

Jersey's Gender Pay Gap

Follow-up Review

Gender Pay Gap Scrutiny Review Panel

13 April 2022

S.R.6/2022



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1. Chair's Foreword

Since we published our report in 2019, I am disappointed to see that the public sector gender pay gap has widened. This is partly due to there being significantly more men than women in the most senior positions within Government. I thus welcome the appointment of Jersey's first female Chief Executive Officer for the Government of Jersey. This may not address the fundamental issues which prevent women from moving up the promotion ladder - however I am hopeful that the new leader of our civil service will champion some of the issues in this report and confidently lead change from the top.

Many of the issues causing the gender pay gap in Jersey were identified by the Review Panel in 2019 and continue to exist today - gender stereotypes, occupational segregation, unconscious bias, glass ceiling (and as one stakeholder referred to - the "sticky concrete floor"), more women taking on domestic commitments and caring responsibilities.

The Covid-19 pandemic has unfortunately exacerbated the gender pay gap in Jersey, disproportionately impacting women in the home and workplace. More women were taking on the responsibility of home schooling and more women either left work or reduced their hours to fit in with childcare duties. These gaps in employment impact on chances for promotion compared to men who are more likely to stay in work continuously, full-time.

The Government must lead by example and provide opportunities for all - whether that be offering flexible working, improving access to affordable, high-quality childcare or creating a culture where fathers, as well as mothers, feel comfortable, and will not be penalised, for asking to reduce their hours. Indeed we should be encouraging and celebrating male caregivers and ensuring that men are not denied their rights to raise their families, be equally responsible for household tasks, or care for elderly parents. It is only by achieving equality in the home that we can achieve equality in the workplace.

Since we published our first report, the Government has introduced a number of measures which are welcomed by the Panel. This includes the appointment of a Diversity, Equity and Inclusion consultant, the Inspiring Women into Leadership and Learning (I WILL) initiative and the Flex Positive initiative which aims to provide flexible and agile working across the public sector. We hope the Government builds on these initiatives and over time we see that the public sector gender pay eventually starts to close and not widen.

Throughout this report, many of the statistics presented and the language used focuses on men and women. The subject of this report is by its very nature, a gender based issue, so it was difficult for the Panel to be as inclusive as we would have liked to be with the language used. I want to take this opportunity to emphasise that we understand gender is not a binary and that there will be a number of islanders who identify as trans, non-binary, or intersex, who are also affected by the issues in the report. Indeed these individuals are likely to have intersecting identities which may empower or oppress in different ways to cisgender islanders (a person whose gender identity and sex assigned at birth are the same). I am committed to continuing to educate myself in this area so that I can be an effective ally, and I encourage my colleagues to do the same.

I would like to thank my fellow Review Panel members for their valued contributions and the Ministerial team for their time and willingness to engage openly. I am hugely grateful to the members of the public and organisations who contributed to our review, particularly to those who joined us for public hearings. Finally, the Panel has been very lucky to be assisted by excellent Scrutiny staff and I appreciate all of their hard work throughout.



Deputy Louise Doublet
Chair, Gender Pay Gap Review Panel

2. Executive Summary

The Scrutiny Liaison Committee established a Review Panel in 2018 to examine whether there was a gender pay gap in Jersey. In July 2019, the Panel published its report '[Is there a Gender Pay Gap in Jersey](#)' which concluded that there is a gender pay gap but wide-ranging statistical evidence is required in order to assess the extent of it in the Jersey economy.

Following publication of the report, the Panel committed to undertaking a follow-up review once enough time had passed for its recommendations to 'bed-in'. Rather than recommending that statutory measures were introduced, the Panel opted for a soft approach in the first instance by suggesting a number of recommendations which focused on initiating a cultural shift. This review has assessed whether any progress has been made in closing the gender pay gap since 2019.

Data on the gender pay gap

The Panel welcomed the publication of Jersey's first public sector gender pay gap report in October 2019 which showed the difference in the average (median) pay between all men and women in the workforce was 18.3%. In the Government's second report detailing the 2020 figures, the median average has gone up from 18.3% to 24.3% - which means the gender pay gap in the public sector has widened.

Without statutory reporting lines, very few private sector organisations currently disclose their gender pay gap, so it has not been possible for the Panel to gather sufficient statistics of the private sector gender pay gap. However in PwC's Channel Islands Women in Work Index 2021 it found that workplace gender inequality in the Channel Islands increased between 2017 and 2019 with Jersey falling from 20th to 24th of the 35 jurisdictions examined. These figures show that there has been little, or no progress made in closing the gender pay gap, which has largely been fuelled by the Covid-19 pandemic.

Government initiatives

The Government has committed to closing the gender pay gap in the public sector and to deliver programmes aimed at targeting the barriers to progression and increasing opportunities for employees in under-represented areas of the organisation. This includes a People Strategy which outlines the Government's ambition to be a forward-thinking organisation, which offers high-quality public services, values its people and grows its talent for the future. Through this Strategy, the Government has committed to take action in relation to diversity, equality and inclusion.

The Government has also launched a Flex Positive initiative which aims to provide flexible working across the public sector. The Panel welcomes this approach, particularly as it received evidence in 2019 that many women found that options were limited in terms of succeeding in their career whilst having to juggle childcare responsibilities with work.

Although the Panel supports the aims of the initiative, it is mindful that flexible working will not be accessible to everyone, particularly uniformed services and those working in education. The Panel believes that access to flexible, affordable high-quality childcare would help address the challenges around flexible working for those who are not in '9 to 5' roles.

Factors that contribute to the gender pay gap

In 2019, the Panel commented that, although there can be many factors which contribute to a gender pay gap, the most common themes are: gender stereotypes, occupational segregation, unconscious bias, glass ceiling, domestic commitments and caring responsibilities.

Stereotypes and occupational segregation

The Panel has found that stereotypes towards men and women in wider society continue to encourage young people to opt for subjects of study that perpetuate occupational segregation in the future. In the 2021 Children and Young People Survey, males were significantly more likely than females to be interested in IT, engineering and sport, while females were significantly more likely to be interested in medical, education and hair and beauty.

In order to address this, the Panel recommends that an audit of registered childcare providers, pre-school and primary schools is undertaken to ensure gender neutral practices within the curriculum and the general culture and ethos. The Panel acknowledges that a gender-neutral learning environment is not necessarily one that is gender-free, rather, it is an environment in which teachers and children avoid gender stereotyping and aims to ensure that all children are appreciated, respected and treated equally. This would challenge and work against the idea that 'boys will be boys' and 'girls will be girls'. The results of the review should be published in order to demonstrate how a gender sensitive approach to teaching is encouraged and resourced.

The Panel has also suggested that school and college curriculums are Equality Impact Assessed. This is an evidence-based framework designed to help make sure that decisions or changes are fair which would ensure discrimination, bias and stereotyping is removed.

Unconscious bias

In 2019, the Panel identified that automatic associations based on gender, such as assuming a woman will have a child in her 30s, was a contributing factor to the gender pay gap. The Panel noted that organisations can implement a number of initiatives to make recruitment practices more gender neutral, thereby ensuring the focus is on those who are most skilled for the role.

Although the principle of greater anonymity of candidates in the recruitment process was supported by the Chief Minister in 2019, there has been limited progress from the Government in ensuring that any bias is eliminated within its recruitment practices. As part of changes to recruitment practices within the public sector, the Panel has recommended that the name, age, gender and place of education should be removed from applicants' CVs to ensure that candidates are appointed based on their skills.

Domestic and caring responsibilities

In 2019 the Panel found that it is more often women who take time out of the workplace to care for children (or elderly relations). The cost of childcare was identified as a factor which prevents parents, mostly women, from returning to work. This impacts on women's careers the most as it is generally the mother who takes on primary caring responsibilities.

In his response to the 2019 report, the Chief Minister accepted that the cost of childcare is particularly sensitive in Jersey and the changes to the family-friendly policies would hopefully go some way to improve the situation. The Panel welcomes the enhanced family friendly policy and hopes that it will initiate a culture change within Jersey that mothers, as well as fathers take on responsibility for childcare. Over time, the Panel is hopeful that this will contribute to closing the gender pay gap.

Impact of Covid-19

A number of stakeholders commented on the impact of Covid-19 which has impacted men and women differently. The Panel found evidence that suggests that the socio-economic effects of Covid-19 have fallen disproportionately on women. More women than men took on the burden of home-schooling and additional labour in the home during the pandemic and more women than men are employed in the industries that were hit hardest by the pandemic, such as hospitality, travel, education and retail.

The acceptance of flexible/home-working has been an “upside” to the pandemic which may be of benefit to many working parents. However, employers will need to be careful to mitigate the risk of a two-tier system of career progression - with promotion more likely for employees able to work regularly in the office compared to those working more hours from home.

In terms of the Government’s response to the pandemic the Panel does not consider that a gender sensitive approach to its policies was considered. There was no specific consideration of gender inequality or the social impacts of the pandemic on women during Scientific and Technical Advisory Cell meetings. During the lockdown periods, the Jersey Advisory and Conciliation Service received more contacts from women than men regarding concerns about working at home and a lack of additional childcare provision.

Future considerations to close the gender pay gap

The Panel has identified a number of key areas which the Government should focus on in order to make real progress on closing the gender pay gap. These are:

1. Encourage flexibility in the workplace

The Panel’s 2019 report highlighted the importance of flexibility in the workplace, particularly for both parents so that women do not have to make a choice between having a career and starting a family. The Government has made progress in this area with the work on its Flex Positive initiative and there seems to have been a wider cultural shift in society with the introduction of more flexible working practices, largely initiated by the pandemic.

The Government should continue to encourage flexible working practices which are inclusive for everyone, including those who do not work in normal ‘9 to 5’ roles. The Government should also look at mitigating any risks to flexible working including the creation of a two-tier system where those who are based in the office are not afforded more opportunities than those who are based at home.

Although part-time work is a good enabler for women in the workplace, particularly after children, the Panel has found that it can “trap” them in roles, meaning less pay and progression. Through its Flex Positive initiative, the Panel has recommended that the Government should work towards de-

stigmatising part-time working within the public sector and create a culture where men, and fathers/male caregivers in particular, feel comfortable, and will not be penalised, for asking to reduce their hours.

More widely amongst the business community in Jersey, employees are able to make an application to request changes to their hours of work, their times of work and their place of work under the Employment (Jersey) Law 2003. Although employees can request flexible working, it is currently not the default position. The Panel recommends that the Minister for Social Security should direct the Employment Forum to consult with businesses and employees in order to improve the existing statutory framework for flexible working including measures to help make it the default position unless employers have good reasons not to.

2. Provide greater access to childcare

In its 2019 report, the Panel found that the cost of childcare was a factor which prevents parents, mostly women, from returning to work. This has impacted on women's careers the most as it is generally the mother who takes on primary caring responsibilities.

The Panel has found that there are a number of challenges faced by women in Jersey who want to achieve a successful and fulfilling career and contribute to the economic well-being of their families. Many women across the spectrum of occupations consider that the high cost of childcare often prevents them from achieving their family objectives. The Panel recommends that the Government should commission an independent review of childcare in Jersey to include accessibility, flexibility, quality, and affordability in order to better inform its future policy making decisions in this area.

3. Introduce statutory reporting measures

Given that the Panel has found little evidence to suggest that any progress has been made in closing the gender pay gap in Jersey, which has actually been exacerbated by Covid-19, it believes that statutory reporting should be introduced as a matter of urgency. The Panel has recommended that the Chief Minister should take the necessary action to introduce statutory gender pay gap reporting which should include a requirement for businesses to publish a 5-year action plan alongside their reports. In preparation for statutory reporting in Jersey, a consultation should be undertaken with businesses in order to determine the appropriate threshold level for mandatory reporting and what level of support businesses might require in order to report on their gender pay gaps effectively.

4. Introduce a political lead for diversity, equality and inclusion

Although the Government has appointed a Diversity, Equality and Inclusion (DEI) Consultant to deliver the DEI Strategy within the public sector, the Panel believes that a political lead for DEI matters should also be introduced.

The Panel believes that a Ministerial position within the States Assembly would introduce an enhanced diversity perspective and would provide the opportunity for a political lead to champion the causes related to the gender pay gap and more widely, diversity, equality and inclusion.

5. Gather better data

In 2019, the Panel highlighted the need for the collection of hard data in Jersey on both the structural issues (impact of policies and working practices) that can create barriers for women and on the cultural issues (stereotypical views and values) that can create biases about women's capabilities.

The Panel believes that this type of data would enable the Government to be better informed in adopting gender sensitive approaches to policy making and would have been particularly beneficial during the pandemic. If the relevant data had been available, this may have offered the Government with more opportunity to mitigate any economic inequalities and could be used to inform policy making in relation to the recovery work.

In order to address this issue, the Panel believes that the Council of Ministers should adopt a gender equality perspective across all Government actions which would help make better decisions to achieve gender equality. Gender statistics should be collected and published, with the support of Statistics Jersey, in order to implement a gender mainstreaming approach.

3. Key Findings

KEY FINDING 1: There has been little or no progress made in closing the gender pay gap since 2019, which has been fuelled by the Covid-19 pandemic.

KEY FINDING 2: In PwC's Channel Islands Women in Work Index 2021, it found that workplace gender inequality in the Channel Islands increased between 2017 and 2019, with Jersey falling from 20th to 24th of the 35 jurisdictions examined.

KEY FINDING 3: Jersey's first public sector gender pay gap report was published in October 2019 which showed the difference in the average (median) pay between all men and women in the workforce was 18.3%. In the Government's second report detailing the 2020 figures the median average has gone up from 18.3% to 24.3%. Therefore, the gender pay gap in the public sector has widened.

KEY FINDING 4: In the public sector there are more men in senior roles than women. Although just over 65% of the workforce are female, the majority are in the lower salary bands.

KEY FINDING 5: Without statutory reporting lines, very few private sector organisations currently disclose their gender pay gap.

KEY FINDING 6: The Government's People Strategy outlines its ambition to be a forward-thinking organisation, which offers high-quality public services, values its people and grows its talent for the future. Through this Strategy, the Government has committed to take action in relation to diversity, equality and inclusion.

KEY FINDING 7: The Government has launched a Flex Positive initiative which aims to provide flexible working across the public sector. The Panel welcomes this approach, particularly as it received evidence in 2019 that some women found that options were limited in terms of succeeding in their career whilst having to juggle childcare responsibilities with work.

KEY FINDING 8: The Panel welcomes the appointment of a Diversity, Equity and Inclusion (DEI) Consultant in November 2021 whose role is to deliver the Diversity, Equity and Inclusion Strategy, currently being finalised by the Government.

KEY FINDING 9: Part of the Government's I WILL Board Apprentice Scheme is to support gender diversity in board membership across the public sector, arm's length organisations and wider States-owned bodies. In 2019, the Panel found that women were underrepresented in boardrooms of all the States-owned and majority owned entities which has only mildly improved since 2019.

