

# Desperate Housewives: The Undervaluation of Care Work as a Barrier to Substantive Equality

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## Abstract

The achievement of gender equality is multifaceted. While the position of women within Irish society has improved, this article intends to highlight a significant lacuna in society's approach to gender equality; the undervaluation of care work. It will explore the gendered nature of care work and ask why it is women, rather than men who typically undertake this activity. It will then examine how care work is undervalued and argue that this forms a serious barrier to the achievement of substantive equality.

## Introduction

Seminal texts on modern feminism frequently cite women's propensity to undertake household tasks as a contributor to the social inequalities facing her.<sup>96</sup> Yet many of the structural barriers that once shackled women to domestic duties have ebbed.<sup>97</sup>

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<sup>96</sup> Simone De Beauvoir, *The Second Sex* (New York Vintage Books 1989). See also Betty Friedan, *The Feminine Mystique* (New York Norton 1963), and Germaine Greer, *The Female Eunuch* (London: MacGibbon & Kee 1970).

<sup>97</sup> Referring to provisions such as the marriage bar, a lack of employment equality legislation and the social conception of women as the property of their husbands through the introduction of divorce and legislation on domestic violence etc.

The view that women are unable to perform the same tasks as men wanes more and more each day. All of this cumulates in figures that demonstrate that the number of women engaged in the Irish labour market is increasing.<sup>98</sup> Despite this, however, it is women who remain primarily charged with caring responsibilities within the home.<sup>99</sup> More often than not, women, rather than men, will engage in household tasks, care for children and give up work to support disabled or elderly relatives.

It is the intention of this article to explore the gendered nature of care work and to delve into its undervaluation. This will be done in order to forward an overall argument, that if true equality is to be achieved, the care-work silently undertaken by countless women everyday will need to be appreciated, valued and rewarded.

### **The Gendered Nature of Care Work**

The most pertinent and striking statistic to maintain throughout this article is the fact that 98% of family caregivers in Ireland today are female.<sup>100</sup> Here lies the issue of gender in caregiving roles. Although female participation in the paid labour market has increased, it has not been matched by a corresponding decrease in unpaid care work.<sup>101</sup> Women remain chiefly responsible for providing care within the home or to the elderly, despite newly found responsibilities in the workplace. It is the purpose of this section to ask why this is the case? Why are women more likely than men to undertake caring roles?

The first, and perhaps most obvious reason for more women engaging in care work than men, is the female biological capacity

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<sup>98</sup> Central Statistics Office, *Labour Force Survey Quarter 3 2018*.

<sup>99</sup> Central Statistics Office, *Men and Women in Ireland 2016*.

<sup>100</sup> *ibid.*

<sup>101</sup> National Women's Council of Ireland (NWC), *Valuing Care Work* (2002).

for childbirth.<sup>102</sup> Women are tied to their wombs; they are viewed as nothing more than biological vessels for reproduction. The biological situation of women leads to the social construction of mothers representing a universal source of care.<sup>103</sup> This understanding of women has had a particular influence in Irish society and is exemplified within Article 41.2 of the Constitution. This Article expressly recognises women's right to "*life within the home*".<sup>104</sup> The constitutionally defined position of women within the home largely contributed to the equation of femininity to maternity and caused women to be viewed in terms of their caregiving function, rather than as individuals.

The promotion of traditional gender roles within the Irish Constitution has had a powerful impact on the development of Irish social norms.<sup>105</sup> For years, women who wished to go out and work had few rights and little hope of career progression.<sup>106</sup> Until 1973, the marriage bar forced women in the civil service to retire when they married.<sup>107</sup> A husband could not be found guilty of rape committed by him upon his wife.<sup>108</sup> Husbands were entitled to sue against men who had sexual relations with their wives, although

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<sup>102</sup> De Beauvoir (n 1).. See also Udi Sommer, "Women, Demography and Politics: How Lower Fertility Rates Lead to Democracy" (2018) Population Association of America.

<sup>103</sup> Olivia Smith, "How Far from a Right to Care? Reconciling Care Work and Labour Market Work in Ireland" (2012) 47(1) *The Irish Jurist* 143-167.

<sup>104</sup> Article 41.2

<sup>105</sup> Laura Cahillance, "Revisiting Article 41.2" (2017) 40 *Dublin University Law Journal* 107-126.

<sup>106</sup> NWC1 (n 6).

<sup>107</sup> The Civil Service Regulation Act 1956, ss 10 and 16. These sections were abolished by ss. 2 and 3 of the Civil Service (Employment of Married Women) Act 1973.

