Be more strongly regulated to promote gender equality and avoid gender discrimination and stereotyping and take action where discriminatory behaviours occur.*
- b. Be obliged to annually publish details of their monitoring of, and compliance with, gender equality and inclusion measures.*
- c. Make special efforts to improve the visibility of men performing caring roles.*

The Committee strongly supports strong regulation of media and advertising, including social media. Both recommendation 24 and 31(a) and (b) are discussed in more detail in Chapter 5 on Leadership in Politics, Public Life and the Workplace.

Throughout the public hearings, stakeholders have emphasised that, 'if you can see it, you can be it'. Not only should the portrayal of women in the media be expanded beyond old-fashioned stereotypes, but also, stereotypes about how men should behave should be challenged. In highlighting the value of care, it is important to both highlight the important role that women play in providing both paid and unpaid care, but also emphasise the importance of men performing caring roles. Furthermore, there is a very real need to see those from under-represented groups, whether in terms of ethnic or economic background, in the national media.

Advertising is ubiquitous in the modern world and can be a powerful tool in continuing harmful stereotypes. Regulating advertising to prevent gender stereotyping would go some way to facilitating a broader cultural change in attitudes. Representatives from the ISSU highlighted the important influence of social media and online sources on young people, who are more likely to get news and information from Instagram and TikTok than from traditional broadcast or print media. Television, films and streaming services such as Netflix are very influential in shaping the conversation around issues such as sex education, body positivity, consent and the destigmatisation of periods. Ms Exton of the ISSU emphasised that, 'media has this incredible power and potential. At present perhaps that potential is not being used in the best way'.<sup>96</sup>

Women on Air made the point that women consume and pay for publicly funded media just as men do and are entitled to hear their concerns, views and, most importantly, voices on air. Equally, seeing is believing and if more women hear their own voices, it will encourage more to follow suit.

Women on Air strongly recommend that a year-long monitoring project, concentrating on a number of key high-audience programmes from the public and independent sectors, be carried out to establish a true picture of female representation on air in Ireland. Women on Air also called for an examination of the context in which women are appearing in broadcast media, citing research that showed that women tended to be asked to speak about their experiences whereas men were disproportionately asked to give analysis and explanation.

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<sup>96</sup> Saoirse Exton JCGE Transcript 12.05.22 p.12

Often this is an unconscious bias, but if the data was available, it would highlight the issue to producers and researchers.

Ms Harford of the 30% Club made the point that there is an onus on media outlets to support the women being commented on in terms of the content that they present, rather than how they are dressed or their accents. Ms Harford shared the view that women are more likely to step up to these roles when they see media outlets acting as allies for women and treating them as expert speakers rather than tokenism.

Ms Joyce of the National Traveller Women's Forum (NTWF) told the Committee that 'there are huge strides to be made in the inclusion of Traveller and other ethnic minority women, including Roma women, in the media'. Traveller women have much to contribute to the debates taking place across media and media outlets need to ensure there is diversity of women on their platforms. Media outlets also need to examine their own practices and ensure that depictions of Traveller women and other minoritised women are not discriminatory or derogatory.

#### **The Committee recommends:**

- Through the Advertising Standards Authority for Ireland and other bodies, the introduction of best practice standards and guidance for gender representation, including representation of men.
- That the Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media ensures full implementation of the Online Safety and Media Regulation Act 2022 to create a statutory system for holding technology and social media companies accountable for online content.
- That the Department of Justice ensures implementation of the Criminal Justice (Incitement to Violence or Hatred and Hate Offences) Bill 2022.
- That the Government introduces further legislation as required to regulate advertising to prevent gender stereotyping.
- That the Department of Tourism, Arts, Culture, Gaeltacht, Sport and Media ensures that the Media Commission created by the Online Safety and Media Regulation Act requires the publication of regular reports by media outlets on compliance with gender equality and inclusion measures, to include measures to promote the visibility of men performing caring roles.



## Chapter 4 – Care and Social Protection

### Introduction

As well as seeking a recognition in the Constitution, the Citizens highlighted a number of ways in which care can be better recognised and supported in Irish policy, including in social protection policy.

While Ireland has seen a cultural shift in attitudes to care, women remain disproportionately responsible for unpaid care and even within the workplace are over-represented in poorly paid care work sectors. For working parents balancing paid work with parenting and/or caring for older and dependent adults can present significant challenges. Women are most disadvantaged by these challenges, yet men are also affected by unequal sharing of parenting and caring roles. Lone parents face particular obstacles and also face disproportionate levels of deprivation and poverty. Furthermore, the needs and rights of those receiving care must be respected and supported in laws and policies. The ratification of UNCRPD also provides an important context for policies in this area.

### General Findings

The Committee heard strong testimony as to the fundamental importance of care in Irish society and the crucial role that social protection policies can play. In Ireland, the care sector is heavily reliant on private providers, both in early years care and in care more generally. The Assembly recommendations under this heading require a move towards much greater State involvement in the provision of care generally; increased public investment, better pay and conditions for those delivering care, and more professionalised service for those reliant on care provision. The Committee expresses its strong support for this move towards a greater role for the State in the provision and delivery of care. Care should be seen as a public good - primarily a State responsibility.

### Citizens' Assembly Recommendation 4

*To improve the terms and conditions of those in paid employment as carers (for children and adults):*

- a. *They should have a pay structure and benefits (including sick pay and pensions) that rewards their level of skill and training, similar to those of teachers and nurses.*

While the childcare and early years sector in Ireland, and the care sector generally, is heavily reliant on private sector providers, there have been welcome moves recently towards greater state investment, particularly in the context of care for children. An Employment Regulation Order (ERO) came into effect on 15 September 2022. It sets, for the first time, minimum rates of pay for roles in the early learning and childcare sector, with entry-rate pay rise from an average of €11.57 to €13 per hour. More than 70% of staff working in early learning and childcare saw an increase in their pay as a result. This employment order, arising from the work of the Early Years Services Joint Labour Committee, shows the

importance of collective bargaining for low paid workers, which will be further discussed under recommendation 35.

The Committee welcomes the ERO initiative and the consequent improvement in pay for childcare and early years carers. However, more work is needed to continue to improve conditions for care workers generally. Indeed, Darragh O'Connor of the SIPTU Big Start campaign and other stakeholders explained to the Committee that high staff turnover in the childcare sector is directly linked to the low wage levels and ongoing difficult conditions, including lack of job security, associated with the sector. Mr O'Connor informed the Committee that across much of Europe, where there is a mix of public and private provision, the early years sector is treated much more like the primary education sector, with comparable rates of pay and much stronger job security.

It is important that the costs of improving pay and conditions for workers in the early years sector do not fall to parents. SIPTU advocates that Government assume full responsibility for employee compensation, which would allow for an approximate 70% reduction in parental fees while ensuring the professionalisation of the sector. Early Childhood Ireland (ECI) shared the view that the Department of Children, Equality, Disability, Integration and Youth should have greater certainty with future spending provision within their budget for early years provision; on the same basis as the Department of Social Protection and the Department of Education.

Dr Emily Murphy of TASC, told the Committee that if wages were raised, and job conditions improved in the caring professions, then more men would likely be encouraged to take up care work. Further, the Committee heard that it is essential that conditions of work for care workers are negotiated through collective bargaining to see wages rise, and that Government subsidies be provided for in-work training opportunities.

The rates of pay, allowances and other pay-related conditions for HSE employed carers are approved by the Department of Health. However, Professor Kathleen Lynch pointed out to the Committee that there has been a massive shift towards for-profit provision of care services in Ireland. According to figures supplied by Professor Lynch, the proportion of public expenditure allocated to private-for-profit rose from 5% of all expenditure in 2006 to 40% in 2019, while home care delivered directly by the HSE declined from 85% to 50% in 2019. Indeed, she outlined that 70% of nursing home beds are now owned by for-profit companies. As privatisation becomes the norm, she argued that 'time-defined care becomes supervision'<sup>97</sup> as opposed to being about relationships. The Committee heard that it is necessary to build up relationships in care and in order to allow this, employment must be stable. An issue raised consistently throughout these meetings, is the constant mobility of staff out of the sector due to low pay and bad conditions, which in turn means that such relationships cannot form.

Professor Mary Murphy pointed out that 'the problem is not so much the model of the private actor delivering care, but the placing of the profit-making motive at the centre of care provision'. Mr Dunne of Family Carers Ireland told the Committee that there is currently 'a critical shortage of home care workers' and that while this is often attributed to poor terms

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<sup>97</sup> Professor Kathleen Lynch JCGE Transcript 16.06.22 p.20

and conditions in the sector, 'the role of State commissioning in setting prices and promoting an unsustainable race to the bottom is routinely overlooked'.<sup>98</sup>

Family Carers Ireland (FCI) call for an equal approach to the terms and conditions for all home care workers, employed by both the HSE and non-statutory providers, including pay, expenses and travel reimbursement. FCI also propose the introduction of graduated pay rates to reflect different levels of qualification and experience required for different levels of complexity in client need.

Furthermore, FCI propose an examination of how care work intersects with social protection schemes to remove anomalies such as the four out of seven days rule. This means a person working 24 hours over three days may claim a partial Jobseeker's Allowance for the other days but if they work one hour a day for four days, they cannot claim anything. This has a significant impact on casualised workforces.

**The Committee recommends that:**

- The State assumes full responsibility for remuneration of employees in the childcare and early years sector, on the same basis as in the primary and secondary sector.
- the Department of Children, Equality, Disability, Integration and Youth reduces childcare fees for parents by at least two thirds.
- The Government increases wages and improve working conditions and progression opportunities across the caring professions.
- The Government ensures that pay and conditions of work for care workers are negotiated through collective bargaining.
- The Government provides subsidies for in-work training opportunities in the care sector.
- The Department of Health ensures that all home care workers employed by non-statutory providers have equal pay and terms and conditions as those employed by the HSE.
- The Department of Social Protection conducts an examination of the intersection of care work and social protection schemes to remove anomalies such as the four out of seven days rule.

*b. They should have a career structure, including access to training and professional registration, which enables them to progress in their chosen area.*

Dr Barry called for a career structure for carers in the early years sector, similar to that in primary education, which encourages people to remain in the sector while having a lifetime of career development within it. Ms Byrne of Early Childhood Ireland (ECI) told the

<sup>98</sup> John Dunne FCI Opening Statement JCGE Transcript 16.06.22 p.8

Committee that the State rightly supports continuous professional development for teachers and should do so for the early years sector too.

The delivery of the statutory home support scheme is dependent on access to a skilled pool of workers. To ensure this, FCI recommend that the delivery of support be reconfigured based on the complexity of a client's needs and the different skill levels required within the homecare workforce. Homecare workers could then be compensated based on skill levels and have a clear career pathway. According to John Dunne of FCI, graduated pay rates to reflect different levels of qualification and experience 'would allow a potential career pathway for those choosing to make a career of care work'.<sup>99</sup> FCI also call for specific policies to promote gender balance and attract more male workers to the sector.

**The Committee recommends that:**

- The Department of Children, Equality, Disability, Integration and Youth develops a career structure for carers in the early years sector, similar to that in primary education, which encourages people to remain in the sector while having a lifetime of career development within it.
- The Department of Health reconfigures the delivery of support, based on the specificity and complexity of a client's needs and preferences and the different skill levels required within the homecare workforce.
- The Department of Health ends the practice of designated time increments for specific home care activity. E.g., 15 minutes to shower or 15 minutes to eat.

## **Citizens' Assembly Recommendation 5**

*Reform Carers' Allowance by:*

*a. Increasing the level of income disregard.*

While Family Carers Ireland welcome the increase in the level of income disregard that was introduced in June 2022, they consider that these measures do not go far enough and that further increases to disregards are needed. Family carers strongly feel that the means-test for Carer's Allowance should be abolished, and the scheme made available to anyone who provides full-time care to a person who has satisfied a robust medical assessment. Stakeholders also propose that those applying for Carer's Allowance, most often women, should be assessed on their individual means rather than those of their partner.

**The Committee recommends that:**

- The Department of Social Protection considers further increases to income disregards.
- The Department of Social Protection increases the means test threshold.

<sup>99</sup> John Dunne FCI Opening Statement JCGE Transcript 16.06.22 p.9

- The Department of Social Protection assesses applicants to Carer's Allowance on individual means, rather than those of their partner or other household members.

b. *Reimbursing the costs associated with caring.*

The Committee heard that the current Carer's Allowance is not financially adequate to address the costs of caring, with the allowance considered by FCI to be 'gender-biased and overly restrictive'<sup>100</sup>. Furthermore, because the assessment of means for Carer's Allowance is applied to gross rather than net income and does not consider outgoings such as mortgage repayments, dependent children, Fair Deal contributions or medical costs, it does not reflect the reality faced by many caring families.

FCI suggest that at a minimum, Carer's Allowance should be an equivalent level to payments made under the foster care scheme. The Committee heard that adults looking after foster children who have additional needs can receive supplementary financial supports from Tusla in addition to the Foster Care Allowance of €325 per week (for a child under 12 years of age) or and €352 per week (for a child aged 12 years and over). However, a family providing care for their own child with serious needs receive a maximum of €302, subject to a means test. As an interim measure, FCI suggest that the Carer's Benefit and Allowance should be increased to €325 per week, bringing it in line with the Basic Income for the Arts, and the weekly means test disregard should be increased to €1000 for a couple and €500 for an individual.

Stakeholders propose the introduction of a participation income'<sup>101</sup> approach as a potential income support that acknowledges the contribution carers make to society. This would not be means tested and, as distinct from a Universal Basic Income (UBI), would recognise care as a socially valued activity.

Professor Lynch raised the issue of commuting carers, that is, people who may live some distance from the person they care for and who may have to travel regularly to assist in their care, even on weekends or evenings.

Ms Duffy of FCI pointed out that take up of carer's leave, which allows employees to leave work temporarily to provide full-time care for a period of 13 to 104 weeks, is very low; perhaps because it is not financially viable for people to live on Carer's Allowance or Carer's Benefit for that time. Payments made to those availing of carer's leave should be benchmarked to their previous earnings, to make it viable for a greater number of people and to encourage more men to avail of it.

**The Committee recommends that:**

- The Department of Social Protection commissions a 'Cost of Care' review that calculates the financial cost of unpaid care and examines the societal value of unpaid care.

<sup>100</sup> John Dunne Opening Statement JCGE Transcript 16.06.22 p.8

<sup>101</sup> The concept of participation income is examined in more detail under recommendation 13

- The Department of Social Protection bring social protection rates for carers in line with a minimum essential standard of living (MESL).
- The Department of Social Protection prepare a report on the potential introduction of a participation income as an income support that acknowledges the contribution given by carers to society.
- Payments made to those availing of carers leave be benchmarked to their previous earnings.

*c. Increasing the ceiling on the number of hours in paid work outside the home.*

The Department of Social Protection informed the Committee that, under measures introduced in Budget 2022, there was an increase in Carer's Allowance recipient's employment/training/study hours entitlement from 15 to 18.5 hours.

This increase was welcomed by stakeholders, who highlighted that enabling take up of part-time work is critical in allowing carers to retain a foothold in the labour market while contributing to their social insurance record and protecting future pension entitlement, as well as providing essential household income. Imposing a strict limit on the number of hours an unpaid worker can work or study disproportionately affects women, who are the vast majority of recipients of social protection schemes aimed at carers. This limit then locks them into long-term social protection dependency, contributes to pension disadvantage and reinforces the gender pay gap. Dr Barry shared the view that intelligent use of the tax system could prevent a need to put ceilings on the earnings that a person can have alongside the social protection payments he or she may be claiming.

**The Committee recommends that:**

- The Department of Social Protection recognises that imposing a strict limit on the number of hours an unpaid worker can work or study disproportionately affects women, who are the vast majority of recipients of social protection schemes aimed at carers.
- The Department of Social Protection reviews the use of ceilings on earnings for the purpose of ensuring carers can avail of flexible working arrangements.

*d. Providing access to State employment and training programmes.*

Care Alliance Ireland (CAI) drew attention to a number of State education and training programmes which do not accept Carer's Allowance as a qualifying payment<sup>102</sup> but welcomed changes which now see Carer's Allowance as a qualifying payment for the Back to Education Allowance and Back to Work Enterprise Allowance. In the same way that they are accounted for in pension entitlements, home caring periods should be counted towards eligibility for Intreo schemes, Back to Education scheme or other schemes.

<sup>102</sup> The Work Placement Experience Programme (WPEP) and JobsPlus



Care Alliance Ireland suggest that these schemes be more widely advertised as potentially relevant to those carers who have come to the end of their caring role. For many, this may come about as a result of a loved one dying or entering into long-term residential care. These sensitive circumstances should be taken into consideration when examining and making changes to eligibility for such programmes.

**The Committee recommends that:**

- The Department of Social Protection and the Department of Further and Higher Education, Research, Innovation and Skills require INTREO and Education and Training Boards to make more high-quality, part time training and education schemes available on a voluntary basis. This may also be of benefit to persons of other payments such as Jobseekers Transitional payment.
- The Department of Social Protection ensure that those who do not meet means testing requirements for Carer's Allowance are none the less registered in the system in terms of care credits and PRSI record.
- The Department of Social Protection introduces care credits which ensure that periods of time spent caring are recognised not only in terms of pensions but when assessing other social protection entitlements or voluntary access to INTREO, Back to Education Allowance and other relevant schemes.
- The Department of Social Protection ensures that those who have returned from overseas who care for a family member are not excluded from qualification for Carer's Allowance or PRSI credit due to the fact that they do not have PRSI contributions in their previous 2 years.

