

## EVIDENCE TO THE CITIZENS ASSEMBLY

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Dear members of the Citizens Assembly,

I write representing the Ireland branch of an international women's network which has been working on the recognition of caring work for decades; as a carer for my mother; as an academic (archaeologist) steeped in the heritage of Ireland; and as a trade unionist organising to end the discrimination faced by women workers (from professors to hourly paid teaching staff, to administrative staff and cleaners) because of the caring responsibilities we carry.

Since 2005 we have opposed attempts to delete Article 41.2 from the Constitution. We strongly support amending 41.2 to get rid of its old-fashioned sexism while retaining and in fact updating its revolutionary recognition of the vital caring work done, primarily by women, within the family. This recognition has so far been tokenistic and it is time that it should become a reality for all who do this work. There is a rising tide internationally that the work of caring must be recognised by the community which survives because of it.

Following public opposition, the government dropped its proposal to put abolition of 41.2 to a referendum and instead enacted a citizens' assembly which would include looking at amending 41.2. We welcome this and the opportunity to make representations.

For this purpose, we have drafted language which we invite the Citizens Assembly to consider. The language we propose is based on the urgent need for:

- State recognition of caring work and those who do it without excluding any gender.
- Recognition to lead to financial support so that carers are no longer impoverished and discriminated against, both in the home and outside.
- The importance of caring in the context of the climate emergency.

An amended 41.2 should remain within the section of the Constitution which is "justiciable", that is has legal standing rather than be a token statement; this would make it useful to the struggle for equity. It must also be understood in the context of the many kinds of families in Ireland and in the world today; therefore, other parts of the Constitution which refer to the family may also need updating. But that is another question.

### PROPOSED WORDING

"The State recognises the value of the caring work done by mothers and other carers in the family and outside, the skills it requires, and the service it provides to society as a whole, without which the common good cannot be achieved.

The State shall, therefore, ensure that all who do this work, irrespective of gender, receive economic and other recognition, and are not discriminated against in employment and wages because of this social contribution."

## JUSTIFICATION

In my article (Irish Times, July 2018), I wrote (excerpt, full article attached):

The women of my mother's generation would not be uplifted by hiding their contribution. Neither would those of my generation as we struggle to fit unwaged caring for loved ones around the demands of waged work. Invisibility would not help our struggle for equity, it would undermine it.

The vast majority of women in Ireland are mothers and their family's primary carers. They are also the poorest. According to One Family, lone parents, overwhelmingly women, head 25.4 per cent of family units with children; 50.1 per cent of those families live in deprivation.

Family Carers Ireland estimates there are 200,000 family carers, but the means-tested carer's allowance is only €214 per week for caring for one person. And it is well known that carers have to struggle to get basic supports that should automatically be theirs...

Article 41.2 has never been fully tested, but this could change. Once mothers and other carers are aware that the State is to "endeavour" to keep them out of poverty, they may expect financial support instead of the austerity that has hit them so hard. The cuts and changes to the One Parent Family Payment alone may be a contravention of the Constitution.

Some 62 per cent of mothers, according to a 2017 survey by Amárach Research, would prefer to stay at home with their children, especially in their early years, if they could afford to. Such deeply-felt concerns for children appear in every country we know of. Is the Government worried that such mothers may make demands on it?

Unremunerated caring in the home has also been used to lower women's wages and status on the job market. In 2014, a Sheehy Skeffington equality tribunal ruling noted that academic women applicants for promotion at NUI Galway seemed to be disadvantaged when they declared their caring responsibilities. This ruling triggered a movement for pay equity and gender equality in higher education which has now been extended to all grades – from cleaners and administrative staff to lecturers and professors.

Gender equality would not be advanced by removing wording which values caring and the person who does it. A minority of women who can afford it would be able to shed the persona of carer, but most would be drawn into more invisibility, as would men who do this work.

Acknowledging that in most families, everywhere, mothers are the primary carers does not chain women to this work. Rather, it makes society aware of what it is receiving, first of all from mothers, without which it could not function. Such recognition would empower women and all carers of whatever gender, and make it easier to get the support that all who do this work are entitled to. It would also encourage men who have often shied away from this work to appreciate its value and to participate in it.

## RECENT INTERNATIONAL HISTORY

Unremunerated work entered the international agenda in 1975, at the opening conference of the UN Decade for Women in Mexico City. We were involved in subsequent conferences. We formed the Women Count Network to campaign and lobby with the petition Women Count – Count Women’s Work which was supported by more than 1500 organisations, including from Ireland, representing millions of women worldwide.

The mid-decade conference in 1980 in Copenhagen, Denmark, gave unwaged work additional legitimacy with the International Labour Office (ILO) figure (conservative in our view) that **women do 2/3 of the world’s work, yet receive only 5% of its income**. In 1985 at the final conference of the UN Decade in Nairobi, Kenya, we won Paragraph 120 which stated that the work women do in the home, on the land and in the community should be included in national statistics. Finally, in 1995, in Beijing, China, we won the decision that national accounts are to include measuring and valuing unwaged work: how much of our lifetime women (and to a lesser extent men) spend doing unwaged work and how much value this work creates. It was a turning point globally.

This month, on the 25<sup>th</sup> anniversary of this momentous decision, the UN Commission on the Status of Women was scheduled to meet in New York to discuss where implementation of Beijing decisions has reached. Our network was due to give evidence there pressing for more recognition not less, especially given that women have carried the bulk of austerity policies everywhere. The full CSW was postponed due to the health crisis.

