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A Human Rights Approach to Workplace Gender Equality in Ireland: An Analysis of the Legal and Policy Framework for Protecting Women's Rights and Promoting Gender Equality in the Workplace.

This thesis will examine the legal and policy framework for protecting women's rights and promoting gender equality in the workplace through an analysis of gendered work-life conflict, the gender pay gap, and gendered sexual harassment. By highlighting examples and research findings, this study aims to shed light on the persistent challenges that women face in the workplace and provide recommendations for improving gender equality policies and practices. Through this framework, this thesis will seek to discuss gendered work-life conflict, the gender pay gap, and gendered sexual harassment in the workplace. Through evidence, in relation to work-life conflict, women allocate more time into caring and domestic work as opposed to men (McGinnity. F and Russell. H, 2008). In response to this double burden of having to work outside the home while still being expected to take care of the majority of household and childcare responsibilities, there has been a growing trend of young women in South Korea who are choosing to stay single (Vos. A, 2022). Through Emslie's data, gender is suggested as a factor in negotiating work and home life. Although both men and women experienced difficulties balancing work and family, women challenges tended to last longer and be more complicated than men (Emslie. C, Hunt. K, 2008). With examples, Doris highlights how a company's average and median compensation may be significantly different if all of the most qualified workers are males, and all of the least qualified workers are women. In contrast, if a corporation has a 0% gender pay gap, it may appear that there is no potential of gender discrimination; nevertheless, if it is discovered that all of the best competent workers are women, that perspective must be revised (Doris, 2023). Sexual harassment is also addressed as workplace gendered inequality with reference to examples of cases, and various legislation and movements such as the DRCC.

Social stratification pertains to the classification of individuals within a society into different groups based on varying socioeconomic indicators such as education, income, race, ethnicity, gender, occupation, social status, or influence (Tony, E & Alant, A, 2007). According to a 2000 survey, approximately 58% of impoverished adults in Ireland were

women, highlighting the intersectionality of gender and poverty (Reilly, N., Sahraoui, N. and McGarry, O., 2021). This intersectionality is shaped by societal expectations and responsibilities, both within and outside the household. Women with disabilities who are impoverished are often among the most marginalised and isolated members of society. They are frequently excluded from women's movements due to their disability, from disability movements due to their gender, and from One-Third World contexts due to their poverty (Reilly, N., Sahraoui, N. and McGarry, O. 2021). Gender also resists single interpretations as the experience of women vary greatly in a given stratification context. Black poor American women's lives are different from white rich women's lives (Humphrey, M 2006).

Intersectionality is a foundational theory in feminism which was founded by Kimberlé Williams Crenshaw (Reilly et al., 2021). She had pointed out that gender, inequality, patriarchy, and misogyny are not isolated from other social constructs but intersect with them, specifically race. She had suggested that early feminism was mostly aimed at middle-class white women and showed that conflict theorists who argued for women to enter the labour market ignored the fact that many working-class women were already in the labour market. Crenshaw had focused on gender, race, and class but she did not have a reason to exclude other domains such as religion (Reilly et al., 2021). The data reveal that Ireland has the third highest rate of unpaid work for both women and men, and that the gap between men and women, at 15 hours per week, places Ireland very far down the league table within the EU28. This study also makes clear that over half of those carrying out unpaid care work are juggling these responsibilities with employment, and that women are overrepresented in the cohort of employees who avail of reduced hours in order to facilitate care and unpaid work (Reilly et al., 2021).

