



**Submission to the
Citizens' Assembly on Gender Equality**

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Rialtas na hÉireann
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1. Introduction

Age Action supports and advocates for equality and human rights for all older people. Everything we do is based on a recognition of the diversity of identity and situation among older people and a concern for equality for all older people. In addressing ageing, our work includes a concern to influence perspectives on and responses to ageing.

This pursuit of equality and human rights is underpinned by our work to promote ageing in place, life-long learning, and health and wellbeing for older people, empowering them to live as active citizens.

Age Action is calling on the Government to plan sufficiently for an ageing population to ensure that people remain active, engaged, and valued in their communities for as long as feasible, with choice and control over their lives, regardless of their age. The number of people aged 65 and over is projected to increase by almost 1 million people, from 629,000 in 2016 to nearly 1.6 million in 2051.¹ As a proportion of the population, by 2051 almost 25% of the population will be aged 65 or over, compared to just 13% of the population in 2016.

By implementing progressive policies across all Government departments, including social protection, health and housing, the State can improve quality of life for older people ageing in their community while providing value for money for the Exchequer.

Equality for people who are older, and for each of us as we age, cannot be achieved without achieving equality for all of us throughout the life course.

It is clear that overall women are disproportionately impacted by cumulative inequality through their lives. This is the idea that inequality adds up over the course of people's lives, and across generations. This means that people with advantages are more likely to get opportunities for further advantages, and people with disadvantages are more likely to be exposed to risks of further disadvantage.

There is a generation of older women who did not enjoy the protection of the State or a framework in which to realise their rights.

Age Action frequently hears from women who continue to be affected by the unintended consequences of recent pension policy changes. Many were subjected to the Marriage Bar and remained at home to be the primary carer of raise their children. Recent changes to the averaging calculation of pensions and credits for caring have left many without eligibility for a full State pension in their own name.

¹ CSO (2017) *Population and Labour Force Projections 2017 – 2051*. Available at <https://www.cso.ie/en/releasesandpublications/ep/p-plfp/populationandlabourforceprojections2017-2051/populationprojectionsresults/>

Lessons should be learned in the development of policy responses now to protect future generations from the disadvantages these women have experienced.

This includes recognising and planning for the experiences of women as carers, employees and mothers to making sure they reach old age with security and quality of life and are not disadvantaged by caring roles and gender norms. Barriers in relation to valuing care work, providing better workplace conditions and providing freedom from discrimination must be addressed.

2. Gender Norms and Stereotypes (Theme 1)

Gender norms that place a lower value on women compared to men in society underpin gender inequality both historically and in the present. This systemic issue results in many subsequent barriers in place for women, including barriers to valued care work (explored further in Theme 3), access to equal pay and promotion prospects at work (explored further in Theme 2), and the relative normalisation of violence by men, particularly against women which affect women throughout their lifecourse.

Women are far more likely to be victims of sexual violence at all ages, and this persists into older age, with women aged 60 or over still almost seven times more likely than men of the same age to report being raped or sexually assaulted.² Looking at elder abuse cases, sons are five times more likely than daughters to abuse elderly parents, and mothers are far more likely to become victims than fathers. Unpublished research into the Family Court shows that in one year, 72% of cases involved mothers applying for protection, and 84% concerned sons that were abusive to one or both parents.³

This challenge to gender equality in the right to live free from violence is a particular risk for older age groups, as women constitute a much higher proportion of the vulnerable over-75 population, with three women to every two men in this age group.⁴ Exacerbating factors around this vulnerability may include health status, care needs and dependency. For example, poor health and isolation in older people can increase resistance to reporting problems if the perpetrator also provides essential support for them to live independently. Poor health and isolation can also reduce older people's ability to seek help if they have mobility or hearing issues and reduce their interaction and thus perception that there is anyone else to help them.

Another key barrier to equality of older women is where State welfare payments such as the 'Increase for a Qualified Adult' (IQA) are not individualised and are calculated

² CSO (2019) *Recorded Crime Victims 2018*. Available at <https://www.cso.ie/en/releasesandpublications/ep/p-rcv/recordedcrimevictims2018/>

³ Irish Times (4 January 2020) 'Sons five times more likely to abuse elderly parents, study finds'. Available at www.irishtimes.com.

