

## Questionnaire

### Business and Human Rights- Gender Lens

#### Ireland's Response

January 2019

**1. In what ways do women experience the impact of business-related human rights abuses differently and disproportionately? Please provide concrete examples in the context of both generic and sector- or region-specific experiences of women.**

Women are sometimes discriminated against on the ground of their gender including on the ground of pregnancy, such as being made redundant after announcing a pregnancy or while on maternity leave. In addition, because women undertake caring roles to a disproportionate extent with consequent gaps in their employment record, they tend to suffer pay disparities with men as well as reduced career progression.

In Ireland, the above problems are being addressed in a number of ways as is outlined in the following replies.

**2. Please share any good practices on how to deal with increased marginalisation or vulnerabilities faced by women due to intersectionality, feminisation of work, informal economy, and conflicts.**

The [National Strategy for Women and Girls 2017-2020](#) is a whole of Government Strategy which was drawn up with the input of the social partners, bodies representing women, other civil society organisations, and the general public. The vision of the Strategy is to work towards “ an Ireland where all women enjoy equality with men and can achieve their full potential, while enjoying a safe and fulfilling life” The overall goal of the Strategy is to change attitudes and practices preventing women’s and girls’ full participation in education, employment and public life, at all levels, and to improve services for women and girls, with priority given to the needs of those experiencing, or at risk of experiencing, the poorest outcomes. It is underpinned by the societal values of equality, non-discrimination, inclusiveness, generosity, intersectionality, diversity and respect for human rights. The implementation of the Strategy is monitored by a committee comprising the organisations involved in drawing it up.

The Strategy recognises that women and girls continue to experience barriers to full socio-economic equality e.g. the higher percentages of women in low-paid and precarious employment. With this in mind, it contains the following actions:

1.14 Aim to increase the minimum wage to €10.50 per hour over the next five years, relying on the recommendations from the Low Pay Commission on the level of adjustment each year.

1.15 Bring forward legislation in response to problems caused by the increased casualization of work and to strengthen the regulation of precarious work (among men and women).

**3. How to address sexual harassment and sexual or physical violence suffered by women in the business-related context, including at the workplace, in supply chains and in surrounding communities? Please share any good practices which have proved to be effective in dealing with sexual harassment and violence against women.**

Section 14A of the Employment Equality Act 1998 as amended provides that harassment or sexual harassment of an employee constitutes discrimination which can be the subject of a complaint against the employer to the Workplace Relations Commission (WRC), the statutory body which adjudicates on employment rights, or to the Circuit Court. Harassment means any form of unwanted conduct related to any of grounds covered by the Act (which include gender) and sexual harassment means any form of unwanted verbal, non-verbal or physical conduct of a sexual nature, where the conduct (whether harassment or sexual harassment) has the purpose or effect of violating a person's dignity and creating an intimidating, hostile, degrading, humiliating or offensive environment for the person. Conduct by a client, customer or other business contact of the employer is covered by the provision. Where it finds in favour of the complainant, the WRC or the Circuit Court may make an order for compensation (which, in the case of the Court, is not subject to any upper limit) or that the respondent take a specified course of action.

**4. Which State laws and policies or social, cultural and religious norms continue to impede women's integration into economic activities and public life generally?**

Laws and policies are oriented to the promotion of equality between men and women. The National Strategy for Women and Girls 2017-2020 includes among its action the combatting of gender stereotypes.

**5. Are there any good practices of integrating a gender perspective into States' economic sphere (e.g., state-owned enterprises, public procurement agencies, trade missions, export credit agencies, privatisation of public services, public-private partnerships, and trade and investment agreements)?**

Section 42 of the Irish Human Rights and Equality Commission Act 2014 provides that a public body shall, in the performance of its functions, have regard to the need to eliminate discrimination, promote equality of opportunity and treatment of its staff and the persons to whom it provides services, and protect the human rights of its members, staff and the persons to whom it provides services. To this end, a public body shall set out in its strategic plan an assessment of the human rights and equality issues it believes to be relevant to the functions and purpose of the body and the policies, plans and actions to address those issues. It shall

report on developments and achievements in that regard in its annual report. The Commission has enforcement powers in respect of this duty on public bodies.

In response to commitments in the Programme for Partnership Government to develop the process of budget and policy proofing as a means of advancing equality, reducing poverty and strengthening economic and social rights, an equality budgeting pilot was implemented in 2018. The pilot identified six equality objectives, with key high level metrics and context and impact indicators. Five of the objectives related to gender. Following the achievements of the pilot programme, equality budgeting will be expanded in 2019 to further develop the gender budgeting elements, and to broaden its scope to other dimensions of equality including poverty, socioeconomic inequality and disability.

The Government have the objective of ensuring that at least 40% of the membership of State boards are men and 40% women. At present, under half of the boards have attained this target while just over 40% of the membership of boards in the aggregate are women. Further measures to bring about gender balance are being considered.

#### **6. How could policy coherence be improved between different government ministries or departments dealing with women issues and business-related matters?**

The Strategy Committee referred to in the reply to Question 2 above contains Government Departments as well as non-government actors and serves as a mechanism to ensure policy coherence. In addition, there is a Cabinet Committee on Social Policy and a Senior Officials Group which coordinate policy and actions on gender equality.

