



**Report of the Fourth Gender Equality Programme
1999 – 2004 & Proposal for the Fifth Programme**

**QUALITY
WORK
=
QUALITY
LIFE**



CONGRESS
WORKING FOR PROGRESS
IRISH CONGRESS OF
TRADE UNIONS





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Background

DELIVERING GENDER EQUALITY: 1999-2004

The ICTU Equality Programme *Delivering Gender Equality 1999-2004* was adopted at BDC in 1999. It was the fourth in a series of programmes first introduced in 1982. In seeking to build upon the achievements of previous programmes *Delivering Gender Equality* reflected the priorities set at the 1998 Women's Conference and issues identified by affiliated unions through a survey conducted in January 1999. These priorities were to:

- ensure an adequate supply of good quality, affordable childcare and to assist workers to reconcile work life balance by the introduction of work life balance policies and practices;
 - eliminate the pay gap between women and men's rates of pay and to de-segregate jobs within sectors and employments;
 - promote equal opportunities for women and men and to remove existing inequalities and barriers to equal opportunities in access to training, employment and promotion; to gender proof collective agreements, practices and policies;
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- encourage and improve the level of participation by women at all levels of the Trade Union movement;
- monitor and evaluate progress.

A mid-term evaluation was completed by the end of 2001, and was conducted using a mailed survey to affiliated unions.

The final evaluation of this programme was conducted at the end of 2004, by way of a survey of affiliates. Fourteen trade unions – with a combined membership of 549,740, or 71 percent of all trade union members – responded to the questionnaire. This represents eight out of the ten of the largest affiliated unions in Congress. Female representation among the 14 organisations is 281,088 or 81 percent of women members.

The unions that returned the questionnaire are attached as Appendix 1.

This report is based on the results of those evaluations plus a report on the work of the Congress Secretariat, in the area of gender equality.

SECTION 1: REPORT ON THE IMPACT OF THE FOURTH EQUALITY PROGRAMME

PRIORITY 1: CHILDCARE

“Ensure that there is an adequate supply of good quality, affordable childcare”

Childcare continues to be a key issue for unions in promoting gender equality, as the provision of accessible and affordable childcare is central to achieving quality of life for working parents, particularly women, and assisting them to participate and achieve their potential at work.

In 2001 Congress, with cooperation from affiliates, commissioned a survey to find out how union members were meeting their childcare needs. The survey, completed in 2002, established that for a considerable number of the respondents the cost of childcare was prohibitive, with many working in order to pay for the cost or being forced to alter their working arrangements to reduce the costs.

The survey report, *Identifying Members' Childcare Needs* concluded that:

- Almost three-quarters of respondents were using some form of paid childcare.
- Child minding responsibilities have a bearing on decisions, predominantly by women, to avail of working arrangements such as part-time, job-sharing and flexible work arrangements.
- Childcare responsibilities constrain the capacity of women members to develop career opportunities because they do not apply for promotional opportunities or avoid overtime.
- Employer provided childcare services, subsidies or other supports are only available to a very few and mainly to those in the public sector.
- A significant number of members feel that they do not have a choice in relation to their childcare. The lack of availability and prohibitive cost combine to leave them in a position where they are forced to give up full-time positions for part-time work; not apply for promotion; avoid overtime work, in an attempt to limit the

cost and amount of hours of paid childcare; work anti-social shifts, resulting in little contact with their children, to be able to cover the cost of the hours of childcare necessary; leave the labour force as it makes little sense working just to pay childcare costs.

Overall, the report highlighted the unsatisfactory situation facing working parents and the burden that is created by the lack of affordable childcare. *A clear outcome from 'Identifying Members' Childcare Needs' was the demand from parents that employers should subsidise childcare and that government should respond to childcare needs through a range of measures including, as a priority, tax relief on childcare expenditure.*

At a national level Congress took these demands forward and sought the development of an effective childcare strategy to meet the needs of working parents including the provision of child care places, the introduction of tax relief and for employers to play a greater role through the provision of childcare subsidies and family and work/life balance working arrangements.

The most recent developments in national childcare policy stem from the work of the Expert Group on Childcare established in 1997, under Partnership 2000. The deliberations of this group informed the work of the current National Childcare Strategy and the Equal Opportunities Childcare Programme (EOCP).

Under the current EOCP covering 2000 – 2006, expenditure is expected to reach €499 million covering capital, staffing and quality improvement grants for childcare nationwide. This includes significant work in quality and standards of childcare (particularly competencies and qualifications of childcare workers) and more recently, survey work on identifying and assessing need.

It is estimated that the current EOCP will support the creation of an additional 36,000 childcare places and is assisting with staffing costs in 700 community childcare initiatives, providing services to disadvantaged families.

Whilst improvements have been made in the provision of childcare places, it is important to note that the targets set were inadequate to meet the needs of working parents and that the key issue of affordability has not been dealt with.

It is also clear that the focus of policy, while contributing to the enhancement of the quality of childcare, has been limited in its contribution to reconciling the dilemma of combining child-centered developmental policies with work-life balance measures for parents. Policies are still required which facilitate an appropriate combination (and choice) of parental/non-parental home care and 'out of home' care provision that is available and affordable to a broader range of working parents and children.

The Sustaining Progress ICTU/IBEC Working Group was tasked with the development of a range of childcare supports and to promote active participation of employers in developing and providing childcare initiatives in consultation with the unions. This Working Group is expected to report in autumn 2005.

Northern Ireland

In Northern Ireland 45 percent of economically active women have dependent children, representing a decrease from three percent five years ago and women with dependent children have a five percent lower working age economic activity rate than those without dependent children, compared to a nine percent difference five years ago.

In 2004 there were 42,367 day-care places for children under 12, a rise of 26 percent since 1994. However, the lack of accessible, affordable childcare is still a primary concern for working parents. Northern Ireland still has only 76.1 day nursery places per 1000 children aged 0 to 4. The corresponding figure in England is 160.2 places.

Union Survey Results

Eight unions who responded to the evaluation reported on workplace audits conducted to assess childcare needs.

Where trade unions had negotiated in relation to childcare, they reported achieving:

- The introduction of childcare allowances or vouchers;
- Retained child minder schemes;
- The establishment of networks/partnerships;
- In a number of instances the provision of a workplace crèche.

However, unions have highlighted the fact that the cost of provision remains a problem for many parents. One union reported that in a major sector in which they organise “workplace childcare was considered too costly to introduce.”

It is in the public sector that most progress has been made in relation to workplace crèches. Up to 1999 there was only one civil service crèche facility located in Dublin.

There are now six crèches operating from locations across the country with plans for a further three at an advanced stage. However, staff in the lower grades find the crèches too expensive and cannot take up the childcare places that have been made available.

PRIORITY 2: RECONCILING WORK & FAMILY LIFE

“Assist workers to reconcile work life balance by the introduction of work life balance policies and practices”

Work Life Balance arrangements are an important tool in helping to achieve gender equality. They can help facilitate continuing employment for women who would otherwise have to leave the workforce because of care demands. Equally, they facilitate men to take a greater role in family responsibilities.

Work life balance arrangements include both statutory entitlements to leave from work and non-statutory options for flexible

working arrangements. Statutory entitlements include the Protection of Part-Time Workers Act, Maternity Leave, Carer's Leave, Adoptive Leave, Parental Leave and Force Majeure Leave. Non-statutory arrangements can include a range of options such as job-sharing; work sharing, e-working, term-time working, flexitime, compressed working week and regular reduced hours to name but some.

