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Implementation of gender mainstreaming

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Gender mainstreaming in Malta

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1. Introduction

This document provides the background context of gender mainstreaming in Malta by providing a brief overview of the local legislation and actions and activities taken up at national level. It also allows the consideration of the discussion papers by Sweden and Belgium presented for the peer review exercise in view of their applicability to the local situation. It also explores the possibility that the examples of good practice presented are of particular interest for implementation in Malta.

1.1. Current Legislation in Malta

Equality forms the basis of the *Constitution of Malta* (1964) which makes reference to gender issues in Article 45 (3) where it prohibits discrimination on the grounds of, amongst others, sex.

There are a number of legislations which promote gender equality and gender mainstreaming. The main legislative instrument that seeks to promote equality for both men and women is the *Equality for Men and Women Act*¹. This Act tackles discrimination on the basis of sex or family responsibility. The term "discrimination" is used to describe discrimination based on sex or because of family responsibilities and includes the treatment of a person in a less favourable manner than other person has been or would be treated on the grounds of sex or because of family responsibilities.

Another important piece of legislation is the *Equal Treatment of Persons Order*, 2007 (LN 85/2007) which is intended to implement the provisions of Council Directive 2000/43/EC. *The Employment and Industrial Relations Act*² tackles issues discrimination related to employment and clearly safeguards against discrimination on the basis of sex (Article 26) and enforces the principle of equal work-equal pay (Article 27).

The *Access to Goods and Services and their Supply (Equal Treatment) Regulations* lays down the framework for combating discrimination based on gender in the access to and supply of goods and services. It states that it is unlawful for a person to subject another person to discriminatory treatment, whether directly or indirectly in the provision of services on the grounds of sex, including discriminatory treatment related to pregnancy or maternity. It also deals with the issue of harassment and sexual harassment where harassment is defined to include unwanted conduct related to the sex of a person and occurs with the purpose or effect of violating the dignity of a person and of creating an intimidating, hostile, degrading, humiliating or offensive environment. Sexual harassment is considered to occur where any form of unwanted physical, verbal, non-verbal or physical conduct of a sexual nature occurs, with the purpose or effect of violating the dignity of a person, in particular when creating an intimidating, hostile, degrading, humiliating or offensive environment.

¹ <http://www.equality.gov.mt/filebank/imagebank/wordbank/chapt456.pdf>

² http://docs.justice.gov.mt/lom/legislation/english/leg/vol_14/chapt452.pdf

Other legislation related to promotion of family friendly measures and promotion balanced sharing of duties include: the ***Protection of Maternity (Employment) Regulations***; the ***Parental Leave Entitlement Regulations***; and the Urgent Family Leave Regulations which refer to entitlements to both men and women (with the exception of maternity)

The participation of women in the labour market, particularly those wanting to return to work after stopping to raise their children is promoted through the **Tax Credit (Women Returning to Employment) Regulations**.

1.2. National Commission for the Promotion of Equality (NCPE)

The government organisation responsible for gender aspects as well as discrimination is the National Commission for the Promotion of Equality (NCPE). NCPE is an independent organisation, government funded body set up by virtue of Chapter 456 of the Laws of Malta in January 2004. The main responsibilities of NCPE include the monitor the implementation of:

- Cap 456 - Equality for Men and Women Act;
- Legal Notice 85 of 2007 - Equal Treatment of Persons Order; and
- Legal Notice 181 of 2008 - Access to Goods and Services and their Supply (Equal Treatment) Regulations.

NCPE works to ensure that Maltese society is free from any form of discrimination based on sex / gender and family responsibilities in employment, and racial / ethnic origin and gender in the provision of goods and services and their supply.

The vision and Mission Statement of NCPE is based on promoting a society which is equal and free from discrimination and champions inclusiveness whereby everyone, irrespective of their gender and family responsibilities, race or ethnicity is able to achieve their full potential. Consequently NCPE works towards the elimination of discrimination on the grounds of gender, family responsibilities and race/ethnic origin through: raising awareness; monitoring national laws and EU Directives; implementing policies; networking with different stakeholders; and investigating complaints and providing assistance to the general public.

1.3. Initiatives in Gender Mainstreaming by NCPE

Since NCPE has been set up, it has been actively involved in promoting and working towards promoting equality. Gender mainstreaming has also been tackled a number of times in different ways through projects. Here below is a short overview of NCPE's main initiatives.

