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Deputy Louise Doublet
FAO – Gender Pay Gap Review Panel
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1st October 2018

Dear Deputy Doublet

Gender Pay Gap Review Panel – Written Submission

Thank you for the invitation to contribute a written submission to the Gender Pay Gap Review. As Children's Commissioner, my response will focus exclusively on issues that may impact on protecting the rights of children and young people in Jersey – this is not to say that there are not other issues associated with this topic, however it would be outside the remit of my role to comment on these. I will also take the opportunity to raise key questions that I believe need further investigation in Jersey.

Having ratified the United Nations Convention on the Rights of the Child (UNCRC) in 2014, the States of Jersey is obliged to do all it can, to the maximum extent of its available resources, to make sure every child can enjoy their rights by creating systems and passing laws that promote and protect children's rights. Whilst I welcome the recent changes to the Employment (Jersey) Law in terms of adoption and parental leave and the increase to 26 weeks entitlement, as employees are only entitled to be paid for the first 6 weeks, this will still lead to parents having no choice but to put babies of a very young age into childcare. We know that the first 1001 days is a critical time for a baby's development. We also know that a child's social and emotional development is strongly affected by the quality of their attachment to their caregiver(s). Are we confident that our adoption and parental leave rights are sufficient? Article 3 of the UNCRC requires that the 'best interests of the child must be a top priority in all decisions and actions that affect children.' Are we confident that these laws are in the best interests of the child?

In terms of economic activity rates for parents in Jersey, we know that 54% of the adults in single parent households with at least one dependent child under 5 years of age are working. 82% of the adults in couple households with at least one dependent child under 5 years of age are working (97% of men and 67% of women).¹ Are mothers returning to work because they want to, or because financially they have no other option? We need access to data that tells us the impact this is having in Jersey - what jobs are most affected by taking time off to have a family? What percentage of mothers are going back to work during 1001 critical days and why?

As a comparison, in Sweden parents are entitled to 480 days of paid parental leave when a child is born or adopted. For 390 of the 480 days, parents are entitled to nearly 80% of their

¹ Source – 2011 Jersey Census

normal pay. Those who are not in employment are also entitled to paid parental leave. Parental leave can be taken up until a child turns 8. Parents also have the legal right to reduce their normal working hours by up to 25% until the child turns 8. Additionally, in Sweden's efforts to achieve gender equality, each parent is entitled to 240 of the 480 days of paid parental leave. As a result of this, men in Sweden take nearly a quarter of all parental leave. Sweden's gender pay gap is also lower than the UK (13.4% compared to the UK at 16.8%).²

In terms of cultural 'norms' (such as the mother looking after the children and the father being the main breadwinner), the main focus on any working practices should be on employers providing the flexibility for families to achieve the balance that works for them – whether that is the mother, or the father, or both who are in employment. The focus should be on promoting more inclusive working practices in terms of parental leave policies and flexible working (without incurring penalties on earning potential/promotion) and I would ask what Jersey is currently doing to achieve this. We should be promoting working practices that mean women don't need to make a choice between having a career and having a family – and where not working full-time hours doesn't mean a stalled career and prospects.

The Equality and Human Rights Commission in the UK has identified ways in which employers may seek to address pay gaps, and I would recommend the Scrutiny Panel looks at how these can be applied in Jersey:

- Encourage applicants from genders not typical to the role, such as more men into social worker roles and more women into IT – ensure gender bias is removed from all recruitment processes
- Ensure flexible working practices are applied fairly across all levels of roles – remove any barriers to flexible working practices being introduced
- Review policies and practices that support childcare or other caring responsibilities to ensure equal support is available to men and women to undertake them
- Unlock the potential opportunities to upskill or retrain available through apprenticeships
- Review working practices in the lowest paid jobs – I would strongly recommend this also involves looking into how zero-hour contracts are being used, and the impact this is having on families in Jersey

I would also recommend that the Scrutiny Panel considers the findings and recommendations made within the National Assembly for Wales 'Work it out: Parenting and employment in Wales' report. The report contains numerous findings and recommendations that would be of value when considering options and solutions for Jersey. One key finding was that flexible working is key to reducing the gender pay gap, with the Committee recommending that the Welsh Government commits to advertising all of its jobs as 'flexible by default' by 2019-20, or to justify advertising a role non-flexibly.

Whilst I'm aware the focus of this review is on the gender pay gap I don't believe this can be viewed in isolation. It is, in my opinion, intrinsically linked with the value we put on childhood.

I look forward to seeing the outcomes and recommendations from the review.

Yours sincerely



Deborah McMillan
Children's Commissioner for Jersey

² Source – OECD Gender wage gap: <https://data.oecd.org/earnwage/gender-wage-gap.htm>