Congress negotiated a Family Friendly Framework Agreement (now referred to as Work Life Balance) as part of the Programme for Prosperity and Fairness, later continued under Sustaining Progress. The aim of the Agreement was to develop appropriate measures to assist the reconciliation of work and family life at the level of the enterprise. Under this Framework a number of initiatives have taken place, for example:

➤ A Family Friendly web site was established www.familyfriendly.ie to provide information to unions, employees and employers. A number of family friendly case studies are published on the web site;

- A Code of Practice was developed, within the context of the existing legislative framework, on the manner in which statutory Parental and Force Majeure Leave can be taken;
- An introduction to Family Friendly Working Arrangements was published and widely circulated;
- A checklist for unions and employers considering the development of Family Friendly work arrangements was agreed by Congress and IBEC;
- Provision of training to management, union, employer and workplace representatives on the identified relevant family-friendly options and on best practice methods of implementation;
- Family Friendly Day was launched on March 1, 2001 to publicise the type of work arrangements in place in a number of enterprises and to encourage companies and unions to consider the issues around work life balance.

In addition, Congress developed a Family Friendly Project which was approved by the

National Framework Committee. This project developed a dedicated consultation process with affiliates to ascertain their experiences and identify issues they wanted to see addressed under this heading. The project also drew up guidelines and training modules to assist affiliates to develop new and expand existing family friendly workplace practices. A number of information sessions were held for unions and their members.

Congress continues to participate in the implementation of the Framework Agreement for the development of Work Life Balance and Family Friendly Policies. The National Framework Committee is an important national structure to support enterprises, trade unions and organisations, and to push for better access to Work Life Balance at enterprise and legislative level.

In addition, Congress pursued the need to put in place the mechanisms to ensure regular updating of the baseline data in *Off the Treadmill*. This was published by the committee, which highlighted the problems for employers and employees in ensuring

the availability and take-up of Work Life Balance arrangements, including flexible working hours and leave options.

Maternity Protection

Following on from lobbying by Congress during the 2001-2002 period the remaining recommendations of the Working Group on Maternity Leave were approved by government. Congress secured commitment in *Sustaining Progress* that legislation would be enacted to give effect to the remaining recommendations. The Maternity Protection (Amendment) Act 2004 was passed in July 2004. The main improvements were:

- expectant mothers to attend a complete set of antenatal classes without loss of pay;
- an adjustment of working hours or breaks for breast feeding mothers for four months after the birth;
- termination of additional maternity leave in the event of illness subject to the agreement of the employer;
- splitting the period of maternity leave in the event of the hospitalisation of the child providing the employer agrees and;

- absence from work on additional maternity leave to count for employment rights (except remuneration and superannuation benefits) such as seniority and annual leave;
- compulsory pre-confinement period of maternity leave reduced from 4 to 2 weeks.

Adoptive Leave

Congress recommended that any relevant recommendations of the PPF Working Group on Maternity Leave should also apply to Adoptive Leave. *Sustaining Progress* committed government to apply agreed recommendations to the Adoptive Leave Bill as set down by the Maternity Protection Review Group. The Adoptive Leave Bill 2004 was published in April 2004 and enactment is expected by summer 2005. Following enactment, Congress will be seeking agreement on the regulations which will provide for detailed arrangements in relation to the new entitlements to time off from work, without loss of pay, for the purpose of attending pre-adoption classes and meetings.

Parental Leave

The Parental Leave (Amendment) Bill 2004 was published on December 20, 2004. The Bill implements the agreed recommendations of the Report of the Working Group on Parental Leave Act, 1998. Enactment is expected by summer 2005. Among the recommendations incorporated into the new Bill are provisions to:

- Raise the age of the eligible child from five to eight years;
- Increase the maximum age of an eligible child to 16 years, in the case of children with disabilities;
- Provide a statutory entitlement to take parental leave in separate blocks of a minimum of six weeks, or more favourable terms with the agreement of the employer;
- Provide for statutory code of practice on the manner in which parental and force majeure leave might be taken.

Whilst Congress welcomed the Bill, the legislation is inadequate without the provision of paid parental leave. In this

regard Congress sought amendments during the Seanad stage to provide for a 'Parental Leave Benefit' to be introduced on the same basis as Maternity Benefit.

A subcommittee of the NFC was formed to work on the Code of Practice. Work was very slow and during the mid-term review of *Sustaining Progress* a further commitment was sought from IBEC to continue with the work on the Voluntary Code. The main purpose of the Code is to provide guidance on the interpretation of the provisions of the Parental Leave Act, 1998 and on best practice in relation to issues on parental and force majeure leave in order to support employers and employees to come to agreement in relation to the manner in which parental leave can be taken. Unfortunately some of the members of this group refused to allow any of the improvements provided for in the proposed legislation to be included in the Voluntary Code, not even those issues agreed by the Working Group.

Congress has suggested that the voluntary code be referred to the Equality Authority,

with a request that it be used as a foundation for the further development of the Statutory Code. In essence, the Voluntary Code needs to be improved by the inclusion of the changes that will take effect on the passing of the Parental Leave (Amendment) Bill 2004.

Northern Ireland

In Northern Ireland Congress responded to a number of consultations on extending maternity leave, and the introduction of paternity, parental and adoptive leave, by stressing the need for earnings related pay for the latter as the low rate of statutory pay made it impossible for many, particularly low-paid parents, to either take up their entitlements to or remain on leave for as long as they would wish.

Congress also responded in Northern Ireland to a number of consultations on Work Life Balance, the most recent being *Work and Families – Choice and Flexibility*, in which it argued that the long hours culture prevalent in the UK is one of the most significant obstacles to parents' balancing their work and family lives. The opt-out to the Working

Time Directive means that workers in the UK currently work the longest average hours in Europe and this is particularly true of men working full-time. In reality this means that women have to reduce the number of hours that they can work in order to run the home, care for children and increasingly for dependent adults.

Unions Survey Results

All of the unions who responded to the evaluation indicated that they had negotiated with employers to ensure full implementation of the Parental Leave provisions; and a similar response applied with regard to negotiating agreements in relation to non-statutory Paternity Leave provision. Specifically eight unions had indicated that they have lodged claims for paid parental leave. All unions responded that they have ensured that Work Life Balance policies do not discriminate against workers and meet the requirements of equality legislation.

Despite a greater awareness amongst trade union members of Work Life Balance arrangements and commitments in

successive National Programmes, barriers identified by unions in the evaluation show:

- resistance from employers that prevents more progress;
- certain jobs are not open to work / life balance options;
- management opposition due to 'operational requirements';
- parental Leave remains unpaid;
- lack of information by local management about statutory entitlement;
- employers claiming that they do not have the necessary resources to implement it.

Atypical Working

Atypical Work is the term used to describe a wide variety of employment arrangements ranging from traditional forms of part-time and temporary contract work to forms such as teleworking and fixed term contracts.

Currently 17 percent of all employment is part-time and 80 percent of those employed part-time are women. For many women, the conflicting demands of work and personal

life is resolved through part-time working even if sometimes the decision may be pragmatic because there is a lack of access to affordable childcare or elder care.

