

Equality Commission

FOR NORTHERN IRELAND

Gender Equality:

Policy Priorities and Recommendations

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1 Executive summary

- 1.1 The purpose of this paper is to inform policy development to advance gender equality in Northern Ireland by setting out the Equality Commission's proposed high level gender equality policy priorities and recommendations.
- 1.2 These proposed policy priorities and recommendations have been developed following a comprehensive review of the evidence base and engagement with key stakeholders.
- 1.3 We are seeking the views of stakeholders on our proposed gender policy priorities and recommendations so as to help shape and inform our final priorities and recommendations.

Proposed policy priority areas

- 1.4 In summary, we propose that the Executive, Departments and other key stakeholders take action in the following proposed policy priority areas, including via the Gender Equality Strategy, to:
- **tackle gender stereotypes and prejudicial attitudes** – including in education, work and the media, covering advertising and marketing;
 - **promote gender equality in education** – including mainstreaming gender equality in the curriculum, teacher training, and in the policies and practices of schools and educational bodies;
 - **promote gender equality in employment, including ensuring women's economic independence** – such as actions to mitigate the impact of rebalancing the economy; tackle occupational segregation; maximise flexible working for all; tackle discrimination; and address multiple identity issues;
 - **address barriers to, and impacts of caring roles** – including considering the economic and social impact of the pattern of paid and unpaid care work in Northern Ireland and ensuring the provision of affordable and accessible childcare;
 - **promote gender equality in political and public life and decision making, as well as in peace building** – including steps to promote the participation of women and trans people in public and political life and decision making and ensuring the participation of women in peace building;

- **eradicate gender based violence and exploitation and transphobic hate crime** – including ratification of the Istanbul Convention; an effective strategy to tackle gender based violence; and action to prevent and detect transphobic hate crime and to support its victims;
- **provide gender appropriate health and social care** – including raising awareness of, and addressing, the particular needs of women and men in the provision of health care; and addressing gaps in research as regards the experiences of trans individuals;
- **promote gender equality in recreational activities and sports** – including increasing the participation of women and trans people in all levels of sport and associated governance;
- **ensure gender equality in access to social protection** – specifically, in the context of the Welfare Reform Bill 2015, to mitigate against the identified adverse impact of welfare reform proposals on women.
- **reform sex equality law** – specifically, a timetabled commitment to reform of the sex equality/equal pay legislation aligned to our proposals for reform.

Delivering Gender Equality -Strengthening institutional mechanisms

1.5 We also propose a number of recommendations aimed at strengthening institutional mechanisms for gender equality, including through the development and delivery of the Gender Equality Strategy.

1.6 In summary, proposed actions include:

- a clear commitment and leadership to gender equality at the highest level;
- the strengthening of institutional mechanisms, including by ensuring sufficient powers and resources for national mechanisms for gender equality; a commitment to gender mainstreaming, positive action and the tools of impact assessment and gender budgeting; and addressing gaps in gender equality data;
- ensuring the development and delivery of an effective Gender Equality Strategy.

2 Introduction

- 2.1 The Equality Commission has particular duties under the sex equality legislation¹, including to work to eliminate unlawful sex discrimination and harassment, to promote equality of opportunity between men and women, to keep the working of the legislation under review, as well as to make recommendations for change, where necessary. The Commission also has the duty to promote equality of opportunity for transgender people².
- 2.2 It also has duties under the Northern Ireland Act 1998, including to offer advice to public authorities and others in connection with the duties imposed by Section 75 of the Act³.
- 2.3 The purpose of this paper is to inform policy development to advance gender equality in Northern Ireland by setting out the Equality Commission's proposed high level gender equality policy priorities and recommendations.
- 2.4 The focus of this paper is to highlight the inequalities experienced by women and men, including the particular issues faced by trans men and trans women and those with multiple identities⁴. It also highlights the Commission's proposed action recommendations designed to address those inequalities. The proposed policy priorities and recommendations have been developed following a comprehensive review of the evidence base and engagement with key stakeholders.
- 2.5 We are proposing to refine and develop our gender equality policy priority and recommendations and we are seeking the views of stakeholders so as to help shape and inform our final policy priorities and recommendations.

¹ [Sex Discrimination \(Northern Ireland\) Order 1976](#) as amended, and the [Equal Pay Act 1970](#) as amended.

² Namely under the [Sex Discrimination \(Northern Ireland\) Order 1976](#) as amended, a duty to promote equality of opportunity for persons who intend to undergo, are undergoing or have undergone gender reassignment.

³ [Section 75](#) includes a duty on public bodies to have due regard to the need to promote equality of opportunity between men and women generally and between those with dependants and those without.

⁴ Women and men can be vulnerable to unequal treatment because they share a combination of characteristics covered by the equality legislation that may trigger discrimination. For example, women with multiple identities that experience particular barriers include disabled women and Black Minority Ethnic Women.

- 2.6 These proposed positions build on our existing gender positions and recommendations. For example, in our *Statement of Key Inequalities (2007)*⁵, we highlighted a range of key gender inequalities experienced by men and women in the areas of employment, education, health and social care, and participation in public life. We also set out the inequalities experienced by trans people⁶, specifically noting bullying towards trans people in schools.
- 2.7 Further, in our *CEDAW Shadow Report (2013)*⁷ we highlighted the priority issues relating to women’s participation in political life and women’s economic independence. We also drew attention to the imperative to recognise gender equality as a cross-cutting and whole life theme and to take account of the fact that women, in addition to being subject to discrimination and inequality on the grounds of their sex, also experience multiple discrimination⁸.
- 2.8 Our *CEDAW Shadow Report* also set out fundamental and underpinning points about the need to address violence against women, to consult on abortion law in Northern Ireland and the imperative for policy and decision makers to ensure that women’s multiple identity, including politics, religion, race, age, disability, sexual orientation, caring responsibility or dependency and marital status, is fully considered.

3 Context

Gender Equality Strategy

- 3.1 The Commission continues to look for avenues to advance gender equality in Northern Ireland and subsequent to the submission of our *CEDAW Shadow Report*, we have taken up

⁵ [Statement on Key Inequalities](#) ECNI, 2007 –

⁶ ‘Trans people’ or ‘Transgender people’ are umbrella terms used to describe a range of people whose gender identity or gender expression differ in some way from the gender assumptions made about them when they were born. A further explanation of the different terms can be found at Appendix 1.

⁷ [ECNI Shadow Report CEDAW 2013](#)

⁸ For example, on the basis of the combination of their sex with other equality grounds such as race, disability, sexual orientation, political opinion or religious belief or because of other factors such as rural dwelling.

a number of opportunities to secure adoption of our policy positions⁹.

- 3.2 The development of high level gender policy priorities and recommendations will further inform our work in a range of areas including our shadow reporting on CEDAW, our work on updating our *Statements on Key Inequalities*¹⁰ and our advice to public bodies on meeting their Section 75 duties. We have developed similar high level policy priorities and recommendations in other areas, including disability, sexual orientation and race¹¹.
- 3.3 The context for this work includes OFMDFM's proposal to develop a revised Gender Equality Strategy for Northern Ireland (GES) to replace the *Gender Equality Strategy 2006-2016*¹² which was reviewed in 2013¹³. OFMDFM is also proposing that the objectives of the revised Gender Equality Strategy will be delivered through a set of revised policy actions.

EU / International context

- 3.4 Work to promote gender equality in Northern Ireland must be taken forward in the context of the UK Government's international obligations relating to the promotion of gender equality under a number of international human rights Conventions.
- 3.5 Of particular significance are the UK Government's obligations under the Convention for the Elimination of Discrimination against Women (CEDAW)¹⁴. Obligations also exist under other UN Conventions, including the UN Convention on the Rights of

⁹ For example, see [ECNI submission to the Assembly Inquiry into Women in Politics](#) –(2014); [ECNI response to the draft DOJ/DHSSPS Strategy on Domestic and Sexual Violence and Abuse](#) – (2014) [ECNI Response to draft Executive Childcare Strategy](#) (2013) –; and, more recently, [ECNI response to the DOJ consultation on changes to abortion law](#) – 2015

¹⁰ The Commission is undertaking work to refresh and refine our [Statement of Key Inequalities in Northern Ireland](#), 2007 in relation to areas of education, employment, participation in public life, prejudice and health and social care.

¹¹ [UNCRPD jurisdictional NI 'parallel' report – working paper](#) , IMNI, 2014
[ECNI Promoting sexual orientation equality: priorities and recommendations](#) –; [ECNI Promoting racial equality: priorities and recommendations](#)

¹² *Gender Equality Strategy 2006-2016*, 2nd edition, OFMDFM, 2006 –
<http://www.ofmdfmi.gov.uk/gender-equality-strategy-2006-2016-2nd-edition-large-print.pdf>

¹³ *Gender Equality Strategy 2006-2016 Review*, NISRA, June 2014 –
<http://www.ofmdfmi.gov.uk/gender-equality-strategy-2006-2016-review.pdf>

¹⁴ See [ECNI Shadow Report CEDAW](#)

People with Disabilities (UNCRPD) as regards disabled women¹⁵ and the UN Convention on the Elimination of all forms of Racial Discrimination (UNCERD), as regards black and minority ethnic women (BME)¹⁶.

- 3.6 In its most recent *Concluding Observations* (2013)¹⁷, the UN CEDAW Committee expressed concerns about the implementation of the Convention across the UK¹⁸. The Committee also included specific recommendations relating to Northern Ireland. Our proposed gender equality policy priorities and recommendations reflect, and are consistent with, many of the recommendations highlighted by the UN CEDAW Committee in its recent *Concluding Observations*.
- 3.7 Action to promote gender equality is also consistent with the Beijing Declaration and Platform for Action, signed by the UK Government, which highlights 12 critical areas of concern¹⁹ for gender equality²⁰.
- 3.8 Equality between women and men is one of the European Union's founding principles. The Charter of Fundamental Rights²¹ sets out that '[e]quality between women and men must be ensured in all areas, including employment, work and pay'.
- 3.9 There is also EU wide protection for transgender people against discrimination in the areas of employment and occupation²². In addition, the UN Yogyakarta Principles also

¹⁵ Article 6 of [UNCRPD](#) deals with the situation of disabled women –

¹⁶ CERD's [General Recommendation](#) 25 (2000) deals with the gender related dimensions of racial discrimination –

¹⁷ [Concluding Observations on UK, CEDAW Committee](#), 26 July 2013

¹⁸ The UN Special Rapporteur on VAW, Rashida Manjoo, in her Report on her 2014 Mission to the UK recommends that Government '*implements the recommendations of the Committee on the Elimination of Discrimination against Women, such as the adoption of temporary special measures, to accelerate de facto equality between men and women in the country as a whole, as well as the full implementation of Security Council resolution 1325 (2000) in Northern Ireland*'

www.ohchr.org/A_HRC_29_27_Add_2

¹⁹ The BPfA highlights 12 critical areas of concern for gender equality, which include: Women and Poverty; Education and Training of Women; Women and Health; Violence against Women; Women and Armed Conflict; Women and the Economy; Women in Power and Decision-making; Institutional Mechanisms for the Advancement of Women; Human Rights of Women; Women and the Media; Women and the Environment; The Girl-child. www.un.org/womenwatch/daw/beijing/pdf/BDPfA

²⁰ Other UN goals, such as the Millennium Development Goals, now being replaced by the Sustainable Development Goals, secure both gender mainstreaming measures and a standalone pillar for gender equality.

²¹ Art 23 *Charter of Fundamental Rights of the European Union* – eur-lex.europa.eu

²² In its jurisprudence, the CJEU has held that that right covers persons who underwent, are undergoing or intend to undergo gender reassignment. *Being Trans in the EU*, FRA, December 2014 – http://fra.europa.eu/sites/default/files/fra-2014-being-trans-eu-comparative-0_en.pdf.

outline a set of international principles relating to sexual orientation and gender identity²³. Further, the Istanbul Convention, not yet ratified by the UK Government, is the first international treaty to explicitly include gender identity²⁴.

- 3.10 The *EU Strategy for equality between women and men 2010-2015*²⁵, which is in the process of being updated, sets out key actions under five priority themes: equal economic independence; equal pay for equal work and work of equal value; equality in decision-making; dignity, integrity and an end to gender-based violence; and gender equality in external actions²⁶.
- 3.11 The European Advisory Committee on Equal Opportunities for Women and Men, in its *Opinion* (2014) made a number of key recommendations including in relation to: women's economic independence, advancing women in decision making, violence against women, gender mainstreaming and fostering cultural change in men and gender equality²⁷.
- 3.12 More recently, Equinet, the European network of equality bodies, has prepared a *Perspective* (2015)²⁸ and has presented to equality bodies learning for the new European Commission Strategy for gender equality. The Equinet proposals include the need for a new priority for gender

²³ Yogyakarta Principles 2006, <http://www.yogyakartaprinciples.org/>

²⁴ The Council of Europe's *Convention on preventing and combating violence against women and domestic violence – Istanbul Convention* As set out below, the Commission is proposing to recommend that action is taken by the Executive to assist the UK Government in ratifying this Convention.

²⁵ *Strategy for equality between women and men 2010-2015*, European Commission – ec.europa.eu/strategy

²⁶ The Strategy also identified action in a number of horizontal issues including; ensuring an effective legal framework, promoting good practice and the tools of gender equality, including gender mainstreaming, as well as promoting non discriminatory gender roles, and addressing the role of men in gender equality.

