



INCLUSION IRELAND

National Association for People with an Intellectual Disability

Submission to the Department of Justice

On Gender Pay Gap

26 September 2017

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Ireland plain English guidelines.**

1. About Inclusion Ireland

Established in 1961, Inclusion Ireland is a national, rights based advocacy organisation that works to promote the rights of people with an intellectual disability.

Inclusion Ireland uses a human rights-based approach to its work. This recognises persons with an intellectual disability as rights holders with entitlements, and corresponding duty bearers and their obligations. Inclusion Ireland seeks to strengthen the capacities of persons with an intellectual disability to make their claims and of duty bearers to meet their obligations.

The vision of Inclusion Ireland is that of people with an intellectual disability living and participating in the community with equal rights as citizens, to live the life of their choice to their fullest potential. Inclusion Ireland's work is underpinned by the values of dignity, inclusion, social justice, democracy and autonomy.

2. Introduction

Inclusion Ireland is concerned that women with disabilities have often been invisible in discourse on gender equality including the gender pay gap. There has been little attention paid to the intersection of gender and disability or to addressing the specific concerns of women and girls with disabilities.

Women with disabilities experience the same inequalities as non-disabled women. However, their situations can be exacerbated by social and cultural attitudes to disability as well as environmental barriers. Women with disabilities have their right to participate in the civil, political, economic, social and cultural life of their communities.

The UN Committee promoting economic, social and cultural rights has stated that the integration of persons with disabilities into the regular labour market should be actively supported by States parties¹.

¹ General Comment 5 from the Committee on Economic, Social and Cultural Rights
http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCESCR%2fGEC%2f4760&Lang=en

All public sector bodies in Ireland they have a duty that requires them to take proactive steps to actively promote equality, protect human rights and combat discrimination, and is provided for under Section 42 of the Irish Human Rights and Equality Commission Act, 2014.

Recommendations:

Public sector employers must ensure that people with disabilities are represented adequately in their workforce and reasonably accommodated if necessary in the workplace. Public sector employers must equally ensure that discrimination regarding the gender pay gap between men and women and those with disabilities is addressed.

A) Pensions

There is a significant gender pension gap of 38% in Ireland². Women face more challenges in securing an adequate pension (State or private) that would be sufficient to sustain them throughout their retirement due to lower wages, breaks in their career and having a longer life expectancy³. Women are more likely to take on caring roles than men which results in women leaving the workplace and in turn having breaks in their employment record. 13% of females provide care compared with 8% of males.⁴ This has implications for women and their entitlement to pensions.

The government and private businesses have a duty to ensure that pension providers offer flexible, inclusive plans that are considerate of the obstacles women face in the accessing pensions. Inclusion Ireland welcomes the initiative of the European Commission to include a right to equal opportunities for acquiring pension rights in its recent Recommendation for a European Pillar of Social Rights⁵.

The state pension system in Ireland is broken into contributory and non-contributory payments. Looking at the statistics from the Department of Employment Affairs and Social Protection, more than 100,000 men are in receipt of the contributory pension compared with the number of women

² IHREC Report to the CEDAW February 2017, <https://www.ihrec.ie/app/uploads/2017/02/Ireland-and-the-Convention-on-the-Elimination-of-All-Forms-of-Discrimination-Against-Women.pdf>

³ The Gender Pension Gap From Awareness to Action, Mercer, June 2017.

⁴ CSO Irish Health Survey 2015 <http://www.cso.ie/en/releasesandpublications/ep/p-ih/irishhealthsurvey2015/ct/>

⁵ European Commission Report on Equality between men and women 2015.

in receipt of it. Unfortunately the Department does not collect disaggregated data as to the number of women with disabilities who are in receipt of a contributory State pension.