KEY FINDING 10: Stereotypes towards men and women in wider society continue to encourage young people to opt for subjects of study that perpetuate occupational segregation in the future. In the 2021 Children and Young People Survey males were significantly more likely than females to be interested in IT, engineering and sport, while females were significantly more likely to be interested in medical, education and hair and beauty.

KEY FINDING 11: Although the principle of greater anonymity of candidates in the recruitment process was supported by the Chief Minister in 2019, there has been limited progress from the Government in ensuring that any bias is eliminated within its recruitment practices.

KEY FINDING 12: The Chief Minister has acknowledged that there are many actions the Government could take to aid the removal of barriers, for example, including women in shortlists, using skills-based assessment tasks in recruitment, using structured interviews and introducing transparency to promotion processes. He also said that utilising software to identify gender-biased language in job descriptions and job adverts would have a positive impact.

KEY FINDING 13: There continues to be a lack of data on the economic value of work done in the home including childcare, cooking, shopping, housework, odd jobs and gardening.

KEY FINDING 14: The Panel welcomes the enhanced family friendly policy and hopes that it will initiate a culture change within Jersey that fathers, as well as mothers take on responsibility for childcare. However, despite the legislation being progressive, the leave period is not backed up by Government funding, so only those who can afford to take unpaid leave will use it.

KEY FINDING 15: Evidence suggests that the socio-economic effects of Covid-19 have fallen disproportionately on women. More women than men took on the burden of home-schooling and additional labour in the home during the pandemic.

KEY FINDING 16: The Census 2011 shows that more women than men are employed in the industries that were hit hardest by the pandemic, such as hospitality, travel, education and retail. More women than men were actively seeking work between October 2020 and December 2021.

KEY FINDING 17: Covid-19 has initiated a cultural shift with greater access to flexible working. However, employers will need to be careful to mitigate the risk of a two-tier system of career progression - with promotion more likely for employees able to work regularly in the office compared to those working more hours from home.

KEY FINDING 18: The Government's Flex Positive initiative will not be accessible to everyone, particularly uniformed services. Access to flexible, affordable childcare would help address the challenges around flexible working for those who are not in '9 to 5' roles.

KEY FINDING 19: The Government did not take a gender sensitive approach to its policies during the Covid-19 pandemic. There was no specific consideration of gender inequality or the social impacts of the pandemic on women during Scientific and Technical Advisory Cell meetings.

KEY FINDING 20: During the lockdown periods, the Jersey Advisory and Conciliation Service received more contacts from women than men regarding concerns about working at home and a lack of additional childcare provision.

KEY FINDING 21: Although part-time work is a good enabler for women in the workplace, particularly after children, it can "trap" them in roles, meaning less pay and progression.

KEY FINDING 22: In accordance with the Employment (Jersey) Law 2003 employees are able to make an application to request changes to their hours of work, their times of work and their place of work. Although employees can request flexible working, it is not currently the default position.

KEY FINDING 23: Jersey is currently ahead of the UK in terms of the qualifying period for requesting to work flexibly. In the UK, employees must have worked for the same employer for at least 26 weeks to be eligible. In Jersey, there is no qualifying period.

KEY FINDING 24: The Early Years Policy Development Board, established by the Chief Minister, made a number of policy recommendations specifically in relation to childcare including further family friendly measures to support parents who want to rear their child at home during the first year of the child's life and a review of the under use of school nursery classes.

KEY FINDING 25: There are a number of challenges faced by women in Jersey who want to achieve a successful and fulfilling career and contribute to the economic well-being of their families. Many women across the spectrum of occupations consider that the high cost of childcare often prevents them from achieving their family objectives.

KEY FINDING 26: There is a lack of data available on both the structural issues (impacts of policies and working practices) that can create barriers for women and on the cultural issues (stereotypical views and values) that can create biases about women's capabilities.

4. Recommendations

RECOMMENDATION 1: The Minister for Education should undertake an audit of registered childcare providers, pre-school and primary schools to ensure gender neutral practices within the curriculum and the general culture and ethos. The results of the review should be published by quarter 1 2023 in order to demonstrate how a gender sensitive approach to teaching is encouraged and resourced.

RECOMMENDATION 2: The Minister for Education should, by the end of 2022, ensure that school and college curriculums are Equality Impact Assessed. This is an evidence-based framework designed to help make sure that decisions or changes are fair which would ensure discrimination, bias and stereotyping is removed.

RECOMMENDATION 3: As part of changes to recruitment practices within the public sector, name, age, gender and place of education should be removed from applicants' CVs to ensure that candidates are appointed based on their skills. These changes should be made by the end of 2022.

RECOMMENDATION 4: Through the Ministerial Response process, the Chief Minister should provide an update on the specific changes to the Government's recruitment practices which have been made to remove the barriers for women.

RECOMMENDATION 5: Through its Flex Positive initiative, the Government should work towards de-stigmatising part-time working within the public sector and create a culture where fathers and male carers feel comfortable, and will not be penalised, for asking to reduce their hours.

RECOMMENDATION 6: The Minister for Social Security should direct the Employment Forum to consult with businesses and employees in order to improve the existing statutory framework for flexible working. This should include measures to help make flexible working the default unless employers have good reasons not to. The request to the Employment Forum should be made before June 2022.

RECOMMENDATION 7: As some employees may not know they are entitled to apply for flexible working as a day one right in their employment, the Minister for Social Security should undertake a publicity campaign highlighting people's statutory rights. This should be undertaken before the end of 2022.

RECOMMENDATION 8: The recommendations made in the Early Years Policy Development Board should be revisited by the Chief Minister and a formal response to the report's findings and suggestions should be published. This should be undertaken by the end of 2022.

RECOMMENDATION 9: The Government should commission an independent review of childcare in Jersey to include accessibility, flexibility, quality and affordability in order to better inform its future policy making decisions. An independent person or body should be commissioned before the end of 2022.

RECOMMENDATION 10: The Chief Minister should take the necessary action to introduce statutory gender pay gap reporting in Jersey which should include a requirement for businesses to publish a 5-year action plan alongside their reports. Law drafting instructions should be issued before the end of 2022.

RECOMMENDATION 11: In preparation for statutory reporting in Jersey, a consultation should be undertaken with businesses in order to determine the appropriate threshold level for mandatory reporting and what level of support businesses might require in order to report on their gender pay gaps effectively.

RECOMMENDATION 12: The Chief Minister should introduce a political lead for diversity, equality and inclusion. This would champion the causes, introduce accountability and help drive change within the political system.

RECOMMENDATION 13: The Council of Ministers should adopt a gender equality perspective across all Government actions which would help make better decisions to achieve gender equality. Gender statistics should be collected and published, with the support of Statistics Jersey, in order to implement a gender mainstreaming approach.

5. Introduction

Context and Background

In 2018, a Review Panel was established by the Scrutiny Liaison Committee to examine whether there was a gender pay gap in Jersey. The Panel used a number of methods in order to collect, largely qualitative, data on this topic and received wide-ranging views and opinions from a variety of stakeholders.

In July 2019, the Review Panel published its report '[Is there a Gender Pay Gap in Jersey](#)' which concluded that there is a gender pay gap in Jersey, but wide-ranging statistical evidence is required in order to assess the extent of it in the Jersey economy.

The Panel identified a number of key factors which contribute to Jersey's gender pay gap including:



- **Gender stereotypes from school age:** Gender stereotyping can be defined as how males and females are expected to act, speak, dress and conduct themselves based on their sex. The Panel found that gender stereotyping limits children by presenting them with a specific set of acceptable behaviours which leads to occupational and subject segregation. The perception of school subjects as masculine or feminine can influence subject choice, which is particularly problematic for girls because “feminised jobs” are often lower paid.
- **Occupational segregation stemming from subject choice at school:** Occupational segregation is where some jobs are more typically done by men or women. The Panel found that certain occupations in Jersey are dominated by particular genders. More males than females are in skilled trades and managerial roles and more females than males are in the caring and administrative roles. These roles tend to be the lower paid occupation groups. The Panel also found that, despite girls outperforming boys at secondary school, when they start work, young people in Jersey still tend to opt for traditional occupations.
- **Unconscious bias in the workplace:** Unconscious bias is automatic associations based on gender, which often stem from gender stereotypes, traditions and norms. An example of unconscious bias is that it is often assumed that a woman in her 20s will, when she is in her 30s, have a child. The Panel found that unconscious bias is one of the main causes of a gender pay gap and better training is required to ensure that organisations do not draw on gendered language or value a particular personality or leadership trait over others.
- **The “glass ceiling” which stops women reaching upper levels in the workplace:** The glass ceiling is an invisible but real barrier within a hierarchy that prevents women (or minorities) from reaching upper-level positions. The Panel received evidence that women are often unable to advance past a certain point in their professions, regardless of their qualifications.
- **More women taking on domestic commitments:** The Panel found that a higher proportion of females than males take on domestic commitments, thereby impacting on the availability of females in the workforce.

- **More women taking on caring responsibilities:** The Panel found that a higher proportion of women either choose or need to leave and re-enter the workforce in order to meet family responsibilities which may result in a loss of seniority or progression opportunities.

2019 key findings and recommendations

The Panel made 36 key findings, 13 recommendations and an overarching recommendation that the Government should take immediate action to close the gender pay gap. The Chief Minister and Minister for Education provided a [joint response](#) welcoming the Panel's work and emphasising that the Council of Ministers is committed to reducing the gender pay gap within the Island. In summary, the response showed that:



7 of the recommendations were accepted



3 of the recommendations were partially accepted



2 of the recommendations were rejected



1 of the recommendations were neither accepted nor rejected and 1 was 'to be reviewed'

The Panel's overarching recommendation was accepted in principle, but the Chief Minister commented in his response that the issues surrounding the gender pay gap would not be resolved overnight and that it was a broader matter than purely a governmental response, requiring society in its entirety to be accountable. The Panel does not dispute this but believes that the Government should lead by example.

In 2019, the Panel committed to undertaking a follow-up review once enough time had passed for its recommendations to 'bed-in'. Rather than recommending that statutory measures were introduced, the Panel opted for a soft approach in the first instance by suggesting a number of recommendations which focused on initiating a cultural shift.

As a starting point, the Panel recommended that the Government collects, analyses and publishes data in relation to the public sector gender pay gap and related issues. The Panel believed that this would raise awareness of the underlying issues associated with gender pay gaps such as social norms, biases and gender stereotypes.

Methodology

The Panel's primary focus has been to undertake a follow-up review following the publication of its 2019 report (S.R.10/2019). In this review, the Panel has focussed on:

- The progress made to deliver the accepted recommendations.
- Whether statutory measures should be introduced for gender pay gap reporting.
- Whether there has been any change in the cultural influences which affect the gender pay gap.

The Panel has also included an assessment of the impact of Covid-19 and whether the Government considered a gender-sensitive approach to its Covid-19 related policies.

In order to gather a wide range of views on the gender pay gap and whether the appropriate steps have been taken to close it, the Panel invited members of the public, organisations and academics to make written submissions. The Panel also held a number of public hearings with Ministers and organisations.

Structure of report

Chapter 6 of this report explains the progress made in closing the gender pay gap in Jersey since the Panel published its report in 2019.

Chapter 7 describes the gendered impact of Covid-19 and how it has affected the gender pay gap.

Chapter 8 focuses on what areas the Government should concentrate on in trying to close the gender pay gap in Jersey.

6. Progress on closing the gender pay gap

The Panel wrote to a number of stakeholders asking for their views on whether there had been any progress on closing the gender pay gap in Jersey since it had published its 2019 report. In response, several submissions highlighted that the impact of Covid-19 has disproportionately affected women in the home and workplace:



Chartered Institute of Personnel and Development:

Several UK studies have shown that the pandemic has disproportionately affected women in the home and workplace. This is because women are more likely to work in industries that were closed down and overall women took on more childcare responsibility than men. 18% of women reduced their working hours to manage childcare during school closures and mothers were 47% more likely to have permanently lost their jobs or resigned as a result of covid. 2021 pay gap reporting in the UK is likely to reflect this and impact the progress of gender equality for years to come.



Diversity Network:

If anything, anecdotal evidence in Jersey (and research in the UK, assuming Jersey follows a similar pattern), suggests that women have been forced to take on more domestic and caring responsibilities over the course of the pandemic - even when both partners are working. It has very much been the case that mothers, rather than fathers, have been forced to 'juggle' work and home-schooling/childcare during periods of lockdown or quarantine.

The Panel explores the impact of Covid-19 in more detail in the next chapter, but initial views suggest that there has been little or no progress made in closing the gender pay gap, which has been fuelled by the pandemic. [According to the Institute of Fiscal Studies](#) in the UK, mothers are 47% more likely to have permanently lost their jobs or quit, and 14% more likely to have been furloughed, than fathers. And those who are still working are more likely to be interrupted than their male partners; almost half of mothers' hours spent doing paid work are split between that and activities such as childcare, compared to under one third of fathers. There is no equivalent data for Jersey, but the Panel assumes that the figures would not differ significantly to the UK.

In its 2019 report, the Panel commented on the limited statistical data and evidence in relation to Jersey's gender pay gap. The Panel believes that, in addition to reporting on the gender pay gap, the Government should collate much wider data in order to investigate where the issues are and what they mean. The following sections provide an overview of the data that is publicly available, including the gender pay gap in Jersey overall, and in the public and private sectors.

KEY FINDING 1: There has been little or no progress made in closing the gender pay gap since 2019, which has been fuelled by the Covid-19 pandemic.

The gender pay gap in Jersey

Accounting firm PwC produces an annual Women in Work Index that gauges equality in OECD (Organisation for Economic Cooperation and Development) countries across a range of measures including female employment rates and how pay and participation in the economy compares with men.

During its 2019 review, the Panel noted that PwC had published its first Channel Islands Women in Work Index which found that if Jersey was included in the Women in Work Index, it would have ranked in 20th position (based on 2017 data). In PwC’s new report, [Channel Islands Women in Work Index 2021](#), it found that workplace gender inequality in the Channel Islands increased between 2017 and 2019 with Jersey falling from 20th to 24th of the 35 jurisdictions examined.



PwC believes the main reason Jersey’s gender pay gap is so high is that men still hold most of the senior and best paid positions within Jersey businesses and in particular in financial services, which is the main pillar of the Jersey economy.

KEY FINDING 2: In PwC’s Channel Islands Women in Work Index 2021, it found that workplace gender inequality in the Channel Islands increased between 2017 and 2019, with Jersey falling from 20th to 24th of the 35 jurisdictions examined.

Public sector

In its 2019 report, the Panel recommended that a public sector gender pay gap report should be published on an annual basis and at the same time every year starting with a report by the end of 2020. The Panel also recommended that action should be taken to reduce the gender pay gap and address any issues identified in the Government’s report. Both recommendations were accepted by the Chief Minister.

