

GE2019 – WHAT’S IN IT FOR WOMEN?

Engender is Scotland’s feminist policy and advocacy organisation. We have a vision for a Scotland where women and men have equal opportunities in life, equal access to resources and power, and are equally safe and secure from harm and where women’s rights are fully realised.

As we approach the UK General Election on the 12th of December 2019, Engender is concerned that significant uncertainties with respect to women’s futures remain. Despite the fact that this election has been nicknamed “the Brexit election” we have not heard any proposals or commitments from any party which centre women within their vision for the future. This is highly concerning given that EU-membership has been instrumental in progressing women’s equality in the UK, driving the expansion of gender mainstreaming into UK and Scottish policy, and ensuring minimum legal protections for women’s rights and equality, particularly in the workplace.

While we are focused on Brexit in these asks for these reasons, we are also acutely aware that the discussions around Brexit are restricting the space for MPs to debate the vital policy issues that affect women daily. Action on Universal Credit, the two-child limit; access to the justice system; measures to tackle violence against women; the environment and equal representation must not be forgotten.

WE ARE CALLING FOR CANDIDATES AND POLITICAL PARTIES TO SET OUT THEIR PLANS FOR:



UPHOLDING EQUALITY & NON-DISCRIMINATION

Equal pay for work of equal value was established as a founding principle of the EU (EEC) with the Treaty of Rome in 1957. Since then numerous directives have been enacted to ensure states take action to secure equal pay between men and women, including the Equal Pay Directive of 1975 and the Equal Treatment Directive of 1976. These legal obligations strengthened the UK’s Equal Pay legislation significantly after joining the EEC. Thousands of women and groups of women have since invoked European law and taken equal pay claims to the European courts. The principle also has ‘direct effect’ in UK courts, ensuring that women can rely on EU law to ensure their right to equal pay is protected, irrespective of UK legislation.

Non-discrimination protections, found in the Charter of Fundamental Rights and therefore applicable to all areas of life impacted by EU membership, have accordingly had a huge impact upon women’s workplace protections, as well as areas such as pensions. Amendments to the Sex Discrimination Act to introduce a specific protection against harassment in the workplace were also driven by EU law.

The next UK Government must commit to protecting equal pay and non-discrimination, and to preserving and strengthening women’s ability to seek justice when their rights have been breached.

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SAFEGUARDING WORKPLACE PROTECTIONS

Women continue to be overrepresented in part-time, temporary and insecure work, and among workers on zero-hours contracts and poverty wages. As a result, women have been the majority of workers to benefit from the legal protections that have come from the EU, such as the Part-Time Worker Directive (2000) and Fixed-Term Worker Directive (2002), as well as protections for unpaid carers.

The EU has also been the source of many protections specifically utilised by women, such as maternity leave, the right to time for antenatal appointments, protections for breastfeeding mothers and protection against dismissal because of pregnancy discrimination. The right to shared parental leave also has huge potential for women’s equality. While these rights are now also found within UK law, leaving the EU will remove safeguards currently in place and leave open the possibility of diminution of rights in future.

We are asking parties standing for election to commit to the protection of these rights and to keep pace with future protections that are introduced in the EU, such as the recently adopted Directive on work-life balance for parents and carers.



ENSURING SUSTAINABLE FUNDING

The availability of EU Funding programmes, including European Structural Investment Funds (ESIF) and the European Social Fund (ESF), has enabled organisations from a range of sectors to undertake projects that make a real difference to women’s lives. Furthermore, gender mainstreaming is integrated into EU funds, meaning that organisations applying for funding for projects not primarily focused on gender equality have to consider and demonstrate the impacts of their proposals on women and girls, men and boys, and gender equality. The EU provides specific funding to combat gender stereotyping and occupational segregation, and the ESF has enabled countless feminist academics and research projects to do vital work on gender equality.

