

WELCOME TO GREENWICH

Closing the gender pay gap in
public services in the context of
austerity (VP/2018/004/0076)

Central and Northern Europe
Regional Workshop:

February 6th-7th 2020



Case Study: RTÉ in Ireland

- **The case study reveals the problematic relationship between equal pay and the Gender Pay Gap (GPG). It began as an equal pay case amongst highly paid presenters, but through trade union intervention raised the wider issue of the GPG in the context of government austerity measures and proposed legislative change on GPG reporting.**
- **The case study highlights the role of ‘historical anomalies’, individual arrangements and allowances and the use of fixed-term contracts in justifying the GPG along with data protection issues that inhibit transparency in the pay of senior staff.**
- **Beyond this the GPG in RTÉ hinges on occupational segregation and recruitment freezes for directly employed staff in a period of financial constraint, leading to informal recruitment of freelancers or contractors on an ad hoc basis that has blocked career progression.**

Case Study

The case study is based on six interviews, including representatives of HR in RTÉ, of the Services, Industrial, Professional and Technical Union (SIPTU) and the Irish Congress of Trades Unions (ICTU) and Irish government.

These sources are augmented by the Mulvey Report, commissioned by the RTÉ, SIPTU's response and Irish union submissions to consultation on GPG reporting legislation.

- **Ireland has experienced some of the most stringent austerity measures in Europe. Shortly after the 2008 economic crisis social partnership arrangements were ended.**
- Unions negotiated a tiered pensions levy in 2009 and a 5% pay cut in 2010 and a further pay cut for those over 60,000 euros in 2014.
- In particular, differential pay scales and pensions were introduced for new entrants effectively penalising younger workers.
- In terms of the public services there was no involuntary redundancies, but a large proportion of public sector employees that took redundancy were those in higher grades with longer service entitled to redundancy pay. Flexible working options were curtailed for senior grades in the civil service indirectly impacting upon women.
- The scope of sectoral collective bargaining was reduced and the statutory minimum wage frozen in 2007 and then reduced from 8.65 to 7.65 euros for new recruits in 2011 before restoration to its 2007 level and the establishment of a Low Pay Commission which came out with its first recommendation in 2015. In 2016 the government resumed national pay negotiations for all public sector workers with agreements skewed towards the lowest paid.
- Cuts in social protection have included child benefit and lone parent benefit. In particular, the part-time benefit scheme where workers could top up their income was cut, disproportionately impacting women and potentially removing them from the labour market. Family income supplements topping up low pay for families with children have disproportionately affected women.

Gender Pay Gap Reporting Bill

- The RTÉ issue coincided with the introduction of a private members bill and then government bill on gender pay gap reporting (The Gender Pay Gap Information Act).
- The proposals go beyond UK legislation in their intention to extend to organisations of over 50 employees after three years, to require gender breakdowns for full-time and part-time workers and to require organisations to report on measures to be taken to reduce GPGs.
- Failure to comply would result in the Circuit Court granting an order requiring the organisation to do so, while employees also have a right to go to the Workplace Relations Commission for redress if their employer fails to comply.
- This Bill had completed Dáil Éireann, Third Stage, but not yet been enacted when the Dáil was dissolved and a General Election called in January 2020.

Case Study - RTÉ

- RTÉ is Ireland's public service broadcaster, although also operates as a commercial enterprise following liberalisation of the sector.
- It employs around 2000, but also has a number of contractors or freelancers remunerated through individual arrangements.
- The organisation has an almost 50:50 breakdown in terms of gender, with similar average tenures of 15 years for men and 13 years for women.

Case Study - RTÉ

- RTÉ is running at a deficit with income from television licenses and commercial enterprise precarious in the context of challenges from digital media.
- In the context of wider austerity measures in 2009 unions negotiated a voluntary pay cut, which was tiered protecting the lower paid for a period of three years.
- The cut was fully restored by 2016, however, following Brexit and crash in the advertising industry it was reported that the company is looking for voluntary job reductions and possibly further pay cuts.

SIPTU

- SIPTU represents over 180,000 workers across most sectors of the Irish economy – over a third (35%) of its members are women. It represents members in public administration including local authorities, education and other state-related sectors.
- SIPTU is the largest union in RTÉ with 850 members; the National Union of Journalists (NUJ) has around 200 members.
- Trade union density is between 80 and 85%.
- The unions – SIPTU, the NUJ, the Musicians Union, Equity, Connect and Equity - are represented on the Trade Union Group (TUG).
- RTÉ is covered by a joint collective bargaining agreement. SIPTU has around 40 workplace representatives.