Looking specifically at women with intellectual disabilities only 16% of women with an intellectual disability of working age (age 20-65) are currently at work (compared to 59% of women in general population).⁶ This can be interpreted as women with intellectual disabilities having limited access to the State contributory pension, as the majority of this cohort are not in employment, compared to women without disabilities. When you look at principal occupational status of people with an intellectual disability, a higher proportion of women are 'looking after home/family' than men, 6% of women with an intellectual disability aged 20-64 are in this category compared to less than one percent of men.⁷ This again reduces the chances that women with intellectual disabilities satisfy the criteria for the contributory State pension if not actively engaged in the labour market.

B) Employment

Ireland has one of the highest unemployment rates for people with disabilities at 32.7% in the European Union, only Spain, Latvia and Lithuania have higher rates.⁸ There is insufficient disaggregated data to conclude if there is a gender and disability dimension to the level of unemployment between men and women with disabilities. In Ireland the gender pay gap stands at 14 %⁹. Considering the low rates of employment for persons with disabilities, which include women, and the current gender pay gap it can be surmised that women with disabilities are at a disadvantage within the labour force and regarding their pay.

During the recession the numbers of women with disabilities outside the labour market increased.¹⁰ In a survey conducted by the Department of Social Protection 13% of those in receipt of disability allowance (3,198 participants, of which half are women) were working and of these only 2.5% and 11% were in full time or part-time paid employment respectively.¹¹ The retention of disability allowance while working in a full-time paid job raises questions regarding the pay associated with these

⁶ CSO

⁷ CSO

⁸ Eurostat Data 2011 http://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=hlth_dlm030&lang=en

⁹ IHREC Report to the CEDAW February 2017, <https://www.ihrec.ie/app/uploads/2017/02/Ireland-and-the-Convention-on-the-Elimination-of-All-Forms-of-Discrimination-Against-Women.pdf>

¹⁰ Disability in the Irish Labour Market; Evidence from the QHNS Equality Module 2010, The Equality Authority, <https://www.ihrec.ie/download/pdf/disabilityintheirishlabourmarketevidencefromtheqnhsequalitymodule2010.pdf>

¹¹ Report on Disability Allowance Survey 2015, Department of Social Protection

<https://www.welfare.ie/en/downloads/DSPReportonDisabilityAllowanceSurvey2015.pdf>

jobs. Historically speaking women are engaged in lower paid and more precarious work¹², it is not known what percentage of women with disabilities and intellectual disabilities work in these jobs. It is known that only 2% of women with intellectual disabilities are noted as working in managerial and director roles in Ireland, compared to 7% of women without disabilities¹³. However considering that people with intellectual disabilities have lower rates of educational attainment and employment than the rest of the population, women with disabilities may disproportionately fall into the category of low paid precarious work.

If we look at occupational groupings, 12% of men (general population) are working in 'corporate managers and directors' or 'other managers and proprietors' categories. 7% of women are in same categories. This same gender imbalance trend is seen among people with ID too – 4% of men with ID are in these categories and 2% of women. Gaining meaningful employment for women with disabilities and all persons with disabilities, while being supported in the workplace is fundamental to ensuring a workface that is inclusive and reflective of Irish society.

Recommendations:

Implementation of and resourcing the Comprehensive Employment Strategy.

Collect disaggregated data on disability and gender to examine if there are multiple discriminations at play for women with disabilities regarding the gender pay gap. Appropriate policies could be developed by the government to target any underlying unsavoury practices such as discrimination by employers.

Inclusion Ireland welcomed the recommendations coming from the 'Make Work Pay' report which will support individuals in receipt of Disability Allowance (42% are women¹⁴) to enter or return to the workplace without losing specific entitlements to their medical card and free travel pass, as well as adjusting the medical card earnings disregard¹⁵. However notwithstanding these positive recommendations, implementation of these initiatives is required.

