

2 Women at work

Ensuring that women have access to decent work is critical for women's economic empowerment and the sustainable and inclusive growth that countries badly need. This chapter analyses recent reforms and initiatives in Egypt, Jordan, Morocco and Tunisia aimed at enhancing women's labour force participation and providing them with decent work opportunities. The chapter is organised around four themes: (1) equality in the workplace, looking at efforts to increase flexible work, close gender pay gaps, increase women's corporate leadership roles and give them freedom of choice over their sectors and working hours; (2) social protection reforms and actions to ensure women have decent maternity and childcare coverage to improve their work-life balance; (3) social dialogue and collective bargaining reforms to increase women's participation and leadership in worker and employer's organisations to ensure better working conditions; and (4) specific measures to encourage women entrepreneurs, including access to finance and investment.

Infographic 2.1. Women at work: women's career progression

Women at work

Women's career progression

PROMISING PRACTICES AND POLICY RECOMMENDATIONS

MENA women generally earn significantly less than men and have narrower access to leadership opportunities. They also face sector- and working-hour restrictions and sexual harassment in the workplace.

..... Equal pay



14 MENA countries* have ratified the **ILO Equal Remuneration Convention**.



A **collective bargaining agreement** was adopted in Jordan to close the pay gap for private school teachers.



Labour codes in Morocco and Jordan mandate "equal remuneration for work of equal value". Egypt prohibits wage discrimination based on gender. Tunisia includes generic non-discrimination provisions in its labour codes.



Under the leadership of Jordan, the **Equal Pay International Coalition** was launched in the MENA Region to address the gender pay gap.

Policy recommendations



Include a **non-discrimination provision** in the labour code together with **special provisions on women's rights at work**, such as equal remuneration for work of equal value.

..... Leadership and role models



Corporate governance codes in Morocco and Jordan mention gender balance on boards. Disclosure-driven policies in MENA help increase women's representation in the boardroom. UAE has set a minimum quota for women on boards.



The World Union of Arab Banks' **Charter for Gender Diversity** calls for non-discrimination in recruitment procedures and promotion.



Countries have passed laws to give more visibility to **women role models in the media**.

Policy recommendations



Enhance gender balance in corporate governance through **quotas** and the inclusion of a **gender equality provision in corporate governance codes**. Include a gender equality perspective in the policy documents guiding the work of **traditional media institutions**.

..... Flexible work



Yemen is the only MENA country that has ratified the **ILO Workers with Family Responsibility Convention**.



Jordan's **flexible work regulations** cover flex work for female and male employees. Egypt and Tunisia have legal provisions which allow female public sector employees to work part time. Private sector employees in Egypt with family responsibilities also have the right to work part time.

Policy recommendations



Encourage the implementation of **flex work provisions for both women and men** so that men can share family responsibilities.

..... Sexual harassment at work



The **ILO Convention on Violence and Harassment** and its accompanying Recommendation were adopted in 2019 and are **open for ratification**.



New laws in Morocco and Tunisia **double the penalties** for harassment perpetrators who have authority over the victim. Egypt has introduced more **severe sentences** for perpetrators who have authority over the victims. In Jordan, Bank El Etihad has issued a **sexual harassment policy**.

Policy recommendations



Work with social partners and the ILO towards **ratification of the Harassment and Violence at the Workplace Convention**.

.... Professions and working hours



Some countries such as Jordan and UAE have **lifted restrictions on women's ability to work at night**. UAE has also lifted **restrictions in jobs deemed dangerous**, as well as in agriculture and on the mining, manufacturing, and energy industries.

Policy recommendations



Remove all discriminatory legal provisions related to women's participation in the labour market such as those that prohibit women from working at night or the same amount of hours as men.

..... Private sector



The private sector is increasingly aware that gender equality efforts **improve business outcomes**. E.g., Bank El Etihad in Jordan and agribusiness companies in Egypt report positive business growth thanks to their gender-sensitive approaches.

Policy recommendations



Research and document national and regional **private sector gender equality initiatives** and give them greater visibility.

General policy recommendations



Revise personal status laws so that women do not need to seek the approval of a male family member to work.



Give legislative recognition to economic violence as a form of violence against women.



Ensure labour inspections focus on and enforce legal provisions for non-discrimination and gender equality.

Note: The 14 MENA countries include Algeria, Djibouti, Egypt, Iraq, Jordan, Lebanon, Libya, Mauritania, Morocco, Saudi Arabia, Syria, Tunisia, United Arab Emirates and Yemen.

Infographic 2.2. Women at work: social protection and work and life balance

Women at work

Social protection & work-life balance

PROMISING PRACTICES AND POLICY RECOMMENDATIONS

In the MENA region, women undertake the bulk of unpaid care work, which restrict their capacity to engage in paid work. Although countries are reforming their social protection systems to tackle women's unpaid care burden and extending benefits for women, further progress is needed.

..... Social protection systems



The ILO has eight **conventions on Social Protection**. Jordan has ratified parts of the main ones and Morocco has ratified the **ILO Maternity Protection Convention**.



Constitutions in Egypt, Jordan, Morocco and Tunisia all guarantee women's rights to social protection.



MENA countries are expanding the **type of benefits** and/or **categories of people** that can benefit from social protection. E.g., Jordan offers optional subscriptions for **housewives**; Algeria, Egypt, Morocco and Tunisia have specific social protection schemes for **domestic workers** and/or **rural women**.

Policy recommendations



Work with social partners and the ILO to ratify and align further with **ILO conventions on social protection**. Continue the reforms of countries' social protection systems, focusing on **addressing gender inequalities** and **promoting women's participation in the labour force**.

.... Maternity and paternity leave



Morocco is the only MENA country that has ratified the **ILO Maternity Protection Convention**. Egypt and Morocco have aligned their national legislation with the minimum 98-day duration recommended in the Convention.



In Jordan, maternity leave costs have to be funded by a **payroll tax on all workers**, rather than by employers alone (which is the case in most MENA countries).



Fathers can take up to three days of paternity leave in Morocco and Jordan. In Tunisia, a one-day **paternity leave** applies.

Policy recommendations



Align the duration of maternity leave with the ILO Maternity Convention and ensure **social protection costs** do not only fall on the employer but are **distributed across male and female workers**. Introduce and/or extend **paternity leave** and encourage fathers to take up this leave in order to share family responsibilities.

..... Childcare measures



Jordan's labour code was recently amended to make **childcare facilities mandatory** once companies employ over a certain number of employees (**both men and women**). In Egypt and Morocco, private-sector employers are required to provide daycare facilities once they employ over a certain number of female employees.

Policy recommendations



Invest in quality **childcare facilities** and provide **incentives** to companies who wish to establish such facilities. Make these facilities **available for the children of male employees** and not only for the children of female employees.

..... Registration procedures



In Tunisia, rural women **no longer** have to submit a **birth certificate** in order to register for the National Social Security Fund. Women's Citizenship Initiative in Egypt encourages **rural and marginalised** women to apply for an ID card to access social services. Morocco has issued a decree which obliges employers of **domestic workers** to register them with the National Social Security Fund.

Policy recommendations



Expand the opportunities for **different groups** in society to contribute to and benefit from social security. Take measures to **facilitate social security registration**.

.... Private sector and civil society



Private sector and civil society **complement** government provisions on social security benefits. E.g., companies in the Sekem initiative in Egypt offer **paternity leave**. Jordan's Bank El Etihad has a set of **maternity leave** measures. SADAQA, a Jordanian NGO, makes proposals for tax incentives for employers offering **daycare facilities**.

Policy recommendations



Use **public-private dialogue** to align state and private sector social protection.

Old-age pension & survivors' benefits



Pension reforms in Jordan allow women to **pass** their pension on to their families, and entitle widows the right to inherit the full pension of their **deceased husband**. Nevertheless, the gender gap has not been closed in terms of retirement age.

Policy recommendations



Remove **discriminatory legal provisions** in old-age pensions to better align benefits between women and men.

Infographic 2.3. Women at work: social dialogue

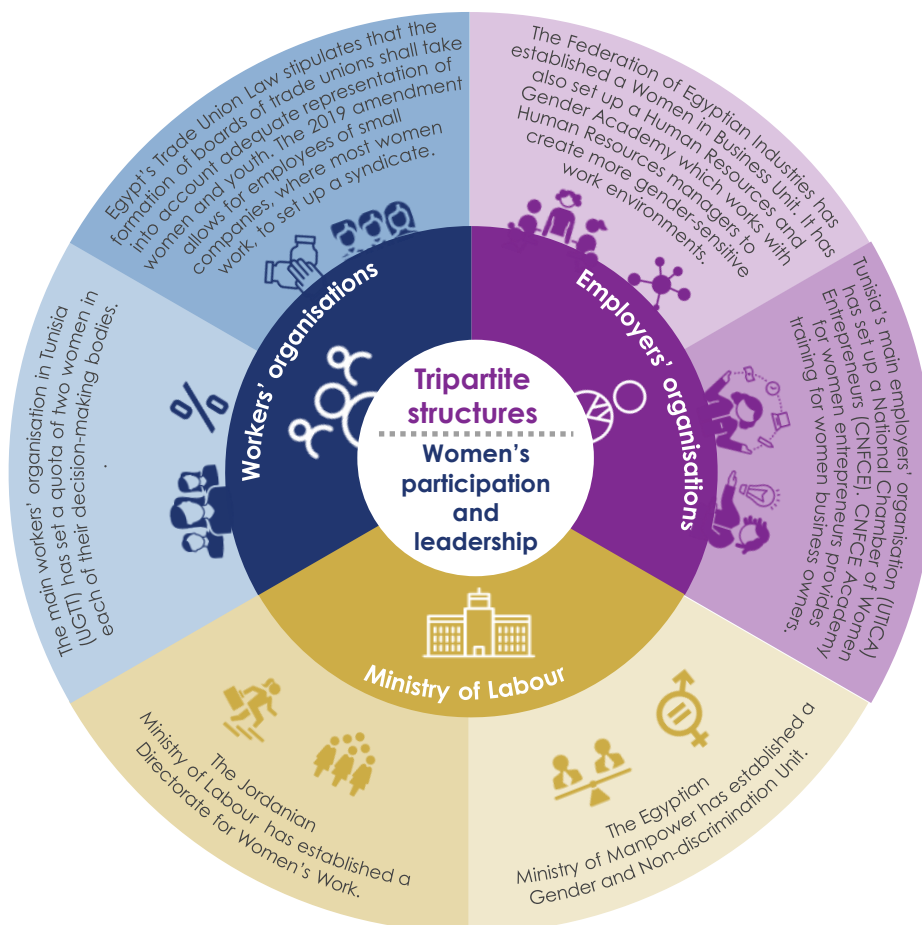
Women at work

Social dialogue

PROMISING PRACTICES AND POLICY RECOMMENDATIONS

To ensure that laws and policies address MENA women's needs, it is critical that women occupy leadership positions in tripartite bodies, namely Ministries of Labour, and workers' and employers' organisations. Collective bargaining and collective bargaining agreements (CBA) can play an important role in addressing gender issues, in particular the gender pay gap.

..... Women's participation and leadership in tripartite structures



The four countries have ratified the **Right to Organise and Collective Bargaining Convention**. Egypt and Tunisia have ratified the **Freedom of Association and Protection of the Right to Organise Convention**.

Constitutions of the four countries **guarantee the right to establish associations and to join trade unions**.

Policy recommendations

Further encourage women's participation and leadership in workers' and employers' organisations through quotas, women's sections, and training on gender equality for members.

..... Collective bargaining

Jordan has put in place a **sectoral collective bargaining agreement (CBA)**, which has helped **lower the gender pay gap and address decent work deficits** for private school teachers, most of whom are women.

Policy recommendations

Leverage women's increased participation in social dialogue to **conclude collective bargaining agreements** that enhance women's economic empowerment.

Infographic 2.4. Women at work: entrepreneurship

Women at work

Entrepreneurship

PROMISING PRACTICES AND POLICY RECOMMENDATIONS

In all four countries, legislation on setting up and managing a business is gender neutral. However, in reality, women entrepreneurs in MENA face additional challenges in accessing information, markets, financial services, land and other assets. Further reforms are needed to encourage women entrepreneurs and increase their influence over how business legislation and policies are being shaped.

Mandates for women entrepreneurs



In Tunisia, the National Chamber of Women Entrepreneurs' manifesto commits policy makers to unleashing the potential of women entrepreneurs. It proposes **a vision for female entrepreneurship to be included in the 2019-2024 Government Programme**.

Policy recommendations



Include a **gender aspect** in entrepreneurship policies and ensure that **national gender equality strategies** address **all aspects** of gender equality at work.

Information and capacity building



The National Council of Women in Egypt and the Federation of Egyptian Industries have carried out a number of **capacity-building** activities to support women entrepreneurs. Tunisia's CNFCE Academy for women entrepreneurs provides **training** for women business owners on topics such as **financial management, marketing and labour laws**.

Policy recommendations



Increase awareness of financing sources, marketing **tools, technologies** and labour laws among women entrepreneurs.

..... Access to land



Tunisia's late President Essebsi proposed a law with the general principle of **equality in inheritance** for women and men. Egyptian law **penalises** anyone **depriving a woman of her inheritance**. In Morocco, the legislative framework was recently amended to **recognise equal rights** for women and men to **collective land**.

Policy recommendations



Facilitate women's **access to land and other assets** to encourage entrepreneurial activities. Continue the discussions on **equality in inheritance** and **penalise the illegal deprivation of inheritance**.

Equality of investment opportunities



Egypt has included a **gender provision** in its **investment law**. This provision promotes **equality of investment opportunities**; **prohibits discrimination** on the basis of gender; and encourages **small investors**, who are typically women. It has also opened a **one-stop-shop** at the Investors Services Centre where women investors can obtain the necessary information and paperwork.

Policy recommendations



Include **gender equality provisions** in investment laws and **follow up on their implementation** so that women entrepreneurs also get to access investment opportunities.

..... Access to financial services



Jordan, Morocco and Tunisia have issued **financial inclusion strategies with gender aspects**. Egypt and Jordan have also issued **specific microfinance strategies with gender aspects**.



Banks are creating special programmes for women. Jordan's Bank El Etihad offers an array of services for female clients, for example **special savings accounts, collateral-free loans and start-up loans** for women entrepreneurs.



All four countries have laws **regulating** the **microfinance sector**, where the proportion of women is high.



Central banks are creating **special microfinance programmes** for women.

Policy recommendations



Implement existing **financial inclusion strategies** and offer **financial services programmes** that are specifically tailored to women. Encourage women entrepreneurs by making it easier to **access microfinance**.

Business registration and formalisation



To encourage more women entrepreneurs to **formalise** their businesses, Morocco has issued a law introducing the **auto-entrepreneur status**. Jordan has reviewed its legal and institutional frameworks to encourage the **formalisation of home-based businesses**, which are predominantly managed by women.



* Laws **regulating microfinance** in all the countries **encourage** entities applying for this type of finance to **formalise** their businesses.

Policy recommendations



* Facilitate the formalisation of businesses through **offering incentives** and **streamlining registration requirements/procedures**.

2.1. Introduction

According to the International Labour Organization (ILO), decent work “involves opportunities for work that are productive and deliver a fair income, security in the workplace and social protection for families, better prospects for personal development and social integration, freedom for people to express their concerns, organise and participate in the decisions that affect their lives and equality of opportunity and treatment for all women and men” (ILO, 2019^[1]). The ILO has developed a decent work agenda which consists of four pillars: standards and rights at work, employment creation and enterprise development, social protection and social dialogue. Gender is considered as a cross-cutting element of the decent work agenda. The decent work concept is also enshrined in the Sustainable Development Goals (SDGs) and in SDG 8 in particular, which promotes inclusive and sustainable economic growth, full and productive employment and decent work for all.

