



ANNUAL REPORT 2016

**The National
Commission for the
Promotion of Equality**

**Annual Report
2016**

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What We Stand For

The National Commission for the Promotion Equality is an independent equality body entrusted by Chapter 456 of the Laws of Malta to safeguard equality on the basis of gender, family responsibilities, religion/belief, age, sexual orientation, race/ethnic origin and gender identity, gender expression and sex characteristics in employment as well as access to vocational/professional training or banks and financial institutions.

NCPE's remit is also established in the field of gender as well as race/ethnic origin in access to and provision of goods and services via two legal notices, namely Legal Notice 181 of 2008, Access to Goods and Services and their Supply Regulations and Legal Notice 28/2007, Equal Treatment of Persons Order.

Legal Notice 173 of 2016, Exercise of Rights Conferred on Workers (Freedom of Movement) Regulations, establishes NCPE's remit with regards to the freedom of movement for workers in the EU.

This Annual Report gives an overview of NCPE's work throughout 2016.



National Commission for the Promotion of Equality

Minister's Message

Strengthening equality and non-discrimination is a priority for Government. We have been working on this agenda for the last four years and we are seeing positive results.

The establishing of human rights legislation and policy in Malta has been built on a number of public consultations and meetings with stakeholders. In fact, my Ministry has finalised the **Equality Bill** and the **Human Rights and Equality Commission Bill**, which were tabled in Parliament for their first reading on 14th December. Once enacted, the Bills will restructure and strengthen Malta's legal framework on human rights and discrimination. Whilst the Equality Bill will be widening the grounds for discrimination, the Human Rights and Equality Commission Bill will set up a new national human rights institution which will transform NCPE into the National Human Rights and Equality Commission with a stronger remit and functions. The structure of the new Commission will be based on the Paris Principles to ensure independence, accountability and transparency.

The Government's commitment towards zero-tolerance to violence is leading to legal provisions in our national laws to provide for the full implementation of the **Istanbul Convention** on preventing and combating gender-based violence and domestic violence. On 8th March 2016, the government launched a process geared towards an overhaul of the legislation regarding domestic violence and violence against women and girls – a process which will see amendments to the Criminal and Civil Code as well as to the strengthening of the Commission on Domestic Violence. These developments are intended to strengthen the mechanisms and structures which protect all victims of violence and entrench the principle of freedom from violence in national legislation.

Another major initiative by my Ministry was the drafting of a **Cohabitation Bill**, which has now become law. This law gives

couples the right to choose how to regulate their relationship, and be granted adequate protection at law.

In 2016, Malta also continued to improve the quality of life for **LGBTIQ persons** with the adoption of the Affirmation of Gender Identity, Gender Expression and Sex Characteristics Act, which effectively criminalises conversion practices as harmful and deceitful measures. In addition, this Act affirms that no sexual orientation, gender identity or gender expression constitutes a disorder, disease or shortcoming of any sort. This law has been celebrated internationally as being the first of its kind in Europe.

The depathologisation of trans identities has also been provided for in our legislation. Furthermore, a Bill amending the Gender Identity, Gender Expression and Sex Characteristics Act caters for non-Maltese individuals who are currently detained in gender segregated facilities and are not residing in the section which reflects their lived gender. These amendments allow these individuals to have their lived gender recognised by means of an affidavit, and to continue to live in detention in accordance with the gender specified in this affidavit.

Another measure that targets LGBTIQ persons was the policy introduced by my government earlier in 2016 regarding gender neutral toilets. As a result, 47% of all toilets within Government buildings are now gender neutral¹. The aim of this policy is to ensure a non-judgmental and exclusive environment for all.

In the area of **employment**, the different structures set up by the government throughout the past three and a half years continued to reap results in 2016 as well. These include free childcare facilities for all parents who are working or studying, with 2,947 children benefiting from this service in 93 childcare

¹ Refer to Press Release – 47% of all toilets in Government buildings are now gender neutral - http://socialdialogue.gov.mt/en/Pages/Media/Press_Releases/PR162810.aspx



Dr Helena Dalli
Minister for Social Dialogue, Consumer Affairs and Civil Liberties

centres registered under this scheme (as at October 2016)². Another measure was the setting up of a maternity leave fund in July 2015 in order to eliminate discrimination against women at recruitment stage. Through these and other measures and structures, Malta experienced an increase of 6% in the participation of women in the labour market in the last three years³.

Precarious employment is an area of concern for the Government. To address this challenge, the Government is financing the pegging of the salary of workers employed by contractors who are giving a service to the government⁴. This has brought about equal pay for workers in the public and private sector. In addition, Malta's labour law is being overhauled in order to reflect today's realities so that it would be more centred towards women and parents. This will further add to the implementation of more measures whereby parents and families can balance their work and family responsibilities.

Looking ahead to 2017 and in view of **Malta's EU Council Presidency** in the first half of 2017, we are taking the opportunities offered by this Presidency to show that we have a social soul and to implement policies that touch upon people directly⁵. Throughout the six months of the Presidency, a strong agenda includes protection of workers, labour mobility, equal treatment, equal opportunities and occupational health and safety issues.

The Government has made the upscaling of skills, with particular reference to women in the labour market, one of its political

² Refer to PQ No.26978.

³ Refer to Press Release – "We will be using this Presidency to show that we have a social soul and to implement policies that touch upon people directly" - https://socialdialogue.gov.mt/en/Pages/Media/Press_Releases/PR162658.aspx

⁴ *Ibid.*

⁵ *Ibid.*

priorities during the Presidency, and has tabled draft Council Conclusions on the topic for discussion and adoption by the member states at the EPSCO Council. The aim is to address the situation of women and men trapped in low income precarious work without any opportunities for advancement due to lack of skills; as well as women and men who find difficulties in re-entering employment. To this end, I requested the European Institute for Gender Equality (EIGE) to conduct research on the topic in preparation of the Council Conclusions to serve as a basis. The NCPE, making use of this Research Note, has drafted these Council Conclusions.

Another priority for the current Maltese Presidency is the *Proposal for a Directive of the European Parliament and of the Council on improving the gender balance among non-executive directors of companies listed on stock exchanges and related measures*. To ensure progress, work is underway on this draft Directive launched by the European Commission in 2012. This proposed legislation aims at accelerating progress towards a gender-balanced representation on boards, thus increasing the participation of the under-represented sex in board-member positions in publicly listed companies, with the exception of small and medium enterprises.

Whilst celebrating the work carried out in 2016, we are looking forward to continue fulfilling our commitments in 2017. My government will continue ensuring that our society upholds and protects the rights of every individual, while challenging any discriminatory practices or human rights breaches. I take this opportunity to thank all those, particularly the NCPE, involved in the work that is being carried out in this field to guarantee a democratic society for all.

