



Research Report 2007

Good practices in the area of gender equality and age management in Europe

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AGender Introduction

The AGender initiative

The AGender Project was developed within the framework of the European programme “Equal” whose objective is to fight against discriminations in employment, to reduce inequalities and to support better social cohesion. It associates three organisations - the General Confederation of the Portuguese Workers (Portugal), The National Commission for the Promotion of Equality, a Maltese Public Association in charge of equality promotion (Malta) and the Emergences Institute (France) - around two themes, age and gender.

The European Union was given the objective of increasing women’s employment rate and of promoting policies in the struggle against all kinds of discrimination. Likewise, because of demographic trends, one of the European Union priorities is to increase the rate of employment of people aged 50-64 years. In the majority of the European Union Member States, policies and actions are thus carried out regarding “age management” and professional equality between women and men.

However, in all the set of themes on “age management“, we can observe that gender is, most of the times, absent. On the other hand, studies on the gender dimension very seldom take into account men and women or include the question of ageing and the place of “senior” women in our society. Nonetheless, discriminations based on age and gender keep increasing in the labour market, also at the moment of retirement.

Thus, the partner organisations have decided to carry out three studies on their respective realities, regarding the gender and age dimensions in their countries. The studies introduce a certain number of general socio-economic data on the situation of “senior” women and on the policies implemented in this area in the three countries concerned. In addition, a particular sector of activity was targeted in each country.

The various exchanges between the partners and the results of the studies showed that right now, few experiences as regards public policies or actions carried out in the companies cross these two dimensions (age and gender).

Some data on women’s employment, particularly of “senior” women, in the European Union

Women’s rate of employment of the women in the EU-25 is lower than men’s: 56.3% for 71.2%, with the rate of unemployment being higher for women (9.6%) than for men (7.6%). Part-time work is, in all Member States of the EU-25, predominantly done by women: 32.6% against 7.3% by men. These tendencies are visible in the three countries involved in the AGender Project.

From the three countries, it is in Portugal that the rate of women’s employment is higher (61.9%). Moreover, this rate goes beyond the objective laid down in the Lisbon Strategy, until the year 2010. On the other hand, women’s rate of employment in Malta is only 33.6%, accounting for more than half of men’s. It is also the lowest rate in the EU-25. Women’s rate of employment in France is slightly above the European average (56.3%). In the three countries, men’s employment rate is higher than women’s (Table 1).

Part-time work is significantly more developed among women. From the three countries, France has the highest rate, with 30.9% women part-time workers. Worth mentioning is the fact that, although women’s rate in Malta is 33.6%, we must underline the large number of part-time female workers (19.3%). A figure common to three countries concerns the small number of part-time male workers (Table 1).

Table 1

	UE 25		France		Malta		Portugal	
	W	M	W	M	W	M	W	M
Employment rate (in 2005)	56,3	71,2	57,9	69	33,6	73,5	61,9	73,4
Unemployment rate (in January 2006)	9,6	7,6	10,1	8,3	9,8	6,9	8,7	6,9
Part-time Employees in % of global employment (in 2005)	32,6	7,3	30,9	5,7	19,3	4,7	16,6	7,1

Source : Eurostat, 2006

According to the data in Table 2, only one third of the executives are women in the EU-25, and it is in Malta where the share of women executives is the lowest. On the other hand, in France (37.1%) and in Portugal (34.2%) the percentage of women executives is higher than the European average.

As regards salaries, the average variation of the hour/remuneration between women and men is estimated at 15%, meaning that, on average women are paid 15% less than men. We can also see that the variations in remuneration between women and men in Malta (4%) and Portugal (5%) are less than half the figure for France (12%).

Table 2

	UE 25	France	Malta	Portugal
% of women executives (in 2005)	32,1	37,1	14,5	34,2
Variation of remuneration between women and men in % (in 2004)	15	12	4	5

Source : Eurostat, 2006

According to the Eurostat 2005 data, among the people from 55 to 64 years within the EU-25, 22.2 million are employed, 1.6 million are unemployed and 28.5 million are inactive. In the whole of the EU-25, the “seniors” rate of employment raised from 36.6 % in 2000 to 42.5 % in 2005. Furthermore, we note that, over this same period, this rate increased in all countries, except in Poland and in Portugal. However, the employment rate of the 55 to 64 “seniors” in Portugal, is already equivalent to the 2010 objective (currently nearly 51%). On the other hand, this rate is approximately 32% in Malta and 38% in France. Portugal is thus in the 8th place of the EU-25 countries, showing a higher rate of employment of the 55-64 year old, with France in 16th place and Malta with the 22nd.

Concerning the rate of employment of the 55-64 age group, by gender, in 2005, we see that the “seniors” rate of employment, in the EU-25, reached 51.5 % for men, whereas it is 33.6 % for women. However, the increase in the rate of employment over the 2000-2005 period, was higher for women (+ 6.8%) than for men (+ 4.9 %).

Among the three partner countries, we see that it is in Portugal that the employment rate of the 55-64 year old women is highest (44.1%) and in Malta the lowest (14.6%) whereas it is 35.2% in France.

Table 3

	UE 25		France		Malta		Portugal	
	W	M	W	M	W	M	W	M
Employment rate in 2005 of the people from 50-54 years (%)	63,6	81,2	71,7	84,7	21,1	79,5	66,4	80,7
Employment rate in 2005 of the people from 55-64 years (%)	33,6	51,5	35,2	40,5	14,6	50,9	44,10	58,6

Source : Eurostat, 2006

Within the EU-25, the increase in the rate of employment of people from 55 to 64 years, between 2000 and 2005, is not distributed in an equal way by age and by gender. The employment rate of “seniors” from 55 to 59 years increased by 7% for women and 2.9% for men, whereas for the older “seniors” from 60 to 64 years, it increased 4.7% for women and 4.8% for men.

Table 4

	UE 25		France		Malta		Portugal	
	W	M	W	M	W	M	W	M
Part-time work of the 55-64 age group in 2005, (% of total employment)	39,5	10,3	33,9	9,4	*	*	31,3	9,2

Source : Eurostat, 2006

* Data not available

In the EU-25, part-time work is generally more widespread among workers from 55 to 64 years than among those from 30 to 49 years (22.2 % of total employment against 16.8 %) and it is much more current among women (39.5 %) than among men (10.3 %).

Finally, occupational inequalities between women and men increase with age. The existence of European legislation against discriminations and for equal treatment for women and men, as well as the existence of several funding programmes to promote equality, contribute to move forward on these issues. However, the development of actions and more specific studies, crossing age and gender proves to be relevant.

The «age management»

The increase in the participation of “seniors” in the labour market forms integral part of the Lisbon Strategy which has the ambition of transforming European Union into “the knowledge-based, more competitive and more dynamic world economy”. Thus, in 2001, the European Council of Stockholm fixed itself the objective of changing to 50% the average rate of employment in the European Union, for the 55 to 64 year old men and women, until 2010.

Thus, the European Union encourages policies that are particularly directed at restricting early retirement schemes, at improving health and safety at work, and developing access to lifelong learning.

Anti-discrimination European legislation

According to article 13 of the Amsterdam Treaty adopted by the European Community, “the Council - approving unanimously a Commission proposal, after consulting the European Parliament – may adopt the necessary measures in order to fight any discrimination based on gender, race or ethnic origin, religion or belief, disability, age or sexual orientation”.

Since the entry into force of the Treaty (1999), two new anti-discrimination directives were adopted. They define a set of principles that offer all EU citizens a common minimum level of legal protection against discrimination: The Councils Directive 2000/43/CE of June 29th, 2000, which implements the principle of equal treatment between people irrespective of racial or ethnic origin and The Councils Directive 2000/78/CE of November 27th, 2000, which establishes a general framework of equal treatment in employment and at work.

These directives protect from discrimination based on race or ethnic origin, religion or belief, disability, age or sex orientation, mainly in the field of employment.

Anti-discrimination directives

The Racial Equality Directive 2000/43/EC

- Implements the principle of equal treatment between people irrespective of racial or ethnic origin.
- Gives protection against discrimination in employment and training, education, social protection (including social security and healthcare), social advantages, membership and involvement in organisations of workers and employers and access to goods and services, including housing.
- Contains definitions of direct and indirect discrimination and harassment and prohibits the instruction to discriminate and victimisation.
- Allows for positive action measures to be taken, in order to ensure full equality in practice.
- Gives victims of discrimination a right to make a complaint through a judicial or administrative procedure, associated with appropriate penalties for those who discriminate.
- Allows for limited exceptions to the principle of equal treatment, for example in cases where a difference in treatment on the ground of race or ethnic origin constitutes a genuine occupational requirement.
- Shares the burden of proof between the complainant and the respondent in civil and administrative cases, so that once an alleged victim establishes facts from which it may be presumed that there has been discrimination, it is for the respondent

to prove that there has been no breach of the equal treatment principle.

- Provides for the establishment in each Member State of an organisation to promote equal treatment and provide independent assistance to victims of racial discrimination.

The Employment Equality Directive 2000/78/EC

- Implements the principle of equal treatment in employment and training irrespective of religion or belief, disability, age or sexual orientation in employment, training and membership and involvement in organisations of workers and employers.
- Includes identical provisions to the Racial Equality Directive on definitions of discrimination and harassment, the prohibition of instruction to discriminate and victimisation, on positive action, rights of legal redress and the sharing of the burden of proof.
- Requires employers to make reasonable accommodation to enable a person with a disability who is qualified to do the job in question to participate in training or paid labour.
- Allows for limited exceptions to the principle of equal treatment, for example, where the ethos of a religious organisation needs to be preserved, or where an employer legitimately requires an employee to be from a certain age group to be recruited.

Source: *Employment and social affairs, action against discrimination*,
http://ec.europa.eu/employment_social/fundamental_rights/legis/lgdirect_fr.htm

European legislation promoting equality between women and men

Since the foundation of the European Economic Community in 1957, the principle of equal treatment for women and men was gradually developed by the European legislation via the adoption of directives in many fields. In addition, the European Court of Justice largely developed this legislation in its jurisprudence.

Moreover, in 2000, the European Council of Lisbon fixed itself the target of attaining a proportion of active women, which exceeds 60%, by 2010.

Key pieces of gender equality legislation

Equal Pay Directive – 1975 (75/117/EEC - OJ L 45, 19.2.1975): provides that sex discrimination in respect of all aspects of pay should be eliminated.

Equal Treatment Directive – 1976 (76/207/EEC - OJ L 39, 14.2.1976): provides that there should be no sex discrimination, either direct or indirect, nor by reference to marital or family status, in access to employment, training, working conditions, promotion or dismissal.

Social Security Directive – 1979 (79/7/EEC - OJ L 6, 10.1.1979): requires equal treatment between women and men in statutory schemes for protection against sickness, invalidity, old age, accidents at work and occupational diseases and unemployment.

Occupational Social Security Directive – 1986 (86/378/EEC - OJ L 225, 12.8.1986): aimed to implement equal treatment between women and men in occupational social security schemes. Amended in 1996.

Self-employment Directive – 1986 (86/613/EEC - OJ L 359, 19.12.1986): applies principle of equal treatment between women and men to self-employed workers, including in agriculture and provides protection for self-employed women during pregnancy and motherhood.

Pregnant Workers Directive – 1992 (92/85/EEC - OJ L 348, 28.11.1992): requires minimum measures to improve safety and health at work of pregnant women and women who have recently given birth or are breast-feeding, including a statutory right to maternity leave of at least 14 weeks.

Parental Leave Directive – 1996 (96/34/EC - OJ L 145, 19.6.1996): provides for all parents of children up to a given age defined by Member States, to be given at least 3 months' parental leave and for individuals to take time off when a dependant is ill or injured.

Burden of Proof Directive – 1997 (97/80/EC - OJ L 14, 20.1.1998): required changes in Member States' judicial systems so that the burden of proof is shared more fairly in cases where workers made complaints of sex discrimination against their employers.

Equal Treatment in Employment Directive – 2002 (2002/73/EC - OJ L 269, 5.10.2002) : substantially amends the 1976 Equal Treatment Directive adding definitions of indirect discrimination, harassment and sexual harassment and requiring Member States to set up equality bodies to promote, analyse, monitor and support equal treatment between women and men.

Goods and Services Directive – 2004 (2004/113/EC - OJ L 373, 21.12.2004): applies the principle of equal treatment between women and men to access to goods and services available to the public. Extends gender equality legislation outside the employment field for the first time.

Source : « *Equality between men and women in European* », European Commission, *Employment and Social Affairs*, 2005

The situation of women at the end of the career in France

Saturn Project – France

**This study was carried out by Rachel Silvera
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“The situation of women at the end of their career in France”

Study carried out by Rachel Silvera - economist and professor at the University of Paris X, researcher at MATISSE - Paris I.

The situation of “senior” women in France is alarming for several reasons: in terms of health and working conditions; the ageing phenomenon is particular to women, especially in their working lives, with women showing a certain “refusal” of their occupational diseases and work painfulness. Moreover, regarding employment, a large number of women, particularly the over 50 age-group, went through work interruptions and consequently found it much more difficult than men to return to work. This brought serious consequences in terms of retirement rights, particularly after the last two legislative reviews, which resulted in increased working lives for women.

Introduction

The question of an ageing population is a matter for national and European concern. It is obvious that the increase in life expectancy means, above all, social progress, while raising in an increasingly acute way the demographic problem of balance between active and inactive workers, despite the fact that in France the fertility rate is relatively higher, in comparison with some of our neighbours and namely with the rates of the partner countries of the AGender Project (Portugal and Malta). Concerning employment, rates are very low at the extremes of active life, notably among the “seniors” (over 50’s).

The European Union has set for itself, in the year 2000, at the Lisbon Summit, the target of a 70% global employment rate, with 60% for women, and in 2001 a 50% rate for the over 55’s. The current rate is 42.5% in the EU of 25, and only 37.9% in France¹. However we recall that France has fixed its retirement age at 60 years, with this partly explaining this difference in relation to the neighbouring countries where this age is clearly higher (around 65 years).

For decades, France resorted massively to early retirement schemes in order to face up to restructuring. This policy, which has since then been challenged, remains active, despite everything in the social and cultural spheres: it is portrayed as “acceptable” and even desirable that “senior” workers retire when there are social redundancy plans and especially when their work is hard. But hard work does not explain everything: in certain sectors where the problem lies first and foremost in excessive manpower, these measures connected with age were adopted, as has been occurring namely in the banking sector. On the reverse, in the building industry where hardwork is quite considerable, this kind of measure was not adopted, given the shortage of manpower.

Since measures related with early retirement schemes were challenged, age management at work for the “seniors” is the object of new public concerns and provisions. The review of the retirement pensions system implemented in 2003, which decided to prolong the period of retirement contributions in order to face up to the problems of funding, also promoted mechanisms that tend to favour the continuation of the “seniors” at work. But all of this is still far from being attained. The decision of dispensing with the search for a job still in place, which allows more than 411840 unemployed workers over-55 to receive a benefit without having to look for a job, is in this sense, contradictory.

In the range of subjects on age management, once again and paradoxically, **gender issues are absent**. We have analysed a large number of studies done in France on this matter and verified that the data on age did not all contain a gender differentiation and that interrogations on age management were not clearly directed, or were very faintly directed, at the position of women in this domain. On the contrary, we noticed that in France, the development of studies on gender did not include ageing nor the position of “senior” women in our society.

However, the situation of the “senior” women in France is worrying, at different levels: in terms of working and health conditions, age phenomena are specific to women and even more so because it is important to underline that throughout their working lives, there is a certain “denial” of their occupational diseases and of their hard work. On the other hand, in terms of employment, and for a large number of them, the over-50 generations went through work interruptions and found it harder than men to return to work. This brought about serious consequences in terms of their entitlement to pensions, and provoked the two more recent legislative reforms that are translated into a longer work duration for women.

Despite that we obtained some indirect results. At an earlier stage, we researched into statistical data that allows us to develop an economic and social analysis on the “senior” women. Later we conducted interviews in the trade sector. Finally, we drafted a study based on the work developed in this area.

In the first part of this report we globally overview the situation of “senior” women, both in terms of employment, health and retirement. In the second part, the analysis deals with the “senior” women employed in the trade sector. The last part includes a study on the position of the social partners but also on public provisions and employer practices, always regarding “senior” women.

¹ Eurostat figures, 2005

I. Situation of women in employment, by age

I.1 Statistic overview: incomplete data

Activity – Employment

When comparing men and women's activity rates by age, significant differences emerge: some 10 points related with activity, separate the over-50 men (63.6%) from the over-50 women (54.6%), in 2005. But we also see a strong increase in the women's activity over the last 10 years (a progression over 10 points) while, at the same time, we see a stagnation in the men's rate, in these age groups.

Table I – Activity rate by age and gender in %

	1975	1985	1995	2000	2005
Women					
15-24 years	45.5	39.7	26.5	26.0	29.9
25-49 years	58.6	70.8	78.3	79.3	81.1
50 years and over	42.9	39.8	43.9	50.5	54.6
Total	51.5	55.6	59.9	61.7	63.8
Men					
15-24 years	55.6	42.5	32.4	32.6	37.3
25-49 years	97.0	96.5	95.5	94.8	94.4
50 years and over	79.5	64.5	58.6	63.2	63.6
Total	82.5	75.9	74.0	74.4	74.5

Note: Activity rate in March of each year, except those of the Census (April of 1975 and 1982; January of 1990 and 1999), until 2001, average annual activity rate, as from 2002. Universe: 15-64 year-olds.

Source: Insee, Employment Survey.

International comparisons on this item show that France is among those countries where the rate of activity of “seniors” is particularly weak, namely concerning men, this in relation to the average of the OECD countries with the reverse happening with women. On the contrary, in comparison to Sweden the gap is a considerable one, especially for women: in 2000, the global gap in relation to Sweden was 20 points for the “seniors” (23 points for women and 17 for men, according to the 2005 OECD statistics). In 2000, the activity rates for the 65-69 year-olds were 2.5% for women and 3.7% for men (against respectively 10.4% and 21.2% of the OECD average), but this, as we mentioned in the introduction, is connected with the 60-year legal age of retirement in France.

The next Table is particularly enlightening on the respective position of the ageing men and women in the labour market: globally, from 50 to 64 years, 40% of the men are considered inactive, with 52.6% for women. This inactivity is explained in the first place by the effect of early retirement schemes and secondly, in what concerns women, by the fact that for all the specific over-50 groups, we frequently find more men on early retirement (if we consider the 50-59 age group) than women. These early retirement schemes (still) correspond more to the effect of industrial restructuring in companies of male predominance (except in the building industry, due to manpower shortage). This situation involves fewer women, as if for them the issue of work hardness was a lesser (or non-existent) justification (frequently leading to negotiation on early retirement).

As we previously indicated, the other interesting result of this Table has to do with inactive women, considering the family responsibilities they undertake: we could be led into thinking that this reason for “inactivity” was crucial for the 25-49 year-old women, but in fact it bears less weight than for the older ones, namely those from 55 to 59, a group in which around 23% of women are inactive for that reason (with only 14% for the 25-49 year-old women). We may interpret this fact as the result of the transitory role played by the 55-59 year-old women: the fact that they eventually take care of their grandchildren and/or of their own parents or in-laws who have become dependent.

Table 2 – Position in the labour market, by age, in France – 2001

	25-49 years			50-64 years			55-59 years			60-64 years		
	Men	Women	Total	Men	Women	Total	Men	Women	Total	Men	Women	Total
ACTIVE	94,9	79,5	87,2	59,6	47,4	53,5	59,5	46	52,8	11	9,5	10,3
Employed ⁸⁹	71,5	80,3	56,5	44	50,3	84,9	42,9	49,4	10,8	9,1	10	
Unemployed	5,9	8	7	3,1	3,4	3,3	3,6	3,1	3,4	0,2	0,4	0,3
“INACTIVE”	5,1	20,5	12,8	40,4	52,6	46,5	40,5	54	47,3	89	90,5	89,8
Discouraged	0	0,1	0,1	0,1	0,1	0,1	0,2	0,2	0,2	0	0	0
Early Retirement	0	0	0	31,2	23	27,1	24,4	16,7	20,6	85,4	63,4	74,4
Diseases/Invalidity	1,8	1,6	1,7	4,8	4	4,4	7,6	5,7	6,7	1,4	1,6	1,5
Family Responsibilities	0,1	13,8	7	0,1	19,6	9,9	0,1	22,6	11,4	0	19	9,5
Other	3,2	5	4,1	4,2	5,9	5,1	8,2	8,8	8,5	2,2	6,5	4,3
TOTAL	100	100	100	100	100	100	100	100	100	100	100	100

Source: OECD

If we nowadays utilize the most commonly applied indicators in Europe, that is, the employment rate, which represents the “seniors” real involvement at work, we will notice that French women’s employment rate equals the European average (and this is far from being the case of French men), but the gender gap persists in France, although it is being narrowed as a result of the retirement provisions mentioned earlier. If we go back to the 70’s, we detect a decrease in the employment rate of the 50-54 year-old men, with that of the women showing a constant increase. But for men, this decrease affected the older ones, (60-64 years) while for women, it concerns the “younger” (OECD, 2005).

Table 3 – Employment rate of the elderly (55-64 years)

	1995		2005	
	Men	Women	Men	Women
EU 25	-	-	51.8	33.7
EU 15	47.2	25.3	53.1	35.4
France	33.8	25.6	40.7	35.2

Source: Eurostat, Survey of the Labour Force

The average age of departure from the labour market confirms this ascertainment: it goes up constantly for women (58 years in 2001 and 59.4 years in 2004) whilst this age stabilises or goes down for men (58.2 years and 58.4 for the same years).

Academic Qualifications

The next figures highlight the fact that academic qualifications help keep the elderly at work. This is particularly valid for a higher education degree that enhances more women than men into being active (the difference between the activity rate of all women and that of those who are more qualified, is larger than among the men). On the contrary, elderly women without qualifications are less present in the labour market than women as a whole.

Table 4 – Activity Rate by academic qualifications and age in 2003²

	50-59 years		60 years and over	
	Men	Women	Men	Women
Total	80.8	66.1	5.9	3.6
Higher Education Degree	93.1	82.5	19.9	15.3
Batchelor of Arts (B.A.)	88.8	75.3	12.1	7.2
Upper Secondary	83.1	72.4	8.2	5.3
Vocational Training Diploma	80.9	71.1	6	4.9
Lower Secondary (compulsory education)	80.3	67.4	4.1	4.3
Unqualified	74.9	56.5	3.7	2.5

Source: Insee, Survey on Employment

Job Categories

The next figures confirm the sharing of employment by gender: women mostly concentrate as employees (clerks) and are less represented in the technical staff, artisans and company managers. Older technical staff is clearly men in their majority, with weak figures for women. On the contrary, it is far less common for women to finish their working life as clerks; instead they are increasingly represented among farmers and business owners.

² Detailed data of the Survey on employment are only available for the year 2003

Table 5 – Distribution of the employed active, by Job Category and Age in 2003

	All Ages		50-59 years		60 years and over	
	Men	Women	Men	Women	Men	Women
Total	100	100	100	100	100	100
Farmers	3.8	2.2	5.5	4	16	9.6
Artisans, Business, Managers	7.7	4	12.1	6.5	20.3	14.8
Technical and Managerial Staff	17	10.8	22.4	11.7	26.5	13.2
Supervisors	22.2	24.2	21.1	21.2	13.7	12
Clerks (Employees)	12.2	48.6	9	46.8	6.5	43.6
Manufacturing workers	36.9	10.2	29.4	9.4	16.7	6

Source: Insee, Survey on Employment

Activity Sectors

The job distribution by activity sectors ascertains the over-representation of women in the tertiary sector, but age slightly deforms the sectoral effects: women over 50 are more numerous than all women as a whole in agriculture (this is equally true for men, but in a lower degree).

If, globally, "senior" women are slightly less numerous in the tertiary sector, they are, on the contrary, in a larger number in care provided to individuals (especially women over 60) as well as in education and health services. As for commerce (trade or business), which we will mention later on, senior women are slightly less numerous and this is also true for men.

Table 6 – Distribution of the employed active, by activity sector and age in 2003

	All Ages		50-59 years		60 years and over	
	Men	Women	Men	Women	Men	Women
Total	100	100	100	100	100	100
Agriculture	5.5	2.9	6.6	4.6	17.3	18.1
Manufacturing Industry	22.9	10.7	24	9.7	12.1	5.2
- Agricultural Goods	3	2.5	2.3	1.5	1.3	1.2
- Consumer Goods	2.8	2.9	3.5	2.5	1.3	2
Automobile	2	0.5	2.4	0.4	0.6	0
Equipment Goods	5	1.5	5.4	1.6	2.6	1.2
Intermediate Goods	8.5	3.2	9.1	3.3	5.2	1.2
Energy	1.5	0.5	1.4	0.3	0.6	0
Construction	10.7	1.3	10.4	1.6	7.8	1.6
Tertiary	60.5	84.6	58.4	83.5	62.1	81.9
Commerce (Trade, Business)	12.9	13.6	11.8	10.7	11.1	11.6
Transport	6	2.2	5.9	1.4	3.9	0.4
Finance	2.4	3.5	3.3	3.6	1.6	1.2
Real Estate	1	1.4	1.3	1.8	3.3	2
Services to Enterprises	13.6	11.5	10.3	8	13	6.4
Services to Private Customers	6.2	11.1	4.6	10.4	7.5	21.3
Education, Health, Social Services	9	29.4	11.5	33.1	12.4	25.7
Administrative	9.4	12	9.6	11.4	9.1	13.3

Source: Insee, Survey on Employment

Unemployment

Concerning the rate of unemployment, the highest female rate of unemployment currently lies mainly among the under 25's, while the gap between the men and women over 50 is no more than 0.6%.

