



National Women's Council

Submission to the
Joint Oireachtas Committee on
Gender Equality
on the recommendations of the
Citizens' Assembly

March 2022

Introduction

Founded in 1973, the National Women's Council (NWC) is the leading national women's membership organisation. We represent and derive our mandate from our membership, which includes over 190 groups and organisations from a diversity of backgrounds, sectors and locations across Ireland. Guided by our Strategic Plan 2021-2024, No Woman Left Behind, our mission is to lead and to be a catalyst for change in the achievement of equality for women. Our vision is of an Ireland and of a world where women can achieve their full potential and there is full equality for women.

We welcome the opportunity to make a submission on the report of the Citizen's Assembly on Gender Equality (CA). NWC considers the recommendations to be ground-breaking, sending a strong and clear signal to Government and all decision makers that women's equality needs to be at the centre of our Constitution, our legislation and our policies. Implementation of the recommendations has the potential to transform women's and girl's lives. This short submission follows the sections set out in the CA report.

The Constitution (Recommendations 1-3)

As detailed in NWC's statement to the Oireachtas Committee on 10th March 2022¹, NWC welcomes the recommendations on Constitutional change set out by the CA. Explicitly referring to gender equality and non-discrimination in Art 40.1 of the Constitution can be an important statement of aspiration and can provide a legal foundation for citizens to advance gender equality and combat discriminatory laws. Art 41 discriminates against lone and unmarried parents and other non-traditional family forms. It should be amended to ensure a broad and inclusive understanding of the family based on relationships of care and interdependence. Replacing Art 41.2 provides an opportunity to recognise care in a more gender neutral and inclusive way. The wording of a new article should be inclusive in its recognition of care, e.g., for disabled people, care must be understood as a right to support, autonomy and a fully realised life.

Care (Recommendations 4-12)

We welcome the CA's strong call for a greater role for the State in the provision of care in Ireland. In particular, we welcome support for a public childcare model, recognition of the critical work that the paid care workforce provides in precarious and low paid conditions, and the strong emphasis on ensuring that the support needs of disabled and older people are met. Key to delivering these recommendations, is investment in the care economy. Ireland has traditionally underinvested in the care economy, relying instead on the unpaid or under-paid care labour of women, including the many young and migrant women on whom the care sector depends.

While the pandemic exposed the importance of care for a functioning economy and society, investments through the Recovery and Resilience Plan, Economic Recovery Plan and Budgets 2021 and 2022 failed to provide the required investment in the care economy. Because the sector is comprised predominantly of low paid women workers, investing in care could reduce the gender pay gap significantly (by an estimated 5% in a UK context²), helping to address gender equality and deliver better pay and conditions for workers. As a low carbon sector, investment in the care economy would help to deliver on climate action goals, including the SDG's. A public care infrastructure is crucial for delivering better care services and better terms and conditions for workers in the sector. Across European countries, the most important factor in lowering the pay and conditions of care workers is the extent to which care is marketised.³

Early years education and school aged childcare

Notwithstanding welcome investment in Budget 2022, Ireland is some way away from the UNICEF target of spending 1% of national income on the early years sector. At the current rate of increase, it would take several years if not decades to reach that target.⁴ Investment in a public model is crucial and the desire for

¹ https://www.nwci.ie/learn/publication/national_womens_council_statement_to_the_joint_oireachtas_committee_on_gender_equality

² WBG (2020). A care led recovery from Coronavirus. <https://wbg.org.uk/wp-content/uploads/2020/06/Care-led-recovery-final.pdf>

³ TASC (2020). Cherishing All Equally – the Care Economy.

⁴ NWC (2021). Gender analysis of Budget 2022. https://www.nwci.ie/images/uploads/Budget_2022_Gender_analysis_final.pdf

this is conveyed by the CA. Countries with comprehensive public provision have services that are more affordable, accessible, and of higher quality than countries with private service provision.⁵ While being constrained by their Terms of Reference, the Expert Group on a future funding model for childcare noted that Ireland is a clear outlier in having virtually no public provision of ECEC and that public provision may be the only way to deal with some gaps in the sector. The Expert Group notes that the introduction of a public model would need a clear political decision to underpin it.⁶ The recommendation of the CA, provides the Committee with the opportunity to provide that leadership.

