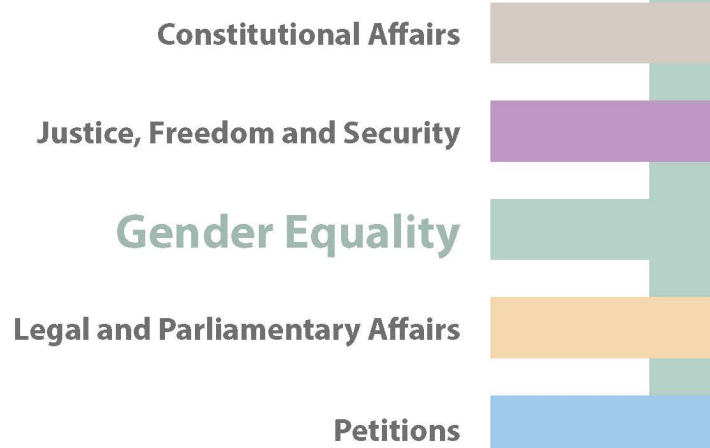


DIRECTORATE-GENERAL FOR INTERNAL POLICIES

POLICY DEPARTMENT **C**
CITIZENS' RIGHTS AND CONSTITUTIONAL AFFAIRS



The Policy on Gender Equality in Ireland Update 2015

In-depth analysis for the FEMM Committee



DIRECTORATE GENERAL FOR INTERNAL POLICIES

**POLICY DEPARTMENT C: CITIZENS' RIGHTS AND
CONSTITUTIONAL AFFAIRS**

WOMEN'S RIGHTS & GENDER EQUALITY

The Policy on Gender Equality in Ireland Update 2015

IN-DEPTH ANALYSIS

Abstract

Upon request by the FEMM Committee, this paper explores changes in gender equality legislation, policies and practices in Ireland with particular emphasis on the period from 2012-2015. Gender equality infrastructure, gender gaps in employment, unemployment, poverty and pay rates are analysed and women's level of participation in political, economic and administrative decision-making in Ireland is detailed. Provision of childcare services, as well as the extent to which gender dimensions are taken into account in health and welfare policies, are also examined.

**DOCUMENT REQUESTED BY THE
COMMITTEE ON WOMEN'S RIGHTS AND GENDER EQUALITY**

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LIST OF ABBREVIATIONS

- CSO** Central Statistics Office
- ESRI** Economic and Social Research Institute
- EA** Equality Authority
- ET** Equality Tribunal
- EC** European Commission
- EIGE** European Institute for Gender Equality
- EP** European Parliament
- EU** European Union
- IHREC** Irish Human Rights and Equality Commission
- HSE** Health Services Executive
- NMW** National Minimum Wage
- NWCI** National Women's Council of Ireland
- NYCI** National Youth Council of Ireland
- OECD** Organisation of Economic Cooperation and Development
- RCNI** Rape Crisis Network of Ireland
- WHO** World Health Organisation

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TABLE 1:

Employment rates by sex and age - selected years - 2004 to 2014

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EXECUTIVE SUMMARY

Inequality continues to be a persistent feature of women's position in Irish society. Women are disadvantaged on the labour market, carry the main responsibility for unpaid care work, are severely underrepresented in the political, economic and administrative systems, have extremely restricted access to reproductive health services and are vulnerable to violence, with little evidence of redress under the legal system. While Ireland's Constitution envisages a restricted role for women, the statutory framework for equality in employment and service provision is strong, protecting against gender discrimination, but also other grounds such as age, sexual orientation, disability and ethnicity. The policy-making system lacks a commitment to gender equality in practice, and resources towards equality have been heavily cutback during the recession.

Irish employment rates among both men and women were above EU average rates before the 2008 recession (meeting and even surpassing the EU Lisbon employment targets) but they had fallen significantly below EU average rates by 2012. Rates of employment fell across the Irish economy during the crisis years of 2008 to 2012. Both men and women have been significantly negatively affected by this fall. Over more recent years there has been a gradual slowing down of employment decline and a return to employment growth. **Women's employment rates are significantly lower than men's rates**, particularly in the middle and older age groups, but this difference has narrowed. During the economic crisis, employment policy has shifted away from an emphasis on encouraging more women into paid employment and towards prioritising addressing the drift into long-term unemployment. Ireland's fragile economic recovery has been characterised by rising employment and falling unemployment levels (now at 9.7%, the lowest rate since 2012) but also by **increasing levels of poverty** and disadvantage, predominantly affecting children, **lone parents (mainly women)**, young people and migrants (CSO 2015). The main reasons for high poverty levels are the cost of housing, linked to high levels of debt, and the particularly **high cost of childcare** (mostly accessed on the private marketplace or through family support). Poverty levels among children have doubled since 2008 and recent OECD data show Ireland with the second highest level of low pay across (after America) (OECD 2013).

A range of factors have been found to generate and sustain a **significant gender pay gap** in Ireland, which was estimated at 14.4% in 2013, including the fact that women continue to have the primary responsibility for care, the undervaluing of women's work and skills, the low number of women in senior and leadership positions, gender segregation on the labour market and discrimination against women. The increasing spread of low paid employment is linked to poor working conditions and there is mounting evidence of the widespread use of low and zero-hours contracts. Concern is growing that **casualisation of working conditions and low pay have become endemic for women working in care, hospitality and retail jobs**, a consequence of both austerity policies and employer-centred flexibility on the labour market (OECD 2013; European Commission 2013). **Women make up the majority of those on low incomes in Ireland and are the managers of poverty in low-income households.** Specific minorities, for example, travellers, already experiencing disadvantage and poverty, have been very badly hit by economic cutbacks (Harvey 2013) and asylum seekers who are not allowed to work, are denied access to 3rd-level education and are housed for five years and more in private profit-making institutions without basic human rights, shows high levels of mental illness (Irish Refugee Association 2013). **Women, within minority groups, experience multiple discrimination and disadvantage.**

1. GENERAL INFORMATION

1.1. Background

The socio-economic position of women in Ireland has changed very significantly over the past three decades. Family size has reduced dramatically, women's educational attainment levels have increased and the majority of women are now in paid employment, concentrated in both public and private services. **Women make up the majority of those on low pay**, which is pervasive in Ireland, and there is a persistent **gender pay gap**, currently estimated at fourteen percentage points. Under the welfare system, which is primarily built on a male-breadwinner model, a significant proportion of women are categorised as **dependants**, mainly in low income and elderly person households. Ireland has (second only to the US) the highest proportion of low paid workers and the highest proportion of those under 18 years being brought up in Lone Parent households, across the OECD. These are among the households which have been particularly badly affected by the recent economic crisis, which has seen poverty levels increase systematically since 2008. Across different kinds of households women are the primary carers and there is an extremely low of public support for childcare provision, a factor that acts as a barrier to women accessing paid employment, particularly women in low-income households.

Ireland has a **strong legislative framework for equality and non-discrimination** dating from the 1970s (following membership of the EEC) and updated in the late 1990s/2000s. This legislation prohibits discrimination in employment, and in service provision and access, on the grounds of gender, and other areas of discrimination - including age, disability, sexual orientation, ethnicity and family status. In a new development, a significant majority of voters (62 per cent) voted for same-sex marriage to be provided for in the Irish Constitution. However, the **Irish Constitution continues to designate a narrow socio-economic role for women, one that is primarily in the home.** Another important feature of the position of women in Irish society is the **restrictive legislative and constitutional position with regard to reproductive health and rights. Abortion law in Ireland is the most restrictive anywhere in the EU** (except for Malta), the **Constitution** includes a clause designating the life of a pregnant woman equal to that of the foetus she is carrying, and legislation allowing for a termination of pregnancy is only accessible if a woman's life is in serious danger. Outside of those rigid conditions, a penalty of **fourteen years imprisonment** faces a woman who procures an abortion, or anyone who helps her to do so. **Thousands of women travel to Britain and The Netherlands to access abortion facilities** on the private market. **Sexual and domestic violence is prevalent** in Ireland and **resources to support women and children suffering abuse are also highly restricted.**

Ireland stands out among EU-28 countries with its **severe underrepresentation of women in national political structures.** Only sixteen percent of those in national parliament and twenty-four per cent of those in national administration are women. This lack of representation is evident also in senior and management positions across the public and private sectors. One of the consequences of this lack of representation is the low level of priority placed on the provision of care and other services that would benefit women, such as **maternity services** and services around gender-based violence. 2016 sees the introduction for the first time of a **new quota system** under which at least thirty per cent of candidates of political parties in the general election must be female.