**Citizens' Assembly Recommendation 6**

*The State should develop an individualised pension solution for carers to ensure they have an adequate income once they reach retirement age.*

Women tend to spend around 2.5 times more time on unpaid care and domestic work than men. This time spent caring impacts upon women in terms of paid employment income and consequently, pension income<sup>103</sup>.

The contributory State pension system recognises caring periods of up to 20 years outside of paid employment. PRSI credits, homemaking disregards and home caring periods are used when calculating the pension rate of payment. In September 2022, the Government announced the development of a scheme to ensure long-term carers can be credited for contributions for gaps in their record arising from time spent caring, as recommended by the Report of the Commission on Pensions in 2021. Officials from the Department of Social Protection informed the Committee that this scheme will be developed over the coming months and implemented from January 2024.

The Commission also recommended that relevant Government Departments, in consultation with stakeholders, should examine options for the creation of a statutory 'Family Carer

<sup>103</sup> Report of the Commission on Pensions <https://assets.gov.ie/200480/564ea175-28b2-417d-aa9b-3f1750225310.pdf>

Register' which could facilitate the identification of long-term family carers for State Pension Contributory purposes, as well as assisting in the planning and delivery of services for family carers. Ms Duffy shared the view that a National Planning Unit such as that suggested by Professor Lynch would appear to be the logical place for such a register to sit.

While Family Carers Ireland would welcome the creation of a register for this purpose, concerns were expressed by both Ms Hughes and Professor Lynch, who cited potential ethical and operational difficulties. For example, if such a register operated on an opt-in basis, there may be issues around self-definition.

The Committee heard about the challenge in identifying carers, and in establishing the numbers of carers in Ireland. According to the 2016 Census, there are 195,000 family carers in the state, making up 4% of the population. By contrast, the Irish Health Survey<sup>104</sup> defined just under 13% of the population as carers, which when extrapolated to the general population would be about 500,000 people. Ms Duffy told the Committee that in 2016 the Census enumerated 4,700 individuals as young carers, fewer than captured by the previous census. In comparison, the survey on the Health Behaviour in School Aged Children showed that 13% of children in schools identified as being young carers. When extrapolated to the general population, this indicates that there could be some 67,000 young people aged between 11 and 17 who provide care. In contrast, according to the Census, there are fewer than 5,000 carers aged under 18 in the entire population.

The potential repercussions for those unofficially providing care, and not captured in data, could be significant, particularly with regard to access to State support. Without a reliable record as to the number of carers in society, it is difficult to account for the time spent in a caring role, which will have implications for State entitlements for carers, including pension provision. As discussed further in Chapter 6, more precise and clear data collection by the CSO is needed to capture reliable data on the number of carers in Ireland, and the diverse ways in which they provide care.

**The Committee recommends that** the Department of Social Protection develops and implements a scheme to ensure that long-term carers can be attributed with contributions for gaps in their record arising from time spent caring, and remove the requirement for 10 years PRSI contributions as a condition of qualification for the awarding of pensions credits in respect of care.

## Citizens' Assembly Recommendation 7

*Improve respite provision for carers by:*

- a. *Increasing the level of the Carers' Support Grant in the next Budget and keeping it under review to ensure it keeps pace with other increases in social protection payments.*

<sup>104</sup> Also undertaken by the CSO [Irish Health Survey - CSO - Central Statistics Office](#)

Acknowledging calls from carers' organisations seeking a further €150 increase to the Carer's Support Grant (from €1,850 to €2,000), the Department of Social Protection has costed this proposal, with the estimated additional cost arriving at €21.5 million. However, the Department stated that any changes to payment schemes would have to be considered in the overall budgetary context and with regard to balancing competing demands such as increases in the payment rates for Carers' Allowance and Carers' Benefit payment.

The Committee recommends that the Carer's Support Grant be increased to €2,000 and thereafter increased in line with increases in the payment rates for Carers' Allowance and Carers' Benefit payment.

**The Committee recommends that** the Department of Social Protection increase the Carers' Support Grant to €2,000 and increase it thereafter in line with increases in the payment rates for Carers' Allowance and Carers' Benefit.

*b. Providing adequate access to a range of respite services to meet individual needs.*

The Committee heard that there are significant shortfalls in the provision of respite care and services across the country, Ms Hughes of CAI told the Committee of 'a clear need, not just coming from the recommendations of the citizens' assembly, but also from family carers themselves, along with professionals working in the area, for real reform of the existing systems of respite'.<sup>105</sup>

Mr Dunne of FCI told the Committee that centres providing residential care typically suit carers of younger people, whereas carers of older people would often prefer in-home respite. Furthermore, there is a distinction between regular respite to give carers a break, and emergency respite, available when carers need cover for family occasions, medical appointments or emergencies.

The FCI endeavour to deliver emergency respite services and say that they are successful in doing so in about 50-60% of cases brought to them. Therefore, they say that around 40% of people whom they know to require emergency respite services are not receiving them. The Committee heard that this can result from a lack of suitable residential space or a lack of available workers in a particular region. As well as regular respite provision, a system of emergency respite must be made available to carers nationwide.

Representatives of Disabled Women Ireland (DWI) told the Committee that it is essential to ensure disabled people are not framed as burdens, which dehumanises them. It was also observed that disabled people themselves may also need a break from their families or carers and should be offered the opportunity to have alternative experiences, build their own social networks and spend time away from their home environments. An increase in respite provision must not simply result in disabled people being placed in institutions. Instead, there

<sup>105</sup> Zoe Hughes, CAI Opening Statement, JCGE Transcript 16.06.22 p.9

should be an expansion of services in a way that includes alternative forms of respite provision.

DWI told the Committee that creativity and flexibility are required in creating models that work for people on an individual basis, and that some alternatives to institutional respite have already been introduced in Ireland. Examples include family home-sharing or respite budgets being provided directly to families to enable disabled people and their families to create systems which work for them. Better provision of in-home supports will make flexible, individualised alternatives much more possible and allow more freedom of choice.

**The Committee recommends that:**

- The Department of Health reforms the existing systems of respite.
- The Department of Health provides suitable respite options according to age, needs and preferences of carers and those cared for.
- The Department of Health ensures provision of a system of emergency respite available to all carers nationwide.
- The Department of Health ensures that an increase in respite provision does not result in disabled people being placed in institutions, but instead, ensure an expansion of services to include alternatives like in-home supports to make flexible, individualised alternatives more possible and allow freedom of choice.
- The Department of Health ensures local access to respite including potential co-location of respite services alongside existing day care services.
- The Department of Health considers specific access to personal needs assistance in order to facilitate persons with a disability having the opportunity to travel.

## **Citizens' Assembly Recommendation 8**

*Ireland should:*

- a. *Over the next decade move to a model of publicly funded, accessible and regulated model of quality, affordable early years and out of hours childcare.*

Childcare and early years provision in Ireland is heavily reliant upon the private sector. By contrast, the State takes a greatly enhanced role in provision in other EU countries. Stakeholders were generally critical of over-reliance on private providers, some observing that at present, childcare is framed and understood in Ireland as a labour market concept to get parents back to work, rather than being seen as framed in terms of the right of the child to have care provided in a high-quality environment, as is the case in the Nordic countries, for example. Professor Murphy made the point that care is not just a right, but a fundamental human need essential to child development; every child needs an investment in quality care and every family needs support in making sure every child gets that, especially those from socioeconomically disadvantaged communities.

One Family observed that the National Childcare Scheme (NCS) primarily operates to provide childcare to parents who participate in education and employment, with these

parents entitled to twice as many subsidised hours of childcare per week compared to parents who are not in paid employment. In light of this, One Family say it is imperative that Early Childhood Care and Education (ECCE) is not linked to a parent's participation in education or employment, but instead linked to children's needs and best interests.

The ECCE system is not based on whether a parent is in employment but on access to care as an entitlement. However, stakeholders pointed out that the inadequate provision of hours under ECCE is a significant barrier to education and employment, particularly for one parent families. The lack of availability of childcare for low-income families must be addressed in order to facilitate further training and employment opportunities and to address child poverty. A significant issue is that individuals must work for 19 hours a week to be eligible for the Working Family Payment, whereas the ECCE scheme gives families 15 hours of childcare. The Department of Children, Equality, Disability, Integration and Youth and the Department of Social Protection should work together to bridge this anomalous gap between the Working Family Payment and the ECCE scheme.

In their submission to the Committee, One Family recommends free early childhood education and care be provided immediately for low income and one-parent families in line with the European Child Guarantee. One Family also recommend targeting families who need additional support by expanding access to the National Childcare Scheme for all families in receipt of the Medical Card.

Ms Byrne of ECI raised the point that the Department of Education takes into account population demographics when planning where to build schools, but this does not happen with early years education. This lack of planning has significant implications for the availability of childcare in general and in particular for access for children with special needs. ECI have called for a single agency which would hold responsibility for planning and oversight for the early years sector; this was included as a commitment in the Programme for Government<sup>106</sup>. In December 2021, *Nurturing Skills: The Workforce Plan for Early Learning and Care and School-Age Childcare*<sup>107</sup> was published, setting out a series of actions to meet the workforce related targets in First 5. The plan includes an implementation plan for 2022-2024. ECI have welcomed this but stressed that there needs to be transparency around the funding for the sector, alongside better planning in the availability of places.

Further, it is vital that there is consistency in the quality of care provided. Ms Byrne cited the Scandinavian model which guarantees a level of quality and consistent curriculum delivery to every child, regardless of location or parental income. Staffing, quality of staff and a continuity of relationship between highly qualified staff and young children is a critical factor in delivering quality. Yet as previously mentioned, low pay and bad conditions in Ireland have caused high staff turnover and churn in the sector, which has a negative impact on the quality of delivery for children in early years settings. The Committee heard that the new core funding model appeared to solve some issues within the sector by indirectly covering the pay issue and introducing the concept of a fee freeze for parents, though Mr O'Connor of SIPTU noted that the fees had been frozen at a high rate. If core funding is successful in

<sup>106</sup> [Programme for Government Our Shared Future](#) p.80

<sup>107</sup> <https://assets.gov.ie/206497/c2e401c3-335d-46d5-9648-437db4ebccff.pdf>

improving pay for early years professionals and in reducing the costs of childcare for parents, it will also have the likely effect of increasing demand for childcare and early years places – this may cause additional problems at a time when many parents report real difficulties in accessing any childcare place for their infant or young child. As the Assembly recommendation indicates, only a clear and radical shift of government approach to a publicly funded universal model of early years care will make a significant difference to providers, professionals, parents and children.

The Government should move from the current model with its over-reliance on privatised care provision, towards a fully integrated public early years childcare and education system that provides universal access to public and high-quality childcare. The Assembly proposed that this move should take place over the course of a decade. The Committee recommends that a clear and detailed timeline be provided by the Department of CEDiy to illustrate how this recommendation will be implemented within that decade.

Drawing on experiences from the primary education sector, and to ensure implementation of the recommendation within that timeframe, the Department should also examine the possibility of using capital investment to establish state-owned early years facilities. The potential to merge these with primary schools to create educational campuses should be explored. Such a model would be an accessible way to integrate early years care, breakfast clubs, afterschool care and other services.

#### **The Committee recommends:**

- That the Government moves from privatised care provision towards a fully integrated public early years childcare and education system that provides households with universal access to public and high-quality childcare.
- That the Government creates a single agency to hold responsibility for planning and oversight for the early years sector, as one component of an overall National Planning Unit for Care to deliver a pathway to achieving a publicly funded, accessible and regulated model of quality, affordable early years and out of hours childcare.
- That the Department of Children, Equality, Disability Integration and Youth guarantees a universal level of quality and curriculum to every child regardless of location or parental income, in line with the best practice Scandinavian model.
- That the Department of Children, Equality, Disability Integration and Youth ensures provision of free early childhood education and care, to be prioritised for low income and one-parent families in line with the European Child Guarantee.
- That the Department of Children, Equality, Disability Integration and Youth addresses the lack of availability of childcare for low-income families in order to facilitate further training and employment.
- That the Department of Children, Equality, Disability Integration and Youth ensures that early childhood education and care is not linked to a parent's participation in education or employment but instead, linked to children's needs and best interest.
- That the Department of Children, Equality, Disability, Integration and Youth and the Department of Social Protection coordinate efforts to bridge the gap in hours



between the Working Family Payment requirements and the ECCE scheme provision.

- That the Government examines the possibility of using capital investment to establish State owned early years facilities, potentially merged with primary schools to create educational campuses. Review and update the national development plan to ensure appropriate national infrastructure for childcare.

*b. Increase the State share of GDP spent on childcare, from the current 0.37% of GDP to at least 1% by no later than 2030 in line with the UNICEF target.*

Dr Murphy of TASC informed the Committee that in 2019, the Government spent close to 0.16% of GNI (as distinct from GDP) on the ECCE and almost 0.08% of national income on the NCS. She stated that, although State funding had been on an upward trajectory over the last few years, 'at the current rate of increase we are decades off reaching the target set by UNICEF for countries to allocate 1% of national income to early years care'.<sup>108</sup>

The Department of CEDIY notes that there are significant challenges in using GDP as a comparator, particularly in an Irish context where GDP is distorted by the impacts of multinational profits. Consideration should be given to the use of modified Gross National Income (GNI\*) or other indicators to track and benchmark Irish spending on childcare.

To underpin the successful implementation of this recommendation, ECI encourage the Committee to consider assigning to a specific Oireachtas Committee the ongoing monitoring of the Citizens' Assembly recommendation on public expenditure on early-years and school-age care.

#### **The Committee recommends:**

- That the Department of Children, Equality, Disability, Integration and Youth ensures the 1% target is met whether of Gross National Income (GNI\*) or GDP by 2023, with significant progress to be made each year.
- That the ongoing monitoring of the Citizens' Assembly recommendation on public expenditure on early-years and school-age care be assigned to a specific Oireachtas Committee.

### **Citizens' Assembly Recommendation 9**

*Paid leave for parents should:*

*a. Cover the first year of a child's life.*

Ireland is required to provide nine weeks non-transferable paid leave for each parent by 2024 as part of the transposition of the EU Work-Life Balance Directive. Once the provisions

<sup>108</sup> Emily Murphy, TASC Opening Statement, JCGE Transcript 26.05.22 p.7

of the directive have been transposed, families with two parents will be entitled to a cumulative 46 weeks of paid leave in respect of a child. In cases where there are more than two qualifying parents under the Parent's Leave and Benefit Act 2019, this total may be higher. Professor Lynch suggested that the Government assess the viability of extending paid leave to cover the first year of a child's life.

Ms Byrne of ECI told the Committee that parents should be supported to stay at home so that one parent is at home all the time for a child's first year of life. ECI also recommended that a wrap-around family support service be put in place to support families with challenges, whether pre-existing or arising during the first year. That could include high-quality early years care and education during the first year as a family support intervention. For example, for a new parent experiencing mental health difficulties following the birth of the child, access to a childminder or centre-based care for a couple of hours a day may be of real assistance.

**The Committee recommends:**

- That the Department of Social Protection provides for paid parental leave that covers the first year of a child's life in line with the target set in the 'National Strategy for Women and Girls 2017-2020'.
- That the Government ensures provision of wrap-around family support services to support families with challenges, to include high-quality early years care and education during the first year of a child's life

*b. Be non-transferable to encourage sharing of childcare responsibility between parents.*

Under the EU Work-Life Balance Directive, parental leave cannot be shared between parents in order to encourage the sharing of caring responsibilities between parents, and to encourage men in particular to take more parental leave.

Professor Murphy commended policy tools such as forcing the loss of parental leave in the family if it is not distributed evenly between the man and the woman. However, the Committee heard that this sort of policy would only be successful if accompanied by other measures which change employers' attitudes to facilitating men to take care leave. This illustrates the need to ensure joined-up thinking around policy changes that could also be used to change culture. Dr Barry pointed out that there is provision for six months of maternity leave but only a number of weeks of paternity leave; thus, from the outset care is structured in such a way that the responsibility is assumed to fall primarily to the woman.

Professor Murphy suggested the introduction of a four-day working week as a potential measure to assist in effecting a cultural change and increasing gender equality. Much of the discussion of a four-day working week focuses on 'working less to live more', however, it could also be viewed in terms of 'working less to care more'. A shift to two adults in a household working three-quarter jobs as the societal norm would allow both to play a role in the home and to work for a certain amount of time. However, this would require a range of policies in different areas – working-time, social protection, taxation and care policies – to have a joined-up approach and may be beyond the remit of the Committee.

**The Committee recommends:**

- That the Department of Enterprise, Trade and Employment considers and advances greater access to flexible work.
- That the Department of Social Protection provides nine weeks non-transferable paid leave for each parent in line with EU Work-Life Balance Directive.

*c. Provide lone parents with the same total leave period as a couple.*

Parental leave provided for under the EU Work-Life Balance Directive cannot be shared between parents. As discussed above, that is a deliberate design feature of the directive to encourage equal sharing of leave within couples. Furthermore, officials from the Department of Social Protection described to the Committee that where someone is in receipt of a lone-parent payment, there may still be a second parent in the frame with an entitlement to that leave. Therefore, the Government should introduce an additional scheme that tops up the parental leave entitlement of a lone parent to match the entitlement for couples under the EU Work-Life Balance Directive.

