



House of Commons

Business, Innovation and Skills
Committee

Women in the Workplace

First Report of Session 2013–14

Volume I



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Volume I

Volume I: Report, together with formal minutes

Volume II: Oral and written evidence

Further written evidence is contained in Volume III, available on the Committee website at www.parliament.uk/bis

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Business, Innovation and Skills Committee

The Business, Innovation and Skills Committee is appointed by the House of Commons to examine the expenditure, administration, and policy of the Department for Business, Innovation and Skills.

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The following members were also members of the Committee during the parliament.

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The Committee is one of the departmental select committees, the powers of which are set out in House of Commons Standing Orders, principally in SO No 152. These are available on the Internet via www.parliament.uk.

Publications

The Reports and evidence of the Committee are published by The Stationery Office by Order of the House. All publications of the Committee (including press notices) are on the internet at www.parliament.uk/bis. A list of Reports of the Committee in the present Parliament is at the back of this volume.

The Reports of the Committee, the formal minutes relating to that report, oral evidence taken and some or all written evidence are available in a printed volume. Additional written evidence may be published on the internet only.

Committee staff

The current staff of the Committee are James Davies (Clerk), Amelia Aspden (Second Clerk), Peter Stam (Committee Specialist), Josephine Willows (Committee Specialist), Ian Hook (Senior Committee Assistant), Pam Morris (Committee Assistant), Henry Ayi-Hyde (Committee Support Assistant).

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Summary

It is an individual's right to have the opportunity to reach their full potential. If that does not or cannot happen, it is a waste: a waste to that individual; a waste to the economic benefit of the country; and a waste to society. Women comprise over half the population and, as such, a significant amount of public funds are invested in them. Ensuring that women, as well as men, have the opportunity to realise their maximum potential is therefore as much an economic argument as one about equality. In this inquiry, we explored the issues surrounding the position of women at all stages of their career, and at all levels of the workforce, primarily within the context of the economic benefits of utilising fully women's contribution to the workforce.

The Equal Pay Act 1970 was an attempt to equalise wages for men and women doing the same or comparable work. After over 40 years of the legislation being enacted, equality in pay between men and women has not been achieved. There are many factors that affect this, including: the types of jobs traditionally thought of as being more suitable for women; childcare being seen as primarily the responsibility of women; the opaqueness of the pay system that hides unequal remuneration; and the domination of men in positions at the highest levels of the workforce.

We welcome the Government's commitment to the principles of equality in the workforce and the recently-published Report by the Women's Business Council—a group set up and funded by the Government—which makes recommendations for women's greater economic participation. The Report stresses the need for better career guidance for school pupils, which we welcome, and on which we build. However, while the Government highlights the importance of comprehensive careers advice, it has transferred responsibility for careers guidance to schools, without the necessary additional support. The Government's laudable commitment to the Apprenticeship programme does not include specific targets for increasing the number of women in sectors where they are under-represented, as it has done so in relation to women holding senior positions in the workforce.

In relation to employment, the Government has changed the funding mechanism for the Women and Work programme, which was specifically aimed at rebalancing unequal representation of women in certain sectors. Neither has it introduced Section 78 of the Equality Act 2010, which would require large private sector employers to undertake equal pay audits. The Government is also 'calling time' on the undertaking of Equality Impact Assessments and appears to be weakening the Equality and Human Rights Commission.

The Government needs to send a strong, consistent message about workplace equality, at all levels of the workforce, and all those involved—schools, businesses, and the Government itself—need to work harder, to achieve long-term, sustainable change. We cannot afford to wait another 40 years for equality at all levels of the workforce, and for the resulting economic benefits, to be delivered.

1 Introduction

This is still a workplace designed by men for men. There is a great deal that this Government still has to do to make sure that we can allow women to play their full part. [Rt Hon Maria Miller MP, Women and Equalities Minister]¹

1. The Rt Hon Maria Miller MP spoke these words when she gave evidence to the Committee in January 2013. Her views highlight the continuing importance of an issue that we, and our predecessors, have been interested in for many years. In April 2005, our predecessors on the Trade and Industry Committee published *Jobs for the girls: the effect of occupational segregation on the gender pay gap*² and then our predecessors on the Business, Enterprise and Regulatory Reform Committee published a follow-up Report *Jobs for the girls: two years on*.³ This inquiry continues that work.

2. It is an individual's right to have the opportunity to reach their full potential. If that does not or cannot happen, it is a waste: a waste to that individual; a waste to the economic benefit of the country; and a waste to society. We were interested in exploring the issues surrounding the position of women at all stages of their career and at all levels of the workforce, primarily within the context of the economic argument of utilising fully women's contribution to the workforce. This will also involve a cultural shift that will involve men sharing domestic and caring responsibilities in the home.

3. Some aspects of women's position in the workplace have changed for the better over recent years. For example, we heard from Professor Jane Dacre, representing the Royal College of Physicians, who told us that "60% of medical students are now female. [...] Clever girls used to be nurses, now clever girls become doctors".⁴ Often women's chances of achievement are reliant on the type of work that they choose to do, and the context in which they carry out that work. Indeed, within the medical profession, Professor Dacre told us that 42% of partners in primary care were women, compared with only 8% of surgical consultants being women.⁵ Opportunities available to women depend on the level of wages, the choice of work, the flexibility of work on offer, maternity rights, the cost of local childcare, and the use of fair and open competition in job promotion. These factors are linked by perceptions of how women should be, what careers they should follow, and the roles that men take on. All these aspects of work are woven together, and they can either help or hinder women's prospects in their working and home life.

4. The underlying foundation on which all these aspects of a person's life rests is their economic standing. The Equal Pay Act 1970 was an attempt to equalise pay between men and women. After over 40 years of the legislation being enacted, full equality in pay has not

1 Q 440

2 Trade and Industry Committee, Sixteenth Report of Session 2004-05, *Jobs for the girls: the effect of occupational segregation on the gender pay gap*, HC 300-1

3 Business, Enterprise and Regulatory Reform Committee, Second Report of Session 2007-08, *Jobs for the girls: two years on*, HC 291-1

4 Q 19

5 Q 18

been achieved. As with women's achievements in the workplace, there are many reasons why women are paid less than men: the types of jobs traditionally thought of as being more suitable for women; the consequences of the responsibility of raising babies and children still regarded primarily as being that of women; the opaqueness of the pay system that hides unequal remuneration; and the preponderance of men reaching the highest levels of the workforce, and who—often unintentionally—make strategic decisions based on their own experiences, rather than on more diverse experiences, that in turn directly affect many other people.

The Business, Innovation and Skills Committee's inquiry

5. Our inquiry was launched in September 2012. We sought written evidence on:

- whether the Equality Act, including the Public Sector Equality Duty, goes far enough in tackling inequalities, such as the gender pay gap and job segregation, between men and women in the workplace;
- what steps should be taken to provide greater transparency on pay and other issues, such as workforce composition;
- the impact of the current economic crisis on female employment and wage levels;
- how gender stereotyping in particular occupations should be tackled;
- what more should be done to promote part-time work at all levels of the workplace, ensuring that both women and men have opportunities to gain senior positions within an organisation while working flexibly or part time;
- to what extent the recommendations in Lord Davies' Report *Women on Board*, published in February 2011, have been acted upon, and how successful the voluntary code of conduct has been;
- why there are still so few women in senior positions on boards, and what the benefits are of having a greater number of women on boards;
- how much consideration investors should give to the percentage of women on boards, when considering company reporting and appointments to the board.

Some evidence noted that a disproportionate number of our terms of reference referred to women in senior positions.⁶ While we accept the fact that the majority of women (and the majority of men) will never reach senior board positions, people in senior positions make strategic long-term decisions affecting the running of an organisation and the workforce within that organisation. We therefore felt that it was important to highlight the issues surrounding the low proportion of women in senior positions, while nevertheless not treating the other issues with any less importance.

6. We received 103 written submissions, 27 of which were confidential, and held six oral evidence sessions, where we heard from 46 witnesses. Those sessions covered the following

issues: the stereotyping of jobs; employment law; the advancement of women in senior management positions, including the European Commission's proposals; women's involvement in STEM subjects (science, technology, engineering and maths); the role of small and medium enterprises (SMEs) and women; and finally the work of the Women's Business Council and of the Government. We would like to thank all those who gave written and oral evidence. We would also like to thank our specialist adviser, Karon Monaghan QC, for her invaluable help and advice during the inquiry.

Mumsnet and Woman's Hour involvement

7. We wanted a different approach to this inquiry, to reach people directly affected by the issues concerning women in the workplace who might not otherwise have considered contributing their experiences. We welcomed Mumsnet's interest in the inquiry, and their offer to set up an internet forum, where people could post their views arising from our terms of reference. The forum attracted over 100 comments, which can be found at the following site: http://www.mumsnet.com/Talk/site_stuff/a1633298-Parliamentary-committee-wants-your-views-on-issues-faced-by-working-women.

8. We were also extremely grateful to *Woman's Hour* for its coverage of the inquiry, and for enabling us to reach many more women who had direct experience of the issues in the inquiry. *Woman's Hour* covered the inquiry on four separate occasions, including an interview with the Chair of the Committee, Adrian Bailey MP, two interviews with Ann McKechnie MP, and a programme devoted to the subject, involving a phone-in with the presenter Jane Garvey and Rebecca Harris MP. Many listeners contributed to the inquiry, by making comments during the phone-in—by telephone or by social media—and by sending us confidential and non-confidential written evidence. We received written evidence that included anecdotal experience of some excellent equality working practices, but also some shocking examples of inequality at work, in both private and public organisations, including the fields of education, the law, the construction industry and the NHS. Much of the confidential written evidence highlighted such inequality, and we were struck by the fact that so many women did not want their names published. Many of those contributors wrote in as a direct result of the *Woman's Hour* coverage. All non-confidential written evidence can be found on our website.⁷ The contribution from *Woman's Hour* made a significant difference to our understanding of the issues involved, and contributed to our deliberation in the forming of some of the recommendations in this Report, and we would like to thank all those involved in making this possible.

⁷ www.parliament.uk/business/committees/committees-a-z/commons-select/business-innovation-and-skills/inquiries/parliament-2010/women-in-the-workplace/

2 Stereotyping of jobs and gender representation

What I am trying to do is to break the stereotype. We have to do things differently. There is a saying: do what you have always done and you will get what you have always got. [Diane Johnson, Electrical Contractors Association (ECA)]⁸

Introduction

9. Diane Johnson from the Electrical Contractors Association (ECA) told us about her innovative way of encouraging women to join the engineering sector.⁹ She was describing the inherent stereotypes that permeate women's choices of careers, which in turn lead to reduced career and salary prospects. Our predecessor Committee's Report *Jobs for the girls: the effect of occupational segregation on the gender pay gap* was published in April 2005, and stated:

The tendency of men and women to work in different occupations, and the associated tendency of predominantly female occupations to be lower paid and lower valued than men's, have a major effect on the gender pay gap in the UK; but such occupational segregation also deprives employers of potential recruits—a factor of particular importance in areas of skills shortages.¹⁰

10. Over eight years later, the points made remain relevant. The Women's Business Centre highlighted statistics of the most common jobs for young men and for young women, from the Labour Force Survey of 2011:

Most common jobs for young men (age 22–29) are:
1. Construction and building trades (170,000)
2. Sales assistants and retail cashiers (160,000)
3. Elementary services occupations (110,000)
4. IT and telecoms professionals (100,000)
5. Electrical and electronic trades (100,000)
Most common jobs for young women (age 22–29) are:
1. Sales assistants and retail cashiers (200,000)
2. Caring personal services (170,000)

8 Q 49

9 We describe the programme 'Wired for Success' later in this Chapter.

10 Trade and Industry Committee, Sixteenth Report of Session 2004-05, *Jobs for the girls: the effect of occupational segregation on the gender pay gap*, HC 300-1, summary

3. Teaching and education professionals (160,000)
4. Elementary services occupations (130,000)
5. Childcare and related personal services (130,000) ¹¹

11. Mary-Ann Paddison, in a personal capacity, highlighted the improvement in the number of women chartered surveyors in the past 20 years, yet the figures still show that men outnumber women by more than five to one:

When I started training for my profession in c. 1983 I recall that around 7% of Chartered Surveyors were women. Today I understand that approximately 15%–17% of Chartered Surveyors are women.¹²

This chapter will tease out the reasons why certain career choices are made, concentrating on specific subjects which are disproportionately represented by men. It will also highlight initiatives that have contributed to the greater choice of careers by women.

Nature or nurture?

12. We received a range of evidence on the reasons underlying the disproportionate ratio of men and women in certain professions; some stressed the fact that biological differences affect people's choice of career, while others stressed cultural differences that dominate the choices that women make. Mike Buchanan, from the Campaign for Merit in Business, told us that he believed that the roots of the difference in unequal representation in certain occupations between men and women lay in biological differences between the sexes:

I am very much persuaded by the work of Professor Simon Baron-Cohen at Cambridge University, who published a book called *The Essential Difference* back in 2003. His essential thesis is that most people are gender-typical, and that the male brain is designed for systemising and the female brain for empathising. If that is true—and I think there is a lot of evidence that it is true—then we would expect men to be more interested in physics, mathematics and engineering and we would expect women to be more interested in nursing, medicine and, indeed psychology. [...] I am simply saying the number of men who are good mathematicians, physicists and engineers will naturally considerably outnumber the number of women who are.¹³

13. In oral evidence, Dr Catherine Hakim, a sociologist, described her preference theory, based on research on the choices that women make, which highlighted the fact that

Roughly 20% of women in all societies are work-centred and careerist in the way men are. Roughly 20% of women are home-centred, family-orientated in the way that very, very few men are. Roughly 60% are in the middle wanting the best of both worlds, a combination of family life, paid employment and success or achievement in

11 Women's Business Council Evidence Paper 3, September 2012, www.gov.uk

12 Ev w115

13 Q 61 and Q 63

the public sphere, whether it is in politics, sport, art, the workplace or whatever. The ones in the middle group are the ones that are always dominant in any survey results because they are the ones who are the most numerous. However, an awful lot of policy is based on the assumption that women would be careerist and work-centred, just like men, if only culture and society allowed them to. The evidence is that they simply are not.¹⁴

In her written evidence she explained her thesis further:

If social engineering aims for outcomes that go against the grain, then all the money and effort will be wasted anyway. There are good reasons why fewer women remain working as engineers and few men become beauticians.¹⁵

14. Much of our evidence, however, argued that the choices that many women make over the type of work they choose is more influenced by cultural presumptions of the role that women should take. Professor Dame Jocelyn Bell Burnell, an astronomer at the University of Oxford and Chair of the Royal Society of Edinburgh's inquiry into Women in Science, Technology, Engineering and Mathematics (STEM), told us that she believed that culture, not biology, determined women's career choice, and illustrated this view by describing the variation in the number of female astronomers in different countries around the world:

Mostly, astronomers have done physics to get to astronomy, so physics figures are really very like this. There is huge divergence around the world. Argentina has 37% of its cohort female, whereas Japan has 6%. Local cultural influences dominate. This is not biology; this is not women's brains. This is the culture in the country—what is considered appropriate for a women in that country to do.¹⁶

She went on to explain why she believed these cultural differences occurred:

It is my impression that it is our sisters, our cousins and our aunts who determine what is appropriate for women to do, to a large extent. They influence the early decision of girls. Their progress will be determined by the people in power, who are often men. There are very, very strong cultural effects, so what we are trying to change is the culture in the country.¹⁷

Other evidence also supported the fact that cultural attitudes can affect career choice. Bola Fatimilehin, from the Royal Academy of Engineering, returned to the example of physics:

Physics is of huge interest to engineering because it is a key subject in terms of determining whether or not you can become an engineer in later life. The Institute of Physics conducted research earlier this year that showed that of all the A-level entrants in 2011, 20% of them were female. That situation has persisted for the last 20 years. It is not biological. It is not because girls cannot do physics; they actually do better than boys. There is a lot around teacher attitude and stereotyping that says that

14 Q 73

15 Ev 204

16 Q 321

17 *Ibid.*

boys do physics. Kings College is doing a longitudinal study of this, and some studies say that some teachers, though not all, will see boys as more naturally able and better at physics. Of course, that sends a message to girls.¹⁸

15. Positive views about ‘atypical’ careers for women can make a difference in women’s choices. Claire O’Connor wrote in a personal capacity about her experience in the automotive industry, and explained how her choice of career was influenced:

I myself would not have considered engineering had I not spoken to a family friend who highlighted the variety of skills I could use as an engineer, such as project management, finance, purchasing and technology, therefore exposing more people to the industry can only be a positive thing. [...] Having worked within the automotive industry for 16 years I have always found it very female friendly, with many policies which positively support women in the workplace. I have benefited from generous maternity leave, flexible part-time working and an on-site nursery which have made it possible for me to remain in the workplace. From my observations these policies have meant the majority of women return to work following the birth of their children.¹⁹

16. Similar sentiments about the benefits of choosing to work in an ‘atypical’ career for women were expressed by another engineer, Charlotte Dunford:

I have always felt like I was treated as an equal by my male colleagues and they have been open about the need to encourage more women to enter the profession. [...] In my experience the barrier to women being in the technical professions is that many women do not choose my career, not that they are barred from it or are not felt welcome by others once they have chosen it. [...] How can a woman fall in love with these professions or realise they are capable of them if they never try them?²⁰

17. **We are of the view, based on much of our written and oral evidence, that the root of the problem of the stereotyping of jobs come from the cultural context in which career decisions are made, not from innate differences between men and women.** Those decisions are often based on external influences and advice, affecting both girls and boys at a very early age. However, just because it is culture rather than nature that influences career choice does not necessarily make it any easier to change, nor does it mean that all people—men or women—want to change it. What is needed is the opportunity for girls and boys to make informed decisions about their future careers, based on comprehensive and objective advice.

