

Women of Independent Mind

Women's Equality in a Future Scotland

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August 2014

COMMON WEAL



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Dedication

For Ailsa McKay a sister, friend and inspiration to all independently minded women – and men.

Acknowledgements

I am very grateful to the women who contributed their personal perspectives to this paper, especially Anni Donaldson, Diane Elson, Morag Gillespie, Ima Jackson, Anne Meikle, Emma Ritch, Anna Ritchie Allan and the support for the project from others including Lily Greenan, Marsha Scott, Jill Wood and other anonymous contributors and readers.

Women of Independent Mind

Women's Equality in a Future Scotland

Introduction

This paper is not a definitive list or set of demands. Women are half the population of Scotland and have plenty more to say than can be contained in a short paper like this. The intention here is to highlight some issues that are central to women's independence and essential to take forward in an independent Scotland. It sets out challenges for everyone, but especially politicians, policy makers and elites and demands of them the political will and determination to deliver a more equal Scotland.

While independence offers the potential for significant change for women's social, economic and political equality in Scotland, it will not of itself deliver women's equality and emancipation. Since devolution in 1999, there has been some advancement in key areas of feminist policy change, notably in relation to gender-based violence, gender budgeting and economic analysis, and childcare. However substantial changes have been limited and won through the on-going advocacy and activism of the women's movement in Scotland against a backdrop of dwindling resources for women's organisations, the dismantling of gender equality 'architecture' in Scotland and the UK (such as the Women's National Commission) and the creation of the Equality and Human Rights Commission that absorbed the gender-specific Equal Opportunities Commission.

Women's unequal economic, financial, and social status compared to men's is persistent and enduring.

Women's unequal economic, financial, and social status compared to men's is persistent and enduring. Women earn less, drive less, and are less visible in political and public life. The over-representation of men in political decision making means that women are neither admitted to nor do they have access to the same level of institutional power. The limited input of women's perspectives and experiences to policy and resource allocation decisions results in decision-making that is gender-blind. The lack of gendered analysis that captures and dismantles constraints of gender relations means public policy decisions on taxation, skills and employment, economic policy, welfare, health, housing, and transport, for example, will continue to impact differently on women and men, generally

to women's disadvantage. None of these issues falls into the stereotypical category of "women's issues" but they are all women's issues.

Whatever party political composition forms a government in a post-Referendum Scotland, bias from public policy decisions and resource allocation must be eliminated and women's equality must be a central political goal. That political commitment needs to be underpinned by effective processes namely:

- GENDER ANALYSIS – understanding that gendered relations between women and men in established institutions such as the family, household, and labour market, as well as political institutions, reinforce stereotypes about sex-specific roles.
- GENDER IMPACT ANALYSIS (GIA) that makes explicit the effects of gender relations on women and men's experiences and the potential impact on women and men of resource allocation and service provision. A range of 'tools' help to identify the impact on women and men, and equality groups more broadly, but analysis of accurate data is key to effective GIA.
- GENDER BUDGET ANALYSIS (GBA)/Gender Responsive Budgeting – is an approach to budget and policy formulation that ensures that spending and revenue decisions incorporate gender analysis and underpins measures to advance gender equality rather than reinforce gendered constraints and inequalities.

Position of women in Scotland

The status quo is clearly not a desirable option for women in Scotland. Unequal pay, increasing levels of poverty and distance from decent jobs in a labour market that is shrinking for women, falling levels of representation in local government and the Scottish Parliament, and increasing rates of gender-based violent crime are not acceptable and cannot be tolerated in any vision of an independent Scotland.

In presenting the case for change in the constitutional debate, *Engender*(1) has highlighted a series of gaps

where women are over-represented as poorly paid, subject to violence, and depended upon to provide care but under-represented in decision-making and positions of power.(2)

- Care gap: 62% of unpaid carers are women.
- Freedom gap: Every 13 minutes a woman in Scotland experiences violence.
- Income gap: Twice as many women as men rely on benefits and tax credits. Women are 95% of lone parents who receive income support..
- Pay gap: Women earn 13% less than men as full time workers and 34% less than men part-time. Female-dominated occupational and industrial sectors are low-paid and undervalued.
- Power gap: Only 15% of senior police and 25% of Senators of the College of Justice in Scotland, 10% of UK national newspaper editors and 8% of Directors of FTSE 250 firms are women.
- Representation gap: Only 36% of MSPs, 17% of MEPs, 24% of councillors, 3% of council leaders, and 26% of trade union leaders are women.

