

INCLUSIVE ADVERTISING: GUIDELINES FOR AUTHORS AND/OR PUBLISHERS OF ADVERTS

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For the Promotion of Equality



www.equality.gov.mt

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Introduction

Today we hear much and often on equality, on equal rights between people and the ugliness of prejudice and discrimination. So much so, that equality between persons, regardless of their sex, or ethnic origin, is a prerequisite for social inclusion. However, there are still occasions when, unaware, we find ourselves caught in discriminating practices that today's society does not accept.

Typical examples of this can be spotted in the language used in our daily lives where, either out of habit or simply because we really do not know better, we fall prey to discriminatory talk. Sometimes, words or expressions that we use do not deliver our intended message and can result in discrimination or misunderstanding.

These discriminating practices can be seen – more prominently than anywhere else perhaps – in adverts appearing in those publications which we find ourselves routinely face-to-face with. Hence, discriminatory language appearing in the media is a discriminatory practice that reaches wide audiences.

The publication of adverts, both those regarding job vacancies, as well as those related to training or vocational fields are a substantial and essential part of the publications that people encounter everyday. Therefore, it is very important that those involved in the authoring of adverts, along with anyone involved with the publishing of such announcements, are aware of the language they use to communicate their messages, to ensure that what we communicate is not discriminatory.

It is important that we realize that our language is one of the basic tools we use to communicate and like everything we are experiencing in today's world it is changing to reflect the reality that we live in, a reality where each person is equal and has equal rights. In fact, equality entails that everyone is given equal opportunities and that everyone is granted equal rights, and this applies to both women and men. Hence, eliminating discriminatory language, we will open the way for true equality!

Who should be reading these guidelines?

These guidelines are drafted by the National Commission for the Promotion of Equality (NCPE), in order to raise awareness about the laws that deal with equality between men

and women when it comes to advertising job vacancies, as well as advertising by educational establishments with regard to courses, training or vocational guidance.

The main objective of these guidelines is to inform and shed light on the provisions of these laws and how these can be properly adhered to in practice. These guidelines should be of assistance in the development of inclusive advertising and the use of gender-neutral and/or gender-inclusive communication, to overcome stereotypes and discrimination.

If your company or the company you work for is planning to advertise job vacancies and you are planning or are responsible of issuing the advert, then these guidelines are for you. If you work in the advertising department of any newspaper, magazine or other publication, and/or are responsible for publishing adverts then these guidelines also apply to you.

What is the role of the National Commission for the Promotion of Equality?

The National Commission for the Promotion of Equality (NCPE) safeguards and promotes equality between men and women in employment and education, as well as on the grounds of gender and race in the access to and supply of goods and services. NCPE combats discrimination on these grounds, while raising awareness on equality and discrimination in our country. To this end, NCPE also raises awareness on the benefits of inclusion and diversity.

NCPE is an autonomous, Government-funded commission and its mandate originates, among others, from Chapter 456 - *Equality for Men and Women Act* of the laws of Malta. By virtue of this law, NCPE is also responsible of monitoring and identifying discriminatory advertising. NCPE believes besides drawing the attention of whoever writes or publishes discriminatory advertisements, it empowers authors and publishers responsible from advertisements to not only appreciate the reasons why their work is deemed discriminatory but also to understand clearly how and why they should avoid falling into the trap of discrimination.

What is "discrimination" and when does it occur?

Article 2 of the *Equality for Men and Women Act* (Cap 456), defines discrimination. In fact:

discrimination based on sex or because of family responsibilities is:

- (a) the giving of less favourable treatment, directly or indirectly, to men and women on the basis of their sex or because of family responsibilities;*
- (b) treating a woman less favourably for reasons of actual or potential pregnancy or childbirth;*
- (c) treating men and women less favourably on the basis of parenthood, family responsibility or for some other reason related to sex;*
- (d) any treatment based on a provision, criterion or practice which would put persons of one sex at a particular disadvantage compared with persons of the other sex*

Hence, discrimination on the grounds of sex or family responsibilities is prohibited in employment, in banks and financial institutions, as well as in education and vocational guidance.

What is the difference between direct and indirect discrimination?

Direct discrimination occurs when a person is treated less favourably than how another person is, has been or would be treated in a similar situation.

Indirect discrimination, on the other hand, occurs when a provision, criterion or practice appearing to be neutral in practice, puts persons of one sex at a particular disadvantage when they are compared with persons of the other sex.

Discrimination in advertising

Besides, the *Equality for Men and Women Act* (Cap 456) also delineates that no advertisement relating to any job vacancy, course, training or vocational guidance, as well as the provision of financial services should be discriminatory. To this end, the law states that:

“ ... it shall be unlawful for persons to publish or display or cause to be published or displayed any advertisement, or, otherwise to advertise a vacancy for employment which discriminates between job seekers or to request from job seekers information concerning their private life or family plans...

(2) It shall not be lawful for persons to publish or display or cause to be published or displayed any advertisement which promotes discrimination or which otherwise discriminate.

(3) Persons who act in breach of subarticle (1) or (2) shall be guilty of an offence against this article and shall, on conviction, be liable to the penalties established for contraventions.”