Ensuring that women have access to decent work is critical for boosting women’s economic empowerment in the MENA region and generating the sustainable and inclusive growth that countries badly need. In recent decades, the countries covered in this publication – Egypt, Jordan, Morocco and Tunisia – have taken numerous initiatives to implement the decent work agenda. They have ratified relevant international standards and taken part in international initiatives on women’s economic empowerment (Annex 2.A and Chapter 6). In addition, the private sector is increasingly aware that gender equality efforts are not only important from a corporate social responsibility perspective, but also improve business outcomes, and are promoting initiatives in their own companies. Since the 2011 uprisings, the four countries have embarked on a series of reforms of their constitutions as well as other national legal frameworks to help unlock the potential of their female citizens (OECD, 2017^[2]):

- All four countries have ratified the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW), which guarantees non-discrimination in employment (Box 6.1 in Chapter 6). They have also adhered to a number of international labour standards with gender relevance (Chapter 6). These initiatives provide important momentum for addressing gender inequalities worldwide and in MENA.
- All four countries have included provisions on non-discrimination in their constitutions.¹
- The labour codes of Tunisia, Morocco and Egypt also guarantee non-discrimination, although Jordan’s labour code does not include a provision on non-discrimination² (OECD, 2017^[2]).
- Each country (except Tunisia) has created a National Women’s Strategy. The National Strategy for the Empowerment of Egyptian Women 2030; the Moroccan Government Plan for Equality II (2017-2022) and the National Strategy for Jordanian Women (new version 2020-2025 under development) all have a strong focus on the economic empowerment of women and their participation in the labour market.

However, in reality these principles have not been fully implemented, revealed by the fact that the MENA region continues to have the lowest female labour force participation rate in the world (Chapter 1). When women do work, they are often engaged in the informal sector, earn less than men, have limited career progression options and may suffer from sexual harassment in the workplace. Women handle the bulk of unpaid care work and often struggle to combine work and family life. MENA women prefer to work in the public sector as it generally offers working conditions which make it possible for them to combine work and family life.

In addition, social norms continue to undermine women’s participation in the labour market and cast the man in the role of main provider for the family (Chapter 1). Restrictive social norms that see men as the main providers for their families and oblige women to obey their husbands are also enshrined in the family law of some countries (Chapter 4). Hence, women’s labour rights are seen as secondary to those of men, and women have limited freedom to engage in the labour market. The OECD Social Institutions and Gender Index (SIGI) indicates that these challenges also exist in other regions of the world. For example,

men are recognised as the sole head of household in 23% of the 120 countries covered by the SIGI (OECD, 2019^[3]).

Recently, countries in the region have made important legal, policy and institutional reforms aimed at enhancing women's labour force participation. This chapter presents case studies of key recent reforms that centre around four areas of work:

Equality in the workplace.

Social protection reforms and initiatives to address unpaid care work and improve work-life balance.

Social dialogue: women's participation and leadership in worker and employers' organisations to ensure that collective bargaining yields better outcomes for women.

Female entrepreneurship.

The case studies examine how and why the reforms came about, the actors involved and how the reforms are being/will be implemented, as well as highlighting key success factors. The information shared in the case studies has been discussed extensively with stakeholders in the respective countries (Annex A at the end of the report contains a list of resource persons in each country; Annexes B, C and D describe the methodological process). The chapter also includes boxes that analyse initiatives on women's economic empowerment based on desk review.³ The boxes also highlight tools that can aid legislators and policy makers in engaging in such reforms. Finally, the chapter makes some policy recommendations based on the lessons from the case studies and research.

2.2. Equality in the workplace

Even though the constitutions and/or labour codes of the four countries include non-discrimination provisions, women in MENA continue to face discrimination in the workplace. As we saw in Chapter 1, compared to their male counterparts, women earn significantly less and have narrower access to leadership opportunities. They also face sector and working-hour restrictions and often fall victim to sexual harassment at work.⁴ This section gives examples of recent reforms aimed at lifting these barriers to decent working conditions for women:

- **Flexible work arrangements** are key to help women join and stay in the labour market despite family responsibilities. A specific ILO convention exists on the connection between working time, family responsibilities and gender inequality,⁵ but the only MENA country to have ratified it is Yemen. Egypt, Jordan and Tunisia have legal provisions in place that cover flexible work arrangements.⁶ However, these provisions mostly target women rather than foreseeing flex work for men as well. This may reinforce gender stereotypes and further confine women to the home (Case Study 2.1).
- **Equal pay:** There is still much work ahead to close the gender pay gap in the MENA region. In general, men in MENA continue to earn more than women for work of equal value (Chapter 1). All four countries covered in this report have ratified the ILO Equal Remuneration Convention (C100), which guarantees equal remuneration for work of equal value. The Equal Pay International Coalition (EPIC) was launched recently in the MENA region in order to speed up the closing of the gender pay gap (Box 2.1). The labour codes of Egypt, Morocco and Tunisia include generic non-discrimination provisions, and those of Egypt and Morocco also explicitly prohibit wage discrimination based on gender. Yet only Morocco and Jordan give full legislative expression to the principle of "equal remuneration for work of equal value" in line with the ILO convention.⁷ The countries are implementing initiatives to address the gender pay gap. In Jordan, the labour code has been amended so that employers who apply discriminatory wages for work of equal value can be fined (Box 2.2). A collective bargaining agreement and regulations have also been adopted in Jordan to close the pay gap for private school teachers, who are mostly women (Case Study 2.7).

- **Leadership positions for women.** In MENA, women face myriad challenges in progressing in their careers and taking up leadership positions in the workforce (Chapter 1). Raising the share of women's leadership in both the public and private sectors is key as it fosters more gender-sensitive organisational cultures and practices. As this publication focuses mainly on women's economic empowerment, rather than women in public life, the case studies present recent measures taken to improve women's leadership in the private sector. The case studies show that countries are making efforts to increase women's participation and leadership in workers' and employers' organisations (Case Studies 2.5, 2.6 and 2.7). Some MENA countries have launched initiatives to promote gender balance in corporate leadership. Even though none of the countries covered in this report have set mandatory quotas, the corporate governance codes of Jordan and Morocco mention the importance of gender diversity on boards (Case Study 2.2). The World Union of Arab Banks has issued a Charter for Gender Diversity which invites banks to apply a clear recruiting and promotion process for executive positions (Box 2.3). The charter raises awareness that diversity in management is not only a question of corporate social responsibility, but is also a necessary response to a constantly changing global environment.
- **Equality in professional choice.** Another factor which perpetuates the gender pay gap and limits women's career options involves legal restrictions on the types of professions that women can take up (for example in the mining sector) and their working hours, such as restrictions on women working at night. While these provisions are meant to protect women, the international community considers them to be outdated and state that women should have freedom of choice (OECD, 2017^[2]). In Jordan, the Ministry of Labour has issued a decree stating that women have the right to choose the vocation and work times that they desire (Box 2.2). Yet the labour law maintains provisions that allow the minister to prohibit women from working in certain jobs or at certain hours.

Box 2.1. Closing the gender pay gap: the Equal Pay International Coalition

In order to speed up the closing of the gender pay gap, the Equal Pay International Coalition (EPIC) was created in 2017. The coalition is a multi-stakeholder initiative, led by the ILO, OECD and UN Women. Key stakeholders include the governments of Australia, Canada, Germany, Iceland, Jordan, New Zealand, Panama, Korea, South Africa and Switzerland, the International Organisation of Employers (IOE) and the International Trade Union Confederation (ITUC). EPIC also includes a network of equal pay champions. Jordan was the first MENA country to participate in EPIC. In November 2019, an EPIC regional initiative for MENA countries was launched.

EPIC is active at the global, regional and national levels to support different stakeholders to take concrete steps to achieve equal pay for women and men for work of equal value. EPIC provides support in different areas including knowledge sharing, awareness raising, capacity building and upscaling of successful programmes. It is also active in the area of legal frameworks, their enforcement and progress monitoring.

Source: <https://www.equalpayinternationalcoalition.org/>.

Box 2.2. In-depth: Jordan's comprehensive efforts towards women's equality at work

In recent years Jordan has made many amendments to its labour law and other legislation as part of a comprehensive overhaul of how women are treated at work and in the family. These are summarised here and some of the case studies in this and other chapters explore them in further detail. The factors behind the success of this approach are analysed in Box 6.3 in Chapter 6.

- **Work-life balance.** The country is addressing women's unpaid care work and their efforts to balance work and family responsibilities by introducing maternity insurance in the social security law (Case Study 2.3) and adopting regulations on flexible work (Case Study 2.1). Labour law reforms have introduced a three-day paternity leave and distribute the costs of daycare equally amongst male and female workers (Case Study 2.4).
- **Equal pay.** Jordan's efforts to tackle the gender pay gap focus on specific sectors. A collective bargaining agreement and regulations have been adopted to close the pay gap for (mostly female) private school teachers (Case Study 2.7). Article 17 of Law No. 14 of 2019 stipulates that the Minister of Labour is to appoint a "Wages Body in specific geographic areas". The Wages Body is responsible for examining, within that area, any discrimination in wages that may exist for work of equal value. Article 17 amends the Labour Law to fine employers who fail to meet minimum wage requirements or apply discriminatory wages for work of equal value. Article 2 of this law provides a definition of wage differentiation as a pay inequity between workers for work of equal value without discrimination based on gender. Furthermore, Jordan is actively involved in the Equal Pay International Coalition (EPIC; Box 2.1).
- **Freedom to choose.** Jordan has taken steps to enhance Jordanian women's labour force participation by abolishing night work and sector restrictions for women. Ministry of Labour decision 2/2018 states that women are allowed to work in any vocation and at any time period. Unfortunately, Article 69 of the labour law still states that a ministerial decree can be issued to restrict women's working hours and choice of sectors/industries.
- **Vulnerable women.** The country is recognising the specific challenges faced by vulnerable groups of society in finding decent work. Amendments of Law No. 14 of 2019 allow children of Jordanian mothers and non-Jordanians father to apply for jobs without needing a work permit (Case Study 4.3). In addition, the country is making significant efforts to address the economic situation of (Syrian) women refugees (Case Study 3.4).

Case study 2.1. Flexible work regulations help get more women into jobs in Jordan

To facilitate women's entry in the labour market and to make sure that women can stay in work once they have family responsibilities, Jordan has recently issued flexible work regulations.

What is the reform and how did it come about?

Reflections on flex work in Jordan started to mature in 2016 when USAID's Jordan Workforce Development Project submitted a flexible working hours policy paper to the Ministry of Labour, which was then passed on to the Cabinet. With the support of the King, a regulation on flexible work arrangements was enacted in early 2017.⁸ The government reported that these regulations were issued mainly to increase employment for different segments of society, especially women, and to help them balance work and family responsibilities (Jordan Times, 2017^[4]).

The regulation covers different types of flex work: part-time work, flex-time work, intensive work week, flexible year and remote work. Hence, employees and employers can agree on part-time arrangements or flexible daily/weekly working patterns on a full-time basis. However, employees can only benefit from flexible work arrangements with the employer's approval. The law is also only applicable to the following categories of employee:

- employees who have worked for the employer for three consecutive years
- employees with family responsibilities (including pregnancy, parental responsibility, or responsibility for a disabled or ill family member)
- student employees
- employees with a disability.

In addition, flexible work arrangements must not restrict the employer or employee from benefitting from any labour rights provided under the labour law. For example, the work arrangements should not lead to an extension of 10 daily working hours (exclusive of overtime), more than four weeks work in a row without a day off, or a reduction of the salary below the minimum wage.⁹ The employee is entitled to revert to his original employment contract at any time.

The law indicates that the employer must amend its bylaws to include a section on flex work. The employer also has to submit periodic reports to the Tripartite Committee on Labour Affairs, giving details about its internal flex work bylaws and about the employees who benefit from flex work arrangements (Karak Castle Center and FES, 2018^[5]).

In 2018, the Ministry of Labour issued Flexible Working Instructions, in line with Article 13 of the flex work regulation.¹⁰ In addition, a consultation session was carried out with a range of stakeholders to discuss concerns and opportunities in applying the flex work regulations. Recommendations were issued both on technical aspects of the regulations and on how implementation could be facilitated.

The 2019 amendments to the labour law added a definition of flexible work to the labour code. However, the labour law has no specific provision governing flex work, and so it remains governed by regulations.

What are the impacts, implementation challenges and factors for success?

Jordan's flex work regulations provide a useful framework for workers and employers to better organise their time and improve work-life balance. Research indicates that they are having a positive effect on women's participation in the labour market in Jordan. Around 60% of employers thought that "the application of flexible working hours contributed to an increase in the employment of women and their continued stay in the company, while workers experienced more satisfaction with their jobs" (Ibáñez Prieto, 2018^[6]). Employers and employees also believe that the regulations lead to better work-life balance (Karak

Castle Center and FES, 2018^[5]). A next step could be to encourage men to also take up flex work to help share family responsibilities that continue to fall mainly on women.

Despite these positive impacts, research also shows that the flex work regulations have not yet been widely implemented. There are two main reasons (Karak Castle Center and FES, 2018^[5]):

- While many employers apply flex work in practice through mutual agreements with their employees, it is reported that most employers do not apply the specific provisions of the regulations. Applying the regulations requires awareness of the details of the regulations and the benefits of applying them – few people seem to be aware of these, so efforts are needed to educate both employees and employers.
- As applying the regulations requires a revision of the employers' bylaws and employment contracts, employers prefer to stick to informal agreements with their employees. It may therefore be beneficial to provide incentives to employers to apply the regulations.

A final concern is related to the impact of the flex work regulations on social security benefits. Additional research should be carried out to make sure that applying the flex work regulations does not result in workers losing their social security entitlements because of different work arrangements.

Case study 2.2. Increasing gender balance in corporate leadership in MENA

The G20/OECD Principles of Corporate Governance¹¹ acknowledge that diversity in the boardroom is integral to sound corporate governance – a key component of this is gender balance (OECD, 2015^[7]). Closing the gender gap in corporate decision-making roles remains a challenge, yet there is strong impetus for economies to embrace initiatives that empower and promote women in the corporate sphere. Women's leadership and talent are increasingly seen as the cornerstones of competitive, value-creating companies and, by extension, resilient, inclusive economies.

In 2019, the OECD issued the report *Corporate Governance in MENA: Building a framework for competitiveness and growth* (OECD, 2019^[8]). The report includes a chapter on achieving gender balance in corporate leadership, outlining why it is important to enhance gender balance in economic and corporate life and how this can be addressed in MENA. This case study summarises this chapter, focusing on the different approaches that MENA countries have taken to enhance gender balance in corporate life. While the overall report focuses on Egypt, Jordan, Morocco and Tunisia, this case study looks also at other MENA countries.

The report shows that progress to increase women's corporate leadership roles has been slower in the MENA region than in other regions, but is still in line with global trends (Chapter 1). In general, female labour force participation in MENA is often lower in the private sector than in the public sector because women in MENA economies prefer the better working conditions and benefits it offers. This preference may also be driven by social pressure to undertake work deemed respectable for women (Deloitte, 2017^[9]).

What is the reform and how can it be applied in MENA?

Policies to increase women's access and participation on corporate boards and in senior management positions can be driven by governments, regulators and companies themselves, with measures adapted to specific contexts (by sector, country, etc.). Overall, OECD countries follow four main policy approaches:

- laws that set a minimum quota for women on boards
- rules on disclosure of the gender make-up of company boards and/or diversity policies
- comply-or-explain provisions on gender diversity in corporate governance codes
- voluntary targets for gender diversity on boards and/or in senior management.

MENA economies could use quotas or targets to increase the number of women on corporate boards and in senior management. The quotas could be a temporary measure until goals have been met and social norms have evolved to allow for more equal representation in decision making. However, the use of quotas or targets in the corporate sector remains controversial in MENA economies. The region's only country to formally mandate a quota is the United Arab Emirates, where state-owned enterprises are required to have at least one woman on their boards (Deloitte, 2017^[9]). Cultural norms in MENA may be hindering the acceptance of quotas and targets in the corporate world, where, as in the political realm, a patronage-like system is common. Given this similarity, it is worth considering the use of measures taken to increase women's representation in political decision-making bodies that might have similar results in corporate leadership (Chapter 5). Such lessons from the public sector could help guide policies for the private sector.