²⁷ The European Advisory Committee on Equal Opportunities for Women and Men, in its *Opinion* relating to the forthcoming European strategy, taking account of the DG Justice study, sets out a priority, *Fostering Cultural Change – men and gender equality*. The EAC recommends: men and women must be included in all work on gender equality as both will gain from a more equal society; the issue of stereotypes should be reviewed; gender equality strategies should include measures to support men in the reconciliation of care, home and paid work; a gender mainstreaming approach should be used and strategies should also include an intersectional approach, recognising differences between men and women.

²⁸ *An Equinet Perspective: The Persistence of Discrimination, Harassment and Inequality for Women*, Equinet, 2015

equality, for new ways of engaging with austerity and further ways of measuring progress²⁹.

Cost of inequality

- 3.13 It is in everyone's interests to ensure equality for women and men in all areas, and throughout the different stages, of their lives, so that everyone can develop their abilities and make choices unrestricted by gender roles.
- 3.14 Increasing the representation of women in political decision making benefits society, politics and democracy³⁰. For example, research by the Inter-Parliamentary Union has shown that women politicians give more attention to social welfare and legal protections, and improve trust³¹.
- 3.15 Further, it is widely acknowledged that gender equality is essential for economic growth and poverty reduction³². Inequalities between women and men impose a heavy toll on the economy and result in the underutilisation of talent. On the other hand, economic and business benefits can be gained from enhancing gender equality.

Persistent Inequalities

- 3.16 Whilst we both recognise and welcome the progress that has been made to address inequality between women and men, including, for example, the increased representation of women in the workforce³³, it is clear that much more work needs done and challenges remain in key areas.
- 3.17 Many gender inequalities remain persistent and hard to tackle, and there are a number of new and emerging inequalities, including inequalities experienced by trans people.

²⁹ These include incorporating gender budgeting and gender mainstreaming in policy making (in particular the Europe 2020 strategy), further legislation and action on VAWG including harassment in the workplace, in education and in the provision of goods and services and addressing occupational segregation and the gender pay gap.

³⁰ [eige_b+20-factsheet-area-g-women-in-power-and-decisionmaking](#)

³¹ UN *Participation of Women and Men in Decision Making: The Parliamentary Dimension* Background paper, 2005 – www.un.org/BackgroundPaper_IPU

³² EU Special Eurobarometer 428 at page 1 ec.europa.eu/justice_gender-equality_eurobarometer_report_2015

³³ The number of women in employment has increased by an estimated 9% between 2005 and 2015. There has also been a narrowing of the gender gap in employment rates, the gap was 12 percentage point difference in favour of male rates of employment in 2005 and 9.6 percentage point difference in 2015. [DETI Women in NI 2015](#)

- 3.18 Women continue to experience inequalities in many areas of their lives. Social expectations that stem from gender roles influence all aspects of life for women and men, including in employment, education, and family life.
- 3.19 Trans men and women also experience particular barriers and inequalities due to their gender identity, including prejudice, discrimination and harassment. These are explored in greater depth in the sections dealing with specific priority areas.
- 3.20 Some examples of persistent and emerging inequalities experienced by men and women which need to be tackled include the following:
- the poor educational attainment of boys at school;
 - occupational and industrial segregation experienced by both men and women;
 - the concentration of women in part time work, which is often low paid and undervalued;
 - sex discrimination and harassment experienced at work by women;
 - the concentration of women in caring roles, paid and unpaid, which are frequently undervalued and underpaid, as well as the lack of accessible, affordable and appropriate childcare in Northern Ireland;
 - the lower life expectancy of men and their higher suicide rates and health risks;
 - the under representation of women across all major positions of political, economic, social and judicial power;
 - high and increasing levels of domestic abuse, which is predominately experienced by women;
 - the high levels of prejudicial attitudes towards trans people.

Multiple Identities

- 3.21 There is also a need to address inequalities experienced by women and men due to their multiple identities. The experience of a person facing multiple inequalities is different from those facing inequality on a single ground.
- 3.22 The European Union Agency for Fundamental Rights has suggested that certain people are seen as particularly vulnerable to unequal treatment, because they share a

combination of characteristics that may trigger discrimination³⁴. EU Directives also recognise the existence of multiple discrimination and the fact that it is particularly experienced by women³⁵.

- 3.23 The Council of Europe has, in its *Recommendation* on gender equality standards and mechanisms, has recommended that Governments pay special attention to the specific needs of women with multiple identities³⁶. As set out in more detail in later sections, women with multiple identities, such as disabled women, BME women, rural women, LGB women and those living in disadvantaged communities, can face particular barriers. For example, Traveller women are less likely to be employed than non-Traveller women; disabled women are less likely to be in employment than disabled men; and BME families find it more difficult to find informal childcare and childcare that meets the needs of people working atypical hours³⁷.
- 3.24 Men and boys with multiple identities also experience barriers. For example, in Northern Ireland, Protestant working class boys experience persistent educational underachievement and lack of progression.³⁸ There are also high rates of suicide amongst young males.
- 3.25 In addition, whilst socio-economic disadvantage is not a separate ground under the equality legislation, the barriers experienced by men and women can be exacerbated by poverty and social deprivation. For example, women living in

³⁴ FRA – European Union Agency for Fundamental Rights (2013): [Inequalities and multiple discrimination in access to and quality of healthcare](#), page 85. .

³⁵ The EU's key anti-discrimination legal instruments, namely the Employment Directive (Council Directive 2000/78/EC) and the Racial Equality Directive (Council Directive 2000/43/EC), explicitly acknowledge in their preambles the existence of multiple discrimination and note that women are often its victims. Ditto at page 7.

³⁶ *Certain groups of women, due to the combination of their sex with other factors, such as race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status, are in an especially vulnerable position. In addition to discrimination on the grounds of sex, these women are often subjected simultaneously to one or several other types of discrimination. Governments must, therefore, pay special attention to the specific needs that women of these groups have for protection against discrimination and for positive action to gain de facto equality.* The [Recommendation](#) continues, setting out elements to indicate States' political will and commitment to gender equality in this regard including legislative provision, active policies, positive action, institutional mechanisms, gender assessment, sex disaggregated data and awareness raising.

³⁷ *Believe in Childcare? The childcare needs of ethnic minority communities in NI*, Barnardos 2014 http://www.barnardos.org.uk_pp_briefing_no17

³⁸ See Burns, S., Leitch, R. and Hughes, J. (2015) [Education Inequalities in Northern Ireland](#)

disadvantaged areas, as well as rural women, can experience marginalisation, poverty and exclusion³⁹.

- 3.26 Further, the CEDAW Committee in its most recent Concluding Observations (2013) has stressed the need for the UK Government to address inequalities experienced by BME women and disabled women across a range of areas⁴⁰.

4 Proposed Priority areas

- 4.1 The purpose of this paper is to inform policy development to advance gender equality in Northern Ireland by setting out the Equality Commission's proposed high level gender equality policy priorities and recommendations.
- 4.2 We have set out below our proposed high level gender equality policy priorities and recommendations.
- 4.3 These proposed policy priorities and recommendations have been developed following a comprehensive review of the evidence base and engagement with key stakeholders.
- 4.4 We are seeking the views of stakeholders on our proposed gender policy priorities and recommendations so as to help shape and inform our final priorities and recommendations.
- 4.5 Once finalised, we will recommend that the Executive, Departments and other key stakeholders take action to address these, including via the Gender Equality Strategy.

5 Priority Area: Tackle gender stereotypes and prejudicial attitudes

- 5.1 There is a need to tackle gender stereotypes and prejudicial attitudes across all areas of life, including in education, work and the media, including advertising and marketing.
- 5.2 Gender stereotyping and prejudicial attitudes affect women and men throughout their lives, and limit the options that are open

³⁹ *Regional Support for Woman in Disadvantaged Rural Areas*, 2012 www.dsdni.gov.uk

⁴⁰ For example, CEDAW Committee recommended action to create greater opportunities for disabled women to gain access to employment and to improve access to health care for women with multiple identities. [Concluding Observations on UK, CEDAW Committee](#), 26 July 2013,

to them and the choices that they can make in economic, social and family life. Prejudice based on stereotypes sustains inequality and exclusion and “has a strong influence on the division of roles between women and men in the home, in the workplace and in society at large⁴¹”.

- 5.3 Prejudice can also lead to harassment, aggression and violence. This is critically so for trans men and trans women, who experience high levels of prejudicial attitudes⁴² Further, there is evidence of a general lack of societal awareness, understanding and knowledge of issues facing trans people in Northern Ireland.
- 5.4 Across the EU, stereotyping is considered ‘the most substantial challenge of the work ahead’⁴³ in achieving gender equality⁴⁴.
- 5.5 Stereotypes in *education and vocational training* are pervasive and need to be challenged. Gender stereotyping in the curriculum, careers advice and subject choice can impact on future employment, lead to occupational segregation⁴⁵ and, as regards women, contribute to lower earnings and increase the risk of poverty in later life⁴⁶.
- 5.6 Eradicating stereotypes and prejudicial attitudes in early life situations will also assist gender variant children and young people make early choices and reduce fear and transphobic bullying.

⁴¹ As set out [Report on eliminating Gender Stereotypes in the EU](#) 2012

⁴² There is a need to tackle the prejudicial attitudes and harassment faced by transgender people in many areas of their lives, including at work, in education and when accessing services. The Commission’s [Equality Awareness Survey](#) (2011) found that 22% of people felt negative towards transgender people.

⁴³ [Strengthening National Mechanisms for Gender Equality and the Empowerment of Women – National Mechanisms for Gender equality in EU Member States and Candidate countries and Other Developed Regions of the UNECE Region](#), page 54, Maria Regina Tavares da Silva, UN, 2010 . Further, the European Advisory Committee on Equal Opportunities for Women and Men, in its [Opinion](#) in 2014 relating to the forthcoming European gender strategy, urges action at Member State level and, as appropriate at Union level to eliminate gender stereotypes and promote gender equality at all levels of education and training as well as in working life.

⁴⁴ The questioning and elimination of stereotypes constitutes the biggest challenge for governments, for national mechanisms and for society at large - see [Strengthening National Mechanisms for Gender Equality and the Empowerment of Women](#) - ibid.

⁴⁵ Betty the Builder and Neil the Nurse – [equalityni.org_SexTyping_Occupations_PrimaryS](#)

⁴⁶ Males consistently represented a greater share of enrolees than females in the STEM subjects of ‘Maths, IT, Engineering and Technology’. This gender gap has widened since 2007/08. In 2007/08 just under three quarters of enrolees on these subjects were male (74.6% compared to 25.4% female) but by 2011/12 more than three quarters of enrolees were male (77.3% compared to 22.75 females). [Education Inequalities in Northern Ireland](#) Burns, S., Leitch, R and Hughes, J. (2015) p 65. 13% of the STEM workforce in Northern Ireland are women.

- 5.7 There is also a need to tackle gender stereotypes in the *media and social media*, including advertising and marketing. For example, there is a need to eradicate the objectification and degradation of women⁴⁷ which contribute in turn to negative outcomes in terms of body image and resultant eating disorders.⁴⁸ Gender stereotypes in the media can also have an impact on how men see themselves and behave, sometimes aspiring to stereotypical notions of masculinity that can have a negative impact on themselves and others⁴⁹.
- 5.8 In addition, research in Great Britain has pointed to evidence of an increasingly sexual and sexualised culture, and raised concerns relating to the sexualised and gender-stereotyped clothing, products and services for children⁵⁰.

Proposed Recommendations

- 5.9 The Commission recommends specific action to:
- institute coordinated, comprehensive and coherent measures to counter gender based stereotypes and prejudicial attitudes across all areas of life, including education, work and the media, including advertising and marketing.
- These measures should include:
- challenging stereotypes in relation women’s and men’s gender roles at school, work and in the family; through career choices and the curriculum;
 - tackling the objectification and degradation of women, and the sexualisation of childhood, including by the media; and

⁴⁷ The [Levenson Inquiry](#) (2012) , for example, highlighted that some sections of the press “often failed to show consistent respect for the dignity and equality of women generally, and that there was a tendency to sexualise and demean women.” See Levenson Inquiry at p664. . See also EAW, Eaves, Object, Equality Now Response to Leveson, 2012 – <http://www.edf.org.uk/blog/?p=15855>

⁴⁸ The CEDAW Committee has called for measures to engage with the media to eliminate stereotypical imaging of women and their objectification in the media, especially in advertising. It has also called for the implementation of the recommendations of the Leveson Inquiry. [Concluding Observations on UK, CEDAW Committee](#), 26 July 2013,

⁴⁹ A longitudinal study of boys school life experiences in Northern Ireland noted the absence of gendered approaches at school and recommended that: ‘Boys should explore, reflect and develop a critical understanding of masculinity, and within this should be encouraged to challenge dominant and stereotypical notions of masculinity that can impact negatively upon themselves and others. Harland, K. & McCready, S. (2012). [Taking Boys Seriously – A Longitudinal Study of Adolescent Male School-Life Experiences in Northern Ireland](#). Belfast: DoJ/DE

⁵⁰ [Letting Children be Children, Report of an Independent Review of the Commercialisation and sexualisation of childhood](#), R Bailey, 2011

- tackling the high levels of prejudicial attitudes towards trans people, and raising societal awareness and understanding of the barriers they experience.