Recommendation:

¹² Submission to the Low Pay Commission, TASC, March 2016

https://www.tasc.ie/download/pdf/tasc_low_pay_commission_women_final.pdf

¹³ CSO

¹⁴ Report on Disability Allowance Survey 2015, Department of Social Protection

<https://www.welfare.ie/en/downloads/DSPReportonDisabilityAllowanceSurvey2015.pdf>

¹⁵ Make Work Pay report 2017, Department of Social Protection https://www.welfare.ie/en/downloads/2017-03-04_MakeWorkPay_Report.pdf

The government must resource the implementation of the 'Make Work Pay' report.

Employers should ensure they reasonably accommodate all persons with disabilities including women with disabilities in the workplace. This can involve making changes to the tasks and structure of a job and/or work environment. Inclusion Ireland welcomes the State funded Employer Disability Information (EDI) service in providing a range of information, supports and funding to encourage employers to hire people with disabilities.

Recommendation:

Inclusion Ireland recommends that the government also funds the necessary supports, services and schemes for people with disabilities to access the labour market and engage in meaningful work.

C) Poverty

Employment cannot be stressed enough in terms of lifting people out of poverty and as outlined by the data below people with disabilities experience greater levels of poverty. Women with disabilities based on the data available could experience harsher levels of poverty and social exclusion. Reducing the difference in pay between men and women including women with disabilities would have a positive effect on their standard of living and risk of poverty.

Comprehensive data on poverty among disabled women and girls in Ireland is not publicly available. While poverty statistics are disaggregated by disability, they are not disaggregated by both disability and gender. However, we do know that people with disabilities are more at risk of poverty and deprivation than non-disabled people. The number of females living in consistent poverty increased from 7.2% to 8.3% over the period 2005 to 2014 and is higher than that experienced by men.¹⁶ However, the rate of consistent poverty among people with a disability was 13.2% in 2014. Deprivation rates of 51.3% were experienced by people with disabilities in 2014¹⁷.

With reduced disposal income and less money to spend on social activities, people with disabilities, and women to a slightly greater degree, experience isolation and exclusion from community life.

According to a recent EU report, almost 50% of women with disabilities in Ireland are at risk of poverty or social exclusion¹⁸. At EU level, women

¹⁶ SILC 2015 Data CSO.

¹⁷ Central Statistics Office (2014). Survey on Income and Living Conditions 2014

¹⁸ European Institute for Gender Equality (2016). Poverty, gender and intersecting inequalities in the EU Review of the implementation of Area A: Women and Poverty of the Beijing Platform for Action. Brussels: EIGE

report experiencing more barriers to mobility, to transport, to accessing buildings, to education and training and to paying for essential goods¹⁹

This same study found older people with a disability face more significant rates of poverty due to their age and their disability. As women make up a larger cohort of disabled people over 55,²⁰ disabled older women are disproportionately affected by poverty. And within this cohort adults with intellectual disabilities are at a particular risk of poverty.²¹ It therefore could be argued that women with intellectual disabilities and those over 55 experience higher levels of poverty and social exclusion than their counterparts.

In a report by the National Women's Council of Ireland they noted that

There is a clear link between women with disabilities and poverty. Lower education and employment levels, low income, the additional costs of living with a disability and barriers including marginalisation and exclusion from services and community activities, lead to a situation where disabled women are more likely to be living in poverty.²²

Recommendation:

The government should undertake research into the link between poverty and disability amongst women and devise public policy accordingly.

D) Cost of Disability

While evidence from the Survey on Income and Living Conditions (SILC) indicates that people with a disability have the lowest levels of real disposable income, the SILC figures do not take account of the varying expenditure needs of each household. There is substantial evidence that the additional, essential and recurring costs of having a disability can place a household at significant risk of poverty and deprivation. A report by Cullinan et al found that the estimated cost of disability is equal to 35 to 55% of average weekly income²³. Therefore, people with a disability, in reality, experience greater levels of poverty as the cost of their disability has not been accounted for.