Paid parental leave

A public childcare system should be supported by adequate paid parental leave. However, provision of paid statutory leave for parents in Ireland is much lower than EU norms and there is a larger gap between the end of paid leave and the start of ECEC services. The income replacement rate of paid leave is a key factor in whether it is possible to take the leave, particularly for fathers in low incomes families⁷ and for lone parents who are solely responsible for their household income. Extensions in both the duration and income replacement rate of paid leave are needed. The principle of non-transferability is in line with Ireland's commitments under the EU Directive on Work Life Balance. However, a provision must be made so that lone parents (and their children) can access the same amount of leave as two parent families. The recommendations of the Oireachtas Committee on Children, Disability, Equality and Integration report on family leave provide a pathway for improving paid parental leave.⁸

Adult social care

Homecare has been progressively privatised in Ireland to a largely unregulated, home care industry. Domestic and personal care workers are often migrant women workers, and women of colour, subject to the most extreme instances of precarious work and exploitation. Workers in the private sector have lower pay, weaker rights and more unstable working hours than those working for non-profit or public sector providers.⁹ The European Commission notes that Ireland is over-reliant on institutional care, while home-care, which is a key part of long-term care services in many other EU Member States and is more efficient and appropriate for addressing much of our care need, has been historically underprovided.¹⁰

The focus on equality, participation and person-centred supports in the Citizens' Assembly recommendations is welcome. The absence of a sufficient state response to supporting disabled people to live independent lives, forces them into a position of dependence and leaves family carers to provide often very high levels of care. Investment in universal, social care services are vital to ensure older people and disabled people have the necessary supports to reduce dependence on family and friends and to have lives of dignity with opportunities to fulfil their full potential as citizens and adults. Personal Assistance services are one such example. NWC reiterates the importance of consultation with disabled women and Disabled Person's Organisations in informing the Committee's decisions.

Social Protection (Recommendations 13-19)

Implementing CA recommendations 13-19 would be transformative for women and men in Ireland.

Individualisation of social welfare payments coupled with increasing payments above the poverty line and providing targeted supports for lone parents would fundamentally reform our social welfare system and finally replace our outdated male breadwinner model with a model that works for women.

Working age payments

The Qualified Adult/Dependent adult approach is a legacy of the male breadwinner model. DSP's Roadmap for Social Inclusion 2020-2025 commits to examining the feasibility of individualising payments, with a view

⁵ Oireachtas Library and Research Service (2020). [Public provision of ECEC: an overview of international evidence.](#)

⁶ Expert Group on a future funding model for childcare (2021). [Partnership for the Public Good](#)

⁷ Oireachtas Library & Research Service (2021). L&RS Bill Digest: Family Law Bill 2021

⁸ Committee on Children, Disability, Equality and Integration (2021). [Report on the Parents Leave and Benefit Bill](#)

⁹ Mulkeen, M. (2016). Going to market! An exploration of markets in social care. *Administration*, 64(2), 33–59

¹⁰ European Commission (2021). [Analysis of the recovery and resilience plan of Ireland](#)

to reducing co-dependency and improving employment and earnings outcomes. However, we are not aware of any progress on this. Individualisation is also a recommendation of NESC.¹¹

Poverty remains unacceptably high in Ireland. While the increase to social welfare payments in Budget 2022 was welcome, it was insufficient to keep up with the cost of living. Benchmarking social welfare rates to the Minimum Essential Standard of Living (MESL)¹² could deliver on recommendation 14b and we ask the Committee to set out a pathway to achieve this. As an interim step, social welfare payments could be benchmarked to 27.5% of average earnings which would reflect previous government policy.¹³

NWC welcomes the recognition of the barriers experienced by lone parents, the vast majority of whom are women. Lone parent headed households continue to experience deep income inadequacy.¹⁴ The Joint Oireachtas Committee on Social Protection report on lone parents (2017) makes a series of valuable recommendations that the Committee could implement to address the CA recommendations.