6 Priority Area: Promote gender equality in education

Underachievement

- 6.1 Although the gap is narrowing, girls continue to outperform boys in terms of qualifications achieved at school. In particular, boys have persistently lower levels of educational attainment than girls, beginning in primary school and continuing throughout schooling to GCSE and A Level⁵¹.
- 6.2 Boys are also less likely than girls to enter higher education⁵²; with the gender gap in progressing to higher education reflective of the gap in attainment between boys and girls at GCSE and A Level.⁵³
- 6.3 A study (2012), *Taking Boys Seriously – a longitudinal study of adolescent male school life experiences in Northern Ireland*, undertaken for the Department of Justice and the Department of Education, showed a wide and disturbing spectrum of barriers to good experience at school for boys. These include falling behind and feeling they could not catch up; the formal nature of the classroom creating boredom; lack of belief in future prospects (or fear of student debt); alienation from family and community; perception of bullying and violence or the threat of it as part of everyday life⁵⁴.
- 6.4 Further a recent report *Education Inequalities in Northern Ireland* (2015)⁵⁵ commissioned by the Equality Commission has also highlighted the persistent attainment gap between

⁵¹ For example, in 2013/14, at GCSE level 83.4% of girls achieved 5+ GCSEs at A*-C compared to 74.1% of boys; 63.6% of girls achieved 2+ A levels A*-E compared with 48.1% of boys. [OFMDFM Gender Equality Statistics 2015](#).

⁵² For example, in 2013/14 35.8% of boys compared to 48.1% of girls progressed to higher education, [OFMDFM Gender Equality Statistics 2015](#) See also [ELBs Audits of Inequalities](#), 2012, Commission's *Inequalities in Education – facts and trends*, [Inequalities in Education facts and trends 1998-2008](#)

⁵³ See Burns, S., Leitch, R. and Hughes, J. (2015) *Education Inequalities in Northern Ireland* at p8

⁵⁴ Harland, K. & McCreedy, S. (2012). [Taking Boys Seriously – A Longitudinal Study of Adolescent Male School-Life Experiences in Northern Ireland](#). Belfast: DoJ/DE

⁵⁵ See Burns, S., Leitch, R. and Hughes, J. (2015) [Education Inequalities in Northern Ireland](#)

males and females, and the fact that this gap consistently increased, to the detriment of males, after leaving primary school. It has further highlighted the educational underachievement of pupils from socially disadvantaged backgrounds⁵⁶, and in particular, the lack of progress of Protestant working class boys.⁵⁷

- 6.5 It outlined a range of barriers that can impact on the attainment of young boys including a lack of male role models in primary schools; a “one size fits all curriculum”; poor teacher/pupil relationships; a lack of preparedness for transitional stages during adolescence; the de-centralisation of schools; as well as personal and environmental factors such as bullying and violence, alienation, frustration and lack of engagement.⁵⁸

Subject choice

- 6.6 The absence of gender mainstreaming in education, including in the curriculum, is a foundation for inequality. Failing to mainstream equality ensures that gender stereotyping remains in schools. While girls out-perform boys, stereotyping, the curriculum, subject choice and careers advice still inhibit girls in fulfilling their potential⁵⁹⁶⁰. As regards subject choice, boys are more likely than girls to study science, technology, engineering and mathematics (STEM) subjects in higher education⁶¹⁶²⁶³.

⁵⁶ It noted that social disadvantage (as measured by free school meals entitlement FSM) can impact on the type of school attended, with socially disadvantaged children less likely to attend grammar schools. It also highlighted that FSM entitled students had poorer attainment at GCSE and A level than students who were not entitled to FSM and that FSM males were the most likely to leave schools with no GCSEs.

⁵⁷ It noted that FSM-entitled Protestant males had the lowest achievement rates out of all the group categories, with consistently lower attainment proportions at GCSE and A Level than all other groups; and that this was a persistent inequality. Ibid at p19

⁵⁸ See Burns, S., Leitch, R. and Hughes, J. (2015) [Education Inequalities in Northern Ireland](#) at p 8.

⁵⁹ The need for career guidance activities to encourage girls to pursue non-traditional paths and improve the gender awareness of teaching personnel was also raised by the CEDAW Committee in 2013. [Concluding Observations on UK, CEDAW Committee](#), 26 July 2013,

⁶⁰ See, for example, Burns, S., Leitch, R. and Hughes, J. (2015) [Education Inequalities in Northern Ireland](#) which notes that the literature indicated that gender stereotyping of subject choice at A Level may be a contributory factor in gender imbalance in terms of females being less likely than males to study STEM subjects.

⁶¹ In particular, 62% of total higher education STEM enrolments are male. The gender balance across the total STEM subjects at school at GCSE and A level is fairly even. See [Addressing Gender Imbalance reaping the Gender Divide in STEM](#), 2013, QUB. The higher education subject area with the highest proportion of girls was subjects allied to Medicine. Boys were most likely to enrol in Business & Admin Studies, Engineering & Technology and Computer Science. [OFMDFM Gender Equality Statistics 2015](#). See also, Burns, S., Leitch, R. and Hughes, J. (2015) [Education Inequalities in Northern Ireland](#) p86.

Bullying

- 6.7 There is a need to tackle gender based bullying, including transphobic bullying and bullying of a sexual nature across all areas of education, including in schools and institutions of further and higher education⁶⁴. Measures to tackle bullying that include challenging gender roles will also assist in preventing gender based violence⁶⁵.
- 6.8 The Commission has, for example, recommended improved monitoring of incidents of bullying across the equality grounds. It has also recommended the need to tackle identity based bullying through a ‘whole school approach’; ensure effective anti-bullying policies and procedures are in place; address prejudicial attitudes and embed equality and good relations through the curriculum⁶⁶.
- 6.9 Evidence from the Department of Education’s research into the *Nature and Extent of Bullying in Schools* (2011) reveals that boys and girls frequently experience bullying with a sexual meaning⁶⁷. A survey⁶⁸ for Girlguiding (2014) found that three in five of those aged 13 to 21 (59%) have experienced sexual harassment at school, college or work in the last year and one in five girls aged 7 to 12 has experienced jokes of a sexual nature from boys (22%). Further, a report, *Grasping the Nettle* (2013)⁶⁹, sets out how prejudice, discrimination and bullying

⁶² The need for co-ordinated action to encourage increased participation of women in STEM was also raised by the CEDAW Committee in 2013. [Concluding Observations on UK, CEDAW Committee](#), 26 July 2013

⁶³ Further, recent research indicates that this gender differential is of concern as the greatest proportion of current employment opportunities are in STEM subject areas. Mason N (2013) Realising Potential: Widening participation in Science and Technology. Presentation to the NI Assembly as cited in [Education Inequalities in Northern Ireland](#) at p86

⁶⁴ The CEDAW Committee has called for measures to eradicate bullying/harassment against girls in schools (2013) [Concluding Observations on UK, CEDAW Committee](#), 26 July 2013,

⁶⁵ The UN Special Rapporteur on VAW, Rashida Manjoo, in her report on her 2014 mission to the UK recommends Government ensures ‘a holistic approach to prevention of violence against women and girls by including appropriate and comprehensive sex and relationship education in schools as a compulsory subject; providing adequate training to teachers and other school staff; and developing gender-specific prevention policies’. www.ohchr.org/A_HRC_29_27_Add_2

⁶⁶ See Commission [Response to the Department of Education’s consultation on its draft bullying strategy](#). (2015)

⁶⁷ Results from the Year 9 pupil survey show that: ‘I was bullied with mean names, comments or rude gestures with a sexual meaning’ was the sixth most common form of bullying experienced by around 14% of pupils (about 16% of boys and 12% of girls). This was also the fifth most common type of bullying perpetrated by 6% of Year 9 pupils (9% of boys and 3% of girls). [The Nature and Extent of Pupil Bullying in Schools in the North of Ireland report](#) (2011)

⁶⁸ <http://new.girlguiding.org.uk/girls-attitudes-survey-2014>

⁶⁹ McBride, R-S. (2013). [Grasping the Nettle: The Experiences of Gender Variant Children and Transgender Youth Living in Northern Ireland](#). Belfast: Institute for Conflict Research.

contribute to withdrawal and non-participation and, in turn, under achievement and poor life chances for young trans people at school.

- 6.10 It also highlighted the lack of awareness and knowledge in schools on how to tackle transphobic bullying; the fact that many schools respond to trans issues with ‘disbelief, suspicion and adopt an insensitive approach’; and the lack of information regarding trans issues in the curriculum. It recommended the production of policy guidance for schools and integration of gender identity issues into the curriculum.
- 6.11 In addition, a recent report *Education Inequalities in Northern Ireland* (2015) has highlighted barriers facing young trans people in schools in Northern Ireland including gender stereotyping; the lack of awareness of transgender issues in schools together with a lack of central policy on supporting young transgender people in education⁷⁰.

Proposed Recommendations

- 6.12 The Commission recommends:
- steps to tackle gender inequalities and challenge gender roles and stereotyping in education including through gender mainstreaming in the curriculum, teacher training, subject choice, careers advice, and in the policies and practices of schools and educational bodies.
- This includes action to ensure:
- barriers to the current non-traditional career paths are removed for girls and boys, including in relation to STEM subjects;
 - steps are taken to address the educational underachievement of boys, particularly of Protestant working class boys;

. In addition, research by Whittle et al in Great Britain found that 64% of young trans men and 44% of young trans women experience harassment or bullying at school, not just from their fellow pupils but also from school staff including teachers.

Whittle, S., Turner, L., & Al-Alami, M. (2007). *Engendered Penalties: Transgender and Transsexual People's Experiences of Inequality and Discrimination*. The Equalities Review.

www.pfc.org.uk [EngenderedPenalties](#)

⁷⁰ See, Burns, S., Leitch, R. and Hughes, J. (2015) [Education Inequalities in Northern Ireland](#) commissioned by ECNI at p9.

- action is taken to challenge the gender based bullying and transphobic bullying experienced by girls and boys; and to support schools to address the barriers experienced by trans pupils.

7 Priority area: Promote gender equality in employment, including ensuring women's economic independence

7.1 There is a need to promote gender equality in employment, including ensuring women's economic independence. Women experience persistent disadvantage in relation to work throughout their lives.

7.2 Gender stereotypes, the challenges in combining work and family life, and discrimination contribute to gender inequality in relation to work. Ensuring women's economic independence and empowerment is not only a matter of fairness and rights and a prerequisite for gender equality but also a key factor in advancing economic development⁷¹.

Impact of recession / rebalancing the economy

7.3 Gender equality must be central to all public policy development and implementation, no less so at a time of increased competition for public spending⁷². The needs of women and men who experience inequality are no less pressing, and often are exacerbated, in difficult times.

7.4 For example, the recession⁷³ had negative impacts on men and women. The response to it, including measures to rebalance the economy, and changes to welfare reform which promote a male breadwinner model⁷⁴, has had a further negative impact

⁷¹ [Women and Work Commission: Shaping a Fairer Future \(2006\)](#), page vii – maximising women's potential would add between £15bn-£23bn or 1.3%-2.0% to GDP

⁷² True equality is not delivered by treating everyone exactly the same but by treating all fairly. Decision makers who have to work with greatly reduced budgets have tough choices to make and people are sure to be disadvantaged as a result. It is even more important, in that context, that all possible steps are taken to protect the most vulnerable in our society and to ensure that the impact on them is a key consideration where cuts in services are being considered. [Section 75 and Budgets: a short guide, ECNI](#), 2015

⁷³ 2008-2009

⁷⁴ See concerns highlighted by ECNI in [ECNI policy position on welfare reform](#).

on women⁷⁵. In order to ensure our future economic growth it is vital to focus on gender equality⁷⁶.

- 7.5 In the economic downturn, the loss of jobs in the male dominated construction and manufacturing sector, disproportionately affected men, particularly those in the younger age groups⁷⁷; though more recently, there have been some indications of recovery in employment levels⁷⁸, including in construction⁷⁹.
- 7.6 Currently, more young men than women are not in employment, education or training (NEET), and many young men have no identifiable barriers that are preventing them accessing employment, education or training⁸⁰. Further, men consistently experience higher rates of unemployment than women.⁸¹
- 7.7 However, women's jobs, including those in the public sector previously viewed as more secure, are becoming more precarious⁸².
- 7.8 It is also envisaged that steps to rebalance the economy will have a further disproportionate impact on women. This is referred to as 'the triple jeopardy'⁸³ given the impact of a

⁷⁵ The UN Special Rapporteur on VAW, Rashida Manjoo, in her report on her 2014 mission to the UK records her concern that regressive measures have been adopted including the shift from gender specificity, austerity measures which affect services on VAW and cross-cutting issues such as poverty and unemployment. www.ohchr.org/A_HRC_29_27_Add_2

⁷⁶ Evelyn Collins [Speech](#) to International Business Women's Conference 13 May 2014 .

⁷⁷ [Employment Inequalities in an Economic Downturn](#) McQuaid et al 2010 commissioned by ECNI

⁷⁸ 'Encouragingly, however, there are signs of a recovery in total employment levels in Northern Ireland with an increase of over 21,000 jobs between the 1st quarter of 2012 and the 2nd quarter of 2014.' [The Local Context-Economy and society](#), OFMDFM, 2014 – www.ofmdfmi.gov.uk/economy-and-society-paper-sept2014.pdf

⁷⁹ [DETI Quarterly Employment Survey – June 2015](#)

⁸⁰ April-Jun 2015 LFS statistics show that 16.8% of men aged 16-24 and 15.1% of women aged 16-24 were NEETS. [Quarterly Supplement to the Labour Market Report](#), DETI April-June 2015 Further, compared to 55% of young people (16-18 years) not in employment, education and training have no identifiable barriers and of these 68% are young men and 32% young women. Young men (9%) are less likely to have an identifiable barrier than young women (42%). [DEL Scoping study of young people NEETS](#) (2010)

⁸¹ In 2015, the unemployment rate (unemployed as a percentage of the economically inactive) for women in NI was 4.8% compared to 7.6% for men. Between 2005 and 2015 men have consistently experienced higher rates of unemployment than women. Further, in NI in 2015 a higher proportion of unemployed men (66%) were long term unemployed than women (44%). NISRA (2015) [Women in Northern Ireland](#)

⁸² [The NI Economy Women on the Edge?](#) 2011, B Hinds. See also concerns highlighted by ECNI in [ECNI policy position on welfare reform](#)

⁸³ Fawcett The impact of service cuts on women, 2013 <http://www.fawcettsociety.org.uk/2013/02/services>

proposed further reduction of public services on women's jobs and employment⁸⁴, reduced services of which women are the primary users (such as health and social care services), and potentially subsequent requirements to provide care⁸⁵.

