

**Women's
Policy Group NI**

**COVID-19 FEMINIST
RECOVERY PLAN**

Women's Workers' Rights

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Introduction

This briefing will summarise some of the key evidence and recommendations regarding workers' rights, but particularly women workers' rights, from the WPG NI COVID-19 Feminist Recovery Plan, published in July 2020.

The WPG NI Feminist Recovery Plan was created by the [Women's Policy Group Northern Ireland](#) (WPG). The WPG is a platform for women working in policy and advocacy roles in different organisations to share their work and speak with a collective voice on key issues.¹ The WPG Feminist Recovery Plan analyses the impact of COVID-19 on women and girls in Northern Ireland in terms of economic justice, health, social justice and cultural inequality. The Feminist Recovery plan advocates for a feminist recovery to COVID-19, in a way which tackles pre-existing gender inequalities. Our full Feminist Recovery Plan is available [here](#).



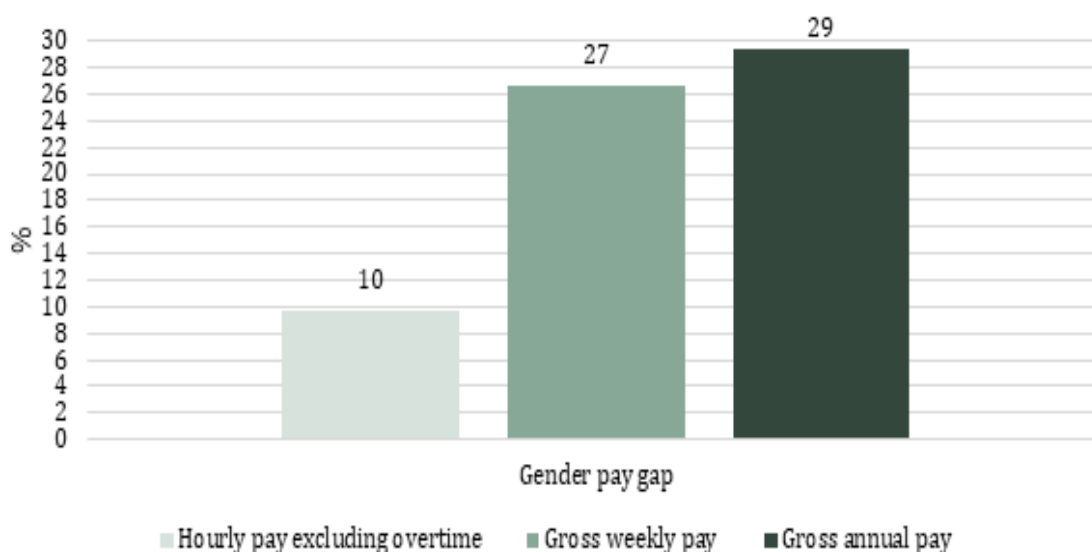
¹ Please note, not all member organisations of the Women's Policy Group have specific policy positions on all the areas covered in the Feminist Recovery Plan. Therefore, individual experts from each of its member organisations contributed to the sections that cover their own areas of expertise.

Women’s Employment and Gender Pay Gap Reporting

Women in Northern Ireland continue to be more likely to be in insecure and part-time employment, and whilst the overall gender pay gap in NI is the lowest in the UK, women still earn on average around 9.6% less than men.² Having dependent children significantly amplifies this difference, and women responsible for dependent children are more likely to be in insecure, part time work. Policy failures around family-leave frameworks fail all workers but have a disproportionate impact on women due to the lack of affordable childcare, which is fundamental to facilitating women’s participation in work.

When the hourly earnings (excluding overtime) across all workers is examined (including full-time and part-time) we see that women earn close to 10% less than men. This is due to the ‘part-time effect’ evidenced by the fact that women occupy more part-time jobs than men and these jobs tend to be lower paid than full-time jobs. This part-time effect is further illustrated by assessing the gender pay gap in terms of the gap in gross weekly and gross annual earnings between men and women as shown in figure 5 below. Gross weekly earnings are 27% below that of men, whilst gross annual earnings are almost 30% below that of men.

Figure 5: Percentage point gap in pay between men and women 2018:



Source: *Better Work, Better Lives Report*

The European Trade Union Confederation estimates that if women were paid the same as men, the poverty rate among working women could be halved and 2.5 million children would come out of poverty.³

² PwC (2019) [‘Women in Work Index: Summary’](#); which analyses female economic empowerment in the UK.

³ European Trade Union Confederation (2020) [“Gender Pay Gap – End the Secrecy”](#) [Publication]

Having one or more children reduces a woman's likelihood of being in a permanent, full-time job by almost one-third, with only 45% of women with one or more children working in a permanent, full-time job. Fewer than 1 in 3 women with no dependent children work part-time. This compares to almost 1 in 2 women with dependent children who are employed on a part-time basis. Women with dependent children work an average of 11 hours less per week than men with dependent children.

Furthermore, women continue to experience significant sex discrimination in the workplace, including sexual harassment and discrimination against mothers and pregnant women. The Equality Commission for Northern Ireland estimates that around 25% of the queries they get to their legal helpline relate to potential sex discrimination at work. Of these, they estimate that 21.5% are to do with pregnancy or maternity.⁴ The issues raised are not confined to any particular sector and it is happening regardless of the level, type or grade of job held by women. Sex discrimination at work is not an isolated phenomenon, and is closely connected to rates of domestic violence in society.