Gender inequality in the workforce remains a persistent issue, particularly for women who are expected to balance their work and personal lives. Despite significant progress towards gender equality in recent decades, women continue to face obstacles in career advancement, compensation, and work-life balance. This is a complex issue that requires a nuanced understanding of the cultural, societal, and structural factors that contribute to gender inequality in the workplace (European commission, n.d). In Ireland, there is a distinct disparity between men and women regarding the distribution of paid and unpaid work (McGinnity. F and Russell. H, 2008). Typically, men devote a significantly greater amount of time during the week to paid employment, while women allocate a considerable amount of time to caring and domestic work. Although both genders have less employment time on

weekends, women's time spent on unpaid work and caring tasks remains largely unchanged, leading to a gender gap in leisure time. Moreover, men and women differ in the type of unpaid work they perform, as men are more likely to participate in social/emotional childcare, while women primarily engage in physical care/supervision. The increasing participation of women in the labour market has led to discussions about whether traditional gender roles have been altered or if women are simply adding a "second shift" to their responsibilities. This concept of a "second shift" suggests that women's involvement in paid employment is being added on top of their household work, or that any decrease in the time spent on unpaid work is not enough to make up for the additional time spent in paid work (McGinnity. F and Russell. H, 2008). While women have made significant strides in education and employment, they continue to face gender-based discrimination in many aspects of their lives. There has been a growing trend of young women in South Korea who are choosing to stay single, often in protest against societal pressures to get married and have children (Vos. A, 2022). One of the main reasons for this trend is the perception that men in South Korea are not doing their fair share of domestic work and childcare, even as women increasingly participate in the workforce. Women in South Korea often face a "double burden" of having to work outside the home while still being expected to take care of the majority of household and childcare responsibilities. This has led to widespread feelings of exhaustion, burnout, and frustration among many women, and has even been cited as a major factor in the country's declining birth rate (Vos. A, 2022). To address this issue, some women's rights groups in South Korea have called for greater government support for working mothers, including measures such as more affordable childcare and flexible work arrangements. Some have also called for a broader cultural shift that values the contributions of women in both the workplace and the home. There is a growing movement among women who are choosing to remain single or delay marriage and childbearing due to the belief that men have not done enough to share the burden of household and childcare responsibilities. This movement has been referred to as the "sampo generation," which translates to "three abandonments" and refers to the idea that young South Korean women are abandoning three traditional societal expectations: marriage, children, and career advancement (Vos. A, 2022).

There is a paucity of qualitative studies that have aimed to compare the perceptions of men and women regarding the intersection of work and home life. Emslie and Hunt's study examines how middle-aged men and women navigate the boundaries between paid work and other aspects of their lives. The research on parental negotiation is noteworthy for its

sampling of middle-class couples in the UK during a specific phase of the life course, namely early family formation, instead of employees across different age groups (Emslie. C, Hunt. K, 2008). The study highlights the salience of gender in shaping work-family experiences where non-employed mothers encountered difficulties in reconciling the demands of domestic work and childcare, while fathers were able to leave domestic issues behind mentally and physically as they commuted to work. Parents employed coping mechanisms to sustain the perception of a fair division of household labour, despite evidence that fathers had a peripheral role in family life. For instance, most families held the belief that fathers were willing and available to assist with domestic tasks (Emslie. C, Hunt. K, 2008). Despite similar circumstances, the data suggests that gender remains a factor in negotiating work and home life. Although both men and women experienced difficulties balancing work and family, women's challenges tended to last longer and be more complicated. Their project presented two methodological limitations. First, their findings could not be solely explained by their sampling approach. In their semi-structured interviews, respondents who expressed less traditional attitudes towards work and gender roles, such as men who worked to live and independent women, did not necessarily come from less conventional demographic groups, such as those who had never married or had children or those with very high or low masculinity scores (Emslie. C, Hunt. K, 2008). Therefore, changes in marital status, socioeconomic status, resources, and parenting experiences appear to be equally, if not more important than similarities or differences between individuals in the same age cohort in shaping gender identities. Second, the integration of work and family life is closely intertwined with constructions of identities, and questions on this topic may be perceived as threatening. Given that women are typically expected to balance work and family life, it is possible that they may find such questions more challenging than men. Their data provides evidence that the working-class women respondents experienced these questions as a threat. Their narratives suggest that they initially tried to downplay any issues with work-life balance, emphasizing that they coped and "just got on with it" (Emslie. C, Hunt. K, 2008).

