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Job Sharing in Political Representation

1 Introduction

This paper has been prepared in the context of the review by the Assembly and Executive Review Committee into women in politics and the Northern Ireland Assembly¹.

At evidence sessions on the 16 September and 7 October 2014 there was discussion on the adoption of job sharing for Members of the Legislative Assembly (MLAs) as a family-friendly mechanism for encouraging the participation of more women in the Assembly². This paper summarises examples where job sharing for political

¹ Review into 'Women in Politics and the Northern Ireland Assembly': <http://www.niassembly.gov.uk/Assembly-Business/Committees/Assembly-and-Executive-Review/Reviews/Women-in-Politics-and-the-Northern-Ireland-Assembly/>.

² Minutes of evidence: 'Women in Politics and the Northern Ireland Assembly - Barriers and Challenges: Women's Resource and Development Agency' 16 September 2014: <http://www.niassembly.gov.uk/Assembly-Business/Official-Report/Committee-Minutes-of-Evidence/Session-2014-2015/September-2014/Women-in-Politics-and-the-Northern-Ireland-Assembly---Barriers-and-Challenges-Womens-Resource-and-Development-Agency/>; 'Women in Politics and the Northern Ireland Assembly- Barriers and Challenges: Ms Jane Morrice' 7 October 2014: <http://www.niassembly.gov.uk/Assembly-Business/Official-Report/Committee-Minutes-of-Evidence/Session-2014-2015/October-2014/Women-in-Politics-and-the-Northern-Ireland-Assembly--Barriers-and-Challenges-Ms-Jane-Morrice/>.

representatives has been proposed and options for the introduction of such provisions in Northern Ireland³.

2 Job Sharing for Political Representatives

No examples of job sharing for political representatives were found.

In a policy paper presented to the Liberal Democrats' Spring Conference in 2014, job-sharing for political representatives was included as a measure for increasing gender balance and diversity in Parliament. The document states⁴:

The rationale for the proposal comes from evidence from the civil service, the professions and business that provision for high quality part-time work significantly increases the talent pool of women progressing into senior roles over time. This chimes with evidence in politics that perceived incompatibility with family life is a supply-side and demand-side factor limiting the number of women standing for Parliament.

The document states that the Party intends to introduce enabling legislation in the next Parliament.

Arguments in favour of job sharing include that it could help more women and disabled people into power, constituents could have two representatives for the price of one and such arrangements could attract a more diverse range of people who are subject to other restraints, such as caring or voluntary commitments⁵. In addition, job sharing has proven to be a positive practice in stressful corporate environments and Parliament is to be seen as any other workplace⁶.

Arguments against include that job share that splits the week may not be possible where a constituency is far away, constituents may end up going to both MPs, questions of whether it is fair to have two MPs in some constituencies and one in others, politics is not a job that can be done time-sharing, MPs have to be on top of constituency work which is more difficult when they are only there part of the time, being an MP is a vocation requiring full time commitment⁷ and there are questions

³ See also Research and Information Service Briefing Paper 46/12 *Family-friendly practices* 10 February 2012:

<http://assist.assemblyni.gov.uk/services/rsrchlib/products/researchpubs/dept/procedures/2012/mccaffrey4612.pdf>.

⁴ Liberal Democrats (2014), *Power to the People: Policies for Political and Constitutional Reform*, Policy Paper 117, London: Liberal Democrats, p.27:

http://d3n8a8pro7vhmx.cloudfront.net/libdems/pages/4138/attachments/original/1392840156/117_-_Power_to_the_People.pdf?1392840156.

⁵ Frances Ryan (2013), 'What's wrong with a Parliament made of Tweedledees and Tweedledums?', *New Statesman* 16 September 2013: <http://www.newstatesman.com/politics/2013/09/whats-wrong-parliament-made-tweedledees-and-tweedledums>.

⁶ Nicky Morgan, Minister for Women, quoted in 'MPs should job-share to bring more women into politics, women's minister says', *Daily Telegraph* 24 June 2014: <http://www.telegraph.co.uk/news/10923026/MPs-should-job-share-to-bring-more-women-into-politics-womens-minister-says.html>.

⁷ 'Political double acts: Should MPs be allowed to job-share?', *BBC News* 23 November 2012: <http://www.bbc.co.uk/news/uk-politics-20423564>.

around whether job share MPs would vote consistently or develop a coherent line of argument⁸.

Research carried out to gauge public opinion on job sharing for political representatives found⁹:

...that there are still relatively large proportions of the public who do not have a view on the subject. Insofar as they do have views, the public are divided. There is no great support for the introduction of job-sharing candidates but nor is there any overwhelming opposition.

3 Standing for a Shared Mandate: Scotland

A single example of two candidates standing for a job share mandate was for the first election to the Scottish Parliament in 1999, when Lorraine Mann stood for the Highlands and Islands Alliance as a job share with Eddie Stiven. In the event, they were unsuccessful, but the returning officer stated that he would only announce the first named candidate if she had won a seat¹⁰.