Industrial / occupational segregation

7.9 Men and women experience industrial segregation within the labour market with a gender imbalance within some industry sectors.⁸⁶ Women predominate in 'caring, leisure and other service' and 'administrative and secretarial' occupations⁸⁷ and men are disproportionately represented in 'skilled trades' occupations⁸⁸. It is also clear that women are also under-represented in science, technology, engineering and mathematics (STEM) professions^{89 90}. There is also segregation within occupational groups; with 'professional occupations' including teachers, nurses and mid- wives being predominately female.⁹¹

7.10 Whilst women are over-represented in the public sector as a whole, they are significantly under-represented at a senior level

⁸⁴ [ECNI Shadow Report CEDAW](#) 2013

⁸⁵ Qualitative research conducted by the Women's Sector Consortium found reports of '*the apparent cumulative adverse impact on women's well being, agency and interests of the interaction between (i) previously implemented austerity retrenchments affecting inter alia, public sector employment, public services and the tax and social security systems; and, (ii) a plethora of socio-economic and cultural and other factors underlying the relationship between gender and poverty, most notably constraints on women's economic participation and financial autonomy correlated to their ascribed role, under the gendered division of labour, of unpaid primary carer and domestic labourer.*' The Report recommends further research and a holistic and rights based approach to develop mitigating measures. *Women's perceptions of the potential impact of proposed welfare reform*, April 2015, [Consortium for the Regional Support for Women in Disadvantaged and Rural Areas](#) www.wsn.org.uk

⁸⁶ Addressing occupational segregation and unequal pay is in line with the CEDAW Committee recommendation. It recommended UK Government 'continue to take proactive and specific measures to eliminate occupational segregation and to narrow the gender pay gap.' [Concluding Observations on UK, CEDAW Committee](#), 26 July 2013,

⁸⁷ 85.1% of people working in 'caring, leisure and other service' were women and 71.2% of people working in 'administrative and secretarial' occupations were women. See NISRA 2011 Census quoted in Potter, M (January 2014): [Review of Gender Issues in Northern Ireland](#) (Belfast, Northern Ireland Assembly)

⁸⁸ In 2014, 93.3% of women and 70.3% of men worked in the service industries. 17.4% of men compared to 4.5% of women worked in manufacturing industry and 7.2% of men compared to 1.4% of women worked in construction industry. [OFMDFM Gender Equality Statistics 2015](#).

⁸⁹ In the Northern Ireland economy, high level STEM posts currently constitute over 11% of the workforce, with men outnumbering women by nearly 3 to 1. See [Addressing Gender Imbalance reaping the Gender Divide in STEM](#), 2013, QUB

⁹⁰ ECNI and DEL – STEM charter equalityni.org [STEM-Charter](#)

⁹¹ See Potter, M (January 2014): [Review of Gender Issues in Northern Ireland](#) (Belfast, Northern Ireland Assembly)

in the Northern Ireland public sector⁹². In July 2015 the UN's Human Rights Committee recommended⁹³ that *“all existing and future gender equality strategies and policies, including the Gender Equality Strategy for Northern Ireland, identify and address effectively the barriers hindering women's access to high positions in the civil service and in the judiciary”*.

- 7.11 Further, whilst there is an increasing representation of women amongst managers and/or senior officials, women are persistently over-represented in administrative and secretarial work⁹⁴.
- 7.12 Further, women remain the largest under-represented group in entrepreneurship in Northern Ireland and the rate of female entrepreneurship in Northern Ireland is lowest across the UK⁹⁵.
- 7.13 Whilst there has been a rise in the number of self-employed women, it is of note that the top three occupations for self-employed women are in the low paid areas of cleaning, childminding and hairdressing⁹⁶.

⁹² A report into gender equality in the NI public sector found a significant degree of inequality in the gender composition at executive level of the N.I. public sector; with males and females holding 70.8% and 29.2% of all executive positions respectively. It also found that occupational segregation (both horizontal and vertical) exists within the Northern Ireland public sector; with males holding the majority (79.0%) of Chief Executive roles. In 2012 the gender difference in the Northern Ireland Civil Service at grade 5 and above (senior civil service) was 32.5% women and 67.5% men. This was an improvement across the 15 years from 1997 when women made up 9.5% against 90.5% men. See [An Investigation into Gender Equality Issues at the Executive level in NI Public Sector Organisations](#) OFMDFM, 2014, J Ballantine, G Banks, K Haynes, M Manochin T Wall

⁹³ [Concluding observations on the seventh periodic report of the United Kingdom of Great Britain and Northern Ireland, International Covenant on Civil and Political Rights](#), July 2015 – p5

⁹⁴ In 2015, 72.1% of those employed in administrative and secretarial occupations are women. 40.4% of all managers and senior officials are women (aged 16-64) (compared to 31.6% in 2011). ECNI analysis of LFS Q2 2015. Data obtained upon request from UK Data Service.

⁹⁵ In 2013, 2.2% of women, compared with 27% of men were involved in entrepreneurial activity. In 2014 the female TEA rate in Northern Ireland stood at 4.4 % compared to UK rate of 5.7 %, NISRA (2015) [Women in Northern Ireland](#) 2015

⁹⁶ In 2014, in NI, women made up 22% of the self employed. This has risen from 14.75% in 2005. [Self employment in NI](#), Assembly Research Paper, 2015, E Murphy. Statistics across the UK show that the top three occupations for self-employed women are cleaners and domestics, childminders and related occupations and hairdressers and barbers. Office for National Statistics, 20 August 2014, [Self-employed workers in the UK, http://www.ons.gov.uk/ons/dcp171776_374941.pdf](http://www.ons.gov.uk/ons/dcp171776_374941.pdf)

Terms and conditions / pay / flexible working

- 7.14 Women are disadvantaged in work as they are more often employed with atypical contracts, particularly part time working⁹⁷ and on zero-hours contracts, as well as low paid jobs and generally precarious employment.
- 7.15 In addition, many people in employment in Northern Ireland consider themselves to be under-employed⁹⁸; with slightly more women workers under-employed compared with men.⁹⁹
- 7.16 These factors have a negative impact on women's economic, social and personal well being¹⁰⁰ and they can experience income poverty and reduced pensions in later life¹⁰¹.
- 7.17 Whilst the gap is narrowing, there are more men in employment than women; though the employment rate for women and men in Northern Ireland is lower than that in Great Britain¹⁰². However, rates of economic inactivity have also been consistently higher among women than men¹⁰³.
- 7.18 Additional factors exist for lone parents, the majority of whom are women,¹⁰⁴ black and minority ethnic women and women with disabilities¹⁰⁵. For example, Irish Traveller women are also less likely to be employed than non-Traveller women and disabled women have consistently been less likely to be in employment than disabled men¹⁰⁶.

⁹⁷ In 2015 38% of women work part time compared with 10% of men. 79% of part time workers are women, compared with 77% in GB. The percentage of women working part time is up 7% since 2005 while the percentage working full time has increased by 11% - [DETI Women in NI 2015](#)

⁹⁸ In 2015, in Northern Ireland there were 53,000 underemployed workers or around 6.5% of all workers. [Underemployment in NI NISRA, June 2015](#).

⁹⁹ In 2015, 7% of female workers were underemployed compared with 6% of male workers.

[Underemployment in NI NISRA, June 2015](#).

¹⁰⁰ [Shaping a Fairer Future](#), Women and Work Commission, 2009 page vii

¹⁰¹ [Shaping a Fairer Future](#), Women and Work Commission, 2009

¹⁰² In 2015, 72.6% of working age men are in employment compared with 63% of women; with the gap between female and male employment rates slightly narrowing over the last 5 years. The NI employment rate for those females aged 16-64, (63) is 5.7 percentage points lower than the rate in Great Britain (GB) (68.7%). [DETI Women in NI 2015](#)

¹⁰³ In 2015 the working age economic activity rate for women (66.3%) being 12.5 percentage points lower than that for men (78.8%). [DETI Women in NI 2015](#)

¹⁰⁴ See ONS statistics Families and Households 2014. In the UK, women accounted for 91% of lone parents with dependent children. www.ons.gov.uk/families-and-households_2014

¹⁰⁵ For example: it is difficult for lone parents and for BME families to find affordable childcare; lone parents because of cost and BME families because they do not have access to the informal childcare used by 70% of families. See [OFMDFM Childcare Research Final Report 2014](#)

¹⁰⁶ Employment rates for disabled women rose from approximately 26% in 1998 to 31.5.6% in 2012; this compares to employment rates for disabled men which rose from approximately 32% in 1998 to

- 7.19 Further, whilst there is a small gender pay gap in favour of women¹⁰⁷, the gross weekly earnings of men remain higher than those of women.¹⁰⁸ The small 'negative' gender pay gap¹⁰⁹ in Northern Ireland is, in part, due to a higher proportion of public sector jobs and the fact that more women are employed in this sector than men and these jobs generally tend to be higher paid than in the private sector¹¹⁰. As highlighted above, it is therefore essential that any steps to rebalance the economy, including cuts to the number of public sector jobs or rates of pay, do not have a disproportionate impact on women in terms of pay equality¹¹¹.
- 7.20 As set out later, we have identified a number of gaps in the sex discrimination/ equal pay legislation that we propose are addressed in order to strengthen legislative provisions relating to unequal pay¹¹².
- 7.21 Further, while rights in relation to flexible working have improved and the number of men combining work with

37.8% in 2012. It will be noted that this mirrors the pattern of differences in employment between non-disabled men and women but is less marked. [OFMDFM Gender Equality Statistics 2015](#).

¹⁰⁷ The 'gender pay gap' is defined as the difference between men's and women's hourly earnings as a percentage of men's earnings. Whilst there is no single measure which adequately deals with the complex issue of the differences between men's and women's pay, the 'gender pay gap' is usually calculated based on the median hourly earnings (excluding overtime) for men and women. This is because including overtime can skew the results because men work relatively more overtime than women, and using hourly earnings better accounts for the fact that men work on average more hours than women. See, [ONS Annual Report of Hours and Earnings Report](#) Nov 2014. In 2014 the median full time gross hourly earnings of females (£11.48) was slightly higher than that of males (£11.12) and, the full time ratio of female to male median hourly earnings excluding overtime has increased to 103.2% (from 101.5% in 2013) See. [OFMDFM Gender Equality Statistics 2015](#).

¹⁰⁸ In 2014, the mean full-time gross weekly earnings was higher for men (£550.80) than women (£495.60). Using the median measure of full-time gross weekly earnings shows a reduced gap between males (at £460.50) and females (at £444.40) in 2014, given that the median is unaffected by small numbers of very high earnings. [DETI Women in NI 2015](#), and [OFMDFM Gender Equality Statistics 2015](#). It will be noted that overtime and incentive payments account for a greater proportion of mean gross weekly pay for men than they do for women. See [ONS Annual Report of Hours and Earnings Report](#) Nov 2014,

¹⁰⁹ www.ofmdfmi.gov.uk/gender_pay_gap_measurement_in_ni_a_discussion_paper

¹¹⁰ See [ONS Annual Report of Hours and Earnings Report](#) Nov 2014

¹¹¹ See Fawcett – Fawcett The impact of service cuts on women, 2013

<http://www.fawcettsociety.org.uk/2013/02/services> and [Cuts in public sector pay and employment: the impact on women in the public sector. 2013](#), Labour Research Dept

¹¹² See section below on 'Reform of Sex Equality law'. These recommendations include the introduction of mandatory pay audits; the banning of 'pay secrecy clauses'; and the introduction of a power to allow for the making of Regulations requiring large private and voluntary sector employers in Northern Ireland to publish information about the differences of pay between their male and female employees.

childcare has increased¹¹³, barriers remain for men in seeking flexible working arrangements^{114 115}.

- 7.22 Families are making the choice for one parent, usually the mother, not to work when children are small and childcare costs are at their highest¹¹⁶ while many women who are economically inactive¹¹⁷ want to work but are unable to do so.

Sex discrimination and harassment

- 7.23 Women frequently experience sex discrimination and harassment in the workplace, including discrimination due to pregnancy and maternity, and as regards unequal pay¹¹⁸. The majority of the cases brought to tribunals in Northern Ireland in the area of employment are on the ground of sex discrimination¹¹⁹.
- 7.24 Further, the Commission receives a high number of enquiries / applications for assistance from individuals who believed they had been discriminated against on the grounds of their sex. The vast majority of these relate to the area of employment; particularly in the area of pregnancy and maternity¹²⁰.
- 7.25 People also experience prejudicial attitudes, harassment and discrimination at work on the basis of their gender identity, as well as difficulties when transitioning in the workplace¹²¹.