Disclosure-driven policies could also increase MENA women's representation in the boardroom. The 2010 Muscat Declaration on Effective Implementation of Governance Frameworks in the Middle East and North Africa Region encourages policy makers and regulators "to focus on improving the transparency and disclosure of enterprises", including on executive compensation and board structures.¹² This could be taken to mean that the gender composition of boards is also a factor to be disclosed. However, as companies in the region commonly have a controlling shareholder (either family or government), disclosure-driven policies could be less potent in advancing change without the willingness of controlling shareholders to promote gender-balanced corporate leadership.

Corporate governance codes set the rules, standards and priorities for how companies should operate for optimal performance. All economies in the region except Iraq have corporate governance codes. However, Jordan and Morocco are the only MENA economies with corporate governance codes that mention gender diversity on boards.¹³ Broad diversity provisions are included in Lebanon's 2010 Guidelines for Listed Companies (Article 10), Tunisia's 2008 Code of Best Practice for Corporate Governance and Egypt's Code of Corporate Governance. A non-discrimination clause to ensure that company employees are treated fairly regardless of "race, gender or religion" is included in Qatar's 2009 Corporate Governance Code and Lebanon's 2006 Corporate Governance Code (Deloitte, 2017^[9]).

What are the impacts, implementation challenges and factors for success?

Assessing women's actual participation in corporate leadership is difficult due to limited disclosure and a lack of reliable data. However, it is clear that even though MENA has made some progress in improving gender balance in corporate leadership, there is room for improvement. The impact of the measures described above remains limited for a number of reasons linked to women's participation in the labour market more broadly. MENA legal frameworks and social norms, including family codes, continue to drive gender gaps in the labour market. While the constitutions of most MENA countries propose gender equality, this has not yet translated into company practices.

The report proposes a range of interrelated actions for governments and companies in the MENA region to further advance gender balance in corporate leadership (Table 2.1).

Box 2.3. In-depth: the World Union of Arab Bankers promoting gender diversity

In June 2018, the Board of Directors of the World Union of Arab Bankers (WUAB) approved its Charter for Gender Diversity. The charter was initiated by Mrs Nahla Khaddage Boudiab, Chief Operations Officer of Al Mawarid Bank in Lebanon and Head of the WUAB's Women Empowerment Group. The charter invites banks to apply a clear recruiting and promotion process for executive positions, removing biases and enabling women to apply and be identified for such executive positions. In this way, women can contribute to the bank's strategy and influence the organisation's culture. The charter raises awareness of the fact that diversity in management is not only a question of corporate social responsibility, but that it is needed in order to adequately respond to a constantly changing global environment.

Banks that sign the charter commit to the following actions:

- Implement a bias-free recruitment process defined by the skills and characteristics needed for the position, and an evaluation of both men and women against these attributes.
- Ensure that applications for management positions include both men and women.
- Ensure that internal management promotions include both men and women candidates, and that promotion decisions are based on the attributes needed for the job.
- Include the commitment to the charter in their strategies, policies, and procedures.
- Create a gender diversity committee, comprised of a minimum of three senior managers including both men and women, one of whom must be at the executive level.
- Ensure that the Gender Diversity Committee is tasked with documenting the policies and procedures and confirming effective implementation.
- Ensure that the organisation applies one pay scale linked to positions and independent of gender.
- Provide formal, public updates on their progress, including annual updated on their website.

The Lebanese Al Marawid Bank signed the charter in April 2018 and has implemented its provisions fully. For example, Al Marawid Bank's senior executive team encompasses a high ratio of women managers, with over 50% of core functions held by women. Promoting diversity has also improved the bank's overall performance: the bank has received five international awards over the last three years and in 2018 the bank's growth was double the banking industry's average growth. Eight other banks have committed to the charter and Al Mawarid Bank is supporting them in the implementation plan.

Source: WUAB (2018^[10]), *Charter for gender diversity*; AM Bank (2018^[11]), *Charter of Diversity*; AM Bank (2018^[12]) "AM Bank 'Can Doers', Gender Diversity", online video, www.youtube.com/watch?v=WZY5ax5Qqhc&t=5s.

Table 2.1. Policy options for promoting gender balance in corporate leadership

Objectives	Policy options
Reform legal and policy frameworks	Revise corporate governance codes and related laws and regulations to endorse gender diversity.
Combine national goals with company strategies	Underpin goals, targets and policies by strategies aimed at fostering gender balance throughout the company and the career cycle of women.
Improve data collection and use	Gather more and better-quality data at the regional and national levels and from companies.
Attract talent and limit pipeline issues	Develop a 'whole of company' diversity framework and conducive human resource policies to create an ecosystem that facilitates women's corporate leadership. Ensure that the business community and government co-ordinate goals underpinned by sustainable policies.
Facilitate networks and provide support for women	Providing training programmes and facilitate leadership networks to drive change.
Create a conducive cultural environment	Make use of advice, feedback and education to help in adapting to new and more diverse corporate paradigms. Use best-practice models and reference points to ensure that governments encourage companies to grow and evolve into vehicles for change.

Source: OECD (2019^[8]), *Corporate Governance in MENA: Building a framework for competitiveness and growth*, https://www.oecd-ilibrary.org/governance/corporate-governance-in-mena_2a6992c2-en.

2.3. Social protection and work-life balance

Women face challenges in entering and staying in the labour market, especially once married. These challenges are even more serious once they have children and have to balance work and family life. Once women are in the labour force, they often do not have sufficient career opportunities and face a denial of rights at work. Inadequate social protection and shortcomings in social dialogue further constrain their work lives.

In order to stimulate women's participation in the labour market, the four countries will have to find solutions to these biases against women. One approach is to put in place comprehensive social protection systems (OECD, 2019^[13]). These systems can promote gender equality through measures to ensure that women with family responsibilities have equal opportunities in the labour market (Box 2.4).

While the constitutions of all four countries guarantee women's right to social protection, in practice, social protection coverage is low in MENA – especially for women (Chapter 1). Few MENA countries have ratified the ILO conventions on social protection (Box 2.4). Jordan and Libya are the only MENA countries to have ratified parts of the main ILO Convention on Social Security (Case Study 2.3), and Morocco is the only MENA country that has ratified the ILO Maternity Protection Convention (Annex 2.A).

Box 2.4. International recognition for social security and women's economic empowerment

Social security systems foresee basic income in case of unemployment, illness and injury, old age and retirement, invalidity, family responsibilities (such as pregnancy and childcare), or loss of the family breadwinner. Social security systems can promote gender equality through measures to ensure that women with family responsibilities have equal opportunities in the labour market. This is recognised by SDG 5.4, which mentions that social protection policies can play a role in recognising and valuing unpaid care work.

The main ILO standard covering social security is ILO Convention 102 on Social Security (Minimum Standards). This convention sets the minimum standard for the level of social security benefits and the conditions under which they are granted. In addition, the ILO has issued a range of conventions and recommendations focusing on specific branches of social security.

In order to promote comprehensive social security systems, the ILO is promoting the concept of social protection floors. The social protection floor is a global social policy concept that promotes nationally defined strategies for the provision of a minimum level of access to essential services and income security. The ILO and the World Health Organisation (WHO) are lead agencies for promoting it. This concept is also mentioned in SDG 1.3 and aims at ensuring universal access to a minimum of four guarantees:

- Access to essential health care, including maternity care.
- Basic income security for children (e.g. family allowances).
- Basic income security for people of active age who are unable to work (e.g. maternity).
- Basic income security for older people (e.g. pensions).

Setting up social protection floors in developing countries is challenging. In order to speed up this process, the Global Partnership for Universal Social Protection was launched in September 2019. The partnership includes examples from 23 countries around the world which show that universal social protection is feasible in developing countries. MENA country experiences are not yet included in the partnership.

Source: For more information on ILO's social protection floors concept, see <https://www.ilo.org/secsoc/areas-of-work/policy-development-and-applied-research/social-protection-floor/lang-en/index.htm>; for details of the Global Partnership for Universal Social Protection, see <https://www.usp2030.org/gimi/USP2030.action>.

The case studies in this section indicate that of the four countries, Jordan and Morocco are working to reform their overall social protection systems, or at least focusing more on social protection benefits such as maternity and/or paternity leave as well as options for daycare. In addition, countries are making it easier to register for these systems. The case studies show that those countries that are reforming their social protection systems are using the opportunity to include gender considerations. Where reforming the overall social protection system is too vast an undertaking for some countries, the case studies show that they are instead focusing on specific social protection reforms that support women's economic empowerment, such as maternity and paternity leave, childcare measures and revisions to the pension scheme. The case studies also show that where government social protection services are absent or weak, the private sector and/or civil society has stepped in:

- **Social security for all.** Jordan has developed coherent national social security policies and has a strong commitment to extending social security to all, which is evident in the recent reforms of its social security law (Case Study 2.3). For example, the Jordanian social security system offers an optional subscription for housewives. In 2015, a Gender Mainstreaming Section was established

in the Social Security Corporation (SSC) in order to institutionalise gender concerns. In Morocco, an Inter-ministerial Committee was set up recently to kick-start discussions on a comprehensive reform of the countries' social protection programmes and policies (Box 2.5). The committee also includes the Ministry of Women's Affairs, which could play a leading role in mainstreaming gender within the overall social protection reforms.

- **Maternity and paternity leave.** The ILO Maternity Protection Convention recommends a duration of maternity leave of at least 14 weeks (98 days). Egypt and Morocco have aligned their national legislation with this recommendation. In Jordan and Tunisia, draft laws are under discussion to prolong the duration of maternity leave and align the duration of leave for public sector and private sector employees (Box 2.6). In Jordan, a new social security law requires maternity leave costs to be funded by a payroll tax on all workers, rather than financed by employers alone. This measure socialises the cost across gender and removes incentives to discriminate in hiring decisions due to maternity benefits (Case Study 2.3). Many other MENA countries (e.g. Egypt) still apply the employer's responsibility to pay maternity benefits, which may lead to discrimination against women in hiring and career progress (International Social Security Association, 2017^[14]).

The ILO has no specific standards for paternity leave, so its duration is decided at country level (Addati, Cassirer and Gilchrist, 2014^[15]). In Morocco and Jordan, fathers can take up to three days of paternity leave. In Tunisia, a one-day paternity leave applies and a draft law is under discussion to extend the duration slightly (Box 2.6). No paternity leave is so far available in Egypt.

Private sector and civil society are complementing government social security benefits. Through the Sekem initiative by a number of companies in Egypt, men can benefit from paternity leave even though paternity leave is not guaranteed in Egyptian legislation (Box 2.6). In Jordan's Bank El Etihad, women can benefit from the option to halt loan repayments during their maternity leave. The bank's "comeback programme" supports women who took a career break to focus on their families to get back into the labour force (Case Study 2.8).

- **Childcare.** CEDAW, the 1989 Convention on the Rights of the Child and the ILO Convention on Workers with Family Responsibility 1981 (No. 156) call for childcare measures so that working parents can combine work with family responsibilities. Egypt and Morocco's labour codes require private-sector employers to provide daycare facilities once they employ over a certain number of female employees. However, this may deter employers from hiring or promoting women (OECD, 2017^[2]). Jordan's labour code has recently been amended to make childcare facilities mandatory once companies employ more than a certain number of employees (both men and women). This means that daycare would not only be available to female but also to male employees. This has been a critical move since it shifts the full responsibility of childcare from the mother to both parents. SADAQA, a Jordanian NGO, is supporting companies to set up daycare and is working on a paper that lays out different options for tax incentives for employers who offer daycare facilities (Case Study 2.4).

Box 2.5. In-depth: Morocco's pathway to social protection reforms

Over the past decade, Morocco has invested significantly in its social protection system. The system currently includes three main axes: a contributory system; a partially contributory system; and a non-contributory system consisting of various social assistance programmes. However, despite considerable progress, Morocco's social protection system could be further enhanced by improving co-ordination among the policies, programmes and institutions governing the different areas of social protection.

While the overall coverage of people in Morocco has improved, only 32% of them are women. Morocco is trying to address this gender challenge through a range of projects and programmes that are mostly part of the non-contributory system and that target vulnerable categories of women (and their children). In addition, a decree was recently issued that expanded social security coverage to domestic workers, who are mostly women (Case Study 3.1).

However, legal frameworks governing social protection still include discriminatory provisions based on gender. For example, children are automatically covered by the health insurance of their father even if the mother's health insurance regime is better. Family benefits are usually automatically paid to the father and not to the mother. While the surviving female spouse immediately receives her husband's pension upon his death, the surviving male spouse only receives his deceased spouses' pension when he attains the age of retirement. Furthermore, families could benefit from enhanced support measures to facilitate women's participation in the labour market (e.g. childcare options) so that they can in turn also contribute to the social protection system.

In 2018, the King of Morocco called on all relevant actors to undertake a comprehensive reform of the countries' social protection programmes and policies. Following this call, a national debate took place to reflect upon how to best reform the countries' social protection system. An Inter-ministerial Committee was set up to kick-start the reform process, which should result in an overhaul of the legislative frameworks and procedures governing social protection, with a focus on better governance and enhanced co-ordination. These reforms will provide an opportunity to promote gender equality through measures to ensure that women with family responsibilities have equal opportunities in the labour market. It will also be the occasion to bring the legislative framework on social protection into line with the provisions on non-discrimination outlined in the constitution. This will require a comprehensive approach to women's economic empowerment and strong leadership by the Ministry of Family, Solidarity, Equality and Social Development within the Inter-ministerial Committee that will lead these reforms. The committee could also benefit significantly from the work of civil society actors and the international community which have been advocating for enhanced social protection for women and their families for many years.

Source: ADFM (2016^[16]), *Genre et droit à la sécurité sociale au Maroc*; OECD (2017^[2]), *Women's Economic Empowerment in Selected MENA Countries. The impact of legal frameworks in Algeria, Egypt, Jordan, Libya, Morocco and Tunisia*, <https://doi.org/10.1787/9789264279322-en>; Ministry of Family, Solidarity, Equality and Social Development of Morocco (2019^[17]), *Social Protection Systems, Access to Public Services and Sustainable Infrastructure for Gender Equality and the Empowerment of Women and Girls*, <http://www.social.gov.ma/fr/femme>; UNICEF/EU (2018^[18]), *Les 1ères Assises Nationales de la Protection Sociale sous le thème "Ensemble pour un système de protection sociale intégré et pérenne"*, (in French), Skhirat, 12-13 November 2018, <https://www.unicef.org/morocco/media/986/file>.

Case study 2.3. Extending social security benefits for women and their families in Jordan

Jordan is one of the few MENA countries to have developed coherent national social security policies and to have a strong commitment to extending social security to all (Box 2.2). Although Jordan has not ratified any of the specific ILO social security conventions,¹⁴ it has ratified parts of the main ILO Convention on Social Security (Box 2.4).¹⁵ This case study documents and analyses Jordan's recent major social security reforms.

What is the reform and how did it come about?

The Jordanian Social Security Law¹⁶ was first declared in 1978 for the private sector. Subsequently, Law No. 19 was issued in 2001, followed by the amended Provisional Law No. 26 of 2009. Women's rights organisations, especially the Jordanian National Commission for Women (JNCW), and civil society organisations like the Sisterhood Is Global Institute, have led years of campaigning to change the social security law in Jordan in favour of women. The Sisterhood Is Global Institute participated in debates on social security in ad-hoc parliamentary committees and played a concrete role in improving the social security law text.

The reform process was initiated with the following objectives: achieving financial sustainability, enhancing social justice and gender equality, and expanding social security (Brodmann, 2014^[19]). The campaign's most important demands included:

- a maternity fund to which all employees and employers contribute. This was proposed by the ILO, and would shift the responsibility for funding women's salaries during their maternity leave from individual employers to social insurance.
- the wife's right to a share in her husband's pension on top of her own pension on his death
- the woman's right to pass her own pension on to family members after her death (as is the case for men's pensions).
- the possibility for housewives to be covered by social security.¹⁷

Maternity insurance. Provisional Law No. 7 of 2010 included a number of the campaign's demands to increase women's access to social security benefits. It introduced maternity insurance (Art. 3 and Art. 42 – 47), entitling those covered to maternity allowances during at least the six months preceding their maternity leave. This law only foresaw maternity leave benefits for the first four deliveries (Law No. 1 of 2014 has since entitled women to maternity allowances regardless of the number of births). In 2014, Jordan also ratified ILO Social Security Convention No. 102, but did not accept Part VII of this Convention which refers to maternity benefits. It has not ratified ILO Maternity Protection Convention No. 183.

