

Chapter 4

Women's labour rights and entrepreneurship in selected MENA countries

This chapter examines women's labour rights in Algeria, Egypt, Jordan, Libya, Morocco and Tunisia. It considers labour law in terms of gender equality and non-discrimination, and reviews the impact of business law on women's entrepreneurship.

The chapter weighs women's right to equal terms in recruitment, promotion and pay against gender-based distinctions in employment benefits. It presents regulations that aim to protect women but may affect their capacity to work, and reviews entitlements to maternity and parental leave, the nursing of newborns at the workplace and childcare. It also examines the benefits and drawbacks for women of part-time and flex-time arrangements and early retirement.

The chapter assesses the business climate as it affects women, including enterprise registration, access to finance and networking. Violence and sexual harassment, as well as the quality of public transportation, are also considered in terms of how they affect women's ability to participate in the economy.

Introduction

MENA countries have taken a public stand in favour of gender equality through their international commitments and amendments to their constitutions. Women's educational attainment is rising in the region. Yet women's rates of participation in the labour force and entrepreneurship in MENA are well below those of men, and indeed are the lowest worldwide.

The labour codes of the countries under review provide for equal working rights and non-discrimination in recruitment and promotion, as well as equal wages for women and men. Yet, as this chapter will show, these norms are not always respected in practice. Provisions aimed at protecting women can limit their job opportunities. Measures in support of women like paid maternity leave, part-time employment or early retirement carry costs for private employers. Their effects can be counterproductive, reinforcing gender stereotypes and encouraging the recruitment and promotion of men.

This chapter also evaluates how the ability to establish, manage or develop a business differs according to gender in the six countries. Although laws affecting entrepreneurship are gender neutral, women experience gender-specific difficulties, particularly in access to finance and networks. Limited employment experience and earnings also create obstacles for women, as do sexual harassment and the poor quality of public transportation.

These impediments to women's participation in the economy may reflect a problem in the translation of international commitments on equality into domestic laws, and in the full implementation of those laws.

It should be noted that issues covered in this chapter relating to gender equality at the workplace remain a work in progress in many countries. Persistent challenges noted by the OECD include the stagnating labour force participation of women, gender wage gaps and entrenched discriminatory social norms and stereotypes.

Equal working rights but different benefits

States Parties to CEDAW and the ILO conventions commit to guaranteeing equal opportunities to all workers in the hiring process and during employment. Men and women are to be granted equal pay for equal work or for work of equal value.¹

Equal opportunity to work and equal treatment in the public and private sectors are, in principle, guaranteed in the labour codes of the six countries. These codes, which build on countries' international commitments, regulate the relation between employers and employees for commencing, maintaining and terminating employment. All codes prohibit discrimination in relation to gender and pay.

It is noteworthy, however, that the labour codes of several countries do not cover certain categories of workers. In Egypt, for example, domestic workers and women in agriculture are excluded, whereas the labour codes of Jordan and Tunisia do not cover domestic, agricultural and irrigation workers and their families (OECD/CAWTAR 2014: 176). Considering the number of women involved in such activities, this is a major gap. The legislation results in an absence of protection for such workers.

The principle of non-discrimination

The labour codes of the six countries describe the rights and obligations of employees in neutral terms and prohibit discrimination.

- **Tunisia's** labour code prohibits all forms of discrimination between men and women.² The civil-service ordinance declares that it is illegal to differentiate between genders, “subject to the special provisions recommended by the nature of the duties”.³
- In **Jordan**, the civil service regulation defines the principle of equal opportunity as prohibiting discrimination based on sex, race, religion or social status.⁴ The labour code carries no explicit prohibition of direct or indirect discrimination against women in the private sector.⁵
- In **Libya**, the labour code guarantees equal job opportunities for men and women in the private and public sectors.⁶
- **Algeria**⁷ and **Morocco**⁸ expressly prohibit gender-related discrimination during recruitment and outlaw differences in workers' pay for equal qualifications and experience.
- In **Egypt**, the Labour Code explicitly prohibits wage discrimination based on sex, origin, language, religion or creed.⁹

Participants in focus groups in the countries under review noted that, despite the provisions for non-discrimination laid out in the labour codes, equal treatment and equal opportunities between men and women in the job market remain a challenge, particularly in the private sector. The participants stressed that women face significant gender-based inequalities, whether in relation to hiring, wages or career development (i.e. training and promotions), as reflected in the data presented in Chapter 1. In Jordan, despite non-discrimination provisions in the Civil Service Regulation, women encounter discrimination when seeking positions that are stereotypically male, such as technicians, mechanics, etc.¹⁰

As was also noted in Chapter 1, women rarely hold senior management positions in the public or private sector, and they are poorly represented on company boards of directors. In fact, none of the six countries has introduced regulations or adopted a voluntary quota policy with a view to developing women's corporate leadership and reducing the gender gap in the promotion of men and women.

Social norms set by family codes, discussed in the previous chapter, play an important role in the discrepancy between labour laws and practice in the MENA countries. For example, according to the focus groups, many employers view male employees as more committed to their jobs than their female counterparts. Participants reported that employers often preferred recruiting and investing in males, in particular when a job required travel; this may relate to the fact that men need no authorisation for their activities, in contrast to women. As mentioned in Chapter 2, in some countries women still need to obtain their husband's agreement to work and they bear responsibility for household chores. It was also noted that employers have strong expectations that women will stop working upon starting a family, as illustrated by the high workforce drop-out rate of women after the age of 29 (Figure 1.5, above). Moreover, in the event of economic redundancies, employers reportedly prefer dismissing a woman on the grounds that a man is the head of the household.

Compared to equally educated men, women tend to work in jobs requiring lower qualifications. Their career-development opportunities are affected, among other factors, by limitations on training and travelling abroad. As noted in Chapter 1, women are underrepresented in high-responsibility positions. This might be linked to the significant

female drop-out rate from the labour force; many such positions become accessible only with considerable work experience. While the drop-out rate could be linked to women's homemaking responsibilities, one might also question whether and to what extent the difficulty of attaining senior positions may dissuade women from entering or staying in the labour market.

Box 4.1. OECD framework on gender equality in leadership

The OECD Council on Gender Equality in Education, Employment and Entrepreneurship (2013) recommends:¹

- 1) increasing the representation of women in decision-making bodies by encouraging measures such as voluntary targets, disclosure requirements and private initiatives that enhance gender diversity on boards and in senior management of listed companies;
- 2) complementing such efforts with other measures to support effective board participation by women and expanding the pool of qualified candidates; and
- 3) continuing to monitor and analyse the costs and benefits of different approaches – including voluntary targets, disclosure requirements or boardroom quotas – to promote gender diversity in leadership positions in private companies.

These principles have been reiterated in the G20/OECD Principles of Corporate Governance (2015),² the revised OECD Guidelines on Corporate Governance of State-Owned Enterprises (2015)³ and the OECD Council's Recommendation on Gender Equality in Public Life (2015).⁴

Notes:

1. [www.oecd.org/gender/C-MIN\(2013\)5-ENG.pdf](http://www.oecd.org/gender/C-MIN(2013)5-ENG.pdf).
2. <http://dx.doi.org/10.1787/9789264236882-en>.
3. <http://dx.doi.org/10.1787/9789264244160-en>.
4. <http://dx.doi.org/10.1787/9789264252820-en>.

Women's high unemployment rate may be the result of employers' preference for recruiting and promoting men. However, focus group discussions also suggested that women's education may not be adequate for market needs, and that this might also affect their recruitment in the private sector.

Equivalent wages

Equal remuneration for equal work is a matter of rights and fairness. Equal valuation of men's and women's work and skills helps to increase women's autonomy. Raising women's earnings throughout their working life reduces their risk of falling into poverty, especially as they age.

The labour laws of Algeria,¹¹ Egypt,¹² Libya¹³ and Morocco¹⁴ promote equal pay by barring gender-related discrimination for equal work. The ILO committee of experts, however, considers that labour laws should provide not only for equal remuneration for men and women for equal or similar work, but should also address situations where men and women perform different jobs, using different skills and involving different working conditions, but which are nevertheless jobs of equal value.¹⁵

In spite of equal-pay provisions, and as noted in Chapter 1 and complemented by qualitative evidence from the focus groups, there continues to be a wage gap between women

and men: women tend to receive an inferior wage for equal work, with the gaps particularly high in rural areas and in the private sector. Wage disparities in the public sector are far less pronounced.

As mentioned in the preceding chapter, social norms and family law provisions create a perception that women do not need to earn as much as men, and thus the view that wage disparities are justifiable. Participants in focus groups indicated that women are often assumed to bring in a secondary income, as opposed to men, who as heads of household are responsible for maintaining the family. This situation also exerts high pressure on men, as inside the households it is considered important for them to have a higher wage than the wife. Focus groups in Tunisia and Morocco indicated that the wage gap is considered an important feature for preserving the spousal relationship inside the household.

Different non-wage employment benefits

Employment benefits – in particular an efficient social security system that covers the costs of illness, hospitalisation and invalidity, and guarantees a pension or child benefits – may act as incentives for joining and remaining in formal employment.

Social protection is a constitutional right for men and women in Algeria,¹⁶ Egypt,¹⁷ Jordan,¹⁸ Libya,¹⁹ Morocco²⁰ and Tunisia.²¹ Social security is financed by the employer, the employee and, to a lesser extent, the government, and in principle applies to men and women alike. The systems in place in the different countries generally allow married women to be covered through their husband's benefits when he is in formal employment. The problem arises for unmarried, divorced or widowed women working in informal employment.

- In **Algeria**, women who do not work are covered by their husband's or father's professional health insurance; women who work are covered in their own right.
- In **Egypt**,²² social security is considered weak and its delivery costly. Many enterprises are not registered and avoid the obligations of formality. In other cases, employers try to circumvent paying social insurance for their employees, in particular women. The Egyptian Labour Market Panel Survey of 2006 suggested that only 10.51% of working females had a contractual agreement with their employers (Barsoum, 2010). The rate of female social security coverage does not surpass 20% in any age group, and it declines to as little as 3.7% for the ages 20-29 (Sieverding and Selwaness, 2012).
- In **Libya**, due to illiteracy and an absence of awareness of legal rights, a large proportion of female self-employed or private-sector workers do not understand the benefits and rights enshrined in the Social Security Act, reducing the real value of the laws for women.
- In **Jordan**, contributing to the social security system is mandatory.²³ Women who do not work are covered by their husband's or father's professional health insurance.²⁴ Access to inherited pensions becomes restricted if a woman remarries.²⁵ Male employees receive financial benefits to support their families, while women receive them only after proving they support their family.
- In **Tunisia**, women who do not work are covered by their parents until age 20 and by their husband upon marriage. If working, they will be covered and can ensure coverage for their husband if he is unemployed. Coverage is a problem for those

in informal employment, however, and measures put in place by the government (public health) are insufficient and are not accessible to all.

