

**SEMINAR: *Women in labor law
and work-family life balance
in the MENA region***



**Labor law and work-family life balance:
Proposals to improve. Immigration, integration
and labor market: the role of education**

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**WOMEN, EMPLOYMENT LAW
AND RECONCILIATION WITH
FAMILY LIFE.**

1956: Emancipation

- The Personal Status Code, dated 1956, the first piece of legislation enacted the day after independence, established the basis for relations between the different members of the family.
- It involved a number of measures aimed at promoting the status of women and strengthening their rights.

1987: STRENGTHENING RIGHTS ACQUIRED

"The rights of man could not be fully achieved in a society in which the status of women is below that of men. There is an imperative need to consolidate the acquired rights of women and to bring out the latent energies in these; otherwise we would lose our wager on effective and comprehensive change".

CONSOLIDATION OF RIGHTS ACQUIRED

- A MINISTRY.
- A MINISTER.
- RIGHTS ON PERSONAL STATUS
- ECONOMIC AND SOCIAL RIGHTS (Reciprocal obligations of spouses, more balanced individual and civil rights, right of custody, alimony, measures for the protection of the rights of the wife in case of divorce proceedings and the right to work).

RIGHT TO EDUCATION

- Widespread and free education and establishing the obligation to attend school between the ages of 6 and 16.
- The right to education combats discrimination in practice: the guiding law has laid the groundwork for equal education that is free from all stereotypical views of gender relations.

RIGHT TO HEALTH

- Specific women's health.
- National programmes (national perinatal programme, "Population and family health" programme and national programme to control maternal mortality).
- National programmes related to the prevention of SDT/AIDS and mental health are also aimed specifically at women.

REPRODUCTIVE RIGHTS

- Abortion is free and authorized by law. It is in no way considered to be a contraceptive method. - The law of October 1998 granted the mother the following, in the event of the birth of a child out of wedlock or of unknown parentage:
 - the right to give them their patronymic name.
 - the right to apply to the courts to request the granting of the patronymic name of the child's father.

RIGHT TO PHYSICAL INTEGRITY

- * The penal code includes provisions aimed at protecting women against all forms of violence.
- * The penal code includes a new value, namely the right of women to physical integrity.
- * The use of severe violence by the husband against his wife was subject to the standard penalty relating to this offense.
- * From now on, the marriage bond is considered as an aggravating circumstance for the punishment of violence toward a spouse, but forgiveness can halt all measures in order to safeguard the interest of the family (Article 218).

RIGHT TO THE TRANSMISSION OF NATIONALITY

- * The reform of 1993 gives the mother the right to transmit their nationality to any child they have as a result of a mixed marriage and born abroad, in accordance with the terms of a joint statement of commitment by the child's mother and father (Article 12).

* The reform of the constitution adopted in October 1997 places descent through the father and mother on an equal footing, recognizing the right to be a candidate for delegation.

CIVIL AND POLITICAL RIGHTS

In terms of participation in public and political life, it affirms the visibility of women.

Their rate of participation has progressed considerably:

* from 11.7% in 1999 to 22.7% in 2004 in the Chamber of Deputies.

* from 13.3% in 1995 to 20.6% in 2000 and 27% in 2005 in municipal councils.

* from 10% in 2000 to 15% in 2004 in the government.

INSTITUTIONAL MECHANISMS FOR PROMOTION (1)

* The Ministry of Women's Affairs, Family, Children and the Elderly - MAFFEPA.

* The National Council for "Women and Family "(CNFF)

1 - The commission for monitoring the image of women in the media.

2 - The commission of equal opportunities and for monitoring law enforcement.

3 - The commission for the preparation of national and international terms relating to women and the family.

INSTITUTIONAL MECHANISMS FOR PROMOTION (2)

* The Centre for Research, Studies, Documentation and Information on Women-CREDIF.

* The "Women and Development" National Sector Commission

* The "Tahar Haddad" award for the best work in the media reflecting a balanced portrayal of women.

* Increasing the number of women's NGOs, which rose from 2 to more than 20 between 1989 and 2000.

RIGHT OF ACCESS TO PROPERTY (April 5, 1996)

* It has become possible for married women to obtain a loan at the same time as their husbands through social security funds and banks with a view to acquiring the same property.

* Regulation of marriage and divorce in accordance with a set of laws guaranteeing the rights of women.

* Abolition of polygamy and repudiation.

* Setting the minimum age for marriage at 20 for men and 17 for women.

RIGHT TO SOCIAL COVERAGE (April 5, 1996)

- Granting of family benefits automatically to mothers who have custody of children in public and private sectors.

- The right of the wife, if she dies before her husband, to allow the latter to benefit from widow's payments.

RIGHT TO WORK (1)

• Tunisian legislation enshrines equality between men and women in all spheres of work and ensures the protection of working women as women and as mothers.

RIGHT TO WORK (2)

* Tunisian women have access to various areas of work.

* In 2000, the female working population was 23.8% of the whole Tunisian working population.

RIGHT TO WORK (3)

• After the schooling efforts made, the female working population with higher and secondary level education amounted to about 40.4% in 1999 (representing 24% of the female working population in 1984).

RIGHT TO WORK (4)

• The labour code explicitly stated, at the end of the 1993 reform, the principle of non-discrimination between men and women in all aspects of labour and employment, including areas related to remuneration in the agricultural sector.

RIGHT TO WORK (5)

- Labour legislation recognizes the specific rights of women, in particular:
- The right to two months maternity leave with full salary.
- Post-natal leave, upon request, for a period of four months with half pay.
- The right to social security coverage as a salaried employee or wife of a salaried employee.
 - In case of the death of the husband, the right to benefit from 70% of their retirement payment and vice versa.

