

**CITIZENS' ASSEMBLY ON GENDER
EQUALITY 2020**

**financial
services
union**

John O'Connell, General Secretary

FINANCIAL SERVICES UNION One Stephen Street Upper, Dublin 8 D08 DR9P

Contents

Introduction	2
Theme 2: Work: Gender Discrimination & Occupational Segregation by Gender and the Gender Pay Gap	2
Key barriers/ obstacles and challenges to gender equality	3
Steps to be taken to address the issues and who should address them	3
Voice at Work.....	3
Employer investment in skills	4
Right to disconnect	4
Employee-led flexibility.....	5
Pay Transparency	5
Gender Pay Legislation.....	6
Speak-Up on Sexual Harassment at Work	6

INTRODUCTION

We welcome the opportunity to put forward this submission on behalf of our members to this important consultation process. We support the necessary work of this citizens' assembly and the debate about how to radically improve gender equality in Ireland.

The Financial Services Union (FSU) (formerly the IBOA) has over 100 years of campaigning experience on issues related to gender equality. From the "marriage bar" and the battle for equal pay, to issues like the flexible work today, the union has been at the forefront of the effort to improve terms and conditions in practical ways that makes a difference for people.

FSU is Ireland's leading trade union across the banking, finance, technology and games sectors. Founded in 1918 as the Irish Bank Officials Association, we originally concentrated in the retail banking sector. In 2016, we became FSU as a consequence of the changing profile of finance work in Ireland. We now represent workers in more than 80 companies and we have a presence in every part of the finance, technology and the games sector.

We are an all-island union with a presence north and south of the border and, indeed, in Britain. Our union policy is decided by our triennial delegate conference. Our policies on the issues contained in this submission came from proposals from our members at our conferences. We are an affiliate of the Irish Congress of Trade Unions, ICTU.

THEME 2: WORK: GENDER DISCRIMINATION & OCCUPATIONAL SEGREGATION BY GENDER AND THE GENDER PAY GAP

The gender pay gap, but also inequality more generally in work and society, is real and needs to be addressed through positive and direct action. This can be started in a number of progressive ways:

- Collective bargaining and the right of workers to organise into trade unions to bargain better pay and conditions and provide voice at work;
- Mandatory employer investment in skills and training to mitigate the gendered impact that digitalisation, AI and other new tech is having on work and jobs;
- Positive legislation on the 'right to disconnect' when out of hours;
- Employee-led flexibility over pattern of hours and location of work;
- Pay transparency for all employers on CEO to entry pay ratio, pay ranges and grades, pay increase structures, performance management ratings;
- Gender Pay Gap legislation; and
- Mandatory reporting of sexual harassment at work complaints and cases.

These measures will empower working women to reduce inequality and discrimination at work and in homelife, support a more equal labour market and help equip our economy for the future.

KEY BARRIERS/ OBSTACLES AND CHALLENGES TO GENDER EQUALITY

Collective bargaining is proving to be an important means of promoting equality for women in employment...¹

It has been well established by many international sources that as collective bargaining coverage has declined inequality has grown². The OECD, ILO³ and even now the IMF all see collective bargaining as key to reducing inequality generally, but also gender inequality at work more specifically⁴.

Collective bargaining at work is a human right established under The Universal Declaration on Human Rights (Article 23.4), The European Convention on Human Rights (Article 11) and The Charter of Fundamental Rights of the European Union (Article 28) and the International Labour Organisation's (ILO) Fundamental Conventions concerning Freedom of Association and Protection of the Right to Organise Convention, (No 87). In 2012m following formal complaints by the trade union movement the ILO expressed serious concern that Ireland's laws and practice are inadequate and in violation of Conventions 87 and 98, relating to the right to freedom of association, the right to organise and the right to participate in collective bargaining. They recommended (among other things) that Ireland amend the law to bring it in line with the requirements of the Conventions.

The lack of collective bargaining legislation in Ireland and workers right to organise a trade union in their workplace are a key barriers to the promotion of gender equality in work and in society more generally. FSU's research with the University of Limerick (UL), has called out both the gendered impact of technology on jobs and also the need for collective bargaining to help address this⁵.

The survey results revealed that women and men had some different experiences of workplace technology. Men were more likely to report answering calls/emails outside work hours while women were more likely to expect there would be a significant level of automation of their role and that their work was being monitored through technology.

Collective bargaining is needed at workplace level to address the challenges of workplace technology including the impact on workers

This barrier for providing women with a collective voice at work needs to be removed.