Commissioner's Message

2016 was an eventful year for NCPE focusing on work to **further promote and safeguard equal treatment in the different spheres of Maltese society**. In effect, a two-year campaign on the role of men in gender equality was launched. NCPE was actively involved in preparations for the 2017 Maltese Presidency of the Council of the European Union. Investigation of complaints of alleged discrimination, provision of input to national and international entities, and delivery of several training sessions with various stakeholders on the grounds of equality defined in its remit, formed a substantial composite of NCPE's work programme.

As Commissioner, I consider the **investigation of cases of alleged discrimination** as crucial to ensure that equality is truly safeguarded particularly in employment and in the access to or the supply of goods or services as per our remit. In 2016, besides the **38** complaints that were lodged during the year, NCPE also finalised pending investigations. For justice to be effective, we sought to hear such cases in the least time possible in the context of available resources.

During 2016, NCPE contributed to several national, EU and international documents and carried out desk-research on different areas of concern. NCPE gave its input to **Council Conclusions in relation to gender equality** adopted by the Dutch and Slovak Presidencies respectively. The proposed equal treatment horizontal directive, i.e. the **Proposal for a Council Directive on implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation**, was also discussed in Council during both the Dutch and Slovak Presidencies. NCPE thus gave its input to the drafting suggestions of this draft Directive which aims to extend

protection against discrimination to areas outside employment.

Various preparations were underway in 2016 for the Maltese Presidency of the Council of the EU. NCPE worked on the logistics for the meeting of the **High Level Group on Gender Mainstreaming** held in February 2017; a meeting that is convened by the European Commission. In addition, the Maltese Government has made the **upscaling of skills with particular reference to women in the labour market** one of its political priorities during the Presidency and sought to table draft Council Conclusions on the topic for adoption among the member states. NCPE thus drafted an initial outline of these Council Conclusions together with MSDC (PDPID) and the Department for Industrial and Employment Relations (DIER). These Council Conclusions address the situation of women and men trapped in low income precarious work without any opportunities for advancement due to lack of skills; and women and men who find difficulties in re-entering employment. In addition, NCPE worked, particularly through networking, to ensure that progress on discussions on the **'Women on Boards'** Draft Directive is achieved during the Maltese Presidency. NCPE also compiled the research paper *'Cultural Diversity in the Maltese Public Service: Approaches to Diversity Management'* in preparation for the European Public Administration Network's DG meeting to be held in Malta during the Presidency, on *Diversity and multiculturalism in public administration – the challenges posed by the HR mobility across member states*. We look forward to continue working to see these initiatives brought to fruition during the Maltese Presidency in 2017.

At a national level, NCPE launched the project **Equality Beyond Gender Roles** in 2016 consisting of a series of



Renee Laiviera
NCPE Commissioner

activities and events to emphasise the importance of the sharing of family and domestic responsibilities between parents/guardians, challenging existing gender stereotypes and highlighting the benefits of the uptake of family-friendly measures for both employees and employers.

Targeted awareness on gender equality at the workplace is enhanced through the **Equality Mark Certification** which entered its seventh year in 2016. This certification is awarded to companies that make gender equality one of their values and whose management is based on the recognition and promotion of the potential of all women and men, including persons with caring responsibilities. In 2016, there were **71** certified organisations employing over **18,600** persons.

Training is another important tool in NCPE's work to promote equality principles, particularly to inform participants of their rights and responsibilities regarding equal treatment, and thus enable them to prevent or curb discrimination in society at large. Training is given to different groups, including employees in the private and public sector, students, educators, managers and employers as well as refugees and migrants. In 2016, NCPE gave **48 training sessions** with over **1,100 participants**.

As part of its awareness raising initiatives, NCPE regularly uses the **media opportunities** at its disposal in order to get its message across to a wide variety of audiences. A significant number of contributions in the media were made in 2016, that include press statements, articles, replies to journalists' questions and participation in TV and radio programmes. Undoubtedly, media presence is crucial for the dissemination of information on different

topics related to NCPE's remit and for the promotion of equality and non-discrimination in society.

NCPE is looking forward to the coming year to take on board the **widening of its remit**. Following the publication of two draft Bills for public consultation by the Ministry for Social Dialogue, Consumer Affairs and Civil Liberties in December 2015 – the *Equality Bill* and the *Human Rights and Equality Commission Bill* – these Bills were subsequently presented in Parliament in December 2016. Once enacted, the Bills will restructure and strengthen Malta's legal framework on human rights and discrimination through transforming the NCPE into a Human Rights and Equality Commission (HREC) answering directly to Parliament with a wider remit as well as sanctioning powers. It is envisaged that these changes will take place in 2017.

I conclude by thanking Dr Helena Dalli, Minister for Social Dialogue, Consumer Affairs and Civil Liberties, for her continuous support during the year as well as the Commission members and all the staff at NCPE for their fruitful and hard work to meet and develop NCPE's objectives to safeguard equality in society at large. **NCPE foresees 2017 as another active and challenging year** whereby we will continue to do our best to fight discrimination and to promote an equal society that values diversity and human rights.