In fact, this legislation is not limited to text in advertisements but also holds true for any pictures and/or illustrations used, which therefore must not be discriminatory in nature, and which shall not be understood as being discriminating between genders.

Utilising Gender-inclusive Language in Advertising

When we speak of gender-inclusive language we are referring to the utilisation of words that simultaneously address both women and men. Thus, our communication will not only be non-discriminatory but will also be respectful towards every reader. Indeed, the use of gender-inclusive is a direct way of strengthening equality in our society.

Generally, when the mass media, particularly newspaper and magazines, introduce a “new word” or new expressions, these are quickly adopted by general public and soon become the norm. It is, therefore, very important that the practices and language used in the media, in all respects, is inclusive and promotes equality of opportunity

For equal opportunities to be truly offered to all men and women in society, it is important that advertisements published in newspapers and other media, use gender-inclusive language, that in no way indicates that the participation of either men or women will be excluded from employment, training or services advertised.

Hence, advertisers (both those who write the advertisement and those who are responsible for its publication) have to ensure that the advertisement in question is truly inclusive before it is published.

Towards Non-Discriminatory Adverts

The following sections describe how we can avoid putting ourselves in situations whereby we would be discriminating between genders when writing or publishing advertisements. Some instances of discriminatory adverts are more obvious than others, which may be more subtle and thus require some more thought and perhaps a more detailed explanation.

Nonetheless, all forms of linguistic discrimination contribute to reinforce the obstacles that hinder us from achieving full and equal participation in society and in the world of work.

1. The heading/title of your advert

The heading of an advert – which in the case of vacancies normally includes the title/designation of the position to be filled – is the first thing that catches the attention of the readers. By the same measure, the heading takes on more importance with regard to a reader who is looking for a job.

Thus, if the heading of the advert or the designation of the post advertised indicates only the male or only female gender, for example, *Vacancy for a Waiter*, readers may understand that this position is closed to persons of the opposite sex. To pre-empt this situation and any possible misunderstanding, the heading should in no way indicate that only women, or only men, will be accepted in the position advertised, or that the job offer, or the category of job offered is for one gender and not for another. Hence, headings, titles, designations and so on, should thus be inclusive and/or neutral when it comes to gender. Instead of opting for headings that point to only one gender, advertisers should opt for language that indicates that the position is open to male as well as the female candidates, for example: *Vacancy for Waiter/Waitress*.

Another solution might be the use of plurals because these do not exclude any gender. Alternatively, the whole heading can be reworded, such as *Waiters needed*.

The suffixes such as *man*, *girl*, *woman*, and/or *boy* are used frequently in occupational titles and related designations. When these are used generically, people other than men often feel excluded. Gender inclusive language is to be used for all genders.

Examples:

<i>Avoid Using</i>	<i>Use Inclusive Titles</i>
Air Hostess Air Steward	Flight Attendant Cabin Crew
Barman	Bar Personnel Bar attendants Bar Staff
Businessman	Business Executive Business Person
Cameraman	Cameraperson
Chambermaid	Cleaner
Chairman	Chair Chairperson President
Craftsman	Artisan Skilled/Specialised Person
Draughtsman	Draughts Person Drafter
Foreman	Supervisor Controller Chief Supervisor Lead Supervisor
Fireman	Fire Fighter
Handyman	Handyperson Maintenance Officer
Policeman	Police Officer
Pool/Beach Boy	Pool/Beach Attendants
Postman	Postal Carrier Letter Carrier
Middleman	Intermediary
Salesgirl Salesman	Sales person Shop Attendant

	Sales Representative
Spokesman	Spokesperson
Tradesman	Tradesperson Trader
Waiter	Waiter/ess Waiters Waiting Staff Waiting Personnel
Watchman	Security Guard Security Officer Security Personnel

Similarly a replacement for occupational title with *master* should be found.

Examples:

<i>Avoid Using</i>	<i>Use inclusive titles</i>
Webmaster	Web Manager
Headmaster	School Principal Principal

2. The text of your advert

Why should advert writers care about gender-neutral/gender-inclusive writing? Can't you just add a statement at the end say your company is an equal opportunities employer? The answers to these questions are simple. Starting with the second one, the answer is: No. You cannot just write an "equality disclaimer".

As for why you should care, well... The goal of an advert is to convey information to an audience, in a form that the audience can understand and use. We should avoid, if possible, anything that interferes with clear communication.

If part of our audience is misled or stumbles over the way an advert is presented, that reaction will interfere with the reception and understanding of the message. This may well impact the audience's perception of the company even!

