

[DOI: 10.20472/BMC.2017.006.003](https://doi.org/10.20472/BMC.2017.006.003)

TIYESERE MERCY CHIKAPA

University of Manchester, Alliance Manchester Business School,, United Kingdom

GENDER REGIME AND POLICIES IN MALAWI: A LITERATURE REVIEW

Abstract:

Based on the review of existing literature, this paper argues that Malawi's gender regime may be described as a hybrid model, depicting traits of the familialistic as well as the de-familialistic models of gender regimes. This is evidenced from the fact that Malawian women exhibit higher employment rates, despite the low welfare provisions towards child care, eldercare or care for the sick. This means that despite engagement in full time employment, they still play a huge role in unpaid work either directly or through the underpaid services of other women where possible. The family practices that are influenced by culture in these private domains are crucial in gender relations in order to understand decisions that women make in relation to paid work based on their role expectations in the home. A social agenda that significantly takes into account family practices in employment is critical in achieving gender equality in Malawi.

Keywords:

Familialistic, de-familialistic, women, Malawi, gender, work, family

Introduction

This paper theorises a non-European, developing society's gender regime based on existing literature. All sovereign states, have specific gender regimes. However, existing literature on gender regimes is dominated by European societies' and the states are categorised mostly as having either a *familialistic* or an individualistic gender regime. I define gender regime "as a complex of rules and norms that create established expectations about gender relations, allocating different tasks and rights to women and men" (Sainsbury, 1999, p.5).

In order to theorise the gender regime for a developing non-European society, I use Malawi as a case study. Malawi's gender regime, like many developing societies, may be described as a hybrid model, depicting traits drawn from both the *familialistic*-male breadwinner model as well as the *de-familialistic*-individual model of gender regimes. *Familialism* is when the private family members, as opposed to the state are required to be the central provider of the welfare and care needs of its members (Esping-Andersen, 1999). This is contrasted to 'individualistic' and '*de-familializing*' gender regimes (Sumer, 2009, p.4) where there is an assumption that both men and women will participate in paid employment as such state provision towards child care and eldercare is high. In this case, *de-familialization* refers to the extent to which family members are relieved from providing welfare and caring services to their members of the family (Esping-Andersen, 1999). Thus a *de-familializing* system aims at removing the load of care from the family members and reduce "individual welfare dependence on kinship" (Esping-Anderssen 1999, p.51). On the one hand, *familialism* is linked with a traditional gender division of labour and a strong male-breadwinner system and on the other hand, *de-familialization* relieves women from the household duties and aids their high participation in productive endeavours (Esping-Andersen, 1999). De-familialization encourages "women's full time, life-long participation in the labour market by lessening the familial burden" (Esping-Andersen, 1999, p.45).

Sainsbury(1996)'s gendering of welfare¹ states contrasts states in the male breadwinner which considers the *familialistic* and the individual models of social policy which has the *de-familialistic* characteristics espoused by Esping Andersen (1999). In this categorisation, the male breadwinner model has a familial ideology which recognises the important role of marriage and therefore entertains a "strict division of labour between husband and wife"(p.41). In this model, "the husband is the head of the household, and it is his duty to provide for the members of his family-his wife and children-through full time employment. The duties of the wife are to make a good home and provide care for her husband and children. The division of labour is codified in family law, social and labor legislation and the tax system..." (p.41). In this model, caring and reproduction tasks are a domain of the private sphere, primarily the home and is unpaid. Labour market policies in this case aim at promoting men's employment.

¹ Malawi has limited welfare provisions as such cannot be fully categorised as a welfare state. However some of the elements in Sainsbury(1996)'s analytic construct can be used to describe Malawi as well as other states with limited welfare provisions.

In Sainsbury (1996)'s individual model, the familial ideology assume shared tasks in the family and both husband and wife are responsible for financial support and care of their children. Labour market policies in this case aim at covering everyone regardless of their sex. Additionally, most of the reproductive tasks are provided through the public sector and even where these are provided in the home, they are still paid for and entitles the carer to social security benefits in societies where these are available.

In this case, Malawi, like other developing societies, seems to have characteristics drawn from both models: there is strict division of labour in the home and women are responsible for most of the unpaid work in the home including child care with the help of other women where possible. In these developing societies, it is mostly men who are heads of households. For instance in Malawi, it is mostly men who are heads of households as evidenced by the 2008 census results which revealed that Malawi had 2,869,933 households, of which 72.7% (2,087,181) were headed by males and 27.3% (782752) were headed by females. This is not unique to Malawi as for instance Botswana shows that at least 55 percent of the households are headed by men and 43 percent were headed by women (Mookodi, 2000). Although the census report in Malawi is silent on the marital status of the heads in female headed households, considering that as long as the marital union exists even in matrilineal groups, the men control the decision making process (GOM, 2008), we can argue that most of these female heads of households are likely to be lone mothers. It is uncommon for a woman to indicate that she is the head of the family when she is married. Additionally, men are not entitled to any statutory parental leave. At the same time, Malawi draws on the individualistic model where both mother and father are individually responsible for the maintenance of their children and this has recently been codified in the law on family through the Marriage, Divorce and Family Relations Act of 2015. This is referred to again later.