Table 7 – Unemployment rate, by age and gender in %

	1990	1995	2000	2005
Women	12.1	13.9	11.9	10.9
15-24 years	23.9	32.2	23.7	24.6
25-49 years	10.9	12.9	11.6	10.4
50 years and over	8.2	8.4	8.5	7.2
Men	7.0	9.8	8.5	9.0
15-24 years	15.3	20.9	18.4	21.4
25-49 years	6.0	8.9	7.7	8.0
50 years and over	5.7	7.5	6.9	6.6

Note: Unemployment rate, ILO formula, in March of each year (except for the Census years, in 1990 and 1999) until 2001

Note: Annual average unemployment rate, as from 2002

Universe: Active workers from 15 to 64 years of age

Source: Insee, Survey on Employment

There is also a major difference in the frequency of return to employment: women have a rate of return to work which is higher than men over-50, according to the Enquiry “to those who stop being unemployed” of the UNEDIC³ (Delvaux, 2004): 35.8% of the men over 50 returned to work as opposed to 44.1% of women, 6 months after having been made redundant.

However, the difficulty in returning to work is higher for the “senior” women. According to the IGAS⁴ report (2004), “women remain registered for longer periods at the ANPE⁵ and try harder than men to remain active, even if in a reduced way, because they feel the necessity of having their social insurance contributions and to be able to finish their interrupted working careers. Their return to work takes place, in one case out of five, through a “sustained contract”, with only one case in fifteen for men. They have far less full-time jobs than men: 80% of the men’s return to work is for full-time jobs, with only 54% for women. This specificity, which is common to all age groups, adds to the age of those seeking for employment.” Finally, this report underlines that remuneration in the new job is lower when women are older.

Table 8 – Type of new contract found, by age and gender, in %

	Men		Women	
	30-49 years	50-64 years	30-49 years	50-64 years
Open-ended contract	40	45	37	36
Fixed term contract	31	24	35	26
Interim	17	16	8	3
Sustained Employment	5	7	10	21
Other (work on holiday, seasonal job)	7	8	10	14
Total	100	100	100	100

Source: Dares, Survey on return to work, cited by Igas (2004)

³ UNEDIC – Public Authority Managing Unemployment Benefits

⁴ IGAS – General Inspection for Social Affairs

⁵ ANPE – National Employment Agency (Job Centres)

Table 9 – Monthly salary in the new job found, by age and gender, in %

	Men		Women	
	30-49 years	50-64 years	30-49 years	50-64 years
Under 762€	5	7	15	24
Between 762€ and 1143€	44	38	59	53
Between 1143€ and 1524€	30	29	18	16
Above 1524€	21	26	8	7
Total	100	100	100	100

Source: Dares, Survey on return to work, cited by Igas (2004)

I.2 The ageing of women at work in connection with working and health conditions

National and European enquiries have demonstrated that people's health condition has an incidence on the employment of the over 50's, despite not being the sole factor: "Two effects seem to play simultaneous in contradictory senses: on the one hand, working conditions may deteriorate the health condition near the end of active life (Volkoff and Alii, 2000), while, on the other, a poor health condition may cause an early departure from the labour market (Barnay, 2005)" (Barnay, Debrand, 2006). Thus, this enquiry shows that the Parkinson disease has a particular incidence on women's invalidity: men hit by this disease have an 18.2% employment rate (71% lower than that of all men) while women have a 9.1% employment rate, that is, a rate which is 79% lower than the women's average. Brain strokes are also a major cause of disability: reduced activity by 55% for men and by 50% for women. But those diseases only hit very few people. Among women and in Europe, the diseases which are more common among women than among men are: high blood pressure (25.7%, with 23.4% for men): women's rate of employment is 8.4% lower than the female average; multiple arthritis (18%, with 9.3% for men): the female employment rate is 26.3% lower; osteoporosis (8.2%, with 1.2% for men); with a 20.3% lower rate of employment and, finally, cancer (4.9% against 2.8%) and a 9% lower employment rate. Other surveys show that the perception on the "senior" workers' health is lived differently according to gender: "women of the same age group as men, refer more often (or more easily) some age-connected problems (...). A much larger number of women show psychological sufferance, in different forms. Men tend to deny this sufferance much more often (...). In the first place, they mention changes in their quality of sleep, which are tangible and relatively early warning signs of age advance. They are frequently felt as source of disturbance in the quality of their daily activities, namely at work (...) [in the second place], pains in the joints (cervical, dorsal, lumbar, neck, wrists...) with or without causing disturbance to movements, are increasingly associated with age progression. This increase is clearly more marked for women". (Azema, 2003)⁶.

Other signs of ageing were also noticed such as fatigue, loss of stamina, etc. Obviously these signs vary according to working conditions and not only according to gender: being exposed to variable working hours, work postures (long hours standing up...) have an effect on these health problems and partly explain why they are more frequent among women. In fact, in the female dominated jobs, there is an increasing number of non-acknowledged forms of work hardness as is the case of hospital health carers, with heavy loads (like the auxiliary staff), the fact that they stand up for too long, that they walk a lot... situations which represent even greater work hardness as the female working population gets older (Davezies, 2003).

Finally, family and home duties, accumulated all through their life-time, deepen gender inequality in terms of the elderly working women's health.

⁶ Enquiry to fifteen 50-63 year-old workers and to company managers

I.3 Current retirement schemes and conditions for women over 50 and projections

According to Carole Bonnet (Work, Gender and Societies, 2004), there are figures available on the amount of pensions, in a sample built by the Drees. In 2001, women's direct pensions were half the amount of those of men. Direct pensions are those attained from direct contributions to social insurance. If we add to those direct pensions, the so-called "reversible pensions" (widow's allowances), we will obtain the pension's total amount, which is no longer half of the men's pension but really 40%, meaning that, in truth, women's pensions only represent 60% of the men's pensions. These are very large differences, which affect the whole of the retired population whatever their pension schemes may be. For the private sector workers, women's direct pensions are only 40% of the men's pensions, but for the public sector retired women, their pensions are 80% of the men's pensions.

Two main reasons explain these gaps

On the one hand, women have **shorter periods of contributions** and were paid, during their working lives, lower salaries, particularly those who worked part-time. In 2001, the average retired men's contribution period was 40.5 years, whilst women had only contributed 33 years, on average. We are talking of valid periods considered for their pensions, in other words, not only the time they worked for, but also bonuses obtained by women (for instance bonuses from insurance policies or from taking care of elderly parents at home, all of these included in the category of family allowances). Therefore, the 7 year gap has to do with these valid periods and this obviously means that the gap is even wider, when we only consider the contributions from time actually worked. Another way of evaluating these shorter working lives is by looking at the percentage of women and men who reach their retirement age, with a complete contribution period and without a cut in their pension amount. In 2001, 8 out of 10 men who retired had worked their maximum time, while there were only 4 women in 10. Nowadays, 6 in 10 women who retire do not have their necessary working time to be entitled to a full pension.

The second element has to do **with remunerations**, which, in the labour market are lower for women than for men. How can we highlight this remuneration effect? For pensioners who did their full working time, the gap in the direct pension between men and women is no longer 50%, but 1/3. And this is really the result of the lower salaries received all through their working lives, while reflecting at the same time, the weight of part-time work. Actually, when you do a part-time job, you may not see the duration of your contribution be reduced, but the fact is that when you receive your pension you will clearly notice the effect of reduced salaries.

There are other types of inequality in retirement. For example, if we look today at **men and women's average ages when they stop working**, we will see that, on average, women retire two years later. However that does not happen to civil servants, where, on average, women retire two years earlier.

Narrowing the gaps? A debate far from being completed

Always according to Carole Bonnet, if we consider pensioners from an age starting point, from the older to the more recent generations, we will see that the gap between men and women has been narrowed, this mainly being the result of the narrowing of differences in the contribution periods. Currently, women from 65 to 69 contribute on average 27 months more, that is, around two years more than those who are 20 years older, those between 85 and 89 years of age. This leads to the narrowing of the gap between men and women and to reducing the differences in the amounts of direct pensions. For 20 years, different generations saw very slow reductions in that gap. In fact, we will need to reach the year 2010 for the 1950 generation to retire. Well, this generation clearly changed its behaviour in the job market and stayed at work after having given birth to children.

But, according to Pierre Concialdi (Work, Gender and Societies, 2004) there are several factors hindering this positive evolution.

In the first place, for the last 20 years, there has been a female over-unemployment situation, with under-employment massively affecting women. This phenomenon strongly accelerated during the last 20 years leading to the development of low salaries. Nowadays, approximately one in six workers has a low salary. In fact it would be more accurate to say one in each 6 female workers, since 80% of these low-salary jobs are occupied by women. Is this significantly massive effect of the 80's and 90's truly integrated in the simulation models and will it not weigh in the long run?

In the second place, we had clearly detected a movement of the salary gap of men and women being narrowed, particularly for full-time workers, but the consequences of part-time work meant that the gap stopped narrowing.

There is still the question of setbacks in the career and unemployment periods. In those cases it is also difficult to predict the consequences of those kinds of situations in their careers, in terms of differences between men and women.

Furthermore, before the 2003 legislative reform, the general legal framework had already been modified by the **1993 Ballardur Review**. Then there were also the 1995 and 1996 agreements on complementary schemes. Maybe it is not sufficiently considered as it should be, the fact that quite considerable cuts in the pension amounts are being envisaged, both for the general and complementary schemes. In the future, if workers were to be submitted to these rules all through their working careers, this would mean a loss in their pensions amounts, of 15 to 40% in the general schemes and 30 to 40% in the complementary schemes. These losses are considerable and, in some cases, they are well above what one could expect from the 2003 Review. If we combine these two effects, the cuts in the general scheme and those in the complementary ones, the reduction of the substitution rate would be smaller for those who contributed 40 years and more and who had worked their full time. On the contrary, the reduction in the substitution rate would be slightly over 20% and stronger for workers who contributed for less years. This reform is being gradually enforced. Well, what is at the heart of today's public debate is simply the increase in the duration of the contribution periods, this meaning going up from 37.5 to 40 years. Nonetheless, two other important elements of the Ballardur Review need to be taken into consideration: **the change in the indexation method**, meaning to calculate pensions on the basis of prices (and no longer based on salaries⁷) and to **define a longer period of reference for the calculation of salaries** (moving from 10 to the best 25 years, in the private sector), which will also have, in the future, a negative effect on women. But those consequences will not be really felt until 2008. Seen as a whole, the options contained in both Reforms, aggravate inequalities between women and men.

Some frames of reference on differences in men and women's pensions

I – Women have shorter, less safe, and more frequently part-time and more interrupted careers than men.

In 2001, their full pension was 42% lower than that of men. If we consider direct contributions (without family allowances), the gap grows deeper (53%). This difference is smaller in the public sector (30%).

The average age of retirement is higher for women (2 years more) and their contribution periods are shorter (around 366 months for women and 432 months for men).

85% of the male pensioners had a full working life, with only 39% for women.

Finally, the majority of "poor" pensioners (on a statutory minimum old age pension) are women (83%).

Pension gaps clearly reflect the inequalities of the labour market (effects of part-timework, salary inequalities...). But the debate is in fact much more complex since women's position in the family and their "organised dependence" on the family will also count.

⁷ In periods of low inflation, prices go up slower than salaries and thus change is translated into pensions increasing less than salaries.

2 – The 2003 Pensions Reform will have a direct and indirect influence in the women’s situation

Let us quickly recall some elements of this Reform:

Its first declared objective is to increase the contributions period and to “harmonise” the public and private sectors: in the civil service, moving from 37.5 to 40 years of contribution; and then to 41 and 42 years until 2020, both in the private and public sectors.

To introduce, in the public sector, a 3% rebate, per year of missing contributions, this rebate then going up to 5%, with the rebate in the private sector falling from 10 to 5%.

Possibility of “purchasing” three years for education (but at a very high cost).

More favourable provisions on part-time (possibility of contributions equal to full-time, but depending on agreement with employers).

Keeping certain family benefits in the private sector (2 years of bonuses for mothers/for each child) but not in the public sector: following the Griesmar Court ruling (demanding that a male employee should have the same benefits as women, for having reared his children), strong restrictions emerged after 2004 in the bonuses for each child (only 6 months-bonus for each child, after civil servants become full-time public employees; compulsory interruption of work to be entitled to a longer bonus), etc.

To take into consideration the contributions based on salaries and those based on unemployment benefits, daily sick allowances or maternity leave allowances (benefits which are more frequently used by women).

2. The situation in retail trade

The “senior” women’s employment situation in the food retail trade sector was judged relevant for this study since this is a female-dominated sector, in which working conditions are hard and in which ageing problems exist. It is true that situations are really varied according to the different trade branches: local shops retail trade, city centre trade or large shopping areas. In fact, the management of the labour force in the trade sector varies according to the size of the shopping firms (more or less part-time work, more or less job rotation...).

The sector’s characteristics

In 2004, the retail trade sector comprised 633,000 workers, of which 60% were women. Hypermarkets accounted for over 46% of the total; supermarkets employed 35%; the remaining were maxi-discount stores and suppliers as well as wholesale trade. Globally, in retail trade, jobs are quite unstable because sales persons, cashiers and self-service workers are changed every year. In large wholesale trade, which represents one third of the sector, the annual rotation rate is 60%. According to Daniel Sanchis (2006), approximately one in two retail trade workers have part-time jobs, although this tends to wither away. The job’s average age is 34.4 years. With only 15% of workers being over 46 years old (2% are over 55). So these large distribution stores clearly favour the recruitment of young workers, one third of them under 25. Most workers, notably women, are store clerks (cashiers and shop attendants).

Recruitment

It is well known how companies aren’t, in general, receptive to recruiting workers over 50 years’ old. This is even more so in the SME’s: 46% of the stores employing over 200 workers recruit over 50’s, against 21% of the shops employing less than 50 workers. On the contrary, even when the stores find it hard to recruit, **one in two stores do not consider hiring older workers, mainly in retail trade**, in construction and public works, especially if they are SME’s⁸. This trend seems to be confirmed in the large department stores, especially in the recruitment of cashiers, where there are a large number of youngsters being hired. On the contrary, in supermarkets, and mainly those in the countryside, there is maintenance of certain “fidelity” of workers with the age of recruitment being a bit higher, including the cashiers. This is actually confirmed in the words of a Personnel Manager from a supermarket chain: “In face of difficulties in recruiting female cashiers, supermarkets in the town centre that frequently employ less than 20 workers, tend to prefer hiring full-time workers so that they may be incited into joining us and stay with us. Besides that, shop managers would rather not hire students on short-term contracts, since due to their exams, they are frequently absent, and in that kind of situation, it is hard to face up to work overloads with a reduced labour force”. This is not clearly the case in large department stores.

As for the recruitment of technical and managerial staff, this same supermarket chain makes a clear division between internal recruitment, with half of the supervisors being youngsters who, after a number of years become managers, and external recruitment which is on the increase and which allows them, according to this Personnel Manager, to hire more experienced 40-50 year-old workers.

Working conditions – Ageing

Women working as cashiers are facing more serious health problems, despite the improvement of their working conditions (conveyor belts, ergonomic research for the positioning of tills...). Well, the absence of multi-skilling in the small enterprises hinders the possibility of job adaptation and results in absenteeism and partial inaptitude for work, which frequently leads to dismissals...

In the larger stores there are even bigger problems: it is reckoned that, on average, a female cashier handles 2 tons of goods every day and that “this physical activity is performed in a limited space of time (on average two minutes for each customer) while at the same time they have to develop a complex cognitive activity (answering the customers requests, searching for bar codes...)” (D. Sanchis, 2006). These become therefore added physical constraint problems (heavy loads, imposed rhythms...), irregular working hours, and tensions with the public. Thus, in a large chain analysed by Daniel Sanchis, we see a recrudescence of absenteeism connected with work stoppages and accidents. According to the enquiry carried out to retail trade workers by this author, backaches are the first to appear, then stress and leg pains. In the supermarket chain that was surveyed, there is an overall figure of 1.2% in

⁸ OECD, 2005

absenteeism due to work accidents and due to home to work problems and 7.2% due to diseases, this figure meaning, the double of the national average.

Thus, we detect a constant increase in the number of accidents at work in large retail trade stores: 63 in 1000 in the hypermarkets; 69 in 1000 in supermarkets and even 100 in 1000 in wholesale stores (meaning a higher figure than in construction and public works: 100 in 1000). A national enquiry, carried out by 350 occupational doctors, and ordered by the Confederation of Commerce and Distribution Enterprises, is quite alarming: "musculoskeletal problems" (MSP) are in the first place, hitting women on an imposed part-time job, notably the under-35 youngsters. 85% of the sector's workers declared to be facing this health problem. It is also worth noting that this enquiry also surveys other jobs besides women cashiers, which is very seldom the case. According to the Centre for Inter-services on Occupational Health and Medicine (CISME), that organised a study which was later published in the daily newspaper "l'Humanité" on December 1st, 2006 "Heavy loads, deep counters, having to reach out to the upper or lower part of shelves... Practically all workers enquired were repeating these movements. Well, besides the physical inaptitude of jobs, there was also time pressure. And it is obvious that stress also appeared. 80% of the workers said that they had to hurry up in order to see their work done, half of them might never have a break when they wished and 40% said that they were daily "tense and nervous" everyday".

In the whole of large-scale retail trade, there are two workers' categories:

- One which is a stable group of male and female workers, not very numerous, but older, who are store clerks, skilled workers and managerial staff. In this category, permanent and full-time jobs are in a larger number than in the whole group of commerce workers. Their average ages and seniority are also higher than average. Problems with working conditions are felt in a higher degree by the older male and female workers. Solutions vary according to the stores' size: often it is possible to resort to multi-skilling (for instance work using traditional butchers or delicatessen shelves...). But this is not the case in the small supermarkets.
- The other being a peripheral group of unskilled male and female workers who are much younger and more precarious, working shorter hours and on high rotation. The solution to the problem with working conditions is partly found with the end of their fixed term contracts. But for some of them, inaptitude to the jobs will only result in the breach of contract.

Some figures on a supermarket chain

In 2005, from 3127 people, 62% are women, but in the head office, out of 145 workers, only 40% are women. The staff is essentially young: only 6% of the workers are over 50, while 37% are between 26 and 35. Still, there is a slight process of workers' ageing. Therefore, only 14% of the workers have more than 10 year's seniority.

The rate of job abandoning is around 30-35%. Most of these departures from work result from the end of contracts or resignations. However, it should be stressed that the "stability ratio" calculated by the employers (meaning the number of open-ended contracts of less than one year, compared with the total number of open-ended contracts) is diminishing: 31% in 2002 and 18% in 2005, thus showing a certain stability of the workforce, since during that period the total workforce went up by 24%.

Absenteeism is a concern which is common to the whole sector: its rate is between 9 and 11%, but quite low in the head office (2%). Its main cause lies in diseases (over 54%).

3. French policies and mechanisms in the struggle against discrimination based on gender and age; good practices

3.1 The views of social partners

The national multi-sector agreement “The employment of seniors, to promote their maintenance and return to work”, which was signed, on 13 October 2005 by some trade union confederations (CFDT, CFTC and CGE-CGC and not by the CGT and the FO⁹) indicates in its preamble “that it is necessary to go beyond, as quick as possible, a certain logic in which age was seen as a factor of labour market adjustment, with very low unemployment rates of the workers over-55, and move over to a practice which leads to the maintenance or regaining of the professional activity, until the conditions are met for the entitlement to a full pension”. For that, different measures are being considered, such as the priority to the individual right to training, to the guarantee of career development, implementing a pre-emptive-type of management in relation to jobs and skills, etc. From a perspective of return to employment, the main measure, and the more disputed one, is the creation of a new 18-month fixed-term contract for those who are over 57. **But, as we have already underlined all through this report, the “seniors” gender issue is not mentioned one sole time.** However, the previous multi-sector agreement, signed unanimously, mentioned precisely both genders and equality at work (1 March 2004) while proposing considerable steps forward in the struggle against gender discrimination (see text in box below). The fact is that this new agreement does not include, even if partly, any reference to gender equality principles. Likewise, none of the agreements on equality at work that have been signed, mention the specific situation of “senior” women, who suffer from a double discrimination.

The national multi-sector agreement of 1 March 2004 on gender and on men and women’s equality at work

This was one of the rare agreements to have been signed by all the representative trade union organisations (besides the one on vocational training), a fact that highlights the will to move forward around equality issues, following several years of faint mobilisations, which we previously mentioned.

In the agreement’s preamble, it is stated that “the employment of women is a factor of social dynamisation and economic growth”. And it is recalled the necessity of “political will from all the stakeholders in order to develop concrete actions, including, if necessary, positive actions that enhance gender equality and equality at work”.

The agreement addresses many domains: school guidance, recruitment, vocational training, promotions and mobility and also pay equality.

The first subject which is dealt with, concerns **the evolution of mentalities**. In this scope, it refers to the women’s inborn abilities (dexterity, sweetness...), used as a pretext to prevent them from acceding to dignified jobs, and, on the contrary, to not acknowledge some skills of female-dominated jobs.

In terms of **school guidance**, co-operation agreements will be sought, namely with the official education authorities, in order to facilitate, in particular, the access of young women to scientific and technical jobs. There will be a Communication on the jobs’ image and social representation, namely those that are not gender-mixed.

⁹ The refusal in signing this agreement has mainly to do with the introduction of an 18-month fixed-term contract for workers over 57 years of age, a measure that these two organisations saw as a new type of precarious contract which favours the employers.

Recruitment: a better balance between men and women will be sought, at all levels, among the chosen job applicants, regarding their skills, experience and equivalent profiles. Transitional progression measures may be put in place, whenever a real unbalance is found.

Continuing vocational training: according to the provisions of the multi-sector agreement, sectors and enterprises will define the means necessary for the equal access of men and women to continuing vocational training. Transitional progression measures may be adopted in each sector for a better gender balance in training actions. Different kinds of actions and training offers will envisage taking maternity and paternity constraints more into consideration.

Promotion and mobility: in order to ensure similar professional careers for men and women, measures will be adopted, such as: reviewing the criteria to define jobs – criteria that exclude women who have the required skills; work organisation models and working time arrangements that are not a source of discrimination, namely in the case of part-time work; to favour the access of women to responsible positions; implementation of work organisation models that avoid management practices which are incompatible with family responsibilities; taking into consideration, if possible, maternity and paternity constraints; the search for models of counselling to people on maternity and paternity leave (interviews, training...).

Equal pay: enterprises will commit themselves to reducing the residual gap (the Insee estimates it at 5%), which cannot be explained by the effects of the sector or of the structure. Specific progressive recuperation actions may be developed, limited in time. In the sectors, there will be an evaluation of the criteria for the assessment of jobs, in order to correct any possible discrimination effects and to take all skills into higher consideration. Solutions will be sought to reduce the effect of maternity/paternity related absenteeism, on pay.

3.2 French policy documents regarding men/women and age-based discrimination; two fields continuously apart

Full employment for the “seniors”

Valid for the 2006-2010 period, the national concerted action plan for the employment of seniors has two main targets: improving the proportion of seniors at work, notably fighting against factors which exclude them and enhance their employability, regardless of their situation (employed or seeking a job).

The plan's objective is to reach a 50% employment rate, until 2010, for the 55-64 year-olds. This plan is divided into 5 strands:

1. To improve socio-cultural representations;
2. To enhance the maintenance of the seniors at work: developing vocational training tools; to limit the number of agreements which favour early retirement...;
3. To enhance the return of seniors to work: promoting sustained contracts, such as the Employment Initiative Contracts (EIC) or the job securing contract; to propose a new 18-month fixed-term contract (in accordance with the multi-sector agreement, since this item had been the reason for the refusal of certain trade union organisations signing it, because they saw this contract as a new precarious model which threatened the open-ended contract)...;
4. To manage the final period of working life: developing tutorage, moving to part-time work; possibility of combining employment and retirement pension...;
5. To ensure the tripartite monitoring all through its duration.

Some legislative references in terms of equality and discrimination among men and women in France

The law on equality at work, 9 May 2001

The law is composed of two major strands: the first concerns the private sector enterprises and the second relates to the civil service.

Provisions that change the Labour Code: improving the mechanisms in place since the adoption of the 13 July 1983 Law. The idea is to include, in the assessment report, 21 pertinent indicators to be applied to the work places (see Law decree No. 2001-832, 12 September 2001).

The law includes “a specific obligation of negotiating on men and women’s equality at work”, in the enterprises and at sectoral level, every three years. The law also intends to set “the obligation of taking into full account men and women’s equality at work for all mandatory negotiations” in the enterprise (salaries, working time, freedom of speech) and at sectoral level (salaries, grading, vocational training).

The infringement of this duty is translated into legal penalties similar to those envisaged in case of lack of negotiation on other mandatory issues (3750 euros of fine and one year’s imprisonment).

In the trade union elections for the industrial tribunal judges, organisations should run lists with “a proportion of both men and women which reduces by 1/3, in comparison with the previous election, the difference between the gender that is underrepresented in the lists and its proportion in the electorate”.

One of the law’s chapters is dedicated to lifting the ban on women’s night work in manufacturing and the introduction of comparable advantages in sectoral or company agreements.

The law also includes provisions concerning the civil service, such as the feminisation of recruitment juries. “The authority which organises recruitment must respect a proportion of 1/3 of persons from each gender, justifying for the necessary competences”. Likewise, the law envisages an evaluation report in the three main civil service sectors that includes “an analysis of relevant indicators, namely based on numerical elements which permit the analysis of women and men’s respective situation in terms of recruitment, training, career development, working conditions and real remuneration. It draws a balance of the measures adopted to ensure, at all hierarchical levels, the abidance of the principle of gender equality for the civil service and presents the targets envisaged for the coming years as well as the actions to be developed in that connection”.