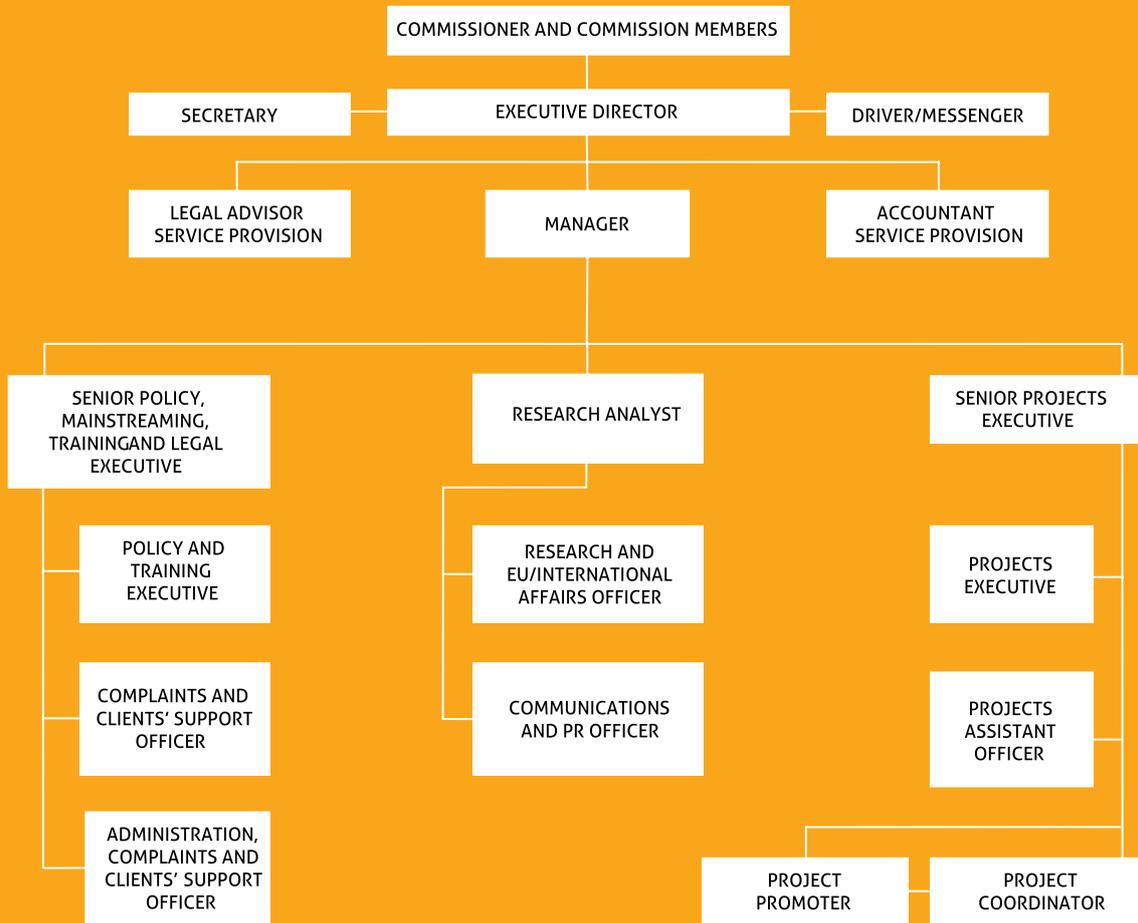
A handwritten signature in black ink, appearing to read 'Renee Laiviera', with a horizontal line underneath.

The Commissioner and Commission Members in 2016

The Commissioner: Renee Laiviera

The Commission Members: Claudine Borg
Prof. Mark Anthony Falzon
Mary Galea Debono
Mario Mallia
Oliver Scicluna
Lorraine Spiteri
Dr Vanni Xuereb

NCPE Organisation Chart 2016



1. Equality in Malta

1.1 An Overview of Developments in 2016

The National Commission for the Promotion of Equality (NCPE) is the national equality body with a remit covering the following grounds of discrimination: sex and family responsibilities; race/ethnic origin; age; religion/belief; sexual orientation; gender identity, gender expression and sex characteristics; and freedom of movement for workers in the EU¹.

2016 was an eventful year for NCPE as it launched a two-year campaign on the role of men in gender equality, continued providing feedback to national and international documents, delivered several training sessions and was actively involved in preparations for the 2017 Malta Presidency of the Council of the EU.

This section gives an overview of the main developments on a national level which took place in 2016 concerning equality issues within NCPE's remit.

Sex and Family Responsibilities

The participation of women in the **labour market** continues its upward trend. In 2016 (third quarter) the female employment rate stood at 53.6%². In 2015, 2014 and 2013 the female employment rate was 51%, 49.5% and 47% respectively³. This shows that there has been more than a **six percentage point increase** in the participation of

women in the labour market since the introduction of free childcare services in April 2014. By December 2016, there were 3,020 children in the free childcare scheme⁴.

Whilst female employment is steadily increasing, the labour market continues to be gender segregated. In 2016 (third quarter) 30.2% of working women were in the Services and Sales sector and 14.9% performed Clerical and Support work⁵. There is only a 4% female representation on publicly-listed company boards in Malta⁶ and just 5% of CEOs, or equivalents, are women⁷. The entry of more women in the labour market is also leading to a widening of the gender pay gap⁸ due to labour market segregation and unequal pay for work of equal value, among other causes. According to figures release in 2016, the gender pay gap rose to 10.6%, although it is still below the EU average of 16.7%⁹. On the other hand, with the increase of women in employment, the earnings gap¹⁰ narrowed, from 56.3% to 45.6%¹¹.

One of the main barriers hindering women's full access to and participation in the labour-market is the unequal sharing of family responsibilities between women and men. With a view to addressing

1 Chapter 456 - Equality for Men and Women Act; Legal Notice 85 of 2007 - Equal Treatment of Persons Order; Legal Notice 181 of 2008 - Access to Goods and Services and their Supply (Equal Treatment) Regulations; Legal Notice 173 of 2016 - Exercise of Rights Conferred on Workers (Freedom of Movement) Regulations

2 National Statistics Office (NSO), December 2016, *Labour Force Survey: Q3/2016*

3 National Statistics Office (NSO), November 2016, *Key Indicators on the Labour Market: 2011-2015*

4 Parliamentary Question 30585, 31st January 2017

5 National Statistics Office (NSO), December 2016, *Labour Force Survey: Q3/2016*

6 European Commission – Justice, October 2016, *Board members*

7 European Commission – Justice, October 2016, *Executive and non-executives*

8 Measuring the difference between the average gross hourly earnings of male and female paid employees

9 Eurostat, November 2016, *Gender pay gap statistics*

10 Measuring the average earnings of all working-age women, whether in employment or not

11 Eurostat, December 2016, *Structure of Earnings Survey*



Photo - DOI - Reuben Piscopo

Launch of the Equality Beyond Gender Roles project

this barrier, NCPE launched a campaign¹² that seeks to raise awareness on the relevance of men's role in gender equality, in order to reach **a fair and equal balance between work and private life**, and between paid and unpaid work. The campaign strives to break down gender stereotypes tied to traditional gender roles by sensitising and empowering students, employers and citizens. It also encourages men to share domestic and care responsibilities and promotes economic independence for both women and men.

The 2017 Budget presented in October 2016 included a number of measures related to gender equality as well as equality for people with family responsibilities. A **respite service** for carers who are informally but directly involved in the care of older persons in their own home was introduced. Through this service, every six weeks these carers are given support in the form of a week's rest, up

¹² The *Equality Beyond Gender Roles* project is part-financed by the Rights, Equality and Citizenship Programme 2014 - 2020

to a maximum of three rest periods per year¹³. The Budget speech also stated that a consultation process will be launched on the proposal whereby parents will be able to benefit from **sick leave entitlement** when their children are sick¹⁴.

Discrimination in **pensions** was highlighted in the 2017 Budget which announced that pensions payable to women were being revised to address this concern. Amendments to the Social Security Act removing any form of discrimination on the basis of gender were approved by Parliament in early 2016. Through these amendments, all differences in fixed or minimum rates payable to women and men were eliminated¹⁵.