Domestic violence creates a negative spillover effect on the world of work, as recognised by the International Labour Organisation's (ILO) Violence and Harassment Convention (No. 190) and its accompanying Recommendation (No. 206). The Preamble to the Convention notes that: "Domestic violence can affect employment, productivity and health and safety, and that governments, employers' and workers' organizations and labour market institutions can help, as part of other measures, to recognize, respond to and address the impacts of domestic violence."

As such, the Convention requires Members to "take appropriate measures to ... recognize the effects of domestic violence and, so far as is reasonably practicable, mitigate its impact in the world of work" (Art. 10(f)). Therefore, sex discrimination and domestic violence must be understood as connected issues with implications for both private and public spheres of life.

⁴ Equality Commission Northern Ireland (2019), ['Pregnancy and Maternity Discrimination Remains an Issue for Working Mothers'](#)

Summary of Recommendations:

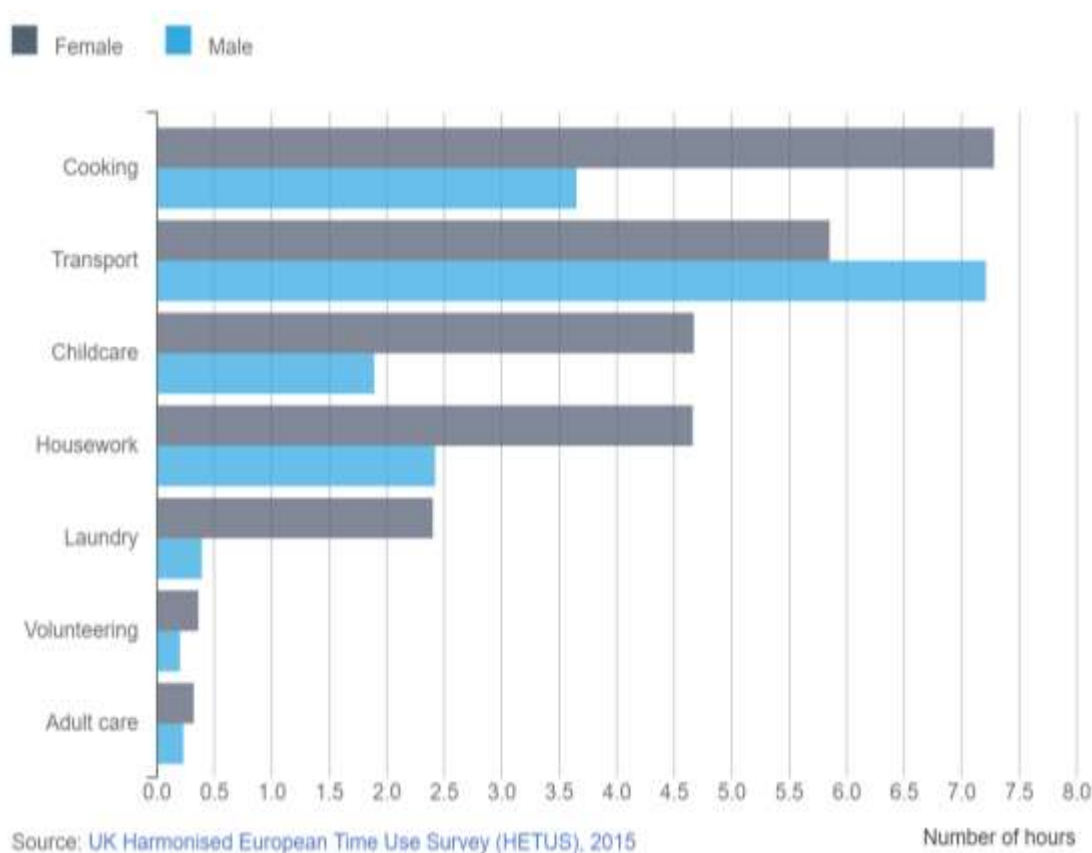
- * Introduce a duty on employers to proactively tackle sexual harassment at work to include mandatory training for all employees including managers and HR personnel.
- * Develop a women's employment strategy which identifies the labour market issues facing women and an associated cross departmental action plan to tackle these.
- * Review flexible working legislation and make this available as a day one right for all workers.
- * Make parental leave available as a day one right, introduce 10 days of paid parental leave.
- * Reserve a period of paid parental leave for fathers – use it or lose it.
- * The Northern Ireland Executive should recognise and promote the importance of collective bargaining and trade unions as a driver for better pay and terms and conditions as well as higher productivity.
- * Introduce gender pay gap legislation which is fit for purpose for Northern Ireland. Ensure that this is accompanied by an associated strategy, action plan and accountability measures which should be properly resourced.
- * Introduce gender transparency measures to tackle inequality in men's and women's pay and pensions.
- * One of the measures the European Trade Union Confederation recommends to achieve equal pay is a comprehensive Gender Pay Transparency Directive to create more openness about pay and pay inequalities. This should include measures to:
 - Ban pay secrecy clauses in contracts so that workers can discuss pay,
 - Require information for job evaluation for the purpose of establishing equal pay for equal work,
 - Put an obligation on all employers to produce pay information (audits) and annual action plans on pay equality,
 - Support unions to negotiate with employers to tackle the pay gap,
 - Require job advertisements to include the pay scale,
 - Prevent employers hiding behind privacy, data protection or administrative burden to avoid pay transparency,
 - Ensure transparency for the whole pay package including benefits, bonuses, pensions, allowances etc,
 - Impose sanctions on employers who do not take action.

