

Submission to the Oireachtas Joint Committee on Gender Equality on the Citizens' Assembly on Gender Equality recommendations on Leadership in Politics, Public Life, and the Workplace

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Executive summary

1. **Recommendation 20, parts a&c:** It is feasible for parties to meet the 40% candidate gender quota if it were extended to other electoral contests.
2. **Recommendation 20, part b:** Consideration needs to be given to the application of a meaningful sanction in respect of local and Seanad elections should the 40% threshold not be met (R
3. **Recommendation 21, part a:** Further background research into the patterns of board membership and Departments, along with an analysis of the financial basis of state boards, needs to be completed before assessing how impactful it would be to make funding for public bodies contingent on reaching the 40% board membership gender quota
4. **Recommendation 21, part b:** The Irish government could initiate and progress national legislation, as recommended by the Citizens Assembly, providing for a 40% gender quota on corporate boards
5. **Recommendation 22, part a:** Continued monitoring of publicly-funded sports, media, arts and culture organisations on progress to achieving the recommended 30% female representation on governing bodies by 2025
6. **Recommendation 22, part b:** Publishing plans to advance gender equality in sports, arts and culture and media organisations should be implemented as a condition of public funding (for publicly-funded bodies) and as a mark of good practice by private companies and organisations in these sectors.
7. **Recommendation 22, part c:** Annual reporting on progress towards meeting agreed quotas on representation and funding should be adopted
8. **Recommendation 23, parts a&b:** There is scope for progress to be made on legislative, constitutional and operational fronts in terms of improving family friendly practices, and an opportunity to bring politics into alignment with other sectors.

1. Introduction

1.1 The terms of reference for the Citizens' Assembly on Gender Equality charged the Assembly with bringing forward proposals that... 'in particular, seek to ensure women's full and effective participation and equal opportunities for leadership at all levels of decision-making in the workplace, politics and public life'.

Arising from their consideration of this theme, the Assembly proposed 4 main recommendations, numbered 20-23, containing several subsidiary recommendations. These recommendations are the subject of this submission.

2. 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 elections and review every 5 years

and

(c) The 30% threshold should be increased to 40% for women (and 40% for men) for all elections

2.1 Following the enactment of the candidate gender quota provisions of the Electoral (Amendment) (Political Funding) Act 2012, women's candidacies from main parties increased to over 33% in 2016 and further grew to 34% in 2020. The success of the candidate gender quota measure for getting women onto the ballot paper prompted the Assembly to recommend that the measure be extended to local and other elections. Table 1 shows the number and proportion of female candidates at recent elections. It also indicates, based on these figures, the additional number of female candidates that would have brought parties to meet the 40% gender quota.

Table 1. Female party candidates at recent elections

Elections	Total party candidates	Female candidates (n)	Female candidates %	No. female candidates required to reach 40%	Additional no. female candidates required
General 2020	403	138	34.2%	211	49
Seanad 2020*	88	29	32.9%	35	6
Local 2019**	1369	435	31.8%	548	113
European Parliament 2019	28	14	50%	0	0

*Party candidates on 5 panels, excl university panels

** Seven major parties, excl independents/minor parties

2.2 The following conclusions can be drawn from the Table:

- The indirect effect of the candidate gender quota is evident in the proportion of female candidates selected to contest the Seanad and local elections, which is over 30%.
- A relatively small number of additional female candidates would be required to reach the 40% threshold, based on the total number of party candidates at the elections listed. Thus, reaching the 40% quota is quite achievable overall.
- An equal proportion of female and male party candidates contested the European Parliament 2019 election, exceeding the recommended 40% gender quota. Parties have consistently been more open to selecting female candidates for EP elections than for national and local elections. In 2019, the European Commission actively promoted and encouraged gender balance in candidate selection.

2.3 Therefore, based on the most recent set of elections, **it would be feasible for parties overall to meet the 40% candidate gender quota if it were extended to other electoral contests.** There remain challenges for parties, as individual entities, in implementing the 40% quota, but these can be internally managed.

(b) Increase penalties for parties that do not meet the statutory gender quotas.

2.4 To date, parties have not been levied a financial penalty as they have met the candidate gender quota for Dáil elections. **Thus, the recommendation to increase the party penalty may not be necessary to apply at this point in time. However, thought needs to be given to the application of a meaningful sanction in respect of local and Seanad elections should the 40% threshold not be met.** In September 2021, funding of €150,274 was allocated to parties to assist in increasing the proportion of women candidates in the 2024 local elections. Should a party not be successful in this, then the penalty could be that the party forfeits the amount it was granted from its next annual allocation of public funding.

