

# Engender's call for evidence on CEDAW

## SCVO response

26 March 2018

### Introduction

This is SCVO's response to Engender's call for evidence on CEDAW. We have been encouraging our members to also respond – through a blog that Engender's Jill Wood wrote for our website which we have shared with our policy networks, and via messages on our Basecamp pages. However, this response pulls together the idea of four female members of SCVO's Policy and Research team; we respond both as SCVO employees – with our policy and political and research knowledge – and as women.

We have decided to focus on the following three areas of concern, as they are where we feel we have the most knowledge:

- Participation in public and political life
- Women's underrepresentation in decision-making positions
- Employment and economic development

We take each of Engender's questions in turn.

## Our response

### 1. What is the current status of the above concerns? In other words, what are your outstanding concerns with women's rights in these areas in Scotland?

We have significant concerns across all areas. For example, Close the Gap's *The Gender Penalty* describes a 'gender residual'<sup>1</sup> of discrimination that affects women's earnings level; the latest EHRC statistics on employers' attitudes to pregnant women and mothers are dreadful (with 36% of private sector employers agreeing it is reasonable to ask women about their plans to have children in the future during recruitment; and not just older employers either, but a significant number – well over 40% - of under 35s)<sup>2</sup>; and the attitudes of some regarding all women shortlists<sup>3</sup> is disappointing. Then there is the lack of women in senior positions across the board; constant sexism from young and old; and the prevalence of sexist, sexualised and misogynistic comments on social media platforms such as Twitter.

Looking more specifically, as regards **participation in public and political life**, there is a high level of misogyny to be found directed at women who stick their heads above the parapet. Particularly online, there seems to have been a growth in misogyny, with an almost echo chamber effect – so that the women-hating abuse becomes increasingly seen as acceptable or normal. We know from our own personal experience that this increases fear of speaking out for many women. The same can be said for public debates and meetings – taking up space is hard to do when push back is so strong. As an example, the Young Women Lead campaign recently ran a young women Committee meeting in

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<sup>1</sup> The most significant cause of Scotland's pay gap is gender itself; in other words, the penalty for being a woman. The gender residual is most commonly attributed to gender discrimination in the labour market, which manifests in the structural inequalities and systemic disadvantage that women experience in entering and progressing in employment.

<sup>2</sup> See <https://www.ft.com/content/3b589b3a-14b6-11e8-9e9c-25c814761640> and <https://www.equalityhumanrights.com/en/our-work/news/employers-dark-ages-over-recruitment-pregnant-women-and-new-mothers>.

<sup>3</sup> See, for example, [http://www.thenational.scot/news/14898218.Members\\_unease\\_at\\_SNP\\_plans\\_for\\_all\\_women\\_candidate\\_lists/](http://www.thenational.scot/news/14898218.Members_unease_at_SNP_plans_for_all_women_candidate_lists/).

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parliament, focusing on violence against women, which saw unsavoury comments about it posted online – to the extent that the Parliamentary staff told those young women not to look at the comments under the online video of their event. This kind of abuse must not be allowed to continue – it tells women to shut up and put up, else face the consequences.

On **women's underrepresentation in decision-making positions**, it's clear we still have issues with boards and managers of companies, councillors, and MSPs. Currently, only 21% of Scotland's small and medium-sized enterprises are majority led by women, and although 49% of companies have at least one female director, women only account for 31% of company directors<sup>4</sup>. Within politics, only 29% of councillors and 35% of MSPs and 29% of Scottish MPs are female. Similar statistics can be found in law<sup>5</sup>; there are issues in some areas of medicine (particularly the higher paid specialist areas)<sup>6</sup>; and even the Scottish civil service itself has problems, with the Scottish Government lagging behind England and Wales when it comes to the number of women who hold top jobs in the Civil Service – down from 40% in 2013 to just 35% in 2015<sup>7</sup>. All of these are clear areas for concern.

Finally, as regards **employment and economic development**, we have already mentioned above a couple of areas of concern. There are more, though, beginning with the continued lack of flexibility within the job market – particularly for those looking for part time work that matches their skillset, whereas the vast majority of jobs are still advertised as full time (only 10.1% of jobs advertised in Scotland in 2016 allowed for flexible working patterns<sup>8</sup>). There are the various gender biases being revealed in the burgeoning gig

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<sup>4</sup> See *Increasing Representation of Women on Private Sector Boards in Scotland*, Scottish Government, 2016.

