



# A(s) Problemática(s) da Natalidade em Portugal

## Uma Questão Social, Económica e Política

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# Índice

Os autores .....	17
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Prefácio .....	
27	

## Sessão de abertura

<i>João Lavinha</i> .....	33
<i>Karin Wall</i> .....	35
<i>Lisa Ferreira Vicente</i> .....	37
<i>Teresa Almeida</i> .....	39
<i>Carlos Pereira da Silva</i> .....	45

## Sessão 1

### Compreender as problemáticas da natalidade

Capítulo 1	
Understanding low fertility: Portugal in a European context ..	49
<i>Tomáš Sobotka</i>	

Capítulo 2	
A queda da fecundidade: o seu lado solar .....	73
<i>Ana Nunes de Almeida</i>	

## Sessão 2

### A natalidade em Portugal

Capítulo 3	
A natalidade e a fecundidade em Portugal .....	83
<i>Maria Filomena Mendes</i>	

Capítulo 4	
<b>A importância dos segundos nascimentos nos atuais níveis de fecundidade em Portugal</b> .....	111
<i>Isabel Tiago de Oliveira</i>	

Capítulo 5	
<b>Análise das diferenças regionais de fecundidade em Portugal</b> .	121
<i>David Cruz</i>	

Capítulo 6	
<b>O adiamento do segundo filho. As intenções reprodutivas tardias e a fecundidade da coorte nascida em 1970-1975</b> .....	125
<i>Vanessa Cunha</i>	

### **Sessão 3**

#### **Natalidade e saúde reprodutiva**

Capítulo 7	
<b>A queda da natalidade, o controlo dos nascimentos e a saúde e os direitos sexuais e reprodutivos</b> .....	137
<i>Duarte Vilar</i>	

Capítulo 8	
<b>Natalidade e saúde reprodutiva</b> .....	143
<i>Lisa Ferreira Vicente</i>	

Capítulo 9	
<b>Widening medical support to infertility: ARTful birthrate increase?</b> .....	147
<i>João Lavinha</i>	



Capítulo 10	
Condições do nascimento e indicadores de saúde materna em Portugal .....	153
<i>Sónia Cardoso Pintassilgo</i>	

Capítulo 11	
APFertilidade: associativismo e PMA no espaço público .....	161
<i>Marta Casal</i>	

Capítulo 12	
A PMA no contexto da natalidade e da saúde reprodutiva ...	165
<i>Éurico Reis</i>	

#### Sessão 4

### Natalidade e políticas de família na Europa e em Portugal

Capítulo 13	
The impact of family policies on fertility trends .....	183
<i>Angela Greulich</i>	

Capítulo 14	
Family policies in Portugal: brief overview and recent developments .....	191
<i>Karin Wall</i>	

Capítulo 15	
Towards the de-feminization of care, fertility and family/work balance .....	203
<i>Virginia Ferreira</i>	

Capítulo 16	
Family policies and poverty in Portugal .....	213
<i>Carlos Farinha Rodrigues</i>	

## Sessão 5

### Natalidade, família e conciliação

Capítulo 17	
Natalidade: a urgência do compromisso do mundo empresarial .....	219
<i>Sara Falcão Casaca</i>	

Capítulo 18	
Crónicas de uma ex-presidente CITE .....	225
<i>Sandra Ribeiro</i>	

Capítulo 19	
As boas práticas do poder local .....	235
<i>Armando Varela</i>	

## Sessão 6

### Perspetivas políticas da natalidade I: apresentação e discussão do relatório «Para um Portugal amigo das crianças, das famílias e da natalidade»

Capítulo 20	
Por um país amigo das crianças, das famílias e da natalidade .	241
<i>Joaquim Azevedo</i>	