The issue is ever more urgent. The Oxfam report, [Time to Care](#),<sup>1</sup> issued in January 2020 says that **women and girls do more than three-quarters of all unpaid care work**, contributing an estimated **\$10.8tn** to the global economy with a total of **12.5bn hours a day**. While women are urged to get an education and thus a better paid job, the need for caring does not go away but increases. Women formed a movement not to eliminate caring but the dependence, isolation, invisibility and discrimination that society imposes on the unwaged carer. Recognition of the work and the worker, within the family and outside, is the only way forward for society to address such discrimination.

Ireland is not the only country whose constitution recognises caring work – Bolivia, Ecuador and Venezuela all mention this work. Venezuela is furthest reaching. Its [Article 88](#)<sup>2</sup> says:

The State guarantees equality and equity between men and women in the exercise of their right to work. The State recognises work in the home as an economic activity that creates added value and produces social welfare and wealth. Housewives are entitled to social security in accordance with the law.

## THE GREEN NEW DEAL FOR EUROPE RECOMMENDS A CARE INCOME

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<sup>1</sup> <https://oxfamilibrary.openrepository.com/bitstream/handle/10546/620928/bp-time-to-care-inequality-200120-summ-en.pdf>

<sup>2</sup> <http://hrlibrary.umn.edu/research/venezuela-constitution.html>

At a time of climate emergency, the importance of caring work cannot be overstated. We cannot miss this opportunity to play our part by supporting proposals which are being put forward as part of the [Green New Deal for Europe](#) (GNDE).<sup>3</sup> The document states:

[The GNDE aims to be] the first attempt at a political response to climate change that is on the same scale as the problem itself, recognizing that any response to the climate and sustainability crisis must necessarily also deal with the austerity and economic short-sightedness that currently paralyze our societies...

It is a promise to build a fairer and more democratic economy, generating decent jobs, protecting workers' rights, and empowering communities to shape their futures. This is the vision behind the Green Public Works (GPW), an historic public investment programme financed by the European Investment Bank (EIB)...

...the GPW will recognise that reproductive and care work represents a significant amount of time allocated for personal, household and community wellbeing and the protection of and struggle for human rights which is integral to care work. The GPW, then, includes provision for a Care Income (CI) — based on the recognition of the necessity of the activities of caring, which are often undervalued or invisible in our societies and overwhelmingly performed by women — especially mothers. This can be made available to people who are not formally employed, but are engaged on a full- or part-time basis in care — parents caring for their children, children caring for their elderly parents, and community members caring for each other and the environment.

By providing social and financial recognition, the CI would provide an incentive for people to engage seriously with care work. This, in turn, would provide security for disabled people — facilitating access to the care they need to live independently. It would also help remedy the structural disadvantages faced by women and other caregivers in today's economy — overcoming the scourge of unequal pay.

Finally, the CI would strengthen families. In parts of Europe, children are being taken into care at an alarming rate. This is the result of policies such as austerity which have impoverished families, particularly single-mother families, and the privatisation of children's services, which have added a profit motive to removing children. A Care Income would redirect resources towards mothers and children, supporting social services in enabling families to stay together.

**POLICY RECOMMENDATION: Implement a Care Income to compensate activities like care for people, the urban environment, and the natural world.**

## **FAMILY CARERS SPEAK**

The comments below, among many that my Irish Times article evoked, give some idea of the depth of feeling among family carers, both women and men, that this debate on 41.2 has opened up.

**From a mother:**

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<sup>3</sup> <https://report.gndforeurope.com/#3>

Unpaid caring work often makes doing paid work impossible, so carers are financially disadvantaged and, if paid, invariably low paid. The one parent family payment and universal child benefit could be threatened by the deletion of Article 41.2. Surely this essential work should be supported by the State; expanding such support to all carers would not create inequality but reduce it.

The further argument that an amendment “will be of no practical effect” is certainly of concern and should be addressed to ensure financial protection for mothers and other carers (regardless of gender) whose uniquely vital work makes them uniquely vulnerable.

**From a husband:**

I read your article in the Irish Times on Friday 13<sup>th</sup>. I had not made that connection between caring work and article 41.2 in the Constitution. Thank you for drawing attention to that and for highlighting, supporting and validating the work of caring. I am a carer myself [for my wife]. ... Your article reminded me that it is useful to lift my head from the daily round, gaze at Constitutional heights, and see possibilities.

When I reflect on my experience of caring and my interactions with numerous agencies, statutory bodies, health care professionals and Government Departments it seems to me that there are two broad models of care. One is mechanistic and is mostly concerned with maintenance. The other is organic and mostly concerned with accompaniment. In the first model there is a great emphasis on doing things to or for people and in the second model it is about doing things with people. The first model sees the person to be cared for as a machine which requires more and more maintenance as life goes on. Plans become increasingly about tasks to be performed on or for the person and these are tabulated in columns which can be ticked off as appropriate. The organic model sees the person to be cared for and the carer as people in an evolving situation where a host of environmental factors interact in a complex terrain which must be navigated with compassion, intelligence, skill and humour.

In this way of thinking accompaniment matters. The emphasis is on developing particular, creative responses rather than the application of universalist solutions. It is also about making sense of one's own situation rather than being handed a narrative (and generally a dismal one at that) to be lived out.

Many working within this system would like to do things differently but prescription not responsiveness reigns. It is as if the poetry of caring has been put into the hands of accountants.

This is an international debate and it is clear from these comments that Ireland has much to contribute to it.