1.2. An overview of gender equality in law and policy

The Irish **Constitution** contains a general provision that allows the State to give “due regard to the differences of capacity, physical and moral, and of social function” between men and women (Article 40.1). There is **no reference to gender equality**. Two provisions in the Constitution (Articles 41.2.1 and 41.2.2) recognise only a limited position of Irish women **in the home and as mothers**. There is no reference to fathers in the Constitution.

A highly controversial **8th Amendment** introduced into the Constitution in 1983 recognises **foetal rights as equal to the rights of pregnant women**. As a consequence, **provisions for women’s reproductive health are highly restrictive**.

Recent meetings of a Constitutional Convention have **recommended changes** to the Constitution to alter or remove these articles.

A referendum to amend the Constitution to allow for **same sex marriage** was carried in May 2015 (62%:38%) making Ireland the first country to have a successful popular vote in favour of same sex marriage.

Gender Equality legislation introduced in the 1970s (following Ireland’s membership of the EEC), updated to include diverse grounds of discrimination in 1998-2000, makes it **illegal to discriminate** on grounds of gender between “equal work” or work of “equal value”.

A new Gender Recognition Act 2015 has been passed by parliament providing for the issuing of passports to **transgender** people based on self-declaration of ‘preferred gender’ for those over 18 years.

Under the European Institute for Gender Equality (EIGE) **Equality Index 2013**, Ireland was placed in **eight position, above the EU average**, receiving its **lowest scoring for power**, linked to the very low level of representation of women across the decision-making system (EIGE 2015).

1.2.1. Gender equality: main issues and recent developments

The **National Women’s Strategy (NWS) (2007-2016)** is the **Government’s core policy document for women’s equality, linked to its commitments under the Beijing Platform for Action (1995)**. The Strategy is based around three themes: women’s socio-economic opportunity, wellbeing, and equal engagement as active citizens. The document outlines impediments to gender equality in Ireland, and proposes actions to tackle these. However, the NWS is primarily an aspirational document, **lacking specific commitments linked to budget lines, targets and lines of responsibility**. In their submission to the review, the **National Women’s Council of Ireland (NWC)**, advocated analysis of all Government budgetary measures from a gender perspective as a matter of priority, and greater transparency of the rationale behind such measures. The NWC submitted that a revised NWS should reflect the evolving situations of Irish women, the complexity of their lives, and their roles in both paid work and in care work. It also urged that the State would go further in ensuring the provision of affordable quality childcare, and a greater distribution of care work between women and men generally. Ireland has the second highest rate of low pay in the developed world and it is women who make up the majority of those on low pay. Young women’s earnings were estimated at 90% of male wages but this falls to 71.5% in the 35-44 age groups and to only 61.4% for women aged 55-64 years (Duvvury, et al., 2012; OECD 2013).

1.2.2. Gender equality machinery

The introduction of **broader equality legislation together with new equality infrastructure in the 2000s brought in protection against discrimination on nine grounds (including age, disability, sexual orientation, religion and ethnicity) in both employment and access to services**. Gender machinery until 2014 has been centred on the statutory body for the promotion of equality, the **Equality Authority (EA)**, and for the enforcement of equal treatment legislation, the **Equality Tribunal (ET)**. More recently the **EA and the Irish Human Rights Commission have been merged to create a new organisation with responsibility for both equality and human rights: The Irish Equality and Human Rights Commission (IHREC)**. At the onset of recession in 2008, the budget of the EA was cut by 43% and there has been concern expressed that the new organisation has been the outcome of cut-backs and that the new organisation will have less capacity to pursue equality and rights legislation, policies and practices. A new development associated with the newly formed Commission is the "positive duty" obligation requiring public bodies to "have regard to" the need to eliminate discrimination, promote equality of opportunity and protect the human rights of its employees and service users". The implementation of this new provision should result in a greater focus on equality by public bodies. However, enforcement will be an issue. The IHRC, in one of its first initiatives, focused on gender, organised a Conference *on Beijing + 20* in February 2015 co-hosted by the NWC. The economic crisis also saw the budget of the NWC (the primary women's representative organisation representing nearly 200 women's organisations) cut by 38%. Over the same time period, the independence of relevant statutory agencies has been undermined and government departments have absorbed the work of key agencies such as the Combat Poverty Agency and the Consultative Committee on Racism and Interculturalism. Other organisations have also seen their work drawn in under the Department of Health, such as the Women's Health Council (WHC) and the Crisis Pregnancy Agency. The outcome has been that **the strength of independent equality and equality-related infrastructure has been substantially and disproportionately weakened** (ERA, 2011).

1.2.3. Gender Mainstreaming and Gender Budgeting

A significant gender mainstreaming policy had been established during the late 1990s and early 2000s when the Irish National Development Plan (partly funded by EU structural funds) adopted **gender mainstreaming as a horizontal principle**. **Gender Impact Assessment Guidelines** were issued and applied to most areas of policy and a **Gender Mainstreaming Unit (GMU)** was established.

Gender mainstreaming is no longer a specified principle applied under the current National Reform Programme 2007-2013. Meanwhile, the **GMU has been replaced with a Gender Equality Unit** (within the Department of Justice and Equality) with a significantly **smaller budget and a lesser remit**, mainly responsible for monitoring the implementation of the National Women's Strategy, and which has recently established a gender equality website. The Gender Equality Unit in the Department of Education **no longer exists**. **It is not yet evident whether the new IHREC will pursue gender mainstreaming, and to what extent**, and whether functions of the EA for example in providing some limited supports to companies developing and implementing Gender Equality Action Plans, will be maintained.

There is **no gender budgeting or auditing carried out** in Ireland. The Equality Budgeting Campaign (EBC) a broad-based coalition of NGOs, trade unions and concerned individuals is campaigning for the introduction of equality budgeting.

2. GENDER EQUALITY POLICY AREAS

2.1. Equal participation in decision making

KEY FINDINGS

- Women are **highly under-represented in the Irish political and decision-making structures, at national and local levels**, a situation which has shown little to no change over a twenty year period. However, recent European elections resulted in women making up the majority of Irish MEPs.
- **New legislation introducing gender quotas on political party candidates** will come into effect during the 2016 general election.
- Data also shows a **significant underrepresentation of women in economic decision-making**, for example while women represent thirty-four per cent on State Boards, they represent less than ten per cent of those on private company boards and less than five per cent in the largest private companies.
- Under-representation in decision-making is reflected in the **lack of priority given to key gender-related policies, for example in the underfunding of care services**.
- Women are the majority of public sector workers where more flexible work arrangements are available and within both private and public sector employment women are **increasing their representation** among professional, and lower and middle managerial positions.
- **Lack of flexible work organisation and leave entitlements** are significant factors in women's under-representation at senior levels.

2.1.1. Political decision-making

Ireland stands out with its severe **underrepresentation of women in national political structures**. Only 16 per cent of those in national parliament and 24 per cent of those in national administration are women compared to an EU-28 average of 28% in parliament and 40 per cent in administration, ranking Ireland extremely low at 25th and 24th and among EU-28 for representation of women in national administration and parliament respectively (Ireland data for first quarter 2015; EU-28 data for 2014). A key reason, it can be argued, for the **lack of priority placed on care provision** is this chronic lack of representation of women in the decision-making system. One notable change is in the representation of women in national government (senior ministers) increased in Ireland from 13 per cent to 27 per cent between 2013, a rate that now puts Ireland at a ranking level of 16 among EU-28 countries. In the most recent **local elections** seventeen per cent of candidates were women and the same percentage, seventeen, of local council seats were won by women. **Representation of women from Ireland in the European Parliament is significantly higher** and women make up the majority (fifty-five per cent) of MEPs - in this instance they are above the European average which stands at thirty seven per cent.

In 1990, Ireland elected its **first women President** - and this was followed by a second woman President while the current President is male.

