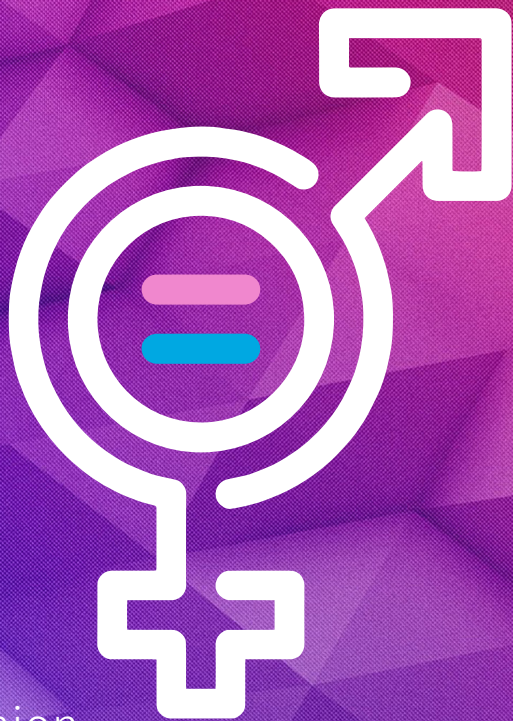


financial services union

STRONGER TOGETHER

Written
Submission for
**GENDER
EQUALITY**
Dail Committee

from the
Financial Services Union



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Written Submission for **Gender Equality** Dail Committee

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Introduction

The Financial Services Union (FSU) is grateful for the opportunity to make a written submission to the Joint Committee on Gender Equality on the recommendations made by the Citizens Assembly on Gender Equality. The Financial Services Union is the leading Trade Union representing staff in the Financial Services, Fintech, and Tech sectors. We have membership in over 110 companies and are organised in the Republic of Ireland, Northern Ireland, and Great Britain with headquarters in Dublin and a presence in Belfast.

The FSU would like to pay tribute to the work of the Assembly and to its Chairperson, DR. Catherine Day.

The Assembly recommendations cover a broad spectrum of important issues ranging from constitutional changes to pay and workplace conditions, and from childcare provision to gender quota legislation. The 45 recommendations should be supported, and their implementation prioritised by the Oireachtas.

For the purposes of this submission the FSU will concentrate on areas that we have been working on as a Union over recent years. Areas where we believe we can offer some examples and statistics in order to strengthen the need to introduce the Citizen Assembly recommendations; the gender pay gap, collective bargaining and domestic, sexual & gender-based violence.

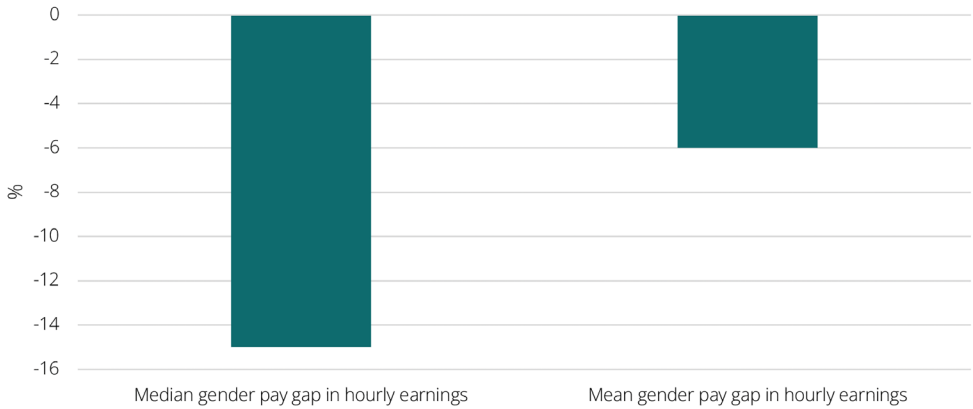
Recommendation 32 and 33 - The Gender Pay Gap

The gender pay gap is currently standing on average at 14% in Ireland.

The gender pay gap in Ireland in 2010 was 14%, in 2017 was 14.4% so without deliberate action the gender pay gap will not close at all, some sources predict that it could take up to 50 years even if measures are put in place. What is clear is it is time for necessary change. Bringing in reporting legislation is a start, but there are a number of action areas for both employers and Government.