**The Committee recommends** that the Government introduces an additional scheme that tops up the parental leave entitlement of a lone parent to match the entitlement for couples under the EU Work-Life Balance Directive.

*d. Be incentivised by increasing payment levels to encourage increased take up.*

According to figures Professor Lynch gave to the Committee, 46% of women in receipt of Maternity Benefit do not receive a top-up from their employer. Typically, those likely to receive a top-up are those working in the public sector or for larger employers, while many in low-paid sectors or employed by SMEs are less likely to receive a top-up.

Without employer top-ups, in many cases the family income will reduce significantly at a time when costs are actually increasing with a new addition to the household. This impacts on the take up of paternity leave in particular, with men more likely to be the higher earner in a couple<sup>109</sup>. Therefore, the Committee recognises that the current level of maternity and paternity benefits, amounting to only a third of the average industrial wage, is not sufficient and should be increased.

There is a commitment in the Programme for Government to review pay related social protection rates. It was noted that the Report of the Commission on Taxation and Welfare had suggested that payments in respect of paternity, maternity and parental leave could be paid as a percentage of the parent's wage, as recommended in the Report of the Commission on Taxation and Welfare.

<sup>109</sup>Foundations for the Future: Report of the Commission on Taxation and Welfare <https://assets.gov.ie/234316/b4db38b0-1daa-4f7a-a309-fcce4811828c.pdf>

For persons for whom full time work is not feasible, quality part time work should be an option. The Committee heard that the Government should examine income disregard rules and take action to remove unnecessary obstacles or risks to payments and medical cards because of such employment. In recognition that persons may have limited capacity, there should be greater investment in quality part time education, training and employment schemes.

**The Committee recommends:**

- That the Government ensure significant increases to the current level of maternity and paternity benefits, which amounts to only a third of the average industrial wage and is not sufficient.
- That the Department of Social Protection conducts a review into the concept that payments in respect of maternity, paternity and parental leave should be paid as a percentage of the parent's wage, with reference to the recommendation in the Report of the Commission on Taxation and Welfare, and taking into account the implications for equality.

### **Citizens' Assembly Recommendation 10**

*Older people and persons with disabilities should:*

- a. Be actively supported and resourced to live independently.*

Some 13.8% of women in Ireland are disabled. Representatives of Independent Living Movement Ireland (ILMI) reminded the Committee that disabled people are an intersectional rather than homogenous group, who hold many identities across gender, race, belonging to an ethnic group, social class, religion, sexual orientation and ability, and these identities can overlap with each another. Understanding intersectionality with regard to disability is essential for the creation of appropriate laws and policies and the design and delivery of accessible, inclusive services.

Disability Federation of Ireland (DFI) commend the focus of this recommendation on one of the most important rights for people with disabilities: the right to live independently. DFI shared the view that ensuring a person is 'resourced' to live independently includes providing services a person may require for independent living, including personal assistance support, assistive technology, fully accessible public housing and transport, and an income above the poverty level. Ms Phelan of DFI observed that if the State provided and properly resourced independent living options, it would remove the necessity for many of the family carers who are currently providing care in order to make up for a lack of state provision.

The Department of Social Protection is piloting an early engagement process to provide employment and educational supports to disabled people in the 18 to 22 years bracket. Officials acknowledged, however, that 'there is very low participation in employment for disabled people in Ireland, not just compared with non-disabled people but also compared with disabled people in other countries'.

With regard to employment opportunities, Ms Ní Fhlatharta told the Committee that the current proposed legislation on flexible working was significantly weaker than the reasonable accommodation to which people with disabilities are already entitled. As a result of the new legislation, the legal standard for a person with a disability to request to work from home as a reasonable accommodation is now much higher than before.

Employers must therefore be supported to provide reasonable accommodations that enable disabled employees to be productive and to progress further with employment if they so wish. Officials from the Department of Social Protection informed the Committee of the additional €1 million allocation in Budget 2023 to the Reasonable Accommodation Fund to support people with disabilities in the workplace.

The Committee heard that paid employment is something to which many people aspire but may not be feasible for some. In this regard, part-time employment, or volunteering opportunities should also be accommodated so that people have the ability to contribute in whatever way possible.

#### **The Committee recommends:**

- That the Government legislates for a statutory right to homecare.
- That the Government ensures that intersectionality with regard to disability is understood and taken into account in the creation of appropriate laws and policies and the design and delivery of accessible, inclusive services.
- That the Government ensures provision of services required for independent living, including personal assistance support, assistive technology, fully accessible public housing and transport, and an income above the poverty level.
- That the Department of Social Protection introduces information and support measures for persons with disabilities to assist in accessing third-level education and training.
- That the Department of Social Protection ensures that supported employment systems provide meaningful access to employment and progression (issue of capping).
- That the Department of Enterprise, Trade and Employment supports employers to provide reasonable accommodations that support disabled employees to be productive and progress further with employment.
- That the Department of Enterprise, Trade and Employment ensures that part-time employment, or volunteering opportunities should also be accommodated so that people have the ability to contribute in whatever way possible.

*b. Have access to person centred financial supports to serve their individual needs.*

The Committee was reminded that the basic annual income provided by Disability Allowance is €10,816. Ms Phelan referred to the INDECON Report on the Cost of Disability in Ireland<sup>110</sup>

<sup>110</sup> [The Cost of Disability in Ireland](#)

which concluded that people with disabilities incur extra annual costs ranging from €8,700 to €12,300, although that cost can rise to €23,610 or above for those with multiple disabilities.

DWI also spoke on the costs of disability, telling the Committee that in light of the findings of the INDECON Report, the amount of supports offered to people with a disability indicates that the disability-related social protection payments available are wholly insufficient to allow disabled people and their families to reach a minimum standard of living. Stakeholders advocated for the removal of means testing for the Disability Allowance and recommended that the allowance be instead regarded as a 'cost of disability' payment. Fundamentally, nobody should be living in poverty due to the cost of their disability.

Ms Hassett of DWI raised the issue that once a disabled person reaches the age of 65, in policy terms they are no longer considered disabled and instead categorised as old across the board in all social protection payments. The cost of disability must also be taken into account when thinking about pensions for disabled people. Ms Hassett proposed that preventing a person from being aged out of the Disability Allowance might be the most direct way to deal with that but would not be the entire solution.

**The Committee recommends:**

- That the Department of Social Protection reviews means testing for the Disability Allowance, provides that the allowance is regarded as a cost of disability payment and provides income disregard allowance over and above other social protection payments to recognise the additional cost of disability.
- That the Department of Social Protection ensures that Disability Allowance is not ceased when the recipient reaches 66 years of age.

- c. Be enabled to participate as fully as possible in decisions on their care needs, based on principles of fairness, respect, equality and dignity.*

The long-delayed commencement of the Assisted Decision-Making (Capacity) Act 2015, which was supposed to take place in June 2022, has not yet taken place. It has been indicated that commencement may occur before the end of 2022, and the Committee recommends strongly that this commencement be carried out as soon as possible.

Further delay in commencement of the 2015 Act would be most regrettable, as the Act would introduce vitally important reforms to the existing law on capacity, changing the system from the status approach of the 'wardship' concept to a flexible functional approach, enabling persons to participate as fully as possible in decisions on their personal welfare, healthcare, property and affairs.

Ms Daly spoke to the Committee about the complexities of institutional care and pathways out of it. The Committee heard that many disabled people who have been living in institutional care have not been given the right to make basic decisions such as what they would like to eat, wear, or even with whom they would like to spend time. The HSE and other



agencies must work collaboratively with disabled persons organisations and other services that support a person's right to choice and control at all ages.

**The Committee recommends** that the Government brings about the long-delayed commencement of the Assisted Decision-Making (Capacity) Act 2015 as soon as possible.

*d. Be facilitated and resourced as much as possible if their choice is to be cared for at home.*

Briefing from the Department of Health states the Government's commitment to establishing a new, statutory scheme for the financing and regulation of home-support services and confirms that work is ongoing in this regard. A timeframe is required from the Department to indicate when the design of the new statutory scheme will be completed and when the scheme is likely to be implemented.

Ms Hassett drew a distinction between personal assistance services, which are tailored and afford disabled people more control over the support they receive, and home care which can be quite restricted and prescriptive in terms of the supports provided. Stakeholders called for a model that is more flexible and puts disabled people at the centre so that they can decide what supports they require, as home care may not necessarily meet those requirements. What is needed is access to tailored, person-centred supports that promote choice, control and self-determination in the form of a personal assistance service. This provision must be framed as a right and not made subject to resource availability.

Ms Phelan of DFI also spoke to the need for better collaboration between service providers, sharing a common experience whereby a person is offered a house from a local authority but due to the lack of availability of accompanying services provided by the Department of Health – such as personal assistance hours or the support package required – people are rendered unable to take up the offer of housing. The Committee heard that one of the more extreme results of this is the circa 1,300 people who are placed in nursing homes due to the lack of supports in the community. Better connections and co-ordination between services and Departments are vital. Ms Weldon, of ILMI, told the Committee that in some cases it could take up to three years to obtain agreement from the HSE to access personal support services. Ms Weldon told the Committee that many of these barriers would disappear with the right to personal assistance.

Committee Members noted that given the inappropriate placing of people with disabilities in institutional settings, they should have the option to change their care model and move towards a home care model. This option should also be available to those who signed up to the Fair Deal scheme previously.

The Committee heard that there was an anomaly between a person's right to a nursing home bed under the provisions of the Fair Deal scheme, but no equal right to remain at home. Ms Duffy expressed the hope that this would be remedied with the introduction of the

new statutory home support scheme, which includes a commitment that adults of all ages would be entitled to home support where they need it.

However, Ms Duffy shared concern that, particularly given extensive staffing shortages across the existing home care sector, ‘the HSE simply will not be able to provide all the hours of support that those people need’ and that it will fall once more to families and unpaid carers to make up the shortfall in hours.<sup>111</sup>

**The Committee recommends:**

- That the Government provides access to tailored, person-centred supports that promote choice, control and self-determination in the form of a personal assistance service, as a right and increase investment in personal assistance resources to include a sustainable recruitment and retention strategy.
- That the Department of Health provides a timeframe for design and implementation of the new statutory scheme for home-support services.

**Citizens’ Assembly Recommendation 11:**

*Provision for those who wish to be cared for at home should be improved by:*

- Providing a statutory right for payment for home care packages as well as nursing care.*

DFI, as part of the Home Care Coalition, have long supported the creation of a statutory right to home care. However, DWI cautioned that often, home care services are not delivered in a manner that is emancipatory or that centres the person, and this can amount to another form of institutionalisation. Home care should be designed in a way that gives the person receiving care control over who is entering their lives and what kind of supports they will receive.

**The Committee recommends:**

- That the Government brings forward legislation to provide a statutory right to home care.
- That the Government introduces legislation to provide for statutory regulation of homecare by HIQA as recommended by the Law Reform Commission in 2012.
- That the Government invests in both the immediate resourcing and the longer-term training and recruitment of more Personal Needs Assistants and ensure every person with a disability who wishes to apply for PNA support has the opportunity to do so.

<sup>111</sup> Clare Duffy JCGE Transcript 16.06.22 p.18

*b. Increasing the annual home care budget to meet growing demand and reduce waiting lists.*

Numerous studies show that where possible, people prefer to be cared for at home. However, stakeholders pointed out the lack of publicly supported care packages that are focused on the home and community-based care, rather than institutional care, particularly for elderly people. Professor Lynch told the Committee how, in the home care sector, the proportion of public expenditure allocated to private-for-profit rose from 5% of all expenditure in 2006 to 40% in 2019, while HSE delivered home care declined from 85% to 50% in 2019. Professor Lynch proposed that, fundamentally, care should be a core principle that is supported in the Constitution. It is vital that the Government moves away from a privatised and for-profit model of care in the elder care and disability care sector, as well as in the childcare and early years sector.

The Committee heard that there is currently a critical shortage of home care workers and that this is often attributed to the poor terms and conditions in the sector. Thus, the successful implementation of this recommendation is intrinsically linked with the implementation of recommendation 4.

The Committee recommends the development of a National Planning Unit to oversee all aspects of care planning and implementation; responsible for data collection to ascertain number of carers and modelling current and future needs for childcare, elder care, disability services, etc.

Mr Dunne suggested that in looking at overall labour force planning for the home care sector, there may be potential to provide a training model for trainee carers who are not yet in a position to provide one-to-one care but would be able to provide home help. Home help, which includes company keeping and doing small tasks such as going to the shops, could form the base level on a graduated ladder of levels of care. The system of vocational training in the social care sector in Nordic Countries could be examined as a potential model.

**The Committee recommends:**

- That the Government moves away from a privatised and for-profit model of care and reconsider State provision of care services and other public services which are fundamentally about caring, in keeping with the constitutional protection for care recommended above.
- That the Government establishes a National Planning Unit for Care, to oversee all aspects of care planning and implementation; to be responsible for data collection to ascertain the true number of carers and to plan for current and future needs for childcare, elder care and disability services.

**Citizens' Assembly Recommendation 12**

*Lifelong care for persons with disabilities who need it should be seamless and there should not be any break in services provided or need to reapply for support when a person turns 18.*

Transition points, particularly between school and adulthood, can be extremely challenging and for decades, people with disabilities, their family members and advocates have highlighted how easily some people fall between the cracks. Services, supports and even policy departments are often set up and categorised as mental health or disability or older people and health and social care services continue to operate as separate silos. Zoe Hughes of Care Alliance Ireland told the Committee that a holistic approach across the life course is critical to successful living, and successful aging.

It is important that services continue seamlessly when a person reaches 18 years of age, but Ms Ní Fhlatharta cautioned that care must be taken to ensure that people are on the right pathway long before this. ILMI told the Committee that capacity building is paramount to support parents in demanding their right to quality support, including the provision of inclusive education, to ensure their children grow up to live good lives.

Ms Phelan also highlighted other transition points that can result in a break of services, such as exiting higher education and reaching the age of 65. The Committee heard that someone may have a personal assistant to support them throughout third level but, at exactly the time they need the personal assistant for support in applying for employment, the assistance is lost because its funding is tied to education. Again, this demonstrates the need for better linkages and co-ordination between the Departments involved.

When a person turns 65, they are considered under policy measures for old people, which do not take disability into account. This represents a major barrier in respect of continuity of support. Stakeholders also highlighted the lack of accommodation available for people with disabilities as they enter into their elder years, which results in the inappropriate practice of placing people into nursing homes.

Geographic location has a significant impact on continuity of support. The supports available to people depend to an incredible extent on where they live and if one moves from one region to another it can entail huge effort to re-establish supports. Furthermore, employment supports are tied to the workplace rather than the individual. Ms Hassett told the Committee that the system needs to be reorganised to focus on the individual and become more person focused. Such a system would ensure that supports follow the person, as they age, change job or move to a new location. This would require the involvement of disabled people and disabled people's organisations. Professor Kathleen Lynch proposed that a National Planning Unit for Care could encompass planning for disability supports and services.

#### **The Committee recommends:**

- That the Government develops and establishes a National Planning Unit for Care, to ensure that health and social services are approached holistically as a critical factor in successful living and successful aging; to foster better linkages and coordination between all involved Government Departments.
- That the Government enables development of an individual-focused care system with supports following the person, as they age, change capacity or move to a new location.

### Citizens' Assembly Recommendation 13

*Adopt a fully individualised social protection system to reflect the diversity of today's lives and to promote an equal division of paid work and care.*

In November 2020 the National Economic and Social Council (NESC) published a report, 'The Future of the Irish Social Welfare System: Participation and Protection'<sup>112</sup>, which sets out proposed measures to modernise family supports to reflect gender and care needs. The Report recommends that the social protection system be reformed to more closely reflect current labour-market patterns and changing patterns of household and family formation, with a commitment to gender equal roles and rights, and the sharing of family responsibilities. The core social protection system remains predicated on the model of a household with a traditional male breadwinner. NESC recommended that various aspects of individualisation already in practice internationally be applied in Ireland to couples in receipt of social protection payments.

The written response from the Department of Social Protection outlines that, at present, cohabitants in a household where one person is in receipt of a social protection payment with an increase for an adult dependent can, in certain circumstances, split the payment with each person receiving half of the overall amount. In addition, a person in a two-person household can, in certain circumstances opt to receive a social assistance payment under their own name rather than be included as a Qualified Adult<sup>113</sup> on their partner's claim for a social insurance benefit.

The Department of Social Protection advised that a move to a fully individualised system would represent a fundamental change in how social protection payments are assessed and paid and could give rise to very significant increases in costs. It would also have implications for the application of additional criteria such as work-seeking by people who are currently classified as 'Qualified Adults'.

Many stakeholders strongly support the adoption of a fully individualised social protection system. In applying individualisation, the Government must ensure that the caring responsibilities of dependent adults are acknowledged and accommodated.

Ms Duffy of FCI highlighted that the current model of means testing, which tests couples together, places women in a situation of dependency and vulnerability, not just for the duration of their caring years but also afterwards.