The Panel welcomed the publication of Jersey’s [first public sector gender pay gap report](#) in October 2019 which showed the difference in average pay between all men and women in the Government’s workforce. The report showed that the difference in the average (median) pay between all men and women in the workforce was 18.3%:

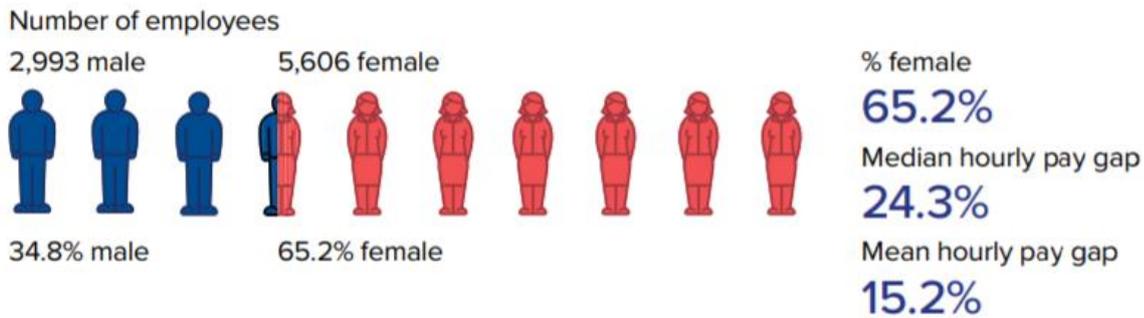


The Government’s initial conclusions about the difference in average pay between men and women were that a high percentage of part-time employees were women, and many of the jobs available on a part-time basis were in lower paid roles. The Government also acknowledged that women or men still predominantly study for certain careers or apply for or occupy certain roles and professions. In 2019:

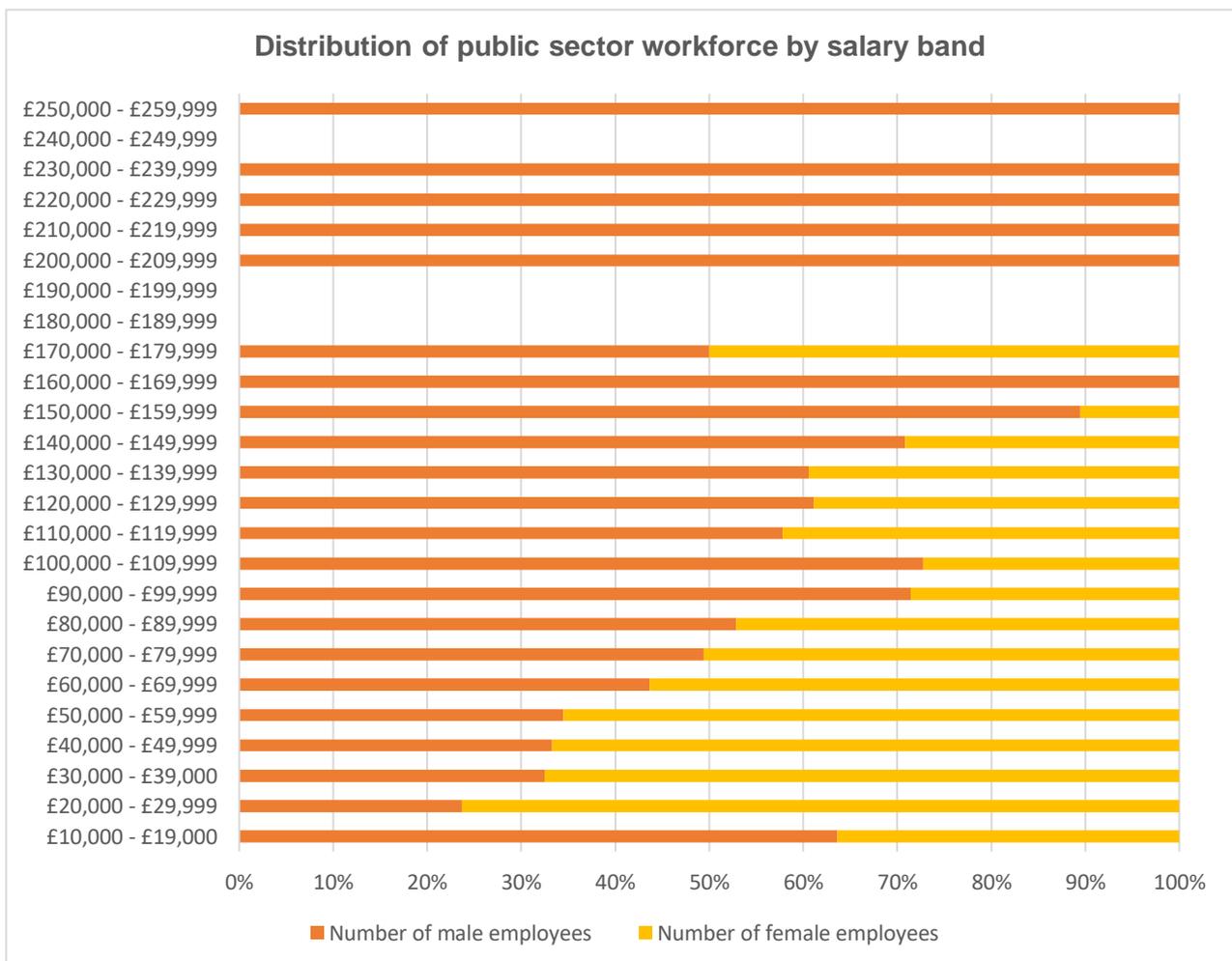
- 71% of teachers were women
- 65% of doctors were men

- 84% of nurses and midwives were women
- 62% of manual workers were men
- 79% of prison officers were men

The Government published its [second report](#) detailing the 2020 figures¹ in April 2021 which shows that the median (midpoint) average has gone up from 18.3% to 24.3%:



The report explains that there are more men in senior roles within Government than women and that new appointments, leavers and pay increases at the top tiers have contributed to the increase in the median average. The graph below shows the distribution of the public sector workforce by salary band:



¹ The figures included GPs who were directly employed on a temporary basis by the Government as part of the Covid support initiatives

Although just over 65% of the workforce are female, the figures show that the majority are in the lower salary bands. The Panel notes that, since the figures were reported, the Government has appointed its first female Chief Executive Officer which will be reflected in the third public sector gender pay gap report, due to be published in 2022. The Panel will be interested to see whether there have been any further shifts in distribution of salary bands between male and female employees.

KEY FINDING 3: Jersey's first public sector gender pay gap report was published in October 2019 which showed the difference in the average (median) pay between all men and women in the workforce was 18.3%. In the Government's second report detailing the 2020 figures the median average has gone up from 18.3% to 24.3%. Therefore, the gender pay gap in the public sector has widened,

KEY FINDING 4: In the public sector there are more men in senior roles than women. Although just over 65% of the workforce are female, the majority are in the lower salary bands.

Private sector

Without statutory reporting lines, the Panel has not been able to gather sufficient statistics of the private sector gender pay gap. Very few private sector organisations currently disclose their gender pay gap, but the Panel believes they should be encouraged to do so as tracking and reporting progress can identify issues that need addressing.

The Panel is encouraged, however, that some organisations do publish their gender pay and diversity information, some of which have only recently started to do so. For example, Ogier published their first [pay gap report](#) in October 2021. Global Managing Partner and sponsor of Ogier's Diversity and Inclusion Initiative, Edward Mackereth said:



Global Managing Partner, Ogier

"We've published this report as we move towards greater transparency with our people, our clients and our wider communities. Publishing our pay gap report is important to us not only because of our commitment to diversity and inclusion, but also because we need to really understand an issue and its scale to be able to change it. The pay gap extends beyond any one firm, so while we are the first offshore law firm to publicise ours, we hope that we won't be the last.

We're mindful that gender is just one perspective from which the pay gap needs to be approached, and that certain groups face more barriers than others in progressing to senior positions. As we collect more data internally, the format and content of our future pay gap reports will develop to provide a more detailed picture."

The Panel is hopeful that more private sector companies will become open and transparent with their employees and the wider community and voluntarily share their gender pay and diversity information.

KEY FINDING 5: Without statutory reporting lines, very few private sector organisations currently disclose their gender pay gap.

Government (public sector) initiatives

The Government has committed to closing the gender pay gap in the public sector and to deliver programmes aimed at targeting the barriers to progression and increasing opportunities for employees in under-represented areas of the organisation.

People Strategy

In November 2021, the Government launched its [People Strategy](#), which outlined its ambition to be a forward-thinking organisation, which offers high-quality public services, values its people and grows its talent for the future. The strategy was commissioned by the States Employment Board following a recommendation made by the Comptroller and Auditor General² in 2019.

In 2020, Group Director of People and Corporate Services [told the Panel](#) that the Government would take action in relation to diversity, equality and inclusion as part of its People Strategy:



Group Director, People and Corporate Services:

“In the people strategy there is a specific strand on equality and diversity. We have commissioned to work with Liberate in the first instance to help us bring up our programme. We have one post within our structure which is at a mid-tier level, which I know the panel may want to ask questions about. That post is around £70,000 worth of bond costs and then the programme with Liberate will be around £50,000 to get the initial programme up and running.”

[...]



Deputy L.M.C. Doublet:

“Is that the unconscious bias training? Is that what Liberate are doing?”



Group Director, People and Corporate Services:

“It goes wider than the unconscious bias training. So it is around setting up the staff networks, awareness of different characteristics and how that affects people at work and also complimenting the work we have got with Team Jersey around the culture.”

The Panel [was also advised](#) that diversity awareness training has been delivered to public sector employees by using a two-pronged approach. Firstly, Team Jersey established Diversity, Inclusion and Belonging workshops, which include reference to unconscious bias. The workshops are available for all staff to book and attend. Secondly, Diversity and Inclusion essentials - 'bite size' espresso sessions - are available for managers to ensure that they understand the latest legislation and their requirements as managers.

KEY FINDING 6: The Government’s People Strategy outlines its ambition to be a forward-thinking organisation, which offers high-quality public services, values its people and grows its talent for the future. Through this Strategy, the Government has committed to take action in relation to diversity, equality and inclusion.

² Office of the Comptroller and Auditor General, [Role and Operation of the States Employment](#), March 2019

Flex Positive initiative

The States Employment Board has committed to providing a flexible and inclusive working environment and, through the implementation of the People Strategy, is putting in place enablers to increase flexible working across the organisation. To support this, the Government has launched a Flex Positive initiative which would enable employees to choose when and where they work in order to compete with the private sector. The Group Director of People and Corporate Services explained:



Group Director, People and Corporate Services:

“...the way we manage and plan for our workforce needs to be our competitive advantage, that even though we are public sector we can still compete in the market. Part of our strategy going forward around talent management is creating opportunities for people from the community to come back into work or through apprenticeships and part of the attraction strategy needs to shift our policy from being a 9.00 a.m. to 5.00 p.m. employer, even though we are 24/7, those fixed contracts and permanent contracts, into contracts that offer more.

We want to address the gender pay gap and the way that we structure our contracts and our work now sometimes precludes flexible working, which then means that people cannot progress through their careers in different ways. It is much more than just allowing work-life balance. It is a genuine employer offer that says that we will start from a position of flexible working, so the law requires us to consider requests for flexible working. We are flipping that into it becoming our default mode as part of a strategic decision for our competitive advantage, but we also need to move away from permanent and fixed-term contracts.

We need to start looking at the types of work that is coming through, so that we can optimise the workforce. [...] Flex positive allows us to manage vacancies differently, because it means that we have more part-time workers, more ad hoc workers and project workers, and it also allows us to look at condensing the workforce over a longer-term period and manage that down and still deliver the same quality of services”³.

Although the Panel explores flexible working in further detail in the next chapter, it welcomes the Government’s approach and progress in this area. In its 2019 report, the Panel received evidence that some women found that options were limited in terms of succeeding in their career whilst having to juggle childcare responsibilities with work. The Panel also found that men were reluctant to request flexible working for themselves because of how this may be perceived and the potential negative implications for their own careers.

KEY FINDING 7: The Government has launched a Flex Positive initiative which aims to provide flexible working across the public sector. The Panel welcomes this approach, particularly as it received evidence in 2019 that some women found that options were limited in terms of succeeding in their career whilst having to juggle childcare responsibilities with work.

Diversity, Equality and Inclusion Strategy

In the 2019 report, the Panel recommended that a Head of Diversity should be appointed to monitor diversity, equality and inclusion within the public sector who would be responsible for implementing relevant strategies and policies, suggesting new initiatives and employment practices to ensure a gender-neutral and gender-sensitive public sector.

³ Corporate Services Scrutiny Panel - Public Hearing with the Chief Minister - 5th November 2021

Although this recommendation was rejected by the Chief Minister in 2019, the Panel welcomes the appointment of a Diversity, Equity and Inclusion (DEI) Consultant in November 2021. The DEI Consultant's role is to deliver the Diversity, Equity and Inclusion Strategy which is currently being finalised by the Government. The Panel [asked the DEI Consultant](#) what the main things were that needed to change:



Diversity, Equity and Inclusion Consultant:

“Behaviours. Specifically about behaviours, specifically about how people perceive others and how little sometimes we know about how different we are. [...] I do want to emphasise that the actual D.E.I. is not exclusively about racism. I wanted it to focus there are so many other things out there that we do not know, but that diversity means so many other things. It means about, for example, the menopause café. There are many women out there that would like to talk about the menopause and they are being affected by the menopause and they want to talk. There is also the L.G.T.B.Q.+ (lesbian, gay, bisexual, transgender and queer/questioning) community want to talk about it. The B.A.M.E. (Black, Asian and minority ethnic) community want to talk about it. These things are important.”

The Group Director of People and Corporate Services also explained that the Government was “some way off being a mature organisation when it comes to diversity and inclusion” and that some people were reluctant to talk in case they said the wrong thing. Part of the DEI Consultant's role is to remove the fear amongst staff and encourage people to speak out.

KEY FINDING 8: The Panel welcomes the appointment of a Diversity, Equity and Inclusion (DEI) Consultant in November 2021 whose role is to deliver the Diversity, Equity and Inclusion Strategy, currently being finalised by the Government.

