

# Culture Change Needed<sup>1</sup>

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## 1. Country Context

Malta remains a traditional country in several aspects and avant-garde in others. It is especially traditional in terms of family responsibilities and gender equality. Compared to EU28, Malta has the third lowest number of working women (58%), because women's first role is the family. The older the woman, the less likely she is to work. In fact, Malta ranks first in terms of the employment gender gap in the higher age groups (25-55 and 55-64) with gaps of 25% and 38% respectively. Over the past years more women have entered the labour market, yet the employment gender gap at 26% (2016 data) remains the widest in the EU. In the lower age group (15-24) there are more women working and some sharing of responsibilities may be happening in the home environment, nonetheless the biggest burden of family responsibilities is assumed by women. This is evident because Eurostat data shows that women are more likely to be employed on a part-time basis, not be self-employed, be on reduced hours, have fixed term contracts, be taking care of children, the elderly or disabled relatives or do other unpaid care work, do more housework and opt for parental leave. In fact, if one looks at the full-time equivalent employment rate, the employment gender gap increases to 31%, and ranks Malta in the first place when compared to the other 27 EU Member States.

Another statistic which continues to confirm this is the high number of children under three years (69%) who do not attend formal childcare facilities. This leads to the fact that Malta ranks first in having the highest number of women who are inactive or declare they only have part-time employment due to family responsibilities. The latest administrative data (February 2018) provided by JobsPlus (the national employment agency) shows that women working full-time work mainly in education, health and wholesale/retail, while those working part-time as their primary job were mostly in wholesale/retail, accommodation and health. This depicts segmentation in the labour market, where women seek flexible times and shift work, in order to accommodate home responsibilities. Moreover, more than one fifth of working women are employed on a part-time basis as their primary job (NSO 2018).

There is some information regarding the take-up of family-friendly measures in the public sector, but no official data is available for the private sector. The civil service has a range of twenty salary scales, with one being the highest-paid. Any form of leave to cater for family responsibilities (flexible working times, parental leave, and leave to care for elder relatives) are gender-skewed and normally taken by women more than men. For example, during 2016, 95.2% of the 1,302 persons who were on reduced hours were women, 86.3% of 1,158 persons on telework were women, and 55.6% of 684 persons on flexi-time were women: with the situation actually worsening when compared to a year earlier (NCPE Report 2017). It was also more likely for such family-friendly measures to be taken by the middle grades, since the upper grades fear for their careers, while the lower grades may not be able to afford receiving lower incomes. The public sector also offers responsibility leave, which can be taken to care for another member of the family, including relatives. Certain

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<sup>1</sup> Interviews were conducted with HR specialists, medical professionals, government officials and representatives of women organisations.

conditions apply, with the agreement being valid for a year but which can be renewed. During 2016, there were 31 women and 10 men who availed themselves of this type of unpaid leave.

With regard to paternity leave (referred to as birth leave in legislation), men in the private sector can avail themselves of one day (paid) while the public sector offers five days (paid). Maternity leave is 18 weeks long with the first 14 being fully paid, whilst the latter 4 are paid a flat rate equivalent to the minimum wage (€172.51 per week during 2018). The Maternity Leave Trust Fund came into force on 6<sup>th</sup> July 2015. Employers need to pay a monthly contribution towards this fund per employee (both females and males), with the contribution ranging from 13 euro cents to 0.3% of the salary. The employer pays the first 14 weeks (and is refunded from the fund), whilst the government pays the flat rate for the remaining four weeks. In 2016, 735 women in the public sector utilised the 14 weeks on full pay, but less (556) took up the remaining minimum-waged four weeks. This can also paint a picture where any type of unpaid or lower paid leave is less attractive to a person where the salary is needed to uphold the existing standard of living and where reducing income would mean lowering that standard. Social security contributions are still paid when one is on paid leave (relevant later for pension rights), but not during unpaid leave. So, any unpaid leave detracts from pension contributions and impacts the type and level of pension received later on. This particularly affects women and here also there is a gender pension coverage gap.

The Commission had pointed out the issue of affordable childcare centres and research conducted by Azzopardi and Bezzina (2014) had shown that this was the primary obstacle to women working. In April 2014 Government started offering free childcare centres to parents/guardians who are working or studying, and it is offered to children from 3 months to 3 years of age. The service is organised by the Foundation for Educational Services, both through its own 13 centres and through 117 registered private centres. During 2017, these accommodated 6,292 children, of which 3,827 were under the free childcare scheme. The scheme cost €13 million to run in 2017. A financial analysis of the scheme has been undertaken by the Ministry for Finance, but the results have not been published and are not for public consumption. The scheme was aimed to increase the female labour market participation rate, with the rate increasing from 52.3% in 2014 to 56.9% by June 2017 (Ministry for Education and Employment Parliamentary Questions 2239 and 3349). Whilst in 2015 18% of children under the age of three went to such centres, this had increased to 31% by 2016. Moreover 88% of children between the ages of 3 and 5 were attending non-compulsory kindergarten school.

