

CONFRONTING GENDER INEQUALITY

**FINDINGS FROM THE
LSE COMMISSION ON
GENDER, INEQUALITY
AND POWER**



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INTRODUCTION

It is almost a century since the full admission of women to the legal profession; almost 90 years since the right to vote was granted to all women; almost half a century since the implementation of equal-pay and anti-discrimination legislation, and today, female participation in the labour market is increasing rapidly. Yet for all the gains made, inequality between women and men persists and what has been achieved appears easily dismantled.

A recurring theme throughout the LSE Commission on Gender, Inequality and Power is the decisive impact of the economic crisis of 2008 on gender relations. Across the Commission's four areas of focus: the economy, politics, law and media, the impact of that crisis and the austerity policies that followed was found to be considerable. Recovery from the great recession has been uneven and the costs of austerity have fallen disproportionately on women. Representations in the media and across popular culture have contributed to the normalisation of austerity politics, disguising the systematic impact on women and other groups. This environment has in turn adversely affected the law's ability to redress urgent issues such as gender-based violence and access to justice and legal enforcement. A legislature dominated by men has failed to adequately recognise the importance of gender audits when devising policy.

All of which makes this report timely and necessary. The Commission's work is distinct because it investigates links between different forms of gender inequality and the operation of gender-based power across four of the most important sectors of our society: the economy, the political sphere, the legal system and the world of media, culture and communications. The main focus of our report is gender inequality in these four spheres in the United Kingdom, but we draw upon comparative evidence where appropriate, and set our analysis within key aspects of international context and contrast.

Intersecting inequalities: power, rights, violence and work-life balance

Bringing these ideas together matters to any discussion on gender and power. While our report is structured around four main sections corresponding to the economy, the political system, law and the media, intersecting themes run all the way through the report, producing an integrated analysis.

Our four areas of the economy, the political system, the legal system and the media are very far from exhausting the social spheres in which inequalities both persist and shape opportunities and status in other fields. To take just two obvious examples which we might have considered, inequalities in the education system have long-lasting effects in virtually every other sphere of life, while gender inequalities in the provision of health care seep into life chances and the quality of life across the spectrum of social life. Not every sector could be considered within the ambit of a single report; but we have further tried to capture the inter-relationships between inequalities of power in different social spheres

by weaving through our sector-based analysis four cross-cutting themes: those of *power, rights, work-life balance and gender-based violence*.

Forces that shape persisting gender inequalities do not operate independently within different social sectors: rather, vectors of power affecting the position of women and men in one sector almost invariably affect their opportunities, status, position or the worth of their rights and entitlements in others. The gender inequalities which persist in the labour market and the distribution of income, for example, privilege the already advantaged and curtail opportunities for women in the political sphere and within the law; the persisting inequalities and biases in the representation of women in the media and culture affect the opportunities of, and attitudes to, women in other spheres; the inadequate design or implementation of legal provisions shapes the status and opportunities of women in economic life.

We have woven four crosscutting themes into our sector-based analysis: power, rights, quality of life arising from (un)healthy work-life balance and gender-based violence.

Power and rights

The report explores the way in which vectors of power in the media, the economy and the political system shape the relative worth of rights formally established by the legal system to differently situated women and men.

Work-life balance

Evidence gathered in all four areas revealed that the structure of gender relations – in particular, the unequal distribution of responsibility for the care of children and of the elderly – creates dilemmas of work-life balance which are detrimental to women's quality of life, and to women's life chances, across social spheres.

Gender-based violence

While gender-based violence might be thought to be a concern primarily of the law, we seek to show the ways in which gender inequality in the political sphere dilutes the will to tackle gender-based violence or identify salient issues. Equally the ways in which media representations enact and normalise certain forms of gender-based violence, with economic insecurity making women more vulnerable to violence. In particular, the government's austerity policies have reduced funds for refuges for domestic violence survivors, despite analysis that shows how this violence generates significant costs to the economy in addition to the harm borne by women.

Recognising the multiple dimensions of gender

Our effort to set questions of gender inequality within the context of overlapping areas of social, political, professional and economic life constitutes one form of what social scientists have called *intersectionality*: in other words, the insight that social outcomes such as gendered inequalities are produced by multiple intersecting forces.

Gendered outcomes are produced by interacting social causes and so, as well as power and gendered assumptions, the report considers the impact of ethnicity, wealth and educational and social status, migration status, sexuality, age, care responsibilities, and marital status. Gender is experienced within this multi-dimensional intersection of social positions, therefore it makes sense that gendered discrimination or disadvantage be examined within this broader context.

Throughout our report, we draw attention to intersectionality, pointing for example to the differential impact of recent social, welfare and labour market policies on people living in poverty, on those with caring responsibilities, on single mothers, and on people from certain ethnic minority groups. Other areas covered include the lower worth of legal protections against violence for those with insecure migration status and the differential impact of implicit biases in the media on older women and women from particular social groups.

Within these areas of inquiry, overlapping themes and patterns emerged over the course of our discussions with experts – academics, activists, policy-makers and professionals: their evidence informs the report. In addition to the impact of the recession described above, experts presented significant evidence on the role of implicit assumptions in shaping and reinforcing gender inequalities. There is much work to be done, even in mainstream public and social life, to unearth and subject to critical scrutiny the gendered assumptions on which individual actions, regulatory norms and institutional designs still tend to be based.

Another key concern voiced in all four areas is the underuse of existing instruments – for example, gender auditing and quotas – to advance gender equality policy, strategy and action within existing institutional and legal arrangements. We develop these ideas in our recommendations.

Evidence was presented in all four sessions of the detrimental impact of the increasing organisation of social and professional life around unconstrained commercial or market logics which undermine welfarist, collective or redistributive policy initiatives as contrary to the demands of efficiency. These ideas have helped to produce the disproportionate impact of austerity on women. Such trends have increased the degree of polarisation among women, potentially weakening the basis for pro-gender-equality political alliances.



EXECUTIVE SUMMARY

Why focus on gender inequality and disadvantage? The reason is perfectly defined by the popular phrase “everyday sexism”: the idea that certain forms of gender discrimination are normal, even amusing. It indicates that, despite various forms of “progress” on discrimination, sexism is still both real and trivialised. This makes the job of arguing the case and fighting for gender equality more difficult.

This report provides ammunition for those committed to change. In what follows, we lay the groundwork for a world of reduced gendered inequality, with a fairer gendered distribution of power and a fairer representation of women in public life.

Recommendations

Our recommendations are framed in recognition of the following:

- Many of the changes we propose require resources and the availability of these are dependent on political will. In turn, that political will is premised on the institutional and social factors considered in the Politics section, and also on government decisions regarding macroeconomic policy considered in the Economics section. The influence of the media and other cultural institutions considered in the Media section of this report also play a part.
- While our arguments are based primarily on the value of fairness and the aspiration to gender equality as a matter of social justice, we make the economic or business arguments for change where appropriate, and see no inconsistency in appealing to both kinds of consideration.
- It is important to remember that legal, political, economic and media arrangements represent collective social choices, and that prevailing patterns of legally mandated or permitted inequality are not inevitable. Indeed in most cases, we are able to identify existing arrangements, or realistic proposals, which have real potential to effect improvements.

In light of these challenges, and of the vast range and complexity of social arrangements bearing on gender equality, there is no easy fix. As a consequence, we have a large number of interrelated recommendations that we have themed in parallel with the four sections of the full report. Some recommendations, including the need for quotas, targets and training, relate

to all areas but take different forms when placed in context. Below is a summary of the recommendations discussed in each section of the report and informed by the Commission’s inquiries.

The Economy

There are many challenges to tackle if we are to redress gendered imbalances in power that operate at different levels: from the management of the economy, to policies and practices within firms, organisations and communities, to personal relations within families and households. These challenges are complex and affected by the fact that real lives are shaped by the way that gender intersects with race, ethnicity and citizenship status. The following proposals and principles are critical.

To obtain gender equality, social goals need to be targets of economic policy. Only in this way can the economy be made to serve society rather than vice versa. Current understandings of the economy need to be broadened to include the reproductive sector and unpaid care work. Ideas for a gender equitable, sustainable and caring economy have been outlined by the Women’s Budget Group in their Plan F briefing and there is growing evidence to suggest that such policies will generate higher levels of employment and economic growth. The purpose of the economy should be to support social well-being.

1. Socially fair and gender sensitive macroeconomic policies

To achieve greater gender equality, we recommend a change in the direction of macroeconomic policy. Gender-sensitive macroeconomic policies are necessary for sustainable and inclusive development. Evidence shows that the current austerity policies have had a greater adverse impact on women, especially BME and low-income families, so we are not “all in this together”. The Government’s strategy to eliminate public debt contrasts with other western economies and conventional economic analysis. Alternatives are possible and likely to produce more inclusive outcomes, higher levels of employment and overall well-being.

Women on low incomes with caring needs and obligations need collectivised public services and social security payments to boost their incomes. Public expenditure is critical to prevent the loss of local services, including childcare centres, refuges for domestic violence survivors, and law centres to ensure access to the legal system for all. Moreover investing in social as well as physical infrastructure will bring future economic gains.

2. Gender mainstream all government policies

We recommend that gender-responsive budgeting, gender auditing and impact analysis be introduced so as to identify the distributive impact of economic policy-making. Gender budgeting identifies the gendered impact of policies and is technically possible, so it is incumbent on the government to ensure that this is done to the highest standards that are available.

The government’s own impact assessments are cursory. This important task is therefore left to voluntary organisations such as the UK Women’s Budget Group, but these require funding.

3. Mandatory quotas

We recommend that mandatory quotas be introduced to ensure greater gender balance in decision making positions and be accompanied by measures to ensure presence is sustained. Quotas backed by legislation are one of the most significant ways of effecting change; they are more effective than soft company initiatives and help ensure that society and firms reflect diverse ideas and talents. Existing legislation allows gender to be used as a tie-breaker in recruitment and promotions decision-making where merit is equal.

Quotas represent a “minimal condition” for securing change. Presence alone is not sufficient, policies and practices cannot be presumed from gender identity. Gender-equitable policies need to be practised throughout an organisation to effect change, and support for senior women is necessary to prevent quotas from becoming a revolving door for women.

4. Gender awareness training for government employees

We recommend that training in gender awareness be introduced so as to ensure effective gender mainstreaming. Within the private sector considerable attention is being given to the idea of unconscious bias but less to the gender composition of decision makers and the discretionary procedures that allow such bias to be effective. Evidence presented to the Commission shows that promotion and pay decisions should be based on formal, transparent criteria. Suitability for different jobs needs to be based on objective criteria and discretion minimised to avoid particular qualities being linked to gender stereotypes and existing patterns of bias.

5. Revalue work, identify and challenge unequal social norms

We recommend that new methods of pay determination be introduced in order to better reflect the social value of work done as well as the costs of living. The gender pay gap is due to labour market segregation by occupation, status and working time. Evidence reviewed by the Commission suggests that pay is determined by social norms and by the power of people at the very top to determine their own pay. This power needs to be acknowledged and challenged.

6. Create a National Care Service

We recommend that a National Care Service be established to ensure that holistic affordable, accessible, appropriate care is available. It should ensure that the workers employed are rewarded appropriately for the complexity and skilled character of the work they do, given the high value that people place on human life and wellbeing.

Care provision is vital to individual and social well-being, and resolving the care question is fundamental to redressing and ultimately resolving gender inequality. Everybody requires care at some point in their lives and a majority of people provide care at some stage. Evidence presented to the Commission shows that good quality care creates positive social externalities or social gains in terms of more educated and rounded citizens. Similar to street lighting, it is a matter for public, collectivised support. Recognising the economic and social value of care work provides an economically rational argument for social investment in care.

7. Gender friendly working patterns

We recommend that government, institutions and firms organise their legislation, regulations and working patterns in ways that recognise people as caring citizens. Collectively society, industry and government must enact measures for an environment where people have time to care without adverse implications for job choices and career development. Measures should ensure that:

- (1) All jobs should be available on a part-time basis without adverse career impacts.
- (2) The long-hours culture and expectation of presenteeism should be eradicated and people leave work on time.
- (3) Men as well as women should have time to care without penalties. Introduce individual, earmarked, non-transferable rights

to paid leave. Such efforts need to be designed and implemented carefully. The direct provision of high-quality care services benefits everyone in much the same way, while policies which replace foregone earnings invariably distribute more resources towards the highly paid and so reinforce income inequality.

Politics

1. Quotas

We recommend that political parties introduce or reintroduce minimum quotas for women for all internal positions. The use of gender quotas for internal positions ensures that men and women alike gain political experience and are able to contribute to policy formation. Though any kind of quota can, on occasion, be cumbersome or feel overly mechanical, the evidence suggests that this is the only way to ensure that questions of equality and diversity are taken seriously within a party. Quotas help make questions of inclusion and exclusion more visible, and widen awareness of the issues that need to be addressed in policy development.

2. Gender parity in government

We recommend that political parties commit themselves to principles of gender parity (50/50) in the formation of future governments. This is an area where governments have the power to effect rapid change. There is no need to wait for the proportion of women in a parliament or assembly to reach 50 per cent before introducing parity in the selection of ministers; as several governments around the world have already established, this can be done as soon as there is the necessary political will. A requirement to appoint equal numbers of women and men helps challenge what is sometimes an inappropriate reliance on friendship networks and encourages more imaginative appointments.

3. Achieving work-life balance in political work

We recommend that Parliaments, Assemblies, and Councils be made more responsive to members' family and care responsibilities, including through the implementation of parental leave in line with best public sector practice, and the revision of working hours and voting mechanisms. We have challenged the view that "supply-side" issues explain the under-representation of women, but this is not to understate the difficulties posed to anyone who has significant care responsibilities and yet wants to pursue a political career. Reforms already

introduced in some of these bodies include on-site nurseries, arranging sessions around school terms, allocating voting times in advance, and there is plenty of good practice to draw on here. Less has so far been done as regards parental leave arrangements, the overall length of the working day, or the possibility of job sharing for politicians. If we are to make our decision making assemblies more genuinely representative of the diversity of the electorate, we need more imaginative thinking about this.

4. Regulate political parties on gender equality

We recommend that parliament introduce a robust system of party regulation, with strong equality and diversity provision. Current regulation of political parties is almost entirely focused on sources of party funding and the conduct of election campaigns, but there is no reason why parties should not also be required to monitor their gender and ethnic composition, demonstrate that they have effective mechanisms in place to achieve a gender balance, and carry out gender audits of their policies. The Speaker's Conference recommended that all parties should collect and publish data on their MPs, councillors, and candidates, broken down by gender, ethnicity, and disability, but so far this has been left to the parties to carry out on a voluntary basis. This means that some do – but not others. This kind of data collection should be a mandatory requirement, as important as collecting and publishing data on sources of party funding, and should be combined with a requirement to adopt and publish action plans setting out how they propose to diversify those elected as representatives of their party, including by gender.

5. Gender auditing

We recommend that governments be required to carry out serious gender audits of all the policies they propose to introduce. Like everything in politics, gender audits provide no guarantee: they can easily degenerate into a "tick-box" approach, and when carried out by people who have no vested interest in their outcomes, often do so. That said, the key point about gender audits is that they require politicians and policy makers to address explicitly the likely impact of a policy on women and men, and to demonstrate that they have taken into account – and justified – whether the opportunities and burdens will be distributed differentially between the sexes. Given that so much of what sustains power inequalities are the unspoken assumptions, hidden principles, and taken-for-granted parameters with which policy is currently

made, requiring our political representatives to think consciously about the gender impact of their initiatives opens up the space for what researchers call a “re-gendering” of politics and policy.

6. Quotas for women selected to stand for Parliament

We recommend that Parliament pass legislation establishing a ceiling gender quota for the MPs for each political party: a maximum 70 per cent of either sex at the first general election following the legislation, moving to a maximum 60 per cent of either sex at the following one, along the lines of the recent legislation in Ireland. This is the most controversial of our recommendations because it involves a mandatory quota on political parties in their selection of candidates for election. It is, however, increasingly the practice across Europe, including now in Ireland, and reflects frustration with the history of failed promises and insincere commitments by parties that do not yet regard the homogeneity of their representatives as a serious concern. Current improvements in gender balance are almost entirely due to those parties that have chosen, voluntarily, to act on this issue, but this leaves the gender imbalance in the other parties relatively untouched. Our framing of the recommendation as a ceiling rather than a floor reflects the strongly held views of contributors to the Commission that the burden of the argument should now shift from the *under*-representation of women to the unjustifiable *over*-representation of men.

Law

1. Use equality legislation more effectively to improve representation

We recommended that the scope for positive action within existing equality legislation be exploited more effectively to improve women's representation in all fields of employment and political representation.

In our view, the legal case for positive action has often been dismissed too quickly. In fact, there is considerable scope for working within the constraints set by the Equality Act's basic anti-discrimination norm. There is an opportunity for using protected characteristics, such as sex, as tie-breakers in recruitment and promotions decision-making where merit is equal.

The Act can also be used for equality-enhancing positive action outside the sphere of employment, for example in areas such as service provision. Moreover these possibilities might be reinforced by the full incorporation of the Convention on the Elimination of all Forms of Discrimination



Against Women into English law, through reliance on the Article 4 provision for special measures to dismantle gender inequality.

While quotas and targets are controversial, particularly in highly competitive fields, there are existing models on which we can build. One is the Labour Party's successful experiment with all-women shortlists, formalised in the Sex Discrimination (Election Candidates) Act 2002, as mentioned in our Politics section. We also welcome the recent adoption of targets for women on company boards and at partnership level in some law firms. We would argue that dialogue between government, unions, service users and professional bodies about the need to raise the targets from 30 per cent should be maintained. Targets are particularly important because of the impact of achieving a critical mass of women in any particular sector is likely to have further important knock-on effects.

2. Transparency and revised criteria of merit in recruitment

We recommend that criteria of merit be subjected to careful re-evaluation across the labour market, so as to eliminate implicit gender bias and acknowledge the ways in which a diverse pool of experience within a workplace or area of service delivery constitutes one component of quality of service; and all employers should be under a legal duty to make their criteria of merit and promotion transparent.

Our proposal here builds on detailed evidence presented to us by Dr. Laura Hilly in relation to one specific example: that of judicial appointments. This argued that the list of qualities and abilities used by the Judicial Appointments Commission (JAC) should be interpreted so as to acknowledge the importance of a breadth of experience to not merely the just representation of different groups but specifically the quality of justice and hence as an element of merit. For the evidence that experience shapes decision-making implies that a broadly constituted court has greater resources on which to draw in adjudicating with due regard to gender and other dimensions of equality before the law. Hence each appointment should be informed by the background experiences of the court as currently composed, with a view to expanding upon the experiential pool. In many instances, including the procedures of the JAC, this would not require new law or regulations, but rather an intelligent and critical reassessment of how existing criteria should be interpreted, along with further provision of mentoring and training for potential applicants. Consistent with this overall goal, the reframing of criteria of career progression through the judiciary should pay particular attention to encouraging the promotion of District and Circuit judges.

In case this proposal to review criteria of merit appears unrealistically radical, it is worth noting that we have a broad model on which to build. When the concept of equal pay for work of equal value was introduced in 1983, employers were

required to ensure that they could justify existing pay rates not merely by reference to traditional, highly gendered conceptions of the value of work, but in terms open to rational scrutiny. Our suggestion is that a similar approach needs to be applied to the concept of merit. Plentiful research evidence reveals the extent to which conventional conceptions of merit or worth are influenced by traditional gender assumptions. As in the case of job evaluation for the purposes of equal pay, this research should inform our reconsideration of prevailing notions of merit for the purposes of recruitment and promotion.

3. Gender auditing

We recommend that all legislation be gender audited at the drafting stage, with a five-year review of any legislation with significant implications for gender equality. The scope of this auditing is of particular importance given that some of the legislation which has had the greatest positive impact on women's lives – notably the Minimum Wage legislation (and now the New Living Wage) – is not ostensibly concerned with gender issues. Gender auditing should pay specific attention to streamlining the process of claiming/enforcement so as to facilitate access to justice. We have an existing model on which it is possible to build. The recently created Parliamentary Standing Committee on Women and Equalities, tasked with ensuring real accountability for the enforcement of legal equality norms, has the potential – if properly resourced and effectively led – to develop into a powerful, non-partisan political actor in the style of the influential Public Accounts Committee.

4. Mainstream gender assumptions within legal and university education

We recommend that the gender assumptions underlying law, the impact of law on gender equality, issues of the intersection between gender and other axes of differentiation and discrimination, notably ethnicity, and the provisions geared to addressing these issues in national law and international charters including the EU Charter of Fundamental Rights be mainstreamed in both university and professional legal education. The Feminist Judgments projects, among other resources, would provide a basis for raising awareness. The need to redress gender inequality and intersectional disadvantage should be incorporated in the professional training of, and codes of practice governing the conduct of, lawyers, judges and other professionals whose work bears on legal enforcement, notably the police, the Crown Prosecution Service, the Prison Service, the Probation Service, the Border Agency,

and private companies running immigration detention facilities and prisons.

Much of the evidence which we heard and the research carried out in preparing this report emphasised the degree to which progress in enhancing women's legal status and ensuring that women's legal rights are worth as much as those of men depends on the willingness to subject existing arrangements to critical scrutiny. To do this there must be adequate information about the impact of both those arrangements and the dynamics of power and psychology which feed into them. Key to this process of re-evaluation is a legal education which addresses issues of gender inequality and justice rather than attaching itself exclusively to an ideal of limited formal equality or of a gender neutrality impossible to achieve – and potentially damaging to seek – in a world in which the distribution of virtually all forms of social power is strongly gendered.

5. Strengthen the rights of women in custody

We recommend that further emphasis be given to the realisation of the human rights of women in custody, both in immigration detention and in the criminal justice system, in light of recent evidence about poor conditions and abusive treatment. Successive reports over many years have drawn attention to the plight of women in the criminal justice system, where their relatively small numbers have led to special disadvantages – notably in terms of the likelihood of being imprisoned far from home, of being separated from children for whom they are primary carer, or of serving their sentence in a prison which is unsuitable or inadequate in terms of training, medical or mental health services. In particular, both sentencing decisions and the design of prison regimes should take into account the high proportion of women offenders who are themselves the victims of violence, trafficking, emotional abuse and other forms of gendered disadvantage.

6. Review legal aid cuts, abolish tribunal and judicial review fees

We recommend that the recent cuts to legal aid be reviewed and, in large part, reversed, and that the imposition of fees for hearings at tribunals, and for judicial review, be abolished. This recommendation is informed by the importance of access to justice and by evidence showing that retrenchments in legal aid and moves towards greater deployment of alternative, informal means of dispute resolution may be particularly disadvantageous to women.

We further recommend that consideration be given to the potential to simplify formal court procedures so as to reduce the cost of, and maximise access within, the state justice system rather than simply concentrating on diverting cases to mechanisms of informal justice. In recent years, a huge amount of reformist effort has gone into the construction of new forms of dispute resolution, including mediation, arbitration and restorative justice. Arguably, however, there is unexploited scope for rethinking how court procedure and the structure of the legal profession may themselves be adding unnecessarily to the costs of enforcing legal rights, with adverse effects on access to justice.

7. Fully incorporate CEDAW, ratify the Istanbul Convention

We recommend that the capacity of the legal system to provide meaningful rights for women be bolstered not only by retention of the Human Rights Act, but also by the reinforcement of its strength in the field of equality by the full incorporation of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and ratification of the Istanbul Convention on preventing and combating violence against women and domestic violence. In addition, we recommend that Section 14 of the Equality Act 2010, dealing with dual discrimination, be implemented so as to provide more effectively for the pursuit of discrimination claims based on disadvantages produced by intersecting protected characteristics.

Media and Culture

1. Establish a standing committee, such as a national gender observatory, tasked with monitoring media production and the representation of gender, and with intervening in the public debate around such issues

We recommend that a standing committee tasked with quantitative and qualitative monitoring of women's participation in media production be established. This committee could also respond to issues in relation to the representation of gender by providing a forum for the diversification of voices heard intervening in public debates around relevant issues. Interventions could, for example, take the form of responses to high profile incidents of violence against women such as the murder of Karen Buckley, and media framing of women with political power during moments such as the "Downing Street Catwalk". These and related contexts would present opportunities for feminist



media scholars and activists to add to critical commentary. However, reactive critique is not enough, we would like to see a commitment to extended participation in the media at all levels by women from a variety of backgrounds.

2. Foster critical media literacy skills throughout primary and secondary education

We recommend that media literacy skills be fostered in the education system, for instance by including lessons on critical media analysis in the Personal Social Health and Economic Education (PSHE) curriculum. Education and training emerges as one key cluster of possible interventions to support positive shifts in the ways in which the media represents gender-related topics and their intersections with other in/exclusions and hierarchies in the longer term. The Commission sees potential, both in terms of children and young persons' compulsory education, and professional training for journalists, editorial staff, and other media professionals. Critical media literacy should be part of literacy education in schools.

3. Include training on gendered representation, intersectionality and gender sensitive modes of communication

We recommend that gendered representation, intersectionality and gender sensitive modes of communication

be prioritised in professional training and qualifications for journalists and other media operatives. This includes critical media literacy, not only in terms of how to interpret the media but also in terms of how to educate journalists. The latter would be achievable if accrediting bodies were mandated to do so and annual auditing implemented, and there was additional investment in training and mentoring programmes to further women's leadership in media organisations.

4. Implement the recommendations made in the Leveson report

We recommend that the recommendations of the Leveson report be implemented, namely, by equipping the regulatory body with the power to act on third party complaints – such as complaints by representative women's groups – and amending the Editors' Code of Practice to reflect the interplay between freedom of expression/freedom of the press and existing equalities legislation.

THE ECONOMY

The task in overcoming the deeply-rooted processes that lead to gender inequality is huge. Despite nearly 50 years of policy effort, gender inequality in the UK is far from eradicated. Many challenges remain if long-standing commitments to gender equality are to be realised. In the labour market women are under-represented, underpaid and exploited, and so more likely than men to be poor. There is evidence of backsliding. On the World Economic Forum's Global Gender Gap Index the UK has fallen from 13th position in 2008 to 26th in 2014.

This section of the Commission's report will focus on gender inequalities in the economy. First, it looks at current patterns of gender inequality, their underlying processes, how unequal outcomes are formed and explains why this matters, not just for women, but for everyone. In the "Ways forward" section, it considers possible remedies. Finally, we conclude with recommendations for policy.¹

Where possible the report documents that the way in which women and men experience the economy are diverse and modified by other key markers of social identity, especially social class, race and ethnicity. Other important markers such as sexuality have been given less attention primarily because comparable data is not available, an absence which needs to be addressed.



Current patterns of gender inequality

Women at work

Compared to the EU average, the UK has a high employment participation rate but above-average gender pay and pensions gaps.² The gender employment rate gap has narrowed from 39 per cent in 1971 to just 10 per cent in 2014 meaning that 68 per cent of women compared to 78 per cent of men are now in employment (see Figure 1). However the pace of change has stalled since the 1990s and current trends suggest it is unlikely that the gap will close in the next decade.³

The trend is the same for all ethnic groups, though the employment rate of BME (Black and Minority Ethnic) groups is generally lower than Whites: for men by 10 per cent and women by 16 per cent. The size of the gender gap varies between ethnic groups, however. Bangladeshi and Pakistani groups have the widest gap with just 31 per cent of women in employment compared to 67 per cent for men. Even so there has been a doubling of employment of Bangladeshi and Pakistani women in the last 20 years.⁵

Increase in working mums, especially lone parents

One reason why the gender employment rate gap has narrowed is because mothers of young children are much more likely to be in employment than they were two decades ago (65 per cent of those with children aged four in 2014 compared to just 47 per cent in 1996).⁶ This shift is due to: women's increasing educational qualifications and wish to practise their skills, and the increasing need and desire to contribute to household income which reflects the decline in the real value of male median incomes.⁷ Other reasons include: the changing structure of the economy, from manufacturing and heavy industry towards services; the increase in the state pension age; greater relationship instability; changes in family structure; and new styles of living, especially single person households.

In addition, from the late 1990s successive government policies encouraged people to move from social security to paid work. Lone mothers in particular were targeted for employment activation policies. Their employment rates increased as a consequence,⁸ but remain lower than partnered parents, especially when children are young (see Figures 2 and 3).⁹ Moreover, lone

parents are more likely to be engaged in lower paid and precarious work (see Table 1).

The increase has been fairly steady with some marked increases between the years identified to reflect changing legislation and increasing compulsion.

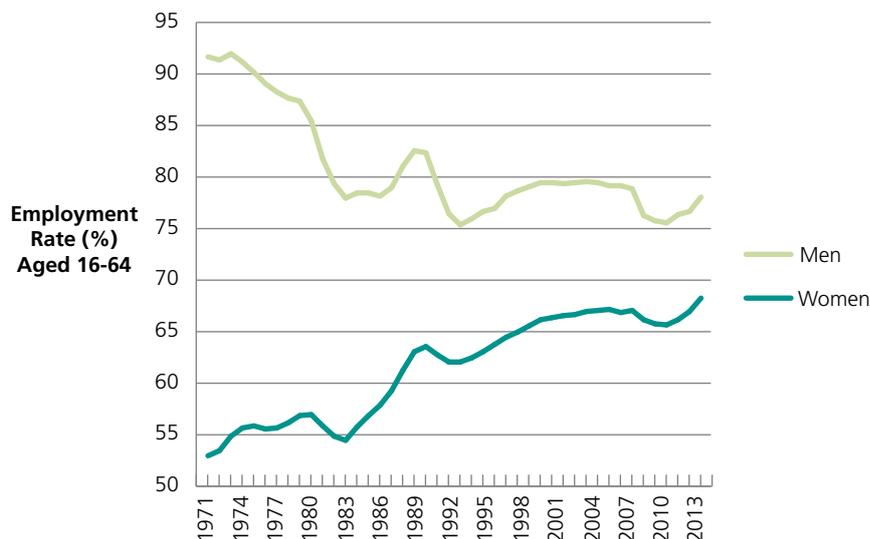
Among mothers, participation varies not only by partnership status and the age of the youngest child but also by ethnicity, educational qualifications and social class, with participation being higher among the ethnic white majority

and the more highly qualified. Despite these many variations, fundamental gender inequalities remain within the labour market relating to hours worked, job opportunities and levels of pay. These are discussed further below.

Gender differences in hours worked

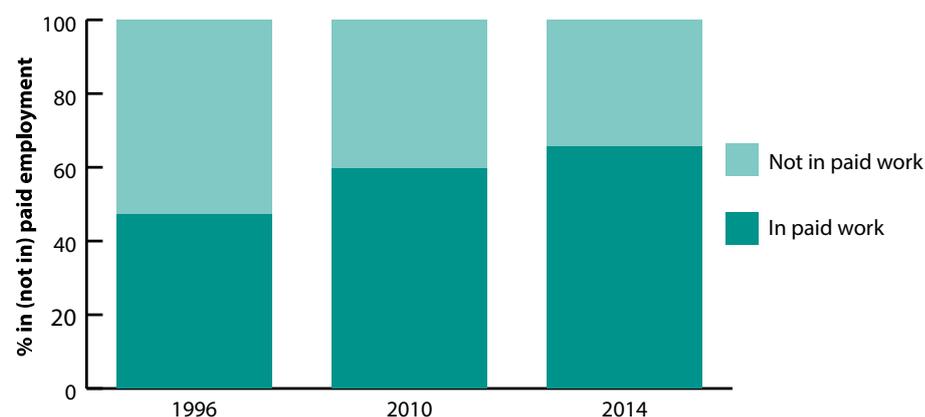
Being in paid work matters for a number of reasons. It brings earnings, an opportunity to utilise skills and provides a means of socialisation. However, parity of employment rates alone will not resolve gender inequality. While a smaller proportion of men are in paid

Figure 1 Employment Rate: Narrowing Gender Gap (1971-2014)⁴



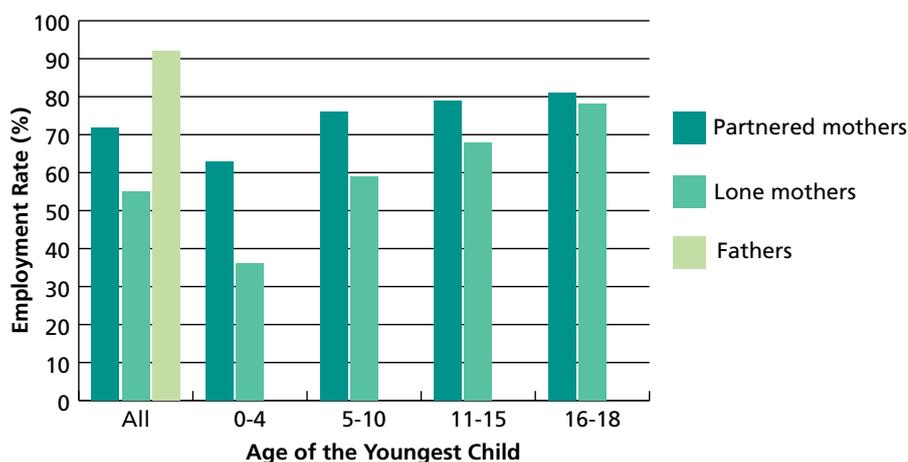
Note: Employment Rate for the working populations is defined as the percentage of women and men in employment aged 16-64 years in work.