Furthermore, household means testing has a significant impact on the right to a private life of lone parents, as their social protection payments are reduced or stopped if they begin to cohabit with a partner, whether or not that partner is contributing financially to the household.

<sup>112</sup> [151 Future Social Welfare.pdf \(nesc.ie\)](#)

<sup>113</sup> A 'qualified adult' is an adult dependent of someone in receipt of a social protection payment; usually a spouse, civil partner or cohabitant. 90% of qualified adults are women.

**The Committee recommends:**

- That the Government establishes an inter-departmental review into how best to adopt a fully individualised social protection system which supports financial independence for all persons and ensure that caring responsibilities are acknowledged and accommodated.
- That the review consider the potential reform of the means test approach to entitlements through individualisation or its replacement with a system of Universal Basic Income (UBI) or participation income; and that it run in parallel with the pilot UBI scheme recommended below.

**Citizens' Assembly Recommendation 14:**

*Social protection services should:*

- Set social protection payments and/or supports at a level that lifts people above the poverty line, prevents deprivation and supports an adequate standard of living.*

The Department of Social Protection has committed to preparing a report for Government on the potential application of a benchmarking approach for social protection payments. A timeframe should be provided for delivery of this report and the potential implementation of recommendations.

Many witnesses appearing before the Committee on this module noted the hierarchies created within the social protection system during the pandemic and the significant differences in the amount of support offered to those in receipt of pandemic unemployment payment (PUP) and the amount paid to those in receipt of Disability Allowance and other social protection payments. Ms Phelan of DWI commented that 'while there was significant political will in the country to provide an adequate income overnight when large swathes of the population suddenly lost their income, there seems to be an acceptance that it is okay for disabled individuals to live for the rest of their lives on a completely inadequate income. It is entrenched institutionalised inequality.'<sup>114</sup> Two in five people who rely on the Disability Allowance to live are at risk of poverty.

Professor Murphy also views universality as key to reform of social protection systems: moving away from the household-testing of income to an individual right to social protection. Professor Murphy cited proposals from Anna Coote in the UK on a minimum income guarantee, paid on an individualised basis, using the income means test to screen out the wealthiest, rather than screening in the poorest. Dr Ursula Barry echoed Professor Murphy's recommendation to embed the fundamental principle of an individualised approach in the social protection system and to use innovative approaches, such as caps to exclude the wealthiest from a universal approach.

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<sup>114</sup> Fleachta Phelan JCGE Transcript 23.06.22 p.14



**The Committee recommends** that the Department of Social Protection brings social protection rates in line with a minimum essential standard of living (MESL).

- b. *Regularly train staff to prioritise dignity and respect in all contact with clients, including giving a choice in how they receive payments.*

DFI welcomed the recommendation that staff be trained to prioritise dignity and respect with clients. DFI told the Committee that people with disabilities often report being treated insensitively by staff who have not received disability awareness training, for example, receiving correspondence from the Department of Social Protection querying if they still have a disability.

Representatives of Treoir highlighted problems within the social protection system caused by a lack of interdepartmental cooperation. Mr Peelo also told the Committee that he believed there are cases where the system is more invested in rooting out fraud than supporting claimants, particularly when it comes to lone parents. For example, if a lone parent has begun a new relationship, 'if that person comes to stay over there are all sorts of suspicions about whether they should be allowed to be in the house, what role they have and whether that affects the parent's entitlement'. The Committee heard there is a lack of understanding of what shared parenting is and there is a need for training for front-line staff regarding the challenges faced by lone parents.

**The Committee recommends** that the Department of Social Protection introduces a comprehensive training programme, to include training for front-line staff specifically on the challenges faced by lone parents.

## Citizens' Assembly Recommendation 15

*Take account of gender equality issues in piloting a Universal Basic Income scheme.*

The Programme for Government contains a commitment to 'Request the Low Pay Commission to examine Universal Basic Income (UBI), informed by a review of previous international pilots, and resulting in a Universal Basic Income pilot in the lifetime of the Government'. The Low Pay Commission submitted its Universal Basic Income Report to the Minister for Enterprise, Trade and Employment in July 2022.

Officials from the Department of Social Protection described to the Committee how a UBI would be a big departure from the current social protection system, which works on a basis of social protection payments and tax reliefs. With a UBI there are no social protection payments or tax reliefs; all of a person's income is fully taxed and they receive a basic income alongside that. According to Mr Rónán Hession, 'there will be winners and losers in that'.<sup>115</sup>

<sup>115</sup> Rónán Hession, JCGE Transcript 27.10.22 p.19

A tool such as UBI aims to ensure a basic standard of living, without conditionality linked to employment status. The Citizens' Assembly specifically seeks to take account of gender equality issues in a pilot programme, as such a measure could be particularly valuable for people with caring responsibilities – predominantly women – who are unable to engage in full-time employment or study as a result. Ms Hughes made the point to the Committee that UBI would recognise the work that family carers do, stating that the change in language from 'allowance' or 'benefit' to 'income' would be a small one, but an important one.

However, Ms Duffy recommended that a participation income, rather than a UBI, be introduced for carers because carers are participating and contributing. Professor Murphy also recommended consideration of participation income that decouples social protection payments from the requirement to work in the paid economy and recognises a much broader range of socially valued work. It differs from basic income because it looks for reciprocity back from the person in the form of socially valued activity, such as the provision of care.

Professor Murphy told the Committee that policies, such as the Basic Income for the Arts pilot, are beginning to recognise the other socially valued ways activities which do not fit into the very narrow understanding of added value in a GNP sense. Participation income could include recognition of the value of socially useful activity such as arts and culture, ecological activity or care work.

#### **The Committee recommends:**

- That the Department of Enterprise, Trade and Employment publishes the Report of the Low Pay Commission on Universal Basic Income.
- That the Department of Enterprise, Trade and Employment follows up on the Low Pay Commission Report, and the pilot Basic Income for the Arts (BIA) scheme, by instituting a more generalised pilot Universal Basic Income (UBI) scheme based on the 'participation income' approach, to include recognition of the value of socially useful activity such as care work.

### **Citizens' Assembly Recommendation 16**

*Address the specific needs of lone parents to incentivise and support them in accessing work or education, including provision of child and after-school care.*

Mary Roche of Treoir explained to the Committee that lone parents – 86% of whom are women – are marginalised and experience discrimination and economic disadvantage on the basis of their gender. Treoir cited research that suggests that changes to the one parent family payment since 2013 have had a negative impact on the well-being and life chances of parents, resulting in 30% of lone parents being at risk of poverty, compared with 12% of two-parent households.

Research from the ESRI suggests that only full-time employment is effective in lifting families out of poverty. However, lone parents often bear primary responsibility for care and cannot reconcile full-time work with the provision of that care. When a child is 14 years old, a one-parent family is moved to a payment where there is a requirement for full-time availability for

work, meaning the parent must balance full time work and caring for a 14-year-old child alone. Consideration should be given to extending access to the Jobseeker's Transitional payment up to when a child is 18.

Many stakeholders called for the social protection system to be decoupled from labour market participation in order to address poverty and deprivation in lone-parent households. A basic minimum income standard of living for every household is essential. According to Ms Roche, 'the onus has to be on the State to redesign a system whereby we can lift lone-parent families out of poverty.'<sup>116</sup> Treoir believes the social protection system must recognise lone parents' care responsibilities and ensure that part-time work, combined with social protection payments, provide economic security to one parent families. Coupled with this, early childhood education should be deemed a key public service and should be a right for all children.

Dr Ursula Barry proposed that the provision of childcare system for lone parents should not only focus on allowing access to paid employment, but also access to other areas of activity, such as involvement in their community or education. As discussed further in Chapter 3 the lack of grants for part-time students has a significant impact on women and lone parents in particular. SUSI grant support should be available for part-time, online and blended learning and access courses.

Another issue for lone parents is the maintenance system. In order to qualify for the One-Parent Family Payment, a lone parent must make efforts to get maintenance from the other parent and maintenance payments are assessed as income in the means test for the scheme. If a lone parent is receiving a maintenance payment and it is not being paid in full, or it stops, they are required to make efforts to seek maintenance and there may be administrative delays in restoring full social protection payments. The requirement to engage with a former partner can be extremely difficult where there is a history of abuse and in a number of cases, the maintenance payment may not in fact be paid. In such circumstances, lone parents can face significant difficulties in having the full social protection payment restored.

The Committee recommends that maintenance payments no longer be assessed as income in means tests for social protection payments and calls for the immediate publication of the report of the Child Maintenance Review Group, which was submitted to the Minister for Social Protection in April 2022.

#### **The Committee recommends:**

- That the Department of Social Protection extends access to Jobseeker's Transitional Payment until a youngest child reaches 18 years of age.
- That the Government establishes a child maintenance service.
- That, in keeping with previous recommendations, the Department of Children, Equality, Disability, Integration and Youth prioritises the move from privatised care provision towards a fully integrated public early years childcare and education

<sup>116</sup> Mary Roche JCGE Transcript 02.06.22 p.7

system that provides households with universal access to public and high-quality early years education and childcare,

- That the Department of Further and Higher Education, Research, Innovation and Science ensures that SUSI grant support is available for lone parents to enable access to part-time, online and blended learning and access courses.
- That the Government develops a new 'National Child Poverty Plan' with a dedicated unit that encompasses an integrated and cross-governmental approach to address high levels of poverty in lone-parent households.
- That measures are introduced to ensure that social protection payments will not be reduced based on the potential receipt of maintenance from a third party, e.g., a former spouse or partner, and lone parents should not be required to pursue maintenance from a former partner as a condition of receipt of social protection.

### Citizens' Assembly Recommendation 17

*Immediately address the impact of the marriage bar by automatically qualifying women affected by the marriage bar for a state pension.*

The National Women's Council of Ireland highlighted the deeply gendered inequality of marriage bar which until 1973 required women to leave public service jobs after marriage; some older women in the State are still negatively impacted by this injustice today. The written response received from the Department of Social Protection explains that most public servants recruited prior to 1995 are not entitled to the State pension, regardless of gender and marital status. However, as a result of being forced to give up their jobs, women were denied the opportunity earn a public service pension.

Furthermore, the marriage bar did not solely impact women employed in the public service. Although private and semi-state employers were not legally obliged to apply a marriage bar, it was widespread practice. For example, An Post, CIE, Aer Lingus, banks and, private employers such as Jacobs Biscuits and Guinness Brewers all had marriage bars<sup>117</sup>. This meant that the women impacted could neither contribute to an occupational pension, nor make enough PRSI contributions to qualify for a full State pension.

In order to address the injustice and inequality created by the marriage bar, which impacted women in the public sector and private sector, the Committee calls for the immediate implementation of the recommendation that women affected by the marriage bar qualify automatically for a state pension.

**The Committee recommends** that the Department of Social Protection ensures that women affected by the marriage bar qualify automatically for the full State pension.

<sup>117</sup> [The Marriage Bar : A Ban on Employing Married Women | ICTU](#)

### Citizens' Assembly Recommendation 18

*Regardless of the pension model, enrolment into pension savings should be automatic and start when a person starts earning, subject to a threshold on low incomes and an opt-out clause.*

The Programme for Government contains a commitment to introduce a pension auto-enrolment system to address the current pension coverage gap. The written response from the Department of Social Protection states that in line with the Economic Recovery Plan 2021<sup>118</sup>, implementation of an automatic enrolment (AE) system will commence over the course of 2022 and 2023 with the necessary legislative, organisational and process structures being put in place. The General Scheme of the Automatic Enrolment Retirement Saving System Bill 2022 was approved in October 2022 and has been referred by the Minister for Social Protection to the Joint Committee for Social Protection, Community and Rural Development and the Islands, for pre-legislative scrutiny.

It is proposed that AE will apply to all new and current employees not already in an occupational pension scheme, aged between 23 and 60 and earning over €20,000 across all of their employments. Employees earning below €20,000 per annum (across all employments) and those employees aged under 23 and over 60 will be able to 'opt-in' to the system. Those automatically enrolled will have the option to opt-out or suspend participation<sup>119</sup>.

However, by benefitting only those in paid employment, this scheme perpetuates the pension pay gap. Those providing unpaid care, predominately women, do not receive any benefit. Further measures, such as a universal state pension must be introduced to ensure adequate pension coverage for carers.

**The Committee recommends** that the Department of Social Protection ensures that the Automatic Enrolment Retirement Saving System Bill (2022) is gender-proofed prior to enactment.

### Citizens' Assembly Recommendation 19

*Introduce a Universal State Pension so that every resident of Ireland receives a pension upon reaching pension age.*

Endorsing the recommendations of the Commission on Pensions, the Government will move to a Total Contributions Approach to calculate the State pension. This is based on a 40-year record of paid and credited social insurance contributions, subject to a maximum of 20 years of credits and home caring periods. If a person does not have an additional 20 years of paid contributions, on top of 20 years of home care, they will not qualify for a full pension, and will instead receive a reduced rate. Women are still far less likely to qualify for the full State pension than men. Officials from the Department of Social Protection informed the

<sup>118</sup> [gov.ie - Overview of Economic Recovery Plan 2021 \(www.gov.ie\)](https://www.gov.ie/en/publications/2021-06-24-economic-recovery-plan-2021/)

<sup>119</sup> [Automatic Enrolment Retirement Saving System Bill 2022 » L&RS \(oireachtas.ie\)](https://www.oireachtas.ie/en/bills/2022/automatic-enrolment-retirement-saving-system-bill-2022/)

Committee that 48% of women qualified for a full contributory State pension in 2020, compared to 63% of men.

Dr Barry told the Committee that rather than an employment-related system and a pension benefit or allowance system, there should be a universal pension system which integrates both together. Professor Murphy called for a decoupling of the relationship between social protection and work, citing the example of New Zealand, where there is a residency-based universal pension right which is not based on relationship between paid employment and social protection. Decoupling paid employment from social protection would allow for more types of participation, instead of making social protection payments conditional on people orientating their lives toward paid productive employment alone.

The Government are currently considering new proposals to move towards a 40-year contributions requirement of which only 20 years may consist of social insurance credits or credits for home caring. This could significantly increase the risk of many women finding themselves on a reduced rate. Committee members highlighted the importance of gender proofing of proposals in this regard so that they do not in fact contribute to a widening of the gender pension gap. Committee members and witnesses further noted that a universal pension system could contribute significantly to gender equality by removing the reduced rate for those with periods of care.

The Commission on Pensions estimated that a universal State pension would cost somewhere in the region of €2 billion to €3 billion per year. However, Professor Murphy told the Committee that approximately €2.4bn is currently spent on private pension tax relief which is paid on a marginal rate and predominantly benefits men who are higher earners.

It was noted by Committee members as regrettable that the Commission on Pensions did not examine the public expenditure on this tax relief in its calculations and it was recommended that an analysis of the comparative cost benefits of a universal pension and private pension tax relief in terms of gender equality might be beneficially conducted.

#### **The Committee recommends:**

- That the Government initiate a process towards the introduction of a universal pension system which integrates both an employment-related system and a pension benefit or allowance system, and which recognises the cost of disability.
- That the Government considers decoupling the relationship between social protection and work, using the model of New Zealand as an example of best practice, where there is a residency-based universal pension right which is not based on relationship between paid employment and social protection.
- That the Government ensures that consideration of the costs of a universal State pension is gender-proofed and included consideration of the costs of private pension tax relief, which predominantly benefits men as they tend to be higher earners.
- That the Government restore the right to retire on a pension for 65-year-olds by reintroducing the State Pension (Transition) payment.



- That the Department of Social Protection introduces a long-term Carer's Pension.
- That the Department of Social Protection ensures the closing of the gender pension gap as a policy priority in respect of pensions and conducts a gender and equality analysis of all aspects of pension policy, including both social protection and taxation policy, such as the current marginal rate reliefs on private pensions. Any proposed pension reforms including new auto-enrolment schemes or any potential changes to contributory requirements should be subject to a rigorous gender proofing.
- That the Department of Social Protection conducts detailed research and modelling around the introduction of a universal pension, including a cost benefit analysis of the potential costs of such a model as compared to current expenditures on contributory pensions, non-contributory pensions, qualified adult increases and tax relief on private pensions, and the respective impact or benefits in terms of distributional and gender equality, and financial security and independence for women.
- That, as part of this process, the Government commissions a review, including a gender analysis, of private pension tax relief.

## Chapter 5 – Leadership in Politics, Public Life & the Workplace and Pay and Workplace Conditions

### Introduction

The focus of recommendations in this section is on addressing the issues faced by women in politics and the workplace.

Four of 15 cabinet Ministers are women, five of 20 Ministers of State are women, only 37 of 160 Deputies are women, 23 of 60 Senators are women, and five of 13 MEPs are women. 24% of county councillors elected in 2019 were women. Ireland ranks 21<sup>st</sup> among the 27 EU Member States for women's political representation in the Lower House of Parliament and in an international ranking for women's representation in parliament, Ireland sits in 100<sup>th</sup> position.

In the workplace, women are far more likely to be in low-paid jobs than men. Women are more likely to work part-time, in order to balance caring responsibilities, which imposes a pay penalty. Furthermore, sectors dominated by women tend to have worse wages and conditions than those dominated by men.

### General Findings

This Chapter covers recommendations of the Citizens' Assembly related to Leadership in Politics, Public Life and the Workplace (20-25) and those related to Pay and Workplace Conditions (32-36), which were dealt with together at Committee hearings.