Research and analysis by the Women in Scotland's Economy Research Centre (WiSE) at Glasgow Caledonian University has consistently highlighted women's unequal experience of work, training – especially within the Modern Apprenticeship scheme, and inequalities in the impact of measures to promote economic recovery following the financial crises and recessions.(3) In particular, public service 'reform' has resulted in job losses for women, and the increasing under-employment of women.(4)

Close the Gap, a Scottish Government funded initiative concerned with women's unequal pay, highlights the continuing and "massive inequality between men's and women's pay". They calculate a "13.3%* gap between men's and women's full-time hourly rates, and a shocking 33.7% gap when you compare women's part time hourly rate to men's full time hourly rate".(5) As Close the Gap emphasise, unequal pay is not only an issue of equality, but that the gender pay gap also functions as a drag on economic growth. Pay and income inequality must be a priority for women's economic independence and for a strong Scottish economy.

Women's unequal status is manifest across all levels of society and takes different forms for Black and minority ethnic women, women asylum seekers and refugees, trans* women, migrant women, and disabled women. These diverse characteristics can bring with them intersecting and compounding discrimination. Women bear the brunt of UK government 'reforms', ongoing constraints in public spending and shrinkage of public services. This includes, for example the lack of recourse to public funds for asylum and refugee women

fleeing domestic abuse and the cumulative impact of tax and benefit changes on low paid, lone-parent women and disabled women.

Women's enduring inequality has often been absent from the proposals of formal political parties. Scotland's Future, the Scottish Government White Paper on independence does include references to women's social, economic and financial futures, with commitments to protect pensions, adhere to and improve legal protection against discrimination, and transform childcare as part of future economic strategy. Scottish Labour's Powers for a Purpose, the report of the Devolution Commission offers even less for women, with its principal recommendations around women's representation on corporate and public boards and a proposal to devolve enforcement of equalities legislation but not its content, and no reference to resourcing equalities and human rights bodies.

In setting our sights on a future Scotland, women's equality and the elimination of discrimination and disadvantage must be at the forefront.

Common Weal and other civil society organisations have made proposals for a future Scotland where social protection extends to the lifelong investment and wellbeing of its citizens.(6) However, few demonstrate awareness and analysis of women's situation and the effects of gender relations on the lives and opportunities of women and men. In setting our sights on a future Scotland, women's equality and the elimination of discrimination and disadvantage must be at the forefront.

Challenges for Action and Change

This section offer ideas and challenges to advance women's equality and create a more gender equal Scotland where women's financial, social and political independence are possible.

1. Women and Scotland's Constitution
2. Economic, Taxation and Fiscal Policy
3. Welfare and Social Protection that work for women
4. Employment protection
5. Elimination of Violence Against Women
6. Representation in political, public and corporate governance

1. *Women and Scotland's Constitution*

Women's participation in the development and production of a constitution for Scotland is a right. All political parties and other civil society organisations and processes must commit to and ensure women's participation in building Scotland's constitution.

Scotland's constitution should incorporate the full spectrum of economic, political, social and cultural rights, and CEDAW, the women's bill of rights, within the international framework and guarantee the equality of women and men before the law and in the allocation of public resources.

Women's participation in the development and production of a constitution for Scotland is a right.

Scotland's constitution must guarantee equality and non-discrimination of women in all their diversity of race, ethnic origin, disability, citizenship and residency status, caring and family status, employment status, class, age, and sexual orientation. It should guarantee the right for all people in Scotland to live free from the violence and the threat of violence and protected from gender-based violence.