Pension Justice

We strongly welcome the CA recommendation for a universal State pension, which would completely transform our pensions system to address the deep inequalities experienced by women. A universal State pension would recognise that paid work and unpaid work are equally valuable. It would provide security for anyone who experiences barriers to the labour market, including lone parents, those with care roles, Travellers and disabled people.

The Commission on Pensions made some welcome recommendations for those who spend in excess of 20 years caring, however it is silent on the marriage bar, it continues the exclusion of women born before 1st Sept 1946 from the Home Caring Periods Scheme and it leaves the system of dependency inherent in the Qualified Adults system intact. The CA understood that pensions inequality for women extends far beyond the cohort of women who are long term carers – it recommended a pension solution for long term carers, a scheme for those affected by the marriage bar and a Universal State Pension. NWC welcomes that the CA called for the injustice of the marriage bar to be ‘immediately’ addressed which reflects the urgency of addressing this long-standing injustice before it is too late.

Leadership in Politics, Public Life & the Workplace (Recommendations 20-25)

The CA have made a clear statement that women’s low representation in all sectors of society needs to change. They give a clear direction that quotas, not soft measures, are needed. These measures, combined with the recommendation for the provision of maternity and paternity leave to be available for all elected representatives, would prove transformative to breaking down barriers and achieving gender equality in politics.

Quotas for elections

Voter choice in Ireland is severely restricted by the lack of women candidates on local elections ballot papers. In order to build to 50/50 gender parity by 2030, incremental gains will not suffice. A candidate selection quota of 40% must be introduced in advance of Local Elections 2024. Two options for increasing the representation of women in local government are:

- Supplementary funding under the Electoral Reform Act for parties who run 40% female candidates nationally in the next Local Elections
- Tying party registration to running a balanced ticket for all elections under the Electoral Reform Act.

Family friendly practices

Maternity, Paternity and Parental leave in line with public sector provision for elected members of the Dáil and Seanad must be introduced without delay. NWC supports the recommendations of the Oireachtas

¹¹ NESC (2021). [The future of social welfare.](#)

¹² VPSJ (2022). [Minimum essential budget standards research centre.](#)

¹³ Social Justice Ireland (2021). [Benchmarking and indexation.](#)

¹⁴ Vincentian Partnership for Social Justice (2020) *Budget 2021 Impact Briefing.*

Forum on a Family Friendly and Inclusive Parliament and calls for their full implementation.¹⁵ Hybrid settings must be considered as per the recommendations of the Forum. Provision must be made for remote sittings and proxy voting. These provisions must also be made for locally elected representatives.

Tackling online abuse

Online abuse is an increasing barrier to women's equality and participation in politics. An Association of Irish Local Government councillor survey on threats, harassment and intimidation in public office, found that 72% of respondents experienced such incidents in the past three years. NWC calls for the full implementation of recommendations of the NWC report on Social Media Policies for Political Parties.¹⁶

Gender balance on boards

The percentage of women on boards of ISEQ 20 companies currently stands at 31% but for other listed companies, the percentage now stands at 23%. For large Irish companies, the percentage is only 22%.¹⁷ 13% of listed companies still have an all-male board.¹⁸ NWC research clearly outlines the steps needed to implement legislative quotas on boards in Ireland.¹⁹

Norms & Stereotypes and Education (Recommendations 26-31)

NWC welcomes the focus of the CA on the inherent transformative possibilities of a rights-based, gender equality aware and sensitive education system. In March 2022 a full review of gender equality in higher education was announced to review the progress achieved from the 2016 HEA National Review of Gender Equality in Irish Higher Education Institutions and the Gender Action Plan 2018-2020. The recommendations made by the CA should lead to a similar review of the primary & secondary education systems. This work should include a focus on developing curricula that are also challenging other forms of discriminations and harmful stereotypes including those experienced by Traveller women, ethnic minority women, disabled women and LGBTQIA women.