In order to elaborate on Malawi's hybrid gender regime, this paper discusses Malawian women's participation in the labour market. It firstly highlights how the labour market is regulated. Secondly it presents the labor force participation and employment rates for women and men in Malawi. Thirdly, it discusses the gender pay gap. This is then followed by a discussion of women's high labour force participation/employment rates alongside high fertility rates as well as family policies and practices. The last but one subsection discusses time use among men and women in Malawi. The article then concludes the discussion by highlighting that despite various efforts towards achieving gender equality, there are unintended consequences of the *familialistic* gender regime evidenced by both vertical and horizontal segregation in Malawi's labour market. Moreover, there is little that has been done to alter the expectations on women in the family structure despite their high participation in the world of employment.

Regulation of the labour market

The labour market is an important vehicle for culminating efforts towards achieving gender equality as well as improving the position of women in every society (Sumer 2009). On 16th May 1994, the Public Service Act was enacted in Malawi which aimed at providing fair and equal treatment of all public officers in all aspects of human resource

management and development regardless of one's sex, age, origin, political, tribal or religious affiliations (GOM, 1994). In 1996, in an effort to regulate the public and private sector employment relations with democratic principles in mind, the Labour Relations Act of 1996 was enacted "to promote sound labour relations through the protection and promotion of freedom of association, the encouragement of effective collective bargaining and the promotion of orderly and expeditious dispute settlement, conducive to social justice and economic development" (GOM, 1996)p.4. In 2000, the Malawian government enacted an Employment act of 2000, which aims to "establish, reinforce and regulate minimum standards of employment with the purpose of ensuring equity necessary for enhancing industrial peace, accelerated economic growth and social justice"(GOM.,2000,p.3). The Act regulates the labor market by protecting all employees including those with family responsibilities by highlighting that there should be 'no discrimination against any employee or prospective employee on the grounds of ... marital status or family responsibilities in respect of recruitment, training, promotion, terms and conditions of employment, termination of employment or other matters arising out of the employment relationship" (GOM, 2000) s. 5(1). Thus treating everyone as equal, a principle introduced in the democratic constitution, is an echoed theme in both the Labour Relations Act of 1996 and the Employment Act of 2000.

Further, the state through the Employment Act of 2000 provides for 48 hours per week as the maximum working hours for all employees except guards and shift workers. These maximum working hours would potentially allow men and women attend to other responsibilities. The Act also provided for maternity leave of at least 8 weeks in every three years as we discuss further later. In 2011 the Pension Act was enacted with some welfare objectives of which relevant in this paper are: Firstly, to "ensure that every employer ... provides pension for every person employed by that employer; secondly to ensure that every employee in Malawi receives retirement and supplementary benefits as and when due" (GOM.,2010b s.4 a and b). All employees are also entitled to annual leave by law, which may also help both men and women time off to attend to family responsibilities. The minimum annual leave in Malawi is 15 days (ILO,2013). By protecting employees including those with family responsibilities in employment, the state through the employment Act of 2000 places the family as an integral player in employment issues although this is not explored seriously in local literature.

In 2013, a Gender Equality Act was enacted and this can be considered the climax of government's commitment to achieving gender equality in Malawi. Among other matters, it provides for quotas in recruitment and promotion in public service by stipulating that "an appointing or recruiting authority in the public service shall appoint no less than forty per cent (40%) and no more than sixty per cent (60%) of either sex in any department in the public service" (GOM, 2012b),s.11). Although its implementation is yet to effectively start and aims only at regulating the employment relationships in public institutions, passing of such equal opportunities legislation provides women for the first time with the means of legal redress on an individual basis against sex discrimination in pay, promotion, recruitment and other workplace related issues (Lewis

1992). Such regulation of the labour market which covers both men and women in employment in Malawi are important features of a *de-familialization* regime.

Labour force participation for women in Malawi

There has always been higher labour force participation rates for women in Malawi which is more or less similar to that of men. Table 1.1 below shows the labour force participation rates by sex among the 15-64 year olds from 1998 to 2014.

Table 1.1: Labour force participation rates by sex among the 15-64 year olds from 1998 to 2014

Year	Male	Female	Total
1998	88.2	88.4	88.3
2008	86.3	85.8	86.0
2014	90.9	88.1	89.4

Source, (GOM, 2010a; GOM., 2014)

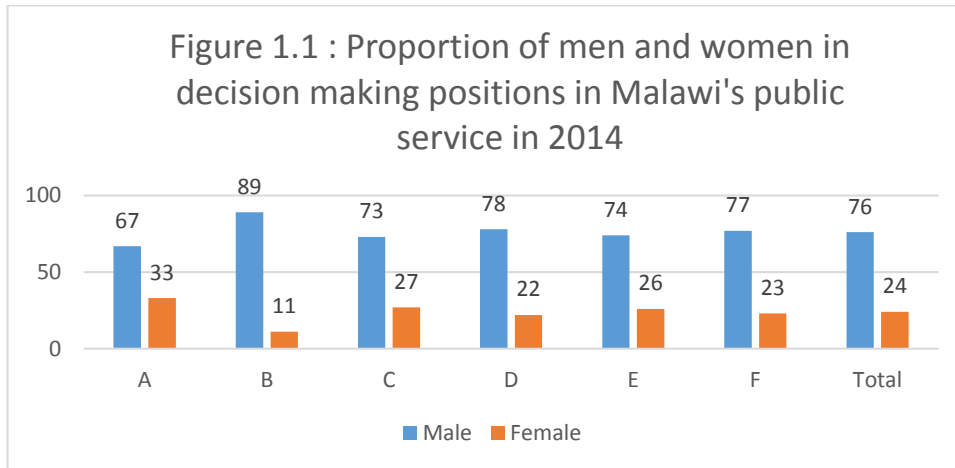
In terms of actual employment, in 2014, women had an employment rate² of 74.3 percent and men had an employment rate of 85.7 percent. Despite the convergence in the labour force participation for men and women and higher employment rates for women in Malawi between 1998 and 2014, there are still major differences in terms of sector of employment. Women's participation in formal employment has remained consistently low. For instance according to the Labour Force Survey conducted in 2013, out of those people who reported to be employed, only 11.3 percent were in formal employment, from which 6.4 percent were women and 16.2 percent were men.