Part-time Work Legislation

EU Part-time Work Directive (1997/81/EC)/Framework Agreement

Congress made a detailed submission to the Department of Enterprise, Trade and Employment with regard to the implementation of this EU Directive. A tripartite consultation process was held in 2000. However government availed of the provision in Clause 2 of the Directive which permits member states a maximum of three years (rather than two) to transpose the Directive, if necessary, to take account of special difficulties. This extended the date for implementation of the Directive to January 20, 2001. Congress objected at government and EU Commission level to this one-year extension, on the grounds that there were no special difficulties existing in Ireland to justify an extension.

One of the issues that arose during the

consultative process was the application of the Directive to occupational pensions and as part of the Programme for Prosperity & Fairness process it was agreed that pensions are covered.

The Protection of Employees (Part-Time Work) Bill, 2000, which transposes the Directive, was published by government in December 2000. This Directive was finally transposed into Irish law on December 20, 2001, with the enactment of the Protection of Employees (Part-Time Work) Act, 2001. The purpose of the Act is to provide for the removal of discrimination against part-time employees; improve the quality of part-time work and provide that part-time employees may not be treated less favourably than a comparable full-time employee. Congress was involved in a detailed consultation process and made a submission to government.

To progress the development of access to flexible working, Congress secured a commitment under *Sustaining Progress* that the government would request the LRC to

develop a code of practice, in conjunction with the parties to the pay agreement, on access to part-time work in line with the 2001 Act. This code is nearing completion and will be a voluntary code serving to introduce the concept to Irish business and organisations.

Part-Time Workers – Improvements in PRSI Qualification

Following representation by Congress a new contribution condition was introduced in 2001 that provided for an alternative qualification test, i.e. 26 contributions paid in the relevant tax year and 26 contributions paid in the relevant Tax year prior to that.

Northern Ireland

Part-Time and Atypical Workers

The NIC responded to the government's consultation on the draft regulations on part-time workers expressing its concern on the narrow scope of the regulations and the fact that they failed to implement the directive in several important respects. The Committee subsequently made a presentation on its submission to the

Assembly. The NIC also responded to the consultative document on the Fixed Term Work Directive urging the government to improve on the protection provided by the Directive in the interests of creating a more fairly treated and stable workforce.

Protection of Employees (Fixed Term Work) Act, 2003

It is estimated that there are some 70,000 workers (DETE figures) in Ireland employed on fixed term contracts and these numbers are expected to rise in the future.

Fixed Term Work was the second form of Atypical Work addressed by unions and employers at EU level. A Framework Agreement reached in March 1999 led to legislation for by way of an EU Directive in June 1999.

The purpose of the Directive is to improve the quality of fixed term work by ensuring the application of the principle of non-discrimination and to establish a framework to prevent abuse arising from the use of successive fixed term employment contracts or relationships. Consultation on this

Directive commenced in December 2001. It was finally transposed into Irish law by Protection of Employees (Fixed term Work) Act 2003, two years after the EU deadline. Congress lodged an official complaint with the Commission in respect of Ireland's failure to transpose by the due date and the Commission issued a reasoned opinion against Ireland in this matter. The purpose of the Act is to provide for:

The improvement of the quality of fixed term work by ensuring the application of the principle of non-discrimination, and the removal of discrimination against fixed term workers where such exists and the establishment of a framework to prevent abuse arising from the use of successive fixed-term employment contracts.

Temporary Agency Work

The Fixed Term Work Directive specifically provided that it would not apply to temporary workers placed by a temporary work agency at the disposition of a user enterprise and that the parties would consider the need for a similar agreement relating to temporary agency work.

Negotiations between union and employer representatives on a Framework Agreement failed to reach agreement and in May 2001 the matter was referred to the European Commission for their attention. In March 2002 the Commission published a Draft Directive on the Working Conditions of Temporary Agency Workers. The final provisions of this Directive have not yet been agreed. Congress has a number of concerns about the current text. Our chief concern relates to the proposal to exclude temporary agency workers from the protection of the Directive for the first six weeks of work in the user undertaking.

A new development in Ireland in relation to this proposed Directive was that it came under the provisions of the European (Scrutiny) Act, 2002 and the draft came before the Joint Oireachtas Committee on Enterprise & Small Business on February 12 and 26, 2003. Congress made a written submission to the Committee and presented verbal evidence on February 26.

The Employment Agency Act, 1971 is in existence for over 30 years. The purpose of

the act is to control and regulate employment agencies and to make provision relating to persons seeking employment outside the state. The act has very limited application and does not offer adequate protection for agency workers in Ireland. In 1971 the purpose in relation to workers related to Irish workers seeking employment outside the state. The current requirements in Ireland relate to the protections needed for persons seeking employment in Ireland from outside the state. In 2001 the Department of Enterprise Trade & Employment advised Congress that they were planning to carry out a review of this legislation and invited Congress to make a submission. The Congress submission called for measures to address a number of areas, including the following:

- strengthen Licensing Regulations for all Employment Agencies including those operating outside the State who are providing workers for Companies in Ireland;
- provide that all Employment Agencies providing workers for Companies in Ireland are registered in Ireland;

- strengthen provisions outlawing the imposition of fees on workers by Employment Agencies;
- protect the Rights of Agency Workers to join a Trade Union;
- outlaw deductions (not already outlawed by the Payment of Wages Act, 1991) from wages of agency workers;
- clarify employment status of agency workers;
- introduce measures to protect migrant workers;
- protect agency workers from the indiscriminate circulation of their CVs on the Internet or through other means;
- implement controls on bogus print or Internet advertisements.

The Department did not proceed with the review in 2001 and all of the issues raised by Congress remain to be addressed. It was agreed under *Sustaining Progress* that the review would be initiated before summer 2003 and would consider the most appropriate approach to the regulation of

agencies and their recruitment and placement activities in Ireland. The Department has now committed to bringing forward proposals for amending the employment agency legislation in mid 2005.

Teleworking

On foot of the National Advisory Council Teleworking Report in June 1999, a Code of Practice covering this type of work was drafted. As part of the PPF it was agreed that the social partners should address this matter and subsequently a Code of Practice was published which was endorsed by Congress, IBEC and government. *Sustaining Progress* agreed that the existing Code on Teleworking would be updated in accordance with the EU Framework Agreements negotiated between the Social Partners at EU level. The agreed text was referred to the Department of An Taoiseach, in March 2005, to consider the public service employer perspectives.

From the individual worker's perspective flexible working arrangements are desirable and often essential if the employee is to remain in employment. Research carried out

by Congress has shown that the lack of availability of flexible working has meant that workers, most often women, have been forced to leave the workforce.¹

Union Survey Results

Eleven organisations had recruited atypical workers. In each case the organisation ensured that members were aware of their rights under the part-time workers directive as transposed into national law. The majority of unions surveyed had all negotiated agreements on behalf of atypical workers; and conducted audits in each sector/employment to monitor the scale, reasons for use and/or working conditions of atypical workers. Successful negotiation/implementation outcomes that could be used as good practice case studies were achieved in five organisations.

PRIORITY 3: GENDER PAY GAP

“Eliminate the pay gap between women and men’s rates of pay and to de-segregate jobs within sectors and employments”

1. Congress report on *Identifying Members’ Childcare Needs (March 2002)*

The P2000 Working Group, on which Congress was represented, commissioned a study by the ESRI to address the following issue: *Why 25 years after sex discrimination was outlawed, does a gender gap in hourly wages persist?* The ESRI study was completed and their findings published in October 2000.

