Introduction

Equality between the sexes is a matter of fundamental human rights. In fact, the second half of the twentieth century saw the development and ratification of a range of international conventions concerning women’s position in the labour market by supranational organizations. One such instrument is the United Nations Convention on the Elimination of all Forms of Discrimination Against Women which promotes women’s economic rights and independence. This includes access to employment, appropriate working conditions and control over economic resources. Another objective of this Convention is the elimination of occupational segregation as well as of all forms of employment discrimination. The harmonization of work and family responsibilities for women and men is another objective of the Convention. Malta ratified this Convention in 1991.

Malta is also a member of the International Labour Organisation and thus it is covered by the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up in 1998. Therefore, along with other countries, Malta is obliged to respect, promote and realize a number of fundamental principles and rights, one of which is the elimination of discrimination in respect of employment and occupation. Malta is also a signatory to various ILO Conventions and Recommendations. In 1998, Malta ratified The Equal Remuneration Convention 1951, and in 1968 it ratified The Discrimination (Employment and Occupation) Convention 1958. Therefore, Malta, as a signatory to these instruments, was obliged to bring its national law and practices into line with the provisions of these Conventions.

The European Union has a long-standing commitment to gender equality which has been enshrined in the Treaty since 1957. Equal treatment legislation is an integral part of Community legislation, and Malta, as a prospective Member State was bound to incorporate this legislation into its national law by the time it entered the Union on the 1st of May 2004.

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1 Convention No. 100, which establishes the principle of equal pay for work of equal value.
2 Convention No. 111, which addresses equality of treatment and opportunity including access to employment and conditions of work.
Thus, the year 2003 saw the enactment of several laws, which transposed the European Union Directives.

Despite this long commitment to equality, in Malta we are still faced with low female participation in the labour market and a society which still puts most of the burden of family responsibilities on the woman. How can this problem be addressed? In this paper I will examine three main concepts - what do we understand by the concept of family and how is this affecting the labour market and vice versa; how possible is the reconciliation of work and family life; and what is the effect of labour policies on female employment and vice versa?

What is the Family?

The first question which one raises when faced with the concept of how employment affects family life is what is the definition of family. If we had to look at the definitions offered by the Oxford Dictionary we realize that this is far from the traditional concept which springs to mind i.e. man, wife and 2.4 children. The Oxford Dictionary defines family as:

a. set of relations, living together or not.
2a. the members of a household.
2b. a person’s children.

In this definition no mention is made of man and wife and thus the concept of family is considerably widened.

Therborn in 2004 pointed out that there is an ongoing process in the history of family forms; that what some might perceive as a weakening of the family may be just a phase of reconsidering what should be included in the family. It is thus a matter of the question: is the glass half empty or half full? Are cohabiting and homosexual couples who ask for legal recognition of their union weakening or institutionalizing their families? As an example of the changing trends in society, according to the Light Update Report on the National Action Plan against Poverty and Social Exclusion, the proportion of births outside marriage has increased at a considerable rate from 2.2% of all births in 1992 to 14.9% in 2002.

In ‘Belief’, the policy document of General Workers’ Union which was published in 2001, it is stated that society is made up of families which are small societies in themselves. The family is a basic value for society and thus it merits recognition and appreciation and these are given when society understands every family. The General Workers’ Union understands and recognizes the single parent family as family and stresses the needs of these families, especially when trying to enter or remain in the labour market.

When faced with the increasing number of separation cases and of single parents, the issue of female employment is one which immediately springs to mind. The ‘life insurance’ which most women procured upon marriage is no longer such a foolproof system and thus one needs to address the issue of female employment if we are going to work towards eradicating poverty and social exclusion.
The Reconciliation of Work and Family Life

Family responsibilities are the main reason why women tend to stay outside or exit the labour market or choose non-standard jobs and discontinue their career. The total fertility rate for Maltese couples stood at 1.37 in 2004 as compared with 1.95 in 1997 and this rate is well below the rate of 2.1 which is considered to be the replacement level for developed countries. One wonders whether employment policies do affect the fertility rate. Is Malta’s low fertility rate related to the conditions of the Maltese labour market? Countries which have a high rate of women in the labour market, such as Sweden, have also a high fertility rate which compared with the countries which have low female employment and low fertility rates, makes me arrive to the conclusion that employment and fertility rate are linked together, in the sense that if one is high the other one is high too.