I WILL (Inspiring Women into Leadership and Learning) initiative

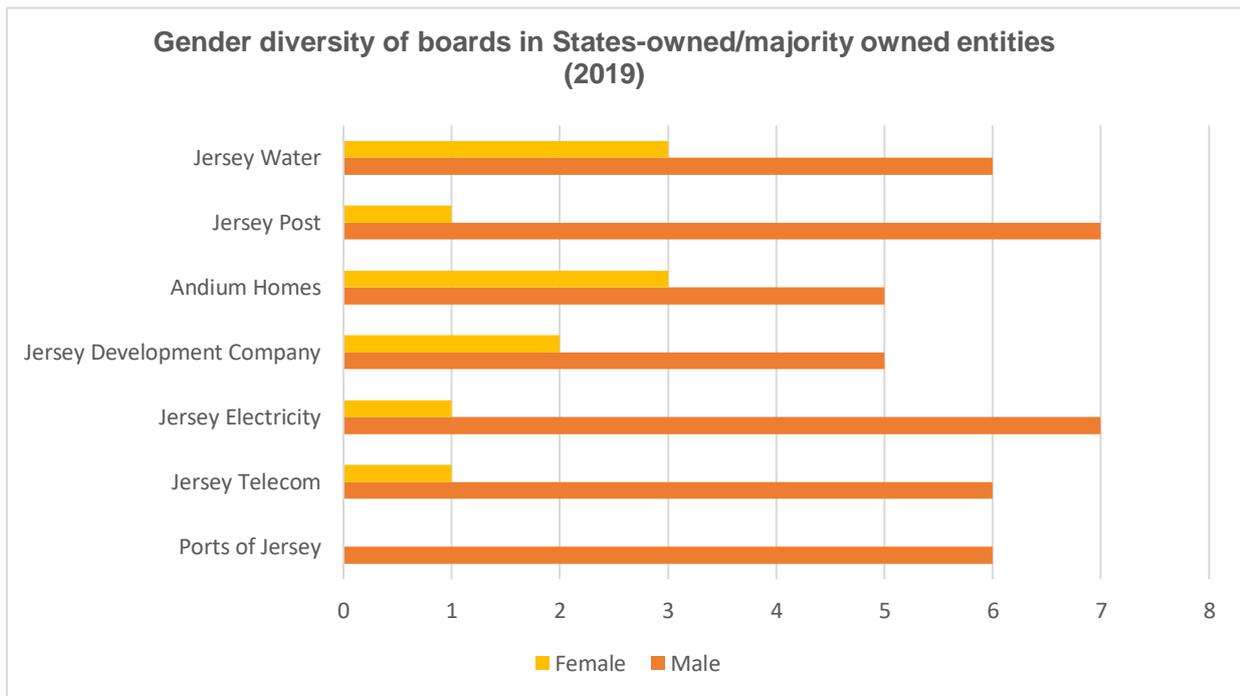
During the Panel's 2019 review, the I WILL initiative had only just been launched by the Government to inspire women into leadership roles and create supportive networks for women at all levels in the organisation. The aims of the initiative are to:

- increase the number of women in senior leadership positions within the Government, and to develop opportunities for women to connect and network across the organisation;
- support and inspire women into senior leadership roles;
- provide mentoring and shadowing opportunities and encourage our people to engage in these opportunities;
- provide clarity on career pathways and remove barriers to career progression.

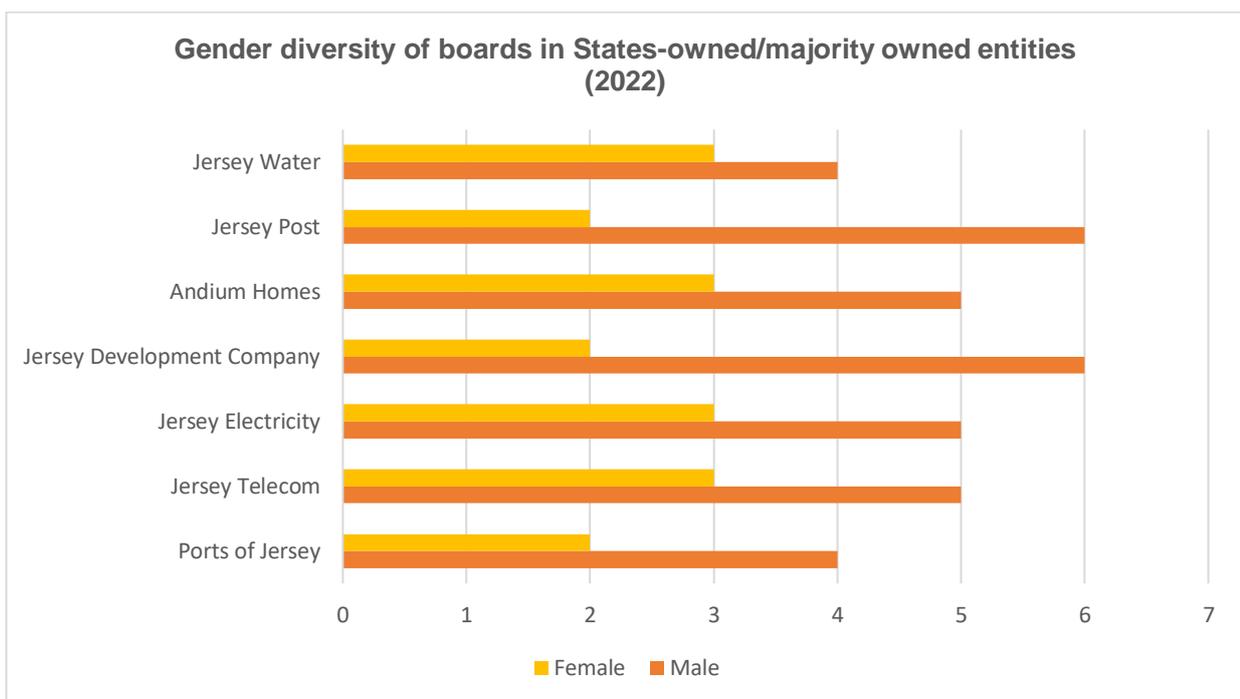
In 2021, the I WILL initiative piloted the I WILL Board Apprentice Scheme, partnering with Board Apprentice, to support women and their professional development.

The scheme aims to increase the capacity and confidence of candidates to enable them to take up permanent board positions at the end of their placements, and to support gender diversity in board membership across the public sector, arm's length organisations and wider States-owned bodies.

The Panel welcomes this scheme, particularly as it found that, as of March 2019, women were underrepresented in boardrooms of all the States-owned and majority owned entities:



In looking at the gender representation of boards in the same States-owned and majority owned entities, the Panel has found that female representation has only mildly improved since 2019:



KEY FINDING 9: Part of the Government’s I WILL Board Apprentice Scheme is to support gender diversity in board membership across the public sector, arm’s length organisations and wider States-owned bodies. In 2019, the Panel found that women were underrepresented in boardrooms of all the States-owned and majority owned entities which has only mildly improved since 2019.

As well as the Board Apprentice scheme, the I WILL initiative also delivers mentoring and shadowing schemes. The mentoring scheme offers the opportunity for employees to learn from senior colleagues, who act as mentors. The shadowing scheme offers the opportunity for employees to shadow and work alongside senior colleagues in order gain insights into leadership and management and learn about the work and responsibilities of other teams and departments.

Has there been a cultural shift?

The Covid-19 pandemic has in no doubt initiated a cultural shift within society in terms of flexible working, which the Panel explains in further detail in the next chapter. This section focuses on whether there have been any other changes in the cultural influences which affect the gender pay gap in Jersey, specifically in the contributing factors identified by the Panel in 2019:

- Gender stereotypes from school age
- Occupational segregation stemming from subject choice at school
- Unconscious bias in the workplace
- The “glass ceiling” which stops women reaching upper levels in the workplace
- More women taking on domestic commitments
- More women taking on caring responsibilities

The Chartered Institute of Personnel and Development [advised](#) the Panel that the cultural influences identified by the Panel in 2019 are still ongoing and relevant.

Gender stereotypes from school age and occupational segregation

In its 2019 report, the Panel identified that gender roles in society have meant that girls and women are generally expected to dress in typically feminine ways and be polite, accommodating, and nurturing. Boys and men are generally expected to be strong, aggressive and bold. Exposing girls and boys to gender stereotypes at a young age, contributes towards occupation segregation and the gender pay gap. The Panel received a private [submission](#) from an individual who commented that there is a lack of diversity teaching in schools.



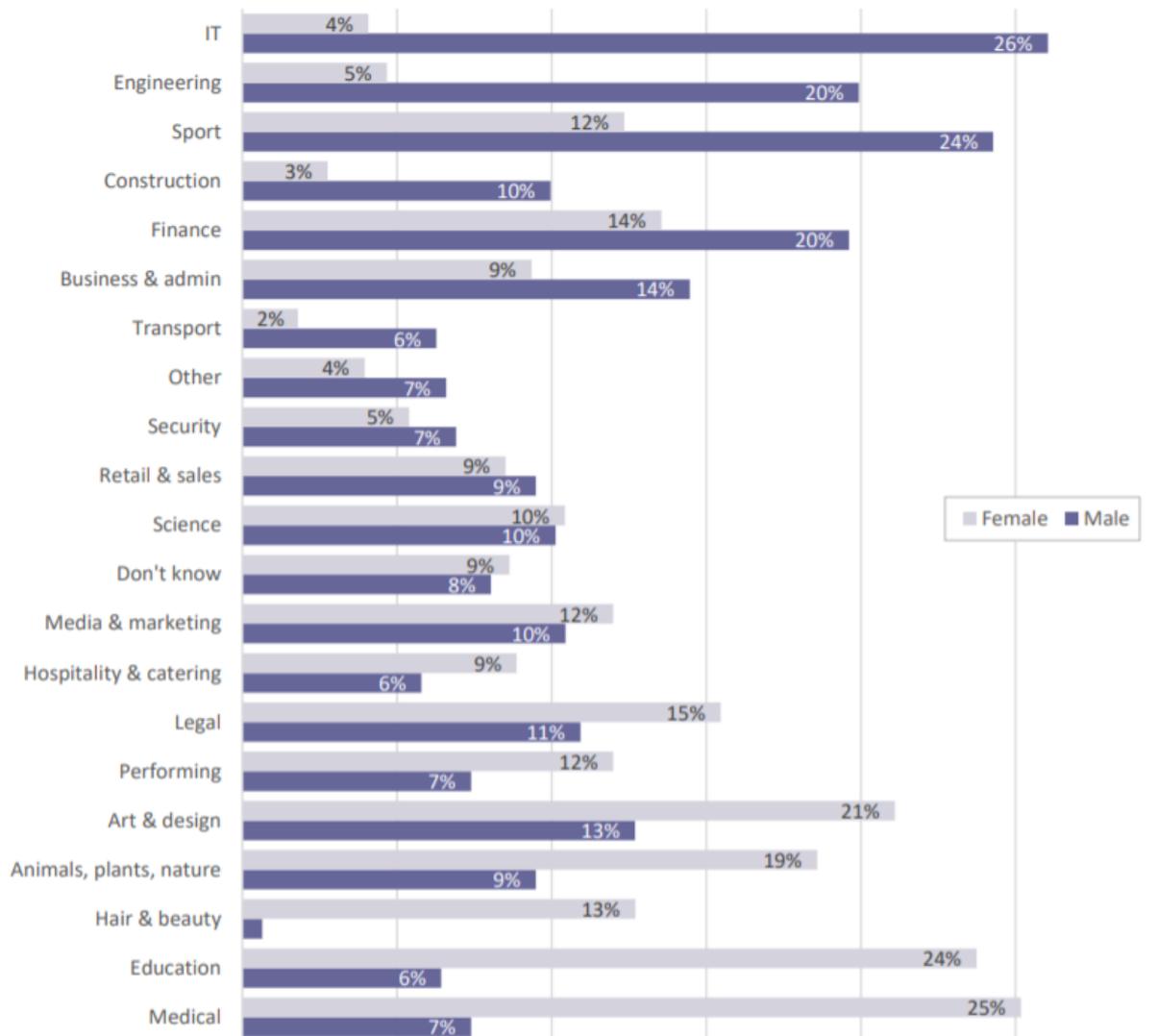
Private submission

My son (aged 5) comes home from school all the time talking differences between boys and girls – "them and us". He doesn't learn this at home – he's being brought up in a feminist household so this is painful for me. He learns about diversity in school in many other ways but misogyny appears to be okay – I haven't seen that he's had any learning on equality of the sexes.



The Panel also found that stereotypes towards men and women in wider society encourage young people to opt for subjects of study that in turn perpetuates occupational segregation in the future. This has been evidenced recently in the 2021 [Children and Young People Survey](#) when years 10 and 12 were asked which industries they aspired to be in:

Figure 6.23 In which industries do your career aspirations / interests lie? (Years 10 and 12)



Males were significantly more likely than females to be interested in IT, engineering and sport, while females were significantly more likely to be interested in medical, education and hair and beauty. Although certain schools in Jersey do have initiatives to try and expose girls to subjects which may previously have been perceived as male subjects, such as technology, improvements in this area are still urgently needed. The Panel wrote to the Minister for Education [who said](#):



Minister for Education:

“All children, regardless of gender are exposed to an early years curriculum that supports their well-being, involvement and individual needs and interests. Teachers observe children in their play and plan for experiences that support their learning and development, this would involve challenging any stereotypes and creating diverse, equal and inclusive opportunities.

There would for instance be books and displays with positive images of girls involved in STEM activities and professions, in sport, e.g. football and rugby. Early Years settings were invited to be part of the Primary Engineer Programme that the Education Department facilitated.

Girls would be equally encouraged to build, design, be doctors, pilots, etc. Boys would not be prevented from dressing up, or wanting to dance, cook, sing...etc. Children are viewed

as unique individuals, with rights, needs and interests that are valued and supported by all staff and through the supporting documentation we have in the early years- the Early Years Matters Quality Framework and Statutory Requirements.”

The Panel notes the unfortunate wording by the Minister that girls are *encouraged* to partake in traditionally associated ‘boy’ play such as building and design but boys would not be *prevented* from doing things traditionally associated with ‘girl’ play such as dressing up.

The Panel recommended that the Minister should undertake an audit of registered childcare providers, pre-school and primary schools to ensure gender neutral practices within the curriculum and the general culture and ethos. The Panel [acknowledges](#) that a gender-neutral learning environment is not necessarily one that is gender-free, rather, it is an environment in which teachers and children avoid gender stereotyping and aims to ensure that all children are appreciated, respected and treated equally. The Panel made the recommendation to challenge and work against the idea that ‘boys will be boys’ and ‘girls will be girls’. The Minister partially accepted the recommendation and [said](#):



Minister for Education:

“In terms of registered providers, this would not be recommended, as our system of review looks at how children’s needs and interests are followed and planned for. Our statutory requirements acknowledge that boys and girls could show an interest in any area of learning and be supported in it.

Improved data analysis will ensure that we are addressing any potential gender gaps overall, and within each area of learning. Girls continue to do better than boys by the end of the EYFS in all areas.

Our focus is on ensuring that developmentally appropriate activities are offered to all children, that acknowledge that girls and boys may show different characteristics of learning/ways of learning, and develop at different rates.”

