

DÁIL ÉIREANN

AN COMHCHOISTE UM CHOMHIONANNAS INSCNE

JOINT COMMITTEE ON GENDER EQUALITY

Déardaoin, 24 Márta 2022

Thursday, 24 March 2022

Tháinig an Comhchoiste le chéile ag 1.30 p.m.

The Joint Committee met at 1.30 p.m.

Comhaltaí a bhí i láthair / Members present:

Teachtaí Dála / Deputies	Seanadóirí / Senators
Jennifer Carroll MacNeill,	Regina Doherty,
Réada Cronin,*	Pauline O'Reilly,
Neasa Hourigan.	Lynn Ruane,*
	Fintan Warfield.

* In éagmais / In the absence of Deputy Sorca Clarke and Senator Alice-Mary Higgins.

Teachta / Deputy Ivana Bacik sa Chathaoir / in the Chair.

Recommendations of Citizens' Assembly on Gender Equality: Minister for Children, Equality, Disability, Integration and Youth

Chairman: Apologies have been received from Senator Higgins and Deputy Clarke. I welcome Senator Ruane and Deputy Cronin, who are substituting for their colleagues. Senator Doherty is joining us online from home. I warmly welcome the Minister, Deputy O’Gorman, to the committee. I thank him for joining us. We are very grateful to him for doing so. We look forward to the engagement.

Members have the option of being physically present in the committee room or they may join the meeting via Microsoft Teams from Leinster House offices but they may not participate in the meeting from outside the parliamentary precincts. If joining on Microsoft Teams, those attending should mute their microphones when not making a contribution. In order to limit the risk of spreading Covid-19, the service encourages those present to continue to wear face masks when moving around the campus or in close proximity to others, as well as to adhere to rules on social distancing.

The meeting will be in two sessions. For the first session, we have an engagement with the Minister for Children, Equality, Disability, Integration and Youth, Deputy O’Gorman, to discuss the recommendations of the Citizens’ Assembly on Gender Equality, particularly those related to the Constitution and domestic, sexual and gender-based violence. Thereafter, we will go into private session to deal with committee business.

I welcome the Minister, Deputy O’Gorman, who is accompanied by Ms Jane Anne Duffy, principal officer at the Department of Children, Equality, Disability, Integration and Youth. I warmly welcome them both and thank them for engaging with the committee. We are conscious that many of the issues under the 45 recommendations come within their remit and that of their Department in some way. We are very grateful for their attendance. We will be engaging with other Ministers as we go through the recommendations in modular fashion. At the end of April, we will have an engagement with the Minister for Justice, Deputy McEntee, on the recommendations relating to sexual and gender-based violence. The Minister, Deputy O’Gorman, is the first Minister to come before us and we are delighted to have him.

Before we begin, I draw our guests’ attention to an important notice on parliamentary privilege. Witnesses are protected by absolute privilege in respect of their evidence to the committee. However, if they are directed by the committee to cease giving evidence on a particular matter and they continue to do so, they are entitled thereafter only to a qualified privilege in respect of their evidence. They are directed that only evidence connected with the subject matter of these proceedings is to be given and they are asked to respect the parliamentary practice to the effect that, where possible, they should not criticise or make charges against any person or entity by name or in such a way as to make him, her or it identifiable.

I invite the Minister to make his opening statement.

Minister for Children, Equality, Disability, Integration and Youth (Deputy Roderic O’Gorman): I thank the Chairman and members for the invitation to join them to discuss the recommendations of the Citizens’ Assembly on Gender Equality. At the outset, I want to recognise the fantastic work done by the Citizens’ Assembly and the determination of the Deputies and Senators who make up this committee to see that its work is vindicated. It is an objective that I, as Minister, and the Government share.

Committee members will no doubt agree that the task of setting ourselves towards real, measurable and meaningful advances that eliminate entrenched societal biases against women and girls remains an immense one, despite the progress which has been made to date. As Minister with responsibility for equality, I recognise that a multi-faceted approach is necessary if we are to make those meaningful advances.

The Citizens' Assembly is to be commended on the breadth of its work and the range of recommendations which cut across the areas of responsibility of many Ministers. The Government is giving due consideration to the full range of recommendations, including key recommendations in respect of constitutional changes. In this context, of course, the views of this committee are critical. It is notable that the recommendations echo much of the six high-level objectives of the outgoing national strategy for women and girls, including socio-economic equality for women and girls, visibility in society and leadership of women and girls, and combating violence against women. Work on the development of a successor strategy will begin this year with a consultation process and I expect the recommendations of the Citizens' Assembly will play a key role in informing the priorities of that new strategy.

Many of the actions relate to areas where my Department is actively engaged, including on gender pay gap reporting. As members are aware, the Gender Pay Gap Information Act 2021 introduced a legislative basis for gender pay gap reporting in Ireland and reporting by organisations with more than 250 employees will begin this year. Regulations to give effect to that legislation are in preparation and will be published in the coming weeks along with guidance for employers. An online reporting portal is planned for use in 2023 and will be publicly searchable. Reporting requirements will be rolled out in the coming years to organisations with more than 150 employees and then organisations with more than 50 employees, eventually encompassing more than two thirds of employees in the State. Gender pay gap reporting will help employers to identify the drivers behind their individual gender pay gaps and they will be required, in reporting, to explain their gender pay gap and to propose measures to address it. It will also provide transparency for employees on which companies are doing the most to address their gender pay gap. This will allow the Government to possibly take other targeted sectoral measures in future.

Family leave has a very important role in supporting women to remain in the workforce, as well as allowing both parents a better work-life balance, and the Citizens' Assembly has reflected on this. Significant advances in the provision of family leave have been made in recent years, including the introduction of paid parents' leave which provides an entitlement to each parent to encourage a sharing of the care of a child in his or her earliest years, as well as the extension of unpaid parental leave. Parents' leave is due to be extended again in July, which will bring the entitlement to seven weeks for each eligible parent, to be taken within the first two years of a child's life or adoptive placement.

I will shortly bring to Government legislative proposals to transpose the remaining elements of the EU work-life balance directive, including a right to request flexible working within the terms of the directive and an entitlement to leave for medical care purposes. The legislation will also fulfil a long-standing Government commitment to extend the entitlement to breastfeeding breaks under the Maternity Protection Acts to two years. As part of the Bill, I intend to introduce legislative provisions to enable a person avail of paid domestic violence leave as a statutory right. I will touch more on this topic in a moment.