The 17 November 2001 Law

Law No. 2001-1066 concerning the struggle against discrimination has considerably changed the Labour Code, by broadening the concept of discrimination beyond gender: in Art. 1 we may read: “No person can be excluded from a recruitment procedure or from access to a practice, probation or training period in the enterprise, no worker can be sanctioned, dismissed or hit by a direct or indirect discriminatory measure namely concerning remuneration, training, re-grading, assignment, qualification, classification, job promotion, contract change or renewal, due to his/her origin, gender, habits, sexual orientation, age, family situation, belonging or not-belonging – really or supposedly – to an ethnic group, nation or race, political views, trade union or co-operative activities, religious belief, physical appearance, name/surname or, except inaptitude observed by the occupational doctor, in the scope of the present Code’s Book II, Chapter IV, due to his/her state of health or disability”.

Furthermore, it includes a new model of sharing the burden of proof, as well as the terms for direct or indirect discrimination: “In case of litigation related with the enforcement of the previous items, the workers involved or applicants for a job, apprenticeship, probation or training period in the enterprise, are free to present objective elements which enable to suppose the existence of a direct or indirect form of discrimination. In view of those elements, the defendant has to prove that his/her decision is based on objective elements that exclude any type of discrimination. The judge will build an opinion after having ruled, in case of necessity, on the adoption of measures that are deemed useful”.

Finally, trade union organisations may, as from now, use the appropriate legal mechanisms, on the victims’ behalf. These organisations must be representative at national level or in the relevant enterprise.

Law on equal pay (March 2006)

This new draft law includes 4 chapters: elimination of differences in remuneration; reconciling work with private and family life; women's access to decision-making or jurisdictional instances, and, finally, access to vocational training and apprenticeship.

Elimination of differences in remuneration: it is envisaged that, until 2010, there will be a mandatory negotiation to eliminate the differences in remuneration. There will be an evaluation on those pay gaps. In case of absence of a "loyal and serious" engagement in negotiation, sanctions are envisaged: a sectoral agreement that does not contain provisions on the elimination of pay differences, cannot be applied to other industries; company-level pay agreements cannot be registered if they don't result from bargaining on this subject; finally, within a 3-year period and if necessary, enterprises that didn't start a bargaining round will have to pay a financial contribution based on the total payroll.

Reconciling work with family life: the draft law reinforces women's entitlement to maternity leave, namely in terms of salaries, leave and protection against discrimination. It includes a minimum 10% bonus in the training subsidies of workers who have to pay for extra nursery expenses, to allow them to participate in training actions, outside regular working hours, as well as budgetary aid to allow the small enterprises face up to the temporary replacement of women workers on maternity or adoption leave.

Ensuring a better representation of women: in Public Enterprises Management Boards and in workers representative bodies.

Improving the access of youngsters and women to apprenticeship as well as to initial and continuing training offers: vocational training partners will be invited to take the requirements of gender equality more into account.

3.3 Enterprises engaged in the struggle against gender and age-based discrimination... efforts to be continued!

In France, few enterprises are engaged in this work, since practices of early retirement have been embedded in human resources' management. According to the Ministry of Social Cohesion, it is estimated that today only 15% of the enterprises are implementing specific mechanisms aimed at the "seniors" (management of working time, working conditions, specific training and also pension complementary benefits...). Obviously, it is hard to trace experiences which combine age and gender, and even more so because in the whole of this report we have shown that this double thematic was still weakly developed in the field of research, in public discussions and in the social challenges. Nonetheless, we would like to indicate some experiences that deserve our attention.

Validation of Required Competences (VAC) – a mechanism favouring the "senior" women? The example of home carers

The National Association of Adults' Vocational Training (AAVT) has embraced the VAC for job seekers (the majority of them women), particularly those seeking home care jobs.

The VAC may actually be a solution to the problems of the career's second half, namely that of women. Actually, the VAC follows the principle of validating the competences that were not formally validated through a diploma (the "informal" ones) frequently acquired at home. It is not a coincidence that diplomas related to home care jobs, as is the case with home care (level V) looked so frequently for validation. According to Guilaine Doniol Shaw (cited by N. Raoult, 2004), these women follow the logics of a second career. "In fact, these women are, on average, 40 to 45 years' old and have between 3 and 10 years seniority in that job and, as is well known, one needs at least three years of work in that occupation to apply for a VAC. (...) It also happens that the choice of working in homecare is very seldom a deliberate option, with the choice of this kind of employment being much more

the result of a seized opportunity and more frequently when they are seeking a job, than actually from their own free will of doing that kind of job, which is still highly underrated.” Very often and thanks to the VAC, these women have the feeling of moving out of the household and servile representation of this job. “The professional title of home carer also brings them salary recognition, through their grading in the home carers’ job grid”. But the researcher equally notes that women who already hold an equivalent diploma (Vocational Training Certificate, obtained after compulsory education) are more likely to succeed in obtaining the VAC. On the other hand, this highlights the difficulties existing in order to obtain this VAC: two conditions need to be met (elderly persons and children). Well, very often, applicants don’t have that double experience. Furthermore, the “test” is to perform in a “real” situation in front of a jury, in other words, playing a part, with a comedian (who plays the role of an elderly person) and a “dummy” representing a baby. This faked situation is often demoralizing for a certain number of applicants, namely when confronted with the baby’s “inertia” and with their own inability to “play” such a part.

Agreement “Piloting the stages of working life” in Air France

This agreement is centred in the maintenance of “seniors” at work, notably of women, but also in their access to work half-way through their working lives. The airline developed an inter-generation human resources management policy and simultaneously implemented equality policies for both men and women (by signing an agreement). The enterprise also participated in the “Equalité Project”¹⁰. Like in other large enterprises, the aim was to put an end to early retirement schemes. Field enquiries helped detect several aspects:

- * The announced loss of skills linked to the “seniors” departure from work (namely in aeronautical maintenance).
- * Strong ageing of the staff (twice as many 50 year-olds until 2000).
- * A reflection on the style of managing the different age groups.
- * Deep organisational changes, like challenging the principles of seniority and the value of individual skills.
- * Diversity and equality policies.
- * Signing a Charter on Ethics.

The report drafted by the Institute “Enterprises and Personnel” highlights three strands for the company’s intervention: a clear political commitment of recognising the different age generations; a strand which manages the monitoring of the individualisation of professional pathways, through individual projects. Finally, “*a capacity of maintaining professional spaces for collective regulation in which different generations may collect learning and socialization resources...*” (Raoult, 2004).

In the four chapters of this agreement there is one particular strand “Piloting the stages of professional life”. It concerns specifically the development of occupational opportunities for workers in the last 10 years of their working life; it has to do with preparing the transition from working life to retirement; of facilitating the move towards part-time work arrangements at the final stage of working life... Besides that, in chapter 3, on “Undertaking our corporate responsibility”, emerge the following items: enhancing job inclusion and access; promoting women and men’s equality at work; prevent discrimination...

Here we see that, in the same general agreement, equality at work and age management are both addressed, a fact which is quite rare.

¹⁰ France 3 – French Public Television Channel

“Modernising the seniors” (Equal Project France 3¹¹, Arte¹² and INA)¹³

This Equal Project comprised a qualitative and quantitative study on over-45 workers and managers. Three aspects on gender and age were particularly targeted:

1. *Women’s representations connected to occupational ageing*
In these companies, women over-50 recognise that until now they have had a relatively easy professional pathway (access to promotion, mobility, part-time work). But on the contrary, they fear the future, be it because they have relationship difficulties or lack of skills acknowledgement, or also because they face the problem of, as from now, having their career development being blocked. They fear that new projects may be entrusted to the younger workers and also to those with higher academic grades.
2. *Comparing the expectations of men and women over-40*
Here we see differences appearing: women place more frequently the focus on job security, on a better balance between working time and private life and on searching for less stress.
3. *The managers’ view*
Managers are interested in the issue of ageing, in terms of maintaining some technical jobs where workers clearly wear out quicker (camera operators; picture reporters). These jobs are still predominantly male-dominated, while in the female-predominant jobs (administrative work), only the issues linked to the management of maternity are mentioned.

What is a fact is that the question of women’s ageing really exists (blockage in short careers, maintenance of “downgraded” administrative jobs, reduced occupational mobility...).

Project “Age and work” – Building Workers’ Trade Union Federation

In March 2004, this Federation announced the recruitment of 20,000 women by their industry, until 2009. This will necessarily lead to the problem of lifelong skills’ management, even if, for the time being, the over-45 women are not very numerous. Currently, reflections are talking place on how to enhance the maintenance of skills through lifelong learning, through the VAC... actions that in the long term enhance the process of maintaining women working in this industry. Furthermore, women in construction are much more aware of health issues and they are much more economic in their gestures and also make a better use of elevation materials... these being positive experiences for both the “senior” men and women.

“Activating a second career” – an experience lived by Lab’Ho¹⁴ (2004)

In a very large services enterprise, which has a vast network of branches across the whole country, the sectoral collective agreement enhances the “reconciling” of women’s work and family lives. Generally speaking, the company acknowledges that male and female career pathways are different: women do not have access to internal mobility at the beginning of their careers that are much more static, and they move up very little in the career ladder due to prolonged periods of leave at the time in which career choices are at stake (when they are 30 to 35 years’ old).

Actions implemented

In order to monitor, on the one hand, the prolonging of working life – which is more crucial for women whose careers are frequently incomplete as a result of their maternity leave – and, on the other, the shortage of manpower which was announced as a result of the massive departure of workers, programmed for the coming years, the enterprise decided to test a programme based on the following elements:

- * Women over 50 who volunteer and agree to work until they reach a full career;
- * Selection at the start of the programme: personal and occupational motivation, assessment of skills and potential, personality tests;
- * Accelerated training programme coupled with a heavy personal workload;

- * A choice of jobs at the end of the programme allowing each selected participant to choose a job that may at least mean a promotion in relation to the previous job;
- * Individual monitoring, to enhance the chances of integrating the new job identity.

Balance

Other companies followed this example, which promotes a demanding type of vocational training and real promotion opportunities. This “recovery” operation enabled the company to “rejuvenate its staff over-50 and also the 40 year-olds”. It is not so much a second career in the strict sense because there is no compulsory job reorientation, but much more a second “point of departure” with all that it may represent in terms of personal and professional challenges” (Lab’Ho).

4. Conclusion: Phenomena of accumulated discrimination

Gender inequalities are, as from now, detected and studied. What should be underlined in our analysis on the situation of “senior” women in France is actually the scarcity of both statistical and theoretical studies, which crosscheck gender and age. A lot of data is absent from this report, as for instance, the access of senior women to training. Despite that, we believe we can draw some relevant elements for analysis.

• In the first place, in career development

Senior women are the victims of double discrimination: as women and as “seniors”. Thus, enquiries show that acceding to a professional career pathway is more difficult if you are a woman, despite the fact that family responsibilities tend to be reduced when women reach the age of 45-50. In fact, it is upstream that everything is previously decided: women suffer the penalty of having to undertake family responsibilities in between 30 and 45 and after this age limit, it is often too late to move up the ladder. Therefore the famous “glass ceiling” is linked to gender and age: although these women have the required skills, academic qualifications or experience (despite short periods of fully justified absence from work), no responsible work positions are attributed to them, as a consequence of this “liability” of being mothers and of the fear that they may undertake new responsibilities with their dependent parents. This phenomenon also occurs in the civil service: only 12% of the women occupy top-ranking jobs, although they are the majority of workers (more than 57%). Well, as F. Milewski proves, this fact cannot be explained, as is frequently argued, by lack of “promotion potential” since women represent 33% of this “hotbed” (F. Milewski, 2004).

• In the second place, concerning the return and access to work

There was a belief that the real interruptions of work due to family responsibilities had already been overcome. The famous female activity “double-hump curved line”, characterised first by a departure from work and later by a return to work, is actually statistically unrepresentative. On the contrary, as a result of the parental leave allowance (currently named as “allowance for the free choice of work”), many unskilled women stop their working careers for long periods of time: after a 3-year leave period, a great number of them does not return directly to the labour market; they find themselves in a very difficult position, when trying to return to work: if they are less skilled and qualified after turning 40-45, it will necessarily be much harder for them to seek for a job.

From the different experiences observed, we consider that there are still many efforts to be made to allow for a better inclusion of the senior women in the labour market: first of all, we **should not separate policies on gender equality from age management**. Companies should listen to the specific demands of senior women (in terms) of health, career development...) and should enhance the struggle against all kinds of discrimination that affect them, in order to best sustain their career pathways and their maintenance at work. Furthermore, **vocational training** development targeting the senior women should be reinforced, to allow them to maintain and/or return to their jobs.

Finally, public authorities should urgently put in place measures **to correct the effect of the pensions’ reviews** on gender inequality.

Gender Aspects in Malta: Inactive women over 40 and in the tourism sector

This study was carried out by National Commission for the Promotion of Equality as part of the EQUAL project ‘Promoting Equal Opportunities through Empowerment’ trans-national component AGender

“Gender Aspects in Malta: Inactive women over 40 and within the tourism sector”

This study was motivated by a number of concerns in Malta. One of the main issues is the low participation rate of Maltese women in the labour market when compared to the EU average. Statistics also highlight the fact that there is disparity between age groups and employment rates. In fact, in relation to females there is a significant difference in employment rates between the 25-34 age group and the other age groups. The percentage of working women decreases within the 35-44 age bracket and over. This has serious consequences in terms of rights to pensions.

The tourism sector is an important industry for Maltese economy. Research (MTA, 2001) shows that the majority of employees in the accommodation and catering establishments are males, while it is only in the case of travel agencies that female employees outnumber male employees. Moreover, males outnumber females at higher level posts such as managerial and supervisory levels. These facts raise certain concerns vis-à-vis the participation of women within the tourism industry.

In view of the low participation of women in the labour market, the Maltese Government, has drawn up policies and put in place actions with the aim of facilitating women to enter, remain and/or advance in the labour market....

INTRODUCTION

This study was motivated by a number of concerns in Malta. One of the main issues is the low participation rate of Maltese women in the labour market when compared to the EU average. As set in the Lisbon Agenda, the EU has put a target of female employment rate at 60% by 2010. This clearly indicates that action is needed in Malta when the rate stands at only around 30%. 'Inactive' population comprises those who are not working and not seeking employment. Inactivity amongst men is much less than amongst women. The *Labour Force Survey 2006 (LFS)* (NSO, 2006) shows that as many as 70% of all Maltese women are inactive in the labour market. For the first quarter of 2006, the number of persons over 15 years was estimated to be 326,003 (NSO, 2006). For the months of January to March 2006, the total activity rate (either working or unemployed) was 58.9%. Of these the employment rate for females was 33.3%, whereas that of males was 74.9%. In addition, the highest inactivity rate for females (as will be shown further on) is for persons aged between 45 years and over. One of the aspects that the Maltese study will be focusing on is the situation of inactive women over 40 in Malta. It will provide a better picture of the situation, that is, how many women are inactive across different age groups and for what reasons, and to explore how willing such women are to return to the labour market.

Tourism makes up a significant part of the Maltese economy as it thrives on the many tourists that visit the country every year. The tourism sector provides work to a big percentage of the labour force. Research (MTA, 2001) shows that the majority of employees in the accommodation and catering establishments are males, while it is only in the case of travel agencies that female employees outnumber male employees. Moreover, males outnumber females at higher level posts such as managerial and supervisory levels. Therefore, the second issue under study concerns the participation of women within the tourism industry.

The Government of Malta, in view of the low participation of women in the labour market, has drawn up policies and put in place actions with the aim of helping women enter and/or remain in the labour market. The last part of the study involves a review of policies and identifying examples of good practices in Malta.

Information and data was mainly extracted on the three areas identified from various sources. These include mainly:

- Official statistics published by the National Statistics Office (NSO) in Malta;
- Undergraduate and postgraduate dissertations in relevant issues at the University of Malta;
- Research conducted on a national basis which provides data and information relevant to this study: as well as
- Consultation with official government documents (particularly with respect to policy).

I. Situation of inactive women over 40

The *Labour Force Survey (LFS)* is the main instrument which provides a measure of inactive women in Malta. The LFS is conducted among local households for the purpose of gathering information about the labour force using internationally agreed concepts and definitions. Its main objective is that of dividing the 15+ year old population into three mutually exclusive groups, namely the employed, the unemployed and the inactive and, hence provides descriptive information on each of these groups. Data published by the National Statistics Office (NSO), specifically, the LFS looks at the inactive women in 10 year gaps.

The term 'inactive women' refers to women who are neither employed nor unemployed (registering as looking for work). In Malta, inactivity rates are much higher for women. In fact women make 70% of the inactive population. Since this study focuses on the inactive women over 40, data was extracted from the LFS (2004) as the most recent data that enables the calculation of the percentage of inactive women in ten year age groups (see table below). The values were worked out from the NSO demographic statistics (2004) as this was the most recent NSO demographic statistic which provided data breakdown of the Maltese population across gender and age. Unfortunately, more recent LFS statistics do not provide data in the same format but just gives overall percentage inactivity rather than a breakdown with age and gender.

Table I: Percentage of inactive women within the various age groups

Age groups	Total female population (2004)	Total inactive females (2004)	%
25-34	26,814	11,723	43.7
35-44	24,920	18,690	75.0
45-54	28,493	21,251	74.6
55-64	24,751	19,165	77.4

Source: 'Demographic Review 2004' (NSO, 2005)

There is a significant difference in the percentage inactivity between the 25-34 age group and the other age groups. The highest rate of inactivity for women is that within the age 55+ and over. This is understandable because pensionable age in Malta is 60 years for women.

The table above highlights a number of aspects with respect to women and the labour market. With women having children at a later age, it means that more women stay at work within the age bracket of 25-34. The percentage of working women drops within the 35-44 age bracket, this being mainly due to child rearing. This shows that in Malta the majority of women stop working when they have kids. Such a situation is further worrying when one considers that as the International Labour Office (2000) 'In Focus programme on Promoting the Declaration on Fundamental Principles and Rights at work' document comments, although Malta has the lowest female employment rate (33%) in the EU-25 the fertility rate is only 1.4. This means that although women stay more at home to take care of young children, they are having less children.

However, of more concern is that women are not returning back to the workplace once their children are older and thus more independent. This is reflected in more or less the same percentage of inactive women from the age of 35 years onwards. This implies that Malta faces two challenges: that of having more women staying at work when their kids are young; and that of convincing women to return to the labour market once their children are older. The latter is the main concern with respect to inactive women over 40. The problem becomes more accentuated when, as shown in the research study 'A Look into the Work Aspirations of Inactive Women' (ETC)¹ women's willingness to work decreases as the women's age increases. Having controlled for age, mothers of older children were found to be less inclined to work. This implies that women over 40 are not willing to return to work.

There may be various reasons for which women over 40 are unwilling to return to the labour market. An answer to this question may be provided by looking at the reasons for inactivity obtained through the same LFS (NSO, 2004) (see Table 2).

¹ <http://etc.gov.mt/docs/A%20Study%20of%20the%20Work%20Aspirations%20of%20Inactive%20Women.pdf>

Table 2: Inactive population by reasons for inactivity: July –September 2004

Reason	Females		Males	
	No.	%	No.	%
Due to own illness or disability	4,827	4.2	6,057	12.8
Due to personal or family responsibilities	72,174	62.9	1,471	3.1
Due to Education of Training	13,156	11.5	11,584	24.5
Due to retirement	18,310	15.9	26,229	55.6
Other reasons	6,341	5.5	1,853	3.9
Total	114,808	100.0	47,194	100.0

Source: 'Labour Force Survey' (NSO, 2004)

The table shows that the main reason for which women tend to be inactive is due to personal and family responsibilities. Although this table includes females of all ages and not only the over 40s, it shows that at any age, both when children are small as well when they are older, caring for the family is still conditioning their willingness as well as the level of participation in the labour market. This trend is substantiated by the responses obtained in the study 'A Look into the Work Aspirations of Inactive Women' conducted by the ETC. In this study, 44.8 % of the inactive women surveyed said that they would be willing to work, whilst 50.9 % were not. Half of all inactive women in this study cited personal or family responsibilities as the reason for their inactivity.

1.1 Work aspirations of inactive women

The study 'A Look into the Work Aspirations of Inactive Women' (ETC) provides some insight into the main reasons for which such women are currently inactive as well as how willing they are to enter the labour force should the opportunity come up.

The results of this study show that 71.4% of the respondents (from a population of 768 inactive women aged between 19 and 64) said that they had been gainfully employed in the past. Of these, 81% left their last employment due to personal and family responsibilities; 5.5% left for other reasons: 4.4% left due to their own illness or disability; 4.2 % left due to retirement; and 3.3% were dismissed or made redundant. These results show the same trends obtained in the Labour Force Survey (NSO, 2004) where again family reasons were cited as the main reason for which women pull out of the labour market. This reflects the traditional family values in Malta where women are expected to be in charge of the rearing of the children in a family.

An even more worrying aspect is women's own attitude towards returning to the labour market. When asked whether they wished to work, as many as 51.8% of the respondents (inactive women over 40) stated that they did not wish to go back to work. It was only 44.8% of the respondents who said that they would wish to work should the opportunity arise.

1.2 Women's role in the Community

Women, and those over 40 in particular, provide an important contribution to society which is often not recognized. Family responsibilities included in official statistics do not include only those of child rearing. They also involve taking care of elderly or sick relatives. Statistics show that very often women take up this responsibility as part of their duties. Women are also often actively involved in various community roles within voluntary non-governmental, non-profit institutions. Unfortunately these roles are not necessarily recognised in the way they should be. Through these community roles women are providing social welfare services for others that are free of charge.

The contribution made by women over 40 to society can be captured indirectly through different official statistics. One way is through the data provided by the Social Security Department within the Ministry of Family and Social Solidarity (MFSS) about those who are entitled to receive the Carer's Pension and Social Assistance. This benefit is usually given for taking care of a sick or an elderly relative and provides insight into the contribution that such inactive women actually contribute to the community. In fact it stands out clearly that women are more likely to take this as their responsibility. A good 59 % of those who were receiving the Carer's Pension² in 2003 were in fact women. According to data provided by the social security department currently 215 persons of which 104 are males and 111 are females are in receipt of the Carers' Pension. Additionally, there were another 570 females in the same year receiving Social Assistance for taking care of a sick or an elderly relative.

² The criteria for entitlement to such pension includes that the patient lives in same house as the carer who has to be a relative to the patient as brother sister nephew, niece or in laws. The amount that is paid as pension is LM 35.38 per week so a person is not entitled to this pension if his income exceeds this amount. The assets to be taken into consideration are cash in hand or deposits, investments in banks. No consideration is to be taken of the first LM 115 interest or other income and no consideration is to be taken of the house of residence, summer resort, car or garage for personal use. If a person had to leave employment to take care of someone else, such person is entitled to NI contribution credits. It is also important that the carer must be taking care of the patient him/herself and not sharing this with any other member in the household. Therefore if there is a member in the household who is not working or is registering for work this entitlement is not given unless it is proved that the person who is not working is not fit to share in the care of the patient

Another indicator of over 40's women's contribution through the care of elderly and disabled is through the statistics provided in the News Release: 'Labour Market: Reconciliation between work and family life' (NSO, 2006). This release provides an overview of the working arrangements for women and men in reconciling work and family life and the equal sharing of family responsibilities. It shows that more women are involved in taking care of elderly and disabled persons. A total of 24,167 persons were estimated to be taking care of persons with disability or elderly who do not necessarily live in the same residence. Statistics show that 34.3 % were males, whilst 65.7 % were females. The majority of persons taking care of elderly/ disabled persons were aged between 45 to 54 years. Moreover, the majority of persons who are providing care were inactive.

Inactive women over 40 are also involved in providing free childcare services. A total number of 5,923 persons aged between 15 to 64 years were listed to take regular care of other children apart from those residing in their house. According to this release (NSO, 2006), the majority of persons taking regular care of other children apart from their children residing in the house were females aged 45 to 64 years. Furthermore, out of the 5,923 persons, 67.1 % were inactive, while 31.8 % were employed.

Many of these women appear to provide such services of their own free will. According to this release (NSO, 2006) a total of 119,514 persons which amount to 93.7 % would not like to change their life pattern in order to have less time for caring of others. It appears that such women are not concerned with the official recognition of the service that they provide to the community. This state of affairs may need to change in view of the pension reforms being proposed as well as women's longer life expectancy which may require women to provide for their own future rather than relying on their husband's contribution.

Table 3: Unemployed or inactive persons that would like to change the working life pattern in order to have less time for caring for others.

	Females		Males		Total	
	Number	%	Number	%	Number	%
<i>I would like a job and reducing caring responsibilities</i>	1,378 (under-represented)	3.8	6,692	7.4	8,070	6.3
<i>I do not want to change anything</i>	35,169	96.2	84,345	92.6	119,514	93.7
Total	36,547	100.0	91,037	100.0	127, 584	100.0

Source: 'Reconciliation between work and family life'. (NSO, 2006)

According to this release (NSO, 2006), the lack of care facilities is not the main reason which prevents persons from having a job. It appears to be more a question of traditional roles for family life within Maltese culture. Such traditions are difficult to change.

The statements made are further substantiated from the information obtained in an interview with the Senior Executive at the Gender Unit at the Employment and Training Corporation (ETC). It was highlighted that the Maltese labour market is characterised by a low female participation rate. Homemaking, backed up by traditional cultural norms, is still considered as a socially acceptable and fulfilling role for women. However, greater involvement in jobs outside home is hampered by the problems encountered by women on their return to the job market, including lack of affordable and regulated child care for children aged 0-2, unequal sharing of domestic responsibilities, low or irrelevant skills upon their return, lack of information about existing work opportunities and short school hours. There are also differences between the genders in terms of job mobility and career advancement, and the stereotypical female tendency towards a work profile in the fields of manufacturing, education, sales, or health and social welfare.

