



25 April 2021

To
Joint Committee on Gender Equality
Leinster House
Dublin
D02XR20

Sub: GE-i-070-2022, Written Submission

Dear Honourable Members

I thank for you the honour of inviting me to submit a written submission on the recommendations of the Citizen's Assembly on Gender Equality and the way forward in terms of implementation of these recommendations.

The first recommendation I wish to discuss is Recommendation 3 on 42.1 – 'women in the home'. It is indeed welcome that the overwhelming majority voted to remove and replace Article 42.1 with preferred gender neutral language articulating explicit focus on care work within the home and wider community, and requiring the State to take reasonable measures to support care work in the home and wider community. This is a timely and essential step forward to begin moving from assumptions of women's primary role to recognizing the centrality of care work for the modern economy.

To translate this welcome change in the Article requires however requires a serious consideration of appropriate social policies and labour regulations to ensure that valuing of care by the state is translated into action by all institutions. Feminist economists have articulated the clear interaction between care work and the reproduction of the economy; care work is essential labour to ensure renewal of a vibrant and productive labour force on a daily basis as well as from generation to generation. In simple words the unpaid care work, i.e. labour of love, done within the home is a subsidy to the business sector and to the government. It should be recognized that shifting norms to redistribute care work between women and men may benefit women within the private home to an extent, but it does not fundamentally alter the dynamic between care work and the overall economy. It is essential that policies on care work emphasize the responsibility of all employers be it government, business, and other institutions to invest in care infrastructure to support, and minimize, the burden of care work on individual women and families.

Establishing social infrastructure to address care needs has to be envisioned as a social responsibility to which private and public sectors both contribute equally. Given below are suggestions to operationalise this shared responsibility:

- 1) Labour legislation must include an explicit obligation on part of employers to provide early childhood creches at the workplace, particularly for workplaces with more than 100 employees. An argument given even in government documents is that provision of creche facilities by employers in Ireland is not feasible as a majority of employers are SMEs. This is indeed true if we examine the distribution of all enterprises. In Ireland the majority of firms are SMEs, within which 90% are micro enterprises with average number of employees ranging between 0 and 9, and large businesses with more than 250 employees account for approximately for about 0.2% of all enterprises ([CSO 2015](#)). However in terms of employment, firms with more than 50 employees account for 50% of all employment, with large multinational with greater than 500 employees accounting for 30%. This trend remains fairly stable with 47.4% of all employment in medium and large enterprises in 2017, the latest for which figures are available. ([Keogh, Mc Dermott, and Behan, 2020](#)). This data suggests that there is scope for **legislation to target larger businesses with more than 100 employees to provide on-site creche facilities**, partly addressing the problem that women employees face when creche care is available by private facilities near place of residence than on-site at the workplace.
- 2) If Irish government feels legal obligation to provide creche care is too onerous for private firms, there could be a **specific graduated tax based on turnover introduced on all businesses (micro, small, medium and large businesses)** to contribute to a dedicated core fund for early child care infrastructure to ensure equal access to affordable child care. The government has recently proposed a [capping mechanism](#) to cut childcare costs th by providing core funding to child care facilities to pay staff and improve working conditions in return for cap on fees to parents.
- 3) Capping of fees is a first step but experts and scholars agree that early child care is a public good which is best realised through a free publicly funded system. There needs to be a radical shift in thinking in Ireland regarding child care, encompassing both early childhood and after school care for older children, and prioritise establishment of universal child care, than limited tinkering of care facilities, to reduce costs for parents. The certainty of an available, reliable and quality child care system would lead to sustainable increase in labour force participation of women and improvements in productivity of all women and men workers with caring responsibilities. As noted about above free public system should be funded jointly by government and all employers via a graduated annual tax based on business turnover.
- 4) Care work does not end with child care and carers provide an important service to society providing unpaid care for the elderly and other adults with special care needs. Ireland has a carers benefit (based on PRSI contributions) and carers allowance (which is means tested). The former is limited to 104 weeks (i.e. 2 years) whereas carers' allowance does not have a time restriction. But there are key limitations to carers' allowance scheme as it exists currently, as carers are required to available for full time caring. In fact, carers are limited to not having more than 18.5 hours for part-time work or study, to qualify for the scheme. For full-time carers

with no part-time work, **the carers allowance of €224 in 2022 is equivalent to an hourly wage of €6.40 well below the specified minimum hourly wage of €10.50.** Considering that carers, engage in full-time care on average for 15 years (Lafferty 2016, [Dempsey 2018](#)), this is indeed a long period of being on very low income affecting future economic security in old age. Additionally the benefit is scaled to half if other welfare payments are received. Ultimately the Irish welfare system is punitive with overall aim of maintaining people marginally above the poverty line. Thus to truly value care work, in line with Citizens Assembly's Recommendations on Care, the Carers Allowance Scheme should not only offer a marginal increase in availability of respite care for carers, but **also expand robust public support for carers including increasing availability of community based care facilities** to provide *systemic respite* for carers caring, not only for those caring for persons with special needs but also the elderly.