Schools and Careers advice

18. Schools play a significant part in influencing stereotypes, both in what they teach in the curriculum and in what careers advice they offer. The Institute of Physics stressed the fact that other countries are better at attracting more women into science and highlighted the

18 Q 48

19 Ev w114

20 Ev w30

poor track record of English schools supporting girls studying physics.²¹ Its report *It's Different for Girls* noted that “almost half of all maintained co-ed schools in England (49%) sent no girls on to take A-level physics in 2011”.²² It highlighted the success of its own initiative in generating significant increases in the number of girls studying physics:

Our Stimulating Physics Network (SPN), a Department for Education funded initiative, aims to improve the uptake of A-Level physics by working directly with schools. They have seen a colossal rise in the number of girls taking physics (an increase of 200%, compared to 70% in boys) in the SPN partner schools. This clearly shows that targeted initiatives can and do work.²³

We received evidence highlighting other programmes that support targeted work on pupils at school, some specifically aimed at girls. Women and Manual Trades (WAMT) stressed the importance of promoting women in non-traditional roles, introducing tradeswomen to young children “to expose and promote skilled labour as a viable career and employment option for women and men”, and in providing practical information on ways in which to enter the trades.²⁴

19. Dr. Heather Williams, a physicist within the NHS and honorary secretary to the Institute of Physics’ Women in Physics Groups, also wrote of the need for visible role models:

Speaking specifically about women in non-typical careers, I think we need more visible, accessible and inspirational female role models from a wide variety of careers, and enable access to these role models for young women at all stages of their education.²⁵

Kate Sloyan is one such role model—a research fellow at the Optoelectronics Research Centre at the University of Southampton who, in 2012, won the Institute of Physics’ Very Early Career Woman Physicist of the Year. She described the outreach programme run by her department:

[W]e mostly target primary school-aged children. We have a load of hands-on experiments that we have built, such as button pushing—the good bits at science museums—and we take those out into schools, as well as to Brownies and Guides groups, trying to push the women in science bit. We also take part in days on campus where not just kids but families get involved as well. The idea is to get kids enthusiastic about science first, to educate them a little bit, second, and also, and more subtly, to provide role models.²⁶

21 Ev w46

22 Ev w45

23 Ev w46

24 Ev w114

25 Ev w97

26 Q 319

20. The Women’s Engineering Society recommended that the topic of gender inclusion should be included as part of key stage one and two²⁷ and wrote:

The key message about stereotypes and associated messages of opportunity for all need to be targeted at the very young and in public places such as libraries and schools. Schools should be encouraged to deliver in a more positive way and transform their diversity policies into effective action plans.²⁸

The Fawcett Society agreed that more should be done in schools to “incorporate gender equality education in the relevant aspects of the National Curriculum, including explicit discussions about the gender pay gap and its causes” and to undertake “more public education work in order to challenge stereotypical and limited ideas of women and men’s respective roles and abilities”.²⁹ The Chartered Management Institute (CMI) recommended that more businesses should work with schools, by helping young people develop their management and leadership skills, and in particular to help “develop young women’s confidence and increase young women’s understanding of the opportunities that exist in the world of work. We believe this will help translate the high performance of girls, particularly in technical subjects, into increased representation in industries where gender stereotyping still persists”.³⁰

21. Good quality careers advice—from schools, from family members, from businesses, universities and organisations—is of paramount importance in helping young women to choose professions that suit them, and in tackling direct and indirect job stereotyping. We received evidence citing poor careers advice at schools as being a primary reason why girls are put off certain subjects and careers. Diane Johnson, from the Electrical Contractors Association (ECA), told us that “at the moment we do not have a proper structure for how to excite women. We should start a lot earlier; we should be in schools, explaining what women can actually do”.³¹ Professor Ebdon, the Director of the Office of Fair Access, the university fair access regulator, has told us that, in order to increase universities’ applicant pool, “outreach programmes should start as young as seven”.³²

22. The importance of careers advice was emphasised by the Women and Equalities Minister, the Rt Hon Maria Miller MP, who told us that one-third of the gender pay gap is still driven by the types of jobs that women do.³³ She said that

Rather than use the fig leaf of legislation, let us get to the nub of the problem, which is making sure that women are getting good careers advice, which, again, is something that we have worked on very strongly as a Government, that they are going into the right sectors, and that we have the right, modern workplaces that

27 Ev w99

28 Ev w101

29 Ev 195

30 Ev w15

31 Q 47

32 Oral evidence taken before the Business, Innovation and Skills Committee on 19 March 2013, HC (2012-13), 1066-i, Q 50

33 Q 440

women can work in, thrive in and can stay in their jobs when they have caring responsibilities.³⁴

23. However, in its Report on *Careers guidance for young people: the impact of the new duty on schools*, the Education Committee was not convinced that the Government had succeeded in its reform of career advice:

We have concerns about the consistency, quality, independence and impartiality of careers guidance now being offered to young people. We heard evidence that there is already a worrying deterioration in the overall level of provision for young people. Urgent steps need to be taken by the Government to ensure that young people's needs are being met.³⁵

24. That Committee recommended that careers advice should be a responsibility not just for schools but also for the National Careers Service, which should receive additional funding.³⁶ The Women's Engineering Society believed that careers advice should involve "information on opportunities, wages, pathways for primary and secondary teachers, lecturers in FE and HE, advisors to children, parents, carers, play-groups workers, for all learners".³⁷

25. Karon Jochelson, from the Equality and Human Rights Commission (EHRC), told us about the work that the EHRC has carried out in this area:

We decided to focus on primary school children, because our research found that gendered ideas about what was appropriate work, if you were a little girl or a little boy, start very early. We have developed a pack with educational specialists that tries to help children to think about cultural stereotypes, the world of work and the benefits you get from work. We published that in September [2012], and it has been marketed through our partners at various educational conferences. It is called *Equal Choices, Equal Chances*, and it is a partner piece to a similar piece of work called *Equal Rights, Equal Respect*, which also focuses on stereotyping, but more from a human rights angle.³⁸

26. A more joined-up approach to careers advice was advocated by Ruby McGregor-Smith, Chair of the Women's Business Council—a Government-funded and administered group set up in the summer of 2012 to explore ways in which women can play a great economic role in the country.³⁹ She said:

We need a joined-up careers service. It should be wider than a careers service. Calling it 'Careers and Aspirations for Young People' would go a long way towards beginning to solve this—particularly in this economic environment. Every school, as

34 Q 460

35 Education Committee *Careers Guidance for young people: the impact of the new duty on schools*, HC 632, January 2013, summary

36 *Ibid*, para 32

37 Ev w101

38 Q 396. The EHRC pack is available from www.equalityhumanrights.com

39 The Women's Business Council published its Report on 3 June 2013. Womensbusinesscouncil.dcms.gov.uk

opposed to focusing on what universities they send their kids to and what league tables they join, could focus on making them work-ready. Beginning to change that is the message.⁴⁰

We agree with the views of the Women’s Business Council; only by having a strategic approach in all schools, will the Equality and Human Rights Commission (EHRC), the Department for Education, and the Department for Business, Innovation and Skills be able to provide consistent advice to schools about the work that schools themselves can do to alleviate stereotyping.

27. Independent, impartial advice from schools, from parents, and from organisations connected with education and business, is crucial in informing young girls and young boys of the full range of career opportunities open to them. While we received evidence highlighting pockets of excellent careers advice given by individuals and organisations, we are concerned about the lack of comprehensive careers advice, as highlighted by the Education Committee’s Report on careers guidance for young people. This lack of advice to young people—both girls and boys—needs to be addressed head on, and careers advice should be incorporated in the work of both primary and secondary schools, in the training of teachers and teaching assistants, and in the role of governors. At an early age, girls and boys are influenced by those around them, and all people involved in children’s upbringing should view this influence as highly important.

28. At the heart of the issue of career aspirations for girls and boys is the need to have a cultural change through the educational system, at the point when pupils make subject choices. In this respect, we support the recommendations set out in the Women’s Business Council’s recent Report. We recommend that the Government develops an enhanced careers strategy, based on partnership working between the National Careers Service, the Equality and Human Rights Commission (EHRC), the National Apprenticeship Service, the UK Commission for Employment and Skills, the Department of Education, and the Department for Business, Innovation and Skills. Such a strategy must include firm targets and regular review processes to ensure that progress is maintained and is consistent across all parts of the country. The Government should also engage, where appropriate, with the devolved administrations, so that best practice can be shared. Within this Government-led strategy, there should be strong business-led engagement with this process.

Apprenticeships

29. Sarah Veale, representing the TUC, told us of the general lack of careers advice for vocational careers:

There is a general problem in this country that vocational careers are not rated nearly as highly as going to university and being an academic. The goal of schools is to get as many children into university as possible, regardless of whether it is actually the right choice for the child.⁴¹

40 Q 411

41 Q 150

Indeed, our Report into Apprenticeships in 2012 highlighted this very point:

We acknowledge that the inclusion of Apprenticeships in careers advice is legislated for in the Education Act 2011, but we have found that awareness and resources in schools and colleges remains lacking. [...] The time and resources that institutions dedicate to ‘UCAS applications’ compared to preparing students for vocational training illustrates the scale of the problem. Success will be measured when schools and colleges place vocational and academic progression on an equal standing in terms of both the level and quality of resources.⁴²

30. Diane Johnson, from the Electrical Contractors Association (ECA), told us about the lack of knowledge about Apprenticeships, particularly among girls:

For a woman, the word Apprenticeship does not mean anything anymore. At one time the word Apprenticeship meant quality; it meant having a craft skill for life that you could then build on going forward. If you talk to young people now, they say, ‘What does an Apprenticeship mean?’ If you are a young lady who wants to go into something that she can build on, our sector does not look that exciting because nobody is advising them on what they can do and how they can get there.⁴³

This evidence was supported by the Women into Science and Engineering (WISE) campaign:

A recent evaluation of pilot projects to increase the diversity of Apprenticeships found that young women, parents and, often, teachers and advisers held outdated views of STEM occupations. Employers tended to feel that there were few barriers on the supply side but rather there was limited demand among young women. However, pilots were not convinced that all employers had considered unconscious bias in recruitment practices and work environments.⁴⁴

Our Report into Apprenticeships went on to highlight specific inequalities within the scheme, and we concluded that “such inequality, especially in a publically-funded scheme, is not acceptable and combating barriers to entry should be a key priority”.⁴⁵ Data released from the Office for National Statistics in March 2013, covering 2011–2012, show that, although the number of men and women who completed Apprenticeships was roughly equal, there were still significant gender imbalances in certain sectors. For example, 12,880 men completed engineering Apprenticeships compared with 400 women.⁴⁶ The following table highlights the Apprenticeship Programme Starts in 2011-12, by sector, level and gender:

42 Business, Innovation and Skills Committee, Fifth Report of Session 2012-13, *Apprenticeships*, para 69

43 Q 47

44 Ev 251

45 Business, Innovation and Skills Committee, Fifth Report of Session 2012-13, *Apprenticeships*, para 76

46 Data Service, Quarterly Statistical First Release, *Education and Skills: Learner Participation, Outcomes and Level of Highest Qualification Held*, March 2013.

Apprenticeship Programme Starts by Sector Framework Code, Level and Gender (2011/12)									
Sector Framework Code	Apprenticeship (level 2)			Advanced Apprenticeship including Higher Level Apprenticeship (level 3+)			All Apprenticeships		
	Male	Female	All	Male	Female	All	Male	Female	All
	Accountancy	1,160	1,890	3,050	2,000	3,360	5,360	3,160	5,250
Advanced Playwork	-	-	-	80	360	440	80	360	440
Beauty Therapy	10	880	890	-	610	620	10	1,500	1,510
Business Administration	7,680	20,200	27,870	3,380	13,300	16,680	11,060	33,500	44,550
Children's Care Learning and Development	520	8,990	9,510	1,280	15,060	16,340	1,790	24,050	25,840
Construction	10,550	170	10,720	2,780	60	2,840	13,330	230	13,560
Customer Service	17,820	28,050	45,870	4,280	8,940	13,220	22,100	36,990	59,090
Dental Nursing	-	-	-	40	2,230	2,280	40	2,230	2,280
Driving Goods Vehicles	6,780	260	7,040	540	40	580	7,320	300	7,620
Electrotechnical	-	-	-	4,910	60	4,980	4,910	60	4,980
Engineering	3,390	70	3,450	9,490	340	9,830	12,880	400	13,280
Equine Industry	320	990	1,310	70	370	440	380	1,360	1,740
Hairdressing	1,040	10,290	11,330	430	4,850	5,280	1,470	15,130	16,610
Health and Social Care	6,520	31,480	38,010	5,700	27,110	32,810	12,220	58,600	70,820
Heating, Ventilation, Air Conditioning and Refrigeration	680	10	680	180	-	180	860	10	870
Industrial Applications	16,560	2,240	18,800	-	-	-	16,560	2,240	18,800
IT and Telecoms Professionals (inc ICT)	2,700	370	3,070	7,690	830	8,530	10,400	1,200	11,600
Providing Security Services	2,640	230	2,870	40	-	40	2,680	230	2,910
Rail Infrastructure Engineering	-	-	-	410	10	420	410	10	420
Rail Transport Engineering	2,340	20	2,360	10	-	10	2,350	20	2,370
Road Passenger Transport - Bus and Coach	2,060	220	2,280	-	-	-	2,060	220	2,280
Teaching Assistants	200	1,190	1,390	440	4,410	4,840	640	5,590	6,230
Vehicle Maintenance and Repair	5,030	80	5,110	2,990	50	3,040	8,020	130	8,150
Veterinary Nursing	-	-	-	30	540	560	30	540	560
Warehousing & Storage	6,180	670	6,850	140	20	160	6,320	690	7,010
All Apprenticeships	163,500	165,500	329,000	80,800	110,700	191,600	244,400	276,200	520,600

31. The Government response to our Apprenticeship Report agreed that “the Apprenticeship programme should be an inspiration to all and demonstrate the advantages of greater diversity at all levels of industry”.⁴⁸ In supplementary evidence to this inquiry, the Government cited a series of Diversity in Apprenticeship pilots run by the National Apprenticeship Service, which investigated ways to attract under-represented groups to become involved in Apprenticeships.⁴⁹ But the Government should put its resolve into action, and set specific targets for increasing the number of women into apprenticeship sectors where they are currently underrepresented.

32. The Government has put its resolve into action in relation to women in senior positions. In 2010, the Government invited Lord Davies to undertake a review of the issues surrounding women in the boardroom, and to make recommendations on what the Government and the business community could do to increase the proportion of women on corporate boards.⁵⁰ The ten recommendations included one on voluntary targets, which stated that FTSE 100 boards should aim for a minimum of 25% female representation by 2015.⁵¹ The use of targets should also be applied in this context as well, in order to increase the number of women taking up Apprenticeships in under-represented sectors.

33. The Government is committed to improving the representation of women on boards, and has set specific targets for such an increase, and progress against the Davies Report has been encouraging. The Government should demonstrate the same commitment and leadership in the area of Apprenticeships. It should set targets for encouraging more women into Apprenticeship sectors where they are currently under-represented, and consider, where appropriate, how Apprenticeship funding can be used to support such a shift in gender representation. There should be publically-available data on the types of available Apprenticeships and funding, and what successful Apprentices should expect in terms of careers and salaries. We repeat the recommendation in our Report into Apprenticeships: the National Apprenticeship Service (NAS) should be given specific responsibility and accountability both to raise awareness of Apprenticeships among under-represented groups and to promote positive action measures available to employers when employing Apprenticeships.

STEM subjects

34. The Royal Society of Edinburgh, in its Report, *Tapping all our talents: women in science, technology, engineering and mathematics* defines STEM as Physical and Biological Sciences, Engineering and Technology, Mathematics and Computer Sciences.⁵² STEM subjects are suffering from a skills shortage, and it is noticeable that it is here where the low proportion of women to men studying is most marked. Evidence from the Women into Science and

48 Business, Innovation and Skills Committee, Fifth Special Report 2012-13, *Apprenticeships: Government Response to the Committee's Fifth Report of Session 2012-13*, HC 899, p 11

49 Ev 132

50 Lord Davies of Abersoch, *Women on Boards*, February 2011

51 *Ibid*, page 18. The final chapter of this Report will explore the issues surrounding the Davies Report in greater detail.

52 The Royal Society of Edinburgh, *Tapping all of our talents: women in science, technology, engineering and mathematics: a strategy for Scotland*, April 2012, page 9

Engineering (WISE) campaign—which is aiming to ensure that 30% of the UK’s STEM workforce is female by 2020⁵³—stated that:

The engineering workforce comprises 4% female technicians and 6% female engineers. The percentage of women employed as IT and telecoms professionals has *declined* from 22% in 2001 to just 18% in 2010. Fewer than 1 in 5 of applicants to the Technical Apprenticeship Service for scientific roles are female.⁵⁴

35. Les Ebdon, from the Office for Fair Access (Offa), told us that the disparity between men and women studying STEM subjects was improving:

There are some very big disparities: 70% of law students are female; over 90% of nursing students are female. Yet, as you say, in engineering programmes there may be less in recent years; in physics and chemistry the numbers have significantly improved. Certainly in chemistry there is now parity between men and women, which was not the case when I was a chemistry student, I can tell you. In physics things are improving.⁵⁵

36. When asked to provide further clarification on the proportion of men and women studying physics and chemistry over the past five years, Professor Ebdon provided two tables, which he wrote “show a significant increase in the numbers of women applying for, and being accepted to, chemistry and physics courses in recent years”.⁵⁶

Table 1⁵⁷: Numbers of *applicants* by gender and subject areas defined by Joint Academic Coding System (JACS)

UCAS application cycles 2008 to 2012

Subject areas defined by JACS	Gender	2008	2009	2010	2011	2012
Chemistry	Female	1,585	1,535	1,810	1,935	1,865
	Male	2,285	2,360	2,715	2,950	3,025
Physics	Female	735	830	930	1,030	1,170
	Male	2,980	3,165	3,555	4,350	4,585

53 Ev 250

54 Ev 251

55 Q 46

56 Business, Innovation and Skills Committee, *Student Admissions and the Office for Fair Access*, HC 1066-i of Session 2012-13

57 Table 1 and Table 2: Analysis of Higher Education Statistics Agency (HESA) data and publically-available UCAS data by the Higher Education Funding Council for England’s (HEFCE) analytical services group, with subject groups defined according to HEFCE analysis in support of strategically important and vulnerable subjects (see <http://www.hefce.ac.uk/data/year/2012/dataondemandandsupplyinhighereducationsubjects/> for further details). UCAS data relates to applicants and accepted applicants to UK institutions, and figures provided are a headcount measure.