#### Citizens' Assembly Recommendation 20

*By the end of 2022:*

- a. *Extend the gender quota for party candidates at general elections to local elections, elections to the Seanad and European Parliament and review every 5 years.*
- b. *Increase penalties for parties that do not meet the statutory gender quotas.*
- c. *The 30% threshold should be increased to 40% for women (and 40% for men) for all elections.*

In 2012, the Electoral (Amendment) (Political Funding) Act was adopted, introducing quotas for political parties of at least 30% women candidates and 30% men candidates to contest general elections. Quotas are linked to State funding and if the quota is not met, the party stands to lose 50% of the State funding it receives on an annual basis. The quota will rise to 40% from 2023 onwards. Professor Yvonne Galligan of TU Dublin told the Committee that a gender analysis of candidates at general, Seanad, local and European elections concluded that a relatively small number of additional female candidates would be required to reach the 40% threshold. Based on the most recent set of elections, it would be feasible for parties to meet the 40% candidate gender quota. It is also realistic to have this quota extended to local government elections.

However, this mechanism applies only to general elections and so recommendation 20 of the Citizens' Assembly seeks to extend this to local elections – where many political careers begin – as well as Seanad and European elections. Representatives of See Her Elected told the Committee that, ideally, gender quotas would not be necessary, but the reality in rural Ireland is such that a sharp acceleration is required. Since the formation of the State, only 11 women in total have been elected to Donegal County Council, nine to Clare County Council and six to Leitrim County Council. Ms Reilly of Women for Election told the Committee that local quotas would be 'a short, sharp shock against those decades of incumbency and will help us get over those structural and cultural barriers much faster.'<sup>120</sup>

Education and information about the need for quotas is vital to counteract resistance to quotas. In the coming months, Women for Election will launch a new data hub which will visually map the 23 local electoral areas (LEAs) where there are no elected women. Women for Election consider it vital that there is a significant scaling up of resources and the introduction of a coherent national government strategy, with clear targets, actions and resources to ensure that Ireland rapidly accelerates to 50:50 gender balance by 2030.

During his appearance before the Committee, Tánaiste Leo Varadkar observed that funding for political parties is linked to performance in general elections but not local elections and, thus, applying quotas at local level would mean amending how parties are funded. However, the Tánaiste agreed that additional funding to reward parties that have gender-balanced tickets could be an incentivising mechanism for quotas at local elections.

Stakeholders discussed the potential to increase diversity and gender balance through the Seanad election system. The Committee noted the legislative proposals put forward by the Seanad Reform and Implementation Group to improve gender equality within the nominations process for Seanad elections.

There should be mechanisms in place to ensure gender balance on the Seanad vocational panels, which account for 43 Senators. Gender quotas should be put in place for nominations to the Oireachtas subpanel (or inside list) rather than relying on the goodwill of political parties. Candidates on the nominating bodies panel (or outside list) are nominated by nominating bodies, many of which have up to 11 nominations. Dr Buckley suggested that nominating bodies with more than one nomination be required to achieve a gender balance of at least 40% in their nominees, and nominating bodies with just one nomination be given a second nomination if that would achieve gender balance.

Women for Election told the Committee that, as well as an initial package of financial incentives for political parties that meet the 40% minimum target at all elections, solutions need to include non-compliance penalties. For example, a straightforward fine mechanism based on the turnover of a party on a percentage basis. A standard could be built in, whether via SIPO or the Electoral Commission, that political parties must achieve. With regard to potential penalties for parties who do not reach the statutory quota, Dr Buckley proposed that SIPO or the Electoral Commission could play a role by publishing annual gender and

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<sup>120</sup> Ms Megan Reilly JCGE Transcript 13.10.22, p.18

diversity audits of political parties; the publication of this data might work as an incentive for parties to attract and develop a diverse party membership.

The Committee was also reminded that a research capacity was included in the terms of reference of the new Electoral Commission, the establishment of which is a commitment in the Programme for Government. Therefore, the new Electoral Commission may be the most appropriate body to carry out research on mechanisms and incentives for improving gender balance and diversity in electoral politics.

Consideration should also be given to targeted funding measures for underrepresented and minoritised groups. In its position paper from January 2022<sup>121</sup>, Independent Living Movement Ireland (ILMI) call for a specific fund to level the playing field for disabled people contesting election who face 'additional costs due to impairment related barriers, that non-disabled people do not need to consider'. Stakeholders welcomed the incentive scheme from Government's funding of diversity officer roles within parties and the Committee heard that a difference was already evident at national party level.

Traveller women experience significant additional barriers to participation in political and public life and experience exclusion from decision-making and wider political processes due to discrimination and marginalisation. Currently, Senator Eileen Flynn is the only Traveller woman serving as a national political representative. Although Ms Joyce of the National Traveller Women's Forum (NTWF) welcomed her nomination to the Seanad by the Taoiseach, she called for greater strides to be made improve the representation of Traveller women in local and national politics.

The Cullen & Gough report *Different Paths, Shared Experiences*<sup>122</sup>, calls for women candidate quotas for Irish elections to incorporate nested quotas for ethnic minority women to help tackle the lack of diversity in elected office. The NTWF support nested quotas and are currently working with Women for Election and the NWCI to look at what nested quotas could look like in the context of gender quotas.

Ms Joyce informed the Committee that research indicated that the range of current interventions to increase the number of women in local politics would increase gender parity for some but would not deliver the change required for minoritised women, such as Traveller women, to access local politics.

See Her Elected told the Committee that women candidates need to be supported into seats that they have a chance of winning, and strong political leadership is needed within parties in respect of the selection of women to winnable seats.

Dr Buckley cautioned that if there were to be an increase in the number of three-seat constituencies, following the ongoing constituency review parties would probably select one candidate at most in some of those constituencies and, if so, would more than likely go with the tried and tested incumbent. As just 23% of seats in the Dáil are held by women and 77%

<sup>121</sup> [Enabling-Participation-ILMI-Position-Paper.pdf](#)

<sup>122</sup> [Different Paths, Shared Experiences](#)

of the incumbents are men, an increase in 3-seater constituencies could hinder progress in achieving gender parity.

Taoiseach Micheál Martin shared the view that there are more fundamental issues than quotas at local level that create barriers to entry into politics, particularly for women but for men also, referring to the ‘four Cs, namely, cash, confidence, childcare and culture’. However, the Taoiseach told the Committee that the recent moves towards maternity leave and salary improvements should help to encourage more people to enter local politics.

#### **The Committee recommends:**

- That the Department of Housing, Planning and Local Government introduces legislation providing for statutory gender quotas for local, Seanad and European Parliament elections.
- That the Government introduces a coherent national gender quota strategy to accompany the legislation, with clear targets, actions and resources to ensure that Ireland rapidly accelerates to 50:50 gender balance across the Oireachtas and European Parliament representation for Ireland by 2030; such a strategy to incorporate nested quotas and targeted supports for ethnic minority women, Traveller women and disabled women, to help tackle the lack of diversity in elected office.
- That the Electoral Commission be mandated to review the national gender quota strategy every five years, starting five years from introduction of the strategy; such a review to include an audit of gender and diversity policies and practices in political parties.
- That the Electoral Commission carries out a review to consider the consistency of data collection by political parties and the adequacy of penalties prescribed in law and the prospect of providing additional funding to reward parties that have achieved quotas.
- That each Taoiseach on selecting their 11 nominees should have regard to diversity and gender balance.
- That gender quota legislation for all elections requires a 40% threshold.

### **Citizens’ Assembly Recommendation 21**

*Improve gender balance on boards by:*

- a. Making funding to public bodies contingent on reaching a 40% gender balance quota by 2025.*

Professor Galligan told the Committee that, as of February 2022, there were 194 public boards with an overall female membership profile of 45%. The Committee heard that this masked wide variation on board gender representation. Furthermore, some boards have a very small membership which militates against a 40:60 gender balance.

The Committee heard that the successful implementation of 21(a) requires targeted action. This could include encouraging nominating bodies to put forward female nominees or

signalling interest from female applicants through a strong statement in the advertisement for members. Professor Galligan told the Committee that the consequences of applying reduced funding to public boards needs to be teased out further to understand the effect it would have on different boards if applied.

**The Committees recommends:**

- That the Government prioritises the appointment of women to all current vacancies on public boards.
- That the Government adequately resources civil society organisations that will support and encourage a diverse network of potential new women candidates for boards.

*b. Enacting gender quota legislation that requires private companies to have at least 40% gender balance according to specific criteria such as turnover, number of employees etc.*

The Department of Enterprise, Trade and Employment is responsible for the Balance for Better Business Initiative, which sets voluntary gender balance targets for the leadership and senior management of business in Ireland. Between 2018 and 2021, female representation on the boards of the ISEQ 20 companies has risen from 18% to 34%<sup>123</sup>. The Committee welcomes the long-delayed finalising of the text of the EU Directive which will require companies listed in one or more EU member states to have gender balanced boards.

The 30% Club expressed their view that targets are a sustainable way to achieve gender balance and set out a floor for progress, whereas quotas are more likely to set a ceiling with no incentive for extending beyond the mandatory requirement. However, most stakeholders, such as Professor Yvonne Galligan, called for statutory quotas. Minister Varadkar observed that while progress has been achieved on a voluntary basis with regard to balance on boards, going from 18% to 34% over a three-year period he agreed that accelerators and mandatory quotas will have a role to play in getting to 50%. The Committee supports recommendation 21 of the Citizens' Assembly and calls for legislation for a mandatory quota of 40% gender of either gender on private boards.

The 30% Club also recognise that there is a lack of data beyond listed organisations and voiced support for initiatives to improve gender representation reporting, whether as part of gender pay gap, CSO data collection or otherwise.

Representatives of the 30% Club highlighted the importance of looking beyond the boardroom and focusing on executive level as well, in order to feed the pipeline of talent. When the 30% Club began in the UK, its focus was exclusively on boards. However, due to the small number of the listed boards in Ireland, when the Irish Chapter was founded in 2015, the remit was extended to focus on a minimum of 30% women at executive management level, where decisions are taken on governance and operations, including

<sup>123</sup> [Balance-for-Better-Business-4th-Report-November-2021.pdf \(betterbalance.ie\)](#)



diversity. Consideration should be given to measures, such as quotas, to improve gender balance at executive and senior management levels in companies.

Professor Galligan proposed that State and corporate boards carry out annual reporting on progress towards gender quotas.

Recommendation 21 does not make reference to the chairing of boards. Further consideration should be given to mechanisms to improve the number of women chairing boards in both the public and private sector.

**The Committee recommends** that the Department of Enterprise, Trade and Employment introduces legislation that requires both public and private companies to have a gender balance quota of at least 40% membership on their boards.

### Citizens' Assembly Recommendation 22

*Public funding to cultural, sports, arts and media organisations should be contingent on:*

- a. A quota of 30% representation of women, and of men, on their Governing bodies by 2025 and 40% by 2030.*
- b. Published plans to advance gender equality in their organisations.*
- c. Annual reporting on progress towards agreed quotas on gender representation and funding.*

Stakeholders noted that recommendation 22 complements recommendation 21(a) in respect of bodies that receive public funding. The Athena SWAN programme was highlighted as an example, as was the Irish Research Council's decision to make achievement of the Athena SWAN programme standards a condition for higher education institutions seeking access to Irish Research Council funding. Professor Galligan told the Committee that the programme has had a transformative effect since its introduction to the Irish higher education sector in 2015 and that the key to this success is the publication of plans to advance gender equality in the participating organisations and close audit.

A requirement to publish gender equality plans makes it possible to hold bodies accountable for progress, or lack thereof, in addressing gender inequality. Published targets and regular updates allow for transparency on progress over time and are a strong incentive that is part of the institutional framework rather than financial.

While the 30% Club welcomed the focus on gender balance in competitive public processes for funding, they were less confident that applying a specific quota requirement as a prerequisite would drive real change. Instead, the 30% Club asked that consideration be given to the requirement to include information on gender representation, targets and progress as part of an application process as a demonstration of action.

Women on Air supported the concept of compulsory quotas for broadcast media, particularly broadcast media in receipt of public funds, sharing the view that the approach needs to be incremental, starting with measurable targets which will serve as the impetus for the

evolution and realisation of the desired quota. Women on Air made the point that women consume and pay for publicly funded media just as men do and are entitled to hear their concerns, views and, most importantly, voices on air. Equally, seeing is believing and if more women hear their own voices, it will encourage more to follow suit. There is the particular need for more diversity within the women's voices we hear in the media. Traveller women, women in lower socio-economic circumstances and immigrant women need to hear women on the radio and see women on TV who reflect them, their 'voice' and their lived, vital experience.

#### **The Committee recommends:**

- That broadcast media publish diversity and gender disaggregated data for all programmes including contributors and directly employed presenters; to include both quantitative and qualitative indicators and analysis.
- That the Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media introduces legislation that requires cultural, sports, arts and media organisations to have a gender balance quota of at least 30% membership on their governing bodies by 2025; and 40% by 2030.
- That the Government requires all bodies that receive public funding to have gender equality plans and publish them.
- That the legislation as referred to under 22(a) requires the preparation and implementation of gender equality plans.
- That the Government require all non-commercial semi-state bodies in receipt of public monies over an agreed threshold to develop and publish and implement a gender equality and diversity strategy.

### **Citizens' Assembly Recommendation 23**

*Improve family-friendly practices for all representatives elected to public office by:*

- Making maternity, paternity and parental leave available to all elected representatives, including Ministers (through legislation or constitutional amendment as required).*

The Local Government (Maternity Protection and Other Measures for Local Authority Elected Members) Act 2022 has been passed by the Oireachtas as of December 2022, representing a significant step towards the implementation of 23(a). The scheme offers councillors the choice to appoint an individual as a temporary substitute or receive funding for additional administrative assistance for the duration of their maternity leave.

Although the move towards maternity leave for councillors is a very positive step, such a measure should be extended to the national level. Furthermore, the general scheme makes no provision for paternity leave. Paternity and parental leave should be introduced for all elected representatives, alongside maternity leave.

The Report on a Family Friendly and Inclusive Parliament<sup>124</sup> was published in November 2021 and made a number of important recommendations.

**The Committee recommends** that the Department of Housing, Local Government and Heritage expedites the passage and implementation of the Local Government (Maternity Protection and Other Measures for Local Authority Elected Members) Bill 2022.

*b. Providing flexible working options including remote working and voting and adjusting meeting times and rules to suit caring responsibilities (through legislation or constitutional amendment as required).*

The Report on a Family Friendly and Inclusive Parliament<sup>125</sup> recommends that a constitutional referendum take place during the 33<sup>rd</sup> Dáil to amend Article 15 in order to enable the Houses of the Oireachtas to introduce proxy voting for maternity, paternity and sick leave. The report also recommends, should Article 15 be amended, the introduction of hybrid sittings of some Oireachtas business and the development of regional hubs located in other State buildings where Members could participate remotely in certain Oireachtas business. Proposals to make Oireachtas sittings more family friendly include the establishment of a second Dáil chamber to deal with routine non-votable business.

Stakeholders welcomed the recommendations of the Forum on a Family Friendly and inclusive Parliament, telling the Committee that the current situation is not helpful to those with caring responsibilities and detrimental in terms of quality of life and decision-making.

Professor Galligan told the Committee that introducing measures to remove barriers requiring members to be physically present in the Houses and make provision for leave entitlements should be framed in the context of modernising the Oireachtas as a workplace. The interpretation of voting in person as implied in the Constitution has changed to one that was impossible to envisage in 1937. Fundamentally, modernising the Oireachtas as a workplace in a way that enables representatives to reconcile their work and family lives is merely implementing what are basic employment rights outside of the Oireachtas.

Representatives of the ESRI referred to the existence of a long-hours culture in politics and in other workplaces, telling the Committee that this type of culture signals that caring responsibilities are not valued. Women for Election told the Committee that a radical culture shift would be required, particularly in local government but also within the Oireachtas.

It was observed that lessons and practices derived during Covid-19 lockdowns offer a way of creating flexibility and accessibility in parliamentary working practices. Women for Election informed the Committee that, in conjunction with the NWCI, they had published a Toolkit for Local Authorities on Supporting Family-Friendly Local Government<sup>126</sup> to help local councils make local politics more inclusive and family-friendly.

<sup>124</sup> [Houses of the Oireachtas – Forum on a Family Friendly and Inclusive Parliament](#)

<sup>125</sup> [Houses of the Oireachtas – Forum on a Family Friendly and Inclusive Parliament](#)

<sup>126</sup> [NWC Family Friendly Toolkit.pdf \(nwci.ie\)](#)

Representatives of See Her Elected highlighted how the Women's Regional Caucus consciously avoided replicating the existing business procedures of county councils, which were established when women's participation was practically non-existent. Instead, plenary meetings are held online where possible and there are summary catch up meetings for those who cannot attend due to work outside of council work commitments. Voting is carried out electronically, with the voting period open for 10 or 12 hours. Such measures could be adopted by Local Authorities nationwide.

Technological infrastructure and resources must be put in place in Councils across the country in order to facilitate hybrid meetings. Stakeholders shared the concern that women were having to advocate for hybrid meetings to be retained amidst pushback from some Councils who would prefer to return to traditional ways of doing business. Women for Election proposed that constitutional reform to allow the Oireachtas to undertake business online would encourage Councils to follow suit.