When available, child allowance payable to employees for the maintenance of their offspring can make a substantive contribution to income. Whereas no child benefit is paid in Egypt, a monthly allowance is available to married men employees in Algeria,²⁶ Jordan (only in the public sector),²⁷ Libya²⁸ and Morocco.²⁹ In these countries, women receive this benefit only if they are solely responsible for their family's financial support. Tunisia has introduced an exception: women working in a sector covered by the child-benefit regime can receive a very low allowance for children aged 2-36 months.³⁰

Non-discriminatory labour legislation in the six countries does not prevent major gender gaps in recruitment, promotion and the termination of contracts, as shown in Chapter 1. Focus groups in the six countries provided observations on how gender differences build on social norms. Social security or child benefits seem to provide no strong incentives for women to engage in the formal sector: the welfare payments are generally available to married women through the formal employment of their husbands, and childcare is generally paid to the fathers. This is built on the assumption, written into the respective family codes, that men are responsible for the financial support of their families.

For the large number of women employees or entrepreneurs in sectors not covered by labour legislation or who work undeclared, the labour market is unregulated and unprotected. In light of the more favourable non-wage benefits or welfare payments granted to married men, it is worth examining to what extent joining the informal sector is a deliberate choice by women and their families.

Provisions aimed at protecting women

Laws seeking to regulate hazardous or strenuous work assume that women are more vulnerable than men and need to be protected. These laws may produce an adverse outcome, effectively restricting the employment available to women. Hence, these laws have been reconsidered at the international level.

ILO standards dealing with women's work have shifted from the original conception of the need to provide women with special protection against arduous working conditions, embedded in the 1958 Convention, towards the view that protection should be granted to all workers, irrespective of sex. Protective provisions are likely to further marginalise and sometimes even exclude women from the labour market and to perpetuate the belief that they are unable to decide for themselves. Such provisions also affect women's freedom to choose their profession. The ILO conventions dealing with night work³¹ and work in mines³² have thus been replaced by new treaties that apply to all workers, regardless of sex.

However, women's work and men's work are regulated differently in the six countries, which have enacted laws with a view to protecting women from exposure to dangers and difficulties.

Night work and sector restrictions

All six countries impose restrictions on women's work at night, especially in the private sector. The regulations vary by country: in Egypt, women are banned from working from 7 p.m. to 7 a.m.,³³ in Jordan³⁴ and Tunisia³⁵ from 10 p.m. to 6 a.m., in Algeria between 9 p.m. and 5 a.m.,³⁶ and in Libya from 8 p.m. to 7 a.m.³⁷ Morocco prohibits night work

only for minors under 16,³⁸ but it imposes a minimum rest and recovery period for women between night shifts.³⁹

The six countries have also adopted provisions regulating women's work in specific sectors or certain types of activities considered dangerous or morally harmful (Egypt⁴⁰ and Morocco⁴¹). This is the case, for example, for work in quarries or in mining (Morocco,⁴² Tunisia,⁴³ Jordan⁴⁴ and Egypt⁴⁵) or in establishments that salvage, transform or stock used metals (Tunisia⁴⁶). In Libya, women may not undertake work that is not “familiar with woman's nature”,⁴⁷ such as in oil fields. Under the Jordanian constitution, the Ministry of Labour enacts legislation establishing special conditions for the work of women and juveniles; the labour law also refers to the Ministry of Labour, which determines from what industries, jobs and times women are prohibited.⁴⁸

Exceptions to these restrictions exist for certain jobs or sectors. There may be exceptions, for example, for women holding management positions (Tunisia,⁴⁹ Morocco,⁵⁰ Egypt⁵¹), or where the nature of the work and job description justify granting such an exemption (Algeria⁵²). Exceptions can also be made for some work in hospitals, hotels, restaurants, cinemas or airports (Egypt,⁵³ Jordan⁵⁴). Libya fixes the maximum number of hours per week that women can work (48), which prevents them from increasing their revenue through overtime pay.⁵⁵

Although provisions regulating night work or women's involvement in certain sectors may be well intentioned, limitations designed to protect female workers are internationally considered out-of-date and discriminatory, as they reduce women's economic opportunities. By restricting women from working the same hours as men, these provisions distort their employment and income opportunities. By supporting the view that women are primarily caregivers rather than breadwinners, protective measures reinforce the gender divide. They work as a disincentive for employers to hire women, who are relegated to lower-paying sectors and activities.

Sector restrictions also have an impact on women's entrepreneurship. With women unable to gain work experience in certain high-paid sectors, like for instance mining in Egypt and Jordan, they cannot become entrepreneurs in those fields. That these sectors are often capital intensive creates another hurdle for women, who generally have less capital than men.

While all workers, men and women, should be protected from hazardous work, women should be able to decide for themselves on which job to take and which sector to choose. Gender-neutral laws would give women freedom of choice and increase their options and opportunities for entering the job market. Such laws would also improve recruitment for firms by potentially doubling the pool of candidates.

In order to enlarge the talent pool for recruitment, and with a view to introducing more flexibility in support of private-sector development, the governments of the six countries might consider abrogating laws regulating women's work at night and in certain sectors. It may be to the benefit of all, as experience in other countries has shown, to let women decide for themselves which duties they can assume or not (Box 4.2).

Box 4.2. Countering gender stereotypes: a case study in Kazakhstan

Gender stereotypes exist everywhere, but many countries are evolving. A project in the transportation sector in Kazakhstan, in partnership with the European Bank for Reconstruction and Development (EBRD), resulted in the hiring of the country's first women bus drivers.

Kazakhstan's labour code prohibits gender-based discrimination, and anyone who is subject to discrimination has the right to file proceedings in court (OECD, 2014b). However, the country's 2009 law on "Equal Rights and Equal Opportunities for Women and Men" applies only to public-sector employment (OECD, 2014b), and Article 186 of the labour code (2007) restricts women from performing work that is considered "heavy" or "harmful", and lists 299 restricted professions.

Occupational segregation in Kazakhstan mirrors gender norms and reinforces inequalities between women and men. Many of the jobs barred to women are in the construction and transport sectors, where pay is typically higher (ADB, 2013). Conversely, women represent more than 70% of employees in low-paying sectors such as education and health care. Furthermore, the glass ceiling continues to block women from advancing in their careers, as shown by the low number of women in leadership and managerial positions (ADB, 2013).

To break down occupational segregation and address discrimination against women in employment, the EBRD has worked on a promising project in Kazakhstan in the male-dominated urban transport sector. From 2013 to 2015, the EBRD worked with Almaty's public transport operator, Almatyelectrotrans (AET), to promote equal opportunities for women and men in the urban transport sector and increase the number of women bus drivers. Women are typically discouraged from pursuing a career in the sector, due in part to discriminatory attitudes on appropriate employment for women, but also to legal barriers such as discriminatory licensing requirements (EBRD, 2015).

AET adopted gender-responsive strategies that led to the recruitment in 2015 of the first female bus driver. These include: recruitment policies that actively encourage women to apply, a new monitoring system for collecting sex-disaggregated workforce data and a company commitment to equal opportunities. Positive outcomes include an increase in the proportion of women in management, from 19% in 2014 to 28% in 2015; women hired in technical operations, which were previously all-male positions; and the recruitment of a second woman bus driver in 2015, which established a positive role model and contributes to changing attitudes. AET managers and staff also reported improved awareness of equal opportunity within the organisation (EBRD, 2015).

Source: ADB (2013), Kazakhstan Country Gender Assessment, OECD (2015), SIGI Regional Report: Europe and Central Asia, www.adb.org/sites/default/files/institutional-document/34051/files/kazakhstan-country-gender-assessment.pdf (accessed 15 October 2015).

Maternity benefits

Maternity benefits include paid leave before and after childbirth, security to return to one's job after maternity leave and the possibility to nurse one's child upon resumption of work. These provisions aim to ensure a good work-life balance for working mothers upon the arrival of their children.

The 2000 ILO Maternity Protection Convention declares it unlawful for an employer to terminate the employment of a woman during her pregnancy (Article 8). In line with this, women are protected against termination of their employment contract during pregnancy and maternity leave in Morocco and Tunisia,⁵⁶ Egypt⁵⁷ and Jordan.⁵⁸ (there is no

provision in the civil service regulation for public sector employees). In Algeria, pregnant women are not expressly protected against termination of their work contract by a specific provision, but like other employees women are protected against unfair dismissal. In Libya, a woman's work may not be terminated during pregnancy or maternity leave except when there are “justifiable reasons that are not related to pregnancy and maternity and birth complications or breast feeding.”

Maternity and paternity leave

Under the revised 2000⁵⁹ ILO Maternity Protection Convention, maternity leave should be no less than 14 weeks and should include a period of at least 6 weeks after childbirth (Article 4).⁶⁰ Article 6 states that the cash benefits “shall be at a level which ensures that the woman can maintain herself and her child in proper conditions of health and with a suitable standard of living.” Where provided through compulsory social insurance and based on previous earnings, the amount of such benefits shall not be less than two-thirds of the woman's previous earnings. The ILO notes that reducing the direct costs of maternity leave for the employer will “help to prevent discrimination and protect the situation of women workers in the labour market” (ILO, 2013: 41). There is now a view that rights should also be considered for fathers. The importance of providing employment-protected paid maternity and paternity leave to working mothers and fathers is underlined by the 2013 OECD Gender Recommendations.

Of the six countries under review, only Morocco has ratified the ILO 2000 Maternity Protection Convention. Maternity leave is granted in all six countries, but the duration varies across countries and between the public and the private sector, with payments covered by different stakeholders (Table 4.1). Short paternity leave is possible in Algeria, Libya, Morocco and Tunisia.

Table 4.1. **Conditions of maternity leave**

Country	Length of leave	Coverage amount (%)	Financed by
Algeria	14 weeks	100	Social security
Egypt	90 days	100	Mixed (75% social insurance, 25% employer)
Jordan	90 days (public) 70 days (private)	100	Social security
Libya	14 weeks	50	Employer
Morocco	14 weeks	100	Social security
Tunisia	30 days (private) 60 days (public)	67 (private sector) 100 (public sector)	Social security

Source: Adapted from the World Bank based on data from MENA countries.

In Algeria, Libya and Morocco, women are granted 14 weeks of maternity leave. In Algeria and Morocco, the costs are covered by the government and/or the social security system, while in Libya employers must pay the leave. Payment by the employer is also the rule in Egypt, where female employees can benefit from up to two 90-day maternity leaves on full pay during their working life, provided they have worked for the employer for at least 10 months.⁶¹ In Jordan, the leave is about 13 weeks in the public sector and 10 weeks in the private sector, where employers and male and female employees have contributed

since 2010 to a Maternity Fund managed by the Social Security Corporation. In Tunisia, maternity leave is 30 days in the private sector.⁶² Collective labour agreements in specific sectors call for payment of the leave by the employer (e.g. banks, insurance), but in general the National Social Security Fund ensures a daily allowance to compensate for a woman's suspended salary, provided she has been employed for at least 80 days.⁶³ In Tunisia's public sector, the maternity leave of 60 days is paid in full.⁶⁴

Financial structures that put the burden of maternity leave on the private employer may need to be revised, as they invite discrimination against women, in particular of child-bearing age.

