

# GENDER EQUALITY - SOME PROPOSALS BY THE MALTA EMPLOYERS ASSOCIATION

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Directive 26/207 has played a very important role in reducing sex discrimination in the EU Member States and once Maltese legislation is truly implemented and enforced the law will make a major contribution to the reduction of discrimination and the improvement of the position of women in the labour market.

The Employment and Industrial Relations Act, 2002 includes provisions which protect employees against discrimination related to employment. The definition of discriminatory treatment in this Act does include a gender perspective as it incorporates discrimination on the basis of marital status, pregnancy or potential pregnancy and sex. Furthermore the Act to promote equality between men and women enhances further the gender equality principles and transposes Council Directive 76/207. This Act aims to promote gender equality in a person's working life and also establishes the National Commission for the Promotion of Equality for Men and Women.

Employers have been faced with a number of legal obligations and have to find ways and means to abide by all the laws which are today in force, this including legislation on gender equality. Employers require guidance on how to put these laws into practice and need further direction of what the law is in truth expecting. For example sexual harassment is a big concern for employers as the burden of proof lies on the employers and they are to prove that they took steps as are reasonable practicable to prevent such sexual harassment. What are the required steps? What should they put in place so that they will be able to prove that they did take the necessary steps? These questions need to be addressed.

Proper definitions of direct and indirect discrimination are welcome as these would give a clearer indication of what is meant by direct and indirect discrimination.

## **Female Participation in the Labour Market**

A number of regulations which enhance female participation are today in force in Malta: The Parental Leave Regulations, The Maternity Leave Regulations and the Part-time

Regulations. It is important to keep in mind that these regulations have a financial commitment on the employer.

The Malta Employers' Association has already in a document entitled "Generating Productive Employment. A National Priority" put forward proposals to enhance female participation in the labour market.

Malta has a long way to go to achieve the Lisbon target of 60% employment rate for women, and it is doubtful whether this target can be achieved by 2010. However there can be a number of measures that may be implemented to increase female the activity rate. The following are our proposals:

### **Setting Up of Child Care Day Centres at Subsidised Rates and Giving Tax Rebates**

MEA agrees that family obligations are amongst the factors that contribute to the low female participation rate in Malta. Every effort must be made to increase the number of licensed child care centers. These should offer the services at affordable rates and working mothers should be given tax rebates on the expenses incurred. The local councils may be involved in the setting up of such centers.

### **Providing a One Year Break for Female Returners to the Labour Force**

It is being proposed to offer a one year tax break to female workers who would have stopped working for family reasons. The tax break would apply to those who return to employment between four and six years since the date that they had stopped. This should act as a strong incentive for female returners.

### **Flexi Time Arrangements**

Employers will try to introduce flexi-time working systems to cater for family related commitments of both male and female employees.

### **Temping Agencies**

The MEA encourages the setting up of temping agencies to cater for temporary labour shortages. Employers in many countries see great benefit in the services offered by temping agencies. These agencies need to be recognized by law.

### **Fostering a Culture of Gender Equality**

Employers should strive to provide equal opportunities to employees irrespective of gender. This is not only to comply with legal obligations, but also because of the economic and social benefits that arise from a higher female participation rate in the labour force.

### **Conclusion**

Real gender equality is not possible unless efforts to endorse it are established on the historical and cultural environment that have shaped perceptions about maleness and

femaleness, and how these work together in the family, working life, politics and, not least, in the academic world. Initiating a discussion on gender equality in terms of workplace culture and organisational logic may pose the greatest challenge of all in the forthcoming quest for equity and equal opportunity. It will require cultural change and the learning process this involves, as well as the enhancement of skills within the organisation.

**Editor's Note:** Since this paper was written, certain measures have been adopted on the lines of these recommendations, e.g. re childcare centres and return to work measures and the publication of a Code of Practice on sexual harassment, by the National Commission for the Promotion of Equality of Men and Women.