



*Commission on the  
Status of Women*

Houses of the Oireachtas



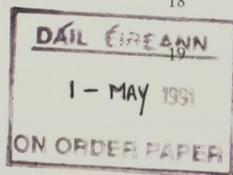
**FIRST STATEMENT  
TO GOVERNMENT**





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## *Introduction*

**T**he Commission on the Status of Women is very pleased to bring forward its first initiative on measures to secure equality for women in Irish society. The Commission was set up with a mandate to make comprehensive recommendations to the Government on the means by which women would be able to participate on equal terms and conditions in economic, social, political and cultural life in our society, with special attention to the needs of women in the home. The members of the Commission feel honoured to have been entrusted with this task, and are very pleased that the Government has recognised equality, and issues generally affecting women, as a political priority.

**T**his initiative should not be read as a declaration of the Commission's priority recommendations, nor is it intended to be comprehensive. We have many complex issues to deal with in the longer term but we have also been able to decide, after consideration, on a number of recommendations of varying importance which do not require 18 months reflection and which can be acted upon forthwith by the Government without giving rise to any direct costs to the Exchequer. We feel these recommendations complement the thrust of Government policy as set out in the Programme for Economic and Social Progress.

**T**he Commission considers that the Programme for Economic and Social Progress contains a number of initiatives directed very much towards the achievement of an equal opportunity society in Ireland and we would like to commend all the parties concerned. In particular, we welcome the Government's commitment:



to secure the enactment, at an early date, of the Worker Protection (Part-time Employees) Bill, 1990. (Section IX, paragraph 3 of Programme).

This bill has the aim of bringing many part-time workers within the scope of protective labour legislation,

and

to introduce a Bill to the Dail by end-1991 which will improve existing employment equality legislation (Section IX, paragraph 3).

The Commission hopes that both of these commitments will be implemented in the lifetime of the Commission.

At our first meeting on 1 November 1990 the Taoiseach asked the Commission to bring forward proposals to ensure that women are full partners in all of our institutions and organisations, economic, social, political and cultural. The Commission's First Statement is now put forward as the suggested first phase towards realising that aim.

Mella Carroll

Chairwoman

Commission on the Status of Women

April 1991

## *Joint Ownership of the Family Home and Household Chattels*

**T**he attention of the Commission has been specifically directed to the needs of women in the home.

The Constitution states in Article 41.2.1<sup>o</sup> that  
- the State recognises that by her life within the home, woman gives to the State a support without which the common good cannot be achieved.”

**T**he Commission believes that as a matter of priority the Government should make this recognition tangible by immediately introducing legislation to give each spouse equal rights of automatic beneficial ownership in the family home and household chattels. Such legislation would benefit the vast majority of married women.

**I**n the present state of the law a spouse is only entitled to a beneficial interest in the family home to the extent to which he/she has contributed money directly or indirectly to its acquisition or improvement. There is one case pending before the Supreme Court\* testing the view that the Constitution itself confers a beneficial interest in the family home on a spouse. Regardless of outcome of this case, the Commission holds the view that legislation is necessary to regulate the matter.

**M**arriage is a relationship based on partnership not hierarchy. Whatever a couple decide in relation to a spouse working in paid employment or in the

\**(B.L. v M.L., Barr J., 3 October 1988)*



home, and regardless of whether such choice is voluntary or not, the spouse who works at home should not be placed at a disadvantage vis à vis the spouse working in paid employment.

Members of the Commission have reported that many women are under the impression that the Family Home Protection Act 1976 conferred a beneficial interest in the family home. Such is not the case. The Act protects a spouse by conferring a right of veto (subject to an appeal to the Court) on any proposed sale or mortgage. This valuable protection does not obviate the necessity for joint ownership.

The proposed legislation would recognise the contribution made by a wife who is not herself earning an income but who facilitates her husband in earning an income by caring for the family and looking after the home. If for any reason a couple wish to opt out, this could be achieved by a legal release requiring independent legal advice.

### *Recommendation:*

*Legislation should be introduced immediately giving each spouse equal rights of automatic beneficial ownership in the family home and household chattels.*



## *Government Decisions - Probable Impact on Women of Proposed Policy Changes*

**E**very day policy decisions, small and large, are taken in the Civil Service which directly impact on the quality of people's lives. The basis for taking these decisions is policy as determined by the Cabinet. The mechanism for effecting policy changes is a Memorandum for Government, which sets out for Cabinet members the proposed policy change, the reasons for the proposal and the likely effects of the decision. Often little or no attention is paid to the differential impact on women of a particular policy decision.

**T**he Commission recommends that all Memoranda to Government should include a paragraph outlining the probable impact on women of the proposed policy change.

