

COLLECTIVE COMPLAINT — REPORT TO IrFUW COUNCIL

December 2020

Background

Members of the Irish Federation will recall that in 2016 Dr Anne Nègre, UWE representative of the University Women of Europe (UWE) on the Council of Europe, and currently president of UWE, lodged a complaint against the Republic of Ireland and fourteen other countries under the collective complaints procedure of the Committee of Social Rights of the Council of Europe. The complaint related to the failure of the countries concerned to observe the provisions of the European Social Charter in relation to the right to equal pay, equal opportunities, and equal treatment without gender discrimination.

The complaint went through a number of different stages, and the Irish Federation of University Women, and a number of other organisations, provided background information and documentation to UWE. Regular reports on the progress of the complaint were given at IrFUW Council meetings and in IrFUW Newsletters from November 2016 onwards.

Decision of ECSR

In June 2020, following lengthy deliberations and consultation, the European Committee of Social Rights issued the following conclusions in relation to Ireland:

- \$ while the right to equal pay is recognised in legislation, there is a violation of Articles 4§3 and 20 c of the European Social Charter on the grounds that pay transparency is still not ensured in practice
- \$ there is a violation of Article 20 c of the Charter on the grounds that there is an absence of indicators showing measurable progress in promoting equal opportunities between women and men in respect of equal pay
- \$ there is a violation of Article 20 d of the Charter on the grounds that there has been insufficient progress in ensuring a balanced representation of women in decision-making positions within private companies.¹

¹ The decision re Ireland (Complaint 132/2016) is at <http://hudoc.esc.coe.int/fre/?i=cc-132-2016-dmerits-en>

In announcing the findings of the ECSR on 29 June 2020, the Secretary General of the Council of Europe, Marija Pejčinović Burić, emphasised that “the gender pay gap is unacceptable in modern societies, yet it continues to be one of the main obstacles to achieving real equality. European governments must urgently step up efforts to ensure equal opportunities in the workplace. And more countries should use the Council of Europe’s Social Charter as one means of reaching that goal.”²

Action taken by IrFUW

UWE President, Dr. Anne Nègre, requested that this decision be disseminated as widely as possible both in the media and to relevant institutions and bodies, both public and private. In this connection IrFUW vice-president, Máire O’Connell, wrote to members of government, including the Taoiseach, the Tánaiste, the Minister for Justice and Equality, and the Minister of State for Equality. A copy of the letter was also forwarded to the Minister for Social Protection. The National Women’s Council of Ireland were informed of the decision and indicated that they would consider how best to help further compliance with the request. In addition, a model letter was prepared and sent to the president of each association of the Irish Federation, with a suggestion that it be issued to local TD’s, councillors and the heads of relevant organisations.

In October 2020, Galway Association of Women Graduates wrote to TD’s in the Galway area and in November IrFUW President, Frances Patton, wrote to all women TD’s and senators in the Houses of the Oireachtas.

Responses received to date

On 14 September 2020 a positive reply was received from the office of the Minister for Justice. The following is an extract:

“Addressing the gender pay gap is a key commitment in the Government's National Strategy for Women and Girls 2017-2020. In this regard, the Gender Pay Gap Information Bill was published on 8 April 2019 and completed Dáil Committee Stage in June 2019. It was awaiting Report Stage before the Dáil was dissolved on 14 January 2020. It has now been restored to the Order and is currently at Forth Stage. The aim of the Bill is to provide transparency on

²The general press release outlining the decision may be accessed at <https://www.coe.int/en/web/portal/-/right-to-equal-pay-european-committee-of-social-rights-finds-violations-in-14-countries>

the gender pay gap and accordingly it provides for the making of regulations requiring employers to publish gender pay gap information.

The regulations will initially apply to firms with 250 or more employees but, over the next few years, this would be reduced to 50 employees. Information on differences in bonus pay will be among the data, which must be published. The regulations will apply to the public sector as well as the private sector, subject to the employment thresholds. It is intended that mandatory reporting will incentivise employers to take measures to address the issue insofar as they can. Measures such as those included in the Bill have been taken in a number of other countries and, indeed, EU member states were encouraged to take such measures in an EU Commission Recommendation.

The other gender pay gap measures in the National Strategy for Women and Girls include initiating dialogue between union and employer stakeholders on the matter, increasing understanding of the gender pay gap and its causes and developing practical tools to assist employers to calculate the pay gap within their organisations.

Tackling this issue promotes equality and also makes good business sense, as firms that can report a low or non-existent gender pay gap will have an advantage in recruiting future employees. Initiatives to address the gender pay gap can also be expected to have a positive impact on disparities in income for women across and after their working lives.”

In an email of 17 November to the Galway Association, Deputy Hildegard Naughton, Chairperson of the Oireachtas Committee for Communications, Climate Action and the Environment, promised full support for measures to reduce the gender pay gap, provide greater transparency and allow balanced representation in decision-making roles. She further pointed out that the Programme for Government, 2020, commits Government to legislate to require publication of the gender pay gap in large companies. In addition the Citizens Assembly, in its online meeting of 14 November focussed on the following Oireachtas resolution: ‘To identify and dismantle economic and salary norms that result in gender inequalities, and reassess the economic value placed on work traditionally held by women, and ‘to scrutinise the structural pay inequalities that result in women being disproportionately represented in low pay sectors’. Deputy Naughton said that once the Assembly has finalised its consideration of the matter and submitted its report, the Government will consider the recommendations therein.

IrFUW president, Frances Patton, received a positive response from Leas-Cheann Comhairle, Catherine Connolly, who promised support, and also from Deputy Mary Lou McDonald, who said she would raise the matter with the Taoiseach. Other replies are awaited.

It is clear that a personal approach, particularly at local constituency level, can have a beneficial effect. Associations are therefore again requested to write or email local officials - if necessary using a suitable modified version of the model letter which was sent to all associations as an email attachment on 16 September 2020. If every association were to contact four TD's, councillors or other officers, it would help greatly to disseminate the information.

Máire O'Connell

Vice-president IrFUW

1 December 2020