During its follow-up analysis, the Panel asked the Minister for an update on the recommendation and to indicate what improved data analysis has been carried out to address potential gender gaps in early years education and within each area of learning. The Panel also asked the Minister to demonstrate how a gender sensitive approach to teaching is encouraged and resourced.

The Minister advised that the status of the recommendation had been closed and that the review process for registered early years providers and primary schools would acknowledge the importance of equality and diversity through its work on considering children’s behaviour, welfare and personal development. Through curriculum resources, planned activities and access to positive and supportive learning environments within both the Foundation Stage and Key Stages 1 and 2, children will understand and challenge non-gender neutral practices.

The Panel is disappointed with this response as it is unclear whether a review process has been undertaken and, if it was, what the results were.

KEY FINDING 10: Stereotypes towards men and women in wider society continue to encourage young people to opt for subjects of study that perpetuates occupational segregation in the future. In the 2021 Children and Young People Survey males were significantly more likely than females to

be interested in IT, engineering and sport, while females were significantly more likely to be interested in medical, education and hair and beauty.

RECOMMENDATION 1: The Minister for Education should undertake an audit of registered childcare providers, pre-school and primary schools to ensure gender neutral practices within the curriculum and the general culture and ethos. The results of the review should be published by quarter 2 2023 in order to demonstrate how a gender sensitive approach to teaching is encouraged and resourced.

The Chartered Institute of Personnel and Development suggested that school and college curriculums should be Equality Impact Assessed in order to ensure discrimination, bias and stereotyping is removed:



Chartered Institute of Personnel and Development:

“School and college curriculums should be Equality Impact Assessed (EQIA) to ensure discrimination, bias and stereotyping is removed. Subject segregation should be reviewed to ensure parity of opportunity regardless of gender. Further review is required to assess the extent and impact of occupational segregation. Organisation composition and mandatory gender pay gap reporting will help facilitate the work to understand and address the issues within organisations.”



RECOMMENDATION 2: The Minister for Education should, by the end of 2022, ensure that school and college curriculums are Equality Impact Assessed. This is an evidence-based framework designed to help make sure that decisions or changes are fair which would ensure discrimination, bias and stereotyping is removed.

Unconscious bias in the workplace

The Panel identified in its 2019 report that automatic associations based on gender, such as assuming a woman will have a child in her 30s, was a contributing factor to the gender pay gap. The Panel noted that organisations can implement a number of initiatives to make recruitment practices more gender neutral, thereby ensuring the focus is on those who are most skilled for the role. The Panel recommended that, as part of changes to recruitment practices within the public sector, name, age, gender and place of education should be removed from applicants’ CVs to ensure that candidates were appointed based on their skills.

This recommendation was partially accepted by the Chief Minister who said that the principle of greater anonymity of candidates in the recruitment process is supported however the States Employment Board would be guided by a review by Officers on this matter. When the Panel requested an update, the Chief Minister [advised](#):



Chief Minister:

“The facility of anonymised sifting is not currently available on the recruitment platform that is used across the GoJ. This is currently being reviewed as an update to the current system and also longer terms with the implementation of the GoJ ITS Programme. In the interim,

recruitment guidance has been updated to ensure that at both CV sifting and interviews that at least one panel member is independent from the hiring department to provide a balance in the decision making. Additionally as part of the GoJ selection and interview training, hiring managers are trained on Unconscious bias.”

The Panel is disappointed that there has been limited progress from the Government in ensuring that any bias is eliminated within its recruitment practices.

KEY FINDING 11: Although the principle of greater anonymity of candidates in the recruitment process was supported by the Chief Minister in 2019, there has been limited progress from the Government in ensuring that any bias is eliminated within its recruitment practices.

RECOMMENDATION 3: As part of changes to recruitment practices within the public sector, name, age, gender and place of education should be removed from applicants' CVs to ensure that candidates are appointed based on their skills. These changes should be made by the end of 2022.

In terms of progress in other areas, the Panel welcomes the introduction of two e-learning modules on unconscious bias as part of the offering available to all Government employees on its 'My Development' portal. The Chief Minister [explained](#) that the modules cover areas such as what is unconscious bias, definitions, types, workplace processes, individual practices, and it includes a 5 question knowledge check at the end. He also advised that unconscious bias is covered explicitly within three Espresso Sessions (Diversity Inclusion & Belonging, Recruitment & Selection and Performance Management) in specific context designed for managers.

The Panel has previously mentioned the Government's intention to launch a Diversity and Inclusion Strategy, which will be the responsibility of the Diversity, Equity and Inclusion Consultant to help deliver. The Chartered Institute of Personnel and Development explained that organisations have started to move away from mandatory unconscious bias training and are now taking more holistic approaches through their Diversity and Inclusion initiatives:



Chartered Institute of Personnel and Development:

Few Jersey based organisations have a Diversity and Inclusion (D&I) strategy, actions or training. Both conscious and unconscious bias exists in the workplace and society. Bias can be evidenced through policies, processes, systems, structures, attitudes and behaviours, workplace composition, pay, recruitment, promotions, succession, access to and take up of training, employee relations, leavers, existing culture, employment engagement, the design and delivery of goods and services and procurement processes. Employers should use the assessment of data collected on these areas to root out all aspects of bias and discrimination. Just like any considered change initiative, actions should be evidence based and outcomes driven, aligned to business strategy.

Unconscious bias training could form part of a range of activities which organisations tailor to meet organisational needs. However research has evidenced that unconscious bias training in itself has not delivered the cultural change required to prevent discrimination and embed inclusion. Enlightened organisations have moved away from mandatory unconscious bias training and are now taking more holistic approaches to actions as well as leadership and team training on D&I.

The Panel noted in its 2019 report that diversity is important in all aspects of life and is particularly important in the workplace. A host of researchers have shown that diversity at all levels can make organisations more effective, successful and profitable. Achieving a diverse workforce also widens the talent pool and has reputational benefits.

The “glass ceiling” which stops women reaching upper levels in the workplace

The Panel received a number of submissions from stakeholders during its 2019 review which commented on the ‘glass ceiling’. The glass ceiling is a metaphor for explaining the inability of women to advance past a certain point in their professions, regardless of their qualifications or achievements. The Chartered Institute of Personnel and Development said that the glass ceiling continues to exist in Jersey:



Chartered Institute of Personnel and Development:

The glass ceiling as well as the sticky concrete floor for women continues to exist as evidenced by the slow process toward parity in pay and representation at senior level within organisations. The CIPD hopes that mandatory gender pay gap reporting will raise awareness in Jersey and start the work to create meaningful and authentic equality in our workplaces and society.

The Panel met the Chamber of Commerce (specifically representatives of the Employment and Skills Committee) who said that there are different speeds of people moving up the hierarchy in organisations and that women in particular may not always be ready for a promotion due to caring responsibilities:



Member, Employment and Skills Committee, Chamber of Commerce:

“There is the opportunity for promotion but with that is the opportunity for women in particular to demonstrate that they are ready for that promotion and what do they need to do? They need to be available, they need to attend training and development, go off for secondments with their firm or whatever it is that anybody needs to show to be ready for promotion. That is just less available if you are the main carer. If you are a female that has caring responsibilities and many do. There are unintended barriers, if you like, generally to women being able to demonstrate that they are ready for that promotion. We still have a fairly top heavy male dominated pyramid when it comes to male versus female as they move up to the senior leadership team to the Exec level and board level.”

[...]

While this is clearly very important and topical that we address this and find ways to address any gaps, whether it is gender pay or gender opportunity or whatever, so that we can remove the barriers, I think by education and talking about it we can help remove some of the barriers... while we talk about gender pay we do not want to have, again, a different unintended consequence that not all women that are carers want to drive for that executive level role. Not everybody wants it so we have to accept and respond proportionately to what women in business want to do as well, rather than create an unnatural expectation for them to have to follow a track or not because not everybody wants to.

The Chief Minister [said](#) that there are many actions the Government could take to aid the removal of barriers, for example, including women in shortlists, using skills-based assessment tasks in recruitment, using structured interviews and introducing transparency to promotion processes. He

also said that utilising software to identify gender-biased language in job descriptions and job adverts would have a positive impact.

The Panel understands that reviews are taking place of the Government's recruitment practices, and changes are being considered to assist managers in this specific area. The Panel would welcome an update on the changes made to recruitment practices since 2019, when the Chief Minister responds formally to the findings and recommendations made in this report.

KEY FINDING 12: The Chief Minister has acknowledged that there are many actions the Government could take to aid the removal of barriers, for example, including women in shortlists, using skills-based assessment tasks in recruitment, using structured interviews and introducing transparency to promotion processes. He also said that utilising software to identify gender-biased language in job descriptions and job adverts would have a positive impact.

RECOMMENDATION 4: Through the Ministerial Response process, the Chief Minister should provide an update on the specific changes to the Government's recruitment practices which have been made to remove the barriers for women.

More women taking on domestic commitments

In its 2019 report the Panel used the 2011 census data which shows that a high proportion (44%) of economically inactive women of working age were looking after the home compared with men (3%). A breakdown provided by Statistics Jersey showed that a higher proportion of women between the ages of 30 - 44 were looking after the home which significantly increased at the age of 65+. The most recent census data (2021) has not yet been published but it will be interesting to assess whether there has been any movement in the statistics since 2011. The Chartered Institute of Personnel and Development commented on this issue and how the Government should collect data on the economic value of domestic work:



Chartered Institute of Personnel and Development:

A review of the 2020 census data will allow a review of the number of women at work. We are not aware that the census collected data on domestic responsibilities in order to assess the impacts. The CIPD are interested to understand how the Panel proposes that the Government of Jersey should collect data on the economic value of domestic work including childcare, cooking, shopping, housework, odd jobs and gardening.

The Panel recommended that the Government, with the support of Statistics Jersey, should collect data on the economic value of work done in the home including childcare, cooking, shopping, housework, odd jobs and gardening. This was neither accepted nor rejected by the Chief Minister at the time because he advised that Statistics Jersey would need to consider how the recommendation could be achieved prior to the Government being able to accept it.

In 2021, the Chief Minister [provided](#) the Panel with an update on this recommendation. He said that none of the activities that would be needed to address the recommendation were funded in the Government Plan and had not been included in the 2022 Government Plan. Furthermore, he said that, given the resource constraints faced by Statistics Jersey in running the 2021 Census and restarting in September the 12 month long Living Cost and Household Income Survey, the recommendation was unlikely to be capable of being progressed in the near future.

KEY FINDING 13: There continues to be a lack of data on the economic value of work done in the home including childcare, cooking, shopping, housework, odd jobs and gardening.

Time-Use Survey

In November 2021, the Panel spoke to the Principal Statistician about the possibility of conducting a time-use survey which estimates the amount of time spent on domestic activities through detailed household diaries. The Principal Statistician explained that undertaking a time-use survey would be resource intensive and would be similar in scope to the Living Cost and Household Income survey. It would require interviewees to visit around 1,000 households in order to explain how to diarise their time over a long period (which could be up to 1 year or longer depending on take-up). Once the information was collected it would need to be inputted and analysed by Statistics Jersey. Overall, the Principal Statistician explained that it would be a 2-year project.

Given the timing of its follow-up review and the election 2022, the Panel was not minded to pursue the creation of a time-use survey but would encourage a future Gender Pay Gap Review Panel to secure funding in the Government Plan 2023-26 for this type of survey to be conducted in Jersey.

More women taking on caring responsibilities

In its 2019 report the Panel found that caring responsibilities contributed to the gender pay gap as it is more often women who take time out of the workplace to care for children (or elderly relations). The cost of childcare was identified as a factor which prevents parents, mostly women, from returning to work. This impacts on women's careers the most as it is generally the mother who takes on primary caring responsibilities, despite the fact that the results of the Jersey Opinions and Lifestyle Survey (2016) showed that 92% of fathers would have wanted to take longer leave.

Some researchers have found that having children has a life-long effect on women's employment rates, career opportunities and income. The co-founder of the Diversity Network told the Panel that having caring responsibilities was almost as big a barrier to finding employment for those looking for work as a criminal record:



Co-founder, Diversity Network:

“So Diversity Network’s own research back in 2019 suggested that having caring responsibilities was almost as big a barrier to finding employment for those actively seeking work as a criminal record. That is how big a barrier it is. This suggests that our ageing population will only compound this barrier for women over the coming years. So solutions need to be found urgently. As advocated in P.w.C.’s Women in Work report, we would like to see greater access and financial support for women wishing to return to education or retrain in future skills, especially single mothers. There have been many cases where single mothers have only been able to take their further education so far and then the funding stops and the support stops and they are unable to fulfil their potential, bring their talent into the workplace”.

In his response to the 2019 report, the Chief Minister accepted that the cost of childcare is particularly sensitive in Jersey and the changes to the family-friendly policies would hopefully go some way to improve the situation. The States Assembly introduced its family friendly policy in 2020 which provides parental leave rights for all parents, aimed to encourage all parents to take time off during their child's early years. This provides both parents with an entitlement of up to 52 weeks

leave each, to be taken over 2 years, 6 weeks of which is paid by the employer at full pay. More recently, the parental leave entitlements were updated for [shared parental allowance](#) in addition to the provisions in place for parental leave. However, despite the legislation being progressive, the Panel notes that the leave period is not backed up by Government funding, so only those who can afford to take unpaid leave will use it.

Nevertheless, the Panel welcomes the enhanced family friendly policy and hopes that it will initiate a culture change within Jersey which will mean that fathers, as well as mothers take on responsibility for childcare. The Chamber of Commerce told the Panel that if male leaders were taking time out of the workplace to look after their children, this would filter down the organisation:

Chair, Employment and Skills Committee, Chamber of Commerce:

If we were to see male leaders of organisations demonstrating that they split their time, that they do the pick-up and the drop off for kids, et cetera. I think we need to see more of that. If you see that the whole way down the organisation then the behaviours are mimicked and it is seen as being more acceptable. That is a general point anyway, across any sort of behavioural or value proposition, if you want to change the culture, it has to start at the top.

KEY FINDING 14: The Panel welcomes the enhanced family friendly policy and hopes that it will initiate a culture change within Jersey that fathers, as well as mothers take on responsibility for childcare. However, despite the legislation being progressive, the leave period is not backed up by Government funding, so only those who can afford to take unpaid leave will use it.

7. The gendered impact of Covid-19

As mentioned earlier on in the report, a number of stakeholders commented on the impact of Covid-19 which has impacted men and women differently. The pandemic led to unprecedented circumstances which forced the Government to take extensive measures to try to support and protect Jersey's community. Whilst the health and financial effects of Covid-19 has impacted on everyone in some way, this chapter focuses specifically on the gendered impacts of the pandemic.

