

GENDER EQUALITY: MAIN ISSUES - THE GENERAL WORKERS' UNION PERSPECTIVE

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Introduction

Gender equality is a matter of fundamental human rights. In fact, the second half of the twentieth century saw the development and ratification of a range of conventions concerning women's position in the labour market by supranational organizations. One such instrument is the United Nations Convention on the Elimination of all Forms of Discrimination Against Women which promotes women's economic rights and independence. This includes access to employment, appropriate working conditions and control over economic resources. Another objective of this Convention is the elimination of occupational segregation as well as of all forms of employment discrimination. The harmonization of work and family responsibilities for women and men is another objective of the Convention. Malta ratified this Convention in 1991.

Malta is also a member of the International Labour Organisation and thus it is covered by the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up in 1998. Therefore, along with other countries, Malta is obliged to respect, promote and realize a number of fundamental principles and rights, one of which is the elimination of discrimination in respect of employment and occupation. Malta is also a signatory to various ILO Conventions and Recommendations. In 1998, Malta ratified The Equal Remuneration Convention 1951,¹ and in 1968 it ratified The Discrimination (Employment and Occupation) Convention 1958.² Therefore, Malta, as a signatory to these instruments, was obliged to bring its national law and practices in conformity with the provisions of these Conventions.

Malta's entry in the European Union in May of 2004 brought about a whole new array of legislation dealing with gender equality. Although most of the rights protected by the

¹ Convention No. 100, which establishes the principle of equal pay for work of equal value

² Convention No. 111, which addresses equality of treatment and opportunity including access to employment and conditions of work

transposed Directives were already protected by other pieces of Maltese legislation these new laws amalgamated them into clear and comprehensive legislation.

This report focuses on the manner in which some key provisions of Directives 75/117 and 76/207 have been transposed into Maltese law by virtue of the Employment and Industrial Relations Act (EIRA), which deals specifically with employment, and the Equality of Men and Women Act (EMWA) whose ambit is wider.

Definitions

The Maltese legislator has done away with the problem of interpretation in the transposition of Directive 76/207 since Maltese law,³ defines ‘discrimination based on sex or because of family responsibilities’ as:

- the giving of less favourable treatment, directly or indirectly, to men and women on the basis of their sex or because of family responsibilities;
- treating a woman less favourably for reasons of actual or potential pregnancy or childbirth;
- treating men and women less favourably on the basis of parenthood, family responsibility or for some other reason related to sex;
- any treatment based on a provision, criterion or practice which disadvantages a substantially higher proportion of members of one sex unless that provision, criterion or practice is appropriate and necessary and can be justified by objective factors unrelated to sex.

This definition of “discrimination based on sex or because of family responsibilities” is quite a wide one, especially when it refers to family responsibilities, since these are not defined. It is important that the legislator take into account that there are still a lot of women in Malta who take care of their elderly relatives, and thus, it is important that these workers be protected by law. Apart from taking care of elderly relatives, it is common knowledge that usually women are the ones who take care of the family. An aspect which can be said to be discriminatory towards women is the hesitancy of some employers to promote young women to high positions, since they argue that these might marry, if they are not already married and become pregnant, and thus may leave work. It is important that this mentality be changed, mostly owing to the fact that women who are in high positions are the ones who are most likely to want to reconcile work and family responsibilities. Fortunately, nowadays, women have judicial recourse if they feel that they have been discriminated against due to these reasons.

Contrarily to the Directive, Maltese law does not use the terminology of ‘access to employment’. In Article 4(1) of the Equality for Men and Women Act it is held that it is unlawful for employers to discriminate, both directly and indirectly, against a person in the arrangements made to determine or in determining who should be offered employment. In this way, the Maltese legislation did away with the possibility of issues arising over the interpretation of the term ‘access to employment’, in that it laid down specifically that it is

³ Equality for Men and Women Act, Article 1(3)

unlawful to discriminate as to who is to be offered employment. It is still debatable whether grants such as those at issue in the *Meyers* case⁴ brought before the European Court of Justice would fall under this Article, since the criterion is *who should be offered employment* and not access to employment. It should be noted that access to employment and who should be offered employment are not exactly the same thing. Access to employment is much broader in scope, since it implies that there is the possibility of entering the labour market or a particular job, whereas the term offering employment implies just an obligation on the employer, and not a whole state structure. Therefore, by using the terminology, the legislator has done away with the possibility of such grants falling under this definition.