<sup>108</sup> *McK v McK* [1936] IR 177.

wives were not awarded with a corresponding right.<sup>109</sup> These legal provisions contributed to society's conception of female identity as being defined in relation to her husband.<sup>110</sup> Women were understood purely through the prism of the home, as mothers, as wives and not as people.

Although many of the structural barriers listed above have been abolished and the place of women within Irish society improved, women remain primary caregivers. Attitudes of the past have subsided to a new type of social pressure; rather than being confined exclusively to the home, women are expected to do it all, both at home and in the workplace.<sup>111</sup> Instead of male and female participation in both employment and care work becoming more even, women have been taking on more and more responsibilities. It has been argued that women face a social guilt trip in that there is a perception that working mothers cannot establish warm and secure relationships with their children.<sup>112</sup> Women are therefore forced to balance their traditional responsibilities within the home, with newly acquired professional ones unlike their male counterparts. This is clearly a source of inequality between men and women in the workplace.<sup>113</sup>

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<sup>109</sup> Law Reform Commission, *The Law Relating to Criminal Conversation and Enticement and Harboursing of a Spouse*, Working Paper No. 5, 1978 (Dublin: Law Reform Commission, 1987).

<sup>110</sup> Taylor Stoneman, "International Economic Law, Gender Equality, and Paternity Leave: Can the WTO be utilized to balance the division of care labour worldwide?" (2017) 32 *Emory International Law Review*

<sup>111</sup> Claudia Olivetti and Barbara Petrongolo, "The Economic Consequences of Family Policies: Lessons from a Century of Legislation in High Income Countries" (2017) 31 *Journal of Economic Perspectives* 205-230.

<sup>112</sup> Stoneman (n 15).

<sup>113</sup> Consider that while the number of men taking on caring roles and unpaid work in the home has significantly increased to 9,200, there are 445,500 women taking on equivalent roles. Central Statistics Office, *Men and Women in Ireland 2016*.

## Undervaluing Care Work

While the work undertaken by women in the home is acknowledged by the Constitution to contribute to the common good, in practice, care work remains undervalued.<sup>114</sup> Undervaluing care work refers to the fact that the labour undertaken by women who rear children, look after frail relatives or maintain their family home is not given any economic value.<sup>115</sup> The failure to value this work serves as a real barrier to achieving equality.

A key exemplar of undervaluation of care work lies in the lack of support systems put in place to assist those with caring responsibilities. Irish social welfare remains structured around ideas of a singular male breadwinner rather than the situation of individuals within family structures.<sup>116</sup> An example of this is the fact that welfare is distributed based on overall household income. The potential result of this is that it appears more efficient for one spouse to pursue a career and the other to stay at home, rather than share income and care responsibilities. Therefore, there is a failure to acknowledge the work of the individual inside the family and care work is treated as a strictly private matter. The current structure of Irish society ignores the fact that care work remains indispensable for the continuation of society and it is an obligation which has great costs in terms of time and energy.<sup>117</sup>

The government also continues to take a hands-off approach in providing support for care workers. Child benefit, for example, is insufficient, not even covering one-fifth of a monthly childcare bill.<sup>118</sup> Carers face a patchwork package of provisions, most of

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<sup>114</sup> NWCI (n 6).

<sup>115</sup> Xiao-Yuan Dong and Xinli An “Gender Patterns and Value of Unpaid Care-Work” (2015) 61 *Review of Income and Wealth* 540-560.

<sup>116</sup> Brian Nolan and Sara Cantillon, “Poverty within Households: Measuring Gender Differences using Non-Monetary Indicators” (2001) 7 *Feminist Economics*.

<sup>117</sup> Smith (n 8).

<sup>118</sup> NWCI (n 6).

which are distributed based on income rather than the exigencies of the care work undertaken. Consider that 90% of carers in Ireland are denied a carer's allowance as eligibility is based on household means rather than on the level of caring responsibilities.<sup>119</sup> For example, if a lone parent decided to cohabit with their unemployed male partner, they would lose their One-Parent Family Payment and become adult dependent. Despite the fact that the mother's responsibilities would not change, she would lose her financial independence and 30% of her income.<sup>120</sup> With the focus removed from the substantive task of caring, women with caring responsibilities are viewed as dependent, rather than as engaging in work which requires effort and allows other family members to participate in employment.