Paternity leave allows new fathers to take a short period of leave in order to bond with the new-born and help the mother take care of the child. The purpose is also to help dissociate the costs of child-rearing from women and to recognise fathers' family responsibilities. Paternity leave reflects evolving views of fatherhood and parenting roles, with greater involvement of fathers around childbirth and in the domestic sphere. In Algeria,⁶⁵ Morocco⁶⁶ and Libya, the father is allowed to take three days of paternity leave. The costs are covered by the employer in Algeria and by social security in Morocco. In Tunisia, a two-day leave is granted, the cost of which is covered by social security.⁶⁷ No paternity leave is available in Egypt, Jordan or Libya.

Box 4.3. Gender-sensitive employment practices in the public sector in MENA

The public sector is the most prominent employer of women in the MENA region, as it is in many OECD countries. However, a 2014 OECD study showed that the region's women are less represented in senior positions and tend to earn lower salaries than men in the public sector. Potential sources of inequality include pay and job classification, recruitment, promotion and evaluation, and access to professional development, even when legal texts constitute a strong framework for gender equality. Nonetheless, the region is making important progress in establishing measures to support combined responsibilities for family and work.

Gender-responsive human resources strategy in the public sector

Egypt and Morocco can be cited as examples of proactive approaches to strengthening gender balance in the MENA public sector. The two countries report conducting gender-balance assessments of the government workforce. Both have taken steps to increase women's representation in sectors where they are traditionally less present, such as integrating gender-diversity targets into performance agreements for top management (Morocco) and giving preference to equally qualified women in the civil-service selection process (Egypt).

On the supply side, there are only a few leadership development programmes in the region. One example of good practice exists in Morocco's initiatives to strengthen gender balance in public employment and reduce the gender pay gap. The country's Ministry of Public Sector Modernisation (MMSP) published a handbook as a first step towards a broader reform of pay and classification. It reviews whether current requirements or job descriptions disadvantage women or discourage them from applying so that these sources of discrimination can be corrected. Concerning professional development, the MMSP conducted a study to identify female civil servants' needs in leadership development and management capacity building, and completed a study on reconciling family and professional life as the basis for developing gender-responsive training programmes.

Box 4.3. Gender-sensitive employment practices in the public sector in MENA (continued)

Work-life balance measures for civil service employees

Not unlike in OECD countries, the public sector in the MENA region is seen as offering much greater compatibility between family and professional duties than the private sector. For example, specific measures for women who are breastfeeding, which exist in most of the MENA countries, include additional breaks and specified nursing areas for women (Bahrain, Egypt, Jordan, Kuwait, Morocco, the Palestinian Authority, Tunisia and Yemen). Leaves to care for family members who are ill, particularly children, are also often provided for women (Bahrain, Egypt, Jordan, Kuwait and Morocco). Pregnant women benefit from additional measures to facilitate work-life balance (Bahrain, Egypt, Jordan, Kuwait and Yemen). This may include provisions for specific physical changes in the work environment to accommodate pregnancy and restrictions on strenuous labour. In some cases, women also receive additional time off to care for elderly family members (Bahrain, Egypt, Jordan and Tunisia). Flexible work-time options can also improve the gender balance in the work place. While some countries report using flexible working hours in the public sector (Bahrain, Egypt and Yemen) and a compressed working week (Bahrain), the use of these measures is very rare across the region.

Nevertheless, work-life balance measures across the region tend to support the traditional responsibilities of women in the household, particularly in relation to their reproductive and caretaker roles (pregnancy, breastfeeding, leave to care for a sick family member), with less emphasis on other measures that could improve work-life balance (telework, compressed work weeks and flexible working hours).

Source: OECD (2015d), *Women in Public Life: Gender, Law and Policy in the Middle East and North Africa*.

Nursing of children

A mother's decision to return to work also depends on the possibility of nursing her child. Accordingly, the 2000 ILO Maternity Protection Convention (Article 10) states that a woman shall be provided the right to one or more daily breaks or a daily reduction of work time in order to breastfeed her child. It says that these breaks or the reduction of daily hours of work shall be counted as working time and remunerated accordingly. But the convention leaves it to national laws to determine the number and duration of nursing breaks.⁶⁸

The six countries grant nursing employees two paid half-hour breaks per day to breastfeed during working hours. This applies for a period of one year in Morocco,⁶⁹ Jordan⁷⁰ and Tunisia,⁷¹ 18 months in Libya⁷² and two years in Egypt.⁷³ In Algeria, public-sector employees benefit from two hours of rest per day during the first six months after a birth and one hour per day for the six months thereafter.⁷⁴

While meant to protect women and their children, maternity benefits also seek to enhance women's productivity and ensure their involvement in economic life. Maternity leave represents a significant expense, however, in particular if funded solely by the private-sector employer. Maternity and breast-feeding expenses can deter the hiring of women of reproductive age, leading entrepreneurs to favour men during the recruitment process or to pay women less. This was underscored in focus group discussions, where participants also mentioned that certain private-sector employers make their female employees sign a blank letter of resignation upon recruitment for later use, for instance in order to force a woman to leave when pregnant. It was mentioned that only large enterprises, including multinationals

operating in the countries, are of sufficient scale to absorb the costs generated by their employees' maternity leave. Obviously, maternity benefits do not apply to informal female employees.

Governments may consider evaluating whether the differences pertaining to public- and private-sector maternity leave are supportive of an effective labour market. They may consider introducing the same leave periods for public- and private-sector employees, in line with international standards. They should also evaluate and put into place systems limiting employers' direct or indirect costs associated with maternity leave and nurturing. Providing government assistance would be one option to reduce employers' costs and thus to further the recruitment of women.

Box 4.4. Supporting early education services for children in Indonesia

Since the early 2000s, Indonesia has put considerable effort into the expansion of programmes and financing mechanisms to stimulate access to pre-primary education for children from the poorest and most vulnerable segments in society. Beginning in 2002, the Ministry of National Education (MONE) has provided subsidies to support the provision of early childhood education services through private institutions and non-profit organisations. The government approved block grants for local level initiatives to finance the costs of materials and teacher training for formal programmes, as well as offer subsidies for non-formal programmes. The communities were then given the autonomy to effectively disperse the funds based on need.

In 2006, a new set of block grants were introduced to support community-based, non-formal services. The grant programme partnered with local governments by matching funds and allocating resources. It targeted approximately 738 000 children, aged 0-6, residing in 3 000 villages within 50 districts that were characterised with a high prevalence of poverty and low enrolment rates in early childcare institutions.

The unique feature of the block grant programmes is that they are structured so local governments and the community are strategically involved in the decision making process. Local level management of programme initiatives, working within the guidelines of central institutions, has been particularly effective in increasing the enrolment of children from disadvantaged backgrounds and those residing in remote areas. Through the inclusion of local collaboration, the block grant programmes succeeded in addressing several challenges that used to constraint access to early childhood education in the country, such as: limited facilities, unequal distribution of services between rural and urban areas, poor staffing, and lack of financial capacity for families to pay school tuition fees.

Notable progress has been made towards expanding access to institutional childcare. Although rigorous assessments of the direct effects of block grant programmes are not yet available, descriptive statistics indicate that their contribution to the overall improvement in access to early childhood facilities may be significant. Net enrolment rates have almost doubled in less than a decade, increasing from 22% in 2005 to 41% in 2014, and have been associated with positive effects on the well-being of children in the programme. The mortality rate for children under 5 years of age has declined from 41/1 000 births in 2005 to 28.2/1 000 births in 2014, while the prevalence of stunting in children in the same age range has fallen from 40% in 2007 to 36% in 2013.

Source: UNESCO Institute for Statistics.

Parental benefits and childcare

Parental leave is paid or unpaid time off to care for a newborn after maternity leave. It can in principle be granted to either parent. Like childcare, it is meant to facilitate reconciliation of work and family responsibilities without loss of employment. Parental leave, while not included in any of the ILO conventions, is referenced in recommendations that accompany them. These do not, however, specify the duration of leave, payment or other aspects such as the conditions of the leave or the distribution of the leave between parents.

In the six countries under review, parental leave for the mother has been introduced in Egypt, Jordan, Morocco and Tunisia, mostly as an unpaid benefit in the private sector when available:

- In **Egypt**, female employees in the public sector are entitled to take up to three parental leaves of up to two years without pay,⁷⁵ whereas only employees of private companies employing more than 50 people are allowed a maximum of two years' leave without pay.⁷⁶
- In **Jordan**, mothers can take parental leave without pay for up to two years in the public sector⁷⁷ but only one year in the private sector.⁷⁸
- In **Morocco**, women can request unpaid leave for one year with a guarantee that their job will be available upon their return.⁷⁹
- In **Tunisia**, post-natal leave is available in the public sector for the mother upon request for a maximum of four months at half pay.⁸⁰ No parental leave is available in the private sector.

Participants in focus groups indicated that private sector employers are frequently hostile to parental leave, and that mothers taking such leave rarely find themselves in an equivalent job when returning to work.

As studies have highlighted (OECD, 2012: 203) and as underlined during focus group discussions, policies aiming to support parental leave for both parents may inadvertently reinforce the more traditional role of women as caregivers, since it is primarily mothers who make use of parental leave entitlements. In OECD countries, one reason for fathers' low take-up rate is that they frequently earn more than their spouses and the loss to the household income is thus higher if they take the leave. This factor could apply even more strongly in the six countries in light of the fact that non-wage employment benefits are primarily made available to men.

Box 4.5. Father-specific parental leave and the gender pay gap

A number of studies show the link between the gender pay gap and the division of labour in the home. A study in the United States found that companies offer different remuneration to women and men based on expectations of their share of work in the household (Albanesi and Olivetti, 2006). Another study of 15 developed countries found that where men do a greater share of housework, the gender pay gap is lower (Chichilnisky and Frederiksen, 2008). In a number of countries a “motherhood penalty” has been identified whereby the gender pay gap is greater for women with children than those without (Correll, Benard and Paik, 2007). Encouraging greater sharing of care responsibilities, for example through paid paternity leave or “fathers-only” paid parental leave, is therefore important (OECD, 2016b). A review of legislation in 126 countries and territories indicates that 42 have laws in place to guarantee paid paternity leave (World Bank, 2010).

Box 4.5. Father-specific parental leave and the gender pay gap *(continued)*

The government of Sweden has had a policy of paid parental leave since 1974, with women and men equally entitled to take time off. However, in practice women took the majority of the allocated leave, so the policy was amended in 1995 and 2002 to encourage greater take-up among fathers through the introduction of “daddy months” which are non-transferable to the mother. A study has found that for every month of leave a father takes, a mother’s earnings increase by an average of 6.7%, counteracting the “motherhood penalty” (Johansson, 2010). Because of policies like this, as well as the provision of high-quality childcare, the gender pay gap in Sweden is 13%, significantly lower than other countries in Europe such as Hungary (18%) and Spain (23%) (Glenn, Melis and Withers, 2009).

Following the success of the Swedish daddy months, a growing number of OECD countries have now introduced paid parental leave to be used only by the father. By and large, these periods of fathers-only leave have been successful. For example, in Iceland, the introduction in 2001 of a three-month fathers-only quota saw the share of paid leave days taken by fathers increase from just under 3% in 2000 to almost 32% in 2004 (OECD, 2016c). Similarly, in Germany, the proportion of children with a father who used at least some parental leave increased dramatically – from 8.8% for children born in 2007 to 32% for children born in 2013 – following the introduction in 2007 of a two-month “bonus period” available when both parents take at least two months of leave (Reich, 2010). Reserving periods of leave for the father does not, of course, guarantee that fathers will take leave: Korea, for example, now reserves one year of paid parental leave just for the father, but men still make up only around 5% of parental-leave users (Destatis, 2015). Still, the success of fathers-only entitlements in many OECD countries suggests they are one of the most important tools available to policymakers looking to promote fathers’ leave.