Violence against women is a phenomenon of major concern in relation to gender equality. In May 2014,

¹³ Ministry for Finance, October 2016, *Budget Speech 2017 (English)*, p. 144

¹⁴ *Ibid.* p. 126

¹⁵ *Ibid.* p. 43

Malta ratified the *Council of Europe Convention on prevention and combating of violence against women and domestic violence* (Istanbul Convention). This Convention obliges Member States to ensure that their national laws offer the adequate protection and remedies to victims of gender-based violence and domestic violence. In September 2016, the *Gender Based Violence and Domestic Violence Bill* was published. The Bill aims at overhauling the legislation regarding domestic violence and violence against women and girls by amending the Criminal and Civil Code as well as strengthening the Commission on Domestic Violence¹⁶.

Another legislative initiative in 2016, of relevance to gender equality and family responsibilities, was the proposal to **regulate cohabitation**. In 2013, NCPE had proposed the enactment of legislation that sets the legal basis for the regulation of cohabitating couples when such relations break up either by separation or death, in order to avoid persons falling into poverty or being unjustly treated when in a dependent position. A draft Bill presented for public consultation in April 2016 by the Ministry for Social Dialogue, Consumer Affairs and Civil Liberties, makes provision for couples who want to register their cohabitation for themselves, to define their own rights and responsibilities in the relationship as long as this is within the parameters of the law. This Bill also seeks to protect the vulnerable party in the cohabitation relationship by enabling the possibility of a unilateral declaration that will establish limited rights and responsibilities for both parties¹⁷.

In 2016, Malta continued the preparations for the **Maltese Presidency of the Council of the European Union**. Equal treatment will be one of the main objectives of the Maltese Presidency in the field of employment and social policy. In the sphere of gender equality, Malta will host a meeting of the High Level Group on Gender

¹⁶ Ministry for Social Dialogue, Consumer Affairs and Civil Liberties, April 2016, *Press Release: An overhaul of the legislation regarding domestic violence and violence against women recently launched by the government will address all areas that fall under the Istanbul Convention, including female genital mutilation – Minister Helena Dalli*

¹⁷ Ministry for Social Dialogue, Consumer Affairs and Civil Liberties, March 2016, *Public Consultation: An Act to Regularise Declared and Registered Cohabitations*



MALTA EU 2017

Maltese Presidency of the Council of the EU logo

Mainstreaming (HLG) as well as a conference on gender-based violence. As a delegate of the HLG, it fell to NCPE to make all the logistical preparations for the HLG meeting. The Maltese Presidency will be discussing draft *Council Conclusions on Enhancing the Skills of Women and Men in the EU Labour Market*, for which NCPE prepared the initial draft. Furthermore, the Maltese Presidency will undertake to progress the discussions on the Proposal for a Directive on improving gender balance among directors of companies listed on stock exchanges and related measures. The Maltese Presidency will also ensure that following the launch of the European Commission's proposal on work-life balance, respective negotiations in Council are effective and progress is achieved in this regard.

NCPE contributed to the debate in 2016 on the licensing of the **morning-after pill** following a judicial protest filed by the Women's Rights Foundation claiming that the ban of emergency contraception breaches the fundamental rights of women. The issue was discussed in a Joint Parliamentary Committee that heard submissions from stakeholders. NCPE stated that lack of access to the morning-after pill raised an issue of discrimination. The unavailability of the pill penalises primarily women by denying them a pharmaceutical service that would allow them to exert more control over their life since emergency contraception is important for women to prevent unwanted pregnancies¹⁸. In December 2016, the morning-after pill became available over-the-counter in Maltese pharmacies after having

¹⁸ National Commission for the Promotion of Equality, June 2016, *NCPE favours licensing of morning-after pill*

been licensed by the Medicines' Authority as the national authority responsible for the regulation of medicinal products and pharmaceutical activities.

LGBTI

A number of legislative and policy initiatives in 2016 continued strengthening the rights framework for LGBTI persons and promoting equality in practice. The **Affirmation of Sexual Orientation, Gender Identity and Gender Expression Act** was enacted. This effectively criminalises conversion practices - any practice which aims to change, repress or eliminate a person's sexual orientation, gender identity or gender expression, by imposing fines and jail terms on those advertising, offering, performing or referring an individual to such practices. In addition, the Act affirms that no sexual orientation, gender identity or gender expression constitutes a disorder, disease or shortcoming of any sort¹⁹.

An Act amending the **Gender Identity, Gender Expression and Sex Characteristics Act** was also discussed and enacted by Parliament. This caters for non-Maltese individuals who are currently detained in gender segregated correctional facilities and not residing in the section which reflects their lived gender. The amendments allow such individuals to have their lived gender recognised by means of an affidavit and to continue to live in detention in accordance with the gender specified in this affidavit. The Act also lowered the age of persons, who may independently request a change in gender on their official documents, from eighteen to sixteen years of age²⁰.

A **Trans, Gender Variant and Intersex Inmates Policy** document was launched and is being implemented in the Corradino Correctional Facility (CCF). Through this policy document the CCF declares its full commitment to the respect for human rights, equality and inclusion, and the recognition of inmate diversity. It states that accommodation provided in correctional facilities must reflect the gender marker on the inmate's birth certificate,

19 Ministry for Social Dialogue, Consumer Affairs and Civil Liberties, December 2016, *Press Release: Another step forward in civil liberties...Malta criminalises conversion practices and depathologises sexual orientation, gender identity and gender expression.*

20 Ibid.

or other official identity documents or a sworn declaration²¹.

A policy on **gender-neutral toilets** in Government buildings was also introduced. The aim of these facilities is to ensure a non-judgmental or exclusive environment for all. Gender-neutral toilets ensure privacy and eliminate discomfort for trans and gender variant persons who often find themselves in uncomfortable situations when trying to access gender segregated toilets. By December 2016, 47% of all toilets in Government buildings were gender-neutral²².

In the 2017 Budget speech it was announced that a consultation process will be launched regarding **blood donations** by gay, lesbian and bisexual persons, aiming to make a further step towards a society that truly respects the sexual orientation of LGBTI persons²³.

Age

Measures aimed at addressing challenges faced by older persons were unveiled in the 2017 Budget. Following a raise in 2016, the **minimum pension** was further increased by €4 per week. The rise was given *pro rata* to those whose pension is slightly higher than the minimum pension and will also be paid to married pensioners who receive the Old Age Pension²⁴. Moreover, pensioners aged over 61 will no longer pay **tax on pensions** from different sources such as social security pensions, treasury pensions as well as other local or foreign pensions, up to a maximum of €13,000²⁵.