3. Recommendation 21. Improve gender balance on boards by:

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

3.1 Considerable progress has been made in gender balancing state boards. In February 2022, the gender balance on state boards was 55% male (n=1108), 45% female (n=916) (Table 2). This exceeds the 40% threshold, but this overall proportion does not reveal the variation in gender representation across boards. Five of the 194 state boards have no female members: the National Milk Agency; Garda Síochána Arbitration Board; Pensions Authority; Dublin Port Company, and Port of Waterford Company. The lowest male representation is found on another four boards: the Advisory Committee of the Environmental Protection Agency (23%), Occupational Therapists Registration Board (23%), Mental Health (Criminal Law) Review Board (25%), and Léargas - The Exchange Bureau (29%). These nine boards constitute less than 5% of all state boards. Yet there is room for improvement. 63 (32%) of the 194 boards have less than 40% female members, compared with 27 (14%) of boards with less than 40% male

members. Furthermore, there is an uneven distribution of board chair positions: 115 (66%) boards are chaired by males; 58 (34%) are chaired by females.

3.2 The Assembly recommends making public board funding conditional on having a 40% female membership. **Further background research that delves more deeply into the patterns of board membership and Departments, along with an analysis of the financial basis of state boards, needs to be completed before assessing how impactful it would be to apply this recommendation, and how the recommendation could act as an incentive to nominating bodies to address current gender inequalities in board membership and chairs.**

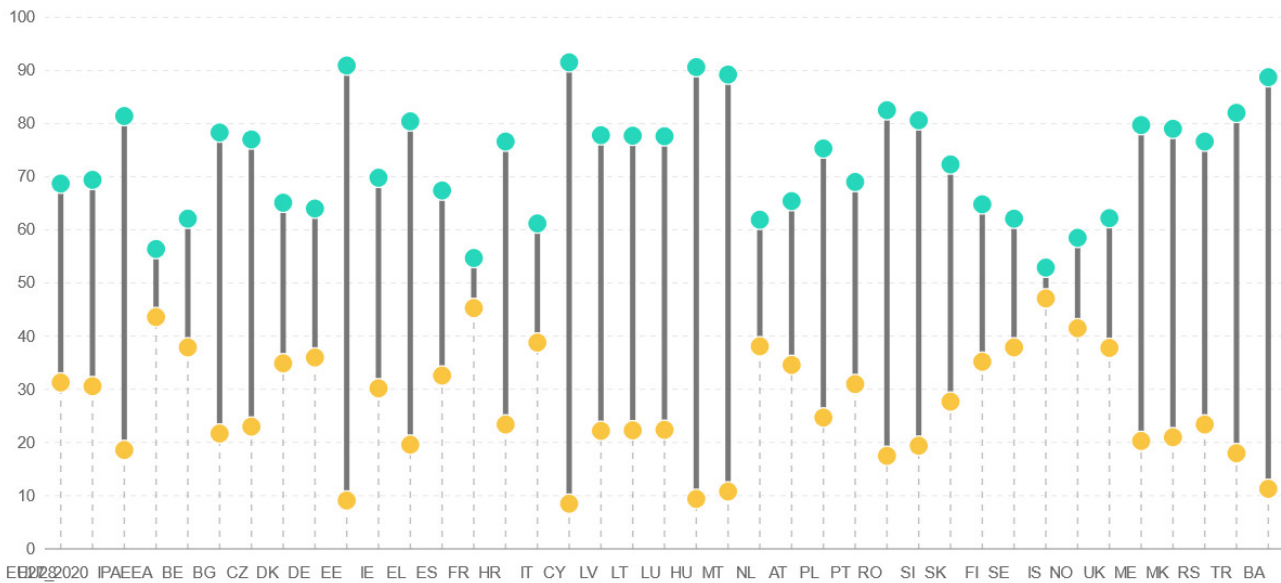
Table 2: Representation on state boards by gender, 2022