Women in formal employment are also mostly employed in public sector jobs that generally pay less (GOM., 2014). Occupational segregation in this case means that Malawian women do not compete for the same jobs and men generally retain the high paying jobs. This explains why more women in Malawi, are found in public sector which offers flexible yet not very well paying jobs than in the private sector. In addition to this horizontal segregation, there is also a vertical segregation: women have fewer chances than men of obtaining high positions within the occupational hierarchy. Thus, despite not dominating in any profession including what are considered traditionally women dominated professions like in teaching and health, most women also occupy lower positions in the organisational cadre as is the case globally. The *Familialism* gender regime can be said to reinforce the highly segregated labour market as well as having

² Defined as percentage of the population (labour force) aged 15 – 65 years who, during the reference period of one week were employed to the total working population

few women at the top of the organisational hierarchies of most of the organisations in Malawi.

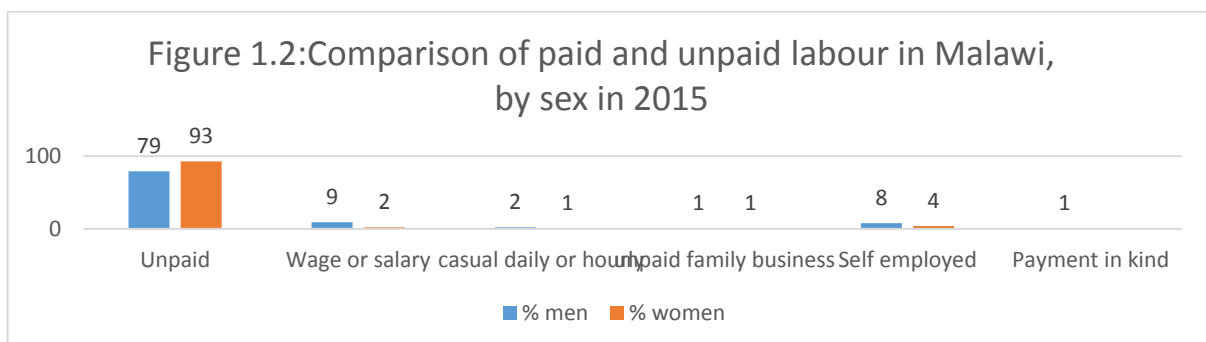
Figure 1.1 below shows the distribution of men and women in the top six positions in the public service in Malawi with A being the highest echelon. The figure shows a general domination of men in all the top most positions in public service in 2014.



Source: Own computation based on (Department of Human Resource Management and Development, 2014)

Gender pay gaps in Malawi

Apart from differences between men and women regarding where these work, there are also major differences in terms of earnings. Like many parts of the world, Malawian women both at the family and society level, still work more than men. At the same time, women are paid less on average and positions of power in both public and private organisations remain male dominated as argued earlier on (Southern Africa Gender Protocol Alliance., 2015). Since most women in Malawi are in agriculture and tend to work in the public sector more, this means that more women earn less on average. As figure 1.2 below shows, Malawian women tend to work more hours than men but they tend to be found more often doing unpaid jobs.



Source: Own computation based on (UNDP., 2016)

Also as figure 1.1 above shows, in 2014, overall, the proportion of male officers in the public service is above that of women at all decision making grades, highlighting earning disparities. It should be noted that in Malawi's public sector, there are no differences in wages between women and men as long as they are on the same grade or are performing the same tasks (GOM, 2012a). This has been the case even before Malawi became an independent state. This was due to Malawi ratifying in 1965 a Convention Concerning Equal Remuneration for Men and Women Workers For Equal Value and the Convention Concerning Discrimination in Respect of Employment and Occupation. The equal pay for equal work principle in Malawi is currently being reinforced by law through an Act of Parliament on employment. The Employment Act of 2000 provides that "every employer shall pay employees equal remuneration for work of equal value without distinction or discrimination of any kind, in particular, on basis of race, colour, sex, language, religion, political or other opinion, nationality, ethnic or social origin, disability, property, birth, marital or other status or family responsibilities" (GOM, 2000,s6(1)). However, fewer women than men occupy high positions and work in waged or salaried jobs, women's pay is less on average in comparison to men. Thus the gender pay gap defined as "the difference between men's and women's pay, based on the average difference in gross hourly earnings of all employees" (European Commission,2014, p.2) also exist in Malawi's public and private sectors.

As noted in the context of Sub-Saharan Africa, "labor force education, work allocation with gender selection, and different unemployment rates by gender seem to be the key drivers of gender earnings disparities in this region"(Ñopo et al., 2011). Education categorises people in different jobs and positions, with those with good education in most cases doing good and high paying jobs mostly in private sector and occupying higher positions in the public sector. Higher educational qualifications are directly related to the grade occupied and hence earnings and seems to apply for both men and women but more strongly for women as per the DHRMD(2013) Gender audit data. The Gender audit data shows that out of 73 officers at grade A, B and C(top three levels in public service hierarchy) there are 9 officers with at least a bachelor's degree and only 1 Officer with MSCE and 1 with JCE(lower secondary qualification) as their highest qualification. Even for those officers with only MSCE or JCE as their highest academic qualifications, representation at decision making levels of grades D, E and F is still higher for men than women. Additionally, there are no female officers with education qualifications below a Bachelor's Degree at Grade D and above. This then means that for women to make it to the highest positions, higher educational qualifications is a prerequisite (DHRMD, 2013).