Another shared priority for my Department and the Citizens' Assembly is the availability of high-quality and affordable early learning and childcare. My Department is progressing an ex-

pansive and radical set of reforms in this area, backed by a commitment to at least double State investment in early learning and childcare by 2028. Recommendations by an expert group for a new funding model were accepted in full by the Government in December and my Department has commenced implementation. This includes a new core funding scheme by September which will be worth €221 million in a full year. It aims to transform the sector and establish a new type of partnership between providers and the State that reflects the importance of early learning and childcare for the public good. Core funding is designed to meet essential - and for many years elusive - objectives, including improved affordability for parents and improved quality through better pay and conditions for the predominately female workforce by supporting agreement on an employment regulation order through the joint labour committee.

Nurturing Skills: The Workforce Plan for Early Learning and Care and School-Age Childcare 2022-2028 was published in December. It sets out a career framework for the sector and identifies a range of actions to strengthen career pathways for early learning educators and school-age childcare practitioners. Commitments in the plan include the introduction of new supports to move to a graduate-led workforce, the introduction of a minimum qualification requirement for school-age childcare, the development and support of new training programmes for childminders, the development of a national infrastructure for continuing professional development for the sector and continued incremental movement towards the regulation of the profession.

I recognise that the invitation to meet with the committee today is to have a specific focus on the recommendations regarding constitutional change and on domestic, sexual and gender-based violence, DSGBV.

As the committee will be aware, following on from the programme for Government audit on how responsibility for domestic, sexual and gender-based violence, DSGBV is segmented across different Government agencies, it has been agreed that the Minister for Justice, Deputy McEntee, will have lead responsibility for responding to DSGBV, and responsibility for policy, accommodation and services will sit within her Department also.

Tusla undertook the “Review of the Provision of Accommodation for Victims of Domestic Violence” to present recommendations on the future configuration of accommodation and services that may be required to holistically meet the needs of victims of DSGBV. The Tusla review highlights gaps in geographical coverage and inadequate provision of safe accommodation. It recommends an approach to address these issues with immediate, medium and long-term actions required. Priority areas for refuge development have been identified and an interdepartmental group has been established with a view to enact the recommendations of the review.

The third national strategy on DSGBV has been developed by the Department of Justice in consultation with organisations working in the DSGBV sector. The stated overall goal of the strategy is zero tolerance in Irish society for DSGBV. The strategy is structured under four pillars, aligning with the Istanbul Convention: prevention, protection, prosecution and coordinated policies. I understand that the strategy will be published in April.

The Minister, Deputy McEntee, has signalled her intention to develop an implementation plan in which the number of refuge spaces available will meet Ireland’s commitments under the Istanbul Convention. Reformed structures for delivering refuge spaces, to accelerate the process and ensure a truly nationwide availability of services, will also be included in the new strategy.

In the interim, Tusla will continue to have responsibility for accommodation and services, while administrative arrangements are put in place for the Department of Justice to assume responsibility for this area. My Department will continue to work with the Department of Justice and other Departments and agencies to ensure continuity and expansion of services to support victims of DSGBV.

With regard to the recommendations for constitutional change, the Citizens' Assembly recommendations involve the holding of referenda to strengthen the principle of gender equality in the Constitution and to address Article 41.2.

The committee has received briefings on the significant work undertaken in the past by relevant Departments and the Attorney General's office, including through a task force and an interdepartmental working group to examine provisions in other constitutions and to assess the legal implications of modifying Articles 40, 41 and 45.

Committee members will be aware that some complexity presents itself in developing a workable definition of care and care work which would potentially encompass a range of family relationships, care undertaken by those living within the home and outside it, both paid and unpaid, and which could involve care for children, older people and persons with disabilities or cognitive issues. Notably, the definition of the family in the Constitution relates only to the marital family. These are matters I hope the committee can bring their perspective and expertise to bear upon.

Pending a decision by the Taoiseach regarding whether and when a referendum will be taken, officials in my Department are reviewing the work undertaken to date as a first step. I look forward to our discussions today. Might I add my sincere congratulations to the Chair on her election as leader of the Labour Party today? It is a proud day for the Chair, for her family, for the Labour Party and, if I can say so, for her former students as well.

Chairman: I thank the Minister. I have congratulated Deputy O'Gorman already, as a star former student, on becoming Minister. I am delighted to see it. I thank him for those warm words. I really appreciate that.

I thank the Minister also for his recognition of the work of the Citizens' Assembly and its members. We on this committee have been conscious of the immense commitment and the immense contribution that the Citizens' Assembly members have made to developing this clear blueprint for how we achieve gender equality in Ireland.

I have engaged with the Citizens' Assembly in person but we have also had the pleasure of having Dr. Catherine Day join us as our first witness in public session, and we have worked with Dr. Day and her team extensively. I pay tribute to Dr. Day and to the members, many of whom join us online for our public sessions also.

Our members have already expressed our strong commitment to ensure that the 45 recommendations that the assembly has generated are taken forward and implemented and that we see real progress as a result. We are determined to do that within the timeframe we have been set, which is nine months from 3 March.

Because of the recognition of how much work the Citizens' Assembly did, our focus as a committee is on how to implement the reforms rather than reopening the why, the policy debates or the substantive issues behind the recommendations. We are focused on the practical and on a timeframe for delivery of the recommendations.

I thank the Department of Children, Equality, Disability, Integration and Youth, in particular, for co-ordinating the departmental responses, which we sought over Christmas and which have been useful to us in our deliberations. We appreciate that. I am conscious, from the Minister, Deputy O’Gorman’s response, how much of a role his Department plays in the implementation of so many of these recommendations, not only the constitutional change and the gender-based violence recommendations.

I will invite contributions from the floor. I will take an order of indication. Some people are joining us online. Of those in person, I will call Deputy Hourigan, Senators Ruane, Warfield and Pauline O’Reilly, and Deputy Cronin.

Deputy Neasa Hourigan: I wish the Minister “good afternoon” and thank him for being here. I am sure we will talk at length, probably today, about the constitutional issues. I am aware that there are probably people who are better placed than I am to ask some of those questions.

One area I would like to touch on is the interaction with various pieces of legislation and whether there is a piece of work being done. Obviously, this sits across the Department of Justice also but in the Minister, Deputy O’Gorman’s brief, with equality, are there particular pieces of legislation that the Government is beginning to identify will need reform in light of some of the recommendations? Are there particular areas that will have to be updated or reformed?

Deputy Roderic O’Gorman: I suppose one of the key measures we took - it was a decision taken following on from both the programme for Government but also recognising that the need to central equality had enhanced following the publication of the report - is the review of the equality legislation that my Department initiated. It is a recognition that when, 20 years ago, we brought in the equal treatment Act and the Employment Equality Act, they were some of the most advanced pieces of legislation at the time. They have served us well but after 20 years, any piece of legislation needs examination.

Within the programme for Government, we identified two specific areas: the issue of the provision on gender, and particularly to ensure that trans persons were fully protected within this legislation; but also the issue of socioeconomic discrimination. We made a commitment to examine the latter within the context of this wide-ranging review.

