

# Where are we now?

*New Feminist Perspectives on Women  
in Contemporary Ireland*

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and  
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Are please to present

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TASC, which is a think tank dedicated to promoting equality and social justice and the National Women’s Council, which works to promote equality, human rights and empowerment for all women jointly commissioned this book. We did so because we believe that the position of women in contemporary Irish society at the beginning of the 21st century is as challenging as it has been in any previous period of Irish history: substantive inequalities persist and yet it is a common perception that women have never had it so good. As this book documents many of the issues which feminists have been discussing for the last fifty years, inequalities in the political structures, in work and in access to services and income, are still depressingly evident, albeit sometimes in new forms. Furthermore, new issues, for example the feminisation of migration and the situation of lesbian motherhood, have emerged. We asked Ursula Barry to bring together a number of leading activist and academic feminists to write about these issues. If we are to take radical action then we need the understanding and insights that their analyses brings. We are very grateful to Ursula and to each one of them.

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## Chapter 2

# Women and Social Welfare

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### INTRODUCTION

This chapter reviews the Irish social security system from a gender and feminist perspective. It first reflects on the historical path of Irish social security policy and shows how gender segregation is deeply rooted in Irish social policy. It then reflects on the consequences of such gender segregation and how women experience the risk of poverty and economic dependence. The following section reflects on reform possibilities and examines what needs to be done to achieve a woman's model of social security reform. The final section puzzles about the lack of pace of regarding such urgent and necessary reform. It concludes that the lack of pace in gender related social security reform is clearly linked to women's unequal political participation.

### HISTORY

Gender segregation has always been a feature of the Irish social welfare system. Burke (1987) provides evidence in the administration of Irish 1832 poor law which housed women and children in separate workhouses and in post-famine outdoor relief which

first targeted widows with dependant children. Yeates (1997) draws attention to the overt gender discrimination in the National Insurance Act (1908) which awarded married men higher rates of payment on the grounds that they had families to support. Post independence the Irish social welfare system remained characterised by gender segregation. There have been gender segregated social insurance contributions and lower and shorter social insurance payments for women for most of the history of the Irish Republic (Yeates, 1997).

This gender segregation reflected social welfare systems elsewhere in Europe but was reinforced in a catholic and conservative Irish free state which guaranteed in the 1937 Constitution (Article 40) that women would not be forced by economic necessity to work outside the home. Irish social policy continued with a distinctive gendered differentiation. The 1932 reform of the home assistance system, for example, continued to differentiate women as widows and the 1952 Social Welfare Act consolidated a male breadwinner social welfare model in which women received lower payments. Reform in the early 1970's addressed the reality of women's poverty. However the establishment of an unmarried mothers allowance was consistent with the concept of a male breadwinner model, classifying women in relation to their marital status and in their relationship to men.

The 1980's was characterised by pressure from both the feminist movement and the EU social security equality directive to introduce greater gender equality. Some reforms led to direct gender equality in terms of equal contribution rates and equal levels of, and duration of, payments for men and women. Reforms also led to direct equal treatment for men experiencing similar contingencies that previously only women were considered to experience (lone parenthood, desertion and widowhood). On the other hand, because these reforms were introduced in a minimalist manner they introduced new poverty and unemployment traps that directly impact on low income women and their families. In the first instance equal treatment required that the state define the concept of dependency. It defined any spouse earning £50 or

less as an adult dependant. This artificial definition with a sharp cutoff point was to be the cause of subsequent poverty and unemployment traps for adult dependants. The State's further attempts to minimise the cost of equal treatment and to preserve the concept of economies of scale implicit in the remaining system of family-based payments led to a new gender division in social security payments – the *limitation rule*.

The limitation rule determined that in households where a man and a woman were both unemployed the maximum payment could not exceed that of the combined total of an adult and adult dependant payment. At first applied only to married couples, the supreme court judgement in the 1984 Hyland case extended the rule to cohabitating couples (the rule has never been applied to same-sex cohabitating couples). This rule was the cause of further poverty traps and also led to barriers to household formation for low income couples who found that they lost almost half of an adult payment (the amount ranged between 30 per cent – 40 per cent of an adult payments, amounting to €55 in 2006 terms) on cohabitation or marriage. Despite changes in language, from *adult dependant* to *qualified adult* or from *unmarried mother* or *prisoners wives* to *one parent family payment*, the concept of the male breadwinner is very much alive in Irish social policy. This can be seen in the 1996 Social Welfare Act which enables a deceased divorced man's social insurance contribution to cover multiple widows and children (Yeates 1997). While equal treatment may have ruled out direct discrimination there remains a very definite gendered legacy of indirect discrimination against women under the social welfare system (Cousins and Whyte, 2006).