The Mulvey Report

- Initially issues were about the differences in the pay of male and female 'on-air' presenters at RTÉ in the light of similar cases at the BBC. Consequently, RTÉ's Executive Board agreed to carry out an independent review on role and gender equality and commissioned Kieran Mulvey to do so.
- The Mulvey report published in September 2017, calculated the overall pay differential in RTÉ at approximately 4%, representing 'minor disparities in pay'.
- It found that men comprised around 70% of those on salaries over €90,000, but attributed this to differences in service.
- The report additionally shows that 60% of men received allowances for specific responsibilities and shifts compared to 40% of women.

The Mulvey Report

- Mulvey identified a number of grades ‘for understandable reasons in the past’ are all male or female grades.
- The report refutes a significant GPG issue, claiming that differentials within grades may be accounted for by historical factors, including specific qualifications and experience relative to the grades and ‘traditional employment or recruitment practices, which are now evolving’.
- The Mulvey report identified that RTÉ, like all public bodies in Ireland, has had major restrictions on making new appointments and a key issue is the low attrition rate (1.4%) in the organisation attributed in part to its family-friendly policies.

The response

- In 2018 following complaints by unions that workers were hired as self-employed freelancers rather than as direct employees, a review by Eversheds Sutherland found that up to 157 workers at RTÉ may have been misclassified as self-employed, resulting in them losing out on certain employment benefits. Of the 433 contracts reviewed, 106 - or 25% - were assessed as "having attributes akin to employment". A further 51 contractors - 12% - were found to have attributes akin to both employment and self-employment.
- Following the review RTÉ committed itself to the introduction of an overarching policy for the engagement of freelancers, clear guidelines on how and when to engage a contractor or an employee, and a review of the contractor population.

The response

- SIPTU raised the necessity to ensure that lower paid grades are not disproportionately populated by females, and that appropriate career development measures are put in place to provide equal chances for career advancement:

‘The jobs for the boys club still exists whereas the career progression issue - that is key to unlocking it. Any disparities in gender matters in relation to promotion, retention, and recruitment policies can be overcome with career development and mentoring programmes for these grades, wherever there is a clear anomaly in gender profiles or numbers’.

The response

- The Eversheds report was the first time that the organisation took a birds eye view of what was happening right across the organisation with regard to contracts which were part of the suppression of progression where women in particular couldn't move from one role to the other. Here unions considered:
 - ‘they were dealing with the causes of the gender gap without actually identifying it as a gender pay gap issue’.
- For the unions the narrative would have been that this is disproportionately affecting women but that the language of the gender pay gap wasn't used to articulate it.

SIPTU raised the necessity to ensure that lower paid grades are not disproportionately populated by females, and that appropriate career development measures are put in place to provide equal chances for career advancement:

‘The jobs for the boys club still exists whereas the career progression issue - that is key to unlocking it. Any disparities in gender matters in relation to promotion, retention, and recruitment policies can be overcome with career development and mentoring programmes for these grades, wherever there is a clear anomaly in gender profiles or numbers.

The union response

- SIPTU responded to the Mulvey Report, firstly, by pointing out that the review did not consider the significant use of self-employed contractors and their role in suppressing the formal advertisement and recruitment of positions and subsequent promotion to higher paid positions within the organisation.
- SIPTU also questioned Mulvey's rationale for choosing to examine gender profiles above and below the €90,000 salary level when the figures demonstrated more women than men were employed at salaries of less than €60,000. In fact, 61% of women in RTÉ earned up to €40,000 compared to 39% of men.
- The response also highlighted that the report does not differentiate between part-time and full-time workers in terms of gender and actually grosses up part-time earnings to provide a full-time figure circumnavigating a key factor underpinning the GPG.

The union response

ICTU's Congress Submission on the Gender Pay Gap to the Gender Equality Division, Department of Justice & Equality highlighted the need to address women's disproportionate share of caring work and the fact that where both partners are working outside of the home women are still doing most of the unpaid work in the household. The reorganisation of work is raised by Four Day Week Ireland, a campaign advocating for a transition to a shorter working week for all workers that would potentially address equality as well as environmental issues.

The union response

- For SIPTU the focus on high paid workers *‘took no cognisance of the people who were on such lower pay grades’* and this issue was summed up by the Irish Congress of Trade Unions: *‘much of the discussion around the pay of senior journalists is far from the experience of the vast majority of women’*.
- For SIPTU Mulvey was an equal pay report and not a gender pay gap report and there was a lack of clarity amongst members as to what the gender pay gap is, leading the union to conclude *‘we have a job of education to do with our own members to get them to understand.’*

thank
you!

CHANGE STARTS HERE

Be inspired