STEPS TO BE TAKEN TO ADDRESS THE ISSUES AND WHO SHOULD ADDRESS THEM

Voice at Work

Providing a statutory basis for collective bargaining and the right for workers to organise their trade union is essential in tackling gender inequality at work. Ireland stands out, and has been called out by the ILO, as missing this important right. This requires the state to legislate, and if necessary a constitutional referendum and amendment, for collective bargaining. This right will provide space at

¹ https://www.ilo.org/wcmsp5/groups/public/---ed_dialogue/---actrav/documents/publication/wcms_113700.pdf

² <https://www.oecd.org/employment/revamp-collective-bargaining-to-prevent-rising-labour-market-inequalities-in-rapidly-changing-world-of-work.htm>

³ https://www.ilo.org/wcmsp5/groups/public/---ed_dialogue/---actrav/documents/publication/wcms_113700.pdf

⁴ <https://www.etuc.org/en/collective-bargaining-and-gender-equality>

⁵ https://www.fsunion.org/download/pdf/fsu_ul_technology_work_and_skills.pdf

work for women to raise issues like gender pay gap, maternity benefit and employee-led flexible working and for women to collectively negotiate solutions with their employers.

FSU is calling for a Fair Work Act⁶ to provide for the right to organise a trade union at work, the right to be collectively represented and negotiate workplace agreements and the right to act and strike with protection.

Employer investment in skills

Our UL research shows that women expect more of their role to be automated⁷ over the coming years meaning they face greater risk of redundancy from the ever-changing world of service work and production. AI, in particular, is more likely to displace roles that women predominantly occupy meaning more women are facing the risk of redundancy, according to Harvard Business⁸ research. Employers need to invest in their staff's skills in order to provide greater long-term job security. Employers, currently, benefit significantly from our education system but they should play a key role in funding and providing for life-long learning at work. Over 36 per cent of workers in our research indicated their employer had not provided training and development in relation to technology at work. We are calling for state action that creatively mandates employers to fund ongoing learning for employees to address those most at risk of redundancy and job displacement, women.

Right to disconnect

Men were more likely to report answering calls/emails outside work hours while women were more likely to expect there would be a significant level of automation of their role and that their work was being monitored through technology.⁹

The legislative right to disconnect is important in protecting workers mental health, ensuring a reasonable work-life balance and providing for a more equal gender distribution of home life and roles. The unequal distribution of home life is well documented¹⁰ with little positive sign of progress in Ireland in recent times¹¹. In the absence of a right to disconnect women are often hit twice by the expectation that they themselves are always on working while also carrying the greater share of domestic work. The work-related stress pandemic¹² is leading directly to very poor mental health across the population. This needs to be addressed through legislation providing for all employments to introduce a 'right to disconnect' workplace policy through engagement with their trade unions/worker representatives. The policy should provide for the following:

1. Commitment from senior management to minimise out of hours contact
2. An on-call/standby allowance for any worker expected to keep phone or device on
3. Overtime payment for any work then done

⁶ <https://www.fsunion.org/updates/2019/07/02/union-call-for-collective-bargaining-to-transform/>

⁷ https://www.fsunion.org/download/pdf/fsu_ul_technology_work_and_skills.pdf

⁸ <https://hbr.org/2019/11/as-jobs-are-automated-will-men-and-women-be-affected-equally>

⁹ https://www.fsunion.org/download/pdf/fsu_ul_technology_work_and_skills.pdf

¹⁰ <https://www.esri.ie/system/files?file=media/file-uploads/2015-07/BKMNEXT113.pdf>

¹¹ <https://www.irishtimes.com/news/social-affairs/housework-gender-gap-persists-in-ireland-and-eu-report-shows-1.3251200>

¹² <https://www.weforum.org/agenda/2019/10/burnout-mental-health-pandemic/>

4. Protection for employees who invoke their right to disconnect from any victimisation or negative repercussion
5. A mechanism to deal with complaints of breach of policy, allowing for referral to WRC

Employee-led flexibility

Working from home, local hubs or varying hours of work have the potential to help a range of issues like climate change, traffic congestion and rural/urban divides. Options for employees also have the potential to facilitate return to work after a prolonged period of absence and also support people balancing caring responsibilities with work. However, to date, flexibility has been one-sided. We have seen employers introduce zero-hour contracts and technology facilitate 'if and when' work with the growth of the 'gig and platform economy'. We need to shift the flexibility discussion toward employee-led flexibility. The new Finnish Working Time Act, which provides employees the opportunity to control 50% of their working hours and location, is a positive step in that direction. In our submission to the Department of Justice, in their public consultation on flexible working, FSU called for an employee right to request and set, where possible, the following:

- Varied working hours
- Home working
- Hub working
- Compressed hours
- Shorter week
- Part-time and job share

A request should only be turned down after careful consideration and where a reasonable business rationale exists. This rationale should be outlined in writing and subject to a robust independent appeal mechanism. Workers should be able to request the same arrangements again after 12 months and the employer mandated to put a plan in place to deliver on the request. Requests for different flexible working should be available within the 12 months. In addition to changes to hours of work and location the Government should legislate for paid overtime and/or a banked system of hours to ensure that workers are always compensated for their actual hours of work. Revenue currently provides for a tax-free allowance to be paid when working from home. This should be made mandatory to compensate workers for the transfer of costs from the office and employer to their home and the worker.

We echo that call in this submission as a means by which gender inequality can be addressed.

Pay Transparency

A lack of pay transparency opens the door to gender bias, sometimes unconscious. Studies have revealed how the lack of pay transparency contributes to the gender pay gap across Europe. When employers' issue job adverts without clear information on pay, they open the door to sometimes unconscious pay discrimination against women¹³. A lack of transparency also has a disciplinary effect

¹³ <https://www.etuc.org/en/pressrelease/just-20-brussels-job-adverts-transparent-over-pay>

on workers. It makes it hard for workers to determine the appropriate salary for their role. Secrecy around pay means that staff have no idea of what salary they should be seeking, or for people to determine whether they are victims of pay discrimination. Many major companies often enforce pay secrecy. This secrecy can also damage part-time workers as it is hard to determine whether discrimination has occurred or not.

The FSU is calling for:

- Legislation to ban pay secrecy clauses in contracts
- Regular published pay audits of major companies both public and private sector
- Published CEO to entry level pay ratios and a target of 20:1 for all companies
- Fairer pay models that provide an equal cost of living increase for all workers
- Transparency of role and competencies right across the organisation from top to bottom
- Transparent salary ranges, salary scales and progression mechanisms in place that provide clear guidelines to all concerned on how to progress within the organisation

Gender Pay Legislation

The PWC Women in Work Index, published in 2017, revealed a 14.8% gender pay gap in Ireland¹⁴. The Morgan McKinley Gender Earnings Gap Ireland 2016 report also revealed that, what they classified as the Financial Services and Regulators sector, had the highest gender pay gap in Ireland, standing at 29%¹⁵.

The FSU is calling for:

- Transparent Reporting and Action Legislation

One of the most important steps that needs to be taken is to require firms with more than 50 employees to report on gender pay annually and negotiate an action plan with the relevant trade union to address the gap. Our previous submission, made in 2017 on this legislation, provides more detail¹⁶. We also call for all industry regulatory bodies to take a more proactive steps in overseeing performance management regimes in large workplaces. As research by FSU has found, performance management ratings to discriminate against part-time workers who are overwhelmingly women.

Speak-Up on Sexual Harassment at Work

Sexual harassment in the workplace is still a very real reality for too many workers. A recent report from the Irish Congress of Trade Unions has revealed the extent of the problem¹⁷.

1. This survey showed that more than half (54 per cent) of respondents have been subject to unwelcome jokes of a sexual nature.
2. Two in five (41 per cent) reported receiving unwelcome verbal sexual advances in the workplace.

¹⁴ <https://www.pwc.co.uk/assets/gender-pay-report-2017-v2.pdf>

¹⁵ https://live-mmk-galileo.s3-eu-west-1.amazonaws.com/sites/morganmckinley.ie/files/gender_pay_gap_in_ireland_2016.pdf

¹⁶ https://www.fsunion.org/download/pdf/gender_pay_submission.pdf

¹⁷ <https://www.ictu.ie/press/2019/11/25/ictu-survey-reveals-shockingly-high-levels-of-unde/>

3. More than a third (37 per cent) have been subject to unwelcome comments of a sexual nature about their body or clothes.

Unfortunately, this research indicates that 4 out of 5 instances of sexual harassment are not reported. Therefore, FSU is calling for the state to legislate for

- all employers to have policy and procedures in place to prevent and deal with sexual harassment in the workplace; and
- an annual reporting mechanism for companies to disclose the volume of cases.

FSU also support the creation of a specific NGO to support whistleblowing in Ireland.

Dublin, 06 March, 2020