The 1997 data shows that women earn 84.5 percent of the average male hourly rate as compared with 80 percent in 1987 and 82 percent, in 1994. In addition men are more likely than women to have jobs that include a range of benefits, such as pensions and health insurance, and when account is taken of these benefits the gap between women's and men's average hourly earnings widens to between 16.5 percent and 17.5 percent. Under the current social and economic structure, it is women who typically spend less time in the labour market than men and more time as carers in the home. In 1987 this difference in work life balance accounted for half of the wage gap.

The ESRI study found that about three quarters of the wage gap is now related to the

difference in the labour market experience of women and men - such as women's shorter attachment to the workforce; interruptions in their careers; occupational downgrading on return to work and lower returns to education. The fact that the ESRI study confirms the reasons for this difference does not make the difference acceptable; rather it clarifies the issues that must be addressed in order to bridge the wage gap.

In Ireland following the publication of the ESRI report *How Unequal Congress* negotiated under the PPF that a Consultative Group on Male/Female Wage Differentials be established and that further investigation of the gender pay gap be undertaken, within specific sectors of the economy (Retail Sector, IT Electrical & Electronics Sector, Food Sector, Local Government Sector). Congress participated in this group. The study described in detail the extent of the pay gap and gender segregation within the four sectors. All four sectors show the existence of a substantial pay gap adversely affecting women, with the retail sector showing a gap of up to 30 percent. The INDECON report also sets out

recommendations to address the gender pay gap, at sectoral level and the national responses required. These included the provision of affordable childcare, making options for family friendly working available, training and the undertaking of equality reviews and audits in the sectors.

Specific work on the Gender Pay Gap initiated under the PPF Consultative Group continues under *Sustaining Progress*. Arising from a recommendation in the Report on Male/Female Wage Differentials to Government by the Consultative Group, the ESRI is currently carrying out research into the gender pay gap for recent graduates in Ireland. The findings of this research are expected to be published in mid 2005.

As part of the Congress action on the gender pay gap, a multifaceted approach was taken through the Gender Pay Gap Project which ran from 2001 to 2004. Under the project Congress developed a Tool Kit and training programme for negotiators covering gender pay audits, job evaluations free-of-bias and gender proofing for existing agreements, together with gender

impact assessment of proposed agreements, recruitment and selection guidelines and performance-related pay.

Recognising that women are under represented in the bargaining process the project also undertook a survey of women's involvement in the union movement with a view to implementing measures to increase the number of women participating at all levels. Training was also piloted to encourage women to compete for promotions and apply for training in the workforce.

The toolkit has not only proved popular among unions here in Ireland, but has also been requested by many trade union centres around Europe. It also features in the Annex to the *Framework of Actions on Gender Equality* recently agreed by the social partners in Europe. Congress participated on the ETUC negotiating group and the framework includes tackling the gender pay gap as a priority.

Northern Ireland

There has been a narrowing of the pay gap in Northern Ireland with the median gross weekly wage in April 2004 for women working full-time being 83.45 percent of the male median gross weekly wage. However, the median hourly earnings of women working part-time is less than 70 percent of that of full-time workers, and while the number of women employees has risen by 33 percent since 1984, the number of women employees working part-time is up by 64 percent.

Union Survey Response

The number of unions in the evaluation said that they had taken legal action on equal pay claims under the 'work of equal value' provisions of the Employment Equality Act 1998 & 2004 with mixed results. Unions were also asked to identify from their experience the *main* causes of lower pay for women and responded as follows:

- gender segregation ;
- discrimination by employers;
- lack of Promotion;

- part-time work (take-up due to lack of childcare);
- shorter service (due to family responsibilities hence lack of promotion opportunities);
- lifetime working patterns;
- maintenance of existing differentials;
- women will not apply for promotion;
- lack of opportunity to train;

Unions were also involved in ensuring their members knew their rights under the minimum wage; monitoring collective agreements to ensure gender pay equity. Six organisations have audited sectors/employments to determine the gender pay gap. Nine unions had reviewed all existing collective agreements to ensure compliance with Equality Legislation. Seven unions had reviewed negotiated priorities to ensure that these do not reinforce or enhance the gender pay differential. All the unions surveyed have conducted reviews of the reasons given for existing pay structures/practices to check whether or not they are objectively justified and non-discriminatory.

Minimum Wage

Prior to the introduction of the minimum wage 17 percent of women fell below the level introduced compared to 11 percent of men. While more women than men gain from the introduction of the minimum wage, the ESRI study on the wage gap between women and men found that the impact of the minimum wage on the wage gap would be relatively small - perhaps less than one percent. Even if this prediction is correct the minimum wage could have the single biggest impact on the wage gap when compared to the slow pace of improvement over the past number of years. The ESRI also identified the need to consider the future evolution of the level of the minimum wage and pointed out that if Governments keep the minimum wage level low the outcome could be more gender inequality rather than less.

Under the mid-term review of *Sustaining Progress* the social partners requested the Labour Court to review the National Minimum Wage and make a recommendation to the Minister for Enterprise, Trade & Employment in

accordance with the National Minimum Wage Act 2000. Arising from this the minimum wage was increased to €7.65 from May 1, 2005.

Northern Ireland

The minimum wage in Northern Ireland was increased in October 2004 to £4.85 for workers aged 22 and over and to £4.10 for those between 18 and 22. A new youth rate of £3 an hour for 16 to 17 year olds was introduced, though not for apprentices. Congress had made representations to government on the extension of the minimum wage to employees under 18 and while welcoming its introduction expressed disappointment at the low rate.

PRIORITY 4: EQUAL OPPORTUNITIES

“Promote equal opportunities for women and men and to remove existing inequalities and barriers to equal opportunities in access to training, employment and promotion; to gender proof collective agreements, practices and policies”

One of Congress’ key objectives is to ensure greater equality in the workplace for all workers by tackling prevailing discrimination and promoting equality through the negotiation of equal opportunities agreements and the enforcement of the provisions of the new Equality Acts.

The composition of the Irish workforce has changed dramatically in recent years with significant numbers of women entering the labour market, more people with disabilities seeking employment and wishing to be integrated into workplaces and a dramatic increase in the number of migrant workers taking up employment in Ireland. Workplaces have to respond to this change and embrace diversity. During the last six

years Congress and individual unions have sought to tackle discrimination through the new Equality Acts and to promote equality through positive, pro-active policies and initiatives on equal opportunities, multiculturalism and a greater commitment to the disability agenda. Over a series of national agreements, this work has included:

- Work with the Equality Authority including the promotion of Equality Reviews and Action Plans;
- The Review of the Employment Equality Act, 1998;
- Sexual Harassment/Harassment on Other Grounds;
- Women’s Access to the Labour Market;
- Employment Action Plan 2001;
- Monitoring and influencing EU Developments;
- The Equal Status Act, 2000;
- NDP - ESF Structural Funds - Gender Proofing/Gender Mainstreaming;
- and Equality Proofing.

Much of this work was pursued through social partnership structures, culminating in The Equality Framework, agreed in *Sustaining Progress*.

Sustaining Progress acknowledges that: “Equality is a key goal which must underpin activity in all policy areas in order to ensure a fair and inclusive society with equal opportunities”.