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The ease and affordability of care for young children and free public education can be decisive in a woman’s choice to resume a professional activity outside the home, whereas a lack of childcare options can lead to career interruptions and discontinuous employment.

CEDAW’s Article 11(2)(c) provides that States Parties shall take appropriate measures “to encourage the provision of the necessary supporting social services to enable parents

to combine family obligations with work responsibilities and participation in public life, in particular through promoting the establishment and development of a network of childcare facilities.” The ILO 1981 Convention concerning Equal Opportunities and Equal Treatment for Men and Women Workers: Workers with Family Responsibilities (Article 5b) states: “All measures compatible with national conditions and possibilities shall further be taken... to develop or promote community services, public or private, such as childcare and family services and facilities.”

The labour codes in Jordan,⁸¹ Morocco,⁸² Egypt⁸³ and Libya⁸⁴ require private-sector employers to provide childcare facilities on site when they employ more than a specific number of women. In Jordan, for example, a private-sector employer with 20 or more married women employees must provide childcare facilities if the women collectively have at least ten children under the age of four. Jordan’s 2013 Civil Service Code does not require the provision of such facilities for children, but an internal circular issued in 2015 requests public entities’ compliance with this labour provision. The minimum number of women employees for mandatory provision of childcare facilities is 50 in Morocco and Libya and 100 in Egypt. In Algeria and Tunisia, neither the private nor the public sector is required to provide nurseries.

In practice, the obligation of private-sector employers to provide parental leave and childcare for female employees exerts a negative influence on women’s recruitment and the payment of salaries equal to men’s. Focus group participants mentioned that some employers avoid reaching the threshold number of women employees that require them to provide childcare facilities; others do not employ married women. All of this eventually has a high cost for society and negatively affects both company growth and society.

Current child-care provisions also limit women entrepreneurs’ options for care of their children while operating their business.

In the absence of adequate, secure, sufficient and affordable childcare facilities, women tend to take a temporary break from work or even abandon their careers altogether. This can create a vicious circle for gender inequality, for if women reduce their participation in employment when they have children, employers may choose to invest less in their female employees.

On the other hand, it could be argued that mother-specific childcare policies, which are meant to encourage and support the participation of mothers in the labour market, inadvertently reinforce the more traditional role of women as caregivers and in that sense perpetuate gender inequality.

To support parents in their decisions about family and work, governments should put into place state-supported childcare facilities. For parents, this would diminish the costs and career implications of having a child. It would also limit the financial obligations of private employers, allowing them to consider the recruitment of young women in a more positive manner. Women would have the comfort of resuming work while care for young children is granted, and the costs associated with maternity leave and childcare would not have to be supported solely by private employers.

Allowing men and women to benefit from government-backed childcare options as well as parental leave may work in support of a more diversified labour market and stronger gender equality. It may also help women engage in entrepreneurship, allowing them time to establish and develop their business.

Box 4.6. Childcare services, female employment and child outcomes in OECD countries

Supplying childcare services fosters female employment

The development of childcare services plays a key role in enabling parents, especially mothers, to maintain their participation in the labour market after childbirth. Thévenon (2013; 2016) suggests that an increase in the coverage of childcare services for children under age 3 led to a significant increase in the employment rate of women aged 25-54 from the early 1990s to 2008. This represents about one-fourth of the total increase in female employment over the period. The effect of childcare on female labour supply varies across countries and is strongest in countries with robust overall support for working parents, as in the Nordic countries, including leave, employment protection and tax incentives to work.

Early childhood education and care (ECEC) services do not benefit all population groups to the same extent, however. Children of wealthier families and whose mothers have a tertiary diploma are most likely to be enrolled in formal childcare services (OECD, 2016d), and the availability of childcare facilities seems to have a greater influence on the likelihood of returning to work for mothers with a tertiary degree than for mothers with a lower level of educational attainment (Del Boca et al., 2009; Cipollone, 2014).

Does formal childcare enhance child outcomes?

The OECD (2011; 2009) provides ample evidence of the positive effects on children's outcomes of investing early in ECEC services. Investing in early childhood services increases the efficiency of later investment ("skills beget skills"), and helps save money that is otherwise required later to repair the long-term consequences of underinvestment in human capital (Heckman and Masterov, 2007; Duncan and Magnussen, 2013).

Formal childcare participation is found to have positive effects on the cognitive development of children as well as on their behavioural development and school achievement (Ruhm and Waldfogel, 2011). The effects are stronger for disadvantaged children, while they are sometimes ambiguous for children of wealthy families and/or with highly educated parents due to their access to better alternative childcare solutions compared with low-quality centre-based services (van Huizen and Plantenga, 2015).

The quality of services and intensity of care are two parameters that matter. Long hours in care is associated with more behavioural problems because children are tired and exposed to stressful situations, and sometimes with poorer developmental outcomes, but these effects are small and vary with child characteristics (Belsky et al., 2007; Bradley and Vandell, 2007; Stein et al., 2013). At the same time, a high-quality centre-based care environment is found to foster children's cognitive development and to increase levels of pre-academic skills and language at four years of age (NICHD, 2001; 2003). There is also evidence that the earlier children start pre-school, the more positive the outcomes (for England, Sylva et al., 2011; for France, Fougère et al., 2014).

There is some evidence of positive long-term effects of attending pre-school programmes. Data from the OECD's Programme for International Student Assessment (PISA) show that 15-year-old students who attended pre-primary education for at least a year are likely to have higher mathematics scores than those who did not, the gap being equivalent to almost one year of formal schooling after accounting for students' socio-economic status (OECD, 2013). The participation in ECEC programmes can also be associated with increased employment, lower teenage pregnancy rates, higher socio-economic status, decreased criminal behaviour and reduced welfare dependency (Havnes and Mogstad, 2011; van Huizen and Plantenga, 2015).

Box 4.6. Childcare services, female employment and child outcomes in OECD countries *(continued)*

Investing in childcare programmes also delivers positive effects for health. Ludwig and Miller (2007) found that Head Start programmes in the United States have been responsible for a large drop in mortality of children aged five to nine, while Anderson et al. (2010) estimate that the same programmes have diminished the risk of smoking in young adulthood by 25% compared with other pre-school programmes.

Sources:

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Flexible time arrangements

The 1981 ILO Convention concerning Equal Opportunities and Equal Treatment for Men and Women Workers encourages States Parties to provide special measures for men and women with family responsibilities: “Each Member shall make it an aim of national policy to enable persons with family responsibilities who are engaged or wish to engage in employment to exercise their right to do so without being subject to discrimination and, to the extent possible, without conflict between their employment and family responsibilities.”

By allowing the combination of a profession with family duties, flexibility in working hours, teleworking or part-time employment can give employees more control over their working time and decrease stress and health problems. Flexible time arrangements allow employees to organise their working hours in co-ordination with those of other employees and to fix the beginning or the end of the day around core hours of presence. Teleworking, i.e. working from home, eliminates the need to commute one or several days a week, as employees can engage with colleagues, customers or central offices through modern technologies. Part-time work involves fewer working hours than a full-time job, but it often implies lower hourly earnings, fewer promotion opportunities, less trainings, and reduced access to employment insurance, pension entitlements or unemployment benefits. To prevent discrimination, international labour standards require that the transfer from full-time to part-time work be voluntary and that part-time workers receive protection, basic wages and social security as well as employment conditions equivalent to those accorded to comparable full-time workers.⁸⁵

Box 4.7. Easing restrictions on part time work as a possible solution to decreasing informality for women

In many countries, labour laws designed to protect workers may inadvertently harm economic opportunities for women and encourage informality. Existing regulations that discourage part-time work, either by means of implicit fiscal disincentives (e.g. high mandated minimum social security contributions) or by placing excessive restrictions on the use of part-time contracts, are instances where the unintended consequences of legislation can have a detrimental impact on women's economic opportunities. Argentina, seeking to find a solution to such situations, found a remedy by removing a ban on part-time work. The result was a significant shift from informal work to formal part-time employment among women (Bosch and Maloney, 2010; World Bank, 2012a). The desirability of such policies will depend on the specific circumstances of each country and on a careful assessment of the potential drawbacks that removing existing regulations might entail (e.g. the potential negative effects of part-time work on women's career progression).

Source: Strengthening Women's Entrepreneurship in Asean, OECD (forthcoming).

The labour codes of Algeria, Egypt, Libya and Tunisia provide for part-time work, but the provisions do not always apply to men and are mostly for public-sector employees. Teleworking is allowed only in Algeria. None of the six countries references flexible time.

- In **Algeria**, an employee may ask to work part time for personal convenience, subject to the employer's agreement.⁸⁶ The pay of part-time workers must be proportional to that of employees of the same employer who are equally qualified and occupy equivalent posts on a full-time basis, unless more favourable terms are agreed upon.⁸⁷ Teleworking is also possible.⁸⁸

- In **Egypt**, a public-sector female employee may request half-time work for half pay.⁸⁹
- In **Libya**, women may request to work part-time in all administrative, service and productive jobs.⁹⁰ Working hours shall not exceed 4 hours per day and 24 hours a week. The employer pays 60% of the salary, and social security 40%.
- In **Tunisia**, male and female employees in the private sector may ask for part-time work in order to look after a child below the age of six or a disabled or sick member of the family.⁹¹ In the public sector, women may work part-time and receive up to two-thirds of their salary.

Employers in the six countries do not favour flexible-time arrangements, which have not been introduced in a systematic manner in the public or private sector.

According to the focus groups, part-time arrangements tend to reinforce gender stereotypes, and this in turn incites employers to favour male recruitment and promotions. Participants also noted that employers distrusted telework, fearing that employees who worked from home would not do their share. Women entrepreneurs in high-tech industries, though, reported very positive experiences of working from home and connecting virtually with worldwide employees. They noted that teleworking and flex-time contributed to high productivity in their businesses, and suggested that high-technology and high-growth companies can operate perfectly and achieve impressive results with dedicated employees working in different time zones through new technologies. Companies operating in such industries and in such a manner occasionally choose to register in countries outside MENA while maintaining an operating base within the region.

Governments should assess the possibility of introducing provisions granting more flexible working conditions. They may do so in consultation with business associations and trade unions in order to ensure that these arrangements provide for effective flexibility and do not introduce rigidity. States should also consider encouraging the introduction of measuring productivity rather than time spent at work. Flexible work arrangements may be particularly relevant in light of women's considerations regarding transportation (see discussion below). A careful balance should be sought, however, to avoid confining women who work on a flexible basis to limited access to work, careers or presence in the public sphere, as networking in person and interaction with other employees and managers are also important.

Retirement age and taxation

Gender-based regulations on retirement and income taxes may incentivise, or limit, the respective entry of women and men into the labour market.