There has been one specific new gender equality policy introduced over recent years. It addresses the underrepresentation of women in parliament by introducing **gender quotas** on election candidates (put forward by political parties). Gender quotas have become law since the Electoral Amendment (Political Funding) Bill 2011 passed in November 2012. It brings a gender quota system for the first time into the Irish system of representation. Political parties are now compelled to ensure that **a minimum of 30% of all parliamentary candidates (for the 2016-17 General Election) selected are women**. The quotas have been put on a statutory basis. They are binding, and **state funding of parties** will be **cut by 50%** where they fail to meet the required quota. The quota of 30% of candidates will be **increased to 40%** in subsequent elections. Political parties standing for the next national elections will be subject to the quota. Quotas will not apply to the local elections in 2014. This has been ruled out by the government, but there is an expressed hope that parties will voluntarily comply.

2.1.2. Economic decision-making

Ireland is very much out of step with the European Parliament vote which called on companies to ensure that at least 40% of their non-executive board members are female. **Only state boards have shown significant improvement in the representation of women** (at 34 per cent), **compared to private board representation at 9 per cent** (lower again at 5 per cent among Ireland's top 500 companies, of whom 43 per cent have no women at all represented on their boards). This is despite the fact that **women now account for 45 per cent of the paid workforce** in Ireland. **Guidelines** have been issued by government for 40 per cent representation of each gender on public boards, but there is no process to ensure the attainment of this target, and no penalties associated with a failure to put measures in place to achieve it. In a recent OECD survey of board representation, Ireland emerged at the low end of the spectrum, **26th out of 34 countries** (OECD, 2013).

2.1.3. Administrative decision-making

Women make-up the **majority of public sector workers** but tend to be crowded into the middle and lower public grades and are severely **under-represented** (at thirty-three per cent) among the **senior grades in the civil service**, in the Department of Foreign Affairs, women occupy just five out of 36 senior positions. Under-representation is also apparent in the higher echelons of the University system – over eighty per cent of senior posts are held by men in the **Irish Third Level sector**, a situation which has prompted the setting up by the Higher Education Authority of an Inter-departmental Working Group to review gender equality in the sector. A recent new development is that the **Attorney General, Chief Justice, Head of the (Gardai) Police force and the Minister for Justice are all women** (Barry, 2015).

2.2. Women on the labour market

KEY FINDINGS

- Ireland has a **strong equality legislative structure, prohibiting discrimination** on the grounds of gender, as well as, for example ethnicity, age, disability and sexual orientation.
- Women's rate of employment rate in Ireland had surpassed the Lisbon target (of sixty per cent) before the economic recession set and caused a dramatic fall in men's employment (mainly in construction) and a **significant fall in women's employment in mainly private services, such as retail and hospitality sectors.**
- The **gender gap in employment rates** narrowed during the crisis years (mainly because of men's dramatic fall in employment in construction) but have reasserted them as the fragile recovery has become apparent.
- Women are the majority of **part-time workers** in Ireland, which is becoming increasingly **casualised.**
- Ireland has the **highest rate of low pay** (after the U.S.) **in the developed world** and the rate is growing indicating the importance of the National Minimum Wage.
- There is a persistent and significant **gender pay gap** in Ireland and it has increased during the crisis years.
- There is a **marked gender difference in pension coverage** in Ireland with most women reliant on a low level State pension.

2.2.1. Equal treatment provisions and anti-discrimination measures

Two distinct pieces of legislation directly address equality, focusing on gender and also other grounds of discrimination. The **Employment Equality Acts 1998 and 2004 address discrimination within employment (including recruitment and promotion) across nine grounds:** gender, civil status, family status, age, race, religion, disability, sexual orientation, and membership of the Traveller community. Most employment issues are dealt with by these Acts, including dismissal, equal pay, harassment and sexual harassment, working conditions, promotion, and access to employment. The **Equal Status Acts 2000 and 2004 which relate to discrimination** are **based on the same nine grounds.** The latter Acts apply to the buying and selling of goods; provision or utilisation of services; obtaining or disposing of accommodation; and attending at, or being in charge of, educational establishments.

Employment rights are also protected by the **Maternity Protection Acts 1994 and 2004**, which provide for maternity leave; the **Adoptive Leave Act 1995**; **Parental Leave Acts 1998 and 2006**; the **Carer's Leave Act 2001**; **Protection of Employees (Part-time Work) Act 2001** and the **Protection of Employees (Fixed-term Work) Act 2003**; and the **National Minimum Wage Act 2000**. The work of the EA combines both enforcement and developmental strategies. Enforcement work includes support for individuals who feel they have been discriminated against in cases that have a strategic importance. The **EA has a**

broad mandate under the equality legislation to promote equality of opportunity and to combat discrimination. There are **no specific regulations on the gender pay gap**.

2.2.2. Employment rate

The depth of the **economic crisis** which has consumed the Irish economy over the last three years has had complex effects on the structure and the internal workings of the Irish labour market. Almost every sector of the Irish economy has been deeply affected by the crisis (with the exception of the export sector, largely driven by foreign-owned companies many of them American multi-nationals). The sector which initially was the worst hit was construction resulting in a dramatic rise in unemployment among men, including migrant workers. Unemployment rates peaked at nearly 15 per cent in late 2012 but has since stabilised and its level is has been falling through 2013-14 to its current level of 10.7 per cent in June 2015. That does not include the huge numbers who have left for England, Australia, America and Canada, a return to a pattern of **emigration** that marked the Irish economy through most of the 20th Century. Unemployment spread from construction into the services sector as the recession became protracted; affecting particularly the **retail and hospitality sectors** (CSO 2015). The decline in **public sector** employment has been mirrored (and even exceeded) by falling wage rates and employment levels across the **private sector**. The consequent reduction in demand has affected most sectors of the economy, some more badly than others.

Gender gaps in employment have changed considerably during the crisis but this is less a result of more equal access to the labour market among women, and rather more to the depth of the deteriorating employment situation among men, mainly young men. When the impact of falling employment rates on different age groups is examined some key points emerge (see Table 1). **Young women**, and particularly young men, have been **badly hit**. Men aged 20-24 years saw their employment rate fall dramatically from 70 per cent in 2008 to 46 per cent in 2014 mainly due to the collapse of construction sector. Young women saw their employment rate drop from 66 per cent in 2008 to 46 per cent in 2014. The impact of these contrasting trends is that **the gender gap in employment rates is narrowing** as the scale of male job losses reduced the gender gap in the rate of employment.

Table 1: Employment Rates by Sex and Age - Selected Years - 2004 to 2014

Employment Rates (ILO) per cent	Age	2004	2007	2008	2009	2010	2011	2012	2014
Females	15-19	18.8	22.9	20.7	14.1	9.8	10.6	9.8	8.7
	20-24	62.7	66.9	66.1	59.8	54.2	50.8	49.0	45.6
	25-34	72.6	75.7	74.4	71.6	70.1	69.6	68.1	69.3
	35-44	63.9	66.2	66.5	64.5	63.0	62.1	63.2	67.0
	45-54	59.3	64.8	65.1	63.7	63.9	63.4	60.9	61.7
	55-59	42.2	47.7	48.9	50.0	52.9	53.3	53.0	53.3
	60-64	23.4	30.7	32.8	31.6	31.9	33.1	30.3	33.6
Combined Female Rate		56.1	60.7	60.4	57.8	56.4	56.0	54.9	55.9
Males	15-19	25.1	25.4	21.6	13.9	10.6	8.7	8.9	9.5
	20-24	72.5	75.0	70.1	53.3	47.8	45.1	40.2	46.0
	25-34	87.3	87.7	85.8	75.1	73.5	70.0	70.6	74.1
	35-44	89.5	89.8	88.2	81.1	78.3	78.3	77.4	80.4
	45-54	85.4	85.7	85.2	78.5	75.3	75.2	75.0	78.2
	55-59	73.4	75.2	73.1	70.7	66.4	65.4	62.9	68.3
	60-64	53.8	59.6	58.7	52.6	49.5	49.7	47.5	52.6
Combined Male Rate		75.7	77.6	75.7	67.3	64.5	63.3	62.4	65.7
Combined Rate		65.9	69.2	68.1	62.5	60.4	59.6	58.6	60.8
Gender Gap		22.1	19.6	16.9	15.2	9.5	8.1	7.3	9.8

Source: CSO QNHS 2014 Table 8. Note: * 2014 data is for 1st quarter. Author's own calculations.