Figure 2 Lone parents with dependent children in paid work (%)¹⁰



Note: Wages (average gross weekly pay)

Figure 3 Employment Rate (%) of Mums and Dads by age of youngest child¹¹



Note: The figure for fathers does not vary by the age of the youngest child.

employment than ever before, they work more hours than women (especially fathers of young children, see Figure 3), and perhaps, as a consequence, are over-represented in positions of power and responsibility and under-represented among precarious, temporary and low paid workers (Tables 1 and 2). When women are asked why they are working part time, the most frequent reply is to “accommodate family responsibilities” and is therefore assumed to be a choice that reflects individual preferences. This interpretation overlooks the way that choices are made in a context of opportunities and constraints. In the UK, for example, high-quality affordable and available child care is lacking.¹² If available, choices are likely to be different. The same applies in employment where certain groups are forced into particular sectors. Social care in particular is characterised by a high migrant density and so too is childcare in the informal sector.¹³

The lack of collective responsibility for caring, combined with the uneven gender division of labour, constrains women’s employment possibilities, and helps explain why women are over represented in part time, flexible and temporary work, including zero hours contracts, (see Table 1.¹⁴) Only a small proportion of workers overall are on these contracts, but 60 per cent of home care workers are on zero hours, and this is one of the fastest growing and most feminised areas of employment.¹⁵ Zero hours contracts reduce employment rights and effectively eliminate a worker’s power to complain because, “It is simply too easy to cut someone’s hours.”¹⁶ The rights of people receiving care (the majority of whom are older women) to be treated with decency, dignity and respect are also adversely affected.¹⁷

A highly flexible UK labour market enables employers to save costs by adjusting the workforce according to their needs, but this impacts negatively on employees. It limits career development, creates financial uncertainty, even though the majority of those on zero hours regularly work 20 hours a week, and has a negative impact on lifetime earnings and pensions. This is reflected in the UK’s above average gender gap in pension entitlements compared to the EU¹⁸ and places women (especially BME women) at greater risk of poverty than men.¹⁹

Table 1 Gender differences in part time and flexible work (2014)^{20*}

| | women | | Men | |
|--------------------------------------|------------|---------------|----------|---------------|
| | % of women | As % of total | % of men | As % of total |
| Full time work | 57.4 | 36.7 | 86.8 | 63.2 |
| Part time work | 42.5 | 73.9 | 13.6 | 26.0 |
| Temporary contracts | 6.9 | 52.9 | 6.0 | 47.0 |
| Zero Hours | 2.7 | 55 | 1.9 | 45 |
| Self-employed** | 9.84 | 31.2 | 19.01 | 68.8 |
| Low paid workers | 1.1 | 53.0 | 1.0 | 46.9 |
| Earnings below living wage*** | 25 | 62 | 10 | 38 |

*Low paid workers – those paid less than the national minimum wage.²¹

**The percentage of women and men who are self-employed is expressed as a % of all those in employment.²²

*** Those earning below the living wage – data is for 2011²³

Flexible work takes many forms: it can be employer led or employee chosen and, as a consequence, outcomes vary.²⁴ Here our focus is on parents who seek flexible hours. Since 30 June 2014, all full-time employees with at least 26 weeks of service have the right to request flexible working. However, the right to request flexible working does not mean that it will necessarily be granted. Furthermore, anyone taking this route risks falling off the career track because they (especially fathers) are perceived to be less committed workers and once granted there is no right to return to full-time work.²⁵ This approach contrasts markedly with Norway where a proportion of leave is reserved for fathers on a “use it or lose it” basis. As a consequence, it has become normal for fathers to take leave: 90 per cent “use it” compared to only 4 per cent in 1993 when the quota was introduced.²⁶

Regardless of whether women choose to request flexible hours or not, the fact that they are more likely than men to do so can enter into the perceptions of the predominantly male decision-makers in a negative way. As discussed during the Commission’s sessions on both Law and Politics, it can form part of the “outgroup homogenising” and “implicit stereotyping” aspects of the unconscious bias of decision makers that impedes the career progression of those who do not fit the prevailing images of leadership, power and public responsibility.²⁷ These gendered assumptions about suitability for different kinds of employment feed into the gendering of occupations along stereotypical lines resulting in horizontal and vertical segregation.

Pregnant women at work

Despite protective legislation, pregnant women experience discrimination from employers. Women report being side-lined by employers once they have announced their pregnancy and, contrary to employment rights, are demoted when returning to work.²⁸ Overall, during the recession the number of cases taken to tribunals increased by a fifth, but since 2013, when fees were introduced, the number of cases has fallen indicating how the government’s austerity policies are prejudicing commitments made under the Covenant on Economic, Social and Cultural Rights.²⁹

Gender inequality by occupation

In the UK, the decision to work part-time often requires a change of job and an occupational downgrade. As a consequence, more women

than men are over-qualified for the work they do, so sustaining gender inequality as well as losing talent from the economy.³⁰ As Figure 4 shows, men are still over-represented in high-paid jobs and in positions of power and responsibility across all sectors. As wages rise, the proportion of men increases.

Among the lower paid are women, concentrated in the 3Cs (Caring, Clerking and Cashiering), while men are associated with machines and "Skilled Trade Occupations" which are paid more. Both groups earn considerably less than managers, directors and senior officers, also predominantly male, showing how gender and social position intersect. What is clear is that men dominate positions of power (see Table 2 which depicts the gender composition of top management in the FTSE 100 companies).³² The gender balance deteriorates with increasing rank as the proportion of White men increases.³³

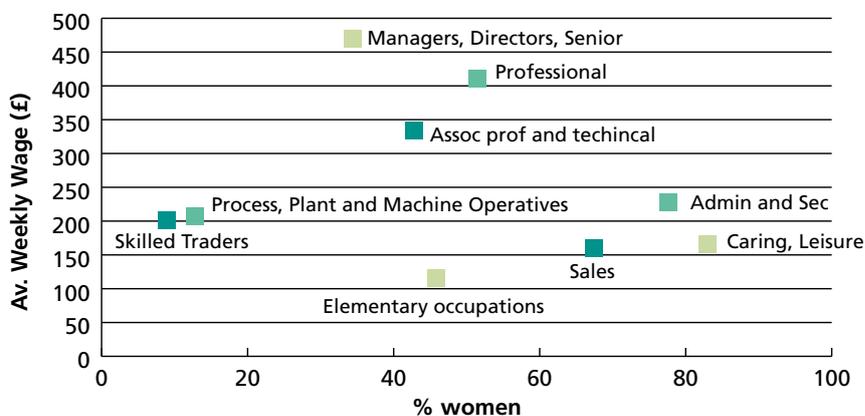
The proportion of women in senior positions has increased following equalities legislation in the UK in 2007 and 2010.³⁵ Rather than following Norway,³⁶ which passed legislation to ensure 40 per cent women's representation on the board, the UK has relied on voluntary measures. In 2015, 97 per cent of the top 100 FTSE organisations have male "chairmen" and 95 per cent of Chief Executives and 92.4 per cent of Executive Directors are men. Overall two out of three FTSE organisations have entirely white Boards.³⁷

Gender Inequality in Pay

Gender imbalances in the occupational hierarchy and between occupations are reflected by the gender pay gap. It is important to recognise that this indicator can be measured in different ways, at different levels (national, regional or enterprise), for different social groups (parents and non-parents, young and old, BME) at different points in the pay hierarchy and so on. So when making claims about the gender pay gap or policies for its resolution, it is critical to pay attention to the measure being used. The most common measure is the full time median hourly pay for those aged between 16 and 64 at the national level as it provides the closest comparison in terms of payment for work provided.

On this measure, the gender pay gap for full time workers has fallen from 17.4 per cent in 1997 to 10 per cent in 2013, but this misrepresents the scale of inequality as women make up only 36.7 per cent of full-time workers (see Table 1). Taking full and part-time employment together, the gender pay gap rises to 19.1 per cent in 2014; the UK has the

Figure 4 Gender, Occupations and Pay (people 25-65 years 2014)³¹



Note: Wages (average gross weekly pay)

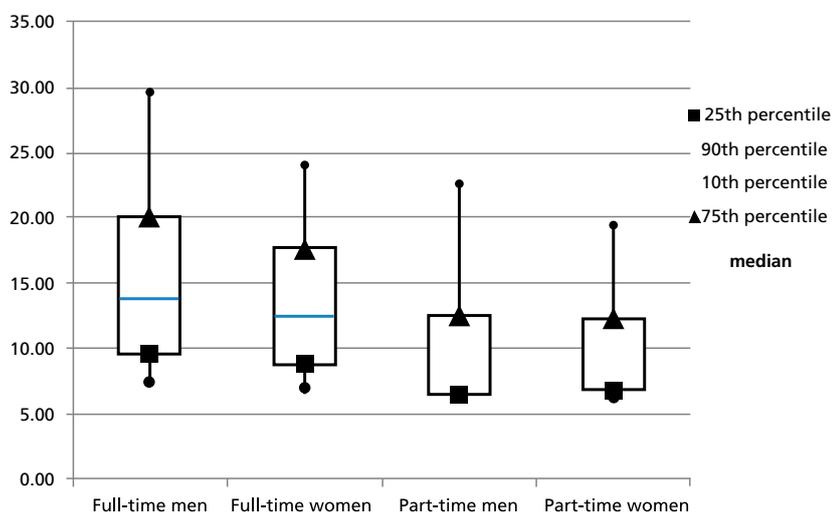
Table 2 Women at the top: representation in the FTSE 100³⁴

| | 2010/11 | 2015 | Change 2010-2015 |
|--|------------------|------------------|-------------------------|
| Representation of men on FTSE 100 boards | 87.5% | 76.5% | -11 (percentage points) |
| Number of companies with 25%+ representation of women | 12 | 49 | +29 |
| Total number of women on FTSE 100 boards | 135 | 263 | +128 |
| Number of women Non-Executive Directors | 117 (15.6%) | 239 (28.5%) | +122 |
| Number of men Executive Directors | 82 (94.5%) | 76 (92.4%) | -6 |
| Number of men Chairmen | 98 | 97 | -1% |
| Number of men Chief Executives | 95 (5%) | 95 (5%) | unchanged |
| Number of all-male boards | 21 | 0 | -21 |
| Number of men appointments in the year | 117 (out of 135) | 112 (out of 164) | -34 |

Figure 5 Gender Pay Gap 1997-2014 (Hourly earnings £ per hour – full-time workers)⁴²



Figure 6 Wage distribution for full and part-time workers (hourly earnings £ per hour) 2014⁴³



sixth highest gender pay gap in the European Union.³⁸ There has been little change in the gap in higher paid jobs (see Figure 5), in fact one reason the gap has narrowed is because of the decline in male earnings at the bottom.³⁹ For part-time workers, the gender pay gap is significantly higher when compared to full-time men.⁴⁰ At the current rate of change, it will take 30 to 50 years to eliminate the gender wage gap for full-time workers and 300 years for female part-timers.⁴¹

In addition to occupation, the gender pay gap also varies according to age, marital and parental status, age of children and whether people work in the public or private sectors,

being lower in the former and by contract (see Figure 6). There is also a pay gap by ethnicity to the advantage of White men, linked to occupation, qualifications as well as discrimination, but this data is less frequently reported especially when gender and ethnicity are examined together.⁴⁵

Figure 7 shows that the gender pay gap for parents widens especially from the age of 30, illustrating the persistence of a motherhood pay penalty.⁴⁶ When contrasted with a similar graph for single men and women without children, there is a still a gender pay gap but initially it is to the advantage of women. From the age of 40 the pattern reverses, the gap widens,

Figure 7 Pay gap between Mothers and Fathers (a) and between Singles without children (b)⁵¹



though remains lower than for parents, but, similarly, it reflects men's dominance in top jobs and in the higher-paying sectors and shows that motherhood is not the only obstacle to gender equality. The motherhood penalty varies over the life course, with respect to numbers of children, educational qualifications and between countries, suggesting that it can be moderated by labour market, childcare and social security policies.⁴⁷ The motherhood penalty in the UK is greater than in the Nordic countries and is linked to the difficulty of combining work and care where accessible, affordable, available and appropriate childcare is lacking.⁴⁸ Mothers often move from full to part-time work, or switch occupations and chose jobs on the basis of their hours and location rather than their qualifications and experiences, so they can be under-employed in two senses, first because they may be working fewer hours than they would wish (which has doubled since the recession)⁴⁹ and second because they are working below their potential (given their qualifications) and their skills and talents are lost to society.⁵⁰

David Cameron wants to "end the gender pay gap in a generation".⁵² The Commission welcomes this ambition, but to date the policy rests on naming and shaming companies, by requiring those with over 250 employees to disclose their average gender gap for "people with roughly the same job and title."⁵³ While transparency in pay is important, measuring inequality within firms for similar jobs is a limited interpretation of the gender pay gap. Indeed, the CBI oppose the policy and the Adam Smith Institute said it was a "sad state of affairs when even the prime minister is promoting the gender pay gap myth."⁵⁴

The government also intends to introduce gender pay audits and a campaign to persuade girls to study mathematics and the sciences. The regulations will be informed by a consultation exercise so it is not possible yet to predict how effective the policy will be. There is always the risk that such reporting can give rise to a benchmarking standard where having a similar gap to other firms, rather than eliminating the gap, represents a satisfactory position, rather as the 25 per cent level for women's representation on the Board.

A further problem arises because measurement at firm level will not reflect women's over representation in low-wage sectors, for example social care: one of the most feminised and rapidly expanding sectors of employment, characterised

by low remuneration and zero hour contracts. In addition, the hourly pay measure disguises the way that other gendered constraints mean that on average women do less paid work than men and so when measured on a weekly or annual basis the gender pay gap is far wider and this impacts on gender differences in overall income and pension entitlements, reflected in the gender poverty gap. Consequently, the New Living Wage (NLW) to be introduced in April 2016 will not resolve the gender income gap even though two thirds of the beneficiaries are expected to be women. The effects of the NLW are also predicted to be more than offset by more cuts in social security.⁵⁵

Unemployment, under-employment and economic inactivity

Employment matters as it is the primary means by which the majority of the population acquires income. It also provides a means of socialisation, self-expression and being able to contribute to society visibly: hence the focus of this section of the report. Unemployment, under-employment and economic inactivity provides the mirror image of employment but unemployment statistics are complicated by their interrelation with benefits criteria, something not addressed in this report. Women who are without paid work with employed male partners are more likely to register as “economically inactive” rather than unemployed as they may not be entitled to any benefit claim. Overall, women are over-represented amongst those defined as “economically inactive” (62 per cent of the overall total) but not in terms of unemployment (45 per cent of the total).⁵⁶ In addition, economic inactivity is higher among BME groups, and among young people.⁵⁷

One aspect of unemployment which is often overlooked is the way that young women are overrepresented among the NEETS – those Not in Employment, Education or Training. While the image is often portrayed as disaffected young men, in fact 93,000 more women than men are NEET.⁵⁸ Young women with children face particular problems in finding employment that pays a sufficient wage to cover their travel (and time) and childcare costs, in part because of the low pay associated with the jobs that young women are more likely to do.

Nonetheless, economic inactivity has declined and the rationale has changed over the last two decades as a consequence of both changing lifestyles but also increased social and political compulsion to be in paid work. Even so, by far the main reason women give for economic inactivity is “looking after home and family” (see Table 3). While increasing, only a small proportion of men give this reason, reflecting the continuing gender asymmetry in gender roles which, together with the pay gap, accounts in part for women’s over representation in poverty.⁵⁹

In the last three decades, fertility rates have remained moderately high and the pace of population ageing in the UK has been slow relative to much of Europe. However, the costs of bearing and raising the next generation have been disproportionately carried by women with the least to lose in terms of the motherhood penalty: those with the lowest resources and located in the most precarious and poorly paid segments of the labour market, exacerbating income inequality and contributing to the relatively high child-poverty rates observed in the UK.⁶⁰

Table 3 Changes in the reasons for Economic inactivity (%) 1993-2015⁶¹

| | Women | | Men | | Women as % of total |
|--------------------------------------|-------|------|------|------|---------------------|
| | 1993 | 2015 | 1993 | 2015 | |
| Looking after home and family | 48.3 | 36.3 | 4.5 | 6.8 | 90 |
| Students | 11.8 | 20.0 | 28.5 | 35.8 | 48 |
| Long-term sick | 14.2 | 18.1 | 38.3 | 29.5 | 50.4 |
| Retired | 11.7 | 14.4 | 13.3 | 14.1 | 62 |
| Total* | 86 | 88.8 | 84.6 | 86.2 | 62 |

* the rest of the total is made up of temporary sick, discouraged workers and “others” – each category is less than 10 per cent and the gender gap in each is low.

Gender, income and poverty

The gender gap in individual income (which reflects the money available to people after earnings, dividends from wealth holdings, benefit payments and taxes have been taken into consideration) is even wider than the gender pay gap because fewer men withdraw from paid employment to accommodate caring responsibilities.⁶²

The extent of gender difference varies between ethnic groups, as does the proportion of women living in poverty – which in all cases is higher than for White men but to varying degrees. Fewer White British men (14.1 per cent) than White British women (16.7 per cent) live in poverty, and the gap is wider for all other ethnic minority groups. Close to 50 per cent of Bangladeshi and Pakistani women live in poverty (see Table 4).⁶³

Table 4 Gender Income and Poverty Gaps⁶⁴

| | Gender Income Gap (%) (compared to white men) | Poverty Rate of Women (white British men 14.1%) |
|------------------------|---|---|
| Chinese | 24.9 | 20.6 |
| Black Caribbean | 24.9 | 23.5 |
| Black African | 27 | 22.7 |
| White British | 36.9 | 16.7 |
| Indian | 43.8 | 23 |
| Bangladeshi | 62 | 51.9 |
| Pakistani | 63 | 46 |

The gendered processes underlying the gender pay gap contribute to increasing poverty among lone parents and single elderly women as they are dependent on their own, typically lower, incomes.⁶⁵ Women make up 65 per cent of pensioners living at risk of poverty, ie, having less than 60 per cent of median income.⁶⁶ Lone parents, who are disproportionately female (92 per cent), also face a high risk of poverty (43 per cent). Having declined every year since 1996/7, this has increased with the austerity policies introduced in 2010 and been intensified by the “welfare” reforms.⁶⁷

Impact of the Recession and Austerity

The UK is emerging slowly from the deepest recession ever recorded. After an initial period of fiscal expansion in 2008, the Coalition government elected in 2010 changed course and embarked on austerity policies in attempt to reduce the public sector deficit. Economic

and employment growth have resumed, but the recovery has been uneven and the costs of austerity have fallen disproportionately on women, ethnic minorities and people on low incomes. Analyses carried out by the House of Commons library and the UK Women's Budget Group show that 78.9 per cent of the cuts in welfare have⁶⁸ fallen on and will continue to fall on women, especially lone parents. Similarly, the Runnymede Trust has found the latest Budget (June 2015) "welfare" reforms – cuts to tax credits and the benefits cap on households with three or more children – will disproportionately affect BME people.⁶⁹

Women account for 65 per cent of public sector employment where wage increases will be frozen at 1 per cent a year for the next four years. Low-paid workers will also experience social security cuts, so the drop in real income will be greater.⁷⁰ In addition women are more likely than men to be users of public services, and more likely to claim social security owing to their lower lifetime's earnings and lower pay – described by the Fawcett Society as the triple jeopardy.⁷¹

Not only do austerity policies impact negatively on women's well-being, they can also increase government spending and so fail to achieve their intended effect. Evidence to the Commission shows that the costs of responding to domestic violence are £23 billion a year for the UK, consisting of costs to public services, the criminal justice system, civil and legal services, health care,

social services and children, housing and refuges, and lost economic output.⁷² Thus, by cutting back on preventative measures overall, costs may rise. This argument for retaining preventative services is clearly instrumental, but nonetheless used by NGOs to support their case for maintaining these services and their existing specialised forms, which are particularly important for BME groups.⁷³

These outcomes reflect the failure by government to recognise, understand or respond to the gendered processes in the family, the economy and in neoliberal economic thinking that exacerbate gendered vulnerabilities and inequalities. The continued pursuit of austerity reflects a particular understanding of the economy which prioritises the market and the interests of creditors over and above those of the majority of the population.⁷⁴

Whilst countries cannot run up government deficits and debt indefinitely there is no clear consensus as to what a maximum should be. The maximum would depend in part on what the debt was being used for – more specifically, whether it was generating returns in the future or whether it was being dissipated in unproductive ways. Moreover, there is no one way to reduce the public deficit. Paying down the public deficit could come from taxation, especially considering that 10 per cent of households in Britain are very close to being millionaires. Indeed, high levels of personal wealth mean that the UK overall is not in deficit. Instead, there is a problem of distribution

between public and private sectors, which has become more uneven since the 1980s; a shift in distribution that has coincided with a significant fall in the taxation on top incomes.

This is a case where the presence of women may bring about change. Macroeconomic policies are generally assumed to be gender neutral but existing understandings of the economy are very much shaped by male life experiences. Emphasis is placed on the production of goods for the market and the contribution of the goods and services produced in the home, critical to human well-being, is neglected and undervalued. This bias is clearly evident in the differential treatment of expenditure on physical infrastructure which is considered investment and comes from the capital account (building roads, airports and railways including the wages of the workers), and expenditure on social infrastructure (provision for childcare, elderly care) which is considered as consumption and comes from the current account. Under current Treasury rules governments are allowed to go into debt to fund investment but not to fund consumption. Yet, expenditure on social infrastructure makes life itself possible and contributes to the skills and talents of the next generation and so is critical to economic and social wellbeing. In addition, as an effective countercyclical strategy expenditure on social infrastructure has been shown to have a higher multiplier effect, ie, a more positive effect on economic and employment growth, than physical infrastructure.⁷⁵

Ways forward

To properly reward and value the contributions of both women and men to the economy, there must be a solution for the unequal and gendered distribution of paid and unpaid labour. Equality legislation and company policies are essential but need to be supported and reinforced as part of a constellation of measures at the macro and micro levels. These should include supportive macroeconomic policies, gender analysis and auditing of macroeconomic policy, greater state support for child and elder care, properly paid paternity and maternity leave,⁷⁶ quotas, pay audits, and continual monitoring. The Commission has identified three key areas for change: the macro context, work-life balance and inequality within work.

Macro level context

Since 2010, the government's macroeconomic policy has aimed to eliminate the deficit and reduce the size of the state's debt. This



contractionary strategy was promoted as the only way to restore economic growth and stability. Comparing the economy to a household that has “maxed out its credit card” has been particularly persuasive in gaining widespread acceptance for austerity policies by all mainstream political parties and the electorate, despite the erroneous analogy with the national economy and irrespective of the adverse impacts for women, people on low incomes and BME groups.⁷⁷ More broadly, as noted in the media and culture section of the Commission’s inquiry, the idea that individuals are alone responsible for their wealth and success, ignoring the implication of structural inequalities, has been parroted by the media and reinforced in popular culture.

To achieve greater gender equality and sustainable development a shift away from these ideas is required and gender-sensitive macroeconomic policies need to be introduced. A detailed analysis of government expenditure since 2010 found that austerity in the formal sense of fiscal consolidation, ie, the government spending less than it was taking in taxation, took place only in the first two years of office 2010 and 2011.⁷⁸ Subsequently between 2012 and 2014 the budget has been neutral or mildly expansionary, and only in those years did growth return. Even so, successive budgets have had significant, highly gendered distributional implications. Importantly, cuts in government expenditure and social security continued but were matched by tax reductions. Some of these measures, such as increases in the personal tax allowance, tend to benefit men and higher wage earners to a greater extent than women. This is partly because women are more likely to be on incomes too low to pay tax and more likely to be social security claimants and, as previously mentioned, benefit from the provision of collectivised services affected by the cuts in public expenditure.⁷⁹ Government policy has effectively redistributed resources from women to men.

The Fawcett Society sought to judicially challenge the gendered implications of these policies in 2010 after the government’s first austerity budget, but the case failed. In subsequent budgets, the government has produced brief gender impact statements, but these are flawed and superficial. The Prime Minister told the CBI in 2012:

“I care about making sure we treat people equally. But let’s have the courage to say it, caring about these



things does not have to mean churning out reams of bureaucratic nonsense. We have smart people in Whitehall who consider equalities issues while they’re making the policy. We don’t need all this extra tick-box stuff. So I can tell you today we are calling time on Equality Impact Assessments. You no longer have to do them if these issues have been properly considered. That way policy-makers are free to use their judgement and do the right thing to meet the equalities duty rather than wasting their own time and taxpayers’ money.”⁸⁰

This hands-off approach is disturbing because it ignores the serious problem of gender bias. There is plenty of evidence showing the gendered impact of the government’s budgets, documented in House of Commons Library research and in reports from the UK Women’s Budget Group. But this work alone is not enough, the government must employ proper gender auditing methods and qualified staff to undertake regular analysis. The House of Commons research is the result of an ad hoc request for information by an MP⁸¹ and the WBG work is the result of unpaid time and diligence of voluntary analysts. Further, securing gender equality needs more than civil servants who simply “consider equalities issues while they’re making the policy”.

Work-life balance

There is now greater symmetry between women’s and men’s lives. This convergence, however, has been principally one sided: women have been assimilated into a largely unmodified, masculinised model of paid employment to a

greater extent than men have been assimilated into a feminised world of domestic work and care. The upshot is a caring deficit that is resolved in different ways depending on the form of care, the social positioning of the user and the wider economic, social and cultural context.

While nearly everyone gives and receives care at some stage over their life, universally across the globe women do the majority of caring and domestic work. This matters because it reduces the time women have available for paid work, contributes to enduring disadvantages in the labour market and reduces their earnings. As a consequence, women are often perceived to contribute less to their families and have less independence within the household, and this reinforces unequal power relations between women and men more generally.

Caring work

Care work is relational, requires direct human encounters and is therefore inherently highly labour intensive. Productivity increases could only take place if the character of the work is profoundly changed. Expecting childminders to look after six rather than four children simultaneously, (as proposed by Liz Truss, at the time Parliamentary Undersecretary for Education in the coalition government) would change the nature of the work by reducing the care each child can receive. To demonstrate this point Zoe Williams published a photograph of herself with six toddlers commenting: “This is – no offence – the worst idea a person in government has ever had.”⁸² The proposal was withdrawn subsequently.⁸³

These characteristics also apply to social care for the elderly and infirm and mean that in

both cases the costs of care relative to other goods will rise over time.⁸⁴ As a consequence it becomes difficult for the private sector to provide care profitably unless they employ people on low wages, receive state subsidies or increase the intensity of work so risking its quality. Workers are expected to do specific tasks in ever diminishing time slots leaving little time to speak to their clients or care in any meaningful way. In addition, many are underpaid as employers often pay only for the time spent in the clients' houses and not the travel time in between. The National Audit Office found that 220,000 workers were being paid less than the minimum wage as a consequence.⁸⁵

Balancing work and care

In the last five years, childcare costs have risen by nearly 33 per cent, with the average cost of a nursery place rising to £6,000 per year (£5,411 for a childminder). This is well above the national average rate of pay increases.⁸⁶ The government has promised to double the amount of free childcare to 30 hours a week for working parents of three to four year-olds from 2016,⁸⁷ but childcare providers say that government funding is insufficient to cover the costs of this care. Until recently, fees paid by parents purchasing more than their 15 hours of free childcare have been set so that government funding plus fee income would cover costs. Care has to be funded adequately; otherwise it will lead to a worsening of working conditions and quality of the care provided.⁸⁸

Given the gender division of labour, high childcare costs limit women's paid work. Whether and when partnered mothers decide to return to work after maternity leave is strongly influenced by the net costs, often assessed as the difference between their earnings and childcare costs (and other expenses associated with being in work). High childcare costs make paid work less attractive, though longer-term considerations reduce the disincentive. Part-time work or withdrawing from the labour force even for a short time has an adverse impact on long term earnings potential and pension entitlements and given the probability of divorce (42 per cent in 2012⁸⁹ with a higher rate of separation for cohabiting couples), withdrawing from the labour market is a financially risky decision.

The 2015 parental leave legislation⁹⁰ reserves a minimal, two week independent entitlement for fathers and the mother must be eligible for parental leave. So far the take up rate by fathers has been low. While nine out of ten men take two

weeks of paid paternity, less than 2 per cent have claimed any of the "shared leave" partly because the payment is low relative to male earnings.

Experience from Norway suggests that as long as parents are asked to decide how to allocate leave between them, it will be allocated primarily to women. However, when a set number of days is reserved for men, the take up rate is far higher and eventually becomes usual practice. The reasoning behind the Norwegian parental leave scheme, introduced in 1993, is not only to facilitate the opportunities for women to combine work and childcare but to ensure that the benefits and burdens of a working and family life are shared, and to strengthen the father-child relationship.

Finding solutions

Overall the organisation of the workplace and the domestic division of labour retain the imprint of a male breadwinner society. This model presents a challenge to gender equality within employment and in society more generally because it limits the extent to which women can participate in the labour market and influences their decisions about what kinds of jobs to combine with domestic responsibilities. Substituting women's care and domestic labour by commoditising care is only a partial solution as it tends to replace gender divisions in the labour market with social class and racial divisions. Instead it is critical to consider new working arrangements which allow a more even distribution of paid work and caring work between women and men.

In the meantime, it is important to recognise that good quality care work creates positive social externalities or social gains in terms of more educated and rounded citizens. Recognising the social value of care work provides an economically rational argument for proper funding. More importantly, adequate care work is a matter of both social and gender justice that helps foster equality between women and men, and enables low-paid women to combine paid work and caring.

Inequality in paid work

Occupational stereotyping

There are no concrete walls barring women's access to the labour market or to particular occupations in the UK.⁹¹ So why do women disproportionately "choose" sectors and occupations that are characterised by lower pay? Given the diversity among women in terms of preferences, capabilities and skills

it is unlikely that, as a group, they simply prefer comparatively low paid and more junior positions. The explanation lies in structural barriers which impede entry and progression.

The asymmetric division of care and domestic work between women and men, together with the limited availability and affordability of childcare, has already been discussed. In addition there are deeply rooted gendered social norms that reinforce existing understandings of appropriate roles for women and men and the value of different jobs. Occupations become gender stereotyped and, while the boundaries vary across cultures and over time (indeed such variations reflect their social/cultural rather than natural construction), they nonetheless have a certain fixity that shapes expectations, making employees reluctant to enter gender incongruent occupations and employers reluctant to hire people that deviate from the normal worker profile.