Gender Segregated Labour Markets and Care Work

When the income of men and women across occupations ranging from the lowest hourly paid to the highest hourly paid is examined, it is apparent that women dominate in the low paid occupations. What is more, across the vast majority of occupations there remains a substantive gender pay gap, with women continuing to earn less pay per hour than men. This gender pay gap is likely to worsen due to the economic impact of COVID-19, which not only has negative consequences for women, but the economy as a whole.

When looking specifically at Northern Ireland, women are more likely than men to be forced out of the labour market by unpaid, domestic work or caring responsibilities (including childcare), and 69% of carers are women. Women in NI also have a 70% chance of providing care in their adult life, compared to 60% for men and by the age of 46, half of all women have been a carer (11 years before men).⁵

Figure 8: Unpaid Care Work Differentials for Men and Women in the UK



⁵ WRDA (2020) '[Gender Inequality in Northern Ireland: Where are we in 2020?](#)', *Bold Women Blogging*.

Research from Carers NI shows that Northern Ireland’s carers save the economy £4.6 billion per year;⁶ whilst unpaid carers across all the UK provide social care worth £57 billion per year.⁷ A recent ICTU report on Childcare explains that “There is consistent evidence that becoming a mother is the most important factor in explaining gender inequalities in the labour market. Women with children are much less likely to participate in the labour market, and when they do, they are more likely to work in insecure and part-time positions. In addition to this, the pay penalty for motherhood is large, and parental leave entitlements are skewed towards mothers staying at home.”

Table 3: Percentage difference in nature of labour force participation between male and female, with and without dependent children, 2018

		S-E FT %	S-E PT %	Perm FT %	Perm PT %	Temp FT %	Temp PT %
All	Male	17.5	1.6	70.5	16.7	2.6	2.2
	Female	4.9	3.7	54	29.8	3.5	4.1
0 children	Male	17.1	1.3	71.3	5.2	2.7	2.3
	Female	4.9	2.3	60.5	24.2	4.6	3.6
1+ children	Male	18.2	2.1	69.2	6	2.4	2.1
	Female	4.9	5.6	45.1	37.6	2	4.8

Source: ICTU (2020) ‘Childcare in Northern Ireland’ (p 10)

The burden on women to provide the majority of unpaid care in society has increased significantly in the context of COVID-19. What has become clear, is that care work, which is predominantly undertaken by women and girls, is central to the functions of every economy; yet it is still treated as a private issue and care workers are undervalued as contributors to economies.

In analysing gender segregation in paid work, women also disproportionately work in care, cleaning, catering, retail, hospitality and clerical jobs with poor protections, including sick leave, which makes them particularly vulnerable to economic crises. In Northern Ireland, 70% of workers that are ineligible for Statutory Sick Pay and 82% of part-time workers are women, in large part due to their additional caring responsibilities such as those mentioned above. Given the precarious nature of much of this work, particularly in the private sector or for those caring for people in other people’s homes, women are more likely to be unable to take time off work or stay at home to care for themselves and others due to the lack of SSP, not having employment contracts or feeling more pressure to stay at work.

⁶ Carers NI (2015) ‘[NI Carers save government £4.6 billion a year](#)’; see also: Carers NI (2017) ‘[State of Caring 2017](#)’

⁷ Office for National Statistics (ONS) (2017), ‘[Unpaid carers provide social care worth £57 billion](#)’

The above trends are also evident in labour markets beyond those mentioned above as further evidence of gender segregation is present; with women underrepresented in higher-paying jobs in every sector in Northern Ireland. The below statistics from the NI Assembly Research and Information Service shine a light on the vast gender segregation and disparities across the public sector in January of 2020:⁸

- In Northern Ireland politics, women represent 37% of Lord Mayors, 26% of Local Councillors, 33% of MLAs and just 22% of MPs,
- In Public Appointments, women represent 28% of Chairs and 42% of all Public Appointments,
- Women represent 0% of Lord Chief Justice and Lord Justices of Appeal, just 25% of High Court Judges and 33% of County Court Judges,
- In the PSNI, zero women hold the position of Chief or Deputy Chief Constable and only 20% are Assistant Chief Constables. Women represent 30% of police officers and 58% of all PSNI staff,
- In the Civil Service, women represent 33% of Permanent Secretaries; 38% of Senior Civil Servants and 50% of the total NICS workforce,
- In the Education Sector, women represent 27% of University Chancellors or Pro/Deputy Vice Chancellors, 29% of FE College Principals and 60% of School Principals; despite 77% of all teachers being women,
- In the Health and Social Care Sector, women make up 79% of all staff but just 20% of Trust Chairs and 20% of Trust CEOs,
- In Local Government, women are 42% of all employees but just 27% of Council CEOs.

Given the disproportionate levels of unpaid caring responsibilities taken on by women, and the drastic impact this can have on women's participation in paid work and life time earnings, a gendered lens is needed in addressing the segregation of care work to prevent further embedding gender inequality. Investment in care provides strong returns economically in the long run, and we would urge decision-makers to consider the following recommendations to fund adequate investments and to oppose the implementation of further austerity.