We had a fairly lengthy call for public submissions on the issue. Many of the interested NGOs put forward detailed submissions and we are reviewing those at present. I will be bringing a report on that setting out the range of recommendations for reform of the equality legislation and we will set out a programme in which we think we can deliver those reforms.

Deputy Neasa Hourigan: Therefore, the equality legislation would be a key one for review. I am asking, particularly in the context of addressing gender-based violence. Obviously, it is against all genders, but I think we can all accept that it is often more specifically against women. In the case where legislation is proving to actively possibly exacerbate the situation, and I am particularly thinking of our 2017 sex work legislation and the Amnesty report that seems to imply - similar to the research that we saw in 2017 when we passed that law - that it, in fact, leaves often women, but sex workers more generally, more vulnerable to sex-based violence, is that an area that would be included in the kind of work that the Department would be doing?

Deputy Roderic O’Gorman: I understand that when that legislation was passed there

was a requirement for a review of it to take place within three years. That review is under way at present. Shortly after I was elected, I certainly made submissions to the then Minister for Justice on the terms of reference of that review, and particularly that the views of sex workers would be considered and all impacts, positive or negative, of that legislation would be considered. That review is under way at present. That does not fall within my Department. It falls within the Department of Justice. I, equally, await the outcome of that review.

Deputy Neasa Hourigan: I am glad to hear that we will be listening to the experiences of sex workers on that.

I have a follow-up question. Something the assembly asked us to bear in mind when placing this before the Oireachtas was that everyone must be supported in achieving their own potential regardless of their gender identity. Many households in the country are receiving the census documents at present and are being asked to tick boxes for data in that regard. While we have come a long way, there are areas where we do not really recognise people's right to identify as non-binary. Would that be included in the scope of some of this work? I am particularly concerned about data collection, public health data collection, disaggregated data and also in the sphere of education and many other areas.

Deputy Roderic O'Gorman: Currently, my Department is working in conjunction with the Department of Public Expenditure and Reform on a new equality data strategy. That is important for ensuring that we have data that allows us to do deep dives on particular minority communities where, within the wider disaggregated data, particular issues affecting them might not be picked up. That data strategy should also address the issues referred to by the Deputy. I recall school boards of management changing forms to ensure that when it comes to incoming students identifying their gender they were entitled to identify as non-binary. All data collection mechanisms for the State should be similarly designed.

Chairman: Before calling Senator Ruane, it is important to note, as the Minister has confirmed, that there is a separate review under way of Part 4 of the 2017 Act in respect of the provisions on prostitution. There might be different views in this committee, but I certainly was a strong advocate for criminalising the purchase of sex to deal with the exploitation in prostitution, particularly of women. However, it is beyond the remit of this committee as it is not within the 45 recommendations of the Citizens' Assembly. It is the subject of a separate statutory review.

Deputy Neasa Hourigan: To be clear, Chairman, I would consider gender-based violence in general to include the issue of sex work, regardless of whether a review is ongoing.

Chairman: It is just to put on the record that there is a separate review of that under way. I call Senator Ruane.

Senator Lynn Ruane: I am substituting for Senator Higgins who cannot be here today, but we have spoken beforehand about the contribution. Going through the Minister's contribution relating to the Citizens' Assembly recommendations, there is reference to potentially meaning a referendum. There is a lack of clarity about the Taoiseach deciding whether there will be a referendum. I am following on from the Chair, who said it is not a rehashing of the why and this and that, but actually a follow-on implementation piece. In that regard, the citizens were very clear that there should be constitutional change and their first three recommendations all relate to what proposals for constitutional change should be put to the public in a referendum or referenda. That is the topic we are discussing today. I am wondering about the use of words such

as “potentially”. What work is ongoing? Is it clear that a referendum will happen next year and that it is not a potential for a referendum next year? I refer to the linguistics in the contribution.

Deputy Roderic O’Gorman: I am clear that I want the recommendations of the Citizens’ Assembly to be implemented. There is a commitment in the programme for Government to do so. Some of them are constitutional recommendations and obviously will require a referendum. Until such time as we have a clear wording in front of us and the legislation is passed, any referendum is potential so we will just have to accept that. However, I am very clear that we want to bring the constitutional changes forward. We do not have a date as yet. I must be upfront that there is no date.

Aside from responding to the committee’s invitation, one of the reasons I am eager to be here today is to understand. There is quite broad acceptance and agreement that we must change the Constitution, but what we are going to do is not agreed. That fits into what the Chairman was saying. How do we implement this report? There was an effort made by the previous Government to deal with the issue of Article 41.2. The then Government took one position and others took another position, so there was a lack of agreement and nothing happened. I am unclear as to the role of this committee in terms of advising and engaging on the legislative text. There possibly are disagreements, even in this group. I, my Department and the Government would appreciate engagement with this committee about how we get agreed wording on the various pieces. The last thing we want is a referendum campaign where the Government is arguing one side and the Opposition is arguing something else, because that is almost certainly going to be lost and we will be back to square one.

Senator Lynn Ruane: I thank the Minister for that clarity. He mentioned Article 41.2, which is something I care about. One third of families, families like mine, are not represented in the Constitution. That is something we have been waiting a long time for.

The Minister mentioned in the briefing from his Department previous interdepartmental consideration in 2014. He also mentioned the Attorney General’s perspectives at that time. I do not think we have had access to that. In terms of information, although there is the relationship between the committee and the Department in respect of the role the committee will play in feeding into the Department, what other work is happening in the meantime to prepare for a potential referendum next year, even if the wording and what we are seeking is not completely clear yet? Deputy Hourigan mentioned the equality legislation. The Children and Family Relationships Act 2015 is also potentially impacted. The constitutional clause on the rights of the child might have sought to somehow limit the impact of the discrimination in Article 41 as regards the definition of the family. Is any preparation work being done on all those other bits to clear the way for what the committee might recommend or engage with the Department on in terms of the referendum?

Deputy Roderic O’Gorman: On the Senator’s initial point about the importance of this work, it is essential. When the Constitution does not reflect somebody’s situation it is very frustrating. One of the arguments I made during the marriage referendum was that marriage is a constitutionally protected institution that I would have liked the opportunity to access at some time should I so choose. The fact that our Constitution does not recognise a very large swathe of families in the country is not acceptable.

In terms of what the wording is, much work has been done in the past. There was an initial task force that met between 2014 and 2016. It came up with two options. Then there was the working group that operated during the last Government. Its options were a total removal of

Article 41.2, a removal of Article 41.2 and a replacement with putting “care” into it or a removal of Article 41.2 and referencing care in Article 45. A lot of work has been done on what the options are, but what I am not clear on is how we all come together and decide on which option. That is not something my Department can determine unilaterally. There has to be a coming together on the point. That is where I see possibly one of the biggest pieces of work. We all know the options and the pros and cons and arguments about the different options, but how do we come together as an Oireachtas and decide on the route we take?