The failure to view care work as economic labour rests on a distinction which is malleable and simply a social construct.<sup>121</sup> To understand this, consider that when childcare is performed by a parent it is not economic labour, however, when it is outsourced, it is. The actual activity does not change, just the means of viewing it. The refusal to recognise the economic significance of care work therefore remains a choice to undervalue the activity. Care work should be viewed as contributing to the economy as it indirectly supports the overall function of the market in allowing members of the family to engage in employment.<sup>122</sup> This fact has even been acknowledged by the Irish courts.<sup>123</sup>

Furthermore, care work should be valued given that human dependency should be considered an inevitable fact of life, making

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<sup>119</sup> *ibid.*

<sup>120</sup> *ibid.*

<sup>121</sup> Kerry Rittich, *Recharacterising Restructuring: Law, Distribution and Gender in Market Reform* (The Hague: Kluwer Law International, 2002)

<sup>122</sup> Folbre and Nelson "For Love or Money – Or Both?" (2000) 14 *Journal of Economic Perspectives* 1230140.

<sup>123</sup> In *T(D) v T(C)* [2002] *IESC* 68 the court acknowledged that the work undertaken at home enabled economic outside of the home. The wife was viewed to have "facilitated and enabled her husband to give the kind of commitment necessary to establish a successful practice".

the provision of care an unavoidable necessity.<sup>124</sup> The work undertaken by women in the home should therefore not be viewed as a private decision but as a choice to engage with society's collective responsibility to provide care for all. Convincing arguments have been forwarded that Art 40.2 of the Constitution should be interpreted as creating a right to care.<sup>125</sup> This idea lies in the fact that care work has important benefits for society as a whole: Care perpetuates society in that it develops and raises human beings.<sup>126</sup> A right to care would acknowledge the importance of the role and compel the state to create conditions for the performance of care in such a way as to promote equality of treatment and a right to earn a livelihood.<sup>127</sup> Furthermore, at the 2013 Convention on the Constitution, delegates found the provisions of Article 41 should be amended to be gender neutral but should be interpreted to acknowledge the important role of carers.<sup>128</sup> This finding stresses the public dimension of care work and aims to encourage the State to provide a reasonable level of support. Moving away from an understanding of care work as a private choice and towards conceptualising it as labour that fulfils a public responsibility to look after the vulnerable remains key in properly valuing care work and a failure to do so, as it will be demonstrated, would hinder substantive equality.<sup>129</sup>

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<sup>124</sup> Dong and An (n 20).

<sup>125</sup> Smith (n 8).

<sup>126</sup> Fineman, *The Autonomy Myth: A Theory of Dependency* (New York: The New Press, 2004).

<sup>127</sup> Smith (n 8).

<sup>128</sup> The Convention on the Constitution, *Ninth report of the Convention on the Constitution Conclusions and Final Recommendations* (March 2014).

<sup>129</sup> This is supported by the classification of unpaid care work by the United Nations as a key source of policy interventions for gender equality. The 1995 United Nations Fourth World Conference on Women called for countries to take measures to recognise the value of unpaid care work on women. United Nations, *Report of the Fourth World Conference*

## Care Work and Inequality

The undervaluation of care work serves as an obstacle in achieving equality for women. Firstly, the absence of government support and public recognition renders, in many instances, care work incompatible with paid work.<sup>130</sup> Despite provisions relating to formal workplace equality<sup>131</sup>, women remain held back due to unavoidable clashes between family and work. This is because Irish work culture continues to value hours spent in the office rather than quality of work.<sup>132</sup> Men who, in the absence of caring responsibilities, have more time to spend in the workplace are therefore implicitly favoured. Women will hit a glass ceiling in their careers as they are unable to commit the same amount of time to the workplace as their male co-workers.<sup>133</sup> Furthermore, as childcare is so costly, low-paid women have less choice and may be forced to leave the workforce.<sup>134</sup> Such a decision to leave employment results in downward mobility and limited opportunities to return to employment.<sup>135</sup>

The choice to undertake familial care work is also taken at considerable personal costs. The precarious nature of unpaid care work has the potential to impact women's career prospects, personal relationships and personal growth.<sup>136</sup> Care work may affect the

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*on Women, Beijing, 4-15 September 1995* (United Nations, New York, 1996).

<sup>130</sup> Smith (n 8).

<sup>131</sup> Such as the elimination of the pay gap, maternity leave and equality under tax law.

<sup>132</sup> NWCI (n 6).

<sup>133</sup> Deirdre Curtin, *Irish Employment Equality Law* (Dublin Round Hall Press 1989).

<sup>134</sup> Grace James, "Family-friendly employment laws (re)assessed: the potential of care ethics" (2016) *I.L.J.* 477

<sup>135</sup> NWCI (n 6).