The overall **unemployment rate** currently stands at just under fifteen per cent and at 29 per cent for those under 25 years. Young men, many of whom left school early in the height of the 'boom' to take up job opportunities in construction, now find themselves unemployed and, for some, without even basic second level qualifications. **Long-term unemployment** has returned to Ireland at an acute level and, as the crisis became prolonged, the majority of those unemployed have become long-term.

Another aspect of the crisis years has been the **re-establishment of a traditional pattern of out-migration** from Ireland, affecting—predominantly of younger people (over 90 per cent are under 44 years of age) and over 50 per cent are Irish nationals - the other 50 per cent includes many who had migrated to Ireland during the 'Celtic Tiger' Years. Despite the depth of the economic crisis, and the high levels of unemployment, **immigration has continued to be significant** (CSO 2013; Barry and Conroy 2013).

The Organisation for Economic Cooperation and Development (OECD) reported in 2013 that **Ireland had the highest percentage of low paid jobs in the developed world** after the US – low paying jobs were defined as those that earn less than two-thirds of the median income. The ratio in the US was 25 per cent and in Ireland 22 per cent, UK at 21 per cent, contrasting with Switzerland and Finland at ratios of 10 per cent (OECD 2013).

A range of factors have been found to generate and sustain the **gender pay gap in Ireland, which was found to be 14.4 per cent in 2012**. Young women's earnings were estimated at more than 90 per cent of male wages but this falls to 71.5 per cent in the 35-44 age groups and to only 61.4 per cent for women aged 55-64 years. Ireland has the second highest rate of low pay in the developed world and **it is women who make up the majority of those on low pay**. There are a number of reasons for the persistent

significant pay gap, including the fact that women continue to have the primary responsibility for care in Irish society, undervaluing of women's work and skills, low number of women in senior and leadership positions, and discrimination against women (European Commission 2012).

2.2.3. Atypical, part-time and precarious work

In Ireland, **part-time employment among women has traditionally accounted for over a third of the female workforce**, and stood at 35.6 per cent in 2013 and 35.0 per cent in 2014 (the EU-28 average rate is 32.9 per cent in 2014). Among men part-time employment grew consistently during the recession years, and this seems to have now stabilised, and stands at 14.3 per cent of the male workforce in 2013 and 13.8 in 2014 (compared to 14.1 in 2012 – up from 11.8 per cent in 2010). This is significantly higher than the EU-28 average value of 9.9 per cent in 2014 and represents a gender gap of -21.2 p.p. (lower than the EU-28 average of -23.0 p.p.) ranking Ireland 19th out of EU-28. These data also confirm that the growth in male part-time employment was largely involuntary and that the high rate of female part-time employment is based on women's disproportionate carrying of care responsibilities and the lack of publicly funded support services. Linked to these data, full-time equivalent employment figures for Ireland show a 10.8 per cent rate for women in 2014, and a 69.4 per cent rate for men in 2014.

The fact that Ireland has one of the highest percentages of low paid jobs in the developed world (OECD 2013) and the increasing spread of low paid employment is linked to very poor working conditions and there is growing evidence of the widespread use of low and zero-hours contracts in the retail, hospitality and care sectors. There is growing concern that **casualisation of working conditions** and low pay have become endemic for women working in care, hospitality and retail jobs – a consequence of austerity policies and employer-centred flexibility on the labour market. The **rate of part-time employment** is also **highly gendered** and continues at a high level accounting for 35.0 per cent of women's employment compared to 13.8 per cent of men's in 2014. High level of part-time employment is largely because women continue to be the primary carers, and childcare infrastructure receives little public support. EU-28 average rates are lower for both women at 32.9 per cent and particularly for men at 9.9 per cent in 2013. There is no statutory entitlement to flexible work practices in Ireland, while within the public sector flexi-time, career breaks, term-time working and job sharing are common – accounting for its attractiveness for women in paid employment. Some other, mainly large employers, offer similar schemes but they are at the discretion of the employer. EU-SILC data for Ireland show the **at-risk-of-poverty rate** at 15.2 per cent in 2013, a **deprivation rate** that has risen from 26.9 in 2012 to 30.5 per cent in 2013 and a **consistent poverty rate** that has risen from 7.7 per cent in 2012 to 8.2 per cent in 2013.

The key pieces of legislation affecting those on **low pay** – the majority of whom are women – are the equality legislation (detailed above), the statutory National Minimum Wage (NMW) established in 2000, the Protection of Employees (Part-Time Work) Act 2001, and the Protection of Employees (Fixed-Term Work) Act 2003. Despite significant pressure, Ireland continues to have a statutory NMW which has been frozen at a pre-crisis level of EUR 8.65 per hour. The OECD (2013) Report highlighting that Ireland had the second highest percentage of low paid jobs in the developed world is a clear indication that that low pay characterises the Irish labour market impacting on women, young people and migrants, in particular. **Low pay combined with zero or low hours contracts traps a significant gendered sector of the labour market into long-term disadvantage.** The

newly established Commission on Low Pay, an advisory and consultative organisation on policies to address low pay, is due to report to government in July 2015 and potentially will have a positive impact on policies towards low pay and with a positive impact on gender equality. **Addressing low pay is critical to all those on low pay, the majority of whom are women.**

2.2.4. Gender pay gap

Data on the unadjusted gender pay gap shows an **overall trend of a widening gap between 2009 at 12.6 percentage points and 2012 at 14.4 percentage points**. This level is **still significantly under the EU-28 average of 16.4 percentage points in 2013** and placed Ireland low in the EU-28 ranking at 18th. OECD research indicates that there is a **high cost linked to motherhood in pay terms**. Their figures show that in Ireland the Gender Pay Gap for women with one child jumps 31 percentage points compared to women with no children. The OECD data also highlights the differences across pay levels, for example, among the lowest 10 per cent of earners the Gender Pay Gap in Ireland is 4 per cent, but in contrast among the top 10 per cent of income earners the gender pay gap is 24.6 per cent which they argue suggests 'the continued presence of a **glass ceiling and indirect discrimination**' (OECD 2012).

2.2.5. Gender pay gap in Pension

Gender differences within the pension system are marked. Women are far less likely to be covered by occupational pensions than men; a significant number of women are classified as qualified adult dependants under the household-based claimant system. Many women are penalised within the system because they carried most of the social responsibility for unpaid care work in families, which means that it was significantly harder for women to build up adequate contributions in both private and public pension systems. This has changed for those who are full-time carers since 1995, but leaves the (mainly) women before that date penalised for their role as carers. The qualifying pension age rose from 65 to 66 years in 2010; will rise up to 67 in 2021; and rise again to 68 years in 2028. There is a very marginal gap between the effective retirement age for women at 63.5 years and men at 63.3 years (in 2011) and official retirement age or eligibility for the state pension (66 years). This gap is set to widen over the coming years. No proposals have been put forward by government as to how they are going to bridge the gap between the effective retirement age and the statutory pension age.

Changes have been introduced to the Irish pension system, primarily affecting public sector pensions and employment, an important employer of female workers. **Changes to the pension system for new entrants were introduced in 2009, which mean reduced pension entitlement for new public servants.** Additional measures have been introduced for **specific groups of public sector workers. Teachers and nurses**, for example, **mainly women**, have had a significantly reduced pay structure introduced for new entrants estimated at a lowered salary level of between 20 per cent and 30 per cent. This policy introduces a **new gender inter-generational inequality in public employment. Further changes are planned** such that a total contributions approach will replace the current yearly averaging system, and that the amount of pension paid will be directly proportionate to the number of social insurance contributions and/or credits made over a person's working life.

Social welfare regulations have an impact on accessing the formal labour market. Those signing on for Job Seekers Allowances must demonstrate that they are available and seeking full-time employment. Many **women looking for part-time employment** in order to combine paid employment and care responsibilities **are thus not eligible for Job Seekers Allowance. This discriminates against and creates dependency for thousands of women.** These regulations should be changed so that those seeking part-time employment are eligible to register as unemployed, and access the full range of labour market activation programmes. Thousands of other women are designated as dependants under a system that continues to use a household-based structure and in which women do not have independent claimant status. Cuts to Maternity Benefit (MB) and the projected negative consequences on separated fathers of the "primary carer" aspect of the new tax credit for lone parents will have gendered impacts, and may undermine progress towards shared caring responsibilities.