While the overall occupational pattern reflects these gender stereotypes, there has been some change as a result of equalities and diversity policies. Such policies are based on the business case for equality, especially in senior and high-paid management positions, have thrown resources at tackling unconscious bias⁹² and created a more woman-friendly working environment. The Davies Review into female representation on boards offered an "action orientated framework", setting out "what good looked like" and handing responsibility to business.⁹³ The recommended target of 25 per cent for women's representation on boards is likely to be achieved by January 2016, but it is not clear why this figure was chosen – except that it was thought to be attainable, and/or what will happen subsequently. Even though the steering group admit that more progress is required, there is no intention of moving to mandatory quotas, which the Commission recommends.⁹⁴

However, changes overall have been minimal. Instead, policies tend to focus on individual employees. Most policies that aim to increase the proportion of women rest on changing/enhancing women's opportunities via building "confidence",⁹⁵ mentoring and encouraging of "leaning in."⁹⁶ This approach focuses on women's supply characteristics, (assumed to be deficient) rather than asking and explaining why they matter. More recently, awareness of the gender imbalance among decision makers has increased and the idea of unconscious bias is in vogue⁹⁷ but only rarely is the prevailing elite and masculine employment culture questioned. This

issue is particularly evident in management where a 22 per cent gender pay gap exists, equivalent to women working for nothing for 57 days a year. At senior level the gap rises to 35 per cent and attributed in part to the bonus culture where bonuses paid to men have been found to be double those of women.⁹⁸ Attributing this to unconscious bias rather overlooks the research that shows that wherever discretion exists so too does bias, eg, the system of bonus rewards is consciously chosen even though it is known that discretion leads to bias.⁹⁹

Women who attain high-level positions can be likely to emulate the male model of working and manage their work-life balance by outsourcing caring and domestic tasks. Outsourcing leads to divisions between women by social class. Care and domestic work is low paid, feminised and has a high migrant and BME density. Larger firms often assist senior women by providing concierge services at work, for example emergency crèches or nannies. In addition, their high incomes allows them to draw on private services, like using cleaners, laundry services, private cars and taxis to ease travel time. In these respects there has been a transfer of responsibilities rather than any transformation of social roles.¹⁰⁰

Evidence presented to the Commission from research for a private bank trying to increase the proportion of senior women in order to meet client preferences reinforces the ideas discussed above. To improve diversity the bank provided support groups for a range of identities and mentoring for junior employees (though women interviewed expressed concerns about the lack of women mentors). Yet the bank failed to tackle “demand side” problems. “Presentism” continued to be expected even when unnecessary for business reasons, and there was a lack of transparency in relation to bonus payments and promotion. Even though part of these decisions were based on formal criteria, discretionary elements remained which – as the wider literature suggests – facilitates bias and results in gendered and racialised unequal outcomes.¹⁰¹ In addition, employees reported the prevalence of a macho culture which women found both intimidating and unpleasant.¹⁰²

Evidence submitted to the Commission’s section on the Law further illustrates the entrenchment of demand side problems. The proportion of Queen’s Counsel lawyers who are women has increased from zero in 1975 to 10 per cent in 2010. Change is glacial despite a commitment to increasing diversity, including statutory

obligations under the Constitutional Reform Act 2005. It is clear that demand-side barriers remain, as this illustration of continued bias from Lord Berwick shows:

“I would like, obviously, the judiciary to be as diverse as we can get it. But that must not interfere with the fundamental principle that we have got to choose the best man for the job.” Lord Lloyd of Berwick, 2003.¹⁰³

The remark, made 12 years ago, could be a linguistic oversight, but it could also reflect a deep-seated unconscious bias and more widely it is clear that stereotyping and conscious bias against the “outgroup,” ie, those that are different, persists in many quarters. In a 2015 report for the government investigating non-educational barriers to the elite professions, an employer argued that it was more efficient to recruit people from a similar background to himself, stating:

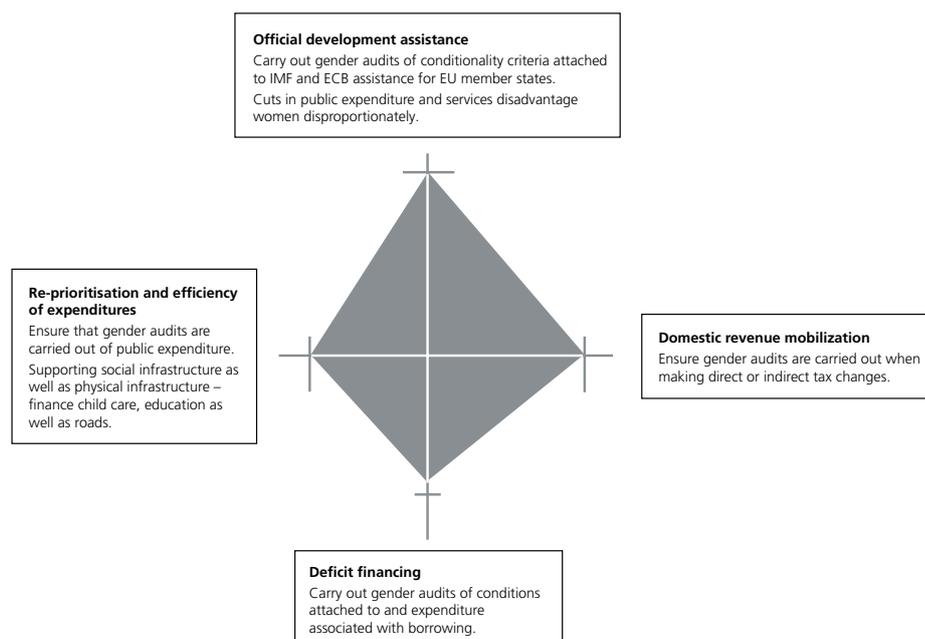
“I’m sorry to say it, but if you deal with someone who is of a similar

background to you, one of the most fundamental things that occur in that exchange is efficiency. And I’m sorry but it’s absolutely true that homogeneity breeds a huge amount of efficiency in organisations... I can sort of write, you know, an obscure comment in the margin and you’ll know exactly what I’m talking about. You get my jokes. There’s not a risk that I’m going to offend you by saying something, because we get each other and that’s hugely efficient. And it’s very hard not to be attracted to that in big organisations, because we are driving at efficiency all the time.¹⁰⁴

Similar evidence of prejudice towards others is reported in the Politics, Media and Culture sections of this report and supported by a much wider literature, dating from the 1970s.¹⁰⁵

Gender imbalance in seniority matters because it not only impacts on the gender pay gap, discussed below, but also reflects differences in

Figure 8 A gender perspective on public finances¹⁰⁶



Source: Modified from UNDP 2007

NB There are few technical constraints on the size and shape of the fiscal space but rather the space could be pulled in different directions depending on political decisions that ideally would be in the social interest which includes gender equality. For example with respect to domestic revenue mobilization a gender audit is likely to show that women, as lower earners are more likely to benefit from reducing indirect taxes while men are more likely to benefit from lowering the tax thresholds.

power and influence. The increased presence of women will not definitively bring about change but their different social positioning means that they may be aware of the barriers to progress women experience and, potentially, be more open to thinking about inclusive styles of working. For these reasons, presence on the board matters, but presence is even more important in positions of direct managerial responsibility where influence on employees is more direct. Absence from the top positions and how different kinds of work are valued are two factors that underlie the gender pay gap.

Redressing the gender pay gap

Most studies on the gender pay gap focus mainly on the supply side by examining the characteristics of individual workers such as qualifications and years of experience, but these are only able to account for only a third of the gap. The “unexplained” part is attributed to discrimination and left largely unexplained. Focusing on individual variables tends to emphasise “gender deficits”. In other words, as discussed above, it emphasises the supply side, leading to training schemes and confidence building programmes for women, rather than considering the demand side and training for the decision makers to guard against unconscious bias as well as modifying the promotion and pay determination processes and the working environment including more flexible working arrangements but without pay penalties.

Raising these broader social questions is important because although individuals can raise their level of qualifications, qualifications alone are not sufficient to generate gender equity and currently low paid jobs will continue to exist, indeed they are predicted to expand especially given the growing demand for care work, so these individual solutions will be unable to remedy gender inequity in society.

With respect to pay, orthodox economic theory maintains that pay reflects employees’ contributions to output and so wages are considered to be fair, reflecting legitimate market processes.¹⁰⁷ Critics, however, have outlined a number of problems with this theory. For example there is little association between the vast increase in wages in the top decile, especially the top 1 per cent, and the performance of their companies or with their qualifications or years of experience. These high earnings have been attributed to the “power” that managers of large firms and organisations have “to set their own remuneration”.¹⁰⁸

This power in turn depends on their bargaining capacity within the hierarchy and with prevailing social norms which vary over time and space. Executive compensation of several million Euros a year is still less acceptable today in Sweden, Germany, France, Japan and Italy than in the United States or Britain, reflecting different “beliefs about the contributions different individuals make to the firm’s output and to economic growth in general”¹⁰⁹ and how it should be valued in comparison to others. This wider perspective raises questions about the comparative value and status of work and how wages are determined. If wages are partially determined by social norms, then it opens the way for questioning the current earnings distributions and examining the link between pay and the social value of different forms of work, which is central to questions of gender equity given continuing segregation in employment by occupation.

Recommendations

There are many challenges to tackle if we are to redress gendered imbalances in power that operate at different levels: from the management of the economy, to policies and practices within firms, organisations and communities, to personal relations within families and households. These challenges are complex and affected by the fact that real lives are shaped by the way that gender intersects with race, ethnicity and citizenship status. The following proposals and principles are critical.

To obtain gender equality, social goals need to be targets of economic policy. Only in this way

can the economy be made to serve society rather than vice versa. Current understandings of the economy need to be broadened to include the reproductive sector and unpaid care work. Ideas for a gender equitable, sustainable and caring economy have been outlined by the Women’s Budget Group in their Plan F briefing¹¹¹ and there is growing evidence to suggest that such policies will generate higher levels of employment and economic growth. The purpose of the economy should be to support social well-being.¹¹²

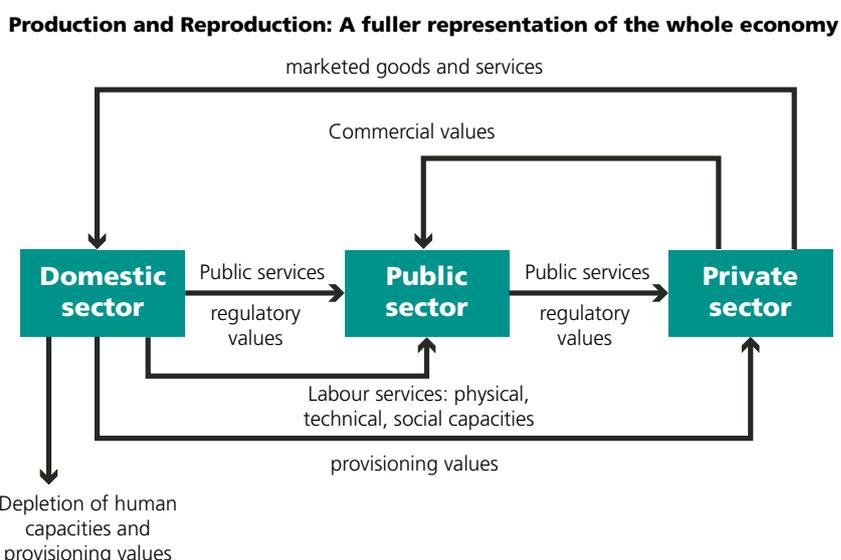
1. Socially fair and gender sensitive macroeconomic policies

To achieve greater gender equality, we recommend a change in the direction of macroeconomic policy. Gender-sensitive macroeconomic policies are necessary for sustainable and inclusive development.

Evidence shows that the current austerity policies have had a greater adverse impact on women, especially BME and low-income families, so we are not “all in this together.”¹¹³ The Government’s strategy to eliminate public debt contrasts with other western economies and conventional economic analysis. Alternatives are possible and likely to produce more inclusive outcomes, higher levels of employment and overall well-being.¹¹⁴

Women on low incomes with caring needs and obligations need collectivised public services and social security payments to boost their incomes. Public expenditure is critical to prevent the loss of local services, including childcare centres, refuges for domestic violence survivors, and law centres to ensure access to the legal system for

Figure 9 The circular flow of output of goods and services¹¹⁰



all. Moreover investing in social as well as physical infrastructure will bring future economic gains.

2. Gender mainstream all government policies

*We recommend that gender-responsive budgeting, gender auditing and impact analysis be introduced so as to identify the distributive impact of economic policy-making.*¹¹⁵ Gender budgeting identifies the gendered impact of policies and is technically possible, so it is incumbent on the government to ensure that this is done to the highest standards that are available.

The government's own impact assessments are cursory. This important task is therefore left to voluntary organisations such as the UK Women's Budget Group, but these require funding.

3. Mandatory quotas

We recommend that mandatory quotas be introduced to ensure greater gender balance in decision making positions and be accompanied by measures to ensure presence is sustained. Quotas backed by legislation are one of the most significant ways of effecting change; they are more effective than soft company initiatives and help ensure that society and firms reflect diverse ideas and talents.¹¹⁶ Existing legislation allows gender to be used as a tie-breaker in recruitment and promotions decision-making where merit is equal.¹¹⁷

Quotas represent a "minimal condition" for securing change. Presence alone is not sufficient, policies and practices cannot be presumed from gender identity. Gender-equitable policies need to be practised throughout an organisation to effect change, and support for senior women is necessary to prevent quotas from becoming a revolving door for women.

4. Gender awareness training for government employees

We recommend that training in gender awareness be introduced so as to ensure effective gender mainstreaming. Within the private sector considerable attention is being given to the idea of unconscious bias but less to the gender composition of decision makers and the discretionary procedures that allow such bias to be effective. Evidence presented to the Commission shows that promotion and pay decisions should be based on formal, transparent criteria. Suitability for different jobs needs to be based on objective criteria and discretion minimised to avoid particular qualities being linked to gender stereotypes and existing patterns of bias.

5. Revalue work, identify and challenge unequal social norms

We recommend that new methods of pay determination be introduced in order to better reflect the social value of work done as well as the costs of living. The gender pay gap is due to labour market segregation by occupation, status and working time. Evidence reviewed by the Commission suggests that pay is determined by social norms and by the power of people at the very top to determine their own pay.¹¹⁸ This power needs to be acknowledged and challenged.

6. Create a National Care Service

We recommend that a National Care Service be established to ensure that holistic affordable, accessible, appropriate care is available. It should ensure that the workers employed are rewarded appropriately for the complexity and skilled character of the work they do, given the high value that people place on human life and wellbeing.

Care provision is vital to individual and social well-being, and resolving the care question is fundamental to redressing and ultimately resolving gender inequality. Everybody requires care at some point in their lives and a majority of people provide care at some stage. Evidence presented to the Commission shows that good quality care creates positive social externalities or social gains in terms of more educated and rounded citizens. Similar to street lighting, it is a matter for public, collectivised support. Recognising the economic and social value of care work provides an economically rational argument for social investment in care.

7. Gender friendly working patterns

We recommend that government, institutions and firms organise their legislation, regulations and working patterns in ways that recognise people as caring citizens. Collectively society, industry and government must enact measures for an environment where people have time to care without adverse implications for job choices and career development. Measures should ensure that:

- (1) All jobs should be available on a part-time basis without adverse career impacts.
- (2) The long-hours culture and expectation of presenteeism should be eradicated and people leave work on time.
- (3) Men as well as women should have time to care without penalties. Introduce individual, earmarked, non-transferable rights to paid leave. Such efforts need to be designed and implemented

carefully. The direct provision of high-quality care services benefits everyone in much the same way, while policies which replace foregone earnings invariably distribute more resources towards the highly paid and so reinforce income inequality.¹¹⁹

- ¹ See LSE Commission Gender Inequality and Power Briefing papers for information on other dimensions of inequality. www.lse.ac.uk/genderInstitute/KnowledgeExchange/commission/commissionPublications.aspx
- ² P. Tinios, F. Bettio, and G. Betti, *Men, women and Pensions* (Luxembourg: European Commission, 2015); *Tackling the European Gender Pay Gap*. (Luxembourg: European Commission, 2014).
- ³ Evidence provided to GIP commission by A. Manning, 14/11/2014.
- ⁴ Source: ONS (2015) LFS Data.
- ⁵ The smallest gender gap is for 'Blacks and Mixed' (3% and 5% respectively), in part because the male employment rate in this group, at 60%, is comparatively low. ONS (2015) LFS data Table A(09). Ethnicity is self-defined from a range of options. Available at: www.ons.gov.uk/ons/taxonomy/search/index.html?pageSize=50&sortBy=none&sortDirection=none&newquery=ethnic&nscl=Labour+Market
- ⁶ See G. Azmat, 'Gender Gaps in the UK Labour Market: Jobs Pay and family Policies,' (London: Centre for Economic performance – LSE, 2015) Background Briefing for 2015 UK Election. Available at: www.lse.ac.uk/newsAndMedia/news/archives/2015/03/GenderGapsInUKLabourMarket.aspx
- ⁷ See J. Cibb and R. Joyce, 'Earnings since the Recession,' IFS (London: IFS, 2015). Available at: www.ifs.org.uk/uploads/gb/gb2015/ch2_gb2015.pdf; and Resolution Foundation, 'We're solving the pay gap – the wrong way,' (2012) Available at: www.resolutionfoundation.org/media/blog/were-solving-the-pay-gap-the-wrong-way/
- ⁸ Department of Work and Pensions, 'Lone Parent Obligations: An Impact Assessment,' DWP Research Report 845 (2013). Available at www.gov.uk/government/uploads/system/uploads/attachment_data/file/211688/rrep845.pdf
- ⁹ Under the Welfare Reform Act 2012 (which came into effect in 2013,) lone parents whose youngest child is age 5 will no longer be entitled to income support simply because they are lone parents. They are obliged to seek work.
- ¹⁰ Source: ONS (2015) Based on LFS Data (Table tcm77-388394).
- ¹¹ Source: ONS (2015) LFS Table tridionchart3download_tcm77-234034.xls
- ¹² Family and Child Care Trust, *Annual Survey*, (2015). Available at: www.familyandchildcaretrust.org/childcare-cost-survey-2015
- ¹³ Evidence provided to GIP commission by Isabel Shutes, 14/11/2014. See also B. Anderson, and I. Shutes (ed.), *Migration and care labour: theory, policy and politics* (Basingstoke: Palgrave Macmillan, 2014).
- ¹⁴ Zero hours contracts are where there is no guarantee of hours even though there is an employment contract. Women are also underrepresented among the self-employed, but since the 2008 recession the number of women in self-employment has increased faster than men while average income of the self-employed has fallen by 22%.
- ¹⁵ Evidence to the Burstow Commission (2014) Key to Care Report on the future of Homecare workers, 7. Available on line at www.lgiu.org.uk/2014/12/02/key-to-care-report-of-the-burstow-commission-on-the-future-of-the-home-care-workforce/
- ¹⁶ Ibid. See also Z. Conway, 'Home carers' travel 'goes unpaid', Unison says,'. Extracts from the *BBC Today programme* (2015). Includes: an interview with an anonymous careworker and with Colin Angel from the UK Homecare Association and the BBC interviewer. Available at: www.bbc.co.uk/news/uk-29812310
- ¹⁷ See for example Burstow Commission (2014) Key to Care Report on the future of Homecare workers, 7. Available on line at www.lgiu.org.uk/2014/12/02/key-to-care-report-of-the-burstow-commission-on-the-future-of-the-home-care-workforce/; Care Quality Commission State of care 2013/14. Available at: www.cqc.org.uk/content/state-care-201314; WBG (2015) Social Care Briefing, Available at: <http://wbg.org.uk/wp-content/uploads/2015/02/social-care-briefing-june-2015.pdf>
- ¹⁸ P. Tinios, F. Bettio, and G. Betti, *Men, women and Pensions* (Luxembourg: European Commission, 2015); European Commission, *Tackling the European Gender Pay Gap*. (Luxembourg: European Commission, 2014).
- ¹⁹ Age UK, *Evidence Review: Poverty in Later Life* (2014). Available at: www.futureyears.org.uk/uploads/files/Age%20UK%20on%20poverty%20in%20old%20age.pdf
- ²⁰ Source: ONS (2015) LFS data – various tables.
- ²¹ Data is for 2013 and from ASHE.
- ²² Data from ONS (2015) LFS Table emp14nov2014_tcm385517(1).xls.
- ²³ M. Pennycook, and K. Lawton, *Beyond the Bottom Line The challenges and opportunities of a living wage*, (London: Resolution Foundation, 2013). Available at www.resolutionfoundation.org/publications/beyond-bottom-line-challenges-opportunities-living-wage/
- ²⁴ There is a vast amount of research on the desirability or otherwise of flexible working. See for example J. Lewis and A. Plomien, 'Flexicurity' as a Policy Strategy: the Implications for Gender Equality', *Economy and Society* 38, no. 3 (2009), 433-459.
- ²⁵ Gov.UK, *Flexible working*. (2014) Available at: www.gov.uk/flexible-working/overview
- ²⁶ Evidence provided to GIP commission by E. Kvande, 14/11/2014. See also B. Brandth and E. Kvande, 'Gendered or Gender-Neutral Care Politics for Fathers?' *The Annals of the American Academy of Political and Social Science* 624, no. 1 (2009), 177-189. Despite this progress 'Daddy leave' remains a contentious issue, for example the amount of leave reserved for fathers was reduced with the election of a Conservative government in 2013.
- ²⁷ See V.Hunt, D. Layton, and S. Prince, *Diversity Matters, McKinsey and Company* (2015). For more information, see www.mckinsey.com/insights/organization/why_diversity_matters
- ²⁸ Evidence provided to GIP commission by S. Harris on behalf of the TUC, 14/11/2014. See also TUC, 'Ending Discrimination at Work for New Mothers. The Pregnancy Test' (2014). Available from: <https://www.tuc.org.uk/equality-issues/gender-equality/pregnancy-discrimination/employer-attitudes-towards-pregnant-women>. See also EHRC (2015) *Pregnancy and Maternity-Related Discrimination and Disadvantage First findings: Surveys of Employers and Mothers*, Available at: www.equalityhumanrights.com/publication/pregnancy-and-maternity-related-discrimination-and-disadvantage-first-findings-surveys-employers-and-0
- ²⁹ See the Law Section.
- ³⁰ See T. Schuller, *Written evidence to the UK Parliament Select Committee on Women in the workplace* (2013). Available at: www.publications.parliament.uk/pa/cm201213/cmselect/cmbis/writev/womeninworkplace/m59.htm
- ³¹ Source: Redrawn from G. Azmat, 'Gender Gaps in the UK Labour Market: Jobs Pay and family Policies,' (London: Centre for Economic performance – LSE, 2015) Background Briefing for 2015 UK Election. Available at: www.lse.ac.uk/newsAndMedia/news/archives/2015/03/GenderGapsInUKLabourMarket.aspx using LFS data (2014).
- ³² Gov.UK, *Women on Boards. Fourth Annual Review* (2014). Available at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/415454/bis-15-134-women-on-boards-2015-report.pdf
- ³³ Green Park Analytics, *The Green park leadership 10000*. A Review of Diversity among the UKs most influential Business leaders (London :Green park Group, 2014). Available at: www.green-park.co.uk/sites/green-park.co.uk/files/images/Green%20Park%20Leadership%2010%2000%20-%20Feb%2014.pdf
- ³⁴ Source: Adapted from Davies Report, *Women on Boards. Davies Annual Report* (2015). Available at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/415454/bis-15-134-women-on-boards-2015-report.pdf
- ³⁵ In 2007 the Gender Equality Duty came into effect which required all public authorities and private organisations carrying out functions for them 'to have due regard to the need to eliminate unlawful discrimination and harassment on the grounds of sex, and to promote equality of opportunity between women and men. In 2010 the Equalities Act came into force which protects against direct and indirect discrimination because of age, disability race, religion, sex, sexual orientation, pregnancy and parenthood, becoming transgendered or being married or in a civil partnership.

- ³⁶ Evidence provided to GIP commission by E. Kvande, 14/11/2014. See also D. Ben-Galim and A. Silim, *Can Public Policy Break the Glass Ceiling. Lessons from Abroad* (Centre for American Progress, 2014). Available online: www.americanprogress.org/issues/women/report/2014/12/11/102844/can-public-policy-break-the-glass-ceiling/
- ³⁷ Green Park Analytics, *The Green park leadership 10000*. A Review of Diversity among the UKs most influential Business leaders (London :Green park Group, 2014). Available at: www.green-park.co.uk/sites/green-park.co.uk/files/images/Green%20Park%20Leadership%2010%2C000%20-%20Feb%2014.pdf. Unfortunately this analysis does not look at gender and BME statuses in an intersectional way. On a more positive note there are now no all-male boards in the FTSE 100 for the first time in the history of the London Stock Exchange Davies Report, *Women on Boards. Davies Annual Report* (2015). Available at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/415454/bis-15-134-women-on-boards-2015-report.pdf
- ³⁸ Eurostat, Statistics explained. Gender pay gap statistics (2015) Available at: http://ec.europa.eu/eurostat/statistics-explained/index.php/Gender_pay_gap_statistics
- ³⁹ See J. Cebb and R. Joyce, 'Earnings since the Recession,' *IFS* (2015). Available at: www.ifs.org.uk/uploads/gb/gb2015/ch2_gb2015.pdf. Specifically the minimum wage is £7.05 for women and £7.50 for men (with the minimum wage in 2014 for full time workers aged 21 and above being £6.50 (£3.79 for those under 18).
- ⁴⁰ Among women and men part time workers the gap is much smaller and depending on the precise measures used, pay for men can be lower than for women, but this reflects the very small proportion of part time men and the limited range of occupations where male part timers are found.
- ⁴¹ D. Perrons and A. Plomien, 'Gender, Inequality and the Crisis: towards more sustainable development', in *Women and Austerity. The Economic Crisis and the Future for Gender Equality*, ed. M. Karamessini, and J. Rubery, (Abingdon: Routledge, 2013).
- ⁴² Source: ONS, *Annual Survey of Hours and Earnings* (ASHE) (2015) data modified from Figure 11. The discontinuities in the data have been smoothed and the data for 2014 is provisional.
- ⁴³ Source: ONS, *Annual Survey of Hours and Earnings* (2015) – adapted from Figure 11.
- ⁴⁴ ONS, *Annual Survey of Hours and Earnings Provisional Results* (2014). Figure 13. Available at www.ons.gov.uk/ons/rel/ashes/annual-survey-of-hours-and-earnings/2014-provisional-results/stb-ashes-statistical-bulletin-2014.html
- ⁴⁵ Analysing ethnicity and gender in an intersectional way is restricted by sample size but see S. Longhi, C. Nicoletti and L. Platt, 'Explained and unexplained wage gaps across the main ethno-religious groups in Great Britain,' *Oxford Economic Papers* 65, no. 2, (2012): 471-493.
- ⁴⁶ The smaller gap for younger parents may be indicative of a difference by social class and that people who become parents when young are more likely to be in the lower paid occupations where the gender pay gap is lower and / or because childcare becomes more onerous as children age or as family size increases over time.
- ⁴⁷ See W. Sigle and J. Waldfogel, 'Motherhood and women's earnings in Anglo-American, Continental European, and Nordic Countries,' *Feminist Economics* 13, no. 2 (2007): 55-91. This analysis rests on a simulation model but finds that the motherhood penalty in the UK is considerably greater than for mothers in the Nordic countries and more similar to those in continental Europe.
- ⁴⁸ Different people – sometimes associated with ethnicity or religion – have particular demands in relation to diet or ideas about child development.
- ⁴⁹ TUC, *Impact on Women of the Recession and Austerity* (TUC, 2015). Available at: <https://www.tuc.org.uk/sites/default/files/WomenRecession.pdf>
- ⁵⁰ See T. Schuller, Written evidence to the UK Parliament Select Committee on Women in the workplace (2013). Available at: www.publications.parliament.uk/pa/cm201213/cmselect/cmbis/writew/womeninworkplace/m59.htm
- ⁵¹ Source: Manning (2015) using LFS data; evidence provided to GIP commission by Alan Manning 14/11/2014.
- ⁵² UK.Gov (2015) Press release. Prime Minister: My one nation government will close the gender pay gap. Available at: <https://www.gov.uk/government/news/prime-minister-my-one-nation-government-will-close-the-gender-pay-gap>
- ⁵³ The legislation for mandatory reporting of the pay gap already exists in the 2010 Equalities Act, but to date this was voluntary and only 5 (of around 6,700) companies with over 250 employees signed up to publish their gender gaps see EHRC, *International Women's Day Briefing House of Lords Debate* (2015). Available at: www.equalityhumanrights.com/legal-and-policy/our-legal-work/parliamentary-briefings/international-womens-day-2015-house-lords-debate-5-march-2015
- ⁵⁴ See R. Mason, and J. Treanor, 'David Cameron to force companies to disclose gender pay gaps,' *The Guardian*, (July 14th 2015). Available at: www.theguardian.com/society/2015/jul/14/david-cameron-to-force-companies-to-disclose-gender-pay-gaps See also Adam Smith Institute (2015) Press Release: The gender pay gap is a myth Available at: www.adamsmith.org/news/36843/
- ⁵⁵ Hood, A. (2015) Benefit changes and distributional analysis, IFS. Available at: www.ifs.org.uk/uploads/publications/budgets/Budgets%202015/Summer/Hood_distributional_analysis.pdf
- ⁵⁶ The unemployment rate for men is 5.7% for men and 5.3% for women (see ONS, *UK Labour Market*, June 2015). Available at: www.ons.gov.uk/ons/rel/lms/labour-market-statistics/june-2015/statistical-bulletin.html
- ⁵⁷ ONS (2014) Ethnicity and the labour market, 2011 census, England and Wales, Available at: www.ons.gov.uk/ons/rel/census/2011-census-analysis/ethnicity-and-the-labour-market/rpt-ethnicity-and-the-labour-market--2011-census--england-and-wales.html
- ⁵⁸ S. Harris, *Evidence to the Commission and Young Women's Trust* (2014) Totally wasted? The Crisis of Young Women's Worklessness, Available at: [https://www.google.co.uk/webhp?sourceid=chrome-instant&rlz=1C1ARAB_enGB492GB492&ion=1&espv=2&ie=UTF-8#q=Young+Women%E2%80%99s+Trust+\(2014\)+Totally+wasted%3F+The+Crisis+of+Young+Women%E2%80%99s+Worklessness](https://www.google.co.uk/webhp?sourceid=chrome-instant&rlz=1C1ARAB_enGB492GB492&ion=1&espv=2&ie=UTF-8#q=Young+Women%E2%80%99s+Trust+(2014)+Totally+wasted%3F+The+Crisis+of+Young+Women%E2%80%99s+Worklessness)
- ⁵⁹ Feminist economists consider the term 'economically inactive' inappropriate for young mothers, and that it reflects the gender bias in economic thinking, in particular the failure to recognise the productive /economic contributions of reproductive work, which is increasingly important given the social and political challenges of accommodating demographic change see S. Himmelweit, and A. Plomien, 'Feminist Perspectives on Care: Theory Practice and Policy', in *The SAGE Handbook of Feminist Theory* (London: Sage 2014).
- ⁶⁰ Evidence provided to GIP commission by W. Sigle, 14/11/2014. See also W. Sigle-Rushton, 'England and Wales: Stable Fertility and Pronounced Social Status Differences,' *Demographic Research* 19, (2008): 459-502; W. Sigle 'Population Aging in the UK: A Matter of Perspective,' (forthcoming).
- ⁶¹ Source: ONS (2015).
- ⁶² Overall income consists of earnings, income from capital and private and state transfers net of direct tax. Income is can be measured directly for individuals or be adjusted to take account of household income, size and composition. The household measure still relates to individuals but presumes household income is shared between members and so is equal to the sum of the individual incomes coming into the household/ number of adults but adjusted to take account of the household size and composition – eg, presence of children. The income of women living with male partners generally increases when measured on a household basis, as it is assumed that income is shared equally between household members and so boosted by the generally higher male earnings. In reality, sharing can be unequal and the stability of households is declining so women are unwise to rely on partner's incomes. For men the opposite is the case if they live with a women as their female partners are likely to earn less than themselves, given the gender pay gap and women's over representation in part-time work and those not in paid work.