Pension reforms. Provisional Law No. 7 of 2010 also introduced a number of pension reforms in favour of gender equality. The 2010 law made it possible for women to pass their pension on to their families (World Bank, 2013^[20]) – previously, only men could shift their pension to their wives and children. A further accomplishment of the 2010 law reform is that a widow can now inherit the full pension of her deceased husband. However, this is restricted if the widow remarries, even though such restrictions are not placed on men (World Bank, 2013^[20]). In 2014, Jordan accepted Part X of the ILO Social Security Convention on survivor's benefits. In addition, employers in Jordan are required to pay pension contributions while women are on maternity leave. While this enhances women's pensions, it can also be a disincentive for employers to hire women of child-bearing age (World Bank Group, 2019^[21]).

Nevertheless, Jordan's 2014 Social Security Law still includes discriminatory pension provisions. For example, a male employee is entitled to a pension at the age of 60, whilst a female employee is entitled to a pension at the age of 55, which reduces the amount of pension benefit by five years. Women can cash-in their pensions when they marry, divorce or become widows, thus excluding them from future pension

benefits. Such options are, however, not available to men (OECD, 2017^[2]). This regulation shows the presumption that once married, a woman will terminate her employment. In 2012, the Social Security Corporation launched an awareness-raising campaign to warn women of the financial consequences of cashing-in pensions (World Bank, 2013^[20]).

Housewives' social security scheme. The 2010 reform included an optional subscription to the social security system for housewives. Although this is potentially beneficial, the contribution (14.5% of household income) is still not affordable to many women and families (Brodmann, 2014^[19]).

In 2015, a Gender Mainstreaming Section was established in the Social Security Corporation (SSC) in order to institutionalise gender concerns. The ILO provided support to the SSC to help it advance its mandate (Jordanian Social Security Corporation, 2015^[22]).

What are the impacts, implementation challenges and factors for success?

Jordan is a frontrunner in the MENA region in the area of social security systems and benefits and spends a significant amount of the country's budget on social security. The recent amendments to the social security law have given greater benefits to women, both in the area of pensions and maternity.

The maternity reform removes some of the obstacles to employing women in the private sector. Maternity benefits are now financed through a 0.75% payroll contribution paid by the employer on behalf of both male and female employees (ILO, 2015^[23]). The scheme gives insured women the right to paid maternity leave at 100% of their previous earnings for a period of ten weeks. In this way, both women and men contribute to the financing of maternity benefits and the employer no longer has a reason to discriminate against women when hiring due to costs of maternity benefits. According to an ILO report the shift from an employer liability scheme to the maternity insurance scheme may have contributed to a rise in the number of women of childbearing age in the formal private sector workforce by more than 30% (ILO, 2017^[24]).

The efforts of civil society have been key in achieving these reforms. The campaigns were sustained over many years and CSOs were important actors during the discussions of the envisaged reforms in ad-hoc parliamentary committees. In addition, the ILO's work on the maternity insurance scheme, on the pension reform and the development of a national social protection floor paved the way for the success of the reforms (Box 2.4).

While the reforms of the social security law are impressive, there is still room to align them further with the ILO standards on social protection. Other than ratifying the main ILO Convention on Social Protection, Jordan could also ratify additional ILO standards on social protection.

Studies show that awareness of the new Social Security Law is relatively low, especially knowledge of the details of the law's provisions. There are also many misconceptions around it (Brodmann, 2014^[19]). For example, it is not commonly understood that the cost of childbearing is a social responsibility and should be divided amongst families, employers and society in general (World Bank, 2013^[20]).

Box 2.6. Regional round-up: maternity and paternity leave reforms

Egypt

Women in the private sector in Egypt can benefit from 90 days of maternity leave, with compensation equivalent to the full salary, as indicated in the Labour Law (Article 91) and the Child Law (Article 70). The labour law limits the employed woman's entitlement to maternity leave to twice during the whole period of her service with one or more employer. These limitations seem contrary to Article 70 of the Child Law, which stipulates that the employed woman is entitled to take maternity leave up to three times.

The Civil Service Law no. 81 of 2016 entitles women employed in the public sector to take maternity leave lasting four months a maximum of three times during their entire employment period (the previous law no. 48 of 1978 allowed only three months). Thus, Egypt's maternity leave – in the government sector – is longer than the 14 weeks recommended by ILO conventions. The law does not yet foresee paternity leave.

The above provisions on maternity leave are the minimum. Thus, individual work contracts, collective work agreements, or Regulations of Employment may grant women additional benefits, such as the right to maternity leave three times during the entire period of her service, or maternity leave of more than 90 days, as is the case for Nestle Company (Egypt), which grants women workers fully paid six-month maternity leave.

Morocco

Morocco guarantees 14 weeks maternity leave and fathers can take up to three days of paternity leave. No recent reforms on maternity or paternity leave have been made.

Jordan

In Jordan, women in the private sector are granted 70 days of maternity leave, and 90 days in the public sector. This is slightly below the ILO standard of 98 days (14 weeks).

The National Committee for Pay Equity (NCPE) has issued a number of proposals to revise the labour law to enhance women's labour rights (Box 2.2 and Case Study 2.3). A proposal was included to raise the maternity leave period to meet ILO standards, but for political reasons this topic was not open to discussion within the Labour and Social Development Parliamentary Committee or in the Lower House.

The labour code was amended in May 2019 (Article 23 of Law No. 14) to include a three-day paternity leave.

Tunisia

Women in Tunisia have 60 days of maternity leave in the public sector and 30 days in the private sector. In the private sector, collective labour agreements for specific sectors call for the employer to pay for the leave, but in general the National Social Security Fund ensures a daily allowance to compensate for a women's suspended salary, provided she has been employed for at least 80 days. In the public sector, the maternity leave of 60 days is paid in full. A one-day paternity leave is granted, the cost of which is covered by social security.

In Tunisia a range of efforts have been ongoing to extend both maternity and paternity leave. The Tunisian General Labour Union (UGTT), supported by ILO, has been lobbying for the ratification of ILO Convention 183 on Maternity Protection. An actuarial study was issued to calculate the costs of enhanced parental leave and discussed in tripartite consultations involving government, employers and workers organisations. The efforts were met with resistance by employers' organisations who feared

that enhanced maternity leave would increase discrimination against women at work. They would first like to tackle the discrepancy between public and private sector employees in terms of parental leave and then further extend maternity and paternity leave. In order to advance the issue, the Head of Government requested the Ministry of Women's Affairs to take the lead in developing a legislative reform proposal to enhance maternity and paternity leave. The draft law was still under discussion at the time of writing this report.

Source: *Egyptian Labour Law no. 12 of 2003*, available at https://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=64693; *Egyptian Child Law no. 12 of 1996*, as amended by law no. 16 of 2008, available at https://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=45791; ILO (2000^[25]), *ILO Maternity Protection Convention 2000, No. 183*, Article 4, https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C183; Al Otoum (2013^[26]), "Protection of working mothers in Jordanian labour law compared to international labour law"; Hussein (2019^[27]), "Activists applaud Lower House amendments to Labour Law", <http://www.jordantimes.com/news/local/activists-applaud-lower-house-amendments-labour-law>; Addati, Cassirer and Gilchrist (2014^[15]), *Maternity and Paternity at Work – Law and Practice across the World*; Nestlé (2017^[28]), "Nestlé offers six month paid maternity leave", <https://www.nestle.com/eg/en/media/pressreleases/maternity-leave-six-months>; OECD (2017^[2]), *Women's Economic Empowerment in Selected MENA Countries: The Impact of Legal Frameworks in Algeria, Egypt, Jordan, Libya, Morocco and Tunisia*, <https://dx.doi.org/10.1787/9789264279322-en>.

Case study 2.4. Improving childcare provision in Jordan

With one of the lowest female labour force participation rates in the world, Jordan faces serious challenges in attracting women to the labour market and persuading them to stay there. Quality childcare is one critical element in improving women's work-life balance and making it easier for women to enter and stay in the labour force. The case study shows that the country is making significant steps in addressing this issue.

What is the reform and how did it come about?

Before its 2019 amendment, Article 72 of the Jordanian Labour Law stated that "any employer with at least 20 female workers, with 10 or more children under the age of 4, should provide suitable day-care". Employers were either not aware of the article or found it hard to comply. In addition, the vast majority of businesses in Jordan are small and medium enterprises, with fewer than 20 employees (let alone 20 *female* employees), and so did not meet the conditions (JEDCO, 2011^[29]). It was mostly mothers who suffered from the non-application/non-compliance with this article since they mostly were obliged to stay at home to take care of their children.

The civil society organisation "SADAQA – towards a friendlier work environment for women" was founded in 2011 by a group of working mothers who wanted to achieve a better work-life balance. The organisation advocates for legislative reform to improve the situation of women in the workplace.¹⁸

SADAQA worked on building the evidence-base for childcare provision. For example, a study by SADAQA of the telecommunications sector indicated that the average return on investment in childcare services is EUR 812 per employee per year (Shomali, 2016^[30]). SADAQA proposed, together with other actors including the National Committee for Pay Equity (NCPE), amendments to the labour law. It proposed to extend the scope of the article to male and female workers as well as to make the article applicable to smaller companies. Coalition 72 was set up to advocate for these revisions. These proposals became law through the 2019 labour law amendments (Hussein, 2019^[27]). Article 72 now states that the employer shall be obliged to provide day care for children of *all* workers (male or female) in the company, where there are *15 or more* children under the age of five, regardless if they are children of female or male workers. The law further stipulates that if the employees of a company do not have 15 children in total, the employer should find other alternatives, for example contracting a nearby daycare centre or establishing joint daycare with other companies.

This means that daycare options are available for both female and male employees. This is a critical move since it shifts the full responsibility of childcare from the mother to both parents. In addition, the amended law makes childcare provisions also applicable to smaller companies.

What are the impacts, implementation challenges and factors for success?

The activities around childcare in Jordan have been driven by a variety of actors, including JNCW and the National Council for Family Affairs. As a result of SADAQA's work, the number of workplace daycare centres has risen from 20 in 2011 to 124 in 2018, according to the Ministry of Social Development. Factors for success include:

- **One dedicated actor taking the lead** (the national NGO SADAQA with support from different international organisations such as the ILO and UN Women). SADAQA kept up the momentum and continued to mobilise other key actors in the country which eventually led to a change in the labour law provisions on daycare. It would be beneficial for SADAQA and other labour-related actors to join forces with education actors in the country who address the childcare challenge from the perspective of the child (e.g. the Ministry of Education, UNICEF).
- **Building the evidence base.** SADAQA began by building the evidence base with studies that showed the challenges and benefits of offering quality childcare, as well as gains to the employer. It then worked on revising Article 72 of the labour law to make childcare facilities mandatory over a certain number of employees (both female and male) rather than counting only female employees, as in the labour codes of other MENA countries.¹⁹
- **Pursuing implementation through practical support.** In order to ensure the implementation of the law, SADAQA works directly with companies to explore tailored childcare options. SADAQA has approached hundreds of companies to raise awareness of Article 72 and helps employers understand the financial and other benefits that come with offering childcare options on the premises (e.g. increased productivity and decreased turnover and absenteeism). In addition, SADAQA supports employers in exploring the various childcare options that they could offer to their employees that comply with Article 72. SADAQA has recently issued a paper on tax incentives, which lays out the options for tax incentives for employers who offer daycare facilities (Jordan Times, 2019^[31]). This is necessary since the Jordanian Government does not yet provide financial support to companies who wish to set up a daycare facility, or to working parents who wish to benefit from childcare facilities.

2.4. Social dialogue, collective bargaining and the right to organise

Collective bargaining involves negotiations between employers (and their organisations) and trade unions in order to arrive at a collective agreement that regulates the terms and conditions of employment.²⁰ Collective bargaining and collective bargaining agreements (CBA) can play an important role in improving gender equality, in particular the gender pay gap. For example, countries with higher collective bargaining coverage have smaller gender pay gaps than other countries. The gender pay gap is also relatively low in those companies that are covered by a CBA (Pillinger, 2016^[32]).²¹

The international legitimacy of the right to organise is based on the International Covenant on Economic, Social and Cultural Rights. Article 8 of the covenant ensures the right of anyone to establish trade unions and join the trade union of their choice, subject only to the rules of the organisation concerned.²² The same right is granted under the ILO's conventions on the Freedom of Association and Protection of the Right to Organize, 1948 (Convention 87) and the Right to Organize and Collective Bargaining, 1949 (Convention 98).

While all four countries covered by this publication have ratified Convention 98, only Egypt and Tunisia have ratified Convention 87. The 1998 ILO Declaration on Fundamental Principles and Rights at Work declares that “all member states, even if they have not ratified the Conventions in question have an obligation from the very fact of membership in the Organisation to respect the freedom of association and the effective recognition of the right to collective bargaining” (ILO, 1998^[33]).

In order to engage meaningfully in collective bargaining, strong and independent workers’ and employers’ organisations are required. In OECD countries, around 17% of workers are members of a union, though with large differences between countries (OECD, 2017^[34]). While no comparable country data could be found for MENA, in Jordan, the level of unionisation in the private sector is estimated at 11% (JNCW, 2019^[35]), while data for Morocco indicate that the total level of unionisation is less than 10% of the active population (European Commission, 2015^[36]). In Tunisia, it is estimated that the level of unionisation stands at around 30% (European Commission, 2015^[36]). No recent figures are available on how many employers in MENA countries are members of employer and business organisations.

In order to have laws and policies in place that address their needs, MENA women workers and employers must be involved in the development of these legal frameworks. Institutions that typically defend the interests of the workforce and draft legal frameworks are often called “tripartite structures” because they include Ministries of Labour, workers’ and employers’ organisations. The ILO finds that “social partner organisations who include women in leadership positions are more likely to have established gender equality strategies and approaches” (Pillinger, 2016^[32]). Since women’s presence is limited at the membership and leadership level of workers’ and employers’ organisations in the four countries, their interests are not always adequately taken into account in legal frameworks on labour matters.

The case studies show that countries are making efforts to increase women’s participation and leadership in tripartite structures and in collective bargaining:

- **Gender focus in ministries of labour.** The Egyptian Ministry of Manpower (MoM) has established a Gender and Non-discrimination Unit (Case Study 2.6) and the Jordanian Ministry of Labour has established a Directorate for Women’s Work to address gender issues and contribute to policies promoting women’s inclusion in the labour market. Morocco’s Ministry of Labor and Professional Integration and Tunisia’s Ministry of Professional Training and Employment still lack gender equality units.
- **Women’s participation in unions.** The main workers organisation in Tunisia (UGTT) has introduced a quota of two women in each of their decision-making bodies (Case Study 2.5). Egypt’s 2017 Trade Union Law stipulates that the formation of boards of trade union organisations should ensure adequate representation of women and youth, whenever possible. The 2019 amendment to this law makes it possible for employees of small companies to set up a syndicate. Since women in Egypt mostly work in small companies, it is foreseen that this amendment may increase women’s participation in trade unions (Case Study 2.6).
- **Gender focus in employer’s organisations and capacity building.** Tunisia’s main employers’ organisation (UTICA) has set up a National Chamber of Women Entrepreneurs (CNFCE) as part of its structure, and the Federation of Egyptian Industries (FEI) has recently established a Women in Business Unit. Employers’ organisations are also providing training on gender issues. The recently established CNFCE Academy for women entrepreneurs in Tunisia provides training for women business owners (Case Study 2.5). The Federation of Egyptian Industries (FEI) has set up a Human Resources and Gender Academy which works with human resources managers to create more gender-sensitive work environments (Case Study 2.6).
- **Collective bargaining.** Case Study 2.7 gives an example from Jordan of where a sectoral CBA was put into place which has helped lower the gender pay gap and ensure decent work conditions for private school teachers.