¹⁹ European Institute for Gender Equality (2016). Poverty, gender and intersecting inequalities in the EU Review of the implementation of Area A: Women and Poverty of the Beijing Platform for Action. Brussels: EIGE

²⁰ Cullinan, J. (2014). The economic cost of disability for older people. Health Economics. <https://www.nuigalway.ie/media/researchsub-sites/healthconomics/files/HEPA-Bulletin-2014-No.-1.pdf>

²¹ Disability and Women in Ireland: Building Solidarity and Inclusion, NWCI, 2008 <http://www.nwci.ie/download/pdf/disability.pdf>

²² Disability and Women in Ireland: Building Solidarity and Inclusion, NWCI, 2008 <http://www.nwci.ie/download/pdf/disability.pdf>

²³ Cullinan, J., Gannon, B. and Lyons, S. (2010). Estimating The Extra Cost of Living for People with Disabilities. Health Economics

In a similar study published by NUIG in 2014, it concluded older people with a disability face more significant rates of poverty due to their age and their disability. As women make up the larger cohort of disabled people over 55²⁴, older women with disabilities are disproportionately affected by the cost of a disability.

E) Data collection

One overarching issue that needs to be addressed is the lack of gender and disability disaggregated data to inform policy making. Given the lack of recognition of women with disabilities at national policy level, it is not surprising to find that there is a significant information gap on women with disabilities. While some statistics are available relating to health issues, there appears to be no data on disabled women's and the gender pay gap and on disabled women's experiences of poverty. This knowledge gap greatly impacts on the progress on policies and measures that could be developed to address the barriers women with disabilities face. There is an urgent need to collect and publish data which is disaggregated by sex, disability, ethnicity and age. This should be done in line with human rights and equality principles and in consultation with civil society organisations.²⁵

Recommendations

Gather and publish comprehensive gender-specific, disaggregated data on women with disabilities that is regularly updated. The Central Statistics Office, government departments, the HSE, the Courts, An Garda Síochána, Tusla and other relevant organisations might all play a role in this.

Undertake research on the intersectionality between disability and gender pay gap.

3. Conclusion

A recurring theme throughout this submission is that of insufficient data on women with disabilities within employment, poverty and pensions to name a few. People with disabilities are overlooked in wider policy issues such as the gender pay gap, however in order to address any pay

²⁴ Census 2011 indicates 164,306 women with disabilities aged 55 and over versus 133,920 men of the same age range. NIDD 2015 indicates that there are more women than men in the age category of 55 and over.

²⁵ National Women's Council of Ireland (2017). Shadow report in advance of the examination of Ireland's combined sixth and seventh periodic reports under the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). Dublin: NWC

disparity between men and women the government should first evaluate if there is any disparity between women and women with disabilities in employment.

The government has a wider responsibility to promote the social, economic, cultural, civil and political rights of women with disabilities. People with disabilities are under-represented in the workforce and in meaningful employment. The Department of Employment Affairs and Social Protection, the Department of Business, Enterprise and Innovation and the Department of Education should actively endorse schemes and supports for people with disabilities with a focus on targeting women with disabilities in gaining employment.

Women in Ireland and in Europe have less access to pensions than their male counterparts²⁶. The factors affecting women's access to pensions, such as career breaks due to caring and family reasons, living longer and having lower rates of employment, are well recognised. There are reduced numbers of women with disabilities in the workforce which in turn reduces the possibility of access to a pension and an adequate standard of living in old age. The government must reassess the criteria for pensions to ensure women, and those with disabilities, have equal access to pensions.

Poverty and social exclusion disproportionately affect women with disabilities. The relevant government bodies should ensure that women with disabilities are supported to gain education and employment while decreasing the likelihood of falling into poverty and becoming marginalised. Integral to why people with disabilities are experiencing greater levels of poverty and deprivation is the extra cost of having a disability and their greater reliance on welfare payments as their only means. The government should conduct research on the greater cost attached to having a disability and address this in a monetary or other manner.

²⁶ The Gender Pension Gap From Awareness to Action, Mercer, June 2017