Table 2: Numbers of *accepted applicants* by gender and subject areas defined by JACSUCAS application cycles 2008 to 2012⁵⁸

Subject areas defined by JACS	Gender	2008	2009	2010	2011	2012
Chemistry	Female	1,700	1,645	1,785	1,905	1,815
	Male	2,340	2,325	2,595	2,630	2,695
Physics	Female	690	765	810	835	925
	Male	2,765	2,955	3,015	3,475	3,635

As Professor Ebdon said in his supplementary evidence, the data is limited as UCAS is not the only route to university, and the data does not record part-time students, or those progressing from science foundation years. However, the figures show that, while there has been some increase in the number of women studying physics and chemistry over the four years, the number of women studying those subjects is still low compared with the number of men.

37. At present, women make up only 1% of all qualified operatives in electrical contracting. However, there are initiatives to address this. Diane Johnson highlighted Wired for Success, a programme that tackles the low percentage of women in the electrical sector. A private-sector funded scheme run by ECA and the London and Quadrant Housing Association has developed a programme in which housing association contractors run flexible training schemes in electrical skills for unemployment women, incorporating technical training, on-site placements and business skills to train unemployed women in electrical skills. Diane Johnson told us that the groundbreaking part of the initiative was to run the programme around school days and term times, and to provide childcare facilities. She told us that “Wired for Success, to be honest, is a blueprint for anything. It does not have to be electrical; it could be anything”.⁵⁹

38. A voluntary initiative run by the Institute of Physics has also proved to be successful. Project Juno is an award scheme which recognises and rewards physics departments that work to attract more women. The Institute of Physics described the initiative:

A department moves through levels of recognition as they identify issues, develop an action plan and work through it. They start out as Supporters, then progress through Practitioner and to Champion level. At each stage they receive individual guidance and feedback from an independent panel on their work. We currently have six Juno Champions, six Practitioners and a further 21 Supporters working towards Practitioner. This represents 33 out of the 46 physics departments in the UK and two out of the 11 in Ireland. This has enabled all of our Champion departments to engage in holistic culture change, addressing gender issues from the bottom up and to seek to embed practice at every level within their departments. Indeed, this year one of our Juno Champions has, so far, reported a rise to almost 34% of applications from

girls to take physics degrees. This is unprecedented and highlights a real step-change taking place in culture in physics HE.⁶⁰

Again, this voluntary initiative could be extended to any STEM subject. Evidence from Dr. Heather Williams, a physicist within the NHS, described ScienceGrrl, of which she is the Director, as being “a network of (predominantly) female scientists passionate about passing on their love of STEM to the next generation”.⁶¹ There is also the Athena SWAN Charter, founded in 2005, which is a scheme that “recognises excellence in STEM employment for women in higher education”.⁶² All these initiatives are to be welcomed, and provide evidence that practical steps are being taken to encourage more women into STEM subjects.

39. There are many excellent and diverse initiatives in the fields of science, technology, engineering and mathematics (STEM), such as the Athena SWAN Charter, Project Juno, and Wired for Success. These programmes encourage and recognise the participation of women in STEM subjects. The Government Equalities Office should compile a comprehensive list of such initiatives, with the aim of sharing best practice. The Government has powerful leverage in its funding of higher educational institutions, but is not using that leverage to force change. The Government also needs to compile specific data that shows the male/female ratio in these subjects. Data from institutions that have adopted specific initiatives for female participation should then be compared with data from institutions that have not adopted such initiatives.

40. The Government should study the strategy behind the Davies Report, including the setting of targets, and should aim to tackle the skills shortages in a similar way. Programmes targeted at increasing participation of women have proved to be successful. Rather than reinvent the wheel, the Government should use that knowledge and replicate the measures that have proven success in delivering an increased take-up by women in certain professions. Higher educational institutions should demonstrate a track record in changing the unequal representation of men and women in these subjects.

41. These specific recommendations are voluntary measures, but if the percentage figures do not increase within two years from the start of this initiative, the Government should look at regulation—either self regulation or Government regulation—to ensure a greater representative of women in under-represented professions and sectors. At December 2015, analysis of the information should be undertaken, and assessed.

Positive action

42. Positive action is permissible, provided that the employer meets the conditions set out in Sections 158 and 159 of the Equality Act. The definition of ‘positive action’ is highlighted by the Equality and Human Rights Commission (EHRC):

60 Ev w47

61 Ev w97

62 The Royal Society of Edinburgh, *Tapping all our Talents: women in science, technology, engineering and mathematics: a strategy for Scotland*, April 2012, page 36

‘Positive action’ means the steps that an employer can take to encourage people from groups with different needs or with a past track record of disadvantage or low participation to apply for jobs. An employer can use positive action where they reasonably think (in other words, on the basis of some evidence) that:

- people who share a protected characteristic suffer a disadvantage connected to that characteristic;
- people who share a protected characteristic have needs that are different from the needs of people who do not share it, or;
- participation in an activity by people who share a protected characteristic is disproportionately low.⁶³

43. Karen Jockelson, Director of the Economy and Employment Programme at the Equalities and Human Rights Commission (EHRC), told us that some employers were put off taking positive action because of their fear of litigation:

We are delighted that the positive action provisions are strengthened in the Equality Act, but dismayed because they are not that frequently used. I think there is a lack of understanding by employers about how to use it without risking some kind of litigation. The idea of positive action is that where an employer has evidence that a particular protected group was disadvantaged or had different needs, or that there was low participation in the workforce, there are a range of actions they can take, but those actions are voluntary, so it is not a requirement that they do it.⁶⁴

44. We received much evidence highlighting the value of women gaining experience of jobs that are not commonly thought of as jobs suited to women. Evidence from Dr Conley et al described the positive action initiatives, such as the Women into Construction project, which increased the number of women construction workers who worked on the Olympic site:

The Women into Construction project has found that targets give an immediate opening with contractors to promote women’s employment and can result in the building of a positive relationship which can continue once the targets have been achieved. Targets set a level playing field for all contractors, making them much more amenable to engaging with ways to improve the gender balance of their workforce. Without targets, it can be very difficult to get employers to consider this issue.⁶⁵

45. Baroness Margaret Prosser of Battersea, former Deputy Chair and former Interim Chair of the EHRC, also highlighted work surrounding positive action under the Women and Work programme, which was established by the Government in 2006:

63 www.equalityhumanrights.com/advice-and-guidance/guidancefor-workers/recruitment/positive-action-and-recruitment

64 Q 393

65 Ev w18

The then Chancellor of the Exchequer allocated £40 million to be spent on focused training for women, on up-skilling and re-skilling, and on enabling them to take their place in the labour market appropriate to their capacity and abilities. Something like 13 sector skills councils participated in that programme, under the umbrella of the UK Commission for Employment and Skills. [...] Over that period, more than 25,000 women were up-skilled and retrained in a whole variety of areas of the economy, such as agriculture and the textile industry. [...] People 1st [...] took women off the unemployment register, so it paid for itself like billy-o—it was really very successful. That is an interesting and quite exciting example of positive action that is designed for and focused on an area where a particular group in the country needs some special extra help to get up to where it needs to be.⁶⁶

46. The Women and Work programme benefited from the support of a wide range of stakeholders including the EHRC, the TUC, the Department for Business, Innovation and Skills, the Government Equalities Office, and Job Centre Plus.⁶⁷ As Baroness Prosser described, the UK Commission for Employment and Skills managed the delivery of the programme, through the national network of Sector Skills Councils (SSCs). Supplementary evidence from the EHRC explained the beneficial results of the programme:

There were three phases of the original Women and Work programme and because of its success, in terms of outcomes for the women themselves and the levels of employer engagement, it was extended until the end of March 2011. By the end of phase 3, 23,000 women had gained jobs or training qualifications; the programme had the support (matched funding) of 3,000 employers; and 14 projects were up and running.

The EHRC summarised the effectiveness of the programme, especially the involvement of the Sector Skills Councils:

One of the key features of the programme was the engagement and the enthusiasm of the Sector Skills Councils who delivered the programme. For many it became a very significant part of their offer to employers. One of the strengths of the programme was its strong identity as a programme concerned with women's potential and development. The programme could be seen as an exemplar of positive action in practice.⁶⁸

47. We received evidence from one organisation that benefitted from the programme. People 1st ran an initiative called Women 1st, a course for women only—many of whom have been unemployed for over a year—covering passenger transport training, including the Certificate of Professional Competence training and testing. The programme offered:

A unique pre-employment programme designed to give women—particularly those who have been unemployed for a number of years—the skills they need to pursue a rewarding career in the bus industry, and help the industry address a major gender

66 Q 393

67 UK Commission for Employment and Skills, *Employment Investment Fund: Women and Work Report April 2011 to March 2012*, p 4

68 Ev 192

imbalance in its workforce. The success of the Step on the Bus programme is largely measured on the number of women who complete the training, and the percentage who subsequently find work as a result of their training. 100% of the learners in the past three years have completed the programme, and 60% have found work in the bus industry as a result.⁶⁹

Examples of other training undertaken as a result of the Women and Work programme included: employment law; website design; project management; infection control and safe use of chemicals; and chemical engineering for scientists.⁷⁰ Despite its success, the Government closed the Women and Work programme in 2011 and funding for women's initiatives was moved to challenge-based investment funding through the UK Commission for Employment. The final year of Women and Work funding was incorporated as a strand of the first round of the new Employer Investment Fund.⁷¹

The UK Commission for Employment took over responsibility for funding the Employer Investment Fund and the Growth Investment Fund, with matched funding normally required from employers. However, as the Employer Investment Fund *Women and Work* Report states:

The next six months will be critical in recruiting sufficient employers to ensure the projects become self-sustaining. As employers sign up for projects, we will then begin to explore the impact of the projects on addressing skills shortages and gaps and increasing employer willingness to invest in training.⁷²

48. *The positive action provisions in sections 158 and 159 of the Equality Act 2010 could be used more effectively to rebalance unequal representation of women in certain sectors. The Government should actively consider how they can promote better gender representation in their procurement policies, building on existing best practice as shown in the 'Women in Construction' project at the Olympic site. The Government should use the opportunities presented by the procurement of goods and services from the private sector to advance equality for women. They should produce an annual statement to illustrate the way in which Government contracts have been used to achieve this aim. The Government should make this provision more widely known to employers, with the potential to enable workforces to become more diverse and more representative of the communities that they serve. As with the Government targets for the number of women on Boards, targets should be set by the Government to encourage women to explore more atypical work sectors, especially in those sectors that have a skills shortage.*

49. *We are concerned that the objectives of the Women and Work programme—that of supporting women in the workplace— could well be at risk, following the move from grant to challenge-based investment funding for Sector Skills Councils from April 2011. If the Government is serious about tackling skills shortages and readdressing gender*

69 Ev w105

70 UK Commission for Employment and Skills, *Employer Investment Fund: Women and Work Report April 2011-March 2012*, p 6

71 Ev w192

72 UK Commission for Employment and Skills, *Employer Investment Fund: Women and Work Report April 2011-March 2012*, p 3

inequality in certain sectors, it should be prepared to take responsibility for funding specific 'Women and Work' programmes, should the change in funding arrangements not deliver its initial aim of promoting employment for women.

3 Equality legislation and equal pay

There is a need to change the culture around what is appropriate pay for men and women. In order to change culture, it is important to position the pursuit of equal pay above the political, economic or business objectives and identify equal pay as a core objective for business, as opposed to a mere add-on. [The Fawcett Society] ⁷³

Gender pay gap

50. The quote above is from the Fawcett Society's written evidence, and emphasises the issue of equal pay. The Equal Pay Act of 1970 was introduced to tackle the lack of equality in the terms and conditions of employment as between men and women. According to the Office for National Statistics, the gender pay gap is defined as the difference between men's and women's earnings, as a percentage of men's earnings, based on median gross hourly earnings (excluding overtime) for full-time employees.⁷⁴ The Employment Lawyers Association warned that "care must be taken when vast quantities of complex data are reduced to a single figure purporting to represent the definitive 'gender pay gap'". However, it concluded that "the statistics clearly highlight that a significant gender pay gap continues to exist in the UK".⁷⁵ The Employers Network for Equality and Inclusion described the gender pay gap as "stubbornly persistent, given that the Equal Pay Act was introduced in 1970".⁷⁶

51. The Office for National Statistics' Annual Survey of Hours and Earnings 2012 demonstrated that there remains a significant disparity between the salaries of men and women; the gender pay gap is currently at 9.6% (down from 10.5% in 2011).⁷⁷ The Employment Lawyers Association wrote that "the available data varies significantly depending on the methodology used and whether it is adjusted to take account of the number of women working part-time, the age group, relevant section or region".⁷⁸ For example, the headline figure of 9.6% conceals variations across different sectors, such as the fact that the gender pay gap for construction professionals is just over 17%.⁷⁹ There are also variations between different areas of the country. As Fair Play South West commented:

The trend is for the pay gap to be lower in areas of low GDP, where wages are low for both women and men, and higher in the relatively high GDP areas where it is clear that women do not benefit in pay terms from the better performing economy.⁸⁰

73 Ev 193

74 www.ons.gov.uk/ons/rel/mro/news-release/gender-pay-gap-falls-to-9-6--in-2012

75 Ev 170

76 Ev w30

77 www.ons.gov.uk/ons/rel/mro/news-release/gender-pay-gap-falls-to-9-6--in-2012

78 Ev 170

79 Ev 141

80 Ev w33

52. Jemima Coleman, from the Employment Lawyers Association, confirmed this variation, and told us that the Office of National Statistics' figures show a 20% pay gap in the East of England and the South East.⁸¹ She also highlighted the effect of including part-time workers:

Men are equally affected by the disparity between part-time work and full-time work. There is something like a 37.5% differential between all part-time workers of both genders and full-time workers. It particularly hits women because they are about three times more likely to be working part-time.⁸²

53. We received specific examples of pay differentials between men and women. For example, Directors UK wrote that the Televisual Annual Pay Survey's report on average salary for male respondents in the television sector in 2011 was £56,000 compared with £49,000 for women.⁸³ Also, evidence highlighted the fact that women in the private sector are more disadvantaged than those in the public sector. The Fawcett Society wrote "the comparable (full time) pay gap figures stand at 13.2% in the public sector, versus 20.4% in the private sector. [...] Thus as women move to work in the private sector, women's pay will decrease and the pay gap may widen".⁸⁴

54. According to the Fawcett Society, the gender pay gap not only discriminates against women, but also contributes to the country's lower productivity:

A levelling up of women's earnings has the potential to bring gains to the Exchequer not only in increased revenue from tax and national insurance, but also through a reduction in the payment of benefits and tax credits. It is possible to infer from national statistics that an average woman working full-time until retirement age would lose £361,000 in gross earnings over the course of her working life. Closing the gender pay gap would improve the financial wellbeing not only of women but also of their partners and children, and would reduce the likelihood of women's poverty in retirement.⁸⁵

Eddie Gray, from the Women's Business Council, spoke of the loss of women to the workforce in economic terms: "Part of the reason I said yes to being a part of the Council was its focus on the economic potential and the idea that there was lost opportunity for the country here. [The Report will be] structured to identify from the evidence base those critical stages of a woman's life when we are either losing significant opportunities and the potential to contribute to economic growth or we are losing it from the system completely".⁸⁶ Indeed, the Equalities Minister, the Rt Hon Maria Miller MP, stated: "Every single person in this country has a part to play in making this country an economic success.

81 Q 96

82 Q 89

83 Ev w27

84 Ev 200

85 Ev 193

86 Q 421

We need to make sure that we are allowing everybody to fulfil their potential in the workplace”.⁸⁷ In order to address this, the Fawcett Society recommended:

A root and branch review of equal pay law to ensure that it operates in the interests of women and employers. The current legal framework is ineffective, does not deliver equal pay and is wasteful of public resources”.⁸⁸

Think, Act, Report Initiative

55. The Employment Lawyers Association told us that “the law alone cannot be a panacea for gender imbalance across sectors nor achieve absolute parity of pay between the sexes”.⁸⁹ Instead, highlighting best employment practice, which results in economic benefits and equality between employees, is a powerful way of encouraging change. In September 2011, the Government launched the *Think, Act, Report (TAR)* initiative, the aim of which was to raise the profile of the issue of gender equality in the workplace.⁹⁰ To date, over 100 organisations have signed up to the initiative. Lord Davies’ follow-up Report on *Women on Boards*, extolled the virtues of the initiative:

This joint government-business initiative provides a simple framework to help companies think about gender equality in the workforce. It asks them to report, monitor and take action where needed on key issues including recruitment, retention, promotion, and pay. [...] It is flexible and business-led—businesses choose what measures are right for them, what to report and where.