For the third sector, where women constitute a majority of the workforce, European funds from the ESF and the European Civil Protection and Humanitarian Aid Operations (ECHO) represent millions of pounds for services and projects that women depend upon. The Rights, Equality and Citizenship programme directly supports UK domestic abuse services and over a third of REC-funded projects directly support people in the UK.¹

¹ <https://www.equallyours.org.uk/wp-content/uploads/2018/02/EDF-SHARED-PROSPERITY-REPORT.pdf>

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This shortfall will increase demand for UK funds and, if not replaced, could result in disastrous cuts to staff, to services, including specialist VAW refuges, and to cooperation with pan-European networks. The next government must ensure that third sector organisations and projects which work to end the causes of inequality between men and women are fully resourced and empowered to continue, no matter what Brexit looks like.

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TACKLING VIOLENCE AGAINST WOMEN

The EU has played a key leadership role with regards to various violence against women strategies, including a major initiative to tackle female genital mutilation and the Daphne Initiative to fund violence against women programmes. This latter has enabled organisations in the UK to provide initiatives, services and research to combat violence against women and children on both a local and a cross border basis. This funding must be preserved at the UK level.

The next UK Government must also offer clarity about the future of cross border justice measures which are fundamental to women’s safety. The system of European Protection Orders (EPOs) currently ensures that legal decisions which protect women from domestic abuse, harassment, violence and stalking are recognised across the EU. The UK’s human trafficking laws are underpinned by the EU Trafficking Directive, which provides more protection for women who have been victims of trafficking or modern slavery than those currently provided for in UK law.²

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SUPPORTING IMMIGRATION & CITIZENSHIP PROCESSES

Organisations working with EU citizens have expressed concerns over reform of migration law as a result of any changes to or ending of freedom of movement. Women who have been a full-time caregiver for their children or other dependents, who have had breaks in their employment, or who have experienced domestic abuse and may therefore lack necessary paperwork, are all at particular risk of proving their right to reside in the UK through the new Settled Status Scheme.³

Women are also overrepresented in industries most likely to experience staffing disruption as a result of changes to migration rules. Women in care, retail and tourism industries will likely be left vulnerable to economic shocks or making up shortfalls in capacity. There is a significant risk that the loss of EU citizens working in the social care industry will exacerbate the existing staffing crisis, and that women will be left to pick

²<https://d3n8a8pro7vhmx.cloudfront.net/b4b/pages/1243/attachments/original/1569416681/BfBWomensRights.pdf?1569416681>

³ <https://sulne.files.wordpress.com/2018/04/csbp-briefing-apr-18-eea-citizens.pdf>

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up the pieces as unpaid carers. This will negatively impact on their access to the labour market, education, and good health and wellbeing.

Any future reforms to UK migration law must take into account the needs of women applicants, the human rights of those who seek to build a life in the UK and the impacts on sectors that currently depend upon EU citizens to strengthen their workforces.



PROTECTING WOMEN’S RIGHTS

The UK’s commitment to equality and human rights is codified in legislation including the Equality Act 2010 and the Human Rights Act, and in our membership of institutions such as the Council of Europe and the UN. Additionally, the EU Charter of Fundamental Rights has embedded equality and non-discrimination standards and women’s rights across EU Law.

These Acts and institutions are vital safeguards of women’s rights and equalities in our society. The Human Rights Act, for example, has played a key role in ensuring the fair treatment of older women in care homes and remedy for inadequate investigation of rape. The Equality Act includes anti-discrimination measures in employment, including equal pay, and in the provision of goods, facilities, and services.

The UK must continue to maintain the highest standards for the protection of women’s rights throughout and post-Brexit, by protecting women’s legal safeguards, and ensuring maximum access to justice for women who have experienced a denial of their rights.



AMPLIFYING WOMEN’S VOICES

Brexit will undeniably and significantly impact upon women’s lives, choices and economic inequality. Political parties running in the election must ensure that women’s lives are front and centre of their Brexit policies.

Despite the serious impact of Brexit for women, women’s rights, and protections, even our voices have been entirely absent from the debate. For instance, analysis from Gender Equal Media Scotland found that women made up only 24.2% of experts in the media at the time of the first vote on the EU withdrawal agreement in January 2019.⁴

Political parties must create space for discussion of the issues set out in this paper, engage with voters on women’s rights and equality, and ensure that women are included and visible among their Brexit spokespersons.

⁴ <https://www.genderequalmedia.scot/news/blog/where-are-the-women-media-analysis-of-gender-representation-in-brexit-news/>