Senator Lynn Ruane: The Minister referred to care. It is important to put on the record that the Citizens’ Assembly also chose to make sure that we refer to care, not carers. That should not get lost in the discussions as well.

With regard to the potential wording, the Minister will probably say that he will wait for the committee. The Citizens’ Assembly made recommendations relating to Article 41.2 and Article 41.3 that might be best put as a single referendum question. The issue there is not only what language should be inserted but also exactly what language should be removed. What are the Minister’s views on that? Do we keep the reference to family but add “including but not limited to marital family”, and with regard to care as well? It is also important to note that the citizens are keen to see an obligation for reasonable measures of support on the State. What are his views on that? Although his Department cannot make decisions unilaterally, the Minister will be quite vital in the discussions, so will he discuss what his views are on those?

Deputy Roderic O’Gorman: What I am saying now is purely my own view. I would like to see a broad understanding of the family under Article 41. I think that is important. I also believe a recognition of care within the Constitution is important. I take on board the legitimate points that have been raised in terms of decision-making resting solely within the Constitution, particularly around the allocation of resources resting with the Oireachtas and ensuring that we do not entirely tie the hands of any future Oireachtas in terms of the decision on the allocation of resources. I know where I would like to see allocations of resources go but I have to understand that decisions on these may change as Governments change. I take that point on board but as I said, personally, I would like to see a broad understanding of the family under Article 41 going well beyond the marital family.

Senator Lynn Ruane: I thank the Minister.

Chairman: I thank the Minister for that. It cuts to the heart of what we are seeking to do. Senator Warfield is next to speak.

Senator Fintan Warfield: I also want to pick up and touch on Article 41.2 regarding a woman’s place in the home. As we all know, progress has been glacial, which is all the more frustrating considering the huge body of work that has been done and completed, and the instruction that has been given over so many years and, indeed, the last decade, in terms of enabling a constitutional amendment.

I note in the Minister’s correspondence to Deputy Bacik this week that the Government has yet to make a decision on the referendum on all three proposed amendments, including Article 41.2. The programme for Government states that it will be informed by the Citizens’ Assembly on Gender Equality to consider whether there should be a referendum on Article 41.2. The previous programme for Government committed to hold a referendum and the current national strategy for women and girls commits the Minister to bring forward proposals for the Government’s consideration.

It is a bit unclear from the Minister's response today. Why has the Minister not brought forward his proposals on Article 41.2? From speaking with the various Departments at this committee, I learned that the responsibility lies solely with the Minister of the relevant Department to bring forward proposals. It is a political decision that is made by the Department. The Department develops a policy paper, the Attorney General provides the legal advice and the wording is then put together. Why has the Minister not brought forward a proposal on Article 41.2? Again, I have said before, as have other members of the committee, that considering the huge body of work that has been done, we should not wait until the end of this committee and then initiate the political decision-making. That work needs to be in tandem with our own work.

Deputy Roderic O'Gorman: The Senator's last point is extremely valid. The work must be in tandem. A decision was made by the Oireachtas to convene this committee. If I just come in, slap down a document and say here is the wording, that would be very disrespectful to the work with which this committee is engaged.

The Senator is correct; this has been glacially slow but much work has been taking place. The problem is that there has not been an agreement in terms of whether we just go with the deletion of Article 41.2 or do we replace it, and, if so, what with, how and in what elements? Much work was done in the previous Oireachtas and it fell at the last hurdle.

I feel that having heard the Oireachtas was taking the decision that a committee was going to be formed to deal with the entire Citizens' Assembly recommendations, but particularly with those ones, for me to pre-empt that with wording would have been quite confrontational. I do not think the committee would have appreciated that sort of intervention. I am very open. The reason I am here today is to work with the committee in terms of trying to identify collectively how we get past that issue of Article 41.2. I am very open and I will continue to engage with members. At some stage, however, a choice may have to be made and it might not be everyone's preference.

I am conscious that we have had referendums in the past on issues that may have not seemed to be that contentious, which maybe did not have a very vigorous campaign and then had a low turnout. Suddenly, there is a risk to the result. I always think of the children's rights referendum, which everyone assumed would be a slam dunk and was 56% to 44%, which is far too close for comfort. The last thing we want is an approach to this amendment that becomes a bit *laissez-faire* but then maybe gets a bit divisive at the end and we end up losing it. Then, we will never see this change.

I am very open to working with this committee. It is important that we find agreement on the way forward, however, rather than the Government coming at one side and the Opposition or some Opposition parties coming very much from the other side.

Senator Fintan Warfield: In the time remaining, I will ask about domestic violence paid leave. The Minister mentioned the heads of the Bill to give effect to the remaining aspects of the EU work-life balance directive, including the statutory provision for domestic violence paid leave. A response to a parliamentary question raised by Deputy McDonald this week stated that the heads of the Bill would include the rights of workers to leave for medical care, the right to request flexible working arrangements for workers who are parents of children aged up to at least eight years old or who are carers and an entitlement to breastfeeding breaks for mothers who are returning to work. Can the Minister clarify whether the legislation will include a provision for entitlement to domestic violence paid leave?

Deputy Roderic O’Gorman: As the Senator knows, I originally proposed to bring paid domestic violence leave as a separate piece of legislation. As we were working through, we decided it would be more useful to incorporate it into the work-life balance directive Bill, which completes two final pieces of the work-life balance directive, that is, medical leave for carers and flexible working.

We are also putting the breastfeeding breaks element into that and we are also going to introduce statutory domestic, sexual and gender-based violence, DSGBV, leave into that legislation on Committee Stage. Originally, they were kind of going on two separate tracks. Now, we are going to incorporate the DSGBV leave into the work-life balance directive Bill, which we will probably do with a Committee Stage amendment.

Senator Fintan Warfield: Go raibh maith agat.

Chairman: I thank Senator Warfield very much. I will move on to Senator Pauline O’Reilly. We will have a second round of questions if the Minister’s time permits. I am conscious that we have a time limit on the first round so it will enable people to perhaps come back on a particular question. I call Senator O’Reilly, our deputy Chairman, followed by Deputy Cronin.

Senator Pauline O’Reilly: I congratulate the Chair on her new leadership role in which I am sure she will do a fine job.