Women over 40 are sometimes referred to as the 'sandwich generation'; a generation of people who are caring for their aging parents or other relatives while supporting their own children. Women are more likely than men to be sandwiched. On average, women spend more time providing care to seniors and children, than their male counterparts.

The topic of maternity leave was also discussed. In Malta maternity leave is the same for employees in both the private and public sectors, and consists of 14 weeks (13 weeks on full pay, and one unpaid) of which at least 6 weeks must be taken after giving birth. Statutory parental leave entitlement is the same for both genders and it consists of unpaid leave of up to one year that can be taken in periods of 3 months in the period up until the child reaches the age of 5 years. In the public service, parental leave consists of unpaid leave of 1 year per child. The fact that maternal leave is paid, while parental leave is not further emphasises the fact that it is socially acceptable for the women to take care of the children.

The issue of child care facilities was also discussed during the interview. In Malta, the provision of child care centres is still at its initial stages. The lack of affordable and quality day-care services is hampering efforts to reconcile work and family responsibilities. Moreover, specific measures are necessary so as to ease the 'double shift' currently imposed on working women.

An increase in the employment rate, and in particular the employment of women, can be achieved only if proper and affordable childcare and dependent-care services are available. The Ministry for Social Policy has set up a Technical Committee on Childcare to make recommendations on the development of high-quality childcare provision (for children aged 0-2) and enhance services already available to children over 3, to parents who wish to remain in formal employment. In Malta there is provision of kindergarten services from the age of 3 to compulsory school age (namely 6 years); however this is available only on schooldays and during school hours. The ETC is organising courses of child care. The Ministry for Social policy and Solidarity has also recently published standards required for childcare centres in Malta.

It was also highlighted that the ETC, in response to the low female participation rate in the formal labour market, has launched its Gender Action Plan covering the period 2003-2004 and also 2004-2006. The Plan introduces various measures that address female employment and training and seeks to make the labour market equally inclusive for both women and men.

Recent employment policies in Malta have been given a strong gender dimension aiming to increase the current low female employment rate, to decrease the high inactivity rate of predominantly middle-aged women and to achieve a balance between genders in terms of reconciling work and family commitments. The gender equality principle has been incorporated into the policy of creating an inclusive labour market, underpinned by the right to equal access to employment, working conditions and training, equal pay for work of equal value and to structures enabling a balance between family and job commitments.

In Malta, flexible (atypical) work is more common among women. It must be ensured that workers engaged in this type of activity are adequately informed of their rights and obligations as regards social security, conditions of employment and taxation. The ETC will be launching a number of initiatives, including Gender Audit Seminars, 'Develop your Own Career' initiatives that include a larger empowerment training component, training in career development skills, the mentor training programme and research on the 'glass ceiling', among other things.

I.3 Initiatives promoting over 40s to return to the labour market

Initiatives to promote employment fall under the responsibility of the Employment and Training Corporation (ETC). The ETC has a number of schemes which directly or indirectly offer inactive women over 40s the opportunity to increase their chances of returning to the labour market.

The Over 40s Section of the Employment Services Division at ETC was set up in 2001 with the aim of helping this disadvantaged group find employment as soon as possible. The proportion of the older workers in the working population is increasing due to the lower birth rate, and longer periods of studies, academic and vocational, by the young.

The main scheme aimed at this particular group is the Training Employment Exposure Scheme (TEES), which is an ESF project. The ETC is also organizing courses which are open to all persons who are 55 years and over. It also focuses particularly on persons who are 40 years of age and over. These courses aim to offer incentives to both employers and unemployed people who are over 40 years of age. In the period October 2002 to September 2003 almost 400 persons who were 40 years and over were placed in work, while 800 persons over 50 years of age attended Employment and Training Corporation courses.

In December 2005 the number of females (over 40) registering for work counted to 376. These females were called in for an interview for TEES participation. From the 376 called in, 109 were chosen to participate according to motivation and availability shown in the interview and the indications of vacancies requests available.

From the 109 that were chosen and started on the TEES scheme, 66 were placed with an employer and another 4 concluded a six months work exposure but did not keep their job at the end of the scheme. One should point out that the main reason for which many of those that did not find a job or were not chosen to participate in the first place was that they were not willing to work full time but were looking only for part time employment.

Apart from the TEES, the ETC also has another scheme, which can serve to help the over 40s who are inactive. Although an adult of any age can participate in this scheme, even over 40s can participate. The Work Start Scheme (WSS) is a scheme for adults who have been inactive for more than 5 years and adults with academic/vocational qualifications who have never worked in their line of study. ETC offers an allowance and a 20-hour week work exposure for 13 weeks. Other effective measures include the programmes set up by the ETC for retraining and empowerment courses for women.

2. Women in the Tourism Sector

Tourism is one of the main industries in Malta. Tourism makes up a significant part of the Maltese economy as it thrives on the many tourists that visit the country each year. The tourism sector provides work to a large number of the Maltese labour force. The hospitality industry includes both the hotels and catering establishments. One of the concerns of the National Commission for the Promotion of Equality (NCPE) is the participation of women within the tourism sector. The aim of this study is to analyze the positions occupied by males and females within the tourism industry.

This section will commence by giving a general overview of the Gross Domestic Product (GDP) in relation to the tourism industry. The focus will then shift to giving a general overview of the tourism industry in Malta. This part will include details such as the ratio of males and females employed within the tourism sector in relation to the total male and female employed population. Emphasis will also be given to the tracer study of the students graduating from the Institute of Tourism Studies (ITS). Consequently this section will then be focusing on the tourism sector with a focus on gender equality and women at work.

2.1 The importance of tourism for the labour market in Malta: Gross Domestic Product

The Gross Domestic Product (GDP) is an estimate of the value of goods and services produced in the economy during a period of time. The GDP is estimated by using three approaches which include the production approach, expenditure approach and the income approach.

According to the News Release published by the National Statistics Office (Sept, 2006) the provisional estimates for the second quarter of 2006 indicate an annual GDP growth of 6.4% at current market prices and 2.2 % at constant prices.

The Production Approach shows that the 6.4% growth in value added to the GDP over the same period of last year was generated primarily by: financial intermediation; community, social and personal services activities; and real estate, renting and business activities. On the other hand, some sectors including hotels and restaurants, and manufacturing registered a decline in value added, mainly due to higher input costs during the survey period.

The tourism industry is one of the largest contributors to Malta's GDP. In 2000, direct employment in accommodation and catering sectors alone was about 9,600 persons, or 8 % of total employment, but a larger number of workers are engaged in occupations associated indirectly with tourism. In fact, the tourism industry supports a total 27% of full-time employment in Malta which amounts to more than 41,000 jobs³. In March 2003, the total number of persons employed amounted to 148,798. According to the Malta National Report (2002) the tourism industry is estimated to have contributed directly about 20 % to GDP in recent years. In 2005, the contribution of the hotels and restaurants sector which forms part of the tourism sector contributed to 6% of the national GDP⁴.

The tourism sector offers a possibility of range of types of employment. It is also a sector which provides options for part-time employment as well as employment for short periods, usually during the peak of the holiday season. A good percentage of females are found working within this sector. They can be identified in various jobs at various levels. The scope of this exercise is to look at which jobs women are present within this sector as well as their type of employment (full/part-time employment).

2.2 Overview of growth in tourism industry during the past year

The *Labour Force Survey: January -March 2006* (NSO, 2006) results indicated that the number of employed individuals aged between 15 and 64 years, was 54.3 % in the period March to May 2006. This survey also showed that activity and employment rates continued to be lower for women. In fact, for males the employment rate stood at 74.9 % whilst that for women was 33.3 %.

³ <http://www.maltatourismauthority.com>

⁴ NSO, News Release GDP: June Quarter 2006, September 2006.

When comparing the ratios of gainfully employed males and females within the whole work force, one finds that the ratio is 2.25:1; that is for every gainfully employed female there are 2.25 males. However, on the other hand when comparing the total employed persons classified by economic activity in January to March 2006 the *Labour Force Survey* (NSO, 2006) shows that ratio of males the number of individuals employed in hotels and restaurants is 12,071. The number of males and females within the hospitality industry is 0.85:1. This shows that there is a greater representation of females than males within the tourism industry compared with that for the total gainfully occupied population in Malta.

According to the News Release '*Gainfully Occupied Population: April 2006*' published by the NSO the labour market data for April 2006 provided by the Employment and Training Corporation (ETC) indicates that the labour force increased by 543 individuals more than April, 2005. The sectors that contributed to the increase in employment during April 2006 include construction, real estate, renting and business activities, and other community, social and personal service activities. In fact, Table 1 shows that there was also an increase in number of individuals employed in the tourism sector.

Table 4: Full time employment: Hotels and restaurants

Economic Activity	April 2005 (revised)	April 2006	Difference in employment
HH - Hotels and Restaurants	8,885	9,032	+147
HH – Males	6,166	6,172	+6
HH - Females	2,719	2,860	+141
Total Gainfully occupied	137,603	138,325	+722

Source: '*Gainfully Occupied Population: April 2006*' (NSO, 2006)

It can be seen that the tourism sector has provided for 20% of the increase in employment. In addition, this increase was mainly due to the greater participation of women within the sector labour market. We find that out of the 147 additional full-time jobs, 141 were provided to women. This clearly shows that the participation of women within the tourism sector is increasing. The reason for this may be the greater possibility for part-time employment as well as the various hours at which one can work where many jobs do not tend to be normal 9 to 5 office hour jobs.

There was also registered an increase in the total part-time employment within the sector. In fact, according to administrative data of the Employment and Training Corporation (ETC) there was an increase of 3,281 individuals employed part-time between April 2005 and April 2006. The increase in part-time employment is mainly accounted for in the wholesale and retail trades, hotels and restaurants and other business services.

Table 5: Part- time employment: Hotels and restaurants

Economic Activity	April 2005	April 2006	Difference
Hotels and Restaurants	7,550	8,150	+600
Part timers holding a full-time job	3,018	3,364	+346
Males	2,299	2,491	+192
Females	719	873	+154
Part timer as a primary job	4,532	4,786	+254
Males	1,899	1,985	+86
Females	2,633	2,801	+168
Total Part-time employment	38,187	41,468	+3281

Source: '*Gainfully Occupied Population: April 2006*' (NSO, 2006)

The tables show that during April 2006 there were more women working part-time (3,674) than women working full-time (2,860). This indicates that the majority of women working within the hotels and catering industry are working on a part-time basis. Part-time work enables females to enter or remain within the labour market while still having family responsibilities. This shows that women may not feel the responsibility of being the main breadwinners and part-time work is a way of helping the family's main income. Moreover, part-timers are more likely to have lower wages and are also less likely to be promoted to better positions. Therefore, females working on a part-time basis within hotels and restaurants tend to be at a disadvantage when it comes to career advancement, often remaining in the same position level for a major proportion of their working life. The fact that most women who participate in formal economic activity still prefer part-time employment, could be attributed to social attitudes that emphasize women's primary role as family carers as well as the lack of childcare facilities which do not make it possible for women to stay away from the home for more than a limited number of hours.

The tourism sector has contributed to the generation of 18.3% of the increase in the part-time jobs during last year. A little more than half of these part-time jobs were taken up by already gainfully employed people. There was, more or less, a comparable amount of women as men who obtained such additional part-time work. The discrepancy is obtained mainly in the case of part-time employment as a primary job, where there were nearly twice as many women to men. This may reflect the local culture where men as still considered as the main breadwinners and consequently it is more acceptable for women to have just part-time jobs which would also enable them to manage their duties within the home.

Gender differences can also be noted in the type of positions that males and females occupy within the tourism sector. Farrugia (2005) shows that female graduates working in various departments within the tourism industry were mostly found within the front office departments which include receptionists and cashiers. Moreover, the job of a secretary to the general manager is also female dominated. In fact, the ratio of males and females working within the front office department is 1:2, whereas there are no males working as secretaries to the general manager.

2.3 Institute of Tourism Studies (ITS)

Referring to data from the tracer study of past ITS students (October, 2000) research (Farrugia, 2005) shows male students (60%) outnumbering female students (40%). Moreover, this research shows that overall 16% of ITS graduates are currently working in a decision-making post. Of these 93 are males, while 34 are females. Various reasons can be attributed to women's under representation in decision-making positions within the Hotel industry including amongst others family responsibilities and the glass ceiling. Another reason may be that males outnumbered female students at the training stage. According to the tracer study (2004) published by the Guidance and Counseling Services more male students joined ITS courses than females students.

The tables below and overleaf show that male students outnumber females both in full-time and part-time courses within the ITS. Moreover, according to the Educational Statistics 2001 – 2002 published by the NSO (2004) males outnumber females in courses related to food preparation and extended skills training, while females outnumber males in the courses of travel agency operations and tour guiding.

Table 6: Full-time students attending the Institute of Tourism Studies (31st March, 2004)

Course	Males	Females	Ratio (M : F)	Total
Higher Diploma in Hospitality Management	32	30	1.1 : 1	62
Hotel Operations	27	26	1.03 : 1	53
Accommodation Operations	17	43	0.4 : 1	60
Food preparation & Service (Foundation)	50	13	3.8 : 1	63
Food preparation & Production & Supervisory Studies	63	20	3.1 : 1	83
Food & Beverage service & Supervisory Studies	3	3	1 : 1	6
Food Preparation & Service Level II	19	6	3.1 : 1	25
Food Preparation & Production (Diploma)	27	1	27 : 1	28
Food & Beverage Service (Diploma)	10	3	3.3 : 1	13
Hotel Services (Foundation)	-	1	-	1
Travel Agency Operations	2	8	0.25 : 1	10
Tour Guiding	2	12	0.2 : 1	14
Sports Leisure & Recreation	5	5	1 : 1	10
Extended Skills Training Scheme – FPS	78	11	7.1 : 1	89
Extended Skills Training Scheme – Hotel Services	1	-	-	1
Extended Training Scheme – Gozo	16	10	1.6 : 1	26
Total	352	192	1.8 : 1	544

Source: 'Education Statistics 2001-2002'. (NSO, 2004)

Table 7: Part-time students attending the Institute of Tourism Studies (31st March, 2004)

Course	Males	Females	Ratio (M : F)	Total
Course of study	134	29	4.5 : 1	163
Total	134	29	4.5 : 1	165

Source: 'Education Statistics 2001-2002'. (NSO, 2004)

The Malta Tourism Authority (MTA) has set up initiatives to encourage youngsters to take up a career in tourism. The MTA has published the first and second volume of a series of Career Guides aimed at secondary school students. The first Career Guide covers 23 different careers one can pursue in the hospitality and catering sectors whilst the second booklet covers 16 careers within the travel and tourism sectors.

For the past four years, the MTA has also been organizing the Choice programme in several secondary schools in Malta and Gozo providing students with information about possible careers within the tourism industry.

2.4 Employment and Training Survey

The ‘*Employment and Training Survey*’ (2001) conducted by the Malta Tourism Authority (MTA) looked at the distribution of men and women across the different types of jobs as well as the gender representation at the different management levels within the tourism sector. It was found that there is a gender difference at the different employment levels within the hospitality industry.

Accommodation Establishments

Accommodation Establishments include hotels, guest houses, apartment hotels, tourist villages and complexes. According to the MTA survey (2001), most of the employees are working within the Food and Beverage Division (39%) and the Rooms Division (31%). This survey shows that 74% of all jobs within accommodation establishments are on a full-time basis, whereas 26% are on a part-time basis. Statistics show that 65.2% of full-timers are males, while 34.8% are female, while 54.0% of part-timers are male and 46.0% are female.

Catering Establishments




Catering establishments include specialty restaurants, restaurants and snack bars. According to the MTA survey (2001) 63% of employees in catering establishments are full-timers, while 27% work on a part-time basis. Statistics show that the restaurants employ 56%, whereas and snack bars employ 34% and specialty restaurants employ 10% of all the total full-time employment within the catering establishments. 79% of full-timers are male, while 21% are female. In the case of part-timers 66% are male and 34% are female.

The data shows that there is a marked difference between the ratios of males and females working in the different areas within the catering establishments. This survey shows that there are some departments that are male or female dominated. For instance, there are no female sommeliers and part-time executive chefs. Males also exceed women in various job positions including owner and restaurant managers, barpersons, chef/cooks, and kitchen helpers. On the other hand, female cashiers exceed male cashiers in the catering industry. Moreover, in some of the job positions, the ratio of males and females is not considerable. Such jobs include head waiter/waitress and waiter/waitress.

Table 8: Employment in Catering Establishments by Gender

All Catering Establishments	Full-time			Part-time		
	Males	Females	Ratio	Males	Females	Ratio
Owner Manager	222	31	7.16 : 1	18	8	2.25 : 1
Restaurant Manager	71	25	2.84 : 1	4	4	1 : 1
Head waiter/waitress	29	20	1.45 : 1	12	7	1.7 : 1
Waiter/ Waitress	136	76	1.8 : 1	241	179	1.35 : 1
Bartender	59	10	5.9 : 1	62	3	20.7 : 1
Sommelier/ Wine Waiter/Waitress	2	0	-	3	0	-
Cashier	15	16	0.94 : 1	7	10	0.7 : 1
Executive Chef	54	3	1.8 : 1	1	0	-
Chef/Cook	180	26	6.9 : 1	59	7	8.4 : 1
Kitchen Helper	71	18	3.9 : 1	92	30	3.1 : 1
Other	25	7	3.6 : 1	18	20	0.9 : 1
Total	864	232	3.7 : 1	517	268	1.9 : 1

Source: ‘*An employment and Training Survey of the Tourism Industry in Malta*’. (MTA, 2001)

 Very male dominated
  slightly male dominated
  female dominated

The survey (MTA, 2001) shows also that males exceed females in most of the job positions within the catering establishments. In addition, the above table also shows that there are more women working part-time than full-time. This shows that the majority of women working within the catering establishments are working on a part-time basis. Part-time work enables females to enter or remain within the labour market while still having family responsibilities.

The above mentioned jobs within the catering establishments have been compiled into three different levels:

Managerial level includes restaurant managers, executive chefs and owner managers;

Supervisory level includes head waiters, wine waiters and chef/cooks;

Operational level includes waiters/waitresses, barpersons, cashiers, kitchen helpers and others.

Table 9: Employment in Catering Establishments by Gender and Job Position

All Catering Establishments	Full-time			Part-time		
	Males	Females	Ratio	Males	Females	Ratio
Managerial Level	347	59	5.9 : 1	23	12	1.9 : 1
Supervisory Level	211	46	4.6 : 1	74	14	5.3 : 1
Operational Level	306	127	2.4 : 1	420	242	1.7 : 1
Total	864	232	3.7 : 1	517	268	1.9 : 1

Source: 'An employment and Training Survey of the Tourism Industry in Malta'. (MTA, 2001)

The above table shows that males outnumber females at all higher level posts including managerial, supervisory and operational levels. The lack of women in decision-making positions indicates that women are vertically segregated. This is the case for both full-time and part-time work.

This table also emphasizes the fact that the majority of women working within the catering establishments are working on a part-time basis. In fact, there is a larger marked difference between males and females in full-time high level positions than in part-time posts. It also shows that women in part-time work are still discriminated compared to male part-time workers with respect to posts of responsibility, even though they make up the majority of part-time workers.

Travel Agencies and Destination Management Companies (DMCs)

According to the MTA survey (2001), travel agencies employ 77% of the full-time equivalent employment, while the remaining 23% work with DMCs. In this sector, 89% of the people are full-timers, while only 11% are part-timers. Regarding full-time employment 88.5% are males and 11.5% are females. Whereas, 89.3% males and only 10.7% females were working part-time within this sector.

Full-time and Part-time Employment within the tourism industry

In the MTA survey (2001) conducted in the period of August to October 2000, it was established that 13,190 full-time jobs and 4,884 part-time jobs were available in the tourism industry. Data shows (MTA, 2001) that 74.0% of all jobs in the accommodation establishments are on a full-time basis, whereas 26.0% of jobs are on a part-time basis. Whilst, 63.0% of jobs in catering establishments are on a full-time basis and that 37.0% are on a part-time basis. Moreover, within the travel agency and DMCs sector, 89% of the people are full-timers, while only 11% are part-timers. These data show that most of the people working within the tourism industry are working on a full-time basis.

Table 10: The breakdown of employment figures within the tourism industry:

Full-time employment:			
Sector	Males	Females	Total
Accommodation	5,076	2,709	7,785
Catering	2,522	670	3,192
Travel/ Agencies	2,224	289	2,513
Total	9,822	3368	13,190
Part-time employment:			
Sector	Males	Females	Total
Accommodation	1,398	1,191	2,589
Catering	1,234	636	1,870
Travel/ Agencies	379	46	425
Total	3,011	1,873	4,884

Source: 'An employment and Training Survey of the Tourism Industry in Malta'. (MTA, 2001)

Malta Tourism Authority, <http://www.maltatourismauthority/executivesummary.doc>

Furthermore, the above data shows that more females than males are working on a part-time basis within the tourism industry. The main advantage of part-time work is that there is more flexibility in the hours worked. In fact, part-timers are usually more flexible than full-timers in terms of hours of work. It can be the case that the flexibility of part-time work is likely to attract more female employees since it enables them to maintain a balance between work and family responsibilities. However, the fact that more women are working on a part-time basis could put them at a disadvantage. For instance, part-time employment could create difficulties when it comes to staff training due to lack of time and logistics. Moreover, according to Camilleri (1997, p67) part-time work is usually used to fill in 'low level, low status and low positions in the employment hierarchy'. Therefore, women are less likely to attain decision-making positions.

2.5 Women in decision-making positions within hotels

Research (Farrugia, 2005) shows that women are lacking in decision-making positions in all types of hotels: the 5-star, 4-star and 3-star hotels. In fact, in Malta only 16% of all managers within 3, 4 and 5-star hotels are women. One of the reasons behind the low percentage of females presently occupying a decision-making position within the tourism industry could be that fewer women are attending the Institute of Tourism Studies (ITS). In fact, referring to data from the ITS tracer study (October, 2000), research (Farrugia, 2005) shows that from a total of 152 students graduating in Hotel and Management (HMA) courses, 93 were males whilst 59 were females. Thus, this might be contributing to the gender differences in decision-making positions. However, one needs to be very cautious when interpreting the data since it was also pointed out that 39.5% of male and female HMA graduates, of which 13% were females, were not working within the tourism industry at that time of the research. Therefore, the number of potential females likely to achieve decision-making positions is further decreased.

In addition, Farrugia (2005) shows that women in decision-making positions are more likely to be employed in low grade hotels such as 3-star hotels. On the other hand, males are more likely to occupy managerial positions within 4 and 5-star hotels. Another fact that can be put forward is that gender difference can be found within decision-making positions across 3, 4 and 5-star hotels. Such differences include that women managers tend to outnumber male managers in the Housekeeping and Front Office Departments. On the other hand, males outnumber female managers within the kitchen and maintenance department.

Table 11: Males and Females in Managerial Positions in 3, 4 and 5-star Hotels

Hotel	Number of males	Number of females	Total	Percentage of females (%)	Percentage of males (%)
3-star hotels	56	15	71	21.1	78.9
4-star hotels	111	16	127	12.6	87.4
5-star hotels	59	12	71	16.9	83.1

Source: 'Women in decision-making positions in 3, 4 and 5-star hotels'. (ETC Database. March 2001)

Research (Farrugia, 2005) also shows that there is a correlation between the status of women (married or single) and decision-making positions in hotels. In fact, in all the Hotel Departments, excluding the Housekeeping Department, women in decision-making positions were more likely to be single women than married women. One of the reasons why married women in decision-making are overrepresented within the Housekeeping Departments could be attributed to more flexible working hours than other departments.

From this study (Farrugia, 2005) one can also conclude that when interviewed regarding the difficulties that women face in terms of promotions and in dealing with their current work, the majority of the difficulties mentioned were not related to gender discrimination. Only one female general manager stated that is more difficult for women to be promoted.

2.6 Recommendations

Women tend to be good at multi tasking and problem solving. This enables them to tackle a number of complex situations concurrently and to come up with solutions within short periods of time. Working within the tourism sector, particularly in the hotel business persons at decision-making levels are often involved in various activities requiring one to deal with different types of problems and people at the different levels. Women also tend to possess good interpersonal skills. Since, tourism is a service sector requiring a lot of contact with clients such an attribute can be an asset to any service provider (hotels, restaurants, travel agents and others).

Women, thus possess qualities which can contribute significantly to providing a quality service so important within the tourism industry. Employers could benefit from the participation of women in this sector of the labour market. The tourism industry can therefore be effective in increasing women's participation in the workforce as the nature and structure of working conditions also provides a flexible working environment.

There are various ways through which female participation in the tourism sector can be encouraged. These measures include:

- A change in mentality through education;
- The need to promote women's skills and capabilities;
- Flexible work arrangements permitting women to work at times and places allowing better work life balance;
- The introduction of job sharing; and
- Promoting greater participation of women at decision making levels.

Malta is currently facing great challenges in keeping its tourism sector competitive while maintaining high quality standards. The greater participation of women can be the key to bringing in new ideas and approaches so important to the country at this stage.

3. National means and policies to fight against discrimination and examples of good practices

3.1 Gender Equality: Laws and Regulations

The Government of Malta is aware of issues concerning gender equality. In fact, gender mainstreaming has been at the forefront of the Maltese government's social agenda for a number of years. This is evident in the Constitution of Malta which was established with the country's independence in 1964 and is the basis on which Maltese law is based.