There are other services which are aimed to put less pressure on the family, such as a Summer School (Skolasajf), Club 3-16 (Klabb 3-16 open from school dismissal till 18.00, and until 17.30 during holidays), STEM Summer School and the Breakfast Club (children are provided with breakfast before school starts).

The following is the full text of the information on parental leave available on the website of the Department for Industrial and Employment Relations:

*“Both male and female workers have the individual right to be granted unpaid parental leave in case of birth, adoption, fostering or legal custody of a child to enable them to take care of that child for a period of four months until the child has attained the age of eight years. Parental leave can be availed of in established periods of one month each. An employee must have at least 12 months continuous service with his/her employer to be eligible to apply for Parental Leave, unless a shorter period is agreed to. The*

*employee's balance of parental leave is transferred to the new employment. The employee is not entitled to a fresh parental leave entitlement. This entitlement is regulated by [L.N. 225 of 2003 - Parental Leave Entitlement Regulations](#)."*

Parental leave is unpaid and provides for four months before the child turns eight and provided that the parent/foster parent/guardian has been in employment for at least one year. However, now women who took time off to care for their children have been given credits which go towards their pension entitlement. In the public sector such unpaid parental leave can be up to twelve months. Moreover, in the public sector a person may apply for a maximum of five years, in the form of a career break, to care for a child or children who are still under the age of eight (OPM 2016). During 2016, 495 women and only 3 men availed themselves of parental leave; while a further 247 women and only 5 men took a career break. Furthermore, 4 women but no men took unpaid leave to accompany a spouse on government sponsored assignments or study abroad.

However, there is no provision in Maltese law which requires private employers to provide for family-friendly measures or flexible working conditions for parents. In certain cases, these may be included in a collective agreement or individual contract but there is no legal obligation on employers to provide such family measures. According to the Commissioner for Equality there are over 70 companies who provide some form of family-friendly measure.

## 2. Policy Debate

The proposed Directive on Work-Life Balance for Parents and Carers has been discussed in Malta in the past months, with specific events being organised to create debate. As one of the electoral pledges of 2013, Government wanted to introduce the utilisation of sick leave by parents whose children were sick. However, there was opposition by employers' representatives. The discussion was revived in 2018 with employers stating that if such a proposal came through, government would need to pay for associated costs.

In July 2018, a Maltese MEP put forward the contention that men need to be given more time to bond with their children and she suggested that parental leave be divided between the father and the mother, what she termed as 'equal family leave for both parents' (Dr Miriam Dalli quoted in Times of Malta of 31 July 2018). She mentioned several proposals put forth by unions and urged employers to provide for equal opportunities since 'both parents have an equal role to play in the life of their children' (ibid.).

However, reality is somewhat more complicated. The more recent situation is the suspension of legislation related with working conditions. On 14 August 2018, government published four legal notices that deal with amendments to the protection of employment in the case of business transfers, temporary agency workers, and the introduction of new legislation on itemised payslips and annual leave. Four employer organisations (the Malta Chamber of Commerce, Enterprise and Industry, Malta Employers' Association, Malta Hotels and Restaurants Association, and the General Retailers and Traders Union) asked government to suspend these legal notices, because they maintained there had not been enough discussion on them and they would be boycotting meetings of the Employment Relations Board as a sign of protest. The legal notices were suspended.

The most relevant is the legal notice referring to annual leave. LN 271 of 2018 (repealing LN 38 of 1989) – Weekly Day of Rest and Annual Vacation Leave Standard Order, laid down the minimum number of hours (currently 200) of annual leave entitlement for each employee.

As from next year, the new legislation stated that the shutdown period for companies is to be limited to 12 days annually. The shutdown by companies can be seen as a form of forced leave which is deducted from the employees' leave entitlement and sometimes such shutdowns (normally in summer and Christmas) allow a limited amount of leave for employees to utilise during the remainder of the year. Moreover, the new legislation now clearly states that once vacation leave is agreed upon, it cannot be unilaterally cancelled, but only if both employee and employer agree. Furthermore, a female on maternity leave would still be entitled to the full annual leave and if there is unavailed-of annual leave, this would be carried forward to the next year. Currently, if a public or national holiday falls on a weekend, then another day is added to the annual leave entitlement. With the new legislation this would also apply for an employee on maternity leave, and for an employee on sick or injury leave (whether fully/partially paid or unpaid). Moreover, upon termination of employment, a person would need to be compensated for any unavailed-of leave accumulated. Contravening these new regulations (when they come into force) would be a criminal offence which carries a fine.

Only one union came out against the suspension of these new regulations which provide workers with more rights. Resistance to such basic rights is difficult to understand. However, the suspension also shows the power which employers wield in terms of making changes to existing working conditions and the uphill struggle that any new policies which provide for enforced family-friendly measures, including paid or partially-compensated for parental leave, are likely to find. In fact in 2017 the Malta Employers' Association had even suggested as part of its proposals for the 2018 National Budget, that the first day of sick leave would be unpaid, termed as a 'waiting day'. It got scathing remarks from all workers' unions calling the proposal as regressive.

A spokesperson for the NGO Moviment Graffiti was quoted as saying that "employers have consistently vetoed any effort to improve the conditions of workers and have even opposed, successfully, a raise in Malta's meagre minimum wage" (Andre Callus quoted in MaltaToday of 26 August 2018).