To date over 80 major companies, with over one million employees combined have signed up and are actively supporting the initiative, including BT, Tesco, IBM, Fujitsu, M&S, GlaxoSmithKline, Morgan Stanley, National Grid, Ernst and Young, Eversheds, McDonalds, BAE Systems and BP.⁹¹

However, awareness of the initiative appears to be patchy. The Institute of Physics wrote:

The Government should do more to encourage more science-based companies to specifically become involved in *Think, Act, Report* and such schemes could be extended to smaller companies.⁹²

Fiona Woolf, from the Business Women’s Council, believed that greater use of the data would help awareness:

The challenge is not just around whether it is mandatory or not. The challenge for the Government Equalities Office is what they do with the information: whether they report it and communicate it and begin to use the organisations that are out there—who would be very happy to partner with them—to embed the message that this is

87 Q 440

88 Ev 194

89 Ev 169

90 Ev 125

91 Lord Davies, *Women on Boards*, April 2013

92 Ev w46

good practice for the new business-normal environment they are in and, more importantly, the new war for talent that they have.⁹³

56. It is possible that businesses which embrace the programme are likely to be confident about their employment practices and use the programme as a promotion of their good practice. In response to this view, Ruby McGregor-Smith, Chair of the Business Women's Council told us that, although voluntary, the scheme should not be underestimated:

I do not think you have to have everything made mandatory to ensure you get businesses to sign up to it. Business will absolutely do the right thing around things that present them as a better business. [...] If the bigger business adopt it, the smaller business who want to be bigger businesses one day will aspire to want to adopt that, too.⁹⁴

57. Eddie Gray, from the Women's Business Council, argued that a greater level of commitment from the Government was necessary:

I think it is very interesting when you talk to senior people in business. You talk to chief executives who have strong interactions with Government. They would tend to report back that the issue of gender equality is here for a day as a message, it disappears again and then it comes back and goes away. We need a consistency and a drive from the Government level that says, "This is important; we have expectations over time and we are expecting all parts of the business community to work to make this happen."⁹⁵

58. *Published examples of equal pay best practice in the private sector would provide evidence that equal pay is good not only for individuals, but for business. We welcome the Government's Think, Act, Report initiative to improve transparency on gender equality in the workplace. We urge the Government, through the Government Equalities Office, to promote the initiative more widely, and to use the evidence to prove that good employment practice is good for business.*

59. *The gender pay gap is stubbornly persistent. It is unacceptable that women are still systematically paid less than men, over 40 years since the Equal Pay Act was passed. We recommend a review of the Think, Act, Report initiative in the Autumn of 2013, two years after its establishment, including statistical analysis of pay differentials, to determine whether it is helping to effect change.*

Equal Pay Audits

60. The Equal Pay Act 1970 aimed "to prevent discrimination, as regards terms and conditions of employment between men and women" and the Sex Discrimination Act 1975 aimed "to render unlawful certain kinds of sex discrimination".⁹⁶ The Equality Act 2010 was introduced to replace existing anti-discrimination laws with a single Act.

93 Q 431

94 Q 429 and Q 431

95 Q 433

96 Ev 170

Section 78(1) of the Equality Act 2010 provides that:

Regulations may require employers to publish information relating to the pay of employees for the purpose of showing whether, by reference to factors of such description as is prescribed, there are differences in the pay of male and female employees.⁹⁷

61. The process of gathering and publishing such information is generally described as an ‘equal pay audit’. Baroness Prosser, from the Equality and Human Rights Commission, told us that “equal pay audits lead to transparency, and that of itself is a very good thing”.⁹⁸ However, the Government has not yet introduced regulations under section 78 of the Equality Act 2010, requiring employers to undertake equal pay audits. The Fawcett Society told us:

Implementing, in full, existing legislation such as the Equality Act 2010 that encourages workplaces to undertake and publish gender pay audits, change attitudes, challenge stereotypes and cultures that sustain unequal pay practices. This would help dispel the myth that women deserve to be both paid less and valued less than men.⁹⁹

62. Jo Swinson, Parliamentary Under-Secretary of State for Women and Equalities, Department for Business, Innovation and Skills, told us that the Government’s intention was to empower employment tribunals to require employers to carry out an equal pay audit where they have found evidence of discrimination.¹⁰⁰ However, if the Government is serious about changing the treatment of women in the workplace, it must support a requirement that larger private sector employers (those with more than 250 employees) undertake and publish equal pay audits. When asked whether there should be a duty for private-sector organisations to carry out equal pay audits, Fiona Woolf, from the Business Women’s Council, said, “Absolutely. I think equal pay audits are important”. She supported her view with some examples:

I was involved in an equal pay audit, which was done by a new chief executive, somewhat to the surprise of the organisation. They said, ‘Well, we do not think there is anything that we will find.’ Of course, guess what? The result was indeed that there were some gender pay gaps that were quite startling. I then become President of the Law Society and we looked at the equal pay of the legal profession as an issue and discovered that, after lots of corrections for different types of work and different regions of the country, we still had a 7.9% pay gap in the legal profession, which was outrageous when you thought about the profession it was. As you might imagine, I am quite a fan of it.¹⁰¹

97 Section 78(1), Equality Act 2010

98 Q 385

99 Ev 194

100 Q 471. Also, by regulations under section 139A, Equality Act 2010. See also the Government Equality Office, *Equal Pay Audits: a Further Consultation*, May 2013.

101 Q 424

63. *We welcome the Government's proposal to give tribunals the power to require an employer to undertake an equal pay audit when discrimination has been proved. However, there is existing legislation addressing inequality in pay that has not yet been implemented. The Government should introduce regulations under Section 78 of the Equality Act 2010, to require large private sector employers to undertake and publish equal pay audits. That data could then be used to highlight where pay gaps exist.*

64. Larger organisations will already have that information to hand, so this requirement is not a burdensome task for employers. It would also highlight anomalies and therefore protect employers from potential employment law cases. With the introduction of regulations under Section 78 of the Equality Act should come clear guidance from the Equalities and Human Rights Commission (EHRC) on how to conduct an adequate equal pay audit, and how that work can lead to constructive changes within an organisation to the benefit of both employees and employers.

65. *The Equality and Human Rights Commission (EHRC) should make public those businesses that are non-compliant under Section 78 of the Equality Act 2010, as well that those examples of equal pay best practice in the private sector, to show that equal pay is good for business.*

Public Sector Equality Duty (PSED)

66. The Public Sector Equality Duty (PSED), set out in Section 149 of the Equality Act 2010, came into force in April 2011. It requires that public bodies (and businesses that carry out public functions) have 'due regard' to the need to achieve certain equality objectives, namely: the elimination of 'discrimination', including inequality in pay; the advancement of 'equality of opportunity'; and the fostering of 'good relations between' men and women.¹⁰² The PSED requires that public bodies consider all groups when making decisions, introducing policies, and continuing practices, when delivering services and when acting as employers. Sarah Jackson, from Working Families, argued that the PSED could be applied "very practically to enable an organisation to look at its practice, understand the gap between policy and reality and then take steps to make changes that will have an impact on women's ability to enter the workforce".¹⁰³

67. In supplementary evidence, the Government highlighted the fact that the EHRC enforces the PSED, and that "it has unique powers to issue compliance notices to public bodies which have failed to comply with the Equality Duty and can also bring judicial reviews and intervene in court proceedings".¹⁰⁴ The EHRC was intending to produce a statutory Code of Practice on implementation of the PSED, but has been prevented from doing so because, according to the EHRC's website:

The Government feels that further statutory guidance may place too much of a burden on public bodies. Although the Commission has powers to issue codes, it

102 Equality Act 2010, section 149

103 Q 99

104 Ev 131

cannot do so without the approval of the Secretary of State, as we are reliant upon government to lay codes before parliament, in order for them to be statutory.¹⁰⁵

The TUC wrote about this development:

This has further deprived public authorities, public service users, and employees of detailed and authoritative statutory guidance on what is required to comply with the general duty. [...] This downgrading of the code of practice also creates the impression that the equality duty need not be taken as seriously as before.¹⁰⁶

68. Evidence submitted to us suggested that the PSED and the specific duties enacted under the Equality Act 2010, for the purpose of enabling the better performance by public bodies of the PSED¹⁰⁷, are not being met. The Employers Network for Equality and Inclusion stated that:

The EHRC has published a [...] report in which it examines how public authorities have met their transparency obligations on equality. The report reveals that only half of the public authorities assessed were responding fully to the requirements of the specific duty regulations to publish equality information such as the diversity of their staff and people who use their services.¹⁰⁸

Sheila Wild, an equalities consultant, also highlighted the positive impact of monitoring:

One of the reasons why local authorities did so well is that they were monitored. They were monitoring themselves and they were being monitored by the Equal Opportunities Commission. I do not know whether they are still monitoring themselves; I do know they are no longer being monitored as effectively by the Equality and Human Rights Commission as they were by the Equal Opportunities Commission.¹⁰⁹

Brona Reeves, from the Employment Lawyers Association, was equally concerned about the lack of statistics or analysis on the impact of the PSED.¹¹⁰

69. The Government has committed itself to reviewing the Public Sector Equality Duty. In May 2012, the Home Secretary announced a review of the PSED, as part of the outcome of the Red Tape Challenge spotlight on equalities.¹¹¹ It is expected to report in the summer of 2013, a year after the start of the review. Jo Swinson told us that:

If we do not review it, it is very difficult to say whether it has or has not worked. That is the purpose of reviewing it. We are very committed to the principle. We want to make sure that the mechanism for delivering that principle is the right one.

105 www.equalityhumanrights.com/advice-and-guidance/public-sector-equality-duty/news-and-updates-on-the-equality-duty

106 TUC, *Public Sector Equality Duty Review: TUC Response to GEO Call for Evidence*, 19 April 2013, para 2.10

107 Section 153, Equality Act 2010.

108 Ev w31

109 Q 4

110 Q 99

111 www.gov.uk/government/policy-advisory-groups/review-of-public-sector-equality-duty-steering-group

Undertaking the review will help us understand how well the Public Sector Equality Duty is indeed working in practice. It fits in with the Government's wider approach to legislation and policy, where, as a matter of course, regulation or rules will be reviewed on a regular basis. I think that is a healthy way to do government, so that you can take stock of progress and see what is working well and what needs to be improved.¹¹²

However, Ruby McGregor-Smith, Chair of the Women's Business Council—set up and funded by the Government—told us that she was “quite impressed with the Public Sector Equality Duty”.¹¹³

70. *The Public Sector Equality Duty (PSED) is a useful tool to ensure that public bodies take steps to secure parity in pay, and in other terms and conditions of employment. The Government is nearing the end of a year-long review of the Public Sector Equality Duty—even though it was only introduced in 2011—in the interests of removing unnecessary burden on businesses and organisations. We do not believe that the Public Sector Equality Duty is an unnecessary burden on employers, but is a vital tool for the collation of evidence and for ensuring that steps are taken with the aim of achieving parity. The Government should send a clear message that the PSED is valued. We urge the Government to retain the PSED in its current form, unless a full analysis of its compliance by public bodies has been carried out by the EHRC, and the results of that analysis point towards the need for change. Published statistical analysis should be at the heart of that review.*

71. *The Equality and Human Rights Commission needs to improve its performance in relation to the monitoring and assessment of compliance of the Public Sector Equality Duty. It should use its powers to issue compliance notices to those public bodies that have failed to comply with the PSED. The Government should give a clear statement of support for the EHRC in exercising these duties.*

Equality Impact Assessments

72. Equality Impact Assessments are used to assess the impact of the decisions, policies and practices of organisations on certain protected groups, including women. Sarah Veale, from the TUC, told us about the benefits of equality impact assessments:

Once you have got into the hang of them they are quick and quite easy to do. You reap huge benefits from them. A lot of businesses have done them, including small ones, and have said ‘Actually, having done one now we would not stop’. It is quite important, because people do instantly and immediately think these things are red tape, but as soon as you unthread the red tape, as it were, and work your way through what it is they are intended to achieve, you can actually suddenly experience the benefits first hand.¹¹⁴

112 Q 442

113 Q 423

114 Q 140

The Prime Minister spoke about Equality Impact Assessments at the Confederation of British Industry (CBI) in November 2012:

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.¹¹⁵

It is not clear how 'smart people in Whitehall' are expected to consider equality issues without conducting a form of equality impact assessment. The decision to 'call time' on them does not mean that the Government has reduced the priority it gives to equality issues. As we have previously said, the Equalities Minister, the Rt Hon Maria Miller MP, told us that "every single person in this country has a part to play in making this country an economic success. We need to make sure that we are allowing everybody to fulfil their potential in the workplace".¹¹⁶ We are however concerned that, without analysing consistently and objectively the policies and processes within the context of equal opportunities, women will *not* be achieving their full potential and will not be contributing to the economic success of the country.

73. Equality Impact Assessments shine a light on the differing impacts of decisions, policies and practices adopted by large organisations, identifying those which might help to advance gender equality, as well as those which adversely impact on particular groups. Given the fact that large companies have Human Resource departments that hold the relevant data, they are relatively easy to undertake, and they provide a positive context in which to work. We urge the Government to reconsider its decision to 'call time' on the undertaking of Equality Impact Assessments. This change in policy is in direct contradiction with the Government's other measures directed at achieving equality in the workplace.

Changes to the Equality Act 2010

Employment tribunal fees

Maternity Action highlighted the changes that will be introduced with regard to employment tribunal fees:

From mid-2013, women will face fees of £1200 to take a pregnancy discrimination claim to the employment tribunal. There are currently no fees for employment tribunal claims. We do not believe that these fees will have the effect of deterring unfounded or vexatious claimants. As all discrimination claims have an element of uncertainty, the fees will effectively deter women with well-founded pregnancy discrimination claims from taking action in the tribunal. Women's inability to afford a tribunal claim will also reduce their negotiating position proceedings.¹¹⁷

¹¹⁵ Speech by the Prime Minister to the Confederation of British Industry conference, November 2012, quoted in the TUC document, *Public Sector Equality Duty Review*, April 2013

¹¹⁶ Q 440

¹¹⁷ Ev w67

This point was echoed by Sarah Veale, from the TUC, who told us that she believed the new fees would adversely affect women:

Women tend to be low-paid and will be much more likely to be put off litigation simply because they cannot afford the risk that they might not get those fees back”.¹¹⁸

74. Sarah Jackson, from Working Families, agreed. She highlighted the work of the legal helpline the charity runs for employees, the majority of whom are on family incomes of less than £28,000 a year, and of her fear of women not pursuing genuine discrimination cases:

These are people who are desperate to keep their jobs. We try very hard to help them settle their dispute with their employer before it gets anywhere near a tribunal, but for those few who do go through, it will be a significant barrier to them to have to find that sort of money. [...] Time and again, we hear from women who say, ‘I can see that this is illegal, but I cannot afford to lose my job. I am not going to challenge it.’¹¹⁹

The removal of the questionnaire procedure in discrimination claims

75. The Government has decided to repeal the provision allowing for the questionnaire procedure in discrimination claims, under Section 138 of the Equality Act 2010, which enables an employee to ask their employer to provide certain information, if they believe they may have been unlawfully discriminated against. Maternity Action questioned this decision, writing that “this will reduce women’s capacity to determine the likelihood of their claim succeeding and further deter them from pursuing formal action”.¹²⁰ The Employment Lawyers Association agreed, warning that “although sex discrimination questionnaires usually impact [on] only one individual they provide transparency at an early stage without the need to progress to and win a Tribunal claim prior to the employer revealing information on pay disparity and workforce composition”.¹²¹

76. Karen Jochelson, from the Equality and Human Right Commission (EHRC), told us that the removal of the questionnaire in discrimination claims would be a negative step for both employees and employers:

The questionnaire gives both the employer and the employee some guidelines about the appropriate kind of questions to ask, how to present your information, and what you are going to be called on to request. Without that, it makes it far more unstable for the employer. That would be an example of where red tape may be a positive thing that helps both our legal system and our employment system function a lot better.¹²²

77. Reforms to employment legislation may make it harder for women to tackle inequality in the workplace. We urge the Government to remove the fee requirement for

118 Q 141

119 Q 101

120 Ev w67

121 Ev 172

122 Q 392

pregnancy discrimination cases. Pregnancy discrimination, by definition, affects women only and such a financial burden on those women would be in direct contradiction with the Government's aim of removing inequality in the workplace. The impact of the new fee arrangements for other gender-related employment tribunal cases must be monitored, and kept under review to ensure that genuine cases of discrimination are not being stalled by the introduction of fees. We recommend that the questionnaire procedures in discrimination cases, which gives both employees and employers guidance about what information will be asked in an employment tribunal, should be retained.

Data transparency

78. In order to address inequality, such as the gender pay gap, there needs to be a clear and detailed understanding of the underlying data. There is a need for transparency, without making this a burden on businesses, especially SMEs. The Institute of Physics highlighted the common reluctance of organisations to release such information:

Companies are often reluctant to release data and SMEs can prove particularly difficult to engage with, given their small size and their need to focus on their priority of simply continuing to exist and thrive. [...] We believe that more robust data is needed to fully understand the extent of the under-representation of women in physics, and whole science, workforce.¹²³

In supplementary evidence, Jo Swinson MP wrote that “Greater transparency is key to ending the pay discrimination on the grounds of gender and the Equality Act 2010 made a number of important changes including banning pay secrecy clauses”¹²⁴ The Government should do more to ensure there is consistent and regular data transparency about women in all work positions, not just those in senior roles. That data should capture part-time employees, what roles women return to after maternity leave, and specific ages or periods in the employment lifecycle.

The Government has already done much to ensure data about women in senior positions is collated, assessed and acted upon. However, as with the measures in place for increasing women on boards, the prospect of regulation can be a useful motivation for intransigent companies which fail to engage with the Think, Act, Report initiative. Only when there is consistent, reliable data on equality issues can progress be planned, achieved and measured. The Government Equalities Office should collate data on women in the workplace, including figures on part-time employees, what roles women return to after maternity leave, and specific ages or periods in the employment lifecycle.

123 Ev w46

124 Ev 131

4 Flexible working

It really is a waste of talented people to be sitting at home or doing unrewarding work for which no qualifications are required just because companies are short-sighted enough not to offer professional part-time jobs. [Helen Hernandez]¹²⁵

Current position

79. The term ‘flexible working’ covers a wide variety of working practices. It includes: compressed hours, staggered hours and term-time hours, where full-time work is arranged and organised around other commitments; job sharing, where two or more people work the equivalent of a full-time job; and part time work, where people work fewer hours per week. For the sake of simplicity, the term ‘flexible working’ will be used in this chapter to cover all such variations of working practices.