Disparities in earnings are also noted in informal economy. Results of the second Integrated Household Survey (IHS2) conducted in 2005 showed that despite women heavily patronising the informal sector, they earn nearly half of what their male counterparts involved in similar endeavours earn. Writing from a global perspective, Chen (2001) noted that women in informal sector are less able to have an advantage over men in terms of labor, capital owned and product markets. This is due to their relatively low levels of education and skills and the fact that they are less likely to own property or have market expertise. She further highlighted that other authors have argued that women's time and mobility are constrained by social and cultural norms that ascribe the reproductive roles and responsibilities to women and minimize investment in girls' and women's education and training. As GOM (2012a) pointed out, these are likely the same reasons that make so many Malawian women working in the informal sector to be disproportionately affected and remain poor.

Women also play a substantial role in agriculture, particularly in small scale agricultural household enterprises both globally and locally with about 70% of the agricultural workers and 80% of food producers being women. However, in Malawi there are major differences between men and women in terms of income earned from informal and small agricultural household enterprises with women earning nearly half the income that men earn. (GOM, 2012a). The reasons for these differences may be similar to those presented in the preceding paragraph. These shows existence of attributes of a familial gender regime.

High fertility rates, labour force participation and family policies and practices

Elsewhere, high labour force participation rates for women have been associated with a decline in fertility rates. In other societies especially in Europe, "the combination of high fertility and labour market participation is achieved through extensive public support for child care combined with a focus on altering the gendered division of care by measures to increase fathers' participation in the care of their children" (Sumer, 2009,p.49). In Malawi, there has been a notable decline in fertility, from a total fertility rate of 7.6 in 1977 to 6.0 in 2008, then 5.4 in 2013 and 4.4 in 2016 for those in the reproductive age category of 15-49 (National Statistical Office [Malawi] and ICF International., 2016; GOM, 2008). This, among others has been due to strategies in the 1994 and 2012 national population policies which focussed on "reducing the growth rate of the population [and]supporting the achievement of sustainable socio-economic development" respectively (GOM,2012,p.1). At the helm of these policies was "enabling women access and use contraception" (GOM.,2012,p.5). Specifically, the 2012 national population policy proposed that it will "primarily focus on accelerating fertility decline and slowing down the country's unsustainably high rate of population growth through voluntary and quality family planning services" (GOM,2012,p.15). This is done with the intention of augmenting awareness of the benefits of having fewer children for family and national wellbeing, and to address concerns and negative attitudes towards use of modern family planning. The population policy of 2012 also advocated for the promotion of the empowerment of women and gender equality, so

as to enable women have the opportunity to negotiate with their spouses for reproductive health services, including family planning (GOM., 2012). There are however clear differences in the use of contraceptives across regions and socioeconomic groups in Malawi. Only about 42 percent of married women were reported to be using modern contraceptives in 2015 (Population Institute, 2015). As a result the high fertility rates have persisted.

The existing data indicates that although Malawi is still experiencing a high fertility rate currently at 4.4, there is significant progress in reducing fertility from 7.6 in 1977, which has important repercussions for women's health and status in society. On the other hand, the high labour force participation and employment rates coupled with high fertility rates may show that high fertility rates have not been a deterring factor for Malawian women's participation in employment. As argued earlier on, in other societies like the Scandinavian countries, high fertility rates and high employment rates for women have been made possible through extensive public support for child care and strategies towards ensuring the father participates in child care as well. In this case, "the planning, provision, funding and quality of day care for preschool children was defined as a responsibility of state and local government in the national legislation in all the Nordic countries at the end of the 1970s" (Leira, 2006 cited by Sumer, p.49). In Malawi, there is limited public responsibility for pre-school children in Malawi. It is mostly the domain of private families, mostly women, with limited or no public funding going to the rural community based child care centres (Munthali et al., 2014), exhibiting a *familialistic* gender regime attribute. The high labour force participation for Malawian women alongside high fertility rates has thus been achieved through their concentration in informal employment which affords reconciliation of work and child care, as well as through underpaid services of other women who act as maids and nannies. Thus the high employment rates of women in Malawi shows that it is possible to have high rates of female employment alongside high levels of *familialism* as was also observed by (Tavora, 2012) in the context of Portugal, hence a hybrid model of a gender regime.

Moreover, we cannot say that the division of child care responsibilities has significantly been altered over the years as exhibited by the high employment rates for women: it is still traditional. It is important to recognise that Malawi has gone through changes in terms of maternity leave provision. Before independence, every woman in a pensionable and permanent position in the civil service was required to resign the moment she gets married and mostly after having a child but had a chance of re-joining later but not as a permanent and pensionable staff member. Women were not entitled to any maternity leave. Following Skinner's commission of enquiry report on the state of the civil service in 1963, this was considered unfair and not in the interest of the civil service which required to retain qualified and well trained staff whether men or women upon gaining independence (s.223). The commission of enquiry recommended the need to retain women in permanent and pensionable positions and that they should be entitled to unpaid maternity leave of three months (Skinner, 1964).