Case study 2.5. Participation and leadership for women in Tunisia's worker and employer organisations

Tunisia's main workers and employers' organisations are the Tunisian General Labour Union (UGTT) and the Tunisian Union of Industry, Trade and Handicrafts (UTICA). Women's participation in these structures has traditionally received little attention. Almost 30% of women entrepreneurs surveyed by ILO think that employers' organisations do not influence government decision-making processes (ILO, 2017^[37]). The ILO has been supporting these organisations to increase female membership and women's participation in their leadership.

What is the reform and how did it come about?

- **Quotas for women in UGTT.** Although almost 40% of UGTT members are women, they are still very much underrepresented in UGTT's decision-making bodies (ILO, 2017^[37]). Therefore, in January 2017, UGTT decided to implement a quota of two women in each of its decision-making bodies. The union gave itself four years to achieve this quota. In 2017, for the first time in the history of the UGTT, a woman joined its Executive Board. ILO has supported a country tour of UGTT to encourage the adherence of new women members. This resulted in an additional 13 000 women members. They will have to be trained if they are to have the opportunity of taking up leadership roles in the organisation to meet the quota.
- **Capacity building for the National Chamber of Women Entrepreneurs (CNFCE).** UTICA also counts almost 40% of women among its membership. Even though UTICA's President is a woman, women's representation in its decision-making bodies stands at only 10%. UTICA includes a National Chamber of Women Entrepreneurs (CNFCE), which deals exclusively with women entrepreneurs' issues. Around 15% of women entrepreneurs surveyed by ILO are members of CNFCE. The ILO is building CNFCE's capacity to play a more prominent role within UTICA. This includes supporting CNFCE to carry out technical studies. For example, a national evaluation of women's entrepreneurship development was completed in 2016 (ILO, 2017^[37]). CNFCE is using this evaluation and its recommendations as its strategic plan to guide future interventions. A draft review of CNFCE's statutes has been prepared and for the first time gender-disaggregated membership data of UTICA have been collected.
- **An academy for women entrepreneurs.** The recently established CNFCE's Academy for women entrepreneurs provides training for women business owners on topics such as financial management, marketing and labour laws. A new ILO project²³ aims at further helping the academy to not only target women business owners, but to also become accessible to other private companies that wish to promote women leadership (see also Section 2.5 on entrepreneurship).
- **A manifesto for women entrepreneurs.** CNFCE, with support from the ILO, has issued a manifesto in which Tunisian policy makers commit themselves to unleash the potential of women entrepreneurs in Tunisia. The manifesto proposes drawing up a vision on female entrepreneurship to be included in the 2019-2024 Government Programme. It also recommends including a female entrepreneur perspective in parliament's financial and economic commissions. The manifesto includes a component on legal reforms whereby CNFCE commits to sensitising women on their economic rights as well as promoting and supporting all reforms that are necessary to combat gender-based discrimination. It advocates for "the right application of property rights in line with the economic and social contribution, especially when both wife and husband work". In this way, the manifesto refers indirectly to the work of the Commission of Individual Liberties and Equality (COLIBE) which proposes equality in inheritance (Case Study 4.1 in Chapter 4). Finally, the manifesto recommends greater participation of women in decision-making positions in both the public and private sector (see also Section 2.5 on entrepreneurship).

What are the impacts, implementation challenges and factors for success?

The UGTT quota for women in leadership was only announced in 2017 and the union has four years to achieve it. It is thus too soon to assess its impact. However, the UGTT is a large and powerful organisation in Tunisia, receiving high visibility in 2015 when it was awarded the Nobel Peace Prize as part of the Tunisian National Dialogue Quartet. The decision to install a quota is a major step forward for female leadership in the country more broadly.

On the employers' side, the picture is less optimistic. UTICA has not accepted the idea of a female leadership quota. However, building the capacity of the CNFCE might pave the way for a greater role for women within UTICA. UTICA has already agreed to have CNFCE participate in its most important meetings and this participation might increase over time. Through the CNFCE manifesto, key government officials have committed to unleash the potential of Tunisia's women entrepreneurs and gender equality more broadly.

ILO support has been indispensable in enabling women to play a bigger role in workers and employers' organisations in the country. The ILO is the only tripartite UN agency and hence has substantial experience in working with workers and employers' organisations around the world. The ILO will step up its support to workers' and employers' organisations in Tunisia through a number of new projects.

Case study 2.6. Gender equality initiatives by tripartite partners in Egypt

In order to achieve better outcomes for women's participation in the labour market, women's career progress and women's rights at work, Egypt has invested in greater representation and leadership by women in the structures of its tripartite partners, including the Ministry of Manpower, trade unions and the Federation of Egyptian Industries. This case study discusses each of these in turn.

What is the reform and how did it come about?

A new gender unit in the Ministry of Manpower

The Ministry of Manpower (MoM) established its Gender and Non-discrimination Unit through a Ministerial Decree on 1 January 2019. The unit is chaired by the Minister of Manpower and is composed of two public figures and experts chosen by them; two members of the National Council for Women (NCW); the legal advisor to the Minister of Manpower; the General Director of the Ministry's Department for Women and Children's Affairs; and representatives of the ministry directorates in governorates.

According to the decree,²⁴ the unit will work in co-operation with the National Council for Women to:

- consider amendments or new laws and ministerial decrees on gender equality
- develop work programmes and activities to empower women economically and socially
- ensure women's protection within the framework of Agenda 2030 for Sustainable Development
- ensure a gender perspective is integrated into different fields of work
- follow up on the application of women's employment provisions, review complaints and take the necessary actions to resolve them
- spread a culture of gender equality and enhance the principle of equal opportunities across the labour market and society in general, through awareness campaigns, workshops and training programmes.

This decree allows the unit the right to award an "Excellence" label to companies or entities which make significant progress in achieving gender equality as per the rules set by the unit.

The ILO is working closely with the unit to ensure its sustainability. The ILO's Decent Work for Women in Egypt and Tunisia project organised and facilitated the unit's first meeting in August 2019. The meeting

ensured inclusive representation of Egypt's gender equality stakeholders: representatives of MoM's various departments, representatives of the NCW and of Parliament. The discussions revolved around the unit's structure, mandate, geographic coverage and thematic areas of work and led to a draft structure for the Unit, and agreement on next steps. A strategic planning workshop to translate discussions from the August meeting into concrete regulatory documents was held in March 2020.

Increasing women's representation in trade unions

The Egyptian Constitution guarantees the right to establish associations and to form syndicates. In addition, Law No. 213 of 2017 (the Trade Union Law) established the freedom of association by explicitly stating that workers – without discrimination – shall have the right to establish, join or withdraw from trade unions. Under Article 47 of this law, employers are required to allow trade union members to carry out trade union activities. Recognising the importance of women's participation in trade unions' work, Article 36 stipulates that the formation of boards of trade union organisations shall take into account adequate representation of women and youth, whenever possible.

In 2019, Egypt amended its trade union law, reducing membership requirements for trade unions at the enterprise level to 50 workers, down from 150 workers in the initial text.²⁵ This amendment may have a positive effect on women's economic empowerment since women in Egypt typically work in small companies.

Boosting the position of women in industry

The Federation of Egyptian Industries (FEI) is one of Egypt's largest employers' associations. In 2014, FEI established the Women in Business Unit (WiB) with support from the ILO. The establishment of this unit attests to FEI's commitment to promoting gender equality and mainstreaming the gender perspective into its vision and strategy. The unit aims at:

- enhancing communication and collaboration with stakeholders in the development of women-run SMEs in the industrial sector
- developing a favourable environment and promoting policies and legislation supporting women in the industrial sector
- building partnerships and networks that work on developing and strengthening the ecosystem supporting women's work in Egypt's industrial sectors
- directing corporate social responsibility efforts towards supporting women in industrial activities.²⁶

The WiB provides a variety of services such as training, support, advocacy, research and data collection in order to develop and enforce equality and non-discrimination policies and ensure that the work environment is free from sexual harassment. WiB raises awareness about gender-sensitive practices among employees and also trains human resources teams in monitoring the principle of equal remuneration for work of equal value and ensuring that male and female workers have equal access to networking and mentoring opportunities. In addition, WiB provides support to mothers to return to the labour force after parental leave, taking into account the need for a work-life balance for all employees.

The beneficiary groups targeted by WiB include women on boards of directors or managing directors in FEI's member companies, female employees, women entrepreneurs, and female employees in FEI as well as in industry.

The WiB has carried out and been part of the following concrete initiatives:

- Conducting several training activities for women entrepreneurs and hosting conferences to highlight women's roles in Egyptian industries.
- Setting up the Human Resources & Gender Academy in 2017, in co-operation with the ILO. This 15-day training programme was designed by national and international experts in the areas of human resources, gender and labour law (ILO, 2019^[38]). It targets human resources specialists

working in FEI member companies to inform them about all three areas. This programme has been implemented for the past two years, with its latest cycle held in 2019 (ILO, 2019^[38]).

- Contributing to the Women Entrepreneurs' Network (one of eight organisations)²⁷ developed by USAID's Strengthening Entrepreneurship and Enterprise Development (SEED) Project. This network aims at increasing the formation, growth and expansion of women-owned businesses in Egypt.
- Participating in designing and promoting a mentorship programme and setting up a communication platform for stakeholders from the public and private sectors, civil society and actors with a shared vision for supporting women entrepreneurs in Egypt.
- Improving services provided by member organisations and women entrepreneurs; reaching out to women and youth outside major cities; and articulating policy requirements to the Egyptian Government. In 2019, the WiB Unit issued a position paper on women's entrepreneurship development (WED) in Egypt, drafted with ILO support (FEI, 2019^[39]). The paper formulates proposals for creating an enabling environment for WED, building institutional capacity in WED, and developing tools and support services for women entrepreneurs.

What are the impacts, implementation challenges and factors for success?

The MoM's gender unit is a recent initiative so it is too soon to assess its impact. However, following the work it achieved in 2019, the MoM has decided to activate all regional branches of the unit across all governorates.²⁸ This indicates the government's strong commitment to implementing the unit's mandate. A training programme for the unit's employees will include strengthening capabilities in statistics and reporting as one of its key areas in order to enable effective monitoring of the unit's work; equality and non-discrimination according to international agreements and national legislation; increasing the share of women in trade unions and corporate boards; and how to create job opportunities for women entrepreneurs and women-owned small and micro enterprises.

Article 36 of the Trade Union Law is a step in the right direction to promote greater representation of women in trade unions' decision-making bodies. However, while it encourages trade unions to have more women on boards, this recommendation is not binding and no sanctions are foreseen for structures that do not follow it. Moreover, the law does not give any indications as to what trade unions could or should do to achieve "adequate representation" of women in their decision-making structures. Strengthening women's role in these structures could be achieved by setting up specialised units within trade unions dedicated to improving gender equality. Applying a system of quotas, whereby a share of seats on elected bodies would be reserved to women, could also help to enhance female representation.

The Women in Business Unit has the potential to play a key role in implementing Egypt's commitments to gender equality and women's economic empowerment. Sustaining initiatives such as the Human Resources and Gender Academy by incorporating them in a broader capacity-building programme would help to mainstream gender considerations across all industries. The recent policy paper published by the FEI outlines some concrete actions the WiB Unit could take to address the under-representation of women in policy dialogue in Egypt. These include providing tailored leadership courses for women entrepreneurs, alongside capacity building for policy makers to understand and advance WED. The paper suggests these training programmes could be developed using ILO's Women in Business and Management Methodology; however, no further information is provided regarding the content and scope of these courses or the timeline for their implementation.

Case study 2.7. Collective bargaining to improve conditions for Jordan's private school teachers

There are many women working in Jordan's education sector – both public and private. Society largely views the teaching profession as most suitable for women since working hours are compatible with family responsibilities and most colleagues are also women. In this sector, it is common for female teachers to earn less than the minimum wage, overtime is not paid, and teachers are often obliged to resign over the summer, which interrupts their social security payments and therefore reduces their access to social security benefits. In case of pregnancy female teachers are often coerced to resign (ILO/NCPE, 2017^[40]).

Teaching in the private sector in Jordan is a highly feminised profession. As mentioned above and in Chapter 1, pay is typically lower in highly feminised occupations than in other occupations that require similar levels of education. There is no legal prohibition of gender discrimination in the workplace in the constitution²⁹ or in the Labour Law.³⁰ However, Article 2 of the amended Labour Law No. 14 of 2019 includes a definition of pay inequity for work of equal value (Box 2.2).

This case study looks at how collective bargaining has helped to lower the gender pay gap and ensure decent work conditions for Jordan's private school teachers.

What is the reform and how did it come about?

In 2013, the National Committee for Pay Equity (NCPE) and ILO published a study on the gender pay gap in Jordan's private education sector (ILO, 2013^[41]). It found that men earn on average 41% more than women in the sector. The 2013 study provided the evidence base from which to launch a variety of initiatives to address the decent work deficits that private school teachers in Jordan were facing. In 2014, the "Stand up with Teachers" campaign was set up, led by the Ministry of Labour,³¹ JNCW, the Jordan's Teachers syndicate, the Social Security Corporation and civil society organisations. The NCPE and the ILO supported the campaign. The campaign started as a grassroots movement and evolved into a collective bargaining process, which brought the issue to the attention of the General Trade Union for Private Sector Employees and the Private School Owners Association. In parallel, the Ministry of Labour carried out additional labour inspections in private-sector schools (UN Jordan, 2015^[42]).

In 2017, the Union for Private Sector Employees and the Private School Owners Association signed a collective bargaining agreement (CBA) regulating working conditions for all private school teachers, regardless of whether they are affiliates to a trade union. The CBA establishes a unified contract for private school teachers which significantly improves their working conditions – it increases the minimum wage, obliges the transfer of all salaries to banks, and obliges schools to have daycare facilities (in line with Art. 72 of the Labour Law; Case Study 2.4), makes social security enrolment mandatory for all private school teachers, and includes a 45-day mutual probation period during which private school teachers are paid for their services. The Stand up with Teachers campaign also established a complaints mechanism to report breaches of the CBA.

In 2018 a Regulation of Registration and Licensing of Private Schools was endorsed which amplifies certain provisions of the CBA, by stipulating that all private school teachers will receive their wages electronically instead of in cash, which reduces the risk of underpayment. It will also help keep track of all payment transactions. If a school fails to provide this documentation, its license may be revoked (ILO, 2018^[43]).

In order to ensure implementation and monitoring of the CBA and the regulation by social partners, the ILO will help design an action plan and will collect data on the percentage of private schools paying salaries via bank transfer. This is necessary, since 314 complaints of breaches of the CBA were submitted in 2018 (ILO, 2018^[44]).

2019 saw labour law amendments (Law No. 14 of 2019) to improve pay equity. Article 2 of this law provides a definition of wage differentiation as a pay inequity between workers for work of equal value without discrimination based on gender. Article 17 stipulates that the Minister of Labour is to appoint a “Wages Body in specific geographic areas”. The Wages Body is responsible for examining, within that area any discrimination in wages that may exist for work of equal value. Article 17 offers the possibility to fine employers 500 Jordanian Dinars (JOD) should they fail to meet minimum wage requirements or apply discriminatory wages for work of equal value.

What are the impacts, implementation challenges and factors for success?

The CBA and follow-up regulation are major steps forward for improving the working conditions of Jordan’s mainly female private school teachers. With around 73 000 private school teachers in Jordan, these achievements will affect the lives of many women workers in the country.

The success of this initiative lies in a variety of factors:

- **A strong evidence base** through research into the issues facing private school teachers, which formed the basis for social mobilisation through the Stand Up with Teachers campaign.
- **Support for the campaign from important actors** in the country, including government (Ministry of Labour and National Commission for Women, Social Security Corporation), civil society, international organisations and social partners. The media also played an important role in documenting and publicising the efforts of the campaign. While the campaign started as a grassroots movement, empowering local women, it gradually scaled up and came to include more actors.
- **Capacity building and support by the ILO**, which also provided a platform for the discussions to take place. The ILO built the capacity of trade unions and employers organisations involved in the process. This was necessary since social dialogue and collective bargaining at sector level are rare in Jordan (European Commission, 2015^[36]).