The debate on the issue of female employment mostly revolves around childcare. Should you or shouldn’t you? Unfortunately there are conflicting studies on the matter. Some studies show that using childcare services is not beneficial for children, whilst other studies conclude that children who were never sent to playschools before school age tend to have fewer developed skills than those who have. The situation at present does not really encourage parents to make use of childcare facilities. Although measures have been taken by government to control the quality of childcare facilities, these are still not accessible to a large number of the population. This is for a number of reasons, the major one being financial. When availing oneself of childcare facilities means spending half one’s salary on such, one does tend to think twice about continuing to work.

Women in employment and childcare facilities are two factors which tend to go together. The reality is that these are not synonymous with each other. Choosing to remain in employment after having had a child and childcare facilities do not necessarily have to go together. I would prefer it if the labour market were to be a flexible one so that women have a choice. They have a choice whether to send their children to childcare facilities or playschools, whether to make use of flexible working arrangements, whether to work on reduced hours or whether to use telework. As yet most of these elements are still an alien concept in Malta. Although flexible working arrangements do exist in some companies usually it is left to the discretion of the management whether to ‘grant’ flexi-time or not. Women are usually seen as a burden when this is not the case. Flexibility can be used to the advantage of both the employee as well as of the employer. Furthermore, part-time employment and flexible working arrangement can be a method of generating employment because an employer would need two workers to do the work of a full-timer.

Children are not the sole reason that women do not enter or do not remain in the labour market. ‘Family responsibilities’ is a wide term which also includes care of elderly, sick or disabled relatives. As I already stated above, in Malta we lack quality, affordable and accessible childcare. However the situation is much worse when it comes to these carers. There aren’t any or there are just a few quality, affordable and accessible structures for the care of the elderly and sick, which is again a big detriment for these carers who would like to enter into regularized employment.

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The existing national insurance contributions might act as a disincentive for women to take up regularized employment, especially if the employment is a part-time one. Because of this, many women are currently working in an undeclared manner with all the negative repercussions this would have on their present and future. If one had to look at the future, clearly a woman who has never declared her income would end up without a pension, something which could lead to poverty.

The issue of job security, or rather lack of it, is another issue which might be of impact on the family. Having a flexible labour market with temporary jobs and definite term contracts, while creating more flexibility, may also lead to precarious employment, which may also have an impact on the family. Some people might hesitate to start a family or have a second child if they feel that their employment is not secure. While flexibility in itself is a positive issue it might also have negative repercussions on some people.

Society as a whole is changing and one of the major changes is that occurring at the workplace together with the changes to the family and to society as a whole that this brings with it. The idea of the male ‘bread winner’ is practically a defunct one due to changes in family models and women choosing employment as an option. Labour market participation of women with family responsibilities affects the concept of the traditional family, paid work and welfare state patterns of organization. How can we as a society, and especially the General Workers’ Union as a trade union, help the evolution of working life without compromising family stability? As explained above, one of the answers to this dilemma lies in the creation of a flexible labour market and it is up to all the social partners to promote a flexible working environment which will facilitate the reconciliation of work and family life.

An other important aspect is the need for men to start taking responsibility for the family. We cannot expect women to work full-time and be a full-time housewife as well. No woman has as yet managed to create children on her own and the same goes for the care of the family. The family is the responsibility of both parents. In a recent study carried out by the Employment and Training Corporation with men who availed themselves of parental leave, the men in question reported a sense of satisfaction, bonding with their child and an overall positive experience. It is only through sensitizing people and education that a change in mentality can be achieved and this change might also help in the reconciliation of work and family life.