Stakeholders welcomed improvement to salaries for local representatives. The Committee recommends that the role of a Councillor be recognised as a full-time role and remunerated accordingly. Dr Maher of See Her Elected referred to the recommendations of the Moorhead report on the role and remuneration of councillors<sup>127</sup>, one of which was to look at employers being compensated in some way to allow employees to be absent from their work in order to partake in county councils' responsibilities. Dr Buckley echoed these comments, telling the Committee that it would be a sensible move to provide support for employees to run for office, as well as for employers to allow them to do so. This would in turn allow for greater diversity among those running for office.

#### **The Committee recommends:**

- That the Department of Housing, Local Government and Heritage conducts a review into the provision of an adequate part-time and full-time remuneration package for Councillors, to include relevant social protection entitlements.
- That the Department of Enterprise, Trade and Employment introduces legislation to ensure employment contracts include provisions to allow an employee to take a period of six weeks leave to run for public office without risk to their employment. To begin in public sector employment and then be rolled out more widely to the private sector.
- That the Government ensures passage of legislation to enable constitutional amendment to put to the people on allowing remote voting for Oireachtas members in line with the private members' bill, the Thirty-Ninth Amendment of the Constitution (Remote Parliamentary Voting) Bill 2020.
- That, building on the lessons and practices developed during Covid-19, technological infrastructure and resources be put in place in Councils across the country in order to facilitate hybrid meetings and public streaming or broadcast of Council meetings.

<sup>127</sup> [councillor-review-report-final-moorhead-report.pdf \(ailg.ie\)](https://councillor-review-report-final-moorhead-report.pdf (ailg.ie))

## Citizens' Assembly Recommendation 24

Strengthen legislation, reporting and monitoring of press and social media by:

- a. *Holding technology and social media companies accountable for immediately removing online content that constitutes sexual harassment, bullying, stalking, sexually violent or abusive content that they have identified or about which they have been informed.*
- b. *Penalising and eliminating hateful and abusive language, including on the basis of gender, with regular reviews to ensure legislation keeps pace with technological advances.*

See Her Elected and Women for Election told the Committee of the extremely negative impact of online harassment and abusive content targeted at women in politics. Dr Buckley referred to recent research indicating much higher levels of abuse are experienced by women public representatives compared to men. Dr Buckley suggested that much of this online abuse is deliberately designed to try to silence women in politics.

Although previously such abuse had been seen as part of the 'cut and thrust' of politics, there needs to be an acknowledgment that abuse and harassment directed at anyone is not acceptable. Dr Buckley informed the Committee that the NWCI has created a toolkit on Social Media Policies for Political Parties<sup>128</sup>, to enable parties to put in place supports for those subjected to harassment and intimidation, including counselling supports, party codes of conduct and technical supports such as an online anonymous reporting tool.

Women for Election told the Committee that technology and social media companies should be penalised through the use of existing legislation. Ms Duffy of Women on Air emphasised the need for such companies to be made accountable in a timely way, especially in light of the fact that many are headquartered here.

Ms Joyce told the Committee how social media has vilified Travellers and Traveller women; It is important that this is addressed, and that companies are held accountable. Incitement to hatred legislation needs to deliver protections for Traveller and Roma women and the wider Traveller community in general.

Furthermore, the Committee heard that people's attitudes and behaviour is at the heart of the issue. As discussed in Chapter 3 on Norms & Stereotypes and Education, behavioural and cultural change is needed to address the many ways in which gender inequality is perpetuated.

### The Committee recommends:

- That the Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media ensures full implementation of the Online Safety and Media Regulation Act to

<sup>128</sup> [NWC Toolkit SocialMediaAbuse\\_2022FINAL.pdf \(nwci.ie\)](#)

create a statutory system for holding technology and social media companies accountable for online content.

- That the Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media introduces policy guidelines to encourage use of the NWCI toolkit on Social Media Policies for Political Parties.
- That the Government ensures effective enforcement of existing legislation aimed at holding social media companies to account.
- That the Government ensures implementation of the Criminal Justice (Incitement to Violence or Hatred and Hate Offences) Bill 2022.

### **Citizens' Assembly Recommendation 25**

*Work places should be required to develop, resource, implement and monitor gender-neutral recruitment and promotion policies and practices including:*

- a. Specific policies to promote gender equality in leadership positions.*
- b. A requirement to operate gender-sensitive and anti-discriminatory selection and promotions processes.*
- c. Equal access to training, assignments and mentoring opportunities for all employees including part-time and remote workers.*

Stakeholders agreed with the Citizens that addressing gender equality requires measures from recruitment right through every level of a company or organisation. For example, ICTU noted that in order to improve gender equality in leadership positions, organisations need to build gender equality in mid-level roles and focus on progression. The Committee heard that ICTU had started running leadership courses that aim to develop a space for women to examine their own leadership style, to consider how they might move up if they so wish and what would be required. In addition to this, ICTU have also started to look at their own structures and how the business of the organisation is carried out, in terms of ensuring that the design of the organisation does not preclude women.

Ibec and a number of other stakeholders, advised the Committee that the issue of progression for individuals on part-time or reduced hours was a priority. The Committee heard that it is vital to change processes where discrimination and bias may be implicit or ingrained. Organisations need to move away from having just one idea of what a particular role requires or what a career trajectory should look like. Ibec views this as part of an organisation's role in addressing the gender pay gap.

SIPTU noted that the failure to implement policies which recognised and supported the reality of workers' lives had contributed to a strong pattern of women leaving employment in their fifties to take on a 'second shift' of caring responsibilities. They may have raised children earlier in their career and now it may fall on them to care for elderly parents or loved ones. This has a detrimental impact on pension entitlements, especially when in addition to earlier periods of unpaid care. Stakeholders also raised the impact of menopause on women in this age group. Ms Buckley of SIPTU called for greater focus on the issue of menopause in the workplace and the adoption of specific policies on menopause.



SIPTU emphasised the idea that, rather than leaving work immediately upon retirement, people could prepare for their retirement by reducing their working hours in advance. The Committee heard that it is often the case that older workers hold senior promoted roles and that there can be an abruptness when someone senior with much experience leaves the workplace. Instead, employees should be facilitated to reduce their hours if they wish. This would allow organisations to plan for succession and prepare somebody else to enter the senior role.

Both ICTU and SIPTU emphasised the detrimental impact of precarious employment contracts in terms of women's progression in the workplace and highlighted that some sectors with a higher proportion of women workers, such as hospitality, are particularly prone to poor conditions and high levels of precarity. They emphasised the need for targeted sectoral measures also highlighted by a number of witnesses, similar to those in the joint labour committees (JLC) or recently agreed in the Employment Regulation Order (ERO) for the childcare and early years sector.

Representatives of the 30% Club believe that workplaces should be encouraged, rather than required, to develop, resource, implement and monitor gender-neutral recruitment and promotion policies and practices. With this in mind, they recommended the introduction of a best practice code around recruitment practices as well as education programmes encouraging gender-neutral selection and promotion. It was suggested that this would be more beneficial in supporting the range of scenarios faced in different sectors of industry. It was noted by Committee members that quantitative and qualitative tools are both needed, and the failure to make equality a mandatory requirement facilitates the continuation of existing discriminatory practices which actively penalise women in the workplace.

**The Committee recommends** that the Workplace Relations Commission prepares a Code of Practice on how to implement gender-neutral recruitment and promotion policies and practices, to include guidelines on ensuring access to opportunities for all employees including part-time and remote workers.

### Citizens' Assembly Recommendation 32

*The State should set targets in legislation to reduce the hourly gender pay gap (currently 14%) to 9% by 2025 and to 4% by 2030 with a view to eliminating it by 2035.*

Ms Sonya Lennon, founder of WorkEqual, highlighted the importance of an action-oriented approach, calling for a public awareness campaign to educate people about the gender pay gap and why it should be addressed. Ms Lennon also emphasised the need for incentives in this area to encourage businesses and organisations to actively address gender inequality, referencing the Icelandic Model that awards businesses a consumer-facing quality assurance mark when they commit to following a prescribed framework that promotes gender equality in the workplace.

Dr Helen Russell of the ESRI told the Committee that, as of 15 September 2022, there had already been a decline in the hourly pay gap from 14% to 11.3% since the publication of the report of the Citizens' Assembly. However, the Committee heard that this figure represents

what is termed the unadjusted wage gap and hides a good deal of variance across occupations. Ms Ethel Buckley of SIPTU outlined to the Committee that the unadjusted pay gap does not take into account a number of labour market characteristics such as sector of activity, age, occupation or part-time work, among others.

The Committee heard that the EU Commission has attempted to adjust the data, factoring in the above characteristics. The adjusted result is termed by the Commission the unexplained part of the gender pay gap. When adjusted, the gender pay gap tends to fall throughout Europe. However, in Ireland the adjusted or unexplained gap actually increases and exceeds the EU average. The Committee recommends that the CSO carry out a detailed study of the adjusted gender pay gap by a number of characteristics, for example, public and private sector, economic or industrial activity, age etc., using the same methodology as the EU Commission.

SIPTU further explained that Eurostat and CSO data show the gender pay gap in the public sector is at 6.1% while it is 20% in the private sector. A potential explanation for this is likely to be the high level of collective bargaining in the public sector compared to the private. This shows the importance of recommendation 35(a).

This means that the unexplained wage gap is much higher at the top end of the wage distribution, that is, the top 20% of earners.

However, WorkEqual cautioned that, even in sectors with a low gender pay gap, the overall figure can mask policies which work against the progression of women. Research WorkEqual carried out on a public body revealed that although there was gender parity throughout the organisation, including the board, a policy that required full time work pattern at the management level resulted in external recruitment for senior positions. WorkEqual representatives told the Committee that this is the type of hidden data that we must uncover to identify such hidden barriers and create solutions.

The Committee heard that flexible working, particularly part-time, can be associated with a pay penalty. This drives the gender wage gap, even at the top of the earnings distribution. In order to reduce the pay gap, increased flexibility needs to be normalised in higher paying jobs and senior jobs.

Ibec told the Committee that the gender pay gap widens significantly after women have children, but that imbalance could be reduced if there were greater opportunities for balancing care for men and women. Ibec is encouraging organisations to promote equal uptake of family leave and flexible arrangements to ensure they are not considered as being for women only. Flexible and part time work, at all levels, must be normalised for men as well as women. Rather than having a woman change to a three-day week while her male partner continues to work full time, it should be normalised that both work a four-day week and share caring responsibilities.

**The Committee recommends:**

- That the Government introduces amendments to the Gender Pay Gap Information Act to insert targets in line with the Citizens' Assembly recommendation.
- That the CSO carries out a detailed study of the adjusted gender pay gap by a number of characteristics, for example, public and private sector, economic or industrial activity, age etc., using the same methodology as the EU Commission.

### **Citizens' Assembly Recommendation 33**

*The Gender Pay Gap Information Bill should be enacted and implemented without delay. The law should include penalties for non-compliance and an obligation for annual reporting.*

The introduction of the Gender Pay Gap Information Act will provide information on the gender pay gap that has not previously been available. As well as data on their mean and median hourly wage gap, organisations are required to publish a statement setting out the reasons for the pay gap and indicating the measures and actions being taken or proposed to eliminate or reduce that pay gap.

However, ICTU welcomed the requirement for an accompanying statement but expressed disappointment that there is no requirement to discuss pay gaps with workers and their representatives. They advised the Committee that unions would be seeking discussions and agreement as to how pay gaps would be addressed in a timely and effective manner. SIPTU highlighted to the Committee that there is no specified role for worker representatives in agreeing action plans. The role of worker representatives in tackling the gender pay gap alongside employees and employers should be defined. Stakeholders also called for legislation on pay transparency to address the gender pay gap.

Tánaiste and Minister for Enterprise, Trade and Employment Leo Varadkar told the Committee that, while it would be possible to oblige employers to report more pay gap and equality data, there is also a need to have due regard to the number of obligations imposed on companies. The point was made that for larger companies with a dedicated HR function such reporting would not be a challenge. However, for those smaller companies there is a real cost involved and this should be remembered.

The Committee notes that the Gender Pay Gap Information Act 2021 is now in force.

### **Citizens' Assembly Recommendation 34**

*Increase the minimum wage to align it with the living wage by 2025 while considering potential employment impacts on small businesses.*

Over the past decade, the living wage in Ireland has been calculated by the Living Wage Technical Group, based on the Minimum Essential Standards of Living (MESL) research undertaken by the Vincentian Partnership and more recently the Vincent de Paul in collaboration with a number of academics. MESL is based on the consideration of more than 2,000 areas of expenditure required by different households across Ireland, has been the

approach to calculating the living wage for some time and is the approach that informed the Citizens' recommendations in 2019.

In 2020, the EU agreed a new Directive on adequate minimum wages. The Government subsequently asked the Low Pay Commission, who have historically been responsible for assessing the minimum wage, to produce a report on the living wage. The Low Pay Commission proposed an increase in the minimum wage to 60% of the median wage, as reported for 4 years.

While there was general agreement that an increase in the minimum wage to 60% would be a significant improvement and acceptable approach to the implementation of the EU Directive, ICTU noted that 60% represents the poverty line whereas 66% represents the low-income line. Therefore, a minimum wage to 66% of median wage would bring it to closer alignment with the living wage, as recommended by the Citizens.

It is important that the internationally established MESL mechanism for calculating a living wage continues to be used. Continuing this methodology, alongside improvements in the mechanism for the calculation of the minimum wage, may be the most effective way of delivering the alignment between the two that the Citizens' Assembly recommends.

It was noted by some Committee members that an adequate minimum wage should not be relabelled as a living wage, but rather tested against the established living wage methodology of MESL. The Low Pay Commission expressed concern about the potential for variability when applying the MESL approach, which has traditionally been calculated on an independent basis. It is worth noting that 66% of median wage is currently quite close to the living wage as calculated through MESL. However, factors such as inflation can result in variation. Therefore, applying both approaches in a complimentary way may be useful to ensure continued alignment.

The Tánaiste and Minister for Enterprise, Trade and Employment Leo Varadkar indicated to the Committee his intention to bring forward legislation on a living wage informed by research of the Low Pay Commission and in response to the requirements of the EU Directive on adequate minimum wages.

The ESRI cautioned that minimum wage increases need to be cognisant of potential adverse employment effects. While evidence for Ireland indicated that the recent minimum wage increases did not lead to job losses, there was evidence of a reduction in hours worked among some minimum-wage workers. The Committee heard there are two possibilities for this, the first being that employers are cutting hours in response to higher wages. On the other hand, it may reflect the fact that in earning higher wages, employees may be in a position to decide to work less hours in order to spend more time with family. In most cases, there was no net loss.

ICTU drew the Committees' attention to the European Commission's finding that negative impacts on SMEs are expected to be limited. The ESRI highlighted the need for continuous monitoring of the impact of a move to the living wage. The report of the Low Pay Commission recommends that the impact of moving to the 60% threshold be examined as

part of the Commission's legislatively required three-year reviews, which will be due in 2025 and 2028.

ICTU advised the Committee that under current minimum wage legislation, if an employer can prove that it would be detrimental to their business to pay the wage floor, they can go to the Labour Court with that evidence. To date, no employer has ever gone to the Labour Court with such a case. The European Commission is confident that there will be very little employment impact from the move to a living wage or an adequate minimum wage.

#### **The Committee recommends:**

- That the Government introduces legislation to provide a living wage informed by the minimal essential standards of living, set annually by the Living Wage Technical Group.
- That Social Protection payments be determined in accordance with benchmarking and in line with a minimum essential standard of living.
- That the Government continues and increases funding allocated to independent expert calculation of the minimum essential standards of living.

### **Citizens' Assembly Recommendation 35**

*Support employment contract security through:*

- a. Establishing a legal right to collective bargaining to improve wages, working conditions and rights in all sectors.*

The proposed EU Directive on adequate minimum wages<sup>129</sup> obliges Member States to come up with action plans and frameworks to facilitate collective bargaining and support an increase in bargaining coverage. ICTU welcomed the directive, as it is the first EU legislation to explicitly aim to strengthen collective bargaining. Further, the Directive sets a requirement for member states with less than 80% collective bargaining coverage – which includes Ireland at approximately 34% – to take measures to increase collective bargaining. This includes the development of a national action plan in consultation with the social partners, requiring clear timelines and concrete measures and will undergo review every five years.

During his appearance before the Committee, the Tánaiste shared the view that industrial relations stability in Ireland is a result of the voluntarist system where the State does not seek to impose a solution on the parties to a dispute but will, where appropriate, assist them in arriving at a solution. One is free to join the union but there is no obligation on employers to recognise a union.

However, SIPTU drew attention to the strong correlation between low-paid industries, such as hospitality, retail, care and healthcare, and the lack of collective bargaining. The Committee heard from ICTU that the importance of collective bargaining could be illustrated

<sup>129</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52020PC0682&from=EN>

in the recent pay deal in the early years sector which came into effect in September 2022. Some 70% of the 27,000 workers, predominantly women, in that sector received a pay increase on foot of that deal as a result of the work of the Joint Labour Committee for the Early Years Sector.

Low-paid industries tend to be dominated by women and collective bargaining is a mechanism by which the economic inequalities faced by women can be addressed.