Implementation of three EU Employment Related Equality Directives:

Sustaining Progress committed the government to implement three EU directives in the area of equality, including the Gender Equal Treatment Directive.

The three Directives provide a general framework for combating discrimination on grounds of racial or ethnic origin in both the employment and non-employment areas (Race Directive), as well as a general framework for the prohibition of discrimination in relation to employment on grounds of religious belief, disability, age or sexual orientation (framework Employment Directive); and update certain aspects of the

1975 Equal Pay and the 1976 Equal Treatment Directives which provide for the prohibition of discrimination in relation to employment on grounds of gender (Gender Equal Treatment Directive).

➤ These changes were provided through the introduction of the Equality Act 2004 (amendment of Employment Equality Act, 1998). Congress prepared a submission on the Act and engaged on issues of concern with the department. Congress subsequently produced a guide for trade unions on the major changes in equality legislation brought about by the Act.

The gender ground is now the second largest category in terms of complaints received by the Equality Authority under the Employment Equality Act. These include sexual harassment and pregnancy related discrimination and are an indication of the significant level of discrimination experienced by women at work in Ireland today.

A comprehensive framework of equality legislation, institutions and mechanisms is now in place. This framework comprises

the Employment Equality and Equal Status Acts, together with the infrastructure which gives effect to them – the Equality Authority and the ODEI – Equality Tribunal, as well as the National Disability Authority which supports mainstream policy and standards of service for people with disabilities. It is essential that this Framework is kept up-to-date and relevant.

Congress continues to pursue the equality agenda through social partnership and has been involved in ensuring that commitments made are followed through including

Gender Mainstreaming (GMS)

(incorporating a gender equality perspective into mainstream policies as these are developed, implemented and evaluated)

Sustaining Progress contains a commitment that gender mainstreaming will continue to be progressed through the work of the NDP Gender Equality Unit in the Department of Justice, Equality and Law Reform, the Equality for Women Measure and implementation in other policy areas. GMS is a requirement of all policies and

programmes funded through the National Development Plan 2000 to 2006 (NDP), part funded by EU structural funds. There are nine specific GMS related commitments in the NDP and research has shown that progress in relation to achieving them is quite uneven. Congress continues to participate on this committee and will continue to work towards more effective implementation of gender mainstreaming.

Equality Proofing

Equality Proofing was defined in Partnership 2000 as involving “the (re) organisation, improvement, development and evaluation of all policy processes so that an equality perspective is incorporated in all policies at all levels and at all stages, by the actors normally involved in policy-making” (Partnership 2000. January 2000 p: 17). More recently *Sustaining Progress* recommended “proofing of policies and services in the public sector to avoid unanticipated negative impact on any of the groups protected under the equality legislation, to ensure policy coherence and best use of resources.”

The development of equality proofing has been implemented by the Equality Proofing Working Group, a group chaired by the Department of Justice, Equality & Law Reform with membership from government departments, the Equality Authority, the Equality Commission for Northern Ireland and the four pillars of social partnership, including Congress.

Congress continues to participate on the Equality Proofing Working Group with a view to further developing the concept.

Northern Ireland

Section 75 of the Northern Ireland Act is a comprehensive equality tool, which requires that equality considerations be central to public policy processes. The main aim of Section 75 is to ensure that equality of opportunity is mainstreamed by public authorities in their policy making, policy implementation and policy review. It places a statutory duty on government and public bodies to have due regard to the promotion of equality of opportunity across nine grounds including between men and women generally. Congress played a strong role in

securing this legislation and more latterly in pressing for its implementation. We have expressed our concern to government that there is strong resistance to its implementation particularly in high-level policy areas such as the Budget, the Programme for Government and public procurement. Congress contributed to the recent Independent Review but expressed our concern to government that the review had exceeded its terms of reference. Congress was also part of the Equality Commission review group, which has produced a new guide to statutory duties. We also continue to respond to a wide range of Equality Impact Assessments.

We have also commented extensively on consultation documents and drafts for a Single Equality Bill. Recently, Congress established a formal process for meeting with the Equality Commission (NI) and we are now members of the Working Group with responsibility for the application of Statutory Duty to the procurement process.

National Women's Strategy

Sustaining Progress committed the government to the development of a National Women's Strategy. The National Women's Strategy is being drafted by an Interdepartmental Committee, consisting of representatives of all government departments.

The National Women's Strategy Consultation Group consists of the social partners, including Congress. The group receives drafts of the National Women's Strategy as it is developed by the Interdepartmental Committee and advises in relation to the development of the National Women's Strategy on an ongoing basis.

Congress has written to the Department of Justice Equality & Law Reform welcoming the preparation of a comprehensive National Women's Strategy 2005-2015, and expressing hope that this will lay down the foundation of achieving equality between women and men. Congress considers that it should set out an ambitious strategy to achieve a fair society that recognises equality for men and women as a fundamental principle.

The Strategy is due for publication in October 2005.

At time of writing, Congress is also finalising a guide for trade unions on harassment and sexual harassment. These guidelines provide practical guidance to trade unions as they go about negotiating policies and procedures to prevent and combat harassment and sexual harassment in the workplace.

Northern Ireland

In Northern Ireland, Congress responded to Government's consultation on its gender equality strategy, Gender Matters. While welcoming the publication of the document, Congress was somewhat critical of its content and also concerned that it was neither accompanied by an action plan nor indicated what resources would be allocated for its implementation.

Employment Action Plans

Guideline 6 for National Employment Action Plans relates to Gender Equality. Congress annually submits its views on the

development of the plan through the open method of co-ordination. We have been stressing also that this cannot be a substitute for the exercise of judicial powers in the area of the labour market by the European Union.

More recently, Congress has pointed to disappointing progress in developing childcare in Ireland which is widely acknowledged as being a major impediment to further development of the Irish economy. Congress has pointed to the need for Ireland to take decisive steps to improve the gaps between employment rates for women and men, as well as taking concrete steps to tackle the high gender pay gap. The EU Commission has specifically called for immediate priority to be given to increasing the supply and affordability of child care facilities and to take action to tackle the causes of the gender pay gap. Congress has also raised issues in relation to maternity and parental leave, and access to part-time work.

Equal Opportunities Framework Committee

Congress continued its participation in the Equal Opportunities at the level of the Enterprise Group, convened by the Equality Authority. During the period, we received support for the development of training and materials for trade unions in:

- Lesbian, Gay and Bisexual Rights in the Workplace;
- Negotiating Disability in the Workplace; and,
- Harassment at Work.

Congress will strive to ensure that any future National Agreements make provision for the work of this committee.

Union Survey Results

The programme recommended that affiliates remove existing inequalities and promote equal opportunities through a series of measures. Organisations were asked whether they had negotiated a range of possible measures to promote equality. The survey sought information about whether positive action programmes had

been negotiated to promote gender equality. Ten organisations had sought to promote gender equality in this way. Only one organisation had sought to attract women into apprenticeship. Audits had been conducted by 10 organisations.

Gender equality policies and programmes had been negotiated by 10 unions and training/development programmes to promote/implement equality policies had been promoted by 11 unions. All unions surveyed had negotiated policies/programmes/procedures to address sexual harassment.