⁴ Kamiya, Y. and Sofroniou, N. (2011) 'Socio-Demographic Characteristics of Older People in Ireland' in TILDA (2011) *Fifty Plus in Ireland 2011. First Results from the Irish Longitudinal Study on Ageing*. Available at <https://tilda.tcd.ie/publications/reports/pdf/w1-key-findings-report/Chapter2.pdf>

as a secondary payment to the main applicant. This payment method which provides an additional payment to the main claimant in order to support an ‘adult dependent’, sees 97% of IQA payments to pension recipients made to men.⁵ This embeds a dependency relationship that increases the risk of financial abuse in partnerships where we know that women are more at risk: women are seven times more likely to experience severe abuse where their partner controls decisions about money.⁶

Recommendations

1. Government should prioritise the review of the *Second National Strategy on Domestic, Sexual and Gender-based Violence 2016-2021* in light of the 2019 ratification of the Istanbul Convention. Age Action is also calling on Government to ensure the upcoming Third National Strategy includes specific work to support the risks to older women facing violence, including from their children.
2. In the context of social protection reform and to create independent payment security for all, Government should prioritise the establishment of individualised assessments and payment of social welfare supports to remove the dependency of the intended recipient on others.
3. Age Action supports the National Women’s Council of Ireland (NWC) call for the establishment of a National Rapporteur for gender-based violence and exploitation

3. Work: Occupational segregation by gender, gender discrimination and the gender pay gap (Theme 2)

In working for equality, it is critical that we focus on equality of outcomes not just equality of opportunity.

Crucial to this is ensuring we all have adequate income and supports as we age and that we are supported to realise our rights and to continue to make choices over our own lives. Identifying structural inequalities — such as the disproportionate burden of unpaid work that falls on women, gender inequality in the pension system, child poverty and homelessness — and building cross-society collaboration to address them — will benefit us all as we age.

To address the cumulative disadvantage in work and income experienced by many women, we need to address contributing factors such as the gender pay gap, the impact of caring responsibilities, discrimination, and women’s shorter working lives.

Women generally are over-represented in lower paid jobs, at less senior levels, in part-time work and in precarious employment due to caring responsibilities. The labour force participation rate for females is 51.5%, compared to 67.8% of males. The ‘gender

⁵ Age Action data produced from Department of Employment Affairs and Social Protection custom data related to recipients to the end of October 2019.

⁶ See https://www.womensaid.ie/assets/files/pdf/financial_abuse.pdf

pay gap' – the difference between average hourly earnings of men compared to women – is 14.4% in Ireland. Some 74.5% of employed men work at least 35 hours per week, compared to 52.3% of employed women.

Working women in Ireland, on average, earn less per hour than working men. From this starting point, we can see that on average, women will have less money to put towards pension savings, home ownership, healthcare and education. When we look at the statistics, it is clear that the odds are tilted towards women being less financially secure by the time they reach retirement age: the difference between men's and women's pension income in Ireland is estimated to be between 30-35% less.⁷

On average, women earn less money over a lifetime because women almost always take on the role of looking after family by being caregivers for children, parents and others. In practical terms, this time taken out of the workforce to do the vital unpaid work of raising children or providing care to others can mean women are less able to contribute to their pension savings or to build up social insurance contributions for all of the time outside the workplace.

For example, a woman who spends over 20 years out of the workforce to raise children may have left work before she achieved a senior level, and therefore find it difficult to access anything but low-paid work when she tries to go back to work. If the woman is by then in her mid-40s, support for training and advancement to increase wages is likely to be harder to come by for low-skilled workers of her age. The chance of finding well-paid work that is part-time to enable her to attend to the ongoing care needs of the children is also relatively low, further reinforcing the likelihood of ending up in low paid work, even if she retrained for a higher paid job.

Ultimately, despite working hard to provide care and access some paid work, women like this arrive at pension age with less savings and less social insurance contributions – and simply a lower pension to support themselves in older age.