Article 26(1)(a) of the Employment and Industrial Relations Act states that it shall be unlawful for any person to subject another person or a class of persons to discriminatory treatment when advertising, when offering employment, when advertising opportunities for employment or when selecting applicants for employment. The same Article goes on to state that “*the engaging or selection of a person who is less qualified than a person of the opposite sex, unless the employer can prove that the action was based on acceptable grounds related to the nature of the work or on grounds related to previous work performance and experience*” shall be considered as discriminatory treatment. The law uses the term “shall include” and lays down three instances of what discriminatory treatment may be. This means that there might be other instances which are not included in the law when discriminatory treatment may be present. This law also defines what the term “offering employment” shall mean for the purposes of this Article and states that it “*includes recruitment or training of any person with a view to engagement in employment and in regard to a person already in employment, also promotion to a higher grade or engagement in a different class of employment.*”

Advertising is very closely linked to access to employment. When it comes to advertising, Article 10 of the Equality for Men and Women Act states that it is 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. It is also unlawful to request any information concerning the private life or family plans of any job seekers. Advertising is also deemed to include the dissemination of information about the vacancy by word of mouth from person to person. The proviso to this Article states that this shall not apply in the cases where the employer can prove that the work in connection with the situation advertised can only be performed by a person of a specific sex.

Education and Vocational Guidance

Education and vocational training and guidance are key aspects in the life of workers. Due to the constantly evolving and changing world of work it is imperative that workers be educated in new technologies and skills which will enable them to remain competitive in the labour market. In fact, the Maltese legislator has upheld the right of workers to vocational

⁴ In these cases *Meyers v. Chief Adjudication Officer* (Case C-116/94 [1995] ECR I-2131) where a benefit having the characteristics and benefits of a family credit was held to fall within the scope of the Directive, as the Court held that the concept of access to employment also covers the factors which influence a person’s decision whether or not to accept a job offer.

training for quite some time. This right is in fact enshrined in the Constitution and Article 12(2) of the Maltese Constitution lays down that:

“The State...shall provide for the professional or vocational training and advancement of workers.”

Apart from the obligation laid down by the Constitution, Maltese legislation in the Equality for Men and Women Act also deals with education and vocational guidance in Article 8. This Article states that it is unlawful for any educational establishment or for any other entity providing vocational training or guidance to discriminate against any person in the access to any course, vocational training or guidance or the award of educational support for students or trainees. This Act also goes into discrimination issues in the giving of the education itself when it states that it is unlawful to discriminate in the selection and implementation of the curricula or in the assessment of the skills or knowledge of the students or trainees. This Act makes no distinction between Government-run educational or vocational training establishments and privately-run ones. Article 8(3) also states that it is the duty of these educational entities and those entities which provide vocational training to ensure that curricula and textbooks do not propagate discrimination. It is in fact the duty of educators to ensure that equality is promulgated at a very early stage in children’s lives and education because it is only through education that attitudes will change and real equality be achieved.

Working Conditions and Dismissal

Another important factor in the life of a worker is that of having good working conditions as well as the peace of mind of job security. Maltese legislation deals with working conditions in the Employment and Industrial Relations Act. In Article 26(1)(b) it states that in the case of employees already in employment, the employer cannot subject any such employees or any class of employees to any discriminatory treatment regarding conditions of employment. Discriminatory treatment is also held to include:

“actions which apply to an employee, terms of payment or employment conditions that are less favourable than those applied to an employee in the same work or work of equal value as well as actions whereby the employer knowingly manages the work, distributes tasks or otherwise arranges the working conditions so that the employee is assigned to a clearly less favourable status than others”.

The Equality for Men and Women Act deals both with working conditions as well as dismissals, and states that it shall be unlawful for employers to discriminate, whether directly or indirectly, against a person in the determination of who should be dismissed from employment. This Act states that discrimination shall be present when employees are assigned a less favourable status than others on the basis of sex or because of family responsibilities. Discriminatory treatment is also deemed to be present when an employer alters the working conditions or the terms of employment to the detriment of an employee after the latter has invoked rights conferred under the Act or claimed the performance in favour of such employee of any obligation or duty under the same Act.