It is really important that we do not rewrite history when it comes to talking about the constitutional progress being glacially slow because the previous Government was actually going to delete it. If that had gone ahead, it would be the complete opposite of what the Citizens’ Assembly said. Our previous sessions found there is much clarity around what citizens were looking for from Article 41.2, which, as Senator Ruane said, is to put in care. It is to ensure that we remove the gender-based nature and put in something that recognises care. That is what the Irish people want. That is what the Citizens’ Assembly found. That is, therefore, where the clarity is. I hope what will come out of this will confirm that. Every witness up until now has said that. We had much clarity from Dr. Catherine Day around what went into the decision-making.

There may be some challenges with regard to the first recommendation on Article 40.1. Some things have been highlighted by previous witnesses around how we actually ensure that we do not rewrite the Equality Acts, for instance, and then put it into the Constitution, or give preferential treatment to gender as the basis against which a person should not be discriminated. Then, what about people’s other rights, such as Traveller rights and so on? That was a really important point that came from previous witnesses, which one would perhaps not know from the recommendations at first glance. This is where we can bring something in, but it would not be the end of the road. We are not the Attorney General and, even if some members of the committee have a legal background, we do not have that kind of expertise. It is about highlighting these matters.

We asked Dr. Day for her views on how the assembly came to this conclusion. We have some clarity, which we will include in our report and will help the Department’s work. I agree with the Minister that it would not be for him to make a decision prior to this committee’s report, but I am interested in learning what work is ongoing. I noted the difference between the briefing document that we were given by the Department and his statement today that the Department was reviewing work. To me, this indicates progress since our initial private session.

Deputy Roderic O’Gorman: That point is important, particularly in the discussion on the recommendations of Article 40.1 about what we elevate to a constitutional level. At the risk of slipping back into law lecturer mode again, the right to equal treatment between men and women under EU law was always within the treaties as a fundamental right while nearly all other fundamental rights were not included in them originally and only came in with the Charter of Fundamental Rights. The Senator is making a point about the recommendation on enshrining non-discrimination on gender grounds into the Constitution, but what about non-discrimination on grounds of sexuality, membership of the Traveller community, race or the like? That is part of the wider discussion.

As to what my Department has done since the recommendations were received, the recommendations on Article 41 on the family are an issue for my Department and the Department of Justice, but my Department has gone through all of the work that has been done so far. As a number of members have mentioned, it is a significant body of work. We have looked to make it available to the committee and everyone else so that we can try to avoid going down the route of arguing about why we are doing this or that. There is a large body of information available on the consequences of each route, be it full deletion, deletion and replacement or so on. These are some of the issues that this committee might be able to take the time to tease out and, I hope, reach agreement on. I may be doubling down on this point, but I have a fear of a politically divided outcome on a referendum, the referendum being lost and us continuing to have women’s place in the home reflected in our Constitution. It is a genuine risk, so I hope doing this will allow everyone at some point to work together and shift from initial positions.

Senator Pauline O’Reilly: I thank the Minister. It is good to know that work is ongoing. Will all of it be made available to us? If the Department is examining other information that is not in the public domain but is not sensitive, could it be shared with us?

I wish to ask about sexual violence against children, which I passionately feel needs to be addressed by the State. Even though this is the Joint Committee on Gender Equality, recommendation No. 37 specifically refers to sexual violence and not just gender-based violence. This might be an area on which the Department is working.

Deputy Roderic O’Gorman: The Senator will be aware of the work being done through the Barnahus model, which is being operated in Galway initially. The hope is to roll it out to other parts of the country and bring together all of the services around children who have been the victims of sexual violence. Instead of having to go to Garda stations, hospitals and so on, it would all be done in a single setting. It is understood to be working well and we are looking to broaden it outwards.

I might ask Ms Duffy to contribute at this stage. She and Ms Carol Baxter, assistant secretary, are the people doing all of this work. She might be able to provide an understanding of the work that is under way in our Department.

Ms Jane Ann Duffy: A great deal of work had been done on this, but it was a new area for me, so one of the first actions we took was to review that work. There are the reports, but there is also the background to those reports. The main question had to do with the potential implications of amendments and what issues arose previously. The recommendations are similar to those that were considered previously, so a great deal of background work has already been done. Obviously, a few years have passed since the task force and some of the work, so issues will have moved on. I cannot say for certain where the legal issues are concerned – we are not at that stage – but examining what was done and identifying the issues that arose previously has

been useful. We have also looked at what we wanted to achieve in a referendum. Obviously, we want to achieve gender equality, but we have to drill down into the recommendations, their background and their aims.

Senator Pauline O'Reilly: I thank Ms Duffy. Perhaps a note could be passed to us on the issue of sexual violence against children.

Deputy Réada Cronin: I thank the Minister for his presentation. I have many questions, so I will try to break them down.

Chairman: We will definitely go to the second round.

Deputy Réada Cronin: Book me in for that.

I wish to follow up on the two preceding questions. Under Article 41.2, a woman's place is in the home. Many women in Ireland would say that to have a home would be a great thing, but apart from that, there is a saying that the woman's place is in the revolution. It is certainly in the social revolution and women are finding our voice. Actually, we always had it. We just did not have the mic. A great deal of work has already been done on Article 41.2. We had the Convention on the Constitution, which reported in May 2013. We subsequently had a task force comprising officials from the then Department of Justice and Equality. In July 2018, the then Taoiseach requested the Oireachtas Joint Committee on Justice and Equality of the time to consider the general scheme. The urgency was so great that the committee was recalled from its summer recess to report on the matter. I do not know whether there were women on the committee, but its members were brought out of their homes and back here to report, such was the level of urgency.

There is already a significant body of work for the Minister to go by. I would like to see his proposal. It would not be disrespectful to the committee. Something I have learned in the two years since being elected is that committees work well across parties. For the record, I will outline the bodies that have done work on this matter: the Constitutional Review Group; the Convention on the Constitution; the All-Party Oireachtas Committee on the Constitution; the UN Human Rights Committee; the Irish Human Rights Commission; the National Women's Council of Ireland and other advocacy groups; the Joint Committee on Justice and Equality; and the Citizens' Assembly on Gender Equality. It would be good if the Department worked on the wording now. There is a great deal of legal expertise on this committee. At the previous meeting, it was interesting to hear members going through the legal connotations. Will the Minister commit to tabling his proposal before the summer recess? Yesterday, I read a comment saying that the person who left everything until the last minute got all of his or her work done in a minute. It is good to have a deadline.

Of recommendations Nos. 37 to 41, No. 37 has been taken by the Minister for Justice. It is being dealt with by her Department solely. That is great. It is mad to think that, in 2022, we are more than 50% of the population yet we still need a national strategy for women and girls. Here we are, though. Sentencing is always frustrating. Recommendation 38 states:

Eliminate tolerance in our society of domestic, sexual and gender-based violence by developing and implementing awareness, prevention and education campaigns which may include children.