<sup>5</sup> <https://www.lawcareers.net/Information/Features/06062017-Feminist-lawyers-the-fight-for-gender-equality-in-the-legal-profession>

<sup>6</sup> <https://www.ncbi.nlm.nih.gov/pubmed/10692956?dopt=Abstract>

<sup>7</sup> For comparison, in England, the rate rose from 35 per cent in 2011 to 39 per cent in 2015, while in the Welsh government 47 per cent of leading civil service posts are held by females, up from 38 per cent in 2011. See <https://www.scotsman.com/news/politics/scotland-lags-behind-ruk-on-civil-service-gender-gap-1-4011356>.

<sup>8</sup> See *The Timewise Flexible Jobs Index 2016*.

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economy<sup>9</sup>. Then there is the issue of harassment at work (Holyrood being the latest example of this, but found across all areas of work, with a Scottish survey carried out at the end of 2017 finding that 38% of women had been sexually harassed at work<sup>10</sup>). Even an area where the Scottish Government had full control, their Modern Apprenticeship programme, saw distinct gender issues, with women undertaking apprenticeships in lower-paid job areas<sup>11</sup>.

In all of this, there is also the issue of what is valued in our society. The amount of status our society attaches to paid work, preferably of the well-paid variety, has a very real impact on women – as it is they who do most of the unpaid work that of course contributes to our economy. With childcare, nursery provision is weak – at a high cost, often with unhelpful hours and insufficient provision. With this and other forms of care (of elderly parents, say), still too often it is the woman of the household who undertakes this role<sup>12</sup>; and there are even significant differences amongst young carers, with 12% of 16-24 year old women undertaking care compared to 9% of young men<sup>13</sup>. And with housework, we still see women doing over an hour and a quarter each day more than men<sup>14</sup>. Again, all of this is of serious concern.

## **2. Thinking about the policy development process (i.e., from generating an idea to the coming into force of a Bill, strategy or programme) where has this not been aligned with the ambitions of CEDAW (e.g., not taken account of CEDAW)?**

We are concerned by a number of issues in this regard. These include:

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<sup>9</sup> See, for example, <https://work.qz.com/1170830/the-gig-economy-exacerbates-gender-discrimination-a-study-shows/>.

<sup>10</sup> See <https://stv.tv/news/scotland/1403884-two-in-five-scots-women-sexually-harassed-at-work/>

<sup>11</sup> See <http://journals.sagepub.com/doi/abs/10.1177/0269094217721669>.

<sup>12</sup> <https://www.carersuk.org/news-and-campaigns/features/10-facts-about-women-and-caring-in-the-uk-on-international-women-s-day>

<sup>13</sup> This causes difficulties in post-education transitions and young women in the workforce. See *Scotland's Carers*, Scottish Government, 2015.

<sup>14</sup> <http://www.bbc.co.uk/news/uk-37941191>

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- **The complete lack of equality impact built into policy development** (rather than review). Even at review stage, there is the need to avoid tick boxes (e.g., the EIAs), and to ensure that there are repercussions when policies (individually and cumulatively) are shown to have negative effects on women – i.e., that action is then taken to change these policies. It is only through doing this that policymakers will avoid continued gender-blind policy mistakes.
  - **The constant focus on mainstream being male orientated, but things that effect women being ‘women’s issues’.** As an example, the Scottish Parliament’s enquiries into the economy or the budget each year just focus on GDP etc. There’s never a look at unpaid work as part of this – rather, unpaid work is seen as something separate to the economy, even though it’s part of it<sup>15</sup>.
  - **The refreshed NPF of 2016 only mentioning ‘inequalities’ in general as a high-level national outcome, but having no indicators for this whatsoever** (including none for gender equality)<sup>16</sup>. As Committees’ reviews of the Scottish budget use the NPF as a basis to review the entire Scottish budget, this is extremely disappointing.
  - **The Equalities Committee’s look at the recent budget only referring to women as a ‘protected characteristic’<sup>17</sup>.** So even if one were to include a gendered analysis into the Equalities Committee’s work-plan, rather than mainstreaming it, that still doesn’t guarantee that gender will be considered fully.
- Anecdotally, we find that **the understanding of gender mainstreaming and gender analysis remains poor amongst civil servants and parliamentary staff**

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<sup>15</sup> See, for example, this call for evidence from the Scottish Parliament’s economy committee: <http://www.parliament.scot/parliamentarybusiness/CurrentCommittees/106147.aspx>

<sup>16</sup> See: <http://www.gov.scot/About/Performance/scotPerforms/pdfNPF>

<sup>17</sup> See <http://www.parliament.scot/parliamentarybusiness/CurrentCommittees/106064.aspx>

(as it is in the rest of the population) – this has obvious implications for policy-making.

Finally, some of us wonder if **a broader human rights' approach to policymaking could help move this agenda forward** – as it's broader than gender, it could gain support/traction amongst those who don't see gender equality as an issue. There's also good reasons to introduce **gender-based budgeting** across the Scottish budget-setting process, as a way to ensure that gender considerations are built into all of our spending decisions<sup>18</sup>.