The 1990's brought little structural change in the gendered division of social welfare but did bring about significant change in gender expectations concerning care and employment and, in particular, a shift in the perception of mothers as carers to mothers as workers (Coakley, 2005). This came about first in the 1996 reforms to the adult dependants' means test to resolve poverty and unemployment traps and enable such women gain access to employment. It is also seen in substantial reforms in both 1994

and 1997 of what had, by 2007, become known as the One Parent Family Payment to include a substantial income disregard to encourage participation in paid employment. This move from social security functioning as social protection to social security working to promote economic connection is consistent with the experience of other European and liberal welfare states. In 2006, the Department of Social and Family Affairs (DSFA) proposed to make labour market participation compulsory for lone parents and qualified adults whose children had reached a certain age (five or seven years). The rationale outlined for such a policy direction was rehearsed in the National Economic and Social Council (NESC) 2005 proposal for a Developmental Welfare State. NESC's analysis reinforces the presumption of social inclusion as being grounded in participation in the labour force and education. The debate about these proposals highlights the considerable ambiguity surrounding the issue of mothering, welfare and paid work (Coakley, 2005). On the one hand, proposals to support women's economic participation are welcomed, paid employment offers the potential to overcome the lack of financial power that is fundamental to any discussion of women's poverty. It is also fundamental, given the increasingly economic basis upon which power is structured within Irish society to women's civic and political participation. On the other hand women are reluctant to undervalue the important role of care-giving relative to paid employment or to divorce policy aimed at increasing economic participation from policy debate about accommodating care, unpaid work and work-life balance.

#### CONSEQUENCES FOR WOMEN OF MALE BREADWINNER MODEL

Women's experience of the social welfare system affects current choices and opportunities regarding women's care work and employment and their ability to move out of poverty. It also affects their future attachment to the labour market, their future access

to an independent income and the risk of living in poverty in old age. The unequal treatment of women in the social welfare system has practical consequences which negatively impact on women's lives and their status in society. These include economic dependence, related entrapment in domestic violence, incomplete access to Pay Related Social Insurance (PRSI) for women in caring and atypical work situations and a range of welfare-to-work issues. This section outlines the impact on women's equality arising from the current welfare system by describing the various structural barriers in place in the system which prevent women's economic independence. These barriers are outlined firstly in relation to the social assistance system and secondly in relation to the social insurance system. It draws particular attention to the interaction of women's predominant responsibility for care work and parenting, and issues relative to access to work and pensions. It concludes by discussing the reality and scale of women's poverty.

## SYSTEM OF SOCIAL ASSISTANCE

The Irish social welfare system means tests claimants based on a family means test – it assumes there is sharing of wealth within the household. There are three main ways the means test impacts negatively on women – the definition of qualified adult, the limitations rule and the Carers' Allowance.

### Qualified adults

The structural inequalities which currently exist in the Irish Social welfare system are based on patriarchal values that underpin gender roles in society with regard to work, family and domestic responsibilities. This model of social welfare is referred to as the male breadwinner model, as it emphasises the male role as the breadwinner and the women's role as homemaker, i.e. as wife or mother. In this model the rights of women are derived from the rights and entitlements of men. While women form the majority

of social welfare beneficiaries (55 per cent), they frequently do not have direct access to their payments. The Qualified Adult payment is approximately 70 per cent of the full adult allowance and is paid to the primary claimant. The welfare of women is primarily linked to this payment rate due to the fact that women make up 95 per cent of all *qualified adults* (DSFA 2005). In 2004 there was a total of 119,159 qualified adults in Ireland.