In Ireland, the gender pay gap of approximately 14%, which is in line with the average observed across OECD countries. Based on the most recent data available, approximately 76.2% of men and 55.3% of women were employed in Ireland in 2020. In relation to leadership positions, women make up approximately 22% of board members in Irish companies listed on the Irish Stock Exchange, and only 33% of senior management positions in Irish businesses, according to a 2021 report by Grant Thornton (Donovan. S,

2023). Despite attempts made by both the Irish government and various organizations to promote gender equality in the workplace and address the gender pay gap, disparities in employment rates and leadership positions persist. Women in Ireland face a significant gap in part-time work, where they are overrepresented, and part-time jobs tend to pay less than full-time employment. Women are more likely than men to work part-time, with 26% of women working part-time compared to only 11% of men. This situation contributes to the gender pay gap, as women are more likely to occupy lower-paying jobs (Social Justice Ireland, 2023). Gender wage disparity in Ireland, sometimes known as the "sticky floors to glass ceilings" phenomenon, has been blamed on a variety of variables, including maternity, children, and sectoral segregation (Valiukaite, 2023). It is well known that women are punished for having children, with an estimated 20% lower income than males. This decline is frequently linked to causes such as occupational and sectoral segregation, fewer working hours, and lower salary rates. Furthermore, according to Eurofound's most recent report (2021), women's overrepresentation in lower-paying jobs and under-representation in managerial positions exacerbate the gender pay gap in Ireland. Despite the claim that women's career choices influence their earnings, it is clear that women's experience and expertise do not translate into comparable career advancement and earnings as men (Valiukaite, 2023). The concept of the glass ceiling can be applied here to demonstrate that gender inequality persists even if women achieve high-income positions or choose alternative lifestyle paths. Moreover, studies indicate that the GPG in high-income positions only increases further up. This article provides a critical analysis of the EU and the Irish state's role in addressing the persistent gender pay gap (Valiukaite, 2023). It is suggested that various historical and contemporary factors influence the degree to which the EU and Irish social policy impact women's lives. While the EU is committed to promoting gender equality and creating an environment that supports the flourishing and success of both genders, available data indicate a lack of political will to achieve this goal. Despite the EU's supportive measures for Irish women in employment, the progress made in reducing the gender pay gap has been slow in recent years. Women continue to experience financial penalties related to child-rearing and are further disadvantaged in later life due to pension gaps. The constitutional provision of Article 41 serves as a reminder of the Irish state's stance on gender equality, which is still lacking. The gender pay gap has been further exacerbated by various crises, including the 2008 financial crisis and the recent COVID-19 pandemic, which have disproportionately affected women (Valiukaite, 2023). It is clear that the gender pay gap is not merely a result of individual choices and differences in qualifications and skills but is also influenced by a range of social,

cultural, and political factors. These factors include the gendered division of labour, the undervaluation of women's work, and discrimination in recruitment and promotion.