What not to do

If you've been thinking that you have to break grammar rules to use gender-neutral writing, you may be surprised at what not to do:

- Do not use "he" or "she" as a generic pronoun since adverts should not discriminate between sexes.
- Do not use the "man" to refer to both men and women. In the interest of clarity of expression as well as of equal representation of the sexes it should be replaced by, for example, humanity, humankind, individual(s), people(s), person(s).
- Wherever possible, it is preferable to avoid using man as a verb. An alternative verb should be. Thus instead of *to man the pumps* consider using *to work the pumps*; The verbs *attend*, *drive*, *operate* and *use* can sometimes also be used as alternatives to the verb *man*.
- Acceptable ways of avoiding the use of male only or female only pronouns and instead use *he and she*, *he/she*, *s/he*, or preferably the plural *they*, *their*, and thereafter altering the structure of your sentences.
- Information can be expressed in the passive voice, thus avoid the use of pronouns altogether. Therefore, rather than saying *each candidate must provide his cv*, consider saying *CV's must be provided by all candidates*.
- When writing adverts you are usually speaking directly to the reader, thus one way of avoiding the problem of gender is to use the imperative (send your applications), or the second person *you* (you should be a good team player).
- In some cases you may need to rewrite an entire passage, such that instead of *the successful applicant will use his skills to contribute to the firm's work in remote areas*, you will write *the successful applicant's skills will contribute to the firm's work in remote areas*.

3. Images

Just like the language used in an advertisement must be gender-inclusive, so do the images and illustrations which if showing people, should be representative of both genders. This is because, when readers see adverts, particularly job related adverts, they often associate the image (and thus the gender represented) with the opportunity.

Thus for example, advertising a vacancy for a driver and showing a picture of a man could be interpreted as an opportunity open only to male candidates, irrespective of what is said in the text.

Remember, readers would judge whether an advert is of interest to them or not simply upon their first impression/reaction. That is, their decision would be based on the heading and the image.

Although it might not be possible to use images in your advertisement where you always show an equal number of women and men, it is important that each picture used has a balanced gender representation. Thus, your images should always at least feature one man and one woman.

Furthermore, men and women in your images should be portrayed equal that is their roles in the images must not be indicative of positions of power, grade and so on. For example, if you advertise a vacancy for a Manager, despite publishing an image where both a man and a woman are featured, readers would still interpret the image as discriminatory if the man is wearing a suit and seems to be giving direction to the woman who is wearing a casual dress. The interpretation of this is: the male is the manager while the woman is the secretary or an underling, therefore the company wants managers to be male and the opportunity is for a male manager!

In a nutshell, the images used in your advertisements must clearly communicate that the post/opportunity advertised is open to everyone, women and men equally.

Most advertisers add to their publications photographs of the company owner or founder. If such is the case the advertiser must clearly state in the advert that the woman or man shown is the owner, founder, employee or client. A description of the person and their relationship to the company (name, role in the company, etc..) must be included in the advertisement so that to the reader it is immediately clear that the image is not

representative of the opportunity or the vacancy but rather is a testimonial to the firm/company's work. Another way to ensure that the graphics in your advertisement is not discriminatory is to not publish images which feature people. For example, if you advertise a vacancy for doctors, you could use some images featuring tools or other objects related to the profession, say a stethoscope, or doctors' overalls and the like.

Thus, readers will not only, not feel discriminated against, but can also recognise an opportunity at first glance, without even having started to read the text!

Exceptions

There will, of course, be instances when because of the intrinsic nature of the job/vacancy advertised, the publisher or advertiser has no other choice but to specify that only a particular gender can be considered for the job. These instances might include calls for an actress or an actor, models, re-enactors or other where employing a male or female is crucial and unavoidable.

However, when publishing such discriminatory advert it will then be your duty, if called to do so, to prove beyond doubt that such discriminatory advert was published because of a genuine occupational requirement.

For this reason, when such a situation presents itself and you must publish an advert of this kind, you state clearly in the advert the reasons why necessarily, that particular job requires a particular gender. It is important, however, that the reasons given are not only valid but leave no doubt as to the intentions of the publisher, advertiser and/or employer.

It is unacceptable to:

- Use an image of a woman in an advertisement one day and then use an image of a man for the same advertisement the next day. This is because readers who saw the advert in question the first time may not come across it again on the second day.
- Use discriminatory content of any sort and then write a disclaimer to the effect that the employer is an equal opportunities employer. This brief explanation at the end of the advertisement does not justify discriminatory content in advertisements.

- Use an image of one person (be it male or female) that is an employee or a client, and then state in writing the connection that the person has with the company. When an image, or a photograph, portrays only one gender, it excludes the opposite gender and prevents equality of opportunity. It would be ideal to use a photograph or an image, representing a group of persons, including persons of both genders.

For more information

While these guidelines should aid you significantly with avoiding gender discrimination in your advertising endeavours, it is impossible for them to be exhaustive. Thus, if you still require help or are unsure about some issue, you are encouraged to contact NCPE. The Commission will gladly give you further guidance and help you with your adverts.

You can contact NCPE via email, to the address equality@gov.mt. Through email, you can specify your questions/problems and explain your needs/situation. Whether your problem concerns the text or the images to use in advert, remember to include them in your email.

Another way to get in contact with NCPE is over the phone, on this number: 2590 3850, or fax on: 2590 3851.

Alternatively you can write a letter and post it to:

National Commission for the Promotion of Equality
Gattard House, National Road,

NCPE also has a website, where you can find more information, copies of laws, and other documents the Commission issues regularly. NCPE's website is: www.equality.gov.mt