Capítulo 21	
Comentário .....	251
<i>Heloísa Perista</i>	

Capítulo 22	
<b>Comentário</b> .....	255
<i>Maria João Valente Rosa</i>	
Capítulo 23	
<b>Comentário</b> .....	259
<i>Paulo Trigo Pereira</i>	
<b>Sessão 7</b>	
<b>Perspetivas políticas da natalidade II:</b>	
<b>partidos políticos</b>	
<i>Mónica Ferro</i> .....	265
<i>Catarina Marcelino</i> .....	271
<i>Paula Santos</i> .....	277
<i>Inês Teotónio Pereira</i> .....	283
<i>Heloísa Apolónia</i> .....	289
<b>Sessão de encerramento</b>	
<b>As problemáticas da natalidade: ideias e desafios</b>	
<b>Conclusões da Conferência</b> .....	295
<i>Rodrigo Rosa e Catarina Lorga</i>	





## Capítulo 15

# **Towards the de-feminization of care, fertility and family/work balance**

Muito bom dia. Good morning. By suggestion of the organization I will speak in English also. I'll try to do my best.

I want to thank you to the colleagues Vanessa Cunha, Karin Wall and Duarte Vilar for this opportunity to share with you some of the ideas about this topic.

I think that... I can understand that there is a great unanimity. Practically we are all saying the same things, maybe we think about the same solutions also.

So, what I'm going to do is not to make an exhaustive numeration of measures that have been made recently, but I will try to figure out the kind of nature of these measures, what kind of citizenship and sex/gender order or regime they configure.

My presentation will address these topics:

1. Trends in the Portuguese sex/gender regime
2. Measures to combat (?) the crisis – shrinking formal social protection – reinforcing familism
3. Impacts of these measures on employment and care
4. Discrimination against working mothers
5. Measures with more effectiveness to boost the birth-rate

As we know from the several studies, and here I'm just mentioning Karin Wall, in her statement that the Portuguese profile of sex/gender regime is complex, is very ambiguous. In some dimensions, it is extremely conservative, as for instance, considering that the impact of women's employment on the care of infants is negative, but on the other hand, it is not too conservative/not too modern regarding attitudes to women's participation in the labour market. Finally, it is probably very

modern in other dimensions, namely recognizing the need for men to increase their involvement in family life.

This was more true perhaps in the middle of the last decade, not so much today, after the current crisis.

## **1. Trends in the Portuguese sex/gender regime**

So, I think that with the measures that have been introduced between 1995 and 2010, we would say that there was a trend to de-familiarize the sex/gender regime.

More precisely, we can list:

- Legalisation of abortion on demand (2007);
- Legalisation of same sex marriages (2009);
- Full-time schooling for children in primary school (2008);
- Several cash benefits – for the infants; the pre-natal allowance (2007);
- Structural funds allocated to implement gender equality schemes in businesses and municipalities (2003-2013);
- Policies to prevent and combat domestic and gender violence (1999).

Since 1995, working fathers' rights have been extended. The public practices of socialist party government have extended working father's rights, through:

- the extension of maternity rights to include paternity;
- the creation of conditions to increase the percentage of men taking leave they are entitled to, either by increasing benefits or reducing immediate or long-term monetary losses by taking job protection into consideration and guaranteeing pension, disability and seniority rights during the leave period;
- the extension of certain elements of the fatherhood protection scheme to the self-employed and non-contributors.

All these kind of measures, I would say, contributed to defamiliarize the sex/gender regime and to de-feminize the care and family/work balance.

## **2. Measures to combat (?) the crisis – shrinking formal social protection – reinforcing familism**

With the crisis, I think that some contradictory trends came like shrinking formal social protection, in a certain way giving continuity to the familism that characterizes the welfare Portuguese system.

- In 2009, public expenditure to support children (allowances, facilities, fiscal credits) was 1.71% (well below the OECD average, which was 2.91%, or that of France – 3.98%);
- Social protection, increasingly family-based, restricts the de-commodification of the individual wage earner;
- Means testing has become more widespread limiting women's individual access to social rights. Examples: 'social old-age pension'; 'solidarity supplement for the elderly'; 'social disability pension'; 'family allowance'; and 'prenatal family allowance'.