Retirement entitlements vary from country to country, as do pension outcomes for men and women. Gender differences in labour-market experiences affect pension financing. The length of working periods leading up to retirement may also influence recruitment decisions.

Under ILO international standards, the retirement age should not exceed 65.⁹² Benefits should be secured to persons who have completed 30 years of contribution or employment,⁹³ and a reduced benefit shall be secured to persons who have completed at least 15 years of contributions.

In the six countries under review, gender plays a significant role in determining retirement benefits, eligible beneficiaries and the circumstances under which benefits are granted in the case of the death of a spouse. Usually, retirement age is lower for women than for men (Table 4.2).

Table 4.2. Retirement age in the six countries

	Men	Women	Early retirement
Algeria	60	55 ¹	• Women from the age of 45 if they have worked for at least 15 years and contributed to social security for at least 7-1/2 of those years
Egypt	60	60 ²	• For both men and women in the public and private sectors after at least 20 years of contribution
Jordan	60	55 in the private sector ³ 60 in the public sector ⁴	
Libya	65	60	
Morocco	60	60	• Women from the age of 55 in the private sector if they have worked at least 3 240 days ⁵ • after 15 years of service in the public sector (as opposed to 21 years for men) ⁶
Tunisia	60	60	• In the public sector, upon request for mothers of three children or a child with a severe handicap; ⁷ • in the private sector, mothers of three can request to retire at 50 if they have contributed at least 180 months, i.e. 15 years, of work

Notes:

1. Article 6 of the 1983 Law on Social Insurance.
2. Article 18 para. 1 of the 1975 Law Promulgating the Social Insurance Law. Retirement age for men and women in private and public sectors is 60 years of age, with 120 months of contribution (10 years).
3. Article 63(a) of the Social Security Law.
4. Article 12 of the Civil Service Retirement Law.
5. Article 13 of the 1980 Social Security Law and Article 43 of the 2010 Labour Relations Law.
6. Article 526 of the 2003 Labour Law
7. Article 24 of the 1985 Law on Civil Pension and military retirement and survivors in the public sector, as amended in 1988.

It is noteworthy that spouses may obtain pension entitlements from the deceased. In particular, widows are entitled to the pension of the deceased husband. In Jordan, women may also be entitled to portions from their deceased parents. This does not, however, compensate for the desirability for women of building up their own pension rights.

Early retirement is often considered to be a benefit in the six countries, though such a measure can have adverse financial effects for women and work against their employment. Retiring early not only limits the ability to build up pension entitlements (OECD, 2012), but may exacerbate women's poverty in old age, since women have a higher life expectancy but lower savings than men. Women who have taken career breaks to rear their children will not receive adequate pension benefits upon retirement. Moreover, earlier retirement provisions for women may actually dissuade employers from hiring them. Furthermore, employers may be reluctant to finance professional training for women under the

assumption that their period of productivity will be shorter than that of men, thus lessening their chances of accessing positions with greater responsibility. Finally, early retirement may hinder the progress of career-oriented women because they may not stay long enough in the job.

Governments may wish to rethink pension policies with a view to achieving the right balance to encourage gender equity in recruitment, covering men's and women's financial needs at retirement age, and ensuring sustainability of the pension system. Spending less time in paid work affects women's career profiles and earnings; it leads to gender disparities in the workplace, in the labour market and in old age. At the same time, coverage of women through their husbands' pensions raises the question of whether a link exists between pension practices and informality, where women are over-represented. The absence of pension benefits may affect married women and single or divorced women very differently, with the latter experiencing higher poverty and having no way of seizing work opportunities if not helped by family members.

Policy makers could also consider various measures to help women understand the pitfalls of working less, including awareness-raising campaigns, information centres, special programmes for rural women who lack access to information, and spaces on government web sites dedicated to women's pensions.

Box 4.8. The European Court of Justice and different pensionable ages

According to the global Women's Economic Opportunity Index, 51 economies recommended different retirement ages for women and men in 2010, and 13 actually made it mandatory to retire at a specific age. Since women typically live longer but have lower savings than men, these laws can cause or exacerbate women's poverty in old age. In two rulings in 2008 and 2009, the European Court of Justice found that different pensionable ages for male and female civil servants in Greece and Italy violated the principles of equal pay. Both governments responded by reforming their pension laws to eliminate this discrimination by 2013.

Source: UN Women, 2011, Progress of the World's Women: In Pursuit of Justice.

Regarding income taxes, regulations in the six countries are gender neutral in principle, and revenues are taxed on an individual basis. But in practice there can be advantages for men. If child tax incentives exist, they primarily benefit the "head of the family", which, as noted previously, refers to women only in exceptional cases.

- In **Libya**,⁹⁴ **Morocco**⁹⁵ and **Tunisia**,⁹⁶ tax allowances are granted to the husband even if his wife earns a salary and contributes to child-related and household expenses. A taxpaying woman will not benefit from these allowances unless she proves that she is providing a living for her husband and children.
- In **Egypt**, every taxpayer is considered independently, which allows all taxpayers to benefit from the same tax deductions.⁹⁷
- In **Jordan**, husband and wife may opt to file their income taxes jointly, but this does not affect the tax base.⁹⁸
- In **Algeria**, each taxpayer is taxable on both his personal income and that of his children and those persons living with him and considered dependent.⁹⁹

These very preliminary observations on income taxes warrant further examination. They seem to indicate that the system is neutral, whereas tax allowances in relation to children favour men. The systems as designed are not discriminatory but they may, in combination with other provisions and social norms, negatively affect married women's decisions to enter the formal workforce. Taxation of their revenues, which are probably smaller than those of their husbands in light of the general observations concerning recruitment, career development and wages, may be considered high and thus dissuade women's formal involvement in the economy as employees and entrepreneurs.

Governments may consider determining whether and to what extent their tax systems support the withdrawal of women from the labour market or encourage them to work informally. In particular, people from the poorer social groups may turn to informal labour in order to meet their immediate financial needs without the burden of taxation, while at the same time excluding themselves from social benefits like pensions that would help them provide for the future.

Entrepreneurship

Legislation on the establishment and management of businesses in the six countries does not distinguish between men and women. But the fact that entrepreneurship is far less frequent among women than men, as seen in Chapter 1, suggests that women may face additional challenges. Work experience and business contacts, which are limited for many women, are critical for business success: the businesses of women with prior work experience generally have a higher chance of survival. Legal provisions and social practices may also affect the ability of women to establish and develop an enterprise.

Accessing bank finance

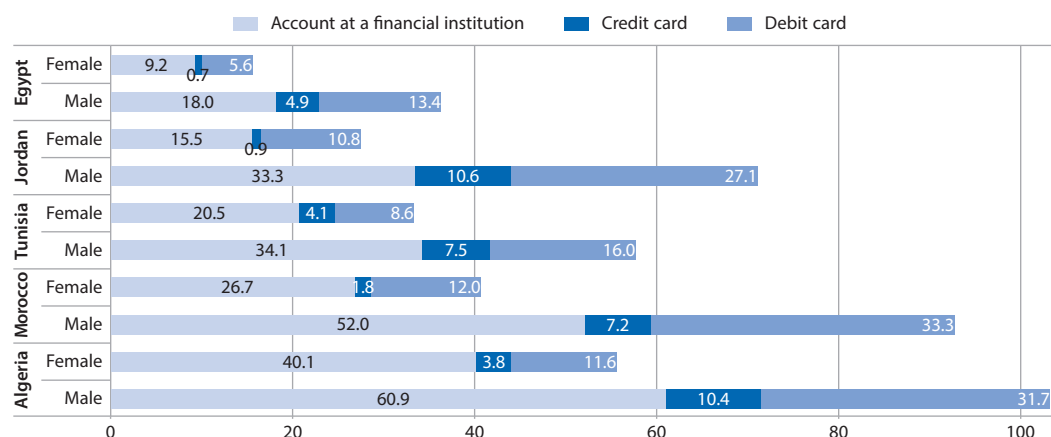
Article 13 of CEDAW expressly requires that women have equal access to family benefits and forms of financial credit, including mortgages.

All six countries guarantee access to funding to both sexes under the same conditions. The general matrimonial regime of separate property means that the wife is in principle able to administer those assets and dispose of them freely, but as seen in Chapter 3, family law and cultural norms influence women's wealth. Women often have fewer personal assets than men, whether due to lower levels of formal work experience, lower wage income, smaller inheritances for daughters than for sons, or less land or household property, and this influences their ability to secure a loan through collateral.

Data on business funding is limited, and much evidence on access to financial support for starting or developing a business comes through discussions with women entrepreneurs. One noteworthy element is women's lower access to bank accounts, credit cards and debit cards (Figure 4.1). Overall, only 18% of the population in the MENA region has an account with a financial institution, and for women this figure drops to 13% (IMF, 2013). Disparities exist among countries. The share of Algerian women holding an account at a financial institution is four times higher than in Egypt, although since 2011 the share of women with a bank account has increased sharply in both countries, by 50% and 40%, respectively. In Jordan, over the same period, the number of women with bank accounts decreased by 10%. Women's restricted involvement with the banking system, which may notably be linked to the level and nature of assets owned, may limit their financial education as they are insufficiently exposed to financial operations. Furthermore, their

reduced involvement may have a bearing on their credit history. This, in turn, may affect the capacity of female small-business owners to raise funds to expand their businesses.

Figure 4.1. Access to finance by gender, 2013 (%)



Source: World Bank (2015), World Bank Entrepreneurial Statistics 2015, <http://data.worldbank.org/>.

Note: Values for Morocco from 2011.

Debt financing is a principal external source of financing for entrepreneurs in the MENA region. Nevertheless, banks in the region are particularly prudent and risk averse. Access to finance through commercial loans and project financing is a major obstacle because it typically requires collateral, which is limited to immovable assets. Lack of sufficient collateral is a key obstacle for women and hence limits their access to resources and funds. Women are more likely to own moveable assets, such as jewellery, which are rarely acceptable as collateral for business loans (World Bank, 2013). Poor individuals often lack the formal property rights required to translate their property into capital and hence collateral (De Soto, 1997).

Table 4.3. Percentage of adults who borrowed money from a financial institution in the past year (2014)

	Total	Male	Female
Algeria	2.2	1.3	3.0
Egypt	6.3	7.6	4.9
Jordan	13.6	16.7	10.3
Morocco	4.3	5.0	3.6
Tunisia	8.0	9.9	6.2

Source: Union of Arab Banks research based on World Bank (2014), World Bank Global Financial Inclusion Database 2014.

Note: Values for Morocco from 2011.

Bank lending practices may require women to involve their husband as a co-signer. In Egypt and Jordan, for instance, certain banks demand the husband's consent when his wife applies for a loan.

In support of women’s entrepreneurship development and to facilitate access to funds, governments could establish a guarantee mechanism to act as the applicant’s guarantor and thereby encourage private funding, such as bank loans. By guaranteeing the loan, the government would ensure that if the debtor was unable to fulfil the obligations, it would take over the debt. Through this mechanism the risk of default is lower, making the bank more likely to issue the loan.