This was later to become paid maternity leave for only permanent and pensionable female civil servants which excluded other women notably cleaners. Following the formation of the Malawi Civil Service Joint Consultative Committee after adopting democracy in 1994, the excluded females from maternity leave were then covered (Dzimhiri, 2008). Currently, maternity leave is guaranteed by the Employment Act of 2000 which mandates all employers to provide maternity leave to all female employees: "A female employee shall be entitled, within every three years, to at least eight weeks maternity leave on full pay"(GOM 2000,s.47(1). Additionally, "in the event of illness, certified by a registered medical practitioner, arising out of pregnancy or confinement, affecting the employee or her child, the employer shall grant the employee additional leave as the employer may deem fit." (GOM 2000,s.47(3).

Malawi's statutory length of maternity leave of at least eight weeks is on the low side in comparison to other countries in the SADC region as well as globally. At the global level, Malawi belongs to the smallest cluster of countries (fifteen percent) with a legal provision less than twelve weeks of maternity leave (ILO, 2013).

Despite providing a shorter period of maternity leave, Malawi belongs to at least, more than a third (38 percent) of SADC member states that "provide either less than two thirds of earnings or less than 12 weeks of maternity leave" (ILO,2013,p.39). Malawi provide maternity leave benefits of 100% of previous earnings for less than 14 weeks. Malawi also belongs to 50 percent of SADC member states that have the employers meeting the maternity leave costs.

Despite these notable developments towards helping mothers reconcile work and child care, Malawi still has the traditional maternity leave entitlements as men are not entitled to any parental leave or paternity leave to enable them adjust to the "parental role or bonding with the infant" (Singley and Haines, 2005 p.393) as well as assisting the mother to recover from child birth. Additionally, Kanyongolo (2011) notes that most men in Malawi are not aware of the provisions on family responsibilities. Yet, due to the increased occurrence of dual career families, husbands/fathers ought to play an important role in child care and other family responsibilities (Smit, 2002). This is better supported when clear statutory provisions are available. Moreover, there is evidence from another African based study, that South African men who utilise paternity leave are more involved in domestic task responsibilities as well as in rearing and taking care of children and will "experience marital integration"(Smit, 2002)p408. From Smit(2002)'s findings, it appears that "man's utilisation of paternity leave does not only stand in relation to the level of father involvement, but it may also have implications for other components of man's marital and familial life"(p.408) as he becomes very much engaged in family responsibilities. This highlights the importance of pro-family policies within formal organisations. Thus when carefully implemented, such "work-family policies can be useful in promoting greater gender equity in family roles by creating greater opportunities for both men and women to combine paid employment and family involvement" (Singley and Hynes, 2005, p.393). This will ease the burden

on women, especially those that do not afford good child care and appropriate support with domestic chores.

The absence of paternity or parental leave can better be explained by Malawi's dominant gender culture associated with child care as well as the familialistic gender regime. As previously discussed, traditionally, women in the matrilineal societies were working around the home whilst nurturing children together with other women of the clan (Phiri (2007)). Today, this tradition continues. What happens in most cases is that whenever a pregnant woman is about to give birth, whether working or non-working, her female relations (eg. mother, mother-in-law, sister, aunt, grandmother) come over to support her during child birth, and with any new child care related tasks until such a point when she has recuperated from giving birth and birth rituals³ (where these are practiced) such as shaving first child's hair, naming the child inter alia have been complete. Although varying ritual traditions surround child birth in different ethnic groups in Malawi, they are all a "female domain ...and observed exclusively by women" (Steinforth, 2009, p52), consequently, associating child care with women. In the process, the father/husband is being alienated in child care and involving him at a later stage may prove difficult. Moreover, when a married man is found in the kitchen helping out his wife by either his mother or the wife's mother, this is seen as a failure on the part of the woman to do what she is supposed to do and is considered shameful. This may explain why generally fewer men(24%) than women (90%) are engaged in domestic work in Malawi (Malawi Government, 2005 cited by Kanyongolo,2011).

The no paternity leave policies may also be due to the fact that most women in Malawi have traditionally not been in formal employment as such there may be no perceived economic reasons behind providing the working men with paternity leave. More importantly though, this decision may be based on the traditional model of one male breadwinner/female carer per family which does not fit the dual breadwinner family model which Malawi is experiencing now whether through formal or informal employment. Women in Malawi have played a huge role in informal employment; 93.6percent of the women reported to be in informal employment in 2013 compared to 83.8percent of the men. Women's participation in formal sector has also been rising. As Green and Baden (1994) noted, between 1983 and 1990 women constituted an average of 12.2 percent of workers in paid employment in non-agricultural activities. In 1990, of the 262,000 workers in this group, almost 89 percent were men and 11 percent (i.e. 29,000) were women (ILO, 1993 cited by Green and Baden, 1994). The share of women in wage employment in the non-agricultural sector was 15 percent in 2008(van Klaveren et al., 2009) and this has almost doubled to 28.9% in 2013 (GOM., 2014). Thus, women in Malawi have "primary responsibility for activities related to social reproduction (child care; family health care; provision of basic resources such as fuelwood, water; food preparation etc.). But, this is in addition to their directly

³ "...Are surrounded by behavioural rules which have to be followed in order to ensure the well- being of the new born child"(Stenforth, 2009, p52)

productive activities (subsistence and market-oriented cultivation; wage employment and own account income generation)” (Green and Baden, 1994, p.21).