Harassment and Sexual Harassment

Harassment and sexual harassment are discriminatory treatment. Workers in Malta are protected from harassment and sexual harassment by virtue of two laws - the Employment and Industrial Relations Act and the Equality for Men and Women Act. Article 29 of the Employment and Industrial Relations Act protects a worker from harassment, both from the employer as well as from another employee. In fact, Article 29(1) states that:

“It shall not be lawful for an employer or an employee to harass another employee or to harass the employer by subjecting such person to any unwelcome act, request or conduct, including spoken words, gestures, or the production, display or circulation of written words, pictures or other material, which in respect of that person is based on sexual discrimination and which could be reasonably be regarded as offensive, humiliating or intimidating to such person.”

Maltese law did away with the objective factor and the purpose or intent of the perpetrator but rather bases on the ‘reasonable person’ test. In such a case, the question whether the acts committed could be considered as sexual harassment would be based on whether such acts would be considered as such by a reasonable man.

The ways in which a person can be harassed are found in Article 29(2):

“it shall not be lawful for an employer or an employee to sexually harass another employee or the employer (hereinafter referred to as “the victim”) by:

- subjecting the person to an act of physical intimacy; or
- requesting sexual favours from the victim; or
- subjecting the victim to any act or conduct with sexual connotations, including spoken words, gestures or the production, display or circulation of written words, pictures or other material where:
 - the act, request or conduct is unwelcome to the victim and could be reasonably be regarded as offensive, humiliating or intimidating to the victim;
 - the victim is treated differently, or it could be reasonably anticipated that the victim could be so treated, by reason of the victim’s rejection of or submission to the act, request or conduct.”

A woman who feels that she has been subjected to sexual harassment has recourse to the Industrial Tribunal. She may, within four months of the alleged happening of the harassment, lodge a complaint to the Tribunal, which shall hear such complaint and carry out any investigations as it deems fit. The Tribunal may order the payment of reasonable sums of money as compensation to the victim.

Unfortunately, the law does not lay down any special procedure to be followed in the case of such a complaint. In view of the delicate matter of the complaint in question, it would be

ideal that the sittings to this kind of complaint be held in private.⁵ It is acknowledged that this decision is within the Chairperson's discretion, however, the fact that sittings would be held in private would be of a big help to the victim. This is due to the fact that, sometimes, certain intimate questions will have to be asked to the victim, and that certain facts will have to be ascertained. The fact that this may occur in public may prove to be intimidating to victims, who may hesitate to bring forward their complaint precisely due to these reasons.

The Equality for Men and Women Act, Article 9(1) reproduces the provisions of the Employment and Industrial Relations Act dealing with sexual harassment. However, this Act, in Article 9(2) provides for an added obligation on persons responsible for any work place, educational establishment or entity providing vocational training or guidance or for any establishment at which goods, services or accommodation facilities are offered to the public, to ensure that other persons who have a right to be present in or to avail themselves of any facility, goods or service provided in that place do not suffer sexual harassment at that place. This ensures that these people are on the lookout for acts of sexual harassment and thus it would be their duty to ensure that it does not occur.

Moreover, this Act criminalizes sexual harassment and any person who is found guilty of this offence shall be liable on conviction to a fine (*multa*) of not more than one thousand liri or to imprisonment of not more than six months or to both the fine and the imprisonment.⁶

The Commission for the Promotion of Equality can also help a worker who has suffered sexual harassment by investigating such complaints and mediating where necessary.⁷ The Commission can also assist such worker in making the complaint.⁸

Sexual harassment can be prevented by introducing a sexual harassment code of practice whereby rules and procedures should be introduced. In this way anyone who feels harassed would know exactly what to do. Management should ensure that this code of practice provides for confidential, impartial procedures and moreover should serve as a deterrent for this behaviour. Continuous training on this code of practice would ensure that all employees are aware of this code and what to do in case they come into contact with such harassment.