While the CBA, the regulation and the 2019 labour law amendments are all important achievements, there is still room for improvement. For example, while the law now includes some additional provisions on pay inequity, it does not explicitly prohibit pay inequity. Stakeholders are trying to address this through CBAs in other sectors dominated by women workers. For example, a CBA was concluded in 2017 to support garment sector workers to gain the minimum wage and current efforts are underway to secure pay equity for health sector workers.

2.5. Entrepreneurship

In all four countries, legislation on setting up and managing a business is gender neutral. Women can legally sign a contract, register a business and open a bank account in the same way as a man (World Bank Group, 2020^[45]). However, Chapter 1 reveals that in reality women entrepreneurs face additional challenges in accessing information, markets, financial services, land and other assets. Since women are underrepresented in law making and policy making, they do not influence over how business legislation and policies are being shaped.

The case studies here and in other sections indicate that all four countries have introduced reforms to encourage women entrepreneurs, in particular in the following areas:

- **Mandates for women entrepreneurs.** Tunisia’s National Chamber of Women Entrepreneurs (CNFCE) has issued a manifesto in which Tunisian policy makers commit themselves to unleashing the potential of women entrepreneurs in Tunisia. The manifesto proposes drawing up

a vision for female entrepreneurship that could be included in the 2019-2024 Government Programme (Case Study 2.5 in the previous section).

- **Access to information and capacity building.** The National Council of Women in Egypt and the Federation of Egyptian Industries have carried out a number of capacity-building activities to support women entrepreneurs (Box 2.7 and Case Study 2.6 above). Tunisia's recently established CNFCE Academy for women entrepreneurs provides training for women business owners on topics such as financial management, marketing and labour laws (Case Study 2.5).

Box 2.7. Capacity building for women entrepreneurs in Egypt

Egypt's National Council for Women (NCW) has implemented several workshops under the title Women Entrepreneurs Programme, which aim to support and mentor women who wish to initiate their own businesses or promote existing ones. These workshops focus on training women entrepreneurs in effective strategic planning for the business sector. The NCW has also implemented the El Masreya Initiative, which assists women entrepreneurs to market their products using an electronic illustrated catalogue that includes pictures of products, their prices and contact information.

In addition, the Basic Guide Program to Start Private Business is an initiative in co-operation with the Egyptian Banking Institute to enhance the capabilities of women entrepreneurs who own micro-enterprises or who have an idea for a project. The programme offers women an opportunity to organise their ideas and identify the initial steps that must be taken on planning for any project. The programme has also conducted two courses through the Egyptian Banking Institute. The first was on "How to become a successful entrepreneur", which targeted women entrepreneurs linked to the institute. The second course tackled "Financial Education and Inclusion with The Latest Technologies in Providing Financial Services in Banks" in the Assiut Governorate.

Source: <http://ncw.gov.eg/ar/> (in Arabic)

- **Business information, formalisation and registration.** The four countries are undertaking extensive efforts to formalise SMEs. In order to encourage more women entrepreneurs to formalise their businesses, Morocco has issued a law introducing the auto-entrepreneur status. Jordan has reviewed its legal and institutional frameworks to encourage the formalisation of home-based businesses, which are predominantly managed by women (Box 2.8). Laws regulating microfinance in all the countries encourage entities applying for this type of finance to formalise (Case Study 2.9 on Egypt and Box 2.9 on the other countries).
- **Access to financial services.** Jordan, Morocco and Tunisia have issued financial inclusion strategies (Case Study 2.8). Egypt and Jordan have also issued specific microfinance strategies. All these strategies give special attention to gender (Box 2.9). Jordan's Bank El Etihad offers an array of services focusing on female clients, for example special savings accounts, collateral-free loans and start-up loans for women entrepreneurs (Case Study 2.8).
- **Microfinance.** All countries have laws regulating the microfinance sector (Case Study 2.9 on Egypt and Box 2.9 on the other three countries). Women are not targeted specifically in these microfinance laws but since the proportion of women is relatively high in the microfinance sector, creating an overall favourable legislative environment for the sector should have an important gender impact. Banks are creating special programmes for women.
- **Equality of investment opportunities.** Egypt has included a gender provision in its investment law, prohibiting discrimination in investment and encouraging small investors, who are typically women. It has also opened a special window at the Investors Services Centre where women

investors can obtain all necessary information and complete all necessary paperwork at a one-stop-shop (Case Study 2.10).

- **Access to land.** Assets are fundamental for entrepreneurs, especially for women in rural areas where a majority of economic activities rely on land. They are needed to physically start a business, can be sold to invest in businesses, and can serve as collateral for loans to help finance the business. Results from the OECD's Social Institution and Gender Index (SIGI) indicate that women in Northern Africa face one of the highest levels of discrimination in accessing productive and financial resources in the world: 45%, compared to a global average of 27% (OECD, 2019^[3]) (Chapter 1). Chapter 3 deals with this issue, as it is linked to inheritance laws in the region.

Box 2.8. Regional round-up: efforts to formalise women's businesses

Jordan

According to a USAID study, around 5 000 businesses in Jordan operate from home (USAID, 2017^[46]). Half of them are owned by women and most of these businesses are active in the informal sector. One in five unregistered businesses in Jordan are home-based businesses (HBBs). The vast majority of these HBB do not package their products, and sell them through word of mouth. The study estimated that if these businesses were licensed and operated in the formal sector, this could generate an additional USD 100 million that would flow back into the Jordanian economy.

In order to encourage the formalisation of HBBs, Jordan reformed its legal and institutional frameworks throughout 2016 and 2017 with the support of USAID under its Local Enterprise Support Project. The reforms aim to facilitate and encourage the licensing of HBBs based in any residential area of the country. While the 2010 Social Security Law broadened its scope to also include self-employed individuals and employers (Art. 4), in 2017 the Board of the Social Security Corporation decided to exempt home-based business from compulsory social security contribution/coverage. This provides an additional incentive for the formalisation of HBBs that would otherwise have to pay relatively high social security contributions. Once registered and licensed, HBBs are allowed to supply their produce to new markets (e.g. supermarkets) which can lead to a significant expansion of their client base.

With USAID support, a registration manual was issued outlining the registration processes and requirements for different types of businesses. Factsheets for the registration and licensing of HBBs were also developed. In different parts of the country, awareness-raising campaigns were conducted and women with HBBs were supported to further develop and register their businesses.

Morocco

The majority of women in Morocco who work in the private sector are informal. A survey of 200 women entrepreneurs in Morocco indicates that 24% operated their business from home (ILO, 2018^[47]). In order to encourage more business owners to formalise their businesses, Morocco issued a law to introduce the auto-entrepreneur status in 2015.³² This regime offers a simple registration system, fiscal advantages and social security coverage. The official Moroccan website on auto-entrepreneur status indicates that half of auto-entrepreneurs operate home-based businesses and that 36% of auto-entrepreneurs are women.³³ The Moroccan National Agency for the Promotion of SMEs (Maroc PME) has issued a guide on auto-entrepreneur status and offers support services to those who wish to adopt the status.

Egypt

Over 80% of micro and small enterprises (MSEs) in Egypt operate in the informal economy. Most women entrepreneurs owning MSEs are also concentrated in the informal sector. A recent ILO report indicates that 73% of the 200 women entrepreneurs surveyed had not registered their enterprise (ILO,

2017^[48]). The majority of these women have home-based micro enterprises, especially those in the agriculture sector. The survey further indicated that women micro enterprise owners usually hire informal workers, while women owners of small enterprises mostly engage workers in an official way.

Egypt is aiming to increase the formalisation of informal enterprises through a range of initiatives, including a draft SME law. ILO research indicates that there is no specific gender dimension included in the draft law (ILO, 2017^[48]).

Tunisia

According to an ILO survey, the majority of women entrepreneurs in Tunisia work in the agriculture or artisanal sector – sectors with high rates of informality (ILO, 2017^[37]). Almost half of the women entrepreneurs active in the informal sector operate their business from home. The most common reasons that these women give for not formalising their enterprises are the obligation to pay taxes and contribute to the social security system. The survey also indicated that these women did not understand the benefits of registering their businesses.

In 2017, Tunisia launched a draft law on the auto-entrepreneur status. The draft was developed in collaboration with Maroc PME, various Tunisian associations as well the French federation of auto-entrepreneurs. The draft is still under consideration.

Case study 2.8. Initiatives to enhance women's financial inclusion in Jordan

Women's access to financial services is an important part of their economic empowerment. When women are able to open a savings or bank account, this can increase their financial autonomy. In the MENA region, access to financial services in general is quite low – for example, the share of male bank account ownership outstrips female's by almost 20 percentage points (Chapter 1). Access to financial services is also a key challenge for women entrepreneurs or aspiring women entrepreneurs and for enhancing their firms' performance.

This case study looks at Jordan's practical efforts to enhance women's financial inclusion and tackle these constraints.

What do the initiatives involve and how did they come about?

In 2011, the Members of the global Alliance for Financial Inclusion³⁴ issued the Maya Declaration on Financial Inclusion.³⁵ In a follow-up to this global declaration, the Central Bank of Jordan (CBJ) issued its own Maya Declaration in September 2016 (Alliance for Financial Inclusion, 2018^[49]). One of the main goals of CBJ's declaration is to reduce the gender gap in bank account ownership. In November 2016, a high-level policy forum on Advancing Women's Financial Inclusion in the Arab World was held under the patronage of Queen Rania Al Abdullah. In 2017, Jordan launched its National Financial Inclusion Strategy 2018-2020³⁶ with support from the German Development Agency (GIZ). Jordan is the first MENA country to launch a financial inclusion strategy. Its focus is on reducing the gender gap in finance, which will help unleash the economic potential of women entrepreneurs and women-led enterprises.

In addition to these efforts at the national level, a number of banks in Jordan are also implementing programmes to enhance women's financial inclusion and their economic empowerment. For example, Bank El Etihad has achieved impressive results through its gender approaches.

In 2014, Bank El Etihad joined the Global Banking Alliance for Women (GBA)³⁷ and started a gender-sensitive approach within the bank under the leadership of the bank's female CEO. The bank has special programmes for its female clients. Its Shorouq Programme offers an array of services focusing on female clients, such as special savings accounts, collateral-free loans and start-up loans for women

entrepreneurs. Female clients also have the opportunity to benefit from mentoring and networking services. The bank also offers the option for women on maternity leave to pause loan repayments. The bank's "Comeback programme" supports women who took a career break to focus on their families to get back into the labour force through training, coaching, networking and practical work experience opportunities. In 2017, the bank received over 1 000 CVs from women who wished to join the programme. Nineteen women embarked on the programme and half of them found employment in the Jordanian job market immediately afterwards. In addition, the bank issues the Business Women of the Year Award. Other members of GBA, such as Egyptian Banque Misr, have also put in place banking products and services to support women's economic empowerment and financial inclusion (IFC, 2018^[50]).

Bank El Etihad's internal policies are also gender-sensitive and the bank offers a family friendly work environment. For example, places at daycare centres are offered to children of all employees (female and male). Transportation is offered to all employees and the bank aims at recruiting workers in branches located close to their homes. The bank also has a sexual harassment policy and a policy on equal pay for work of equal value. Employees can benefit from flex-time arrangements. Around 45% of the bank's employees are women and women occupy 21% of management positions.

What are the impacts, implementation challenges and factors for success?

The government's actions at policy level, such as the National Financial Inclusion Strategy 2018-2020, are certainly a step in the right direction. GIZ has played an important role in collecting the evidence for make the case to address financial inclusion in the country. The organisation has also financially and technically supported the National Financial Inclusion Strategy, which became a reality thanks to the support of the Jordanian Royal Family. It would be beneficial to have a mid-term review of the implementation of the strategy to see how efforts are advancing. The Central Bank of Jordan's Maya Declaration also shows the strong commitment of the institution to women's financial inclusion.

In parallel to the development of policies and strategies, private-sector actions have enhanced women's access to finance. Bank El Etihad's gender-sensitive approach shows that reaching out to female clients is not only important from a corporate social responsibility perspective, but also improves the business of the bank. Since the start of its gender sensitive approaches in 2014, the bank has doubled its number of female clients.

Case study 2.9. Regulating the microfinance sector to support women entrepreneurs in Egypt

Microfinance is a key tool to support women's financial inclusion. It offers distinct advantages to women since they face a number of hurdles to taking out loans at regular financial institutions. Worldwide, 83% of microfinance clients are women. This figure stands at 60% in the MENA region (Convergences/Zero Exclusion Carbon Poverty, 2018^[51]).

Egypt envisages that a more regulated and organised microfinance industry will lead to greater protection of consumers, promote formalisation of the microfinance and SME sectors,³⁸ encourage investment, and hence combat poverty through empowering poor entrepreneurs. A main target is increased lending to vulnerable and low-income citizens (Egypt Today, 2018^[52]). This case study gives an overview of Egypt's efforts to improve the microfinance sector in order to give more opportunities to women.

What is the reform and how did it come about?

In 2005, Egypt issued its National Strategy for Microfinance which called for "developing a microfinance industry in which sustainable financial services for lower market segments are integrated into the overall development of a broad, inclusive and diverse financial sector" (Waly, 2008^[53]). The revision of legislation

was one key recommendation of the strategy, aiming to expand the microfinancing sector by opening it to commercial non-bank microfinance institutions in order to attract more borrowers.³⁹

In 2010 a draft microfinance law was developed (Handoussa, 2010^[54]), and was finally issued as Microfinance Law No. 141/2014⁴⁰ in November 2014. It is the first microfinance law in Egypt. The law organises microcredit provided by non-bank entities including companies and NGOs. Prior to Law No. 141/2014, the microfinance market had solely been served by banks and NGOs, which were funding small enterprises and individuals with the aid of bank credit. The microfinance law also established the Egyptian Microfinance Federation (EMF), in order to develop microfinance activity across Egypt.

The law places non-bank entities providing microcredit under the supervision of the Egyptian Financial Supervisory Authority (EFSA), renamed the Financial Regulatory Authority (FRA) in 2017.

The law was followed up by several implementation policies and initiatives:

- A Microfinance Forum⁴¹ held in Cairo in 2017, which discussed the growing profitability of the microfinance sector and its challenges in becoming an integral part of Egypt's economic development.
- A new government microfinance initiative (the Tamweely announcement) which focuses on the formalisation of businesses and targets women and youth in selected parts of Egypt.
- An instruction from the Central Bank of Egypt for banks to allocate 20% of their credit to micro, small, and medium enterprises by 2020 (Tawil, 2018^[55]).
- A scheme developed by the Central Bank, in collaboration with FRA and the Egyptian Microfinance Federation, to direct EGP 30 billion (around EUR 1.6 billion) to 10 million beneficiaries by 2021. For this initiative, eight banks are offering subsidised funding to microfinance companies and microfinance institutions accredited by FRA (Oxford Business Group, 2017^[56]).
- A training programme supported by the Central Bank targeted at microfinance NGOs was launched in June 2018 (Tawil, 2018^[55]).
- A micro insurance framework and guidelines to protect consumers of microfinance (EFG Hermes, 2017^[57]).

All these developments have also led to further international recognition and support, for example from GIZ and the World Bank.⁴²

What are the impacts, implementation challenges and factors for success?

The microfinance law has helped to create a favourable legislative environment for the sector. It has unified standards for microfinance activity and hence ensured institutional efficiency and financial sustainability (Tawil, 2018^[55]). As a result, commercial non-bank microfinance institutions have received licences in large numbers. By 2016, two years after the microfinance law was issued, over 700 commercial institutions had received licenses to operate in microfinance.⁴³ These legal developments have seen microfinance clients in Egypt rise from 2 million (male and female) to 2.53 million between 2016 and 2017 (Al Tadamun Microfinance Foundation, 2017^[58]).

Women are not targeted specifically in the microfinance law. However, since the proportion of women is relatively high in the microfinance sector, creating an overall favourable legislative environment for the sector also has an important gender impact. Around 70% of microfinance beneficiaries in Egypt were women – amounting to 1.55 million citizens and an increase of 22% from 2016 (Al Tadamun Microfinance Foundation, 2017^[58]).