#### **7. What is the extent to which businesses currently apply a gender lens in conducting human rights due diligence, including social or environmental impact assessment?**

The [National Plan on Business and Human Rights](#) was launched in 2017 with the aim of facilitating the implementation of the UN Guiding Principles on Business and Human Rights in Ireland.

The National Plan acknowledges the 2030 Agenda for Sustainable Development and in particular the relevance of SDG 5, achieving gender equality and empowering all women and girls, to the issue of business and human rights.

An Implementation Group, chaired by an independent expert in the field and consisting of representatives from civil society, the business community and Government Departments, was set up in 2018 to take forward delivery of certain key action points laid out in the Plan, such as the promotion of due diligence.

The priorities of the Implementation Group are laid out in more detail in the Plan and include:

- iii. encourage and support awareness of effective human rights due diligence by state owned or controlled companies.
- iv. encourage and support effective human rights due diligence in the context of state support to business and NGOs.
- ...
- ix. encourage companies and Ngos funded by the state to carry out human rights due diligence as appropriate to their size, the nature and context of operations and the severity of the risk of adverse human rights impacts.
- ...
- xi. encourage and facilitate the sharing of best practice on human rights due diligence, including effective supply chain audits.

It is envisaged that three separate sub-groups will be established by the Implementation Group for the purpose of delivering actions under each of the three pillars of the UN Guiding Principles. The methods and workplan of the sub-groups will be decided by the chair of each group in conjunction with its members.

**8. Are there any good practices of business enterprises adopting a gender perspective in making human rights policy commitments, addressing the gender wage gap and under-representation of women in boards and senior positions, or involving affected women in meaningful consultations and remediation processes?**

Legislation is being prepared to require employers to publish the gender pay gap in their firms. This is being done in close cooperation with the social partners who are committed to the objective of reducing the gender pay gap.

Action 1.22 of the National Strategy for Women and Girls envisages further work with the social partners on the gender pay gap, its causes and measurement.

Women are relatively poorly represented on the boards of commercial companies in Ireland compared with the EU generally - 18.1% compared to 26.2% in the EU in the case of the largest listed companies. In accordance with Action 4.1 of the National Strategy for Women and Girls, the Better Balance for Better Business Review Group was formed in July 2018 to identify a programme of measures to boost the percentage of women on corporate boards in Ireland, engage with companies to make the case for change, and report annually on its progress, with the first report due in Q1 2019. The Group is jointly chaired by two prominent business figures and is business-led. In addition to board membership, it will also deal with the under representation of women among senior management.

A further example is the 30% Club which is made up of businesspeople with the goal of achieving better gender balance at all levels in leading Irish businesses.

**9. What is the role of businesses in dealing with domestic laws, policies and societal practices which are discriminatory to women?**

See answer to question 3.

**10. How could media and advertising industries fight against gender stereotyping and disempowerment of women?**

Action 3.10 of the National Strategy for Women and Girls provides that the Broadcasting Authority of Ireland will, as part of the implementation of its Statement of Strategy 2017-19, take action to support increased representation of the diversity of Irish society in the broadcast media, with particular focus on gender. A funding scheme has been launched to attract applications across all genres to help challenge stereotypical narratives.

The Advertising Standards Authority for Ireland is the independent self-regulatory body set up and financed by the advertising industry and committed, in the public interest, to promoting the highest standards of marketing communications, that is, advertising, promotional marketing and direct marketing.

The Authority's Code provides that marketing communications should respect the principle of equality of men and women. They should avoid gender stereotyping and any exploitation or demeaning of men or women. Where appropriate, marketing communications should use generic terms that include both the masculine and feminine gender.

**11. What additional or specific barriers do women (women human rights defenders) face in accessing effective remedies for business-related human rights abuses?**

Women HRDs often face double discrimination based both on their gender and their work.

In her 2010 report (A/HRC/16/44), the predecessor to the present Special Rapporteur, Ms Margaret Sekaggya, stated that "women defenders are more at risk of suffering certain forms of violence and other violations, prejudice, exclusion, and repudiation than their male counterparts." One of the causes listed for this was the fact that women HRDs are often seen as challenging accepted socio-cultural norms and stereotypes about femininity, sexual orientation, and the role of women in society.

More generally, Human rights defenders in the field of business and human rights face growing stigmatization, criminalization, and physical attacks from both States and non-States actors, and are sometimes murdered for defending human rights.

**12. How could all types of remedial mechanisms, processes and outcomes be made more gender-sensitive?**

The Workplace Relations Commission (see reply to Question 3 above) provides a relatively informal and inexpensive forum to deal with complaints of discrimination.

**13. How to overcome power imbalances and discriminatory practices that might undermine the effectiveness of remedies obtained by women?**

Please see reply to Question 12.

Where a respondent fails to comply with an order of the WRC, an application may be made to the court for enforcement. The application may be made by the complainant, a trade union, or by the WRC itself. If the complainant is in a position to make the application themselves, the WRC would not do so.

**14. Please provide any additional comments, suggestions or information which you think may be relevant for the Working Group's forthcoming report on the gender lens to the UNGPs.**

N/A