- ⁶³ A further problem is that BME are more likely to experience both higher levels of child and persistent poverty compared to the majority population. See P. Fisher and A. Nandi, 'Poverty Across Ethnic Groups Through Recession and Austerity,' *Joseph Roundtree Foundation*, (2015). Available at: www.jrf.org.uk/publications/poverty-across-ethnic-groups-through-recession-and-austerity
- ⁶⁴ Evidence provided to GIP commission by L. Platt, 14/11/2014, based on A. Nandi, and L. Platt, *Ethnic minority women's poverty and economic wellbeing, Independent report*, . (London: Government Equalities Office, 2010).
- ⁶⁵ Evidence provided to GIP commission by Fran Bennett, 14/11/2014.
- ⁶⁶ This figure is before housing costs, the after housing cost figure is little different with 64% of those pensioners living at risk of poverty being women (ONS 2015) data from Family Resources Survey 2012/13. Table 6.3db.
- ⁶⁷ ONS (2015) Table 510ts data from the Family Resources Survey. Hood, A. (2015) Benefit changes and distributional analysis, IFS. Available at: www.ifs.org.uk/uploads/publications/budgets/Budgets%202015/Summer/Hood_distributional_analysis.pdf
- ⁶⁸ Changes to benefits recently announced in the 2015 budget represent a continuation of this redistributive strategy away from lone parent and large families, and potentially reversing previous gains in reducing child poverty.
- ⁶⁹ Khan, O. (2015) The Impact of the Budget on BME Families Runnymede Trust for the Department of Business, Innovation and Skills. Available from: www.runnymedetrust.org/news/611/273/Impact-of-the-budget-on-BME-families.html
- ⁷⁰ This New Living Wage will benefit women by increasing their hourly earnings but not be sufficient to offset the cuts in tax credits for low paid part time workers with dependent children. See A. Hood, 'Benefit changes and distributional analysis,' IFS (2015). Available at: www.ifs.org.uk/uploads/publications/budgets/Budgets%202015/Summer/Hood_distributional_analysis.pdf and UK Gov Summer Budget Available at: <https://www.gov.uk/government/publications/summer-budget-2015>
- ⁷¹ Fawcett Society, 'The Impact of Austerity on Women,' Fawcett Society Policy Briefing (March 2012). Available at: www.fawcettsociety.org.uk/wp-content/uploads/2013/02/The-Impact-of-Austerity-on-Women-19th-March-2012.pdf
- ⁷² Evidence provided to GIP commission by S. Walby, 14/11/2014. See also J. Towers and S. Walby *Measuring the impact of cuts in public expenditure on the provision of services to prevent violence against women and girls* (2012) Available at: www.trustforlondon.org.uk/news-and-events/news-and-comments/professor-sylvia-walby-reports-on-the-impact-of-cuts-on-violence-against-women-services/
- ⁷³ Pragna Patel (2015) commenting to the Independent Newspaper with respect to the narrow escape from closure by Southall Black Sisters, July 22nd. P.23. Available at: www.independent.co.uk/news/uk/home-news/forced-marriage-asian-victims-being-put-at-risk-by-closures-of-services-set-up-to-protect-them-10405731.html Additional funding was announced in the Summer Budget of 2015 but only for approximately 1% of the estimated total costs of domestic violence and insufficient to offset the cuts in local authority expenditure.
- ⁷⁴ See P. Krugman, (2015) 'The case for cuts was a lie. Why does Britain still believe it? The austerity delusion,' *Guardian Newspaper* (April 29th 2015). Available at: www.theguardian.com/business/ng-
- ⁷⁵ R. Antonopoulos and K. Kim, 'Public job-creation programs: The economic benefits of investing in social care? Case studies in South Africa and the United States,' Working paper, Levy Economics Institute, no. 671, (2011). Available at www.levyinstitute.org/pubs/wp_671.pdf.
- ⁷⁶ Paid leave is a contentious issue. It is almost certainly necessary to increase take up, especially if it was related to pay levels but unless part of a wider policy to tackle pay inequality this would mean that state funds were reinforcing inequality. Evidence provided to GIP commission by W. Sigle 14/11/2014.
- ⁷⁷ See P. Krugman, 'The case for cuts was a lie. Why does Britain still believe it? The austerity delusion,' *Guardian Newspaper* (April 29th 2015). Available at: www.theguardian.com/business/ng-
- ⁷⁸ See P. Krugman, 'The case for cuts was a lie. Why does Britain still believe it? The austerity delusion,' *Guardian Newspaper* (April 29th 2015). Available at: www.theguardian.com/business/ng-
- ⁷⁹ WBG (2015) The Impact of the Budget on Women. (See various years). Available at: <http://wbg.org.uk/>
- ⁸⁰ See UK. Gov (2012) Prime Minister's speech to CBI, November 19th. Available at: www.gov.uk/government/speeches/prime-ministers-speech-to-cbi
- ⁸¹ Yvette Cooper, a Labour MP requested the research. The detailed spreadsheet documenting the impact can be found at: https://docs.google.com/viewer?url=https%3A%2F%2Fdrive.google.com%2Ffile%2F1436391954%2FGender_analysis_emergency_budget_2015.xlsx%3F1436391954.
- ⁸² Z. Williams, Has Liz Truss tried looking after six toddlers? I have, *Guardian Newspaper*, (February 2nd 2014).
- ⁸³ The fact that this suggestion was made by a woman demonstrates that presence of women in Parliament is not by itself sufficient to bring about change (see Politics Section).
- ⁸⁴ W. Baumol, 'The Macroeconomics of Unbalanced Growth,' *American Economic Review* 57, no. 3 (1967): 415-426; for a contemporary discussion see D. Perrons, 'Gendering inequality: a note on Piketty's Capital in the Twenty-First Century,' *British Journal of Sociology* 65, no. 4 (2014): 667-677.
- ⁸⁵ National Audit Office, *Adult social care in England: An Overview* (2014) Available at: www.nao.org.uk/report/adult-social-care-england-overview-2/ See also Z. Conway 'Home carers' travel 'goes unpaid', Unison says. Extracts from the BBC Today programme (2015) which include an interview with an anonymous careworker and with Colin Angel from the UK Homecare Association and the BBC interviewer Available at: www.bbc.co.uk/news/uk-29812310
- ⁸⁶ Family and Child Care Trust, *Annual Survey* (2015). Available at: www.familyandchildcaretrust.org/childcare-cost-survey-2015
- ⁸⁷ Conservative Party, Manifesto (2015). Available at: www.conservatives.com/manifesto
- ⁸⁸ www.telegraph.co.uk/news/politics/conservative/11642734/David-Camerons-30-hour-free-childcare-plan-underfunded.html; www.theguardian.com/money/2015/apr/14/david-cameron-conservatives-childcare-manifesto
- ⁸⁹ ONS, 'What percentage of marriages end in divorce?' (2015). Available at: www.ons.gov.uk/ons/rel/vsob1/divorces-in-england-and-wales/2011/sty-what-percentage-of-marriages-end-in-divorce.html
- ⁹⁰ UK.Gov (2015) Shared Parental Leave and Pay. Available at: <https://www.gov.uk/shared-parental-leave-and-pay/overview>
- ⁹¹ C. Epstein, 'Border Crossings: The Constraints of Time Norms in Transgressions of Gender and Professional Roles,' in *Fighting for Time* ed. C. Epstein and A. Kalleberg, (New York: Russell Sage Foundation, 2006), 317-340.
- ⁹² According to Farhad Manjo writing in the New York Times 24/09/2014 Laszlo Bock, Google's human resources chief, came across the idea of unconscious bias in 2012 having read an article about discrimination against female applicants for scientific jobs in academia. He then introduced a bias busting programme, see Manjo, F. Exposing hidden bias at Google, New York Times 2/09/2014. Available at: www.nytimes.com/2014/09/25/technology/exposing-hidden-biases-at-google-to-improve-diversity.html?_r=0
- ⁹³ The Davis Review was established in 2011 and has been reporting annually since then.
- ⁹⁴ See also the Politics Section.
- ⁹⁵ Evidence given to Women Above the Parapet project, LSE.
- ⁹⁶ S. Sandberg, *Lean in: Women, work, and the will to lead* (London: WH Allen, 2013).
- ⁹⁷ Only in 2012 did an executive at Google come to realise that the gender imbalance at Google might be due to gender bias in decision making and as a consequence a wide variety of awareness raising workshops have been introduced as well as computer tests to identify bias. See New York Times, Technology Section Sept 2014. Available at: www.nytimes.com

nytimes.com/2014/09/25/technology/exposing-hidden-biases-at-google-to-improve-diversity.html?_r=0

⁹⁸ A. Francke (2015) Chief Executive, Chartered Management Institute speaking on the radio 4 Today programme, Tuesday 25th May based on a survey of 72,000 manager.

⁹⁹ A. Plomien (2014) Evidence to the Commission.

¹⁰⁰ Evidence provided to GIP commission by A. Plomien, 14/11/2014. See also A. Plomien, Podcast available at: www.lse.ac.uk/newsAndMedia/videoAndAudio/channels/genderInstitute/player.aspx?id=311

¹⁰¹ See for example EHRC (2009) Financial Services Inquiry Sex discrimination and gender pay gap, Available at: www.equalityhumanrights.com/sites/default/files/documents/financial_services_inquiry_report.pdf

¹⁰² Ania Plomien (2014) Evidence to the Commission.

¹⁰³ Malleson, K. (2015) Evidence to the Law Session of the Commission.

¹⁰⁴ L. Ashley, J. Duberley, H. Sommerlad and D. Scholarios, *Non-educational barriers to the elite professions evaluation*. (Social Mobility and Child Commission, 2015). Available at: <https://www.gov.uk/government/publications/non-educational-barriers-to-the-elite-professions-evaluation>

¹⁰⁵ Evidence provided to GIP commission by A. Plomien, 14/11/2014. The Study in Question was based on confidential research for a major private corporation. See a range of literature from R.M. Kanter, *Men and Women of the Corporation* (republished by Basic Books in 1993 [1977]), to V. Pryce, 'Gender equality has become an election issue – but progress remains painfully slow', *City*. A.M (2015). Available at: www.cityam.com/214101/gender-has-become-election-issue-progress-remains-painfully-slow

¹⁰⁶ Perrons, D. (2015) 'Gendering the inequality debate', *Gender and Development*, 23 (2): 207-222.

¹⁰⁷ This is known as the marginal productivity of labour.

¹⁰⁸ T. Piketty, *Capital in the Twenty-First Century* (Harvard: Belknap Press, 2014).

¹⁰⁹ Piketty, *Capital*, 332.

¹¹⁰ Elson, D. (1998) The economic, the political and the domestic: Businesses, states and households in the organisation of production, *New Political Economy*, 3 (2) 189-208

¹¹¹ WBG (2015) 'PLAN F: A Feminist Economic Strategy for a Caring and Sustainable Economy.' Available at: <http://wbg.org.uk/economic-social-policy/plan-f/>

¹¹² See J. Nelson (2006) *Economics for Humans*, Chicago: Chicago University Press.

¹¹³ George Osborne and David Cameron have made this claim several times. For contrasting perspectives and evidence see Women's Budget Group (WBG), WBG (2015) *The Impact of the Budget on Women*. (See various years). Available at: <http://wbg.org.uk/> And House of Commons Library Research Findings. Available at: https://docs.google.com/viewer?url=https%3A%2F%2Fd3n8a8pro7vhmx.cloudfront.net%2Fyvetteforlabour%2Fpages%2F271%2Fattachments%2Foriginal%2F1436391954%2FGender_analysis_emergency_budget_2015.xlsx%3F1436391954

¹¹⁴ See P. Krugman, (2015) 'The case for cuts was a lie. Why does Britain still believe it? The austerity delusion,' *Guardian Newspaper* (April 29th 2015). Available at: [¹¹⁵ All policies potentially have uneven gender implications, given the different social positioning of women and men in society. It is also important to recognize that the precise impact of policies will depend on how gender intersects with other identity characteristics. At present this is harder to do as the necessary data is not available, a situation that needs to be redressed. Economic knowledge is crucial to informed decision making.](http://www.theguardian.com/business/ng-; S. Seguino LSE Public Lecture (May 14th 2014); Diane Perrons, LSE Public Lecture (October 1st 2014).</p></div><div data-bbox=)

¹¹⁶ O. Bandiera (2014) Evidence to the Commission.

¹¹⁷ In Norway, five years after legislation to close publicly listed companies that failed to meet the 40% target for women on the Board, almost all companies had complied. In the UK a voluntary target of 25% was set in the Davies Report, and has not been almost achieved, but evidence suggests that, at best, it will stall at only marginally above this level.

Quotas and targets are controversial for several reasons. For example the expectation that a woman is less qualified and will be less productive than the person (male) who would otherwise have been appointed. In addition women sometimes express concerns that their authority will be undermined if their presence is seen to derive from quotas rather than merit.

¹¹⁸ Thomas Piketty, *Capital in the Twenty-First Century*, (Harvard: Belknap Press).

¹¹⁹ Evidence provided to GIP commission by W. Sigle, 14/11/2014.

POLITICS

In politics, as in all the spheres addressed in this report, we are in a period of simultaneous stasis and change. Women have been involved in political movements and campaigns for centuries, but it was only in 1918 that those over 30 (those thought mature enough to know their own minds) won the right to vote and stand for election to parliament. It was only in 1928, when the suffrage was extended to all citizens over the age of 21, regardless of

their sex, that Britain became a democracy. Sex remained, however, a key determinant of access to political power: it took seventy years from the point at which women could first stand for election and numerous general elections for the proportion of women in parliament to cross the 5 per cent barrier.



Table 1 Women Members elected at General Elections (1970-2015)¹

| Election Year | Total number of women | % of all MPs |
|---------------|-----------------------|--------------|
| 1970 | 26 | 4.1% |
| 1974 | 23 | 3.6% |
| 1974 | 27 | 4.3% |
| 1979 | 19 | 3.0% |
| 1983 | 23 | 3.5% |
| 1987 | 41 | 6.3% |
| 1992 | 60 | 9.2% |
| 1997 | 120 | 18.2% |
| 2001 | 118 | 17.9% |
| 2005 | 128 | 19.8% |
| 2010 | 143 | 22.8% |
| 2015 | 191 | 29.4% |

In the Nordic countries, which till recently topped the world league tables,² it was the 1970s and 80s that were the transformative period. By the early 1980s, the proportion of women in parliament had risen to 31 per cent in Finland, 28 per cent in Sweden, and 26 per cent in Norway. In 1994, Sweden became the first country in the world to cross the 40 per cent barrier. In the UK, by contrast, the significant shifts in the gender composition of parliament came a couple of decades later, and primarily through the adoption of various forms of affirmative action. The Liberal Democrats were the first to implement special measures to raise the proportion of women selected as candidates, introducing in the 1980s the compulsory shortlisting of women in all candidate selection processes. This initiative was later followed by the Labour Party, but neither initiative had much impact on the numbers. The more dramatic step came in 1993, when Labour women activists persuaded the party conference to endorse a policy of all-women shortlists in half of the winnable seats for which there was no incumbent MP seeking re-election. While all-women shortlists were (temporarily) abandoned after two male party members won an industrial tribunal ruling that they were in contravention of the *Sex Discrimination Act*, sufficient numbers of women had already been selected by this process to make a significant difference in the 1997 general election. The proportion of women MPs almost doubled from 9.2 per cent to 18.2 per cent.

The creation of the Welsh Assembly in 1998 and Scottish Parliament in 1999 provided a further opportunity for the gendering of

political power. This was partly because the voting system adopted in the new bodies – the additional member system³ – is more amenable to the application of gender quotas, but mostly because activists in both countries pressed strongly for equality measures. The Labour Party adopted a policy of “twinning” constituencies (adopting a woman as candidate in one and a man in the other); in Wales, Plaid Cymru used a version of the “zipper” system, selecting women candidates for the first and third places on its lists of additional members; and while the Scottish National Party adopted no formal quota mechanism, it too selected significant numbers of women to run for election. In the first elections in 1999, women took 37 per cent of the seats in the Scottish Parliament and a stunning 40 per cent of the seats in the Welsh Assembly. Sixteen years later, in the 2015 general election, the UK parliament started to catch up: 191 women MPs were elected, now making up 29.4 per cent of the total.

Many have hailed this as the breakthrough. Setting aside for the moment the very poor figures from the Northern Ireland Legislative Assembly, we now find women filling roughly one in three of elected positions through the country as a whole.

Percentage of women in the country's elected bodies:

- 29 per cent of UK MPs (Members of Parliament)
- 35 per cent of MSPs (Members of Scottish Parliament)
- 42 per cent of AMs (Members of the Welsh Assembly)
- 19 per cent of MLAs (Members of the Northern Ireland Legislative Assembly)
- 31.9 per cent of local councillors in England, 26.3 per cent in Wales, 26.7 per cent in Northern Ireland, and 24.3 per cent in Scotland⁴

The percentage in the world as a whole is just over one in five, so this now puts the UK significantly ahead of the world average: we are currently 38th in the Inter Parliamentary Union's global league table, behind Nepal and just above Trinidad and Tobago.⁵ In terms of political participation, political representation, and even the elusive leadership roles, things look considerably brighter than before. There is virtually no difference between the sexes as regards voting in elections (age is the more significant variable here), and though women are still slightly less likely than men to be

involved in political campaigns or join political parties, the activism gap is now very slender.⁶ Women currently lead three of the UK's political parties – Nicola Sturgeon for the Scottish National Party, Leanne Wood for Plaid Cymru, Natalie Bennett for the Green Party – and at the time of writing, two women and two men are contesting the leadership of the Labour Party. Though women have been appointed to only seven out of twenty two cabinet positions in the UK government, there are now equal numbers of women and men with cabinet responsibilities in Scotland. The Trades Union Congress has its first female General Secretary, Frances O'Grady. Are we then on an upward path towards full gender equality in political influence and power? It has taken a good hundred years to arrive at this point, but can we now say that, as regards politics at least, the battle is pretty much over?

Sadly, no. Firstly, even one in three (less than this in the House of Commons, very much less in the Northern Ireland Assembly) means that men are over-represented in politics to the tune of two to one.⁷ Secondly, we cannot assume that change is set to continue in a steady upward curve. On past performance, backward dips are frequent, as are long periods of stasis, and since much of the recent improvement has depended on quota mechanisms, further improvements are likely to require further such action. Finally, numbers alone do not guarantee shifts in power, for the gendering of policies and practices is deep rooted, and not easily changed. Political power is not a commodity that can be simply redistributed, but works in complex, often hidden ways to sustain the status quo.

1. One in three is too little

The under-representation of women and over-representation of men matters. It matters because of the messages conveyed about women as second-class citizens, better suited to the “private” world of family and household than to “public” political life. As a number of contributors to the Commission noted, so long as the image of the typical politician remains so resolutely masculinised, women active in politics will continue to appear as the exceptions, endlessly commented on in their identity “as women” and unable to escape reference to their gender. The over-representation of men also matters for what might seem the opposite reason: because it makes it harder to address, or even acknowledge, the gendered nature of policies and laws. Men and women have, on average, and over the course of their lifetimes, different life-experiences. For women, these may include pregnancy, a greater vulnerability

than men to rape and domestic violence, a much increased likelihood of becoming the ones responsible for caring for the young, sick and elderly, and a greater probability of low incomes and limited personal wealth. Different experiences generate different interests and perspectives, and it is risky in politics to rely on those who do not share your experiences, interests, or perspectives to represent you. Politicians do not blindly implement whatever the electorate votes on during an election campaign, and this is not just because they may tear up their promises. New challenges inevitably arise in the course of each parliament, and in facing these challenges, politicians draw not only on party ideology but on their own perceptions of what counts as a priority. In these moments, “presence” matters almost as much as the ideas and policies contained in party manifestos.⁸

These two aspects might seem to work in opposition to one another, for the first points to what we might term an “over-gendering” of women in politics, and the second to an “under-gendering” of the political agenda. It is, however, precisely this combination that tends to characterise gendered relations of power, and makes it so hard to challenge them. Reducing people to their gender or sexuality or ethnicity or race, treating everything they do or say as if it reflects this one characteristic, is a powerful mechanism for keeping people in check, and part of what can make it hard to speak out about what others deem “merely” women’s concerns.

People sometimes say we don’t want women representing women’s interests, any more than we want men representing the interests of men. At one level this is indeed true. In politics, people do not simply speak to the needs and concerns of their own group nor do we wish them to do so. From John Stuart Mill onwards, there have been male politicians who have campaigned courageously for the equality of the sexes. From the election of the first woman MP onwards, there have been women politicians who were reluctant to address gender issues because they anticipated – with some justification – that this would undermine their credentials as serious politicians. It is also the case that many of the interests we might regard as of special significance to women (better childcare provision, for example, greater security against male violence, improved work/life balance) are, or should be, of equal concern to men. Yet with these qualifications, we should question the capacity of a legislature dominated by men to reflect the experiences, perspectives, and interests of all the society. The failure to

recognise that the austerity policies adopted by recent governments bear disproportionately on women is only one of many possible illustrations of this. The longstanding neglect of sexual and child abuse is another.

There is considerable evidence, from the UK and elsewhere, that women in politics are more likely than their male counterparts to contribute to debates on gender issues or initiate policies on violence against women, inequality in the workforce, and crises in the organisation of care.⁹ When Sarah Childs, for example, interviewed newly elected Labour women from the 1997 intake, she found that nearly two thirds of them thought their presence in parliament had helped raise the profile of women’s concerns, focusing attention on violence against women, including forced marriages and sexual harassment, on opportunities for women in employment and education, on child care, family-friendly policies, the diagnosis and treatment of breast cancer, and provision for emergency contraception.¹⁰ Party affiliation also matters here, for women in left or centre-left parties have been somewhat more likely to see themselves as carrying a responsibility to speak for and about women’s experiences, but gender has an effect across the political spectrum. Indeed on matters relating to abortion, the treatment of rape victims, or women’s employment rights, women in the more conservative parties are often closer to their female colleagues in other political parties than to the men in their own.¹¹

Changing the gender composition enables different voices to be heard and new agendas to be addressed, and not just in a simple male/female binary. As much of the evidence to the Commission stressed, needs, interests, and experiences do not vary by gender alone, but by location within a range of power hierarchies, structured by race, ethnicity, age, sexuality, religion, culture, disability. This, indeed, is a further reason why achieving one in three representation is so inadequate; for even when the number of women politicians goes up, those elected are rarely representative of women as whole. Preethi Sundaram (Fawcett Society) puts it thus: “the women who have made it to public office are remarkably similar – white, middle class, well-educated and within a narrow age range. BME [Black and Minority Ethnic] women are still under-represented at all levels, as are women from lower socio-economic backgrounds and both older and younger women. The diversity of women’s voices is not proportionally represented within the political

realm.”¹² No-one expects parliament to be a simple mirror of the voting population, to reflect back in exact proportions its gender composition, ethnic diversity, or class divisions, but without some rough approximation to that diversity, our politicians will almost certainly fail to register key issues and concerns. We need not just more women in politics, but enough to capture the diversity of experiences, campaigns and concerns.

On this matter, the most recent general election does provide some good news. Minority ethnic women are generally poorly represented in national legislatures, much more poorly than minority ethnic men, and global comparisons suggest they have been the least likely to benefit when initiatives are developed to address (separately) the under-representation of women or the under-representation of minority ethnic groups.¹³ Quotas for women, that is, tend to favour the election of women from majority ethnic groups, while provisions to enhance minority representation tend to favour the men. As Kimberlé Crenshaw has argued in her influential analysis of anti-discrimination law, minority ethnic women may find themselves unable to take advantage either of provisions relating to gender discrimination or of provisions relating to racial discrimination, precisely because their experience is a combination of both.¹⁴ However, in the 2015 UK election, this rather gloomy pattern has been somewhat modified. The proportion of black, Asian and minority MPs remains significantly below the proportion in the population as a whole – 6.3 per cent as against 12.9 per cent of the population – and male MPs are still overwhelmingly and disproportionately white. But minority women now make up 10.5 per cent of the women elected to parliament, and much of the increase has come about through the implementation of the Labour Party’s all women short lists.¹⁵ Contrary to what critics of this initiative have sometimes suggested, it seems that the focus on tackling under-representation by gender has not been at the expense of addressing under-representation by race.

2. There is no steady upward trajectory

There are a number of common-sense reasons why it has been harder for women than men to put themselves forward for political office. (These are what researchers call the “supply-side” reasons.¹⁶) Time is at a premium for women because they are the ones who continue to assume the bulk of caring responsibilities: this is why achieving work/life balance – something of importance to all of us – is of

particular urgency for women. Unlike their male counterparts who may also have children or elderly parents, women frequently have to choose between their care responsibilities and a political career. One especially striking statistic from the House of Commons is that 45 per cent of the women elected as MPs but only 28 per cent of the men had no children.¹⁷ Women are also less likely than men to be encouraged to put themselves forward in politics. As evidence to the Commission demonstrated, men active in local councils are often encouraged by family and friends to look beyond the local council to the national stage. This happens more rarely for women.¹⁸ Women are, moreover, actively discouraged from a life in politics by gendered practices and assumptions and the routine disparagement of their knowledge and abilities. There is considerable evidence for this in the experiences of women in the House of Commons, as regards both the macho style of Westminster politics, and the denigration of women's speaking skills.¹⁹ Evidence to the recent *Report on Women in Politics and the Northern Ireland Assembly* suggests that the situation is even worse there: a number of submissions noted the "hostile" culture, the highly adversarial style of politics, and the "frequently intimidating" behaviour of AMs.²⁰ The representation of women politicians in the media, including the continuous scrutiny of hairstyle or dress, is also a disincentive.²¹

These factors help explain why many politically involved and experienced women decide against entering or staying in electoral politics. They also help explain why those who do come forward are often unrepresentative, by social class, or whether or not they have young children, of women as a whole. But comparative studies show that the really crucial determining factor explaining why women make up 40-50 per cent of elected politicians in some countries, but less than 30 per cent in others, is the gatekeeping role of political parties.²² (The "demand-side" reasons.) It is not women's "reluctance" or "lack of ambition" that is the problem. Nor is it the voters who decide whether we have male or female representatives. It is that small sub-group inside the political parties that finds it so hard to select women. In the Northern Ireland Assembly, where there is provision for political parties to co-opt new members to fill vacancies that arise between elections (so not even submitting their choices to the electorate), figures on co-opted members provide a particularly stark illustration of the power and preferences of party selectors. Between 2007 and 2011, there were fourteen co-options to the Assembly, including to three seats that had been

previously held by women. All 14 of the new members co-opted were men.²³

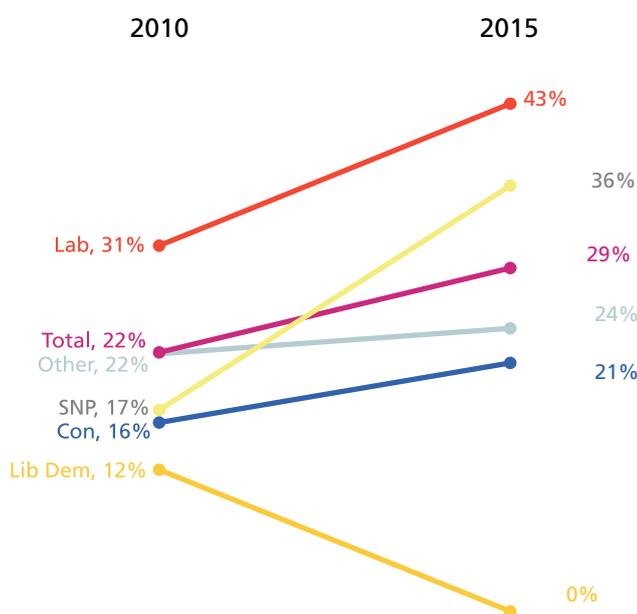
Overt discrimination among selectors has by no means disappeared – examples mentioned in the recent *Report of the Speakers Conference on Parliamentary Representation* include being told that the constituency was "not ready for a woman" and cases where the CVs of women candidates were "lost"²⁴ – but even where overt sexism has diminished, the choice of candidates and leaders is made against a backdrop of assumptions about what makes a "good" politician that is itself deeply gendered. Cross-national research into leadership preferences indicates a significant bias among male politicians against the characteristics more typically associated with women's than men's lives: coming later into politics, for example, or from a background in education rather than business or the professions.²⁵ (Interestingly, women politicians do not exhibit the same kind of bias against these gendered skill-sets.) As is noted elsewhere in our Report, the very understanding of competency or merit is already gendered, and selections are then rarely neutral. Experience in UK politics still chimes with this.

Against the combination of supply side and demand side obstacles, it would be foolhardy to anticipate a steady upward curve in women's political representation. To the contrary, advances often prove fragile or lack what has been termed the "contagion effect".²⁶ The

early experience of the Scottish Parliament is instructive here. This was a new institution, not burdened with long established gendered practices, not facing existing male incumbents who might reasonably expect to be re-selected, and it came into being against a backdrop of effective campaigning by women's groups and caucuses. But the initiatives that produced that impressive 37 per cent in the first election were not sustained, and while the proportion of women MSPs rose further to 39.5 per cent in the second election, it then dropped back in the third one to 33.3 per cent. By this time (2007), none of the parties was applying a quota mechanism in the selection of candidates for the constituency seats, and the proportion of women elected to represent the SNP had fallen from 42.9 per cent in 1999 to 33.3 per cent in 2003 and 25.5 per cent in 2007.²⁷ Overall, the proportion of women among MSPs, stunning as it looked in 1999, now seems to have settled at around one third. In Wales, there was an even more dramatic initial success: 40 per cent in the first election rising to 50 per cent in 2003, and after a by-election in 2006, a brief period in which there were more women than men in the Welsh Assembly. Though the percentage remains impressive – the highest among the UK's elected bodies – it has subsequently slipped back to 41.6 per cent.

The trajectory and speed of change cannot be easily guaranteed. In the 2015 general election, the Labour Party, SNP, Green Party,

Figure 1 Percentage of female MPs by party, 2010 to 2015



Source: Institute for Government analysis of House of Commons Library figures

and Northern Ireland Alliance Party all selected women to stand in more than one in three of the constituencies they contested, with the result that 99 of Labour's 232 MPs, and 20 of the SNP's 56 MPs are women. But the Conservatives and Liberal Democrats selected women to contest only one in four: no woman was elected to represent the Liberal Democrats, and only 68 to represent the Conservative Party.

Party variations remain stark, and far from indicating a historic turning point, the recent improvement in gender composition is better understood as reflecting two factors. It reflects the continued use of all-women short lists by the Labour Party, and the fact that the SNP previously held only six of the Scottish constituencies, hence had no incumbency factor to deal with in selecting women as candidates. While the overall increase is clearly good news, it does not yet establish a major shift, and does not guarantee that we are now on the upward curve.

Similar points can be made about the proportion of women in government. In the UK, we have not seen a cabinet composed exclusively of men since John Major declared one in 1990, and governments are increasingly sensitive to media and other criticism when they fail to offer cabinet responsibilities to women. Women held 20 per cent of the ministerial positions under the 2010-15 Coalition Government, and hold 30 per cent in the first post-2015 Conservative Government. Other governments have committed themselves to 50/50 parity – including that of Francois Hollande in France and Nicola Sturgeon in Scotland – but the new norm in Westminster, it seems, is that the proportion of women in cabinet should roughly approximate their proportion in parliament as a whole. The criteria for ministerial office are highly informal: successful ministers refer to “luck”, “getting noticed”, “loyalty” and “reward for service to the party”, so this is a prime area where it is hard to break old patterns and assumptions.²⁸ Advances depend on continuing political will, and while the election of women to parliament works like a ratchet (growing slowly, but only rarely falling back to a significantly lower level), the appointment of women to cabinet posts is said to be more like a see-saw.²⁹ One government may give high priority to gender parity, while the next pays it only lip-service, and even when the same party assumes office, it may subsequently change its practice.

3. Numbers do not translate directly into power

Power is not just a matter of numbers: important as the numbers are, the gendered

nature of political power is never just a question of how many women and how many men. The object is to change the agenda, to ensure that budgets do not inadvertently penalise women, that strategies for tackling violence are better informed and more adequately funded, that crises in social care are recognised as a major public priority, and so on. As Claire Annesley puts it, “gendering policy does not refer merely to the inclusion of women’s ideas or issues onto the mainstream policy agenda but to the renewal of the whole policymaking process to give men and women real and equal access and influence at each stage.”³⁰ Part of the difficulty in achieving this renewal is that institutions are themselves profoundly gendered, operating through a complex array of unspoken rules and practices that help to sustain an older order even when the numbers and faces change. Increasing the percentage of women has the potential to disrupt these practices, because it makes visible previously unquestioned assumptions about what matters and who carries authority, and thereby enables new norms to emerge. But it is not easy to challenge dominant norms, and it is especially difficult when those norms are unspoken. The “hidden life of institutions”³¹ and their often invisible informal rules have considerable staying power.

Nowadays, the rules do not involve direct sexism, though some of the practices do. In the late 1980s, one Tory MP used to address every woman MP as Betty, on the principle that they all looked the same to him.³² This does not happen now, though in 2001, women MPs could still be faced with shouts of “melons, melons” when they got up to speak, and as recently as 2011, David Cameron

advised Angela Eagle to “calm down dear” when she challenged some of his claims.³³ A number of women MPs have reported being barred access to “members only” areas by staff who presumably found it hard to equate being an MP with being female and young. It is possible – maybe necessary – to brush off moments like these, but the cumulative effect is to reinforce the sense of being bodies out of place,³⁴ not really the right people to occupy these shoes. Women’s voices are pitched too high, their clothes look wrong, they are too short to carry authority. “There are more risks”, as one woman MP said in an interview in 2010, “because if your voice becomes shrill, you will immediately become ridiculed.”³⁵ Many report the feeling of being an intruder into someone else’s territory, and this can make it harder to take the initiative in challenging agendas or querying existing procedures. Some relish the challenge, but others report feeling silenced by it. The intruders into spaces previously reserved for others carry what Nirmal Puwar terms the “burden of doubt” (are they really up to the job?) and the “burden of representation” (if they fail in something, this will be taken as confirmation that their entire sex or entire ethnic group is lacking).³⁶

Improving the gender composition helps challenge the more overt sexism, but may not be enough, on its own, when dealing with seemingly gender-neutral norms. We have already noted one way these can work to disadvantage women: that politicians deciding whom to favour for leadership positions are inclined to discount those whose political career began later, or who have a background in school education: discount, that is, the paths more



typically taken by women than men. In politics (as in the legal profession and the media and cultural industries), what is taken as evidence of ability or commitment is shaped by a history in which those being compared and considered have for a long time been predominantly men. This establishes certain work-life balance norms: an expectation, for example, that one demonstrates one's commitment by remaining late into the evening for committee meetings or debates; or a hierarchy of qualities that rates the capacity for cut and thrust in the debating chamber (the very terminology speaks to masculinity) over what are felt to be the more pedestrian capacities of the good constituency MP. Seemingly neutral practices about when meetings are held provide one of the most familiar examples, for these work to disadvantage those who have young children or, more precisely, to disadvantage those who have young children *and* assume responsibility for them. Meeting times are almost always a source of debate when the gender composition of an organisation changes, for in any setting where the proportion of women with young children increases, questions begin to be asked about why meetings have to be held so late in the day. Often, however, the questions are raised and business as usual resumes. Politics remains profoundly gendered, in ways that continue to advantage men.

The same can be said of the Civil Service, which is where so much of the detailed work of generating policy takes place. More than half of civil servants – 53 per cent – are women, but the proportion in senior posts (the posts with most impact on policy formation) is significantly less. In 2014, only 31.4 per cent of senior civil servants were women, and only 22 per cent of Permanent Secretaries. Only the Education Department had a substantial number of senior women; elsewhere men predominated, especially in the Ministries of Defence, Justice, and the Foreign and Commonwealth Office. An independent report commissioned to identify the obstacles blocking women's progress uncovered damning evidence of what one respondent described as a "hideous macho culture at the top", and many as a "bear-pit".³⁷ Women, it seems, often decide not to apply for senior positions. One described her experience thus: "I did apply for a job at a senior grade and was told afterwards by the DG that I did not get an interview because I would have performed better than preferred candidate – it was his turn for promotion ... I have not applied for anything since."³⁸ Significantly, the men surveyed for this report were more likely than the women to think that discrimination

was a thing of the past, while the women were noticeably more sceptical about the availability of equal opportunities, the fairness of promotion decisions, and the commitment of the Civil Service to diversity.