¹¹³ EHRC, [Women, men and part-time work](#), 2013

¹¹⁴ Ibid

¹¹⁵ The CEDAW Committee recommended that the UK Government 'step up its efforts to promote the use of flexible working arrangements to encourage men to participate equally in childcare responsibilities'. [Concluding Observations on UK, CEDAW Committee](#), 26 July 2013,

¹¹⁶ [EHRC Working Better Childcare Matters](#), 2010

¹¹⁷ In 2015, 36% of working age inactive women were unavailable for work due to family / home commitments – [DETI Women in NI 2015](#)

¹¹⁸ The Commission is currently undertaking an investigation into pregnancy maternity discrimination in Northern Ireland – <http://www.equalityni.org/Footer-Links/News/Individuals/Investigation-into-pregnancy-maternity-in-the-work>

¹¹⁹ 351 sex discrimination complaints were registered with OITFET in [2012-2013 \(OITFET Annual Report\)](#)

¹²⁰ For example, 90.4% of enquiries received on sex discrimination in 2014/15 related to discrimination in employment. Over a quarter of enquiries (26.7% -total number 923) made to the Commission in 2014/15 related to sex discrimination. Almost 20% of enquiries (total no 184) related to pregnancy and maternity. The CEDAW Committee has also highlighted the need to address the persistent discrimination against pregnant women in employment. [Concluding Observations on UK, CEDAW Committee](#), 26 July 2013,

¹²¹ McBride, R-S. (2013). [Grasping the Nettle: The Experiences of Gender Variant Children and Transgender Youth Living in Northern Ireland](#). Belfast: Institute for Conflict Research.

Proposed Recommendations

7.26

The Commission recommends action to:

- mitigate the negative impact on women that has resulted from measures taken in response to the recession and restricted public expenditure, including steps taken to rebalance the economy; ensure measures for equality between women and men in employment are mainstreamed across relevant strategies, including economic strategies;
- eliminate occupational and industrial segregation and to encourage men and women in non-traditional roles; address the concentration of women in low paid, low value part-time work; tackle pay inequalities; and encourage employers, using the significant existing gender data relating to workforce composition to take action to promote gender equality in their workforces, including in relation to pay;¹²²
- encourage flexible working practices and the equal sharing of family roles/responsibilities between women and men, including through the implementation of the Work and Families Act (Northern Ireland) 2015;
- reduce sex discrimination in employment, particularly in the area of pregnancy and maternity discrimination and unequal pay;
- address the low rates of entrepreneurship and self employment and high rates of economic inactivity experienced by women;
- tackle the prejudice and discrimination that create barriers for trans people entering and remaining in the workplace, including when transitioning at work;
- address particular barriers experienced in employment by women with multiple identities, such as BME women; disabled women; and those with caring responsibilities, including lone parents.

¹²² The Equality Commission in its [Unified Guide to Equality in Employment](#) (2009) has recommended that employers take action to examine their practices and procedures to promote gender equality.

8 Priority Area: Address barriers to, and the impact of caring roles – including ensuring the provision of affordable and accessible childcare

Adult care

- 8.1 There are negative consequences, particularly for women, in relation to their role as primary providers of adult care¹²³. Women predominate in the social care system in general as: low paid workers¹²⁴ in work that is undervalued and often with little investment in training and development; unpaid carers¹²⁵; and as users of services¹²⁶.
- 8.2 In *Caring for Carers*¹²⁷ (2006), the DHSSPS notes concern about the increasing number of women employed outside the home and the difficulties experienced by women due to their caring roles.
- 8.3 Northern Ireland also depends significantly on informal carers to provide childcare. However, in general, while women's unpaid care work significantly underpins the economy, it is not captured in economic analysis nor provided for in strategies¹²⁸.
- 8.4 In addition, a range of indicators show Northern Ireland's distinct integrated health and social care structure performs poorly with adult social care services being particularly poorly

¹²³ Women are more likely than men to be carers (19% of adult women in Northern Ireland have caring responsibilities compared to 13% of adult men). Further, 64% of carers in NI are women and 36% are men. Census 2011. www.carersuk.org 2011-census-figures and [DHSSPS Caring for Carers 2006](#)

¹²⁴ Care work is low paid and the low status needs to be addressed in relation to the perception of the work. Attention to working conditions and organisational culture is essential and employee retention is important for relationships with those cared for and care quality. *Pay, conditions and care quality in residential, nursing and domiciliary services* – Joseph Rowntree Foundation, April 2014 – <http://www.jrf.org.uk/sites/files/jrf/care-pay-conditions-summary.pdf>

¹²⁵ 19% of adult women are carers – [DHSSPS Caring for Carers 2006](#) More women than men care for parents or parents in law; women and men care in equal proportion for spouses, partners and children; more men than women care for another relative. With demographic change the proportion of carers who are aged 55 and over is increasing though carers are mainly 35-54 years of age. [Ark Research Update 2011](#)

¹²⁶ [ECNI Shadow Report CEDAW 2013](#)

¹²⁷ [DHSSPS Caring for Carers 2006](#)

¹²⁸ Census figures show a rise of 16% (from 185,066 in 2001 to 213,980 in 2011) in the number of carers. The figures show that the increase was more marked amongst those caring for longer periods of time – while those caring for 1-19 hours a week increased by 11%, those caring for 50+ hours increased by 21% and for 20-49 hours increased by 26%. www.carersuk.org-census-figures

resourced and developed¹²⁹. The organisation and delivery of health and social care services continues to be under review¹³⁰.

Childcare

- 8.5 The availability of appropriate, accessible and affordable childcare provision to meet the needs of all¹³¹ children is a fundamental part of the process of mothers entering, remaining in, progressing in and returning to work¹³² and hence of employment equality¹³³.
- 8.6 A recent report by the European Institute for Gender Equality¹³⁴ has, for example, highlighted that “women are, throughout all Member States, disproportionately responsible for caring and educating children, grandchildren and other dependents, as well as cooking and housework”.
- 8.7 Further, whilst there has been an increase in the number of childcare places in Northern Ireland over the last decade, the cost of childcare remains high, and is higher than in other parts of the UK^{135 136}.
- 8.8 A report¹³⁷ published by the Commission in 2013 has highlighted the need for more coherence, co-ordination and organisation, with clear accountable leadership in order to improve childcare provision in Northern Ireland. It recommended the implementation of a Childcare Strategy that addresses the full range of childcare needs, explicitly links

¹²⁹ [Review of health and social services in NI Appleby Report](#)

¹³⁰ The Donaldson Report - <http://www.dhsspsni.gov.uk/donaldsonreport270115.pdf> - The Right Time, the Right Place (2015) highlights the need for change in the structuring of provision and in the relation between primary, secondary and social care, recommending changes in governance and commissioning and a ‘*much stronger*’ patient voice.

¹³¹ Particular needs exist for disabled children, children from BME communities and new residents and those living in rural communities and for different ages of children. See [Child care: Maximising the economic participation of women](#) – commissioned by ECNI 2013

¹³² The European Commission has introduced a [Roadmap on work-life balance](#) to replace the planned directive on maternity leave (August 2015)

¹³³ See [Child care: Maximising the economic participation of women](#), commissioned by ECNI 2013

¹³⁴ [Gender Equality Index 2015, European Institute for Gender Equality, 2015](#)

¹³⁵ In 2014, the overall number of day care places in NI was 56,140 – up 17% from the level recorded in 2004 (47,939). In 2015 the average weekly amount of childcare charges paid in Northern Ireland was £113 and the average weekly increase in Child and Working Tax Credits awards was £76 for families benefiting from the childcare element. [£93 and £61 in the UK respectively.] [DETI Women in NI 2015](#)

¹³⁶ In 2013 childcare in Northern Ireland cost nearly half (44%) the average income, compared to 33% in GB and 12% across the EU as cited in [Child care: Maximising the economic participation of women](#), commissioned by ECNI 2013

¹³⁷ Ibid

childcare and employment and assigns responsibility across government and relevant actors^{138 139}.

Proposed Recommendations

8.9 The Commission recommends action to:

- develop an effective Childcare Strategy that ensures the development and implementation of comprehensive childcare provision, including appropriate, accessible and affordable childcare provision that should, alongside providing for the child, additionally seek to promote equality of opportunity for parents and benefit wider society and the economy.

This should extend beyond coordination and ensure childcare provision that meets the diverse needs of children and parents; as well as the need to encourage positive attitudes to childcare, and barriers to parental employment.

- consider the economic impact of the pattern of paid and unpaid care work and address the undervaluation of paid and unpaid care work which is carried out predominately by women;
- support and encourage employers to develop carer friendly policy and practices.

9 Priority Area: Promote gender equality in political and public life and decision making, including in peace building

Political Life

9.1 It is internationally recognised that societies' needs are better served where there is a diverse political representation. Further, it has been shown¹⁴⁰ that gender balance in

¹³⁸ See [Child care: Maximising the economic participation of women](#), commissioned by ECNI 2013

¹³⁹ The need to provide affordable childcare and to mitigate the impact of the proposed reforms of the welfare system on the costs of childcare for low income families was raised by the CEDAW

Committee. [Concluding Observations on UK, CEDAW Committee](#), 26 July 2013

¹⁴⁰ [Gender Sensitive Parliament](#), Inter Parliamentary Union, 2011

parliamentary bodies raises the profile of social policy generally and women's rights issues particularly.

- 9.2 The Good Friday/Belfast Agreement¹⁴¹ committed Government to work for the right of women to full and equal political participation and the advancement of women in public life. This commitment is reiterated in the Stormont House Agreement¹⁴².
- 9.3 However, in Northern Ireland, women remain under-represented in all spheres of political life; at Westminster, in the Assembly and in local government¹⁴³.
- 9.4 Further, the Northern Ireland Assembly has the lowest female representation when compared with other devolved and national legislatures in United Kingdom.
- 9.5 This under representation means, in addition to there being fewer women in the chambers, the bodies that are made up from elected members, such as the Assembly scrutiny committees, or bodies that have elected member representation, such as the Policing Board¹⁴⁴, will also have under-representation of women.
- 9.6 The Commission's Equality Awareness Survey (2011) has, for example, showed high levels of support for more female MLAs, with two thirds (63%) of those surveyed indicating they would like to see an increase in the number of female MLAs¹⁴⁵.
- 9.7 It is clear from a range of research reports and enquiries¹⁴⁶ that there are a number of key barriers facing women in relation to entering into politics; including those relating to a lack of childcare and having caring responsibilities; a lack of financial resources, confidence and female role models; barriers relating to candidate selection; as well those relating to gender stereotypes and the culture of politics. Some of these barriers

¹⁴¹ *Belfast / Good Friday Agreement*, 10 April, 1998 – www.gov.uk/agreement

¹⁴² Stormont House Agreement, 2014 www.gov.uk/the-stormont-house-agreement

¹⁴³ While 66% of MEPs are women, only 22% of MPs, 21% of MLAs and 25% of councillors are women. *DETI Women in NI 2015*

¹⁴⁴ Five of 19 Policing Board Members are women (26%) – 3 of 9 independent members (33%) and 2 of 10 political members (20%) See Potter, M (January 2014): *Review of Gender Issues in Northern Ireland* (Belfast, Northern Ireland Assembly)

¹⁴⁵ Equality Awareness Survey 2011, ECNI www.equalityni.org/Do-You-Mean-Me

¹⁴⁶ See for example *Improving Parliament: Creating a Better and More Representative House*, 2014, APPG Women in Parliament appgimprovingparliamentreport.co.uk-2014

can impact not only on women's ability to enter politics but equally to remain in politics.

- 9.8 Women, including disabled women, BME women, rural women, lesbian and bisexual women, older women and girls and women living in disadvantaged communities can also experience particular additional barriers to entering into political life due to their multiple identities. Additional barriers are likely also to exist for trans women and men.
- 9.9 We welcome the recent report by the Assembly and Executive Review Committee on Women in Politics and the Northern Ireland Assembly¹⁴⁷ and the Committee's recognition that "*the underrepresentation of women in politics is a serious issue which must be addressed as a matter of urgency*".
- 9.10 We encourage the Assembly to bring forward a robust and comprehensive programme of action to meet the recommendations and address the underrepresentation of women in politics¹⁴⁸.

Peacebuilding

- 9.11 The Commission's CEDAW Shadow Report¹⁴⁹ stressed that it was vital for Government to identify and implement positive action measures to ensure meaningful participation by women in peacebuilding¹⁵⁰ and political processes here¹⁵¹.
- 9.12 A recent UN commissioned study has highlighted that women's participation is key to sustainable peace. In particular, it notes that research comprehensively demonstrates that the participation of women at all levels is key to the operational

¹⁴⁷ NI Assembly Report into [Women in Politics and the NI Assembly](#) March 2015, at page 1

¹⁴⁸ The CEDAW Committee in its most recent Concluding Observations on the UK has recommended action to improve the representation of women, including BME and disabled women, in political and public life. [Concluding Observations on UK, CEDAW Committee](#), 26 July 2013,

¹⁴⁹ [ECNI Shadow Report CEDAW](#) 2013

¹⁵⁰ CEDAW's [General recommendation 30](#) on women in conflict prevention, conflict and post conflict situations states that '*women's equal, meaningful and effective participation in the various branches of government, their appointment to leadership positions in government sectors and their ability to participate as active members of civil society are prerequisites for creating a society with lasting democracy, peace and gender equality.*' The Committee calls for a critical mass of women in post conflict, transition and recovery stages.