80. The ability to work flexibly was raised in oral evidence, by the contributors to *Mumsnet* and *Woman’s Hour*, and in our written evidence. During and after the *Woman’s Hour* phone-in, in November 2012, the majority of tweets referred to flexible working:

Work for multinational, but all flexibility dependent on line manager decision locally [...];

I am currently applying for flexible work after maternity leave and the company has said the minimum is 30 hours [...];

we must fix female talent pipeline at all levels and ensure women fulfil their potential;

I was recently told I was the best candidate for a job but couldn’t have it because I wanted to work a 4 day week;

Fascinating phone-in this morning. Can’t believe part-time working is still regarded with suspicion by so many employers.¹²⁶

81. Heather Rabbatts, Non-Executive Director of the Football Association, told us:

In terms of my own experience, if you look at women’s careers, there is the time leading up to having children, there is having children, and there is trying to return to work. Women are impacted by these in a variety of different ways. There are mechanisms [...] for trying to encourage women back into the work force, but they are pretty sparse, and not that effective. We leak huge amounts of talent out of the system.¹²⁷

This view was echoed by the personal experience of Kay Vincent:

125 Ev w39

126 @womanshour, 14 November 2012, 1.50pm

127 Q235

Having graduated from an MSc in computing in 2012 I would have dearly loved to work in the IT sector (and apparently the IT industry is crying out for graduates with programming skills). Unfortunately, I could not find anyone who would employ me, because I can only work part time. To me this seems like a huge and obvious waste. Not just for me personally, but perhaps for tens of thousands of women. Why can't employers find ways to use the skills of job-share and part-time workers?¹²⁸

Opportunities for flexible working are sparse, and where they are offered, they are often in poorly paid jobs, with short-term contracts. Written evidence from WEN Wales cited research that showed that 50% of available part-time work in Wales is low paid work.¹²⁹ Women Like Us, a social enterprise recruitment firm that helps women find part-time work, stated:

The part-time recruitment market is skewed strongly in favour of vacancies with salaries below £20,000 full-time equivalent earnings. [...] This is in sharp contrast to the full-time market, where the majority of vacancies pay over £20k".¹³⁰

82. Dr Linda Grant, from Sheffield Hallam University, and Professor Sue Yeandle, from the University of Leeds, submitted evidence based on the *Gender and Employment in Local Labour Markets* research programme, which undertook research across 12 local labour markets in England. They summarised the constituent elements of available flexible work:

Typically, job content and employee autonomy are limited in part-time jobs. Tasks tend to be repetitive, employees lack opportunities to exercise responsible decision-making over their jobs, and the amount of flexibility with respect to hours of work and start and finish times is limited, undermining the capacity to combine work with family responsibilities.¹³¹

83. Flexible work is often concentrated in one area of the organisation, and is not appreciated within the context of the organisation as a whole, a conclusion based on research that Dr Grant and Professor Yeandle undertook:

Critically, [part-time jobs] become a self-contained group of jobs, not integrated into the wider training, progression and career opportunities within workplaces or organisations. It is not only hours of work which set them apart from full-time jobs. They tend to lack progression opportunities and offer only a narrow range of fairly repetitive tasks.¹³²

Furthermore, there is often an inconsistency between employers having a policy of encouraging flexible working in principle, and their ability to implement it in practice, as highlighted by Women Like Us:

128 Ev w115

129 Ev w109

130 Ev w109

131 Ev w37

132 Ev w38

Where businesses were resistant to part-time working, some HR respondents reported a ‘disconnect’ between what their department advocated (e.g. flexible working practices) and their ability to implement this because of a workplace culture operating on a model of full-time employment.¹³³

84. It should also be noted that the long-hours culture prevalent in certain sectors has an impact not only on those full-time workers who work beyond their contracted hours, but also on those wishing to work a percentage of the contracted full-time hours. The Institute of Physics highlighted this problem:

There is no longer an expectation that full-time work is solely 35–40 hours per week, and indeed, in many science occupations the expectation is to work in excess of this, with a 60-hour week not being untypical. Employers, therefore, may not see part-time work as a valuable commodity, given that such employees would be working way less than the expectation. This needs to be addressed through targeted guidance to all employees around productivity and work-life balance, as well as highlighting the benefits of highly-skilled, flexible part-time workers.¹³⁴

85. On the other hand, in contrast to the evidence we received about the poor quality of much flexible working practices, we also received evidence that highlighted the positive aspects of good quality flexible working. For example, Maggy Pigott extolled both the personal benefits of flexible working in a Senior Civil Service post, a job that she shared with her partner, and the benefits that it brought to their employer:

Productivity increased. We worked three days each but believe we produced more than one person working six days and our job responsibilities tended to grow. We could not have worked for five days at the pace sustained over three. And our days off provided time to re-charge batteries, reflect, and restore balance. You do have to prioritise and time-manage rigorously, deadlines are often shorter, and ‘down-time’ is minimal. In two of our Senior Civil Service posts when we moved on we were replaced by two full-timers.¹³⁵

86. As well as offering greater flexibility to employees, Women Like Us highlighted other benefits:

Recruiting skilled part-time staff can help growing businesses to: acquire experienced talent at an affordable cost; recruit for hard-to-fill/niche roles; and realise cost efficiencies by more precisely matching tasks to appropriate skills/salary levels. All the above is set against a background of incomplete knowledge. For example, the market tends to be viewed as a homogenous whole, regardless of salary and skill levels, glossing over the distinction between the employment and recruitment markets; while the part-time employment market is well documented, the part-time

133 Ev w111

134 Ev w45

135 Ev w80

recruitment market is not as well understood. The Office for National Statistics does not collect data on part-time vacancies outside of Jobcentre Plus.¹³⁶

Data transparency and a voluntary code of practice

87. The Office of National Statistics (ONS) collects estimates for total vacancies, from the Vacancy Survey, but those estimates are not broken down in terms of full-time and part-time jobs.¹³⁷ Furthermore, there is no data on the number of current flexible workers, although the ONS publishes estimates for the number of people in part-time employment as part of the monthly labour market statistics release.¹³⁸ This difficulty in knowing who is and is not working flexibly was further explained by Sarah Jackson, Chief Executive of Working Families:

The majority of our employers are large, private sector organisations. They talk about the difficulty they have in evidencing their own flexible cultures, because they say, ‘We record the people who make a contractual change to the terms of their employment. We can tell you who is working contractually part-time and flexibly. We know anecdotally—because we are good employers and we are trying to create a flexible culture—that we have a lot of people who are working flexibly informally.’ However, it is very hard for them to track them.¹³⁹

88. Jo Swinson, Parliamentary Under-Secretary of State for Women and Equalities, extolled the value of data:

I am a great believer in the notion that what gets measured gets done. Transparency and monitoring can play a really important role, because very often some of the factors holding women back are not always—although it does exist—actual sexism; often, it is that the issue has not been properly thought about. In fact, sometimes the problem is not obviously apparent until you look at plain numbers in black and white.¹⁴⁰

However, in relation to data transparency on flexible working, the Government itself has a poor track record. There is no consistent form of recording part-time working in Government Departments, and so it is difficult to get comprehensive information. However, what little available information there is reveals a wide divergence in flexible and part-time working opportunities between Departments. For example, 3.1% of staff in the Foreign and Commonwealth Office, 7.1% of Treasury staff, 11% of staff in the Department for Business, Innovation and Skills, and 39% of staff in the Department for Work and Pension work part time or in a job share.¹⁴¹

136 Ev w109

137 Email from the Labour Market, Office of National Statistics, 29 April 2013

138 Email from the Labour Market, Office of National Statistics, 29 April 2013. The estimates are available at www.ons.gov.uk/ons/rel/lms/labour-market-statistics/april-2013/index-of-data-tables.html#tab-Employment-tables

139 Q 92

140 Q 449

141 Information received as a result of parliamentary questions raised by Ann McKechin MP, in the spring of 2013.

89. *Without reliable, consistent data on the extent of flexible working—including part-time, job-share, and compressed hours—the Government, public and private sector employers, and employees cannot have clear understanding of who is working in such a way, in what sector, and how well they are performing. The data needs to be gathered and analysed by gender, race and disability, and by age and sector. The Government Equalities Office should oversee the collation of this data by the Office of National Statistics.*

The Government should collect and publish consistent data on the working practices of staff within its own Departments. This data should be reviewed on an annual basis, and those Departments with poor records of offering flexible working should be set achievable targets for improvement.

Flexible working practices at a senior level

90. The opportunities for flexible working in senior posts remain rare, as research carried out by Dr Hazel Conley and Dr Tessa Wright, from Queen Mary, University of London, and Dr Susan Durbin and Professor Moore, from the University of the West of England, showed:

Part-time working at management levels remains rare in the UK: 27% of the UK workforce works part-time, of which 74% are women and just 6.5 % of part-time workers are employed in the occupational category of managers and senior officials (Labour Force Survey 2012). Given the large numbers of women who work part-time, compared with men, and their relative rarity at management levels, this has important implications for the earnings potential of these women. [...] There remains an untapped resource of experienced, qualified women who are under-employed in the UK job market, because employers are not prepared to consider part-time working as a serious option for managers.¹⁴²

Sir David Normington, First Civil Service Commissioner and Commissioner for Public Appointments, added:

You need to create flexible working opportunities to keep those women in touch and give them the opportunities to balance their childcare responsibilities, which they often have, maybe with working part-time on a flexible basis. It is easier to do that at first-tier senior management than at the most senior management level, though it is not impossible at that level. That is where all organisations need to focus their attention. If you lose touch with your excellent women managers at that point, you will probably not get them back and they will go off and do something else. This is very bad for the organisation and also for them.

Maggie Pigott's personal evidence highlighted the benefits that employers gain from flexible working:

Job-sharing has the obvious and significant advantage over part-time working that the whole week is covered; therefore any full-time role can, in theory, be shared.

Working three days a week (or the time-equivalent) is more difficult in senior positions—often the senior part-timer works four days and, in reality, is doing five days work in four. We always had mainstream posts, previously held by a full-timer, and were fortunate to be able to undertake high profile and fulfilling work.¹⁴³

The flexibility for both employee and employer was also supported by Linda Wells, who described, in a personal capacity, her experience of job-sharing as a teacher:

Having two people completely up to speed on one job gives the workforce flexibility to allow for individuals attending courses, holidaying etc. without loss to clients. In the private sector (where the criticism of job sharing is break in continuity) I would say that the lesser likelihood of neither person being available for clients etc., as one covers for the other, means better continuity over all.¹⁴⁴

91. There are examples of where organisations have implemented part-time or job share arrangements at a senior level, in an attempt to improve female representation at all levels within the organisation. For example, since 2006, Clydesdale Bank has allowed various flexible working practices, including giving all staff the right to request flexible working practices. Its maternity leave return rate “was low between 60–70%” but has been improved and now is maintained at over 80%.¹⁴⁵ The Discrimination Law Association also highlighted the availability of flexible working at American Express¹⁴⁶, while Timewise Jobs is the UK’s first jobsite dedicated to professional part-time roles. It features over 4,000 employers and advertises more than 3,000 quality part-time vacancies.¹⁴⁷

92. Jemima Coleman, from the Employment Lawyers Association, summed up the need to highlight best practice:

There is also quite a lot that can be done generally in terms of celebrating best practice and drawing attention, as some organisations have done recently, to power part-timers, people who are holding very senior roles on a part-time basis, celebrating those and rolling out best practice—perhaps even having some kind of guidance to best practice so that it is no longer seen as a career-limiting move to take a part-time role.¹⁴⁸

Again, Maggy Pigott described her positive experience of job-sharing in the Senior Civil Service:

My job-sharing partner and I were able to continue working after we had children and we gained promotion together to the SCS. We worked with the Senior Judiciary, Ministers, Permanent Secretaries, the legal profession, the third sector and others and we had up to 65 staff. We never encountered any serious difficulties over our 23 years and were often told the Department gained by having job-sharers. We were

143 Ev w80

144 Ev w94

145 Ev 159

146 Ev 163

147 Ev w108

148 Q 114

fortunate in the culture that prevailed and we felt able to apply for any post. Job-sharing was welcomed in our Department and at one time there were three SCS pairs. Culture and support from the top were crucial to our longevity and success.¹⁴⁹

93. Good-quality flexible work is attractive to both men and women; it affects all employees with caring responsibilities. Evidence from Dr Linda Grant and Professor Sue Yeandle, described the benefits for employees to have fluidity between part-time and full-time work, as and when their personal circumstances change, and for employers, of whom they wrote, “Successful employers worldwide recognise the realities of population ageing, and are adapting to make greater and better use of part-time workers of both sexes”.¹⁵⁰ Gingerbread reinforced this point:

While it is often offered as a retention tool for existing staff, flexible working is most successful when employers embed it at the heart of an organisation—designed for everyone, central to the way that they operate, and with managers leading the cultural shift needed to make it work. Where this is in place, employers point to impressive business benefits—a positive impact to the bottom line, as well as delivering a virtuous circle of higher employee morale, leading to increased staff engagement, retention and productivity.¹⁵¹

94. We also heard from Debbie Crosbie, Director of Operations and IT at Clydesdale Bank, who spoke of the bank’s commitment to flexible working, for all staff:

We have a very high percentage of flexible-working practices. That is not just for women. That is one thing that is important—to change this culture. If this is just seen as a women’s issue, it sends out the wrong messages. We have a number of policies—whether the responsibilities are caring for older parents or any other responsibility—under which people can apply for part-time working, key working and flexible working. We embed and encourage that as part of how we do business now. It is very important that people like me, who hold very senior positions, are supportive of that.¹⁵²

95. However, the right to request flexible working does not go far enough for some. Fair Play South West wrote that “the ‘right to request’ flexible work has been only partially successful; there needs now to be a ‘right to work’ flexibly so that employers cannot refuse”.¹⁵³

96. We recommend the establishment of a voluntary Code of Practice by the Government, through the Government Equalities Office, to highlight best practice in relation to the provision of quality part-time and flexible working. The Government should draw attention to those organisations that encourage flexible working—for both men and women, at all levels of the workforce, including at a senior level—in order to dispel the myth that flexible working is problematic and cannot work.

149 Ev w80

150 Ev w38

151 Ev w35

152 Q 167

153 Ev w34

97. **Flexible employment can work, when it is fully integrated into the workplace structure, with equal access for training and development opportunities alongside full-time workers. The voluntary Code of Practice should also highlight the ‘return-to-work’ experiences and opportunities for those many women who are qualified and experienced in their chosen work, and who wish to return to work after looking after young children.**

98. *Currently, employees do not have the right to ask for flexible or part-time working within six months of starting a job. Staff should be entitled to ask for flexible working from the outset, unless there are justifiable reasons to the contrary. This should be led from the top management level, with the default position being the right to ask for flexible working, unless justified.*

Small and medium businesses (SMEs)

99. The success of the SME sector, in particular micro-businesses, is crucial to ensure the economic recovery of the country. There are constraints under which some SMEs operate, which make flexible or part-time working harder to accommodate. However, there are also opportunities for SMEs to employ flexible workers. The Federation of Small Businesses (FSB) told us that many SMEs already consider flexible workers to be integral to the success of their businesses. Mike Cherry, Policy Chairman of the FSB, told us that:

I think [SMEs] are far better suited and better able to recognise the requirement of their employees. From the FSB’s point of view, our surveys repeatedly show that small and micro businesses are better people to employ females, disadvantaged groups and the long-term unemployed. We take the risk and we give them the opportunities. So long as we feel that we can train them, their gender or any other orientation does not matter. They are people who want to do the job, and if it requires us to be more flexible in our approach because of child care or any other issues, we tend to do that almost automatically, because that is the way small businesses tend to behave towards each other.¹⁵⁴

100. Tim Ward, Chief Executive Officer of Quoted Companies Alliance, told us that flexible working, especially as a senior level, can work in small organisations, depending on the context:

It depends on the culture and the values the organisation holds. An interesting study was carried out earlier in the year by the CIPD, which was a survey of 1,000 employers and 2,000 employees. The general feeling was that employees working for micro and small businesses are much more likely to be working flexibly than those working in medium or large businesses. Also, the smaller the organisation you work for, the less likely employees are to have obstacles to working flexibly. There is something there about the size of the organisation—and perhaps the fact that there are crossovers of jobs and roles—that means people can share or cover each other’s roles much more easily than if you are in a much more ordered, risk-based

environment where there are processes and procedures that introduce operational obstacles to working flexibly.¹⁵⁵

101. The issue of whether flexible working can be incorporated into the working arrangements of SMEs depends on each business, sector by sector. While some small businesses can work with a highly flexible workforce, others would find it difficult. It can also depend on the type of job within an organisation. Debbie Crosbie, from Clydesdale Bank, told us of the different arrangements within the bank, which has the potential to be a framework for any organisation, large or small:

We have a lot of different arrangements. Nearly all the requests for flexibility are granted, but there are occasions where individuals ask for arrangements or to go into part-time roles where we have to come back and say, 'Look, we do not think that is right for you and we do not think it is the best thing for the organisation'. We do a lot to find suitable alternatives, but I think that just allowing people to assume that everything must be flexible is a naive attitude to business. It is very important that the culture in an organisation is supportive, but it must be realistic about helping people set achievable goals for themselves and for the organisation at the same time.¹⁵⁶

102. The Equalities and Human Rights Commission needs to take a more active role in supporting and advising SMEs, in relation to the issue of flexible working. Many SMEs are exemplars of flexible working, which benefits both the business and the staff, but others lack the knowledge to utilise flexible working successfully. The Government should invest resources in advising small and medium businesses, of the benefits of recruiting and retaining flexible workers, and it should highlight the work that organisations such as the Federation of Small Businesses do to promote the positive benefits of flexible working.