There is some evidence that new institutions provide a more favourable climate in which to challenge the power of gendered norms. It is notable, for example, that post-conflict societies often adopt effective mechanisms to address the gender composition of their legislative assemblies, with the result that it is countries like Rwanda or South Africa that now take the lead in global league tables for the proportion of women in politics.³⁹ But here too there is no guarantee of an upward curve, and the Scottish Parliament again provides a useful illustration. The designers of the new institution were keen to demonstrate their distance from the Westminster parliamentary model, and gender politics initially played a significant role in this. "The inclusion of women and the promotion of gender equality came to be seen as emblematic of a wider aspiration for 'new politics' in Scotland: a more positive politics departing from the zero-sum games of the 'Westminster model'."⁴⁰ The four founding principles, laid out by the Consultative Steering Group, were access and participation, equal opportunities, accountability, and power-sharing. These translated, among other things, into a more proportionate electoral system, a parliamentary time-table that fitted within school term times, and gender-responsive budgeting. From interviews conducted in 2010, it seems that the Scottish Parliament is indeed perceived as more welcoming to women, as less macho, more inclusionary, and an easier place than Westminster in which to get up and speak.⁴¹ But the new is "nested" within the old, and old habits die hard. The new norms, for example, favoured collaboration over competition, but within a short time, political leaders "remembered" the adversarial practice of Prime Minister's Questions and adopted it for the Scottish Parliament as First Minister's Questions. The new norms also established equal opportunities as a founding principle, but only four years into the life of the Parliament this was "forgotten", when a review of procedures simply omitted to mention it as a key principle.⁴² As Fiona Mackay concludes, "the stickiness – and authority – of old rules and norms...and the nestedness of new institutions within the wider environment, including gender regimes and gender dynamics, provides a powerful explanation for why it seems so hard to make stick reforms conducive to the gendering of politics."⁴³

Ways Forward

In *Feminizing Politics*, Joni Lovenduski identifies three equality strategies, what she calls equality rhetoric, equality promotion, and equality guarantees.⁴⁴ The first expresses a commitment, but without much more in the form of practical reform. The second works to remove obstacles to women's greater participation: for example, by reforming working hours in parliament and local councils, monitoring and encouraging potential women candidates, and ensuring that selectorates get better training in equal opportunities. The third typically involves gender quotas, either introduced voluntarily by individual political parties, or imposed through legislation that requires all parties to comply. Experience indicates that promotion works slowly, and that guarantees are necessary for significant change. Equality guarantees have been adopted to good effect in over half the countries of the world, though these rarely require 50/50 equality, and more commonly establish a threshold minimum of 25 per cent, 30 per cent or 40 per cent.⁴⁵ The more prescriptive legislative quotas are increasingly adopted in other parts of Europe, including in France, Spain, and Portugal;⁴⁶ and Ireland has recently passed a gender equality law requiring parties contesting the next general election to ensure that at least 30 per cent of their candidates are women, a figure rising to 40 per cent over the following seven years.⁴⁷

Critics of quota policies sometimes represent them as selecting people on the grounds of gender rather than merit, but this does not stand up to close scrutiny. First, it is implausible to think that selecting an overwhelming majority of male candidates reflects nothing but their intrinsic merit, and owes nothing to dominant gender norms. One might more plausibly claim that these candidates have benefitted from an implicit gender quota for men. Second, there is little evidence to suggest that those who now benefit from explicit quotas for women are less qualified than their non-quota counterparts. A study of the women selected from the Labour Party's all-women short lists in 1997 indicates virtually no difference between "quota" and "non-quota" MPs: in fact, the one slight difference was that quota MPs were closer to their male colleagues in terms of whether they had previously contested elections, or been local councillors, than women chosen from non-quota lists.⁴⁸ There is also some evidence that quotas for women can improve the quality of male candidates. Data on candidates in Swedish municipalities over the course of seven elections suggest that the "zipper quota" employed by



the Social Democratic Party actually raised the calibre of male politicians, making it harder for “mediocre men” to be elected.⁴⁹

The electoral system for the UK Parliament does not lend itself to a zipper quota. It does, however, lend itself to the twinning of constituencies, and to the use of all-women shortlists. The *Sex Discrimination (Election Candidates) Act*, passed in 2002 with a sunset clause but now extended till 2030, makes it legal to use positive action, including quotas, to correct the under-representation of women in politics. Only the Labour Party and Green Party have so far made use of the provision, and no party currently supports mandatory quotas. A wide range of equality promotion measures was recently proposed in the *Report of the Speakers Conference on Parliamentary Representation*, set up to address the under-representation of women, ethnic minorities, and disabled people in the House of Commons (the conference later added sexuality). The Report also endorsed, at least in principle, the idea of an equality guarantee.⁵⁰ Should nothing improve in the 2010 election, the Report suggested that “Parliament should give serious consideration to the introduction of prescriptive quotas, ensuring that all political parties adopt some form of equality guarantee in time for the following general election”. The largely hostile press reaction to this last recommendation does not promise well for the introduction of legislative quotas, and Sarah Childs, one of the advisors to the conference, suggests that “against this unfavourable background...advocates of gender equality might do well to consider a “turn” to party regulation other than legislative sex quotas

as an alternative and hitherto under-utilised strategy for achieving women’s greater political representation in the UK parliament”.⁵¹

Recommendations

Nearly a century after women won the right to vote and stand for parliament, the position of women in British politics remains highly unsatisfactory. Despite recent improvements, women are very much a minority in all the country’s elected bodies. Informal rules and hidden assumptions continue to block sustained transformation of politics and policies. Women active in politics are still “over-gendered” (treated as if their gender is their most salient characteristic), while the policies adopted by parties and governments are “under-gendered” (pursued without serious attention to their impact on gender equality). In the light of the failure to implement frequent claims of commitment to equality, we recommend:

1. Quotas

We recommend that political parties introduce or reintroduce minimum quotas for women for all internal positions. The use of gender quotas for internal positions ensures that men and women alike gain political experience and are able to contribute to policy formation. Though any kind of quota can, on occasion, be cumbersome or feel overly mechanical, the evidence suggests that this is the only way to ensure that questions of equality and diversity are taken seriously within a party. Quotas help make questions of inclusion and exclusion more visible, and widen awareness of the issues that need to be addressed in policy development.

2. Gender parity in government

We recommend that political parties commit themselves to principles of gender parity (50/50) in the formation of future governments. This is an area where governments have the power to effect rapid change. There is no need to wait for the proportion of women in a parliament or assembly to reach 50 per cent before introducing parity in the selection of ministers; as several governments around the world have already established, this can be done as soon as there is the necessary political will. A requirement to appoint equal numbers of women and men helps challenge what is sometimes an inappropriate reliance on friendship networks and encourages more imaginative appointments.

3. Achieving work-life balance in political work

We recommend that Parliaments, Assemblies, and Councils be made more responsive to members’ family and care responsibilities, including through the implementation of parental leave in line with best public sector practice, and the revision of working hours and voting mechanisms. We have challenged the view that “supply-side” issues explain the under-representation of women, but this is not to understate the difficulties posed to anyone who has significant care responsibilities and yet wants to pursue a political career. Reforms already introduced in some of these bodies include on-site nurseries, arranging sessions around school terms, allocating voting times in advance, and there is plenty of good practice to draw on here. Less has so far been done as regards parental leave arrangements, the overall length of the working day, or the possibility of job sharing for politicians. If we are to make our decision making assemblies more genuinely representative of the diversity of the electorate, we need more imaginative thinking about this.

4. Regulate political parties on gender equality

We recommend that parliament introduce a robust system of party regulation, with strong equality and diversity provision. Current regulation of political parties is almost entirely focused on sources of party funding and the conduct of election campaigns, but there is no reason why parties should not also be required to monitor their gender and ethnic composition, demonstrate that they have effective mechanisms in place to achieve a gender balance, and carry out gender audits of their policies. The Speaker’s Conference recommended that all parties should collect and publish data on their MPs,

councillors, and candidates, broken down by gender, ethnicity, and disability, but so far this has been left to the parties to carry out on a voluntary basis. This means that some do – but not others. This kind of data collection should be a mandatory requirement, as important as collecting and publishing data on sources of party funding, and should be combined with a requirement to adopt and publish action plans setting out how they propose to diversify those elected as representatives of their party, including by gender.

5. Gender auditing

We recommend that governments be required to carry out serious gender audits of all the policies they propose to introduce.

Like everything in politics, gender audits provide no guarantee: they can easily degenerate into a “tick-box” approach, and when carried out by people who have no vested interest in their outcomes, often do so. That said, the key point about gender audits is that they require politicians and policy makers to address explicitly the likely impact of a policy on women and men, and to demonstrate that they have taken into account – and justified – whether the opportunities and burdens will be distributed differentially between the sexes. Given that so much of what sustains power inequalities are the unspoken assumptions, hidden principles, and taken-for-granted parameters with which policy is currently made, requiring our political representatives to think consciously about the gender impact of their initiatives opens up the space for what researchers call a “re-gendering” of politics and policy.

6. Quotas for women selected to stand for Parliament

We recommend that Parliament pass legislation establishing a ceiling gender quota for the MPs for each political party: a maximum 70 per cent of either sex at the first general election following the legislation, moving to a maximum 60 per cent of either sex at the following one, along the lines of the recent legislation in Ireland. This is the most controversial of our recommendations because it involves a mandatory quota on political parties in their selection of candidates for election. It is, however, increasingly the practice across Europe, including now in Ireland, and reflects frustration with the history of failed promises and insincere commitments by parties that do not yet regard the homogeneity of their representatives as a serious concern. Current improvements in gender balance are almost entirely due to those parties that have

chosen, voluntarily, to act on this issue, but this leaves the gender imbalance in the other parties relatively untouched. Our framing of the recommendation as a ceiling rather than a floor reflects the strongly held views of contributors to the Commission that the burden of the argument should now shift from the *under*-representation of women to the unjustifiable *over*-representation of men.

- ¹ Data derived from R. Kelly, *Women in the House of Commons: Background Paper* (London: House of Common Library, 2014).
- ² Produced by the Inter Parliamentary Union and regularly updated. www.ipu.org/wmn-e/world.htm.
- ³ In the additional member system, the country is divided into single member constituencies, but additional members are elected from party lists in proportion to the total votes cast for each party. On the party list, it is relatively simple to alternate women and men.
- ⁴ The results for local councillors are published by Colin Rallings and Michael Thrasher, The Elections Centre, Plymouth University.
- ⁵ www.ipu.org/wmn-e/world.htm figures updated August 1st 2015.
- ⁶ P. Norris, J. Lovenduski and R. Campbell, *Gender and Political Participation*, (London: Electoral Commission, 2004).
- ⁷ Rainbow Murray has suggested that we should talk less about the under-representation of women and more about the striking over-representation of men. R. Murray, 'Quotas for Men? Reframing Gender Quotas as a Means of Quality Control' (2012). APSA 2012 Annual Meeting Paper (<http://ssrn.com/abstract=2107904>).
- ⁸ A. Phillips, *The Politics of Presence* (Oxford: Oxford University Press, 1995).
- ⁹ The evidence on this varies depending partly on how one defines 'women's interests'. See K. Celis, 'Representation' in *Deeds and Words: Gendering Politics after Joni Lovenduski*, ed. R. Campbell and S. Childs (Essex: ECPR Press, 2014).
- ¹⁰ S. Childs, 'Hitting the Target: Are Labour Women MPs 'Acting For' Women?' *Parliamentary Affairs* 55, no. 1 (2002), 143-153. See also *New Labour's Women MPs: women representing women* (London: Frank Cass, 2004).
- ¹¹ As in Pippa Norris' early study of 'Women Politicians: Transforming Westminster?', which showed the largest gender gap within the Conservative Party, women Conservatives more strongly in favour of women's rights as regards abortion and domestic violence than male Liberal Democrats *Parliamentary Affairs* 49, no. 1 (1996), 89-102.
- ¹² P. Sundaram, 'The Power gap: why we are at a watershed moment for women's rights' *Fabiana – The Fabian Women's Network Magazine* 2, (2012), 18. Available at: <http://fabianwomensnetwork.files.wordpress.com/2013/03/fabianawinter2012.pdf>.
- ¹³ M. M. Hughes, 'Intersectionality, Quotas, and Minority Women's Political Representation Worldwide,' *American Political Science Review* 105, no. 3 (2011), 604-620.
- ¹⁴ K. Crenshaw, 'Demarginalizing the Intersection of Race and Sex,' *University of Chicago Legal Forum* 140 (1989), 139-167.
- ¹⁵ M. L. Krook and M. K. Nugent, 'Intersectional Institutions: Representing Women and Ethnic Minorities in the British Labour Party' paper presented to the *ECPR conference on Politics and Gender* (Uppsala, 2015).
- ¹⁶ The language of 'supply and demand' is particularly associated with P. Norris and J. Lovenduski's major study on *Political Recruitment: Gender, Race and Class in the British Parliament* (Cambridge: Cambridge University Press, 1995).
- ¹⁷ R. Campbell and S. Childs, 'Parents in Parliament: 'Where's Mum?', *Political Quarterly* 85, no. 4 (2014), 487-492: 489.
- ¹⁸ Evidence provided to GIP commission by P. Allen, 16/01/2015. Also 'Gendered Candidate Emergence in Britain: Why are More Women Councillors Not Becoming MPs?' *Politics* 33, no. 3 (2013), 147-159. For evidence from the USA, see Jennifer Lawless and Richard Fox, *It Takes a Candidate: Why Women Don't Run for Office* (Cambridge: Cambridge University Press, 2005).
- ¹⁹ Evidence provided to GIP commission by E. Crewe, 16/01/2015. Also *The House of Commons: an Anthropology of MPs' Work* (London: Bloomsbury, 2015); 'Westminster MPs: performing politics', In: *Disciplining Representation: Ceremony and Ritual in Parliament*, ed. S. M. Rai and R. E. Johnson (London: Palgrave Macmillan, 2015); C. Mason and T. Edgington 'Female MPs shunning PMQs says John Bercow' BBC (17 April 2014) www.bbc.co.uk/news/uk-politics-27062577
- ²⁰ *Report on Women in Politics and the Northern Ireland Assembly*, Assembly and Executive Review Committee, Northern Ireland Assembly, (9 March 2015). www.niassembly.gov.uk/assembly-business/committees/assembly-and-executive-review/reports/report-on-women-in-politics-and-the-northern-ireland-assembly/
- ²¹ E. Crewe, D. O'Neill and H. Savigny, 'How are female politicians represented in the press?', *Political Studies Association* (2013) www.psa.ac.uk/insight-plus/blog/how-are-female-politicians-represented-press.
- ²² As demonstrated, for example, in D. Dahlerup and M. Leyenaar, ed., *Breaking Male Dominance in Old Democracies* (Oxford: Oxford University Press, 2013).
- ²³ 'Report on Women in Politics and the Northern Ireland Assembly, Executive Summary,' *Northern Irish Assembly* (2015), Section 158. Available at: www.niassembly.gov.uk/assembly-business/committees/assembly-and-executive-review/reports/report-on-women-in-politics-and-the-northern-ireland-assembly/
- ²⁴ 'Report of the Speakers Conference on Parliamentary Representation,' *House of Commons*, (2010), 48.
- ²⁵ D. Teele, F. McCall Rosenbluth, and J. Kalla, 'Research Note: Barriers to Advancement for Female Politicians' Prepared for GIP commission (16/01/2015).
- ²⁶ Evidence provided to GIP commission by F. Mackay, 16/01/2015). Also M. Kenny and F. Mackay, 'When is Contagion not very Contagious? Dynamics of Women's Political Representation in Scotland,' *Parliamentary Affairs*, (2013).
- ²⁷ Kenny and Mackay, 'When is Contagion not very Contagious?': 8.
- ²⁸ Evidence provided to GIP commission by C. Annesley, 16/01/2015).
- ²⁹ J. A. Scherpereel, S. Jacob and M. Adams, 'Ratchets and See-Saws: Exploring Temporal Patterns in Women's Political Representation,' Paper prepared for presentation at the *Joint Sessions of the European Consortium for Political Research*, (Salamanca, 2014).
- ³⁰ C. Annesley, 'Gendering Politics and Policy', *Policy and Politics* 38, no. 3 (2010), 333-336: 334.
- ³¹ L. Chappell and G. Waylen, 'Gender and the Hidden Life of Institutions,' *Public Administration* 91, no. 3 (2013), 599-615.
- ³² Cited in J. Ashley, 'Vignette – The Story of Critical Mass: Women at Westminster' in *Deeds not Words: gendering politics after Joni Lovenduski*, ed. R. Campbell and S. Childs (Essex: ECPR Press, 2014), 165.
- ³³ She complained to Betty Boothroyd, the Speaker of the House, but was told this just came with the territory. J. Lovenduski, *Feminizing Politics* (Cambridge: Polity Press, 2005), 55.
- ³⁴ The phrase comes from N. Puwar, *Space Invaders: Race, Gender and Bodies Out of Place* (Oxford: Berg, 2004).
- ³⁵ R. Malley, 'Feeling at Home: Inclusion at Westminster and the Scottish Parliament', in *Deeds not Words*, ed. Campbell and Childs, 106.
- ³⁶ Puwar, *Space Invaders*.
- ³⁷ Hay Group, *Women in Whitehall: culture, leadership, talent* (London, Cabinet Office, 2014): p 18,13.
- ³⁸ *Women in Whitehall: 15*.
- ³⁹ At the time of writing, Rwanda has considerably more women in parliament than men – 63.8% – which puts it first in the world, while South Africa comes seventh, with 41.9%.
- ⁴⁰ Fiona Mackay, 'Nested Newness, Institutional Innovation, and the Gendered Limits of Change,' *Politics and Gender* 10, no. 4 (2014), 549-571: 577.
- ⁴¹ Malley, 'Feeling at Home,' 105-108.
- ⁴² It was reinstated, but only after protests from women's groups and feminist politicians. Mackay, 'Nested Newness,' 564.
- ⁴³ Mackay, 'Nested Newness', 568.

⁴⁴ Lovenduski, *Feminizing Politics*. Sarah Childs has since generalised this to minimalist, medium, and maximalist strategies, and applied it to approaches to party regulation. S. Childs, 'In the Absence of Electoral Sex Quotas: Regulating Political Parties for Women's Representation' *Representation* 49, no. 4 (2013), 401-23.

⁴⁵ D. Dahlerup and L. Freidenvall, 'Judging Gender Quotas – Predictions and Results' *Policy & Politics* 38, no. 2 (2010), 407-25; M. L. Krook, *Quotas for Women in Politics: Gender and Candidate Selection Reform Worldwide* (Oxford: Oxford University Press, 2009); see also the website www.quota.org

⁴⁶ On Spain, see T. Verge, 'Institutionalising Gender Equality in Spain: Incremental Steps from Party to Electoral Gender Quotas,' *West European Politics* 35, no. 2 (2012), 395-414.

⁴⁷ Evidence provided to GIP commission by Y. Galligan, 16/01/2015). Also Y. Galligan, 'Ireland – STV: A Gender-Proportional System' in *Women and Legislative Representation: Electoral System, Political Parties and Sex Quotas*, ed. M. Tremblay (Basingstoke: Palgrave Macmillan, 2012), 155-166. Parties that fail to comply with the rule will lose up to 50% for their public funding.

⁴⁸ P. Allen, D. Cutts, and R. Campbell, 'Measuring the Quality of Politicians elected by Gender Quotas – are they any different?' *Political Studies* (forthcoming 2015).

⁴⁹ T. Besley, O. Folke, T. Persson and J. Rickne, 'Gender Quotas and the Crisis of the Mediocre Man: Theory and Evidence from Sweden,' *Working Paper* (2012).

⁵⁰ *Report of the Speakers Conference on Parliamentary Representation* (London: House of Commons, 2010). See also 'Progress Report on Speakers Conference 2010' *All Party Parliamentary Group Women in Parliament* (London: House of Commons, 2014). Available at: <https://appgwomeninparliamentinquiry.wordpress.com/home-2/progress-report-on-speakers-conference-2008-2010/speakers-conf-combined-party-responses-long-v3/>. For a commentary on the report and its prospects, see J. Lovenduski, 'A Long Way to Go: The Final Report of the Speaker's Conference on Parliamentary Representation' *The Political Quarterly* 81, no. 3 (2010).

⁵¹ S. Childs, 'In the Absence of Electoral Sex Quotas: Regulating Political Parties for Women's Representation,' *Representation* 49, no. 4 (2013), 401-23: 413.

LAW

In opening this section of our report, it is important to acknowledge that the operation and significance of the law in shaping, reflecting and combatting gender inequality has to be assessed by reference to the role which the economy, the political system, cultural forces and the media play in determining the distribution of power and the range and, particularly, real worth of rights. In addition, law's capacity effectively to address conflicts arising from issues of work-life balance and gender-based violence or violence against women and girls is in large part premised on the political, economic and cultural

environment which shapes the content and symbolic effects of law. This environment is influenced by both lawyers' and lay people's interpretations of law, and by patterns, as well as the impact, of law's implementation and enforcement. Nonetheless, legal rules, ideas, and institutional arrangements are of sufficient independent importance to call for separate consideration. The scope of law is, however, far too broad to make it possible to aim for a comprehensive analysis. Rather, in what follows we concentrate on a number of key areas which have a particular importance for gender, inequality and power.



The long road to formal gender equality in law

Any evaluation of the adequacy with which the law deals with women – both as subjects of legal rights, duties and regulations, and as members of the legal profession – must be put in a historical context. A raft of legal disqualifications which expressed and formalised women's inferior civic status were the object of critique in Britain from at least the late 17th Century,¹ accelerating with key contributions such as Mary Wollstonecraft's *Vindication of the Rights of Women*² and John Stuart Mill's and Harriet Taylor's *The Subjection of Women*³ in the late 18th and early 19th Centuries. But law reform was slow to follow, and the real challenges to the legal status quo began in the latter part of the 19th Century, with gradual changes to family law and suffrage, and with married women achieving basic control of their property in 1882.⁴

The social changes engendered by the First World War provided a further impetus, not least through the activities of the suffrage movements: women achieved something approaching equal rights in divorce in 1923,⁵ though it was not until 1928 that women finally won an equal say in electing lawmakers.⁶ The first women solicitors and barristers were admitted to the legal profession only slightly before this, in the early 1920s, following the passage of the Sex Disqualification (Removal) Act 1919. Further legislative landmarks were slow in coming: the Equal Pay Act arrived in 1970, but was not implemented until the UK's accession to the European Community.⁷

The pace of legal change then speeded up, with the Sex Discrimination Act following in 1975, and a range of further developments extending the concept of equal pay and sex discrimination issuing from EU directives.⁸ These included the introduction of the concept of equal pay for work of equal value in 1983 and ratification of the UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) in 1986.⁹ The Human Rights Act 2000 entrenched the European Convention's principle that all Convention rights should be guaranteed equally irrespective of sex; and in 2010, a composite Equality Act brought together the legal frameworks addressing discrimination on the grounds of sex¹⁰ with other prohibited grounds of discrimination including race, religion, marital status, pregnancy, age and disability. With formal barriers to the profession a thing of the past, and formal gender equality securely entrenched in legal norms, one

Figure 1 Millicent Fawcett addresses a rally in Hyde Park, 1913¹¹



might have expected that a centuries-long revolution had been completed: that the law had unambiguously become a tool for the advancement of gender equality, and the legal profession a place of genuinely equal opportunities.

Continuing discrimination despite formal legal equality

Unfortunately, facts and figures suggest otherwise. Certainly, some large gains have been made. None of us would want to turn the clock back, and this is a salutary reminder that real legal change is possible, and that ideals of equality can be incorporated in law.¹² But much remains to be done.

Looking first at the legal profession: In part as a result of growing numbers of women completing higher education, women admitted as solicitors rose nearly tenfold, from 6 per cent to 57 per cent, between 1970 and 2005,¹³ while women called to the Bar rose from a mere handful in 1970 to just under 50 per cent by 2010,¹⁴ with the most dramatic increase coming, in each case, from the mid-1970s to the mid-1990s.¹⁵

But when we look at earnings, at career progression, and at the higher echelons of the profession, the picture is rather different. The gender pay gap among solicitors remains around 30 per cent, with women at the top of the profession earning around £50,000 per year less than their male counterparts,¹⁶ and male associate solicitors ten times more likely to become partners than their female

counterparts.¹⁷ Only 17 per cent of equity partners in the UK are women – and this figure is yet lower at the most prestigious firms.¹⁸ At the Bar, following the appointment of the first woman QC in the early 1970s, women had made their way to constituting only just over 10 per cent by 2010.¹⁹ The new, supposedly equal-opportunities oriented system of appointment introduced in 2005, has apparently made very little difference to the rate of progress.²⁰

Outcomes in the appointment of judges reflect a similarly hierarchical pattern. From nowhere in 1975, women had made their way by 2014 to 27.9 per cent of district judges in the County Courts and 31 per cent²¹ of district judges in Magistrates' Courts.²² However, only 20.5 per cent of Circuit Court Judges are women.²³ In the High Court, a mere 17.9 per cent are women (21 women out of 108 judges),²⁴ and 18.4 per cent of Court of Appeal judges are women (8 women out of 38 judges). The single woman appointed to the Supreme Court in 1998 remains there in apparently intractable isolation, with the fourteen appointments made since 1998 all middle class white men.²⁵

The UK has never sent a woman judge to key international tribunals such as the International Criminal Court (ICC), the European Court of Human Rights (ECHR) or the European Court of Justice (ECJ), and has only sent one woman to the International Court of Justice (ICJ). Progression to the higher judiciary from the lower Courts, where women are better represented, remains difficult. The evidence

which we heard was to the effect that, despite a number of initiatives over the last thirty years, such as the establishment of a Judicial Appointments Commission in 2006,²⁶ things have not changed to anything like the degree one might have hoped, with criteria of merit strongly shaped by a traditional vision of necessary skills and forms of work organisation shaped by and for privileged men.²⁷ The prevailing estimate is that we will have to wait something approaching another half century for equality in the senior judiciary.²⁸

A similar contrast between articulated, formally equal legal policy and substantive outcome characterises a number of areas of relevant legal regulation. Elaborate equal pay laws sit side by side with continuing and substantial differences in average male and female earnings, as documented in our Economics section. Judging by both research and anecdotal evidence from relevant bodies such as trades unions, pressure groups and private consultancies,³⁰ a legal norm of non-discrimination on grounds of sex, pregnancy/maternity or marital status turns out to be perfectly consistent with continuing sex discrimination.³¹ This is true even in the areas – employment, housing, the provision of public

goods and services – to which the legislation applies. Higher rates of part time work among women (42 per cent of women, as compared with just 12 per cent of men)³² mean that women are more likely than men to be in jobs which do not attract full employment protections, while the gendered composition of “non-standard” work intersects with the tax benefits regime to further disadvantage women.³³ In 2012, of the 2 million employees earning below the threshold for national insurance – and hence ineligible for contributory benefits such as a retirement pension, statutory sick pay, holidays and maternity pay – three quarters were women.³⁴ It goes without saying that the impact of these factors is considerably aggravated by the current climate of economic austerity, as discussed in our analysis of the economy.

Successive legal initiatives on violence against women and children – rape, sexual abuse and domestic violence – have left alarmingly high levels of these social phenomena in place. For example, around one in 20 women between the ages of 16 and 59 report having been the victim of rape or sexual assault, rising to one in five if we include less serious forms of sexual assault.³⁵ In addition, even when instances of domestic

violence are reported, there are reasons to think that practices that cap the number of incidents recorded in relation to any one case significantly under-represent the true scale of the domestic violence.³⁶

Improvements in police and prosecution handling of sexual assault cases and treatment of victims, though real, are very much a work in progress. It is estimated that only about 15 per cent of those experiencing the most serious forms of sexual violence report it to the police, and as we know from some widely publicised recent cases, sceptical or unsympathetic responses to allegations of sexual assault or harassment – on the part not only of the police but also employers, universities and other organisations – are not uncommon.³⁷ Practices such as female genital mutilation remain apparently impervious to legal regulation.³⁸ In spite of their commitment to enhancing women’s autonomy post-divorce and freedom to exit abusive or unhappy marriages, family law reforms have not fundamentally changed the economic and child-care dynamics of family life, with ex-wives substantially more likely to experience a major decline in their financial position post-divorce than ex-husbands. And, as we have already seen, rates of female and child poverty remain disproportionately high.³⁹ This will read as an unduly stark summary and may not reflect a nuanced analysis. But it is, substantially, true.

Why should this be the case? The evidence which we have heard, along with a wide range of scholarship and reports by expert bodies, point to five broad concerns. These have to do with the way in which the law thinks about and defines women and gender relations, this shaping in turn the law’s capacity to be effective as an agent of change; with questions about the law’s scope; with difficulties of implementation, enforcement and access to justice; and, last but certainly not least, with the social, economic and political context in which law reform and legal practice take place.

Sources of continuing gender inequality in law

Content: how the law thinks about women and men

First, we have to look at the *content of the law*, asking whether the law truly lives up to its own aspiration to achieve *genuine gender impartiality and fairness* in the articulation of its provisions. Failures of impartiality in the content of the law are easiest to identify in systems where formal

Table 1 Judicial Diversity statistics (2014, partial)²⁹

| Appointment Title | Male | Female | % Female |
|---|--------------|------------|--------------|
| Heads of Division | 5 | 0 | 0.0% |
| Lords Justices of Appeal | 31 | 7 | 18.4% |
| High Court Judges | 87 | 19 | 17.9% |
| Judge Advocates | 7 | 1 | 12.5% |
| Deputy Judge Advocates | 3 | 1 | 25.0% |
| Masters, Registrars, Costs Judges and District Judges (Principal Registry of the Family Division) | 28 | 11 | 28.2% |
| Deputy Masters, Deputy Registrars, Deputy Costs Judges and Deputy District Judges (PRFD) | 37 | 23 | 38.3% |
| Circuit Judges | 509 | 131 | 20.5% |
| Recorders | 940 | 186 | 16.5% |
| District Judges (Country Courts) | 316 | 122 | 27.9% |
| Deputy District Judges (County Courts) | 460 | 261 | 36.2% |
| District Judges (Magistrates’ Courts) | 98 | 44 | 31.0% |
| Deputy District Judges (Magistrates’ Courts) | 86 | 39 | 31.2% |
| Total | 2,607 | 845 | 24.4% |

equality has not yet been achieved. To take one example in relatively recent English law: before the reforms introduced by the Sexual Offences Act 2003, the law of rape provided, in effect, that a man who had sex with a woman without her consent, believing that she was consenting, had to be acquitted even if he had no reasonable grounds for that belief – hence arguably inscribing his point of view, rather than the woman’s, within the law.⁴⁰

Such examples remain common in some jurisdictions. As one of our panellists argued in her discussion of a recent case in the Republic of Ireland, jurisdictions which restrict access to abortion or which prioritise the life of a foetus (in the case discussed, to the extent of keeping a brain dead woman on life support in extremely distressing circumstances, even though there was no chance of her foetus’s ultimate survival), disclose a failure to accord equal value to women’s bodily integrity and dignity.⁴¹ But even where the law is facially neutral and formally equal, legal rules can disadvantage women, and gendered assumptions shape legal interpretation. A good example is the operation of criminal law in the context of domestic violence. The requirement that a defensive reaction, to qualify as a legal defence, must follow immediately upon a threat of violence, disadvantages the physically less powerful. Feminists have also shown that the tendency to interpret women’s violence in the “pathological” terms of mental incapacity defences rather than as fully or partially justifiable loss of control or self-defence.⁴²

Indeed, the law in some real sense constitutes (or disqualifies) gendered, trans-gendered and sexed identities by defining, albeit implicitly, the qualifications for claiming and exercising legal rights. In many contexts, law subtly operates on the assumption that a “normal” legal subject has characteristics associated with white, middle class heterosexual men: someone who works full time, does not take career breaks, does not sustain caring relationships which affect his capacity for earning and his (paid) working hours, and initiates rather than “consents to” sex.⁴³ The marginalising power of these unstated norms, moreover, is magnified where “differences” of gender intersect with those of ethnicity, socio-economic advantage, religion, sexuality.⁴⁴ In this context, formally equal rights may turn out to be of significantly less worth to certain groups. A good example would be the basic right to freedom of expression, which is arguably reduced for women by the pervasiveness of forms of pornographic and abusive expression which subtly change or disqualify the meaning of women’s speech.⁴⁵

This first point about how the law “thinks” about its subjects applies with particular force to the law’s construction of working life. An excellent example is the legal profession itself. Here, we need to ask whether the conditions of work, the prevailing assumptions about merit, and about “normal” career progression, are framed with a person with no dependents, no need for maternity/parental leave – hence, more likely, a man – in mind.⁴⁶ Note too that the law’s implicit full time worker norm implies significant, and significantly gendered, work-life conflict costs for workers with caring responsibilities.⁴⁷

It is often observed that the legal or other professions suffer from a problem of “attrition” at successive levels of seniority. But this description arguably gives too much emphasis to “supply side” issues, at the expense of thinking about the demand side. While, certainly, the figures do reflect choices made by women lawyers, they also reflect the conditions under which those choices are made. And these conditions include both structural barriers (for example, a culture of long working hours and the timing of partnership decision-making at time many women lawyers are having family) and cultural barriers (for example gender stereotypes in which women are still seen as

the primary caregivers to children and ageing family members and men as breadwinners). At least some of these conditions could be adapted by the profession – which probably finds the “attrition” of women convenient in the management of career progression more generally – so as to diversify the patterns of career progression which are possible.⁴⁸ And while women’s lack of progress in the legal profession may seem a relatively small issue as compared with the growing problems of precarious employment and poverty which afflict many women, progress towards a more diverse legal profession is arguably key to maximising the law’s potential to fully represent and serve all of its subjects.⁴⁹

Law’s limited scope

Second, we have to bear in mind that, in many relevant areas, the law may be adequate so far as it goes, but inadequate in failing to address certain key issues for women because of its *limited scope*. A good example here would be the limited ambit of the Equality Act’s anti-discrimination norms which, as one of our panellists put it, “fail to reach many of the areas of life which most affect women as women”.⁵¹ Quite generally, our social attachment to the idea that there are limits to how far law should reach into areas of private or family regulation – limits which we observe irregularly, yet which still exert a great deal of cultural force – circumscribes the impact of legal rules in areas like employment regulation. This is because patterns of behaviour within the family – notably the distribution of domestic and caring work – affect labour market behaviour and opportunities in ways which continue to be strongly gendered.⁵²

For example, as mentioned in our Economics section, although women’s and men’s pay is now relatively equal up to the age of 30, it diverges markedly from that point on, clearly reflecting the differential force of maternity and parenting obligations.⁵³ Several of those giving evidence to the Commission emphasised the fact that, where the law does not reach, its silence implicitly legitimises the status quo, and as a result consolidates existing gender power relations. In a world in which gender and other forms of discrimination, as well as gender-based violence, are widespread, an anti-discrimination norm, and indeed legal measures more generally, carry the risk of perversely representing discrimination as exceptional, hence subtly adding to problems of both proof and identification of the issue. Conversely, it is worth bearing in mind that some of the

Figure 2 Helena Normanton (1882-1957), the first woman to practice as a barrister in England⁵⁰



legal changes with the greatest impact on, or potential to reduce, gender inequality are not gender-specific on their face. Prime examples include the minimum wage legislation and the proposed enactment of a living wage requirement.