The latest official poverty statistics from the CSO indicate that overall 11.4% of people aged 65 years and over were 'at risk' of poverty in 2018 – this is a sharp 2.8 percentage point year-on-year increase from 2017 and clearly shows that older people remain vulnerable and are not experiencing as quick a recovery post-austerity. Many more older people are surviving on income just above the poverty line, with the top rate of the non-contributory state pension currently below the poverty rate, and as a result are unable to withstand any economic shocks however small.

Indexing of current and future pension rates facilitates proper planning, it provides peace of mind for all older people and crucially it depoliticises the budget process.

⁷ European Parliament (2019) *The Gender Gap in Pensions in the EU*. Available at [http://www.europarl.europa.eu/RegData/etudes/BRIE/2019/631033/IPOL_BRI\(2019\)631033_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/BRIE/2019/631033/IPOL_BRI(2019)631033_EN.pdf); and ESRI (2019) *Gender, Pensions and Income in Retirement*. Available at https://www.esri.ie/system/files/publications/RS87_0.pdf

In relation to the impact of workplace norms that fail to adequately incorporate the need for care work in people's lives, lack of flexibility in the number, timing and location of working hours in a woman's current job can push women into lower paid or part-time work in order to access this flexibility. For some women, the high cost of childcare can also make it difficult to return to work as the cost of care can eat up a large part of the earnings.

Key barriers support existing inequality in the workplace include:

- Workplace failure to incorporate the need for care work in most workers lives and provide adequate conditions for all workers to accommodate these needs as part of business-as-usual
- Gender discrimination in managing biological processes such as menopause
- Discrimination in in-work education, recruitment, opportunities for promotion etc. resulting from the perception that women are less capable, less intelligent etc. and consequently held to a higher standard to receive the same opportunities and assessment of ability

In some cases, lack of flexibility at work can lead women to leave the workforce altogether. This is particularly an issue for older women as a result of caring responsibilities and menopause. Older women are five times more likely than older men to retire early for family caring reasons.⁸ The highest concentration of carers in the population is in women aged 40-54⁹, highlighting the potential for disproportionate impacts of inflexible work practices on older women's ability to continue working.

Menopause is also an issue that can require workplace flexibility to manage, and with an increasing proportion of older people in the population in the coming decades, failure to understand and accommodate menopause will impact on a growing number of women's ability to stay in work. Inadequate manager knowledge and workplace adjustment for women to manage symptoms results in difficulties for many women who want to continue to work. A UK study shows alarming difficulties for menopausal women in the workplace, with a third reporting management criticism of menopause-related sick leave, and 45% reporting managers not recognising the problems associated with menopause.¹⁰

Discriminatory norms that do not give appropriate accommodation to normal symptoms associated with menstruation and menopause create difficulty for women in maintaining work without reputational penalties associated with taking sick leave to manage symptoms. This unequal playing field is clearly seen in the allocation of the same sick leave provisions to both women and men. The allocation of sick leave for illness is effectively reduced in women, who must use the time to manage both illness and normal reproductive system symptoms.

Women's experiences vary but the majority of women will experience regular reproductive health issues. For example, 91% of women experience some period pain,

⁸ ESRI (2019) *Caring and Unpaid Work in Ireland*. Available at www.esri.ie.

⁹ CSO (2017) *Census of Population 2016 – Profile 9 Health, Disability and Carers*. Available at <https://www.cso.ie/en/releasesandpublications/ep/p-cp9hdc/p8hdc/p9cr>

¹⁰ INMO (2019) *Menopause at Work Draft Position Statement*. Available at www.inmo.ie.

and 57% say it has affected their ability to work.¹¹ About half of women found it somewhat or fairly difficult to cope with work during menopause, with another 5% reporting it to be very or extremely difficult.¹² This issue effectively holds the majority of women to a higher standard than men, as women must be 'fit for duty' more often than is statistically likely.

Looking at workplace discrimination, some 7.3% of females have reported some form of discrimination in the workplace, compared with 4.6% of males. Failure by workplaces to proactively identify and eliminate discrimination and bias in recruitment, promotion and career development is a further barrier to gender equality.