Other equality measures for women were negotiated by seven organisations. These included:

- incoming measures recommended as part of rules change at BDC 2005;
- negotiated pro rata status for part-time workers;
- introduction of training to encourage union involvement by women;
- unions raised the setting of agreed targets for women in senior posts in the

civil service and HSEA;

- two referred to successful outcomes that could be used as good practice case studies;
- public sector unions engaged with a Gender Equality Policy in the Civil Service;
- one union reported Shared posts; proportionality on all Committees; All Women Senior Management Team; Clerical Assistant on TUC organised course now Regional Officer.

PRIORITY 5: WOMEN IN UNIONS

“Encourage and improve the level of participation by women at all levels of the Trade Union movement”

Women Trade Union Membership

Female membership of trade unions affiliated to Congress at the end of 2004 was 346,160 reflecting an increase of 10,708 on the previous year. Women membership accounts for 45 percent of the total membership.

Women membership in the Republic increased by 10,229, over a 12 month period. The main increases were the INTO (+ 5,508), IMPACT (+ 2,700), INO (+ 922), MANDATE (+ 875). Women represent 43% of the total membership in the Republic of Ireland.

In Northern Ireland the gains were not as large but still substantial, with membership growing by 1,479. The main increases were the NASUWT (+1,608), INTO (+1,216), USDAW (+642). Women represent 50% percent of total membership in Northern Ireland.

The Joint North/South Committee of the Congress Women's Committees identified the issue of the participation of women in unions and recruitment of women workers as a major priority arising out of the Motions adopted at Congress Women's Conferences. A Working Group was established on recruitment and action in relation to improving the participation of women in unions at the Women Committee's Joint Seminar, 'Progressing Women within Unions' in March 2003. The purpose of the

seminar was to get ideas on how to make unions more relevant to women workers and members. After presentations by speakers from the TUC Organising Academy; the Danish LO, the President of Congress and the Congress Director of Advocacy and General Services, delegates grouped in workshops to discuss how best to recruit, involve and progress women within unions.

This Seminar contributed to the *Women for Unions, Unions for Women Campaign* and theme of the ICFTU World Women's Conference, Melbourne 2003 and the – ETUC Research Project *Gender of European Trade Unionism*.

Women's Representation on Union Structures

Unions have achieved much for women workers through negotiations at local and national level, by taking legal action on their behalf and through daily representation in the workplace.

Areas of interest to women such as equal pay, equal opportunities, maternity leave

parental leave, family friendly workplace arrangements, employment rights and protection for part-time workers continue to be highlighted by Unions as priority issues.

A major objective of the Gender Equality Programmes is to improve women's representation at senior levels of union organisations. It has been an aim of the programmes to increase representation in line with the proportion of women members in trade unions (proportional representation). The Gender Equality Programmes have consistently included the aim of removing the barriers that hinder women's participation at all levels of the trade union movement.

At the end of 2004, women accounted for 45 percent of union members (337,000 members) and were represented by five women on the Congress Executive Council, comprising 16 percent of places. This reflects the dearth of women in senior officer or leadership roles across the trade union movement.

This has been dealt with in an immediate

way through the adoption of an important rule change which will lead to more women on the Executive Council and General Purposes Committee of Congress by summer 2005. A proposal was worked out which fundamentally changes the way unions nominate candidates for election. This will lead to a doubling of the number of women represented on Congress' Executive Council and improved representation on its General Purposes Committee. It is a significant milestone towards the achievement of appropriate representation. However, the underlying issue still needs to be tackled: unions need to improve the engagement of women within unions and actively develop and progress women through union organisations to increase their representation at every level, but particularly senior and leadership levels, of the movement.

Equality in Trade Unions

In July 2003, BDC adopted a motion on Equality (Motion 23) proposed by the Executive Council. This motion and the action programme it provided for will significantly inform and develop how trade unions ensure

equality for both employees and members under the groups covered by equality legislation including: gender, marital status, family status, sexual orientation, age, race, religion, disability, race and membership of the Traveller Community.

The motion recognises the role which trade unions can and should play in promoting a positive response to the challenges and opportunities of equality legislation, north and south. To progress this work the Executive Council established a small working party to include members of the Executive Council and the Women's Committees to produce the Model Equality Clause and, in consultation with affiliates, to produce an acceptable audit process.

The equality audit process will provide the main practical instrument to help ensure that the Equality Clause is seen to be meaningful and more than a paper commitment. It will enable Congress to engage with its affiliated unions in a new and positive way and demonstrate to parties outside the trade union movement that its commitment to equality is a lasting one.

While it will be based on an auditing tool and briefings for unions to assist them in conducting their audits, the intention will also be to continue to develop in parallel Congress support for unions' continuing work in the equality field. The audit will be in two parts:

1. Addressing Congress and affiliates as employers, and
2. Looking at internal union structures, representation on Executive Council level and also the breakdown of the representation.

Union Survey Results

The evaluation identified involvement by women in their unions is being actively pursued in most organisations through training courses, gender balance in nominations and the raising of key issues in course modules (e.g. sexual harassment and bullying, health and safety for women).

The evaluation also shows that unions have been active in promoting gender equality through a range of programmes and policies. These include pro rata status for part-time

workers, training opportunities, targets for women in civil service posts, and higher levels of female participation on committees and in senior management. The majority of unions had stated that they had adopted measures to ensure that current recruitment and selection procedures are gender proofed; and had also implemented the recommendations of the Congress Recruitment Strategy document aimed at increasing women's membership and making trade unions more attractive to atypical workers.

The unions surveyed were asked if they had examined women's representation throughout all levels of their organisation and introduced positive initiatives, timetables and targets, as appropriate, to achieve this. 10 organisations responded positively.

Other specific initiatives in this area were:

- Provision of training courses for women (7)
- Gender balance on general trade union courses (8)
- Gender balance in nomination of women participants to ICTU general and specialist courses and seminars (9)

- Equality issues on general training courses (13)
- Women's health and safety issues, sexual harassment and bullying at work, and violence against women on courses (10)

Unions as Employers of Women

- A total of 10 unions indicated that they had adopted measures to ensure that current recruitment and selection procedures are gender proofed.
- Seven organisations stated that they have encouraged more women to apply for posts as full time officials.
- More unions (11) had introduced work life balance policies (e.g. flexible working hours arrangements; maternity, paternity and parental leave arrangements)
- Additional actions/measures negotiated/implemented on women's participation in unions had been sought by 3 unions, one through their Women's Development Programme.

PRIORITY 6: MONITORING & EVALUATION

Congress has sought to ensure that policies in relation to equality are integrated within the trade union agenda and are translated into action for women workers through a number of initiatives, including:

- The rule change on female representation on the Executive Council;
- Motion 23 on the promotion of equality within unions;
- Production of resource materials for affiliate unions: e.g. Gender Pay Toolkit, Family Friendly resource;
- The development of a project, Leadership Initiative for Females in Trade Unions (LIFT), funded by Equal and due to start in 2005.

The latter will greatly assist us in obtaining information from unions on women's participation at senior levels of the trade union movement.

A mid-term and final evaluation survey was conducted on the Fourth Programme and

unions responded to Congress updating us on affiliate actions.

We have also embarked upon a project to support Congress to further develop our work of promoting equality in policy formation, within the trade union movement and at workplace level. The project is to assist Congress to build on achievements and initiatives developed over the life of the Equal Opportunities Framework Committee in this regard in a planned and systematic manner.