The Constitution of Malta (1964) in reflecting the fundamental beliefs of the country makes reference to gender issues in Article 45 (3). This article prohibits discrimination on the grounds of race, place of origin, political opinions, colour, creed and sex. The expression 'discriminatory' is specified to mean affording different treatment to different persons attributable wholly or mainly to their respective descriptions by race, place of origin, political opinions, colour, creed or sex whereby persons of one such description are subjected to disabilities or restrictions to which persons of another such description are not made subject or are accorded privileges or advantages which are not accorded to persons of another such description. (Article 45 (3))

3.2 Legal Framework for Gender Equality

Since Malta's EU membership, EU legislation in the area of gender equality has been transposed into Maltese legislation. Various laws and regulations have been implemented to provide equality of pay, working conditions and access to training, protection from sexual harassment, and others. These include:

- Employment and Industrial Relations Act, 2002 (CAP. 452)
- Equality for Men and Women Act, 2003 (CAP. 456)

Legal Notices:

- Part-time Employees Regulations, LN 427 of 2002
- Protection of Maternity (Employment) Regulations, LN 439 of 2003
- Parental Leave (Entitlement) Regulations, LN 225 of 2003
- Urgent Family Leave Regulations, LN 296 of 2003

Occupational Health and Safety (Promotion) Act, 1994 (CAP. 424):

- Protection of Maternity at Work Places Regulations, LN 92 of 2000

Income Tax Act, 1949 (CAP. 123):

- Tax Credit (Women Returning to Employment) Regulations, LN 110 of 2005

Social Security Act, 1987 (CAP. 318):

- Equal Treatment in Occupational Social Security Schemes Regulations, LN 317 of 2005

The Equality for Men and Women Act, 2003 (CAP. 456)

The Equality for Men and Women Act, 2003 (CAP. 456) provides the basis for ensuring equality between women and men in all sectors of Maltese society. The principle of equal treatment regarding access to employment, vocational training and promotion, and working conditions is legislated through this Act. The Act ensures the necessary legal machinery to address all cases of discrimination between women and men in all sectors of Maltese society.

The National Commission for the Promotion of Equality (NCPE) was set up following the introduction of the Equality for Men and Women Act (Act I of 2003) of the Laws of Malta. One of the aim of the Commission is to identify, develop and update methods and strategies for implementing a gender perspective in all policy areas.

Employment and Industrial Relations Act, 2002 (CAP. 453)

The principle of equal pay for work of equal value is incorporated in the Employment and Industrial Relations Act 2002 (EIRA, CAP. 452). EIRA includes specific clauses that regulate discriminatory practices in the employment sector, and has introduced a number of gender mainstreaming and family-friendly concepts that are being implemented by government in respect of its employees. The main provisions include:

- **Part-time Employees Regulations, LN 427 of 2002**

The purpose of the Part-time Employees Regulations is to provide for the removal of discrimination against part-time workers and to improve the quality of part-time work. In fact, this regulation stipulates that: 'it shall be the duty of the employer to ensure that a part-time employee is not treated less favourably than a comparable whole time employee:

(a) with regard to the terms of the employee's contract of employment; and

(b) by being subjected to any other detriment by an act, or deliberate failure to act, of the employer solely because of the employee's part-time work provided that any different treatment may be justified on objective grounds' (Part-time Employees Regulations, LN 427 of 2002)⁵.

This regulation also facilitates the development of part-time work and contributes to the flexible organization of working time taking into account the needs of employers and workers. The reason behind this option is to promote and protect part-timers in the labour force market, many of which tend to be females. The government has taken this decision in order to try and retain as many women within the labour market as possible in trying to work towards achieving the Lisbon targets.

- **Parental Leave (Entitlement) Regulations, LN 225 of 2003**

The Parental Leave Entitlement Regulations provide the minimum requirements designed to facilitate the reconciliation of parental and professional responsibilities for working parents. It makes provision for the individual right of all workers to be granted three months unpaid parental leave, on the grounds of birth, adoption or legal custody of a child, until the child is eight years old.

- **Urgent Family Leave Regulations, LN 296 of 2003**

According to these regulations all employees shall be entitled to time off from work on grounds of *force majeure* for urgent family reasons in cases of sickness or accident making the immediate presence of the employee indispensable. Provision is made for the entitlement of a minimum total of 15 hours with pay per year as time off from work for urgent family reasons that shall be deducted from the annual leave entitlement of the employee. These measures apply equally for both men and women in order to promote gender equality.

- **Protection of Maternity (Employment) Regulations, LN 439 of 2003**

The Protection of Maternity at Work Places Regulations regulates health and safety of pregnant workers, workers who have recently given birth and those breast feeding. A pregnant employee has the right to an uninterrupted period of 14 weeks that can be availed of 6 weeks compulsorily immediately after the date of confinement, 4 weeks immediately before and the remaining balance to be availed of either before or after.

Occupational Health and Safety (Promotion) Act, 1994 (CAP. 424)

The Occupational Health and Safety Authority Act, 1994 (CAP. 424) relate mainly to occupational health in general, but also include issues related to gender. The health issue that relates to gender issues directly is that which refers to the protection of maternity at work places.

- **Protection of Maternity at Work Places Regulations, LN 92 of 2000**

This regulation makes provision for the occupational health and safety of pregnant and breastfeeding female workers, that is such employees shall not be required by the employer to perform work which may endanger their health and safety, the safety or viability of their pregnancy or the health of the child. This regulation also stipulates that the employer needs to assess the nature and degree of any hazard present at the workplace, as well as the resultant risks to the health and safety of the female concerned and to the safety of her pregnancy or of her child in the case of a breastfeeding employee⁶.

Income Tax Act, 1949 (CAP. 123)

The Income Tax Act of (CAP. 123) makes provision for tax conditions affecting women returnees:

- **Tax Credit (Women Returning to Employment) Regulations, LN 110 of 2005**

This tax credit regulation stipulates that women returning to employment will benefit from a tax credit of Lm 700 set off against tax in respect to gains of profits from their employment. The tax credit applies specifically to women who have not

⁵ <http://docs.justice.gov.mt/lom/legislation/english/subleg/452/79.pdf>

⁶ http://www.msp.gov.mt/documents/laws/ohs/ohs_ln_92_00.pdf

attained the statutory retirement age, have been absent from the workforce for at least five years, and have been in employment for at least twenty four consecutive months prior to leaving the labour market.

Social Security Act, 1987 (CAP. 318)

- Equal Treatment in Occupational Social Security Schemes Regulations, LN 317 of 2005

The government is currently reviewing the Social Security Act. The aspect of this Act in relation to the principle of Gender Equality is regulated by the EU Directive 79/7/EEC (Equal treatment of men and women in matters of social security); EU Directive 86/378/EEC (Equal treatment of men and women in occupational social security schemes) and partly by EU Directive 86/613/EEC (Equal treatment of men and women engaged in self-employed activities and protection of self-employed women during pregnancy and motherhood).

This legal notice stipulates the provision of equal treatment in relation to occupational social security schemes. It stipulates that it is 'unlawful for a person to subject another person to discriminatory treatment, whether directly or indirectly, particularly with regard to:

- (a) the scope of the schemes and the conditions of access to them;
- (b) the obligation to contribute and the calculation of contributions; and
- (c) the calculation of benefits, including supplementary benefits due in respect of a spouse or dependants, and the conditions governing the duration and retention of entitlement to benefits⁷.

3.3 Sexual harassment at the workplace

Moreover, in order to enable more individuals, especially females, to participate more fully in the labour market it is important that the workplace is free from any kind of harassment. Sexual harassment at the workplace is a prohibited form of gender discrimination which is essentially defined as 'unwelcome sexual conduct'⁸. The legal framework for the unlawfulness of sexual harassment is stipulated under the Equality for Men and Women Act of 2003 (CAP. 456) and under The Employment and Industrial Relations Act of 2002 (CAP. 452).

Sexual Harassment: A Code of Practice (NCPE, 2005)

The Sexual Harassment code of practice is intended to disseminate information to employers, employees and the general public about the meaning of the term 'sexual harassment' and the relative rights and obligations of employees and employers. This code of practice is also meant to ensure that sexual harassment at the workplace is prohibited and that it can give rise to serious consequences if it does not exist.

This document includes amongst others information about the definition of sexual harassment, how it can be prohibited, the legal obligations of an employer, the formulation of a sexual harassment policy and the disciplinary measures taken in sexual harassment cases.

3.4 Policy documents

As part of this research the NCPE will be looking at the main policies as from 2000 that target gender equality directly or indirectly. The main policies include:

- Joint Memorandum on Social Inclusion of Malta (European Commission & Gov. of Malta, 2003)
- Malta Action Plan on Poverty and Social Exclusion 2004-2006
- Malta National Reform Programme 2005-2008
- Operational Programme I & II: Cohesion Policy 2007-2013

Joint Memorandum on Social Inclusion of Malta

The Joint Memorandum on Social Inclusion of Malta (European Commission & Gov. of Malta, 2003) outlines the principal challenges in relation to tackling poverty and social exclusion, and presents the major policy measures to be taken by Malta in translating the EU's common objectives into national policies.

⁷ <http://www.doi.gov.mt/EN/legalnotices/2005/09/LN317.pdf>

⁸ http://www.equality.gov.mt/filebank/documents/sexual_harassment_code_of_practice.pdf

In addition to this document, an in-depth review of Malta's labour market policies was carried out in 2001 through the drafting of the Joint Assessment Paper of Employment Policy Priorities in Malta. This document outlined a number of key challenges grouped together according to policy priorities. These include:

- Pursuing the review of interaction between the tax and social benefit systems, in order to remove poverty traps and provide the right incentives for unemployed or inactive people to seek and take up work;
- Increasing the overall employment rate, with particular emphasis on active promotion of female labour market participation and implementation of measures to address gender gaps, including the enactment and enforcement of comprehensive gender equality and anti-discrimination legislation and the promotion of family friendly working arrangements;
- Striving to reduce the size of the informal sector.

Figure 1: Malta's National Policy Documents and Action Plans 2001-2006

2001	Malta's Joint Assessment of Employment Policy Priorities
2002	Employment and Industrial Relations Act
2003	Equality for Men and Women Act Joint Memorandum on Social Inclusion of Malta
2004	Malta Action Plan on Poverty and Social Inclusion 2004-2006
2005	Malta National Reform Programme 2005-2008
2006	Operational Programme I: Cohesion Policy 2007-2013

According to the Joint Memorandum on Social Inclusion of Malta (European Commission & Gov. of Malta, 2003) some of the key priorities for future policy reviews include:

- Increasing the overall employment rate, particularly that of women;
- Reducing the informal economy;
- Developing more and better measures aimed at reconciling work and family life, particularly in private-sector employment, where such measures are still in their infancy (including the provision of affordable and regulated childcare services);
- Promoting the development and uptake of stable and quality employment by vulnerable groups, particularly: disabled persons, middle-aged and older women, long-term and old unemployed persons, illiterate persons, persons with low education or no skills, persons with mental-health problems, substance abusers and ex-inmates of correctional facilities;
- Tackling poverty traps and providing the right incentives for unemployed, inactive people and those in part-time employment, particularly in view of the review of the interaction between the tax and social benefit systems.

A research study '*The Interaction of Income Tax and Social Benefit Systems and its Impact on the Incentive to Work*' (MFSS, 2003)⁹ identifies the substantial increase in incomes as the major factor encouraging inactive persons to take up work, followed by the decrease in family responsibilities and commitments. This latter motive, together with the prospect of working from home, is of particular significance for inactive women.

In the light of the analysis undertaken in the Joint Memorandum on Social Inclusion of Malta (European Commission & Gov. of Malta, 2003), the Maltese Government and the European Commission have agreed that the most immediate policy priorities in relation to tackling poverty and social exclusion are to set up programs to support women's re-entering in the labour market, by offering appropriate training to upgrade their skills and improve their career prospects.

⁹ http://www.msp.gov.mt/documents/msp/tax_benefit_final_ec.pdf

European Social Fund (ESF): Support for social inclusion policies

The five ESF policy fields namely: development and promotion of active labour market policies; equal opportunities for everyone (particularly those exposed to social exclusion); training, education and counselling as a part of life-long learning policy; a skilled, trained and adaptable work force, work organisation and entrepreneurship; and women's access to the labour market and reduction in their vertical and horizontal segregation, are being put into effect in a number of projects that are being embarked by various organisations. The aim of these projects is to reduce the risk of poverty and social exclusion.

Malta National Action Plan on Poverty and Social Exclusion 2004-2006

In addition, the Malta National Action Plan on Poverty and Social Exclusion 2004-2006 specifies the need for the country to capitalise on its human resources by encouraging greater female participation in employment.

The problem of inactive women is tackled mainly through the Malta National Action Plan on Poverty and Social Exclusion 2004-2006. It does this through two main priorities: increasing women's participation in the labour market; and increasing employment rates with those aged 55 years and over. Although these priorities do not mention the problem of inactive women over 40 directly, their actions have direct impact on this group.

One of the key priorities in the Malta National Action Plan on Poverty and Social Exclusion 2004-2006 is to increase the current low female employment rate. Such action targets women at all ages but since the rate of inactive women rises to 75% from the age of 35 years onwards, most of the actions are bound to affect inactive women over 40. The other key national priority is to raise the current, low employment rate of persons aged 55 years and over. Statistics show that there is a low participation of older workers aged 55-64 years, these being 30.1 and 32.5 % in 2002 and 2003 respectively. In Malta only 10.9 and 13.0 % of the older female workers were employed in 2002 and 2003, compared to 30.6 % in the EU15 and EU25, 29.1% (EU15, 32.2 % and EU25 30.8 % in 2003).

A Better Quality of Life - 2006 -2010 Pre-budget document

In the pre-budget document 'A Better Quality of Life' 2006 -2010, the following measure was proposed for the coming three years¹⁰. Raising the employment rate, particularly for women including the:

- Continuation with the aim of attracting more women students to fields such as architecture, engineering, IT and science;
- Development of measures and incentives aimed at encouraging teleworking, flexitime and other flexible employment practices;
- Introduction of a care subsidy scheme for individuals who wish to participate in ETC courses but require childcare or other dependent care to be able to do so.

Malta National Reform Programme 2005-2008

In Malta, part-time employees have to work a minimum of 20 hours a week to be entitled to pro rata benefits in respect of public holidays, leave (vacation, sick, birth, bereavement, marriage and injury) and bonuses. Part-time employees have to pay a minimum NI contribution as established by law irrespective of the number of hours worked. Moreover, some employers employ part-time employees for 19 hours a week, and thus they are not entitled to pro rata benefits. This fact is hindering females who are willing to work on part-time basis from participating in the labour market.

To achieve the employment targets set by the Lisbon agenda, particular emphasis needs to be given to increase the female and older workers employment rates. According to the National Reform Programme 2005 -2008 the employment rates can be increased through this the provision of training, tax and pension systems review and the provision of family-friendly measures in both the private and public sector.

In the National Reform Programme 2005-2008 the Government is proposing the following measures in order to address Malta's employment priorities. These measures include:

- A tax and pension systems review to encourage female participation in the workforce, including the provision of tax credit to women returning to work after an absence of 5 years or more and the amendment of the Income Tax Act to extend the applicability of lower tax on part-time work to spouses who are working only part-time while their spouse is in full-time employment.
- The promotion of family-friendly measures including the development of measures and incentives aimed at encouraging teleworking, flexitime and other flexible employment practices and the regularisation and facilitation of the provision of childcare facilities.

Operational Programme I: Cohesion Policy 2007-2013: Investing in Competitiveness for a better quality of life (June 2006)

The Operational Programme includes the national strategic objectives for the period 2007-2013 that originate from the National Strategic Reference Framework and the National Reform Programme.

One of the main focuses of the Operational Programme I is E-Accessibility. According to this document there is limited appreciation of how technology can be exploited to improve efficiency and to improve competitiveness. Gender and age barriers at work are often associated with the flexibility of working hour arrangements and the location of work. These conditions can potentially be alleviated

¹⁰ <http://www.doi.gov.mt/EN/News/newsitems/prebudget/OPM-prebudget-english%20low%20res%20new.pdf>

by a secure and reliable e-work environment that allows staff to deliver in their own time and from their own homes. In this regard, ICT application has an important role to play in issues such as raising the overall, female and older workers' employment rates.

The Operational Programme includes specific objectives that originate from the National Reform Programme. One of the objectives of the Operational Programme is to increase the employment rates by ensuring that those facing difficulties or barriers to enter work or to retain employment are supported. This includes the reform of the tax benefit system to make work pay, particularly for the unemployed and inactive; and the promotion of flexible work arrangements and affordable childcare system.

In line with the Operational Programme, Government has introduced new fiscal incentives to encourage more women to return to the labour market. One of these incentives is that women who have been absent for more than five years from work, will be exempted from tax for the first year during which they return to work. Moreover, married couples who have a part-time job as a secondary source of income are given the possibility to qualify for a 15 % flat rate tax on the part time job of the other spouse who holds a part-time job as a primary source of income. (Income Tax Act (CAP.123))

In relation to the provision of flexible work arrangements, the New Collective Agreement for Employees in the Public Service which came into effect in January 2005 promotes further flexible family friendly measures that will enable employees to combine their work and family responsibilities through the use of unpaid parental leave and reduced hours.

Budget Document: 'Securing Our Future'

The 2007 Budget proposes various measures to facilitate and encourage female employment. In fact some of the measures that were proposed in the 2007 Budget are highly significant in facilitating women towards achieving economic independence. These include:

- Revision of tax bands;
- Acknowledgement of the role of self-employed women in family business;
- Introduction of pro-rata NI contributions for part-time workers who are mostly women;
- Provision of Lm400 tax exemption from income for parents making use of child-minding services;
- The provision to allow widows and widowers to keep enjoying their widowhood pension for five years after re-marriage;
- Extension family friendly measures within the civil services to the public sector.

3.5 Good practices

Over the years Malta has taken several steps to fight discrimination. Article 45 (3) of the Constitution of Malta (1964); the Equality for Men and Women Act, 2003 (CAP. 456); the Equal Opportunities (Persons with Disability) Act (CAP. 413); The Employment and Industrial Relations Act, 2002 (CAP. 452); and the Equal Treatment in Employment Regulations (LN 461) protect individuals from discrimination. Moreover, a number of projects (part-financed by the ESF and EQUAL funds of the European Commission) that are currently being implemented in Malta are intended to assist discriminated groups and individuals.

As regards gender mainstreaming a number of best practices can be identified in the public sector. In fact, a number of Ministries, including amongst others the Office of the Prime Minister (OPM); Ministry of Family and Social Solidarity (MFSS); Ministry of Health, the Elderly and Community Care (MHEC); Ministry of Education, Youth and Employment (MEYE); Ministry of Resources and Infrastructure (MRES); and the Ministry of Justice and Home Affairs (MJHA) have implemented a number of gender equality measures.

Table 13: Gender Equality measures within the public sector

Ministry	Measure
Office of the Prime Minister (OPM)	<ul style="list-style-type: none"> • The National Strategic Reference Framework • Operational Programmes I & II – <i>Inclusion of Equal Opportunities as a Horizontal Priority</i> • The Public Service : Guidelines on what constitutes Sexual harassment and the procedures to be adopted in cases of sexual harassment • OPM Circular 13/2006 'Gender-Inclusive Government Forms'
Ministry of Family and Social Solidarity (MFSS)	<ul style="list-style-type: none"> • Working Group to review the Social Security Act • Review of all forms used by MFSS • Questionnaire to assess demand for childcare at the workplace

Ministry of Education, Youth and Employment (MEYE); and Ministry of Resources and Infrastructure (MRES)	<ul style="list-style-type: none"> • Joint Committee for the setting up of childcare facilities for Belt is-Sebh government employees
Ministry of Health, the Elderly and Community Care (MHEC)	<ul style="list-style-type: none"> • ESF Project 'Improving the representation of women at specialist and managerial level at St. Luke's Hospital • Equality Committee reconstituted, chaired by the Permanent Secretary, with equal representation of men and women
Ministry of Justice and Home Affairs (MJHA)	<ul style="list-style-type: none"> • Reconstituted Committee to be equally gender representative • Appointment of two women judges

Moreover, various governmental organizations including the Water Services Corporation and the Broadcasting Authority have implemented gender equality policies and guidelines and sexual harassment policy. Furthermore, the Ministry of Investment, Industry and Information Technology (MITI) in collaboration with the Employment and Training Corporation (ETC) have organized a seminar on the benefits of Teleworking in Malta. The ETC have also published a number of documents including 'Manual for Vocational Guidance' and the manual for employers 'Making Work Better for Organizations' in relation to the promotion of gender equality.

4. Conclusion

This report has mainly highlighted the situation of inactive women in Malta and also the participation of women within the tourism industry. A number of actions need to be promoted and implemented to increase women's participation in the labour market and also the tourism sector. These include amongst others, a change in mentality through education; the need for women to promote their skills and abilities and the importance of increasing job flexibility.

This report shows that over the years, Malta has taken several steps to combat gender discrimination. However, there is still much more that needs to be done. Most of the actions have been implemented at legislations level. Although the opportunities and emphasis on equality are reflected in a country's legislation, this is not necessarily reflected in the actual labour market. This means that Malta's next great challenge is that changes in legislation are reflected in the labour market with an increase in female participation and greater presence in decision-making levels.

Malta also still needs to take further action in combating age discrimination. As a result of Malta's obligations toward the national transposition of the Council Directive 2000/78/EC which establishes a general framework for equal treatment in employment and occupation, Malta needs to urgently take into consideration the other equality grounds, including age discrimination. In fact, to date, there is no official body for the promotion of equal treatment of all people without discrimination on the ground of age discrimination. However, it is envisaged that in the near future the National Commission for the Promotion of Equality will also be designated as such a special body, addressing other grounds of discrimination, apart from gender discrimination.

Malta has made great strides in fighting discrimination. However, as long as differences continue to exist, there will always be the need to protect those who are discriminated against due to these differences.

Data to know the situation of women in the Portuguese labour market – the restaurant and beverages sector

Project “Revalorise work to promote equality” – EQUAL Lisbon, April 2007

The opinions contained in this study do not necessarily reflect the views of ARESP, CESIS, CGTP-IN, CITE, FESAHT, IGT and ILO.

“Data to know the situation of women in the Portuguese labour market – the Restaurant and Beverages sector”

The analysis which is presented intends to highlight the situation of women in the Portuguese labour market with a particular reference to the Restaurant and Beverages sector – an industry with a predominance of women at work.

In a context of high and growing women’s employment rate already overtaking the targets defined by the EU until 2010 and of significant improvement in women’s school qualifications, notably regarding higher education, the labour market remains marked by the principles of separation and hierarchy, as a result of which subsist “men’s jobs” and “women’s jobs”.

Continuously and systematically, women who are concentrated in the less qualified and more underpaid occupations, thus remitting them, in this sector, to a sort of “household employability” – are in a majority in jobs with less visibility, where duties are very similar to those done at home, as is the case of the female pantry workers or cooks.

The study also confirms that there is a growing salary gap as age goes up. The salary gap between men and women over 55 is wider and hits most particularly women from this age group, since, in average, their monthly salary is 170 € less than men’s.

References made to names of companies or commercial goods do not imply any favourable or unfavourable evaluation of the Partnership members.

Introduction

The high rate of the Portuguese women's participation in the labour market appears, in the context of European surveys, as being closer to the pattern of the Nordic countries and not so close to the European Union Southern countries, particularly Spain.

This reality may be explained by the entwining of different factors, from increasing school qualifications of girls to: legitimate career expectations in a job resulting from success in education; a stronger awareness of the fact that the improvement of their status (and autonomy) is largely dependent from a career in a job; more sectors of the economy are employing female workers; change in the role model in which males were seen as the "breadwinners", with women's salaries becoming equally important/necessary as a contribution to the household income. To these factors we must also add the existence of low salaries, which bring about the increasing necessity of women actively participate in the labour market.

The analysis, which is presented in this study, is part of the transnational agenda of the Project "Revalorise work to promote equality", resulting from the agreement of the Portuguese, French and Maltese² projects to deepen their common knowledge of women's participation in the labour market, particularly in sectors of female predominance.

The Portuguese contribution to that agreement is translated into a short analysis of the restaurant sector³. The structure of our study is outlined as follows: a 1st chapter with a summarised evaluation of women's participation in the Portuguese labour market, followed by Chapter II in which we carry out a more detailed characterisation of women's employment in the restaurant sector, particularly in the Portuguese districts (regions) which are scrutinised by the Project "Revalorise Work to Promote Equality". In Chapter III, we do a short presentation of some opinions of the sector's workers and also of human resources' managers. This is followed by a Chapter on the legislative framework in terms of equality and non-discrimination. Chapter VI present the two institutional mechanisms, which oversee gender equality in Portugal and in the following chapter we address some of the best practices prevailing in the public and private sectors, among which we give the example of the Award "Equality is Quality". In Chapter VIII we refer to positive actions in the enterprises, through an example in the context of the Equal Initiative. Finally, we make some considerations, which may be drawn from the analysis of different statistical sources, and from the analysis of the answers to questionnaires, provided by men and women workers and by human resources managers.

¹ The Development partnership is formed by: the Restaurant and Allied Trades Association of Portugal (ARESP); Research Centre for Social Intervention (CESIS); Commission for Equality at Work and Employment (CITE); General Confederation of the Portuguese Workers – Intersindical Nacional (CGTP-IN) – leading partner; Portuguese Federation of Trade Unions in Farming, Food, Beverages, Hotels and Tourism (FESAHT); General Labour Inspection (IGT); International Labour Organisation (ILO).

² <access on. 2 April 2007>

I. The situation of women in the Portuguese labour market

In Portugal, women are 51.6%⁴ of the total population. If we look at the percentage of women in an active age (population over 15), they are 52.1%⁵ of the total population in that active age.

This is a recent feature, which is noticeable when we compare with the 1970 figures: in the total “population in economic activity”⁶, they then represented 25%⁷.

