

SUBMISSION FROM EQUALITY AND HUMAN RIGHTS COMMISSION

Introduction

The Equality and Human Rights Commission (the Commission) was established in statute in the Equality Act 2006 and came into being on 1 October 2007. The Commission promotes and protects equality and human rights, working to eliminate discrimination, reduce inequality and make sure that everyone has a fair chance to participate in society. We welcome the opportunity to submit evidence to the Inquiry into women and work.

The Committee has already identified a wide a range of issues; in thinking about solutions to these problems it is important to make the links between them. For example pervasive gender stereotypes in education contribute to occupational segregation in employment which compounds unequal pay.¹ Dealing with these issues will inevitably require a long term and strategic response. To ensure that this happens, the Commission recommends firstly, that the Scottish Parliament continues to scrutinise the budget using an equality analysis. Secondly, that the Scottish Government leads work to embed the Public Sector Equality Duty (PSED) which will be essential if future strategies for the economy and labour market are to have positive outcomes for women.

Context

The potential solutions set out in this paper are considered against important current social and economic developments. The recession and deficit reduction measures have created significant barriers to women's equality. The Fawcett Society suggests that deficit-reduction measures affect women in 3 key ways:

1. Women are hit hardest by cuts to public sector jobs, wages and pensions.
2. Women are hit hardest as the services and benefits they use more are cut.
3. Women will be left 'filling the gaps' as state services are withdrawn.²¹

In terms of the effect on women's participation in the Scottish labour market women's unemployment has risen from just under 5% in 2007 to just over 7% in 2012. The number of women in full time employment has decreased by around 45,000. At the same time there has been a rise in women working in part time jobs, which is due to the economic climate, rather than a positive choice to work flexibly.³

We have considered the impact of these recent changes and make suggestions to address the most pressing matters for women in work, including:

¹ Jobs for the boys and girls; promoting a smart, successful and equal Scotland, EOC, 2005

² The Impact of Austerity on Women, Fawcett Society, 2012
<http://fawcettsociety.org.uk/documents/The%20Impact%20of%20Austerity%20on%20Women%20-%2019th%20March%202012.pdf>

³ Where are women in Scotland's labour market? Briefing Sheet, WISE, 2013

Childcare

- Examine the benefits of introducing universally accessible and affordable childcare for children under 5
- Shift the debate about caring in Scotland

Workforce Issues

- Address occupational segregation in modern apprenticeship schemes
- Promote flexible working across the public and private sector

Managing unequal pay in local authorities

- Ensure that the PSED is implemented effectively in local authorities
- Support local authorities to carry out equal pay audits

Childcare

The Committee are rightly concerned that too many women are absent from the Scottish labour market. Growth in women's employment over the last 40 years has played a critical role in increasing living standards and maintaining economic growth. Across Britain between 1968 and 2008, income from women's employment contributed more than a quarter of all income growth in low to middle income households compared to less than a tenth from men.⁴ The World Bank recognises this trend and refers to investment in women's employment as 'smart economics.'⁵

Our research⁶ tells us that following the birth of their children many women do not return to work due to unaffordable, inflexible or poor quality childcare. Scotland has the 2nd most expensive childcare in Europe with 25 hours of nursery care costing more than half the average part time wage⁷. Our evidence suggests that the gaps in take-up of childcare both in pre-school and school age children impacts negatively on women's ability to work and on child outcomes, particularly in workless and low income families.⁸

We suggest that childcare is emerging as a critical issue which requires an urgent response from Government. We ask that the Committee consider how Scotland

⁴ Commission on living standards, Resolution Foundation, 2012 <http://www.livingstandards.org/key-findings/employment-and-working-hours/>

⁵ Gender Equality as Smart Economics: A World Bank Group Gender Action Plan, World Bank <http://siteresources.worldbank.org/INTGENDER/Resources/GAPNov2.pdf>

⁶ Childcare Matters; improving choices and chances for parents and children, EHRC, 2011 http://www.equalityhumanrights.com/uploaded_files/research/working_better_childcare_matters.pdf

⁷ The cost of childcare in Scotland: a special report, Children in Scotland, 2011

⁸ Childcare Matters; improving choices and chances for parents and children, EHRC, 2011 http://www.equalityhumanrights.com/uploaded_files/research/working_better_childcare_matters.pdf

could benefit from the introduction of universally accessible and affordable childcare for children under 5 years.