The 2017 Budget announced that the **bonus** for people who had paid national insurance contributions at some point in their life, but do not have enough contributions for entitlement to a contributory pension, was being raised by €50 per year²⁶. This cohort is mostly composed of married women. Moreover, the current **Carers' Pension**, which is only

21 Corradino Correctional Facility (CCF), August 2016, *Trans, Gender Variant & Intersex Inmates Policy*

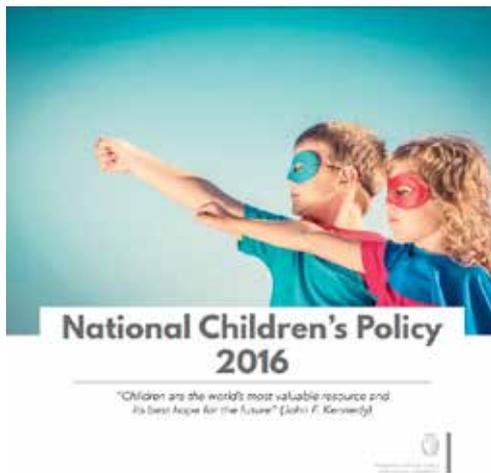
22 Ministry for Social Dialogue, Consumer Affairs and Civil Liberties, December 2016, *Press Release: 47% of all toilets in Government buildings are now gender neutral*

23 Ministry for Finance, October 2016, *Budget Speech 2017 (English)*, p. 127

24 Ibid. p. 39, 40

25 Ibid. p. 40

26 Ibid. p. 42



The National Children's Policy 2016

payable after means-testing the carers' income and in cases where the patient is wheelchair bound or bedridden, will be payable to those carers, including spouses, who would be giving care in their residence to a person with a high-level of dependence²⁷.

Another initiative concerning age was the launch in 2016 of a public consultation on the **National Children's Policy**. The Policy aims to achieve goals and outcomes related to the current younger generation so that they have a suitable lifestyle as well as a better and sustainable future. The policy encompasses the areas of personal development of the child, the family structure, the involvement within the community and State participation²⁸.

Race/ethnic origin

In March 2016, Malta submitted its position with regards to those recommendations for which the Council of Europe **European Commission against Racism and Intolerance** (ECRI) requested priority implementation from the authorities of Malta. Malta stated that it had drastically reduced the time taken for the processing of asylum applications by irregular migrants and that it reformed its detention policy.

On October 4th ECRI published its interim follow-up on the implementation of its 2013 recommendations.

ECRI considered that its recommendations regarding

²⁷ Ibid. p. 44

²⁸ Ministry for the Family and Social Solidarity, September 2016, *National Children's Policy*

non-custodial alternatives to detention and amendments to the asylum procedure have been partially implemented, whilst its recommendation regarding the establishment of clear, objective and measurable requirements for the acquisition of citizenship has not been implemented²⁹.

LN 173/2016

NCPE's remit was widened through the coming into force of **Legal Notice 173 of 2016 Exercise of Rights Conferred on Workers (Freedom of Movement) Regulations**.

The purpose of this legislation is to implement Directive 2014/54/EU of the European Parliament on measures facilitating the exercise of rights conferred on workers, in the context of freedom of movement for workers, which lays down provisions facilitating the uniform application and enforcement of EU regulations in this regard³⁰.

Human Rights and Equality Commission

In 2013, NCPE had submitted its proposal for a legal framework that strengthens Maltese equality legislation and transforms the NCPE into a **Human Rights and Equality Commission** (HREC) with sanctioning powers, responsible for both equality and human rights. Following the presentation by the Ministry for Social Dialogue, Consumer Affairs and Civil Liberties of two draft Bills for public consultation in December 2015 – the *Equality Bill* and the *Human Rights and Equality Commission Bill* - the Bills were presented to Parliament for their first reading in December 2016.

Once enacted, the Bills will restructure and strengthen Malta's legal framework on human rights and discrimination through transforming the NCPE into a Human Rights and Equality Commission (HREC) answering to Parliament, with a wider remit as well as sanctioning powers³¹. It is envisaged that these changes will take place in 2017.

²⁹ European Commission against Racism and Intolerance (ECRI), October 2016, *ECRI Conclusion on the Implementation of the Recommendations in Respect of Malta Subject to Interim Follow-up*

³⁰ Legal Notice 173 of 2016 - Exercise of Rights Conferred on Workers (Freedom of Movement) Regulations

³¹ Ministry for Social Dialogue, Consumer Affairs and Civil Liberties, December 2016, *Press Release: Malta celebrates Human Rights Day: Equality Bill and Human Rights and Equality Commission Bill will be presented to Parliament for first reading on Wednesday 14/12*

1.2 Statistical Review

Gender-disaggregated statistics in five different areas – employment, public administration, politics, the judiciary and education - are being presented in this section. On the whole, statistics indicated imbalances in the participation of women and men in the different spheres of life, with women being under-represented in most spheres, especially at the top levels. The political sphere continues to be the area with the widest gender gap.

Figures indicate significant improvements, especially in employment where female

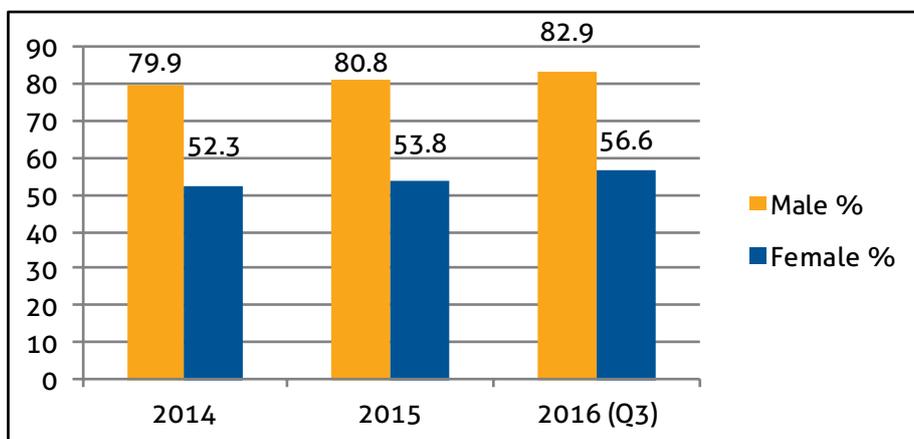
participation is steadily increasing. Gender balance has been achieved in the composition of the public administration workforce, although women are still under-represented in the higher positions. In education, more women than men graduate from University and there is gender balance in the number of male and female students graduating from MCAST; however, one can note gender segregation in terms of courses followed. Moreover, academic posts continue to be dominated by men, particularly at University.