### Limitation Rule

The limitation rule is a critical area which undermines women's rights. In households where two adults are each entitled to social assistance payments, the limitation rule limits the amount of benefits received by 15 per cent of the total amount. This directly prevents women from seeking payments in their own right. As there is no financial incentive to both people accessing payments individually, in most cases women become classified as qualified adults. The assumption behind the limitation rule is that two people can live more cheaply than one, saving up to 15 per cent of costs between them. Research highlights that from household to household economies will differ and that there are practical difficulties in determining whether in fact such economies exist and to what level (Murphy, 2003; McLaughlin 1999).

### Carer's Allowance

Just 16 per cent of all carers are eligible for the Carer's Allowance because it is means tested. If the house hold has an income above a certain amount, the woman will receive no support from the social welfare system, regardless of whether she sees any of that income. It is clear that this payment, in its present form, does not acknowledge the care work of the vast majority of women. The National Women's Council of Ireland (NWCi) have argued elsewhere for the amalgamation of carers' payments into a carer's 'wage'. (Murphy, 2003)



## Lone Parents

The Irish social welfare system, similar to the Norwegian, Australian and New Zealand systems (Skevik, 2005), is remarkable in that it provides for a contingency for single mothers (and now fathers) to parent full-time. While this is a welcome feature the lack of an affordable and accessible childcare system, and the lack of generosity associated with the payment, means lone parents are trapped on this inadequate payment and suffer significantly higher rates of poverty. 86 per cent of lone parent families are headed by a woman parenting alone and 98 per cent of the recipients of one parent family payment are women (CSO, 2006; DSFA, 2005). Over 30 per cent of lone parents experience *consistent poverty* compared to an average of 7 per cent in the total population. (CSO, 2006). Over 40 per cent of Lone Parents are at risk of *relative poverty* compared to 19 per cent of the total population. Recent reforms have focused on enabling a greater transition from welfare to work for lone parents. While these have been successful to some extent (over 60 per cent of one parent family payment recipients are in paid employment) there still remain significant poverty and unemployment traps associated with lone parenthood.

Recent proposals aim to partially eliminate the concept of qualified adult and lone parent and recognise the social validity of caring by providing a means-tested parental allowance for mothers caring for children up to age seven. The DSFA published proposals in March 2006 to abolish the One Parent Family Payment and Qualified Adults Allowances and replace these with a *Parental Allowance* payment for parents of children up to age seven and a *Job Seekers Allowance* for parents with children over seven (DSFA, 2006). While such a proposal clearly goes some way to placing all parents on such an employability continuum, an important qualification is the proposal to redefine employment (for the purposes of satisfying *available for work* guidelines) to 19.5 hours per week – essentially part-time. Although this clearly reflects some compromise between the role of carer and worker, most groups, while welcoming some aspects of the proposed

reform, saw the move to make paid employment compulsory for low income mothers as a step too far (OPEN, 2006; One Family, 2006). Whether or not these proposals are implemented will become evident in Budgets 2008.

As Levitas observes in the British context, proposals such as these mean that “social exclusion is principally construed as non-participation in the labour market” (Levitas 2001; 451) and, as she rightly observes, there are implications for unpaid work when paid work is equated with social inclusion. This is especially so when lack of attention is paid to the wider gender structural inequalities in the labour market. Cousins (2005) notes the significance of a new focus on *working age*. Such language, more developed in UK policy discourse, is highly ideologically motivated, implying that those of working age *should* be at work. Moreover, “the term *work* is restricted to market based activity and excludes much socially necessary labour” (Levitas, 2001). With regard to the UK, Williams (2004) notes that the current policy discourse labels lone mothers who wish to remain in the home to look after their children as *welfare dependents* whereas married mothers are viewed as exercising *choice*.

#### SOCIAL INSURANCE SYSTEM

##### Lack of recognition of parenting and care work

Recognition of women’s unpaid care work is fundamental for women to achieve economic independence. Care work, particularly within the home, whether that is seen as a burden, source of fulfilment, or complex combinations of the two, continues to be primarily women’s responsibility. The lack of adequate state intervention to support parenting and care work has reinforced women’s disadvantaged position in society. Care work continues to be seen, and addressed within a policy context, as predominately a private concern and a female responsibility (O’Connor, 2006). The impact of women’s care work responsibilities is apparent across the lifecycle of women, but the cumulative effects are most stark in women’s older age. The Pensions Board, in its recent

review in 2006, highlighted that women are more likely than men to have inadequate or no pension coverage and drew attention to the connection between women's care work and their low coverage rates. One practical way that women's employment and care pattern is not facilitated by social security regulations is the rule which establishes women as *new entrants* if they have not contributed to the social insurance system for the previous two years<sup>2</sup>.