New policies continue to be implemented that are having negative consequences on lone parents who are recipients of the One Parent Family Payment (OPFP). A new measure has reduced the welfare benefits for lone parents by EUR 16.5 to a weekly amount of 130 EUR, disregarding the fact that this might have negative consequences on the reintegration into the labour market and lead to the creation of a new and deeper poverty trap for lone parents, 90% of whom are women. The Department of Social Protection has signalled that this will be reduced further to EUR 60 per week by 2016 (OPEN 2012). One of the most significant budgetary changes was the one-parent family payment, with the age threshold of the youngest child reduced from 18 (or 22 if the child is still in full-time education) to seven, over a phased period of years. The new arrangements mean that those who no longer qualify for the one-parent payment would instead qualify for Job Seekers Allowance, with the stated aim of activating single parents to return to the labour market. This is disputed by Lone Parents organisations who have estimated that despite access to Family Income Supplement (FIS) and the Back to Work Family Dividend (BTWFD) losses to Lone Parent's income (with one child) on the minimum wage will amount to between €25 and €51 euros per week (depending on hours worked). As the BTWFD is halved in 2016 and abolished in 2017, these losses are estimated to rise very significantly to between 11 per cent and 18 per cent of average incomes (SPARK 2015). In a concession to the strong campaigning of lone parents and women's organisations, the first cohort of single parents whose entitlement to the allowance ceases from July, will transfer to a new arrangement called "**jobseeker's transition**", under which availability for part-time work is deemed eligible for payment. From a gender perspective, availability for part-time work should be deemed as meeting the criteria for all the job seeking applicants, the recognition of which for Lone Parents highlights the importance of its application to all those on Job Seekers Allowance.

Issues faced by **migrant women** from non-EU countries can create precarious work situations. Many women who travel or join partners do not have work permits or visas in their own right, and are **vulnerable** to super-exploitation on the labour market (many in the care sector) and by the sex industry. **Asylum seekers** are locked into deep poverty and deprivation through refusal of their right to work, no welfare entitlement, use of institutionalised private profit-making centres in which over-crowding, lack of autonomy, dignity and mass catering are all huge issues of basic human rights. Research has shown high levels of mental illness among women, men and children forced into long-term stay in these **unacceptable conditions** (Irish Refugee Council 2013).

2.2.6. Health and safety at work

The **Health and Safety Association** (HSA) is responsible for enforcement of the Safety, Health and Welfare at Work Act 2005 and the Safety, Health and Welfare at Work (General Application) Regulations 2007, including Pregnancy at Work Regulations. Employers are advised that, in producing their safety statement, they should consider the possibility of pregnancy among employees. The Pregnancy at Work Regulations and the Maternity Protection Acts 1994 and 2004 give effect to the health and safety provisions of the Pregnant Workers' Directive (92/85/EEC).

The HSA **provides information** on safety, health and welfare protection for employees who are pregnant, recently given birth or breastfeeding while working. The HSA also **takes complaints** from employees in relation to the Pregnancy at Work Regulations. The HSA **may intervene** by advising the employer on complying with the Pregnancy at Work Regulations or by a visit, verbal or written advice or the issuing of an enforcement notice on the employer.

The legislation (2005) and the Regulations (2007) require that a **risk assessment** be done by each employer as part of the Safety Statement. The risk assessment should identify any hazards, which may present a risk during pregnancy. The employer has a responsibility under Irish law to ensure that the physical environment of the place of work is adequate. An employee must inform her employer that she is pregnant, has recently given birth or is breastfeeding and provides an appropriate medical certificate. As the earliest stages of pregnancy are the most critical ones for the developing child it is in the employee's best interest to let her employer know she is pregnant as soon as possible.

2.3. Reconciliation of private and professional life

KEY FINDINGS

- **Maternity leave has improved** significantly in Ireland over recent years although the value of **Maternity Benefit was reduced**.
- Ireland has **no provision for paternity leave and parental leave is unpaid**, reinforcing the gendered nature of care work.
- **Public provision for childcare is extremely weak** in Ireland and, as a result, parents rely on **high-cost private market provision or on family support systems**.
- Research indicates that childcare costs act as a **barrier to women's increased employment rate, particularly in low income households**.

2.3.1. Maternity, Paternity and Parental Leave

Significant improvements in the entitlement to **maternity leave** had been introduced over the last decade. Maternity leave continues to be paid to women for **26 weeks at 80 per cent of earnings** (subject to a minimum of EUR 217.80 and a maximum of EUR 232 per week) and a further 16 weeks of **unpaid leave** can be taken. A minimum of 2 weeks must

be taken before the end of the week in which the baby is due. Maternity leave is granted by the Department of Social Protection to women who have paid a certain number of social insurance contributions on their own insurance record. Top-up payments are paid by employers in many cases, but these are discretionary. Maternity leave is funded from the **Social Insurance Fund**, financed by contributions from employers and employees. The majority of employees pay at a rate of 4 per cent of earnings, and employers at a rate of 10.05 per cent.

The new measure was introduced in **January 2014** that **reduced the value of Maternity Benefit (MB) from EUR 262 per week to EUR 230 per week**. This affected 90 per cent or 23,000 women on maternity leave, will cost thousands of mothers EUR 832 over the full six months of paid maternity leave, and may discourage women from availing of their hard-fought-for six-month paid leave. A small proportion of women who were on the lower rate of payment will have their payments increased to the new single rate of EUR 230. Since July 2013 MB payments are also **subject to taxation** in Ireland, a new policy decision that has negative impacts on the income of women, and middle and lower income households, in the period following the birth of a child. Despite the fact that the Commission on Taxation concluded that MB should be left outside the tax net, and the recommendation by the NWCI that MB should only be taxed when a woman is receiving full salary on maternity leave, the government is pursuing this policy aimed at increasing tax revenue. Prior to this change women did not pay tax on the EUR 6,812 (EUR 262 per week) of MB that those who are eligible receive for a period of six months. Many employers pay a top-up to women on maternity leave which has always been subject to taxation. Under this new system up to EUR 2,700 of the benefit payment will be subject to tax at a rate of up to 41 per cent. It is estimated that the tax will bring in to the Revenue Commissioners EUR 40,000,000 in a full year.

Changes to parental leave entitlements were introduced in March 2013, giving effect to EU Council Directive 2010/18/EU. Parental leave is **unpaid** in Ireland. The main changes are an increase in leave entitlement from 3 to 4 months – the extra month being non-transferable between parents. The government state that they hope that this non-transferable period will encourage men to take parental leave, and encourage a more equal sharing of family responsibilities between men and women. The changes also include the **right to request flexible working arrangements upon return from leave**. Parents are now entitled to 18-week unpaid parental leave per parent per child (i.e. an individual right) which must be taken up to the child's eighth birthday. Leave may be taken in separate blocks of a minimum of 6 continuous weeks or more favourable terms subject to the employer's agreement. Parents who are employed by the same employer may transfer all or part of their parental leave entitlements to the other parent, subject to the employer's agreement. There is no recent data on the take-up of parental leave by fathers. All statutory leave entitlements in Ireland count as pensionable service. Irish employees are entitled to three-day paid *force majeure* leave in time of urgent family crisis in any 12 consecutive months, up to a limit of 5 days in any 36 consecutive months.

A **national study of pregnancy at work conducted in 2007-2009** based on a survey of women in receipt of child benefit looked at the question of take-up of leave. 92 per cent of mothers took paid maternity leave, while 41 per cent took unpaid maternity leave, mostly in addition to paid leave. Women who were self-employed, worked in temporary/casual jobs or part-time employment during pregnancy were less likely to take paid maternity leave. Nearly half (48 per cent) of employed women received a top-up payment from their employer. Nearly one-third (32 per cent) of the women in employment surveyed experienced problems around maternity leave. Almost one-fifth (19 per cent) of women

had their request for parental leave refused, or not in the form requested. The study showed that take-up of unpaid parental leave is linked to women's ability to afford it. There is no data available on the take-up of parental leave by fathers (HSE Crisis Pregnancy Programme and Equality Authority 2011; International Leave Network 2014 www.leavenetwork.org).

