

Symposium on the Interim Report on Equal Pay of the Commission on the Status of Women

(Read before the Society on 3rd March 1972)

A TRADE UNION VIEWPOINT

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The Interim Report on Equal Pay prepared by the Commission on the Status of Women and presented to the Minister for Finance in August 1971 contains many recommendations which have far reaching implications for the whole of Irish society. It is not my function to deal with the broad implications in this paper but rather to deal with the recommendations as they are likely to affect women and in particular women workers and trade unionists. Suffice to say that in the broader aspects the recommendations, if implemented in full, could succeed in achieving a minor social revolution in Irish working conditions with the resultant effect on society's attitudes to the role of women in Irish life.

POLICY OF THE IRISH CONGRESS OF TRADE UNIONS

The Irish Congress submitted a lengthy and detailed written submission to the Commission. In the preparation of the statement they were assisted by both the Public Services and Women's Advisory sub-committees. In addition they also gave oral evidence. I cannot judge how valuable this submission proved to be to the members of the Commission but it is gratifying to see that many of the objectives set down by Congress have been included in the recommendations in the Interim Report. Having considered the report, and having consulted the Women's Advisory Committee for their views, Congress issued a statement on the 15th December 1971. I think the statement is worthy of quoting in full:

“Equal pay for work of equal value has long been the policy of the trade union movement in Ireland as in other countries. Congress welcomes the unqualified support for the implementation of this principle given by the Commission and the recommendations made in the report which, in general, are acceptable to Congress and which will have its full support.

In its submission to the Commission, Congress urged that the principle of equal pay should be implemented within a period of five years. The Commission's recommendation for the full application of

equal pay by the end of 1977 falls short of the Congress proposal. Congress regrets that an earlier date was not set by the Commission. It may be noted that the Equal Pay Act in Northern Ireland provided for equal pay by the end of 1975. Congress considers that prompt action by the Government in introducing the necessary legislation would enable an earlier date than 1977 to be set for the full implementation of equal pay.

Congress recognises that the implications of the report's recommendations for collective bargaining must be taken into account in future pay discussions whether these take place at national level or in the course of individual union negotiations.

Under the National Pay Agreement the cost of living escalator supplement is the same for men and for women. Any similar arrangements that may be agreed in the future should also make provision for the cost of living supplement to be applied in the same manner to men and women.

Congress calls on the Government to indicate its acceptance of the Commission's recommendations and to introduce the necessary legislation without delay. It also calls for the ratification of ILO Convention 100 on Equal Pay and the other international declarations dealing with the implementation of equal pay."

Clearly then the official voice of the Trade Union movement has made its commitment to the implementation of the recommendations in the Report.

It is worthy of note also that the Employers through the Federated Union of Employers have also, broadly speaking, accepted the contents of the Report. Thus both Union and Employers seem to be almost in agreement—a reasonably rare occurrence in this country! Significantly or perhaps ominously the largest employer in the country—the Government, have not as yet issued any statement. While recognising that big bodies move slowly and by tradition Governments move cautiously it seems extraordinary that six months should have elapsed without as much as a whisper from the Government circles. They have been asked on several occasions in both houses of the Oireachtas and elsewhere—to no avail. This "silence" is causing considerable anxiety amongst the members of many unions, particularly in the Civil Service, where a claim for equal pay has been successfully put on the shelf since the Commission was formed. What makes it more ominous perhaps is the fact that it is well known that the Government requested an Interim Report on Equal Pay and themselves singled out this item from the terms of reference given to the Commission for special and more urgent consideration. I would hope that our fears are groundless and would urge the Government to accept the recommendations in the Report and to place the necessary legislation before Dáil Éireann before the next budget.