It is evident that Malawi is making progress towards having dual breadwinning families regardless of whether employment is in formal or informal sector. Thus as the “dual earner households become the new norm,” this shows that “the family as an institution has changed- indeed, society has changed” (Esping-Anderssen, 1999,p.47). Unfortunately, most of the family practices in Malawi have remained traditional and family policies remain undeveloped. Yet, it is the same element of dual breadwinning that forms the premises of the recently enacted Marriage, Divorce and Family Relations Act of 2015 in Malawi which puts duty to maintain family on both spouses as stipulated in s.50(1) of the Act “...both spouses have a duty to maintain each other and any children of the marriage. Sub section 2 of the same Act provides that the monetary contribution of each spouse shall be proportionate to his or her income. Subsection 3 provides that “the non-monetary contribution of each spouse shall also be taken into account when determining the contribution of a spouse to the maintenance of the other spouse or children of the marriage...”(GOM., 2015). Thus by requiring either or both paid and reproductive labor of women in the sustenance of family, there is need for a shift in the “legitimate role expectations of men and women” as the once distinct role domains of men and women now have to be reconciled (Giele, 2006,p.116). Moreover, just like “contemporary welfare states can no longer count on the availability of house wives and full time mothers...” (Esping-Andersen 1999,p.70 cited by Sumer, 2009, p.33), the same is the case with informal security regimes like Malawi, where women’s participation in informal labour market activities has always been high coupled with their significant though limited entry into the formal labour market.

Like in most societies in the world, when women in Malawi have children, the bulk of bringing up children is on them. Even in times of illness, women are the primary caregivers and bail out inefficient or non-existent state health facilities (Southern Africa Gender Protocol Alliance., 2015). Thus familialism which is a blend “of the male breadwinner bias of social protection and the centrality of the family as care-giver and ultimately responsible for its members’ welfare” are upheld in Malawi (Esping-Andersen, 1999,p.83). Although the primary responsibility of caring for the sick and children falls on family members in Malawi “the nature of care work in Malawi today remains gendered with the majority of those involved in care-giving being women” (Kanyongolo, 2011, p.177). As proposed by the SADC Gender Protocol 2015 Barometer there is “need to create services that ensure these burdens do not fall only on women.”, (Southern Africa Gender Protocol Alliance., 2015) p.47. Thus despite the women increasingly playing a crucial role in paid work in addition to their participation in unpaid work for the sustenance of the family(Southern Africa Gender Protocol Alliance., 2015), the division of domestic and care work is still gendered, with women doing most of the unpaid work.

Yet, as observed by Sumer (2009), the goals of gender equality and social inclusion are hard to achieve as long as the gendered division of care work and work family reconciliation problems are not discussed as major public and political issues. Continuing to treat care issues as private problems to be solved within the private domain may not address the challenges at hand: It may in fact lead to social polarization. This is the case because it will only be the privileged women in high paying jobs who will be able to depend on the unpaid and underpaid services of other women so that they can remain in full time employment. Thus, the *familialistic* gender regime in Malawi has important inequality implications on women belonging to different social classes. As Borchorst and Siim (2002) had noted in the context of challenges facing the Scandinavian gender regime, it is only women with higher education and in middle class high paying jobs that find it easy to manage work and family responsibilities in *familialistic* gender regimes. In the context of Malawi, it is because it is this category of women who will be able to outsource labour for help with house work, childcare and eldercare to enable them concentrate on their labour market roles. Unfortunately, being attached to full time employment whilst accessing support of other women does not work to challenge the gendered division of work especially in the home.

Thus, although Malawi has made progress towards dual breadwinning from the male breadwinner/female carer model albeit limited, it is yet to integrate the elements of the dual carer aspect significantly that comes with Pfau-Effinger's (1998) dual breadwinning element which "reflects the notion of a symmetrical and equitable integration of both genders into society. ...[where] child-rearing is to a large extent the responsibility of both parents"(p.154). As a result the "male model of work is deeply embedded in most organisational cultures, [defined as] a deep level of shared beliefs and assumptions, which often operate unconsciously, are developed over time embedded in an organisation's historical experiences" (Pemberton, 1995 cited by Lewis, 2001, p. 357). Introduction of paternity or other related parental leaves therefore becomes imperative so as to increase men's share of childcare obligations and domestic tasks in these dual earner families. The state regulation therefore has not yet legitimised "the feminist idea that fathers as well as mothers can and should be responsible for the care of infants" (Bergqvist, 1999,p.124). The state regulation then still sees this as the domain of women, who with the aid of the services of other women are able to remain in employment. Yet, as (Smit, 2002) observed in the context of South Africa and Bergqvist (1999) noted in the context of Europe, a policy of shared parental leave has a greater impact on the family as this directly aims at changing "the traditional gender-based division of labour" (Sumer, 2009, p.50). This also would ensure that both men and women "develop closer relations with their children that could generate positive effects for children, the family and society" (Bergqvist, 1999,p.125).

Malawi also presents a case study where, despite the statutory provisions of maternity leave, annual leave and maximum working hours' provisions, supporting parents in

reconciling their work and family responsibilities is the domain of the employer as the employer determines when leave can be taken and how long one can be on leave. This mostly is made in consideration to the business interests and not necessarily the employees' interests. Where reconciliation of family and work has been effective like in some Scandinavian countries, supporting parents reconciling work and family has been a major goal on the state's social agenda. In these cases, the ease in making use of statutory rights was regarded as pivotal for work-family reconciliation especially in Norway (Sumer,2009).