There is **no statutory provision for paternity leave, childcare leave, family leave or general leave for caring for older dependants**. Employees with 12-month continuous service are now entitled to 104 (previously 65) weeks of unpaid carer's leave to provide full-time care for a dependant (e.g. a child or older person with a severe disability or illness) either in one continuous period or as several blocks of time. Employees may work up to ten hours per week while on this carer's leave, subject to certain income limits. An employee on carer's leave may be entitled to a means-tested carer's benefit and this statutory leave entitlement in Ireland counts as pensionable service. The absence of paternity leave, and the unpaid nature of parental leave reinforce the traditional roles of women as carers and continue to place women at a significant disadvantage in relation to paid employment and to income.

2.3.2. Barcelona Targets on Childcare facilities

There is an **extremely low level of public support for childcare** in Ireland and, what little provision there was, has been **eroded during the recession**. The Department of Youth and Family Affairs established the Child and Family Agency which has taken over responsibility for the range of services detailed below, bringing together nearly 4,000 staff with a budget of €609 million for 2014: Child Welfare and Protection Services, including family support services previously delivered by the HSE's Children and Family Services; Services previously delivered by the Family Support Agency and the National Educational Welfare Board; Pre-school Inspection services; Domestic, sexual and gender-based violence services previously delivered by the HSE; Community-based services related to the psychological welfare of children and families.

Parents largely rely on **private market services or family and community services** for both pre-school childcare and out-of-school care. Support for community-based childcare services in disadvantaged areas has suffered during the recession and cut-backs in child benefit have reduced resources at household level. Community-based childcare services have been reduced, and the early childhood supplement has been abolished. The most comprehensive recent research report revealed that just over 40 per cent households with pre-school children use non-parental childcare, although the percentage of lone parents with pre-school children using parental childcare is significantly less, at 30 per cent. "Provision in the childcare sector in Ireland is diverse and fragmented. Parents typically avail of one or more of a number of forms of provision, including parental care, informal care, child-minding (family day care), workplace crèches, private and community nurseries and crèches, community and private sessional services for 3-5 year-olds and primary education" (NWCII 2008).

In 2010, a scheme was introduced to provide children between 3 and 4 years with a free place in an Early Childhood Care and Education (ECCE) scheme – on a part-time basis, 3 hours a day, 5 days a week, for 38 weeks a year – any additional hours are paid for by parents themselves. The scheme is estimated to have cost around EUR 175,000,000, and 95 per cent of eligible children have taken up places. A new budget line for after-school care of EUR 14,000,000 was announced in Budget 2013 and is to be used

in disadvantaged areas. Most parents will have to rely on the private market or family support for after-school services. As the latest Report on Ireland by the International Leave Network highlights "The maximum period of post-natal leave available in Ireland is 18 months, but most of this is unpaid; leave paid at a low flat rate lasts for only six months. There is an entitlement to ECEC from 3¼ years of age, though only for part-time nursery education (15 hours a week for 38 weeks per year). So there is a **substantial gap** between the end of leave and an ECEC entitlement, and a gap of nearly three years between the end of well-paid leave and an ECEC entitlement. Levels of attendance at formal services for children under three years are about the average for the countries included in this review and OECD countries; but well below the average for children over three years" (www.leavenetwork.org).

Childcare costs are extremely high and affordability is a big issue. According to the European Anti-Poverty Network Ireland (EAPN Ireland) it is estimated that childcare costs account for 51 per cent of total costs or 30 per cent of disposable income in double income households with two young children. EAPN Ireland also highlight that while there is finance available for capital programmes resources are limited for staffing and running costs and so this burden is increasingly being passed on to the users whom just do not have the money to afford the service (EAPN Ireland 2007). A 2010 report by the OECD revealed that **households with young children in Ireland pay on average 41 per cent of their income on childcare** (OECD 2010). Another OECD Report (2013) highlights that Ireland spends less than **0.2 per cent of GDP on care and education for pre-school children**. Ireland ranks **18th overall** in this OECD 2013 study of 45 countries, behind most EU states with the exception of Hungary, Greece and Poland. Through Early Childhood Education Centres (ECEC), Ireland has improved its ranking in relation to the availability of childcare where it ranks 12th; quality of childcare in which it ranks 14th place; affordability of childcare in which it drops to 29th place. OECD figures show just how much of an Irish family's income after taxes childcare costs represents: 29 per cent of a dual income-earning family but 51 per cent of a lone parent's net income (OECD 2013).

A **recent research report** which provoked much debate explored the extent to which the high costs of childcare act as a barrier to accessing paid employment, particularly in low-income households in Ireland and concluded that **25 per cent of parents have been prevented from accessing paid employment by the high costs of childcare, including 56 per cent of parents in low-income households** (Indecon 2013). Indecon estimates the cost of full-time childcare at EUR 16,500 per annum in a two-child household, putting the **cost of childcare** in Ireland, as a percentage of average wages, **second highest in the OECD**. Key recommendations are that individuals who are long-term unemployed should have a subsidy of 67 per cent of their childcare costs up to a maximum of EUR 5,000; low-income households should have a subsidy of 50 per cent; those on the average industrial wage should have a subsidy of 40 per cent. The report also recommends that the subsidies should apply to all tax compliant and publicly subsidised childcare facilities. The cost to the Exchequer is estimated at EUR 20,000,000 (Indecon 2013). In practice, unless the availability and the cost of childcare are addressed, then the policy changes that cut child benefits, thus reducing resources at household level, will continue to have a negative impact on low-income households (particularly lone mothers) and will do nothing to increase their participation in paid employment (Indecon 2013).

2.4. Eradication of gender-based violence

KEY FINDINGS

- Ireland, unlike most EU countries, has **not ratified the Council of Europe Convention on violence against women.**
- **Domestic violence and sexual abuse is pervasive** in Ireland.
- Ireland has introduced **new legislation against sex trafficking, stalking and Female Genital Mutilation.**
- **Support services** for victims of domestic violence and sexual abuse are seriously **under-resourced** in Ireland.

2.4.1. Domestic violence

Ireland is one of the few EU Member States that have not yet **signed, ratified or implemented the 2011 Council of Europe Convention on preventing and combating violence against women and domestic violence.** COSC, the National Office for the Prevention of Domestic, Sexual and Gender-based Violence established in 2007, has the stated responsibility for the delivery of a co-ordinated government response to domestic, sexual and gender-based violence, and will now work under the **new Child and Family Support Agency (CFSA).** The first **National Strategy on Domestic, Sexual and Gender-based Violence was published in March 2010,** and follows the report of the Task Force on Violence against Women. The police force has the power to arrest and prosecute a violent family member under the **1996 Domestic Violence Act.** Under the law there are two main kinds of protection available: a **safety order,** which prohibits the violent person from further violence or threats of violence; a **barring order,** which requires the violent person to leave the family home.

In January 2014, a new agency, the CFSA, has been established by the Department of Children and Family Affairs (DCFA) which for the first time brings child and family social workers, family support workers, social care workers, and education welfare officers together into a single agency of services that are designated to protect children and support families. The new agency brings together over 4,000 staff and a budget of around EUR 609,000,000. It will assume responsibility from the Health Service Executive for child welfare and protection, pre-school inspection, and domestic violence and gender-based violence services – an important development particularly from the perspective of women and gender equality. Reduced funding to front-line services and increased demand for services over the crisis years has resulted in a **high proportion of calls that cannot be answered on helplines and women and children being turned away due to lack of refuge spaces** (Women’s Aid 2014).