- 5) Finally it is also important to introduce living wage that incorporates a premium for unpaid domestic work (or housework) that is primarily women undertaken. There has been much feminist debate on wages for housework during the first wave of feminism in the 1970. In the intervening period new concepts such as 'living wage' or universal basic income have become a focus of attention. In Ireland the 'living wage' has been further elaborated and a technical methodology has been developed to produce an annual [hourly living wage rate](#) for a single adult. The living wage technical group have further elaborated a family minimum income to account for the additional expenditure incurred by families with one or more children. However the lack of attention to care work, including the unpaid domestic work, is quite surprising and points to the lack of priority or value given to care work. The living wage is after all an indication to employers as to what should an appropriate wage that results in Minimum Essential Standard of Living. There should be a debate on introducing a premium on the living wage to highlight the subsidy employers are in fact receiving with unpaid care work and thereby lowering their labour costs. The Committee should seriously initiate a technical consultation to consider how incorporate a premium for unpaid domestic work into formulation of living wage or family income or when piloting the universal basic income scheme. **It is a responsibility of the government to formulate policies that deliberately acknowledge the value of care work if the Recommendations of the Citizens' Assembly on Gender Equality are to be meaningfully implemented.**

The other areas of recommendations I wish to comment upon are those focused on Domestic, Sexual and Gender Based Violence which are all important to have a robust response to respond, prevent and prosecute DSGBV to ultimately eradicate the scourge of GBV. However that said there are certain aspects that need critical policy development to ensure a robust response.

- 1) A significant gap in Irish legislation on DSGBV is the lack of an explicit articulation of the fundamental right of the survivor of domestic violence to remain in the home. Of course a barring order can order the removal of the perpetrator from the residence but it is given at the discretion of the court and much more difficult to receive than safety orders which allow the perpetrator to remain in the home and 'instructs' him/her to stop use of violence. In situations where there is immediate high risk/grave danger an

emergency barring order can be applied for. While emergency barring orders are less onerous to receive than barring orders, they are valid for a short duration of time (up to two weeks). Given this current situation it is imperative that there be focused judicial training to prioritise the rights of victim in terms **right to residence of the victim over the 'ownership' rights of the perpetrator**. Along with judicial training on this issue, it is equally important to **raise awareness among the community** to understand the victim's right to residence countering the widespread norm of the sanctity of ownership rights.

- 2) An area not mentioned in the recommendations is developing a robust database to enable tracking trends in violence against women. It is indeed surprising that Ireland is unable to report on a indicator of SDG5 on Gender Equality, namely 5.2. **Proportion of ever-partnered women and girls aged 15 years and older subjected to physical, sexual or psychological violence by a current or former partner in the previous 12 months by age, form of violence and place of occurrence**. The only data available is the FRA survey in 2014 which gives only data for physical and/or sexual violence ever and last 12 months. Moreover the only Irish national survey available on violence is the 2002 SAVI survey that focused on rape and sexual violence/abuse.

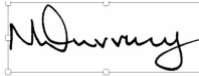
The implementation of the DSGBV strategy requires greater investment in a comprehensive and integrated database. There has been discussion of updating the SAVI survey, but it is insufficient to focus only rape and sexual violence/abuse as domestic violence (i.e., intimate partner violence) as are other forms of GBV are widely prevalent. For monitoring effectiveness of the DSGBV strategy, benchmark data on prevalence is required. Prevalence data is different from number of calls to the garda or those to women's organizations, given it is widely acknowledged that only a small proportion of women experiencing actually access police or NGOs services. Ireland must consider introducing at a minimum a bi-annual survey of violence experiences and consequences patterned along the lines of the Annual Crimes Survey in UK, which is in fact a primary source of reliable data to monitor trends in UK. The lack of investment in data infrastructure is indeed serious and speaks volumes for the lack of commitment to address DSGBV based on a firm and robust empirical database. It is shocking that the COSC website for example cites the macro-economic cost estimate of €2.2 billion derived from a 2006 Council of Europe estimate that focuses primarily on costs of service provision. The 2021 study by [NUIG and Safe Ireland](#) estimates an overall cost of €56 billion is incurred on women survivors of IPV, excluding costs of service provision. **In fact it is likely that the actual cost of violence is nearly double of the estimate cited by COSC. It is important to have a nationally representative study on the macro-economic cost of GBV and its wider economic implications for growth and sustainability of Irish economy and society.**

- 3) In addition to prevalence data, record keeping among all service providers needs to be improved in each sector as well as across services. Without a reliable integrated administrative database, there is little cross referencing between sectors to develop multi-sectoral interventions that are at the core of meaningful DSGBV strategy. While respecting GDPR rules, a common template with set of common domains for all sectors would be an important first step for building a database. Robust service data is also essential to monitor the cost effectiveness of the investment in service provision.
- 4) **Finally work places policies to provide support to survivors of domestic violence is urgently required.** The [ILO Convention 190 and Recommendations 206](#) together

mandate governments, employers and unions to have specific policies to address violence at the workplace and also violence at home. Internationally governments are moving to institute special legislation on workplace policies providing paid leave for survivors of domestic/family violence. Countries that have such legislation include Philippines, Australia, New Zealand, and Canada. Large multinationals such as Vodafone, KPMG, have also moved ahead of governments introducing specific policies HR policies to address domestic violence. In Ireland, NUI Galway is the first HEI to introduce [Domestic Violence Leave Policy](#) that provides 10 days of paid leave per year. To strengthen these pilot initiatives Ireland must push ahead in passing national legislation of paid leave which has been introduced both by a Private Member Bills and a separate bill by the Government. Given the high level of labour force participation of women, the workplace is an important site of safety for many women, who in fact work to escape the daily violence experienced by them. **Recognising the key role the workplace plays in women's lives, legislation mandating workplace policies is an essential intervention that must be part of the DSGBV strategy.**

I would be more than happy to provide additional information and clarifications as required. Thank you for your attention.

Best regards



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