155 Q 168

156 Q 166

5 Maternity leave and Childcare

I feel like we are in a permanent state of pregnancy at this hearing. [Heather Rabbatts, Non-Executive Director, Football Association]¹⁵⁷

103. The quote from Heather Rabbatts highlighting the fact that there is a tendency to reduce the issue of women in the workplace to a discussion of pregnancy and childcare. Maternity leave and childcare were not specifically mentioned in our terms of reference, yet we received so much evidence on these issues, including very personal testimonials on the *Mumsnet* forum and from *Woman's Hour* listeners, that we decided to include a chapter on these issues.

104. The following extracts are illustrative of the over 100 contributions to the *Mumsnet* forum:

Discrimination against mothers, either in the workplace or when applying for jobs. Many women find that what seemed like woman-friendly workplaces when they were childless suddenly seem to become hostile once they have children. I have lost count of the number of brilliant, dedicated women I know whose careers have stalled at 40 despite the same thing not happening to their husbands.¹⁵⁸

give us a break financially with childcare, we come out with less than people on benefits.¹⁵⁹

I think the problem with most of these issues is that they are imposed unequally in the first place. If parental leave following birth was equally proportioned then career progression, issues relating to returning to work and the gender pay gap would not be such a 'women's issue'.¹⁶⁰

The cost of childcare. It should be completely tax-deductible and then the voucher scheme can be scrapped, as can the childcare element of tax credits. I also think that work needs to be done to encourage employers to allow fathers to work more flexibly too, so that they can share the burden of drop offs, pickups, taking time off to care for sick children and so on.¹⁶¹

Issues faced by women wishing to return to work following childbirth. This is the most pertinent for me, I was made redundant whilst on Mat leave. It is nigh on impossible to get a part time job that fits in with childcare hours if you haven't previously been in the role as a full time member of staff. I wanted to be at home as much as possible for my two, and number two took a long time coming. So now I have a 7 year gap on my C.V. and despite years of experience and degrees in

157 Q 257

158 TurnipTheVegeDude, http://www.mumsnet.com/Talk/site_stuff/a1633298-Parliamentary-committee-wants-your-views-on-issues-faced-by-working-women

159 *Ibid*, wheredoistartmrs

160 *Ibid*, Anchorwoman

161 *Ibid*, Alibabaandthe40nappies

my field I am virtually unemployable at anything less than minimum wage. So basically my degree....and the debt I incurred to get it, and missing out on the housing ladder due to paying back that debt, were all for nothing. I have stated my own business in desperation, but it's very hit and miss. I'd like to see some form of job share or part time provision made for mothers, so that we don't HAVE to put our kids in childcare for 10 hours a day just so we can get back to working¹⁶².

Biggest issue = the practical support of British Men. Responsibility for the everyday practicalities of family life is generally seen/practised as women's role. Bearing cost of childcare is generally seen as responsibility of women's salaries. I could not sustain my career because it effectively required me to have an unpaid 'wife' in support. More women can work more if more men take on more of the 'wife' role. Stop pretending that there isn't work in bringing up a family—instead, get men to take up some of that work.¹⁶³

105. The written and oral evidence we received also referred to discrimination—direct and indirect—against women either during pregnancy or when on maternity leave. Maternity Action wrote that “in 2005, an estimated 30,000 women each year lost their jobs as a result of pregnancy discrimination”.¹⁶⁴ It stated that:

Of those women who lost their jobs as a result of pregnancy discrimination, 8% pursued formal action and only 3% took their claims to the employment tribunal. Women face significant barriers to exercising their rights including: competing demands of motherhood, access to advice services, employment tribunal fees, the abolition of questionnaire procedures and negative attitudes towards maternity rights.¹⁶⁵

Working Families argued that the current economic climate has led to an increase in cases:

During the recession we have seen a rise in the number of calls about discrimination, particularly affecting pregnant women and those on maternity leave. In 2011, 8% of our calls concerned maternity discrimination. Callers on maternity leave reported being demoted on their return to work, not being offered their old jobs back, being made redundant or even dismissed because of pregnancy.¹⁶⁶

106. We also heard evidence that highlighted the burden of certain maternity rights on employers. Anya Hindmarch, Chairman and Chief Creative Officer of Anya Hindmarch Ltd, expressed her views on employment laws:

Maternity laws are tricky. I think unfair dismissal is tricky, although that is not about women. There is a whole raft of things that I think are really suffocating. They almost end up forcing you to behave in an inhumane way. [...] I think it could end up working against women unfortunately. As a woman, a mother of five and an

162 *Ibid*, CanonFodder

163 *Ibid*, Brawhen

164 Ev w64

165 *Ibid*.

166 Ev 253

employer of a lot of women with children, I think it would end up making you make a choice between employing a man or a woman. You probably might pick the easier route because the regulation and the consequential cost and eggshell-treading would just be too onerous.¹⁶⁷

Conversely, Marie O’Riordan told us about her experiences as editor of *Marie Claire* magazine:

Because the majority of my team were women, you anticipated the nightmare. Every time someone announced they were pregnant, you went into a maelstrom of panic about how you would manage that situation. Obviously, you had to work within the economics of the budget. However, it never was as bad as you thought it was going to be, and there was rarely more than two of three women pregnant at the same time. I think the idea of managing it is probably far more terrifying than the reality of it.¹⁶⁸

Parental leave proposals

107. Renee Santosa, writing in a personal capacity, stated that “time is the biggest gift we can give our children. Both parents need to be able to make time”.¹⁶⁹ The Government has recently made a significant step towards alleviating this problem by introducing flexible parental leave proposals in the Children and Families Bill:

Introducing flexible parental leave is key to the Government’s commitment to become the most family friendly Government in the world. Our approach will enable working fathers to take a more active role in caring for their children and working parents to share the care of their children. It is also a crucial step towards reducing the gender bias that currently applies to women’s careers.¹⁷⁰

108. Catherine Hakim saw this as an important reform, which moved the debate forward from being principally a women’s issue to a shared parental issue:

I think the move towards making maternity leave/parental leave gender neutral is absolutely the right way to go. I have always argued for gender-neutral policies because they otherwise stigmatise women. It is because women have had a right to maternity leave that employers have been less willing to hire young women of the age when they might have children.¹⁷¹

Some witnesses highlighted the way in which certain aspects of employment legislation can adversely affect SMEs in particular, due to the small number of staff employed in such businesses. Claire Martinsen, founder of Breckland Orchard, told us about her fruit juice business, and the heavy lifting involved:

167 Q 242

168 Q 251

169 Ev w115

170 Department for Business, Innovation and Skills, *Modern Workplaces – Government Response on Flexible Parental Leave*, November 2012, p 3

171 Q 83

If I had someone who was going on maternity leave who worked for me, and if I had to do a health and safety assessment and they could not be lifting that amount of weight, I literally would not have anywhere to put that person in my business. I have no other job.¹⁷²

109. We welcome the reforms to maternity leave, which are part of the Children and Families Bill, including the right to shared parental leave, and statutory shared parental pay. This should lead to parental leave becoming a more gender-neutral matter. However, we appreciate the fact that for some small businesses, parental rights are not without occasional, but potentially significant risk to those businesses.

110. We recommend that the Government collects data on pregnancy discrimination, in order to monitor its incidence, from the position of both employees and employers. This should be done in conjunction with our previous recommendation that women with pregnancy discrimination cases should not have to pay the proposed £1,200 tribunal fee.

6 Equality and Human Rights Commission (EHRC)

Role of the Equality and Human Rights Commission (EHRC)

111. The EHRC was established under the Equality Act 2006, and works within the statutory framework for protecting equality and human rights, for setting standards, and for holding public and private bodies to account in meeting them. The EHRC's own written evidence stated:

The Commission sees its evolving regulatory role as helping organisations achieve what they should, not trying to catch them out if they fall short. We view legal action as a last resort, when persuasion and advice have not proved effective.¹⁷³

Section 3 of the Equality Act 2006 sets out the general duty of the EHRC:

The Commission shall exercise its functions under this Part with a view to encouraging and supporting the development of a society in which—

- (a) People's ability to achieve their potential is not limited by prejudice or discrimination;
- (b) There is respect for and protection of each individual's human rights;
- (c) There is respect for the dignity and worth of each individual;
- (d) Each individual has an equal opportunity to participate in society; and
- (e) There is mutual respect between groups based on understanding and valuing of diversity and on shared respect for equality and human rights.¹⁷⁴

Proposed changes to the EHRC

112. The Enterprise and Regulatory Reform Bill sought to remove Section 3 of the Equality Act 2006, thereby removing the general duty of the EHRC. After a House of Lords amendment opposing its removal was passed, the Government accepted that it should remain. The Parliamentary Under-Secretary of State for Women and Equalities, Jo Swinson, told the Commons:

Although it is accepted by all that the duty has a symbolic rather than a practical effect, it is clear that considerable importance is attached to this overarching statement. We maintain that the commission's monitoring and reporting should be carried out in respect of its core equality and human rights duties. The EHRC will continue to be required to monitor and report on changes in society, but, as has been

173 Ev 180

174 Equality Act 2006, part 1, section 3

agreed to in the Bill, that should relate to the areas that it is uniquely placed to influence and change: equality; diversity and human rights.¹⁷⁵

113. However, the Government is removing from the EHRC's remit various other responsibilities, including its helpline, funding for voluntary organisations and legal advice, and conciliation and mediation services. Mark Hammond, Chief Executive of the EHRC, told us that the helpline had been transferred to the Government Equalities Office, "which has let a contract to others to deliver a helpline service".¹⁷⁶ Fair Play South West argued that the EHRC had been under-resourced since its inception:

The EHRC, which is the enforcement agency established under the Equality Act 2006, was under-resourced and not well managed when it took over from the three previous enforcement agencies (for gender, race and disability equality) and has since been systematically undermined by resource cuts and too much Government interference in its activities.¹⁷⁷

114. The Public and Commercial Services Union (PCS) also expressed concern over the EHRC's future standing:

The work of the EHRC is now under threat. The Government plans to slash its budget by 68% (compared to when it was set up in 2007). It is likely to: lose more than half its workforce; reduce its legal enforcement ability; close its Helpline to the public, business, and the public sector; lose its regional offices; end its grants to charities or projects disability groups and community organisations that are often the first port of call for victims of discrimination and harassment.¹⁷⁸

Sarah Veale, from the TUC, spoke in stark terms about the consequences of the budget cut on the EHRC:

[The EHRC] have had a very significant budget cut. They have also been put on zero budget measures for next year, which is pretty drastic. [...] The fear, though, is that the cut is so huge that the whole organisation has been knocked sideways.¹⁷⁹

Getting the EHRC message across

115. The EHRC is regarded as providing high quality advice, but we heard evidence that it is less good at ensuring that it reaches the appropriate people. For example, the EHRC has published guidance for small and medium businesses to explain: legal definitions of discrimination and unlawful behaviour in the Equality Act; the role as an employer under the Equality Act; and the role as a service provider under the Equality Act.¹⁸⁰ However, when we heard from representatives of small and medium-sized businesses, our

175 HC Deb, 23 April 2013, col 790

176 Q 395

177 Ev w34

178 Ev w81

179 Q 144

180 <http://www.equalityhumanrights.com/advice-and-guidance/here-for-business/guidance-for-small-and-medium-size-businesses/>

witnesses—founders and directors of their companies—did not use the EHRC’s resources, and one had not even heard of the EHRC.¹⁸¹ When questioned about this, Mark Hammond, Chief Executive of the EHRC, replied:

We are very conscious that we need hugely to improve and enhance the relationships we have with the CBI, the FSB and the chambers—all those organisations. [...] We are not precious about how the information, advice, and support get to SMEs, particularly. If it comes through us, that is great, and we can provide material and assistance to the employee organisations that they look to. [...] The impact for us is the same: getting that advice and support out to SMEs, sole traders and all those who might need it.¹⁸²

Karen Jochelson, from the EHRC, agreed that the crucial point is that the EHRC’s message is delivered:

We are a small organisation, and there is a very, very big world out there. For us, it is about how you get your message across most effectively.¹⁸³

116. The EHRC carries out substantive inquiries into different sectors. Karen Jochelson told us about the EHRC’s inquiry into the meat and poultry industry. The Report made recommendations that included: processing firms and agencies to use fair and transparent recruitment practices and to provide workers with a safe working environment; supermarkets to improve their support to and auditing of suppliers; and the Government to provide sufficient resources to the Gangmasters Licensing Authority (GLA) to deliver its task of safeguarding the welfare and interests of workers.¹⁸⁴ Karen Jochelson explained the subsequent work that EHRC undertook with the relevant bodies, which brought the EHRC’s work to the forefront of those in the industry:

We set up a task force after our inquiry report was delivered, which drew together supermarkets, the labour providers, processors in meat and poultry, and various trade associations, and the trade unions who worked in the industry. They agreed that some guidance arising from the problems that we had identified would be very helpful. We published that guidance two months ago, and we calculate we probably reached 80% of the processing firms and about 2,000 labour providers. The way we were able to do this is: our guidance now sits on the supermarkets’ supplier intranet, which is not something we would have access to except through the supermarkets. The British Meat Processors Association, the British Poultry Council and the Association of Labour Providers all have our guidance on their website, and they have advertised it through their own web and newsletters. To me, it is the fact that our guidance was supported in the first place by that industry. It has helped us to figure out the best way of disseminating it, and it has been disseminated with its

181 Q 366

182 Q 394

183 Q 394

184 <http://www.equalityhumanrights.com/legal-and-policy/inquiries-and-assessments/inquiry-into-the-meat-and-poultry-processing-sectors/the-inquiry-report/>

support, which is what is going to make it most effective, but if you are not in that industry, the chances are that you are not going to have read it.¹⁸⁵

117. We welcome the fact that the Government reconsidered its intention to repeal the Equality and Human Rights Commission's general duty, as set out in Section 3 of the Equality Act 2006. However, we remain concerned at other Government measures that are weakening the EHRC's ability to carry out its general duty. In this Report, we have recommended that the EHRC should be providing: enhanced information and advice covering career strategies; equal pay audit and equal pay best practice advice; the monitoring and assessment of the Public Sector Equality Duty (PSED); data transparency advice; and support to SMEs. Funding is tight, but if the EHRC is to carry out all of these activities effectively, it needs to be better resourced. We welcome initiatives such as the EHRC's recent work with the meat and poultry industry, and recommend that that EHRC actively seek funding from other private business sectors for similar funding.

7 Women in senior positions

In the Norwegian experience, the women involved quickly became known—dare I say it—as the golden skirts. [Helena Morrissey, CE of Newton Investment Management, founder of 30% Club]¹⁸⁶

The current position

118. On 1 March 2013, women accounted for 17.3% of FTSE 100 and 13.2% of FTSE 250 board directors. While these statistics might seem low, progress has been made since Lord Davies outlined his ten recommendations for increasing female representation on executive and non-executive boards, in his Report *Women on Boards* in 2011. His first recommendation highlighted the need for targets to ensure a greater percentage of women on boards by 2015:

All Chairmen of FTSE 350 companies should set out the percentage of women they aim to have on their boards in 2013 and 2015. FTSE 100 boards should aim for a minimum of 25% female representation by 2015 and we expect that many will achieve a higher figure.¹⁸⁷

119. His 2013 update highlighted this increase:

In 2010, when I was asked to lead this inquiry, women made up just 10.5% of FTSE 100 board members and 6.7% of those in the FTSE 250. This means that since our work began in 2010 the percentage of female held board appointments has increased by nearly 50%. Crucially, women have secured 34% of all FTSE 100, and 36% of FTSE 250 board appointments since 1 March 2012, clearly showing that businesses are making real efforts to find and appoint capable women to their boards. Only 6 all-male boards remain in the FTSE 100, down from 21 in 2010, and for the second year running, all-male boards in the FTSE 250 continue to be in the minority at 26.8% (67), down from 52.4% in February 2011.¹⁸⁸

120. The top ranking company in terms of female board representation is Burberry, which has 37.5%—three women directors out of a total of eight—with both the Chief Executive and the Chief Financial Officer posts being held by women; it is also the only FTSE 100 company that has two female executive directors.¹⁸⁹ The Cranfield University Report *The Female FTSE Board Report 2013* cited the next two top ranking boards:

In second place is Diageo with four women directors out of 11 (36.4% of the board). In joint third place are Capita, GlaxoSmithKline and Standard Life, each with 33.3%

186 Q 183

187 Lord Davies, *Women on Boards*, February 2011, p18

188 Lord Davies, *Women on Boards* April 2013, p 2

189 Cranfield University School of Management, *The Female FTSE Board Report 2013*, April 2013, p 6

of their board being female. A quarter (25%) of the FTSE 100 companies have already achieved the target set by Lord Davies in 2011.¹⁹⁰

121. However, while the statistics are encouraging, the number of women appointed to FTSE 100 boards has decreased since December 2012. As Lord Davies wrote:

Last August the number of women on boards surpassed 17% for the first time. In December the number reached a peak of 17.7%, it is now 17.3%. Progress since last August has undeniably been slow and this plateauing at the 17% mark is worrying. Government, regulators, investors and business must continue to work together to ensure that complacency is not allowed to set in and the good progress we have seen to date lost.¹⁹¹

122. The Cranfield University report indicated that while the target of 25% female FTSE 100 board directors should be met in 2015, “from our analyses of the boardrooms of smaller listed companies, there has been little increase in the very low numbers of women on their boards (currently 7.6%)”.¹⁹² It also highlighted the fact that there had been a drop in the percentage of women on executive committees, from 18.1% to 15.3% since 2009, and stated:

It is therefore not surprising that headway is not being made in the numbers of women holding Executive Directorships. Out of 96 companies, 79 had women on their executive committees, with Shire and Next achieving gender balance. Despite women dominating Human Resources, Law and Marketing in general, this is not reflected at Executive Director level. Further, in terms of paths to executive roles, whilst 48% female Executive Directors were internally promoted the equivalent percentage for men was 62%. This bias forces women to seek promotion in other companies.¹⁹³

123. The increase in women on boards has been principally in non-executive posts, rather than executive posts:

As of March 2013	FTSE 100	FTSE 250
Female-held directorships	194 (17.3%)	267 (13.3%)
Female executive directorships	18 (5.8%)	32 (5.4%)
Female non-executive directorships	176 (21.8%)	235 (16.6%)
Companies with female directors	93 (93%)	183 (73.2%)
Companies with multiple women	67 (67%)	68 (27.2%)

Cranfield University, *The Female FTSE Board Report 2013*, page 6

190 Cranfield University School of Management, *The Female FTSE Board Report 2013*, April 2013, page 6

191 Lord Davies, *Women on Boards*, April 2013, page 3

192 Cranfield University School of Management, *The Female FTSE Board Report 2013*, April 2013, page 6

193 *Ibid*, page 7

124. Lord Davies highlighted this difference in his April 2013 update:

Without demeaning the excellent overall progress that has been made to date, the executive pipeline continues to remain a challenge. Women currently hold 21.8% of FTSE 100 non-executive directorships (up from 15.6% in 2010) and 6.1% of executive directorships (up from 5.5% in 2010). Whilst in the FTSE 250, women hold 16.4% of non-executive and 5.4% of executive directorships. This translates, in numerical terms, to just 18 female FTSE 100 executive directors compared to 292 males, and just 32 female FTSE 250 executive directors compared to 558. The figures are stark and highlight just how far there is to go. Such evidence is shifting the debate from directorships as a whole to that of executive directors and the talent pipeline.¹⁹⁴

125. Much has been achieved as a result of the recommendations in the Davies Report of 2011. There are some exemplary organisations that have both promoted women to executive board level, and have ensured that women are progressing throughout the structure, and tangible results have been achieved. However, more needs to be done to consolidate that work and to ensure there are more women on boards, especially those on executive committees, and those holding executive directorships. The total number of women on boards can be deceptive, because there has been a drop in the percentage of women on executive committees, from 18.1% to 15.3% since 2009. The Government needs to monitor regularly the proportion of women holding both executive and non-executive directorships.