¹⁵¹ The Commission has welcomed the extension of the Sex Discrimination (Election Candidates) Act 2002 (to 2030) which allows positive action in relation to women's political participation and has called on Government to identify and implement positive action measures that will work towards meaningful participation by women in public and political life and processes in Northern Ireland. [ECNI Shadow Report CEDAW](#) 2013

effectiveness, success and sustainability of peace processes and peace building efforts.¹⁵²

- 9.13 The CEDAW Committee, in its Concluding Observations in 2013¹⁵³, called on the UK Government “to ensure the participation of women in the post conflict process in Northern Ireland, in line with Security Council resolution 1325 (2000)”.
- 9.14 An *Inquiry* by the Westminster Associate Party Group on Women, Peace and Security has found that the legacy of violence and impact of the continuing violence have not been addressed and that women, and particularly young women, face barriers to participation as well as in daily life¹⁵⁴.
- 9.15 Positive action measures have been introduced in local government at elected member, officer and service delivery level through the Women in Local Councils Initiative, including the creation of gender champions at elected member and officer level, the development of family friendly operating and working practices and training and mentoring¹⁵⁵.
- 9.16 However, while there has been some improvement¹⁵⁶ in women’s representation in decision making relating to investment at community level, women remain under represented¹⁵⁷.

Public Life / Boards

- 9.17 Women are also significantly under-represented in terms of public appointments. The report¹⁵⁸ (2014) of the Commissioner for Public Appointments for Northern Ireland on his diversity working group states that the statistics on women, as well as

¹⁵² [Preventing Conflict, Transforming Justice, Securing The Peace](#), 2015, UN

¹⁵³ [Concluding Observations on UK, CEDAW Committee](#), 26 July 2013,

¹⁵⁴ See *An Inquiry into the position of women in NI since the Peace Agreement*, Summary Report, 2015, NIWEP [NIWEP Report](#)

¹⁵⁵ The recent local government elections resulted in a marginal increase in women elected (25% against 23.5% at the last election in 2011 and 21% in 2005) but four of the eleven new council chief executives designate are women, an increase from three in the previous 26 councils. [DETI Women in NI 2015](#)

¹⁵⁶ See for example composition of DARD PR Local Action Groups - [www.northernireland.gov.uk_dard-090715-oneill-praises-role](#)

¹⁵⁷ See for example, composition of SIF steering groups; [www.ofmdfmi.gov.uk_elivering-social-change/social-investment-fund/sif-steering-groups](#)

¹⁵⁸ [Commissioner for Public Appointments Report 2014](#),

other under-represented groups, in public appointments are not improving¹⁵⁹.

- 9.18 The Commissioner's report¹⁶⁰ sets out recommendations to address under-representation across a number of areas, making strategic recommendations; including the need to develop specific public policy on board diversity and set measurable goals; the need to change the culture of the public appointments system; and the need to task the inter-departmental Public Appointments Forum with ensuring the articulation and dissemination of the new policy and framework¹⁶¹.
- 9.19 There has never been a woman High Court Judge in Northern Ireland and women only make up 25.4% (34) of the total permanent and deputy judiciary in Northern Ireland¹⁶². In July 2015, the Human Rights Committee of the UN set out in its concluding observations that the Gender Equality Strategy should "*identify and address effectively*" the barriers to women in the judiciary¹⁶³.
- 9.20 Whilst recent progress in securing the increased representation of women in FTSE 100 and 250 companies in the UK is welcome, women remain under-represented in economic decision making¹⁶⁴.
- 9.21 Research has shown the business benefits of having gender diversity on boards¹⁶⁵. Action to improve women's representation on boards is also in line with the draft European Commission Directive aimed at redressing the gender balance

¹⁵⁹ As at August 2015, 40% of public appointments were held by women. This represents a increase from 32% since 1995. Across the 115 public bodies in Northern Ireland, 19 have women chairs and seven have women vice chairs. [DETI Women in NI 2015](#).

¹⁶⁰ [Commissioner for Public Appointments Report 2014](#),

¹⁶¹ Other recommendations cover awareness raising (including advertising, developing case studies and revising materials to reflect the new policy and framework), the recruitment process (including the requirement to report to the Minister on the steps taken in recruitment processes to ensure diversity), closer analysis of trends and practice and outreach. Ibid

¹⁶² [OFMDFM Gender Equality Statistics 2015](#).

¹⁶³ [Concluding observations on the seventh periodic report of the United Kingdom of Great Britain and Northern Ireland, International Covenant on Civil and Political Rights](#), July 2015 – p5

¹⁶⁴ In the UK, voluntary measures have been adopted following the publication of the Davies Review, 2011. Since 2011 there has been considerable progress with 23.5% of women in FTSE 100 companies; with the aim to achieve the 2015 target of 25% by the end of 2015; and on FTSE 250 boards at 18%; with for the first time in history, no all male boards in the FTSE 100. [www.gov.uk women-on-boards 2015](#)

¹⁶⁵ See [Harvard Law School Forum on Corporate Governance and Financial Regulation – Gender Diversity on Boards](#) 2012 and [Gender Diversity in the Boardroom: Reach for the Top](#), CIPD, 2015

among non-executive directors of companies listed on stock exchanges¹⁶⁶.

- 9.22 There is also a need to encourage the participation and visibility of trans people in public life. Negative or stereotypical attitudes towards trans people can, for example, result in their being excluded from posts, including public life posts¹⁶⁷. There is a need to promote relevant opportunities for trans people so, if they wish, they can act as role models for others to participate, as well as a need to tackle prejudicial attitudes that limit their ability to participate in society at all levels.

Proposed Recommendations

- 9.23 The Commission recommends action:
- by the Executive, Assembly and political parties, to promote the participation of women in political life, to address the key barriers facing women in relation to entering into politics, including through positive action measures or the adoption of temporary special measures;
 - to increase the participation of women in public life and on boards, including through the development of a cross-departmental strategy to implement the 2014 recommendations of the Commissioner for Public Appointments for Northern Ireland;
 - to include women in peace building and post conflict reconstruction;
 - to increase the participation and visibility of trans people in public life, for example, by promoting trans role models and tackling the high level of prejudicial attitudes towards trans people.

¹⁶⁶ The draft [Directive](#) advocates regulatory pressure for achieving parity on boards, in the UK the work towards gender parity is based on voluntary measures. 14.11.2012 COM (2012) 614 FINAL

¹⁶⁷ [Being Trans in the European Union](#), FRA, 2014

10 Priority Area: Violence: Eradicating gender based violence and transphobic hate crime

10.1 There is a need to eradicate gender based violence and exploitation, particularly experienced by women, as well as the hate crime experienced by trans people.

Gender based violence

10.2 There is a need to eradicate gender based violence which is a cause and a consequence of inequality.

10.3 The Council of Europe's *Convention on preventing and combating violence against women¹⁶⁸ and domestic violence¹⁶⁹* (the Istanbul Convention 2014¹⁷⁰), which has not yet been ratified by the UK Government, states that a key element in its prevention is equality between women and men.

10.4 The Istanbul Convention, while noting that men (as well as children who may witness domestic violence and other family members such as elders, siblings and children) may be victims of domestic violence, recognises that domestic violence affects women disproportionately and that violence against women is a manifestation of unequal power relationships between women and men. Men's experience of domestic violence will be different, and the necessary action to meet needs will also be different.

10.5 General Recommendation 19 to CEDAW sets out that gender based violence is a form of discrimination that '*seriously inhibits women's ability to enjoy rights and freedoms on a basis of equality with men¹⁷¹*'.

10.6 The Commission included the need to eradicate violence against women and girls as an underpinning principle in its

¹⁶⁸ The [Istanbul Convention](#) defines Violence Against Women as a violation of human rights and a form of discrimination against women including all acts of gender based violence .

¹⁶⁹ The Commission highlighted the needs of, and issues facing, men who had experienced domestic violence in the *Statement of Key Inequalities, 2007* – www.equalityni.org/Statement-on-key-inequalities Violence in same- sex relationships also needs its own consideration and response. See [Istanbul Convention](#).

¹⁷⁰ The UK Government has signed the Istanbul Convention and is working with the devolved administrations to put in places the necessary actions to allow ratification.

http://www.parliament.uk/documents/joint-committees/human-rights/Annex_to_letter_from_Theresa_May_MP_250714.pdf

¹⁷¹ *General recommendation 19, Violence against Women*, session 11, 1992, CEDAW – www.un.org_rec19

2013 CEDAW *Shadow Report*¹⁷² . It also made clear that it expected that that the integrated strategy on domestic and sexual violence would be explicit in its protection of resources and services related to violence against women, including legal aid.

- 10.7 Systemic barriers to women’s economic, political and social equality enable domestic abuse, rape and commercial exploitation. There are high and increasing levels of domestic violence in Northern Ireland, which are predominately experienced by women¹⁷³. Access to justice is also unequal¹⁷⁴ as evidenced by low conviction rates for rape, trafficking of women for sexual exploitation¹⁷⁵ and female genital mutilation¹⁷⁶.
- 10.8 In addition, research has shown that BME women in Northern Ireland experiencing domestic violence face particular barriers which prevent them from seeking help¹⁷⁷.
- 10.9 The Commission has made clear in its response¹⁷⁸ to the Department of Justice / Department of Health Social Services and Public Safety consultation on a draft integrated domestic and sexual violence and abuse strategy, its concern in relation to the gender neutral approach taken and advised that such an approach would limit the effectiveness of the strategy in each strand of its development¹⁷⁹.

¹⁷² [ECNI Shadow Report CEDAW 2013](#)

¹⁷³ For example, research by the Women’s Aid Federation in NI has shown that 1 in 4 women have/ currently experience domestic violence. In addition, there are approx 5 deaths per year as a result of domestic violence and there are increasing sexual offences (2734 in 2014/15) and rapes (737 in 2014/15) [PSNI Monthly Update to 31 March 2015](#)

¹⁷⁴ Although an improved system of legal aid has been secured – Legal Aid , 2010 [www.womensaidni.org_policy-and-lobbying_access-to-justice](#)

¹⁷⁵ Though it is important to note that men and boys are also victims of human trafficking ; 29 out of 45 of the potential victims of trafficking in 2015 were men; see [DOJ consultation on Human Trafficking](#) May 2015

¹⁷⁶ In Northern Ireland during 2013 to 2014, a total of 999 women and 747 children stayed in Women’s Aid refuges; women are victims in four of every five sexual crimes. In the 12 months to September 2014, there were 1805 sexual offences against women. Figures from [Women’s Aid Federation](#)

¹⁷⁷ For example, the research highlighted that ‘structural issues regarding immigration and access to public funds serve to reinforce BME women’s economic dependency on their partner thereby reducing the women’s potential to leave’. McWilliams, M. and Yarnel, P. (2012): [The Protection and Rights of Black and Minority Ethnic Women Experiencing Domestic Violence in Northern Ireland](#) (Belfast: NICEM) 2013.

¹⁷⁸ ECNI [response](#) to DOJ/DHSSPS draft strategy , 2014

¹⁷⁹ The WAFNI [response](#) to *The Domestic and Sexual Violence and Abuse Strategy* April 2014 made clear that domestic violence is perpetrated overwhelmingly against women in Northern Ireland. The existence of domestic violence where men are the victims is an argument for, not against a gendered

10.10 The Commission notes the publication of the report by the UK Joint Committee on Human Rights on violence against women and girls¹⁸⁰ and, *inter alia*, the Committee's concern about the delay in Government's ratification of the Istanbul Convention and lack of engagement with the devolved administrations in doing so.

Transphobic hate crime

10.11 There is also a need to reduce the high levels of transphobic hate crime and violence that transgender people face throughout their lives. For example, in the year 2013-2014, the PSNI reported the highest transphobic hate crime statistics¹⁸¹ in seven years. There is also an under reporting of transphobic hate crime and there are lower rates of detection for transphobic motivated crime than other types of recorded crime.

Proposed Recommendations

10.12 The Commission recommends :

- steps are taken, appropriate to the NI Executive's responsibilities, to assist the UK Government to ratify the Istanbul Convention;
- the introduction and delivery of an effective Strategy that tackles the nature and impact of gender based violence in a gender specific context and ensures effective resources and services for those, predominately women, who are subject to violence;
- action to improve the prevention and detection of transphobic hate crime; to support victims of transphobic hate crime and to encourage the reporting of transphobic hate crime.

approach. Men's experience of domestic violence will be different, barriers for men in reporting will be different and the necessary action to meet needs will be different. The Commission understands that the Departments will re-screen their Domestic and Sexual Violence and Abuse Strategy

¹⁸⁰ Joint Committee on HR, [Violence Against Women and Girls](#), 6th Report of Session 4014/15, 2015

¹⁸¹ [PSNI Transphobic Incidents and Hate Crimes in NI 2006/07-2013/14](#) records 31 transphobic incidents and crimes in 2013-2014

11 Priority area: Provide gender appropriate health and social care

- 11.1 In considering equality in relation to health and social care for women and men, the Commission has highlighted that most health and social care strategy and policy is written in gender neutral language with general targets set for the whole population.¹⁸² While some different needs for men and women are evident – for example in reproductive health care and prevention of and screening for specific conditions – a generalist approach can mask specific vulnerable groups¹⁸³.
- 11.2 We have also recently stressed the need for health and social care to have system wide data collection across the Section 75 categories, so as to ensure that data can be disaggregated for each of the Section 75 categories.¹⁸⁴
- 11.3 In responding¹⁸⁵ to the Government's consultation, *Fit and Well*, in 2012, the Commission set out the need for Government to adopt a life course approach to take account of men's lower life expectancy, higher suicide rates and health risks in relation to alcohol, drug and substance abuse. We drew attention to the need to address the fact that men access services later due to reluctance to go to a doctor and the limited access due to opening times of health care facilities and fewer male specific services being available.
- 11.4 Women also experience barriers to accessing health and social care services, including access to reproductive health services. The Commission has, for example, recently responded¹⁸⁶ to the Department of Justice consultation and raised concerns in relation to the current criminal law on abortion and expressed disappointment that a full consultation on abortion had not been issued.
- 11.5 Trans people experience disadvantage both in terms of access to specialist healthcare and the lack of transgender awareness in the general health care service.