2.4.2. Sexual violence

A new publication highlighting the role of gender-informed analysis and responses to violence against women was published in December 2013 by the **Irish Observatory on Violence Against Women**. The Observatory is chaired by the National Women's Council of Ireland (NWCi) and their publication "*Violence Against Women: An Issue of Gender: Highlighting the Role of Gender in Analysis and Response*" calls for Ireland "to sign, ratify and implement the **Council of Europe Convention** on preventing and combatting violence against women and domestic violence, to eradicate all forms of violence against women, specifically rape". The publication forms part of a European wide strategy to highlight the need to implement the Convention. The Director of the NWCi stated: "Violence against women comes at a high cost to society and responses need to be located within a gender equality framework. It is by taking account of unequal power relations between women and men that service providers will be able to address different vulnerabilities experienced by different groups of women and men. There can be no real equality between women and men if women experience gender-based violence on a large-scale and state agencies and institutions turn a blind eye. The Council of Europe Convention is a benchmark at international level, and Ireland must show its commitment to eradicating all forms of male violence against women by signing, ratifying and implementing the Convention as a matter of urgency." (NWCi 2013).

2.4.3. Sexual Harassment

The Employment Equality Act 1998 places an obligation on all employers in Ireland to **prevent sexual harassment at work**. Sexual harassment is defined to include actions by a fellow worker, someone in a superior position, a client, a customer or any other business contact and as actions that may take place at work or on a training course, on a work trip or at a work social event. An act or conduct is defined to include "spoken words, gestures or the production, and display of written words, pictures and other material. This includes offensive gestures or facial expressions, unwelcome and offensive calendars, screen-savers, e-mails and any other offensive material; an act of physical intimacy or a request for sexual favours or any other act or conduct that is unwelcome and that could reasonably be regarded as sexually offensive, humiliating or intimidating". Under the Act, the employer may be held responsible if a person is treated differently at work because of their rejection or acceptance of harassment. An employer is obliged to produce and distribute to all employees a **code of practice** that clearly sets out what is unacceptable behaviour at work. An effective **grievance or complaints procedure** needs to be in place that will deal with complaints about sexual harassment, and all employees must be made aware of this. If a person is sexually harassed at work and the complaint is not effectively investigated, a **claim can be brought to the Equality Authority (EA) (or to the courts)**, and the employer may be obliged to pay compensation. An employer may defend itself by showing that it took reasonably practical steps to prevent the sexual harassment from happening or that it took steps to prevent a person from being treated differently at work. The **EA has produced a Code of Practice** on Sexual Harassment and Harassment at Work, aimed at employers, employees, and trade unions that explains the rights, responsibilities and obligations of the various parties (EA 2014).

2.4.4. Stalking

A new Sexual Offences Bill 2015 is in the process of being introduced to Parliament in 2015 which focuses on combatting sexual exploitation of children and child abuse material, and contains provisions against stalking, the use of the internet for sexual exploitation and sending of sexually explicit material to children. These new provisions, which have yet to become law, have been criticized by the Rape Crisis Network of Ireland (RCNI) for failing to include a specific definition of consent, as has been introduced recently in the UK.

2.4.5. Trafficking in human beings for sexual exploitation

The **Anti-Human Trafficking Unit (AHTU)** was established in the Departments of Justice, Equality and Defence in 2008 and a **National Action Plan** to Prevent and Combat Trafficking in Human Beings in Ireland 2009-2012 was published in 2009. A second National Action Plan is currently being developed and is due to be published in 2015. The new Sexual Offences Bill 2015 has also important new anti-trafficking provisions, which create a limited, although increased protections to victims of trafficking.

2.4.6. Female Genital Mutilation

A study conducted by AkiDWA in 2012, an organisation of African women migrants living in Ireland estimated that 3,170 women in Ireland have undergone FGM. In addition, 65 per cent of Irish General Practitioners said that they were unable to identify symptoms presented by FGM patients, 79 per cent were unaware of the different types of FGM, while 80 per cent lacked knowledge of the recently passed **Female Genital Mutilation Act 2012**. The Criminal Justice (Female Genital Mutilation) Act 2012 was signed into law in 2012. It is now a **criminal offence for someone residing in Ireland to perform FGM, and it is also a criminal offence for someone resident in Ireland to take a girl to another country to perform FGM**. The FGM Act 2012 was the result of years of strong lobbying by AkiDWA and other women's, migrants' and trade union organisations. Any Irish residents in breach of the new law face prosecution and jail.

A report in 2012 by the Irish Consortium on Gender Based Violence (ICGBV) entitled "Addressing Gender-Based Violence in the Post 2015 Agenda" highlighted different forms of gender-based violence (GBV), including honour-related violence and killings, and argued the need for "specific targets and indicators to measure progress in achieving gender equality and ending violence against women and girls. This new framework would then motivate governments to identify the extent of such violence and to take actions against it. Having specific targets will make GBV more visible and enable civil society organisations to build more effective programmes, monitor progress, and hold their governments to account" (ICGBV 2012).

2.5. Women's well-being

KEY FINDINGS

- **Gendered divisions are very evident in the Irish health system**, characterised by gendered role in employment as well as in services, a situation recognised in the government's strategic plan for women.
- **Senior positions** within the Irish health system's administrative and service provision are held by men.
- The current Irish government has adopted a stated policy of **mainstreaming gender equality in the health system** and, linked to this, a public consultation on gender equality in health is underway.

2.5.1. Sex and gender in medicine and health

Employment in the Irish health system is **highly gendered** with senior positions in health administration and in health provision dominated by men. Women tend to occupy low level roles and specific gendered roles. For examples nurses and midwives are crowded in to the lower professions and are predominantly women while senior consultants, including obstetricians and gynaecologists, are overwhelmingly male. Recent years has seen an increase in women general practitioners and this is linked to the more flexible work organisation which characterises general practice. The Irish government has a stated commitment to developing a framework for **mainstreaming** gender equality into health and medicine in Ireland and has initiated a public consultation process to address this issue.

2.6. Sexual and reproductive health and rights

KEY FINDINGS

- **Reproductive health and rights are extremely restricted** in Ireland, including for example, **access to the morning-after pill, assisted fertility treatment and abortion**.
- Access to abortion is extremely restricted causing most women to **travel outside** the jurisdiction to avail of private market abortion services.
- Abortion access and rights have been the subject of **numerous Irish and European court cases since the foetal rights amendment was adopted into the Irish Constitution in 1983**.
- Irish **maternity services are dealing with a chronic overcrowding crisis** as the numbers of births have steadily increased, without corresponding resources.

- Maternity provision in Ireland is **obstetric-led**, placing a low value on the role of midwives and choices that are largely restricted to hospital care and intervention without resourced choice on home-births or mid-wife led care.

2.6.1. Access to contraceptives and day after pill

Access to morning after pill is a problematic area of policy in Ireland. In April 2011, **emergency hormonal contraception became available behind-the-counter without prescription for the first time in pharmacies** in Ireland. In other words, subsequent to a consultation process, emergency contraception can now be accessed in pharmacies, as opposed to requiring a prescription from a General Practitioner. According to a recent study conducted by the Irish Pharmacy Union, emergency contraception has been requested in 85 per cent of pharmacies in Ireland since its launch (IPU, 2013). In terms of increasing reproductive and sexual freedom, it's certainly a step in the right direction.

A campaigning group looking for direct and free access to emergency contraceptives in Ireland ([www.re\(al\)productivehealth.ie](http://www.re(al)productivehealth.ie)) argues the following: "Debate and discussion on issues relating to emergency contraception and to reproductive and sexual health rights generally in Ireland is very under-developed. Guidelines and processes surrounding provision of emergency contraception need to be changed in order to allow for greater accessibility and to reduce stigma around the issues of female sexuality in Ireland. Cost is a huge issue. Worryingly, 17 per cent of respondents on our interactive website had paid more than €35 for the pill, with just 11 per cent having paid less than €15". The Irish Family Planning Association have stated that the **cost of accessing the morning after pill has been an increasing cause of complaint** particularly since 2010 (IFPA, 21/01/2012). The price of emergency contraception is significantly lower in many other countries. In Portugal, for example, emergency contraception is free when procured from family planning centres, at primary health care services and hospitals associated with the National Health Service. In the UK, the cost of emergency contraception is just under €7, while in Belgium the morning after pill can be bought for under €12 (International Consortium for Emergency Contraception, 2013; [www.re\(al\)productivehealth.ie](http://www.re(al)productivehealth.ie)).