Recommendations

To increase equality for women Age Action recommends that Government:

4. Benchmark the State Pension to 34% of average weekly earnings and apply a triple lock which guarantees that the basic rate rises each year by a minimum of 2.5%, the rate of inflation or average earnings growth (whichever is the largest)
5. Explicitly provide for the inclusion of low-paid workers and carers – who are mostly women - in Government pension policy planning such as autoenrolment, with attention to ameliorating adverse impacts particularly for those outside of the core Scheme criteria (per age and income) and those in receipt of a State pension
6. In line with commitments already contained in the *Future Jobs Ireland 2019* strategy, legislate for a national flexible working and care policy that would value caring roles and embed compliance with the EU Directive on Work-Life Balance, and further, require businesses to structure roles at all levels to enable flexibility, to ensure that workers are not penalised through lack of career progression as a result of accessing these rights
7. In line with the NWCI recommendation to the Citizen's Assembly on gender equality, to set the minimum wage to the Living Wage
8. Fund a comprehensive, affordable and accessible childcare infrastructure
9. Legislate to eliminate mandatory retirement clauses in all contracts and ensure employment termination is not based on discriminatory age-related contracts

In order to create business norms that embrace flexibility and value care work, public and private sector employers should:

10. Create incentives for women to stay in, or return to, work, such as mentoring and training
11. Offer opportunities for women and incentives for men to take on caring roles, such as through maternity and paternity leave beyond minimum statutory requirements. Age Action supports the NWCI call for a statutory right for a broad

¹¹ See <https://yougov.co.uk/topics/politics/articles-reports/2017/07/31/most-women-workers-have-found-it-harder-work-due-p>

¹² INMO (2019) *Menopause at Work Draft Position Statement*. Available at www.inmo.ie.

spectrum of paid maternity, paternity, parental leave and carers leave, to include a minimum of 4 paid months of parental leave and 6 paid days of carer leave.

To identify where gender discrimination is occurring in work and how best to address it, the following steps are recommended:

12. Enactment and commencement of the *Gender Pay Gap Bill 2019* legislation to require companies of a reasonable size to report to government on their 'gender pay gap', the ratio of men to women at each level of seniority in the organisation and the cause of significant gaps in pay or significant absence of women at higher levels of leadership
13. For private and public sector employers to proactively identify and eliminate discrimination and unconscious bias that may affect the assessment of women in recruitment and promotion processes e.g. through the use of deidentified job application assessments to ensure women are considered for roles at all levels
14. Government creation of public awareness campaigns and education tools for workplaces to educate public and private sector managers on menopause-related workplace issues to ensure the fair treatment of staff with menopausal symptoms. Potential mechanisms for this are inclusion of menopause education for workplaces and others as priority tasks in the upcoming Women's Health Action Plan; and/or integration of this work into existing and emerging strategies, policies and programmes by the HSE and Department of Health
15. Government legislation for menstrual/menopause leave as a form of statutory protective leave, requiring employers to allow women to access leave provisions to manage symptoms, in addition to existing leave provisions.

4. Care, paid and unpaid, as a social and family responsibility (Theme 3)

It is crucial that the rights and dignity of both those receiving and giving care need to be recognised.

Overall, 98% of those listed as not in the labour market due to looking after family and the home in Census 2016 were female.

Key barriers to gender equality in this area include the lack of value that the Government and society places on care work, which indicates to workers that it is not desirable to do care work. For example, in current contributory pension entitlements, the limit on home caring periods under the Total Contributions Approach¹³ - which does not separate home caring credits from credits from other credited contributions

¹³ See

https://www.citizensinformation.ie/en/social_welfare/irish_social_welfare_system/social_insurance_prsi/homecaring_periods_scheme.html

such as illness and unemployment when calculating maximum credits - can mean women that undertake caring long term end up with a lesser pension payment.

This is a disincentive to men to undertake care work and a disadvantage to women who do.

It is vital that economic recognition is given to unpaid care work throughout a working life. The above issue with the calculation of maximum Home Caring Periods in currently assessing contributory pension entitlement under the Total Contributions Approach discriminates against women who are the majority of carers. A total of 20 years of credits are given under current pension calculation: for those who are in a caring role – mainly women - a 20 year time spent caring will eat up their maximum allowance and not allow time for retraining, unemployment or study to contribute towards pension contributions.