⁸ NI Assembly Research and Information Service (2020) '[Who Runs Northern Ireland? A Summary of Statistics Relating to Gender and Power in 2020](#)'

Summary of Recommendations:⁹

- * Action must be taken to acknowledge the many women who work in precarious, low-paid jobs that are unable to stay at home due to employer reluctance to furlough these workers; particularly as many of these women do not have trade union representation nor can they benefit from collective bargaining.
- * In addition to this, action needs to be taken to address how difficult it is for women to complete all aspects of work from home when trying to manage their workloads, childcare and providing education from home.
- * Measures should be introduced to prevent employees from being penalised for having to undertake care work.
- * Monitoring gender parity in the professions of the future provides a critical opportunity to guide the emerging labour market to more equitable outcomes in the future of work.
- * To ensure that the professions of the future can target gender parity within the coming decade, reskilling and upskilling efforts for women interested in expanding their skills range should be focused on those already in the labour market or looking to re-enter the labour market after a period of inactivity.
- * Build on existing good practice evidenced in alteration of policy on Maternity Allowance for women furloughed due to COVID-19.
- * Monitor gender parity in the professions of the future.
- * Promote conciliation measures and actions finalised to increase equal opportunities in both education and work.¹⁰ For example, introduce family policies, social protection systems and measures aimed at reducing gender inequalities, and encourage higher education and job opportunities for women.
- * For a better, more resilient economy, care work must be recognised as a valued job. This means making sure it pays well, attracts investment in education and training, and provides opportunities for promotion.
- * Require all workplaces to record and publish gender segregation and gender pay gap data.
- * Require employers to report the numbers of people made redundant with breakdowns by gender and other protected characteristics.
- * Introduce policies to encourage sharing of care and unpaid work between women and men.
- * The UK Government and NI Assembly should immediately increase the basic level of Carer's Allowance, and a one-off coronavirus Supplement to those entitled to Carer's Allowance of £20 a week to match the rise in Universal Credit.
- * Greater consistency is needed in connecting carers to support available to look after their own mental and physical health and wellbeing.

⁹ UK WBG (May 2020), 'Briefing from the UK Women's Budget Group: Easing Lockdown: Potential Problems for Women', (available online): <https://wbg.org.uk/wp-content/uploads/2020/05/Easing-lockdown-.pdf> [accessed 29.06.20].

¹⁰ Castellane, R. et. al. (2019) 'Analyzing the gender gap in European labour markets at the NUTS-1 level', *Cogent Social Sciences*, Vol 5 (1).

Recommendations from Carers Week Report which we endorse include¹¹:

- Financial support for carers must be urgently improved, which would particularly benefit women who are more likely to be caring and providing higher levels of care. The UK Government and NI Assembly should immediately increase the basic level of Carer's Allowance, and a one-off coronavirus Supplement to those entitled to Carer's Allowance of £20 a week to match the rise in Universal Credit.
- Supporting working carers more through employers and by Government
- Employers, and the NI Assembly, should ensure that there are carer-friendly policies in place that enable working carers to balance their caring responsibilities with work.
- We fully support the Government's plans to introduce an entitlement to take care leave for working carers; our preference would be for this to be paid.

Women's Poverty and Austerity

Women are more likely to claim social security benefits, more likely to use public services, more likely to be in low-paid, part-time and insecure work, more likely to be caring for children/family members and more likely to have to make up for cuts to services through unpaid work. Research by the Institute for Social and Economic Research at the University of Essex has shown that single mothers and the lowest paid are hardest hit by the loss of income in the Coronavirus crisis.¹²

The research showed that in the highest income bracket, average earnings in February stood at £832 a week, and fell by £46 a week. In the lowest income bracket, they fell £43 a week, but from an average of £297. On average, single parents' earnings fell by more than double the amount experienced by households with children and more than one adult. Their average weekly household earnings fell £36, from £511 in February to £475 in April but single-parent households saw their average weekly earnings fall by £73, from £326 to £253 over the same period.

Research by the Joseph Rowntree Foundation and Save the Children¹³ has shown that parents who were caught in poverty pre-crisis are around 50% more likely to have lost their jobs than parents who were better off.

¹¹ Carers Week (2020), '[Carers Week 2020 Research Report](#): The rise in the number of unpaid carers during the coronavirus (COVID-19) outbreak', *Making Caring Visible*.

¹² Institute for Social and Economic Research (2020) [Understanding Society: The UK Household Longitudinal Study](#), COVID-19 Survey, Briefing Note, University of Essex.

¹³ Joseph Rowntree Foundation and Save the Children, (2020) [A lifeline for our children](#): Strengthening the social security system for families with children during this pandemic' [Briefing]

Furthermore, it showed that 6 in 10 families are having to borrow, 7 in 10 families have had to cut back on essentials and over 5 in 10 families are falling behind on rent or other essential bills. Before the pandemic, women were already more likely to experience poverty; however, in the current climate, job losses and the need to provide increasing levels of unpaid care are likely to increase poverty and dependence on social security benefits, especially for women.

Summary of Recommendations:

- * Increase the level of Carer's Allowance and consider a one-off Coronavirus supplement of £20 a week to match the rise in Universal Credit as suggested by Carers UK.¹⁴
- * Increase the level of Child Benefit to £50 per child per week to help poorer families stay out of poverty and reflect the additional costs facing parents.
- * The Benefit Cap mitigation should be extended to new claimants. The pandemic means that increasing numbers of claimants will be subject to the benefit cap as a result of losing their jobs. Extending the Benefit Cap mitigation to new claimants will ensure people can access adequate levels of financial support during this period and beyond.

Childcare

The Women's Policy Group supports the Childcare for All Campaign and believes that a universal, free and high-quality childcare provision, which meets the diverse needs of children, is essential for economic recovery in Northern Ireland.¹⁵ This is fundamental to facilitating women's participation and ability to access paid work, education and training and progressing gender equality in paid and unpaid work. The WPG believes that childcare should be treated as a public good, rather than a private family matter, that is preventing many women from working.

Childcare is a key part of our economic infrastructure and is a necessary prerequisite for people being able to return to work, particularly women.¹⁶ Despite this, the issue of access to childcare was completely absent from the initial NI Executive Roadmap to recovery.