**The Committee recommends** that the Department of Enterprise, Trade and Employment introduces a legal right to collective bargaining which would have the effect of enhancing working conditions for all, and of addressing the economic inequalities faced by women.

*b. Increased resourcing of the Workplace Relations Commission for more effective enforcement of current employment laws.*

Stakeholders called for increased resourcing of the Workplace Relations Commission (WRC). The Committee heard that the WRC was operating with around 50 labour inspectors, despite the target set in the last social partnership agreement, Towards 2016<sup>130</sup>, to increase the number of inspectors to at least 90. Stakeholders pointed out that there were more people at work than ever before, and the number of labour inspectors should be proportionate to the number of workers. As an initial step, the number of WRC labour inspectors should be increased to at least 90 and analysis should be undertaken to determine if more are needed.

Minister Varadkar confirmed that additional funding of €8 million had been secured for staff next year. However, this would need to be divided across the Department and agencies under its remit so while it would certainly increase the staff levels in those agencies, the Minister was unable to give a specific number in relation to the expected increase in WRC labour inspectors.

**The Committee recommends** that the number of WRC labour inspectors be increased to at least 90 and analysis be conducted to determine if more are needed.

### Citizens' Assembly Recommendation 36

*Introduce a statutory right to reasonable access to flexible working.*

The Committee heard that the legislation being introduced on the right to request remote work would see Ireland as somewhat of an unusual case, by legislating solely for remote working as a stand-alone right. ICTU expressed surprise at the Government's decision to bring forward two pieces of legislation, namely the legislation to transpose the EU Directive on Work-Life Balance and the Right to Request Remote Work Bill 2022<sup>131</sup> rather than to include the right to remote work within the legislation for the EU directive. The Committee heard that all other countries that have the provision for the right to request remote working

<sup>130</sup> [ireland\\_rd01\\_en.pdf \(europa.eu\)](#)

<sup>131</sup> [draft-scheme-of-the-right-to-request-remote-working-bill-2022.pdf \(enterprise.gov.ie\)](#)



had made the provision part of their flexible working rights. On this issue, SIPTU drew a distinction between the right to flexible work and the right to request it, telling the Committee that ‘the right to request is the right to ask for it, which, for us, infers the employer’s right to refuse.’<sup>132</sup>

Ibec questioned if there was a necessity to introduce a statutory right to flexible working, proposing instead that best practice guidance in a code of practice would provide a much more agile and flexible way to address this area. The Committee heard that business recognised the benefits accrued from flexible working, but Ibec say that it is imperative to balance the importance of reconciling professional and private life with the need to sustain employment and economic competitiveness.

The 2019 EU directive on Work-Life Balance gives carers and parents of young children a right to request flexible work. While it is an undeniably important measure for those with caring responsibilities, ICTU expressed concerns around the potential to create a hierarchy of workers, with some seen to be more deserving of flexibility, such as those with children or aged and dependent parents.

ICTU shared the view that while the Minister is introducing the right to request flexible work for carers and parents of young children, it is vital that the focus should next move to workers aged 55 years and more. That is often the time when women come under a great deal of pressure to provide care and start to drop out of the workforce, retiring earlier than they would have chosen had more flexible options been available. A four-day week was also raised by multiple stakeholders as a policy that would encourage more equal sharing of care responsibilities between men and women and would provide flexibility to carers, lone parents and women with disabilities accessing the labour market. In their campaign for a four-day week, Fórsa have highlighted the need for more time for caring and caring responsibilities and the environmental benefits from less commuting.

Representatives of the ESRI and other witnesses noted that enhanced flexibility needs to be accompanied by greater take-up by men as there is a risk that if flexible options are only taken up by women it will exacerbate existing inequalities. Union representatives expressed concern at the emergence of a work-life privilege gap between workers in jobs that can be done remotely and workers in jobs requiring a physical presence. To reduce the potential for a two-tier workforce, ICTU called for workers’ rights to request all types of flexible working arrangements such as flexi-time, part-time, job shares, split shifts, compressed hours, etc.

#### **The Committee recommends:**

- That the Government introduces the policy and legislative changes necessary to promote and encourage a widespread shift toward a four-day working week, without loss of pay, as a measure to assist in effecting a cultural change on time and care and increase gender equality.
- That the Department of Enterprise, Trade and Employment ensures implementation of the Work Life Balance and Miscellaneous Provisions Bill 2022.

<sup>132</sup> Ethel Buckley JCGE Transcript 06.10.22 p.15

## Chapter 6 – Gender Equality Principle in Law and Policy

### Introduction

As well as making recommendations on the specific themes set out in the Oireachtas resolution, the Citizens' Assembly made several recommendations seeking to embed, advance and implement gender equality principles generally in law and policy. The Assembly was very clear as to the importance of proper and effective systems for equality budgeting, gender proofing of policy and gender impact assessment of legislation, in order to be able to drive the implementation of the recommendations on specific themes. In particular, the availability of reliable and up-to-date data is essential to ensure that gender equality policies are evidence-based and that progress on implementation can be measured effectively. Furthermore, clear lines of accountability and responsibility must be established for implementing the recommendations of the Assembly.

### General Findings

#### Citizens' Assembly Recommendation 42

*Empower and adequately resource a statutory body for gender equality under the responsibility of a Cabinet Minister charged with cross government coordination of gender equality issues.*

Primary responsibility for the co-ordination, development, implementation and monitoring of Government policies and positive action measures on gender equality currently rests with the Minister for Children, Equality, Disability, Integration and Youth, who is a member of the Cabinet. Within the Minister's Department, the Equality and Gender Equality Unit is responsible for the development of policy on equality and gender equality policy themes and associated legislation. In a letter to the Committee, Minister O'Gorman noted that 'gender equality policy is currently developed and coordinated on an all-of-government basis by my Department's Equality and Gender Equality Unit, while individual Departments have responsibility for their sectors under this overall framework'.

At the meeting of 3 March 2022, Dr Catherine Day was clear that the Assembly had wanted to see a Minister designated at Cabinet level to co-ordinate gender equality policy across the Government 'because modern policymaking is complex and it is easy to focus on one element and ignore the bigger picture'.

Indeed, gender equality is a cross-cutting issue, and the Committee recognises that the 45 recommendations of the Citizens' Assembly impact on a wide range of policy areas and Government Departments, such as justice, education, social protection, business and broadcast and digital media.

For example, the Department of Public Expenditure and Reform leads on equality budgeting, the Department of Justice leads on the response to domestic, sexual and gender-based violence (DSGBV) and the Department of Education is responsible for actions relating to

norms and stereotypes in education. In order to ensure the full implementation of the 45 recommendations of the Citizens' Assembly – whilst eliminating policy lacunae and coordinating the responses of the various Departments and agencies involved – the Committee restates the view of the Assembly, that overall responsibility for implementation of gender equality measures should continue to rest with a single Cabinet Minister, as at present.

The Committee heard from the Government that there are currently no plans to establish a statutory agency with responsibility for gender equality, but Minister for Justice Helen McEntee informed that Committee that the Department of Children, Equality, Disability, Integration and Youth 'would be best placed to develop such an agency if that were to happen'. The Committee recommends that scoping work be carried out to establish what such an agency would look like in Ireland in accordance with this recommendation, looking to international best practice and the experiences of countries such as Sweden, in which such an agency has been established.

Men's Development Network supported the creation of a statutory body for gender equality but stated that clarity may be needed as to whether the remit of the new Statutory National Agency for DSGBV should be expanded to include gender equality more broadly, or whether a second new body would be created. In their submission to the Committee, the 221+ Patient Support Group call for improved healthcare outcomes for women and girls throughout Ireland to be a specific named priority in the cross-government coordination of gender equality issues and the inclusion of patient representatives in the oversight process.

#### **The Committee recommends**

- That the Government commissions a scoping exercise to establish what such an agency would look like in Ireland, to examine equivalent agencies and how it might expedite the coordination and implementation of gender equality measures.
- That the Government, in preparing the successor to the National Strategy for Women and Girls, consider what more needs to be done to provide for high-level accountability for gender equality policy across Government, including in respect of effective development, resourcing, implementation and governance of policy, and the structures around it.

#### **Citizens' Assembly Recommendation 43**

*Ensure data gathering on key gender equality issues (including care), regular publication of such data and remedial action where necessary.*

The importance of maintaining reliable data in order to address gender inequality cannot be overstated. Lack of data means that the gendered impacts of policies and spending cannot be identified and mitigated. For example, the lack of data on pensions for carers means that it is hard to quantify the gendered impact of pension policy on carers. The Citizens' Assembly identified several areas where it saw data as deficient, limited, out of date, or even contested, such as DSGBV, care, and the gender pay gap.

In its policy scan on equality budgeting in 2019<sup>133</sup>, the OECD recommended the development of an equalities data strategy. In order to assess the availability of disaggregated data, the CSO appointed a statistician to conduct a data audit in 2020. A data strategy is currently being drafted to address gaps and identify measures that can enhance the data captured. This is being overseen by the CSO and the Department of Children, Equality, Disability, Integration and Youth, and the strategy is to be in place in 2023. In addition, the OECD has recommended the development of a tagging and tracking functionality for departmental expenditure and an EU-funded project to develop this capability is currently under way. The CSO also informed that Committee that consultation with the general public and data users on questions for census 2027 was due to begin in late 2022.

The Committee recommends that the data strategy should make clear that data can be disaggregated not just by gender but also by other key equality themes, such as family status, race, socioeconomic status, membership of the Traveller Community.

Thus, data would allow analysis not just of gendered impacts, but how these gendered impacts differ, and may even be compounded, among different cohorts of women.

The Committee also recommends that gender equality data be gathered and published far more regularly. For example, in the case of data on the incidence of DSGBV, the last Sexual Abuse and Violence in Ireland (SAVI) report was published in 2002. A new Safety of the Persons survey is being undertaken at present and is to be repeated every 10 years, but stakeholders have called for even more frequent data gathering and publication. The Committee recommends that the Safety of the Person survey be carried out every 5 years.

Statistics on equality and anti-discrimination topics are highly relevant from a fundamental rights perspective and are necessary to identify and meet national user needs in this area. In the case of carers, the Committee recommends that the CSO undertake work to develop standard classifications for carers and care related concepts. Although the CSO asks questions about care and caring in the Census, Labour Force Surveys and Household Surveys, these need to be clear and precise to capture the many ways in which people in Ireland provide and receive care. It was noted by Committee Members that the CSO previously published an annual report *Men and Women in Ireland*<sup>134</sup> with useful comparative data and that this should be restored, and additional data points should be added.

#### **The Committee recommends**

- That the Department of Public Expenditure and Reform develops a cross-Departmental strategy on the gathering and publication of data on key gender equality issues.
- That a regular five-yearly Safety of the Person survey be conducted by the new Statutory National Agency for DSGBV.

<sup>133</sup> OECD Scan: Equality Budgeting in Ireland <https://assets.gov.ie/35664/4dc9dc4ebc3c4543951cbb772428dcd4.pdf>

<sup>134</sup> [Women and Men in Ireland - CSO - Central Statistics Office](#)

- That the CSO undertakes work to develop standard classifications for carers and care related concepts.
- That the CSO reinstates the annual publication of the Men and Women in Ireland Report and consider the addition of new data points within that report.

### Citizens' Assembly Recommendation 44

*Reflecting international best practice, require gender impact assessment of all proposed legislation and legislate for equality budgeting across all Government bodies including local authorities.*

A gender impact assessment of proposed legislation is important, particularly in areas which have had particular disproportional effects upon gender in the past. For example, Committee Members emphasised the need to conduct gender proofing of pensions policy.

Witnesses spoke of the importance also of section 42 of the Irish Human Rights and Equality Act 2014 which creates a statutory duty on public sector bodies with respect to equality and human rights. This duty must be complied with by public bodies in their policies, practices and direct service provision but also within their procurement policy and the way in which their funds are allocated and dispersed. It was suggested that the application of this public duty should be more closely monitored across public bodies and be considered a key performance indicator for senior management.

In Ireland, equality budgeting is integrated within the performance budgeting framework; the underlying principle of performance budgeting 'is to ensure that, when formulating expenditure plans, decision makers systematically take into account the results to be achieved by expenditure'<sup>135</sup>. The aim is to analyse, not only the outputs, but also the outcomes and impacts of spending and to provide greater information on how proposed or ongoing budgetary decisions impact particular groups in society. Equality budgeting objectives and indicators are published every year in the Revised Estimates Volume, REV, and the Public Service Performance report.

The availability of disaggregated data plays a key role in identifying inputs, outputs and outcomes for equality budgeting and as more disaggregated data becomes available, as a result of the CSO initiatives set out above, these should be used to develop more detailed performance indicators for equality budgeting. The Committee heard from Dr Angela O'Hagan, independent chair of the Scottish Government's Equality and Budget Advisory Group (EBAG), that it is also important to build capacity among officials to interpret data and apply it in policy analysis to inform budgetary decisions. She also emphasised the important role of the independent advisory group which consisted of academics and civil society groups. In 2021 the Government agreed to the establishment of an interdepartmental group for equality budgeting to facilitate the embedding of the initiative across all Departments. Initiatives have focused on building adequate expertise and capacity across the public sector

<sup>135</sup> Public Sector Performance Report 2021, pp.1, <https://assets.gov.ie/224970/372e0f82-8a79-40ca-a95f-618cd7d11012.pdf>

and the Civil Service. While there has been engagement with civil society, there is not as yet a direct equivalent of Scotland's EBAG.

Officials from the Department of Public Expenditure and Reform described to the Committee how public financial management in Ireland, including performance and equality budgeting, tends to be guided by administrative arrangements and circulars rather than legislation. However, the Citizens' Assembly's recommendation to legislate for equality budgeting in Ireland echoes that of the OECD, which recommends embedding the practice in legislation to ensure that gender budgeting, 'in particular its objectives and systems of accountability, has been democratically proofed' and to ensure that it is insulated from economic and political changes. Dr O'Hagan described how a number of countries, such as Canada, and sub-national governments, such as the autonomous community of Andalusia, have legislated for gender or equality budgeting and stated that 'there is certainly a strong argument for ensuring statutory provisions are effectively implemented' and that 'in the absence of those statutory requirements, they should be introduced'.

Dr O'Hagan cautioned that implementing equality budgeting across Government Departments and Local Authorities requires close coordination and 'an effective monitoring and evaluation mechanism that brings that information back through to the national level'. Effective parliamentary scrutiny through parliamentary committees, budgetary office responsibilities and other oversight functions are also key.

Dr O'Hagan described the Equality Budget Statement (EBS), which is published alongside the budget in Scotland. Departments are required to use a set of templates for analysis of policy and spending priorities, which helps focus the departments on government priorities, performance outcomes and the delivery and implementation of commitments in the Programme for Government. Publishing the EBS as part of the general budget documentation increased the visibility and transparency of budgetary decision making and informs parliamentary scrutiny and scrutiny by stakeholders and civil society. Dr O'Hagan cautioned that 'equality budgeting needs to be more than a narrative accompaniment to the budget' and instead should demonstrate the analysis and intent behind resourcing decisions. The Committee recommends that the Irish Government develop and publish an equality budget statement to accompany the budget.

Equality budgeting looks at budget allocations, but the gendered impact of tax policy should not be overlooked. Tax gap analysis relates to the amount of tax revenues lost to taxpayer non-compliance and tax avoidance and the impact of Government tax policy choices. The gendered impacts of taxation measures and tax policy should also be analysed and discussed as part of the budgetary decision making process. Tax expenditures frequently benefit high earners and so disproportionately benefit men. This imbalance reflects a central gender inequality in our taxation policy. Tackling this long and ingrained inequality requires an immediate shift of thought and urgent action.

The OECD recommends 'expanding equality budgeting beyond the performance budgeting foundation to link it with other robust budget policy tools' such as *ex ante* poverty-proofing, *ex post* equality impact assessment and more structured equality-related analysis in the spending review process.



In order to challenge assumptions and normalise the analysis of key Government decisions through a gender lens, gender impact assessment should be a standard part of the legislative process and included as a heading in Regulatory Impact Analyses.

**The Committee recommends:**

- That the Government Introduces legislation providing a statutory framework for the practice of gender equality budgeting.
- That the Department of Finance publishes an Equality Budget Statement to accompany the Budget each year.
- That the Government establishes an independent budgeting advisory group, similar to the framework used in Scotland, to include engagement with independent civil society and academic expertise.
- That Government Departments ensure that gender proofing and equality budgeting reflects the impact on the individual and not just the household.
- That the Government requires public bodies to actively and visibly demonstrate clear application of the public sector equality and human rights duty in respect of departmental budgets, public procurement and the contracting of services.
- That the gendered impacts of taxation measures and tax policy are analysed and discussed as part of the budgetary decision-making process.

### **Citizens' Assembly Recommendation 45**

*Anti-discrimination and equality legislation should be:*

- a. Regularly reviewed to ensure effective monitoring, investigation, reporting and enforcement.*
- b. A standard part of employee training.*

In June 2021, the Minister for Children, Equality, Disability, Integration and Youth announced his intention to conduct a review of equality legislation including the Employment Equality Acts and the Equal Status, which was ongoing at the time of writing. This review aims to examine the functioning of the Acts and their effectiveness in combatting discrimination and promoting equality.

