

### **Take action: Fight discrimination**

Racial and ethnic discrimination occur on a daily basis, hindering progress for millions of people around the world. From denying individuals the basic principles of equality and non-discrimination to fuelling ethnic hatred, that may lead to racism, intolerance and genocide that destroy lives and communities.

#### **How can I identify that I am discriminated against on the basis of my race / ethnic origin?**

Discrimination on the basis of race / ethnic origin occurs when a person is treated less favourably than another person in a similar situation because of his/her race / ethnic origin. For example, it would be direct discrimination if a real estate agent refuses to rent a house to a person because s/he is of a particular racial background or skin colour. It is also racial discrimination when there is a rule or policy that is the same for everyone but has an unfair effect on people of a particular race, colour or ethnic origin. This is called indirect discrimination. Another example of indirect discrimination on the basis of race is when a company says that employees must not wear hats or other headwear at work, as this is likely to have an unfair effect on people from some racial/ethnic backgrounds.

#### **How am I covered by Maltese law?**

Discrimination on the basis of race/ethnic origin is covered by Chapter 456 of the Laws of Malta, *Equality for Men and Women Act*, and by Legal Notice 85/2007 – *Equal Treatment of Persons Order*. These laws foster equality on the basis of race/ethnic origin in employment, banks, financial institutions as well as education and vocational training; and in the provision of goods and services and their supply.

#### **Who can help me if I feel discriminated against on the basis of race/ethnic origin?**

The fight against discrimination on the basis of race or ethnic origin is one of the areas of priority for the National Commission for the Promotion of Equality (NCPE). NCPE envisages a society which is equal and free from discrimination and champions inclusiveness whereby everyone, irrespective of their gender and family responsibilities, race or ethnicity, sexual orientation, age, religion or belief, and gender identity, is able to achieve their full potential.

In order to have a society which champions equality, NCPE works to promote equal treatment and also the elimination of discrimination by raising awareness; monitoring national laws and EU Directives; implementing policies; networking with different stakeholders; investigating complaints and providing assistance to the general public.

#### **What can I do if I, or other persons I know, experience discrimination on the basis of my race/ethnic origin?**

You may want to deal with the situation yourself by raising it directly with the person or people involved or with a supervisor, manager or discrimination/harassment contact officer.

If this does not resolve the situation, or you do not feel comfortable doing this, you can lodge a complaint with the NCPE.

### **How can I file such a complaint?**

It does not cost anything to file a complaint with NCPE. Your complaint needs to be put in writing. NCPE has a complaints form on its website [www.equality.gov.mt](http://www.equality.gov.mt) that you can fill in and send to its offices. NCPE's officer can also assist you in filling in this Complaints' Form if you have any difficulties to complete it. Once in receipt of a written Complaints' Form, the case is then investigated by NCPE's Commissioner.

NCPE is bound by confidentiality and in this respect cannot divulge any information to third parties in relation to the investigation. Once an investigation is concluded, the Commissioner delivers an opinion about the case. Depending on the outcome of the opinion, the parties involved may be called upon for mediation to redress the situation and to consider proposals for remedial action to be taken.

### **What can I do to prevent or combat discrimination?**

Stopping discrimination is not always easy. Everyone has a role to play to help ensure that people from diverse cultures and backgrounds have the same opportunities to participate in political, economic and social life.

You can address discrimination in a number of different ways:

- By seeking advice of others in order to understand why the discrimination may have taken place and how the system and structure can be changed;
- If behaviours or attitudes of others are discriminatory, promote change and highlight the benefits of inclusion and diversity.
- Practice inclusion in all the spheres of life including at work, and with friends and acquaintances, and give everyone the opportunity to make their voice heard
- Know the law and your rights and seek the help of organisations which promote equality, like NCPE.
- Most importantly, take action, if you experience or witness a discriminatory situation, contact responsible bodies such as NCPE and seek advice.

NCPE can be contacted on 2590 3850, [equality@gov.mt](mailto:equality@gov.mt) or on its Facebook Page '*National Commission for the Promotion of Equality*'.

### Migrants' experiences\*

Alex is 29 years old from Guinea and has been residing in Malta since 2004 in rented accommodation. He is in full time employment. Alex says that when he tries to access places of entertainment there have been several times when *'they do not let me to enter'*. He says that *'there are some places that don't allow you in if you are black'*. On one occasion, when accompanied by a Maltese person to a place of entertainment, upon showing the Identity Card to the person at the door, this person threw his identity card on the floor outside the building.

\* These experiences were published as part of *'Underreporting of Discriminatory incidents in Malta – a research study'* issued by NCPE in 2010, and the names used are fictitious.

Lucy is a 28 year old from Eritrea, who has been in Malta for about 3 years. She has a first degree in economics and finance and is married with two children. Lucy is in employment and resides in rented accommodation. She speaks highly of her current employer but narrates a bad experience in her previous employment. She makes a distinction between access to employment and in employment, indicating that even after one has been taken into employment discrimination still occurs.

Despite her qualifications, she only found a job as a room attendant. Referring to this job, she says it was *'the hardest time in my life because the supervisors think that since I come from Africa ..., I don't know anything, I don't have a bed, I don't know how to use a toilet... Sometimes they make us clean the room 3-4 times ... they treat non-Africans well and they are very friendly with them... so I really felt very bad'*.

#### What can Alex and Lucy do:

- Speak up to the persons concerned;
- discuss the situation with trusted persons;
- know the law and their rights;
- seek the help of organisations, like NCPE;
- file a complaint with NCPE.