The National Women's Strategy (2007-2016) repeatedly draws attention to the negative impact on women's equality caused by the reliance on women to provide the vast majority of care work, both formal and informal. What has not been recognised is that women's equality in employment is dependent on care work being valued. Women are more likely than men to be full-time carers. International evidence has shown that even where there is a concerted effort to engage men in family caring, the uptake has been relatively poor; Department of Justice, Equality and Law Reform (DJELR) (2007). The Homemaker's Scheme introduced in 1994 has gone some way towards acknowledging care work by assisting women qualify for an Old Age Contributory Pension. It allows people caring for children under the age of 12 or an incapacitated person on a full time basis, to *disregard* up to 20 years when calculating their pension contributions. However, this system does not value short-term payments and calculates a lower yearly average than if credits were awarded. Women also find it deeply offensive that care work is officially *disregarded* for the purpose of the scheme (NWC, 2005).

## CHILDCARE

Despite recent progress in developing a childcare infrastructure, Ireland trails behind its EU counterparts particularly in terms of affordable and accessible quality childcare. The costs of childcare have rapidly increased and government subsidisation remains minimal. Parents living in Ireland are paying approximately 90

per cent of their childcare costs in comparison to Denmark where parents pay a maximum of 33 per cent of their childcare costs (NWCI, 2005). Significantly, Ireland stands out in a European context as a country in which parental leave is unpaid. The lack of statutory support and intervention has created a largely inaccessible and inequitable childcare market. This has resulted in providing women with limited choices regarding employment as well as social and political participation. It also contributes to the high levels of child poverty and women's poverty. The Irish Government's position on childcare reflects a clear ideological contradiction. On the one side its strategies have consistently reinforced the role of women as primary carers by not giving sufficient support for affordable childcare outside of the home, while simultaneously, on the other side, committing to increases in women's participation in the labour market. The childcare debate reflects a lack of political and societal consensus about where mothers should be on an employability continuum. The reality is of course that women are neither exclusively at home or in paid employment but are involved in a continuum of both, and any participation proposal, such as the DFSA 2006 proposals to activate qualified adults and lone parents must reflect that balancing act.

## WOMEN WORKING IN NON-STANDARD EMPLOYMENT

There are currently structural barriers in the social welfare system for the many women who work outside of the traditional full-time employment model. Women who have worked in part-time, casual and seasonal employment also have broken social insurance records and are at higher risk of poverty. The Pensions Board have highlighted the low levels of pension coverage for lower paid and part-time workers, who are predominately women. Those working in non-standard employment (neither permanent nor full-time) are also most at risk of being among the *working poor*. Nash (2004) and McCabe's (2006) reviews of the economic

implications of non standard employment highlights how such jobs are concentrated in low-paid, low-skilled sectors and how such workers have less access to training, pension, health, insurance or sick pay cover. Even taking into account human capital differences, non-standard workers still had lower income than standard workers. Non-permanent part-time workers fare the worst. Women had a higher risk of poverty and financial strain as non-standard workers than men, with permanent part-time workers experiencing the highest poverty risk (Nash, 2004, McCabe, 2006). Ensuring that part-time paid employment lifts people from poverty needs to be part of any gender sensitive social inclusion strategy. Recent changes have enhanced social security and labour rights of part-time workers. This recognises that women have little choice but to take part-time work. From the perspective of many women it is often the only way they can reconcile financial and care obligations with economic participation. However the challenge is not only to recognise that such work is a valid choice but also to ensure it is an effective route out of poverty.

Women who have worked on family farms and in family businesses also do not have social insurance coverage. This leaves them totally reliant on their husband's income. Spouses of business owners (mainly women) who are working in the family business are treated as *relatives assisting* for social insurance purposes. Although working, *relatives assisting* cannot make PRSI contributions, which would entitle them to old age contributory pension, maternity benefit and other payments. This is particularly important for rural women who have spent many years working on family farms but have not been recognised as making a contribution to the business.