The Effect of Labour Policies on Employment

In 2004 Malta became a member of the European Union, which is known to impose policies on its member states. So whether we like it or not EU policies are applicable in Malta and affect the Maltese people. Although the EU has no full competence in the area of family policy, other policies in which it has competence affect the family. Let us take as an example the Lisbon Agenda. Has the Lisbon Agenda taken into consideration re-organisation of the labour market, of working time, of households and of families which is needed if we and all the other member states are to increase female participation in the labour market?
Another issue is the pension reform which is a topical discussion both at EU and at national level. Have the discussions on the pension reform taken into account family policies? A simple example is the proposed forty year contribution instead of the existing thirty years. This forty years contribution may have a serious repercussion on persons who decide to take career breaks. These persons may find themselves with less contributions than are necessary with the resultant impacts this would have on their pension. Government has proposed a two year sabbatical per child for parents who stop working due to family responsibilities but this has not been elaborated on during the Prime Minister’s last press conference on the pension reform. Government is currently conducting cost-benefit studies on the matter of this sabbatical which the Prime Minister promised will be included in the legislation which will be presented to Parliament. If more women were to enter the labour market there would obviously be more National Insurance contributions and the sustainability problem would be diminished.

Conclusion

With the introduction of new and reinforced rights at the place of work, it was hoped that more women would be encouraged to enter the labour market. However this has not happened. Despite these new rights, there is still a lot to be done for the promotion of more women entering and staying in the labour market. In a survey conducted by the Workers’ Participation Development Centre (University of Malta), out of the five hundred and fifty-four respondents who disclosed their age, it was found that 53.1% of the twenty to twenty-four year olds were in active employment, whilst this rate was reduced by nearly half in the age bracket of thirty to thirty-four year olds, with a participation rate of 26.7%. This report rightly points out that this result is likely to mask at least two separate forces at play, with the first one being that the older a woman gets, the more the likelihood of family responsibilities increasing. Therefore, married women or mothers are more likely to leave the labour market. Indeed the largest drop-out rate is between the age cohorts of twenty-five to twenty-nine years and thirty to thirty-four years, which are the peak rates of child bearing and rearing.

The second reason given is that younger females tend to be better educated than their older counterparts. This would suggest that these females would be more likely to develop a career-oriented and long-term commitment to their participation in the labour market. However, one of the concerns expressed by the National Commission for the Promotion of Equality for Men and Women is the “leaking pipe syndrome” where a large number of qualified women leave the workforce for family or other reasons. This further reinforces the theory that the Maltese labour market is not so family friendly. It is suggested that the long parental leave as well as the career breaks available to the public sector employees be also made available to employees in the private sector. One has also to take into consideration that not all women may want to stop working in order to take care of their family, but that due to certain constraints, find that that is the only option available. If more workplaces were to introduce the notion of working on reduced hours, job sharing, and teleworking, more women would be encouraged to stay in the labour market. With the rapid

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4 Department for Women In Society, Ministry for Social Policy, Factors affecting Women’s Formal Participation in the Malta Labour Market: Results of a Research Project, p. 16-17.
advances in technology, teleworking would not be of a financial detriment to the employer. Therefore, as stated in the Strategic Policy Directions 2004-2006 of the National Commission for the Promotion of Equality of Men and Women one of the measures that needs to be taken in order to promote gender equality in economic life, is “sensitizing and encouraging employers and employees to work on work/life balance for both sexes.”

One has also to take into account that women may want to still fully participate in the labour market and may not want to work on reduced hours, or take parental leave. Therefore, apart from the abovementioned measures, it is strongly recommended that affordable and reliable child care be available. Unfortunately, although in Malta one tends to find a lot of child care facilities, most of these tend to be quite expensive, with the result that women may not find it financially viable to remain in the labour market and avail themselves of these facilities. Another problem is that facilities tend to stay open on fixed hours, most of which do not coincide with the mother’s working hours.