Box 4.9. Morocco’s financing mechanisms in support of women entrepreneurship

To support the financing of enterprises run by women, Morocco’s Central Guarantee Fund (*Caisse centrale de garantie*, CCG) teamed up with the Ministry of Economy and Finance in March 2013 to launch a guarantee tool called “*Hayki*” (“towards you”). The guarantee covers 80% of bank loans of up to MAD 1 million (Moroccan dirham, about EUR 100 000) that are granted to women, and was able to help around 50 businesses within the first year.

Hayki was launched through an awareness campaign involving caravans in communities around the country to inform women entrepreneurs about the availability of financing through the CCG (carried out in partnership with the Association of Women Entrepreneurs of Morocco). The CCG also developed agreements with banks to promote the guarantees. Along with the guarantee, the CCG helps women identify their business needs and develop their financing file, and it accompanies them through the process with the banks.

In addition, the National Agency for Promotion of SMEs (Maroc PME) implemented a Women Business Financing project that included efforts to sensitise financial institutions to the needs of women clients, for example recommending that banks engage in gender-sensitivity training for their front office staff. Access to commercial bank credit is still difficult, but some banks have initiated targeted marketing campaigns to reach out to the women’s market.

Alternative funding

In practice, women rely more on personal and family resources than on bank loans. It is noteworthy that both men and women in the six countries borrow most from family and friends, an indicator of the shortcomings of formal financial institutions (Table 4.4). Borrowing from friends or family is highest in Morocco and lowest in Algeria and Tunisia.

Table 4.4. Borrowing by source, 2014 (%)

	Financial institution	Private informal lender	Family or friends
Algeria	2.2	1.5	13.2
Egypt	6.3	2.5	21.5
Jordan	13.6	1.1	17.4
Morocco	4.3	1.9	40.9
Tunisia	8.0	3.3	16.1

Source: World Bank Global Financial Inclusion Database 2014.

Note: Values for Morocco from 2011.

Another source of funding is microcredit, the lending of small amounts to low-income clients who traditionally lack access to banking and related services. It is a lever for social inclusion: low-income persons who are normally excluded from the traditional banking sector can gain access to the financial resources necessary to start and develop self-employment activities that generate revenues. Microfinance, which is rather well-developed in the region, spread because banks outsourced this customer segment and because non-governmental organisations (NGOs) created microcredit institutions. Microloan initiatives undeniably are a precious development tool, though they also have limitations. In taking on high interest rates, women risk becoming over-indebted. In Tunisia, for instance, the focus group noted that women feared putting their family in danger if their business failed and they were left with debts.

Box 4.10. Support of women's businesses through microfinance

Morocco has enacted legislation on microcredit and provides support for microcredit associations to make financing more readily available to women who are unable to qualify for credit from conventional banks.*

In **Algeria**, the National Microcredit Management Agency offers a microcredit programme that prioritises home-based work, trades and handicrafts, particularly among the female population. It offers interest-free loans for the purchase of raw materials, and women represent almost 63% of those benefiting from this measure. In addition to these financial services, female entrepreneurs involved in the microcredit programme have also received non-financial benefits such as training and coaching (CEDAW, 2012: 23).

In **Tunisia**, the Tunisian Solidarity Bank has created a low-interest line of credit for NGOs active in this area as part of a new microcredit programme targeting low-income people and families capable of starting an economic activity. Women benefit from 31.3% of the projects financed and 26% of the amounts allocated (CEDAW, 2009: 46).

In **Jordan**, the Microfund for Women finances and expands small enterprises and reaches out to the needy in disadvantaged areas. Women represent 97% of beneficiaries. The fund also offers non-financial services, such as education, business development, social services, capacity building, incentive programmes and insurance to cover year-round and seasonal financing. The Jordanian Hashemite Fund for Human Development also provides revolving loans at low interest and with convenient repayment terms to women's associations and rural women to support productive family enterprises (CEDAW, 2006: 43).

* For examples of such initiatives, see CEDAW (2006), p. 46 et seq.

When a company expands, its financing needs increase and may exceed microcredit ceilings. In this case, a company may need access to bank financing or alternative funding sources. But a woman's credit history maybe insufficient to expand her business if her previous borrowing was on a small scale.

The fact that women raise less external financing than men can stifle the potential of their enterprises to innovate, grow, develop new products and services, hire skilled employees and access international markets.

Alternative financing sources are emerging in the region. Venture capital, private equity, grants, venture debt, convertible debt and angel investment are sources of funding for high-growth and innovative enterprises. They could, in certain circumstances, be promising alternatives for women entrepreneurs who lack collateral.

Business climate

From a legal perspective, men and women enjoy the same possibilities when it comes to business registration and development. As soon as they reach the age of majority, women are allowed to sign any type of business contract.

Improving business environments is among the foremost priorities for nurturing the private sector in the MENA region. Regulatory burdens have a disproportionate impact on micro, small and medium-sized enterprises (MSMEs) by diverting scarce resources to compliance with regulations and administrative procedures; they may discourage setting up and developing a business or integrating a business into the formal economy.

Although business registration and licensing procedures are gender neutral, they are more complicated to manage for women. Structures supportive of women's entrepreneurship are insufficient, and information on access to finance and markets is scarce. Women entrepreneurs are faced with specific obstacles and constraints that stem from both the demand side (use of finance and business development services) and the supply side (bank lending practices and the range of business-development services and incubators available and sensitive to women's needs). Lack of work experience, limited access to networks and a lack of safe transportation can also present obstacles for women. Gender-neutral business registration and licensing procedures are more complicated to manage for women, including because of red tape, corruption and accessibility of services. Women may indeed also experience more difficulties reaching the institutions responsible of the administrative procedures. Many companies created by women are part of the informal sector; they are not registered and may run no accounting system.

Participants in focus groups reported that in addition to financial and administrative difficulties, women can face resistance from their own families. The husband's supremacy in marital relations affects women's economic autonomy and decision making on launching a business of their own, even in countries where they do not need the husband's authorisation in principle. This support is essential, as women entrepreneurs' strongest backing may be from their husbands and families, as many testimonies confirm. The groups also mentioned stress and social pressures as major hindrances to female entrepreneurship, especially in rural environments, where a woman who goes out to work runs the risk of damaging her reputation regardless of what she does.

Nonetheless, an increasing number of wives of men who are unemployed or on low incomes, as well as widows and divorced women, are setting up their own businesses in the region. Focus group participants noted the need for policies to raise awareness of entrepreneurship as a career option for women. Programmes are also needed to boost self-esteem. Entrepreneurship networks can be a major source of knowledge, role models and experience sharing.

Safety in public and at work

Violence against women undermines their agency and potential to act freely in the economic sphere. Worldwide, the first form of violence against women is domestic, but violence and harassment also exist in the public space and at work. All forms of violence limit women's capacity to engage in the economy and affect their productivity.

In 1992, the CEDAW Committee qualified gender-based violence as a type of discrimination within the meaning of Article 1 of the Convention, and stated: "Equality in employment can be seriously impaired when women are subjected to gender-specific

violence, such as sexual harassment in the workplace” (CEDAW, 1992). ILO standards¹⁰⁰ also require a violence-free working environment where women can feel secure. The ILO Committee of Experts on the Application of Conventions and Recommendations considers sexual harassment to be prohibited by the 1958 Convention Concerning Discrimination in Respect of Employment and Occupation (ILO, 1996). It declared that sexual harassment undermines equality at the workplace by calling into question individual integrity and the well-being of workers, damaging working relationships and impairing productivity.¹⁰¹

The six countries under review have recently introduced legislation into the penal code sanctioning sexual harassment and/or have made it an offence under the labour code.

- In **Egypt**, any gesture, words or inappropriate sexual or pornographic behaviour has been punishable since 2014, when the penal law was amended by presidential decree.¹⁰² When sexual harassment is proven, the offender will be punished with a fine and a prison term of not less than one year.¹⁰³ A clause was also introduced on harassment at the workplace, stipulating a more severe sentence for an offender who is in a position of authority over the victim. The labour law addresses sexual harassment in the private sector.
- In **Morocco**, persons who abuse their position of authority to harass somebody with the intent of receiving sexual favours have since 2003 been punishable under the penal code with one or two years of prison as well as a fine.¹⁰⁴ The labour code considers sexual harassment of an employee by his or her employer an incitement to debauchery and as a serious offence; accordingly when an employee resigns because of such acts, the termination of her employment is deemed to be dismissal without reasonable cause.¹⁰⁵
- In **Tunisia**, the penal code has punished sexual harassment since 2004.¹⁰⁶ Any individual who harasses another through humiliating or offensive acts, words or gestures intended to cause the victim to submit to one's own sexual overtures or to those of a third party is subject to a fine and imprisonment for one year.¹⁰⁷ This text has a general application and does not take into account the specificities of professional relations.
- In **Algeria**, imprisonment of two months to one year and a fine were introduced into the penal code in 2004 for those who abuse their authority by giving orders, threatening, imposing constraints or exerting pressure on another person to obtain sexual favours.¹⁰⁸ A 2015 law also introduced the concept of harassment in public places.¹⁰⁹
- In **Jordan**, the labour code since 2008 has authorised an employee who has been a victim of harassment to terminate her employment contract and obtain full compensation.¹¹⁰ An employer harassing a female employee can be sentenced to pay her damages and interest. The Ministry of Employment may also decide to close the establishment if this type of abuse is repeated. Moreover, the Civil Services Statute of 2007 deems sexual harassment in public service to be an offence against honour.
- In **Libya**, the labour code authorises an employee subject to sexual harassment to resign from her job and still maintain her rights to end-of-employment compensation.¹¹¹

These legislative provisions mark progress and are in line with the countries' international commitments to combat sexual harassment against women. However, the provisions often incriminate sexual harassment only by the employer and not yet by fellow employees or customers.

Sexual harassment can be a direct or indirect deterrent to women's economic empowerment, as families may discourage women from working due to the perceived dangers. In a 2013 survey by UN Women in Egypt, fully 99% of the women and girls who were interviewed said they had experienced some form of sexual harassment.¹¹² It is also worth noting that while women may be exposed to physical or psychological violence without sexual intent, this is not explicitly addressed, although ILO standards¹¹³ require a violence-free working environment where women and men can feel safe.

The fact that legal protections against sexual harassment have limitations arose in discussions in focus groups. Participants noted that women are often unaware of the existence of the laws, as well as the reluctance of officials to implement such laws. They also noted that women rarely report workplace harassment out of shame or fear that society may label them as “immodest”. Violence in the workplace is thus generally kept secret; victims fear reprisals such as dismissal, social stigma and family tensions. During discussions, one victim explained that she had had to leave her job to end harassment, but had refused to bring it up. Another testimony concerned relations with clients, who often seek favours during external meetings outside of office hours. An ILO sexual harassment prevention awareness project in Jordan is an initiative that might warrant consideration in other countries and industries (Box 4.11).

Box 4.11. ILO initiative to raise awareness of sexual harassment in Jordan's garment factories

In 2011, allegations were made of widespread rape being committed against workers at one of Jordan's largest clothing factories. Although the allegations were not substantiated, reports of unwanted sexual advances towards workers are common across the global garment-manufacturing sector. The ILO's investigation of the situation in Jordan found that many workers had very little understanding of what constitutes sexual harassment, even though they were concerned about it. As a result, the ILO launched a sexual-harassment awareness project with several factories, training workers, supervisors and senior management on how to identify, prevent and report instances of sexual harassment. ILO advisers also worked with senior management in these factories to put into place policies and procedures that allow workers to report sexual harassment and seek redress. More information is available at: <http://betterwork.org/jordan/>.