¹⁸² ECNI [KI Statement 2007](#)

¹⁸³ Older women, black and minority ethnic women are identified in the Commission's 2007 Key Inequalities Statement ; lesbian and bisexual women and women with disabilities also have specific health needs – ECNI [KI Statement 2007](#)

¹⁸⁴ See ECNI [Response to Donaldson Report](#) 2015

¹⁸⁵ ECNI response to *Fit and Well*, 2012, [Fit and Well response](#)

¹⁸⁶ ECNI [Response to DOJ consultation on abortion](#) 2015

- 11.6 A report¹⁸⁷ into healthcare issues for transgender people in Northern Ireland found that a lack of awareness and understanding among healthcare professionals, particularly GPs, means some young trans people experience barriers to appropriate support that unnecessarily delay essential support.
- 11.7 The report recommended that, while more research needed to be carried out, gender identity equality and diversity training should be offered to health staff on a priority basis, and that a comprehensive framework for children and young people should be developed.
- 11.8 Additional health issues exist aligned to multiple identities. High levels of gay men bullied at school have considered suicide and the suicide rate amongst Travellers¹⁸⁸ is higher than that of men in the general population.
- 11.9 Research has also identified areas of concern in respect to access for disabled women to sexual health and maternity services and the Commission has recommended consideration of the specific needs of disabled women and necessary training for health service staff¹⁸⁹ ¹⁹⁰ Research has also shown the clear link between socio-economic disadvantage and health inequalities experienced by both women and men¹⁹¹.

Proposed Recommendations

- 11.10 The Commission recommends action:
- to address the particular needs of women and men, including those with multiple identities, in the provision of health and social care.

These measures should include:

¹⁸⁷ McBride (2011) as cited in McBride, R-S. (2013). [Grasping the Nettle: The Experiences of Gender Variant Children and Transgender Youth Living in Northern Ireland](#). Belfast: Institute for Conflict Research.

¹⁸⁸ See [All Ireland Traveller Health Study](#), 2010

¹⁸⁹ ECNI UNCRPD [Parallel jurisdictional report](#), 2014,

¹⁹⁰ The need to ensure effective health care for women with multiple identities, including disabled women, as well as ensuring equal access to reproductive treatment was highlighted by the CEDAW Committee in its recent Concluding Observations on the UK. [Concluding Observations on UK, CEDAW Committee](#), 26 July 2013,

¹⁹¹ For example, in 2014 males in the 20% most deprived areas could expect, on average, to live 4.3 fewer years than the NI average and female life expectancy in the most deprived areas was 2.6 years less than the regional average. DHSSPS, *Health Inequalities, NI Health & Social Care Inequalities Monitoring System, Regional 2014* dhsspsni.gov.uk_hscims-sri-hsct-2015

- tackling the lower life expectancy, high suicide rates and levels of alcohol, drug and substance abuse of men;
- raising awareness and understanding amongst health and social care professionals of issues relating to gender equality, including barriers experienced by trans people, through, for example, by workplace diversity training and continuous professional development;
- addressing barriers experienced by women in accessing reproductive health care services, for example, by issuing a full public consultation on abortion law;
- addressing gaps in research as regards the experiences of trans people, and improving the collection of gender disaggregated data, in health and social care.

12 Priority area: Promote gender equality in recreational activities and sports

- 12.1 Sport participation rates of women are particularly low in Northern Ireland¹⁹² compared with other jurisdictions including England, Scotland and the Republic of Ireland. Women are also underrepresented within the coaching workforce¹⁹³; and are underrepresented in senior positions in sports governance¹⁹⁴. They also experience a range of inequalities at elite level in sport.
- 12.2 The barriers to women’s participation in sport are both practical and lifestyle matters such as family responsibilities and personal or emotional issues¹⁹⁵ including body image, negative experiences at school and perception of the competitive environment and absence of role models.
- 12.3 A recent report¹⁹⁶ by the European Institute for Gender Equality has, for example, highlighted that “while women spend a disproportionate amount of time on caring activities, compared

¹⁹² [Women in Sport – NI Assembly research 2014 p7](#). In 2013/13 61% of men and 46% of women had participated in sport or physical activity during the previous 12 months. Also [OFMDFM Gender Equality Statistics 2015](#)

¹⁹³ Coaching Workforce Survey found that 78% of coaches in Northern Ireland were male. [Women in Sport – NI Assembly research 2014 p7](#)

¹⁹⁴ 2013 – found only one in five members of the boards of national governing bodies for sports is a woman; just nine of 57 organisations have a female chief executive; one quarter of sports have no women in board positions at all. Ibid

¹⁹⁵ Ibid

¹⁹⁶ [Gender Equality Index 2015](#), European Institute for Gender Equality, 2015

with men, they participate less in other social activities, such as sporting, cultural or leisure activities.”

- 12.4 Further, research in Great Britain has shown that there were particular barriers to transgender people taking part in sport both at community and elite performance levels; in particular, issues around changing rooms and access to competition, as well as transphobia in sport.¹⁹⁷
- 12.5 These different patterns of participation are important to consider in wider public policy development. For example, the Executive’s strategy, *Together: Building a United Community*¹⁹⁸ is heavily based on sport and arts activity, and so will have a differential impact on men and women which in turn will be different for men and women of different ages.

Proposed Recommendations

- 12.6 The Commission recommends action to:
- increase women’s participation in sport in Northern Ireland at all levels, including elite and grassroots levels, as well as in schools and in the governance structures of sport;
 - address transphobia in sport, as well as other barriers that inhibit the participation of trans people in sport.

13 Priority area: Ensure gender equality in access to social protection

- 13.1 There is a need to address barriers, particularly experienced by women and the BME community, in accessing social protection. The Commission has previously set out its position on welfare reform believing that ‘it has the potential to impact severely on some of the most vulnerable members of society’¹⁹⁹.

¹⁹⁷ The report also highlighted that 80% of trans respondents had witnessed or experienced homophobia or transphobia in sport . [Tackling Transphobia in sport](#), 2012 equality network

¹⁹⁸ [Together Building a United Community Strategy](#)

¹⁹⁹ [ECNI policy position on welfare reform](#) and ECNI [Response to EQIA on Welfare Reform](#), 2011 :

In the reply to the Welfare Reform EQIA consultation we stated: “*The Commission welcomes the aim of the reform to simplify the benefits system. However, we are concerned that the equality impact assessment has not identified the negative impact on women. Paying the new Universal Credit to the main earner following joint claim and joint assessment will, in many instances, leave women without income. Payment of benefit to women in their ‘caring for dependents role’ was an important social*

- 13.2 As women depend more on non-employment income than men, cuts to welfare benefit have had a disproportionate impact on them and on children. In addition, the proposed changes mean that many previously separate benefits will now be paid in the single benefit, Universal Credit, to the man, a significant regression in women's financial independence.
- 13.3 Specifically, we remain concerned that the negative impact on women should be identified and acted upon. We have asked the Department to consider the matter of payment to the primary carer, usually the mother²⁰⁰.
- 13.4 In addition we have set out our concern that some conditions²⁰¹ of payment are unrealistic for lone parents, usually women, without access to appropriate affordable childcare.
- 13.5 Further, older women, are less likely to have occupational and private pensions and, if they do have them, to receive lower payments than men because of broken careers for caring duties²⁰². Research has also highlighted that women in low-paid, temporary work lose out most because they often cannot afford to make pension contributions²⁰³. In addition, some women will be worse off following the introduction of the flat rate pension throughout their pension life²⁰⁴.
- 13.6 Also, some BME people who are not from the UK and with insecure immigration status have 'no recourse to public funds' that is they cannot claim benefit or use services paid for by public funds²⁰⁵. This means that victims of domestic and

security reform introduced in the 1970's. It was considered necessary to allow certain benefits, including Child Benefit, to be paid to women, recognising that women more readily spend on children and the household essentials. We expect the Department to consider this matter".

²⁰⁰ Ibid

²⁰¹ Conditions relate to being available for work and to spending time actively seeking work. Ibid

²⁰² See, for example, [Direct and Indirect Gender Discrimination in Old Age Pensions in 33 European Countries: Report by European Network of Legal Experts in the field of Gender Equality \(2010\)](#) highlighted that in the UK the very low level of the state pension and the ensuring dependency of pensioners on occupational and/or private pensions disproportionately disadvantages women, whose coverage by occupational and private pensions is significantly lower than men. Further, the gender gap in pensions in UK in 2012 was 40% – [eige.europa.eu/gender-gap-pensions](#)

²⁰³ See Duvvury et al (2012) as cited in OFMDFM commissioned research [Understanding Socio-economic Inequalities Affecting Older People](#), CARDI, 2014.

²⁰⁴ [The NI Economy Women on the Edge?](#) 2011, B Hinds.

²⁰⁵ Government has acknowledged this first by supporting a project that provided financial assistance to women who entered the UK on a spousal visa and experienced domestic violence. A Crisis Fund has been piloted to provide some assistance with the expectation of benefitting vulnerable migrants, refugees and asylum seekers. Issues related to domestic violence were the second highest cause of payments (14%0 from the Crisis Fund. ([Scope-August2015](#)) The CEDAW Committee has recommended the UK Government provide increased support under the 'no recourse for public funds

sexual violence, typically women, can be left financially dependent on their abuser, whether partner, other family member, employer or trafficker. It can also mean BME men, women and children are unable to access health, social care and education services²⁰⁶.

Proposed Recommendations

13.7 The Commission recommends action:

- in the context of the Welfare Reform Bill 2015, to mitigate against the identified adverse impact of welfare reform proposals on women²⁰⁷;
- to improve access to social protection, including for those (mainly BME women) subjected to domestic violence with no recourse to public funds;
- to protect women with reduced pension provision²⁰⁸.

14 Priority Area: Reform of Sex Equality Law

14.1 Pursuant to its duty under the sex equality legislation to keep the sex equality legislation under review and to make recommendations for change, where necessary, the Commission has identified a number of significant gaps and weaknesses in sex equality law that urgently need addressed.

14.2 Some key proposed changes include, for example, prohibiting unlawful sex discrimination or harassment:

- by private clubs/ associations, including golf clubs and political parties;
- by public bodies when carrying out their public functions;
- by schools as regards their treatment of trans pupils.

14.3 In Northern Ireland men and women have less protection against sex discrimination and harassment than in other parts

policy' to all women subjected to gender based violence. [Concluding Observations on UK, CEDAW Committee](#), 26 July 2013,

²⁰⁶ The Joint Committee on Human Rights has also raised concerns about service provision for victims of domestic violence with insecure immigration status, asylum seekers or refugees. See Joint Committee on HR, [Violence Against Women and Girls](#), 6th Report of Session 4014/15, 2015

²⁰⁷ See recommendations highlighted in [ECNI policy position on welfare reform](#)

²⁰⁸ 40% in UK – [ec.europa.eu-pension_gap_report](#)

of the UK. In particular, the introduction of the Equality Act 2010 in Great Britain in October 2010 strengthened protection against sex discrimination across a range of areas; including areas highlighted in a number of our proposed recommendations.

- 14.4 More recently, the gap in legal protections between Great Britain and Northern Ireland has been criticised by the CEDAW Committee, which expressed concern that women in Northern Ireland did not have the same remit of equality protections as compared to their counterparts in other parts of the UK²⁰⁹.

Wider benefits of reform

- 14.5 We consider that there is a robust case for strengthening the sex equality legislation. In particular, the proposed changes:
- will strengthen protection for men and women against sex discrimination and harassment and ensure that sex equality legislation keeps pace with legislative developments that improved protection in other parts of the UK;
 - help address key inequalities experienced by men and women;
 - harmonise, simplify and clarify the sex equality legislation and thereby make it easier to understand;
 - ensure unjustifiable inconsistencies are removed; ensure greater consistency with existing levels of protection on other equality grounds; and
 - provide legal certainty in areas where the scope of the legislation is unclear;
 - are in keeping with the current overarching aims and objectives of the Executive's Gender Equality Strategy 2006-2016; where there is a commitment to "improving protection against discrimination by improving legislative measures and keeping their effectiveness under review"²¹⁰
 - ensure that the sex equality legislation is in line with the UK Government's international obligations under CEDAW and the recommendations of the CEDAW Committee.

²⁰⁹ [Concluding Observations on UK, CEDAW Committee](#), 26 July 2013. The Committee also expressed concern that certain provisions of the Equality Act 2010 had not come into force. The CEDAW Committee was particularly concerned that the legislative framework in Northern Ireland did not provide for protection from multiple discrimination and that there was no prohibition against pay secrecy clauses.

²¹⁰ See *Gender Equality Strategy 2006-2016* page 15, www.ofmdfm.ni.gov.uk

Proposed Recommendations

14.6 We recommend that there is a timetabled commitment to reform the sex equality and/or equal pay legislation aligned to our proposals summarised below²¹¹.