A recent study investigates the impact of microfinance on different aspects of female empowerment in Egypt, such as economic, political, social and psychological empowerment (El Hadidi, 2018^[59]). The study reveals that the greatest impact of microfinance on Egyptian women is psychological. Women gain greater

self-confidence and self-respect through actively borrowing money and setting up a small business. Due to the social impact of microfinance, women's position within the family also changes. With increased financial independence, women may also have more decision-making power within the family.⁴⁴ The study however also indicated that microfinance only had a limited impact on women's economic empowerment. This is due to the small loans offered in microfinance, which do not lead to quick business growth.⁴⁵

While the growth of the microfinance sector is a positive development, caution is needed to make sure that the market will not become oversaturated with too many microfinance institutions. This might lead to extreme competition amongst microfinance institutions and might make them less critical and open to lend to riskier borrowers.

Although the law aims to increase the integration of enterprises into the formal economy, bureaucracy and additional costs can encourage entrepreneurs to stay in the informal sector and to look for informal ways to take out a loan.

The setting up of the FRA means that microfinance institutions have to report their finances to FRA and pay taxes. Hence, entrepreneurs who wish to apply for a loan with these microfinance institutions will also have to comply with administrative procedures and operate in the formal sector. This may be very challenging for entrepreneurs who lack identification papers or who cannot afford the costs of the paperwork needed for formalisation. In addition, formalising an existing enterprise is a time-consuming process in Egypt (World Bank, 2019^[60]) (Hafez, 2015^[61]). While the procedures and costs for registering a business do not differ significantly for women and men, women do face additional challenges in starting a new business. Unlike men, women need to obtain their husband's permission to leave the home in order to pursue their employment (World Bank, 2019^[60]). Although they do not need to show proof of this permission to start a business, the ongoing threat that the woman might lose her maintenance according to Egyptian personal status laws, affects her in her economic activity.

Yet informal SMEs need incentives to formalise so that they can grow as commercial enterprises rather than in the framework of development programmes (Oxford Business Group, 2017^[56]). The government is trying to address the formalisation challenges through the Tamweely announcement (Oxford Business Group, 2017^[56]). In order to effectively support enterprises to enter the formal economy, registration procedures must be streamlined and simple and registration costs should be lowered.

However, many women in Egypt still perceive business formalisation as a complicated undertaking because of the need to comply with tax and other types of legislation. Further, women working in the Egyptian micro and SME industry often work on local projects (e.g. selling vegetables, home-made clothing), which have limited opportunities for market expansion. This is also the reason why Egyptian women mostly apply for lower loans than Egyptian men (El Hadidi, 2018^[59]).

More actions are needed to increase women's economic empowerment through microfinance, such as raising awareness about how to capitalise on opportunities. There is also a need for mentoring and training to help grow and develop enterprises. It is up to the microfinance institutions, which are granting loans, to explore further opportunities to empower women and to understand how the economic multiplier resulting from microfinance projects might be increased. They should help women find profitable businesses to invest in so as to increase their capital, and help them navigate through legal procedures. Finally, microfinance institutions should pass on mechanisms for better savings habits and provide training to help their (female) clients to make better business decisions (Nisser, 2017^[62]; El Hadidi, 2018^[59]). Though an assessment of market needs and trends might be difficult due to widespread informality in the microenterprise market, it is very important.

Box 2.9. Microfinance regulations in Jordan, Morocco and Tunisia

Jordan

In Jordan, just over 4% of adults borrowed from a microfinance institution (MFI) in 2016. Almost 70% of clients taking out loans from microfinance institutions are women. In 2015, a microfinance bylaw was adopted, regulating the sector and giving the Central Bank of Jordan (CBJ) the authority to license and supervise MFIs. The law is not available online.

Jordan adopted a Microfinance Strategy back in 2005 which is linked to a Microfinance Action Plan which was updated for the period 2016-2018. As outlined in Case Study 2.8 on banking in Jordan, the CBJ also issued a declaration on financial inclusion in 2016 which gives priority to closing the gender gap.

Source: Hauser, Pavelesku and Vacarciuc (2017^[63]), *Financial Inclusion Diagnostic Study in Jordan 2017, Synthesis Report*, <https://www.findevgateway.org/paper/2017/12/financial-inclusion-diagnostic-study-jordan-2017-synthesis-report>; GIZ (2015^[64]), "New microfinance regulation in Jordan to foster outreach of the sector and improve consumer protection", <http://microfinance-mena.org/news/new-microfinance-regulation-jordan-foster-outreach-sector-improve-consumer-protection>;

Morocco

Morocco has a long history of regulating microfinance with its first law on the topic issued in 1999. Since then, a range of amendments to this law have been issued through different legislative frameworks. None of them mention gender equality. Morocco issued a national strategy for financial inclusion in 2018.

Source: ATTAC CADTM MAROC (2017^[65]), *Le microcrédit au Maroc : quand les pauvres financent les riches. Etude de terrain et analyse du système du microcrédit*, <http://attacmaroc.org/fr/wp-content/uploads/2018/01/ATTAC-Maroc.Etude-microcr%C3%A9dit.-PDF.pdf>
Loi n° 18-97 du 5 février 1999 relative au micro-crédit.

Tunisia

In 2011, Tunisia issued a law to regulate the work of MFIs and to establish a supervisory body for MFIs. The law does not mention gender equality aspects.

Tunisia has established an Observatory for Financial Inclusion which was tasked with developing the Financial Inclusion Strategy for 2018-2022.

Source: Medias24 (2019^[66]), *Document: voici la Stratégie nationale d'inclusion financière*, <https://www.medias24.com/document-voici-la-strategie-nationale-d-inclusion-financiere-1284.html>; Central Bank of Tunisia (2017^[67]), *Rapport d'activité de l'Observatoire de l'inclusion financière*, https://www.bct.gov.tn/bct/siteprod/documents/RA_OIF_2017_fr.pdf.
Décret-loi n° 2011-117 du 5 novembre 2011, portant organisation de l'activité des institutions de micro finance.

Case study 2.10. Enshrining gender equality in Egypt's investment law

The MENA region has suffered from a significant drop in foreign investment flows since the 2007 global financial crisis, exacerbated by regional turbulence since 2011. There are positive, though variable, signs of recovery, notably in Egypt. Foreign direct investment (FDI) currently stands at 1.9% of GDP in the MENA region. Foreign investment inflows to Egypt are on an upward path, amounting to USD 7.7 billion in fiscal year 2017-2018 (CEIC, 2020^[68]). Though declining since 2017, at 2.7% of GDP, FDI is still higher than the MENA average (World Bank, 2018^[69]) and Egypt's share of global FDI has continued to increase (Enterprise, 2019^[70]). In recent years, domestic investment in Egypt has also increased significantly (CEIC, 2017^[71]).

Private finance plays a key role in strengthening the economy of a country as well as in achieving the Sustainable Development Goals. FDI is one of the most important global private financial flows. There is no regional analysis available on gender and investment in MENA, but recent OECD research includes some findings from selected MENA countries (OECD, 2019^[72]). This suggests that FDI can support gender equality in several ways:

- It can increase the demand for female labour which may lead to higher wages and higher female labour force participation rates. However, in most countries including Egypt, FDI usually takes place in sectors with lower shares of women employees, such as finance and transport (Figure 1.9 in Chapter 1). An exception to this is the high prevalence of FDI in the manufacturing sector, which employs mostly women. This is also the case in Jordan, Morocco and Tunisia (Chapter 1; Annex Table 1.A.1). FDI also typically takes place in sectors with high gender pay gaps. While FDI has an initial advantage for women by attracting them into the labour force in low-skilled, low-paid jobs, this advantage decreases when women continue being trapped in these job profiles without opportunities to advance in their careers.
- It has the potential to improve gender balance in corporate leadership. In general, the share of foreign firms with female top managers, and the share of women in managerial positions in foreign firms, are significantly higher than in domestic firms. These practices of foreign firms may be imitated by domestic firms.
- It can have a positive effect on women's entrepreneurship in the host country. Foreign investors from more gender-equal host countries typically have more women owners. In addition, FDI can create new business opportunities for women entrepreneurs in host countries. This would be a welcome opportunity for Egypt where only 17.8% of firms have female participation in ownership.⁴⁶

This case study documents Egypt's recent efforts in the area of gender equality and investment by introducing a conducive legal framework.

What is the reform and how did it come about?

Egypt's Investment Law No. 72/2017⁴⁷ came into force on 1 June 2017, superseding Investment Law No. 8/1997.⁴⁸ The new investment law, promptly followed by a modernised companies law, marked a further milestone in the country's efforts to provide a safer and more consistent regulatory environment for foreign and domestic investments. This latest reform reaffirmed the strong political will to further improve the business environment and competitiveness. It provides the full spectrum of investment guarantees and protection standards that are required to provide a safe *de jure* regime for investors, notably a provision granting fair and equitable treatment to both foreign and Egyptian investors.

The investment law includes a provision on gender equality. According to Article 2, investment shall be governed by the principles of "equality of the investment opportunities and equal opportunities regardless of the size and location of the project and without discrimination on the basis of gender. The State supports the emerging companies, entrepreneurship, and micro, small, and medium enterprises to empower the youth and small investors." (para. 3)

Women investors can refer to this article if they experience any gender-related constraints in their investment activity. The article also calls for empowering small investors. Even though the size of women-owned SMEs in Egypt has increased moderately over time, SMEs owned by women are generally smaller than SMEs owned by men (ILO, 2016^[73]). Therefore, the focus on small investors leads de facto to the empowerment of women.

Articles 8, 11 and 15, which regulate investment guarantees and incentives, may also have an indirect impact on women. Article 8 mentions that a maximum of 10% of workers in an investment project can be foreign workers. The rate can be increased to 20% foreign workers where it is not possible to appoint national workers with the required qualifications. These rather standard provisions imply that a certain number of jobs are guaranteed for Egyptian workers in foreign enterprises, which tend to be more gender equal. This provision may therefore benefit female jobseekers. Article 11 No. 2 grants a 30% discount off investment costs in specific conditions including when the investment is carried out by SMEs. Since women in Egypt own smaller companies than men, they may also benefit from this incentive. Further, Article 15 calls upon investors to support social projects. These projects may have a focus on women's economic empowerment. Women also tend to be more involved in social projects than men.

In order to facilitate the implementation of the gender provisions, a special window for women was opened at the Investors Services Centre to act as a one-stop-shop for women investors.

What are the impacts, implementation challenges and factors for success?

The 2017 Investment Law demonstrates the Egyptian Government's commitment to providing equal investment opportunities for women and men. However, the practical implementation of the law may be challenging because of the lack of implementing regulations and inconsistent administrative practices throughout the territory.

A next step would be to grant targeted incentives to investment projects that employ a certain percentage of women workers, and/or to investments owned and operationalised by women. In Egypt, as in any other country, investment has the potential to economically empower women. It is therefore crucial to ensure that foreign investors (are legally bound to) respect gender equality principles and promote women's economic empowerment in their investment activities and within their companies. As it is typically low-skilled women who work in FDI sectors, foreign investors should make efforts to upskill the local workforce so that women can move up the career ladder and gender pay gaps can be reduced. This is in line with the *OECD Guidelines for Multinational Enterprises*, which state that enterprises are expected to promote equal opportunities for women and men including in training and lifelong learning (Box 2.10). As foreign companies in Egypt typically have a better gender balance in their corporate leadership than domestic companies, there is potential for domestic firms to imitate this practice.

In addition to the gender provision in the investment law, the Egyptian Government supports Egyptian businesswomen in other ways, to ensure women and men have equal access to business creation and development. The government is working with international organisations such as the World Bank, UNDP and UN Women to facilitate access to finance for women entrepreneurs (Case Study 2.9). The recent reform in the inheritance law aims at protecting women's inheritance share, including land inheritance. This will facilitate access to land for women entrepreneurs, and hence access to credit providing tangible collateral for requesting a loan (Chapter 3).

Box 2.10. International tools and guidelines on gender and investment

Paying attention to gender equality in investment is a relatively new topic in the MENA region. The resources described here can help policy makers and practitioners to take a gender equality perspective into account in investment-related initiatives.

OECD Guidelines for Multinational Enterprises

The 2011 version of the *OECD Guidelines for Multinational Enterprises* includes a gender element. The guidelines mention that enterprises should respect human rights, including women's rights. Enterprises are expected to promote equal opportunities for women and men including in training and lifelong learning. The OECD has also issued due diligence guidance for companies operating in specific sectors including minerals, extractive sectors, garment and footwear, agriculture. These specific guidance documents also refer to gender equality.

Source: OECD (2011^[74]), *OECD Guidelines for Multinational Enterprises*, 2011 Edition, <https://doi.org/10.1787/9789264115415-en>

OECD FDI Qualities Indicators

The OECD issued a report in 2019 that presents new indicators on the impacts of foreign direct investment (FDI) on sustainable development in host countries. The report includes a chapter on how FDI relates to four dimensions of gender equality: gender employment equality, gender wage equality, women in top-level management positions, and women's entrepreneurship. The first part of the chapter describes the channels through which FDI can affect the above gender outcomes in host countries, through a review of the literature. The second part presents a set of indicators relating FDI to the above gender equality dimensions for the OECD and selected developing regions.

Source: OECD (2019^[75]), *FDI Qualities Indicators: Measuring the sustainable development impacts of investment*, www.oecd.org/fr/investissement/fdi-qualities-indicators.htm

World Bank guide on gender dimensions of investment climate reform

In 2010, the World Bank issued a guide providing concrete tools for addressing gender and investment in development co-operation projects. The guide includes eight modules on mainstreaming gender in (1) public-private dialogue, (2) business start-up and operation, (3) business taxation, (4) trade logistics, (5) secured lending, (6) alternative dispute resolution, (7) special economic zones, and (8) foreign investment policy and promotion.

Source: Blackden, Manuel and Simavi (2010^[76]), *Gender Dimensions of Investment Climate Reform: A Guide for Policy Makers and Practitioners*, <http://documents.worldbank.org/curated/en/260721468321276647/Gender-dimensions-of-investment-climate-reform-a-guide-for-policy-makers-and-practitioners>.

Global impact investing network initiative on gender lens investing

In 2017, the Global Impact Investing Network (GIIN) launched an initiative to explore the opportunities and challenges in gender lens investing. Gender lens investing is the practice of investing for financial return while also considering the benefits to women, both through improving economic opportunities and social well-being. The initiative aims to build a compelling case for gender lens investing, and to increase the amount of capital being deployed with a gender lens. The initiative has a webpage with guidance on how to incorporate gender considerations into an investment strategy as well as how to measure the impact of such a strategy. A database of gender lens investing allocations and strategies

is under construction. The initiative also holds regular webinars on the topic and convenes a Gender Lens Investing Working Group.

Source: <https://thegiin.org/gender-lens-investing-initiative>.

2.6. Conclusions and recommendations

With the lowest female labour force participation rates, the largest gender pay gap, the widest gender gap in early-stage entrepreneurial activity and the highest percentage of women in full-time unpaid care work worldwide, the MENA region faces great challenges in moving towards gender equality at work. Yet MENA women are more educated than ever before and could bring significant benefits to the labour market.

The region is aware of these challenges and of how much countries could gain socially and economically from increasing female labour force participation. The case studies show that the private sector is also increasingly aware that gender equality efforts are not only important from a corporate social responsibility perspective, but also improve business outcomes.

This chapter has described a number of reforms and initiatives on labour matters and social protection underway in Egypt, Jordan, Morocco and Tunisia to encourage greater gender equality at work. These include initiatives to close the gender pay gap and encourage women's career progression; social protection reforms and initiatives to address unpaid care work and improve work-life balance; and investment in increasing women's participation and leadership in workers' and employers' organisations so that collective bargaining can have more positive outcomes for women. Countries have also adopted specific measures to encourage women entrepreneurs.