Existing legislation is unfortunately not conducive to encouraging both parents to take responsibility for the family and the burden remains mainly on the women. Any new attempts at changing this situation are likely to meet with significant opposition from the private sector. Perhaps what is more telling is the fact that fathers themselves are not fighting for their rights to have more time with their children.

### **3. Transferability of Policies**

The policies adopted by Germany are to be lauded. In most countries, and particularly in conservative Southern countries such as Malta, legislation may be a possible way forward to enforce the sharing of responsibilities.

Malta has legislation regarding parental leave; however, the fact that such leave is unpaid skews the decision to take such leave towards the woman, particularly since

the male is in many households still considered to be the main breadwinner of the family. Only in some cases where the income of the mother is much higher than the father's, is parental leave taken by the male. This can only be ascertained for the public sector since there is no information of uptake of any form of family-friendly measures in the private sector.

The recent easy-succumbing to a suspension of legislation just days after the legal notices were actually published shows an uneven imbalance in the industrial relations arena. It has also made it more evident that any type of legislation which employers see as reducing their control over the situation will be strongly resisted. Perhaps the situation is made more poignant because of the small internal economy.

It is therefore not an issue of whether policies can be transferred from one country to another, but how they can be accepted by employers. Malta can be said to have a relatively peaceful industrial relations environment, and any changes to the status quo are more than likely to be resisted.

The National Commission for the Promotion of Equality embarked on a two-year campaign titled 'Equality beyond Gender Roles' in order to raise awareness of men's role in gender equality. The aim is also to encourage men to share domestic responsibilities, to try to break down gender stereotypes and to promote economic independence for both women and men. Such campaigns do raise an element of awareness, however, their impact is limited, if effective at all. During the second year of the campaign less men, and not more, actually made use of family-friendly measures (including parental leave) than a year earlier. Had the campaign been effective, it might have instigated more men to actually take up parental leave.

The Directive on Work-Life Balance for Parents and Carers therefore has much to offer and could be the means to ensure minimum rights to be provided for all workers, irrespective of the Member State. Without some measure which ensures that Maltese men are 'forced' to take parental leave, the uptake will be very limited. However, in order to enforce this, there needs to be some type of financial security, since unpaid leave is not encouraging, and threatens mostly the low-income earner and reinforces its uptake mainly by women.

## 4. Conclusions and Recommendations

Recent data continues to show a gendered attitude towards family responsibilities. There is even a worsening of the situation in the public sector, where a lower percentage of men (13.8%) made use of family-friendly measures (including parental leave) during 2016, when compared to 16.1% a year earlier (NCPE 2017). Although the terminology used is in terms of 'family', the reality shows that such measures are mainly utilised by women. Information on the private sector is very limited and no official data is available.

The above analysis has shown that the sharing of responsibilities is problematic in Malta and in countries where the division of labour remains solid in the home environment. I have two comments to make, one on the division of labour and the other on responsibility in the family.

The division of labour can be traced back to Plato's 'Republic'. The Industrial Revolution brought this division of labour onto the factory floor. Globalisation has

increased this specialisation on an international level. This has in itself impacted on a gendered division of labour both at work (with segregation in certain jobs) and more so in the familial milieu.

In recent years capitalism and the free market have intensified. Key terms have changed, always to the advantage of businesses, who now want teamwork, multi-tasking, lifelong learning, job rotation, contract workers: a gig economy which essentially puts more pressure on the worker and in some cases causes uncertainty. The home with its gendered division of labour still offers an element of security and stability. Yet, this needs to change to accommodate a changing labour market environment where both men and women work outside the home. The home environment has not adapted to the changed circumstances outside its walls.

The second comment is on responsibility. The number of children born out of wedlock including single mothers has continued to increase. During 2017, one third of babies in Malta were born outside of wedlock (the average in EU28 is even higher at 43%). Moreover, Eurostat data shows that in 2016, there were 149 births in Malta where the mother was still a teenager. The teenage pregnancy rate has increased in over a decade. If we want to talk of family responsibility, it is perhaps more appropriate to start by discussing such responsibility pre-life of a child. When a couple decide to have a child, this is going to change their lives and their daily routine. Therefore, decisions on how to share family responsibilities need to be taken before the decision itself to have a child. This is when the traditional division of labour needs to make way for teamwork, multi-tasking, job rotation and lifelong learning on the home plateau. Therefore, unless a man can take responsibility of willingly bringing a child into the world, he is likely to find it more difficult to take responsibility in its care and upbringing afterwards. Money or child monetary support can never replace paternal responsibility in the everyday life of a child.

Therefore, the recommendations this paper is making is to teach children about the value of sharing home responsibilities from a very young age and to encourage responsibility by both parents for the child before the child is even conceived. Therefore, educational policy has a significant role to play in bringing up children who believe in equality on all fronts, in taking responsibility for their actions (including bringing a child into the world) and in valuing the shared competence of homelife, including the sharing of parental leave to care for the family. Legislation is a positive step in this direction; however, the long-term strategy should focus on educational policy. The situation requires a significant cultural change in society.

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