Social, personal and health education/ relationship and sexuality education (SPHE/RSE)

In particular, NWC calls for the integration of teaching material on issues such as equality between women and men, non-stereotyped gender roles, mutual respect, non-violent conflict resolution in interpersonal relationships, gender-based violence against women, the right to personal integrity and to mutually respectful, non-coercive sexual relationships. By developing the SPHE/RSE curriculum to provide young people with the knowledge and understanding of their own rights and needs, as well as those of others, we can ensure an equitable health and sexual health education of young people who may not be receiving it at home. It is essential that the curriculum is not just a platform to inform, but uses the space for students, particularly boys, to critically engage with the topics and challenge the problematic norms they have been exposed to within wider society which may be influencing their actions. In June 2021 the European Parliament voted to accept the landmark Matić report on “the situation of sexual and reproductive health and rights in the EU”²⁰. The report recognises that, “Sexual and reproductive health and rights (SRHR) are one of the key issues in the discussion on human rights and they are inseparable from the realisation of the fundamental right to health, as well as the achievement of gender equality and the elimination of gender-based violence”²¹

It is essential that SPHE/RSE is delivered without the influence of a school's religious ethos. Young people have the right to be informed about health and sexual health without the influence of distinct ideologies which may inhibit their knowledge. NWC has made recommendations that Equality Legislation is reviewed to ensure the rights of young people to an objective SPHE/RSE education are realised.²² NWC supports the Education (Health, Relationships and Sex Education) Bill 2021 which seeks to amend the Education Act

¹⁵ Houses of the Oireachtas (2021). [Forum on a Family Friendly and Inclusive Parliament](#)

¹⁶ Due for publication in 2022

¹⁷ [Better Balance for Business](#) (2022).

¹⁸ Better Balance for Business (2021). [Fourth report.](#)

¹⁹ NWC (2021). [Gender Balance on Boards: The case for Legislative Gender Quotas in Ireland.](#)

²⁰ https://www.europarl.europa.eu/doceo/document/A-9-2021-0169_EN.html

²¹ <https://www.epfweb.org/node/838>

²² NWC (2021) submission to the Review of the Equality Acts: Equal Status Acts 2000-2018 Employment Equality Acts 1998-2015

1998 and guarantee that young people and children can access relationship and sexual education that is unbiased, fact-based and scientifically accurate in all schools.

Education as a means of preventing domestic, sexual, gender-based violence (DSGBV)

NWC members have highlighted the central importance of education in preventing DSGBV and have made considerable recommendations in this area to the consultation for the Third National Strategy²³, in particular that compulsory, school²⁴ based education on DSGBV should start early in primary school and be -comprehensive, age-appropriate sexual health education that addresses gender stereotypes, healthy and unhealthy relationships, domestic and intimate partner abuse, pornography, sexual exploitation, prostitution and DSGBV of Disabled, Migrant, and ethnic minority women

During recent National Council for Curriculum and Assessment (NCCA) consultations students expressed a desire for a greater focus on the influence of social media on relationships within the curriculum. In Europe, 9 million girls have experienced some kind of cyber violence by the time they are 15 years old²⁵. The curriculum must take account of the role of social media, pornography, and the internet in the perpetuation of violence against women and girls. A recent study found that many young people turn to pornography for sexual education in Ireland and 20% of those who took part in a survey found pornography to be a useful source of sexual education²⁶. Robust research in the UK has shown that children as young as 7 have come across pornography, with 66% of 14–15-year-olds having viewed pornography, either intentionally or unintentionally²⁷. This is of profound concern due to pornography being consistently shown to be harmful to women and frequently objectifies and humiliates women. Pornography can distort understandings of what a healthy, consensual and mutually fulfilling relationship looks like with a particularly adverse impact on women. The SPHE/RSE curriculum must account for the harmful effects of pornography and support this through the provision of accurate and inclusive education about health and sexual health for young people in this age group, with a particular emphasis on consent education which builds upon what is taught in primary school.

The role of media

Women and girls are subjected to a very hostile environment online and this creates a real and serious barrier to more women participating in public and political life. Technology companies that host these platforms must deal urgently with these issues. Media and advertising, particularly government led and health campaigns must reflect the diversity that exists among women in Ireland today, must feature disabled women, minority ethnic and Traveller women, young women and working-class women.

Pay and Workplace Conditions (Recommendations 32-36)

The CA recommendations on work, which include the introduction of a living wage, the right to collective bargaining, and flexible workplaces have the potential to be a game changer for women's employment and economic equality and can play a key role in ending the gender pay gap.