FSU have had research carried out by the Nevin Economic Research Institute (NERI) which provides detail on the gender pay gap within the finance sector in the Republic of Ireland.

Specifically, their research shows that in the Finance, Insurance and Real Estate sector female median earnings are almost 15% less and mean earnings 6% less on an hourly basis, compared to males. ¹



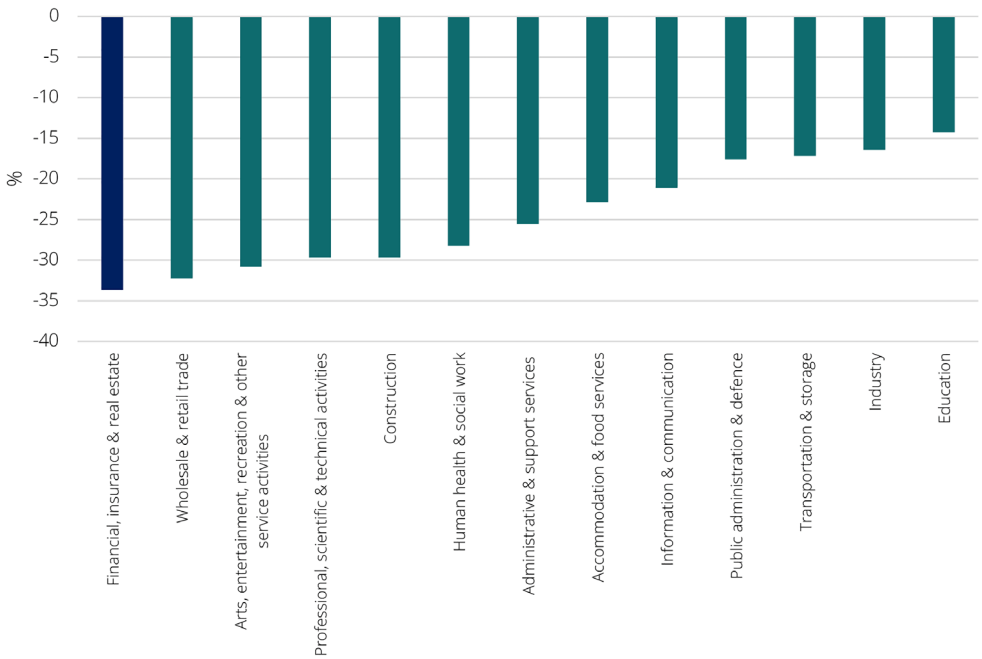
In effect, in terms of median pay, this means that for every €1 a male employee earns, a female employee will earn 85c.

In mean terms, this means that for every €1 a male employee earns, a female employee will earn 94c.

Furthermore, when we assess the gender pay gap in this sector via gross weekly earnings gender differences in pay are much larger, than when assessed based on hourly earnings.

The below graph shows the gap in mean weekly earnings between men and women across industries.

With a gap of 34% the Financial, Insurance and Real estate activities sector is the one with the largest gap in earnings between men and women.



Source: CSO (2020) Earnings analysis using administrative sources 2018, Dublin: CSO. Available online at: <https://www.cso.ie/en/releasesandpublications/ep/p-eads/earningsanalysisusingadministrativedatasources2018/industry/>.

In 2018, women in the Financial, Insurance and Real Estate activities sector earned on average €48,733 over the year, whilst men in this sector earned €74,728.

Remarkably, over the year, this equated to a gap of almost €26,000 in the average earnings of men and women in the Financial, Insurance and Real Estate sector.

To be clear, the wider gender pay gap when assessed on a weekly or annual basis as compared to an hourly basis can be explained by a combination of the fact that men earn more per hour than women, tend to work longer hours over the week (and year) than women, and are also more likely to receive additional and higher pay for these hours, such as overtime pay.

The FSU propose the following actions to address the gender pay gap

1. Make pay ranges public for workers to see and end pay secrecy

Pay ranges should be made open and transparent for workers to see. This will provide workers with important information in making choices. It will also highlight potential wage differences and pressure employers to ensure there is decent, fair pay and address the gender pay gap actively. It will highlight how roles are 'valued' in a company which is potentially creating the gender pay gap.