Stay at home policy and the impact on employment

The Government announced its stay at home policy in March 2020 which resulted in the closure of schools, non-essential shops and community spaces. There is emerging evidence to suggest that the socio-economic effects of Covid-19 have fallen disproportionately on women which is supported by a [submission](#) from Dr Victoria Basham, Reader in International Relations at Cardiff University, who said that more women took on the burden of home-schooling and additional labour in the home during the pandemic.

In a [report](#) by the Policy Department for Citizens' Rights and Constitutional Affairs, it explains that social norms and decisions related to pay have meant that some women had to take unpaid leave from paid employment or reduce their hours and others had to significantly shift their working patterns to be able to accommodate multiple paid and unpaid demands.



Although there is limited local evidence, the Panel notes that researchers from the Institute of Fiscal Studies and the UCL Institute of Education created an online survey (between April and May 2020), which captured how 3,500 families were sharing paid work and domestic responsibilities. The [responses showed](#) that:



Mothers were more likely than fathers to have left paid work since February 2020.



Among mothers and fathers who were still in paid work, mothers had seen a bigger proportional reduction in hours of work than fathers.



Among those doing paid work at home, mothers were more likely than fathers to be spending their work hours simultaneously trying to care for children.

The Policy Department for Citizens' Rights and Constitutional Affairs also [explained](#) that the change to working practices has had a significant impact on family finances, and there are concerns that job security may become an increasing problem in the post-pandemic period if women, needing to care for their children and reduce their workload, have demonstrated to employers that their work is "non-essential". Furthermore, the recession as result of the pandemic may put women at greater risk of redundancy and unemployment than their male counterparts who continued to work during the stay-at-home measures.

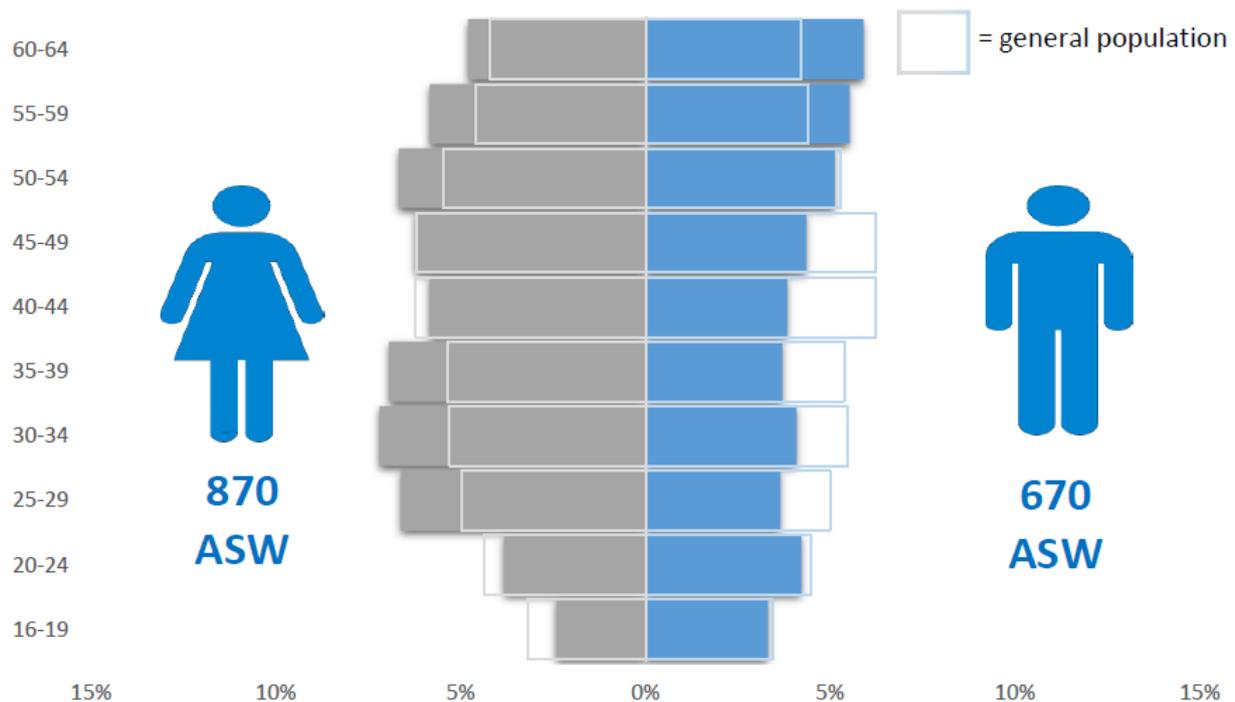
Unemployment levels in Jersey

From looking at local statistics published during the first year of the pandemic by Statistics Jersey, the [graph](#) below shows that those actively seeking work rose substantially during April – July 2020:

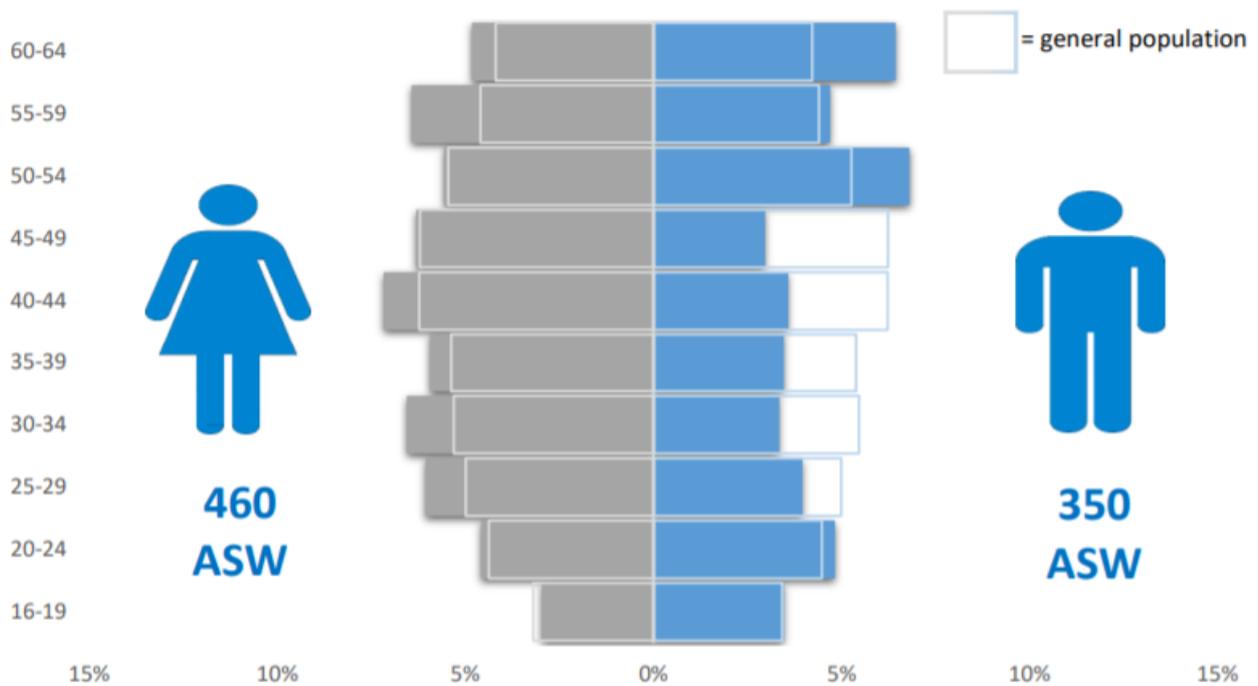
Figure 1 – Number of registered ASW excluding CRESS claimants, January 2014 – 16 August 2020



This rise in those ASW during April – July 2020 was likely due to the Government’s stay at home policy, but it is interesting that more females than males were registered as actively seeking work in October 2020:



By December 2021, although the number of those registered as actively seeking work decreased, there were still more females than males looking for work:



The Census 2011 shows⁴ that more women than men are employed in the industries that were hit hardest by the pandemic, such as hospitality, travel, education and retail. Specifically, men accounted for 94% of those employed in skilled trades and 66% of managers, directors and senior officials. In contrast, women accounted for 83% of those employed in caring, leisure and other service occupations and 78% in administrative and secretarial occupations.

KEY FINDING 15: Evidence suggests that the socio-economic effects of Covid-19 has fallen disproportionately on women. More women than men took on the burden of home-schooling and additional labour in the home during the pandemic.

KEY FINDING 16: The Census 2011 shows that more women than men are employed in the industries that were hit hardest by the pandemic, such as hospitality, travel, education and retail. More women than men were actively seeking work between October 2020 and December 2021.

Flexible working

The measures introduced in response to Covid-19 have changed Jersey’s workforce. Working from home became the “new normal”, which was initiated when the stay-at-home measures were introduced. The Jersey Opinions and Lifestyle [Survey](#) shows that over half (54%) of employed adults were working from home at least some of the time in 2020:

Work from home

Figure 1.2 Proportion of working adults who were working from home (at least some of the time)



⁴ [Census 2011](#) - Figure 4.3, page 30

When broken down by age and gender, there were marginally more females than males working from home in age brackets 16-34 and 35-44:



The increase in those age brackets could be because more women tended to take on childcare, home-schooling and domestic duties. A [submission](#) from HR Now (which accumulated the views of small commercial sector businesses in Jersey) said:



HR Now (views of small commercial sector businesses in Jersey (under 25 employees)):

“Women took the majority of the home-schooling and had to continue to run the home and find solutions to working from home. Most women would far rather work in the office from the feedback from our clients. Working from home cannot be confused with childcare. You should not be permitted to work from home if you have childcare responsibilities – you cannot work in your job and look after a child of any age at the same time. That should be a clear message from the Government to support employers.”



The Panel notes that some businesses in Jersey are continuing with their remote working and flexible practices, even though employees are now able to return to the office. The Panel asked the Assistant Chief Minister [for his views](#) on the impact of Covid-19 and the effect it has had on how people work:



Assistant Chief Minister:

“I think we have changed the world on this. My world has certainly changed and I think everyone who works, who has a job that is desk-based, has changed. We have all got used to Teams meetings, working on P.C.s, working from home, dealing with cats, dogs and children invading our screens. It has been a complete revolution frankly and, yes, there have been some challenging issues.”



Group Director, People and Corporate Services:

“When we first went into lockdown a couple of things came to mind when we think about our policies. The first is how we treated workers at home and flexible working is more than just working from home. So people were not just working from home. Children were at home. Other adults were at home competing for bandwidth, no doubt. The flexible working we saw during COVID is not necessarily flexible working that you had designed it for but it has shown that people can do that.

I know instances where people had to arrange childcare. They would drop their children off, they would go and pick them up, but they could work around that. That provided more flexibility than being in work all the time. I think people felt less guilty about having to go out and sort out childcare and things like that. One thing that I found - I have not got a lot of evidence, this is anecdotal - is when we were looking at our policies for employees at home or indeed employees who had to come into work, very often we would get a female member of staff saying they cannot come in because their husband or their male partner has been told that they have to work, and that they are responsible for this. I think there was an ingrained cultural issue around employers saying that the male has to be the primary earner whereas the majority of our nursing workforce is female”.

The Co-founder of the Diversity Network [explained](#) that the acceptance of flexible/home-working has been an “upside” to the pandemic which may be of benefit to many working parents. She warned, however, that employers will need to be careful to mitigate the risk of a two-tier system of career progression - with promotion more likely for employees able to work regularly in the office compared to those working more hours from home:



Co-founder, Diversity Forum:

“Hybrid working seems to be the 'new normal' trend in the finance and law sectors, but this will only avoid having a detrimental effect on the seniority gap/glass ceiling for women if men are equally taking advantage of greater flexibility. To achieve this, employers must take care to ensure that flexible/homeworking is not perceived as a policy only for working mothers (or, more accurately, more affluent working mothers with the resources and space to work effectively from home) - it must be open to, supported and encouraged amongst all employees regardless of gender and parental responsibilities.”



KEY FINDING 17: Covid-19 has initiated a cultural shift with greater access to flexible working. However, employers will need to be careful to mitigate the risk of a two-tier system of career progression - with promotion more likely for employees able to work regularly in the office compared to those working more hours from home.

Accessibility of flexible working

In terms of flexible working in the public sector, the Panel has already made reference to the Flex Positive initiative which aims to introduce flexible and agile working across the Government’s workforce. Although the Panel supports the aims of the initiative, it is mindful that flexible working

will not be accessible to everyone, particularly uniformed services and those working in education. When asked about this issue, the Group Director of People and Corporate Services explained:



Group Director, People and Corporate Services:

“We have not got into that part of it yet. We have been running pilots. We are starting to look at manual workers in I.H.E. (Infrastructure, Housing and Environment) and we are also looking at one of the uniformed services to see how we do that and looking at possibly piloting a school. Those 22 are to come. We do not have any evidence at the moment. We are still scratching our heads on how we approach that because what we do not want to do is to say: “Let us try it” and it will fall over and everyone go: “Well that has not worked.” We want a design and the potential for it to succeed.”

The Panel believes that access to flexible, affordable childcare would help address the challenges around flexible working for those who are not in ‘9 to 5’ roles. The Panel asked for the Assistant Chief Minister’s views on access to childcare:



Senator S.Y. Mézec:

“Are you looking at things that are a bit more out of the box to support people in those sorts of roles? One of the things that we have discussed is childcare. For example, if you have access to good quality and affordable childcare but it is only between office hours and you do a job that is not quite ordinary office hours, you are not enabled then to thrive in your job as you otherwise might do with that part of your affairs taken care of, whereas it is taken care of for lots of people who are in those 9 to 5 jobs.”



Assistant Chief Minister:

“It is an issue, firstly because of the cost - childcare is expensive - and secondly, because there are more demands on the Island’s childcare system than there are carers available. It is an issue and I am not entirely sure how we tackle it other than try to make it easier for people to start up childcare businesses”.

The Panel explores access to flexible, affordable childcare further on in the report but believes that the Government could do a number of things to enhance access including subsidising childcare and providing training and bursaries to encourage people into the childcare profession, to increase availability.

KEY FINDING 18: The Government’s Flex Positive initiative will not be accessible to everyone, particularly uniformed services. Access to flexible, affordable childcare would help address the challenges around flexible working for those who are not in ‘9 to 5’ roles.

Did the Government adopt a gender sensitive approach?

The Panel asked various stakeholders whether the Government adopted a gender-sensitive approach to its Covid-19 policies, particularly as a number of researchers have found that the pandemic has had a negative impact on gender equality. Most stakeholders did not consider that the Government considered the gender perspective when introducing its policies:



Chartered Institute of Personnel and Development:

“We are not aware of any obvious considerations being given to a gender sensitive approach. Employers were tasked with dealing with their own employees. Public sector

equality duties in the UK require public bodies to conduct Equality impact assessment (EqIA) of policies and processes. The Pandemic created significant disruption to businesses and society and decisions and actions taken by the government were made at pace. Equality impact assessment of the decisions made should be undertaken as part of a post action review, to ensure lessons are learnt”.⁵



Liberate:

“The sensitivity to the needs of minority groups during COVID was not always apparent in Government’s approach both here and in the UK. COVID-19 has impacted members of minority groups disproportionately. Women have carried the burden of home-schooling, low income and non-white communities have been hit hardest by the virus in terms of healthcare, people from the LGBTQ+ community have been locked down in unsupportive or hostile home environments, the old have been isolated and the young have missed out on schooling, critical exams and university experience, and people with disabilities have been (and continue to be) shielding. These inequalities existed before coronavirus, but the pandemic has highlighted them”⁶.