For older women, this can all too often mean facing retirement with very limited assets, savings or means to support themselves. Evidence that women reach retirement with significantly less means is found in the ratio of female to male pension claimants: There are 20,000 more female than male claimants for the non-contributory pension (paid to those with no other means of support), and 100,000 more male than female claimants for the contributory pension (paid to those who have accrued sufficient social protection contributions, largely through employment).

Currently, in the absence of a statutory Home Care Scheme, there is a lack of access to home care for older people and wraparound support services available on a consistent and fair basis across the country. This increases the pressure on families to provide care to older people who do not need residential care but require support to stay at home. In general, while women are paid less, this will reinforce the financial drivers of women taking on caring roles, and disincentivise men from doing so.

Demand for Home Care Packages will increase by 44-66% by 2030. It is now harder for over 65 year olds to access home care than it was in 2009. Waiting lists still persist of over 3 months, with shorter time slots available. Latest available figures showed that in September 2019, 7,346 older people in Ireland were assessed and waiting for home care.¹⁴

There is a lack of appropriate working conditions for home care workers outside the public system, which reduces access to, and quality of, home care services. This increases the pressure on families to provide care instead and creates extremely low paid working conditions for the mostly female workers. Key issues include lack of pay for travel between homes, lack of pay for travel to the first and last homes (particularly problematic in regional areas), and insufficient allocation of time to perform care tasks for each client.

¹⁴ Health Service Executive (2019) *July to September 2019 Quarterly Report*. Available at www.hse.ie.

When workers are not paid sufficiently for their time, and are under pressure for the time they do have, the quality of the care provided decreases under the strain, and the rate of worker turnover increases, which further reduces the average level of experience in the remaining workforce. For example, we regularly hear of cases where an older person lives in a rural area that is half an hour's drive from the nearest town and they struggle to find carers who are willing to travel out to them on unpaid travel time. Even if available, these carers will be rushed trying to complete a range of tasks within a short half-hour visit.

When women take on caring responsibilities that reduce their PRSI contributions and policies such as mandatory retirement clauses in private employment contracts reduce their ability to compensate by building up extra time and funds after the age of 65.

Similarly, the inability to defer pension claims and accrue additional PRSI contributions after the age of 66 locks women into a situation where they are simply unable to compensate for the disadvantages of caring in their prime working years.

Recommendations

The following steps are recommended:

16. The urgent implementation of a statutory Home Care scheme and additional funding to meet current unmet need
17. As per the NWC's recommendation to the Citizen's Assembly on gender equality, to develop a legislative underpinning for the funding of a comprehensive, affordable and accessible care infrastructure to support people at all stages of the lifecycle
18. As per the NWC's recommendation to the Citizen's Assembly on gender equality, to apply a full and retrospective Homecare credit to those who spent considerable time outside of the labour market. Specifically, the Home Caring Period should be excluded from the current calculation of a 20 year credit cap for all other reasons for the State contributory pension. Home Caring is a predictable and required part of a functioning society and should not be treated in the same way as other reasons for not being in paid work
19. Government legislation to ensure home care working conditions are sufficient to maintain a stable and sustainable workforce with appropriate legal protections including pay for travel between appointments, and amendment of the *National Minimum Wage Act 2000* to bring it in line with the European Court of Justice 2015 ruling that where workers do not have a fixed place of work, travel between home and the first and last customer each day counts as working time/¹⁵

¹⁵See

https://www.citizensinformation.ie/en/employment/employment_rights_and_conditions/hours_of_work/working_week.html

20. Government legislation to eliminate mandatory retirement clauses in all contracts and ensure termination is not based on discriminatory age-related contracts
21. Provision of State supports to ensure longer working lives are viable, such as funding and programme support for retraining and to employers to redesign jobs to accommodate physical needs, job transition support and job-sharing education materials
22. Government change to allow individuals, and particularly women who may have limited social insurance contributions, to continue working and making PRSI contributions after pension age - potentially through deferring pension entitlements
23. Government to commit to hold a referendum to replace Article 41.2 of the *Constitution* with a gender neutral statement to reflect the value of care to Irish society. Age Action supports the call by the NWCII for the following suggested text:
 - “The State recognises that home, family and community life give society a support without which the common good cannot be achieved. The State shall endeavour to support persons caring for others”

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