However, in the years after the 25th April 1974 (date of the Portuguese democratic revolution), the participation of women “in economic activity” went up to 35%⁸, reaching 41%, according to the Census, figures which were surveyed by Maria José Carrilho⁹.

According to figures published for the 3rd quarter of 2006¹⁰, women’s employment rate shows a growing trend, with 62.2%¹¹, a figure which is above the European average forecast, which indicates that, in 2010, women’s employment rate should be around 60%¹².

If we look at the employment rate of women in the 25-34 and 35-44 age groups, we will notice that these 2 groups show the highest employment rate, 78.8% and 78.4% respectively¹³, a rate which is well above the global women’s employment rate which is 50.6% for the same period (4th quarter of 2006). This situation only confirms the thesis that women in Portugal remain active “and are increasing their presence in employment”, in a period of their lives in which they have small children and may therefore “face added difficulties to reconcile their work and their family life”¹⁴.

But while women are more than ever strongly present in the labour market, it is also true that they form the majority of the unemployed and inactive population. Women represent more than half of the unemployed population – 54.5%¹⁵ and they spend systematically more time seeking jobs¹⁶ - a situation which gets worse when we consider long-term unemployment (over 12 months).

Another important element to find out about men and women’s participation in the labour market may be obtained from the work status (full-time or part-time) or type of contract (open-ended, fixed term or other¹⁷).

³ The restaurant sector includes restaurants, shops where drinks are sold (cafeterias, bars and other) and canteens. Our analysis only deals with the two first categories. So, whenever restaurants are mentioned, we are talking of restaurants, but also of bars, cafeterias or cafés.

⁴ INE (National Statistics Institute) – Employment Statistics, 4th quarter of 2006, p.17

⁵ Idem

⁶ “Population in economic activity” were the people: “on a job, unemployed and seeking their 1st employment, unemployed seeking new employment, doing compulsory military service” in Carrilho, Maria José (1996), Active Population: Concept and Extension through Census, p.7

⁷ Carrilho, Maria José (1996), Active Population: Concept and Extension through Census, INE, p.15

⁸ Idem

⁹ Idem

¹⁰ INE – Employment Statistics, 3rd quarter of 2006

¹¹ Eurostat, Labour Force Survey, 1st quarter of 2006

¹² Commission’s Report to the Council, European Parliament, European Economic and Social Council and to the Regions’ Committee on Equality between men and women – 2007, COM(2007)49 final, p.5

¹³ INE – Employment Statistics, 4th quarter of 2006, p.21

¹⁴ Guerreiro, Maria das Dores and Pereira, Inês (2006) – Corporate Social Responsibility, equality and work-family reconciliation. Experience of the “Equality is Quality” Award, pp.8-9

¹⁵ INE – Employment Statistics, 4th quarter of 2006, p.25

¹⁶ INE – Employment Statistics, 4th quarter of 2006, p.27

¹⁷ INE – Employment Statistics, 4th quarter of 2006, p.38

If we analyse the type of contract, for the same period (2006), we will see that women are 46.1% of the employed population on open-ended contracts and 50% of the employed population on fixed-term contracts.

The level of education and job quality are two factors that characterise women's participation in the labour market, but also explain "gender inequalities". The national pattern of low qualification levels is maintained, visible in the fact that 71% of the employed population only has basic education (3rd cycle)¹⁸, with only 13% of the employed population having higher education levels.

When we analyse these gender indicators, we notice that the trend that is often mentioned of young girls' increased school attendance and educational achievement, is confirmed in the percentage of women in the employed population with higher education levels, 58%¹⁹.

On top of what was clearly detected in education, let us look at the share of men and women in jobs. According to figures recently published by the INE²⁰ in nine different occupations, in the two more qualified occupations, Public Administration managerial staff and "enterprise managers and technical staff" the unfavourable women's gap is 4.1%. Concerning the group "intellectual and scientific cadres", we have the opposite situation, with a 3.9% percentage in favour of women. In the bottom layers of the hierarchy, when analysing the men and women's share in the "unskilled workers" group, we confirm the co-existence of a trend for higher women's qualifications and simultaneously the confirmation of increasing levels of qualifications for women, in the "unskilled workers" group. According to INE figures, in 2006, 16.8% of unskilled workers were women, with men standing at 7.6%²¹.

Concerning remunerations, according to figures published by the MTSS²² later worked upon by the CGTP-IN, men's average monthly earnings in 2005 was 1000,47 Euros. This gap grows wider if we take into account the remunerations declared for social security purposes²³ in which women's social security statements were 74.5% of men's statements – 605,70 Euros and 853 Euros respectively.

Apart from the effect that this situation has on the total period of women's active life, those salary gaps naturally have an impact on retirement pensions and other social allowances, notably on unemployment benefits, since in these two cases, their calculation is done on the basis of a reference amount, and the reference is the salary received²⁴.

In 2005, and according to the analysis of the economist Eugénio Rosa, the average pension of all retired women represented 59.8%²⁵ of men's average pension. The pensions of female workers who retired in 2005 were only 57.4% of the pensions received by men who retired in that same period.

¹⁸ 9 years minimum compulsory education

¹⁹ INE – Employment Statistics, 4th quarter of 2006, p.34

²⁰ "International Women's Day – 32 years (1975-2007)" in Spotlight. Press Release: INE, pp.8

²¹ Ibidem

²² MTSS – Ministry of Labour and Social Security. Average earnings in 2004, updated by the CGTP-IN for 2005

²³ MTSS Report on Social Security's Sustainability, May 2006

²⁴ The legislation related with unemployment benefits and retirement pensions was recently changed. Please check the new unemployment benefit law in http://www.mtss.gov.pt/preview_documentos.asp?r=651&m=PDF (<aced. em 3 de Abril de 2007>)

²⁵ Rosa, Eugénio, Government Proposals on Social Security aggravate the women's situation and discrimination, in www.resistir.info/, October 2007

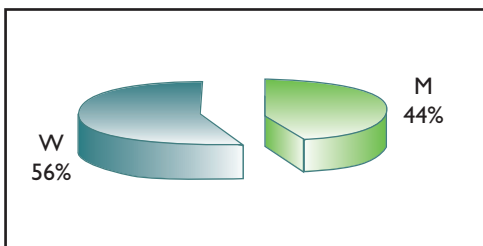
2. Women' role in the restaurant and beverages sector

The Restaurant Industry has been presenting itself as “an essential component of the national tourism's expenditure”. According to INE figures, quoted by ARESP²⁶, in 2004 there were in Portugal 61 thousand companies, employing around 188 thousand men and women workers. Here we must include restaurants, beverage shops and canteens, but with restaurants and drink shops accounting for 92% of the total employment²⁷.

According to figures published by the Department of Studies, Statistics and Planning (DGEEP), the Restaurant Sector employed, in 2004, 135,568 men and women workers, thus showing an increase of nearly 30,000 people, compared with 2002²⁸ and therefore confirming the importance of this sector in job creation. According to ARESP, “it is restaurants that employ most of the workers, around 59% of their total, in 2004²⁹. In the whole restaurant sector, women represent 58.7% of the total personnel. If we observe the proportion of women in the three main activities of the restaurant sector (restaurants, drink shops or cafés and canteens) we see that women are a majority in all of them, with even greater importance in canteens and takeaway meals. Thus, in classical restaurants they represent 52%, in shops serving drinks 57.5% and in canteens 84.3% of the total number of employees.

Concerning the two activities (restaurant and beverages) that are relevant to this study, we see that women represent 56% of the total number of employees (see Table 1).

Table 1: Men/Women workers in the whole restaurant sector, by gender (%)



SOURCE: MTSS/DGEEP, Personnel Charts, 2004

Looking at the employees by age groups (see Table 2) women are predominant in all of them, except in the 65+ age group, thus representing nearly 47% of the total number of employees.

Worth stressing is that in the younger age group (18-24 years) women workers are even more predominant (see Table 2) and this may indicate a rejuvenation of this sector but also the capacity of this economic activity of more easily incorporating the available labour force.

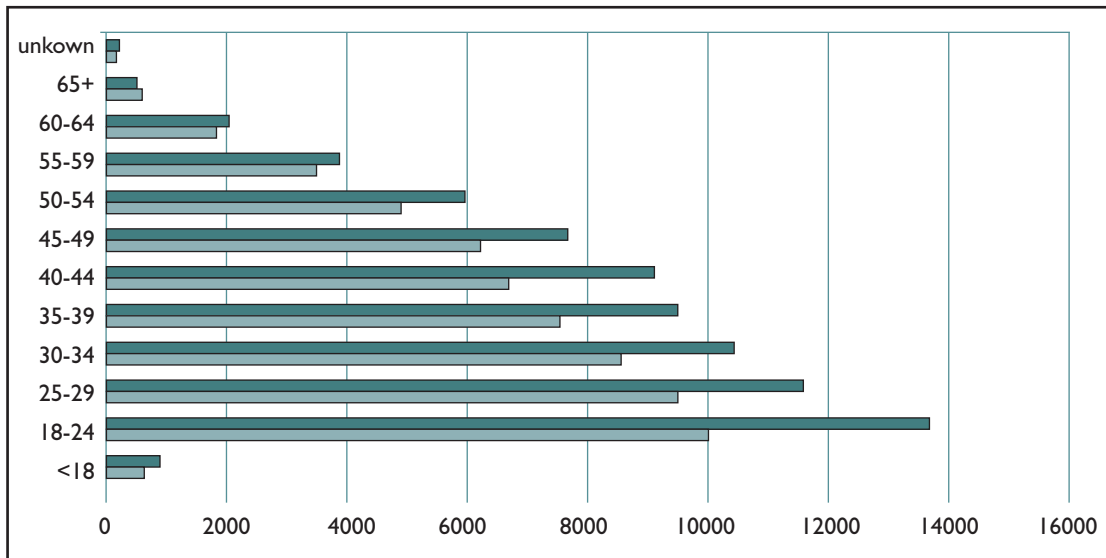
²⁶ ARESP - Restaurant and Allied Trades Association of Portugal, (November 2006)

²⁷ Ibidem

²⁸ Sectoral data, existing in the initial stage of the Project “Revalorise Work to Promote Equality”, included in the Needs Assessment carried out by the CGTP-IN, presented in December 2005

²⁹ ARESP, Barometer, No. 0 (November 2006), p.5

Table 2: No. of men/women workers in the restaurant sector, by age group



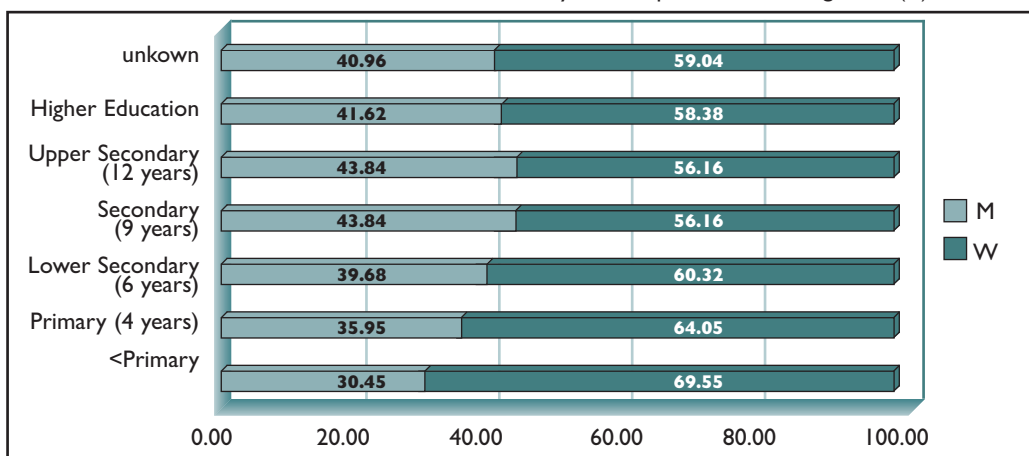
SOURCE: MTSS/DGEEP, Personnel Charts, 2004

If we take into account the relative weight of the “senior” active women³⁰ (50+years) we see that they represent 9% of the total number of people registered (1% more than in 2002), including those of unknown age – indicated as unknown in Table 2. Considering that, in 2002, the “senior” population employed in the sector (men and women) was 12.5% and that the women’s share was 66%, in 2004 it represented 17.1%, of which 53.4% were women.

In analysing the school qualifications of restaurant workers, we see a predominance of 2nd Cycle levels (corresponds to lower secondary - 6 years of school attendance)³¹. Given the earlier mentioned female predominance, it is no surprise that women are the majority in the total of employees who attended school for 4 or 6 years.

As we can see in Table 3, women represent around 70% of the total number of people who did not finished their first 4 years of primary education (1st Cycle). Actually, the large number of women workers studying for 6 years (2nd Cycle) is quite significant. Also worth mentioning is that the men-women gap is narrower after the 3rd Cycle (9 years of education). We also see a significant percentage of people whose school qualifications are unknown, of which around 60% are women with unknown school qualifications.

Table 3: Men/Women workers in the restaurant sector, by school qualifications and gender (%)



SOURCE: MTSS/DGEEP Personnel Charts, 2004

³⁰ This ranking corresponds to the one used in the French project, having been adopted to allow for a comparison

³¹ ARESP. Barometer for the restaurant and beverages sector, No. 0 (November 2006), p.5

³² ARESP. Barometer for the restaurant and beverages sector, No. 1 (January, 2007),

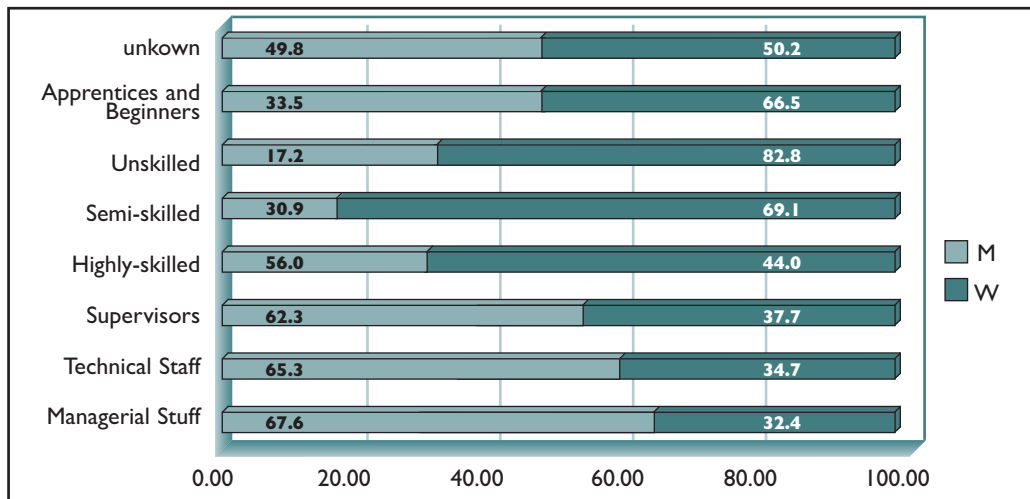
Concerning employment in the restaurant sector as a whole, and according to ARESP's Barometer³², "in restaurants the predominant type of contract is the 'open-ended' contract", meaning 61% of the employment's total, followed by 'fixed-term' contracts with 36%. This information is confirmed by the MTSS/DGEEP figures. In 2004, 62.8% of the 114,978 employment contracts were of the 'open-ended' type.

In terms of men/women workers' percentage by contract type, we see women representing 58.8% of workers on open-ended contracts and 65% of workers on fixed-term contracts.

Another aspect that characterises women's activity derives from their "skills levels". According to MTSS/DGEEP figures, 72.6% of the workers who are "apprentices and beginners", "unskilled" and "semi-skilled", are women. In fact, when analysing these 3 levels, we see that they account, respectively, for 66.5%, 82.8% and 69.1% of the total number of workers in those levels. The proportion of women in higher positions starts diminishing after the "highly skilled" level and continues to diminish right up to "managerial staff" (Table 4).

Worth mentioning is also a significant percentage of men and women whose skills and qualifications are unknown, respectively 49.8% and 50.2%.

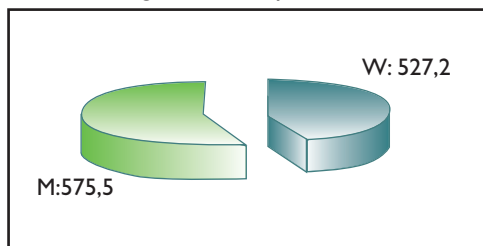
Table 4: Men/Women workers in the restaurant sector, by skills and gender (%)



SOURCE: MTSS/DGEEP, Personnel Charts, 2004

We now present information related to remunerations, one of the elements that is very often mentioned as an indicator for discrimination at work. According to Table 5, and only using data from restaurant and beverage shops (excluding canteens), in a first reading we verify a gap, which is unfavourable to women, meaning that, on average, women earn 50 Euros less every month.

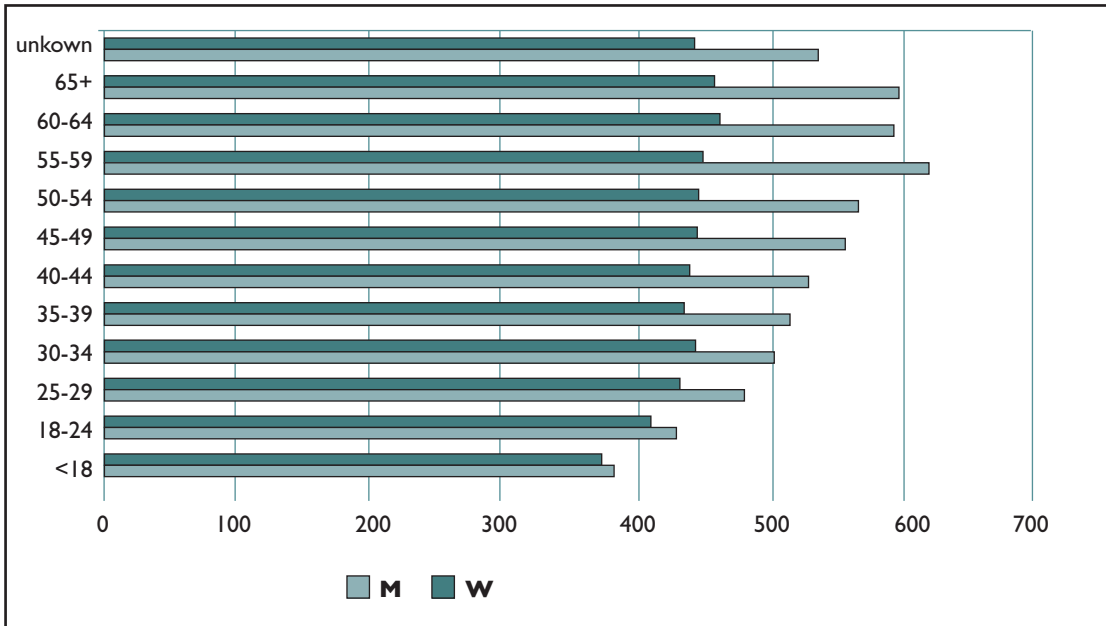
Table 5: Average flat monthly remuneration in the whole restaurant sector, by gender (in euros)



SOURCE: MTSS/DGEEP, Personnel Charts, 2004

Through a more detailed analysis of the figures concerning remunerations by age groups, it is easy to see that women don't just have an average basic monthly salary which is lower than men's (ranging from 72.69% to 96.48%) but also that it is in the active "senior" population that the salary gap is wider. Hence, the salary gap between women and men with ages between 18 and 24 is 23 Euros, with 87,66 Euros for the 40-44 age group, with the gap always growing until we reach the 55-59 age group, in which women earn, on average, 170 Euros less than their male fellow workers.

Table 6: Average flat monthly remuneration in the whole restaurant sector, by age group (in euros)



SOURCE: MTSS/DGEEP, SISED, 2004

Having outlined the sector’s national and overall framework, we will now concentrate on women’s employment in the eight districts³³ surveyed by the Project “Revalorise Work to Promote Equality”. According to figures of the MTSS/DGEEP, 47.9%³⁴ of workers employed in this sector, were working in those districts.

In terms of percentage, the Lisbon district alone concentrates around 49.7%³⁵ of the sector’s workforce in the eight districts and approximately 33%³⁶ of the total number of the sector workers in the Portuguese mainland (excludes the Azores and Madeira Islands). This result obviously derives from the fact that the country’s capital city is in this district, a city with a very large number of restaurant and beverage shops. According to the INE statistics for 2002, quoted by CESTUR, the Lisbon, Centre and North regions of Portugal³⁷ have the largest number of enterprises and also the largest number of employed workers. In analysing the number of workers in these 8 districts, we see a predominance of female workers in each and every district, with a larger difference between men and women in the Santarém, Faro and Setúbal districts. Lisbon, the district of the capital city, shows the smaller difference, with figures of 52.3% for women and 47.7% for men workers in the sector.

³³ Aveiro, Castelo Branco, Évora, Faro, Leiria, Lisbon, Santarém and Setúbal

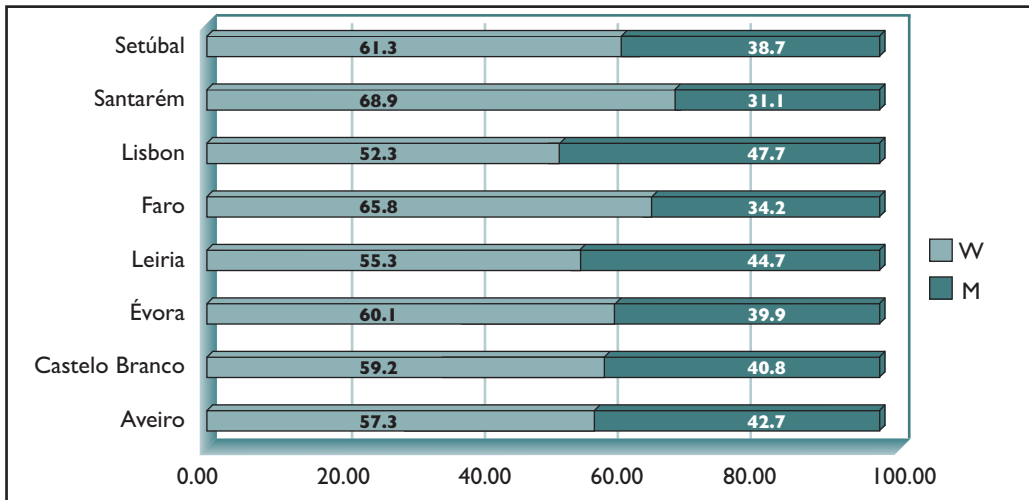
³⁴ MTSS/DGEEP, Personnel Charts, 2004

³⁵ Idem

³⁶ Idem

³⁷ CESTUR (2005); “Competitiveness of Portuguese Restaurants in comparison with the offer available in Spain”. Lisbon, ARES, p.32

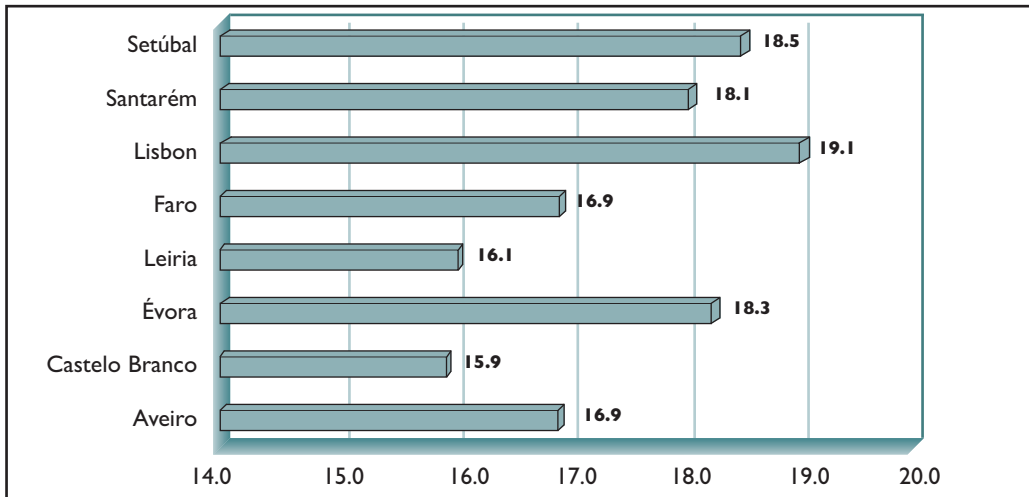
Table 7: Men/Women workers in the whole restaurant sector in the surveyed Districts, by gender (%)



SOURCE: MTSS/DGEEP, Personnel Charts, 2004

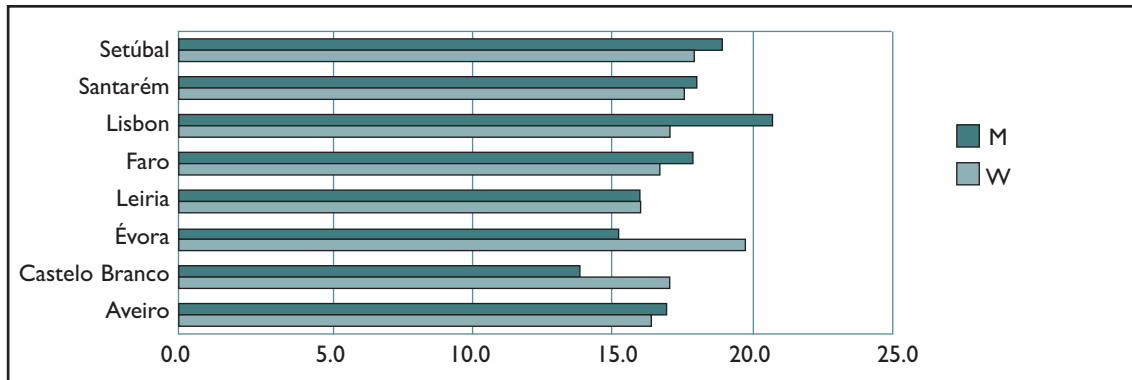
When we look at the proportion of “senior” (over 50) men and women workers, we notice a more or less even distribution in the eight districts. The fact that Lisbon, Setúbal, Santarém and Évora have the highest proportion may be linked to the existence of older establishments in these districts.