Access to Justice and Remedies

As yet, it is a bit difficult to say whether our courts and tribunals are giving full effect to the law since there have been few cases brought on grounds of discrimination. We are still waiting for the judgment in the case of plaintiffs who had worked as teachers with the Education Department before they married. Upon marriage, they were forced to retire according to the existing law of the time which prohibited married women from working as civil servants. Subsequently there was a call for applications which allowed married women to be teachers in government schools. This was only possible after September 1979 when

⁵ The Tribunal in fact does have this power to hold sittings in private. Art. 78(4) of the Employment and Industrial Relations Act states that: "*The Tribunal shall hold its sittings in public unless, having regard to the nature of the dispute or other matter before it, the Chairperson deems it proper to conduct the proceeding or part thereof in private.*"

⁶ Article 9(3), Equality for Men and Women Act

⁷ Article 12(1)(h), *ibid*

⁸ Article 17(3), *ibid*

married women were allowed to remain in employment with the public service. At the time when the case was presented the employment conditions of the plaintiffs were regulated by a Collective Agreement of which Clause 2.1 stated that “A teacher will proceed to Scale 8 after ten (10) years’ service in the grade of Teacher (not Temporary Teacher), in State Schools and will further proceed to Scale 7 after a further ten (10) years service in both cases subject to satisfactory performance and to the provisions of Section 2.1.3 below”. All the plaintiffs, apart from one of them who had nineteen years experience as a full time teacher, have individually more than ten years of service as regular teachers in Government schools. The Collective Agreement does not state anywhere that the ten years or the twenty years experience have to be uninterrupted or expressly excludes the fact that the mentioned terms cannot be cumulative. The plaintiffs claimed that a promotion is being denied to them due to their previous forced resignation. They argue that this is unjust and discriminatory on the basis of their sex due to the fact that they are women and that they chose to get married at a particular time, when at no time were men in their same position forced to resign. This case is still pending. While it is recognized that the law which prohibited married women from continuing to work in the public service was an unjust and discriminatory one, it is hoped that the situation where women are still being disadvantaged, as in the case of these plaintiffs, due to a past discriminatory law, will be remedied.

With Malta’s entry into to the European Union, a new right to recourse has been introduced when it comes to labour law, and that is the extension of these new rights within the jurisdiction of the Industrial Tribunal. The Industrial Tribunal is a means of judicial recourse which is fast, effective and inexpensive. Therefore, it is more accessible to workers than recourse to the Civil Court. According to Article 78 of the Employment and Industrial Relations Act the Industrial Tribunal is to decide any issue referred to it within a period that does not exceed one month from the date of referral, unless in the opinion of the chairperson, a longer period is necessary for a valid reason. Most of the time, this longer period is availed of, however experience has shown that issues referred to the Industrial Tribunal are resolved in a much shorter time, which makes this method of recourse more efficient than action in the Civil Court.

Another advantage of the Tribunal is that no application fee or Court fees are payable, to the contrary of recourse to the Civil Court, where in many cases, the fees payable are a deterrent to victims seeking redress. In fact, the only expenses of the Tribunal are the transcripts, which are obtained from the Court transcribers and the fees due to the person assisting the applicant. These fees are stipulated by Legal Notice 48 of 1986 and the maximum charge allowed is of Lm40.

The Chairpersons sitting in all cases falling within the jurisdiction of the Industrial Tribunal by virtue of Title I, which concerns Employment Relations, and therefore any case concerning discrimination, shall be advocates of at least seven years experience.⁹ This ensures that the Chairperson is a person who has a sound legal knowledge and background and will not be biased either towards the side of the employee or that of the employer. Unfortunately, the same cannot be said in cases of alleged unfair dismissal since there is no obligation that the Chairperson is to be an advocate. This may create a situation where there

⁹ Employment and Industrial Relations Act, Article 73(4)

might be bias. It would be ideal that all the Chairpersons sitting on the Industrial Tribunal be advocates so that any risk of bias will be diminished.

Apart from awarding compensation to the victim, the Industrial Tribunal has also the power to order re-instatement. In cases of unfair dismissal, should the Tribunal find that the grounds of the complaint are well founded and the complainant has specifically asked in the referral or in the statement of his case to be reinstated or re-engaged, the Tribunal has the power to order this. This remedy is within the discretion of the Tribunal, according to whether it considers it to be practicable and in accordance to equity. This may create a dangerous situation, since as already stated above, the Chairperson sitting in such a case, does not necessarily have to be an advocate, and therefore, the situation may be viewed from a biased perspective. Article 81 of the Employment and Industrial Relations Act also makes it clear that “where the complainant is employed in such managerial or executive post as requires a special trust in the person of the holder of that post or in his ability to perform the duties thereof”, reinstatement or re-engagement shall not be ordered. Although in some cases this may be understandable, it is not often justifiable, since a woman in a high position can also be subject to discrimination. Therefore in such an instance the victim would have found herself to have been discriminated against and unemployed at the same time. In such a case, the remedy of the Tribunal is not an effective one.

