



WORKING DOCUMENT

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

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By analyzing how the legal systems of the Southern Mediterranean countries regulate legal relations, we see that even though women now enjoy their rights in most of these constitutions, they remain deprived of the opportunity to fully exercise those rights, sometimes for reasons beyond the legal framework. Labor laws, penal codes and civil laws in these countries, moreover, are still home to many forms of discrimination against women, although there have been tangible legislative steps to eliminate such discrimination, especially in terms civil law and questions of personal status.

Awareness about the status of women within the legal community itself has not worked due to different ways used against them. Proof of this lies in the existing partial measures in the legislative process in the application of the law by the judiciary and the interpretation of laws. This supports the contention that the task of writing the laws, enforcing and interpreting them is still, in the Mediterranean Arab world, a male-oriented culture. This does not mean that there are no trends towards equality between women and men, and positive actions towards women's empowerment. However, these trends are not sufficiently influential.

The crucial factor does not concern the realm of the law itself but to focus on the real needs of people. Hence the role of local NGOs and civil society are called upon to perform on the ground in harmony with the international community and their own governments.

Mindful of the work of the highest order to be played by NGOs in the task of promoting equality between women and men, in the strengthening of those, and not forgetting the irreplaceable role they can play in education, READI has wanted to use the catalyst structure of a network of NGOs, a structure that allows for greater coordination between NGOs in the North and South of the Mediterranean.

Thus, a day of reflection presented here followed a day starring NGOs shared their experiences working for the rights and empowerment of women in the Middle East.

As indicated in the reports of the achievement of the Millennium Development Goals for the third objective: "Promote gender equality and empower women", women are often relegated to the most vulnerable forms of employment. Many women work in informal employment, and consequently lack benefits and job security. Posts at the highest levels are overwhelmingly given to men over women. Women in the MENA region continue to face discrimination and inequality. Development Report in the Arab World 2005 (AHDR), "Towards the Rise of Women in the Arab World", identified gender inequality as one of the most significant obstacles to human development in the region. Despite the legal guarantees for women's rights to political and economic participation, gender roles are deeply rooted, limiting women's employment and opportunities in decision-making processes to one of the lowest levels in the world. And despite the significant efforts of civil society organizations advocating for women's political rights, women still lag behind men in terms of representation. Moreover, women in situations of crisis, facing double complications, become victims not only of the lack of power, but also violence.

In response to right itself, it should be noted that labor laws, penal codes and civil laws in these countries still have many forms of discrimination against women, despite steps that have been taken to give equity in special civil law and some personal issues or family law.

On March 8, 2008, the International Labor Organization (ILO) published "Global Employment Trends for Women". The report said that the situation of women in the realm of work has improved. North Africa still has the female unemployment rate highest in the world, 16.2%, compared with 9% of men. In addition, this region has the lowest employment-population ratio in the world. Only 2 out of 10 women of working age are employed compared to 7 out of 10 in the case of men. While in the Middle East, the participation rate of women in the labor market is 33%, the second lowest in the world. Beside this the gap in labor market participation is also the second lowest in the world: for every 100 men there are only 39 active women. An interesting fact is that the proportion of women in wage and salaried employment is higher than the world average of 46.4% and therefore the proportion of vulnerable employment is comparatively low. However, in many cases in the Middle East women in vulnerable employment situations such as domestic workers or rural workers are not included in the statistics because they are mostly immigrants.

Equality between women and men in work

Worldwide, it has to continue working for employment equity; however, measures cannot be generalized.

Given that women often end up in lower position than men in the workplace, promoting equality means giving explicit attention to the needs and perspectives

of women. Both women and men, girls and boys, should be free to develop and take decisions based on personal interests and capabilities, without limits imposed by roles and prejudices.

In the labor context, women and men equality means the following elements according to ILO:

1. Equal opportunities and treatment in employment
2. Equal payment for work of equal value
3. Equal access to safe and healthy conditions in work and equal access to social security
4. Equal right to unionize and collective bargaining
5. Equal right in access to meaningful professional development
6. Work and family life balance to be fair to both women and men
7. Equal participation in decision-making at all levels

Labor law and work-family life balance

Among the factors that influence low rate of female labor force in the MENA region and limit the access of women to employment are:

1. Slow growth in the region and scarcity of jobs, in general. On the other hand, structural adjustment programs have reduced women's job opportunities.
2. The common wisdom that states: man is the financial support of the family and housework is primarily for women. The dominant male culture favors a preference of male employees by employers.
3. The obstacles that pose more limits for female potential are the working conditions: women do not enjoy equal status as men concerning job opportunities, conditions and wages, and even less promotion to achieve executive positions. Despite having increasingly higher proportions of female university students, the salary of women is still lower than that of men.
4. The most vulnerable sectors of the population: women are those that most suffer inequality in these sectors women work mainly in the agriculture and in precarious employment such as service sector, domestic servant, employee in the textile industry, all of them activities characterized, in the Arab world, by its low productivity and low salary. Therefore, a large proportion of women workers receive low wages for their work. In addition, a higher proportion of these women continue to suffer violence or abuses at work.
5. Labor reforms and judicial procedures slowness. In particular the absence or

failure to implement appropriate legislation to balance work and family.

6. In some countries the laws that limit the role of women, such as those designed for their "protection": among which labor law and personal status limit the women freedom by requiring permission from their father or husband to work, travel or taking out a loan from the bank.

Dependency ratios

Remain the highest in the world, each worker has more than two non-workers, a situation certainly very different from East Asia and the Pacific, where every worker has an average of a dependent. This phenomenon is explained by the low rate of female participation. The situation is further exacerbated when high levels of family financial support coexists with a lack of pension and social security network to give coverage to all segments of the population.

With the increasing expansion of the informal sector, where worker coverage is low, the family support becomes a tremendous burden for the small number of people working. The pressures on women to care for children and the sick, elderly, disabled and handicapped without sufficient social support are increasing.

It can be concluded that:

The inability to use the human capital, especially highly educated women, to the detriment of economic development and significant wasted energy and investment that otherwise could contribute to greater economic development for all.

One last thought

Often a higher activity rate of women in the MENA region does not mean a real improvement in their living conditions and status in the labor market. It is urgent to reform labor rights and its implementation at all levels and for everybody.

The success of any reform depends on two factors, public attitudes toward it, and the interpretation of it made the judges, who have been invested to deploy to the courts. The public can find strategies to ignore or circumvent reform that contradicts their social practices. The judges, on the other hand, can put an end to any reform that contradicts their social beliefs and legal interpretations different to what the legislature expects of the judges. So the success of the reforms is in a way three logics: that of the civil society, the legislator and the judge.