The constitution of an independent Scotland should protect women, men and children, regardless of citizenship and residency status from destitution and should commit to resourcing and achieving equal access to educational, training and employment opportunities for should be equally available to women and men on a non-segregated basis.

A future Scottish constitution should guarantee the right of individuals to social protection and a Citizens' Basic Income for all.

2. *Economic, Taxation and Fiscal Policy*

A range of key and interlinking strategies are essential in advancing women's economic, social and political independence. An independent Scotland can, and should, opt for different economic models that reflect the central importance of the care economy where women are over-represented in both paid and unpaid work.

A Caring Economy and Labour Market

In a caring economy, there would be a balance of rights and care – the right to care and the right to be protected from discrimination and disadvantage when providing care. A future Scotland must value the individual providing care, recognise the contribution of unpaid care to its economy and acknowledge that the economic life of a country and an individual depend on unpaid activities carried out in the domestic sector.(7)

Protection from discrimination and exploitation in employment is essential in a caring economy that values women and men and applies the regulatory framework of international and European Union rights and protections. This would mean, for example, employment practices such as zero hours contracts are controlled and not a form of compulsion, and where like work and work of equal value are rewarded without prejudice and discrimination.

Employment is a key issue for refugee women in Scotland. (8) Ethnic minority women face more barriers to employment than the white Scottish population, and refugee women are even further disadvantaged in the labour market. Addressing the evidence and paying attention to the recommendations of the Scottish Refugee Women's Strategy Group (RWSG) would reduce this inequality.(9)

Employability programmes that operated within the framework of a caring labour market would acknowledge the experience of refugee women and the trauma of women who have fled domestic abuse, and the demands of single motherhood. They would build women's capacity to work in the formal labour market while challenging employers to provide safe, non-discriminatory working environments.

It is often supposed that as "migrant" is a gender neutral term, the processes women follow to migrate and establish themselves and their families are gender neutral too. In reality, the family migration route treats women as dependent. Although they are often highly educated they need to get their skills and education recognised at the same time as doing the unpaid labour of supporting the home to ensure that their families efforts to migrate, works both for the family as well as the communities where they settle. Furthermore the types of work migrant women undertake when able to access employment are largely in professionally regulated, less remunerated sectors of health and education or in the unregulated areas of domestic and caring work as opposed to financial or IT sectors. This places migrant women at a distinct financial disadvantage and at greater risk of unlawful or poor treatment in employment.

A future Scotland, should, like Canada, institute a gender-based analysis of immigration policy and settlement and integration programmes, with a minimum focus on education and language attainment to reflect human capital replacing occupation and pay as relevant criteria in future immigration processes.

The gender pay gap endures despite over forty years of equal pay legislation. Scottish Labour's Devolution Commission(10) proposes that the enforcement of equalities legislation should be devolved to Scotland, but not the content of that legislation which is arguably creaking and over-laden and so no longer fit for purpose. In *Scotland's Future*, the current Scottish Government commit to "wage equality and protection against discrimination at the very heart of our legal system".

(11) Delivering on this promise means introducing efficient and effective equal pay legislation, rather than the current limited proposals for full implementation of existing provisions by 2020. Discrimination has lingered in pay systems since the introduction of the Equal Pay Act in 1975. It is now time to require sustained and focused activity on the part of employers to tackle those gaps that remain.

Childcare

The Scottish Government's White paper on independence proposes a 'transformational' approach to childcare, as advanced by Ailsa McKay and colleagues at WISE.⁽¹²⁾ These proposals offer a significant opportunity for progressive policy change. The transformation in thinking around childcare offers a significant opportunity for progressive policy change. It de-couples childcare from being regarded as a 'women's issue' and reframes it as core to economic development and growth. Considering investment in childcare facilities as capital investment will provide short-run construction employment, and the longer-term creation of physical assets and a well-trained and remunerated workforce. Affordable, accessible and flexible childcare for parents and carers would be a boost to tax revenue through the expansion of the childcare workforce and the labour market opportunities for women and men generally.

Care should be designated a key economic sector in an independent Scotland, so that it can benefit from the sustained policy and investment focus that it requires to expand significantly in the short-run.