¹⁴ Carers Week (2020), '[Carers Week 2020 Research Report: The rise in the number of unpaid carers during the coronavirus \(COVID-19\) outbreak: Making Caring Visible](#)'

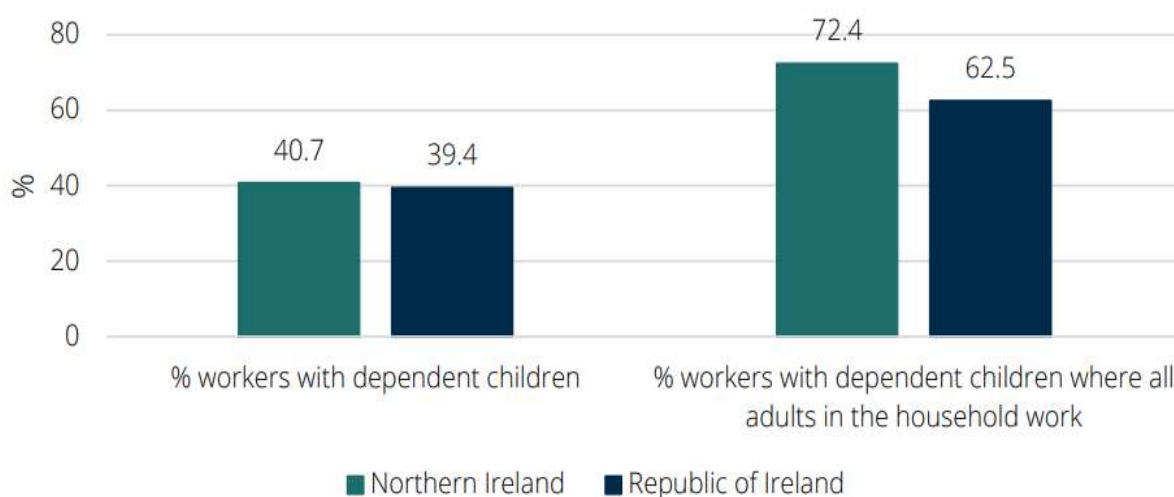
¹⁵ Employers for Childcare (2020) [Childcare Survey 2020: Conclusions](#)

¹⁶ See Childcare for All Campaign Statements on Childcare and COVID-19 ([June 2020](#)); and ([May 2020](#)).

The lack of an adequate childcare provision in Northern Ireland, as we move further out of lockdown, means that women will continue to face barriers to accessing work, education and training, and more women will have to work outside the home, or struggle with unemployment. Women are more likely to be forced to care for children, either in addition to their work, or instead of paid work. This applies particularly to parents of disabled children, as childcare options are extremely limited even in ordinary circumstances. This increases their risk of poverty and is also likely to have health impacts for both parents and children.

Research from the Nevin Economic Research Institute found that despite the fact that 40% of families in Northern Ireland (around 350,000 workers) have dependent children, little consideration appears to be given to the misalignment between the reopening of many sectors of our economy while childcare options remain extremely limited.¹⁷ Figure 15 from NERI compares the situation between Northern Ireland and the Republic of Ireland.

Figure 15: Employment and Dependent Children in NI and ROI



Source: Estimates for Northern Ireland are obtained from Q4 2019 data in the Northern Ireland element of the UK Labour force Survey. Estimates for the Republic of Ireland are obtained from 2019 data of the Labour Force Survey.

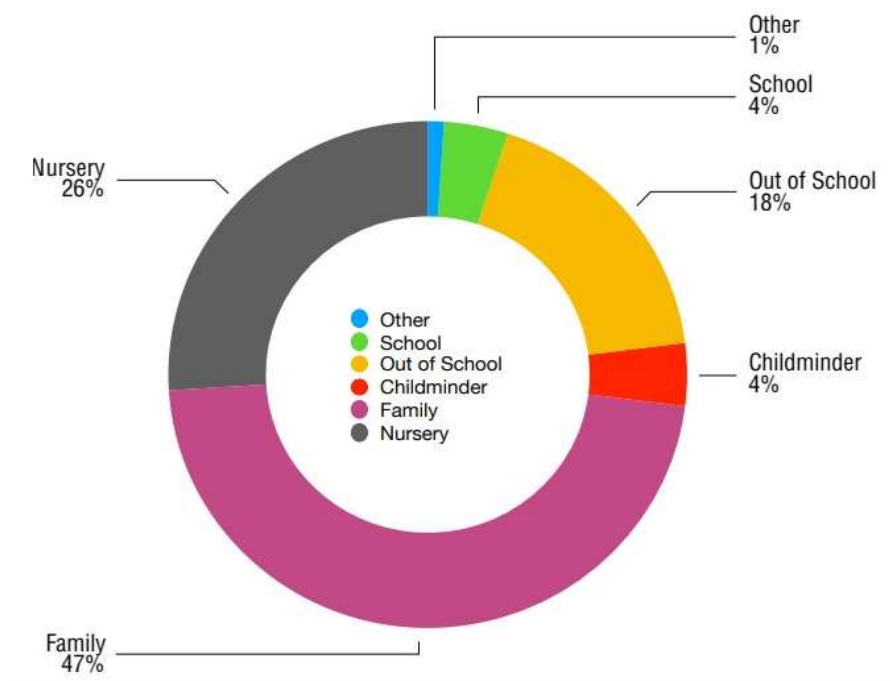
Source: NERI (2020) 'Employment, Dependent Children and Access to Childcare During the COVID-19 Crisis'¹⁸