Forms of discrimination

- prohibit unlawful discrimination and harassment by public bodies on the grounds of sex in the exercise of their public functions. We have made it clear that this is a priority area for reform*;²¹²
- permit hypothetical comparators in equal pay cases and introduce mandatory equal pay audits;²¹³
- introduce new protection against intersectional multiple discrimination;²¹⁴
- provide greater protection for employees against harassment on grounds of sex by a third party such as a customer or client.²¹⁵
- introduce changes designed to clarify and strengthen direct discrimination; including:
 - clarification that direct discrimination on grounds of pregnancy is also direct discrimination on grounds of sex*²¹⁶;
 - extension to the definition of direct discrimination to include less favourable treatment due to a person's association with someone of a particular sex or because they are wrongly perceived to be of a particular sex*²¹⁷; and
 - strengthen protection against direct sex discrimination by allowing sex discrimination claims to be brought based on a hypothetical comparator, where there is evidence of direct sex discrimination in relation to contractual pay*;
- strengthen protection against discrimination or harassment by private clubs/ associations on the grounds of sex ,

²¹¹ For ease of reference, proposals which have been already implemented in Great Britain are marked with an asterisk.

²¹² See [ECNI Proposals for Legislative Reform](#), 2009

²¹³ See [ECNI CEDAW Shadow Report 2013](#) and [ECNI response to Discrimination Law review](#) (2009)

²¹⁴ See [ECNI Race law reform proposals](#) (full report) (2014)

²¹⁵ See [ECNI Race law reform proposals](#) (2014). In particular, our recommendation is that employers are liable if they know that the employee has been subjected to third party harassment on one previous occasion, or in circumstances that they ought to have been reasonably aware of the risk of third party harassment.

²¹⁶ See [Response to OFMDFM Consultation paper 'A Single Equality Bill for Northern Ireland](#), (2004). ECNI response to the OFMDFM consultation on a NI single equality bill (2004).

²¹⁷ See ECNI memorandum submitted by the Commission to the House of Commons Equality Bill Committee during the debate on the equality bill in 2009, equalityni.org/Single_Equality_Bill_for_GB2007

including pregnancy and maternity and gender reassignment*;

- new protection for employees aimed at prohibiting employers from preventing or restricting their employees from having discussions about their pay, where such discussions are aimed at establishing whether or not there is pay discrimination*;
- amend the definition of ‘gender reassignment’ so as remove the requirement that a person undergoing gender reassignment must be under medical supervision*, and give consideration to prohibiting discrimination on the wider ground of ‘gender identity’, rather than the narrower ground of ‘gender reassignment’;
- new protection for trans people in the field of education in schools and by qualifications bodies*;
- new protection for trans people against indirect discrimination across all areas*;

Enforcement and remedies

- require tribunals to order a respondent who has been found by the tribunal to have committed an equal pay breach to carry out an equal pay audit*;
- grant a power to tribunals to make wide recommendations that benefit the whole workforce²¹⁸;
- strengthen Commission enforcement powers across the sex equality legislation;²¹⁹
- introduce a power to allow for the making of Regulations requiring large private and voluntary sector employers in Northern Ireland to publish information about the differences of pay between their male and female employees*.

²¹⁸ See [ECNI Race law reform proposals](#) (full report) (2014). In our recommendations for race law reform the Commission has highlighted that whilst a number of our recommendations call for specific changes to the race equality legislation, some of our recommendations **apply equally to other equality grounds** including on grounds of sex.

²¹⁹ Ibid

15 Delivering Gender Equality - Strengthening institutional mechanisms, including through the design and delivery of the Gender Equality Strategy

- 15.1 Strong institutional mechanisms are necessary in order to advance gender equality in Northern Ireland. A recent European Institute for Gender Equality research report has stressed that “*institutional mechanisms for gender equality, including gender mainstreaming, are not a luxury but a necessary precondition for the pursuit of equality between women and men*”²²⁰.
- 15.2 The European Union has set out a strategy²²¹ for equality between women and men and other relevant strategies, including the Europe 2020²²² Strategy inform gender equality policy. The Council of Europe has made a recommendation relating to standards for equality between women and men²²³.
- 15.3 Taking action to promote gender equality is also consistent with UK Government’s commitments under international obligations including the Convention for the Elimination of Discrimination Against Women (CEDAW)²²⁴, the UN Convention on the Rights of People with Disabilities (UNCRPD); the UN Convention on the Elimination of all forms of Racial Discrimination (UNCERD)²²⁵; and EC Strategies including the Europe 2020²²⁶ Strategy.
- 15.4 The *Beijing Platform for Action* is clear that national mechanisms for gender equality must be located at the highest possible level of Government, allocated sufficient resources, have the possibility of influencing development of all government policies and have mechanisms that facilitate planning, implementation and monitoring, as well involving NGOs and community organisations²²⁷.

²²⁰ [Report European Institute for Gender Equality](#)

²²¹ [EU Strategy for Equality between women and men 2010-2015](#)

²²² [Europe 2020](#)

²²³ [Council of Europe Recommendation CM/Rec\(2007\)17](#)

²²⁴ [CEDAW Shadow Report to CEDAW](#), ECNI, 2013

²²⁵ The CEDAW Committee in its Concluding Observations in both 2008 and 2013 expressed concerns about the implementation of the Convention across the UK. [Concluding Observations on UK, CEDAW Committee](#), 26 July 2013,

²²⁶ [Europe 2020](#)

²²⁷ The strategic objectives in the [Beijing Platform for Action](#), identified three inter-related areas for attention with regard to institutional structures and strategies to promote action on all the priorities in the *Platform for Action*; Create or strengthen national machineries and other governmental bodies;

- 15.5 Action to promote gender equality by public bodies is consistent with Departments' and other designated public authorities duties under Section 75 of the Northern Ireland Act 1998. In particular, designated public bodies must have due regard to the need to promote equality of opportunity between nine equality categories, including between men and women and between those with dependants and those without.
- 15.6 The Section 75 duties make equality and good relations central to the whole range of public policy decision-making; an approach known as 'mainstreaming'. These duties require public bodies to do more than merely avoid discrimination, including avoiding sex discrimination. Public bodies should actively seek ways to encourage greater equality, including gender equality; for example, through the use of positive action where the impact of the policy will affect women and men in a different way²²⁸.
- 15.7 It is also clear that a number of challenges lie ahead in order to ensure the effective delivery of a Gender Equality Strategy (GES).
- 15.8 We note that a midterm review²²⁹ of the current GES published in 2014 highlighted that although the Strategy and its elements, such as strategic objectives, vision and key action areas, were still considered relevant in their current form, there were a number of areas for improvement – with regards to the need for: SMART outcome focused action plans; a more robust and formalised monitoring framework; and more clearly defined roles for mechanisms put in place to assist with the development, monitoring, reviewing and evaluating of the GES.

Disaggregation of data and data gaps

- 15.9 In addition, there is a need for improved collection and dissemination of gender disaggregated data. It is clear that the availability of high-quality statistics disaggregated by sex is “a major precondition for effective gender equality policies and legislation”²³⁰.

Integrate gender perspectives in legislation, public policies, programmers and projects and generate and disseminate gender-disaggregated data and information for planning and evaluation.

²²⁸ See advice set out in ECNI [S75 A Guide for Public Authorities](#), 2010 CHECK REVISED GUIDE

²²⁹ [GES 2006-2016, Review](#), OFMDFM, 2013

²³⁰ EIGE *Gender Equality and Institutional Mechanisms* – eige.europa.eu-B+20

- 15.10 There is also limited data and research in certain areas of gender equality. For example, there is a lack of data on the nature and extent of inequalities experienced by men and women with multiple identities; particularly as regards the experiences of trans people in education, health and social care and employment^{231 232}.

Proposed Recommendations

- 15.11 We recommend that the Executive:

Commitment to gender equality

- demonstrates clear, visible and ongoing commitment and leadership to gender equality at the highest level, including through a commitment to gender mainstreaming²³³ throughout public policy making and delivery;

Strengthening institutional mechanisms

- ensures that national machineries for gender equality are allocated sufficient resources and powers to fulfil their roles, and obligations (including those under CEDAW, UNCRPD, UNCERD, UNCRC etc);
- ensures engagement with stakeholders and the sustained resourcing / capacity building of representative organisations;

Ensure mainstreaming and impact assessment

- commits to ensuring gender mainstreaming, including using the tools of gender budgeting²³⁴ and impact assessment; and to the use of positive action and temporary special measures where appropriate;

²³¹ As highlighted for example, in McBride, R-S. (2013). [*Grasping the Nettle: The Experiences of Gender Variant Children and Transgender Youth Living in Northern Ireland*](#). Belfast: Institute for Conflict Research.

²³² Research into the socio-economic inequalities affecting older people has also highlighted the need for robust and regular data collection; particularly at a time of deep cuts in public expenditure that can impact on different groups. See OFMDFM commissioned research [*Understanding Socio-economic Inequalities Affecting Older People*](#), CARDI, 2014

²³³ Gender mainstreaming involves ensuring that gender perspectives and attention to the goal of gender equality are central to all activities - policy development, research, advocacy/ dialogue, legislation, resource allocation, and planning, implementation and monitoring of programmes and projects. See UN Entity for Gender Equality and the Empowerment of Women [un.org/gendermainstreaming.http://www.un.org/womenwatch/osagi/gendermainstreaming.htm](http://www.un.org/womenwatch/osagi/gendermainstreaming.htm)

²³⁴ Including measures in procurement.

Improve data collection and disaggregation²³⁵

- addresses the significant gaps in gender equality data, including as regards the experiences of trans people across many areas of their lives, and improves the collection, analysis and dissemination of robust gender disaggregated data; including by multiple identities.

Develop/Implement Gender Equality Strategy (GES)

15.12 The Executive should additionally use the GES to give effect to / reinforce the above and:

- ensure the strategy addresses the key inequalities experienced by women and men; including trans men and women²³⁶ and those with multiple identities and promotes equality of opportunity between women and men;
- ensure the inclusion in the Strategy of a clear commitment to compliance with Section 75 commitments including those under Equality Schemes, as well as compliance with the sex equality and equal pay legislation;
- ensure that any updated GES vision, aims, objectives, or action plans take account of: relevant UN treaty obligations and concluding observations (CEDAW, UNCRPD, UNCERD, UNCRC etc); priority action areas identified in the Beijing Platform; and address the 5 priority themes in the EC Strategy 2010-2015.
- ensure that the GES is underpinned by a clear strategic objectives, vision and key action areas and targets; SMART outcomes and focused action plans; a robust and formalised monitoring framework, including baseline data; and more clearly defined roles for those involved in the Equality Practitioners Group and the Gender Advisory Panel.
- advance mainstreaming by ensuring synergy between the gender equality strategy and the work / strategies of Departments generally, including other key OFMDFM equality strategies and action plans;
- ensure opportunities to promote gender equality are considered in all public procurement, including through the use of social clauses, and encourage Departments and other public authorities to adopt good practice in terms of

²³⁵ ECNI [S75 Guide for Public Authorities, 2010](#)

²³⁶ Consideration to be given to developing an additional supplementary and nested strategy which address the unique and additional issues experienced by transgender people. This should nest within, or be considered a sub-set of, the overarching (mainstreaming) GES.

embedding equality of opportunity and good relations in public sector procurement practice;²³⁷

- ensure the inclusion in the Strategy of a clear commitment to compliance with Section 75 commitments including those under Equality Schemes, as well as compliance with the sex equality and equal pay legislation;
- ensure a high level of ministerial engagement in mechanisms established to oversee implementation of the GES, and additional steps to mainstream the GES within each Department - for example, through leadership²³⁸; effective gender equality training; and business plan objectives and actions which are aligned to overarching GES goals/targets;
- include a strong vision statement. In particular, we recommend a vision 'of a society in which women and men are respected and valued as individuals, regardless of our gender or gender identity, where we can enjoy and share equality of opportunity, rights and responsibilities in all aspects of our lives'. This builds on and develops our previous recommendation as regards a vision statement²³⁹, by recommending the vision explicitly refers to being respected and valued regardless of both gender or gender identity.

²³⁷ Good practice as set out in [Equality of Opportunity and Sustainable Development in Public Sector Procurement](#), 2008, jointly prepared by the ECNI and the Central Procurement Directorate. For example the guide refers to the good practice example of 'all Government estate management contracts could include provisions requiring on-site crèche facilities for working parents', and that this 'would support the Government's aim to promote family friendly and flexible working and assist single parents.' See page 41 thereof.

²³⁸ The [Women in Local Councils Initiative](#) has shown how this can be done at local government level

²³⁹ See previous recommended vision statement set out by ECNI in its [ECNI Response to Gender Matters](#), 2005.

16 Appendix 1 :Definitions of terms:

‘Gender reassignment’

The Sex Discrimination (Gender reassignment) Regulations (Northern Ireland) 1999 includes the following definition of ‘gender reassignment’:

“gender reassignment” means a process which is undertaken under medical supervision for the purpose of reassigning a person’s sex by changing physiological or other characteristics of sex and includes any part of such a process”.

‘Trans People or Transgender People’

These are umbrella terms used to describe a range of people whose gender identity or gender expression differ in some way from the gender assumptions made about them when they are born.²⁴⁰

‘Gender identity’

This is an individual’s internal self perception of their own gender. ²⁴¹

‘Gender expression’

This is an individual’s external gender -related appearance and behaviour.²⁴²

‘Transsexual people’

This is a term used to describe people who consistently self-identify as the opposite gender from the gender they were labelled at birth based on their physical body.²⁴³

²⁴⁰ Definitions from [Challenging prejudice](#) Changing Attitudes Towards LGBT people in Scotland, 2008, The Scottish Government

²⁴¹ Ibid

²⁴² Ibid

²⁴³ Ibid