In examining gender pay gap figures, it is important to consider the context in which they arise. It is possible that a company may have a substantial gap in average and median pay if all the most qualified workers are men and all the least qualified workers are women. Conversely, if a company has a gender pay gap of zero, it may appear that there is no possibility of gender discrimination; however, if it is discovered that all the most qualified workers are women, this would require a revision of that view (Doris, 2023). Although gender pay gap figures may not always be useful in pinpointing discrimination, they are crucial in encouraging companies to address the issue of gender balance in their organization, particularly in senior roles. Even if men and women are paid the same hourly rate at each level of a company, a substantial gender pay gap may still exist if most of the senior management positions are held by men. Therefore, gender pay gap figures can serve as a means to raise awareness and promote discussion on the issue of gender inequality in the workplace. They can also incentivize companies to take action to improve gender balance in their leadership positions, which is a necessary step towards closing the gender pay gap. For example, Ryanair's reported mean gender pay gap of 46% has raised questions about the reasons behind such a significant discrepancy (Doris, 2023). However, the median gap of 4% suggests that there may not be a significant difference in pay between men and women at each level of the company. Ryanair itself explains the mean pay gap. The majority of its pilots are male, which is a highly paid position, and this skews the overall average. When pilots are excluded, the pay gap becomes negative, indicating that women are paid, on average, slightly more than men. However, it should be noted that excluding pilots may not be a valid approach if there are qualified female pilots who could be hired. Ryanair has stated that it is actively working to address the gender imbalance among its pilots and that it is seeing more women coming through its pilot cadet courses (Doris, 2023). It is possible that the high mean gender pay gap figure has motivated Ryanair to increase efforts to recruit women into pilot cadet roles, which could help to address the gender pay gap in the future. Despite the progress made in the public sector towards pay equality, the private sector lags behind, and even in the public sector, there remain significant gaps in mean pay favouring men. The largest mean pay gap among government departments is found in the Department of Transport, which reports a 20% disparity. However, one department, the Department of Children and Equality, reports a negative gap of 4%, indicating that women earn 4% more than men on average. Nonetheless,

the majority of departments fall within the range of 5-12% gap. While the gender pay gap has closed considerably since the implementation of equal pay legislation in the 1970s, most experts in the field believe that progress has slowed or stopped altogether over the past decade (Doris, 2023).

In 2019, Ireland introduced the Gender Pay Gap Information Bill, which requires companies with 250 or more employees to disclose their gender pay gap (Social Justice Ireland, 2023). The Department of Justice and Equality's Gender Equality Division is in charge of managing and coordinating gender equality policies and programs throughout all government ministries and departments. Gender-based discrimination in employment, vocational training, advertising, and the supply of goods and services is prohibited by the Gender Equality Acts 1998-2018, which establish a statutory foundation for gender equality in Ireland. In addition, the Acts create the Equality Tribunal, which hears complaints of gender discrimination. In addition to these Acts, Ireland has a National Strategy for Women and Girls 2017-2020, which specifies various goals for achieving gender equality. Along with these Acts, Ireland has a National Strategy for Women and Girls 2017-2020, which outlines a slew of goals for advancing gender equality in areas like education, employment, health, and leadership in which the Department of Justice and Equality oversees the policy (Social Justice Ireland, 2023). However, there are still limitations in Ireland's gender equality legislation. For starters, the rule does not apply to the private sector, which has the largest gender wage difference. Second, the legislation's enforcement is weak, with insufficient fines or punishments for noncompliance. Furthermore, companies are not required to report on gender pay disparities, making it difficult to identify and correct pay disparities (Social Justice Ireland, 2023).

In the workplace, gender-based violence can take the form of harassment and discrimination, two separate yet related behaviours (Citizensinformation.ie, 2020). When someone is treated unfairly due to their gender, discrimination occurs. This can lead to unfavourable outcomes like being refused employment, being paid less than male co-workers for the same job, being passed over for promotions, or being held to different performance standards than male colleagues. These discriminatory actions may be direct or indirect, and they may result from the policies and practices of particular people or entire organizations. Contrarily, harassment refers to any unwanted behaviour, verbal, physical, or visual, that makes an office environment unfriendly or threatening depending on a person's gender. This

can involve unpleasant language or gestures, unwelcome physical contact, or the display of sexually explicit remarks or actions. Harassment can be perpetrated by co-workers, supervisors, or clients, and it can negatively affect the victim's wellbeing by leading to mental health issues, job discontent, decreased productivity, and few prospects for professional advancement (Citizensinformation.ie, 2020). For both people and society as a whole, discrimination and harassment have serious negative effects, including unequal access to work, education, and other opportunities, lost productivity, and slowed economic growth. To address these concerns, a comprehensive strategy is needed that includes policy revisions, legal safeguards, and a dedication to fostering inclusive and secure workplaces for all staff members (Citizensinformation.ie, 2020).