A briefing paper by the European Parliament ‘[Covid-19: The need for a gendered response](#)’ highlighted the importance of adopting a gender perspective when Government’s develop policy. The paper explains that pandemics are known to affect women and men differently and that there is evidence that the ongoing health, social and economic crisis is having gendered impacts (emphasis added by the Panel):



European Parliament:

“Successive lockdowns have widened the existing gender divide in unpaid care work that was already keeping more women than men out of the labour market. Greater work-life conflict is one of the factors leading to women’s employment being worse hit than men’s, with potential long-term impacts on women’s employment, pay and career advancement. The pandemic has also brought the issue of women’s participation in decision-making to the fore. Without a gender-sensitive approach, the pandemic could have far-reaching implications, including a real risk of exacerbating gender inequalities and sending progress into reverse.”

The Panel asked the Assistant Chief Minister for his [views](#) on whether the Government could have adopted a more gender sensitive approach in its response to the pandemic:



Assistant Chief Minister:

“It goes without saying you can always do something better on reflection but in terms of implementing the COVID strategy and putting in place, the teams that we had, our gender policy still existed and were still adhered to.”



Group Director, People and Corporate Services:

“When decisions are being made, typically with the advance of S.T.A.C. (Scientific and Technical Advisory Cell) and with Public Health comments, they always looked at different

⁵ Chartered Institute of Personnel and Development [submission](#)

⁶ Liberate [submission](#)

perspective, so different communities that may be impacted in different ways. So gender would have been there, as was the age profile. They talked a lot about balance of harm and balance of risks. They looked at different angles and different potentials. There is a COVID review that the States Assembly have agreed to look at and that would be in there in terms of what is considered.”

The Panel does not consider that the Government undertook a gender sensitive approach to its policies. The Panel reviewed the publicly available S.T.A.C. (Scientific and Technical Advisory Cell) minutes and found no specific consideration of gender inequality or the social impacts of the pandemic on women.

Evidence from the [Women’s Budget Group](#) in the UK shows that the decisions to close schools meant that mothers on the lowest incomes were nine times more at risk of losing their job due to childcare responsibilities and 72% of mothers worked fewer hours and cut their earnings due to lack of childcare. Local statistics are limited in this area but the Jersey Advisory and Conciliation Service [explained](#) that they received more contacts from women than men regarding concerns about working at home and a lack of additional childcare provision:



Jersey Advisory and Conciliation Service:

“...at JACS we recognise that during the lockdowns we received more contacts from women than men with many of them concerned about working at home, childcare, vulnerable others. Such calls continued as the re-opening of workplaces started with a lack of additional childcare provisions being available e.g. nurseries, after-school and holiday clubs, and indeed the phasing of school returns by year groups etc”.

KEY FINDING 19: The Government did not take a gender sensitive approach to its policies during the Covid-19 pandemic. There was no specific consideration of gender inequality or the social impacts of the pandemic on women during Scientific and Technical Advisory Cell meetings.

KEY FINDING 20: During the lockdown periods, the Jersey Advisory and Conciliation Service received more contacts from women than men regarding concerns about working at home and a lack of additional childcare provision.

8. Further considerations to close the gender pay gap

In its 2019 report, the Panel referred to the complexities of the gender pay gap and the factors that may be preventing women's progression. This section provides a number of areas the Panel believes requires further focus from the Government in order to make real progress on closing the gender pay gap.

Encourage flexibility in the workplace

Throughout this report the Panel has discussed flexibility in the workplace including the Government's aim to create a flexible and agile workplace through its Flex Positive initiative but also the overall cultural change in relation to flexible working practices which has been initiated by the pandemic.

The Panel's 2019 report highlighted the importance of flexibility in the workplace, particularly for both parents so that women do not have to make a choice between having a career and starting a family. The Panel asked the Assistant Chief Minister how the Government could ensure that employers are not unfairly treated if they are working flexibly and miss out on opportunities:

Types of flexible working

- **Job sharing:** two people do one job and split the hours
- **Working from home:** it might be possible to do some or all of the work from home or anywhere else other than the normal place of work
- **Part time:** working less than full-time hours
- **Compressed hours:** working full-time hours but over fewer days
- **Flexitime:** the employee chooses when to start and end work (within agreed limits) but works certain 'core hours'
- **Annualised hours:** the employee has to work a certain number of hours over the year but has some flexibility about when they work.
- **Staggered hours:** the employee has different start, finish and break times from other workers.



Assistant Chief Minister:

"I think it is about the robustness of our gender diversity policies and making sure that they are fit for purpose and, within all selection processes, gender is not a factor. The fact that you have children and you are working from home should not be a barrier to you getting promoted. You get promoted on ability and nothing else. In terms of our policies that is what we are working towards, is to eliminate any form of bias from policies and to appoint the best people into the roles that they deserve and making sure that through training and opportunities that we give people the opportunities that they are supposed to have".

Some researchers, such as [Timewise](#) (flexible working consultancy) have commented that, although part-time work is a good enabler for women in the workplace, particularly after children, it can "trap" them in roles, meaning less pay and progression - which they refer to as the part-time trap. They said that there should be a culture where fathers feel comfortable, and will not be penalised, for asking to reduce their hours when a baby comes along.

KEY FINDING 21: Although part-time work is a good enabler for women in the workplace, particularly after children, it can "trap" them in roles, meaning less pay and progression.

RECOMMENDATION 5: Through its Flex Positive initiative, the Government should work towards de-stigmatising part-time working within the public sector and create a culture where fathers and male carers feel comfortable, and will not be penalised, for asking to reduce their hours.

In September 2018, the States Assembly approved an amendment to the Employment (Jersey) Law 2003 which introduced a number of flexible working rights. The changes in 2018 means that there is a statutory right for employees to request flexible working regardless of the reason for their request. Employees are able to make an application to request changes to their hours of work, their times of work and their place of work, with no qualifying period. The Panel notes that Jersey is ahead of the UK in terms of no qualifying period. In the UK, employees must have worked for the same employer for at least 26 weeks to be eligible.

The Panel notes that the UK Government are currently consulting on whether to make flexible working the default. The consultation paper explains that the UK Government is keen to ensure that statutory flexible working begins with a conversation between employer and employee about how best to balance particular work requirements and specific individual needs. The Government committed to promote flexible working and, subject to the consultation, introduce measures to help make it the default unless employers have good reasons not to. The Government is also looking at whether flexible working should be made a day one right, with no qualifying period.

The Panel believes that making flexible working the default should also be explored in Jersey and suggests that the Minister for Social Security should direct the Employment Forum to consult with businesses and employees in order to improve the existing framework for flexible working.

KEY FINDING 22: In accordance with the Employment (Jersey) Law 2003 employees are able to make an application to request changes to their hours of work, their times of work and their place of work. Although employees can request flexible working, it is not currently the default position.

RECOMMENDATION 6: The Minister for Social Security should direct the Employment Forum to consult with businesses and employees in order to improve the existing statutory framework for flexible working. This should include measures to help make flexible working the default unless employers have good reasons not to. The request to the Employment Forum should be made before June 2022.

KEY FINDING 23: Jersey is currently ahead of the UK in terms of the qualifying period for requesting to work flexibly. In the UK, employees must have worked for the same employer for at least 26 weeks to be eligible. In Jersey, there is no qualifying period.

RECOMMENDATION 7: As some employees may not know they are entitled to apply for flexible working as a day one right in their employment, the Minister for Social Security should undertake a publicity campaign highlighting people's statutory rights. This should be undertaken before the end of 2022.

Provide greater access to childcare

In its 2019 report, the Panel found that the cost of childcare was a factor which prevents parents, mostly women, from returning to work. This has impacted on women's careers the most as it is generally the mother who takes on primary caring responsibilities. The Panel found that this could have been because of previous employment legislation which provided mothers with a longer period of parental leave than fathers - legislation has since been updated to ensure that both parents have the same opportunities to take parental leave.

Early Years Policy Development Board

In 2019, the Chief Minister formed an Early Years Policy Development Board to examine the provision of early years services from conception to age five and to develop a shared strategic policy position across early years. The Chief Minister published the [report](#) in September 2021 which made a number of policy recommendations specifically in relation to childcare:

- **Family Friendly Measures:** the role of families is continued to be recognised through family friendly legislation which enables parents to have a choice in relation to parenting (childrearing). The Board welcomed the current measures but were concerned that it is not financially viable for the majority of parents to stay at home for childrearing, particularly when children are in the first year of life when this would be of the greatest benefit.

The Board also said that the childcare/education division is accentuated by different forms of public funding - services providing 'early education' are funded directly by Government, 'childcare' is part funded by tax or benefit-based subsidies and parental leave is paid for by employers.

The Board were interested in universally improving the financial support made available to parents in the first years of a child's life and suggested that further policy consideration should be given to extending financial support to parents who want to rear their child at home during the first year of the child's life.

- **Consolidation of Educational Entitlement:** the consolidation of an educational entitlement for all children (3 - 4 year olds) with a future extension to 30 hours during term time. The Board suggested that the current level of early years provision offered through the Nursery Education Fund was maintained and the top-up should become a permanent part of the base budget.

Although this has now been introduced, the Board also said that the under use of school nursery classes should be reviewed to consider increased take-up at no significant additional cost. This could be achieved by reviewing the criteria for additional hours and /or giving consideration to flexibility of provision e.g. through the provision of wraparound care provided by partnerships between school nursery classes and the private sector based on the term time offer. In addition models could be piloted to decrease the spare capacity of afternoon nursery places and increase flexibility for families.

Although the recommendations made in the report are not policy and do not commit the Council of Ministers to a particular course of action, the Panel believes that the report's findings and suggestions offer a good foundation for future policy decision making.

KEY FINDING 24: The Early Years Policy Development Board, established by the Chief Minister, made a number of policy recommendations specifically in relation to childcare including further family friendly measures to support parents who want to rear their child at home during the first year of the child's life and a review of the under use of school nursery classes.

RECOMMENDATION 8: The recommendations made in the Early Years Policy Development Board should be revisited by the Chief Minister and a formal response to the report's findings and suggestions should be published. This should be undertaken by the end of 2022.

Affordability and flexibility

In its Women in Work Index 2021 report, PwC raised the issue of affordable childcare and highlighted the importance of Governments continually raising the bar higher on the issues in order to match or overtake other countries in these areas:

PwC - Women in Work Index 2021

“Reduce the burden of unpaid care Policies such as shared parental leave, affordable access to childcare, and flexible working options for both women and men enable women to work more and develop their careers. Jersey continues to make valuable strides, with the 2020 extension and sharing of parental leave, as well as the recent announcement to increase free nursery hours from 20 - 30 hours per week from September 2021. In Guernsey, progress has been slower and benefits are less generous. It’s important to keep pushing the bar higher so that we can match or overtake other countries. It’s also essential that the value of the unpaid work women do is fully appreciated”.

In 2017, the Jersey Community Relations Trust (JCRT) commissioned BDO Greenlight to [research](#) the cost of childcare in Jersey and its social and economic impact on the local community. This followed a review by the JCRT in 2015 on the challenges faced by women in Jersey who wanted to achieve a successful and fulfilling career or to contribute to the economic well-being of their families. The research undertaken highlighted the fact that many women across the spectrum of occupations consider that the high cost of childcare often prevents them from achieving their family objectives.

The 2017 BDO report found that the younger years are the most expensive for childcare, but free provision of childcare is only provided when a child reaches the age of 3. The JCRT recognised that free childcare may be a long-term aspiration but suggested that this could be a gradual process whereby subsidised childcare is given to parents of the most vulnerable children, from birth to school age for the full calendar year.

BDO recommended that the Government undertake research on the support required by lower income parents and the challenges they face with regard to childcare, giving consideration to the cost of housing, employers’ working practices and ‘non-normal’ working hours leading to parents accessing ‘informal’ childcare.

A [submission](#) from HR Now (which accumulated the views of small commercial sector businesses in Jersey) said that the recent increase in nursery hours would only have an impact if there was enough staff to provide the nursery places:



HR Now (views of small commercial sector businesses in Jersey (under 25 employees)):

“The plans to increase nursery hours funding for low paid and then wider will have a significant impact in the next 5 + years, but only if you can support the commercial sector in finding staff to provide more nursery places to be taken up. It is not funding to pay for childcare that is putting parents off returning to work but finding any nursery places at all!! Many returning parents have to put off return to work for up to six months because they can’t get childcare at all regardless of the price.”

⁷ [PwC - Women in Work Index 2021](#)

It is clear that access to affordable childcare is an issue in Jersey. The Panel believes this requires greater attention from the Government, not least because some organisations such as the [Family and Childcare Trust](#) have found that the gender pay gap will not be closed until all parents have access to family friendly employment opportunities, and high quality, affordable and flexible childcare to enable them to take up opportunities.

The Panel believes that an independent review should be commissioned by Government to look at these areas which would be timely, particularly as the [cost of living](#) in Jersey rose by 3.8% in 2021. In the UK, a survey⁸ has found that childcare costs have increased over the last year which has added to the cost of living crisis. It also found that childcare availability has declined which is keeping parents out of work. An independent review in Jersey would identify whether there are similar concerns here, and, if so, would enable the Government to be better informed to make future policy decisions related to access to childcare.

If flexibility in the workplace is to be encouraged, the Panel also believes that flexibility of childcare options should be considered in any review commissioned by the Government - for example, does the childcare market in Jersey cater for parents who do not work the typical '9 to 5'? The [findings](#) of a focus group undertaken in 2012 by the Jersey Child Care Trust found that the inflexibility of nurseries was a concern for parents, especially for those who worked shift hours. As such being able to balance the needs of their employers and the needs of a family is a challenge for parents with many forced choices, for example, sacrificing time as a family for reasons of childcare affordability or accessibility.

KEY FINDING 25: There are a number of challenges faced by women in Jersey who want to achieve a successful and fulfilling career and contribute to the economic well-being of their families. Many women across the spectrum of occupations consider that the high cost of childcare often prevents them from achieving their family objectives.

RECOMMENDATION 9: The Government should commission an independent review of childcare in Jersey to include accessibility, flexibility, quality and affordability in order to better inform its future policy making decisions. An independent person or body should be commissioned before the end of 2022.