Ms Mann took the case to an employment tribunal, which ruled that politics was an 'occupation' for the purposes of sex discrimination provisions, but the Employment Appeal Tribunal found that it did not have the jurisdiction to rule on the decision of an Electoral Returning Officer¹¹.

One analysis following the case in Scotland highlighted the following points regarding job sharing and the fulfilment of parliamentary duties¹²:

1. Help and support of constituents – Accessibility of the Member is likely to increase, as on-duty surgery time would be the same as a single Member, but the chances of informal contact are doubled.
2. Voting in the legislature – Voting in the Scottish Parliament is electronic, so there cannot be any duplication. A system can be developed for disagreements, for example:
 - a. The appointment of junior and senior partners
 - b. Abstention in the event of disagreement

⁸ 'Lib Dems draw up job-share plans to boost number of women MPs', *The Guardian* 18 February 2013: <http://www.theguardian.com/politics/2013/feb/18/lib-dems-job-share-mps>.

⁹ Rosie Campbell and Philip Cowley (2013), *The Public Will Never Stand For It. Or Maybe They Will: Attitudes to Job Sharing Parliamentarians*, Paper for presentation to the Elections, Public Opinion and Parties conference, Lancaster University, 13-15 September 2013.

¹⁰ 'Party job-share row deepens', *BBC Scotland* 9 April 1999: http://news.bbc.co.uk/1/hi/events/scotland_99/news/315456.stm; 'Job-share candidate claims sex bias', *Herald Scotland* 29 September 1999.

¹¹ Pat Strickland, Oonagh Gay, Julia Lourie and Richard Cracknell (2001) *The Sex Discrimination (Election Candidates) Bill* [Bill 28 of 2001-02], House of Commons Research Paper 01/75 22 October 2001, pp.27-8: <http://www.parliament.uk/documents/commons/lib/research/rp2001/rp01-075.pdf>.

¹² Alice Belcher and Andrea Ross (2001) 'The Case for Job-Sharing Elected Representatives', *Edinburgh Law Review*, 5 380-393.

- c. Designation of a person in the party to give advice
3. Participation in debates and committees – A one week on and one week off system works well for debates. Committees could be chosen individually according to interest, if Members are expected to sit on two on average.
4. Support to the party – The job share team would be subject to the whip as with any single Member, the agreement between partners would be open and therefore increase accountability and selection of partners by the party would take into account an ability to work together to ensure consistency.

4 Introducing Job Sharing

Elections to the Northern Ireland Assembly are provided for under Part IV of the Northern Ireland Act 1998 (Sections 31-35)¹³. Section 33(2) simply states: 'Each constituency shall return six members'. Elections to the Northern Ireland Assembly are an excepted matter under Schedule 2 of the Act.

The Representation of the People (Members' Job Share) Bill was introduced in the House of Commons by John McDonnell MP as a Private Member's Bill under the Ten Minute Rule on 21 November 2012¹⁴. The Bill was to 'enable representation of a constituency by two persons sharing membership of the House of Commons'.

The Bill failed to complete its passage through Parliament before the end of the session. The text of the Bill is at Appendix 1. On introduction, the Bill proposer set out a number of arguments in favour of job sharing and David Nuttall MP set out arguments against. These are summarised at Appendix 2.

¹³ Northern Ireland Act 1998: <http://www.legislation.gov.uk/ukpga/1998/47/contents>.

¹⁴ Representation of the People (Members' Job Share) Bill 2012-13: <http://services.parliament.uk/bills/2012-13/representationofthepeplemembersjobshare.html>.

Appendix 1: Text of the Representation of the People (Members' Job Share) Bill¹⁵

1 Sharing arrangements

(1) In subsection (1) of section 1 of the Parliamentary Constituencies Act 1986 (“the 1986 Act”), for the words “each returning a single member” substitute “each returning a member”.

(2) After subsection (2) of that section insert—

“(3) The reference in subsection (1) to a member is to—

(a) a single member, or

(b) two persons serving as members pursuant to a sharing arrangement, and a reference in any enactment to a member of Parliament is to be read accordingly.

(4) For the purposes of subsection (3)(b), a sharing arrangement is an arrangement under which two individuals—

(a) present themselves jointly for election to Parliament on the basis that if elected, they will share the representation of the constituency between them, and

(b) if elected, serve in Parliament on that basis.”

(3) So far as it is possible to do so, any enactment relating to Parliamentary elections, proceedings in Parliament, or the functions and privileges of Members of Parliament is to be read and given effect so as to be compatible with a sharing arrangement (within the meaning of the provisions inserted by subsection (2)).

(4) The Speaker of the House of Commons may make a written request to the Government to make such provision, described in the request, as the Speaker considers appropriate to give further effect to sharing arrangements (within the meaning of the provisions inserted by subsection (2)).

(5) As soon as practicable following receipt of a request under subsection (4), the Government shall lay before the House of Commons a draft of an Order in Council containing such provisions as the Government considers appropriate to give effect to the request.

(6) An Order in Council under this section may include provision amending, or applying with modifications, an enactment of a kind mentioned in subsection (3).

¹⁵ Representation of the People (Members' Job Share) Bill: <http://www.publications.parliament.uk/pa/bills/cbill/2012-2013/0091/2013091.pdf>.