Examine the benefits of introducing universally accessible and affordable childcare for children under 5

This type of investment alongside paid parental leave is an approach that has been adopted in Scandinavian countries such as Denmark. Danish parents are guaranteed a day care place for children from the age of six months until they start school at six years. Participation rates are very high, 97% of children between the ages of 3 and 5, and 91% of those aged between 1 and 2 attend day care. The cost is capped at 25% of the unit price of provision, it is free for parents on the lowest incomes, and the average family spends only around 7–10 % of their disposable income on childcare.⁹

The Danish model is a proven mix that contributes to reducing inequality and maximising wellbeing for children and their parents. It also has positive economic outcomes, for example a cost benefit analysis by IPPR suggests that £20,050 over 4 years could be collected in tax revenue for every woman who returns to full time employment 1 year after maternity leave.¹⁰

Universal provision of childcare for under 5's could contribute to the preventative spending agenda that the Scottish Government is currently pursuing. Women's employment mitigates against poverty and promotes social mobility, which in turn prevents expensive social problems developing in later life.

Shift the debate about caring in Scotland

There is a need in Scotland to shift the language and focus of the debate about caring, which is generally regarded as a 'woman's issue'. The Committee could play an important role in shaping the debate about care in Scotland, for an ageing population as well as children. Allied to this, is the need to invest and value the care sector in Scotland, recognising the very critical role that it has in Scotland's future.

The Committee has already identified the problem of occupational segregation and this is stark in the care sector where jobs are seen as 'women's work' and are generally undervalued and underpaid. Caring carries a high degree of social value; it also involves a high level of responsibility, and a sophisticated skill set and experience. The Committee should consider further what strategies would allow for increased investment in the care sector and improvements to the pay and the status of caring jobs.

⁹ Double Dutch; the case against deregulation and demand led funding in childcare, IPPR, 2012
http://www.ippr.org/images/media/files/publication/2012/10/double-dutch-childcare_Oct2012_9763.pdf

¹⁰ Making the case for universal childcare, briefing paper, IPPR, 2011
http://ippr.org/images/media/files/publication/2011/12/making-the-case-for-universal-childcare_Dec2011_8382.pdf

Workforce issues

Address occupational segregation in modern apprenticeship schemes

The Commission is concerned that little progress has been made in addressing the persistent problem of occupational segregation within the Modern Apprenticeship Programme; for example statistics for 2012 show that 99% of apprenticeships in training for construction are men and 86% of apprenticeships in training for health and social care are women.

The Scottish Government has targeted the creative industries, food and drink, energy, financial and business services, life sciences, university innovation, and tourism for investment and growth in the next 10 years. Our research¹¹ suggests that gender segregation is strongly evident in these sectors. In addition, there are economic sectors in Scotland where gender segregation appears to be constraining growth. The Royal Society of Edinburgh carried out a study of women in science, technology, engineering, and maths, and found that the Scottish economy could benefit by £170 million if women who studied science were enabled to pursue careers in these fields.¹²

The Equal Opportunities Commission (EOC) first raised this issue in an investigation in 2005¹³ and concluded that Modern Apprenticeships perpetuate occupational segregation but that they could also tackle it by providing more opportunities in heavily segregated sectors. It is concerning that occupational segregation has been a Cabinet Level priority for the Scottish Government since 2008.¹⁴

The Commission would welcome further scrutiny from the Committee into how much the Scottish Government has exerted its influence in this area and the extent to which placing targets or incentives could achieve greater parity in access between men and women. We also recommend that the Committee considers how equality conditions could be included in procurement processes, contracts and grants relating to economic development. The Commission are of the view that this type of activity could have very positive outcomes for women and other protected groups.