I know people say there is a certain tolerance in society, which gets the blame for everything in this country. I argue against the idea that there is tolerance of gender-based violence in

society. The women of Ireland, all across the country, have had enough after Ashling Murphy was killed. Candles were lit in every square. I spoke in the Dáil and said that society is waiting for the candles to be blown out so that we can get back to normal. We repeatedly see sentencing that is insulting to the women of Ireland. The tolerance in society is in the system, not the people. A recommendation in the report relates to, “Developing guidelines and specialist training for judges and lawyers”. We have to get on with that, as well as introducing tougher sentencing and rehabilitation programmes. When I look at sentencing in courts, I do not know how much more women are prepared to take. I know about the separation of powers and will not mention any cases. I think the committee should concentrate on that. I would like to see the Minister’s Department working with the Department of Justice.

Will the Minister clarify the process which both Departments will use to make sure that we devise a proper policy that will be included in the national strategy for women and girls?

Deputy Roderic O’Gorman: I know Deputy Cronin has always spoken of the position of women in the social revolution. The two big social revolutions that have taken place in my lifetime are marriage equality and the repeal of the eighth amendment, and the role of women was key in both, both for the national campaigns and on the ground at people’s doors, as I know from my own constituency. I cite those two because they are examples of where social revolution was achieved. There was almost unanimity across the political spectrum for marriage equality and a significant majority supported repealing the eighth amendment, although I know there was not unanimity. That is important with regard to delivering on the recommendations of the Citizens’ Assembly. We have seen pushback in certain parts of society on issues of equality and of recognition of families outside of marriage. I fear that we could have an extremely divisive campaign where we would end up with political parties elevating the issue into part of the wider political discourse. We have to avoid that. That is why this committee will be so important and why I want to work with it to seek agreement on the wording, rather than letting it become divisive and flow into the wider tit-for-tat we see in the Chamber most days. This is too important to risk being lost by being treated as normal politics.

There is a strong commitment across Government to not have a back to normal approach to domestic, sexual and gender-based violence. We will have a major chance. That is why we are seeing responsibility for services going out of my Department. I regret that, because I was passionate about it and delivered a significant increase in funding for Tusla in the last two budgets for domestic, sexual and gender-based violence services. I also recognise that there is a strong belief, particularly in the NGO sector, that it is better that everything is brought together under one Department, and particularly under the one agency that the Minister, Deputy McEntee, is about to establish. I believe that one agency that deals with the policies and also with the day-to-day implementation and service provision for victims of domestic, sexual and gender-based violence is the way forward.

The Minister for Justice will address sentencing as part of the third national strategy. We now have a Judicial Council, which issues guidelines. That has to be linked with the training that the Citizens’ Assembly recommended. I do not agree with mandatory sentencing. I think there is a risk with that in all aspects of life. I agree with the Deputy that there are cases where one might ask, “Really?” I feel that too. Without knowing the details of the case-----

Deputy Réada Cronin: I am not talking about any specific case.

Deputy Roderic O’Gorman: I agree that guidelines are important.

Deputy Réada Cronin: I would be here all day if I mentioned specific cases.

Chairman: The wider point is well made. We will raise it with the Minister, Deputy McEntee, because she will be before us on 28 April after the publication of the strategy, which we are looking forward to.

Deputy Réada Cronin: Will the Minister answer my first question about whether he will commit to a timeframe and work on his own proposals, potentially with the committee? I believe the committee would work with him on Article 41.2 of the Constitution, on women in the home.

Deputy Roderic O’Gorman: I would need a clearer understanding of the committee’s view on the way forward. Deputy Cronin has clearly illustrated her own view, which I accept. I would also have to engage with Government partners. It is easy for me to make a commitment, but I do not make them unless I know I can deliver on them. I would prefer to have an understanding of the committee’s views and the wider views across Government before I commit to a specific timeline.

Chairman: That closes our first round. I will ask my own questions, many of which flow from it. Colleagues might wish to speak again on the second round. Coming back to Deputy Cronin’s point, we have explored, both today and in previous sessions, what our committee can bring with regard to recommendations 1 to 3, and what our role is in advising or recommending to the Government that the referendum be held. We want this to be the last committee that looks at this. We want to see a referendum in 2023, which we have all agreed as an aim of our committee. We want to see how best we can assist Government in doing that. We see our role as being somewhat like the Joint Committee on the Eighth Amendment of the Constitution, chaired by former Senator, Catherine Noone, which delivered to Government a report on how to proceed with holding the referendum.

I take the Minister’s point about not wishing to pre-empt the work of this committee. We need to establish how we can best assist and support his Department and the Government to make a political decision on the holding of the referendum. As others have said, we previously heard from officials, academics and NGOs about how the process would unfold. This is our last session dealing with this module and these first three recommendations. The committee will then need to decide in private what approach it wishes to take. We have previously explored with stakeholders the issues of deletion and replacing the full Article 41. The Minister has already highlighted that that would open up debates about, for example, divorce and reopening marriage equality. The consensual view that we were presented with was that it would be better to go for a more minimalist approach, which is the approach that the assembly recommended. In our previous session, we engaged closely with the detail of those three recommendations and how they could be most effectively brought forward to a referendum.

We would be happy to provide the Minister with an indication of our thinking once the committee has come together privately. It would be great to get a response from the Department then. That might address Deputy Cronin’s point about how it would provide us with a timeframe, rather than us just coming forward on 3 December with a report that would then have to be considered. We may want to engage informally with the Department prior to the finalising of our report. That is probably the best way to proceed, if that is agreeable.

It is urgent that we do this, but we need to do it in a way that will achieve the passing of the referendum. We are all cognisant of the political risks. As Deputy Carroll MacNeill said, we have discussed how best to achieve the holding of a referendum that will not throw up more problems and opposition than we might have predicted.

I have three focused questions which stray beyond recommendations 1 to 3, but which address issues the Minister raised in his opening statement. The first is on the gender pay gap. It is great to see the progress that has been made on that. It is nice to know that this will tick recommendation 33 from the Citizens' Assembly which related to the Gender Pay Gap Information Act. That is very welcome. Will that address recommendation 32, which is setting the targets to reduce the hourly gender pay gaps? The Minister may wish to refer back to the committee on that issue at a future date. We will be considering pay and workplace conditions at a later date. The Citizens' Assembly sought not only the implementation of the law but also the setting of targets by 2025 and again by 2035.

On childcare, the Minister detailed what progress is being made. How will that link with recommendation 8 of the Citizens' Assembly on childcare? Again, it is setting out a timeframe over the next decade to move to a publicly funded, accessible model of early years and out-of-hours childcare. How does the work the Department is doing match that recommendation? A key part of our work is looking at what work is already under way in government and how that can link with and deliver on the Citizens' Assembly recommendations.