The project requires a small scale consultancy to:-

- Map current operations, services and structures of Congress.
- Map equality initiatives taken by Congress over the period of the Equal Opportunities Framework Committee. These would include initiatives to promote equality in policy formation, within the trade union movement and at workplace level. They would encompass stand alone equality initiatives alongside equality initiatives developed within

mainstream operations and services.

- Identify issues that have arisen in developing and implementing these equality initiatives and any barriers to the further development of this work to promote equality.
- Develop a strategic action plan to further develop Congress's work of promoting equality in policy formation, within the trade union movement and at workplace level and to identify the structures to implement this plan.

This project is led by Congress and the consultants work to a steering group drawn from Congress and the Equality Authority.

SECTION 2:

OVERVIEW ANALYSIS TO INFORM THE FIFTH GENDER EQUALITY PROGRAMME

INTRODUCTION

As outlined in the Report Section on the Fourth Programme, significant progress has been made in the last five years towards improving gender equality in our society: there has been a major increase in the number of women working; the proportion of young women with third level education has risen by almost 50 percent, considerable investment has been made to improve the supply of childcare places, we have seen important equality legislation enacted including the Equality Act 2004 and the Maternity Protection (Amendment) Act, and, during the lifespan of the Fourth Gender Equality Programme, a minimum wage was introduced and four increases have been achieved. The current adult rate is €7.65.

These developments, along with many others, have been pursued vigorously by

Congress and affiliated unions who have been to the fore in progressing change with government and the social partners, through legislation, collectively in workplaces and through our representation at an EU and international level. Whilst the developments to date are impressive, there is still a lot to be achieved and a long way to go to realise our mission of equality and fairness.

2005 marks the tenth anniversary of the Beijing Conference and Platform for Action for Gender Equality. At the 1995 conference, global recognition was given to the necessity to achieve gender equality to ensure the full development of every nation.

Ten years on, we are challenged by the continuing problems of a persistent gender pay gap, the predominance of women in the lowest paid jobs, the 'glass ceiling' phenomenon and gender poverty. It is also evident from the survey of unions conducted for this report that the burden of family care continues to fall on women and impacts adversely on their career and earnings' potential compared to their male counterparts. Other causes referred to by

unions is the lack of opportunities women have for training and a general lack of awareness among women of their rights

It is clear that much more remains to be done.

OVERVIEW

Women & Work

Women have become an increasingly important part of the workforce. Much of the growth in employment experienced over the last decade has been facilitated by women entering the workforce. The employment rate of women rose by over 14 percentage points during the period 1995 – 2004, compared to an increase of less than nine percentage points for men (CSO). However, in the last three years the employment rate for women has stagnated due largely to the high cost and lack of availability of suitable childcare.

In the last 10 years, there has been a huge upsurge in the number of married women with childcare needs entering work or returning to the workforce. However, most

are in small-scale service industry jobs, many working part-time hours and without pensions.

Women continue to be over-represented in low paid, part-time, and atypical employment and experience greater vulnerability. The number of employees working part-time increased from eight percent of jobs in 1988 to about 17 percent of jobs by 2004. Eighty percent of part-time jobs are held by women, representing 30 percent of total female employment.

The reasons cited for working part-time are very different when gender considerations are taken into account: in an EU context, almost 24 percent of men who choose to work part-time do so to pursue education opportunities, compared to less than eight percent of women. In Ireland, two-thirds of women working part-time, do so to facilitate care responsibilities.

Women continue to experience significant levels of discrimination at work. Gender discrimination constitutes the second largest category of complaints made to the

Equality Authority, including sexual harassment and pregnancy-related discrimination.

Older women are under-represented in the workforce. In the 55-64 age groups, 64.7 percent of men are employed, compared to 33.4 percent of women.

European Employment Strategy

Two major reports on European Employment Strategy have been published since the end of 2003. The position and potential of women is highlighted in the strategy which points out that female participation in the workforce is an issue of gender equality and a matter of economic necessity.

Member states are required to:

- remove financial disincentives to the participation of women in relation to wages and taxation and including the gender pay gap;
- increase the availability, affordability and quality of childcare and elder care;
- improve working arrangements with

measures to boost the attractiveness of part-time work and facilitate career-breaks and flexible working;

➤ tailor measures to the specific needs of disadvantaged women.

The poor performance of Ireland in pursuing and implementing the strategy around the participation of women has been criticised by the EU particularly in relation to the provision and affordability of childcare and the extent of the gender pay gap.

Education & Learning

Over the period 1999-2004, the proportion of females aged 25-34 with 3rd level education rose from 27.5 percent to 42.7 percent, reflecting the tendency for women to stay in education for longer (CSO 2004). Women generally outperform men academically in both secondary and tertiary education but are significantly under represented in science and technology subjects. In engineering, 71 percent of graduates were men, while 82 percent of graduates in health and welfare were women. Only 4 percent of apprenticeships in

2000 were women.

Childcare

87 percent of women aged 20-44, without children, are active in the labour market compared to less than 54 percent with children aged between 0-5 years of age. There are now over 340,000 mothers with children of preschool or school-going age in the workforce. Recent government policy has focussed on provision of childcare places through increased supply. The issue of affordability has not been addressed and this is a major problem for working families. Ireland has one of the lowest levels of publicly funded childcare and the cost of private childcare as a proportion of average earnings is among the highest in the EU. Ireland is also among a minority of states that does not provide a payment for parental leave resulting in less than 20 percent of those entitled to take the leave availing of it.

Gender Pay Gap

Women continue to earn almost one-fifth less than men. The gender pay gap narrowed on a continuous basis between

1997 and 2001 but figures for 2002 suggest deterioration. The current gender pay gap of 16 percent between men's and women's earnings is just above the EU average of 15.8 percent, though lower than the gap of 19.9 percent in 1987. The gap is narrower in the public than in the private sector, partially due to the higher rate of unionisation in the public sector. The ESRI have reported that the gender pay gap increases by some one-two percent when pensions and other occupational benefits are included.

Migrant Workers

The migrant workforce is growing and all projections suggest that this is set to continue. The majority of work permits issued (28,707) in 2004 were in the services and catering sectors, accounting for 69 percent of all vacancies. The number of work permits issued in 2003 fell from 47,000 to just over 33,000 at end of 2004. 85,114 PPS numbers were issued to Accession State nationals, between May 2004 and April 2005, representing over four percent of the labour force. A clear breakdown of the number of women migrant workers needs to be ascertained.

Although migrant workers have become an increasingly visible social group within Irish society, we still do not yet know enough about the problems they face. It has been the experience across Europe that migrant women are especially vulnerable to inequalities in the labour market and there is evidence that migrant women have been subject to exploitation in Ireland. The employment of migrant women as domestic workers, with limited rights and entitlements, in private homes is one example where migrant workers are potentially vulnerable.

Women & Poverty

Ireland continues to experience economic gain and is recognised as a wealthy nation. However, significant disparities between rich and poor remain and the gap is widening, with 23 percent of the population at risk of poverty (with more women at risk than men). The proportion of women at risk of poverty, after pensions and social transfers is the highest in the EU. The at-risk-of-poverty rate for women in the over 65 age group stands at 49 percent. (Central Statistics Office).