Employment

Table 1: Activity rates of women and men, divided by age³²

Age	2014		2015		2016 (Q3)	
	M %	F%	M %	F%	M %	F%
15 - 24	52.9	51.8	53.3	49.9	57.7	51.7
25 - 54	95.1	63.4	95.3	65.8	95.6	67.7
55 - 64	60.1	20.7	62.2	22.6	66.2	28.4

Figure 1: Activity rates of working-age women and men (15-64 years old)

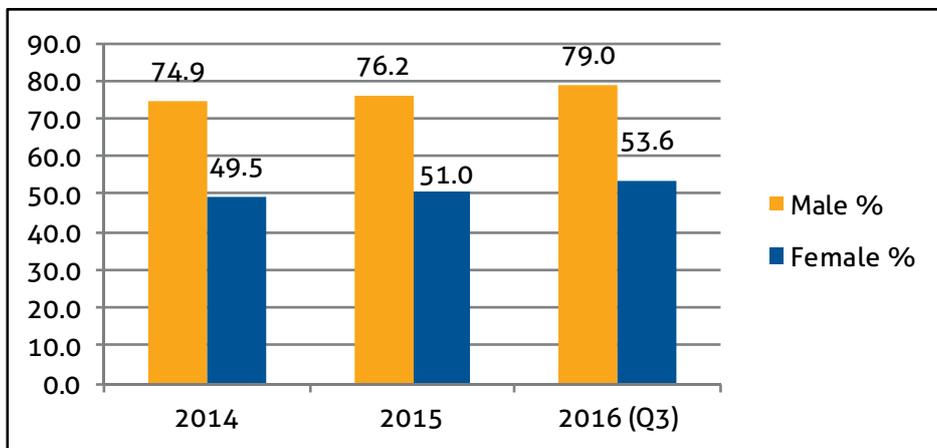


³² National Statistics Office (NSO), December 2016, *Labour Force Survey: Q3/2016* and National Statistics Office (NSO), November 2016, *Key Indicators on the Labour Market: 2011-2015*

Table 2: Employment rates of women and men, divided by age³³

Age	2014		2015		2016 (Q3)	
	M %	F%	M %	F%	M %	F%
15 - 24	45.7	46.8	45.9	45.2	49.5	46.1
25 - 54	90.6	60.6	91.3	62.9	92.6	64.7
55 - 64	55.7	19.9	58.9	21.9	63.1	28.0

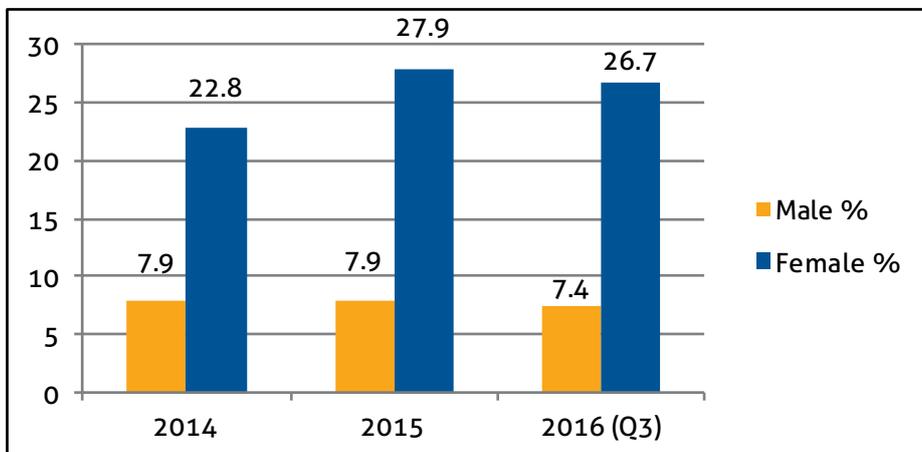
Figure 2: Employment rates of working-age women and men (15-64 years old)



Comments

The participation of women in the labour market continued to increase during this year. In 2016 (Q3), the female employment rate stood at 53.6%. Significantly, a seven percentage-point increase was registered in the 55-64 age-bracket, the ages with lowest female employment.

Figure 3: Part-time as main occupation³⁴



³³ Ibid.

³⁴ Correspondence with the National Statistics Office (NSO), 2nd January 2017

Comments

Following a significant increase of women employed as part-timers in 2015, the percentage of women part-timers slightly decreased in 2016.

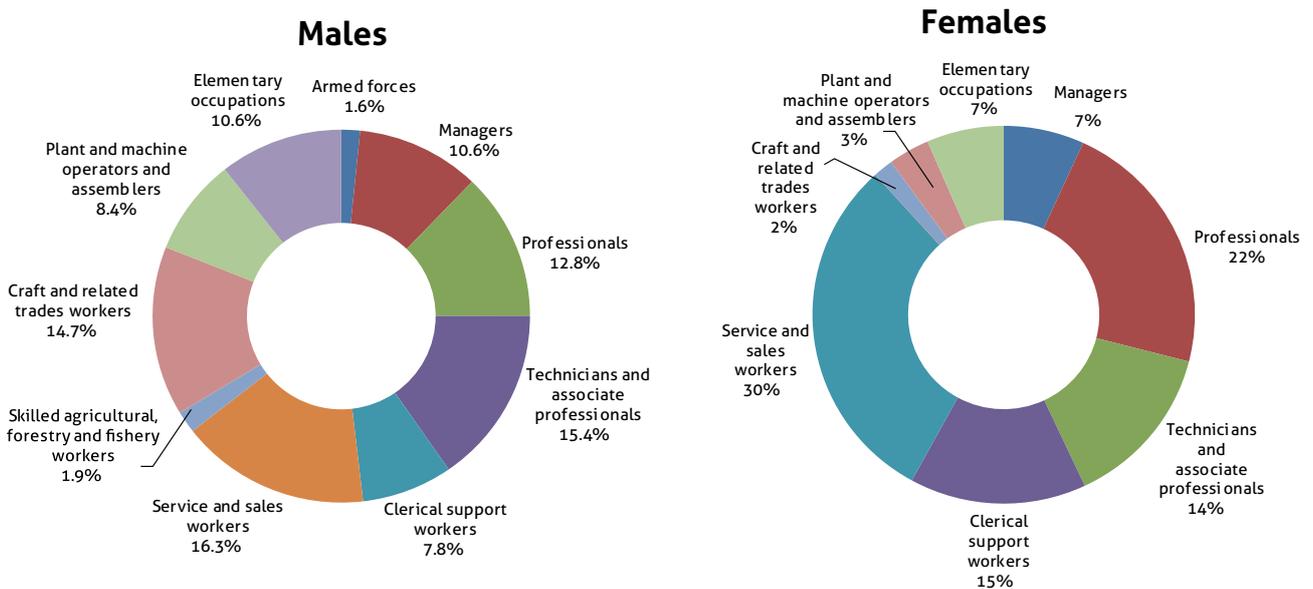
Table 3: Total employed by occupation³⁵

Occupation	2014		2015		2016 (Q3)	
	M%	F%	M%	F%	M%	F%
Armed forces	1.5	/	1.9	/	1.6u	/
Managers	11.1	6.2	10.7	6.3	10.6	6.8
Professionals	13.2	20.7	12.8	21.8	12.8	22.1
Technicians and associate professionals	14.4	13.5	14.3	14.8	15.4	14.0
Clerical support workers	7.4	16.8	8.4	15.6	7.8	14.9
Service and sales workers	16.0	29.6	16.3	29.1	16.3	30.2
Skilled agricultural, forestry and fishery workers	1.7	/	2.2	/	1.9u	/
Craft and related trades workers	15.8	1.2	15.6	1.0	14.7	1.7
Plant and machine operators and assemblers	8.2	4.3	7.6	4.0	8.4	3.5
Elementary occupations	10.6	7.5	10.4	7.0	10.6	6.5