Addressing low pay

The Living Wage remains significantly beyond the National Minimum Wage. Addressing the inadequacy of the minimum wage would contribute to gender equality, help to close the gender pay and pension gap and elevate women out of poverty, according to the EU Commission.²⁸ NWC is aware that the Low Pay

²³ NWC 2021 [NWC Submission on the Third National Strategy on Domestic, Sexual and Gender- Based Violence](#)

²⁴ And all educational settings including Youth Reach, probation services such as Dochas, FETAC, special education schools and settings etc.

²⁵ European Women's Lobby (2020) Ensuring safe, uncoerced, egalitarian and mutually pleasurable sex and relationships for the next generation: a synthesis report.

²⁶ Youth Work Ireland (2018) Young people turn away from teachers and parents towards the internet for sex education. Available at: <https://www.youthworkireland.ie/what-we-do/news/young-people-turn-away-from-teachers-and-parents-and-towards-the-internet-f>

²⁷ BBFC (2019) Children see pornography as young as seven, new report finds. Available at: <https://www.bbfc.co.uk/about-us/news/children-see-pornography-as-young-as-seven-new-report-finds>

²⁸ EU Commission. [Proposal for a Directive of the European Parliament and of the Council on adequate minimum wages in the EU](#)

Commission has conducted research on the living wage. While this has not yet been published, it is clear that we need to go beyond the small increases in the NMW that we have seen in recent years if we are to make real progress on a living wage. When increasing the NMW, it is important to consider the impact on access to other social welfare supports. Earnings disregards and means tests should be indexed to increases in the NMW and social welfare payments so that people do not lose access to these supports.

A right to collective bargaining

Collective bargaining is one of the most effective ways to create more equal redistribution of wealth, reduce inequality and address low pay. Countries with a high coverage of collective bargaining tend to have shorter working hours for both women and men, more flexible work options under secure employment conditions, better protection for non-standard workers, as well as a reduced gender pay gap.²⁹ However, the proportion of employees covered by collective bargaining agreements in Ireland is low. The proposed EU Directive on Adequate Minimum Wages will require Ireland to take measures to promote collective bargaining in order to reach a threshold of 70% collective bargaining coverage.

A right to flexible working

Legislation on remote work is being progressed by DETE and it is NWC's understanding that legislation on flexible work is being progressed by DCEDIY to meet Ireland's requirements under the EU Directive on Work Life Balance. NWC supports the introduction of legislation on flexible working to ensure that flexible working is open to all. It should be open from day one in a job and should be promoted across the board to normalise it and remove any existing stigma that might impact on women.³⁰

Addressing the Gender Pay Gap (GPG)

NWC welcomes recent progress towards commencing the Gender Pay Gap Information Bill.³¹ The legislation is an important step towards exposing the GPG. The Citizens' desire for concrete targets for the GPG is a clear expression that people feel that the pace of change is too slow. NWC welcomes the spirit of recommendation 32 and the desire of the Citizens for urgency and concrete measures. The GPG is a complex issue with many contributing factors, including low pay, care responsibilities and lack of women in senior roles. The CA have put in place the building blocks for addressing the GPG – collective bargaining, a living wage, flexible work, supports for care and quotas for leadership. Focusing on the implementation of these would go a long way towards addressing the GPG.

Domestic, Sexual and Gender-Based Violence (Recommendations 37-41)

NWC welcomes the recognition by the citizens of the scale of the epidemic of violence against women and girls in our society and their recognition that we have reached a watershed moment when it comes to ending men's violence against women. Creating the much needed zero tolerance culture to violence against women will require significant investment in services and supports and a prioritisation by government in a way we have never seen before. Women want systemic change and no longer want to live in fear of the threat of violence.

NWC, members of the National Observatory on Violence Against Women, and [Beyond Exploitation](#), have made comprehensive recommendations to the development of the forthcoming Third National Strategy on DSGBV^{32,33}. NWC recommends that the Committee ensures alignment of its work and recommendations with the TNS. A significant weakness of the First and Second National DSGBV Strategies has been the lack of sufficient and coordinated oversight, accountability, and action. NWC, the Observatory and a number of advocacy and frontline services have continuously highlighted this as an area that *must* be addressed so as to ensure that the TNS can fully meet the objectives set forth within.