Unfortunately, there is limited literature on the influences of family policies and practices on employment in Malawi, despite the existing literature noting the disparities in time spent on domestic work between men and women (Figure 3.2). Yet family, "as an institution, it systematically patterns people's behaviour, expectations and incentives. Parallel to the state and the market, it is part of an integrated regulatory infrastructure that defines what is rational and desirable, that facilitates normative compliance and social integration." (Esping-Andressen,1999,p.47).

Although there have been transformations in family practices globally, in Malawi, these practices remain traditionally determined with women shouldering most of the domestic work including child care. Thus the gender contract in Malawi like in most nation states can be said to be still traditional: women and men are considered different, there is an imbalanced power relation between female and male attributes and roles with men being dominant. This traditional gender contract is also exhibited by the man limiting what the woman can do in both the private and the public spheres. The gender contract in this case is conceptualized as: "a pattern of implicit rules on mutual roles and responsibilities, on rights and obligations, and it defines how the social relations between women and men, between the genders and generations, and also between the social production and reproduction are organized in our societies"(Rantalaiho and Heiskanen 1997, 7 cited by Caretta and Borjeson, 2014, p.645).

In Europe, various authors have written about the changes in the traditional gender contract which is being replaced by different new arrangements between men and women with respect to the gendered division of paid and unpaid work (Lewis, 2001a; Lewis, 1992). These changes however are of a varying nature and are at different stages among the different European countries (Pfau-Effinger, 1998; Sumer, 2009). As Sumer, (2009) argued, the last three decades have seen important modifications in the participation of women in public life. These changes, have been producing and have been influenced in turn by the changes taking place in most of the European family practices. Currently, Pfau-Effinger (1998)'s male breadwinner/ female carer model is becoming a minority practice in most of the European families. Thus the "dominance of the `male breadwinner' family has been eroded and the `dual earner' has become the normal arrangement for couples" in Europe (Fagan, 2001,p.247). The erosion of the dominance of male breadwinner model is also taking place in non-

European states like Malawi, requiring focusing research on family practices in such states.

Time use among men and women

Time use in the context of Malawi's labour market is "conceptualised "as the total number of hours devoted to market, non-market, domestic, care and volunteer activities" (GOM, 2012a,p.25). There are conspicuous differences in time spent on market activities as either paid employees, own account or employer where men spend higher number of hours compared to women in similar activities. According to GOM (2012a), in Malawi, men spend about one and a half times more hours than women in market economic activities. And the results show that there are no differences on the time spent in non-market economic activities or as unpaid family worker in market activities. Yet, women spend about six times as much time in domestic, care and volunteer activities in comparison to men.

More clearly, the results of the Integrated Household Survey round three conducted in 2011 has shown that more women (82 percent) than men (18 percent) are involved in domestic tasks (excluding child care). The reason behind exclusion of child care in this analysis was not given but it is clear that its inclusion would increase the time spent on domestic activities for women. This may also show that in Malawi, families, organisations and the society at large "have been free-riding" on caring labour [in this case child care] which is provided mostly by women, unpaid or underpaid (UNDP 1999 p. 7). These statistics therefore show that there is a clear variation between men and women; with men engaging more in productive activities than women who are more involved in reproductive activities including child care. Thus, at the household level, the *familialistic* gender regime in Malawi has resulted in the gendered division of domestic work. And this "is not monetarised and hence fails to appear in... national statistics." (Esping-Andersen, 1999,p52).Thus, despite most professional women belonging to dual earner families, men in these families still spend less time on housework including child care. Yet, "caring labour is an important input for social reproduction. However, the market gives few incentives and few rewards for it as the logic of the market runs up against the logic of care"(Waerness, 1998,p.223 cited by Sumer, 2009, p. 11).

Conclusion

This discussion has shown the states' efforts in achieving women's equal participation in employment through various policies and legislation. It is evident that strides have been made towards improving the status of women through their increased representation and participation in decision making positions. This is evidenced by the increased number of women in these positions in both the mainstream Civil Service and Statutory Corporations from 13percent in 2005 to 24 percent in 2014(Department of Human Resource Management and Development, 2014) and from 5.6 percent in 1994 to 16.7 percent in 2014 in parliament. Increased political will at the highest levels of government with respect to gender issues has also made a difference which has

seen an increased number of professional women holding influential positions over the years in the public service. Despite these efforts and strides towards increasing women's representation, Malawi still lags behind in terms of achieving gender equality in all spheres. There still exists an uneven gender distribution in the Public Service in favour of men in the decision making positions. The trend is similar in private organisations. Thus, there are unintended consequences of the *familialistic* gender regime evidenced by both vertical and horizontal segregation in Malawi's labour market.

The paper has also argued that there is little that has been done to alter the expectations on women in the family structure despite their high participation in the world of employment. A social agenda that significantly takes into account family practices in employment will go a long way towards achieving gender equality in Malawi. The family practices that are influenced by culture in these private domains are critical in gender relations in order to understand decisions that women make in relation to careers based on their role expectations in the home. This has not been given adequate attention in the local social agenda around achieving gender equality in the labour market.