/ Data not published due to unreliable survey estimates as a result of less than 20 reporting units.

u Figures to be used with caution since they are derived from a number of reading ranging between 20 and 49

Figures 4 & 5: Total employed by occupation in 2016 (Q3)



35 Ibid.

Comments

The problem of segregation in the labour market persists and the widening gender pay gap, now at 10.6%³⁶, indicates that women are over-represented in relatively low-paid jobs and under-represented at decision-making levels.

Table 4: Total employed by professional status³⁷

Professional status	2014		2015		2016 (Q3)	
	M %	F%	M %	F%	M %	F%
Self-employed without employees	12.0	5.3	12.2	5.1	11.5	4.9
Self-employed with employees	6.2	1.6	6.1	1.9	6.5	/
Employees	81.9	93.2	81.7	93.0	82.0	93.7

/ Data not published due to unreliable survey estimates as a result of less than 20 reporting units.

Figures 6 & 7: Total employed by professional status of women and men in 2016 (Q3)



Comments

Gender gaps are visible in the percentage of self-employed women and men, where the percentage of self-employed men is more than three times higher than that of self-employed women. Moreover, the number of self-employed women with employees is so low that it is not statistically measurable.

³⁶ Eurostat, November 2016, *Gender pay gap statistics*

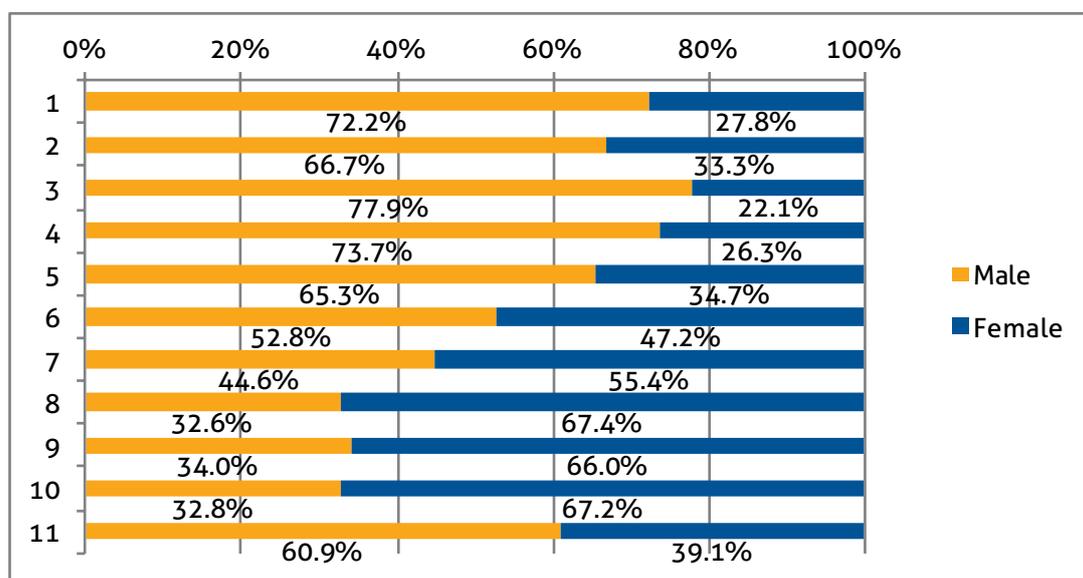
³⁷ National Statistics Office (NSO), December 2016, *Labour Force Survey: Q3/2016* and National Statistics Office (NSO), November 2016, *Key Indicators on the Labour Market: 2011-2015*

Public Administration

Table 5: Women and men in salary scales (2015 and 2016)³⁸

Scales	2015					2016				
	Males	Females	Total	Males	Females	Total	Males	Females	Total	
1	10	66.7%	5	33.3%	15	13	72.2%	5	27.8%	18
2	9	64.3%	5	35.7%	14	8	66.7%	4	33.3%	12
3	128	77.6%	37	22.4%	165	148	77.9%	42	22.1%	190
4	320	74.2%	111	25.8%	431	328	73.7%	117	26.3%	445
5	429	65.9%	222	34.1%	651	475	65.3%	252	34.7%	727
6	461	54.2%	389	45.8%	850	449	52.8%	401	47.2%	850
7	1,224	45.4%	1,471	54.6%	2,695	1,361	44.6%	1,689	55.4%	3,050
8	959	34.3%	1,841	65.8%	2,800	883	32.6%	1,826	67.4%	2,709
9	1,164	34.0%	2,259	66.0%	3,423	1,295	34.0%	2,512	66.0%	3,807
10	1,044	34.1%	2,021	65.9%	3,065	1,120	32.8%	2,294	67.2%	3,414
11	930	65.7%	486	34.3%	1,416	714	60.9%	459	39.1%	1,173
12	1,603	52.7%	1,439	47.3%	3,042	1,018	46.4%	1,177	53.6%	2,195
13	1,511	69.3%	668	30.7%	2,179	1,735	69.7%	754	30.3%	2,489
14	2,563	64.8%	1,392	35.2%	3,955	2,763	68.1%	1,293	31.9%	4,056
15	509	24.8%	1,547	75.2%	2,056	480	25.2%	1,423	74.8%	1,903
16	801	61.3%	506	38.7%	1,307	748	60.0%	499	40.0%	1,247
17	492	69.4%	217	30.6%	709	489	67.4%	237	32.6%	726
18	1,392	65.9%	721	34.1%	2,113	1,210	65.3%	643	34.7%	1,853
19	143	62.4%	86	37.6%	229	108	57.4%	80	42.6%	188
20	190	67.1%	93	32.9%	283	216	71.3%	87	28.7%	303
Total	15,882	50.6%	15,516	49.4%	31,398	15,561	49.6%	15,794	50.4%	31,355

³⁸ Correspondence with the People and Standards Division (PSD), 23rd January 2017

Figure 8: Women and men in salary scales (2016) by percentage**Comments**

Women have, for the first time, outnumbered men in the public administration workforce. However, whilst in scales 7 to 10 there is a female majority, women remain under-represented in top management positions.

