

Gender equality issues examined

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Recent years have seen significant efforts by the Maltese government to advance gender equality at work, such as the adoption of the Equality for Men and Women Act in 2003 and the creation of a National Commission for the Promotion of Equality for Men and Women in 2004. The social partners agree that men and women should be treated equally, and have undertaken various initiatives in this field, though gender equality does not figure very prominently in collective bargaining. Despite these developments, in practice equality for women at work and in the labour market is yet to be achieved.

The Maltese government has sought to strengthen women's position in the labour market through the development of appropriate legislation. Article 14 of the Constitution of Malta declares that '[t]he state shall promote the equal right of men and women to enjoy all economic, social, cultural, civil and political rights and for this purpose shall take appropriate measures to eliminate all forms of discrimination between the sexes by any person, organisation or enterprise: the state shall in particular aim at ensuring that women workers enjoy equal rights and the same wages for the same work as men.'

In 1991, Malta ratified the 1979 United Nations (UN) [Convention on the Elimination of all Forms of Discrimination against Women](#). In 1995, the government participated in the UN's Fourth World Conference on Women in Beijing and committed itself to implement the [Beijing platform for action](#). As a member of the International Labour Organisation (ILO), Malta is covered by the 1998 ILO [Declaration on Fundamental Principles and Rights at Work](#) (which includes the elimination of discrimination in respect of employment and occupation) and its follow-up. Malta is also signatory to the following two ILO Conventions that concern gender directly:

- [Convention No. 100](#) on equal remuneration (1951), ratified in 1988; and
- [Convention No. 111](#) on discrimination (employment and occupation) (1958), ratified in 1968.

The 2002 Employment and Industrial Relations Act (EIRA) seeks to promote female participation in the labour market through various measures including: 'family-friendly' provisions; minimum employment conditions for those working on reduced hours; equal pay for work of equal value; and protection against discrimination both in recruitment and during the period of employment.

The 2003 Equality for Men and Women Act (EMWA) seeks to promote equality between men and women, ensuring that no person shall be discriminated against by reason of his or her sex. The EMWA includes provisions relating to: discrimination in employment and employment procedures; discrimination by banks and financial institutions; educational and vocational guidance; sexual harassment; and discriminatory advertisements. The EMWA also provides for the establishment of a Commissioner for the Promotion of Equality between Men and Women.

Social partner activities

The social partners agree that men and women should be treated equally. However, some organisations give the issue more prominence and have taken more steps in favour of gender equality at the workplace than others.

In 2001, the General Workers' Union ([GWU](#)) - Malta's largest trade union - produced a detailed policy document after wide consultation with members at all levels. This document focuses on gender equality issues on several occasions. It deals with equality between the genders, the importance of family-friendly measures and sexual harassment, among other issues.

In 1999, the Union of United Workers (Union Haddiema Maghqudin, UHM) set up a gender equality committee. One of the objectives of this committee is to highlight those areas which need to be addressed to increase gender equality (in the form of equal opportunities and treatment) at the workplace. The committee also aims to increase the number of female representatives in UHM's structures. In recent years, UHM has come up with suggestions for family-friendly policies which have been taken on board by the government for workers in the public sector. The union has insisted that these policies be introduced for workers in the parastatal and private sector.

Both UHM and GWU have contributed suggestions on the existing equality legislation. Both unions affirm that 'alternative' job arrangements would help to increase women's participation in the labour market. However there are few workplaces which offer such opportunities to their employees. UHM believes that employers are very reluctant to introduce such forms of work which would attract more women to the labour force.

The Malta Employers' Association ([MEA](#)) ([MTO310101F](#)) is one of the employers' associations which has expressed itself in favour of gender equality. It state in its code of ethics that members shall '[n]ot discriminate among employees and prospective employees on grounds of politics, union affiliation, religion, creed, disability, civil status, gender or race'. In 2003, MEA set out to inform its members about the EIRA and EMWA legislation, recommending them to implement a sexual harassment policy in their company.