To keep building on the positive momentum observed in the region, governments and other actors could consider the following recommendations distilled from the case studies:

Align with international standards

- **Work with social partners and the ILO to ratify ILO Conventions with gender relevance.** The four countries have ratified the Equal Remuneration Convention (C100) and the Discrimination (Employment and Occupation) Convention (C111), which are ILO core conventions. Other ILO conventions that have a focus on gender equality include the Workers with Family Responsibilities Convention (C156), which has not been ratified by any of the four countries; the Maternity Protection Convention (C183), which has only been ratified by Morocco and not by the other three countries; and the recently adopted Harassment and Violence at the Workplace Convention (C190) which had not yet been ratified by any country worldwide at the time of writing this report. Ratification will allow the ILO to work with individual countries to help them align national legislation with the ratified conventions.
- **Capitalise on the momentum created by the ILO Future of Work Initiative**, which has a focus on achieving gender equality at work. For example, this initiative has produced useful analytical work and has created stakeholder networks that can be used for advocacy for further reforms. Participating in international initiatives on gender equality at work, such as the Equal Pay International Coalition (EPIC; Box 2.1), can also keep up momentum.

Improve legal frameworks further

- Include a non-discrimination provision in the labour code together with special provisions on women's rights at work, such as equal remuneration for work of equal value.

- Remove all discriminatory legal provisions related to women's participation in the labour market, such as those that prohibit women from entering certain professions, working at night or working the same amount of hours as men.
- Revise personal status laws so that women do not need to seek the approval of a male family member in order to be able to work. Support programmes to improve social norms surrounding women's participation in the labour market.
- Include a gender aspect in employment/entrepreneurship policies and ensure that national women's/gender equality strategies address all aspects of gender equality at work.

Increase equality in the workplace

- Enhance gender balance in corporate governance through quotas and the inclusion of a gender equality provision in corporate governance codes.
- Research and document private sector initiatives on gender equality at country and regional level and give more visibility to these initiatives.
- Introduce flexible work in the legislation and in practice and encourage both women and men to take advantage of this option so that men can share family responsibilities.
- Improve labour inspections that focus on gender equality so that legal provisions on non-discrimination and gender equality are enforced.

Extend social protection to improve work-life balance

- Continue the reforms of countries' social protection systems with a focus on addressing gender inequalities and promoting women's participation in the labour force.
- Align the duration of maternity leave with the ILO Maternity Convention and introduce a system whereby social protection costs do not only fall on the employer but are distributed across male and female workers. Introduce and/or extend paternity leave and encourage fathers to take up this leave in order to share family responsibilities.
- Invest in quality childcare facilities and provide incentives to companies who wish to establish such facilities. Make these facilities available for the children of both male and female employees.
- Make sure that taking up flex work does not have a negative impact on social protection coverage.
- Launch a public-private dialogue on the provision of social protection services to align services provided by the state with those provided by the private sector.

Involve more women in social dialogue

- Boost women's participation and leadership in workers' and employers' organisations through quotas, women's sections, and training on gender equality for members. Leverage women's increased participation in social dialogue to conclude collective bargaining agreements that enhance women's economic empowerment.

Support women entrepreneurs

- Encourage women entrepreneurs by making it easier to access financial services, microfinance, and business formalisation.
- Implement existing financial inclusion strategies and offer financial services programmes that are specifically tailored to women.
- Continue the discussions on equality in inheritance and penalise the illegal deprivation of inheritance.

- Facilitate the formalisation of businesses by offering incentives and streamlining registration requirements/procedures.
- Include gender equality provisions in investment laws and follow up on their implementation so that women entrepreneurs also get to access and benefit from investment opportunities.

Annex 2.A. Selected ILO conventions and publication country ratification status

Annex Table 2.A.1. Selected ILO conventions and publication country ratification status

Convention	Egypt Ratified	Jordan Ratified	Morocco Ratified	Tunisia Ratified
Freedom of Association and Protection of the Right to Organize Convention (C87)	✓	✗	✗	✓
Right to Organize and Collective Bargaining Convention (C98)	✓	✓	✓	✓
Equal Remuneration Convention (C100)	✓	✓	✓	✓
Social Security (Minimum Standards) Convention (C102)	✗	✓	✗	✗
Discrimination (Employment and Occupation) Convention (C111)	✓	✓	✓	✓
Minimum Age Convention (C138)	✓	✓	✓	✓
Workers with Family Responsibilities Convention (C156)	✗	✗	✗	✗
Worst Forms of Child Labour Convention (C182)	✓	✓	✓	✓
Maternity Protection Convention (C183)	✗	✗	✓	✗
Domestic workers Convention (C189)	✗	✗	✗	✗
Harassment and Violence in the Workplace Convention (C190)	✗	✗	✗	✗

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Notes

¹ The principle of equality between men and women is included in the constitutions of Morocco, Tunisia and Egypt. In Jordan, the constitution states the principle of equality and prohibits discrimination on the grounds of race, language and religion but does not include gender.

² The Jordanian Labour Law does not provide a legal principle for equality. The other countries covered by the publication do prohibit gender discrimination in the labour law: Article 35 Egyptian Labour Law No. 12/2003; Article 5 bis added to the 1966 Tunisian Labour Law by Law of 1933: and Article 9 of the 2003 Moroccan Labour Law.

³ Table 1 at the start of this report contains an “at-a-glance” summary of all the themes of the case studies and in-depth boxes.

⁴ The problem of sexual harassment is covered in Chapter 3.

⁵ ILO Workers with Family Responsibility Convention, 1981 (No. 156).

⁶ In Egypt, a public-sector female employee may request half-time work for half pay. 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. In the public sector, women may work part-time and receive up to two-thirds of their salary (OECD, 2017^[2]).

⁷ The labour code of Egypt does not mandate equal remuneration for work of equal value in line with the ILO Equal Remuneration Convention. However, it prohibits “Discrimination in wages based on sex, origin, language, religion or ideology”.

The labour code of Tunisia does not mandate equal remuneration for work of equal value in line with the ILO Equal Remuneration Convention. However, Sec 5bis of the Labour Code establishes, in general, the principle of equality between men and women. Art 40 of the Constitution foresees that ‘all citizens, male and female, shall have the right to decent working conditions and to a fair wage’.

Source: <https://wbl.worldbank.org/>

⁸ Regulation No. 22 of 2017 on Flexible Employment, Official Gazette, 22. February 2017.

⁹ The minimum wage is JOD 220 for Jordanians and JOD 150 for non-Jordanians.

¹⁰ Flexible Working Instructions, Official Gazette No. 5509 of 2018, page 1982.

¹¹ The revised *G20/OECD Principles of Corporate Governance* provide a non-binding reference for policy makers to build effective corporate governance processes (OECD, 2015^[7]).

¹² Policy makers, representatives of stock exchanges, not-for-profit organisations, insolvency professions and business leaders from the countries and economies of the Middle East and North Africa, including Algeria, Bahrain, Egypt, Iraq, Jordan, Kuwait, Lebanon, Libya, Morocco, Oman, the Palestinian Authority, Tunisia, Syria, Saudi Arabia, Qatar, Yemen and the United Arab Emirates, gathered with international and regional experts for the 5th Regional Annual Corporate Governance Conference organised by the Hawkamah Institute for Corporate Governance, the OECD and the Oman Capital Markets Authority and endorsed by the Muscat Declaration. See <https://www.oecd.org/daf/ca/46897134.pdf>.

¹³ Jordan’s 2012 Corporate Governance Code includes gender balance among the factors to be considered in the composition of boards of directors (Available in English at: www.ecgi.org/codes/documents/jordanian_cg_code_2012_en.pdf). Morocco’s 2008 Code of Good Corporate Governance Practices states that the governing body must be composed of members who, among other qualities, ensure diversity, including gender balance, “to provoke real debate and avoid the systematic search for consensus” (available at: www.cgem.ma/upload/1151817115.pdf). A 2011 annex to the Moroccan code on the governance of state-enterprises uses similar language, though annexes covering small businesses and credit institutions do not (2008 *Code Spécifique de Bonnes Pratiques de Gouvernance des PME et Entreprises Familiales*, available at: www.ecgi.org/codes/documents/good_practice_code_morocco_oct2008_fr.pdf).

¹⁴ For example, Convention No. 121 on Employment Injury Benefits, No. 128 on Old Age and Survivors Benefits, No. 130 on Medical Care and Sickness Benefits, or No. 183 on Maternity Protection (see Annex 2.A).

¹⁵ The ILO Social Security (Minimum Standards) Convention, 1952 (No. 102). On 12 February 2014 Jordan accepted Part V. Old-age benefit; VI. Employment injury benefit; IX. Invalidity benefit; and X. Survivor’s benefit.

¹⁶ Provisional Social Security Law No. 30 of 1978, Official Gazette No. 2816, 16/10/1978, adopted on 30 July 1978.

¹⁷ This information was collected during an interview with Asma Khader, Sisterhood Is Global Institute executive director.

¹⁸ SADAQA has also expanded its portfolio to work on the structural barriers to entry for women into the workforce which include the lack of public transportation and pay inequity. SADAQA has been working in close cooperation with a range of stakeholders including ILO as well as the Ministry of Labour and has recently started working with UN Women.

¹⁹ The labour codes of Egypt and Morocco require private sector employers to provide daycare facilities on site when they employ more than 100 and 50 women respectively. The Tunisian labour code does not oblige employers to provide daycare facilities.

²⁰ The ILO Convention No. 154 on the Promotion of Collective Bargaining defines collective bargaining as follows: collective bargaining extends to all negotiations which take place between an employer, a group of employers or one or more employers' organisations, on the one hand, and one or more workers' organisations, on the other, for (a) determining working conditions and terms of employment; and/or (b) regulating relations between employers and workers; and/or (c) regulating relations between employers or their organisations and a workers' organisation or workers' organisations.

²¹ The gender wage gap is defined as the difference between the median earnings of men and women relative to the median earnings of men. See Chapter 1, and also <https://data.oecd.org/earnwage/gender-wage-gap.htm>.

²² International Covenant on Economic, Social and Cultural Rights, available at <https://www.ohchr.org/en/professionalinterest/pages/cescr.aspx>.

²³ The “Way forward after the revolution: decent work for women in Egypt and Tunisia” project was launched by ILO in partnership with the Ministry of Foreign affairs of Finland. It is currently in phase II of its implementation (1 April 2018 – 31 March 2021). For more information about the project, see: https://www.ilo.org/africa/technical-cooperation/WCMS_673357/lang--en/index.htm.

²⁴ Ministerial Decree no. 1 of 2019, Ministry of Manpower of Egypt. A comprehensive summary of the content of the decree in Arabic is available online at <https://sis.gov.eg/Story/181405/يصدر-العاملة-القوى-وزير>.
lang=ar. المساواة لتحقيق-الوزارة-وحدة-بإنشاء-قرار

²⁵ Article 1, Law No. 142 of 2019 amending several provisions of Law No. 213 of 2017.

²⁶ Federation of Egyptian Industries, Women in Business Unit, Strategic Objectives, see <http://www.fei.org.eg/index.php/ar/wib-goals-ar> (in Arabic).

²⁷ The other members of the Network's steering committee are The National Council of Women (NCW), Alexandria Business Women Association (ABWA), Nilepreneur, Flat6Labs, Entreprenelle, Women of Egypt 21 (BWE 21), and Etijah. More information on the Network is available at: <http://www.seedeegypt.org/women-entrepreneurs-network>.

²⁸ "ILO Official: Egypt is a model for gender equality", 16 February 2020. <https://www.youm7.com/story/2020/2/16/4633662> (in Arabic).

²⁹ Article 6 of the Jordanian Constitution prohibits discrimination based on race, language and religion, without reference to gender-based discrimination specifically.

³⁰ The Jordanian Labour Law does not provide a legal principle for equality. The other countries covered by the publication do prohibit gender discrimination in the labour law: Article 35 Egyptian Labour Law No. 12/2003; Article 5 bis added to the 1966 Tunisian Labour Law by Law of 1933: and Article 9 of the 2003 Moroccan Labour Law.

³¹ Including the head of the Women's Economic Empowerment Section of MOLE as well as labour inspectors.

³² Loi n° 114-13 du 19 février 2015 relative au statut de l'auto-entrepreneur. See: https://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=fr&p_isn=98839.

³³ See <http://ae.gov.ma>.

³⁴ The Alliance for Financial Inclusion is a network of central banks, supervisors and other financial regulatory authorities.

³⁵ The full declaration is available at: <https://www.afi-global.org/maya-declaration>.

³⁶ The strategy is available at: <http://www.cbj.gov.jo/EchoBusv3.0/SystemAssets/PDFs/2018/The%20National%20Financial%20Inclusion%20Strategy%20A9.pdf>.

³⁷ See <https://financialallianceforwomen.org>.

³⁸ Today 50% of the economy still operates informally.

³⁹ Banks are often reluctant to lend to micro enterprises, because of the high risk involved. Microfinance institutions take commercial loans to lend smaller amounts to microenterprises and are hence less reluctant to lend to small and micro enterprises.

⁴⁰ The law was implemented as a decree due to the lack of an operating Parliament between June 2012 and October 2015. The law in Arabic is available at: http://www.fra.gov.eg/content/efsa_ar/pool_extra_efsa/UG33615UG33616.pdf.

⁴¹ For more information on the event, see: <https://egyptinnovate.com/en/events/3rd-annual-microfinance-forum>.

⁴² The GIZ accompanied this process with the project “Promotion of the Microfinance Sector in the MENA Region”, which operated in Egypt, Jordan and the Palestinian Authority. The project provided technical advice for policy making and regulations and for service structures of microfinance institutions. It also supported authorities to strengthen the legal framework and the supervisory capacities to strengthen the microfinance sector. The World Bank, too, accompanied this process with the project “Enhancing Access to Finance for Micro and Small Enterprises”, contributing a line of credit for microfinance and for small enterprise finance.

⁴³ Today, microfinance institutions, NGOs and banks focus on how they can develop their business to capitalize on the tremendous potential of the microfinance industry in Egypt. The fact that microfinance institutions rose in numbers, can potentially lead to a larger number of people who receive loans and a

stronger formal financial sector. The improved availability of funding for micro and small enterprises will also have a positive impact on the growth of the economy more broadly.

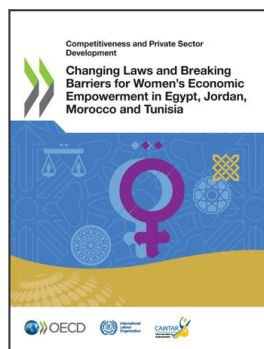
⁴⁴ This is true both inside marriage and upon marriage dissolution. Since 2000, women can file for khula divorce without being obliged to prove they have suffered harm. The only condition under this law is the waiver of any financial rights. The 2000 family law reform hence made divorce more accessible to a wider circle of women; though in practice it remains restricted to those who are financially independent. The extended decision-making power women gained from the 2000 family law reform can only be exercised if women have the economic means to provide for themselves. With the introduction of the Microfinance Law, the Egyptian Government went a step further in the empowerment of women and gave them the tools to gain more financial independence, in order also to exercise their social empowerment and their right to self-determination.

⁴⁵ The average of a microfinance loan is 2760 EGP (146 Euros), the expected interest/repayment rates are 17.56% per annum.

⁴⁶ According to World Bank data, accessible at: <https://data.worldbank.org/indicator/IC.FRM.FEMO.ZS?locations=EG> (accessed April 2020).

⁴⁷ The law is available at: <https://www.gafi.gov.eg/English/StartaBusiness/Laws-and-Regulations/PublishingImages/Pages/BusinessLaws/Investment%20Law%20english%20ban.pdf>.

⁴⁸ The government had introduced substantial amendments to the 1997 Investment Law in 2015 which made substantial improvements to its core provisions. Following its lukewarm reception, and in a renewed attempt to signal the pro-investment stance of the government, MIIC and GAFI introduced another new investment law, Law No. 72 in 2017, which formally replaced the Investment Law No. 8/1997 and its subsequent amendments. It was promptly followed by the adoption of the corresponding Executive Regulations in October 2017. The substantive content of the new law did not evolve significantly and retained most of the main changes introduced by the 2015 amendment.



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