¹¹ Equality and Diversity Baseline Information on Scotland's Key Economic Sectors, Scottish Enterprise and Highlands and Islands Enterprise, Blake Stevenson, 2010

¹² Tapping all our talents, Royal Society of Edinburgh, 2012 http://www.royalsoced.org.uk/cms/files/advice-papers/inquiry/women_in_stem/tapping_talents.pdf

¹³ Jobs for the boys and the girls: promoting a smart, successful and equal Scotland, Report of the GFI into occupational segregation, EOC, 2005

¹⁴ Gender Equality Scheme, Annual Report, Scottish Government, 2011 <http://www.scotland.gov.uk/Publications/2011/03/30094126/3>

Promote flexible working across the public and private sector

The Employment Act (2003) introduced the right for parents of young and disabled children to apply to work flexibly. This has had a very positive impact on parents, particularly women who have been able to balance work and childcare responsibilities more easily.

Our 'Working Better Project'¹⁵ looked at flexible working within a remit to identify and promote innovative new ways of working to meet the challenges of the 21st century workplaces. Our research found that parents' top priority for improving work-life balance was to have a wider range of flexible working options, but that conversely rights to flexible working were not always well understood by employees and employers. Unlike other countries, the legislation on flexible working in Britain involves a permanent change in working hours, and this has the potential to confine women to part-time jobs with low pay and prospects.

The Commission recommends that the Committee considers how the social and business benefits flexible working practices can be better promoted across the public and private sector to improve the uptake of flexible working for women and men.

Managing unequal pay in local authorities

The pay gap is an important indicator of ongoing inequality in the labour market. The Annual Survey of Hours and Earnings 2011 show that there is an 11% difference between men and women's full-time hourly rates. This increases to 32% when comparing women's part time hourly rate to men's full time hourly rate. Unequal pay in local authorities has been an ongoing problem and there have been significant legal cases brought against local authorities in Scotland because of this.

Ensure that the PSED is implemented effectively in local authorities

The Public Sector Equality Duty (PSED) provides a practice and regulatory framework to ensure that local authorities take steps to address the pay gap and ensure fair pay systems. The PSED requires public bodies to take proactive steps to eliminate discrimination, harassment, victimisation, or other unlawful conduct; advance equality of opportunity between people who share a relevant protected characteristic and those who do not; and foster good relations between people who share a protected characteristic and those who do not. The Specific Duties, which are Scottish regulations, place additional requirements on public authorities to publish their gender pay gap, and information about occupational segregation within their organisation.¹⁶

Public authorities are required to publish a mainstreaming report (which includes employee information), gender pay gap information and a statement on equal pay and occupational segregation in April 2013. The important element of these requirements is that public authorities are required to take action where they find that

¹⁵ Meeting the changing needs of families, workers and employers in the 21st Century, EHRC, 2009
http://www.equalityhumanrights.com/uploaded_files/working_better_final_pdf_250309.pdf

¹⁶ The Equality Act (2010) (Specific Duties) (Scotland) Regulations, 2012
<http://www.legislation.gov.uk/sdsi/2012/9780111016718/contents>

there is inequality, so for example, if there is a significant difference in pay between men and women the EHRC would expect the authority to acknowledge this and set out what actions they will take to address this problem in their mainstreaming report.

The EHRC will monitor public authorities' compliance with the Specific Duties. However, the Committee may find it useful to examine the pay gap statistics that local authorities will publish in April and discuss what further action is required from Government to achieve equal pay in this important sector.

Support local authorities to carry out equal pay audits

Employers are ultimately responsible for ensuring that their pay systems are free from gender bias. To do this effectively the EHRC recommend that job evaluations are carried out to compare different jobs and provide a fair basis for a grading and pay structure. Its aim is to evaluate the job, not the jobholder, and to provide an objective means of assessing the demands of a job.

Given that local authorities are facing significant cuts to their budgets and changes to staffing levels over the next 3 years the Committee should consider how to ensure that local authorities are supported during this time to carry out equal pay audits to ensure pay systems are fair and avoid future litigation. The Commission would welcome the Committee discuss this issue with relevant Ministers to ensure that there is a commitment and momentum to carry out equal pay audits and address unequal pay in local authorities.

Finally, the Commission is concerned that economic and labour market data is not sufficiently disaggregated across protected characteristics. This means that is very difficult to analyse the participation and progress of disabled, gay and ethnic minority women, who frequently face a double disadvantage in the labour market.

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