RIGHT TO WORK (6)

* Legal texts which regulate the employment sector explicitly guarantee equal employment opportunities and non discrimination between the sexes.

* In the public sector, the general status of State employees, of local groups and public institutions advocates the principle of equal access to public employment and stipulates in article 11 that no distinction will be made between the two sexes.

RIGHT TO WORK (7)

* The labour code and the collective agreement – a framework which prohibits sexual discrimination, night work and the hidden work of women, as well as improper termination of the employment contract because of pregnancy.

* The texts of the current law also provide for maternity leave of variable duration according to the sector and feedings.

RIGHT TO WORK (8)

• Law no. 2000-17 of February 17, 2000 repealed the prior consent of the husband to his wife's work that gave him the right to cancel, as he saw fit, any employment contract she had signed with her employer .

• In the agricultural sector, the wages of female workers have been in line with that of workers in the same category, ending the system of a 15% deduction in the pay of female agricultural labour.

RIGHT TO WORK (9)

- On August 2, 2004 a new law was passed that punished sexual harassment by amending and supplementing the penal code regarding the repression of attacks on morality and sexual harassment, particularly in the workplace.

RIGHT TO WORK (10)

- Law no. 2005-80 of August 9, 2005, which amended some provisions of the Code of Obligations and Contracts, amended Articles 1138 and 1158 of the COC that contained sexist provisions due to the fact that the only representation anticipated was that of the husband as representative of his wife and not vice versa, which was implicitly equivalent to denying women the right to represent their husbands.

RIGHT TO WORK (11)

- Law no. 2002 -32 of March 12, 2002 came to fill the legal vacuum in the social welfare system by giving home workers, who are almost exclusively female, and along with other categories of workers who were deprived of this, a specific social security scheme that includes the measure of providing care and pensions for old age, invalidity and survivors.

RIGHT TO WORK (12)

- The presidential program "for the Tunisia of tomorrow" (2004 - 2009) advocated a new measure that gives working women the freedom to work half the time but receiving two-thirds of their salary and while retaining all of their rights to social security coverage and retirement.

RIGHT TO WORK (13)

To strengthen the presence of women in various fields of activity, the number of structures for the protection of children has continued to increase: 102 nurseries and 2422 kindergartens in 2004.

RIGHT TO WORK (14)

- * It is understood that the word "employees" includes both men and women.
- * The national training system makes no distinction between boys and girls in both the texts and in reality and shows a net mix in their institutions with a small percentage of women's institutions.

RIGHT TO WORK (15)

- Continuous training has been established as part of the promotion of workers. It aims to improve the professional skills of men and women affected without distinction.

Employment Incentive Programmes (1)

More than 50,000 girls have benefited from the programs:

- FIAP (funds for integration and retraining).

- SIVP2 (introductory course to professional life for those without higher education or with secondary level education).
- SIVP1 (introductory course to professional life for those with higher education).
- CEF (job-training contract)

Employment Incentive Programmes (2)

- The working population increased at the date of census to 3,328.6 (in thousands) people, of which 2,444.1 (in thousands) are men and 884.5 (in thousands) are women, i.e. 73.4% and 26.6% respectively,.

Women and unemployment

- * The unemployment rate in 2004 was assessed at 13.9% for the whole working population, or 12.9% for men and 16.7% for women.
- * In 1994, the unemployment rate was 15.6%, or 15% for men and 17.2% for women.

Women and the labour market

The situation of the labour market managed by employment offices, which only deals with 30% of applications, shows that demands for female employment during the 2000-2003 period varied between 41.3% in 2000 and 45.2% in 2003.

The 21-21 National Employment Fund

- Income generating projects (agriculture and crafts) amounted to 21,635 families, with a total investment of 23.6 MD.

Incentive for female entrepreneurship

The promotion of female entrepreneurship amounted to 2137 women between 1996 and 2001 (i.e. 37% of the total), who have received specific training in:

- starting companies and entrepreneurship training.
- micro-company management.
- market rules.
- starting companies.

Loans

- * The National Solidarity Fund and the Tunisian Solidarity Bank (BTS) give micro credit to women promoting micro projects.
- * The amount of female beneficiaries of loans granted by the BTS increased from 34.5% in 2001 to 37.4% in 2002 and to 40.3% in 2003.
- * The distribution of loans granted to women by the BTS according to sector at the end of 2002 was as follows: Crafts (10%), Small businesses (34%), Agriculture (7%) and services (49%).

IN CONCLUSION: WHAT IMPROVEMENTS?

IMPROVEMENTS (1)

Turning theory into practice

IMPROVEMENTS (2)

What roles for associations?

- International (support, information, new funding opportunities, training ...)
- National/Local (participation, awareness, communication, pressure groups, training, funding mechanisms ..)

IMPROVEMENTS (3)

Strengthening local associations in terms of:

- Knowledge of women's rights
- Implementation of female promotion measures
- Building capacity of associations

IMPROVEMENTS (4)

- * Making the female population aware of the real situation of women in each country (strengths and weaknesses.)
- * Informing women, particularly in rural areas, about their roles in building a more egalitarian society.
- * Raising awareness among men and women about the dimension of complementarity in the economic role of everyone in the family.

IMPROVEMENTS (5)

- Disseminating a new culture based on best practices in terms of recognition and appreciation of the economic role of women in their homes.
- Communicating the way for better development (communication about economic issues contributing to the achievement of social peace locally, nationally and internationally)

IMPROVEMENTS (6)

- * Contributing more to the strengthening of Southern NGOS to participate in achieving the Millennium Development Goals, particularly with regard to women in rural areas.