When there is unfair dismissal and the complainant does not ask for reinstatement or re-employment, the Tribunal is to award compensation to the victim. The amount of compensation is to be the real damages and losses incurred by the worker who was unjustly dismissed. In cases of discrimination, the Tribunal may order the remedy of the breach or else it may award compensation. The problem with these provisions is that it is solely up to the Chairperson to decide as to the award of compensation, which in many cases, may be inadequate.

Another shortcoming of recourse to the Industrial Tribunal in cases of discrimination and harassment is the extremely short prescriptive period. Article 30 of the Employment and Industrial Relations Act states that “a person who alleges that the employer is in breach of, or that the conditions of employment are in breach of articles 26, 27, 28 or 29, may within four months of the alleged breach lodge a complaint to the Industrial Tribunal...” This might pose a problem in that the victim might not be aware that she is being discriminated against. There is also the possibility and the reality that in many situations of discrimination and harassment, the victim is not of the frame of mind to seek legal recourse. Therefore, this prescriptive is too short when dealing with such delicate situations and a longer period would render recourse more accessible.

Analysis of Implementation of the Directives

More or less the Directives have been properly implemented, although with some minor amendments things might be clearer. For example, if the Directive on the Burden of Proof¹⁰ is implemented by a legal notice which states specifically that the onus of proof is shifted onto the respondent. The way the law stands today does leave some doubts and thus if the afore- mentioned legal notice were to be enacted the situation would be much clearer. In the

¹⁰ Directive 97/80/EC

Equality for Men and Women Act there is this express provision and thus it would be much better that the same happen in relation to the Employment and Industrial Relations Act.

Unfortunately when it comes to the disciplined forces and the public service we cannot say that employees are given the same protection as those in the private sector. These employees are deprived of a right of recourse in that they do not have a right of recourse to the Industrial Tribunal, which is discriminatory in itself. When it comes to the disciplined forces they are at an even greater disadvantage in that they cannot even be members of a trade union. The only right of action lies in the Civil Court, which is not always a feasible option, especially when it comes to discrimination cases.

When it comes to mechanisms for fighting a ‘discrimination mentality’ few good practices come to mind. Although it is now illegal to discriminate¹¹ in an advertisement for a job or otherwise discriminate in any advertisement, it is commonplace to see adverts, especially promoting certain services and/or products in which women are portrayed as sexual objects and as having the sole care and responsibility of the family. In this aspect the National Commission for the Promotion of Equality of Men and Women (NCPE) is making its voice heard in that there have been several instances of the Commission making public a complaint regarding discriminatory advertising.

An effective anti-discrimination body would be one which has the power to monitor as well as have the power to deal with complaints. Ideally it would also be able to bring collective complaints, as well as bringing complaints on behalf of another person, something which as yet is not possible under our law.

Culture Change

The evidence that Social Change is needed is glaringly obvious when one looks at the latest National Statistics Office (NSO) statistics issued on International Women’s Day, 8th March. If one had to examine the statistics regarding time use, one would see how family responsibilities are still considered as the domain of women. As the news release by NSO aptly put it “Family responsibilities not only condition women’s level of participation in the labour market but also affect the way they use their time in general”.¹² While men devote more time to gainful work or study women spend more time on domestic work than men do on gainful work or study. These statistics are alarming in that while we are encouraging women to participate in the labour market the mentalities still remain the same. Thus women are ending up doing two full time jobs - the job which they do for financial remuneration and the housework. What is needed is education and awareness that family responsibilities are not the sole domain of women but rather should be shared by both parents. The Catholic Church is still a major player in Malta and the fact that the Church is still advocating that the role of women is that of mothers who stay at home to take care of the family, and that women who do work and pursue a career are not responsible mothers, does not help at all in society moving towards gender equality. Some even lay the blame on

¹¹ Discriminatory advertising is illegal both under the Equality for Men and Women Act, the Broadcasting Act and incidents of threatening, insulting, exposing to hatred and similar acts because of race, colour, creed, nationality, sex or disability are an offence under the Press Act

¹² NSO news release no. 39/2005 p. 2

working women for the escalating amount of personal separation cases. This mentality does not help society to move towards a tolerant society based on equality but rather ends up with hindering this move, in that even women themselves are made to feel guilty for pursuing a career or even vocational training or participating actively in society through NGOs etc.