Progress

UK Corporate Code

126. Changes to the UK Corporate Governance Code came into effect in October 2012. The Code requires companies to report on their boardroom diversity policy, including policy relating to gender, on measurable objectives, and on progress made against such objectives. The Employment Lawyers Association believed that this change could have a positive impact:

Although the Listing Rules do not require compliance with the code, there is a 'comply or explain regime'. Consequently, these changes may improve transparency at top level, which may then flow through to the rest of the organisation. The rate of progress in UK corporate redressing the gender imbalance of their boards should be kept under review to determine whether the current voluntary approach is effective.¹⁹⁵

127. Jo Swinson, Minister at the BIS Department, spoke of the benefits of this change:

As of October—and next October for quoted companies—companies have to report on their diversity policy and on the number of women not just on their board but at the next two senior levels in their organisation. What is so important about that is

¹⁹⁴ Lord Davies, *Women on Boards*, April 2013, p 6

¹⁹⁵ Ev 172

that it starts to address the pipeline issue. You cannot deal with women at very senior levels of the organisation; you have to deal with how that progression works throughout their careers. It is a key tool to drive behaviour.¹⁹⁶

128. *We welcome the changes to the UK Corporate Governance Code and the new policy of ‘comply or explain’. Boards will now report annually on their boardroom diversity policy, including gender, and on measurable objectives for implementing the policy.*

Quotas

129. In November 2012, the European Commission published a draft Directive to “improve the gender balance among non-executive directors of companies listed on stock exchanges and related measures”.¹⁹⁷ The aim of the Directive is to ensure that listed companies have at least 40% female non-executive Directors on their boards by 2020. The Directive contains no binding quotas and also no Community-led sanctions. The 40% objective will apply to non-executive board members of publicly-listed companies only and will not cover SMEs. We heard from Aurel Ciobanu-Dordea, Director of the Equality Directorate of the European Commission who explained the position of the European Union:

Our assessment was that there is an increasing divergence in the practice of the member states that has repercussions on the performance of companies and on the situation and participation of women in such economic decision-making bodies. This can lead, in the future, to problems in the internal market, so more decisive action is necessary at the level of the European Union with due respect for the principles of subsidiarity and proportionality. This is what we have tried to do with this proposal that, on the one hand, is ambiguous, because it defines an objective of 40% by the end of this decade to be reached not on the basis of being women or men in those companies where men are under-represented, but on the basis always of competence, experience and qualities. On the other hand, while making an ambitious proposal, we have also put on the table a system and a solution that is flexible and take mainly into account the different points of departure across the European Union.¹⁹⁸

130. We heard strongly felt arguments both for and against the use of quotas.¹⁹⁹ The National Association of Pension Funds was emphatic in its criticism of quotas:

Mandatory quotas are blunt, unsophisticated instruments which address the symptoms of an issue as opposed to solving the root cause; they do not solve the broader issue of diversity nor the underlying problem of women coming through the senior management pipeline, instead leading to unintended consequences.²⁰⁰

196 Q 449

197 Council document 16433/12, COM (12) 614

198 Q 340

199 For example, those against: Ev w44; Ev w69; Ev w98; Ev w210. Examples of those in favour: Ev 239; Ev 168; Ev 229; Ev w81.

200 Ev w69

Margaret Mountford, a lawyer and trustee of the Bright Ideas Trust, also told us that the problem would not be solved by quotas, but by women progressing into senior positions:

The point is not sticking token non-executives on boards; the point is having women at senior executive levels coming through. Nobody wants anybody as a non-executive on their board who does not have relevant experience. Nobody wants to be a token woman on the board.²⁰¹

Conversely, the Discrimination Law Association (DLA) was emphatic in its support of quotas:

Supplementing the education of senior executives on the commercial benefits of diversity within the board-room should be a system of quotas. Although there has been debate about the efficacy and validity of quotas, the DLA would support the inclusion of a requirement for quotas in the UK Corporate Governance Code.²⁰²

One organisation, the Women's Engineering Society, wrote that its members were split on the issue of quotas "but the number in favour of implementing them is increasing".²⁰³

In oral evidence, we heard arguments both for and against quotas. Anya Hindmarch spoke about the negative aspects of quotas:

I think it should be about inspirational women inspiring women. The idea of being even on a panel with everyone raising their eyes to heaven because you are the token women who must be interviewed in the process is so annoying. I think it demeans women; it could actually make a joke of the whole thing.²⁰⁴

In contrast, Dr Ashley Steel, from KPMG, told us that "I do think you can have quotas and a meritocracy sitting alongside each other, but I certainly did not think that a year ago". Marie O'Riordan, Editor in chief, John Brown, also argued in favour of quotas:

To add to the complexity of the debate, the words 'tokenism' and 'gratuitous' are slightly dangerous. [...] Men traditionally have risen through the ranks. They are often mediocre men compared with the reluctant women who are missing out. I do not think it is about tokenism. Often, talent is genuinely being held back because of centuries of sexism, frankly.²⁰⁵

Relationship between quotas and corporate financial performance

131. There are a number of academic papers which claim that the imposed increase of women representatives on the boards of companies in Norway since 2003 has resulted in a financial decline in the performance of those boards.²⁰⁶ Dr Catherine Hakim, a sociologist,

201 Q 237

202 Ev 166

203 Ev w102

204 Q 271

205 *Ibid.*

206 Examples include Professor Kenneth Ahern and Professor Amy Dittmar, *The Changing of the Boards: the Impact on Firm Valuation of Mandated Female Board Representation* (2011); Professor Oyvind Bohren and Professor Oystein Strom, *Governance and Politics: Regulating Independence and Diversity in the Board Room* (2010); Professor David

wrote that “there is no evidence that Norwegian firms have benefitted commercially from the change, contradicting arguments about the ‘business case’ for quotas”.²⁰⁷

132. The Campaign for Merit in Business wrote that leading proponents of quotas have themselves disregarded the business case and “no longer claim a positive causal link with enhanced corporate performance”.²⁰⁸ This change of stance reportedly includes Catalyst (the American campaigning group that was the source of several studies cited by proponents of gender diversity in the boardroom).²⁰⁹ However, Catalyst submitted written evidence to our inquiry, which—far from no longer claiming a positive causal link with enhanced corporate performance—stated the following:

Catalyst has studied the relationship between the representation of women on corporate boards and corporate financial performance. Our research on Fortune 500 companies finds a clear and positive correlation between women board directors and enhanced corporate financial performance, particularly when a company sustains its commitment to gender diversity over time.²¹⁰

133. Other contributors to the inquiry cited a body of evidence that indicated that greater diversity, including gender, can have a positive effect on corporate performance.²¹¹

134. The Fawcett Society wrote about the benefit of increased women participation in the workplace, citing work done by the Women and Work Commission²¹²:

The case for the economy is equally robust, given that the UK stands to gain £23 billion by better harnessing women’s skills. Bold moves by other countries in recent years have overturned claims of any absence of female leadership potential, demonstrated that a significant step-change in women’s representation is achievable.²¹³

The Fawcett Society cited another example:

A 2012 study by the Credit Suisse Research Institute also demonstrates the substantial benefits of boardroom diversity for business. According to this study, companies with more female board members had a greater return on equity and higher average growth than companies with no female board members. The business

Matsa and Professor Amalia Miller, *A Female Style in Corporate Leadership? Evidence from Quotas* (2011). Professor Daniel Ferreira and Renee B Adams, *Women in the Boardroom and their Impact on Governance and Performance* (2008); Professor Allen N Berger, Thomas Kick and Professor Klaus Schaeck, *Executive Board Composition and Bank Risk Taking* (2012), Cited by Campaign for Merit in Business, Ev 157-158

207 Ev 204

208 Ev 157

209 *Ibid.*

210 Ev w9

211 For example: Ev 206; Ev 195; Ev w44.

212 The Women and Work Commission wrote in *Shaping a Fairer Future* (2006) that increasing women’s participation in the labour market and in higher grade roles could be worth between £15 billion and £23 billion a year to the UK economy.

213 Ev 195

of attracting, retaining and promoting the best talent is of primary concern to all UK businesses, particularly in the current financial climate of uncertainty.²¹⁴

The 2012 study by the Credit Suisse Research Institute, *Gender Diversity and Corporate Performance*, analysed the performance of nearly 2,400 companies with and without women board members from 2005 to 2012. It concluded that

Relative share price outperformance of companies with women on the board looks unlikely to be entirely consistent, but the evidence suggests that more balance on the board brings less volatility and more balance through the cycle.²¹⁵

135. We have not attempted to establish whether a Board with female representation adds or diminishes the corporate financial performance. Instead, we have focused on whether a more equal and diverse board composition was a good objective in principle. This view was highlighted by the evidence of Dr Hazel Conley et al:

While the business case is important, especially as it is the only argument for diversity to which employers will respond, it can also be argued that having more women on Boards is a matter of equality and social justice and offers an opportunity for women to have a stake in the running of some of the most important and powerful business organisations in the UK, as decision-makers. Senior management, especially at Board level, is the area where women have made least progress in terms of breaking the cycle of vertical job segregation and its related repercussions for the gender pay gap.²¹⁶

136. Some of our witnesses believed that considering half the population was female, it also made wider business sense to include women in the strategic decision-making process of an organisation. Heather McGregor described the 30% Club's position in reference to this point:

The 30% Club is actually much more concerned about the effectiveness of boards, which does not necessarily mean financial performance. Financial performance will be heavily dependent on the CEO. We believe that more women on boards will deliver more effective boards and, apart from anything else, for many companies lots of their customers are women, for instance. I think it makes a lot of sense that Robert Swannell has a lot of women on the board of Marks & Spencer.²¹⁷

137. According to the Fawcett Society, the Equality and Human Rights Commission (EHRC) estimated that "at the current rate of change it will take more than 70 years to achieve gender-balanced boardrooms in the UK's largest 100 companies".²¹⁸ This rate of change is unacceptable, and if voluntary measures plateau or decline, the adoption of quotas must be considered. Indeed, in response to a question about whether the

214 Ev 196

215 The Credit Suisse Research Institute, *Gender Diversity and Corporate Performance*, 2012, introduction.

216 Ev w21

217 Q 71. As of March 2013, there were 15 Marks & Spencer board members, 4 of whom were women.

218 Ev 195

Government would ever consider quotas if voluntary measures do not work, the Women and Equalities Minister, the Rt Hon Maria Miller MP said:

I would certainly not rule them out, and I would want to ensure that companies knew that we were, as a Government, looking for real action here. It is only by making that clear that we can have the sort of effective action that is needed.²¹⁹

Women developing careers in order to be ‘boardroom ready’

138. We heard evidence highlighting the fact that women lack confidence in the workplace, either where they are under-represented, or when they apply for senior posts. Evidence from the Mentoring Foundation, which operates the FTSE 100 Cross-Company Mentoring Programme, highlighted how women’s perceptions of themselves can hold them back:

In our experience stereotyping and women’s failure to progress to the top of large organisations result from complex and often invisible barriers such as lack of confidence, preconceptions about what it takes to succeed, lack of relevant role models for women and feelings of isolation and ambivalence. Interventions which tackle these root causes are needed and our work demonstrates that effective mentoring relationships with powerful business role models (both male and female) fulfil those needs and can bring about real change.²²⁰

The Mentoring Foundation advocates “well-run effective programmes of mentoring relationships across industries and starting in schools, targeted at schools, young women entering the workplace and beyond”.²²¹ The benefits of mentoring were cited by many as having a positive effect on people’s perception of their own ability, which was summarised by Dr. Steel, from KPMG:

We have mentoring for men and women—it is not gender specific. Not everyone who goes through some form of mentoring necessarily gets promoted or moves upwards. It is only one part of a much bigger, rich mix of things you have to do to help to support women—and men, and people of different diversities—through the organisation.²²²

139. We are encouraged by the increase in the number of women on boards, and support the continued work of Lord Davies in his voluntary approach. We recommend that the Government highlights best practice of mentoring and networking initiatives run for women, in its Think, Act, Report initiative, in order to stress the importance of increased opportunities for women to apply for boardroom appointments. Those companies that are more successful nurture their potential leaders at all levels of the workforce.

140. While we support the voluntary approach of Lord Davies, we are concerned that the number of women appointed to FTSE 100 boards has decreased since December 2012. The Government has put on record its intention to take tougher measures, in the form of

219 Q 493

220 Ev 207

221 Ev 208

222 Q 210

quotas, if the voluntary approach does not work. The Government needs to set out clear figures, and a timescale, to outline to businesses what will be done if those targets are not achieved.

8 Conclusion

141. The recommendations in this Report are founded on the following underpinning conclusions:

- women comprise over half of the population. As such, a significant amount of public funds are invested in their education. Ensuring that women, as well as men, have the opportunity to realise their maximum potential is therefore as much an economic argument as one about equality.
- careers advice needs to be more robust—as part of a national careers strategy headed by the Government—enabling women to enjoy careers that have more opportunities and are better paid. Policies need to be put in place to remove historic barriers, cultural or otherwise, in order to enable women to have the opportunity to progress in hitherto male dominated sectors;
- men and women having equal pay for jobs of equal worth and having the same working terms and conditions leads to equality within the workplace and within the home;
- flexible working practices, from the senior management level to the workforce, lead to a more effective use of the available talent pool;
- increased opportunities for women, in the boardroom (at both executive and non-executive director level) and in the executive team;
- the more successful companies and organisations are those that nurture their staff at all levels of the workforce, appreciating long-term commitment from both employers and employees;
- transparency of data—when facts and figures are clear and consistent—leads to an understanding of where inequality arises and how such inequalities can be alleviated.

These conclusions need to be the benchmarks for Government policy and action. While voluntary approaches towards reaching equality of opportunity in the workplace are to be welcomed, more stringent regulation should not be seen only as ‘red tape’; it maybe` a necessary part of making businesses and organisations more economically sustainable. The Government has worked hard to promote the interests of women in the highest positions in organisations, and we welcome the Women’s Business Council’s Report “Maximising women’s contribution to future economic growth”.²²³ It makes the economic case for involving women’s participation in the workplace, but it falls short on strong recommendations to rectify the current inequality.

142. We started this Report with a quote from the Women and Equalities Minister, the Rt Hon Maria Miller MP, about the need for this Government to do more to ensure that

²²³ <http://womensbusinesscouncil.dcms.gov.uk>

women play their full part in the workplace. The Women and Equalities Minister—and the Government Equalities Office—themselves need to do more to promote a strategic approach to equality in the workplace. The Government needs to send a consistent, strong message about workplace equality—at all levels—and make clear that regulatory measures will be introduced should voluntary measure fail to deliver the desired outcomes. If, as Jo Swinson, Parliamentary Under-Secretary of State for Women and Equalities, told us, “the Government is absolutely committed to equality”,²²⁴ it must be prepared to take the necessary steps to make it a reality. The Equal Pay Act was passed in 1970 and inequalities still persist. We cannot afford to wait for another 40 years, for equality in the workplace to be achieved.

Conclusions and recommendations

In the report conclusions are shown in **bold**, recommendations are shown in ***bold italics***. In this list, recommendations are shown in *italics*.

Stereotyping of jobs and gender representation

Nature or nurture?