The final matter is recommendation 42, which we will be considering later. Again, the Minister may wish to refer back at a later date on this, but the assembly has recommended a statutory body for gender equality under the responsibility of a Cabinet Minister. The committee needs to look at how best that may be implemented, but it would be great to know if there are any preliminary views from the Department.

Deputy Roderic O'Gorman: I am open to informal engagement with the committee and with you, Chairman, on your interim recommendations on the constitutional point. That would be very useful.

Regarding the mechanism for delivery of the narrowing and, it is to be hoped, eventual removal of the gender pay gap, the implementation of the legislation will be important in making clear what the issues are, what companies see as the reasons behind those issues and what those companies are doing to address them. The first step is to get the core information and then we can look at what other measures are necessary to narrow it. I had a useful engagement with the UK Minister for Women and Equalities when I was at the United Nations Commission on the Status of Women in New York. She set out some new measures taking place in the UK. When new positions are being advertised the company will put the rate of pay expected in the advertisement because the history when it comes to pay negotiations is that women do worse in them than men or, perhaps, pay being pitched to women and people from minority groups by the prospective employer is at a lower rate. It is an interesting idea to have a requirement that the salary scale should be in the advertisement. It is not something I had considered previously. There is a range of issues that we can examine to deliver on narrowing that gap.

The third point was with respect to childcare and the goal of a publicly funded system. The initiation of core funding is going to be a huge step towards that. In a full year, that will be €221 million. That is an additional approximately €110 million on the existing investment. This year, we are putting €710 million into childcare before any increases introduced in next year's budget. Any additional spending will bring it to over €800 million in 2023. It is a significant advance in the quantum of money. However, the key issue is that it is not just about public investment and public money, it is also about the public management of the system. That is very important because this is not going to work if we do not have public management. The key tool of public management is the fee freeze that we are asking for in exchange for this very significant investment in services. The fee freeze is a first step towards the goal we all want,

which is reduced fees for parents. We get the fee freeze now and then in future budgets focus on broadening out the national childcare scheme, NCS, the direct subvention that parents get. Of course, every additional euro we put into the national childcare scheme is bringing us more towards a fully publicly funded model.

Regarding the statutory body, I might refer back with a written response on that. That is probably an area where we do not have detailed proposals at this stage. There is a lot of recommendations here and a lot for my Department. Deputies and Senators will understand that there will have to be an element of prioritisation in our work. That is one, perhaps, on which there is a good deal more to do.

Chairman: Thank you. I call Deputy Carroll MacNeill.

Deputy Jennifer Carroll MacNeill: Forgive me if I missed anything. I am on three committees at present. However, I heard Senator Ruane earlier, who got ahead of me and asked my question, which I know was discussed, about the mechanism for discussing wording and the policy in that regard. Obviously, the Department has a strong role in policy, and the Department of Justice has done some of this work in the past. I am aware the Minister is doing a review to see what the current position is. Ultimately, however, similar to the conversation we had in our last meeting with the National Women's Council of Ireland, it is about the constitutional meaning of words. Much of this is caught up in the advisory counsel part of the Attorney General's office and the specific individuals there who will ultimately assess any wording that is produced in draft form by either the Department or the committee.

It may expedite the matter, and I suggest this would be better done in private session, to bring in the relevant advisory counsel at the earliest stage to talk through the implications of the words that have already been used. We talked about the word "community" at the last meeting. There is an opportunity in Article 41 on the family for a simple deletion of "based on marriage". What are the implications of that? Are we prepared to go for that politically? Probably, yes, but is that the simplest and most efficient way of achieving these different things? There has to be a mechanism by which we can discuss the wording, because that is the conversation that is going to lead to it, with the advisory counsel side, in particular, and perhaps somebody from the Office of the Parliamentary Counsel, OPC, and to be able to have that discussion freely and openly to tease it out. That is what is going to deliver the wording at the end.

We will be dependent on the Minister to be able to achieve that. The committee can write and ask for it, but we would be dependent on the Minister's assistance to get it over the line and to be able to facilitate that type of dialogue, with officials or the Minister present if that were suitable. We are talking about referendums next year, ideally. The committee certainly is. Of course, we do not have a wording so the Minister is talking about a potential or possible referendum, but that is the political objective from the committee's perspective. The only way to get to that is to be able to tease out the wording in that practical way. In my experience, and I have done this a few times, that is the most efficient thing to do - to be able at an early stage either to rule out words that just are not going to work or to know that we can play with them as part of what we are trying to do. Would the Minister be open to that?

Deputy Roderic O'Gorman: First, the Deputy is correct that there is a need for an element of teasing it out. I am open to engaging either publicly or in private session, and I can make that commitment for officials in my Department. I cannot make a commitment for the Office of the Attorney General. It might be useful for the committee to write to that office and see if such a facility, in private session, would be open or available. I can certainly see its benefits. In

terms of the strict written advice, there are very strong tenets regarding how legal advice from the Attorney General to the Government is treated. I do not know whether there can be an engagement, perhaps an off-camera engagement, on the meaning of words. From my perspective and the Department's perspective, we will be happy to engage with the committee in a more informal way on specific wording, particularly with the view of trying to get as wide political agreement as possible. That is important to ensure the success of a referendum campaign.

Deputy Réada Cronin: I wish to raise the matter of refuges for victims of domestic violence. I know the Minister's Department does not have a capital budget to provide these refuge centres. However, when we talk to the Minister for Housing, Local Government and Heritage, Deputy Darragh O'Brien, he confirms that the responsibility to provide them lies with Tusla, which is under the Minister's Department. We have specific obligations under the Istanbul Convention to provide adequate accommodation.

There are wraparound services that go with that including psychological care and, indeed, childcare because many of the women fleeing have children. At present, we are not just meeting their needs. So many counties do not have a refuge. My county, Kildare, is split into two four-seat constituencies so it has a sizeable population but it has one centre in south Kildare. I know from dealing with many women that they do not necessarily want to go to the local refuge in their county. Sometimes they want to put a bit of distance between themselves and their abuser. We need every county, nearly every constituency, to have a refuge.

We have been promised 60 new family places. They are urgently needed. What progress has been made on these 60 family units and what is the plan for the counties which do not have refuges now? The intentions are good but we do not want them to be stymied if we do not know how they will be delivered and each Department is saying that it is not their job.

Deputy Roderic O'Gorman: I want to acknowledge that the mechanisms for the delivery of new refuge spaces is not working fast enough. Everybody recognises that. The review undertaken by Tusla is the clearest evidence of that. That review looked at two main metrics, namely population space per number of people in a particular area and access to refuge space by distance, in terms of a half hour journey. That showed that there may be areas of the country where the population is low; if you have to travel more than half an hour to a refuge space, you are poorly served. That review has identified parts of the country that are poorly served because there is a long distance to travel and some where the place may be close by but it is not enough because it is in a very built-up area. For example, there is a refuge close by in Dublin 15 but there is not enough for the wider area and therefore it recommended a new one in Balbriggan in the Fingal area.