**T**his requirement should be incorporated into the Cabinet Procedure Instructions, the set of guidelines for civil servants preparing the Memorandum for Government.

**A** practice similar to this is in force in the Netherlands.

### *Recommendation:*

*Every Memorandum for Government should set out the probable impact on women of the proposed policy change.*



## *Representation of Women on the Boards of State-Sponsored Bodies*

**T**he Boards of State-sponsored bodies are an influential area of control, supervision and forward planning in which women are seriously under-represented. Women constitute only 14% of the membership of State-sponsored bodies according to the latest publicly available information. More seriously still, there are 69 State boards out of a total of 200 which have no women members.

**T**he Commission recognises that it is not only the Government which is remiss in appointing women as in many cases organisations, such as the social partners, enjoy the right of nomination to State-sponsored Boards. However, approximately two thirds of the members of State-sponsored Boards are appointed directly by the Government and of these only 16% are women. This is despite the fact that there is no shortage of women with a suitable background in professional, managerial and technical skills who are eligible for appointment.

**T**he Commission believes that a specific policy initiative must now be adopted for the appointment of more women to the Boards of State-sponsored bodies. In order to compensate for the existing strong gender imbalance on Boards we recommend that as casual vacancies arise for filling by the direct appointment of the Government, in the current lifetime of Boards, women should be appointed to those vacancies unless there are objective criteria for appointing a man.

We also recommend that as boards are reconstituted or set up Government policy should guarantee a minimum of 40% representation of both women and men among the direct Government nominees. Such a policy is practised by the Norwegian Government.

The Commission also exhorts all nominating bodies to review their selection procedures in order to ensure a significant increase in the number of women members of State-sponsored Boards.

### *Recommendations:*

*(a) In the current lifetime of the Boards of all State-sponsored bodies women should be appointed to all casual vacancies to be filled by direct Government appointment, unless there are objective criteria for appointing a man.*

*(b) As the Boards of State-sponsored bodies are reconstituted or set up Government policy should guarantee a minimum of 40% of both men and women among the direct Government nominees.*



## *National Lottery and Other Public Funds*

**T**he Commission believes that National Lottery and other public funds must not be allocated to private clubs, sporting, social or recreational, which operate discriminatory policies against women aimed at withholding from them the right to apply for full membership.

**T**he Commission suggests that the onus should be on the individual club, when applying for assistance or funds for development, to show that it does not operate a policy of arbitrary discrimination against women.

**I**n making this recommendation it is important to stress that the Commission does not seek to penalise sporting or developmental clubs or associations which are perforce single sex because of the nature of organisation of the sport or activity pursued.

### *Recommendation:*

*National Lottery and other public funds should not be allocated to private clubs, sporting, social or recreational, which operate discriminatory policies against women aimed at withholding from them the right to apply for full membership.*



## *Committee on Top Level Appointments in the Civil Service*

**T**he Top Level Appointments Committee (TLAC), consisting of four people, functions as the interview board for appointments to senior management, i.e., Assistant Secretary level and higher, in the Civil Service.

*B*ecause the Top Level Appointments Committee is itself constituted of persons drawn from the very highest grade in the public service (Departmental Secretary or equivalent), it is destined for the foreseeable future to remain an all-male body, because only men hold this grade at the moment. The grade immediately below this (Assistant Secretary or equivalent), is also overwhelmingly male.

*T*he practice of having all-male interview boards for senior appointments is at variance with Government policy that both sexes should be represented on interview boards for open and confined competitions in the Civil Service. The Commission on the Status of Women fully supports this policy, which is in line with the Employment Equality Agency Code of Practice on Equality of Opportunity in Employment, and commends the Government for the fact that the policy is actively implemented for appointments below TLAC level.

*T*he Commission believes that it is equally valid that the EEA Code should be implemented at TLAC level and that there should be a woman member on every interview board for a senior appointment. The presence of a woman on

these interview boards gives a woman's perspective in the selection process and also helps to create conditions of equality of opportunity between men and women candidates.

Accordingly we recommend that a woman be appointed as an additional fifth member of the Top Level Appointments Committee (TLAC), and that, as a general principle, a woman expert in the area where the appointment is to be made, e.g., health, justice, etc., serve on the TLAC for that particular interview.

*Recommendation:*

*The Government should appoint a woman as fifth member to the Top Level Appointments Committee (TLAC).*



## Age Limits

**T**he Commission believes that low age limits in recruitment to employment impact particularly unfairly on women. Women who may have left the formal labour force to work as full-time homemakers find the imposition of a low upper age limit a great barrier to re-entering paid employment. In particular, they have until now found the public sector, a large potential area of employment, closed to them because of the recruitment age limits, such as 27 for Clerical Assistants and 30 for Administrative Officers, which were applied when recruiting.