Problems of implementation and enforcement

Third, we must accept that, even where legal rules and provisions themselves appear to approximate to basic standards of impartiality and gender equity, *implementation and enforcement* are key. These involve a range of institutions and actors – courts, police officers, regulators, prosecutors, and indeed the lay people who invoke the law – whose incentives and values need to be considered.⁵⁴ In addition, *access to legal advice and enforcement* is hugely uneven along not only gender but also ethnic and socio-economic lines, and is becoming markedly more so with current cuts in legal aid, notably as a result of the Legal Aid and Punishment of Offenders Act 2012 (LASPO).⁵⁵

To take some examples: legal reform of sexual offences is bound to have a limited impact if the key gatekeepers between a rape and its successful prosecution are not well informed about, and sympathetic to, the principles underlying the law. So the attitudes of police officers, prosecutors, lawyers, judges, police doctors and indeed jurors are of central importance.⁵⁶ This is vividly illustrated by recent instances – the Rochdale sex abuse cases for example – in which reviews and decisive policy initiatives by bodies such as the Crown Prosecution Service have led to real changes in implementation without any formal change in the law.⁵⁷ Victims of both sexual offences and domestic violence are unlikely to be willing to see through, or possibly even to make, complaints which are likely to lead to burdensome and distressing legal proceedings, which may concern their partner or another person they know well, unless they encounter support from the police. They also need to have genuine access to effective legal advice, and in some cases access to social supports such as alternative safe accommodation.⁵⁸ Another telling indicator here is that there has been only one – unsuccessful – prosecution under the legislation prohibiting female genital mutilation since its introduction in 1985.⁶⁰

Even some of the most potentially equality-promoting provisions existing in English law remain under- or un-enforced. The duty to advance equality imposed on public sector



organisations by the Equality Act 2010 has resulted in a relatively modest 135 cases up to the end of 2014, with only two of them producing a successful outcome in terms of gender equality.⁶¹ The section 78 provision for regulations mandating the provision of data on gender pay gaps by firms employing 250 or more staff remains un-used.⁶² And although the Equality Act makes quite generous provision for positive action to advance gender equality outside the workplace, this legal possibility is not exploited nearly as much as it might be, because the idea that legal anti-discrimination norms prohibit positive action continues to exert great influence.⁶³ Despite the UK's ratification of Convention on the Elimination of Discrimination Against Women (CEDAW),⁶⁴ and the courts' occasional reliance on it in interpreting the Human Rights Act, no use has been made of Article 4's provision that "the adoption of ... special measures aimed at accelerating de facto equality between men and women shall not be discrimination".⁶⁵ And individual rights pertaining to divorce, financial support and child custody post-divorce are of little value except to the wealthy if access to justice is undermined by the removal of legal aid.⁶⁶

Here, evidently, public spending cuts and market pressures have become a key barrier to the advancement of gender equality through law.⁶⁷ Indeed many of those participating in our hearings pointed to the growing extent to which pure market considerations shape the conduct of social life, with the commodification of legal services (including court services, for which high charges are now made in many contexts) skewing access to justice. In addition, particularly on the solicitors' side of

the profession, the commercial interests of firms increasingly shape the organisation of work, with important implications for not only work-life balance but also the career progression of women or indeed of men shouldering substantial caring responsibilities for children or other dependent family members.⁶⁸ Radical cuts in legal aid have undermined the ideal of justice as a public good, while the imposition of substantial fees for tribunal hearings and judicial review are making access to justice illusory for large swathes of the population, with a particular impact on women given their unequal financial position.⁶⁹

The impact of this accelerated privatisation of legal services has been aggravated by the concomitant decline in forms of collective provision of legal advice and support such as trade unions, law centres and citizens' advice bureaux, leaving many potential litigants dependent on either their own resources or the support of charitable organisations such as the Personal Support Unit.⁷⁰ This structural change poses longer term risks to the quality of justice. For example, there is already evidence of severe delays in the family courts as a result of the withdrawal of legal aid from civil cases, leading to many unrepresented litigants unfamiliar with court processes.⁷¹ And there is real anxiety about the future supply of criminal law advice to defendants given the severe financial impact of legal aid changes on solicitors' firms specialising in criminal defence.⁷²

This question about access to justice – about how it is premised on power, and how it affects the worth of rights to different groups – illuminates the significance of two further

issues: that of intersectionality – the ways in which intersecting differences can magnify the effects of discrimination; and that of legal pluralism – can access to alternative legal orders or mechanisms of dispute resolution provide adequate alternatives to public justice? Several of those who gave evidence emphasised the particularly stark way in which certain groups of women – those unlawfully present in the UK, or unsure of their immigration status; victims of domestic abuse; victims of trafficking; those without high levels of confidence in English – are excluded from any form of legal recourse.⁷³ For them, the promise of equality before the law is illusory. The impact of these intersecting axes of inequality is often magnified by the operation of implicit norms about what counts as “standard” forms of victimisation. For example, physical violence is taken more seriously than forms of psychological, domestic, economic or sexual violence which do not cause injury: indeed serious physical injury is now a condition for legal aid in family matters.⁷⁴

Can access to alternative legal orders or forms of dispute resolution complement, or substitute for, access to public justice? There is a substantial amount of empirical research on mediation and other forms of conflict resolution, much of which points to the danger that, without adequate representation or support, such arrangements tend to consolidate inequalities by giving an advantage to the more powerful party.⁷⁵ So a general move towards informal justice is worrying from the point of view of gender equality. But, in light of some of the difficulties of formal justice itself in accommodating difference, might there not be some advantages, in terms of power or autonomy, in promoting access to alternative legal orders representing the interests and aspirations of particular religious or other groups?⁷⁶

This is a highly topical question in light of recent debates about both Jewish and Muslim courts’ jurisdiction over a range of, notably family, matters, in which the relevant norms of Jewish or Islamic law do not accord equal access to divorce or equal rights to marital property to women.⁷⁷ Access to the rabbinical court (Beth Din), the Muslim Arbitration Tribunal or to Shar’iah Councils aims to enhance Jews’ or Muslims’ autonomy to settle disputes in accordance with their cultural and religious commitments. But a real concern with women’s equality requires that the demands of cultural pluralism must be interpreted consistently with women’s rights as understood in Equality legislation.⁷⁸ Should the state legal system recognise the rulings of these alternative legal

institutions, accepting them as evidence or even giving effect to them? As things stand, the broad position is that such jurisdictions cannot oust state law’s jurisdiction for anyone who seeks it.⁷⁹ But given the problems of unequal access to justice already canvassed, this hardly addresses the issue. Hence others see policies designed to empower women within these communities as a more just and effective way forward.⁸⁰

The limited effectiveness of legal solutions

Fourth, we have to look carefully at *whether a legal solution – and in particular criminal law solution such as the Female Genital Mutilation Act 2003 or the recent Modern Slavery Act 2015 – is genuinely the best way of tackling gender inequality or injustice in any given instance.* For instance, while it may be tempting to demand that our legislature react to injustices such as female genital mutilation, domestic violence or trafficking of women or children by prohibiting these activities or by increasing the sanctions already attached to them, we also need to be aware that legal proscriptions can sometimes work against the interests of the very people they are aiming to help. For example, such laws may make the victims of trafficking more vulnerable by defining them as parties to criminal activity, by identifying their immigration status or by increasing the incentives of those exploiting them to keep their activities well out of public view.⁸¹

In addition, while rights are of huge importance in the struggle for gender justice, they are in some ways a limited tool for the pursuit of gender equality. For, even leaving aside issues of enforcement and the unequal worth of rights, in English law, most of the relevant rights pertain to individuals, and advance individual claims. So the broader, collective upshot of individual rights enforcement is contingent on the facts of particular cases. Certainly, a single case can sometimes have wide knock-on effects. And legal proceedings can on occasion provide a platform for group or collective interests – some equal pay cases, and class actions, are two examples. But very often, the assertion of rights will have an impact primarily or exclusively on the individual who asserts the right. Moreover individual rights enforcement exhibits problems of “legal adversarialism”⁸² rights can be costly to enforce, potentially divisive, uneven in their impact, and poorly adapted to address problems of structural disadvantage.

The social context in which law operates

Fifth – and perhaps most intractably, because this issue arguably underpins several of those already mentioned – we have to consider the social-cultural, economic and political

environment in which law operates. Here we face a conundrum. On the one hand, we aspire to use the law to express and enforce standards of gender justice even – perhaps especially – where they do not already command such support as to be self-enforcing. But on the other hand, we know that there are real obstacles to effective implementation of law in the absence of either wide support or official determination. Clearly, the law can sometimes be used as a tool in the consolidation of an emerging norm which still encounters fierce opposition – the introduction of votes for women is a key example. But legislation in advance of consensus works best when, as in the case of suffrage, the implementation of the law is relatively straightforward and lies largely in the hands of those intended to benefit from it. This is a very different situation from, say, technically complex equal pay, discrimination or family law claims, access to abortion, or criminal enforcement.

Ways Forward

In the light of this analysis of the opportunities for, and challenges to, law’s contribution the fair distribution of power and to gender equality, in the sense of both outcomes and opportunities, we have formulated a number of specific recommendations, based on a small number of general considerations and principles.

First, our recommendations address how best to ensure that the content of law as enacted by legislation and interpreted in the courts and tribunals pays adequate attention to questions of gender justice.

Second, our recommendations address how to improve the enforcement of existing laws which have the potential to dismantle gender inequality or to promote gender equality, and conversely with how to reduce the law’s contribution to gender inequality or imbalances of power because of the uneven or biased way in which it is enforced, or left unenforced.

Third, our recommendations address the concern to equalise access to justice, and to ensure access to qualitatively equal justice, across gender and intersecting axes of social disadvantage, notably ethnicity, immigration status and socio-economic position.

Finally, our recommendations address the fair representation of women in not only the legal profession but also other fields of activity, by subjecting prevailing conceptions of merit to critical scrutiny, arguing that diversity of experience and fairness should count as criteria of merit.

Our recommendations are framed by the recognition that many of the changes we propose would require resources, the availability of which is dependent on political will; and that that political will is itself premised not only on the institutional and social factors considered in the Politics section, but also on the labour market and macro-economic conditions considered in the Economics section and the influence of the media and other cultural institutions considered in the Media section of this Report. While our arguments are based primarily on the value of fairness and the aspiration to gender equality as a matter of social justice, we also see in several areas good economic or business arguments for change, and we see no inconsistency in appealing to both kinds of consideration.⁸³ It is important to remember that legal, political, economic and media arrangements represent collective social choices, and that prevailing patterns of legally mandated or permitted inequality are not an inevitability. And indeed in most cases, we are able to identify existing arrangements, or realistic existing proposals, which have real potential to effect improvements.⁸⁴

Recommendations

In light of these real challenges, and of the vast range and complexity of laws and legal arrangements bearing on gender equality, it is hard to fix on a limited number of priorities. But we would argue that the following proposals and principles should be key to our efforts:

1. Use equality legislation more effectively to improve representation

We recommended that the scope for positive action within existing equality legislation be exploited more effectively to improve women's representation in all fields of employment and political representation.

In our view, the legal case for positive action has often been dismissed too quickly. In fact, there is considerable scope for working within the constraints set by the Equality Act's basic anti-discrimination norm. There is an opportunity for using protected characteristics, such as sex, as tie-breakers in recruitment and promotions decision-making where merit is equal.

The Act can also be used for equality-enhancing positive action outside the sphere of employment, for example in areas such as service provision. Moreover these possibilities might be reinforced by the full incorporation of the Convention on the Elimination of all Forms of Discrimination Against Women into English law, through

reliance on the Article 4 provision for special measures to dismantle gender inequality.

While quotas and targets are controversial, particularly in highly competitive fields, there are existing models on which we can build. One is the Labour Party's successful experiment with all-women shortlists, formalised in the Sex Discrimination (Election Candidates) Act 2002, as mentioned in our Politics section. We also welcome the recent adoption of targets for women on company boards and at partnership level in some law firms.⁸⁵ We would argue that dialogue between government, unions, service users and professional bodies about the need to raise the targets from 30 per cent should be maintained. Targets are particularly important because of the impact of achieving a critical mass of women in any particular sector is likely to have further important knock-on effects.

2. Transparency and revised criteria of merit in recruitment

We recommend that criteria of merit be subjected to careful re-evaluation across the labour market, so as to eliminate implicit gender bias and acknowledge the ways in which a diverse pool of experience within a workplace or area of service delivery constitutes one component of quality of service; and all employers should be under a legal duty to make their criteria of merit and promotion transparent.

Our proposal here builds on detailed evidence presented to us by Dr. Laura Hilly in relation to one specific example: that of judicial appointments.⁸⁶ This argued that the list of qualities and abilities used by the Judicial Appointments Commission (JAC) should be interpreted so as to acknowledge the importance of a breadth of experience to not merely the just representation of different groups but specifically the quality of justice and hence as an element of merit. For the evidence that experience shapes decision-making implies that a broadly constituted court has greater resources on which to draw in adjudicating with due regard to gender and other dimensions of equality before the law. Hence each appointment should be informed by the background experiences of the court as currently composed, with a view to expanding upon the experiential pool. In many instances, including the procedures of the JAC, this would not require new law or regulations, but rather an intelligent and critical reassessment of how existing criteria should be interpreted, along with further provision of mentoring and training for potential applicants. Consistent with

this overall goal, the reframing of criteria of career progression through the judiciary should pay particular attention to encouraging the promotion of District and Circuit judges.

In case this proposal to review criteria of merit appears unrealistically radical, it is worth noting that we have a broad model on which to build. When the concept of equal pay for work of equal value was introduced in 1983, employers were required to ensure that they could justify existing pay rates not merely by reference to traditional, highly gendered conceptions of the value of work, but in terms open to rational scrutiny. Our suggestion is that a similar approach needs to be applied to the concept of merit. Plentiful research evidence reveals the extent to which conventional conceptions of merit or worth are influenced by traditional gender assumptions.⁸⁷ As in the case of job evaluation for the purposes of equal pay, this research should inform our reconsideration of prevailing notions of merit for the purposes of recruitment and promotion.

3. Gender auditing

We recommend that all legislation be gender audited at the drafting stage, with a five-year review of any legislation with significant implications for gender equality. The scope of this auditing is of particular importance given that some of the legislation which has had the greatest positive impact on women's lives – notably the Minimum Wage legislation (and now the New Living Wage) – is not ostensibly concerned with gender issues. Gender auditing should pay specific attention to streamlining the process of claiming/enforcement so as to facilitate access to justice. We have an existing model on which it is possible to build. The recently created Parliamentary Standing Committee on Women and Equalities, tasked with ensuring real accountability for the enforcement of legal equality norms, has the potential – if properly resourced and effectively led – to develop into a powerful, non-partisan political actor in the style of the influential Public Accounts Committee.

4. Mainstream gender assumptions within legal and university education

We recommend that the gender assumptions underlying law, the impact of law on gender equality, issues of the intersection between gender and other axes of differentiation and discrimination, notably ethnicity, and the provisions geared to addressing these issues in national law and international charters including the EU Charter of Fundamental Rights be mainstreamed in both university and professional legal education. The

Feminist Judgments projects⁸⁸, among other resources, would provide a basis for raising awareness. The need to redress gender inequality and intersectional disadvantage should be incorporated in the professional training of, and codes of practice governing the conduct of, lawyers, judges and other professionals whose work bears on legal enforcement, notably the police, the Crown Prosecution Service, the Prison Service, the Probation Service, the Border Agency, and private companies running immigration detention facilities and prisons.

Much of the evidence which we heard and the research carried out in preparing this report emphasised the degree to which progress in enhancing women's legal status and ensuring that women's legal rights are worth as much as those of men depends on the willingness to subject existing arrangements to critical scrutiny. To do this there must be adequate information about the impact of both those arrangements and the dynamics of power and psychology which feed into them. Key to this process of re-evaluation is a legal education which addresses issues of gender inequality and justice rather than attaching itself exclusively to an ideal of limited formal equality or of a gender neutrality impossible to achieve – and potentially damaging to seek – in a world in which the distribution of virtually all forms of social power is strongly gendered.

5. Strengthen the rights of women in custody

*We recommend that further emphasis be given to the realisation of the human rights of women in custody, both in immigration detention and in the criminal justice system, in light of recent evidence about poor conditions and abusive treatment.*⁸⁹ Successive reports over many years have drawn attention to the plight of women in the criminal justice system, where their relatively small numbers have led to special disadvantages – notably in terms of the likelihood of being imprisoned far from home, of being separated from children for whom they are primary carer, or of serving their sentence in a prison which is unsuitable or inadequate in terms of training, medical or mental health services.⁹⁰ In particular, both sentencing decisions and the design of prison regimes should take into account the high proportion of women offenders who are themselves the victims of violence, trafficking, emotional abuse and other forms of gendered disadvantage.

6. Review legal aid cuts, abolish tribunal and judicial review fees

We recommend that the recent cuts to legal aid be reviewed and, in large part, reversed, and that the imposition of fees for hearings at tribunals, and for judicial review, be abolished. This recommendation is informed by the importance of access to justice and by evidence showing that retrenchments in legal aid and moves towards greater deployment of alternative, informal means of dispute resolution may be particularly disadvantageous to women.

We further recommend that consideration be given to the potential to simplify formal court procedures so as to reduce the cost of, and maximise access within, the state justice system rather than simply concentrating on diverting cases to mechanisms of informal justice. In recent years, a huge amount of reformist effort has gone into the construction of new forms of dispute resolution, including mediation, arbitration and restorative justice.⁹¹ Arguably, however, there is unexploited scope for rethinking how court procedure and the structure of the legal profession may themselves be adding unnecessarily to the costs of enforcing legal rights, with adverse effects on access to justice.

7. Fully incorporate CEDAW, ratify the Istanbul Convention

We recommend that the capacity of the legal system to provide meaningful rights for women be bolstered not only by retention of the Human Rights Act, but also by the reinforcement of its strength in the field of equality by the full incorporation of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and ratification of the Istanbul Convention on preventing and combating violence against women and domestic violence.

In addition, we recommend that Section 14 of the Equality Act 2010, dealing with dual discrimination, be implemented so as to provide more effectively for the pursuit of discrimination claims based on disadvantages produced by intersecting protected characteristics.

¹ D. Defoe, 'An Academy for Women', in *An Essay Upon Projects*, 1697 (first ed.) which advocated for equal access to education for both men and women. D. Defoe, *Roxana The Fortunate Mistress*, 1764 (first ed.) which promoted the idea of 18th Century women owning their own estate and which drew upon Mary Astell's, *A Serious Proposal to the Ladies for the Advancement of their True and Greatest Interest. By a Lover of Her Sex*, 1694 (first ed.).

² M. Wollstonecraft, *A Vindication of the Rights of Women with Strictures on Political and Moral Subjects*, an essay first published in 1792.

³ J. S. Mill, 'The Subjection of Women' (London: Longman, GreenReader & Dyer, 1869 (first ed.)). This essay, which was most likely written with his wife Harriet Taylor Mill, states a case for the equality of the sexes.

⁴ Married Women's Property Act 1882, (45 & 46 Vict. c.75). The second half of the 19th Century also saw a number of legislative initiatives on violence against women and children, notably an Act for the Better Protection of Aggravated Assaults upon Women and Children in 1853, and further legislation on violence within marriage in 1878, 1886 and 1895.

⁵ Matrimonial Causes Act, 1923.

⁶ Equal Franchise Act, 1928.

⁷ The Act came into force in the UK on 29th December, 1975 bringing the UK in conformity with Article 141 of the Treaty of Rome, which says that 'each Member State shall ensure that the principle of equal pay for male and female workers for equal work or work of equal value is applied'. The Act has been replaced by the Equality Act 2010.

⁸ EU Equal Treatment Directives, 1976, amended in 2002; and 2006. These directives have direct effect in UK law.

⁹ Though it is not a party to the Protocol which recognises, inter alia, the status of the Committee on the Elimination of All Forms of Discrimination Against Women and provides for annual reporting of actions taken to implement CEDAW: (www.ohchr.org/EN/ProfessionalInterest/Pages/OPCEDAW.aspx accessed June 6th 2015).

¹⁰ 'Sex' has been interpreted to include forms of discrimination flowing from the social meanings attached to sexual difference – in other words, gender: it also explicitly covers gender reassignment as a protected characteristic.

¹¹ Fights for women's equality have had a range of relationships with the Law. Postcard held at The Women's Library, LSE. From LSE Library's collections, 7JCC/O/01/177

¹² Evidence provided to GIP Commission by J. Conaghan, 27/02/2015. An example of this is the recent Marriage (Same Sex Couples) Act 2013 in England and Wales allowing same sex couples to marry.

¹³ Law Society of England and Wales, *Trends in the Solicitors Profession, Annual Statistical reports and LSB*, (2010); H. Sommerlad et al., 'Diversity in the Legal Profession in England and Wales: A Qualitative Study of Barriers and Individual Choices,' (London: Legal Services Board, 2010).

¹⁴ The Bar Council Statistics, www.barcouncil.org.uk/about-the-bar/facts-and-figures/statistics/

¹⁵ D. Nicolson, 'Democracy. Discrimination and Diversity: a New Dawn for the British Legal Profession?' *ULP* 12, no. 2 (2005).

¹⁶ Law Society of England and Wales Press Release, 18th March 2014, see www.lawsociety.org.uk/news/press-releases/law-society-earnings-report-finds-gender-pay-gap-widens-in-private-practice/ (accessed 11th June 2015).

¹⁷ See www.lawgazette.co.uk/practice/magic-circle-firms-uk-first-for-women-lawyers/5048601.article (accessed 11th June 2015). In fact, the number of women partners decreased in England and Wales in 2014, from 8115 women partners in 2013 to 7985 in 2014, see www.lawgazette.co.uk/practice/women-partner-promotions-double-at-magic-circle/5040911.article (accessed 11th June 2015).

¹⁸ Evidence of S. Grimm, Women in Law London (WILL). Figures vary slightly, but women equity partners at Magic Circle firms represent only approximately 13% to 15% of the partnership. See www.telegraph.co.uk/news/uknews/7104876/Female-partners-at-prestigious-city-law-firms-in-the-minority-survey-finds.html (accessed 11th June, 2015).

However, efforts are being made by many firms, including Magic Circle firms to increase the number of women partners as shown by this latest 2015 promotional round www.legalweek.com/legal-week/analysis/2406386/more-women-making-partner-at-magic-circle-as-groups-promotions-round-is-biggest-since-2012, (accessed 11th June 2015).

¹⁹ The Bar Council statistics, www.barcouncil.org.uk/about-the-bar/facts-and-figures/statistics/#QCStats, (accessed 11th June 2015).

²⁰ www.barcouncil.org.uk/media/287767/bar_barometer_report__updated_-_june_2014_.pdf, (accessed 11th June, 2015).

²¹ This figure is that of professional magistrates, who are technically district judges.

²² In 2014, 52% of magistrates were women, see <https://www.judiciary.gov.uk/about-the-judiciary/who-are-the-judiciary/diversity/judicial-diversity-what-do-the-latest-figures-show/> (accessed 11th June, 2015).

²³ Supra note 19.

²⁴ Supra note 19.

²⁵ The Bar Council Statistics <https://www.judiciary.gov.uk/publications/judicial-diversity-statistics-2014/> (accessed 11th June, 2015).

²⁶ Constitutional Reform Act 2005.

²⁷ Evidence provided to GIP commission by H. Sommerlad and M. Blackwell, 27/02/15. Much scholarly work addresses this point, for some recent examples see, H. Sommerlad, 'Minorities, Merit and Misrecognition in the Globalized Profession,' *Fordham Law Review* 80, (2011-2012), 2481; J. Tomlinson, D. Muzio, et al. 'Structure, Agency and Career Strategies of White Women and Black Minority Ethnic Individuals in the Legal Profession' *Human Relations* 66, (2013), 245. See also Hilary Sommerlad, "'A pit to put women in": professionalism, work intensification, sexualisation and work-life balance in the legal profession in England and Wales,' *International Journal of the Legal Profession* (forthcoming).

²⁸ Evidence provided to GIP Commission by K. Malleon, 27/02/15. Cf. Malleon, 'Rethinking the Merit Principle in Judicial Selection,' *Journal of Law and Society* 33, no. 1 (2006). See also G. Morris, 'Supreme Court, Diversity and Equality and Flexibility' (2013) www.halsburyslawexchange.co.uk/supreme-court-diversity-equality-and-flexibility/ (accessed on 11th June 2015). Certain senior members of the judiciary seem to accept this slow progress as a given. Lord Sumption has been quoted as saying "In this area, as in life generally, we just cannot have everything we want. We have to make choices and accept impure compromises. We may even have to learn patience."

²⁹ Source – Judicial Database 2014. (Redacted table, for full <https://www.judiciary.gov.uk/publications/judicial-diversity-statistics-2014/>).

³⁰ See for example, the recent Badenoch and Clark report on implicit bias in the workplace, www.theguardian.com/women-in-leadership/2015/jun/03/third-of-working-women-discriminated-against (accessed June 7th 2015); Equality and Diversity Forum, Beyond 2015: Shaping the Future of Equality, Human Rights and Social Justice. www.edf.org.uk/blog/wp-content/uploads/2015/05/EDF_Beyond_2015_PDF.pdf (accessed 7th June 2015) Part 1: "Ultimately recognising and challenging gender biases in the workplace will have dramatic and positive implications for businesses. Those that manage it will not only be better at attracting and retaining top talent, they will be more successful." See also TUC Women's Committee Report 2015 on equal pay: <https://www.tuc.org.uk/sites/default/files/Report%20to%20Conference%202015%20FINAL.pdf> (accessed 11th June 2015) where it is stated that women are still significantly less likely than men to be earning above £50,000 per year "despite having entered many of the high paying professions in increasing numbers." See also EHRC (2015) Pregnancy and Maternity-Related Discrimination and Disadvantage First findings: Surveys of Employers and Mothers, Available at: www.equalityhumanrights.com/publication/pregnancy-and-maternity-related-discrimination-and-disadvantage-first-findings-surveys-employers-and-0.

³¹ See, for example the Fawcett Society's recent paper 'The Changing Labour Market 2: women, low pay and gender equality in the emerging recovery' www.fawcettsociety.org.uk/wp-content/uploads/2014/08/The-Changing-Labour-Market-2.pdf (accessed 11th June, 2015).

³² Office of National Statistics, Full Report – *Women in the Labour Market*, September 2013, www.ons.gov.uk/ons/dcp171776_328352.pdf (accessed 11th June, 2015).

³³ Evidence provided to GIP commission by D. Ashiagbor, 27/02/2015. See S. Fredman, 'Women at Work: The Broken Promise of Flexicurity,' *Industrial Law Journal*, (2004), 299-319. The Lower Earnings Threshold in 2014 was £111 per week; £481 per month; or £5772 per year. See also L. Grant et al., *Working Below Potential: Women and Part-Time Work Synthesis Report*, (Centre for Social Inclusion, 2006). www.sociology.leeds.ac.uk/assets/files/research/circle/wbp-synthesis.pdf (accessed 11th June 2015).

³⁴ Evidence provided to GIP Commission by D. Ashiagbor, 27/02/2015. See also TUC press release, February 2012, 'Freeze auto-enrolment thresholds to boost pensions savings, says TUC', <https://www.tuc.org.uk/economic-issues/pensions-and-retirement/freeze-auto-enrolment-thresholds-boost-pensions-saving-says> (accessed 11th June 2015). TUC data taken from the Office for National Statistics, Annual Survey of Hours and Earnings 2011, www.ons.gov.uk/ons/dcp171778_241497.pdf (accessed 11th June 2015). See also *Living Wage Research for KPMG – Structural Analysis of Hourly Wages and Current Trends in Household Finances*, (2013). This report states that the proportion of UK women living under the Living Wage is considerably higher than men (27% women to 16% men) and that this is likely due to women taking on more part-time work.

³⁵ Evidence provided to GIP Commission by V. Munro 27/02/2015. Home Office Statistical Bulletin, Crime in England and Wales 2010/2011. A number of public reports have been written on the extensive problems relating to the reporting and prosecution of rape in the UK, most recently, an extensive overview was conducted by the Rt Hon Dame Elish Angiolini in her Report of the Independent Review into The Investigation and Prosecution of Rape in London, (the "Angiolini Report", April 2015).

³⁶ See www.theguardian.com/society/2015/jun/09/violent-against-women-massively-understated-statistics-agency-told (accessed 9th June 2015).

³⁷ 'An Overview of Sexual Offending in England and Wales,' *Statistics Bulletin* (The Ministry of Justice, Home Office and Office for National Statistics, 2013). https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/214970/sexual-offending-overview-jan-2013.pdf. This point is also made in the 2015 Angiolini report, supra note 35.

³⁸ See discussion below.

³⁹ See, for example, S. Jenkins, 'Marital Splits and Income Changes Over the Long Term,' (2008) <https://www.iser.essex.ac.uk/research/publications/working-papers/iser/2008-07.pdf>

⁴⁰ This was the case under the Sexual Offences Act, 1956 where no definition of consent was given, see DPP v Morgan [1975] 2 WLR 913; [1976] AC 182 for the landmark case on this point where the House of Lords held that the belief of the accused had to be genuine and honest but not reasonably held.

⁴¹ Evidence of Dr. Julie McCandless, discussing PP – v – *Health Service Executive* [2014 IEHC] 622. See also M. Enright's commentary on the case in <http://humanrights.ie/gender-sexuality-and-the-law/pp-v-hse-futility-dignity-and-the-best-interests-of-the-unborn-child/>. See also: *She Is Not a Criminal – The Impact of Ireland's Abortion Law* (Amnesty International Report, June 2015) <https://www.amnesty.org/en/documents/eur29/1597/2015/en/> as cited in www.theguardian.com/commentisfree/2015/jun/10/irelands-abortion-law-tortures-women-amnesty-report (accessed 10th June 2015).

⁴² H. Allen, 'One Law for All Reasonable Persons,' *International Journal of the Sociology of Law* 16, no. 4 (1988), 419-432; D. Nicolson, 'Feminism and Criminal Law,' in *Feminist Perspectives on Criminal Law*, ed. D. Nicolson and L. Bibbings, (London: Routledge Cavendish, 2000).

⁴³ Evidence provided to GIP commission by R. Hunter and S. Cowan, 27/02/2015. Academics have been arguing against the white, heterosexual, middle class male norm in their work for decades, see for example D. Wilkins (1998) 'Fragmenting professionalism: Racial Identity and the Ideology of Bleached Out Professionalism,' *IJLP* 5, nos. 2/3.

⁴⁴ K. Crenshaw, 'Demarginalizing the Intersection of Race and Sex' (1989) *University of Chicago Legal Forum*, 57-80.

⁴⁵ S. Kappeler, *The Pornography of Representation*, (Cambridge: Polity Press, 1986); C. A. Mackinnon and A. Dworkin, *In Harm's Way: The Pornography Civil Rights Hearings*,

(Cambridge: Harvard University Press, 1997); R. Langton, *Sexual Solipsism Philosophical Essays on Pornography and Objectification*, (Oxford: Oxford University Press, 2009).

⁴⁶ For a discussion on profoundly gendered assumptions of the 'ideal worker' norm in the legal profession, see J. Bagust, 'Keeping Gender on the Agenda: Theorising the Systemic Barriers to Women Lawyers in Corporate Legal Practice,' *Griffith Law Review* 21 (2012): 137.

⁴⁷ See also J. Williams, *Unbending Gender: Why Family and Work Conflict and What to do About It*, (Oxford: Oxford University Press, 2000).

⁴⁸ For a discussion on women's non-linear careers in the legal profession, see I. Campbell, S. Charlesworth and J. Malone, 'Part-Time of What? Job Quality and Part-Time Employment in the Legal Profession in Australia,' *The Australian Sociological Association* 48, no. 2 (2011), and Leslie Larkin Cooney, 'Walking the Legal Tightrope: Solutions for Achieving a Balanced Life in Law,' *San Diego Law Review* 47, (2010): 421.

⁴⁹ L. Barmes and K. Malleson, 'The Legal Profession as Gatekeeper to the Judiciary: Design Faults in Measures to Enhance Diversity,' *The Modern Law Review* 74, no. 2 (2011); M. Blackwell, *Old Boys' Networks, Family Connections and the English Legal Profession*, (London: Sweet & Maxwell, 2012).