Table 8: proportion of “senior” men/women workers, by districts (%)



SOURCE: MTSS/DGEEP, Personnel Charts, 2004

Table 9: “Senior” men/women workers in the whole restaurant sector, by district and gender (%)

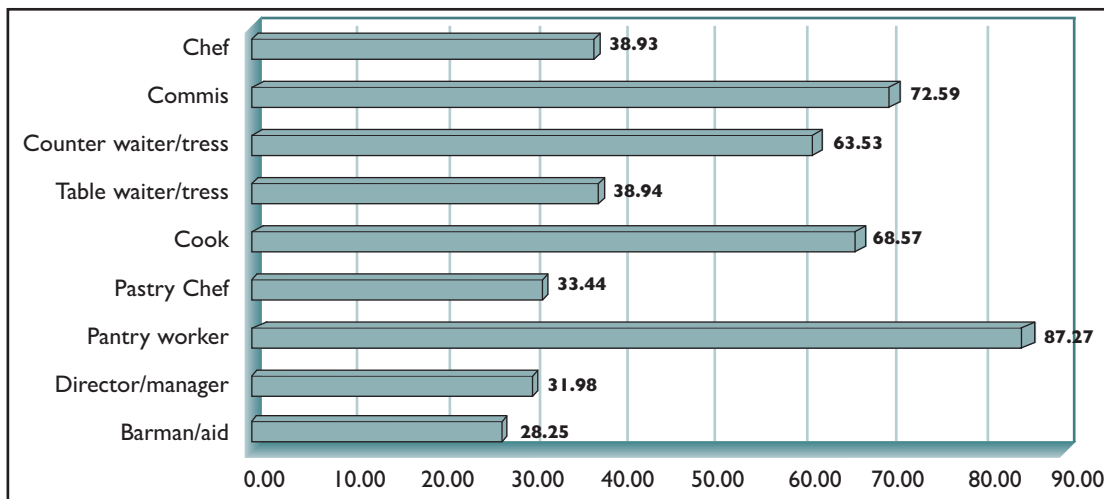


SOURCE: MTSS/DGEEP, Personnel Charts, 2004

According to Table 9, active “senior” women are in a larger number in the Évora district, with the Faro and Aveiro districts showing the smaller number of women over-50 at work in this sector. Concerning the share of active “senior” men by district, we see a larger proportion in the Lisbon and Setúbal districts, respectively 21% and 19.1% of the total number of male workers in the sector (nationally).

Let us now analyse the women’s distribution in the different restaurant occupations. In reading Table 10 we may confirm a predominance of jobs occupied by women – commis (kitchen or behind counter), waiter (behind counter), cook and pantry worker – in any of these jobs women represent over 60% of the total number of workers.

Table 10: Feminise rate of some restaurant jobs in the surveyed jobs (%)



SOURCE: MTSS/DGEEP, Personnel Charts, 2004

The concentration of women in 2 occupations (pantry workers and commis) might explain, even if only in part, the wage gap between women and men, since these are jobs with lower wages in comparison to other jobs of the same sector; but also because there is a wage gap between women and men in these particular jobs.

According to 2004 MTSS/DGEEP figures, for the categories “apprentices, auxiliary, commis and trainees”, in restaurants, women’s monthly flat remuneration was 395,6 Euros, while men earned 402,12 Euros.

After this short characterisation of the sector and brief description, district by district, we now present some results of an enquiry to men and women workers³⁸ and of interviews with human resources managers in the sector³⁹, both of these carried out in the context of the Portuguese project “Revalorise Work to Promote Equality”.

3. The views of workers in this sector

The majority of answers given to the questionnaire⁴⁰ by 560 men/women workers in restaurants came from women (58% of answers). The average age of men/women workers who answered was 36 years and more than half of them finished compulsory education (9 years). However, we found a significant number of people with only primary school education (4 years school attendance), particularly amongst the over-45⁴¹. The growing presence of foreign workers in the sector was confirmed, that is, 22% of the answers came from people who declared not being Portuguese nationals, with their majority being women, particularly Brazilian women.

Results allowed observing that there is a concentration of women in certain jobs and of men in other. Pantry workers, waitresses at the counter and cleaners are mostly female jobs, while barmen, head waiters and head cooks or chefs are predominantly masculine occupations. When enquired whether there should be men’s jobs and women’s jobs, 81% of men and women answered no. From those that answered yes, meaning that there should be jobs specifically for women or for men, 45% did not give a justification for their answer. More women than men answered that there should be specific jobs for men or women. Collected answers confirm the predominant stereotype representation of the reasons for sexual segregation, like “physical effort” in the men’s case and “feminine sensitiveness” in the women’s case. This differentiation has an impact in terms of the factors that are mentioned to justify salary gaps. Although less representative among the factors that were indicated, it is still significant that 18 people considered the salary gap as the consequence of workers being either male or female.

Finally, we must add that there is an overall feeling by both men and women workers who answered the questionnaire that their occupation is very lowly praised, with women feeling this more strongly. A similar situation happens in relation to their job satisfaction. Worth mentioning is the factor which is indicated as being less satisfactory, their remuneration (income) and also that in the 12 aspects which are related with satisfaction at work⁴² “men showed a level of satisfaction clearly superior to that of women, for all 12 items”⁴³. We may find a link between these answers and the wages indicated, since a significant majority of men/women who answered (70.2%) declared that their salaries were between 400 and 700 euros/month, with only 12.9% getting salaries above 700 euros.

³⁸ Cabrita, Jorge (2006 a) [Xerox]; **Enquiry to men and women workers in the restaurant and beverages sector – Contribution to a methodology on job analysis without gender bias**, Lisbon, CESIS, in Project Revalorise Work to Promote Equality (EQUAL).

³⁹ Cabrita, Jorge (2006 b) [Xerox]; **Enquiry to men and women workers in the restaurant and beverages sector – Contribution to a methodology on job analysis without gender bias**, Lisbon, CESIS, in Project Revalorise Work to Promote Equality (EQUAL).

⁴⁰ Questionnaires distributed to men and women workers by FESAHT, the sectoral trade union federation, a project partner, between January and May 2006.

⁴¹ Because of their age, this corresponds to minimum compulsory education. The education reform of 31 December 1956 meant, among other, the increase of minimum school attendance to 4 years (only for boys), through Law Decree 40.964 of 31 December. Girls were only included in 28 May 1960 (Law Decree 42.994 of 28 May).

⁴² Income, job stability, type of work, work rhythm, No. of working hours, working time, valorisation of the occupation as seen outside the workplace, working conditions, work environment, travel periods (home – work – home) and Health, Hygiene and Safety at Work.

4. A sector which provides a “public service”

In relation to the information obtained in 43⁴⁴ **interviews with human resources managers or general managers and shop owners**, it must be underlined that, in the one hand, they have a perception of the sector’s importance to the country’s economy and, on the other, they mentioned the relevance of some occupations, of recruitment, of vocational training and of remunerations.

Their opinions are highly relevant since most of those who were interviewed are owners or managers of the establishments.

In opposition to what happened for the men/women workers’ profile, in this case there is a clear masculine predominance, with 34 men and 4 women. Concerning their school qualifications, a clear majority mentioned that they have at least 12 years of school attendance with their average age standing at 40, with women slightly lower, at 38.

Concerning the opinions they expressed on the sector’s positive and negative features, it is important to underline the recognition of the fact that this sector is going through “development” and because it is a dynamic reality, which renders a “public service” it therefore requires “qualified human resources”. It is precisely in this domain that some shortcomings were mentioned by the people who manage the establishment, difficulties which affect them. These are “a high job rotation”, “difficulty in giving incentives to some occupations”, need to “improve the service to the customers”, lack of training”, resistance from “the staff in abiding by Security, Hygiene and Health at Work regulations”⁴⁵, and also “women workers’ absenteeism” due to family reasons.

The HR managers identified the sector’s key occupations and also which should be the characteristics of a good male or female worker. Jobs connected with “production” are clearly indicated in the answers as being the most important ones: male/female cook, male/female pastry chef and male/female “barbecue workers”. However it is still worth mentioning that 15 of the 43 people interviewed declared, “All jobs are equally important to the establishment’s functioning”⁴⁶. “Team work”, “vocational training”, “flexibility”, “honesty”, “optimism”, “attitude”, “experience” as “the most important requirements for a good job performance”⁴⁷.

It was also demonstrated that there is a clear perception that requirements differ according to the different jobs. For instance, the main requirements of a man/woman pantry worker are “tolerant with routine” and “speed”, whilst for “table waiters/waitresses it is “sympathy”, “education”, “competence” and “being discreet”, among other.

Regarding salaries, the higher ones are applied either to the managerial or supervisory jobs, or to those that require experience and vocational training like: chefs, cooks, head pastry chef, manager or station waiter.

When enquired on whether there should be jobs “specifically done by women or men”, 23 out of 43 men and women interviewed clearly said no. Nonetheless, they also declared that “women are more inclined to work in the kitchen, they have more sensitivity to tidy up things...”⁴⁸ and that in the predominantly masculine jobs “skills don’t really count, what matters is lifting and carrying weights”⁴⁹.

A final note concerns the impact of the working time organisation in the men/women’s personal and family lives. The features of this sector, marked by variable working hours, in different ways: shift work, work-sharing, weekend work, Saturday or night work, are a major challenge to management since it has to make sure that “the work” is done. A particular problem was detected particularly in the small-sized establishments, and that was the fact of women finding it more difficult to reconcile working hours with their family responsibilities and also their more frequent absenteeism. According to men/women HR officers, “women are more useful when working at home. Normally, men don’t ask for leaves to look after their children or relatives”⁵⁰.

⁴³ Cabrita, Jorge (2006 a), p.32

⁴⁴ 40 interviews were done, from December 2005 to May 2006, with human resources managers, general managers or owners in shops that are members of ARESP, the employers association that is a partner in this project.

⁴⁵ Health, Hygiene and Safety at Work

⁴⁶ Jorge Cabrita (2006, b), p. 13

⁴⁷ Idem, p.14

⁴⁸ Idem, p. 17

⁴⁹ Ibidem

⁵⁰ Idem, p. 28

5. Legislation promoting equality and non-discrimination

The promotion of men and women's equality is mandatory in the Constitution of the Portuguese Republic⁵¹ and a fundamental task of the State, but also a mission of the European Union⁵², namely in terms of employment and work.

Like any other branch of Law, Labour Law is enshrined in the 1976 Constitution of the Portuguese Republic, whose provisions, besides the general equality principle in Art. 13⁵³, declare:

- The right to work, with the State's responsibility of promoting policies of full employment, equal opportunities in the choice of a job or type of occupation and in creating the conditions for the non-limitation or denial – depending on the gender – of the access to whichever jobs, work or work positions, to cultural and technical training and to the workers' occupational improvement (Art. 58);

The core workers' rights, regardless of age, gender, race, nationality, country of origin, religion, political or ideological beliefs (Art. 59, No. 1) are:

- The right to a remuneration from work, according to the work quantity, nature and quality, observing the principle of equal pay for equal work, in order to ensure a dignified existence;
- The right to work in organisation under socially dignified conditions, in order to enhance personal fulfilment and allowing for the reconciliation of work and family life⁵⁴;
- The right to work in hygienic, safe and healthy conditions;
- The right to rest periods and leisure, to a maximum working day, to rest weekly and to be paid periodical leaves;
- The right to material aid, when involuntarily becoming unemployed,
- The right to legal assistance and fair repairing, when victimised by an occupational accident or disease.

Simultaneously, maternity and paternity are considered essential social values, with women being entitled to special protection during pregnancy and after childbirth. Working women are also entitled to a work leave for an adequate period, without loss of salary or of any other entitlements (Nos. 2 and 3 of Art. 68). The State has the duty of securing the conditions of work, remuneration and rest to which workers are entitled, namely women's special work protection during pregnancy and after childbirth [item c) of No. 2 of Art. 59 of the 1976 Constitution of the Portuguese Republic].

The right to work leaves for an adequate period, which must safeguard the children's interests and the family needs, which are attributed to both parents (father and mother) are regulated by Law (Art. 68, item 4).

With the enforcement of the new Labour Code, in December 1st, 2003, a Labour Code adopted in Law No. 99/2003, 27 August, and regulated by Law No. 35/2004, 29 July, these were a partial or total transposition of EU regulations⁵⁵, conventional law and other international regulations⁵⁶ that also aim to ensure equal opportunities for men and women, and the insertion of nearly all legislation related with the regime of equal opportunities and treatment for men and women at work, employment and vocational training and the regime protecting maternity and paternity, previously scattered in different legal instruments published since 1979.

⁵¹ CPR, 1976 – art. 9, item h.

⁵² Amsterdam Treaty, New drafting of Art. 2

⁵³ "All citizens are entitled to the same social dignity and are equal before the law, and cannot receive privileges, benefits or be damaged or deprived of any right or exempted from any duty, as a consequence of ascendancy, gender, race, language, territory of origin, religion, political or ideological beliefs, education, economic situation, social condition or sexual orientation, CPR (1976) Art. 13

⁵⁴ Please consult Law-Decrees No. 426/2006 and No. 869/2006 of 2 May and 29 August respectively, which put in place and regulated the Programme for the Increase of the Social Equipments Network (PARES) and the Programme in Support of Investment in social Equipments (PAIES).

⁵⁵ Please consult, among other:

Council Directive No. 75/117/EEC of 10 February 1975 on the approximation of member states legislation relating to the application of the principle of equal pay for men and women
Council Directive No. 76/207/EEC of 9 February 1976 on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions, altered by the Joint Council and European Parliament Directive 2002/73/EC of 23 September

Council Directive No. 92/85/EEC of 19 October 1992 on the introduction of measures to encourage improvements in the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding

Council Directive No. 96/34/EC of 3 June 1996 on the framework agreement on parental leave concluded by UNICE (Union of European Employers Confederation), CEEP (European Centre of Public Enterprises) and the ETUC (European Trade Union Confederation)

Council Directive No. 97/80/EC of 15 December 1997 on the burden of proof in cases of discrimination based on sex.

There was also a transposition of Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin and Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation.

⁵⁶ - UN, International Covenant on Economic, Social and Cultural Rights – adopted for ratification by Law 45/78, of 17 July

- Convention on the Elimination of All Forms of Discrimination against Women – adopted for ratification by Law 23/8°, of 26 July

- ILO, Convention No. 100, on Equal Remuneration – adopted for ratification by Law No. 47302, of 4 November 1966

- Convention No. 103, on Maternity Protection – adopted for ratification by Law No. 63/84, of 10 October 1984

- Convention No. 111 on Discrimination (Employment and Occupation) – adopted for ratification by Law No. 42520 of 23 September 1959

- Convention No. 156 on equal treatment and opportunities for workers of both genders: workers with family responsibilities – adopted for ratification by Law No. 67/84 of 11 October 1984

- Equal Remuneration Recommendation No. 90

- Workers with Family Responsibilities Recommendation No. 165

- Maternity Protection Recommendation No.95

COUNCIL OF EUROPE

- European Social Charter and Attached Protocols

- European Social Security Code

- Resolution on the employment of women, 11 January 1977

- Declaration on equality for women and men

- Recommendation No. 1146 of 11 March 1991, relating to equal treatment and opportunities for men and women in the labour market.

Article 22 of the labour Code, under the title *Right to Equality in the Access to employment and work*, states that all workers are entitled to equal opportunities and treatment concerning access to employment, to vocational training and job promotions and to working conditions, from this deriving that no worker or job applicant may be privileged, benefited, damaged or deprived from any right or exempted from any duty, namely due to ascendancy, age, gender, sexual orientation, civil status, family situation, genetic heritage, reduced working capacity, disability, chronic disease, nationality, ethnic origin, religion, political or ideological beliefs and trade union affiliation.

Complementary to this (in Art. 23 of the Labour Code) there is a provision *Prohibiting discrimination* through which, no employer is allowed to practice any kind of direct⁵⁷ or indirect⁵⁸ discrimination, namely based on ascendancy, age, gender, sexual orientation, civil status, family situation, genetic heritage, reduced working capacity, disability, chronic disease, nationality, ethnic origin, religion, political or ideological beliefs and trade union affiliation (No. 1). However, behaviours based upon one of these factors are no longer considered a discrimination whenever that factor, due to the respective nature of a given job, is a justified and determinant requisite for doing that particular job, although No. 2 of that Article states that the objective must be legitimate and the requisite proportional.

Without prejudice to the legal provisions concerning the exercise of a certain job by foreign or stateless citizens and the specific protection to pregnancy, maternity, paternity, adoption and other situations concerning the reconciliation of work with family life, the right to equal opportunities and treatment related with access to employment, vocational training, promotions and working conditions concerns:

- a) The criteria for selection and recruitment, in all economic sectors and at all levels of the hierarchy;
- b) The access to all kinds of vocational guidance, training and conversion at all levels, including the acquisition of practical experience;
- c) Remunerations and other income benefits, promotions at all levels of the hierarchy and the criteria for the selection of workers to be dismissed;
- d) Affiliation or participation in worker or employer organisations, or in any organisations whose members do a given job, including the benefits awarded by that organisation (Nos. 1 and 2 of Art. 33 of Law No. 35 of 29 July 2004).⁵⁹

Certain positive action measures, which are temporary legal instruments and bring benefits to certain disadvantaged groups, are not considered discriminatory. These measures relate to gender, reduced working capacity, disability or chronic disease, nationality or ethnic origin with the aim of ensuring, under equal conditions, the rights foreseen in the Labour Code and to rectify a factual inequality situation that may persist in social life (Art. 25 of the Labour Code).

Harassment of male or female workers who are job seekers – defined as any type of undesirable behaviour related with ascendancy, age, **gender**, sexual orientation, civil status, family situation, genetic heritage, reduced working capacity, disability, chronic disease, nationality, ethnic origin, religion, political or ideological beliefs and trade union affiliation, which is carried out in access to employment or already at work or during vocational training, with the aim of affecting the dignity of an individual or creating an intimidating, hostile, downgraded, humiliating or destabilizing atmosphere – is considered a discrimination (No. 1, Art. 24 of the Labour Code). Harassment is, in particular, any kind of sexual undesirable behaviour, orally, non-orally or physically expressed, with the above-mentioned aim or consequence (No. 2, Art. 24 of the Labour Code).

⁵⁷ There is direct discrimination whenever – due to the factors indicated in No. 1 of Art. 23 of the Labour Code – a person is subject to a form of treatment which is, was or will be ensured to another person in a comparable situation [item a) of No. 2 of Art. 32 of law No. 35 of 29 July 2004]

⁵⁸ There is indirect discrimination whenever an apparently neutral provision, criterion or practice might place people covered by any characteristic factors indicated in No. 1 of Art. 23 of the Labour Code, in a disadvantageous position in comparison with other persons, unless that provision, criterion or practice is objectively justified by a legitimate aim and that the means necessary to attain it are adequate and necessary [item a) of No. 2 of Art. 32 of Law 35 of 29 July 2004]

⁵⁹ Age may substantiate different treatment in those domains, as long as they are necessary and appropriate to attaining a legitimate objective, notably relating to employment, labour market or vocational training policies (No. 3 of Art. 33 of Law 35 of 29 July 2004)

Those who allege a direct or indirect discrimination, namely based on ascendancy, age, gender, sexual orientation, civil status, family situation, genetic heritage, reduced working capacity, disability, chronic disease, nationality, ethnic origin, religion, political or ideological beliefs and trade union affiliation, must prove it, by indicating the worker or workers in relation to whom they feel discriminated, whilst the employers have to prove that differences in working conditions are not based on any of those factors (No. 3, Art. 23 of the Labour Code).

Should anyone allege being discriminated in access to work, vocational training or working conditions namely as a result of maternity leave, leave for pre-birth medical appointments, protection of health and safety and from dismissal of the pregnancy, puerperal or breast-feeding women, parental leave or absence for childcare – the same regime applies (Art. 35, Law No. 35 of 29 July 2004).

The practice of any illegitimate act that harms male or female workers or job seekers entitles them to a compensation for asset and non-asset damage, under the general provisions of Art. 26 of the Labour Code. For the sake of protecting men and women workers, any acts which may damage them and which result from their rejection or of their submission to discriminatory acts, will be considered as null (Art. 34 of Law No. 35 of 29 July 2004).

Besides those foreseen in No. 1 of Art. 23 of the Labour Code, other discrimination factors are the place of origin, language, race, education, economic situation and social origin or condition. Considered as discrimination are orders or instructions that aim to damage people on the basis of one of those factors (Nos. 1 and 3 of Art. 32 of law No. 35 of 29 July 2004).

Employers must inform men and women workers – by posting bills in appropriate places – on their rights and duties in terms of equality, non-discrimination, maternity and paternity (Arts. 31 and 67 of Law No. 35, of 29 July 2004).

Since all sex-based exclusions from and restrictions of access of men and women job applicants to any kind of occupation or training required to accede to that job are a type of sex-based discrimination, job offer advertisements and other forms of publicity connected with pre-selection or recruitment cannot contain any direct or indirect sex-based restrictions, specifications or preferences (Art. 27 of the Labour Code).

For the same reason, employers must keep a registration of all recruitments, for a period of five years, specifying the following elements, divided by gender:

- a) Job offers
- b) Advertisements of job offers
- c) Number of applications presented for curriculum analysis
- d) Number of applicants interviewed during pre-selection
- e) Number of applicants awaiting hiring
- f) Results of admittance or selection exams or tests
- g) Social Balances, in conformity with Arts. 458 and 464 as well as legislation relating to public administration, which include information that helps detect possible discrimination of one of the genders in relation to access to employment, vocational training, promotion and working conditions (Art. 40 of Law No. 35 of 29 July 2004).

Under no circumstance is the employer allowed to require from a woman job applicant to go through or to show pregnancy tests or exams; the doctor responsible for those medical tests is only allowed to tell the employer if the worker is able or unable to do the job, except when the worker authorises it in writing (Nos. 2 and 3 of Art. 19 of the Labour Code).

Equal working conditions for workers of both sexes, particularly relating to remuneration, is explicitly ensured, with differences in remuneration not being considered discriminatory if based on objective criteria that are common to men and women. It is namely accepted that there may be differences based on merit, productivity, assiduity or seniority of the workers, the exception being leaves, absences and authorised leaves from work, relating to maternity and paternity protection (Nos. 1 and 2 of Art. 28 of the Labour Code and No. 3 of Art. 37 of Law No. 35 of 29 July 2004). The systems that define work tasks and duties should be based on objective criteria, common to men and women, in order to exclude any form of gender-based discrimination (No. 3 of Art. 28 of the Labour Code).

For this purpose, equal remuneration notably implies the elimination of all forms of gender-based discrimination, in all the elements from which depend its definition.

For equal work or work of the same value:

- a) Any form of variable remuneration, namely for work at piece rates must be established on the basis of the same measuring unit;
- b) Remunerations estimated on the basis of working time must be the same (Nos. 1 and 2 of Art. 37 of Law No. 35 of 29 July 2004).

Equal work is that in which the work done for the same employer is equal or objectively similar in nature, quality and quantity [item c) of No. 2 of Art. 32 of Law No. 35 of 29 July 2004].

Work of equal value is that which corresponds to a set of tasks, performed for the same employer and considered equivalent namely relating to the required qualifications or experience, to responsibilities entrusted, to the physical and psychic effort and to the conditions of work [item c) of No. 2 of Art. 32 of Law No. 35 of 29 July 2004].

All workers, regardless of gender, are entitled to the full development of their respective occupational career (Art. 29 of the Labour Code).

Art. 31 of the Labour Code ensures that the provisions of any collective labour regulation instrument that establishes a definition of jobs and occupations of male and female workers must be applied to both sexes, and that collective labour regulation instruments must include, whenever possible, provisions that aim at effectively putting in place standards on equality and gender-based non-discrimination.

Art. 29 of Law No. 35 of 29 July 2004, regains and broadens those regulations, by establishing that the provisions contained in the constitutions of employer and workers' representative organisations, as well as the internal company regulations which limit the access to all types of jobs, occupations, vocational training, working conditions or career, exclusively to male or female workers, except the cases foreseen in No. 2 of Art. 23 (*Positive Action Measures*) and in Art. 30 of the Labour Code (*Protection of Genetic Heritage*) must be applied to both genders (No. 1).

The provisions relating to collective labour regulation instruments, as well as internal company regulations which fix working conditions, notably remunerations and which exclusively apply to male or female workers in occupations with an equal or similar task and duty content, are substituted with the more favourable provision, which will as from there, cover workers from both sexes, in the understanding that an occupational category has an equal or equivalent functional content when its respective set of functions (tasks) corresponds, respectively, to equal work or to work of equal value, in accordance with items c) and d) of No. 1 of Art. 32 (Nos. 2 and 3 of the same paragraph).

In vocational training courses, preference must be given, whenever justifiable, to workers of the under-represented sex, whose jobs are predominantly done by one of the sexes. Likewise, for vocational training actions directed at workers with a low school grade, without skills, single parents or enjoying maternity, paternity or adoption leave (Art. 36 of Law No. 35 of 29 July 2004). Workers who return from a period of leave for caring for a child or adopted child or for disabled persons or persons with a chronic disease, are entitled to his/her employer allow them to attend training and continued training, in order to ensure their full occupational reinstatement (Art. 48 of the Labour Code).