Gender and Other Grounds

While the EU has been working in the area of gender discrimination for the past four decades, other areas of discrimination have only started to be tackled recently. Obviously while the area of gender discrimination is the most regulated one now the focus of the EU may be shifting in order to start tackling other areas of discrimination, which are equally in need to be regulated. On the other hand, while it is important that the EU work on 'new' discrimination areas it is equally important that the EU keeps working on gender discrimination. Despite the fact that gender discrimination has been tackled since the 1970s there are still major inequalities, not least the gender pay gap which is still to be found all around Europe.

Positive Action

The issue on whether positive action is needed in Malta is a much debated issue. While on one hand some argue that positive action is needed to get the ball rolling, others say that women should be recognized for their capabilities and not to be just a number in a quota. Unfortunately the term 'positive action' in Malta is synonymous with quotas. Positive action also includes State subsidies granted to employers who recruit women in sectors where they are under-represented, positive training-oriented action, vocational guidance, child care and flexible quotas. For example, if one had to take the issue of child care into account, it is very important that this be regulated but not so much as to render child care more expensive and inaccessible than it already is. If one had to take a look at the 'Early Childcare Development and Care' consultative document, the proposals found in this document will render child care more expensive than it already is. Government should also provide subsidized child care. The situation as it is now hardly makes it feasible for a woman working on a minimum wage to go to work and send her child/children to child care as most probably if she had to add up the costs she would either be working for a small wage or else just break even.

It is also very difficult for a woman to work full time if she does not find help from her family. School finishes at 2.30 pm and should a woman be working full time until 5.00pm she is stuck with trying to find someone who takes care of the child. Maybe it is time that schools be providing extra curricular activities for those children whose parents decide they would like this. These activities should be carried out in the same premises or else transport be provided since if these were lacking parents would still be faced with a problem - that is of having to leave work to take the child to the place where these activities take place.

Positive action is needed to combat the advantages that men have been given over the years. Maybe the introduction of positive action or affirmative action, will be an impetus for the situation to start changing.

What is the General Workers' Union Doing to Promote Gender Equality?

The fact that trade unions are members of the Employment Relations Board helps for influencing government. The General Workers' Union also makes proposals for introduction of new laws through Legal Notices. During the amending of what were then the Conditions of Employment (Regulation) Act (CERA) and Industrial Relations Act (IRA), the GWU put forward a number of proposals, most of which we were already implementing through our collective agreements. For example we had introduced a policy against sexual harassment in some companies even before sexual harassment was penalized by law.

The General Workers' Union also works towards gender equality through collective bargaining. In fact the GWU managed to get more favourable conditions for employees than those laid down by law e.g. the fourteenth week of maternity leave be paid, a year (unpaid) parental leave in companies in the private sector, flexible hours and reduced hours. Apart from collective bargaining, GWU also negotiates on a case by case basis.

Every shop steward (workers' representatives), as well as every section secretary of GWU works to assist any employee who feels that s/he is suffering discrimination. These are trained in what rights are protected by law and thus can make workers aware of what their rights are. Through regular seminars organized by the Reggie Miller Foundation, the educational foundation of GWU, shop stewards and section secretaries are given training on what the rights of workers are. GWU also offers the services of free legal advice and assistance to those members who have need of such.

General Workers' Union also helps in promoting gender equality by liaising with various NGOs working in this field as well as with the National Commission for the Promotion of Equality (NCPE).

Conclusion

Gender equality is an issue which concerns society as a whole. Gender equality does not only mean the right to equal pay for work of equal value but goes far beyond than that. Both sexes have the same obligations towards society and this responsibility has to be fostered from within the family where family responsibilities are not the sole domain of women but is a responsibility pertaining to both parents.

It is also Government's responsibility to ensure that females' contribution to the labour market be encouraged and facilitated, however it is also the responsibility of all the social partners to work together that gender equality exists in reality and is not just something to be found on paper.