ESF/No.23 Gender Mainstreaming - the Way Forward

The overall objective of this project was to sensitise social partners to the cost-effectiveness and other benefits, such as smoother work processes/relations and increased productivity through introducing family-friendly provisions. The project involved: Research into the introduction of family-friendly measures at the work place; Gender Pay Review; following career paths and conditions of work of graduates; Teleworking pilot project; Gender mainstreaming at a national level; Monitoring and evaluation. This project aimed at facilitating introducing family friendly measures, such as childcare centres and reduce gender segregation.

Gender Mainstreaming in Practice is a project co-funded by EU PROGRESS funds and implemented by the National Commission for the Promotion of Equality (NCPE) Malta. This project is currently being implemented. The objectives of this project are to: strengthening knowledge and understanding of gender mainstreaming; producing and disseminating tools for gender mainstreaming; provide 'on the job' training, thereby enabling effective mainstreaming; highlighting good practices with the aim of exposing benefits gained by mainstreaming; providing examples of national policies which are gender mainstreamed; empowering stakeholders to propose action which is gender sensitive; and creating a Network of support, i.e. establish a network of persons within National Ministries who are empowered in implementing effective gender mainstreaming and also a network whose members support each other in this task.

Living Equality built on what had already been achieved from various projects and aimed at monitoring and identifying further capacity building needs for the actual implementation of gender mainstreaming in all government departments and in the national policy-making programmes. This project delivered a campaign to foster gender mainstreaming in all spheres of the public service. Public officers were sensitised on gender mainstreaming, and encouraged to make use of gender equality methodologies. Public officers were provided with training on gender sensitivity. Staff of ministries and departments responsible for policy in decision-making positions were trained on the use of gender mainstreaming tools. Four project publications were produced: A Gender Sensitivity Manual; Implementing Gender Mainstreaming Gender Responsive Budgeting and Final project Report.

Taking Gender Equality to Local Communities is a project which aims to assist the community to look at gender roles at the local level and enhances a re-examination of the roles performed by women and men in order to develop a culture of equality and equal opportunities. The overall objectives of this project were to disseminate the promotion of gender equality and gender mainstreaming in local development through educational and publicity campaigns carried out at Local Council level. The project strengthened gender mainstreaming at community level and created a model that could be used to widen the sphere of influence of gender equality commission.

2. Transferability issues

It can be seen that there are a number of aspects from the discussion papers which can be of specific interest to Malta. Like other countries and as is exemplified in the case of Sweden, the continued practice of gender mainstreaming in the various activities of public entities as well as other organisations is difficult to introduce and even harder to sustain over time. Malta would benefit from learning about the successful practices in other countries, in this case particularly for Sweden.

2.1. Need for practical examples

Following the development of legislation and the implementation of projects involving mainly training and awareness raising about gender mainstreaming, NCPE is now working directly on the actual implementation of gender mainstreaming practices within public service and other organisations. NCPE is currently involved in one project which aims to achieve this. NCPE would thus at this point in time benefit from practical examples of models and tools which have been shown to work in other contexts in other countries.

The case of Sweden can serve as one example of good practice of implementation of gender mainstreaming at national level to refer to when deciding on which tools to implement in Malta. It can also be a reference point with respect to potential mistakes and solutions to similar problems which have already been faced elsewhere. Such exchange of practice and experience will increase the probability of successful implementation. In order to be achieved, it would benefit NCPE if there were more details about the models used and the difficulties encountered in Sweden. Details such as flow-charts of implementation, indicators used and tools developed would be of great value and interest to NCPE.

There is also the chance for NCPE to learn about the processes and approaches used in Sweden in convincing entities to implement gender mainstreaming, and more so in maintaining it over time. This is particularly of interest in times when the world is going through difficult times. This has also affected Malta and although NCPE has recently been promoting its Equality mark quite effectively, the financial difficulties and the conflict in nearby Libya have taken away attention from initiatives like gender mainstreaming to second place.

3. Policy debate

As has already been highlighted, there is currently no specific policy discussion related to gender mainstreaming at national level. The conflict in Libya which is so close to Malta, and its impact on local businesses with interest in the Libya has dominated the local political agenda.

Malta is also facing great financial challenges similar to other countries due to the global financial crisis. This major national problem has also served to shift focus on what is considered to be a priority to the country.

The policy debate is thus that of maintaining gender issues and gender policy within the focus of government such that work which has been done and achievements reached through the hard work of NCPE are not lost but are sustained and developed further.