### **3. In the last five years, are you aware of any legislative initiatives and/or policy reforms put in place to promote women's rights and gender equality in Scotland?**

Below is a list of those which spring to mind. It should be noted not all of these have been implemented successfully or are unqualified successes.

#### **Scottish Legislation:**

- Gender Representation on Public Boards (Scotland) Act 2018
- The Human Trafficking and Exploitation (Scotland) Act 2015
- Domestic Abuse (Scotland) Act 2018
- The Abusive Behaviour and Sexual Harm (Scotland) Act 2016

#### **Scottish Government policies:**

- Increased investment in childcare
- Free sanitary product pilot extended
- Living wage for social care workers (predominantly female)
- 3 year funding for equality organisations
- Equally Safe delivery plan

#### **UK Government policies that impact Scotland:**

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<sup>18</sup> See <https://wbg.org.uk/news/gender-budgeting-scotland-work-progress/>

- National living wage increases
- Shared parental leave
- Reporting on pay gap for companies of over 250 employees

**Other:**

- All women shortlists with the SNP and Scottish Labour, and zipping with the Scottish Greens
- Refugees (Family Reunion) (No. 2) Bill 2017-19 (still currently passing through UK Parliament; unlikely to be successful).

**4. Is there anything else you would like to share with the UN CEDAW Committee in respect of women's rights in Scotland?**

**Gendered issues around the media and entertainment** – as discussed in Engender's own work<sup>19</sup>, the media is still incredibly male-dominated, and has a real impact on how women see themselves and their position in public life, how much they speak up, and whether they put their head above the parapet<sup>20</sup>. The same can be said for the entertainment industries<sup>21</sup>. Both of these clearly have negative implications for all society.

**Benefits** – we (alongside vast numbers of women's organisations, including Engender) have been really disappointed by the Scottish Government's approach to split payments for Universal Credit, choosing not to give them to people as a matter of course. As *Engender* already knows, this will have a very real impact on vulnerable women in

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<sup>19</sup> See, for example, <https://gendermatters.engender.org.uk/content/media-arts-sport/>

<sup>20</sup> See, for example, the relevant section in <https://www.girlguiding.org.uk/social-action-advocacy-and-campaigns/research/girls-attitudes-survey/>

<sup>21</sup> For example, within British film, the number of female actors in films produced in 2017 is 30%, a lower proportion than in 1913 (where 31% of actors cast were women). Women are also still not accurately represented, and are more often cast in gender stereotypical unnamed roles (such as prostitutes, housekeepers and nurses). See <http://www.bfi.org.uk/news-opinion/news-bfi/announcements/bfi-filmography-complete-story-uk-film>.

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Scotland. We are also disappointed by a number of other policy decisions made by Scottish Government regarding benefits, all of which will affect women more than men<sup>22</sup>.

**Culture and attitudinal change is vital** – as #MeToo has revealed, there is strong feeling of a continuum of violence directed towards women, from verbal through to physical. Policy-makers are not immune to this reality – as has been uncovered in Holyrood recently, where one would have hoped to have seen best practice and leading by example<sup>23</sup>; the attitudes that allow such behaviour can easily bleed into policy decisions.

It's also worth noting young people's current experience of sexism is significant and rising, demonstrating that issues around gender are not merely a generational: Girlguiding's latest *Girls' Attitude Survey* found that the number of girls experiencing sexual harassment in school has increased, with 41% experiencing jokes or taunts of a sexual nature, and 25% seeing unwanted sexually explicit pictures/videos<sup>24</sup>.

**Intersectionality** – it should be well recognised that all of the issues raised above are experienced to an even greater extent by those who face multiple prejudices, who are women and also, for example, minority ethnic. This must be taken proper account of in all policy decisions and policy discussions.

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<sup>22</sup> <https://www.equalityhumanrights.com/en/publication-download/cumulative-impact-tax-and-welfare-reforms>

<sup>23</sup> This scenario in particular raises questions for parliament over powers of recall and duty of care: <https://www.dailyrecord.co.uk/news/scottish-news/shamed-msp-mark-mcdonald-urged-12002251> and <https://www.sundaypost.com/fp/msp-makes-formal-complaint-mark-mcdonalds-holyrood-return/>. It follows general staff revelations of widespread harassment across the Scottish Parliament: <http://www.bbc.co.uk/news/uk-scotland-scotland-politics-43243620>

<sup>24</sup> See <https://www.girlguiding.org.uk/social-action-advocacy-and-campaigns/research/girls-attitudes-survey/>

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