2. Make employers publish their annual gender pay gap

We recognise and acknowledge the work done by Minister O’Gorman on this but feel that the timeframe for full implementation and for a review of the legislation is too long.

Analysing and publishing the gender pay gap is the first step in addressing it. It accepts it exists and it transparently highlights it to workers. It is a sign that the employer is taking it seriously. With analysis and discussion with unions it will also suggest some of the causes and so also remedies to address the gender gap and close it.

3. Make employers agree annual reduction targets through actions agreed with trade unions

While accepting and publishing the gender pay gap is a step, action is also required. Employers should agree action plans and targets to reduce the gender pay gap with trade unions. Listening to the voice of workers and negotiating solutions is vital to successful and sustainable outcomes supported by staff. Without plans and targets nothing will change.

4. Encourage part-time and flexible working arrangements for staff at all levels of a company

We know that the vast majority of people in part-time or reduced hours working are women. Not providing for these arrangements at all levels in a company is a serious hindrance and block on many women’s careers giving men an unfair advantage and contributing to the gender pay gap. These arrangements need to be provided and encouraged for all genders and at all levels of a company.

5. Audit pay increases and performance ratings each year for fairness and equality

Actions to reduce the gender pay gap will fail if annual pay increases hide gendered inequality. It is important that a gender audit of annual pay increases is completed to ensure that pay increases are applied fairly. As much pay, and job security, is now linked to performance ratings it is equally important that a gender audit of performance ratings is conducted.

6. Ensure that collective bargaining is a right for all workers

Female-dominated occupations are often low paid and non-unionised. Collective bargaining increases wages. It is vital that all workers have the right to organise a union and to collectively bargain better pay and working conditions. Unions must also prioritise gender issues as part of their bargaining agenda.

Recommendation 35 (a) - Collective Bargaining

Collective bargaining is when employers and unions conclude agreements on working terms and conditions and ensure that those agreements provide the basis for regulating their subsequent relations with each other. It is about both sides talking, listening, and oftentimes compromising. The objective is to reach mutually acceptable agreements on wage and conditions like working time, leave, training, the introduction of new technology, employment, and productivity. Over time countries have evolved diverse ways to organise bargaining, from plant to company, to industry to national level arrangements.

For collective bargaining to have meaningful effects, it needs to involve and cover a large share of workers and companies. Well-organised trade unions and employer organisations with a broad support base are the conditions in many countries for attaining high coverage. The beneficial effects of collective bargaining are likely where company or sector-bargaining coexist and complement each other. Where higher bargaining levels coexist with firm-level agreements, the prospect of balancing inclusivity in the labour market with better productivity and employment outcomes is more likely. National, or sectoral, bargaining without workplace representation can weaken and hollow out trade unions over time ultimately damaging their ability to negotiate good outcomes.

Yet in Ireland, unlike many other comparable industrial relations systems internationally, there is no way to force an employer to engage in collective bargaining. Irish workers have the right to be union members but there is no corresponding duty on employers to engage with that union. This dilutes the value of the right to associate in unions and has been criticised by the International Labour Organisation (ILO) as such.

Research frequently shows that unionised workers are better off than comparable non-union workers regarding many terms and employment conditions. FSU research on the finance and technology sector in 2019 showed that 77% of workers reported getting a pay rise in the previous 12 months in union workplaces. However, only 51% did so in non-union settings. While 98% of union members reported being members of pensions schemes, this fell to 77% in non-union workplaces.

Ireland has a significantly higher presence of low-paid jobs than the EU average, 19.8% compared to 12.8%. Countries like Sweden, Finland and Denmark, with the highest levels of collective bargaining coverage also have the lowest prevalence of low pay.

However, all reliable estimates indicate that collective bargaining coverage has declined in Ireland, and union density, particularly in the private sector, now covers less than 20% of the workforce. Campaigning for collective bargaining rights can help address that, improving the pay, pension, and other conditions of hundreds of thousands of private-sector workers. Strengthening unions and collective bargaining can make society more equal and the quality of employment better.