1. We are of the view, based on much of our written and oral evidence, that the root of the problem of the stereotyping of jobs come from the cultural context in which career decisions are made, not from innate differences between men and women. (Paragraph 17)

Schools and Careers advice

2. Independent, impartial advice from schools, from parents, and from organisations connected with education and business is crucial in informing young girls and young boys of the full range of career opportunities open to them. While we received evidence highlighting pockets of excellent careers advice given by individuals and organisations, we are concerned about the lack of comprehensive careers advice, as highlighted by the Education Committee's Report on careers guidance for young people. This lack of advice to young people—both girls and boys—needs to be addressed head on, and careers advice should be incorporated in the work of both primary and secondary schools, in the training of teachers and teaching assistants, and in the role of governors. At an early age, girls and boys are influenced by those around them, and all people involved in children's upbringing should view this influence as highly important. (Paragraph 27)
3. *At the heart of the issue of career aspirations for girls and boys is the need to have a cultural change through the educational system, at the point when pupils make subject choices. In this respect, we support the recommendations set out in the Women's Business Council's recent Report. We recommend that the Government develops an enhanced careers strategy, based on partnership working between the National Careers Service, the Equality and Human Rights Commission (EHRC), the National Apprenticeship Service, the UK Commission for Employment and Skills, the Department of Education, and the Department for Business, Innovation and Skills. Such a strategy must include firm targets and regular review processes to ensure that progress is maintained and is consistent across all parts of the country. The Government should also engage, where appropriate, with the devolved administrations, so that best practice can be shared. Within this Government-led strategy, there should be strong business-led engagement with this process.* (Paragraph 28)

Apprenticeships

4. *The Government is committed to improving the representation of women on boards, and has set specific targets for such an increase, and progress against the Davies Report has been encouraging. The Government should demonstrate the same commitment and leadership in the area of Apprenticeships. It should set targets for encouraging more women into Apprenticeship sectors where they are currently under-represented, and consider, where appropriate, how Apprenticeship funding can be used to support such a shift in gender representation. There should be publically-available data on the types of available Apprenticeships and funding, and what successful apprentices should expect in terms of careers and salaries. We repeat the recommendation in our Report into Apprenticeships: the National Apprenticeship Service (NAS) should be given specific responsibility and accountability both to raise awareness of Apprenticeships among under-represented groups and to promote positive action measures available to employers when employing Apprenticeships. (Paragraph 33)*

STEM subjects

5. *There are many excellent and diverse initiatives in the fields of science, technology, engineering and mathematics, such as the Athena SWAN Charter, Project Juno, and Wired for Success. These programmes encourage and recognise the participation of women in STEM subjects. The Government Equalities Office should compile a comprehensive list of such initiatives, with the aim of sharing best practice. The Government has powerful leverage in its funding of higher educational institutions, but is not using that leverage to force change. The Government also needs to compile specific data that shows the male/female ratio in these subjects. Data from institutions that have adopted specific initiatives for female participation should then be compared with data from institutions that have not adopted such initiatives. (Paragraph 39)*
6. *The Government should study the strategy behind the Davies Report, including the setting of targets, and should aim to tackle the skills shortages in a similar way. Programmes targeted at increasing participation of women have proved to be successful. Rather than reinvent the wheel, the Government should use that knowledge and replicate the measures that have proven success in delivering an increased take-up by women in certain professions. Higher educational institutions should demonstrate a track record in changing the unequal representation of men and women in these subjects. (Paragraph 40)*
7. *These specific recommendations are voluntary measures, but if the percentage figures do not increase within two years from the start of this initiative, the Government should look at regulation—either self regulation or Government regulation—to ensure a greater representative of women in under-represented professions and sectors. At December 2015, analysis of the information should be undertaken, and assessed. (Paragraph 41)*

Positive Action

8. *The positive action provisions in sections 158 and 159 of the Equality Act 2010 could be used more effectively to rebalance unequal representation of women in certain sectors. The Government should actively consider how they can promote better gender representation in their procurement policies, building on existing best practice as shown in the ‘Women in Construction’ project at the Olympic site. The Government should use the opportunities presented by the procurement of goods and services from the private sector to advance equality for women. They should produce an annual statement to illustrate the way in which Government contracts have been used to achieve this aim. The Government should make this provision more widely known to employers, with the potential to enable workforces to become more diverse and more representative of the communities that they serve. As with the Government targets for the number of women on Boards, targets should be set by the Government to encourage women to explore more atypical work sectors, especially in those sectors that have a skills shortage. (Paragraph 48)*
9. *We are concerned that the objectives of the Women and Work programme—that of supporting women in the workplace— could well be at risk, following the move from grant to challenge-based investment funding for Sector Skills Councils from April 2011. If the Government is serious about tackling skills shortages and readdressing gender inequality in certain sectors, it should be prepared to take responsibility for funding specific ‘Women and Work’ programmes, should the change in funding arrangements not deliver its initial aim of promoting employment for women. (Paragraph 49)*

Equality legislation and equal pay

Gender pay gap

10. *Published examples of equal pay best practice in the private sector would provide evidence that equal pay is good not only for individuals, but for business. We welcome the Government’s Think, Act, Report initiative to improve transparency on gender equality in the workplace. We urge the Government, through the Government Equalities Office, to promote the initiative more widely, and to use the evidence to prove that good employment practice is good for business. (Paragraph 58)*
11. *The gender pay gap is stubbornly persistent. It is unacceptable that women are still systematically paid less than men, over 40 years since the Equal Pay Act was passed. We recommend a review of the Think, Act, Report initiative in the Autumn of 2013, two years after its establishment, including statistical analysis of pay differentials, to determine whether it is helping to effect change. (Paragraph 59)*

Equal Pay Audits

12. *We welcome the Government’s proposal to give tribunals the power to require an employer to undertake an equal pay audit when discrimination has been proved. However, there is existing legislation addressing inequality in pay that has not yet been implemented. The Government should introduce regulations under Section 78 of the Equality Act 2010, to require large private sector employers to undertake and publish*

equal pay audits. That data could then be used to highlight where pay gaps exist. (Paragraph 63)

13. *The Equality and Human Rights Commission (EHRC) should make public those businesses that are non-compliant under Section 78 of the Equality Act 2010, as well as those examples of equal pay best practice in the private sector, to show that equal pay is good for business. (Paragraph 65)*

Public Sector Equality Duty (PSED)

14. *The Public Sector Equality Duty (PSED) is a useful tool to ensure that public bodies take steps to secure parity in pay, and in other terms and conditions of employment. The Government is nearing the end of a year-long review of the Public Sector Equality Duty—even though it was only introduced in 2011—in the interests of removing unnecessary burden on businesses and organisations. We do not believe that the Public Sector Equality Duty is an unnecessary burden on employers, but is a vital tool for the collation of evidence and for ensuring that steps are taken with the aim of achieving parity. The Government should send a clear message that the PSED is valued. We urge the Government to retain the PSED in its current form, unless a full analysis of its compliance by public bodies has been carried out by the EHRC, and the results of that analysis point towards the need for change. Published statistical analysis should be at the heart of that review. (Paragraph 70)*
15. *The Equality and Human Rights Commission needs to improve its performance in relation to the monitoring and assessment of compliance of the Public Sector Equality Duty. It should use its powers to issue compliance notices to those public bodies that have failed to comply with the PSED. The Government should give a clear statement of support for the EHRC in exercising these duties. (Paragraph 71)*

Equality Impact Assessments

16. *Equality Impact Assessments shine a light on the differing impacts of decisions, policies and practices adopted by large organisations, identifying those which might help to advance gender equality as well as those which adversely impact on particular groups. Given the fact that large companies have Human Resource departments that hold the relevant data, they are relatively easy to undertake, and they provide a positive context in which to work. We urge the Government to reconsider its decision to ‘call time’ on the undertaking of Equality Impact Assessments. This change in policy is in direct contradiction with the Government’s other measures directed at achieving equality in the workplace. (Paragraph 73)*

Changes to the Equality Act

17. *Reforms to employment legislation may make it harder for women to tackle inequality in the workplace. We urge the Government to remove the fee requirement for pregnancy discrimination cases. Pregnancy discrimination, by definition, affects women only and such a financial burden on those women would be in direct contradiction with the Government’s aim of removing inequality in the workplace. The impact of the new fee arrangements for other gender-related employment tribunal*

cases must be monitored, and kept under review to ensure that genuine cases of discrimination are not being stalled by the introduction of fees. We recommend that the questionnaire procedures in discrimination cases, which gives both employees and employers guidance about what information will be asked in an employment tribunal, should be retained. (Paragraph 77)

Data transparency

18. *The Government has already done much to ensure data about women in senior positions is collated, assessed and acted upon. However, as with the measures in place for increasing women on boards, the prospect of regulation can be a useful motivation for intransigent companies which fail to engage with the Think, Act, Report initiative. Only when there is consistent, reliable data on equality issues can progress be planned, achieved and measured. The Government Equalities Office should collate data on women in the workplace, including figures on part-time employees, what roles women return to after maternity leave, and specific ages or periods in the employment lifecycle. (Paragraph 78)*

Flexible working

Data transparency and a voluntary code of practice

19. *Without reliable, consistent data on the extent of flexible working—including part-time, job-share, and compressed hours—the Government, public and private sector employers, and employees cannot have clear understanding of who is working in such a way, in what sector, and how well they are performing. The data needs to be gathered and analysed by gender, race and disability, and by age and sector. The Government Equalities Office should oversee the collation of this data by the Office of National Statistics. (Paragraph 89)*
20. *The Government should collect and publish consistent data on the working practices of staff within its own Departments. This data should be reviewed on an annual basis, and those Departments with poor records of offering flexible working should be set achievable targets for improvement. (Paragraph 89)*
21. *We recommend the establishment of a voluntary Code of Practice by the Government, through the Government Equalities Office, to highlight best practice in relation to the provision of quality part-time and flexible working. The Government should draw attention to those organisations that encourage flexible working—for both men and women, at all levels of the workforce, including at a senior level—in order to dispel the myth that flexible working is problematic and cannot work. (Paragraph 96)*
22. *Flexible employment can work, when it is fully integrated into the workplace structure, with equal access for training and development opportunities alongside full-time workers. The voluntary Code of Practice should also highlight the ‘return-to-work’ experiences and opportunities for those many women who are qualified and experienced in their chosen work, and who wish to return to work after looking after young children. (Paragraph 97)*

23. *Currently, employees do not have the right to ask for flexible or part-time working within six months of starting a job. Staff should be entitled to ask for flexible working from the outset, unless there are justifiable reasons to the contrary. This should be led from the top management level, with the default position being the right to ask for flexible working, unless justified. (Paragraph 98)*

Small and medium businesses (SMEs)

24. *The Equalities and Human Rights Commission needs to take a more active role in supporting and advising SMEs, in relation to the issue of flexible working. Many SMEs are exemplars of flexible working, which benefits both the business and the staff, but others lack the knowledge to utilise flexible working successfully. The Government should invest resources in advising small and medium businesses, of the benefits of recruiting and retaining flexible workers, and it should highlight the work that organisations such as the Federation of Small Businesses do to promote the positive benefits of flexible working. (Paragraph 102)*

Maternity leave and Childcare

Parental leave proposals

25. *We welcome the reforms to maternity leave, which are part of the Children and Families Bill, including the right to shared parental leave, and statutory shared parental pay. This should lead to parental leave becoming a more gender-neutral matter. However, we appreciate the fact that for some small businesses, parent rights are not without occasional, but potentially significant risk to those businesses. (Paragraph 109)*
26. *We recommend that the Government collects data on pregnancy discrimination, in order to monitor its incidence, from the position of both employees and employers. This should be done in conjunction with our previous recommendation that women with pregnancy discrimination cases should not have to pay the proposed £1,200 tribunal fee. (Paragraph 110)*

Equality and Human Rights Commission (EHRC)

Proposed changes to the EHRC

27. *We welcome the fact that the Government reconsidered its intention to repeal the Equality and Human Rights Commission's general duty, as set out in Section 3 of the Equality Act 2006. However, we remain concerned at other Government measures that are weakening the EHRC's ability to carry out its general duty. In this Report, we have recommended that the EHRC should be providing: enhanced information and advice covering career strategies; equal pay audit and equal pay best practice advice; the monitoring and assessment of the Public Sector Equality Duty (PSED); data transparency advice; and support to SMEs. Funding is tight, but if the EHRC is to carry out all of these activities effectively, it needs to be better resourced. We welcome initiatives such as the EHRC's recent work with the meat and poultry industry, and*

recommend that that EHRC actively seek funding from other private business sectors for similar funding. (Paragraph 117)

Women in senior positions

The current position

28. *Much has been achieved as a result of the recommendations in the Davies Report of 2011. There are some exemplary organisations that have both promoted women to executive board level, and have ensured that women are progressing throughout the structure, and tangible results have been achieved. However, more needs to be done to consolidate that work and to ensure there are more women on boards, especially those on executive committees, and those holding executive directorships. The total number of women on boards can be deceptive, because there has been a drop in the percentage of women on executive committees, from 18.1% to 15.3% since 2009. The Government needs to monitor regularly the proportion of women holding both executive and non-executive directorships. (Paragraph 125)*

Progress

29. *We welcome the changes to the UK Corporate Governance Code and the new policy of 'comply or explain'. Boards will now report annually on their boardroom diversity policy, including gender, and on measurable objectives for implementing the policy. (Paragraph 128)*
30. *We are encouraged by the increase in the number of women on boards, and support the continued work of Lord Davies in his voluntary approach. We recommend that the Government highlights best practice of mentoring and networking initiatives run for women, in its Think, Act, Report initiative, in order to stress the importance of increased opportunities for women to apply for boardroom appointments. Those companies that are more successful nurture their potential leaders at all levels of the workforce. (Paragraph 139)*
31. *While we support the voluntary approach of Lord Davies, we are concerned that the number of women appointed to FTSE 100 boards has decreased since December 2012. The Government has put on record its intention to take tougher measures, in the form of quotas, if the voluntary approach does not work. The Government needs to set out clear figures, and a timescale, to outline to businesses what will be done if those targets are not achieved. (Paragraph 140)*

Formal Minutes

Tuesday 11 June 2013

Members present:

Mr Adrian Bailey, in the Chair

Mr Brian Binley	Rebecca Harris
Paul Blomfield	Ann McKechin
Caroline Dinenage	Mr Robin Walker
Mike Crockart	Nadhim Zahawi

Draft Report (*Women in the Workplace*), proposed by the Chair, brought up and read.

Ordered, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 142 read and agreed to.

Summary agreed to.

Resolved, That the Report be the First Report of the Committee to the House.

Ordered, That the Chair make the Report to the House.

Ordered, That embargoed copies of the Report be made available, in accordance with the provisions of Standing Order No. 134.

Written evidence was ordered to be reported to the House for printing with the Report in addition to that ordered to be reported for publishing on 25 October, 20 and 27 November, 4 December 2012 and 26 March 2013.

[Adjourned till Monday 17 June at 10.00 am

Witnesses

Tuesday 20 November 2012

Page

Danna Walker, Chair, Architects for Change, **Professor Jane Dacre**, Royal College of Physicians, and **Sheila Wild**, Consultant Ev 1

Diane Johnson, Electrical Contractors' Association, **Bola Fatimilehin**, Head of Diversity, **Royal Academy of Engineering** and **Clare Walker**, Royal Aeronautical Society Ev 8

Mike Buchanan, Chief Executive, Campaign for Merit in Business, **Steven Moxon**, researcher and author, **Dr Catherine Hakim**, sociologist, and **Dr Heather McGregor**, Director, Taylor Bennett Ev 14

Tuesday 27 November 2012

Brona Reeves, Barclays and the Employment Lawyers Association, **Jemima Coleman**, Herbert Smith Freehills and the Employment Lawyers Association, **Sarah Jackson**, Chief Executive, Working Families and **Denise Linay**, Royal College of Midwives Ev 23

Ceri Goddard, Chief Executive, the Fawcett Society, **Daisy Sands**, Policy and Campaigns Manager, the Fawcett Society, **Helen Wells**, Director, Opportunity Now, **Rachael Saunders**, Head of Communications and Policy, Opportunity Now, and **Sophie Garner**, Discrimination Law Association Ev 31

Sarah Veale, Head of Equality and Employment Rights, Trades Union Congress, **Ro Marsh**, National Officer, FDA and **Sharon Greene**, National Women's Officer, UNISON Ev 37

Tuesday 4 December 2012

Helena Morrissey, founder of the 30% Club and Chief Executive of Newton Investment Management, **Liz Murrall**, Investment Management Association, **Tim Ward**, Chief Executive Officer, Quoted Companies Alliance, and **Debbie Crosbie**, Director of Operations and IT, Clydesdale Bank Ev 45

Dr Ashley Steel, KPMG and **Peninah Thomson OBE**, The Mentoring Foundation Ev 54

Anya Hindmarch MBE, Chairman and Chief Creative Officer, Anya Hindmarch, **Dr Margaret Mountford**, Trustee, the Bright Ideas Trust and adviser on "The Apprentice" 2005-09, **Marie O'Riordan**, Editor-in-Chief, John Brown, and **Heather Rabbatts CBE**, first female Non-Executive Director of the Football Association Ev 62

Thursday 6 December 2012

Sir David Normington GCB, Civil Service Commissioner and Commissioner for Public Appointments Ev 73

Tuesday 18 December 2012

Dame Professor Jocelyn Bell Burnell DBE, British Astrophysicist, Chair of the Royal Society of Edinburgh's inquiry into Women in Science, Technology, Engineering and Mathematics (STEM), **Kate Sloyan**, Doctorial Prize Fellow in the Optoelectronics Research Centre, University of Southampton, and the Institute of Physics' 2012 Very Early Career Woman Physicist of the Year Award, **Helen Wollaston**, Director, the Women in Science and Engineering (WISE) Campaign, and **Trudy Norris Grey**, Chair, WISE Campaign Ev 81

Aurel Ciobanu-Dordea, Director, DG Justice, Directorate D Equality, European Commission Ev 87

Claire Martinsen, founder, Breckland Orchard, **Emma Heathcote-James**, founder, Little Soap Company, and **Mike Cherry**, Policy Chairman, Federation of Small Businesses Ev 90

Baroness Margaret Prosser of Battersea, former Deputy Chair and former Interim Chair, Equality and Human Rights Commission, **Mark Hammond**, Chief Executive Officer, and **Karen Jochelson**, Director of the Economy and Employment Programme, Equality and Human Rights Commission Ev 94

Tuesday 15 January 2013

Ruby McGregor-Smith CBE, Chair, **Fiona Woolf CBE** and **Eddie Gray**, Women's Business Council Ev 102

Rt Hon Maria Miller MP, Secretary of State for Culture, Media and Sport and Minister for Women and Equalities, and **Jo Swinson MP**, Parliamentary-Under-Secretary of State for Women and Equalities, Department for Business, Innovation and Skills Ev 110

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