## OLDER WOMEN AND PENSIONS

Reference has already been made to the impact of various social welfare rules on women's right to an independent income. The

fact that men and women in Irish society do not equally share care work in families is a core structural inequality at the heart of Irish society, which permeates each area of social policy, including pensions policy. This denial of a right to income becomes most stark at pension time when the cumulative impact of the male breadwinner model is evident most acutely in the experience of older women. The majority of women over 65 years, are solely reliant on the state pension through the social welfare system for their income. Defining women as *qualified adults*, means deriving their pension rights through their husband's contribution record and receiving a reduced payment on their behalf. The system thus reinforces women's dependency on men in their older years. Older women, who were forced to leave employment to spend their lives caring for their families due to the marriage bar, are now facing a situation of no entitlement to pension in their own right, or significantly reduced pensions. Women almost exclusively carry the social responsibility for unpaid care work in families. This means that it is significantly harder for women to build up adequate contributions in both private and public systems. In the state system it means that many women do not have entitlement to social insurance payments in their own right and it ultimately results in older women being dependent on the lower rate non-contributory pension or as qualified adults on their husbands contributory pension. The Pensions Board in its Review highlighted how little is known about women's practical experience of both public and private pension systems or about the future adverse impact on pension coverage for women if there is continued reliance on women to provide informal care (Pensions Board, 2005).

## FEMINISATION OF POVERTY

This section now concludes with a discussion of women's risk of poverty. The increasingly higher exposure of women to poverty has been termed the feminisation of poverty. All of the above

means a significant number of women remain at high risk of poverty, particularly lone parents and older women. 18.5 per cent of women's are at risk of poverty but some women have a particularly high risk of poverty, Lone parents risk was discussed earlier but 44 per cent of older women are also at risk of poverty (CSO, 2006). Women are concentrated into part time and lower paid employment and are less likely to earn comparable wages to men. The *gender pay gap* in Ireland has remained consistently high at 15 per cent (CSO, 2006). The risk of poverty for women in Ireland has remained consistently high throughout the 1990's and into 2000's. However, the gender dimension to poverty analysis is not solely concerned with the numbers of women living in ,or at risk of poverty, in comparison to men It is also concerned with women's different experiences of poverty and its impact on their lives. Studies analysing the distribution of income within households (Daly and Leonard, 2002) highlight that management systems in low-income households show patterns where women are responsible for all of household and child related expenditure and that husbands are more likely to have money for leisure activities and entertainment than their wives. Studies have also shown the interlinkage between child poverty and women's poverty and that mothers will consistently place the well being of their children over their own health (O'Neill 1992, NWCI, 2002). In practical terms women experience greater physical and mental stress when living in poverty and managing debt. This has significant consequences for women's overall participation in society.

The concluding comments of the Committee on the Elimination of all forms of Discrimination against Women (CEDAW), recommend that the Irish Government:

monitor the situation of poverty and social exclusion of women in the most vulnerable groups and implement effective measures and training programmes that will allow them fully to enjoy the benefits of the State's prosperity

The committee were concerned at the concentration of women in

low paid and part-time work and recommended measures for the “reconciliation of family and professional responsibilities to be adopted and implemented, including the provision of affordable childcare” (CEDAW, 2005). Reform is urgently needed now to address these issues, so that women’s choices regarding care work and/or paid employment are recognised and facilitated.

## REFORM OPTIONS

This section examines the policy context for reform of the social welfare system, and in the light of current government proposals, sets out key outcomes which are required from a reform process that advances women’s equality. The two greatest general policy drivers for reform towards individual entitlement are gender equality (economic independence) and the interest, from a competitiveness and economic growth perspective, in increasing women’s participation in the labour market. Recent changes in Irish society must be reflected in any reforms to the system. These include the increase in female labour force participation and the growth in one-parent families, the rising number of atypical workers in the economy and the greater extent of contract working and movement between jobs. There are also drivers, however, in the wider context such as enhancing work-life balance and prevention of adult and child poverty. There are strong rationales for greater effort at reforms that promote gender equality and can address the following needs or policy objectives:

- reducing the higher risk of poverty faced by women and children by both enabling greater labour market participation and by redistributing income across the life cycle, particularly to people at key stages of care provision;
- acknowledging the value of care in the context of economic and social development, recognising the contribution women make to care and recognising the rights and needs of those providing and receiving care