Introduce statutory reporting measures

During its previous review, the Panel considered whether to recommend that statutory reporting should be introduced in Jersey. At the time, the Panel looked at the position in the UK which introduced mandatory reporting in 2017. Organisations in the UK with a headcount of 250 or more must publish their gender pay gap reports by 30th March each year (4th April for private or voluntary sector organisations). Private and voluntary sector organisations have the option of including a narrative statement alongside their gender pay gap figures, outlining the reasons behind them and the actions they are taking to close it. Publishing supporting narratives and employer action plans are discretionary in the UK⁹.

The Panel asked a number of stakeholders for their views on statutory reporting and the general view at the time was that, even if legislation was introduced in Jersey it would only be effective if societal attitudes and culture also changed. The Chief Minister said that he would favour using

⁸ Coram Family and Childcare's 21st annual childcare survey - [The Guardian](#)

⁹ Gov.uk - [Gender Pay Gap Reporting: guidance for employers](#)

voluntary methods in the first instance but if statutory measures were introduced, the burden on smaller businesses would have to be considered.

The Panel asked stakeholders during this review and found that the majority supported the introduction of mandatory reporting. The Chartered Institute for Personnel and Development said:



Chartered Institute for Personnel and Development

The CIPD believes statutory gender pay gap reporting should be enacted in Jersey as a priority. Measurement helps organisations understand the size and causes of pay gaps and more importantly to identify issues which need to be addressed to tackle inequality.

[...]

Reporting allows employers to start conversations about the diversity of their workforce with employees, potential employees, stakeholders and suppliers and to create informed action plans. This requires senior level accountability embedded into actions and commitment to do the work to tackle inequality and create inclusion and belonging.

The Chamber of Commerce, Employment and Skills Committee said:



Deputy L.M.C. Doublet:

“What is the Chamber of Commerce’s view on introducing a statutory requirement for businesses to report on their gender pay gap?”



Chair, Employment and Skills Committee, Chamber of Commerce:

“Chamber would be supportive of that. Obviously it comes with the usual caveat that that should be as easy to do as possible and should be particularly mindful of the smaller businesses, the medium-small sized businesses who would be more than happy, I believe, to also report but some recognition has to be given to the effort that might be required to do that. I think the answer is yes, with a considered approach to making that as simple as possible”.

The Diversity Network advised that statutory reporting should be accompanied by a requirement for businesses to also publish an action plan for improvement/cultural change:



Co-founder, Diversity Network:

“..... if we are serious about ensuring that Jersey PLC is able to compete in a fast changing, increasingly diverse international business landscape - and unless we see MUCH stronger leadership on equality issues from our political leaders - mandating gender pay gap reporting for employers of a certain size is, in my view, necessary to ignite real change. That said, I would only want to see mandatory reporting implemented if the learning is taken from the UK’s statutory measures in this regard. In particular:

- *Employers should be required to publish their gender pay gap data AND a 5 year action plan for improvement/cultural change*
- *Employers should be strongly encouraged and given the support* to publish other diversity pay gap stats too (such as ethnicity and social mobility).*

- **Producing stats and a meaningful plan should be supported and help/advice should be made easily available to employers, e.g. through the IOD D&I Charter and Jersey Employer Group's D&I toolkit, free workshops and D&I mentors.*

The Women in Work Index 2019 by PwC suggested that Jersey should consider a similar approach to the UK with statutory gender pay gap reporting. It says that this would shine a light on companies with significant gaps and act as an incentive to address the issues.

Impact on businesses

The Panel received concerns from HR Now (which accumulated the views of small businesses in Jersey) who said that mandatory reporting would impact the business community, particularly as there is already a “huge burden of compliance and reporting” on businesses:



HR Now (views of small commercial sector businesses in Jersey (under 25 employees)):

“There is already a huge burden of compliance and reporting on small businesses and they struggle to keep up with changes in employment law, health and safety and best practice. This area is something they generally support but forcing more statutory regulation on them is punishing them and shows a stick not carrot approach.

*EG 1: **multiple small IT businesses** offer highly enhanced maternity leave benefits (way above statutory) in an effort to positively attract more female candidates into the sector. This is seen as a benefit to the teams and the client offering for these businesses.*

*EG 2: **Market rate benchmarking data** is now checked by many smaller businesses to show that they are considering a wider impartial picture when they recruit or when they review salaries/promotions.*

*A significant way that Government to provide a carrot to support these sectors is to offer **funding** and incentives for smaller businesses to input to salary survey data and to benefit from such market rate benchmarking. This would help encourage good practices and base salaries on informed data rather than guesswork.*

*EG3: the third sector has already grouped together in some areas (care areas) to provide this sort of salary/benefits data to help make informed and impartial reward plans and strategies but **Government could help more here**. The finance sector is already well established in market rate/salary surveys so does not need such support. Government could easily provide this via the chamber of commerce!”*

The Panel believes that the concerns from businesses could be mitigated if a threshold was introduced whereby smaller businesses would be exempt from reporting on their gender pay gap but could do so voluntarily. The Panel raised this with the Assistant Chief Minister who said that businesses should be consulted on what the threshold should be:



Assistant Chief Minister:

“We should consult with every employer in the Island and see what their views are. There will be a level of resistance but I think we need to push them a bit and say: “Look, we are going to produce this. Where do you think we should stop?” Clearly, if you have a 2-man shop it is a bit mean; we are encouraging them to be diverse in their employment practices. But for bigger organisations. Certainly there are enough financial services organisations in Jersey that it should not be a problem for them”.

Given that the Panel has found little evidence to suggest that any progress has been made in closing the gender pay gap in Jersey, which has actually been exacerbated by Covid-19, statutory reporting should be introduced as a matter of urgency. This was supported by the Assistant Chief Minister who said:



Assistant Chief Minister:

“If you look, we gave industry plenty of time to apply voluntarily and I think now is the time to start to squeeze them gently and say: “Look, you need to do this and you need to do this to a set standard.” It is not for me because I will not be in office when action is required, but certainly in our review process we will be suggesting that statutory legislation needs to be thought about, and we need to progress towards introducing it.”

In taking the necessary action to introduce statutory reporting, the Panel also believes that the Government should consult with businesses on two main areas - the threshold level (which would exclude smaller businesses from being required to report) and on what level of support businesses might require in order to report on their gender pay gaps effectively.

RECOMMENDATION 10: The Chief Minister should take the necessary action to introduce statutory gender pay gap reporting in Jersey which should include a requirement for businesses to publish a 5-year action plan alongside their reports. Law drafting instructions should be issued before the end of 2022.

RECOMMENDATION 11: In preparation for statutory reporting in Jersey, a consultation should be undertaken with businesses in order to determine the appropriate threshold level for mandatory reporting and what level of support businesses might require in order to report on their gender pay gaps effectively.

Ethnicity Gap Reporting

In addition to reporting on their gender pay gaps, some companies in the UK have reported voluntarily on their ethnicity, disability and LGBTQ+ pay gaps. In July 2020, a [petition](#) was delivered to the UK government calling for mandatory ethnicity pay gap reporting which may explain the increase in voluntary reporting in this area:

Much like the existing mandatory requirement for employers with 250 or more employees must publish their gender pay gap. We call upon the government to introduce the ethnicity pay gap reporting. To shine a light on race / ethnicity-based inequality in the workplace so that they can be addressed.

Currently there is a lack of data available in gauging the ethnicity pay gap in the workplace. Introducing these measures will allow employers to be held accountable in closing the gap where there is disparity. In order to achieve a fairer workplace publishing this data is one of the next steps to knowing how extensive the issues are from a race and ethnicity perspective and not just through the lens of gender.

The UK government has yet to introduce legislation for mandatory ethnicity pay reporting but is likely to in the near future after there were [further calls](#) for it to introduce a reporting regime.

Although the ethnicity pay gap fell outside the scope of this follow-up review, the Panel did ask a number of stakeholders for their views on ethnicity pay gap reporting:



Dr Victoria Basham, Reader in International Relations at Cardiff University

"I am supportive of this and think it is especially important for intersectional reasons - black women, for example, can face multiple barriers in employment that can contribute to more than one pay gap"¹⁰.



Co-founder, Diversity Network

"It's incredibly important that we view the seniority gap in the context of intersectionality. We are seeing more women from particular backgrounds progress to the top of business in some sectors - but they tend to be predominantly women of certain backgrounds (ie white, middle class, able bodied and university educated). This progress is positive - but not reflective of all girls and women in our society, and a truly inclusive society enables all women to fulfil their potential, not just a few".



Chartered Institute for Personnel and Development

"It is recommended that pay gap reporting on other protected characteristics is enacted once mandatory gender pay gap reporting is embedded in Jersey and when standardised methodologies are available".

The Panel has not assessed other types of mandatory reporting in any great detail during this review, but stakeholders seemed generally supportive of the idea which could be an area for future consideration by scrutiny once mandatory gender pay gap reporting has been introduced in Jersey.

Introduce a political lead for diversity, equality and inclusion

As mentioned earlier on in the report, the Government has appointed a Diversity, Equality and Inclusion (DEI) Consultant to deliver the DEI Strategy. The Panel welcomes the appointment but also believes that a political lead for DEI matters should be introduced in the next Government.

The co-founder of the Diversity Network commented that, although some businesses are leading the way in doing forward-thinking work, this is not mirrored within the political system:



Co-founder, Diversity Network:

"I am really proud of some of our business leaders right now. There are some employers in Jersey doing some really forward-thinking work, both within their organisations and within the wider community. That is really exciting. If I am honest, I do not see that from our political leadership and that is a huge issue. There are lots of ways, lots of solutions, to closing this gap. Some of them are really complex and are going to take a lot of time. But some of them are not so difficult. A really simple stride would be to hear our leaders actively engaging in these issues, talking about equality as if it really matters, demonstrating that they understand some of the inequalities in our community."

Later on, she said that a dedicated Ministerial position would demonstrate strong political leadership on matters relating to the gender pay gap:

¹⁰ [Submission](#) - Dr Victoria Basham, Reader in International Relations at Cardiff University



Co-founder, Diversity Network:

“I would love to see politicians, not just developing better policy around closing the gap, but championing some of these issues and speaking out on them. I do not hear that very often. The Government could bring in an Equalities Minister. It should not be a side-of-desk job. It requires a full-time ministerial position to look at it and work on the solutions and champion these causes. The Government could start at home; it can work harder to ensure that the States Assembly is a more inclusive place itself, to encourage greater diversity within our Assembly and within our Government.”

The Panel believes that a Ministerial position within the States Assembly would introduce an enhanced diversity perspective and would provide the opportunity for a political lead to champion the causes related to the gender pay gap and more widely, diversity, equality and inclusion.

RECOMMENDATION 12: The Chief Minister should introduce a political lead for diversity, equality and inclusion. This would champion the causes, introduce accountability and help drive change within the political system.

Gather better data

In its 2019 report, the Panel highlighted the need for the collection of hard data in Jersey on both the structural issues (impact of policies and working practices) that can create barriers for women and on the cultural issues (stereotypical views and values) that can create biases about women’s capabilities.

In September 2021, the OECD (Organisation for Economic Co-Operation and Development) [stressed the importance](#) of adopting gender sensitive approaches to policy making. In a policy framework the OECD explains that ‘gender mainstreaming’ is the integration of a gender equality perspective across all Government actions which would help Governments to make better decisions to achieve gender equality including as they relate to policy and spending decisions:

OECD:

“The quality of government decisions depends on the quality of the inputs, processes, and evidence used to make them. Solid gender expertise and analysis using data disaggregated by sex and other identity factors (e.g., age, ethnicity, socio-economic background) can help policy makers identify trade-offs among policy options, and make more informed decisions”.

The Panel acknowledges that this report has sometimes referred to UK statistics to provide evidence to support particular findings, however, this has been necessary as there is a distinct lack of local data available. For example, the Jersey Opinions and Lifestyle Survey undertaken by Statistics Jersey offered some valuable statistics on how many people were working from home for at least some of the time in 2020 but these figures were not broken down by gender in the published report. The Panel requested the breakdowns which showed that there were marginally more females than males working from home in age brackets 16-34 and 35-44.

The Panel believes that this type of data would enable the Government to be better informed in adopting gender sensitive approaches to policy making. This would have been particularly beneficial during the pandemic as many researchers have highlighted that it has disproportionately affected women in the home and workplace. If the relevant data had been available, this may have offered

the Government with more opportunity to mitigate any economic inequalities and could be used to inform policy making in relation to the recovery work.

KEY FINDING 26: There is a lack of data available on both the structural issues (impacts of policies and working practices) that can create barriers for women and on the cultural issues (stereotypical views and values) that can create biases about women's capabilities.

RECOMMENDATION 13: The Council of Ministers should adopt a gender equality perspective across all Government actions which would help make better decisions to achieve gender equality. Gender statistics should be collected and published, with the support of Statistics Jersey, in order to implement a gender mainstreaming approach.

9. Conclusion

The Panel has found that there has been little, or no progress made in closing Jersey's gender pay gap since it published its first report in 2019. This has largely been fuelled by the pandemic which has disproportionately impacted women in the home and workplace.

The Panel has recommended that statutory reporting is introduced in Jersey which would make it mandatory for businesses to report on their gender pay gaps. The Panel believes that a consultation with businesses should be undertaken to ensure that they will be provided with the right support to report effectively and have a say in what the threshold level should be which would make some of the smaller businesses exempt from reporting.

In addition to statutory reporting, the Panel has recommended that the Government takes a gender mainstreaming approach to its decisions and policies. The Government should ensure that better data is gathered in order to consider the gender perspective including on both the structural and cultural issues which affect the gender pay gap.

10. Appendix 1

Review Panel Membership



Deputy Louise Doublet (Chair)



Senator Kristina Moore



Senator Sam Mézec



Connétable Karen Shenton-Stone

Terms of Reference

1. To undertake a follow-up review of, 'Is there a gender pay gap in Jersey' (S.R.10/20219) with a particular focus on:
 - a. What progress has been made to deliver the accepted recommendations made in S.R.10/2019.
 - b. Whether statutory measures should be introduced in Jersey for gender pay gap reporting.
 - c. Whether there has been any change in the cultural influences which affect the gender pay gap.
2. To assess the gendered impact of Covid-19 and whether the Government considered a gender-sensitive approach to its Covid-19 policies.

Evidence Considered

Written Submissions

9 written submissions were received during the Panel's review [which can be viewed here](#). The Panel also received a submission from the Minister for Education and a joint submission from the Chief Minister and Minister for Social Security [which can be viewed here](#). The Panel is grateful to everyone who took the time to provide their views.

Public Hearings

- Chief Minister - 21st January 2020
- Diversity Network - 12th November 2021
- Chamber of Commerce - 30th November 2021
- Assistant Chief Minister - 10th March 2022

The transcripts from the Public Hearings [can be viewed here](#).



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