Collective bargaining can:

- Enable social and economic inclusivity by seeking to ensure workers gain a fair share of economic growth.
- Collective bargaining assists individuals who may not have the power to negotiate individually, helping to compress income inequality within firms.
- When practised at a sectoral level, collective bargaining, by co-ordinating negotiations across many firms, further reduces inequalities across a larger pool of workers.
- Collective bargaining also helps to prevent and regulate workplace conflicts, thereby maintaining industrial peace.
- Where practised at the company level, collective bargaining can help improve workers' labour market security. It can provide support, guidance, and access to up-and reskilling for workers who lose their jobs in the event of restructuring and redundancies.
- Where practised at the workplace level, collective bargaining upholds sectoral agreements and ensures employment rights are protected.
- Collective bargaining can also support business performance. It reduces inefficient transactions costs for firms that arise from replicating exchanges across multiple employees. Through sectoral or national collective bargaining wage competition can be restrained across firms, while the incentives for innovation become enhanced by preventing the potential of increasing profits through low pay. By taking wages out of competition, managers increase margins elsewhere by improving workplace efficiencies. In so doing, collective bargaining can push the economy towards a high wage and high productivity equilibrium.
- By helping secure better conditions of work can stimulate workforce engagement, effort, and productivity. By enabling worker voices to be heard, collective bargaining reduces the costs associated with labour turnover, providing more incentives for more investments in the firm's human capital. As such, collective bargaining corrects inbuilt failures and inefficiencies that can regularly occur in market economies.
- Collective bargaining provides a platform for social dialogue between governments, workers and employers. It helps to manage reforms at the national, industry, and workplace levels, thereby enabling fully considered and agreed solutions to new economic challenges.

The role of the Government should be to facilitate a just and fair society for all. Collective bargaining can be a fundamental part of that effort. However, relying

on wholly voluntary solutions for employers and unions have failed, frequently confounded by legal challenges and court decisions. Individual employers often have short term incentives to avoid trade unions and collective bargaining or remained wedded to outdated anti-union ideologies. However, with coordinated action initiated by the State, the economy and society can reap the long-term benefits of collective bargaining. Short term individual profiteering should not trump long term growth, stability, and equality.

The Government can enable this alternative by legislating for union recognition and by creating the institutional and legislative framework within which unions can grow and prosper. If constitutional blockages to such action exist, the Government should introduce a referendum on an amendment to the constitution to provide for new legislation and institutional changes.

The Government, and State institutions, should support fairer workplaces and make meaningful the rights of employees to unionise and bargain.

Recommendations 37, 38 (a), (b), 39 (a), (b), (c), (d), (e), 40 and 41 - Domestic, Sexual and Gender-Based Violence.

The Assembly have put forward a series of recommendations covering a number of areas dealing with domestic, sexual and gender-based violence. Implementation of these recommendations should be prioritised by Government. As a union we too support the aspiration of the Istanbul Convention to create a Europe free from violence against women and all forms of domestic violence. We need the Government to actively work towards that goal. It is important to note that in doing so the Irish Government should also ratify ILO Convention 190. ILO Convention 190 (C190) is the first international treaty on violence and harassment in the world of work, including gender-based violence and harassment. To date only a small number of countries have ratified the Convention, including; Albania, Argentina, Ecuador, Fiji, Mauritius, Namibia, Somalia and Uruguay. The Convention represents an historic opportunity to shape a future of work based on dignity and respect for all. Irish Congress of Trade Unions (ICTU) and its affiliates have been campaigning for its ratification in Ireland since its adoption by the ILO. C190 puts the onus on Governments to put the necessary laws and policy measures in place to prevent and address violence and harassment in the world of work. The Convention also provides the first internationally agreed definition of violence and harassment in the world of work, including gender-based violence.

As stated above, FSU fully support all recommendations made by the assembly in relation to domestic, sexual and gender-based violence. The FSU would strongly argue that domestic violence is also a workplace issue, and it is essential for employers to have in place workplace policies and guidelines to effectively recognise, address, and support victims of domestic violence and sexual abuse.

Domestic violence and sexual abuse has a devastating impact on individuals and their families, and can also have a significant impact on victims / survivors working lives. It can negatively impact performance, confidence, and self-esteem. It can cause increased and unexplained absences, contribute to poor timekeeping, and increased sick leave, reduce the ability to get to work and have a detrimental effect on relationships with colleagues. Often those suffering from domestic violence can fall subject to disciplinary action or potential job loss if their employer is not aware of the root cause of the behavioural change.