I will not mention more data in detail, since that has already been mentioned or will be mentioned by our colleague Carlos Farinha, immediately after me.

What I want to underline is the nature of these measures. The tendency to increasingly base the social protection on the family restricts the de-commodification of the individual wage earner in terms that the importance of the family is growing with some of the policies that have been introduced. For instance the means testing condition has become more widespread, which clearly limits women's individual access to social rights. This started in the beginning of this century, exactly when cash benefits for infancy stopped being universal. The same happened to social old age pension, solidarity supplement for the elderly, social disability pension, family allowance and pre-natal family allowance. All those benefits used to be universal and they stopped being so.

We can make a whole list of measures intended to combat the crisis that has an influence on women's employment and on social protection. We can enumerate:

- (i) wage freezes or wage cuts in the public sector;
- (ii) staffing freezes/cuts in the public sector;
- (iii) pension reforms;
- (iv) cuts/restrictions in care related benefits, allowances, and facilities;
- (v) reductions in family benefits;
- (vi) the tightening of eligibility criteria for unemployment and assistance benefits or reductions in replacement rates;
- (vii) tax measures;
- (viii) VAT increases;
- (ix) increases in fees for publicly-subsidized services.

For instance, let us concentrate on the wage freezes or wage cuts in the public sector. We know how the public sector employment is very

important for female employment in Portugal... and I would say for instance that the increasing gender pay gap that we observe during the last years probably is related also with the wage freezes and wage cuts in the public sector, in which women usually have a favourable wage gap.

### **3. Impacts of these measures on employment and care**

Staffing freezes, cuts in the public sector again, pension reforms, etc., all these have two components. They reduce the available income for the families and increase the costs of protection, health, education, etc.

The current strategies to face the crisis stimulated people's actions in order to face the reduction of income. I'm thinking particularly about strategies like reducing fertility, cutting consumption, and intensifying domestic work. Choosing informal care for children and the elderly was also an option that in general turned into low quality arrangements – leaving children unsupervised, or taking them to the workplace, and leaving dependent elderly people unaccompanied at home without support. Another action is taking a second shift or job.

The impacts on employment are very strong configuring a trend of, what we can call the feminization or housewification of the labour market, which means that traditional conditions that used to characterize the female employment now spread over all the employment system. These include:

- downward leveling of gender gaps in employment, working conditions, and poverty;
- growing similarities between male and female labour markets;
- curtailments: delays in wage payments, occupational downgrading, violations of health and safety regulations or (normal) working schedules and trade union rights, pressure and harassment at work, and downright discrimination;
- contained and uneven retrenchment in welfare and social security provisions will affect female employment in welfare related jobs.

At this point we can understand the fact that some gaps indicating inequalities between men and women in the labour market closed slightly during the years of the crisis (for instance, the gaps of the employment and unemployment rates). Following the theory of labour market segmentation, in the primary segment we can find mostly men, and in the secondary mostly women. The trend is to extend the features of the fe-



male employment, of the secondary segment, to the whole employment system. It is levelling down.

What we saw during the crisis was that male employment was the first to be affected by the loss of employment, but in the second term, which we could situate more or less in 2012, we see that the unemployment of women also started to increase.

I will skip some data on the increasing child poverty, because I'm sure Carlos Farinha will address in his talk. I will also skip some data on cuts in family allowances, which has already been cited by Karin Wall.

In short, what we can verify is that all these governmental measures increase families' financial responsibilities while they are simultaneously losing resources. Another important impact on unpaid is that in the deepening of the recession, household expenditure went down on the consumption of items for which unpaid work is a close substitute (food preparation; laundry). The recession loaded additional care work on women (home prepared food for lunch boxes, eventually for each member of the family), which results in the loss of female employment and economic activity. The tasks that have been outsourced, employing women, came back home.