In Ireland, there have been several high-profile cases of sexual harassment in the workplace in recent years. One example is the case of a well-known sports broadcaster who was accused of sexually harassing a female colleague. The broadcaster was suspended from his job while an investigation was conducted, and he later resigned from the position (Breakingnews.ie, 2022). The incident prompted a public debate about sexual harassment in the media industry in Ireland and led to calls for better protections for employees. Another example is the case of a female employee of a major Irish retailer who was subjected to sexual harassment by her supervisor (Getty, 2021). The employee reported the harassment to her manager, but the company failed to take appropriate action to address the behaviour. The employee eventually took legal action against the company and was awarded a settlement in recognition of the harm that had been caused to her. A third example is the case of a female civil servant who was sexually harassed by a senior colleague (Bourke, 2022). The woman reported the harassment to her superiors, but they failed to take any action to address the behaviour. The woman eventually took legal action against the government department where she worked and was awarded a settlement. These cases highlight the prevalence of sexual harassment in the workplace in Ireland and the need for employers to take proactive steps to prevent and address the behaviour.

The Matrix Recruitment Workplace Equality Survey in Ireland uncovers alarming trends surrounding prejudice and inequality at work. Despite the COVID-19 pandemic's increase in remote work, 18% of respondents said they had experienced sexual harassment at work, a significant increase from the 10% reported in 2019 (BreakingNews.ie, 2021). Additionally, 60% of those polled expressed concern about the lack of opportunities for

people of colour, and 50% of respondents said that racism was a problem in their workplace. The most common form of discrimination cited was pay discrimination, which 42% of respondents said was a problem. Nearly a quarter of those who felt their pay was unfair said they knew of a colleague of the opposite sex who was paid more for the same job. 55% of respondents said they would bring up the matter with their boss, 14% would seek for a wage boost, and 12% would look for another employment when asked how they would address pay discrimination (BreakingNewsie, 2021). Surprisingly, only 1% said they'd think about leaving their jobs because of the issue. The study also revealed that there is a "glass ceiling" for women, with 74% of participants saying it exists in Ireland. Only 28% of respondents, however, claimed to have encountered it at their own place of employment. 53 percent of respondents felt that males had greater possibilities for advancement, while 43 percent said there was an "equal playing field" in this area. According to Joanne Foley of Matrix Recruitment, the survey's findings show that professional discrimination against women is still a problem, and that unconscious bias contributes significantly to the maintenance of inequality. Foley underlines the need of requiring managers and HR teams to complete unconscious bias training in order to address and ultimately get rid of discrimination and the glass ceiling (BreakingNewsie, 2021).

A recent survey conducted by the Dublin Rape Crisis Centre (DRCC) investigated the prevalence of sexual harassment in Ireland (Dumbrell, 2022). The research surveyed 940 individuals, primarily women, and found that 75.7% (712) of the respondents had reported experiencing sexual harassment. From this group, more than half reported experiencing harassment in the workplace, highlighting the persistence of this issue in professional settings. The incidence of sexual harassment remained consistent with the previous year, indicating a lack of progress in addressing the problem. The study also revealed that women and younger adults were among those most likely to have experienced sexual harassment in the past year. Specifically, one in four women aged 18-34 reported being sexually harassed during this time period (Dumbrell, 2022). These findings demonstrate the continued vulnerability of women to sexual harassment, particularly among those in the early stages of their professional careers. The DRCC survey provides insight into the ongoing problem of sexual harassment in Ireland and underscores the need for effective interventions to prevent and address this issue (Dumbrell, 2022). The prevalence of sexual harassment in the workplace highlights the importance of creating safe and respectful professional environments for all employees. Furthermore, the study's findings suggest that targeted

efforts are needed to support and protect women, particularly those in younger age groups who may be particularly vulnerable to harassment.