As well as affecting the safety of the individual, domestic abuse can also affect the safety of other employees. For example, co-workers can be threatened or harmed by a colleague's abuser. An understanding and effective workplace policy to deal with the impact of domestic violence and sexual abuse will build a more nurturing and safer working environment for all employees.

The upcoming implementation of the 'Organisation of Working Time (Domestic Violence Leave) Bill 2019' is most welcome. The bill provides for legislative proposals for the establishment of a statutory entitlement to 10 days paid domestic violence leave. This is a significant step forward in not only highlighting the challenges workers in abusive situations at home face, but also in attempting to eradicate the stigma surrounding domestic violence in the workplace. However, FSU believe that, while the 10 days leave is extremely important and having it legislated for is absolutely warranted, on its own and without robust workplace policies it could well see little take up. That is why it is essential that domestic violence workplace policies must be a serious focus for all unions in all sectors, and the implementation of workplace policies legislated for by Government. It is important that we continually emphasise to Government the importance of holding employers accountable on all equality issues. We must also demand that Government agencies encourage employers to be more amenable when Unions seek agreement on implementing new policies to support vulnerable workers.

In 2014 ICTU launched a landmark all-Ireland on-line survey on people's experience of domestic violence and the workplace. The findings were remarkable:

- 82% of respondents were women
- 75% of those abused women were targeted in the workplace
- 53% missed at least 3 days of work a month
- 94.4% said they thought domestic violence can have an impact on the lives of working people.

When a worker is living with domestic violence there are very real negative impacts that flow into the workplace. The survey results highlighted many of these issues; increased sick days, lower productivity, low morale, impacts on relationships with co-workers, and of course health and safety itself.

Since 2014 ICTU have been advocating for domestic violence workplace policies to be introduced in all workplaces yet it still remains difficult to convince some employers that it is indeed a workplace issue.

The pervasiveness and severity of domestic violence impacting the workplace demands the attention of employers, and may need the Government to ensure that employers engage on the issue. Providing support for abused employees and having a policy in place lets an employee know that an employer is aware of the issue, can provide training for the workforce, and most importantly can direct victims to resources. Employers are not expected to be experts but they should be cognisant of the fact that sometimes the workplace is the only avenue of respite that a victim has. The workplace is often a place of refuge and safety for someone living with abuse. Perhaps the only one.

We know many abusers target their victims in the workplace in various ways. Sometimes harassment can be by phone or email, through stalking on the way to and from work, by physically preventing a victim from going to work or even showing up at the workplace. Co-workers have also been threatened. Any successful domestic violence workplace program will depend on its integration into the company's culture and business practices. Notably it has been private sector unions and employers that are leading the way in securing policies, but this is nowhere as wide-spread as it needs to be.

FSU would suggest that any workplace policy on domestic violence should allow provision for a number of significant practical support measures including:

- Proper information and education on the subject
- Access to confidential and independent counselling services paid by the employer
- No negative actions for 'excessive absences' in sick leave policies
- No negative actions for under performance with victims/survivors
- Special paid leave (minimum 10 days)
- Paid time off for visits to support agencies, Solicitors, court hearings, re-housing needs or childcare issues
- Flexible working arrangements
- Temporary or permanent changes in location /work times/front facing public roles
- Diverting phone or email
- Salary advancement if an employee is escaping a violent situation or suffering financial abuse
- Ensuring the victim/survivor never works alone if that is what they request
- Proper security procedures in place should a perpetrator show up at the workplace
- Procedures for dealing with perpetrators in the workplace
- List of support services
- Commitment to confidentiality

It is important that any policy is not just a 'paper policy' and is backed up by a proper support system with specialist training and safety planning.

These workplace policies are crucial because losing a job can often mean losing a way out.

Research shows that women with a history of domestic violence are more likely to have lower personal incomes due to a disrupted work history. They may have to change jobs more often or be employed in casual or precarious employment. Keeping a job is a key pathway to leaving violent relationships. Being in work is often the only time a person being abused has the freedom and capacity to plan their escape without their abusers knowledge. The ICTU survey revealed how rarely those experiencing domestic violence disclose it to anyone in work but having a policy in place that addresses domestic violence breaks the stigma and shows workers experiencing violence that they are not alone. Intervention from Government may be the only way employers will agree to put such policies in place.