⁵⁰ Normanton was the second woman to be called the Bar on 17 November 1922. She wrote on a range of issues, including legal and feminist topics, and many were published in *Good Housekeeping* magazine. In 1949, she and Rose Heilbron were the first women to be appointed to the King's Counsel. Photograph and bibliographic details from The Women's Library, LSE. From LSE Library's collections, 7HLNVE/13

⁵¹ Evidence provided to GIP commission by A. McColgan, 27/02/2015. Cf. B. Burton, 'Neoliberalism and the Equality Act 2010: A Missed Opportunity for Gender Justice?,' *Industrial Law Journal* 43, no. 2 (2014).

⁵² There is a vast amount of scholarly literature on this point, recent articles include K.M. Kilty and V. Richardson, 'The Impact of Gender on Social and Productive Activities,' *JSSW* 12, (2015); and S. Friedman, 'Still a stalled revolution?: Work/family experiences, hegemonic masculinity and moving forward towards gender equality,' *Social Compass* 9, (2015): 140. R. Asher, *Shattered: Modern Motherhood and the Illusion of Equality*, (London: Vintage Books, 2012).

⁵³ The legal profession serves as a good example: a disproportionate number of women exit the profession, once they have had children. Those who stay often take on knowledge management roles or go into part-time arrangements which are career limiting, often referred to as the 'motherhood penalty'. Those who accede to partnership are often paid less than their male counterparts. For a discussion on women lawyers' career aspirations and progression see J. Walsh, 'Not Worth the Sacrifice? Women's Aspirations and Career Progression in Law Firms,' *Gender, Work and Organisation* 19, no. 5 (2012).

⁵⁴ "Angiolini Report", supra note 35. For a summary of further reports on police and court involvement in respect to violence against women and girls in the United Kingdom, see report prepared for the LSE Commission on Gender, Inequality and Power.

⁵⁵ For a further comment on the impact of cuts to legal aid and access to justice see N. Lacey, 'Justice redefined – or justice diluted?' *Family Law* 44, (2014), 593-595; F. Meyler and S. Woodhouse, 'Changing the immigration rules and withdrawing the 'currency' of legal aid: The impact of LASPO 2012 on migrants and their families', *Journal of Social Welfare and Family Law* 35, no. 1 (2013), 55-78; and N. Armstrong, 'LASPO, Immigration and Maaouia v United Kingdom,' *Judicial Review* 18, no. 2 (2013), 177-185.

⁵⁶ Evidence provided to GIP commission by V. Munro and P. Patel 27/02/2015. J. Jordan, 'Here we go round the review-go-round: Rape investigation and prosecution – are things getting worse not better?,' *Journal of Sexual Aggression* 17, no. 3 (2011); P. Patel and H. Siddiqui, 'Shrinking Secular Spaces: Asian Women at the Intersect of Race, Religion and Gender' in: *Violence Against Women in South Asian Communities* (London: Jessica Kingsley Publishers, 2009); V. Munro and L. Ellison, 'Reacting to Rape: Exploring Mock Jurors' Assessment of Complainant Credibility,' *Br J Criminology* 49, no.2 (2009), 202-219.

⁵⁷ *Violence against Women and Girls Crime Report*, (Crown Prosecution Service, 2013-2014). This report evaluates key prosecution issues relating to violence against women and

girls including domestic violence, rape, sexual offences, stalking, and harassment. www.cps.gov.uk/Publications/docs/cps_vawg_report_2014.pdf. See also *Everyone's Business: Improving police response to domestic abuse* (Her Majesty's Inspectorate of Constabulary, 2014). This report by Her Majesty's Inspectorate of Constabulary primarily highlights the concern that not all police leaders are treating domestic violence as a priority in their forces and that it is "often a poor relation to other policing activity" www.justiceinspectors.gov.uk/hmic/publication/improving-the-police-response-to-domestic-abuse.

⁵⁸ This point was recently made in the 2015 "Angiolini Report", supra note 35.

⁵⁹ The Female Genital Mutilation Act (2003) replaced the original 1985 Act.

⁶⁰ "FGM; The First Prosecution Announced" BBC News, 24th March 2014, www.bbc.co.uk/news/uk-26681364 (accessed 11th June 2015). This is despite over 140 referrals to police in the last four years and in contrast to other countries, such as France, that has prosecuted over 100 cases of FGM in recent years. In this first UK case, the doctor in question was acquitted www.huffingtonpost.co.uk/2015/02/04/dhanuson-dharmasena-cleared-of-performing-female-genital-mutilation_n_6613842.html.

⁶¹ Evidence provided to GIP commission by A. McColgan, 27/02/2015. See also McColgan, *Discrimination, Equality and the Law* (Oxford: Hart Publishing, 2015); S. Fredman, 'The Public Sector Equality Duty,' *Ind Law J* 40, no. 4 (2011): 405; S. Ashtiany, 'The Equality Act 2010: Main Concepts,' *Equality Rights Review* 5, (2010).

⁶² The past Coalition Government refused to implement section 78 until it had tried a voluntary scheme in the private and voluntary sector, see *Government Equalities Office, Modern Workplaces: Government Response to Consultation on Equal Pay* (London: Government Equalities Office, 2012): 10 as quoted in B. Burton, 'The Equality Act 2010: A Missed Opportunity for Gender Justice?,' Supra note 51. See also T. Smedley, 'The gender pay gap is growing wider, especially for mothers,' *Financial Times*, (September 18th 2014): 3. However, the Liberal Democrats managed to push through a provision under the *Small Business, Enterprise and Employment Act 2015* (s. 147) whereby the government will have to produce enabling Regulations within 12 months.

⁶³ Supra note 51.

⁶⁴ The UK ratified CEDAW in 1986.

⁶⁵ The UK continues to report to the CEDAW committee but in its latest submissions to CEDAW, it recognises that 'there is no unified strategy to implement CEDAW in the UK' www.equalityhumanrights.com/sites/default/files/documents/humanrights/CEDAW/submission_7th_periodic_report_of_uk_to_cedaw_june_2013.pdf Other than stating UK government equality initiatives, it has not reported on the use of CEDAW. See also <https://www.gov.uk/government/speeches/opening-statement-to-the-committee-on-the-elimination-of-discrimination-against-women-cedaw>

⁶⁶ Supra note 55.

⁶⁷ Supra note 51.

⁶⁸ Evidence provided to GIP commission by H. Sommerlad, A. McColgan and S. Grimm, 27/02/2015.

⁶⁹ Supra note 55.

⁷⁰ According to a recent Personal Support Unit (PSU) annual report, in 2013, one in four litigants in the county courts and one in three litigants in the tribunals service had no legal representation, see <https://the PSU.org/wp-content/uploads/2010/01/PSU-Annual-Report-2013-for-web2.pdf>.

⁷¹ In the nine months following the withdrawal of legal aid in divorce cases in 2013, there was a 20% surge in divorcing parents without legal representation (6 out of 10 rather than 4 out of 10 in the previous year). www.telegraph.co.uk/news/uknews/law-and-order/10111462/Family-courts-risk-collapse-as-surge-in-custody-cases-follows-legal-aid-cuts.html (accessed 11th June 2015).

⁷² Latest cuts in 2014 to criminal legal aid have reduced lawyers' fees by up to 30%, cf. interviews with lawyers. Available at: www.theguardian.com/law/2014/apr/01/legal-aid-six-lawyers-damage-legal-system

⁷³ Evidence provided to GIP commission by P. Patel and I. Solanke, 27/02/15.

⁷⁴ Civil Legal Aid Procedure Regulation (2012), 33. These regulations, which form part of LASPO 2012, state that any application for civil legal aid must be accompanied by evidence of domestic violence or risk of domestic violence.

⁷⁵ A. Bottomley and J. Conaghan, *Feminist Theory and Legal Strategy* (Oxford: Blackwell, 1993), K. Bollen, A. Verbeke and M. Euwema, 'Money or children? Power sources in divorce mediation,' *Journal of Family Studies* 19, no. 2 (2013), 159-173.

⁷⁶ S. Song, 'Majority Norms, Multiculturalism, and Gender Equality,' *The American Political Science Review* 99 no. 4 (2005), 473-489.

⁷⁷ S. Bano, 'Institutional Design and Private Community Governance: Assessing the Limitations of the Parity Democracy Model in the Protection of British Muslim Women in Family Law Disputes' in *Women and Legal Pluralism: Extending Parity Governance?* ed. Will Kymlicka and Ruth Rubio Marin, (forthcoming).

⁷⁸ Or indeed with the rights of those not sharing the relevant commitments, or interpreting their upshot differently. Supra note 76, See also supra note 77: 15 for a discussion on the controversy relating to Baroness Cox's Arbitration and Mediation Services (Equality) Bill (2011) which sought to clarify the relationship between arbitration and state law, underlining the supremacy of the equality standards enshrined in the latter. Other countries such as Canada have also highlighted the limitations of mediation in family law matters and require, for example, that power imbalances and the possibility of domestic violence be examined by someone other than the arbitrator, supra note 77: 16.

⁷⁹ Supra note 77: 8.

⁸⁰ Evidence provided to GIP commission by P. Patel, 27/02/2015.

⁸¹ S. Fitzgerald, (2015), 'Vulnerable geographies: Human trafficking, immigration and border control in the UK and beyond,' *Gender, Place & Culture* 1-17, (2015); V. Munro and E. Scoular, 'Abusing Vulnerability? Contemporary Law and Policy Responses to Sex Work in the UK,' *Feminist Legal Studies* 20, no. 3 (2012), 189-206.

⁸² R. Kagan, 'On Surveying the Whole Legal Forest,' *Law & Social Inquiry* 28, no. 3 (2003), 833-872; *Adversarial Legalism* (Cambridge, Mass.: Harvard University Press 2003).

⁸³ We in particular see a strong business case for the reconsideration of criteria of merit, and the restructuring of promotions policies: see for example the recent Badenoch and Clark report on implicit bias in the workplace, supra note 30.

⁸⁴ See also, *Beyond 2015: Shaping the Future of Equality, Human Rights and Social Justice, Part II*, (Equality and Diversity Forum); supra note 30.

⁸⁵ In 2011, the Davies Report set a goal for UK company boards to reach a female representation of 25% by 2015. Although this has not yet been achieved, progress is being made, with boards having achieved 20.7% representation in 2014 from 12.5% in 2011. https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/320000/bis-women-on-boards-2014.pdf (accessed on 11th June, 2015). In addition, a number of City law firms have also committed to reaching 30% representation by 2020 or earlier www.legalcheek.com/2014/10/why-arent-big-law-firms-aiming-for-half-their-partners-to-be-women/ (accessed 11th June, 2015)

⁸⁶ Dr. Laura Hilly: see www.lse.ac.uk/genderInstitute/KnowledgeExchange/commission/home.aspx; see also L. Hilly, *Experienced Justice: Gender, Judging and Appellate Courts* (Doctoral thesis available at <http://ora.ox.ac.uk/objects/uuid:d3f64853-898a-4c01-a17e-819d6a095f52>)

⁸⁷ A number of scholarly articles comment on the question of merit and gender assumptions, some more recent examples include T. Yang and H. Aldrich, 'Who's the Boss? Explaining Gender Inequality in Entrepreneurial Teams,' *American Sociological Review* 79, no. 2 (2014), 303-327; D. Rhode, 'From Platitudes to Priorities: Diversity and Gender Equity in Law Firms' *Geo J. Legal Ethics* 24, (2011): 1041; E. Wald, 'Glass Ceilings and Dead Ends: Professional Ideologies, Gender Stereotypes, and the Future of Women Lawyers at Large Law Firms,' 78 *Fordham Law Rev* (2009-2010) 2245.

⁸⁸ For details of the United Kingdom version of this project, see www.kent.ac.uk/law/fjp/

⁸⁹ www.theguardian.com/uk-news/2015/jun/09/yarls-wood-immigration-removal-centre-women-children (accessed 11th June, 2015).

⁹⁰ See The Runciman Report, *The Royal Commission on Criminal Justice* (1999). Available at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/271971/2263.pdf; The Prison Reform Trust, 'The Wedderburn Report,' *Justice for Women: The Need for Reform* (2000); The Prison Reform Trust, 'The Edgar Report,' *Lacking Conviction: The Rise of the Women's Remand Population* (2004); The Home Office, 'Corston Report,' *A Review of Women with Particular Vulnerabilities in the Criminal Justice System* (2007); The British Academy Report, *A presumption against imprisonment* (2014). Available at: www.britac.ac.uk/policy/Presumption_Against_Imprisonment.cfm. The Prison Reform Trust is currently running a number of important research projects and campaigns in this area. Cf. www.prisonreformtrust.org.uk/ProjectsResearch/Women. www.britac.ac.uk/policy/Presumption_Against_Imprisonment.cfm. The Prison Reform Trust is currently running a number of important research projects and campaigns in this area: www.prisonreformtrust.org.uk/ProjectsResearch/Women. The UN Special Rapporteur on Violence against Women recently issued a statement on the UK in which the treatment of women in immigration detention centres, alongside persisting high levels of gender-based violence, was given special critical emphasis: www.ohchr.org/en/newsevents/pages/displaynews.aspx?newsid=14514&

⁹¹ The initiative began with 'The Woolf Report,' *Access to Justice Final Report*, <http://webarchive.nationalarchives.gov.uk/+/www.dca.gov.uk/civil/final/index.htm>. In his report, Lord Woolf concluded that the then present system of civil justice was too slow, too expensive, too complex and too inaccessible. Thus, the overriding objective of the reform was to enable the court to deal with cases justly. For a discussion on the impact of the Woolf Reforms see, K. Dowell, 'Woolf reforms: Lawyers continue to wrangle over merits a decade on,' *Lawyer* 23, no. 23 (2009), 13-14.

THE MEDIA

This section of the report turns to the ways in which gender is currently framed across a range of diverse media sites including news media, television drama, advertising, and celebrity culture. Questions approached in this section include the symbolic roles women play within culture; how “feminism” is understood and debated in traditional and new media; how race and class privilege is mobilised; how violence against women is represented and imagined; how the role of women within the economy and in relation to care is understood and contested; and how women’s identities and identifications are produced, reproduced and/or challenged.

In the context of this section of our report the twofold use of the term representation is worth highlighting. As in politics, policy, and economics, representation refers to the under-representation of women. Evidence from recent reports, as

well as evidence delivered to the Commission’s session on gender, media and culture, demonstrates that concerns around the representation of women, for instance in media organisations, as experts on news programmes in radio and television, as well as cultural producers, are as pertinent as in other sectors. Additionally, representation here also refers to the “presence of women”; to the ways in which women and gender, in conjunction with race, class, age, (dis)ability, or sexuality, are portrayed in mass media and popular culture. Representation from this perspective, common in the study of media and culture, draws on the work of cultural theorists such as Stuart Hall¹ and interrogates not only what is shown, but also how the ways in which issues are framed in the media and in cultural productions help constitute the realities it shows and speaks of. Both uses of the term are thus relevant when considering

the multiple mechanisms constraining representations, reifying existing norms and curtailing the full participation of women in public and cultural life. They point to the varied ways in which different groups of women are targeted and excluded from the media and at how representations help to shore up conventional gender roles and expectations, thus playing an important role in enabling persistent, multiple and intersecting inequalities. For instance, for feminists working on media and culture, key questions have emerged around the ways in which different media manage public expectations of what is natural and what is taken for granted – what is normalised – not only about women as individuals and as a group, but also in relation to austerity politics, divisions among and between genders, and other hierarchies, inclusions and exclusions.



Current situation

*"The continued projection of negative and degrading images of women in media communications – electronic, print, visual and audio – must be changed. Print and electronic media in most countries do not provide a balanced picture of women's diverse lives and contributions to society in a changing world. (...) The world-wide trend towards consumerism has created a climate in which advertisements and commercial messages often portray women primarily as consumers and target girls and women of all ages inappropriately."*²

Twenty years since the Beijing Platform for Action, recent reports on women's representation in the British media demonstrate an ongoing need for change. Women are severely under-represented in decision-making roles in media organisations, where in the UK they only occupy 27 per cent (EU 30 per cent) of executive management positions.³ With 30 per cent and 26 per cent, respectively, Western Europe ranks lower in terms of women's representation in governance and top management of media organisations than both Nordic Countries (36 per cent and 37 per cent) and Eastern European Countries (33 per cent and 43 per cent).⁴ Additionally, women in UK media organisations face a glass ceiling (at junior professional level), and under-compensation in average and high salary ranges (in comparison, compensation at average and low ranges is similar between men and women).⁵ *The International Women's Media Foundation* concludes that, "UK news companies exhibit entrenched institutional practices of marginalizing women in their newsrooms and decision-making hierarchies".⁶ In British newspapers, "serious" news, most notably in the category "politics and government", is predominantly written by male journalists, while more "trivial" stories about "celebrity, arts and media, sports" are the only categories where women write the majority of content.⁷ The networking, campaigning, training and social organisation for women journalists, *Women in Journalism*, furthermore identifies gendered ageism in media and journalism as "a very British problem", and states that 60 per cent of women over 45 have experienced discrimination due to their age, and 71 per cent worry about being forced out of their careers reaching their 40s and 50s.⁸

Directors UK, the professional association of film directors working in the UK, finds that while 27 per cent of their membership consists of women, many popular dramas and entertainment shows have never had a single episode directed by a woman.⁹ Across the whole sample, the credits of drama programmes reveal that only 14 per cent of directors are women, with the sci-fi/fantasy sub-genre employing a mere 4 per cent, and of entertainment/comedy programmes only 12 per cent are directed by women. Factual programmes, on the other hand, employ 50 per cent women directors over all, albeit gendered by sub-genre. While 63 per cent of the "body and health" sub-genre is directed by women, in "technology and science" programmes the figure drops to 29 per cent, and in "structured reality" 20 per cent:

*"Within factual programme strands and series, women are more likely to be directing programmes with "domestic" subject matter: parenting, body image, retail, and the domestic terrain dominate as subject matters where women are well represented as directors."*¹⁰

A study on female representation in the top 100 grossing films of 2014 finds that women comprised only 12 per cent of protagonists (29 per cent of major characters), representing a decline of 3 per cent from 2013. Women of colour were even more severely under-represented: 74 per cent of all female characters were white, 11 per cent black, 4 per cent Latina, 4 per cent Asian, 3 per cent other-worldly (ie, aliens, fantasy characters and the like), and 4 per cent other.¹¹

Just as women are underrepresented as writers of news stories, they are also underrepresented as subjects of news, where overall they appear only in 31 per cent of print news stories, 30 per cent of radio reports, and 35 per cent of televised stories, and are more likely to appear in eye witness roles, to provide personal narratives or represent public opinion than men who predominantly feature as protagonists, experts, commentators or spokespersons.¹²

*"The ways in which women and men are represented in news media says something profound about the ways in which power is exercised, whose voices are deemed important, which groups are given authority to speak."*¹³

In comparison, the women to men ratio is much worse in news broadcasting and television than, for instance, in the cabinet or among expert court witnesses. A study of participants of the BBC's Academy training days for woman experts shows that women lack confidence, are concerned about negative responses, and worry about being perceived as "pushy"¹⁴ – findings which point to a hostile environment and power relations rather than substantiating the often cited excuse that no women are available to speak as experts. The news media is simply not representative of society and constitutes an environment that is unfavourable to women.¹⁵

The power differentials at work are expressed in the *double entendre* "who makes the news?", the tagline that heads the Global Media Monitoring Project (GMMP) which has monitored the representation of women in relation to men in the world's news media every five years since 1995.¹⁶ While recent years have shown a growing interest in gender issues, media monitoring over four successive editions of the GMMP also reveals exceedingly slow progress in bringing women's voices to bear in news discourse.

*"Where women do appear, they are most frequently found in the "social/legal category," often appearing in stories coded "legal" because they are victims of crime and/or discrimination. When we unpack the data a little more, we find that where women predominate are in stories about consumer issues (63 per cent of all subjects of such stories are women) and all the story categories which have a specific gender inflection such as women in political power (62 per cent), women's rights/human rights/minority rights (69 per cent), gender-based violence (69 per cent) and fashion/beauty/cosmetic surgery (66 per cent)".*¹⁷

The aim of the current GMMP is thus to demonstrate persistent and emerging gaps in gender representation in print and broadcast, as well as in new media such as news websites and social media platforms such as Twitter while working towards greater accountability.¹⁸

The Leveson Inquiry (2011-2012), the judicial public inquiry into the culture, practices and ethics of the British press following the News International phone hacking scandal,

has described the British tabloid press as a “demeaning and sexualising lens” that extends beyond page 3 models to reducing “even the most accomplished and professional women (...) to the sum of their body parts”.¹⁹ In addition, based on evidence provided by Trans Media Watch, the Leveson Inquiry identifies tabloid representation of trans*²⁰ issues as predominantly within the categories “trans as fraud”, “trans as undeserving”, “trans as deviant and deserving of parody”, or “the outing of transgender people”,²¹ demonstrating the ways in which marginalised groups are (mis)represented in particular ways.

The intersections between gender and other markers of differentiation reveal representational practices such as gendered ageism or gendered Islamophobia. The Labour Party’s *Commission on Older Women* (2013-2015), with a focus on broadcasting, found that older women are portrayed in stereotypical ways and/or made invisible, particularly on television. While women form the majority of over 50s in the UK (53 per cent), the overwhelming majority of TV presenters over 50 are men (82 per cent), and only 7 per cent of the total TV workforce (on/off screen) is women over 50.²² The difference is less pronounced in radio, suggesting discrimination against older women “on the basis of youthful appearance on television, and discrimination against women generally on radio”.²³ As veteran broadcaster Joan Bakewell has commented, “Television has this enormous influence and the lack of women over a certain age is damaging. Women would inevitably feel they had to dye their hair to appear.”²⁴

While British cinema arguably provides a broader range of representations of older women than Hollywood productions, British television, the Commission heard, offers a bleaker image. Non hegemonic representations do appear across the cultural realm but they are generally relegated to minority channels and can therefore be seen to further marginalise the subjects. In general terms, the aged appearance of men is often associated with acquisition, authority, and wisdom, while visible signs of aging in women are frequently associated with a loss in terms of “femininity” and sexual attractiveness, reinforcing associations of women’s worth as tied to their bodies in ways that men are not. Older women are mainly clustered in low-status, low-budget daytime production where they often appear as victims or witnesses, potentially reinforcing stereotypes of older women as socially passive and vulnerable. They are often portrayed in stereotypical

terms, as unsympathetic “old nags” or as parody, sometimes through drag. Mainstream comic performances are, as Rosie White has suggested, disquieting in their apparent assertions that older women are primarily grotesque nonetheless such representations can also be double-edged, subverting the norms of femininity and aging. White cites *Mrs Brown’s Boys* as an example of a “drag” staging of aging and femininity:

*“Many male performers who dress as older women expose the heteronormative limits of patriarchal discourse via their comic discussions of gynaecological issues (or ‘women’s trouble’) and also mark the limitations ascribed to the older woman, by embodying the grotesque, excessive aging body. The ‘category crisis’ of male to female cross-dressing in television comedy does not automatically en-tail a radical or liberatory transgression; it can also reiterate the binary understanding of gender that positions women as more subject to the vicissitudes of their natural bodies than men. Men cross-dressing as older women may thus be understood as both an exposé of the taboos which adhere to aging femininity and as misogyny in action.”*²⁵

Where older women are portrayed in a more positive light, it is frequently in representations of white middle class heterosexual (married or divorced, rarely single) successful agers. Older working class women and women of colour are often cast in stereotypical roles or portrayed in negative terms.²⁶

The post-9/11 years have seen a marked shift in patterns of representation of Muslim women and the veil. The connotations of the veil have acquired a contradictory set of associations from being represented primarily as a sign of oppression to contemporary portrayals which also use it as a sign of refusal of western modernity. This complexity and contradiction accompanies a related addition to the figure of the Muslim woman as victim, with Muslim woman also seen as perpetrators.²⁷ Young Muslim women in particular have been represented simultaneously as potential victims, as threat and as vulnerable subjects, open to “extremism”. These media representations are frequently explicitly aligned with

government policies related to the question of “radicalisation” that the war on terror has adopted. Recent evidence highlighting this phenomenon is the reporting of so-called British “jihadi brides” where the news media have disproportionately amplified a very small number of cases (4-5), further contributing to what may be seen as negative representations of Muslim communities.²⁸

In summary, women are underrepresented both as media producers and as media subjects across all platforms.²⁹ When they are present as producers, they face the “glass ceiling” and leave the industry much earlier than men³⁰, and as media subjects, they are often represented in contradictory but nonetheless conventionalised and sometimes stereotypical terms. The intersection of gender and factors such as (but not limited to) age, class, ethnicity and gender identity mean that older women, working class women, women of colour and trans* women face additional challenges to becoming media producers or appearing across media and cultural production as fully rounded subjects.

In addition to noting the persistent relative absence of women as media producers and subjects, key issues in contemporary research on gender and the media include consideration of mediated responses to austerity; discourses around violence against women, representations of feminisms and women in leadership; as well as the intersectional effects of gender and class, ethnicity, age and sexuality in media representation. In considering the broad range of evidence interrogating the role of gender in UK media landscapes provided at the media and culture session of the Commission for Gender Inequality and Power, the following sections cluster around the cross-cutting themes of power, work-life balance, and violence.

Symbolic power

The particular ways in which gender, race, and other sets of power structures – such as austerity politics – are represented across a wide range of media and popular culture play an important role in determining what frames of reference become available to the wider public to make sense of the world. Bourdieu has described symbolic power as “world-making” process:³¹ the power to shape what counts as common sense and impose which social divisions are legitimate. Media production and representations are understood here not simply as reflective of a social and political reality to be discovered and truthfully reported, but constitutive of what kinds of interpretations

are possible, and thus formative of our social reality. In this sense, the media wields symbolic power³² in (re)producing and circulating ideas that frame what is considered normal or abnormal and thus is in a position to reinforce but also potentially ameliorate inequalities. These inequalities are sometimes reinforced not only between and within genders, but also by constructing and sustaining very particular discourses as appropriate ways of thinking. For example, with reference to austerity measures a focus on individual responsibility for a "successful life" obscures the underlying neoliberal and meritocratic ideals which sideline structural inequalities. The role the media and popular culture play in reproducing and circulating "common sense ideas" can contribute to the resilience and persistence of hierarchies between and within genders, as well as the entrenchment of, for example, retrograde or highly conventionalized gender roles and binary constructions of gender. These patterns are by no means monolithic, given the ways that popular culture operates there remain contradictions in the ways that gender is represented. Nevertheless, such normalising mechanisms are aided by a frequent conflation of gender with women and the unquestioning ways in which a binary understanding of gender (ie, solely as a variable with the attributes male/female) is employed.

These representational regimes are significant features in determining the available framings in several distinct areas. In the context of financial crisis, austerity Britain is often presented as an inevitable response as dubious understandings about how the economy works tends to construct inequality as the result of failure to take individual responsibility. Similarly, narratives around gender based violence or violence against women frequently imply that women's "vulnerability" is determined by their attention, or lack thereof, to their own personal safety. Within the sphere of elite politics, the assumed masculinity of political institutions works to marginalise female actors, and problematic representations of those women who do attain positions of power frequently undercuts their presence in the public sphere.

Representing the Recession and its Aftermath

Turning first to symbolic representation in the wake of the financial crisis, research by Diane Negra and others³³ has addressed how a variety of media adapted to austerity and contributed to the normalisation of austerity politics. At the most basic level, recessionary popular culture tends to over-represent those least damaged by

the economic context and under-represents those most affected. Furthermore, representation of austerity itself has also been highly gendered, for example by images of the "nanny state" on one hand, and toughness and austerity as premised on masculinised virtues on the other.

More broadly however, substantial cultural shifts have emerged as the recession has factored as an opportunity to consolidate and "reboot" established, enduring ideological precepts about class, race, consumerism, individualism, work, and (...) gender³⁴. Furthermore, post-feminism has been repositioned within this representational landscape as framework to be deployed in the management of crisis capitalism.

The highly gendered cultural response to the financial crisis is evident in a series of masculine and feminine figures that are replicated across a variety of media platforms. Where women have been imagined in recessionary terms, it has largely been via the trope of a "coping" femininity that remains allied to consumption, albeit tempered by thrift. Popular terms like "recessionista" recuperate female consumerism despite reduced resources, and positive thinking emerges as a gendered recessionary skill in "rescue reality" television genres and independent films. The neo-domestic turn in reality television (for example "Extreme Couponing" in the US or "Kirstie's Homemade Home" in the UK) commodifies domestic cultures, celebrating female consumer resourcefulness on the one hand and pathologising working class consumption on the other. This gendered coping narrative is bolstered by the feminisation of entrepreneurship and images of female moguls espousing individual strategies to counter structural disadvantage in texts such as Sheryl Sandberg's *Lean In*³⁵ and exemplified by a particular brand of recessionary television programming (see below).

In contrast, economic insecurity is frequently depicted as a male predicament, in which working class white masculinity in particular is portrayed as being in crisis. Post-feminist texts such as *The End of Men and the Rise of Women* by Hanna Rosin contribute to discourses around threatened masculinity in which cultural emphasis is given to male infantilism, underdevelopment, disadvantage, injury, and vulnerability.³⁶ These ideas are predicated on a zero sum logic in which women's gains undermine male autonomy. Although this logic precedes the financial crash, has been exacerbated in its aftermath.

Despite contradictory images of masculine financial and corporate authority and wealth triumphalism, these discourses form a staple of popular culture, as exemplified by cinematic representations of male tycoons in films such as *The Social Network*, *The Wolf of Wall Street* or *Wall Street Money Never Sleeps*.

Film, TV, and digital cultures during this period have worked to "compensate for broad vulnerabilities of economic citizenship with gendered rhetorics of power [and] success".³⁷ While conservative cultural industries, by necessity, have begun to acknowledge persistent inequalities, they have often done so in contorted and paradoxical ways.³⁸ A recession might have held potential for rethinking gendered and classed hegemonies, but it has instead frequently entrenched them further.

Framing Feminism(s)

Feminist responses to these issues and frames are visible in the mainstream media. However, as research by Kaitlynn Mendes³⁹ shows, the press has legitimised and supported some forms of feminism while de-legitimising, ignoring or silencing others. Although feminist actors have recently turned to social media and blogging in order to gain greater control over the ways in which they are represented, these interventions are tempered by the degree to which the wider public learns about social movements via mainstream publications and broadcasting, even in what Manuel Castells terms the "postmedia age".⁴⁰

Mendes summarizes historic representations of first and second wave feminists as "deviant" and "failed women", cast as unattractive, unfeminine, undesirable, and unable to compete for male attention. The effect of these representations was to de-legitimise the Suffragettes and Women's Liberation Movement without engaging with the content of these feminist challenges to the social order, instead treating women's activism as a spectacle and relying on the belittlement of feminist actors. A key figure in this discourse which has yet to be shed is that of the mythical "bra burner". While some feminists have actively rejected the stereotype, others have asked, what exactly is so disturbing about burning a bra, and why has this label been used so effectively against feminists? Additionally, anti-feminist media representations have historically framed feminism as harmful or dangerous to both men and women, constituting what Susan Faludi terms "backlash".⁴¹ While claiming that feminists are deviant is merely anti-feminist, backlash discourses claim that feminism was

once legitimately supported, but is now going too far as the original feminist goal of gender equality has supposedly been achieved. Others feign a desire to support feminism, but inability to do so due to the excessive demands of a “feminist agenda”.

These historical representations are important in the contemporary context because, as Mendes points out, stories of feminists as deviant and harmful are cyclical, re-emerging re-packaged in every era which experiences renewed feminist activism. For example, longstanding ideas of a war between the sexes which posit the rights gained by one sex as at the expense of the other and cast women as getting more of their fair share are echoed in the recessionary popular culture which contrasts entrepreneurial women with a crisis of masculinity.

Despite these cyclical negative narratives around feminists and feminism, there have also been some significant shifts in the mediation of successive waves of feminism. Some forms of feminism have been legitimised through engagement with feminist issues, constructions of a unified feminist movement, and the normalisation of certain types of feminists. However, media representations tend to legitimise acceptable liberal feminism at the expense of unacceptable radical feminism, often making use of qualifiers such as “non-militant”, “not radical”, “happily married” or by making reference to conventionally attractive, feminine appearance. Thus the figure of the bra burner remains salient by its negation.

The recent framing of feminism as “cool” has been helped by the adoption of the label by celebrities such as Beyonce, Taylor Swift, Benedict Cumberbatch, Lena Dunham, and Emma Watson, as well as activism such as the Fawcett Society’s “This is What a Feminist Looks Like” t-shirt campaign. These images have publicly challenged well worn stereotypes as well as raising the profile of feminist ideas. Where feminists were once routinely cast as deviant, articles praising Emma Watson for her role in the UN backed “He for She” campaign can be found across the national press, from the *Guardian* to the *Daily Mail*.

Certain types of campaigns have gained particularly strong levels of coverage, including those addressing rape culture, slut-shaming, the policing of women’s bodies, and issues of consent, sexual and domestic violence. FGM and female objectification are also receiving attention.

However, while debates around intersectionality are prominent within feminist activism and scholarship, issues specifically affecting migrant, older, BME, trans* or other women with multiply subordinated identities are less visible. Furthermore, the visibility of campaigns such as SlutWalk suggests that feminist activism is more likely to gain attention when women’s bodies are on display. This is especially troubling when, in the case of SlutWalk, coverage frequently fails to frame the movement as feminist, partly because activists themselves are often reluctant to do so in order to avoid backlash.