References

- Bergqvist, C. (1999) Childcare and Parental Leave Models. *In: Bergqvist, C., Borchorst, A., Christensen, A., Ramstedt-Silen, V., Raaum, N. C. & Styrkarsdottir, A. (eds.) Equal Democracies? Gender and Politics in the Nordic Countries.* Oslo: Scandinavian University Press.
- Caretta, M. A. & Börjeson, L. (2014) Local gender contract and adaptive capacity in small holder irrigation farming: a case study from the Kenyan drylands. *Gender, Place & Culture: A Journal of Feminist Geography* 22(5), 644-661.
- Chen, M. A. (2001) Women in The Informal Sector: A Global Picture, The Global Movement. *SAIS Review.*
- Department of Human Resource Management and Development. (2014) Repositioning Gender Mainstreaming In The Malawi Public Service Working Towards Gender Equality And Equity. Lilongwe: Department of Human Resource Management and Development.,.
- Dzimbiri, L. B. (2008) *Industrial Relations in a Developing Society: Tha case of Clonial, Independent one party and Multiparty Malawi.* Gottingen: Cuvillier Verlag.
- Esping-Andersen, G. (1999) *Social Foundations of Post Industrial Economies.* New York: Oxford University Press.
- European Commission. (2014) *Tackling the gender pay gap in the European Union.* Luxembourg:: European Union.
- GOM. (1994) *Public Service Act No 19 of 1994.* Zomba: Governmnet Press.
- GOM. (1996) *Labour Relations Act No 16 of 1996.*
- GOM. (2000) *Malawi Employment Act 2000 No. 6 of 2000.* Malawi.

- GOM. (2008) Gender thematic Report from the 2008 Population and Housing Census. Zomba: National Statistics Office.
- GOM. (2010a) Economic Activity. *Population and Housing Census 2008*
Zomba: National Statistics Office.
- GOM. (2010b) *Pension Act 2010*. Lilongwe: Government printers.
- GOM. (2012a) Gender and Development Index 2011. Lilongwe and Zomba: Ministry of Gender, Children and Community Development and the National Statistics Office.
- GOM. (2012b) Gender Equality Bill. Lilongwe: Government Printer.
- GOM. (2012) *National Population Policy*. Lilongwe: Government Press.
- GOM. (2014) Malawi Labour Force Survey 2013 Key Findings Report. Zomba: National Statistical Office, Ministry of Labour, Ministry of Trade and Industry, International Labour Organisation.
- GOM. (2015) Marriage, Divorce and Family Relations Act. Malawi.
- Green, C. & Baden, S. (1994) Women and development in Malawi: Report prepared for the Commission of the European Communities Directorate-General for Development Report No 23. Brighton: Institute of Development Studies.
- ILO. (2013) Working Conditions Laws Report 2012:A Global Review. Geneva: International Labour Organisation.
- Kanyongolo, N. R. (2011) Informal Labour and the Ethic of Care: Legal protection of care-givers in Malawi. In: Banik, D. (ed.) *The Legal Empowerment Agenda: Poverty, Labour and the informal Economy in Africa*. Surrey and Burlington: Ashgate.
- Lewis, J. (1992) Gender and the Development of Welfare Regimes. *Journal of European Social Policy*, 2(3), 159-173.
- Lewis, J. (2001a) The Decline of the Male Breadwinner Model: Implications for Work and Care. *Social Politics*, 8(2), 152-169.
- Lewis, S. (2001b) Restructuring workplace cultures: the ultimate work-family challenge? *Women in Management Review*, 16(1), 21-29.
- Mookodi, G. (2000) The complexities of female household headship in Botswana. *Pula: Botswana Journal of African Studies*, 14(2).
- Munthali, A. C., Mvula, P. M. & Silo, L. (2014) Early childhood development: The role of community based childcare centres in Malawi. *SpringerPlus* 3(305), 1-10.
- National Statistical Office [Malawi] and ICF International. (2016) *Malawi Demographic and Health Survey 2015-16 Key Indicators Report*. Zomba and Maryland: National Statistical Office and The DHS Program.
- Ñopo, H., Daza, N. & Ramos, J. (2011) World Development Report 2012: Gender Earnings Gaps In The World.,.

- Pfau-Effinger, B. (1998) Gender cultures and the gender arrangement-a theoretical framework for cross-national gender research. *Innovation: The European Journal of Social Science Research*, 11 (2), 147-166.
- Phiri, I. A. (2007) *Women, Presbyterianism and patriarchy: Religious experiences of Chewa Women in Central Malawi*, (3rd ed.). Zomba: Kachere Series.
- Population Institute. (2015) *Demographic Vulnerability: Where Population Growth Poses the Greatest Challenges*. Washington.
- Sainsbury, D. (1996) *Gender, Equality and Welfare States*. Cambridge Cambridge University
- Skinner, T. M. (1964) *Report of the Nyasaland Local Civil Service Commission of Enquiry 1963*. Zomba.
- Smit, R. (2002) The changing role of the husband/father in the dual earner family in South Africa. *Journal of Comparative Family Studies*, 33(3), 401-415.
- Southern Africa Gender Protocol Alliance. (2015) *SADC Gender Protocol 2015 Barometer*.
- Steinforth, A. S. (2009) *Troubled Minds: On the cultural construction of Mental disorder and Normality in Southern Malawi*. Frankfurt: Peter Lang.
- Sumer, S. (2009) *European Gender Regimes and Policies: Comparative perspectives*: Asgate.
- Tavora, I. (2012) The southern European social model: familialism and the high rates of female employment in Portugal. *Journal of European Social Policy* 22(1), 63-76.
- UNDP. (2016) *Africa Human Development: Report 2016 Accelerating Gender Equality and Women's Empowerment in Africa*. New York: UNDP.
- van Klaveren, M., Tijdens, K.,, Hughie-Williams, M. & Martin, N. R. (2009) An Overview of Women's Work and Employment in Zambia Decisions for Life MDG3 Project Country Report No. 4. Amsterdam: University of Amsterdam, Amsterdam Institute for Advanced Labour Studies (AIAS).