Collective bargaining

Minimum gender equality provisions are set by law and must be followed in all workplaces. Collective bargaining at company level - the only level of bargaining in Malta - usually refers to these regulations. Through collective bargaining, unions have traditionally sought to achieve better conditions for their members (including in some cases better gender equality provisions) than those stipulated in the existing legislation. However, the new EIRA and EMWA laws have surpassed most employment conditions (including those related to gender equality) set by collective agreements.

Some company collective agreements cover equality issues and plans - though not sufficiently, according to some commentators - usually in terms of gender (though recently, through the efforts of the National Commission Persons with Disability [Kummissjoni Nazzjonali Persuni b'Dizabilita, [KNPD](#)], the topic of disability has also started to appear in collective agreements). Collective agreements tend not to include gender equality provisions relating to pay, training, career development and childcare facilities. However, special leave is a recurring item of discussion and negotiation in collective bargaining. Paternity (or 'birth') leave (given on the birth of a male employee's child) usually extending over a period of three working days, is offered by all Maltese firms. Before the enactment of the EIRA, most collective agreements entitled female employees to a period of 13 weeks of paid

maternity leave. This was raised to 14 weeks by the EIRA. Few collective agreements mention 'care leave', which gives employees the possibility to take care of a close relative (normally for a maximum period of five days).

Gender equality plans are rarely the result of unilateral employer initiatives. However, employers occasionally consult unions when they need to go beyond a collective agreement. This occurs for example, when employers give permission to employees to work different hours than those established through a collective agreement.

Workplace-level gender equality plans

Various organisations commission or carry out research regarding gender and work. The regular surveys conducted by the National Statistics Office ([NSO](#)) are gender mainstreamed. In its 'Gender equality action plan 2003-4', the Employment and Training Organisation ([ETC](#)) highlights its role of monitoring gender in the labour market. In past years, other organisations including GWU, the Workers' Participation Development Centre (WPDC), and the Department for Women in Society (DWS) have also carried out research on the topic. However, research has not produced quantitative data about the extent of gender equality plans in Malta, a topic which is only referred to indirectly.

Trade unions agree that gender equality plans are more diffused in the public than the private sector. The public sector aims to lead the way in the implementation of the government's policies regarding equality of treatment between women and men. The private sector lags behind for reasons including:

- a greater difficulty in implementing gender equality plans due to the small size of most Maltese enterprises. Smaller size tends to limit the flexibility of human resource allocation; and
- union representation in the private sector is less powerful than that in the public sector.

Monitoring equality

Gender equality issues have lately started to receive special attention in Malta and are more dominant in the debate than other equality issues. Until 2004, the main national mechanisms for gender equality and the advancement of women were:

- the Commission of the Advancement of Women (CAW), an advisory body to the government on gender issues, and
- the DWS, the government entity responsible for the overall execution of gender policy.

In the past, 'focal points' for gender equality have been appointed in government departments and public entities to liaise with the DWS and to act as catalysts for action regarding the implementation of gender equality policies in their respective departments. However, unions complained that the framework was not sufficiently effective for monitoring equality plans. In the private sector, this situation is even less monitored, due to a lack of adequate structures. Currently, people who feel that they have been victims of discrimination ask unions for help or seek remedy directly from the Industrial Tribunal.

The Maltese government's efforts to improve the existing gender equality machinery have resulted in the setting up of the National Commission for the Promotion of Equality for Men and Women in January 2004. This commission

incorporates the CAW and the DWS. It aims to streamline their efforts and optimise the use of resources. The new body's functions include:

- to identify, establish and update all policies directly or indirectly related to issues of equality for men and women;
- to identify the needs of people who are disadvantaged by reasons of their sex and to take such steps within its power and to propose appropriate measures in order to cater for such needs in the widest manner possible; and
- to monitor the implementation of national policies with respect to the promotion of equality for men and women.

Commentary

The past decades have seen a number of social and legal achievements for women which have contributed to greater female participation in the Maltese labour market. However, many issues need to be resolved to tap the full potential of female employment. The female activity rate is still low by European standards (at 36.6%), and women's employment is concentrated in specific sectors and levels of occupation. Women do not always enjoy comparable working conditions to men and they participate less in continuing vocational training. The government and social partners are trying to increase gender equality through legislation and collective agreements. (Manwel Debono, Malta Workers' Participation Development Centre)