In addition to prominent coverage of celebrity feminists and activists, writers including Laura Bates, Laurie Penny, Anita Sarkeesian, and Jessica Valenti are also highly visible speaking from feminist standpoints in mainstream media. Thus although anti-feminist and backlash discourses remain prevalent, they are by no means ubiquitous or unchallenged.

Like feminist activists, female politicians have also been historically been subject to a variety of undermining media frames which are renewed in updated forms every election season. For example, recent iterations of “Blair’s Babes”, the moniker for the influx of Labour women to the Commons in 1997, include “Cameron’s Cuties” in 2010 and “Dave’s Dolls” in 2015. The British press continues to render female politicians less visible than male party leaders’ wives, and when they do gain coverage they are frequently belittled by reference to their appearance and couture,⁴² as demonstrated by references to the “Downing Street Catwalk” in reporting of Cameron’s July 2014 cabinet reshuffle. Meanwhile, women’s issues are consistently marginalized. Women in politics who prioritise providing substantive gendered representation are often singled out for exceptionally negative treatment, such as the author of the 2010 Equalities Act, Harriet “Harperson” Harman.

Nirmal Puwar⁴³ suggests that the hyper visibility and surveillance applied to certain women and minorities in the public sphere stems from a “reluctance to bestow authority on racialised and gendered bodies”. There is ample evidence for this phenomenon in 2015 election coverage of SNP Leader, Nicola Sturgeon, notably described as “the most dangerous woman in British politics”. Throughout the campaign, negative gendered descriptions of Sturgeon’s character and appearance abounded, with descriptions ranging from a “power-dressing imperatrix” to “William

Wallace without a beard”. Furthermore, as the election approached and the SNP leader gained increasing support from the public, this was depicted both as an emasculation of her male rivals, who were “not tough enough” to stand up to her, and as a threat to the country, with headlines such as the *Star’s*, “Nic holds Britain by the ballots”.

Thus, media and popular culture representations of women, gender, feminists and feminism constitute a discursive battleground for symbolic power. While women’s and feminists’ voices are increasingly visible, both within the mainstream press and other areas of public life, backlash discourses, victim blaming and the undermining of women with political power remain causes for concern.

Mediated (Re)production and Work-life Balance

Considering the ways in which themes around (re)productive work are represented in the media and popular culture offers an opportunity to think questions of time, work and pay alongside one another. It also raises questions around individualism and meritocracy in general, and the problematic individualisation of responsibility for escaping poverty, for achieving equality, and for leading a happy and successful life in particular. While the popular brand of such individualised feminism, exemplified not least by Sheryl Sandberg (the chief operating officer of Facebook) and her instant bestseller “Lean In”,⁴⁴ has contributed to raising the public profile and media presence of ongoing gender inequalities, it equally erases efforts of collective organising for social justice and equality and the need for intersectional approaches. In a nutshell, Sandberg argues that, prevalent gender inequalities in the workplace notwithstanding, self-doubt and excuses will not get women into the boardroom, while confidence, seizing opportunities and leaning in will go a long way towards executive leadership. Much of the evidence presented to the Commission concerns how media and popular culture represent the (im)balance between (un)paid work and a life. It shows that in current representations the responsibility for breaking the glass ceiling and for achieving equality at the workplace is largely relegated to individual (privileged white) women and their ability to “lean in”.

This individualised and entrepreneurial feminist subject⁴⁵ is produced through post-feminist discourse⁴⁶ and its effect across the media landscape is to make it difficult to disentangle

“feminism” from a broader marketization of equality under neoliberalism.⁴⁷ Relatedly, the representation of feminism(s) in the media has undertaken a similar shift where the failure to achieve equality is often attributed to individual women, sidelining (though not completely ignoring) the wider systematic disadvantages women face. Feminism is increasingly represented as an expression of identity rather than an ideology geared towards social justice⁴⁸ and public feminism is increasingly invoked by celebrities, for whom it can appear to function primarily as a “credential of entrepreneurial self-branding”.⁴⁹ Feminist media studies offer a unique perspective for interpreting “recession culture”, given its focus on collective symbolic environments and their role in shaping public views and the lives embedded within representational cultures.⁵⁰

The remainder of this section turns to selected case studies presented to the Commission’s media and culture session to illustrate and critique the contemporary representational practices that are engendered by a contradictory set of discursive “post-feminist” framings. These inconsistencies and contradictions in the ways that women as subjects are represented makes sustained critique particularly difficult and thus undermines any concerted opposition, particularly in the name of feminism.

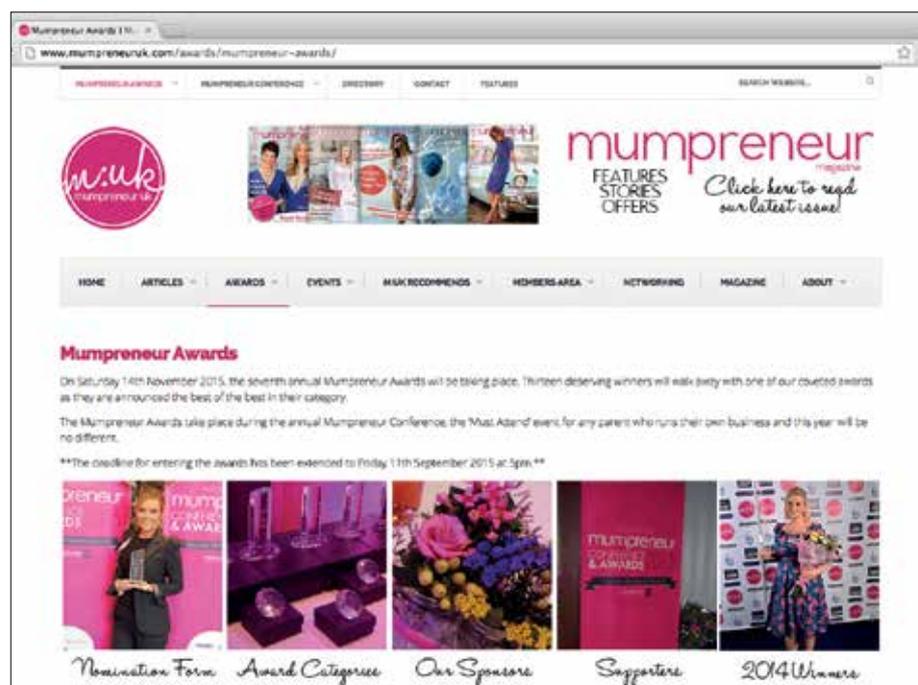
The Meritocratic Deficit⁵¹ – the “Mumpreneur”
 Meritocracy holds that regardless of position at birth, a combination of talent and personal effort will lead to success and social mobility. This position has gradually taken the form of a common-sense norm, which in the current political climate is difficult to challenge as it goes hand in hand with wider neoliberal discourses. The term meritocracy has taken an etymological U-turn: from left-wing critique (levelling the playing field rather than further privileging the already privileged) to contemporary neoliberal understandings that contort the idea of government by the people through their abilities into an individualism that emphasises self-marketing and entrepreneurship. The meritocratic deficit, then, refers to the fiction of the level playing field that meritocracy ideologically relies on. To illustrate how this construction works in favour of already privileged elites, Jo Littler provides evidence in form of a case study centring on the “Mumpreneur”, that is, a mother turned entrepreneur by establishing her own business – usually styled in shades of pink, highly gendered in terms of its activity, and operating from her home.

The “Mumpreneur” is a social type, a figure that gains valiancy through media repetition and even gets its own annual awards ceremony (see Figure 1). This figure has a great deal to tell about gender and inequality. “Mumpreneurs” are predominantly from a privileged demographic and thus able to draw on the cultural, economic, and social capital⁵² necessary to found a business. The figure of the “Mumpreneur” evokes the discourse of neoliberal meritocracy, revived through a crisis in corporate capitalism, and resurfaces the unresolved relationship between gender and childcare that second wave feminism had foregrounded. Perhaps on a different register but situated in ways similar to the “lean in” brand of feminism referenced above, “Mumpreneurs” and their representations in media and popular culture can be read as reinforcing individualism and the idea of marketing a profitable entrepreneurial self while retaining the gendered norm of the foundation parent. “Mumpreneurs” might be seen as a heroic solution to the challenges posed by privatisation, austerity culture and the meritocratic dream: mothers successfully overcome adversities by thriving as entrepreneurs. Examples from popular culture that the “Mumpreneur” resonates with include television programmes such as *The Apprentice* or *Britain’s Got Talent*. Alternatively, it is worth thinking about ways in which to orient such

activity away from corporate discourse and individual achievement – for instance by moving closer to Nancy Fraser’s universal caregiver model⁵⁴ in refiguring work and its relation to childcare, and in addressing related issues that include over-work culture or the housing crisis. Media representations that already reference the meritocratic deficit exemplified here by the figure of the “Mumpreneur”, for example by highlighting the “class ceiling” that those lacking the necessary privilege face, include recent programmes like *Breaking Bad* or *Better Call Saul* where just trying hard is simply not enough to succeed. Popular culture can thus be seen as a site of negotiation where dominant ideas about values around the relation between paid work, the economy and caring are elaborated.

Mediating women and work⁵⁵ – The Good Wife
 Shani Orgad’s case study juxtaposes media representations of “stay-at-home” mothers such as the television series *The Good Wife* and news stories and the lived experience of middle class women who left paid employment upon having children.⁵⁶ Consistent with representations of “stay-at-home” mothers in the media, the decision of Alicia, *The Good Wife*’s protagonist, to quit her job upon having children is constructed as a personal choice. The show centres on her return to work in a prestigious law firm after 13 years as a “stay-at-home” mother, following her husband’s arrest

Figure 1 The Mumpreneur Awards⁵³



due to a mediated sex scandal. The 13 years she spent outside the labour market as a stay-at-home mother do not seem to affect her return to professional life very much at all. She exudes confidence, excels at juggling her husband's scandal, her professional life, and motherhood. Alicia's image echoes media representations of career mothers, distinct from both the "happy housewife" of the 60s and the "super mum" of the 80s. Her character is more complex, and in some ways non-normative: *The Good Wife* refrains from tedious juggling metaphors and portrays Alicia as a mature, competent and confident professional, mother, wife, and woman in her own right.⁵⁷ However, unlike Alicia Florrick, non-fictional women in similar situations question whether the decision to leave paid employment and become full-time mothers was entirely their own "choice". They point to a series of factors, such as pressures from their husbands and their demanding careers, work cultures that are incompatible with family life, lack of workplace support structures, and cultural messages about motherhood, that have "forced" them to make this choice. They find "re-inventing" themselves and returning to the work-force rather more challenging and elusive. The transition into professional life is rarely smooth but poses many challenges: corporate life is fast-paced, many women recount difficulties with picking up where they left off years ago, feeling that they are made invisible and suffer great anxiety. They experience many obstacles in finding and managing childcare, and are often left to deal with the logistics of professional life and managing a household predominantly on their own. In contrast to such experiences, contemporary representations of career mothers (such as *The Good Wife*) largely obscure problems around childcare provision – Alicia's mother in law, while characterised as rather intrusive and annoying, seems readily available to fill in at all times. While representations such as *The Good Wife* ameliorate the inconsistency between public perceptions of ideal motherhood and everyday reality, many non-fictional women cannot simply leave behind the tedious demands of managing employment and family life, but continue to live what to them is a reality – the "new sexual contract"⁵⁸ remains an unfulfilled fantasy. Thus women's capacity to return to paid work after some time away from the labour market and their ability to reach senior leadership positions is not merely a matter of cracking the "confidence code", self-regulation strategies, assertiveness, or leaning in, as suggested by a range of contemporary representations. Rather, women's

return to paid work is constrained by social, cultural, political, economic, and personal factors that often legitimise and sustain inequalities.

*Recessionary television programming*⁵⁹

Feminist media analyses of recent years has critically reflected on the representational practices produced in (and reproductive of) a political climate marked by the financial crisis and its aftermath, the recession, and austerity politics. Negra and Tasker⁶¹ have interrogated the gendered responses to the recession across a variety of mediated contexts and identified a particular brand of "post-feminist" recessionary popular culture⁶² that activates some vocabularies of gender while marginalising others, often to the detriment of the least privileged. Recessionary reality television and makeover programmes, in particular, promote and normalise neoliberal individualism in the form of gendered, raced and classed subjects striving for social betterment. Reality television has proven itself very adaptable to the economic downturn, individuals are often encouraged to spend their way out of adverse situations, coached by celebrity experts. Personal betterment is the privileged logic of these programmes: the narratives suggest that, if only one tries hard enough, success will follow. This trend is illustrated by programmes like *The Fairy Jobmother* (2010), where the realities of the neoliberal job market are transcended and candidates demonstrate that jobs await those who search well enough.⁶³ Job seekers participating in the programme "are encouraged to (...) believe that "positivity is the key to everything", and to buoy themselves up with self-empowerment

rhetoric ("I am the man that can!")".⁶⁴

One typical example of these figures is the prevalence of the female cupcake baker,⁶⁵ a figure who holds in place feminised aesthetics and combines it with the diminutively "cute", the new (gendered) fetish food, and becomes exemplary of adaptive economies built around female entrepreneurialism (see also the "Mumpreneur" above). Despite a gendered pay gap, occupational segregation, and a deficit of women in business leadership, a spate of magazine articles and books imagine "the new majority of female breadwinners" in an age of austerity. Meanwhile, significant cultural emphasis is given to male infantilism and underdevelopment, disadvantage, injury, vulnerability and so on – this appears to be predicated on an assumption that workplace success is a zero-sum game in which if women are gaining, men must be losing. Thus any imagined rise in women's economic and cultural power represents women as surging ahead to the detriment of men.⁶⁶

Gendered Representations of Violence

Just as gendered representations in the recessionary context have tend to praise "feminine" resourcefulness rather than critiquing structural gendered economic disadvantage, representations of gendered forms of violence similarly have been noted as often focusing on regulating the behaviour of victims or potential victims, rather than that of perpetrators. Indeed, as Karen Boyle⁶⁷ has pointed out, the very language of "gender

Figure 2 The Good Wife⁶⁰



based violence” – often used as a synonym for “(men’s) violence against women” – can obscure the masculine gender of the perpetrator which it implies. However, while the term “violence against women” makes women visible as victims, it also excludes male victims of gendered violence, as well as implying male perpetrators when this is not necessarily the case. While neither term is necessarily preferable over the other, media representations which use them interchangeably when specifically referring to men’s violence against women can be read as contributing to discourses which negate the responsibility of perpetrators.

Reporting of men’s violence against women frequently combines contradictory narratives which pay some attention to feminist interventions while simultaneously reproducing “victim-blaming” tropes. For example, as Karen Boyle explained at the Commission hearing in April 2015, District Judge Neil Cadbury commented on the murder of 21 year old Karen Buckley in Glasgow, stating that “It’s very, very worrying how young girls put themselves in such very, very vulnerable positions”.⁶⁸ Cadbury’s comments were made during the sentencing of another woman for an unrelated assault, conflating the two and rendering the women as both vulnerable and culpable. *The Telegraph* broke the story, with the headline “Karen Buckley killing: Judge suggests student ‘put herself in vulnerable position’ by drinking”.⁶⁹ While the article cited Sarah Green of End Violence Against Women, and framed the story as one of sexism, its mention of whether Buckley had been drinking on the night of her murder also replicated Cadbury’s implication that women bear responsibility for their own safety. Jo Costello of Everyday Victim Blaming has pointed out that “If you suggest that a woman can avoid rape if she changes her behaviour, you are saying ‘make sure he rapes the other woman.’ The one who wasn’t so sensible. The one who didn’t change her behaviour.”⁷⁰ Thus, this type of reporting results in coverage which is in danger of perpetuating the problem it purports to address. Furthermore, the intense scrutiny of victims and their differential treatment depending on factors such as age, class or perceived attractiveness adds to the already heavy cost to women of testifying to men’s violence.

The risks associated with speaking out against male violence against women are exemplified by the 2011 case of Nafissatou Diallo, an immigrant hotel maid in New York who made allegations of sexual assault and attempted rape against the

then director of the International Monetary Fund, Dominique Strauss-Kahn. Research by Anita Biressi shows that responses to Diallo’s allegations went beyond assertions that the victim was responsible for her own protection.⁷¹ They instead constituted a media “witch hunt” against the domestic worker who had spoken out. Biressi demonstrated that narratives used to frame the case included that of a “farical comedy”, “porn movie” or “honey-trap conspiracy”, and Diallo was characterised alternately as a part-time sex worker, gold-digger or false asylum seeker. The raced and classed aspects of these frames highlight the intersectional nature of responses to male violence against women who do not conform to “ideal victim” status.

In contrast to Diallo’s characterisation, Dominic Strauss-Kahn’s crime was reduced to a personal flaw or “domestic” incident gone wrong, and he was depicted as a victim of Diallo’s “economic interests” or a political conspiracy. Thus it can be seen that news frames inverted the power dynamic between the two, representing Strauss-Kahn as a disempowered victim rather than a powerful perpetrator. Diallo’s appearance on ABC’s *Good Morning America* following the incident was described by Strauss-Kahn’s lawyers as an “unseemly circus designed to inflame public opinion”. By refusing to be silenced, Diallo was publicly reprimanded by behaving contrary to unspoken rules of engagement. The final resolution of the case via a civil lawsuit was then framed as Diallo being “paid” for a mere six minute encounter, while Strauss-Kahn was portrayed as a tragic victim who had lost his position at the IMF, his marriage, and his dreams of becoming the French president as a result.

While the representation of male violence against women remains highly problematic, women’s experiences are more visible than they have been in the past, and exceptions such as Nick Broomfield’s documentary, *The Grim Sleeper*, do buck the trend by placing scrutiny on perpetrators and addressing the intersectional effects of women’s identity on media responses to violent crimes against them. However, despite these exceptions, the continued rhetoric of making women responsible for male violence mirrors wider patterns in gendered media frames. There are parallels in the individualistic narratives of women’s responsibility to respond to recession and austerity with thrift and entrepreneurialism and their apparent responsibility to protect themselves from violence by moderating their own behaviour. Both narratives symbolically erase the structural factors which result in women’s economic disadvantage and exposure

to male violence. Similarly, there are parallels in the gendered framing of austerity as a “crisis of masculinity”, and the representation of individuals such as Strauss-Kahn as tragic male figures.

While traditional media layers symbolic violence over literal violence, new media has created new avenues for more overt violence towards women who enter the public sphere. While many feminists have taken to social media in order to gain greater control over their own representation, doing so runs the risk of encountering extreme harassment, often including rape threats and death threats. Research by DEMOS observed around 100,000 instances of the word “rape” used in UK-based Twitter accounts during the period 26 December 2013 to 9 February 2014, approximately 12 per cent of which were estimated to be threatening.⁷² Feminist author, *Guardian* columnist and founder of *feministing.com*, Jessica Valenti, has reported significant physical and emotional safety concerns following persistent online sexist abuse.⁷³

Targets of online violence against women are also not restricted to visible feminists. Pew Research indicates that women between the ages of 18 to 24 are significantly more likely to have been stalked or sexually harassed online than men, and are also more likely to experience this as traumatic.⁷⁴ While social media is certainly not responsible for the creation of online misogyny, micro blogging and social networking sites frequently fail to adequately moderate content in order to protect women from it. This may be exacerbated by the fact that, just as in traditional media, women and ethnic minorities are severely underrepresented within social media industries. For example, in 2014 Twitter reported that 70 per cent of its company is male, rising to 79 per cent in leadership positions and 90 per cent in tech based roles.⁷⁵

A final aspect of gendered representations of violence we wish to highlight here by way of conclusion references the relationship between the economic crisis and its regime of austerity politics, paralleled and sustained by the means of recessionary popular culture (see above) on the one hand, and security crises and their impact on everyday life on the other. Militarisation and securitization increasingly seep into everyday life of women and men, for instance by the means of (border) security mechanisms that shift “inwards” to universities, employers, and the welfare state, but also by

the means of representational practices that demonise migrants and asylum seekers and legitimise mass surveillance in the name of security, to name but a few examples. The War on Terror, through its “circulation of open secrets and accounts of torture and abuse”, furthermore includes a cultural project that seeks to produce a pro-war consenting global audience of witnesses/participants alongside its military project⁷⁶. Bhattacharyya has argued that these tendencies require a broader (feminist) focus than women’s lives and gender, and a re-orientation towards radical social justice “feminism for difficult times”.⁷⁷

Ways Forward

The evidence presented to the Commission has identified wide-ranging concerns regarding women’s representation both as media producers and subjects. While activists and media scholars continue to reignite debates around achieving change in the media, many of the suggested remedies that have emerged from these debates – for example, in the context of the Leveson Inquiry – have yet to be acted upon. Furthermore, issues of women’s representation as media producers and subjects are complex and interwoven, calling for joined up change on multiple fronts. Thus, based on the evidence heard, the Commission has identified several clusters within which to posit ways forward, including considering sites of representation, education and training, and the implementation of existing recommendations.

While there are clear links between women’s position as media producers and subjects, it is crucial not to assume that more women in newsrooms, film and television production or social media companies will automatically lead either to wholesale improvements in the quantity and quality of women’s representation, or to more critical and nuanced framing of gender issues. The somewhat anti-feminist content of some recent Hollywood film output produced and directed by women shows how misguided such assumptions are. However, as in politics and other spheres of public life, female media producers operate at present as a minority. This can be considered as a problem in itself. It is in the interests of broader and fairer participation that it be redressed.

Shifting Representations

Firstly, while feminists have taken up the task of critiquing varied problems regarding gendered media representations, there is still a dearth of data on this subject, despite the work of major, longitudinal studies such as the Global Media Monitoring Project. Increased qualitative

and quantitative data, as well as longitudinal and comparative analyses across factual and fictional media are much needed. Even with this information, this is not an area in which it is easy to develop policy recommendations. There are important reasons why, generally speaking, feminist media scholars have been reluctant to dictate solutions. Intervening in the cultural sphere raises challenges: tangible targets for policy interventions problematic are hard to find because any form of censorship, perceived or real, poses significant issues regarding freedom of speech as well as a free press.

However, the Commission would recommend the establishment of a standing committee such as a national gender observatory tasked with monitoring media production and the representation of gender in the ways described above, as well as intervening in the public debate around such issues. Interventions could for example take the form of participating in the visibility and attention received by especially problematic programmes, responses to high profile incidents of violence against women such as the murder of Karen Buckley, and media framing of women with political power during moments such as the “Downing Street Catwalk”. These contexts present opportunities for feminist media scholars and activists to add to critical commentary online, in print, and be available for expert interviews and comments on radio and television.

Education and Training

Despite the aforementioned reservations about interventions into the cultural sphere, feminist scholars, professionals and activists on the nexus between media production, representation, and reception remain of course committed to gender equality. Education and training emerges as one key cluster of possible interventions to support positive shifts in the ways in which the media represent gender related topics and their intersections with other in-/exclusions and hierarchies in the longer term. The Commission sees potential, both in terms of children and young persons’ education, and professional training for journalists, editorial staff, and other media professionals. These recommendations would propose interventions, therefore, into the national curriculum, and also into professional associations for training journalists (NCTJ, for instance) to ensure that gender education was central to the curriculum.

This includes critical media literacy, not only in terms of how to read the media but also in terms of how to educate journalists. The latter would be

achievable if accrediting bodies were mandated to do so and annual auditing implemented, and respectively if educators were required to implement what is already regulation.⁷⁸

Existing Recommendations Awaiting Implementation

Most pertinently in relation to women and minority representation in the print media, the Leveson Inquiry recommends that the new press regulator needs to be equipped with the power to act on third party complaints. To this end, the complaints system needs to allow for generic complaints that are representative of women’s groups and other minority representatives to be raised against misleading or inaccurate coverage of issues such as violence against women or immigration, rather than claims on behalf of individual and personally identified “victims” as re-quired by the previous complaints procedure. This requires considering amendments to the Editors’ Code of Practice in order to achieve a balance between the protection of freedom of speech and press and allowing for interventions against discriminatory reporting to reflect “the spirit of equalities legislation”⁷⁹

Recommendations:

- 1. Establish a standing committee, such as a national gender observatory, tasked with monitoring media production and the representation of gender, and with intervening in the public debate around such issues.**

We recommend that a standing committee tasked with quantitative and qualitative monitoring of women’s participation in media production be established. This committee could also respond to issues in relation to the representation of gender by providing a forum for the diversification of voices heard intervening in public debates around relevant issues. Interventions could, for example, take the form of responses to high profile incidents of violence against women such as the murder of Karen Buckley, and media framing of women with political power during moments such as the “Downing Street Catwalk”. These and related contexts would present opportunities for feminist media scholars and activists to add to critical commentary. However, reactive critique is not enough, we would like to see a commitment to extended participation in the media at all levels by women from a variety of backgrounds.

- 2. Foster critical media literacy skills throughout primary and secondary education.**

We recommend that media literacy skills be fostered in the education system, for instance

*by including lessons on critical media analysis in the Personal Social Health and Economic Education (PSHE) curriculum.*⁸⁰ Education and training emerges as one key cluster of possible interventions to support positive shifts in the ways in which the media represents gender-related topics and their intersections with other in/exclusions and hierarchies in the longer term. The Commission sees potential, both in terms of children and young persons' compulsory education, and professional training for journalists, editorial staff, and other media professionals. Critical media literacy should be part of literacy education in schools.

3. Include training on gendered representation, intersectionality and gender sensitive modes of communication.

We recommend that gendered representation, intersectionality and gender sensitive modes of communication be prioritised in professional training and qualifications for journalists and other media operatives. This includes critical media literacy, not only in terms of how to interpret the media but also in terms of how to educate journalists. The latter would be achievable if accrediting bodies were mandated to do so and annual auditing implemented, and there was additional investment in training and mentoring programmes to further women's leadership in media organisations.

4. Implement the recommendations made in the Leveson report.

We recommend that the recommendations of the Leveson report be implemented, namely, by equipping the regulatory body with the power to act on third party complaints – such as complaints by representative women's groups – and amending the Editors' Code of Practice to reflect the interplay between freedom of expression/freedom of the press and existing equalities legislation.

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- ⁶ *Ibid.*, 361.
- ⁷ Global Media Monitoring Project, *UK and Northern Ireland Report* (2010), 5.
- ⁸ A. Campbell for Women in Journalism, *The Lady Vanishes – At 45*, (no date), available at: <http://womeninjournalism.co.uk/the-lady-vanishes-at-45/>.
- ⁹ Directors UK, *Women Directors – Who’s Calling the Shots?*, (2014), 6.
- ¹⁰ *Ibid.*, 19.
- ¹¹ M. M. Lauzen for Women in Film & Television UK, *It’s a Man’s (Celluloid) World*, 1-2 (2015).
- ¹² Global Media Monitoring Project, *UK and Northern Ireland Report* (2010), 6-8.
- ¹³ *Ibid.*, 2.
- ¹⁴ Evidence provided to GIP commission by L. Howell, 24/04/2015.
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- ¹⁶ At the time of writing the 2015 edition of the GMMP is under way.
- ¹⁷ Global Media Monitoring Project, *UK and Northern Ireland Report* (2010), 6.
- ¹⁸ Evidence provided to GIP commission by C. Carter, 24/04/2015.
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- ²⁰ Trans* is one word for a variety of identities that are incredibly diverse, but share one simple common denominator: a trans* person is not your traditional cisgender wo/man. <http://itspronouncedmetrosexual.com/wp-content/uploads/2012/05/TRANS-Poster-11x17.pdf>
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- ²² The Commission on Older Women, *Interim Report* (2013), 33.
- ²³ *Ibid.*, 38.
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- ²⁵ Rosie White (2014) *Funny Old Girls: Representing older women in British television comedy*. In: Ageing, Popular Culture and Contemporary Feminism: Harleys and Hormones. Palgrave Macmillan, Basingstoke and New York, pp. 155-171.
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- ²⁸ Evidence provided to GIP commission by M. Williamson, 24/04/2015.
- ²⁹ The field of feminist media and communication studies has long documented the persistent dominance of white privileged men in media production and management positions of media organisations. See for example R. Gill, *Gender and the Media* (Cambridge: Polity, 2009).
- ³⁰ Lizzie Thynne has shown that women over 40 in production are much less likely than men to have children. L. Thynne (2000), ‘Women in television in the multi-channel age’ *Feminist Review* 64: 65-82
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- ³⁵ S. Sandberg, *Lean in: Women, work, and the will to lead* (London: WH Allen, 2013).
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- ⁸⁰ J. Ringrose, *Postfeminist Education? Girls and the Sexual Politics of Schooling* (New York: Routledge, 2013).

CONCLUDING REMARKS

Based on existing literature and on the evidence of specific contributions made to the Commission across the economy, politics, law and media and culture, we have been able to identify the depth and enduring character of gender-based inequalities of position and power. We have explored how these inequalities undermine existing rights, access to the law, fair representation in politics, realistic portrayals in the media and culture, and continue to pose difficulties for managing paid work and caring. These problems are differentiated among different groups of women and in turn reinforce gender inequalities and in some cases lead to regression from the status quo. In the Summer Budget of 2015, for example, the government continued to introduce measures which have disproportionately adverse impacts on women, BME groups and those on low incomes. Despite these measures, the government continues to resist effective impact analyses.

In this report we make a large number of recommendations, some of which relate to adjusting existing practices and procedures, while others require more fundamental change. To amend existing practices and procedures we recommend:

- a) monitoring to demonstrate the scale of inequality and impact of changes,
 - b) training to raise awareness of the need for gender analysis and to develop practices for greater equality,
- and
- c) quotas for both women and BME groups to effect immediate change in the short term.

Other measures require more fundamental change and these relate to the way that existing knowledge and resulting institutions and practices are gendered. For example, there are gendered assumptions underlying the law and the economy. In the case of the economy, current understandings prioritise production for the market over the reproduction of human life. This has profound implications for gender inequality given the prevailing gender division of labour with respect to care and domestic work. Moreover, women's extra responsibilities in terms of caring limit their presence in public life.

In a time of austerity and cuts to public expenditure, some of these suggestions in particular may seem inappropriate, but as the report has shown the extent of public funding is a political decision and not a technical necessity and investment in social as well as physical infrastructure brings economic as well as social gains.

Gender-based inequalities of position and power are long standing. Fifty years of policy efforts have secured some important changes, but evidence of sustained progress is lacking and there are marked signs of regression. Radical change is required to bring about progress towards a world of reduced gendered inequality, a fairer representation of women in public life and a fairer gender distribution of power. Implementing our recommendations would both provide a signal that there is a political will to make this change, and go some way toward rectifying this long-term social injustice.

COMMISSION PARTICIPANTS AND ACKNOWLEDGEMENTS

The Commission has been a truly collaborative exercise, with a great number of people involved in its organisation, evidence gathering, writing and dissemination. Anne Phillips and Sadie Wearing organised and led excellent sessions on Politics and Media respectively, and we would like to thank all those Commissioners, participants and contributors who made the evidence-gathering sessions so dynamic and enlightening. Particular thanks go to a number of individuals for their support and encouragement: Robin Dunford, Emily Jackson, Hazel Johnstone, Øyvind Skörge, Wendy Sigle and Emma Spruce. Essential, and excellent, research support was provided by: Claire English, Julia Hartviksen, Camille Joly, Haifa Rashed, Nicole Shephard and Orlanda Ward. We are very grateful to Polly Trenow and Rebecca Omonira-Oyekanmi for all their work in promoting and disseminating the work of the Commission, helping to ensure it reaches a wide and varied audience, together with Humbledinger Limited for the Video and Christine Garrington for the podcasts. Finally, we would like to thank LSE's Knowledge Exchange Working Group for providing the funding that made this Commission possible and – most especially – Kate Steward, the Project and Website Manager. Kate's vision, diligence, patience and excellent organisational skills have been fundamental to the entire project, and her editorial and coordinating work in the final stages has been outstanding.

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We thank the following for their participation in the Evidence Gathering Sessions. Although we cannot list them all here, we are also very grateful to those who attended the Sessions and the invaluable contributions they made to the discussions.

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Oriana Bandiera
Laura Bear
Fran Bennett
Michael Blackwell
Karen Boyle
Rosie Campbell
Sarah Childs
Shelley Cobb
Joanne Conaghan
Sharon Cowan
Emma Crewe
Drude Dahlerup
Josephine Dolan
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ACRONYMS

| | |
|--------------|---|
| AM | Member of the Welsh Assembly |
| ASHE | Annual Survey of Hours and Earnings |
| BME | Black and Minority Ethnic |
| CASE | LSE Centre for the Analysis of Social Exclusion |
| CEDAW | United Nations Convention on the Elimination of All Forms of Discrimination Against Women |
| DFW | Department for Work [and Pensions] |
| ECHR | European Court of Human Rights |
| ECJ | European Court of Justice |
| EIGE | European Institute for Gender Equality |
| FGM | Female Genital Mutilation |
| GMMP | Global Media Monitoring Project |
| ICC | International Criminal Court |
| ICJ | International Court of Justice |
| IFS | Institute for Fiscal Studies |
| IWMF | International Women's Media Foundation |
| JAC | Judicial Appointments Commission |
| LASPO | Legal Aid and Punishment of Offenders Act 2012 |
| MLA | Member of the Northern Ireland Legislative Assembly |
| MP | Member of Parliament |
| MSP | Member of Scottish Parliament |
| NEETS | Not in Employment, Education or Training |
| NLW | New Living Wage |
| ONS | Office for National Statistics |
| PSHE | Personal Social Health and Economic Education |
| TUC | Trades Union Congress |
| WBG | The Women's Budget Group |
| WILL | Women in Law London |

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