¹⁷ Dr. Lisa Wilson (2020) 'Employment and access to childcare during the Covid-19 crisis' Nevin Economic Research Institute, p. 3

¹⁸ Ibid. p. 4

Sources of Childcare

As you can see from the chart below, the Family Resources Survey conducted between 2015-2016 shows that 47% of families in Northern Ireland rely on support from other family members for childcare, to enable them to access the workforce. This means that without informal childcare provision from family members, almost half of all parents in Northern Ireland would be unable to access the workforce. The childcare model in Northern Ireland has one of the lowest levels of public provision in the UK. In contrast, 75% of childcare in Scotland is council-run and funded by government



Source: Family Resources Survey, 2015-2016 (found in ICTU Report 'Childcare in NI'¹⁹)

Accessibility and Affordability

These barriers are exacerbated by the rising cost of childcare provision in Northern Ireland; particularly in the context of COVID-19 and the economic consequences we are already seeing as a result of it. Research from the Northern Ireland Childcare Survey in 2019²⁰ shows that the average cost of a full-time childcare place is £166 per week or £8,632 per year. This is an increase of 11% since 2010 when the first NI Childcare Survey was conducted.

¹⁹ ICTU (2019) '[Childcare in Northern Ireland: Cost, Care and Gender Equality](#).' Better Work, Better Lives [Policy Paper], p. 6.

²⁰ Employers for Childcare (2019) '[Northern Ireland Childcare Survey 2019](#)'

50% of families in Northern Ireland report spending more than 20% of their overall household income on childcare (this rises to 63% for lone parents) and 41% of families resorted to means other than their income to pay for their childcare needs, including savings, an overdraft, loans and credit cards (this rises to 51% for lone parents).

The gendered nature of this issue is evidenced by the fact that five years after a child's birth, only 13% of mums have increased earnings compared to 26% of dads.²¹ Women's employment is also most likely to be affected, with 56.2% of mothers having to make a change to their employment due to childcare, compared to 22.4% of fathers.²² 45% of mothers attributed a change in their working hours to the cost of childcare.

Furthermore, 87% of men in paid work were full-time workers compared to 59% of women.²³ Since the crisis began, mums have been 1.5 times more likely than dads to have quit or lost their job or been furloughed.²⁴

The gender pay gap largely exists due to a disproportionate number of women being involved in part-time employment, as a result of having childcare responsibility.

Therefore, it is clear that a gendered approach is essential to tackling what is clearly a gendered issue.

Lone Parents

Lone parents are disproportionately impacted by the rising costs of childcare and lack of accessible public provision, the majority of whom are women. Research from the Northern Ireland Childcare Survey shows that 63% of lone parent households report spending more than 20% of their overall household income on childcare, and that 1 in 10 lone parent households spend more than 50% of their overall income on childcare. It also shows that 51% of lone parent households resorted to means other than their income to pay for their childcare needs, including savings, an overdraft, loans and credit cards. A breakdown of the ways lone parents pay for childcare (other than through income) can be seen in the graph below.

Lone parents are more than 20% more likely to resort to using savings to pay for childcare; 30% more likely to ask for a loan from family and friends; and more than 63% of lone parents have had to cut back or go without another expense to pay their childcare bill.

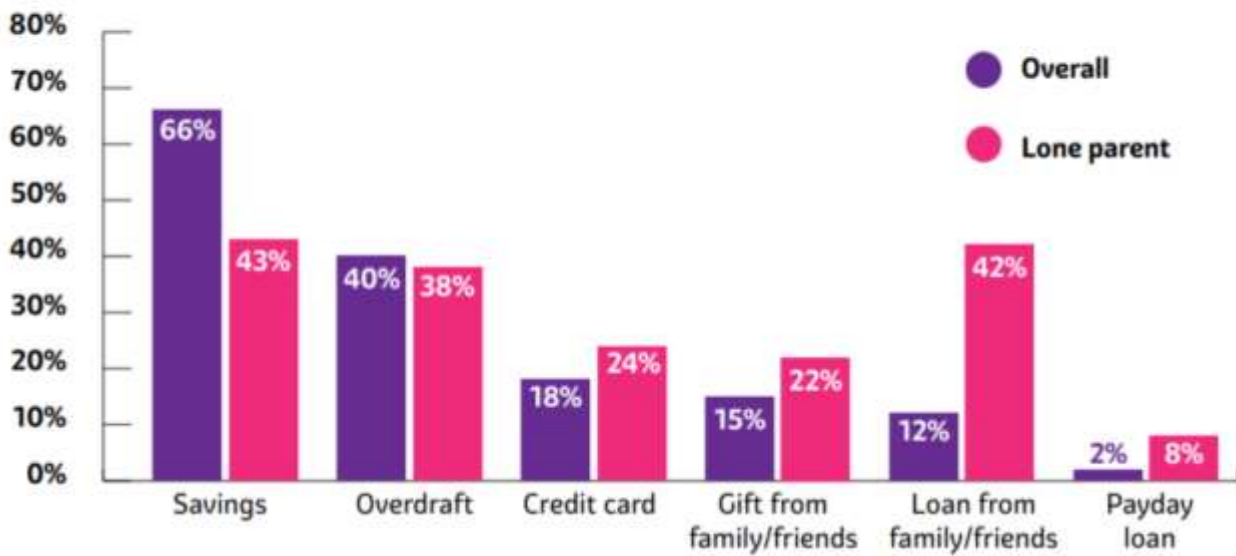
²¹ Ibid.

²² Ibid.