Source: ILO (2014), *Labour Inspection, Gender Equality and Non-Discrimination in the Arab States*, Beirut.

Harassment of women also occurs frequently on the way to work. This infringes on their rights and creates barriers to their entry into the labour market. Algeria, Egypt and Tunisia punish sexual harassment in public places as a criminal offence. But discussions revealed that, in practice, female victims of violence in public places do not usually press charges due to social and cultural pressure. Instead they avoid mobility. Irregular service, a lack of street lighting and an overall lack of safety also limit women's travel and reduce their freedom of movement for professional reasons. These factors diminish their chances of finding or keeping a job, particularly in remote areas. Women's involvement in the economy clearly depends on their ability to reach the workplace safely and quickly. Public transport and infrastructure are of primary importance and play an obvious role in women's employment options.

This was illustrated in a focus group discussion among young women, who said that even though families tended to agree with their working for financial reasons, acceptance sometimes depended on the proximity of the workplace to home. With families concerned about safety when young women need to wait for public transport in unlit and/or remote areas, preference is given to daytime jobs near the home if the family lacks a car. Because women often get around on foot in rural areas, they turn down jobs further away. Participants identified the lack of safe public transport as a barrier to their mobility.

Although the constitutions of most of the countries under review guarantee women freedom of movement, women nonetheless may face limitations on their mobility as employees or entrepreneurs. Factors include the location of the family home, which is chosen by the husband, and the need for women in some countries to obtain their husband's or father's permission to travel (see Chapter 2). Lack of mobility may also affect the development or growth of the businesses of women entrepreneurs. They take transportation and infrastructure security into account, and may confine themselves to activities requiring less movement or travel, particularly in remote areas.

Improving transportation and infrastructure to support greater mobility would have a positive impact on women's capacity to undertake a wider variety of economic activities and would allow them to conduct their businesses more efficiently.

Box 4.12. Moving beyond women-only buses

Women-only public transportation is currently available in various countries, including Brazil, India, Indonesia, Japan, Malaysia, Mexico, Nepal and Thailand. But some specialists on urban transport argue that cities need to move beyond women-only buses by raising awareness within communities on the need to end sexual harassment in public transport.

Bianca Bianchi Alves, an urban transport specialist, and Karla Dominguez Gonzalez, a gender specialist, have described a World Bank project in Mexico City, where harassment in public transport is so extensive, they say, that 65% of women suffer from gender-based violence in transit vehicles and public spaces related to transportation. They write:

“The project, called *Hazme el Paro* (an informal way of saying ‘help’ or ‘have my back’), has involved local and international feminist organisations, specialists in social norms and behaviour change, app developers and urban transport organisations such as Embarq and the Institute for Transportation and Development Policy. While this project is being implemented as a pilot for now, there is an evaluation component conducted by George Washington University that will help support the design of a larger-scale project. A local transport company has signed on to help with the pilot phase, by agreeing to implement interventions in some of its buses.

The strategy consists of three main interventions:

- A marketing campaign that creates a sense of community and states a strong, united opposition to sexual harassment against women,
- A smartphone app to facilitate reporting and improve diagnosis, and
- A consistent awareness community training on non-confrontational ways of stopping harassment in public transport.

These trainings include bus drivers and operators, police and civil society in general.”

Source: Blanca Bianchi Alves and Karla Dominguez González (2015), *Smart measures in transport: Moving beyond women's-only buses*, World Bank Blogs.

Conclusions

The labour codes of the six countries provide for non-discrimination on the basis of gender and for equal pay for women and men. No difference is made in principle between men and women on social protection, though non-wage employment benefits tend to be payable to married men.

The labour codes restrict women's activities at night and in hazardous work; this reinforces the concept that women are vulnerable and need to be protected. International standards have for some time advocated gender-neutral provisions in order to allow women to decide for themselves on whether they need protection and to increase the recruitment pool and extend women's job opportunities, including female entrepreneurship.

Labour codes provide for maternity leave, nursing of new-borns and parental leave for mothers. Provisions are more advantageous in the public sector, while private-sector employers often have to cover associated expenses and provide childcare facilities. Such expenses may be significant for small businesses, which may seek to avoid bearing such costs by limiting the recruitment of women. Flexible time and part-time work are rare in the private sector and are generally available for women only. Women are also able to retire earlier than men when in formal employment. Testimonies indicate that these different provisions seem to reinforce gender stereotypes and limit women's recruitment and promotion.

Income tax, business laws and legislation on access to funding are gender neutral, but women entrepreneurs may confront more hurdles than men when setting up and growing a business, notably due to socio-economic conditions and norms, which are indirectly triggered or reinforced by personal status laws. This can result for women in reduced work experience, limited assets, concerns about family support and security, and worries about social perceptions.

The governments of the six countries have made progress in adopting legislative provisions on sexual harassment in line with their international commitments, although women may face other forms of violence in public life or at work. Improving infrastructure and transportation facilities would support women's mobility and access to the labour market and services.

An examination of the different provisions concerning women's labour rights indicates that not all governments are fully in line with international standards and best practices. To support women's economic empowerment and integration, governments may consider revisiting the relevant provisions and examine, notably in light of the equality provisions adopted in their respective constitutions, how to enhance equality between women and men and to develop systems supporting stronger participation of women in the workforce and as entrepreneurs. They may also test whether and to what extent the interaction of labour-related provisions with unequal bargaining power in the household, pursuant to the personal status laws, may push women out of the labour market and possibly into informality.

When contemplating such revisions, states may seek to strengthen the input of employer and labour associations and consider developing bargaining mechanisms on issues related to the terms and conditions of employment, including wages and benefits, skills development and representation in organisations.

Recommendations

Governments are encouraged to:

- Combat gender-related discrimination against women in all types and sectors of work and throughout all stages of their working life, including recruitment, access to promotion and senior management positions, and pay relative to male colleagues; apply international standards concerning the jobs from which women are restricted (so-called “hazardous” jobs or jobs with night hours); strengthen monitoring and sanctioning mechanisms to bridge existing gaps between labour laws and practices.
- Ensure that the labour code covers all categories of workers, all types of work and all sectors in order to reduce informality and protect all employees, and in particular women.
- Review maternity leave and child care provisions to dissociate the perceived costs of childrearing from women as much as possible: ensure that employers do not bear maternity leave or childcare costs directly by offering publicly supported, indirect financing mechanisms (e.g. social insurance funds) and state-supported childcare solutions; reform tax and social-benefits systems to provide equal financial incentives for both parents to work; promote equal sharing of family responsibilities through parental leaves in line with ILO recommendations.
- Enact regulations and/or provide incentives for employers to support part-time employment, remote working and flexible hours for both genders in order to help reconcile working hours and family life.
- Guarantee women a safe environment at and on their way to work by: ensuring strict enforcement of sexual harassment regulations and punishing offenders; allowing victims to leave their jobs if desired while maintaining their rights to dismissal compensation; penalising harassment in public places; and enhancing women's mobility by improving transportation and infrastructure.
- Foster a greater role for women in economic decision making through affirmative-action programmes or measures such as temporary quotas or targets in public and private governance structures, e.g. leadership and management positions as well as company-board positions; complement such measures by leadership-development opportunities for women and men to give equal access to senior posts through career counselling services, coaching and mentoring.
- Reduce barriers to women's entrepreneurship through policies that: support equal access to finance, including the amendment of current legislation; prohibit discrimination based on sex or marital status; foster the development of credit registries and credit bureaus; encourage financial institutions to take different sorts of collateral into consideration; develop guarantee mechanisms to compensate for women's limited assets; support the development of alternative funding sources; and increase women's financial education.
- Move towards pension-age parity (public/private and by gender) by encouraging female employees to prolong the age at which they retire so that they may build up longer contribution periods; launch awareness-raising campaigns, information centres, special programmes for rural women and spaces dedicated to women's pensions on government web sites to help women understand the implications for their pensions of working less than full time or retiring early.

Notes

1. See ILO Convention concerning Discrimination in Respect of Employment and Occupation, ILO Equal Remuneration Convention (Article 2) and CEDAW Article 11.
2. Article 5 bis, added to the 1966 Labour Law by a Law of 1993.
3. Article 11 of the 1983 Ordinance concerning general statutes for employees of the state, local government and public administrative bodies. This provision could apply to guards in male prisons.
4. Article 4 of the 2007 Civil Service Regulation.
5. The absence of such a provision was noted by the ILO Committee of Experts in its observations on Jordan in 2013 (ILO, CEACR, Discrimination (Employment and Occupation) Convention, Observation to Jordan, 2013, www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID,P11110_COUNTRY_ID,P11110_COUNTRY_NAME,P11110_COMMENT_YEAR:3145506,103201,Jordan,2013).
6. Article 21 of the 2010 Labour Relations Law.
7. Article 6 para. 3 of the 1990 Labour Relations Law.
8. Article 9 of the 2003 Labour Law.
9. Articles 35 of Labour Law No. 12/2003.
10. CSR and Gender, <http://schemaadvisory.com/wp-content/uploads/2014/12/CIDA-Final-Short.pdf>.
11. Articles 17 and 84 of the 1990 Labour Relations Law.
12. Article 35 of the 2003 Labour Law.
13. Article 21 of the 2010 Labour Relations Law.
14. Article 9 of the 2003 Labour Law.
15. See, for instance, ILO, Equal Remuneration Convention, Observation on Egypt, www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID,P11110_COUNTRY_ID,P11110_COUNTRY_NAME,P11110_COMMENT_YEAR:3058256,102915,Egypt,2012
16. Article 69 of the 2016 Algerian Constitution.
17. Article 17 of the 2014 Egyptian Constitution.
18. Article 23 of the 1952 Jordanian Constitution.
19. Article 8 of the 2011 Libyan Constitutional Declaration.
20. Article 31 of the 2011 Moroccan Constitution.
21. Article 38 of the 2014 Tunisian Constitution.
22. Social Insurance Law of 1975.
23. Article 6 of the Social Security Law.
24. Article 8 of the 2004 Civil Health Insurance System.
25. Article 81 of the 2014 Social Security Law.
26. Law of 1983 on Social Insurance as amended and its executive regulations.
27. Article 25(b) of the Civil Service Regulations of 2007.
28. Article 2 of the 2013 Law.
29. Article 40 of the Dahir of 1972 on the Social Security Regime as amended in 2004.