- reducing the effective marginal tax rate on women and so stimulating the opportunities for women to engage in employment;
- narrowing the gender pay gap and to increase choices and opportunities for women to work part-time, for example, or to reconcile work and family life;
- reconciling work and family life in a way which offers opportunities to develop the role of fathers in family life and allow parents to rebalance care responsibilities as they choose;
- simplifying the route from welfare to work by removing poverty traps, anomalies and disincentives and moving towards a simplified transition from welfare to work which also accommodates atypical forms of work, including part time work;
- developing the capacity to respond to new and different models of the family in a society with increasing levels not only of marriage breakdown and divorce, but also of cohabitation;
- Increasing the likelihood of women having independent income from employment or social welfare and promoting equality across the nine grounds of the equality legislation and between different and diverse groups of women.
- developing the Pension system to provide for an independent income and a decent standard of living in older years in a manner which gives recognition of periodic gaps in labour market participation for parenting/caring.

While systems such as a basic income system are often promoted on gender equality grounds we do not consider them as realistic or practical reform options for the Irish social security system. However, as McCashin (2006) argues a universal pension system which will be examined in the 2007 Pension Green Paper, could prove an attractive pensions reform option from a gender equality perspective. In previous work, the authors have identified a series of incremental reforms that have the capacity to lead toward a women's model of social welfare reform (Murphy 2003). We follow this direction here and discuss various social assistance and social insurance reforms that, combined, have the capacity, over

time, to produce a woman's model of social welfare reform.

All of these reforms need to be in the context of an overall objective of securing more generous social welfare payments that are adequate to the task of alleviating poverty. The level of social welfare payments upon which women in poverty rely is central to this issue. Social welfare payment rates must be maintained at a sufficient level to enable those relying on them to participate fully in society. This issue is becoming more critical as the gap between rich and poor in Irish society increases. Uprating social welfare payments in line with increases in average incomes is critical, therefore, in attempting to alleviate women's poverty and to ensure that there is no further marginalisation of women who are already dependent on low incomes. Any model of reform or enhancement of social insurance must also be consistent with any further social assistance reform. It should also be consistent with taxation and child income support reform and within the context of publicly subsidised high quality childcare infrastructure.

## SOCIAL INSURANCE BASED REFORM

Maximising women's participation in the labour force and, simultaneously, valuing and recognising the care that women provide in their homes are central features of any reform to achieve greater equality for women. Assuming that all women will have, and will want to have, a reasonable period of time in direct labour market activity has to be balanced by a labour market (and related tax/welfare system) which respects and facilitates work-life balance. Getting the right balance between work and care is crucial. Given the slow progress to date, it is now time to place family-friendly policy and work life balance requirements in a statutory framework.

Each adult should have an individual relationship with the social insurance system, not one mediated through a relationship with another adult. In other words, each adult should have her or his own contribution record and an associated set of direct rights rather than a set of derived rights. In practice this requires a full

pension to be paid of right to all those adults whose as spouses are currently receiving an adult dependant payment. Individual rights would be strengthened if women qualified for social insurance payments in their own right and through their social insurance contributions. Reform of the Home Carers Disregard Scheme to make it a credits schemes would bring more women into the pensions schemes in their own right. Making such a scheme retrospective would also enhance women coverage. Mention was made earlier of the *2 year rule* where a persons social insurance record is invalidated if a contribution has not been made for two years. In such an instance a person must wait 26 weeks until a credit can be awarded or must pay at least one paid contribution to activate their social insurance record. A reform of this complicated obstacle is over due.

## SOCIAL ASSISTANCE REFORMS

Government, Departmental and Social Partnership reports have recognised that the male breadwinner model is not meeting the needs of a modern society and particularly that the full-time employment male model is problematic for women and particularly for mothers. Most recently the DSFA have explicitly acknowledged the need for reform in its Discussion Paper on Proposals for lone parents (DSFA 2006). As outlined above, this report recommends establishing a contingency for parenthood in the form of a new Parental Allowance for parents with children up to the age of 8 years, and the removal of qualified adult status. The report builds on previous work of the Department in recommending a social insurance approach to welfare reform where attachment to the labour market is a cornerstone for the future of welfare policy. The new proposals represent progress in clearly acknowledging the discrimination against women in the current structures and recognizing that a new approach is required to meet both the needs of a modern labour market and care needs. The proposals represent an important shift in policy to individualise the social welfare system and to redefine 'full time' employ-

ment so as to reflect the reality of balancing care work and employment. The proposals include the welcome abolition of the cohabitation rule and the partial abolition of the limitation and qualified adult means tests.