(7) No recommendation is to be made to Her Majesty in Council to make an Order in Council under this section unless a draft of the statutory instrument containing the Order in Council has been laid before, and approved by resolution of, the House of Commons.

(8) Subject to any contrary provision contained in standing orders of the House of Commons for the time being in force, in any vote in that House—

(a) each of the two members for a constituency pursuant to a sharing arrangement may cast a half-vote, but

(b) where they so agree, and have informed the person presiding during the vote of that agreement, one of them may cast a single vote on behalf of both.

2 Death or disqualification of Members serving pursuant to a sharing arrangement

If either Member in a sharing arrangement dies or becomes disqualified from membership of the House of Commons, both shall be treated as having ceased to be Members.

3 Short title, commencement and extent

(1) This Act may be cited as the Representation of the People (Members' Job Share) Act 2012.

(2) This Act comes into force at the end of the period of one month beginning with the day on which it is passed.

(3) This Act extends to England and Wales, Scotland and Northern Ireland.

Appendix 2: Arguments for and against Job Sharing on the Introduction of the Representation of the People (Members' Job Share) Bill¹⁶

Arguments in Favour: John McDonnell MP

Would the two job sharers have to be from the same party?

It is proposed that that would be the case, and that would be covered in secondary legislation.

What would happen if the job sharers disagreed on an issue and wished to vote accordingly?

As the job sharers entered into a sharing arrangement before the election and were from the same party, one would expect them not always to agree on votes... where there is a difference, they can each exercise their right to use their half vote.

What would happen if one of the job sharers left the party under whose banner he or she was elected?

At present, there is no provision for forcing a by-election when a Member crosses the Floor of the House, but that is something Members might want to examine.

What would happen if one of the job sharers resigned, died or was disqualified?

Because the job sharers were elected on the basis of a job-share arrangement, both would be treated as having ceased to be MPs.

What would happen in situations where electors were happy with the performance of one of the job sharers but not with the other and therefore would not want to vote?

The job sharers would be standing as a team; that would be the job-sharing arrangement. The elector would still have one vote and be unable to split it, but would have to decide, in casting that vote, whether, on the basis of his or her overall judgment of their performance, the job-sharing team worked and whether he or she would vote for that arrangement in future.

What would happen if one of the job sharers became a Minister and were covered by collective responsibility?

A job sharer would be able to fulfil a ministerial role to the extent of the time that they had to devote to the role on a job-share basis, and in appointing Ministers the Prime Minister would take that into account.

Would it be more expensive to have two Members per constituency?

No, because the job sharers would share offices, facilities and staff.

¹⁶ HC Deb Vol 553 No 71, 20 November 2012, pp.472-477:

<http://www.publications.parliament.uk/pa/cm201213/cmhansrd/chan71.pdf>.

Arguments Against: David Nuttall MP

What if two heterosexual white middle-aged barristers decided that it would be quite a nice idea if they both shared the job of being an MP while continuing their practice at the Bar? How would that help to increase the diversity of this House? We hear much criticism of politicians who have jobs outside Parliament, yet this Bill would cement the practice into law and make it the norm.

If the Bill is supposed to be a measure to help disabled people, I fear that it is simplistic and, indeed, patronising to many current and former Members who have performed and continue to perform their duties with such distinction. Are the advocates of the Bill really suggesting that just because someone is female, black or disabled they are capable of doing only half the job on a part-time basis?

We have heard that Members would have half a vote each or a joint vote if there were agreement, but what if there were no agreement? What if both MPs took a different view and cancelled each other out, leaving their constituents unrepresented?

Who would constituents contact with a problem—one of them or both of them?

What would happen with this dual approach as regards Select Committee membership? Would one half of the job-sharing duo hear some of the evidence and then the other half hear the rest, so that we finished up with neither of them having heard it all? Indeed, how would it be decided who was elected to serve on the Committee in the first place?

What about debates in this House? Would both Members be entitled to be called? Would both be entitled to table questions?

Would every constituency in the country be required to have two Members? If it applied only to some constituencies, then surely those with two Members would have an advantage over those with a single Member. As everyone will be aware, with 650 Members there is already insufficient space in this Chamber for them all to have a seat.

If I were to represent a constituency as one half of a job-sharing duo with someone else who shared my concern that private Members' Bills should be properly scrutinised, we could together, on behalf of just one constituency, debate one Bill for a very long time.

Would those sharing the same role have to be from the same party? What would happen if two people from the same party were elected and then one of them decided to change parties? How would that work? Would there have to be some form of electoral pre-nuptial agreement? Would that become the norm? What would happen if the agreement were breached? Who would adjudicate in the event of a dispute?

It is hard to see how two people would not, at some point, need extra staff or office space. They would need a bigger taxpayer-funded residence in the capital or even require two separate residences in London if they represented a constituency some

way away from Westminster. At the very least, there would be two sets of travel expenses.

I think that most people want to see fewer politicians, not more... I dread to think what would happen if the number of Members of the European Parliament were doubled, and how long would it be before we had double the number of councillors, elected mayors or, indeed, police and crime commissioners?