30. Law of 1994 and Decree of 1995.
31. The 1948 Night Work (Women) Convention (Revised) obliged ratifying states to prohibit women from working in industrial undertakings at night. It was replaced by the 1990 Convention concerning Night Work, which applies to all workers regardless of sex. Night work refers to “all work which is performed during a period of not less than seven consecutive hours, including the interval from midnight to 5 a.m.”
32. ILO 1935 Convention concerning the Employment of Women on Underground Work in Mines of all Kinds (Article 2) provided that, in principle, no female of any age should be employed in underground work in mines. In 1995 the Convention concerning Safety and Health in Mines was adopted to provide equal protection of all employees in mines.
33. Article 89 of the 2003 Labour Code.
34. 1996 Decree of the Minister of Labour.
35. Article 66 of the 1966 Labour Law.
36. Article 27 of the 1990 Labour Relations Law.
37. Article 96 of the 2010 Labour Relations Law.
38. Article 171 of the 2003 Labour Law.
39. Article 174 of the 2003 Labour Law
40. Article 90 of the 2003 Labour Law.
41. Article 181 of the Labour Law.
42. Article 179 of the Labour Law.
43. Article 77 of the 2003 Labour Law.
44. 1996 Decree of the Minister of Labour concerning the jobs and hours in which the employment of women is prohibited.
45. Article 1 of the 2003 Ministerial Decree determining the work for which women may not be employed.
46. Article 78 of the 1966 Labour Law.
47. Article 24 of the 2010 Labour Relations Law.
48. Article 23 of the 1952 Jordanian Constitution.
49. Article 68 of the 1966 Labour Law.
50. Article 3 of the 2004 Decree.
51. Article 5 of the 2003 Ministerial Decree. The prohibition does not extend to women in administrative supervisory or technical positions.
52. Article 29 of the 1990 Labour Relations Law.
53. Article 89 of the 2003 Labour Law and 2003 Ministerial Decree.
54. 1996 Decree of the Minister of Labour.
55. Article 96 of the 2010 Labour Relations Law.
56. Article 159 of the 2003 Moroccan Labour Law, Articles 20 and 68.4 of the 1966 Tunisian Labour Law.
57. Article 120 of the 2003 Labour Law and Article 92 of the 2003 Labour Law.
58. Article 27(a)(1) of the 1996 Labour Law.

59. Article 25 of Law No. 12 on Labour Regulations, www.ilo.org/dyn/travail/docs/2079/Law%20No.%2012%20for%202010%20concerning%20of%20labor%20relations.pdf.
60. ILO Recommendation No. 191 suggests that maternity leave should be at least 18 weeks.
61. Article 91 of the 2003 Labour Law. The previous Labour Code required six months only. In practice, employers seem to take advantage of this article by concluding contracts limited to less than 10 months. Moreover, if a female employee gets married during the contract period, usually the contract is not renewed (Lohmann, 2010).
62. Article 64 of the 1966 Labour Law provides for extension with a medical certificate by 15-day periods, up to a maximum of 12 weeks.
63. Art. 78 (new) of the 1960 law regarding the organisation of social security regimes, as amended in 1970.
64. Article 48 of the 1983 Law concerning general statutes for employees of the state, local government and public administrative bodies.
65. Article 212 of the 2006 Public Officials Status Law and Article 54 of the Labour Relations Law.
66. Article 269 of the 2003 Labour Law.
67. Article 122 of the 1966 Labour Law and Article 31 of the Collective Convention as amended in 1985 (private sector). Article 40 para. 4 of the 1983 Ordinance on Civil Servants concerning general statutes for employees of the state, local government and public administrative bodies.
68. The previous ILO Maternity Convention, adopted in 1919, specified two half-hour nursing breaks.
69. Article 161 of the 2003 Labour Law for the private sector and 1958 Ordinance on public servants for the public sector.
70. Article 71 of the 1996 Labour Law. The 2007 Civil Service Regulation does not grant a similar right, and management has discretion on whether to allow a mother to take an hour off to nurse her infant.
71. Article 64 of the 1966 Labour Law and Article 48 bis of the 1983 Ordinance on Civil Servants concerning general statutes for employees of the state, local government and public administrative bodies (for a maximum of six months).
72. Article 25 of the 2010 Labour Relations Law.
73. Article 93 of the 2003 Labour Law.
74. Article 214 of the 2006 Public Officials Status Law.
75. Article 72 of the 1978 Law 48. During the leave, the state shall pay its quota and that of the female employee in the social insurance subscription, or pay the employee an indemnity equivalent to 25% of her salary.
76. Article 94 of the 2003 Labour Law.
77. Article 108(a)(5) of the 2007 Civil Service Regulation.
78. Article 67 of the 1996 Labour Law.
79. Article 156 of the 2003 Labour Law.
80. Article 48 of the 1983 Ordinance on Civil Servants concerning general statutes for employees of the state, local government and public administrative bodies.
81. Article 72 of the 1996 Labour Law.
82. Article 162 of the 2003 Labour Law.
83. Article 96 of the 2003 Labour Law.
84. Article 26 of 2010 Labour Relations Law.

85. ILO Part-Time Work Convention, 1994, and Recommendations.
86. 1990 Labour Relations Law and Executive Decree of 1997 on part-time work.
87. Articles 10 and 11 of the 1997 Executive Decree on part-time work.
88. Executive Decrees of 1997 (CEDAW, 2010b).
89. Article 72 of the 1978 State Civil Servants Law.
90. Implementing regulations of the 2010 Labour Relations Law.
91. Article 94.2-94.14 of the 1966 Labour Law.
92. ILO 1967 Invalidity, Old-Age and Survivors' Benefits Convention, Article 15.
93. Article 18.
94. Law of 2010 on Taxation of Income.
95. Article 74 of the Taxes Law of 2006.
96. Article 40 of the Law on Taxation of Individual Incomes.
97. Law No. 91 of 2005.
98. Articles 9 and 17 of the Income Tax Law of 2014.
99. Law 90-36 from 31/12/1990 relative to the financial law 1991.
100. See for instance ILO code of practice, *Workplace violence in services sectors and measures to combat this phenomenon*, 2004.
101. The Committee defined sexual harassment as “any insult or inappropriate remark, joke, insinuation and comment on a person’s dress, physique, age, family situation, etc.; a condescending or paternalistic attitude with sexual implications undermining dignity; any unwelcome invitation or request, implicit or explicit, whether or not accompanied by threats; any lascivious look or other gesture associated with sexuality; and any unnecessary physical contact such as touching, caresses, pinching or assault.” (Ibid.)
102. With at least six months of imprisonment and/or a fine of EGP 3 000 to 5 000 (Egyptian pounds). The sentence can be stiffened to up to one year of imprisonment and EGP 10 000 to 20 000 if the harassment is carried out with intent to obtain sexual favours.
103. Presidential Decree of 2014 amending Articles 306 bis A and 306 bis B of the Penal Code.
104. Article 503-1 of the Criminal Law.
105. Article 40 of the 2003 Labour Law.
106. Article 226ter of the Criminal Law, as amended in 2004.
107. Ibid.
108. Article 341 bis of the Penal Law, added in 2004.
109. Law of 5 March 2015 amending the Criminal Law.
110. Article 29 of the 1996 Labour Law, as amended in 2008.
111. Article 12 of the 2010 Labour Relations Law.
112. The study is based on a sample of 2 332 girls and women, and 1 168 boys and men, aged 10-35, in the governorates of Cairo, Alexandria, Dakahlia, Gharbia, Ismailia, Assiut, and Qena. See: UN Women, “Study on ways and methods to eliminate sexual harassment in Egypt”, *UN Reports*, 23 May 2013, http://harassmap.org/en/wp-content/uploads/2014/02/287_Summaryreport_eng_low-1.pdf.
113. See for instance, ILO code of practice, *Workplace violence in services sectors and measures to combat this phenomenon*, 2004.

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Annex 4.A1

Labour equality in domestic laws

Algeria

The Labour Relations Law of 1990 governs private relations, and the Public Officials Status Law of 2006 governs relations in the public sector.

Article 84 of the 1990 Labour Relations Law: “Employers must ensure equality in remuneration between workers for equal work without discrimination.”

Article 17 of the 1990 Labour Relations Law: “Any provision within a collective agreement or convention or employment contract that establishes discrimination of any kind between workers with respect to work, remuneration and working conditions on the basis of age, sex, social or marital status, family relationships, political belief, union membership is null and void.”

Article 27 of the 2006 Public Officials Status Law: “There shall be no discrimination between public servants on the basis of their sex.”

Egypt

The 2003 Labour Law governs private- and public-sector employees; and employment of public-sector employees is regulated by Laws 47 and 48 of 1978 on public-sector employees.

Article 35 of the 2003 Labour Code: “Discrimination in wages on the basis of different sex, origin, language, religion or creed is prohibited.”

Article 88: “Subject to the provisions of the following articles, all provisions regulating the employment of workers shall apply to women workers without discrimination once their working conditions are analogous.”

Jordan

Labour law is governed in the private sector by the Labour Law of 1996, as amended in 2002, and in the public sector by the Civil Service Regulation of 2007.

Article 4 of the 2007 Civil Service Regulation: “Civil service is based on the following principles and values: 1. Equal opportunities through non-discrimination on the basis of sex, race, religion or social status (...).”

Libya

The Labour Relations Law of 2010 applies to labour relations in both the private and public sectors.

Article 2 of the 2010 Labour Code: “Work is a right for all citizens in Libya, male and female, based on the principle of equality between them...”

Article 3 of the 2010 Labour Code: “Filling jobs and occupations in all workplaces and production should be based on competence, merit and capability and the choice between the candidates should be conducted on the basis of integrity, transparency and justice and not on favouritism or discrimination because of trade union membership, social origin or any other discriminatory reasons.”

Article 21 of the 2010 Labour Code: “Difference in financial compensation for work of equal value, based upon sex, colour, religion or ethnicity, is not allowed.”

Morocco

The 2003 Labour Law governs relations between persons bound by an employment contract, and the General Statute of the Public Service adopted in 1958 regulates the rights and duties of civil servants. New regulations have been drafted but not adopted yet.

Article 9.2 of the Labour Code: “Any discrimination among employees based on race, colour, gender, handicap, marital status, religion, political opinion, union affiliation, ethnic origin or social status which violates or infringes the principle of equal opportunity or equal treatment in employment or job occupation, especially in respect of hiring, the performance and distribution of work, occupational training, pay, promotion, benefits, disciplinary actions and dismissal is forbidden.”

Article 346 of the Labour Code: “Gender-based wage discrimination for work of equal value is prohibited.”

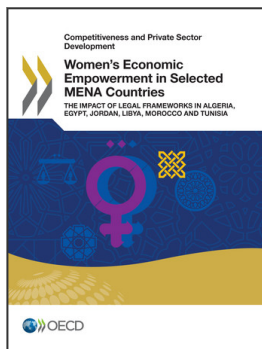
Article 1 of the 1958 General Statute of the Public Service: “All Moroccans are entitled to access under conditions of equality to public employment. Subject to the provisions contained therein or resulting from particular statutes, no distinction shall be made between the sexes in the application of this statute.”

Tunisia

The labour code, adopted in 1966 and amended several times thereafter, organises work in the private sector. Work in the public sector is governed by the 1983 Ordinance on Civil Servants concerning general statutes for employees of the state, local government and public administrative bodies.

Article 5 bis of the Labour Code, as amended in 1993: “There shall be no discrimination between men and women in the implementation of the provisions of the present code and the texts adopted for its implementation.”

Article 11 of the 1983 Law concerning general statutes for employees of the state, local government and public administrative bodies: “Subject to the special provisions dictated by the nature of the duties to be performed and that may be taken in this regard, no distinction shall be made between men and women in the application of this law.”



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