Pensions

The largest group of people at risk of poverty is older women with inadequate pensions. Only 46 percent of women in the Irish workforce have pension cover – dropping to one third, when women in the public service are excluded. Women's pensions are lower than men's because of lower pay and less service in the paid workforce; because women are more likely to take time out for family and caring duties such as eldercare and childcare; to opt for work-sharing arrangements; or to take unpaid parental leave. Also, today's older women are less likely to have an occupational pension or even a full social insurance pension, because of past practices such as the 'marriage bar' and the active discouragement of mothers of young children from working outside the home. Public pension provision may keep such people from penury but will do no more. Even if the National Pensions Policy Initiative target of 34 percent of Average Industrial Earnings is achieved by 2008, this will not be adequate.

Women in Unions

Unions face a major challenge involving and maintaining women in their structures which has a knock-on effect on the numbers of women who make their way up through union organisations. The lack of women in senior officer or leadership roles contributes directly to the failure of unions to nominate women for election and exposes an underlying problem within the sector. This has been dealt with in an immediate way through the adoption of an important rule change which will lead to more women on the Executive Council and General Purposes Committee of Congress by summer 2005. However, unions need to continue to improve the engagement of women within unions and actively develop and progress women through union organisations to increase their representation at every level, but particularly senior and leadership levels, of the movement.

SECTION 3

OBJECTIVES FOR FIFTH GENDER QUALITY PROGRAMME

This report has highlighted the progress made in achieving gender equality since 1999. It has outlined the many initiatives taken by Congress and affiliate trade unions in tackling this issue. What is clear is that further steps are needed if we are to achieve our goal of full equality in practice for women at work, including the need for planned and systematic approaches to workplace equality. A fifth gender equality programme is proposed to ensure continued prioritisation of this important work by Congress and affiliated unions. The overarching objectives for the fifth programme are outlined below. Following the BDC discussion in June 2005, it is proposed to undertake consultation with the relevant committees and develop the objectives into an action plan to be submitted to the Executive Council of Congress for approval in November 2005. The fifth equality plan will also be informed by the results of the mapping of equality

initiatives currently under implementation with the assistance of the Equality Authority and will be informed by the ETUC Equality Plan and the Framework of Actions on Gender Equality agreed by the European Social Partners.

Priority 1: Equal Opportunities

Congress and Affiliate Unions will work to ensure greater equality in the workplace for all workers by tackling prevailing discrimination and promoting equality through the negotiation of equal opportunities agreements and the enforcement of the provisions of Equality Legislation. This will include work on Gender mainstreaming; gender proofing; the National Women's Strategy (ROI) and the Government's Gender Equality Strategy (Northern Ireland); and the promotion and implementation of planned and systematic approaches to tackling gender equality. Important elements of this work will also include:

- Removing barriers to increasing women's participation and to bring about a balanced representation of women in all sectors and occupations in the labour market.

Priority 2: Childcare

A lack of affordable and accessible quality childcare continues to be a major obstacle to women at work. Congress and affiliates will continue to strive for a high quality care infrastructure which addresses the key issues of quality, affordability, and availability of both childcare places and crèche facilities

Priority 3: Reconciling Work and Family Life

Congress and affiliate trade unions will continue to work towards delivery of more flexible workplace arrangements that facilitate both men and women in balancing work and family responsibilities. Key issues include:

1. Enhanced leave arrangements for those with caring responsibilities, including paid parental leave and paternity leave;
2. Work to improve pensions takeup and cover for women;
3. Right to access more flexible work arrangements.

Priority 4: Gender Pay Gap

Building on our work to date in tackling the persistent problem of the gender pay gap, Congress and affiliate trade unions will implement and promote key actions to tackle the problem, including:

- Ensuring that recruitment and promotion methods used are free of bias.
- Conducting equality audits in employments.
- Gender-neutral job evaluation.
- Gender proofing of agreements and gender impact assessment of proposed actions in employments.
- Improving the percentage of women in the Irish workforce with adequate pensions cover.

Priority 5: Women Migrant Workers

Congress and affiliate trade unions will continue to strive to ensure that the experience of migrant workers on the island is a positive one. Congress will seek the introduction of a comprehensive rights based immigration policy that takes into account the special position of women migrants. Issues of importance include:

1. Lack of access to family reunification;
2. Spouses of those with permission to work who are not allowed to work are increasingly isolated;
3. The growing phenomenon of trafficking of women;
4. Exploitation of domestic workers hired to work in a private home.

Priority 6: Women in Unions

Through the EQUAL-funded LIFT programme, increase institutional understanding of the prevailing barriers to the engagement and participation of women in unions and develop a corps of women trade unionists equipped with the experience, knowledge, skills and

competencies to undertake senior officer and executive leadership roles within union organisations and Congress through the provision of innovative leadership development training and mentoring for leaders and future women leaders.

Priority 7: Monitoring & Evaluation

In order to ensure that progress within the trade union movement on tackling discrimination in all its forms and actively promoting equality issues is maintained and accelerated, Congress will support all affiliates in adopting and implementing the Model Equality Clause (see Appendix 2). Congress will work with unions on developing the audit process to ensure that unions report back on progress to future Biennial Conferences.

Appendix 1

LIST OF TRADE UNIONS WHO RESPONDED TO EVALUATION

Union	Membership	Women
AMICUS	52,590	11,042
CPSU	13,605	9,523
CWU	19,600	2,600
IMPACT	54,062	30,300
INO	30,100	29,012
INTO	32,608	26,514
ESBOA	2,300	1,200
MANDATE	39,450	24,853
NATFHE	2,140	1,170
NIPSA	41,880	27,002
PSEU	11,000	5,781
SIPTU	209,882	79,280
UNISON	34,000	27,100
UTU	6,478	5,711
	Total:	281,088

Appendix 2

MODEL EQUALITY CLAUSE

Congress is concerned to ensure that progress within the trade union movement on tackling discrimination in all its forms and actively promoting equalities issues is maintained and accelerated.

It is therefore proposed that all unions affiliated to Congress have a clear commitment to promote equality and to eliminate all forms of harassment, prejudice and unfair discrimination, both within its own structures and through all its activities, including its own employment practices.

To give real effect to this commitment it will be a requirement that all affiliates sign up to the following Model Equality Clause:

The objects of the union shall include:

(a) The promotion of equality within the union's employment practices by:

- (i) ensuring that its recruitment and selection process is open

and transparent and that any position in the organisation is open to candidates regardless of gender, marital status, family status, sexual orientation, religious belief, political opinion, age, disability, race or ethnic origin or membership of the traveller community;

- (ii) monitoring its work force to identify if under-representation from any of the categories listed at a(i) above exists across the range of posts available and putting in place lawful positive action programmes to address any such under-representation;
- (iii) providing a range of work-life balance policies to attract and retain those with caring responsibilities or those with a disability that prevents them from working full-time.

(b) The promotion of equality in relation to access to and membership of all its internal structures through:

(i) monitoring the make-up of its lay representatives to identify if under-representation from any of the categories listed at a(i) above exists and putting in place policies and practices to address any such under-representation.

(c) The promotion of equality for its members through collective bargaining, publicity material and campaigning, representation, union organisation and structures, education and training, organising and recruitment, the provision of all other services and benefits and all other activities.

Affiliates will report back to Congress every two years on the progress they are making to advance equality.

June 2005

QUALITY

WORK

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QUALITY

LIFE



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