The government has recently introduced new legislation aimed at strengthening protections for employees who experience sexual harassment, including the establishment of a new Workplace Relations Commission to oversee complaints and investigations (Houses of the Oireachtas, 2022). A 2018 survey conducted by the Irish Congress of Trade Unions found that almost one in three women had experienced sexual harassment at work. The survey also found that younger workers were more likely to experience harassment, with almost half of female workers aged 18-24 reporting that they had been harassed. In 2020, a survey of Irish third-level students conducted by the Union of Students in Ireland (USI) found that almost one in four students had experienced sexual harassment while on a work placement or internship. The survey also found that only 20% of students who experienced harassment reported the incident to their college or university (Houses of the Oireachtas, 2022). Under the legislation, employers have a duty of care to provide a safe and respectful working environment for their employees. This includes taking steps to prevent and address sexual harassment in the workplace, such as implementing anti-harassment policies, providing training to employees and managers, and conducting investigations into complaints of harassment (Office, 2020). In addition to the legal framework, many employers in Ireland have their own policies and procedures in place to prevent and address sexual harassment. These policies often describe what sexual harassment is, how to report instances of it, and what resources are available to help victims. Employees are protected against sexual harassment at work by trade unions as well. Numerous unions offer assistance and advocacy for their members who have been the victims of harassment. They may also engage in negotiations with employers to enhance workplace policies and practices. Limitations might include the underreporting of workplace sexual harassment, which is a common problem and has been found to be influenced by a number of factors, including fear of retaliation, disbelief or minimization of the victim's experiences, lack of trust in the reporting process, and worries about detrimental career consequences (Office, 2020).

A study conducted by the European Union Agency for Fundamental Rights found that only 14% of women who experienced sexual harassment reported the most serious incident of harassment to their employer or relevant authority (Shreeves & Prpic, 2019). This underreporting can limit the effectiveness of policies and procedures in addressing sexual harassment in the workplace, as it can lead to a lack of awareness and accountability. An

inadequate response by employers and authorities to reports of sexual harassment can further perpetuate the issue and create a culture of impunity. This can include a lack of investigation or follow-up, failure to take appropriate disciplinary action, or victim-blaming. Inadequate responses can also create a lack of trust in the reporting process, making victims reluctant to come forward in the future. A study conducted by the European Parliament found that many women who reported sexual harassment in the workplace were dissatisfied with the response, with some reporting that no action was taken or that the situation worsened after reporting (European parliament, 2018). While there are legal protections in place to address sexual harassment in the workplace, enforcement of these laws can be challenging. Victims may not have the resources or support to pursue legal action, and employers may not face adequate consequences for failing to prevent or address harassment. This can perpetuate a culture of impunity and make it difficult to hold perpetrators and employers accountable. A study conducted by the International Labour Organization found that the majority of countries lacked a strong enforcement mechanism for addressing sexual harassment in the workplace, and that the burden of proof was often placed on the victim, making it difficult to hold perpetrators accountable (ILO Newsroom, 2022).

This thesis investigated the legal and policy framework for preserving women's rights and fostering gender equality in the workplace in Ireland, with an emphasis on the long-standing challenges of work-life conflict, the gender wage gap, and gendered sexual harassment. According to the literature, women continue to encounter substantial difficulties in managing their job and personal life, with women dedicating more time to caring and domestic chores than males. Furthermore, the data highlights persistent gender inequalities in the distribution of labour and responsibilities within the household, with women facing longer and more complex challenges than men in balancing work and family. The data also shows that the gender pay gap is still a problem in many workplaces, with the possibility of discrimination against women even in businesses where there appears to be no pay disparity because all of the most qualified employees are female. Last but not least, gendered sexual harassment is a problem that needs more consideration and response from both policymakers and businesses. In conclusion, this thesis emphasizes the significance of a human rights approach to workplace gender equality, where all employees' rights are upheld and supported regardless of their gender.

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