In Summary

Recommendation 32 and 33 – The Gender Pay Gap

FSU would suggest the following actions to help address the gender pay gap:

- Pay ranges in all employments made public for workers to see, and bring an end to pay secrecy
- Employers publishing their annual gender pay gap
- Employers agreeing annual reduction targets through actions agreed with trade unions
- Part-time and flexible working arrangements to be encouraged for staff at all levels of a company
- Pay increases and performance ratings audited each year for fairness and equality
- Ensure that collective bargaining is a right for all workers

Recommendation 35 (a) – Collective Bargaining

FSU believe collective bargaining needs to be legislated for and any legislation for collective bargaining and union recognition should include:

- Right to access

Provide trade unions with the right to access workplaces to educate workers on their basic entitlements, including joining the trade union and discussions on workplace issues and collective bargaining. Union Representatives must also be provided statutory facilities time to carry out union duties including the recruitment of new members into the union. These facilities should extend to workplaces where unions are not recognised.

- Trade union deductions at source

Legislate so workers who so wish can have trade union subscriptions deducted by their employer with the relevant details and the correct subscription passed to the designated trade union. Any employer refusing to give the right subscription should be liable to pay any arrears to the trade union and be in breach of the law and so fined. The threat or practice of removal of at source deduction needs to be removed from the bargaining table and legally protected.

- Anti-victimisation & unfair dismissals

Reduce the qualifying period for all unfair dismissals protections from 12 months service to Day 1 protection. Strong anti-victimisation measures, akin to the whistle-blowing protections, should be enforced, including immediate reinstatement, pending case, and significant financial penalties if proven.

- Individual representational rights

Ensure workers have a legal right to representation for individual purposes, in the workplace and with the employer, with strong sanctions on employers who refuse to allow this. A Union Rep must be allowed attend individual case meetings (for example absence management, grievance, fact find/disciplinary, rating appeal) with members in their physical workplace.

- Union recognition and collective bargaining rights

Employers should be required, on request from a substantially representative trade union in the business, to engage within ten days of receiving the union's request to agree to union recognition and a written collective bargaining procedure. Should the employer refuse to grant this within 30 days, the recognition and collective bargaining request is referred to the Labour Court. The Labour Court will assess the claim of 'substantially representative'; where it deems necessary, the employer will have a further 30 days to agree to recognition and collective bargaining procedure. Should the parties reach no agreement with that timeframe, the Court can impose a recognition and template procedure.

- State support

All companies in receipt of any State funding/support/grants/contracts/ tax incentives must recognise their workers' designated trade union as part of a fair work provision in the award or contract. State bodies, like the IDA or Enterprise Ireland should be mandated to encourage and introduce trade unions to companies starting up or setting up here in Ireland.

- Penalties for employment law breaches

While most employers respect individual employment rights, many vulnerable workers in some sectors remain exposed to bad employer behaviour. However, inspectors for both the National Employment Rights Authority and the Health and Safety Executive have insufficient resources to police all suspected or actual violations. The Government should empower trade unions to perform an essential and complementary adjunct role to monitor and report breaches in workplaces. Providing unions access to workplaces to talk to workers will assist clamping down on employers who breach the law.

Recommendations 37, 38 (a), (b), 39 (a), (b), (c), (d), (e), 40 and 41 - Domestic, Sexual and Gender-Based Violence.

FSU believe all of the Assembly recommendations on domestic, sexual and gender-based violence should be implemented to ensure that all forms of gender-based violence must end.

Violence and harassment in the world of work also remains pervasive, depriving people of their dignity. These behaviours remain incompatible with decent work and social justice. Reflecting on best practice and drawing from the expertise of the International Labour Organisation, who advance social and economic justice through international labour standards, eliminating violence and harassment in the work of work should also be prioritised:

- The Government must ratify ILO Convention 190 with immediate effect.

Legislative intervention by Government is also needed for employers to commit to the following:

- To ensure a completely safe work environment with the introduction of domestic violence workplace policies, not just the introduction of paid domestic violence leave
- To ensure employers support employees who approach them for help in addressing problems arising from domestic violence and sexual abuse.
- To aim to remove fear of stigma for employees who have experienced domestic violence and sexual abuse.
- To ensure no negative repercussions in the workplace as a result of suffering domestic violence or sexual abuse.