<sup>136</sup> Shannon Buckley Barnes, "Leaning in and Lying Down: How Workplace 'Equality' has failed to result in equality of Work-Life Balance" (2017) 20 *Trinity C.L.Rev.* 148.



caregiver's health and well-being. Women who stay at home, particularly in rural Ireland, are likely to experience isolation and loneliness.<sup>137</sup> Undue strain on caregivers may also impact care-receivers in that they will not receive the quality of care they need. The continued position of women as caregivers further results in the absence of women from other social and economic structures, meaning gendered inequalities in other areas remain.

Therefore, while women in Ireland are protected from discrimination by employers or prospective employers by the Employment Equality Act 1998, the law does not take into consideration the caregiving burden most women bare.<sup>138</sup> The failure of labour standards to reflect a comprehensive understanding of gender means that what is offered is a false promise of open opportunities and equality.<sup>139</sup> Real change would require radical structural overhaul of labour standards with respect to gendered leave schemes, limiting soft-law mechanisms which privilege full-time work norms over quality part-time work and the absence of a right to workplace flexibility.<sup>140</sup> Paid maternity leave should be extended, private care costs should vary depending on ability to pay and the government should introduce tax exemptions to encourage employers to introduce family friendly workplace policies. Such provisions, which deal with the realities facing women in the workplace, are entirely necessary if real equality is to be achieved.

Furthermore, what is needed is greater investment in State care infrastructures in order to end the unfair division of unwaged care labour. It is worth noting that countries who invest heavily in their care infrastructures have experienced impressive results in terms of gender equality.<sup>141</sup> The Irish government is happy to invest heavily in roads and commercial infrastructure, yet Ireland has one of the poorest levels of childcare and eldercare provision in the

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<sup>137</sup> Smith (n 8).

<sup>138</sup> NWCI (n 6).

<sup>139</sup> Barnes (n 41).

<sup>140</sup> Smith (n. 8).

<sup>141</sup> NWCI (n 6).

EU.<sup>142</sup> As such, while Irish politicians have committed themselves to EU gender equality targets, in practice, they lack a real commitment to gender equality in terms of putting resources towards improving care for children and elderly people. Until the care work that many undertake is fully valued, it appears impossible that real and substantive gender equality can be achieved.

## Conclusion

The adverse effects of the gendered nature of care work and society's failure to value it cannot be overstated. Many women are forced out of the labour force due to childcare costs.<sup>143</sup> Women that can afford childcare are not able to compete in the workplace with their male colleagues given their home responsibilities. What this means is that, despite increased female participation in third level education, female voices continue to remain absent from high level positions of power. Therefore, even as aspects of society, such as education and entry to the workplace become more open to women, they are not enough in isolation to overcome the social pressure for women to become *de facto* carers.<sup>144</sup>

For the situation to be improved, the gendered nature of care work must be acknowledged. Employers and society at large need to accept that women are more likely to take on caring responsibilities and that this work has value. The under-developed nature of State support systems must be improved and distribution of the task of caring for the vulnerable must be viewed as a matter of public dimension. To do otherwise would continue to force many women into a state of dependence on their husbands.

What is most chilling about society's failure to value the care work undertaken by countless women is that it strips mothers

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<sup>142</sup> *ibid.*

<sup>143</sup> Smith (n 8).

<sup>144</sup> Consider one in four college educated, married, professional women have been found to still choose to stay at home and undertake care work. Pamela Stone, "The rhetoric and reality of opting out" (2007) 6 *Contexts* 14-19.

and carers of their individuality. Female identity becomes intrinsically defined by a woman's caring function. She becomes nothing more than a tool to allow men to flourish professionally. And while nominally women have equal access to the workplace, they will never be able to compete.

The topic of care work is important as it is an issue that has the potential to impact every woman at some stage in her life. Research shows that even in the most egalitarian households, the division of care labour is unequal with women being primarily responsible for taking care of children and performing housework.<sup>145</sup> Even the most independent, empowered and educated women will someday find themselves disproportionately responsible for providing care to children or vulnerable family members. They will have to fulfil these obligations equipped only with inadequate state support system and while being faced with an uncompromising work place. The value of unpaid care work must be acknowledged by society and substantial steps to level the professional playing-field need to be taken in order to achieve substantial equality.

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<sup>145</sup> Taylor Stoneman, "International Economic Law, Gender Equality, and Paternity Leave: Can the WTO be utilized to balance the division of care labour worldwide?" (2017) 32 *Emory International Law Review*