THE RECOMMENDATIONS

Turning to the nine recommendations which are summarised, conveniently I may add, in Chapter 14 of the Report we find the first statement to be that a policy of equal pay should be followed. This can hardly be considered revolutionary in 1972 but I suppose there may have been a possibility that the terms of reference could have been interpreted to give a contrary decision. More important is the recommendation dealing with the circumstances in which equal pay should apply. The fact that the commission opted for "Equal Pay for work of Equal Value" is of primary importance. When the Equal Pay Bill was introduced in England the Trade Union Congress tried unsuccessfully to have this definition included. Time has now proved them to be correct. The commission is to be congratulated on choosing this broader term. It must therefore be the term that is used in any legislation. Any other definition would not be acceptable to the Trade Union side. I do not under-estimate the problem of implementing the principle, particularly in areas where jobs are not interchangeable or contain differences. It will require considerable expertise, good will and above all a determined attitude to implement a fair wage policy (and that after all is what we are talking about), on both sides of the negotiating table to achieve the objective. Even with all these qualities there will still be areas of dispute. The report recognises this and recommends a procedure for dealing with them. I would perhaps go further than the report and recommend that the proposed Equal Pay Commissioners should be women. Who has suffered and is going to suffer most if equal pay is not implemented? Where are your areas of dispute most likely to arise? Surely a woman commissioner is more likely to have a fuller understanding of these points. While saying this I do not feel very optimistic that I will be listened to at least where it is likely to have effect.

LEGISLATION

Whilst legislation of itself will not bring about equal pay as has been proven in other countries it is nevertheless important that we should have on the statute book legislation as envisaged by the report. Firstly because legislation is important in conditioning public attitudes and secondly, of course, because it gives the right to litigation where it is breached. The social objectives outlined in the constitution are no more than objectives and therefore, even if the all-party committee report on the constitution was accepted in this regard, it would still be necessary to have legislation. With regard to the Bill itself, if and when it is drafted it must be critically examined. In this regard we should benefit by the experience of the operation of similar legislation in Great Britain and the other countries. It has already been proved that the British Act is not operating satisfactorily and is indeed wide open to abuse. The Commission gave some indication as to what they consider should be included in the Bill. An important recommendation relates to the introduction of equal pay on a phased basis. If experience in Britain is anything to go by, then it is important

that this recommendation be included in legislation. It appears that in Britain, where equal pay should be fully implemented by 1975, employers in many instances have not commenced the phasing as of now, obviously in the hope that the final date will be extended as happened in E.E.C. countries. It would therefore be advisable to have clearly stated in legislation the course of progress which should be attained in each phase. There are some reservations within union circles as to whether the Labour Court should be the deciding body where appeals arise. This is probably as a result of varying past experiences in the Labour Court. Clearly however there must be some Court of Appeal and it may well be that the Labour Court as extended is the most suitable body.

PHASING

Congress's submission to the Commission pointed out that the British Equal Pay Act provided for a period of something less than 5 years for the implementation of the principle of Equal Pay. Congress pointed out that a longer period should not be provided for in any legislation here. The Commission have recommended the 31st December 1977 as the date for full implementation which is in effect 7 years (from 31-3-70, the date of establishment of the Commission, to 31-12-77). The recommendation falls considerably short of Congress's expectation. In regard to some of the points made on phasing (para. 92) Trade Unionists are well used to the arguments used by employers and government against paying the rate for the job e.g. increased labour costs and inflationary effects. As the countries we will be trading with are already well on the way to achieving Equal Pay in full, its implementation in Ireland will not affect our competitive position. Regarding the inflationary effects the report itself points out (para. 140) that "the average annual price rise directly associated with Equal Pay would be relatively small; it should not contribute substantially to the inflationary process generally". The report also refers to the possibility of the groups of male workers introducing claims, of benefit to themselves only, in order to restore their former relative earning power. This aspect was also referred to by the F.U.E. in their published comments on the report. It is an important point but we must get one thing clear. Male rates of pay have never been negotiated or determined on the basis of relativity to women's earnings. What has happened is that the rate for the job has been applied to male workers only and pro rata rates to women workers. It would therefore be a completely new concept in collective bargaining for Trade Unions to pursue claims of this nature and contrary to the Trade Union principle of the "rate for the job". It must also be recognised that equal pay is the long established policy of the Trade Union movement. Resolutions dealing with the principle have been adopted unanimously year after year at I.C.T.U. delegate conferences. It is therefore inconceivable that Congress or any responsible trade union would pursue the type of claim referred to. Having said that, it is admitted that "established relativities" have assumed almost a moral force in Irish society and the Commission may well be expressing a fear which they

consider valid. I personally do not believe that any such claim would be entertained by a Trade Union and therefore consider these fears to be groundless.