Department	No. Boards	Female (n)	Male (n)	Total Members	%Male	%Female
Agriculture, Food and Marine	12	33	79	112	71%	29%
Children, Equality, Disability, Integration and Youth	6	37	34	71	48%	52%
Defence	1	1	2	3	67%	33%
Education	11	71	61	132	46%	54%
Enterprise, Trade and Employment	8	36	43	79	54%	46%
Finance	8	26	32	58	55%	45%
Further and Higher Education, Research, Innovation and Science	9	47	41	88	47%	53%
Health	44	276	290	566	51%	49%
Housing, Local Government and Heritage	18	66	113	179	63%	37%
Justice	14	53	54	107	50%	50%
Public Expenditure and Reform	3	15	15	30	50%	50%
Rural and Community Development	5	25	26	51	51%	49%
Social Protection	4	13	16	29	55%	45%
Tourism, Culture, Arts, Gaeltacht, Sport and Media	18	96	91	187	49%	51%
Transport	18	50	104	154	68%	32%
Environment, Climate and Communications	13	43	63	106	59%	41%
Taoiseach	2	28	44	72	61%	39%
Total	194	916	1108	2024	55%	45%

b) enacting gender quota legislation for private boards

3.3 The European Commission Women on Boards draft Directive (COM/2012/0614 final - 2012/0299(COD)) is on the agenda of the Employment, Social Policy, Health and Consumer Affairs (EPSCO) Council on 14 March 2020.¹ This draft law has been blocked in the Council since 2015. Under President von der Leyen, it is a legislative priority in the Commission’s 2022 work programme.

¹ <https://www.europarl.europa.eu/legislative-train/theme-area-of-justice-and-fundamental-rights/file-gender-balance-on-boards>



EIGE's Gender Statistics Database - Indicator: Largest listed companies: presidents, board members and employee representatives
 Source: European Institute for Gender Equality.
 LAST UPDATE ON: 15.12.2021

Figure 1. Corporate Boards and gender equality, 2021

3.4 In the absence of European-level progress on this issue, eight EU member states have passed legislation providing for a 40% gender quota on corporate boards: Belgium, France, Italy, Germany, Austria, Portugal, Greece, and the Netherlands). The representation of women on corporate boards in this group of countries ranges from 31% (Portugal) to 45% (France). Ireland, at 30% female board membership, lies just outside this group of countries, and just below the EU-27 average in 2020 of 30.6% (Figure 1).

3.5 In October 2021, Emer Higgins TD tabled a Private Members' Bill, the Irish Corporate Governance (Gender Balance) Bill 2021 (No. 124 of 2021). It provided for 'all companies to have 33% of each gender on their boards within a year of commencement of this legislation and 40% within three years.'²

3.6 The Irish government could initiate and progress national legislation, as recommended by the Citizens Assembly. There is already a considerable body of national and EU Member State work completed in this area that provides an excellent resource for national legislation. Government contacts with the EU could inform this legislation so that it can align to an anticipated EU Directive in this area.

4. Recommendation 22. Public funding to cultural, sports, arts and media organisations

(a) A quota of 30% representation of women, and of men, on their Governing bodies by 2025 and 40% by 2030.

4.1 The low representation of women in sports decision-making is a glaring inequity in sports governance, and one that needs urgent redress. In 2019, Sport Ireland issued a strategic plan *Women in Sport*, which identified four areas for attention, one of which was women in sports leadership.³ This plan has provided the framework for Athletics Ireland to set a strategic priority to 'increase the gender balance on all national committees to a minimum 40% of each gender; and broaden diversity on national committees'. Athletics Ireland club membership has been

² <https://www.oireachtas.ie/en/debates/debate/dail/2021-10-06/11/>

³ Sport Ireland 2019. *Women in Sport Policy*, <https://www.sportireland.ie/women-in-sport/women-in-sport-policy>

53% female since 2018.⁴ As part of delivering the National Sports Policy 2018-2027, the government Sports Action Plan, published on 29 November 2021, has an action (6.1) that states:

In addition to the development of equality action plans, NGBs will be asked to achieve, by end 2023, the Government's target for State Boards of a minimum of 40% representation of each gender in the membership of their Boards'. Sport Ireland is assigned responsibility for reporting on progress annually and advising government on whether additional measures, such as mandatory quotas, are required.⁵

These measures indicate firm resolve on the part of government and sports bodies to address persistent gender imbalances in sports leadership and governance. On 15 December 2021, Sports Ireland reported that women comprised 32% of the members of national governing bodies and 37% of local sports partnerships.⁶ In addition, the Sports Ireland leadership snapshot provides data on all national governing bodies under its aegis.