²³ ONS (2019) "[Families and the Labour Market](#)," p.6.

²⁴ Institute for Fiscal Studies (IFS) (2020) "[How are mothers and fathers balancing work and family under lockdown?](#)"

Figure 16: Means used other than income to pay the childcare bill



Source: *Employers for Childcare Northern Ireland Childcare Survey 2019, p.21*

Childcare Workers

There are major concerns relating to attitudes towards childcare work, and care work more generally. The underinvestment and gender segregation in the sector shows that care work is both an underpaid and undervalued profession, despite how critical this work is to the functioning of our economy. The median annual gross pay for childcare workers is almost half of that compared to the average of all workers (£11,028 compared to £21,254). Almost half of all childcare workers earn below the real living wage (48%). This is a significantly higher figure than the proportion of all workers who earn below the real living wage (30%). Significant action needs to be taken in order to bring workers into the childcare sector, maintain staff morale and reduce turnover, and reward workers' skills and experience.

NI Executive commitments in the New Decade, New Approach Agreement include commitments to reduce carbon emissions, to work to transition to a zero-carbon society, and support clean and inclusive growth as part of a Green New Deal. Childcare, and care more generally, is an already existing sustainable, green industry, with low levels of pollution and carbon emissions and should be recognised as such in any planning for a Green New Deal for Northern Ireland.

Summary of Recommendations:

- * Ensuring all parents and childcare providers are accessing the financial help they are entitled to.
- * Address the gender segregation of the childcare sector through the creation of sectoral agreements; providing a mechanism to introduce a skills and wage infrastructure so as to improve job quality.
- * Promoting family friendly policies and practices across all sectors to reduce barriers to women accessing and progressing in the workforce.
- * Actively encourage and incentivise care leave and caring responsibilities being undertaken by men.
- * Investing adequately, based on an informed assessment of realistic needs, to deliver a high-quality childcare infrastructure that is affordable for all to access, and providers to deliver.
- * Work extensively with the women's sector and childcare sector in the development of a childcare strategy and childcare provision for Northern Ireland.
- * Fully implementing CEDAW recommendations, noting the particular reference to Northern Ireland, calling on the Government to introduce a costed Childcare Strategy that is underpinned by legislation, meets the needs of children, parents, childcare providers and benefits local economy.

Disabled Women

Disabled women and girls can be subject to discrimination on two levels; marginalised on account of their disability, and on their gender. The Government needs to recognise and implement the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD)²⁵ effectively within Northern Ireland to ensure that disabled women live in an equal society which is free from economic, social and cultural barriers.

Only 7% of disabled people are employed, and those who are face low-paid work and under-employment. Disabled women earn 22.1% less than non-disabled men and 11.8% less than disabled men. 26% of households with a disabled person live in poverty compared to 22% of households overall. Disabled women are set to lose 13% of their annual net income by 2021 due to cumulative tax-benefit changes and austerity. Disabled single mothers will have lost 21% of their net income by 2021, and 32% if their child is also disabled.

²⁵ United Nations (2006) [Convention on the Rights of Persons with Disabilities \(CRPD\)](#)

Summary of Recommendations:²⁶

- * Introduce staff education programmes, based on the social model of disability, to effect attitudinal change in all sectors; but particularly health and education sectors.
- * Ensure testing is available to staff and people living in care homes with fair access to treatment and that blanket DNRs are not used.
- * COVID-19 testing should be readily available to all carers/PAs of disabled people so that disabled people are not at risk of catching the virus from carers who work for multiple clients,
- * Comprehensive guidance should be released advising people on how to prevent the spread of COVID-19 while using care/PA services, whether the care is funded by direct payments or provided by volunteers such as family members.
- * Provide guidance and support to frontline violence against women organisations and refuges to the needs of disabled women in danger of domestic abuse; including the communication and access needs of disabled women and reasonable adjustments.

Brexit and the Impact on Women: Rights at Risk

With women's voices being largely absent from negotiations, at a local, national and EU level, it is necessary to analyse the unique and disproportionate impact Brexit will have on women in Northern Ireland. We note the UK Government's commitment to 'no diminution' of certain rights, including equality rights, under Article 2 of the Northern Ireland Protocol.²⁷ It has also committed to keeping pace with any EU changes to certain equality laws including particular gender equality laws.²⁸ However, there are a number of issues regarding women's rights in the context of Brexit which have yet to be addressed.²⁹

Women's Rights Achieved Through EU Membership

Many of the rights we enjoy today have come through membership of the EU over the past four decades; particularly in areas of economic activity and employment law. For women, there are great concerns that Brexit will erode many of these protections.

²⁶ Sisters of Frida (2020), '[The Impact of COVID-19 on Disabled Women from Sisters of Frida: Voices of Disabled women in the pandemic](#)'

²⁷ UK Government (2020) "[UK Government commitment to 'no diminution of rights' in Northern Ireland](#)" [Explainer document]

²⁸ Ibid.

²⁹ Human Rights Consortium (2018), '[Brexit and Northern Ireland: Rights at Risk Report](#)'

Some of these protections include:³⁰ equality between men and women,³¹ the right to equal pay for equal work,³² protection against discrimination on the ground of pregnancy and maternity,³³ introducing measures to provide specific advantages to the underrepresented gender,³⁴ prohibition of discriminations on the grounds of sex,³⁵ and introduction of paid holidays.³⁶ Other areas of EU legislation, representation and funding that are relevant to the protection and enhancement of women's rights and participation include the European Protection order, which is significant in recognising women's rights as they cross the border; the Rural Development Programme;³⁷ the European Social Fund (important for increasing women's access to the workforce); and the European Parliamentary Committee on Women's Rights and Gender Equality.