Economic development

The economic development apparatus of Scotland is currently focused on a small number of industrial sectors that are either male-dominated (energy, life sciences), or have stark gendered segregation in their workforces (financial services, tourism, food and drink, creative sector, universities).

Public investment in enterprise is similarly targeted, which is likely to lead to a widening gap in the number of high-growth businesses owned or operated by women. According to the Women in Enterprise Framework and Action Plan launched by the Scottish Government in March 2014, if rates of women-led businesses equalled those of men, the contribution to Scotland's GVA would increase by £7.6bn to £13bn.

Positive action measures, enabled by EU Directives, could be introduced to ensure equality between women and men in employment and self-employment. Greater economic empowerment of women can be achieved through self-employment and entrepreneurship, and any national social protection system must include those women who are self-employed.

Although economic growth in such narrow terms should not be the sole focus of economic development in an independent Scotland, it should be noted that the current approach is almost certain to widen the gender pay gap and entrench

occupational segregation. There is no concomitant activity, delivered alongside economic development programmes, to widen access to women to non-traditional occupations or to enable women to progress into more senior roles.

The current approach is almost certain to widen the gender pay gap and entrench occupational segregation.

An independent Scotland will benefit from developing sectoral priorities that take better account of the possibilities for increasing women's participation in the economy. Effective skills utilisation that recognises how many women are excluded from the jobs for which they have trained by inhospitable working practices will be essential.

Economic wellbeing

Common Weal and others have argued that the established measure of GDP is the wrong indicator to measure the economic wellbeing of a country. GDP measures ignore the unpaid contribution of women through the hidden care economy and the provisioning and support for workers in the paid economy mainly provided by women in the household.

A caring economy must include measures of human wellbeing, such as the Humankind Index and not focus on measures of market activity. Our measure of national wellbeing needs to be brought into the 21st Century, reflecting the true worth of the range of paid and unpaid roles provided by women and men.

Taxation

A fair taxation system is essential for women's equality and financial independence. To deliver women's equality, an independent Scotland must develop an integrated taxation and social protection system with protection for women and their financial autonomy built-in. This means ensuring taxation on an individual basis, and the repeal of transferrable tax allowances between married couples and higher earners within couples recently introduced by the UK Government.

Common Weal and others have called for alternative taxation systems, including progressive land and estates taxes, oil and energy funds. These sources can raise significant revenue that should be allocated to public services on a basis of greater equality and, through effective and responsive gender budgeting, deliver more equitable allocation of resources and outcomes for women.

Taxation in a future Scotland must tax wealth as well as income and ensure wealth is more equitably distributed to advance greater equality between women and men.

Public resources

Scotland has come a long way in the last ten years towards making decisions on public spending and resource allocation

from a gender and equalities perspective, due in large part to the efforts of the Scottish Women's Budget Group (SWBG) and engagement by MSPs, individual Ministers and officials. There is, however, a very long way to go, and many countries and autonomous regions have passed us by.

The transformations in Iceland following their banking crisis included the introduction of gender budget analysis as a central approach to government decision making. In contrast to a focus on economic growth, the principal goals of the Icelandic Ministry of Finance and Economic Affairs include "a stable economy and a good standard of living" as part of a vision of "the competitiveness of the Icelandic community and work towards improving the nation's standard of living".(13)

The transformations of Iceland following their banking crisis included the introduction of gender budget analysis.

In Austria, constitutional change in 2009 provided the opportunity to adopt gender analysis of the national government budget, with individual departments now setting gender equality objectives as part of the budget process.(14)

A commitment to gender analysis of public spending and revenue generation is essential in a future Scotland if public resources are to be allocated in such a way that they make a difference for women – and men – and do not continue to shore up inequalities and different outcomes for women and men.