4.2 At this point, sports governing bodies overall are ahead of the Citizens' Assembly recommendation, and close to achieving the more ambitious government target of 40% in a tighter timeframe than in the recommendation. However, this overall positive performance does not highlight the sporting organisations with persistent under-representation of women in their leadership. In 2022, there were 28 national sports bodies with less than 30% female board membership. Although this is an improvement on the state in 2019-20 when the Citizens Assembly noted that there were 34 bodies with this profile, it shows the need for **continued monitoring until the end of the sports plan period (2023) to identify further improvement. Thereafter imposition of a quota as a condition of public funding should be given strong consideration, as advised by the Assembly.**

4.3 The arts and culture sector is a diverse sector. #WakingTheFeminists was a highly influential movement, and occasioned baseline research on the position and representation of women in Irish theatre, *gender counts*.⁷ This report revealed the extent of under-representation of women in theatre. It found that the four most highly-funded theatre organisations and contributed to 10 publicly funded theatre organisations developing gender equality plans, launched as Gender Equality in Practice on 09 July 2018 by Minister for Arts, Culture, Heritage and the Gaeltacht, Josepha Madigan TD.⁸ An update in 2020 identified some improvement in gender balance, notably in the percentage of work being created or written by women; increased female representation in the Gate and Abbey theatres, especially among the categories of directors and creators/writers; but that across all 10 companies the representation of women in the cast category had not made progress. This update also made relevant recommendations on continued data collection and monitoring.⁹ Thus, **it would be appropriate to review the state of progress in these companies annually with a view to assessing their position in 2025 and the introduction of appropriate measures – in consultation with #WakingTheFeminists – to reach the targets set by the Citizen's Assembly.**

4.4 Media organisations are also a diverse group, comprising print and broadcast media and social media. Across all platforms and outlets, women's voices and perspectives are in a minority. The Future of Media Commission

⁴ Athletics Ireland 2020. Women in Sport Strategic Plan 2021-2024,

https://www.athleticsireland.ie/downloads/results/Digital_Only_AAI_WIS_Strategic_Plan.pdf

⁵ Government of Ireland 2021. National Sports Policy 2018-2027: Sports Action Plan 2021-2023,

<https://www.gov.ie/en/publication/93232-sports-action-plan-2021-2023/>

⁶ Sport Ireland 2021. Progress towards gender balance on boards: Leadership composition, snapshot 3,

<https://www.sportireland.ie/women-in-sport/news/progress-towards-gender-balance-on-boards-leadership-composition-snapshot-3>

⁷ Donoghue, Brenda, Ciara O'Dowd, Tanya Dean, Ciara Murphy, Kathleen Cawley and Kate Harris, 2017. *gender counts: an analysis of gender in Irish theatre 2006-2015*,

https://www.artscouncil.ie/uploadedFiles/Main_Site/Content/About_Us/Gender_Counts_WakingTheFeminists_2017.pdf

⁸ Theatre Forum, 2022. Gender Equality in Practice in Irish Theatre, <https://theatreforum.ie/forum-notice/gender-equality-in-practice-in-irish-theatre/>

⁹ Murphy, Ciara L., supported by Ciara O'Dowd, Brenda Donoghue, Sarah Durcan, 2020. 5 Years on: Gender in Irish Theatre – an Interim Review, http://www.wakingthefeminists.org/wp-content/uploads/2020/11/5-Years-On_Gender-in-Irish-Theatre-FINAL.pdf

received a submission from Women on Air advocating compulsory gender quotas for public service broadcast media in order to redress gender imbalances in guests/experts interviewed, and gender-proofing all policy in relation to broadcasting.¹⁰ The Expert Equality Group submission makes recommendations on improving the representation of women in media based on the landmark 2017 Council of Europe report as follows:

- The adoption and implementation of national indicators for gender equality in the media; Research and publication into gender equality and media;
- The creation of a dedicated legal framework on gender equality in the media, including mandating media regulators and organisations to include an assessment of the implementation of gender equality policy in the media in their annual reports;
- Carry out regular monitoring and evaluation of the situation of gender equality in the media at national level;
- Oblige media organisations to ensure equal access to, and representation in, media work for women and men;
- a balanced participation of women and men in management posts, in bodies with an advisory, regulatory or internal supervisory role, and generally in the decision-making process;
- a non-stereotyped image, role and visibility of women and men, avoidance of sexist advertising, language and content which could lead to discrimination on grounds of sex, incitement to hatred and gender-based violence.¹¹

The Citizens’ Assembly recommendation of minimum gender quotas is appropriate to consider in the context of the media and is in keeping with the expert findings and recommendations above. This sector, given its influence in public opinion formation, gender visibility and voice, requires attention that goes beyond the Citizens’ recommendation while also incorporating this recommendation into the wider consideration of actions for equality in the sector.

b) Published plans to advance gender equality in their organisations.