Stakeholders emphasised that the review must go beyond just looking at the grounds for discrimination and be more proactive in amending the legislation to ensure discrimination does not occur in the first place. Representatives of IHREC pointed out that, though Irish equality legislation was very progressive and went beyond the requirements at the time when it was introduced over 20 years ago, it has not kept up with societal changes over that period.

Professor Fennell of IHREC emphasised that, 'discrimination is different for women who are members of ethnic minorities or who are disabled, for example', and is, 'different for people depending on the number of groups that they could be seen to be involved in or the number of challenges that apply to their particular circumstance'. Therefore, the legislation must

recognise intersectionality and the multiple ways in which a person can be discriminated against.

Furthermore, as discussed in Chapter 1 above, the implications on equality legislation of any change to Article 40 or 41 of the Constitution should be examined as part of the preparation for a referendum. For example, existing equality legislation includes 'Family Status' as a protected ground but the definition of family in Article 41 is narrow and exclusionary, privileging the marital family. A review must be carried out to identify the impacts this narrow definition has had in legislation, taxation measures, social policy and the courts, in areas from adoption and family law, through to social protection policy.

In March 2022, IHREC published a code of practice on sexual harassment and harassment and a code of practice on equal pay for employers, trade unions and employees. During hearings on Norms & Stereotypes and Education, the Committee heard of initiatives taking place in the higher education sector to provide training to students and staff, such as training developed by the Active Consent programme and the Bystander Intervention programme. Such initiatives should be a standard part of training in all workplaces.

Men's Development Network recommended that training on anti-discrimination and equality legislation must go beyond 'employee training' and that the scope of the training needs to be extended to 'workplace training' to include not just salaried staff but also volunteers, interns and contractors, among others, in the changing world of work.

#### **The Committee recommends:**

- A swift completion of the review into equality legislation; the review must consider how equality legislation can most effectively recognise intersectionality; and must also consider the implications for equality legislation of any changes to Articles 40 or 41 of the Constitution as part of the preparation for a referendum to implement recommendations 1-3 of the Citizens' Assembly.
- That the Workplace Relations Commission ensures that existing initiatives in specific sectors offering equality training to employees become a standard part of training in all workplaces; to include not just salaried staff but also volunteers, interns and contractors, among others, in the changing world of work.

## Appendix A: Stakeholder Engagement

|  |                         |
|--|-------------------------|
| <b>Theme A: The Constitution</b>   | <b>24 February 2022</b> |
| <ul style="list-style-type: none"> <li>• Dr Tom Hickey – Lecturer in Constitutional Law and Theory, Law School of Law and Government, Dublin City University</li> <li>• Dr Laura Cahillane – Senior Lecturer, School of Law, University of Limerick</li> </ul>   |                         |
| <b>Theme A: The Constitution</b>   | <b>3 March 2022</b>     |
| <ul style="list-style-type: none"> <li>• Dr Catherine Day – Chairperson to the Citizens’ Assembly on Gender Equality</li> <li>• Dr Mary Clare O’Sullivan – Secretariat to the Citizens’ Assembly on Gender Equality</li> <li>• Ms Lorraine Kavanagh - Secretariat to the Citizens’ Assembly on Gender Equality</li> </ul>  |                         |
| <b>Theme A: The Constitution</b>   | <b>10 March 2022</b>    |
| <ul style="list-style-type: none"> <li>• Ms Orla O’Connor – Director, National Women’s Council of Ireland</li> <li>• Ms Jennifer McCarthy Flynn – Head of Policy, National Women’s Council of Ireland</li> <li>• Ms Sinéad Gibney – Chief Commissioner, Irish Human Rights and Equality Commission</li> <li>• Dr Salome Mbugua – Commission Member, Irish Human Rights and Equality Commission</li> <li>• Professor Caroline Fennell – Commission Member, Irish Human Rights and Equality Commission</li> <li>• Ms Saoirse Brady – Head of Legal, Policy and Public Affairs, Children’s Rights Alliance</li> <li>• Ms Karen Kiernan – Chief Executive Officer, One Family</li> </ul> |                         |
| <b>Theme A: The Constitution</b>   | <b>24 March 2022</b>    |
| <ul style="list-style-type: none"> <li>• Minister for Children, Disability, Integration and Youth, Mr Roderic O’Gorman, T.D.</li> <li>• Ms Jane Ann Duffy – Principal Officer, Department of Children, Equality, Disability, Integration and Youth</li> </ul>  |                         |
| <b>Theme B: Domestic, Sexual and Gender-Based Violence</b>   | <b>31 March 2022</b>    |
| <ul style="list-style-type: none"> <li>• Ms Sarah Benson – Chief Executive Officer, Women’s Aid</li> <li>• Ms Noeline Blackwell – Chief Executive Officer, Dublin Rape Crisis Centre</li> <li>• Ms Shirley Scott -Policy Manager, Dublin Rape Crisis Centre</li> <li>• Dr Cliona Saidléar – Executive Director, Rape Crisis Network Ireland</li> </ul>   |                         |
| <b>Theme B: Domestic, Sexual and Gender-Based Violence</b>   | <b>7 April 2022</b>     |
| <ul style="list-style-type: none"> <li>• Ms Mary McDermott – Chief Executive Officer, Safe Ireland</li> <li>• Mr Sean Cooke – Chief Executive Officer, Men’s Development Network</li> <li>• Mr Colm Kelly Ryan – Head of Programmes and Advocacy, Men’s Development Network</li> <li>• Mr Kenny Doyle – Project Development Officer</li> <li>• Ms Uruemu Adejinmi – Chair, AkiDwA</li> <li>• Dr Salome Mbugua – Head of Operations and Strategy, AkiDwA</li> <li>• Dr Caroline Munyi – Migrant Women Programme Coordinator, AkiDwA</li> </ul>  |                         |
| <b>Theme B: Domestic, Sexual and Gender-Based Violence</b>   | <b>28 April 2022</b>    |
| <ul style="list-style-type: none"> <li>• Minister for Justice, Ms Helen McEntee, T.D.</li> <li>• Mr Ben Ryan – Assistant Secretary, Department of Justice</li> </ul>   |                         |

**Theme C: Norms & Stereotypes and Education****5 May 2022**

## Session one

- Minister for Further and Higher Education, Research, Innovation and Science, Mr Simon Harris, T.D.
- Mr Enda Hughes – Principal Officer, Equality Diversity and Inclusion Unit
- Mr Aongus McGrane – Assistant Principal Officer, Diversity and Inclusion Unit

## Session two

- Dr Jennifer Brennan – Director of Research & Innovation and Equality, Diversity and Inclusion Lead, Technological Higher Education Association
- Dr Allison Kenneally – Vice President for Equality, Diversity and Inclusion, South East Technological University
- Mr Tony McMahon – Associate Director HR & EDI, Irish Universities Association
- Professor Colin Scott – Vice President for EDI, University College Dublin and Chair of Vice Presidents for EDI Group
- Ms Bukky Adebawale – Vice President for Equality and Citizenship, Union of Students in Ireland

**Theme C: Norms & Stereotypes and Education****12 May 2022**

- Mr David Byrne – PhD candidate/ Researcher at the Research Centre for Psychology, Education and Emotional Intelligence, TU Dublin
- Ms Emer Neville – President, Irish Secondary Students' Union
- Ms Saoirse Exton – Equality Officer, Irish Secondary Students' Union

**Theme C: Norms & Stereotypes and Education****19 May 2022**

## Session one

- Minister for Education, Ms Norma Foley, T.D.
- Mr Dalton Tattan - Assistant Secretary General, Management Board
- Mr Martin McLaughlin - Principal Officer, ITE & Professional Development
- Ms Orlaith O'Connor - Assistant Chief Inspector, Inspectorate
- Ms Karen Murtagh - Assistant Principal Officer, Curriculum & Assessment Policy Unit
- Mr Ronan Kielt - Assistant Principal Officer, Curriculum & Assessment Policy Unit

## Session two

- Dr Cathy Corcoran – Women in Research Ireland
- Ms Emily Sheridan – Women in Research Ireland
- Dr Katriona O'Sullivan – Maynooth University

**Theme D: Care and Social Protection****26 May 2022**

- Dr Ursula Barry - Emeritus Associate Professor in the School of Social Policy, Social Work and Justice at University College Dublin and Member of the Expert Advisory Group to the Citizens' Assembly on Gender equality
- Professor Mary Murphy – Professor of Sociology at the Social Sciences Institute Maynooth University
- Dr Emily Murphy – Senior Researcher, Health Inequalities, TASC

**Theme D: Care and Social Protection****2 June 2022**

- Ms Frances Byrne – Director of Policy, Advocacy and Campaigning, Early Childhood Ireland
- Mr Darragh O'Connor – Head of Strategic Organising and Campaigns, SIPTU, Big Start Campaign
- Mr Damien Peelo – Chief Executive Officer, Treoir
- Ms Mary Roche – Information/Policy Officer, Treoir

**Theme D: Care and Social Protection****16 June 2022**

- Professor Kathleen Lynch – Professor Emeritus of Equality Studies, University College Dublin
- Mr John Dunne – Chief Executive Officer, Family Carers Ireland
- Ms Clare Duffy – Policy and Public Affairs Manager, Family Carers Ireland
- Ms Zoe Hughes – Senior Policy and Research Officer, Care Alliance Ireland

**Theme D: Care and Social Protection****23 June 2022**

- Ms Amy Hassett – Co-Director, Disabled Women Ireland
- Ms Maria Ní Fhlatharta – Co-Director, Disabled Women Ireland
- Ms Fleachta Phelan – Senior Policy Advocate, Disability Federation Ireland
- Ms Fiona Weldon – Strategies for Change Coordinator, Independent Living Movement Ireland
- Ms Eileen Daly – CREATE Life Coach, Independent Living Movement Ireland

**Theme C: Gender Equality Principle in Law and Policy****30 June 2022**

- Mr Ed Hearne, Principal Officer, National Investment Office, Department of Public Expenditure and Reform
- Ms Caroline O'Loughlin, Assistant Principal Officer, Performance and Budgeting, Department of Public Expenditure and Reform
- Ms Fiona O'Riordan, Head of Division, Central Statistics Office
- Mr Kieran Culhane, Senior Statistician, Central Statistics Office

**Theme C: Norms & Stereotypes and Education****14 July 2022**

- Dr Jacqueline Fallon – Director, Curriculum and Assessment, National Council for Curriculum and Assessment
- Ms Annette Honan – Education Officer, National Council for Curriculum and Assessment
- Dr Patrick O'Sullivan – Deputy CEO for early childhood and primary education, National Council for Curriculum and Assessment
- Mr Barry Slattery - Deputy CEO for post-primary education, National Council for Curriculum and Assessment
- Dr Angela O'Hagan – Professor of Equalities and Public Policy, Chair of the Scottish Government Equality Budgets Advisory Group

**Theme E: Leadership in Politics, Life & the Workplace AND Pay and Workplace Conditions****15 September 2022**

- Dr Helen Russell – Expert Advisory Group Member and Research Professor at the Economic and Social Research Institute
- Dr Paul Redmond – Senior Research Officer, Economic and Social Research Institute
- Dr Dora Tuda - Research Officer, Economic and Social Research Institute
- Professor Yvonne Galligan – Director of Equality, Diversity and Inclusion at TU Dublin

**Theme E: Leadership in Politics, Life & the Workplace AND Pay and Workplace Conditions****22 September 2022**

- Mr David Joyce – Equality Officer, ICTU
- Dr Laura Bambrick – Head of Social Policy and Employment Affairs, ICTU

**Theme E: Leadership in Politics, Life & the Workplace AND Pay and Workplace Conditions****29 September 2022**

- Mr Leo Varadkar T.D., Tánaiste and Minister for Enterprise, Trade and Employment

**Theme E: Pay and Workplace Conditions****6 October 2022**

- Ms Angela Smith – CEO, WorkEqual
- Ms Sonya Lennon – Founder, WorkEqual
- Ms Pauline O'Hare – Senior Employment Law Manager, Irish Business Employers Confederation
- Dr Kara McGann – Head of Social Policy, Irish Business Employers Confederation
- Ms Ethel Buckley – Deputy Secretary General, SIPTU
- Mr Michael Taft – Senior Researcher, SIPTU

**Implementation of the Recommendations of the Citizens' Assembly on Gender Equality****12 October 2022**

- An Taoiseach, Micheál Martin, T.D.

**Theme E: Leadership in Politics, Life & the Workplace****13 October 2022**

- Ms Caitríona Gleeson, CEO – Women for Election
- Ms Megan Reilly, Training and Engagement Lead – Women for Election
- Ms Tara Farrell, CEO of Longford Women's Link – See her Elected
- Dr Michelle Maher, SHE Programme Manager – See Her Elected
- Dr Fiona Buckley – Lecturer, Department of Government and Politics, University College Cork

**Theme E: Leadership in Politics, Life & the Workplace****20 October 2022**

- Ms Gillian Harford – Country Executive, 30% Club
- Ms Meliosa O'Caoimh – Country Chair, 30% Club
- Ms Roisin Duffy – Chair, Women on Air
- Ms Pat Coyle – Media Trainer, Women on Air
- Ms Maria Joyce – Coordinator, National Traveller Women's Forum

**Theme D: Care and Social Protection****27 October 2022**

- Mr Rónán Hession, Assistant Secretary, Working Age & Family Policy Division, Department of Social Protection
- Mr Ciaran Lawler, Assistant Secretary, Corporate Division, Department of Social Protection



## Appendix B: Written Submissions

### Written submissions were received from the following individuals/organisations:

|   |   |
|---|---|
| The 30% Club                                | Mandate Trade Union                       |
| 221+  | Men's Aid                                 |
| AIMS Ireland                                | Men's Development Network                 |
| Atheist Ireland                             | National Council for Curriculum and       |
| Broadcasting Authority of Ireland (BAI)     | Assessment (NCCA)                         |
| Balance for Better Business                 | National Collective of Community Based    |
| Care Alliance Ireland (CAI)                 | Women's Networks (NCCWN)                  |
| Pauline Cullen & Shane Gough, Maynooth      | Nevin Economic Research Institute (NERI)  |
| University                                  | National Traveller Women's Forum (NTWF)   |
| David Byrne and Aiden Carthy, TU Dublin     | National Women's Council of Ireland       |
| Disability Federation Ireland (DFI)         | (NWCI)                                    |
| Dr Katriona O'Sullivan, Maynooth University | One Family                                |
| Dr Nata Duvvury, University of Galway       | Professor Fidelma Ashe, Ulster University |
| Dublin Rape Crisis Centre (DRCC)            | Rape Crisis Network Ireland (RCNI)        |
| Family Carers Ireland (FCI)                 | See Her Elected                           |
| Free Legal Advice Centres (FLAC)            | SIPTU                                     |
| Dr Fiona Buckley, University College Cork   | Sport Ireland                             |
| Financial Services Union (FSU)              | TASC                                      |
| Higher Education Authority (HEA)            | Treoir                                    |
| Ibec  | Teachers Union of Ireland (TUI)           |
| Irish Council for Civil Liberties (ICCL)    | UNITE                                     |
| Irish Congress of Trade Unions (ICTU)       | Vincentian MESL Research Centre SVP       |
| Irish Nurses and Midwives Organisation      | We Care Collective                        |
| (INMO)                                      | Women on Air                              |
| Inter-Parliamentary Union (IPU)             | Women in Agriculture Stakeholders Group   |
| Irish Universities Association (IUA)        | Women's Aid                               |
| Law Society Ireland                         | WorkEqual                                 |
|   | Professor Yvonne Galligan, TU Dublin      |

Submissions are published in the [Publications](#) section on [www.oireachtas.ie](http://www.oireachtas.ie).

## Appendix C: Terms of Reference

That, notwithstanding anything in Standing Orders—

- (1) a Special Committee consisting of nine members of Dáil Éireann be appointed, to be joined with a Special Committee to be appointed by Seanad Éireann, to form the Joint Committee on Gender Equality;
- (2) the Joint Committee shall consider the recommendations contained in the Report of the Citizens' Assembly on Gender Equality, together with the response of the Government to each such recommendation, having regard to the open letter to the Oireachtas contained in that report;
- (3) members of either House, not being members of the Joint Committee, may attend and take part in proceedings of the Joint Committee, or any sub-Committee thereof, but without having a right to vote or to move motions or amendments, save where they attend, pursuant to Standing Orders, as a substitute for an absent member (or for a substitute not in attendance);
- (4) the Joint Committee shall report to both Houses of the Oireachtas on the matters contained in paragraph (2) not later than 15 December, 2022<sup>136</sup>;
- (5) the quorum of the Joint Committee shall be four, at least one of whom shall be a member of Dáil Éireann, and one a member of Seanad Éireann;
- (6) the member of Dáil Éireann nominated by the Labour Party to serve on the Joint Committee shall be Cathaoirleach, Ms Ivana Bacik, T.D.
- (7) the Joint Committee shall have the powers defined in paragraphs (1), (2), (3), (4), (5), (9) and (10) of Standing Order 96.

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<sup>136</sup> The Orders of Reference are contained in the motion to establish the Committee agreed to by Seanad Éireann on 7 December 2021. Dáil Éireann agreed to the motion to establish the Committee on 9 November 2021. The Orders of Reference of the Committee were amended by motion of the Dáil on 29 November 2022 and by motion of the Seanad on 30 November 2022.







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