While recommending a new Parental Allowance the Government have also recommended the introduction of activation and conditionality for mothers and women on qualified adult payments. The Paper states that 'positive activation would not simply be focused on moving people into low paid jobs' (DSFA 2006: 99). It also refers to activation and conditionality based on a set of '*mutual obligations between the state and the client*'. Given the genuine concern that mothers could be forced into badly paid and insecure employment, defining *mutual obligations* particularly on the part of the State is critical. So too is safeguarding a woman's right to care and right to a minimum income. Clearly a model of positive activation is required that results in real positive outcomes for both women and families and is based on clearly defined obligations, through legislation, particularly on the part of the state.

## POLITICS OF GENDER REFORM

There is still substantial evidence that the Irish social welfare system facilitates and causes gender inequality in a male breadwinner model. There appears to be a level of complacency with this approach among many key players in the Irish policy-making system. There is neither total consensus nor a sense of urgency about reform of the Irish social welfare system. In a review of the reform of Irish social security over the last 80 years, McLaughlin, Kelly, and Yeates (2002) illustrate how women have often benefited least from reform. Reforms that on the surface appeared pro-gender equality, or at least pro-woman, often served to reinforce the system's male breadwinner structure. Yeates (1997) identified, for example, how the introduction of a carer's allowance has predominantly reinforced the role of the female carer. McCashin is highly critical of the Irish record of reform and states:

One thread runs through the pattern of policy change; changes that might benefit women were slowly or reluctantly or ungenerously implemented; on the other hand, changes that might benefit men were embraced with alarming alacrity (McCashin 2004).

He deduces that, despite certain rhetoric, the Irish policy system has not fully accepted the need to reframe public policy to reflect the decline of the traditional, nuclear, male breadwinner model. Yeates identifies how the policy process in which the debate takes place is hindered not only by the absence of women's direct and equal participation, but also by what she describes as

the hidden structural forces in patriarchy that resist any fundamental changes that significantly alter the balance between women and men (Yeates, 1997).

Increasing the quantity and quality of women's participation in decision-making will be an important factor in making reform of social security a priority. This section explores ways to promote social security reform. It first describes a feminist approach to reforming welfare and examines the role of law in creating social welfare reform. This includes a legal or judicial approach that focuses on how to use the legal system to promote reform and a broader campaign-focused approach that uses concepts like human rights and international human rights instruments to promote change. It then focuses on the politics of social welfare reform and recent experiences of attempts to promote gendered reform of the Irish social welfare system. These disappointing experiences highlight how the politics of reform is heavily influenced by the patriarchal division of power both in representative democracy and in participative forms of social partnership. The section concludes that women's agency and achieving a critical mass of women in key power bases is an essential precursor to change.

## A FEMINIST APPROACH

The challenge for the Government will be to devise legislation that acknowledges the diversity of women's lives and working patterns and simultaneously recognises both women's right to work in paid employment and to make choices regarding parenting and care. The recognition of the gender-biased nature of the social welfare system is essential if policy-makers are to arrive at an understanding of the way in which women experience poverty. Reforming the system has commenced slowly and reforms implemented to date have not challenged the fundamental concept of dependency or the male breadwinner model. Moving away from this model to one which considers both men and women as individuals, with their own needs and resources, must be central to initiatives aimed at taking women out of economic dependency and poverty. Reform is important not only from a practical perspective but also because it can give financial and economic value to women's contribution to family, social and economic life and so promote equality and respect for women's work and contribution. Social welfare reform is a tool to revise the value placed on the contributions of both women and men to family, society and the economy.

## LEGAL AND RIGHTS-BASED APPROACHES TO GENDER REFORM

A rights-based approach to economic independence for women is a central element of the reform required in the Irish social welfare system. This is consistent with international instruments such as the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) and the Beijing Platform for Action (PfA) which have committed the Irish Government to advance women's economic independence. A rights approach recognises economic independence within the family as an essential precursor to realising full citizenship rights

for women in society. This definition emphasises the need for personal freedom and independence as a fundamental principle underpinning a rights approach to equality.