JOB EVALUATION

Where difficulties arise in identifying and agreeing on areas in which men and women are performing work of equal value—(I submit there will be numerous such areas) the report recommends the use of a job evaluation system to evaluate the job content. The report is quite clear and specific about the necessity of full consultation between both parties before embarking on job evaluation. Job evaluation is concerned with the job content and not with who performs the job. It is not scientific and is largely subjective. It is also not concerned with absolute levels of pay but rather with settling differentials. Of itself, I do not believe it could achieve equal pay but if properly used it can be a useful technique in achieving agreement in certain areas. If it is to be used, and I agree it must be, then it is essential that Unions have trained personnel on this technique. It is relatively new to Ireland and is confused by many people as a method to be used in arriving at incentive schemes and productivity allowances. The Commission recognised this need and so recommended. I am glad to report that from the Union side at least this recommendation has been recognised as important. Already Congress, through its educational service, has held a seminar which included practical examples and exercises on job evaluation. This was considered as an introduction, was well attended and enthusiastically received by the Unions as a whole. I understand that it is intended to expand further on this topic by way of week-end seminars and training sessions. It can be a two-edged tool when related to the equal pay situation.

It is already evidenced in other countries that it can be used to hinder the implementation of equal pay. As the Commission points out, it will be essential that the factors and weightings are agreed beforehand. I agree with them also that women must be represented on the Job Evaluation Committees. Here women Trade Unionists will have to be more active than they have been heretofore. I hope this is not interpreted as doubting the sincerity of some Trade Union officials. It is not so intended but it is obvious that women themselves must have a voice in agreeing the points ratings to be allocated to the various contents of a job. The old saying "that justice must not only be done but be seen to be done" surely applies.

SEX DIFFERENTIATED SCALES

I do not intend to deal with these at any length. Obviously we must agree entirely with the recommendation in the report. They are an anachronism peculiar to Ireland and even here have been confined to certain limited areas. The history of their introduction and application points clearly to the fact that they were used to establish and maintain an unequal pay situation. They have never been introduced in areas where

you have men only employed. Indeed it would be interesting to hear the howl of horror if they were introduced in areas such as road workers and street cleaners.

MARRIAGE BAR

Although perhaps outside the scope of equal pay the commission recommends the removal of the marriage bar where it applies. I believe the proposed Act should include a provision making it illegal for any employer to compel an employee to retire on marriage or for any employer or Trade Union to place any restriction in the recruitment or retention of married women.

CONCLUSION

I believe the report to be an excellent one. It deals with the problem comprehensively and objectively and outlines a course of action which would set this country on the way to the full implementation of "Equal Pay for work of Equal Value". It has been well received in all areas of society. The Commission and you, madam chairman, are to be congratulated on your achievements.

Where do we go from now? It is a well-known fear that Governments everywhere use Commissions and Reports as a weapon to avoid taking action. I referred earlier to the anxiety felt at the deafening silence from the Government since the Report has been issued. However, I feel it is not a matter for the Government only. They can be forced into action. Women themselves, particularly women trade unionists must insist on the implementation. We do not have to wait for legislation. Trade Unions at the negotiating table can use their strength in having the recommendation implemented.

The Interim Report is a valuable document. It is now up to us all to use it. I am aware that the Commission are continuing their deliberations. Equal pay is only one aspect of the terms of reference given to them. Many would consider that it is in fact one of the least important aspects of Women in Irish Life. Equal job opportunity would come higher on the list of priorities with many people. This has been dealt with in a limited way in this report and I hope that the final report will deal with this aspect in a more comprehensive way. My own view is that if women continue to be confined to traditional women's jobs then we will make very little progress to the implementation of Equal Pay for Work of Equal Value.