The additional care work for women strongly influences the reinforcing of the conventional stereotypes that typify women as the main carers of the households and trap them in the logic of familism.

#### **4. Discrimination against working mothers**

Recent developments emerged during the debate about the fertility crisis:

- Some companies are forcing their employees to sign a written commitment that they will not get pregnant during the subsequent five or six years. This practice has been denounced by the coordinator of the multidisciplinary Committee, Prof. Joaquim Azevedo (from whom we will hear later), appointed by the Social-Democrat Party to design policy measures to boost fertility;
- Low birth-rate is debated in several *fora* – Parliament; Standing Committee for the Social Dialogue; universities and media;
- However, two recently edited collective books on *Public Policies in Portugal* (Rodrigues, Adão and Silva) do not address the issue of low birth-rate or the gender equality policies, which also reinforces the idea that the public investment has been mainly discursive.

From the news media, I have extracted some items emphasizing the importance of stopping some of the discriminatory practices in the labour market that, in a way, contribute to the low fertility rates.

I would like to share with you some... two or three figures... that are the result of the survey that I conducted last year just as an academic exercise for students learning how to apply surveys. I always prepare my teaching activities so that the students may learn something about gender equality and gender relations. Thus, the theme was "maternity and paternity at the workplace" and they surveyed 128 working mothers and 124 working fathers who were parents of children at the age of three:

- When asked if they knew any women personally who had been the object of discrimination for being pregnant;
- 46% of women and 32% of men answered positively;
- When asked if they had heard about the discrimination against a woman due to her pregnancy;
- 76% of women and 66% of men answered positively.

People know and talk about these discriminatory practices of employers against mothers but the cases are not concretely identified. Rare are those cases of non-compliances with the law that go into the public domain and fewer still the cases that ever get to court.

Of course these discriminatory practices are sanctioned by the law, because they configure discrimination against women, well, not exactly women but mothers, right? Or potential mothers. In a certain way we can consider that potential mothers include all women. Our politicians ask rhetorically – but where are the cases? Why don't they show up? Why don't women make public and denounce these employers? But we can understand easily why there are not more women denouncing these discriminatory actions. The fact is that people do not live in the global sphere. People live and work in local labour markets, and of course they fear the negative impacts that turning the situation public may have in their job opportunities. I recently conducted research in which I was trying to understand what happened to the cases of discrimination that were addressed by the Commission for Equality in Labour and Employment (Ferreira and Monteiro 2013). Our intention was to make the follow up of some cases. We wanted to know what happened after the legal opinion by the Commission, what happened in the company, what happened to the worker, etc. We just could not locate people available to give interviews. We could identify some cases, namely through lawyers, that had



dealt with the cases, but women just did not, were not... mainly the cases in which... she still continued in the same employer. So, they just did not volunteer to be interviewed for fear of being identified. Thus, it is not very easy for people to make concrete complaints and probably also because some of the claims are difficult to prove.

So, how to increase fertility in the context of a labour market highly discriminatory for working mothers? In a certain way a working father who also wishes to be an involved parent probably will face some problems, too, as we are well aware.

Flexible working hours is frequently pointed out as a measure that facilitates fertility. The activity of the Commission for Equality in Labour and Employment shows the intensification of resistance to the take up of rights to flexible working hours of working mothers and fathers. (Probably Sandra Ribeiro, ex-president of that Commission, will also mention this). But during the last year the great majority of the 397 legal opinions issued addressed refusals of flexible working hours (313 out of 397 cases), especially in the public administration following the enlargement of the timetable to 40 weekly hours. Moreover, the 2009 European Company Survey (EUROFOUND) showed that Portugal is one of the nine countries in which firms adopt less flexible hours, side by side with others with very low fertility rates as well – Italy, Greece, Malta, Cyprus, and Hungary.