**F**or that reason the Commission welcomes the commitment in the Programme for Economic and Social Progress to substantially raise recruitment age limits throughout the public service.

**T**he Commission believes that as a general principle age should not constitute a barrier to recruitment. We urge the Government to apply this policy stringently from here on out and we call on employers to examine their own recruitment practices with a view to including people of all ages as possible/potential participants in the workforce.

### *Recommendation:*

*Age should not constitute a barrier to recruitment to the public sector.*

## *National Council for Curriculum and Assessment*

*- Revision of curriculum handbook for use by Primary  
School teachers*

**T**he National Council for Curriculum and Assessment (NCCA) was set up by the Minister for Education on 7 February 1991 with a mandate to advise the Minister on matters related to the curriculum and assessment procedures for Primary and Second-level education.

**O**ne of the specific terms of reference of the Council is to have due regard in its deliberations to gender equity issues.

**T**he Commission on the Status of Women is satisfied that the present curriculum handbook for Primary school teachers is both sexist and sex-stereotyped in its representation of appropriate tasks and aspirations for girls and boys.

**I**n the context of the report just published by the Government Review Body on the Primary Curriculum the Commission recommends that the Government, through the Minister for Education, direct the NCCA to review the Primary curriculum handbook as a priority with a view to eliminating all sexism and sex-stereotyping from it.



*Recommendation:*

*The Government, through the Minister for Education, should direct the National Council for Curriculum and Assessment (NCCA) to review the Primary curriculum handbook as a priority with a view to eliminating all sexism and sex-stereotyping from it.*

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## Summary of Recommendations

- 1 Legislation should be introduced immediately giving each spouse equal rights of automatic beneficial ownership in the family home and household chattels.
- 2 Every Memorandum for Government should set out the probable impact on women of the proposed policy change.
- 3 (a) In the current lifetime of the Boards of all State-sponsored bodies women should be appointed to all casual vacancies to be filled by direct Government appointment, unless there are objective criteria for appointing a man.  
  
(b) As the Boards of State-sponsored bodies are reconstituted or set up Government policy should guarantee a minimum of 40% of both men and women among the direct Government nominees.
- 4 National Lottery and other public funds should not be allocated to private clubs, sporting, social or recreational, which operate discriminatory policies against women aimed at withholding from them the right to apply for full membership.
- 5 The Government should appoint a woman as fifth member to the Top Level Appointments Committee (TLAC).
- 6 Age should not constitute a barrier to recruitment to the public sector.
- 7 The Government, through the Minister for Education, should direct the National Council for Curriculum and Assessment (NCCA) to review the Primary curriculum handbook as a priority with a view to eliminating all sexism and sex-stereotyping from it.



## *Commission on the Status of Women*

### TERMS OF REFERENCE

- (i) to review the implementation of the recommendations of the first Commission on the Status of Women as set out in that Commission's report to the Minister for Finance in December, 1972;
- (ii) To consider and make recommendations on the means, administrative and legislative, by which women will be able to participate on equal terms and conditions with men in economic, social, political and cultural life and, to this end, to consider the efficacy and feasibility of positive action measures;
- (iii) in the context of (ii) above, to pay special attention to the needs of women in the home;
- (iv) to establish the estimated costs of all recommendations made; and
- (v) to report to the Government within a period of eighteen months from the date of its establishment.

The Commission held its first meeting on 1 November 1991.



## *Commission on the Status of Women*

### MEMBERSHIP

- Justice Mella Carroll, (Chairwoman), High Court Justice;
- Maureen Browne, Journalist, Irish Medical Times;
- Catherine Byrne, Press and Equality Officer, INTO;
- Tom Costello, Programme Development Director, FÁS;
- Mary Doyle, Nurse;
- Frances Fitzgerald, Chairwoman, Council for the Status of Women;
- Carmel Foley, Chief Executive, Council for the Status of Women;
- Máirín Ganly, Deputy General Secretary, TUI;
- Cathy Honan, Accountant;
- Betty Hussey, Hotelier;
- Finola Kennedy, Economist;
- Joy McCormick, Member, National Executive, ICA;
- Catherine McGuinness, Barrister; Chairwoman, Employment  
Equality Agency;
- Declan Madden, Director, Federation of Irish Employers;
- Margaret Nolan, Training and Equality Officer, ICTU;
- Fergal Ó Móráin, Company Development Manager, IDA;
- Kathleen O'Sullivan, Past-President, ASTI;
- Rosemarie Smith, Chairwoman, IFA National Farm  
Family Committee;
- Mary Wheatley, Homemaker, Member of Laois County Council;
- Patrick Nolan, (Secretary), Assistant Principal Officer, Department  
of the Taoiseach.

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