2.6.2. Abortion

Ireland's abortion legislation is the most restrictive across the EU (alongside Poland and Malta). Ireland's **Protection of Life during Pregnancy Act 2013** was the first piece of legislation introduced in Ireland to provide for abortion. This legislation provides only for a situation in which a pregnant **woman's life is in danger**, and **not her health**, and in such situations only if providing abortion would save her life. A **criminal penalty of fourteen years imprisonment** is applied to a pregnant woman who breaches that law or anyone who facilitates her in breaching the law.

In the aftermath of **severe criticism of Ireland's abortion law by the UN Committee on Human Rights (UNHRC) in July 2014**, two more cases involving restrictions on abortion access by vulnerable women came before the Irish courts. UNHRC Chairman Nigel Rodley said Irish abortion legislation treated women who were raped as "a vessel and nothing more". The UNHRC expressed concern regarding "the highly restrictive circumstances under which women can lawfully have an abortion in the state" and it stated that **legislation should be revised to provide for additional exceptions in cases of**

rape, incest, serious risks to the health of the mother, or fatal foetal abnormality. The most recent case reported in the media involved a migrant woman who was legally **forced to give birth by caesarean section.** It is reported that the woman looked for an abortion when she discovered she was pregnant at eight weeks but was refused despite stating that **her pregnancy was a result of rape and that she was suicidal.** After a series of delays she went on hunger strike to protest the decision, local health authorities obtained a court order to deliver the baby prematurely – at around 25 weeks according to some reports. New calls have been made by women's organisations and human rights groups to have the Irish **Constitutional amendment**, that defines the life of a pregnant woman as equal to the life of the foetus she is carrying, be deleted.

The second case reported in the media revealed that Ireland's Constitutional foetal rights amendment and restrictive abortion laws have been cited in the case of a woman, pregnant at seventeen weeks, was being kept on life supports machines (following a fatal traffic accident) against the wishes of her family - who have appealed for the right to let their daughter die. In the context of these cases, the **Minister for Health admitted that Ireland's abortion laws are "too restrictive" and that they are having a "chilling effect" on medical practice.** Women's organisations, and many other groups concerned with reproductive injustice in Ireland, have called for **Repeal of the 8th Amendment (foetal rights clause) of the Irish Constitution** and recent polls indicate a strong majority of the electorate in favour of such a change.

2.6.3. Assisted Reproduction Technology (ART)

There is **no public provision for the provision of ART in Ireland. Private clinics provide services to those who can afford it.** There is also no legislative framework for assisted fertility services, including In-Vitro Fertilisation (IVF) or surrogacy. A detailed Report was carried out by the Commission on Assisted Human Reproduction in 2005 and new government proposals are expected to draw on its findings. The **current government has promised that legislation will be presented** during its coming term following an in-depth public consultation and has published headings under which it has asked the Department of Health to prepare legislative proposal to cover a range of practices which will include surrogacy, embryo donation, screening of embryos for serious genetic diseases, gamete (sperm or egg) donation and stem cell research. The Minister for Health has stated that "The priority throughout will be to safeguard the welfare, safety and best interests of children and to uphold the principles of consent and equality."

2.6.4. Maternal health

The Irish maternity system is overwhelmingly obstetrician or consultant-led, with most births occurring in one of the nineteen maternity hospitals. The care offered in a hospital setting ranges from public and semi-private, to private care, depending on private health insurance coverage. An important aspect of the maternity system in Ireland is the **active management of labour.** Active management of labour, or giving birth on a timetable was largely developed to help cope with the number of people choosing a hospital-based delivery over a home birth, due to the Maternity and Infant Care Scheme. In Ireland, the maximum duration of labour was set at 36 hours in 1963, 24 hours in 1968, and reduced to **12 hours** in 1972. **Attaining such a rigid timetable requires regular interventions and is contrary to the World Health Organisation (WHO) recommendation** that labour augmentation (using interventions to speed up labour) should only be performed where there is "clear medical indication and the expected benefits outweigh the potential

harms". With the increase in deliveries, and the under-resourced maternity provision, high levels of interventions are inevitable. **The pressures on the maternity system are having a negative impact, particularly on midwives**, who are undervalued with poor working conditions resulting in rising levels of emigration.

"Many of the failures of the maternity system in Ireland are linked to an over-worked and undervalued staff of midwives. The recommended midwife to birth ratio in a hospital setting is 1:29.5. However, none of Ireland's 19 maternity units meets these criteria. Our consultant to patient ratio is half of the recommended 1:350, meaning that in a setting where most people giving birth are overseen by a **consultant, the experience can be rushed, putting pregnant people and their children at risk.**" (Ryan 2015)

2.7. Gender Stereotypes

Gender stereotypes have been challenged in the past through Curriculum Development Board and the Equality Authority. The Equality Authority (now merged into the Irish Human Rights and Equality Commission) as part of its remit, has had the responsibility for the promotion of equality and non-discrimination. Gender stereotyping is an area that the EA has addressed, particularly in the areas of advertising and marketing and also within the educational system. Equality legislation **prohibits discriminatory advertising** under the Equal Status Acts and linked to this the EA has supported the development of a **voluntary Code of Standards for Advertising, Promotional and Direct Marketing** in Ireland which includes the statement that "Marketing communications should respect the principle of equality between men and women. They should avoid sex stereotyping and any exploitation or demeaning of men and women". In 2007, the EA published a Report on gender issues in the marketing and design of goods for children that highlight a "pervasive and thorough gender stereotyping in the marketing and design of goods to children". Gender stereotyping was found to be "deeply embedded at all levels of the marketing process" and was identified in the "language, symbols, production techniques used and in the use and portrayal of space in both visual and print advertising". The Report concludes that the impact of gender stereotyping is that: boys are portrayed as independent, active and aggressive: girls are portrayed as dependant, passive and nurturing.

In 2008, the EA and the National Youth Council of Ireland (NYCI) jointly commissioned research on inequality and the stereotyping of young people. This research highlighted a **widespread stereotyping of young people** in a range of arenas – at school, in their local communities and in the media. Following this research both organisations published and disseminated a Resource Pack aimed at supporting young people and organisations of young people to recognise stereotyping and to challenge any stereotyping of young people. The resource pack is also designed to challenge any stereotyping of other groups by young people.

2.8. Prostitution

A Discussion Document on Future Direction of Prostitution Legislation was published in 2012 following a process of public consultation by the Oireachtas (Parliament) Committee on Justice and Equality on the future development of a legal framework to regulate and police the sex trade in Ireland. **New legislation to make it illegal to purchase sex, based on the 'nordic model' is promised before the end of 2015 and is included in**

the new Sexual Offences Bill 2015. This is a major change in legislation and policy, away from the traditional model of criminalising prostituted women and men and towards a model of **criminalising buyers of sex.**

3. CONCLUDING REMARKS

Ireland has a **strong statutory legislative framework for gender equality in employment and service access**. However, there is a **lack of a commitment to gender equality under the Irish Constitution** which contains clauses that present a narrow definition of the role of women and mothers in Irish society, no recognition of fathers and a foetal rights clause which defines a pregnant woman as equal to the foetus she carries.

The **policy framework for gender equality is weak**. Gender equality has received **little or no attention in the policy-making process within employment or social policy over the period of the economic crisis**. Despite the importance of women to the expansion of the Irish labour force over the past decade, there has been no attempt in economic and social policies over the crisis period to create a balance of policies reflecting a commitment to gender equality. Policies are increasingly presented as gender neutral without any gender specific analysis or even gender disaggregated data to inform the policy-making process.

Policy decisions taken during the recession in relation to lone parents, pensions, cutbacks in public services (such as reduced pay and employment conditions for new public sector workers) and additional taxes have had significant **negative effects on low-income households, where women are concentrated**, resulting in higher levels of **poverty, low pay, hereby having an impact on women's labour force participation**.

Vulnerable minorities, within which women face **multiple discriminations** - including Travellers, asylum seekers and the homeless - continue to suffer the damaging impacts of the economic crisis.

Women are hugely **underrepresented in the Irish political and decision-making systems** reflected in the lack of priority given to key issues affecting women, particularly child, elder and disability care services, poverty and gender-based violence.

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DIRECTORATE-GENERAL FOR INTERNAL POLICIES

POLICY DEPARTMENT CITIZENS' RIGHTS AND CONSTITUTIONAL AFFAIRS **C**

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