EU Charter of Fundamental Rights

One of the most concerning decisions by the UK government has been to remove the EU Charter of Fundamental Rights from all applications in UK law and judiciary systems. Whilst the UK government would still be required to abide by the European Convention of Human Rights, the removal of the EU Charter is deeply worrying as it has a much broader level of protection for human rights.³⁸ Articles relevant to women in Northern Ireland include, but are not limited to, Article 20 on the right to equality before law; Article 21 which prohibits discrimination; Article 23 on the right to equality between men and women; Article 34 on the right to social security (which is significant in cases of maternity pay); and Article 35 on the right to healthcare.

Existing EU Law – Court of Justice of the European Union

Future case law of the Court of Justice of the European Union (CJEU) will no longer be binding in UK courts post-Brexit. Any existing CJEU laws from before Brexit will still be binding, however, these can now be overturned in future cases in UK courts and a departure from current jurisprudence may lead to a divergence on human rights standards on either side of the border in Northern Ireland. As EU human rights instruments will be seen as invalid post-Brexit, it will be difficult to enforce human

³⁰ Furthermore, the EU recognises the need for wide-spread structural change to deal with systematic gender discrimination through their commitment to Gender Mainstreaming and the [Gender Recast Directive 2006](#). The Gender Recast Directive covers a range of areas including access to employment, promotion, vocational training schemes and working conditions to ensure the rights of women are considered central to decision making.

³¹ The [EU Charter of Fundamental Rights](#) (2012)

³² [Article 119](#) Treaty (2016) establishing the European Economic Community.

³³ This is still an issue in Northern Ireland today: Equality Commission Northern Ireland (2016) "[Expecting Equality: A Formal Investigation into the Treatment of Pregnant Workers and Mothers in NI Workplaces.](#)"

³⁴ Ibid.

³⁵ Sex and other grounds for discrimination are covered in Article 21, EU Charter of Fundamental Rights (Ibid. 21).

³⁶ NIRWN (2018) [Rural Voices Report](#), p.30: 'Many of the two million workers who had no paid holiday before the Working Time Directive, were part-time working women'; Human Rights Consortium (2018) [Rights at Risk Report](#), p. 75.

³⁷ Ibid. 36. (NIRWN 'Rural Voices' Report, 2018)

³⁸ A comparison of the breadth of the EU Charter and the ECHR can be found in the Human Rights Consortium Rights at Risk Report, p.26-27 (Ibid. 26).

rights through the courts or hold the UK government accountable in courts outside the UK.

Human Rights Act 1998

In the lead up to the Brexit referendum, many calls were made to repeal or replace the UK Human Rights Act post-Brexit. Since the 2016 referendum, the UK Government has failed to provide commitments that it will not repeal or replace the Human Rights Act. Many are deeply concerned about the impact this, and the removal of the EU Charter, will have on human rights. The EU human rights framework is much more robust than the UK Human Rights Act. The removal of both the Human Rights Act and the EU Charter will make it much more difficult for people to access their rights through the courts.

Missed Opportunities: Current EU Work on Rights

There are many missed future opportunities for the enhancement of rights that would benefit the lives of women in Northern Ireland. For example, as highlighted by the Human Rights Consortium, the EU has also sought to extend parental rights to leave³⁹ and encourage better childcare support for families⁴⁰ with the strategic aim of reducing the gender pay gap and advancing women's rights more generally.

Furthermore, there is a new ongoing consultation of trade unions and employers launched at EU level focusing on a new package of rights to improve work-life balance, including proposals for carers' leave, flexible working and stronger protections from dismissal for new mothers.⁴¹ It is worth noting that the EU did not recognise care work as an economic activity, which meant carers did not have the same equal status of those who were workers, self-employed or seeking residency under the freedom of movement within EU member states. As women undertake the majority of caring responsibilities in Northern Ireland, they were disproportionately impacted by this approach.

³⁹ EU Council (2010) [Directive 2010/18/EU](#) implementing the revised Framework Agreement on parental leave (8th March 2010)

⁴⁰ European Commission (2013) "[Investing in Children: Breaking the Cycle of Disadvantage](#)" Recommendations.

⁴¹ Trades Union Congress (TUC) (2016) '[Women Workers' Rights and the Risks of Brexit](#)'

With the implications that have arisen due to the COVID-19 pandemic, the rights at risk highlighted above are due to worsen as pre-existing inequalities are exacerbated. With all the hard-fought women's rights protections won at an EU level now at risk, and many human rights still failing to have been implemented at all, there are many reasons to be deeply concerned about the impact of Brexit on the women in Northern Ireland.

Summary of Recommendations:

- * A gendered approach must be taken towards all policy making relating to Brexit; for equal representation of women in negotiations; and for the hard-won EU rights for women to be protected and enhanced in Northern Ireland.
- * NI continues post Brexit to learn from EU policy development and innovation in order to replicate what is advantageous to NI.
- * Balance recommendations for greater food self-reliance with recognition of the gendered, unpaid and low-paid labour involved in producing and providing food, particularly as Northern Ireland may be impacted by differing food standards post-Brexit.

Conclusion

This briefing has highlighted some of the key evidence and recommendations regarding women's workers' rights from the WPG NI COVID-19 Feminist Recovery Plan.

Further information on the issues raised in this briefing can be found in the full WPG Feminist Recovery Plan, which can be accessed [here](#).

*For any questions or queries regarding
the WPG Feminist Recovery Plan:*

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