If working time flexibility is a facilitator of higher fertility rates, we see that there is a great resistance in the Portuguese labour market to accept this. In opposition to this idea, we are confronted with survey results, for instance of the European survey on working conditions, that show that 50% of the Portuguese companies (declared to) practice flexible timetables. But you cannot see this in the terrain in the everyday life of the companies. So, in general this is an informal flexible timetable. This means that “ah, when I need to I can ask my chief or I can ask my boss and I will be allowed to be out for an afternoon or for a day, for instance, to take care of personal affairs, etc.”. This is not a regime of flexible working hours with rules, as a right! It is established as a special favour that paternalistically the boss or the chief makes to his or her employees.

Just to make an idea about the impact of the crisis and of the recent changes introduced in the labour market, namely in the public sector, we compare the number of cases dealt with by the Commission in 2008 and in 2013. Five years ago 120 legal opinions were issued, of which 35 addressed refusals for flexible working hours. So this was not so considerable. This contrasts with the 2013 figures mentioned above. Also in the survey that I just mentioned, only three mothers and two fathers de-

clared having flexible working hours, in fact. Thus, this is really something that has to change in order to accommodate more easily both motherhood and fatherhood in the workplace.

We have heard that in some agencies and departments, the directors and heads (and this in public administration), encourage all untitled workers to apply for the same working time regime, so that they have a basis for the refusal, even if these workers do not have the need to apply or do not want to apply. This was something that was mentioned to me by a trade union member.

## **5. What are the most effective measures to boost fertility rate**

In brief, I think that from what we have heard already, we can say that increasing the fertility rate is a complex matter. It involves not only family policies. In fact, as has been mentioned already today, there is no clear demonstration of the impact of the family policies on the increase of fertility rates. It seems, then, that the policies for employment, for instance, can be much more effective than family. In the survey I mentioned above, employment security proved to be an important feature of those surveyed – fewer than 5% had temporary jobs. This is an important conclusion, and it has been supported already in this forum by the macro-econometrics analysis presented by Angela Greulich.

In this framework we should take into consideration all these dimensions and intervene on the care responsibilities of families and households, of course, on the markets, not for profits sectors, organizations and of course State at both national and local level. Public policy measures must follow the rule of the care mix, which turns into the need to articulate fiscal measures, leave, and allowances or cash benefits. All kinds of measures are important. But if we insist on asking which measures are most effective, we cannot fall back on the conventional theory, according to which “changes in women’s lives lead to changes in the fertility patterns”. That is, more education will lead to low fertility rates. This correlation proved to be flawed. Why can we not think that women may elect to have or not to have children in order to change other dimensions of their lives? And what about men? We should concentrate on the individual-oriented institutions (democracy, education, and employment), reducing poverty, uncertainty, precariousness, within the frame of the equality between men and women. And today also you were very emphatic about the importance of full employment and stable employment, which in Portugal today is something like a mirage.

For the gender equality rule I would say that to be a man or a woman cannot determine what each member of the couple must undertake regarding the three forms of family work – income generation, caring and nurturing, and household maintenance. This is something that all policies should take into consideration.

Finally, I think that it is very important that we can take into consideration what the impact of neo-liberal ideas and policies is. Following Margaret Somers in her analysis about what she calls the process of contractualizing citizenship, we should understand how it comes that now everything is converted into marketable value? So, what she also calls market fundamentalism takes form in our society through four processes: destatization, from citizens bearing rights to persons socially excluded, internally rightless and stateless. This process of contractualization turns non-contractual rights and obligations to the *quid pro quo* of market exchange. So, if this is marketable, it is good. The third one is this marketization from shared fate among equals to conditional privileges. You have access to social protection if you behave well. And this brings out the fourth dimension, moralization, from structural conditions (such as people who cannot find a job) to alleged defects of individual moral character. This leads people to reasoning “If you can’t find a job that’s because you have some problems”... or “if you can’t have children that’s because you are egoist, you don’t want to bother!”

Countering these rationally will not be easy.

Thank you for your attention!