The possibility of independence and the expansion of fiscal autonomy present enormous possibilities to manage public finances from a completely different perspective, one that puts the social and economic wellbeing of Scotland and our people first. Marilyn Waring, feminist thinker, academic and former parliamentarian in New Zealand sets out the challenge for us:

Can you imagine the nation's annual budget becoming a realistic description of the wellbeing of the community and its environment, a reflection of real wealth and different values? The budget would answer all of the following. Who does what work and where – paid and unpaid? What is the position of the nation's children and the aged? Who is not housed adequately? Who has the poorest health?(15)

3. *Welfare and Social Protection that work for women*

As advocated by Ailsa McKay and continued through Common Weal and other platforms, a Citizens' Basic Income would guarantee a minimum income for all and would need to reflect

additional costs of caring, of disability, of parenting and other costs that are permanent or temporary states for women and men.

An independent Scotland should commit to decent wage levels with a legally binding social wage, at a higher level than current minimum wage, for all workers in Scotland. For many, the labour market in Scotland is increasingly precarious, with zero hours contracts and other retrograde employment practices heightening the financial and social insecurity of workers.

Currently migrant workers are among those experiencing the worst treatment in the labour market and within the social security system. Evidence illustrates the discrimination and disadvantage experienced by women migrants individually and within families can be reduced by paying attention to gender throughout all processes through which migrants, access work and their right to remain "in country" as independent applicants.(16)

Social security built around the citizen's basic income, like child benefit, should be conceptualised as an investment in people's wellbeing during their lives. A social security system in an independent Scotland should explicitly ensure women's economic independence. Domestic abuse is more likely to be experienced by women who earn significantly less than a male partner, including financial abuse and other constraints on women's liberty. Social security payments should therefore not be designated to one individual within the household, thereby potentially cutting off women's income sources. Instead, benefits and social security transfers should be allocated on an individual basis.

4. *Employment protection*

Economic policy in a future Scotland must address inequality in women's paid employment, including women's under-employment and the waste of skills, training and education that women experience and that results in

losses to the economy locally and nationally. Women's employment, including self-employment and enterprise, are essential to Scotland's future economic success. Employment within a properly regulated labour market that recognises family and caring status and builds in support for care as part of our economic infrastructure, supporting the provision of care services and workers will mean greater access to sustainable, paid jobs for women – and men.

Access to employment tribunals is particularly important for women who are more likely to come in and out of the labour market and to work part-time or flexible hours. The recent introduction of fees in the employment tribunal has seen claims drop by 79%. Official statistics show that the number of claims received in October to December 2013 was 9,801 –

79% fewer than in the same period in 2012, Sex discrimination claims have dropped by 77% compared to the same period in 2012 a. and equal pay claims by 83%.⁽¹⁷⁾

Women on maternity leave are especially vulnerable both emotionally and financially. Previous studies have shown that over 9,000 pregnancy discrimination claims were brought against UK (sic) employers since 2007, and that half of all pregnant women in GB (sic) experienced some form of disadvantage at work, simply for being pregnant or taking maternity leave.⁽¹⁸⁾ Pregnant women in particular need the protection of fair and affordable access to the employment tribunals to act as a deterrent effect to employers who might otherwise force women out of their jobs.

While women will always need access to the justice provided by the tribunals and courts, it is also essential to enable positive action on the part of employers, to tackle some of the stubborn inequalities that persist. Trade union and employment law in an independent Scotland should require employers to work in partnership with trade unions, including on equality between women and men. All employers should also be required to respond to an equalities duty, similar to the public sector equality duty, by identifying and removing barriers to women's equal participation.

Part time workers – most of whom are women – must also be protected from discrimination. Part time work can offer ways of remaining attached to the labour market, for example, during periods of increased care responsibilities. This facilitation of participation in the labour market also supports economic growth. Unfortunately, part time work is also often associated with low pay, and poor opportunities for training and / or career advancement. However, part time work - in jobs of good quality and decent pay – should provide opportunities for both women and men to enhance their wellbeing, improve work/life balance and allow better engagement in a more equal sharing of care responsibilities and work in the household.