The success of the TNS rests on how it is implemented. The establishment of senior positions/posts, in part or in full, would signal a significant shift in the understanding of the social, personal, and public health

²⁹ European Trade Union Confederation (ETUC). <https://www.etuc.org/en/collective-bargaining-and-gender-equality>

³⁰ NWC (2021). [Submission on flexible work to Dept of Children, Equality, Disability, Integration and Youth.](#)

³¹ <https://www.gov.ie/en/press-release/aa331-minister-ogorman-announces-introduction-of-gender-pay-gap-reporting-in-2022/>

³² NWC 2021 [NWC Submission on the Third National Strategy on Domestic, Sexual and Gender- Based Violence](#)

³³ Beyond Exploitation [Submission to Third National Strategy on Domestic, Sexual](#)

crisis that is DSGBV. Instituting a ministerial office or position(s) dedicated to DSGBV with overall responsibility for implementing the TNS is essential for the success of the Strategy. The establishment of a full Cabinet Minister (or equivalent) would recognise the scale, attention and resources that women's equality needs if we are to truly address endemic gendered issues such as DSGBV. and NWC would advocate for an agency and a dedicated Minister/Minister of State. NWC recommends the following principles should guide the that the oversight and implementation of the TNS:

- A whole of Government approach
- Driven and coordinated and by a person/team in a senior position
- Permanence of responsibility and office/agency

Addressing the implementation structure/mechanism will go some way in addressing the perennial issue of a lack of coordination an insufficient whole of government approach that has limited the first two national strategies.

Gender Equality Principle in Law and Policy (Recommendations 42-45)

Gender budgeting

NWC welcomes the CA recommendations to legislate for equality budgeting across all Government bodies including local authorities and for gender impact assessment of all proposed legislation. NWC sits on the Equality Budgeting Expert Advisory Group which is progressing work on gender and equality budgeting. Recent progress includes the establishment of an Interdepartmental Group on Equality budgeting and the publication of an equalities data audit. Notwithstanding this progress, NWC has expressed concern about the lack of attention to gender equality in much of the economic decision making that has taken place since the onset of the pandemic. Investments have tended to focus on boosting jobs within male-dominated industries such as construction and energy, despite the stronger impact of the pandemic on female dominated sectors and there has been an absence of funds directed to the care sector in EU funding instruments like the Recovery and Resilience Plan. Discrimination in access to income supports during the pandemic underscores the need for gender and equality proofing. When it was first introduced, women returning from maternity leave were excluded from the TWSS income support, necessitating a referral to IHREC by NWC.³⁴

An OECD scan on equality budgeting included legislation on equality budgeting in its recommendations to Ireland since legislation can ensure the practice is embedded and ensure implementation across government departments. Legislation formalises the requirement that gender and equality should be taken into account in a structured manner as part of budget and policy decision making. It ensures long term sustainability and can help to insulate the system from economic and political changes.³⁵

Final recommendation

As a conclusion to their report, the CA voted that their recommendations should be “funded firstly through greater efficiency and accountability for public funding and reprioritisation between current spending and revenue raising” and if necessary “to support and pay higher taxes based on the principle of ability to pay, to make a reality of our recommendations.” NWC welcomes this acknowledgement by the CA that revenue is required to fund the public services and social infrastructure to deliver on gender equality and that taxation represents a positive contribution to society. The gendered impacts of taxation are often overlooked and taxation is often presented as gender neutral. However, as women and men's socio-economic status differs, our tax system affects men and women differently and should be assessed for its gendered impacts accordingly.³⁶

For more information, please contact Jennifer McCarthy Flynn, Head of Policy jennifermf@nwci.ie

³⁴ https://www.nwci.ie/learn/article/nwci_welcomes_resolution_of_discrimination_in_the_wage_subsidy_scheme_but_c

³⁵ OECD (2019). [OECD Scan: Equality Budgeting in Ireland](#)

³⁶ NWC (2022). [Submission to the Commission on Taxation and Welfare](#)