It is difficult to reconcile objectives of gender equality, individualisation and economic independence with a strong social policy that respects and acknowledges women's role as a carer. This is a challenging proposal from both a legal or rights perspective but also within a political framework. It is challenging because it is about trying to reconcile parallel rights, rights which seem incompatible at first. The right to be a mother or carer and the right to work. Sharply distinguishing between two such rights fails to recognise the diversity and complexity of women's lives and the continuum of care and work that is the reality of women's lives. How can you make their rights compatible? The Irish policy proposals which include a parental allowance to age seven, and the part-time qualification regarding work availability, is less restrictive regarding parenting choice than for example the UK or US and does not distinguish between low-income single and married parents.

With regards to using the law and legal instruments there are various ways of promoting judicial enforcement including more use of the Appeals and Ombudsman Office to promote consistency of enforcement of rights. Enshrining social rights in hard law is essential, legal defence and the capacity to enforce legal obligations of the state is essential where the state is trying to retrench social rights. Although the Irish government had a clear legal obligation under EU Equality Directive 79/7 to implement gender equality in social security, various reviews of the Irish government's implementation of the EU 79/7 social security equality directive concluded that Irish governments 'shamefully stall' (Yeates 1997:159), only reluctantly implement reforms that benefit women and only do so grudgingly in a legalistic and minimalistic strategy (Cook and McCashin 1997:177) and do so in a limited way protecting women's dependant status within marriage. Rights approaches offer creative tools to promoting social justice and equality. There are a significant number of

campaigning opportunities that can strengthen case to win battle and a number of reviews and reporting system that could be used more strategically than they are at the moment (Reilly 2005).

## POLITICAL CAMPAIGNING AND LOBBYING

The time-tested way of achieving change however is political campaigning and using the tools of the policy system to promote such change. This is done by direct political participation, pluralist lobbying by the community and voluntary sector and other civil actors and, in the past two decades, particularly by participating in Irish social partnership structures. Sadly, the long slow crawl through various social partnership agreements, related working groups and policy processes (DSFA, 2003, DSFA, 2004) and recent struggles to promote gender-related change demonstrate that Irish governments' response to gender based social security change is to stall, obfuscate and adopt minimalist strategies which often create as many problems as they solve. The Irish political culture based on strong patriarchal values (O'Connor, P., 2008; Yeates, 2003; McLaughlin, 2001) has influenced both the policy process and the policy content. In the experience of the authors, many processes were heavily male dominated and marked by a stubborn resistance to progress the substantive issues. While fear of progressing individualisation seems prompted by the fear of electoral backlash from a male electorate (who it was assumed would perceive, in the event of individualisation, a personal loss of income) deeper patriarchal values of policy actors were strongly evident, as is a fundamental ambivalence about the role of women, in particular mothers, in the political economy of Ireland. There is also a political cost associated with increases in the numbers of women signing on the live register to access either labour market supports or individualised social security payments.

Lack of gender equality participation in all aspects of the Irish policy-making community (political, bureaucratic, corporatist, Church and academic) is a significant obstacle to gender-related



social security reform's progression. Women require a critical mass to reinforce points made by individual women. The absence of adequate gender analysis in NESC (2005) can be explained by the absence of gender balance in the NESC Council where only 18.8 per cent (6 out of 32) council members were women and all of the senior NESC secretariat were men. Likewise, failure to use conventional gender equality governance strategies such as, gender quotas for working groups or gender proofing of policy proposals, weakens the likelihood of positive gender equality outcomes. Cousins (2005), noting how women play an important agency role in the development of the social security system, was critical of the failure of the Irish women's movement, as an actor in the policy community, to bring forward any specific policy recommendations:

The division among women's groups and the lack of a clear counter hegemonic strategy are palpable. No organisation has produced detailed costed coherent proposals as to how women's independence can be recognised in the context of the Irish social welfare system (Cousins, 1995).

Thankfully, even if this critique was valid in the past, the NWCI and other women's organisations have broken this pattern (Murphy 2003; NWCI, 2005; OPEN, 2006). Good policy will only be developed if there is good governance including active participation of those impacted. The Irish political system is sensitive to any critical mass of voters, including women voters. The struggle is to make social welfare reform relevant as a political issue for women voters, to enable Irish women voice those concerns and make their voice count.