4.5 This recommendation by the Citizens’ Assembly is timely and should be implemented as a condition of public funding (for publicly-funded bodies) and as a mark of good practice by private companies and organisations in these sectors.

c) Annual reporting on progress towards agreed quotas on gender representation and funding.

4.6 The varied nature of reporting on progress in the arts, sports, cultural and media sectors requires some attention. The location for setting targets and expectations of delivery of gender equality in these sectors could be the national plan for gender equality. In any event, annual reporting is an essential tool for making and tracking progress. **This recommendation should be adopted.** It will need some thinking as to how best it can be organised that could be part of a bigger piece of infrastructural work on gender statistics undertaken by a relevant government department, eg the Department of Children, Equality, Disability, Integration and Youth. While the website of this Department provides an excellent overview of national and international data sources, it does not gather in one place the data collections in respect of Ireland on women in decisionmaking in sport, arts and culture or media.

5. Recommendation 23. Improve family-friendly practices for all representatives elected to public office

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

5.1 This is an area in which there has been some discussion since the Citizen’s Assembly recommendation. On 01 September 2021, Councillor Mary Hoarde, President of the Association of Irish Local Government (AILG) announced

¹⁰ Women on Air, 2021. Submission to the Future of Media Commission, <https://futureofmediacommission.ie/wp-content/uploads/291.-Women-on-Air-Submission.pdf>

¹¹ Equality Expert Group, 2021. Submission to the Future of Media Commission, <https://futureofmediacommission.ie/wp-content/uploads/230.-Equality-Expert-Group.pdf>

proposals to provide maternity leave for local councillors.¹² On 17 November 2021, Holly Cairns TD presented a Private Members Bill to the Dail on Local Government (Maternity and Family Leave for Elected Members) Bill 2021.¹³ On 07 December 2021, the Seanad held a comprehensive debate on a motion calling for action in the area of maternity/ paternity leave for county and city councillors. It focused on amending Section 18 of the Local Government Act 2001 to provide for maternity leave as an excused absence, and an additional seven recommendations of the AILG providing secretarial assistance to the councillor taking such leave. Minister of State at the Department of Housing, Local Government and Heritage, Peter Burke TD informed the Seanad that it would require alignment of three laws – the Local Government Act 2001, Maternity Protection Act 1994, and the Social Welfare Consolidation Act 2005. He indicated he was preparing proposals for Cabinet but did not offer a timeline. Senator Fiona O’Loughlin initiated the motion, and it was agreed to by the Seanad.¹⁴

5.2 Although the issue is on track for legislative action, there is no information on progress on the website of the Department of Housing, Local Government and Heritage. The Private Members Bill remains at Stage 2. In relation to the recommendation, more transparency on progress is required to evidence legislators’ commitment to resolving this issue for local government representatives.

5.3 The issue is more complex in the case of national representatives, with potential constitutional reform required of Article 42 (‘women in the home’) and Article 11 (All questions ... determined by a majority of the votes of the members present and voting). This matter remains to be addressed via referendum. It would modernise and update House procedures in line with technology (remote meetings, voting), and remove an outdated gendered stereotype from the Constitution. **There is scope for progress on legislative and constitutional fronts to be made in terms of this recommendation, and an opportunity to bring politics into alignment with other sectors.**

(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).

5.4 Provisions relating to this recommendation can be addressed in the context of 23(a).

End.

¹² AILG 2021. Pathway to the provision of maternity/adoptive/paternity leave for Local Authority Elected Members, <http://ailg.ie/wp-content/uploads/2021/09/AILG-Maternity-Leave-Paper-2021-Final-Version.pdf>

¹³ Local Government (Maternity and Family Leave for Elected Members) Bill 2001, Dail Eireann 17 Nov 2021, vol 1014 No 2. <https://www.oireachtas.ie/en/debates/debate/dail/2021-11-17/12/>

¹⁴ Maternity-paternity leave for county and city councillors, Seanad Eireann motion 07 December 2021, Vol 281 No. 4 <https://www.oireachtas.ie/en/debates/debate/seanad/2021-12-07/22/>