5. *Elimination of Violence Against Women (VAW)*

Consideration of the social and economic roots of continued gender inequality in Scotland also provides a clear context for the persistent and rising incidence of Violence Against Women in Scotland.⁽¹⁹⁾ Recognition of the linkages between gender inequality and the particular forms of violence women face simply because they are women must continue to be emphasised in all post referendum policies. While the extent of many forms of violence against women in Scotland is comparable with those of other European states⁽²⁰⁾, the national approach taken to tackling this pervasive and seemingly intractable problem by the Scottish Government since devolution is widely regarded as progressive. By taking a broader social justice rather than a solely criminal justice approach, Scotland is in step with the United Nations'

Declaration on the Elimination of Violence Against Women and the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention). This approach acknowledges the wider structural and cultural barriers to creating a society free from violence against women.

Men's violence against women is a consequence but also a cause of wider gender inequality.

The detrimental impact and high economic and social cost of VAW to the whole of Scottish society as well as to individual victims and survivors must be acknowledged and addressed in all future constitutional, legal and policy frameworks. The Scottish Government estimates that the cost to the country of all forms of violence against women currently amounts to £4 billion; the annual cost of domestic abuse alone is estimated at £2.3 billion.⁽²¹⁾ Estimates of the longer term individual, social and economic costs of gender-based violence on the lives of Scottish children and young people have yet to be attempted. Scotland must build on current approaches and refuse to tolerate a society where gender inequality is supported by violence against its women.

Men's violence against women – including physical and sexual assault, financial and psychological abuse, fear-based domination, constraint, coercion, and exploitation—is a consequence but also a cause of wider gender inequality. It reproduces the conditions that sustain that inequality and protect male privilege. Men's violence against women is pervasive, because it affects us all. It has devastating impacts on the thousands of women and children affected by experiences including domestic abuse, rape, female genital mutilation, or sexual abuse and exploitation. Addressing violence against women is not simply about counting up incidents or providing good services for victims and survivors but about recognising how the context of what happens influences meaning and consequences. Institutions and cultures that ignore everyday sexism and harmful masculinities create conducive contexts for gender-based violence. Ending this violence requires us to be truly radical and offers the opportunity to release creative, transforming energy from the mire of injustice.

6. *Representation in political, public and corporate governance*

Women have campaigned long and hard for political representation – from the right to vote, to the 50:50 platform in the lead-in to devolution. Women's representation in elected politics is stalling and falling and their participation in elected politics, public governance and on the boards of private enterprises is lower than in many other countries of similar size and scale.

Women are currently under-represented in elected politics, public governance, and on the boards of private enterprise right across Scotland. This over-representation of men and negation of women's talents and experience has no place in a modern, progressive Scotland. When women are not part of the decision-making process, they are not part of the solution.

Women's representation in elected politics is stalling and falling.

According to the Equality and Human Rights Commission in their last *Sex and Power*(22) publication – from 2011 women were:

- 32% of all public appointments;
- 31% of head teachers in secondary schools, despite over-representation at other occupational levels in the sector as a whole; and
- 15% of senior police officers.

Women's representation in the Scottish Parliament has fallen from 42% in 1999 to 36% in 2014. Women have been courted by all sides in the independence debate, but they are generally under-represented in media coverage and political debate – ignoring the local and widespread campaigning by Women for Independence and the National Collective, for example.

Women's representation must be equal in government at all levels, on the boards and governance structures of public authorities, and in business. Women's contribution to public and political life must be valued, properly remunerated, and valued along with men's contribution as being for the common good.

Existing political parties and parties that may be formed in the future should commit to women-only shortlists and other special measures. This would signal serious intent to address the over-representation of men in Scotland's public, political and corporate institutions.

Conclusion

Women are more than half the population and make a more than equal contribution to Scotland's economic, political, social and cultural life. At the moment, much of that contribution is unpaid, under-valued and invisible as even official data do not fully capture women's position or contribution.

A future Scotland has the opportunity to recast gender roles and relations, creating a more progressive and equal society no longer defined by out-dated and harmful stereotypes of what it means to be a woman or man or the roles we play in work, in families, and in politics.

If we are serious about change, women's independence within our social, economic, family, and political structures has to be a key part of any independent nation.

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