As it stands, Tusla is responsible for the current, that is day-to-day, expenditure on the annual upkeep, maintenance and running of refuges. It is not responsible for the capital expenditure of new builds. That is done through the Department of Housing, Heritage and Local Government through the capital acquisition scheme, CAS. That is a good scheme but it is a lengthy scheme. A domestic, sexual and gender based violence, DSGBV, NGO that wants to open a new refuge in Dublin 15 or north Kildare must first be registered as an approved housing body, AHB. Once it has gone through that process, it must go through all the steps. Everyone recognises that that process is not working. That is part of the work that is now being led by the Department of Justice in conjunction with the Department of Housing, Heritage and Local Government and my Department is there too around how we create a mechanism for swiftly delivering, first, the 60 refuge spaces which are most urgently needed but further refuges in the future too. The Minister for Justice has called together an interdepartmental group which has

been meeting regularly. It will bring forward proposals which will be integrated into the third national strategy. All responsibility for this will move towards the new DSGBV agency that will be under the Department of Justice. There is work being undertaken on other refuges even while we are waiting for the new faster process to be introduced. In particular, I know of work being undertaken in Louth, Laois and in Dublin around beginning to add that additional capacity. The structures at the moment are working too slowly. That is recognised. We are replacing them in order to deliver on those 60 spaces that are so badly needed.

Deputy Réada Cronin: Good. What is the timeframe for the delivery? In the last four months of 2020, Safe Ireland had to refuse over 800 requests for refuge. They did not all end in deaths but there is no doubt that children witnessed awful abuse in those homes.

Deputy Roderic O’Gorman: I cannot give a timeframe for the full 60 places but I understand that by the end of this year, 2022, the work in Louth, Laois and Dublin should be completed. I can double check that and come back on it.

The focus of that report was on refuge space. Everyone accepts that more refuge space is needed. We also need to look at other housing options such as safe homes which are also very important, not so much for the immediate need but it is an option that local authorities have. Sonas has opened a significant number of safe homes in Dublin this year. That is another element of the State’s response.

People ask why is the victim leaving the home. Should it not be the abuser leaving the home? I know the Minister for Justice is focusing on that and looking at it in the context of the third national strategy.

Deputy Réada Cronin: Local authorities in Kildare are dealing with Teach Tearmainn to provide those kinds of safe homes.

There is a lot of enthusiasm for the moment and passion. People across all parties are anxious to get a move on this so a timeframe would be good.

Chairman: The Minister for Justice might follow up on that. If Senators Warfield or O’Reilly do not wish to come in I will invite Deputy Cronin to come back if she has any other follow-up questions.

Deputy Réada Cronin: I do.

Chairman: I thought the Deputy might. And we will conclude then.

Deputy Réada Cronin: On domestic violence paid leave -----

Chairman: I think Senator Warfield asked that.

Senator Fintan Warfield: On the Committee Stage amendment, a Bill by Deputy Louise O’Reilly is being scrutinised by the Joint Committee on Children, Equality, Disability, Integration and Youth. It received cross-party support there. Is a possible avenue that we would work with Deputy O’Reilly on that Bill?

Deputy Roderic O’Gorman: I have always acknowledged the work that Deputy O’Reilly has done on this issue. We looked very closely at the Bill she put forward. We do not believe that the avenue indicated there around using the Organisation of Work Time Act is the right way to go. We are looking to create separate leave in the way that we have parental leave and

maternity leave. We are looking to create a separate leave space which we think is the best route to take. Deputy O'Reilly probably disagrees with us on that point. The work-life balance directive has to be passed by the summer in order to become compliant with EU law. This Bill has priority drafting. That is another reason we decided to merge it in with that rather than letting the issue be addressed separately.

Deputy Réada Cronin: Deputy O'Reilly dealt with many stakeholders. A lot of background work was done on the Bill that we brought forward and it is ready to go. I think that it would be a good Bill to go on but maybe I would say that.

Chairman: It is a perennial one. As a veteran of many Private Members' Bills it tends to be the way.

Deputy Roderic O'Gorman: The principle of pay for DSGBV leave is agreed across parties. On the legal advice I received the route being proposed of adding this to other types of leave is preferable. There are other leaves that are not dealt with in the Organisation of Work Time Act but are dealt with separately as distinct pieces of leave. We believe that is the right way to go.

Chairman: I am thinking of my Reproductive Health Leave Bill which we passed through the Seanad with Government support on Second Stage, which would also build on the Organisation of Work Time Act framework. I may come back to the Minister on that.

Deputy Réada Cronin: If the Minister is working on this I might add that I brought forward a Private Member's Bill on bereavement leave for parents. We all know the death of a family member is awful, but in the case of the death of a child, there is nothing quite like it. I know there are Oireachtas Members who have been affected by the death of a child. The Bill I brought forward with Deputy Louise O'Reilly provided for at least ten days' leave after the death of a child. Perhaps the Minister could look at that.

Deputy Roderic O'Gorman: We have commissioned a piece of work on the specific issue of miscarriage leave. I know Deputy Carroll MacNeill has brought forward Private Member's legislation in that area, and I know it is also one of the issues covered in the Deputy's Bill. We have put out a tender for research to be undertaken, recognising the specific sensitivities around that area. We have ethics approval for that. Work is ongoing in that field as well as research to ensure any legislative proposals brought forward address the specific needs.

Chairman: I wish to make one final point. With Senator O'Loughlin, we have engaged with the Minister through the women's caucus on the recommendation around family-friendly practices for public representatives, in particular maternity leave for elected representatives at local and national level. I acknowledge that this is also work that is ongoing, that is within the remit of the Department and is under the Citizens' Assembly recommendation 23. I am conscious there are a number of other recommendations we have not spoken about today that we may come back to the Minister or the Department for clarification over the course of our work.

I draw this session to a close by thanking the Minister very much for his comprehensive and open engagement. I also thank Ms Duffy for engaging with us today. We appreciate them taking the time to join us and we are glad to hear the commitment on progressing the recommendations of the Citizens' Assembly, in particular, recommendations 1 to 3 on constitutional change. We look forward to engaging further with the Minister informally, and perhaps also in private session, on how best to bring about the holding of the referendum in 2023, having

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achieved some sort of political consensus and, indeed, legal advice on necessary wording.

Sitting suspended at 2.52 p.m. and resumed in private session at 2.56 p.m.

The joint committee adjourned at 3.02 p.m until 9.30 a.m. on Thursday, 31 March 2022.