6. Mechanisms for equality

There are two government mechanisms specifically geared at and dedicated to men and women's equal rights and opportunities⁶⁰.

The Commission for Equality and Women's Rights – CIDM – which is integrated in the Prime Minister's office. This Office organises meetings of the Advisory Council (it has an Inter-Ministerial Section and a Section for the NGOs).

"CIDM was founded by Law-Decree No. 166 of 9 May 1991 and is the successor of the Feminine Condition Commission, which had been put in place through Law-Decree No. 485 of 17 November 1977, which was working previous to this date, in any case"⁶¹.

⁶⁰ As a result of the current central government restructuring, the mission and responsibilities of the two bodies that supervise the promotion of equality should soon be defined in a specific law.

⁶¹ <http://cidm.madbug.com/?ToplevelID=3> (Access on 3 April 2007)

CIDM is assigned the task of contributing to the enforcement of the principle of equal opportunities, rights and dignity for men and women, of acting to attain an effective joint responsibility of men and women in all spheres of family, work, social, cultural, economic and political life and also to contribute to the recognition of maternity and paternity's social function and of its derived social responsibilities. The Prime Minister's Office adopted Law-Decree No. 202 of 27 October 2006, which extinguished CIDM and attributed its previous responsibilities to the Commission for Citizenship and Gender Equality [item g) of No. 3 of Art. 29], with its responsibilities defined in Art. 14.

The Commission for Equality at Work and Employment – CITE. It is dependent from the government minister in charge of labour and social security, in articulation with the Cabinet minister responsible for gender equality issues [No. 6 of Art. 20 of the 17th Constitutional Government's Organic Law, adopted in Law-Decree No. 79 of 15 April 2005, and item b) of No. 1 of Art. 7 and Nos. 1 and 2 of Art. 32 of the Ministry of Labour and Social Security's Organic Law (LOMTSS) adopted in Law-Decree No. 211 of 27 October 2006, and rectified by the Rectification Declaration No. 83-A of 26 December 2006].

According to No. 1 of Art. 32 of the Ministry of Labour and Social Security's organic Law (LOMTSS), CITE has the mission of promoting equality and non-discrimination between women and men at work, employment and vocational training, as well as protecting maternity, paternity and reconciliation of work and family life in the private and public sectors, by responding to consultation and communication developed by public and private bodies and by monitoring and registering inspection and judicial activities relating to practices of discrimination at work.

Among the CITE competences, we highlight giving binding opinions prior to a contrary court ruling on dismissals of pregnant, after giving birth or breast-feeding workers (Art. 496 of Law 35/2004) and on the intention of refusing part-time work or work with flexible hours to workers who are parents of children under 12.

All employers are also obliged to inform CITE – for its evaluation – on the non-renewal of fixed-term contracts of pregnant, after giving birth or breast-feeding workers (Art. 133 of the Labour Code).

CITE may also be asked, by the General Labour Inspection, by the courts, by the Ministries, by the social partners or by anyone interested and may produce recommendations for the Ministry of Labour to improve and change the labour legislation, to give opinions on issues relating to equality at work and employment. CITE also has to communicate to the General Labour Inspection all discriminatory practices that it has detected and also make a registration of all court decisions on equality and non-discrimination which courts send it. Simultaneously, it organises awareness-raising campaigns on legislation, studies and research and it prints legislative publications (No. 1 of Art. 496 of Law No. 35 of 29 July 2004).

7. Best practices in the public and private sectors

The “Equality is Quality” Award

Annually, and since the year 2000, CITE attributes the Award “Equality is Quality” to enterprises – public or private, co-operative or associations and other non-profit making organisations, in which are identified positive examples of equal opportunities for men and women and of reconciliation of work with family life.

Among this award's objectives, we highlight: fighting labour market segregation, reducing inequalities in men and women's average monthly earnings, creating conditions for progress in collective bargaining, improving the quality of working conditions, introducing the notion of reconciling work and family life in the culture of enterprises and to honour positive actions in enterprises and organisations.

Large companies were already honoured with this award. This was the case of IBM Portugal, TAP, Oracle Portugal, Montepio Geral (Bank), Opel Portugal, Salvador Caetano, Nestlé, SME like Bruno Janz, Heska, Grafe, Barreiros Chemists, public institutions like the Loures Town Council Water and Sewerage Department, and co-operatives like the Reguengos de Monsaraz Agricultural Co-operative. Their evaluation observed several areas of equal opportunities and the contest had a grid, which was drafted according to several objective assessment factors⁶².

⁶² The Award-Form may be seen in its Portuguese version in: http://www.cite.gov.pt/lquald_Qualid/Formulario.htm, French version in: <http://www.cite.gov.pt/Versfranc/theequalEA.htm> and English version in: <http://www.cite.gov.pt/VesIngl/theequalEA.htm> (access on 3 de April 2007)

Since its introduction in 2000, the Award has already been evaluated in relation to the process that led to more than a hundred and fifty contestants having run⁶³. The Balance Report derives the following conclusions:

- A significant influence of the regional, sectoral and organisational context on the policies and practices of men and women's equality;
- Co-existence of two kinds of practices, on the one hand some that formalize procedures and others that keep practices informal, with this "eventually allowing for discretionary options";
- Different interpretations and conceptions on what the promotion of equality may be;
- Stereotype view that certain occupations are more appropriate for men than for women;
- Slack knowledge of labour legislation and difficulty of men/women workers in accessing to that information.

Up to now, 28 enterprises/organisations were honoured with the Prize or with a Citation, some of them more than once, and this may be an indicator on how keen companies are about the Award, and even more because some of them may tend to see these good practices in a favourable context of developing corporate social responsibility practices.

8. Positive actions in the enterprises

The principle of men and women's equality is enshrined in the Constitutional and legislative texts, as was mentioned on Chapter V. However "there are still factors of women's discrimination which clearly appear when carrying out a profound analysis of men and women's participation in the labour market (discrimination in access to employment and in the more responsible positions, lower salaries, contract precariousness, downgrading of female work, etc.)"⁶⁴.

Positive actions or positive action measures are one way of promoting occupational equality, coupled with other initiatives, and their objective is reducing or eliminating any disadvantage resulting from gender of belonging (or other), resulting in damage to the people who are the victims of discrimination (see page 17).

In Portugal, like in all European Union member states, several initiatives have been undertaken with that purpose. The EQUAL Community Initiative is one of the examples⁶⁵. The projects developed in the framework of this initiative have attempted to translate the principle stated in 1984⁶⁶ into practices that mobilise the key stakeholders in this domain: the enterprises.

In this chapter, we also mention, albeit in a summarised way and only as an example, one of the projects developed on Phase I, which included the negotiation of positive action protocols with the enterprises – the "Acting For Equality" Project⁶⁷.

Those protocols contributed to disseminate the current legislation, to establish formal commitments on their fulfilment, to consolidate, solidify and enforce rights related with maternity and paternity, with reconciliation of work and family life, improve working conditions, inter-acting in collective bargaining, seeking to highlight and detect (in order to eliminate) situations of remuneration inequalities, highlighting direct and indirect discrimination situations. Altogether, we generally agreed, among other, on the following issues: ensuring the enforcement of the general equality principle; ensuring the fulfilment of rights related with maternity and paternity; ensuring the enforcement of the principle of reconciliation of work and family life; ensuring the enforcement of the principle of equal pay for work of equal value; ensuring equal opportunities in access to vocational training.

As for more specific issues, there was agreement on the following:

Equality in selection and recruitment

- Agreements to enhance job applications of workers of the under-represented gender or absent from occupation;
- Agreements for the improvement of the technical process of evaluating of male/female job applicants, with an explicit reference to the selection criteria.

⁶³ GUERREIRO, Maria das Dores and PEREIRA, Inês (2006), *Corporate Social Responsibility, equality and work-family reconciliation – Experiences of the "Equality is Quality Award"*, Lisbon, CITE

⁶⁴ <http://www.equal.pt/documentos/CE20-Elimina%C3%A7%C3%A3o%20da%20discrimina%C3%A7%C3%A3o%20no%20trabalho.doc>
Access 2 April 2007

⁶⁵ In Portugal, the 1st period to put the bids (to Phase One's Action 1) was 2 April – 29 June 2001

⁶⁶ Council Recommendation, 13 December 1984, relating to the promotion of positive actions favouring women, *Official Journal No. L 331, 19/12/1984, pp. 34 - 35*

⁶⁷ The "Acting for Equality Project" is the result of a development partnership formed by: the CGTP-IN (leading partner), Association for Education Bento de Jesus Caraça, Centre of Research for Social Intervention (CESIS), Commission for Equality at Work and Employment (CITE), Institute for the Development and Inspection of Working Conditions (IDICT), Institute of Employment and Vocational Training (IEFP) and Centre for Training and Technological Innovation (INOINTER).

Equality in the categories, careers, promotion or performance evaluation

- Agreements on incentives to placing women or men in categories and departments where they are under-represented;
- Agreements on a clear definition – with broad information to the workers – of selection criteria, career promotion plans, promotion on merit and/or performance evaluation;
- Agreements on evaluation criteria, which take into consideration vocational skills and each male/female worker's potential; agreements for the timely evaluation of male/female workers.

Equality in access to managerial positions

- Agreements to ensure that priority is given to the under-represented sex, in recruiting, under equality conditions, for leadership positions.

Equality in pay policies

- Agreement for a positive drafting of a salary readjustment plan, in order to fulfil the principle of equal pay for equal work or work of equal value, across a 4-year tendency period.

Regulating productivity and/or assiduity bonuses

- Agreements that ensure that the bonuses regulations do not penalise duly justified work absences, resulting from maternity and paternity.

Equality in vocational training

- Agreements on equal access to training, by eliminating obstacles to participation in training;
- Agreement on participating in training, relating to timetables, safeguarding that courses are held during working periods (total or partial);
- Integrating a module on gender equality in the contents of training directed at men/women workers at large and/or specifically directed at those in leading positions or doing staff recruitment;
- Agreements to facilitate the access to vocational training to those workers who have had less access to training needs.

Informing on Equality

- Inserting in the Intranet information on the maternity/paternity law and on equal opportunities in employment;
- Agreement to post information bills in the enterprises and to inform on equality rights and duties.

Equality in contracts

- Commitment to establish open-ended work contracts and of not using temporary work agencies, in the case of permanent jobs;
- Agreement to strike a balance between sexes in fixed-term contracts;
- Equal social protection rights, regardless of type of work contract.

Social Aid to the family

- Principle Agreements on the creation of objective conditions for the enforcement of maternity and paternity rights, forbidding any damage caused to male/female workers;
- Agreements to move on to create flexible forms of working time organisation;
- Agreements to create objective conditions for the reconciliation of work and family life;
- Agreement for the gradual reduction of overtime, in order to promote the reconciliation of work and family life;
- Agreement to draft a study to implement the principle of reconciliation of work and family life;
- Agreement to offer one food shopping basket on the occasion of the birth of the first child of any company worker and 100 euros credit for the same shopping goods, to be used until the child's 1st birthday;
- Agreement for the creation of a birth or adoption allowance, in the same amount as the company's average salary, to be offered to one of the spouses (company workers); agreement to create school grants for the 3 best students (children of company workers).

9. Final Remarks

The picture we were able to draw, using the key indicators⁶⁸, which characterise the labour market, confirms the international tendencies of women's employment⁶⁹, in other words, the increase in the rate of female activity, the improvement of school qualifications and the growth of women's employment in the tertiary sector, together with the continuation of differences between men and women.

One of the first notes extracted from our analysis, albeit summarised and non-exhaustive, is that we now have a picture of women's contribution, conditions and constraints in the labour market. All sources, without exception, show the work structures organised according with two organising principles⁷⁰:

- The "separation principle" translated into the existence of "men" and "women's" "jobs";
- The "hierarchy principle" relating to the fact that a man's occupation has more value than a woman's occupation.

By reading the different sources we conclude that:

- Portuguese women continue to be intensively active in the labour market, regardless of age and family situation.
- Despite their growing participation in the labour market, they are still the majority of the unemployed and inactive population.
- When analysing work contracts, we see that women are more numerous in fixed-term contracts.
- Despite the Portuguese active population's low level of school qualifications, the growing improvement of women's school qualifications (particularly the young) is quite significant.
- The improvement of women's school qualifications is still not matched by a better representation in the more qualified occupations.
- The Portuguese women's average earnings are inferior to men's, even in the activity sectors with women's predominance.
- Women's concentration in the lower paid jobs has an impact in salary gaps.
- There is a persistence of an occupational pattern which sends women to a kind of "household employment situation", when we detect a high predominance of women workers in occupations like pantry workers or commis.
- There is a higher visibility and knowledge of the male-predominant occupations in relation to female-predominant occupations.
- Women are more often classified as assistants (or aides) and are less exposed to the clients (kitchen and behind the counter).
- It is mostly the personal features (physical and psychological traces), which are used to justify for the existence of occupations for men or for women.
- On average, men show longer seniority in the occupation and in the company than women.
- Night and overtime work is more frequent among men workers.
- Concerning promotion and vocational training, men's proportion is higher.
- Men have a more favourable perception on the recognition/worth of their occupation than women.
- Human Resources managers recognise the impact of working hours in the sector on the reconciliation of workers family life and work.
- There is a continued stereotyped representation of men and women's social role models which goes beyond their occupation and which links women to providing child care (even seen as their obligation).

⁶⁸ Activity rate, employment rate, unemployment rate, inactivity rate, remunerations and type of contract, among other

⁶⁹ See ILO, International tendencies of women's employment, Summary, Geneva, ILO, 2007

⁷⁰ KERGOAT, Danièle (2005): «Femmes,

References

- AA.VV. (2004); **Compilation of elements for a specialised consultation on men and women's equal remuneration**, Lisbon, CITE.
- ARESP, Barometer of the restaurant and beverages sector (2006), Lisbon (No. 0).
- ARESP, Barometer of the restaurant and beverages sector (2007), Lisbon (No.1).
- Azema F. (2003), *For active ageing, promoting age and gender based equality*, Federation of Women for Europe.
- Barnay T. (2005), "Declared state of health and ceasing of work," *French Economy Review*, No. 2, Vol. 20, October.
- Barnay T., Debrand T. (2006), "The impact of the state of health on the jobs of seniors in Europe", *Newsletter on the Health Economy*, No. 109, June.
- BIT (2007); **World tendencies of women's employment - summary**, Geneva in <http://www.ilo.org/public/french/employment/strat/download/getw07.pdf> <access 3 April 2007>
- Bonnet C., (2004), in Meron M. Silvera R., "Pensions; inequalities for all genders", *Work, Gender and Societies*, No. 12.
- Buhagiar, P. (2005). *Gender Mainstreaming within Malta's hospitality industry*. Unpublished dissertation. University of Malta.
- CARRILHO, Maria José (1996); «Active Population: Concept and Extension, using the Census», in **Revista de Estatística**, Lisbon, INE, 3rd quarter 1996, No. 3.
- CABRITA, Jorge and ARROCHINHO, Susana (2006) [Xerox]; **Interviews with workers, Human Resources / Employers in the restaurant and beverages sector – Contributions to a methodology of job evaluation without gender bias**, Lisbon, CESIS, in *Project Revalorise Work to Promote Equality (EQUAL)*.
- CABRITA, Jorge (2006) [Xerox]; **Enquiry to men and women workers in the restaurant and beverages sector – Contributions to a methodology of job evaluation without gender bias**, Lisbon, CESIS, in *Project Revalorise Work to Promote Equality (EQUAL)*.
- Cahiers Racine (2005), *A capital experience, Equal, France: from age management to the promotion of diversity*. Collective Study, Racine.
- CESTUR (2005); **The competitiveness of Portuguese restaurants compared with the offer in Spain**, Lisbon, ARESP.
- Chabaud C. (2006), "Brave muscles and nerves alive", *L'Humanité*, 1 December.
- Concialdi P. (2004), in Meron M. Silvera R., "Pensions; inequalities for all genders", *Work, Gender and Societies*, No. 12.
- Davezies P. (2003) "France, ageing of the hospital staff and preventing work wear out", in Vogel L., *The health of women at work in Europe, non-acknowledged inequalities*, European Technical and Trade Union Bureau for Health and Safety.
- Delvaux G. (2004), "Enquiry to those leaving unemployment 2004: a solution for two types of return to work", *Points Statis*, Unedic, No. 3.
- DUARTE, Sandra, **Women's Employment and Children Facilities** in 4th Portuguese Sociology Congress in <http://www.aps.pt/ivcong-actas/Acta180.PDF> <access on 3 April 2007>
- Employment and Training Corporation (2004) 'A look into the Work Aspirations of Inactive Women'. Malta.

- Employment and Training Corporation (2005) 'Gender equality action plan 2005 – 2007'. Malta.
- European Commission & Gov. of Malta (2003). 'Joint Memorandum on Social Inclusion of Malta'.
- Farrugia, G., (2005). *Young people's perception of a career in Tourism*. Unpublished dissertation. University of Malta.
- FERREIRA, Virginia (1998); *Women in Portugal: Situation and Paradoxes* in <http://www.lxxl.pt/babel/biblioteca/mulheres1.html> <access on 3 April 2007>
- Gay, S. (2002). *The impact of the freedom of movement on the tourism industry in the event of Malta joining the EU*. Unpublished dissertation. University of Malta.
- General Inspection for Social Affairs (2004), Annual report on "Age management and employment policies", The French Documents.
- Government of Malta, (2002). *Malta National Report: Submitted by the Government of Malta to the World Summit on Sustainable Development*. Formatek Ltd - Malta
- GUERREIRO, Maria das Dores and PEREIRA, Inês (2006); **Corporate Social Responsibility, equality and work-family reconciliation – Experiences of the "Equality is Quality" Award**, Lisbon, CITE.
- Guidance and Counselling Services, (2004). *Tracer Study 2004: Report*. Malta.
- INE, **Census** 1960, 1970, 1981, 1991 and 2001.
- INE, **Employment Statistics**, 2nd Quarter, 3rd Quarter, 4th Quarter 2006
- INE, **Survey on time occupation**, 1999.
- International Labour Office (2000) 'In Focus programme on Promoting the Declaration on Fundamental Principles and Rights at work'. ILO: Geneva.
- KERGOAT, Danièle (2005); «Social relations and division of labour among sexes» in **Femmes, genre et sociétés- l'état des savoirs**, Paris, Editions La Découverte, pp. 94-101.
- Lab'Ho, in partnership with ARABIS and ANACT, *3 keys to understand ageing and to manage the prolonging of working live*, Lyon Chamber of Trade and Industry, 2004.
- LAUFER, Jacqueline (2005); «Occupational Equality» in **Femmes, genre et sociétés- l'état des savoirs**, Paris, Editions La Découverte, pp. 237- 246.
- Malta Tourism Authority, (2001). 'Employment and Training Survey of the Tourism Industry in Malta'. Malta.
- Malta Tourism Authority. (2001). 'Employment and Training Survey'. MTA: Malta
- Management Efficiency Unit (2005). 'National Reform Programme: Malta's strategy for growth and jobs for the period of 2005 to 2008'. Malta
- MARUANI, Margaret e MEULDERS, Danièle (2005); «Unemployment, underemployment and precariousness» in **Femmes, genre et sociétés- l'état des savoirs**, Paris, Editions La Découverte, pp. 227-236.
- MEDA, Dominique (2006) [Xerox]; «Why and how to put in place a model of "Two income earners/two care providers?" Communication presented at the International Seminar: travail, emploi, formation:quelle égalité entre les hommes et les femmes ? Lille, 23-24 November 2006.
- Milewski F. (2004), "Inequality between men and women in the civil servants top positions", *Work, Gender and Societies*, No. 12

Ministry for the Family and Social Solidarity (2004). 'Malta National Action Plan on Poverty and Social Exclusion 2004-2006'. Malta

Ministry for the Family and Social Solidarity (2003). 'The Interaction of Income Tax and Social Benefit Systems and its Impact on the Incentive to Work'. Malta

Ministry of Social Policy. (2001). *Malta's Tourism Sector and the EU's Social Policy*. Speech by Dr Lawrence Gonzi.

MTSS/DGEEP, Personnel Charts 2002.

MTSS/DGEEP, Personnel Charts de 2004.

National Statistics Office (2004). 'Demographic Review'. NSO: Malta

National Statistics Office (2006). 'Labour Market: Reconciliation between work and family life'. NSO: Malta.

National Statistics Office (2006). 'The Labour Force Survey'. NSO: Malta

National Statistics Office, (2004). *Education Statistics 2001-2002*. NSO: Malta.

National Statistics Office, (April 2006). *Gainfully Occupied Population*. NSO: Malta

National Statistics Office, (Sept 2006). *Gross Domestic Product: June Quarter 2006*. NSO: Malta

OECD (2005), *Ageing and employment policies, France*, OECD publications.

Office of the Prime Minister (2005). 'New Collective Agreement for Employees in the Public Service 2005-2010'. Malta

Office of the Prime Minister (2006). 'Operational Programme I - Investing in Competitiveness for a Better Quality of Life, Draft Document for Consultation'. Malta

PERISTA, Heloísa (2004) The Context: analysis of gender-based salary inequalities in Portugal, in Compilation of elements for a specialised consultation on men and women's equal remuneration, Lisbon, CITE

PERISTA, Heloísa and CABRITA, Jorge (2005) [Xerox]; **women and men in the Portuguese labour market – brief notes of characterisation**, Lisbon, CESIS.

Raoult N. (2004), *From age management to the management of all ages, the development of an Equal project*, Equality, Enterprise and Personnel Publication.

Reconciling work, family and private life – Report on the Portuguese situation (2006) [Xerox], Lisbon, CGTP-IN.

RIBEIRO, Ana Luísa and HILL, Manuela Magalhães (1996) [Xerox]; **Shortcomings of the human capital model in gender-based salary gaps: a case study**, Lisbon, Dinâmia.

ROBINSON, Derek (1998), **Different remunerations by gender and occupation**, International Labour Review, Geneva, ILO, Vol. 117, n°1.

ROSA, Eugénio (2006); **The governments proposals on social security aggravate the women's situation and discrimination**, in www.resistir.info <access.3 April 2007>.

Snachis D., (2006), *Multidisciplinary approach on absenteeism caused by diseases, accidents and outsourcing of occupational health*, DEA Memorandum, Social Policies and Society, Paris I University.

The Constitution of Malta: Employment and Industrial Relations Act (Act 22 of 2002, Cap 453). Malta

The Constitution of Malta: Equality for Men and Women Act (Act I of 2003, Cap 456). Malta

The Constitution of Malta: Income Tax Act (Cap 123). Malta

The Great National Meeting of Working Women, 24 July 1976, [Xerox], Lisbon, CGTP-IN.

TORRES, Anália et al, **Why don't women revolt? Results of a survey on the labour division between sexes**, in 4th Portuguese Sociology Congress <http://www.aps.pt/ivcong-actas/Acta161.PDF> < access.3 April 2007>

VOGADO, Anabela (2006) [Xerox]; **Enquiry to trade union representatives from the restaurant and beverages sector – Contributions to a methodology of job evaluation without gender bias**, in Project “Revalorise work to promote equality” (EQUAL), Lisbon, CGTP-IN.

Volkoff S., Molinié S., Jolivet A. (2000), *Efficient in all ages*, Dossier No. 16, Research Centre on Employment, PUF.

Legislation

Council Recommendation of 13 December 1984, relating to the promotion of positive actions favouring women, *official Journal No. L 331 of 19/12/1984 p. 34 - 35*

Creation of the Commission for Equality and Women's Rights – Law-Decree No. 166, of 9 May 1991

Labour Code - Law No. 99, 27 August 2003

Labour Code Regulations – Law No. 35, 29 July 2004

17th Constitutional Government's Organic Law – Law-Decree No. 79, 15 April 2005

Creation of the Commission for Citizenship and Gender Equality – Law-Decree No. 202, 27 October 2006

Ministry of Labour and Social Solidarity's Organic Law- Law-Decree No. 21 I, 27 October 2006

Websites

Commission for Equality for Work and Employment
www.cite.gov.pt

Commission for Equality and Women's Rights
www.cidm.pt

Restaurant and Allied Trades Association of Portugal
www.aresp.pt

General Confederation of the Portuguese Workers – Intersindical Nacional
www.cgtp.pt

Portuguese Federation of Trade Unions in Farming, Food, Beverages, Hotels and Tourism
www.fesaht.pt

EQUAL Community Initiative
www.equal.pt

National Statistics Institute
www.ine.pt

elopment partnership formed by: the CGTP-IN (leading partner), Association for Education Bento de Jesus Caraça, Centre of Research for Social Intervention (CESIS), Commission for Equality at Work and Employment (CITE), Institute for the Development and Inspection of Working Conditions (IDICT), Institute of Employment and Vocational Training (IEFP) and Centre for Training and Technological Innovation (INOVINTER).

Department of Information, Malta
<http://www.doi.gov.mt>

Employment of Training and Corporation
<http://www.etc.gov.mt>

Gateway to European Union
http://europa.eu/index_en.htm

Government of Malta
<http://www.gov.mt>

Malta Hotels guides
<http://www.malta-hotels.com>

Malta Tourism Authority
<http://www.maltatourismauthority.com>

Ministry for Justice and home affairs, Malta
<http://mjha.gov.mt/home.html>

Ministry for the Family and Social Solidarity
<http://www.msp.gov.mt>

National Commission for the Promotion of Equality
<http://www.equality.gov.mt>

National Statistics Office, Malta
<http://www.nso.gov.mt>

Planning and Priorities Co-ordination division, Office of the Prime Minister, Malta
<http://www.ppcd.gov.mt/english/links/main>