Table 6: Utilisation of family-friendly measures by gender in 2015³⁹

Type	Males		Females		Total
	No.	%	No.	%	
Maternity Leave (first 14 weeks)	0	0	647	100	647
Maternity Leave (additional 4 weeks)	0	0	496	100	496
Adoption Leave	2	25	6	75	8
Responsibility Leave	9	23.1	30	76.9	39
Parental Leave (Applicable to Parents, Legal Guardians and Foster Carers)	8	1.7	468	98.3	476
Career Break	6	2.4	247	97.6	253
Leave to accompany spouse on Government-sponsored courses / assignments	2	22.2	7	77.8	9
Reduced hours	72	5.1	1331	94.9	1,403
Teleworking	205	19.8	830	80.2	1,035
Flexi-Time	310	51.6	291	48.4	601
Total	614	12.4%	4,353	87.6%	4,967

³⁹ Ibid.

Table 7: Utilisation of family-friendly measures by different Scale Categories in 2015⁴⁰

Type	Scales 1-5		Scales 6-10		Scales 11-15		Scales 16-20		Definite Contracts	
	M	F	M	F	M	F	M	F	M	F
Maternity Leave (first 14 weeks)	0	28	0	379	0	203	0	17	0	20
Maternity Leave (additional 4 weeks)	0	24	0	288	0	154	0	15	0	15
Adoption Leave	0	0	2	4	0	1	0	1	0	0
Responsibility Leave	0	0	5	13	4	17	0	0	0	0
Parental Leave	1	10	4	288	3	148	0	14	0	8
Career Break	1	1	4	157	1	82	0	7	0	0
Leave to accompany spouse on Government-sponsored courses or assignments	2	0	0	7	0	0	0	0	0	0
Reduced hours – 20 hours/ week	2	12	9	165	3	80	1	17	0	6
Reduced hours – 25 hours/ week	0	7	4	69	3	41	1	21	0	3
Reduced hours – 30 hours/ week	1	10	11	192	9	157	3	58	1	6
Reduced hours – 35 hours/ week	0	9	2	82	6	104	0	43	0	3
Reduced hours – other amounts	4	14	6	82	1	70	3	80	2	0
Teleworking	8	40	98	341	83	367	8	49	8	33
Flexi-Time	24	20	125	124	81	92	49	28	31	27
Totals	218		2,461		1,710		415		163	

Comments

Figures about the take-up of family-friendly measures in the public administration reveal the extent to which women are still expected to bear responsibility for primary care. For instance, 94.9% of public employees that opted to work on reduced hours were female.

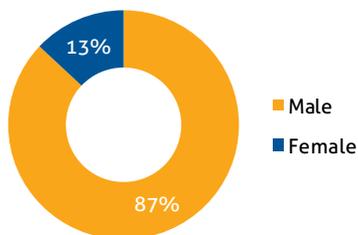
⁴⁰ Ibid.

Politics

Table 8: Cabinet in 2015 and 2016⁴¹

	2015			2016		
	M	F	Total	M	F	Total
Ministers	14	1	15	16	1	17
Parliamentary Secretaries	7	1	8	4	2	6
Cabinet - Total	21	2	23	20	3	23

Figure 9: Cabinet in 2016 by percentage



Comments

There were no major changes in 2016 with regards to the representation of women and men within the political sphere since there were no European, general or local council elections. The only change occurred in Cabinet as one woman was appointed Parliamentary Secretary, registering a slight increase in female representation.

Judiciary

Table 9 & Figure 10: Bench of Judges⁴²

	2014	2015	2016
Males	16	16	17
Females	5	6	6
Total	21	22	23

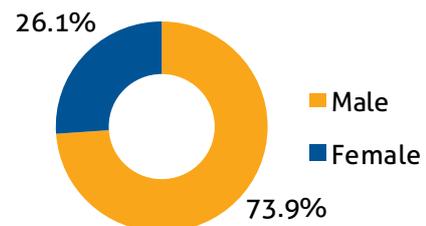
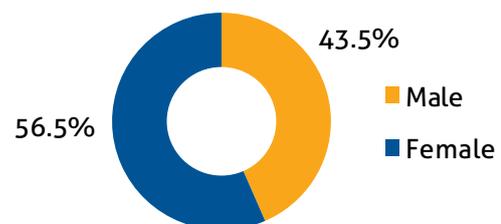


Table 10 and Figure 11: Bench of Magistrates⁴³

	2014	2015	2016
Males	10	9	10
Females	11	12	13
Total	21	21	23



Comments

The percentage of women judges is relatively low. However, there is a majority of women magistrates.

⁴¹ www.gov.mt

⁴² Correspondence with the Courts of Justice, 30th December 2016

⁴³ Ibid.

Education

Figure 12: University Graduates 2015/16⁴⁴ by percentage

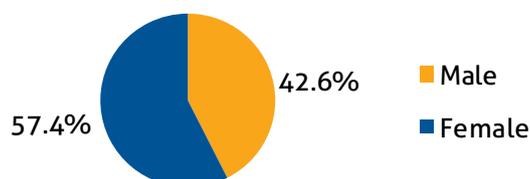


Table 11: University Graduates in 2014/15 and 2015/16 by faculty/institutes⁴⁵

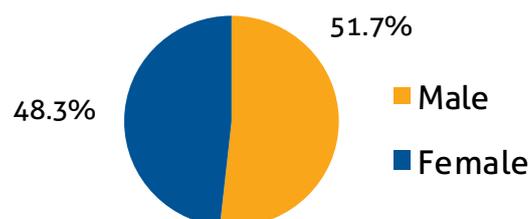
Faculty/Institute	2014/15			2015/16						
	M	F	Total	M	F	Total				
Faculty of Arts	141	33.3%	283	66.7%	424	122	33.7%	240	66.3%	362
Faculty for the Built Environment	98	54.1%	83	45.9%	181	136	62.7%	81	37.3%	217
Faculty of Econ. Manag. and Account.	250	45.5%	299	54.5%	549	289	52.7%	259	47.3%	548
Faculty of Education	126	24.1%	397	75.9%	523	58	21.1%	217	78.9%	275
Faculty of Engineering	87	77.7%	25	22.3%	112	93	80.2%	23	19.8%	116
Faculty of Health Sciences	119	31.3%	261	68.7%	380	74	19.5%	306	80.5%	380
Faculty of Information and CT	79	76.7%	24	23.3%	103	78	73.6%	28	26.4%	106
Faculty of Laws	133	40.3%	197	59.7%	330	150	40.7%	219	59.3%	369
Faculty of Medicine and Surgery	86	35.8%	154	64.2%	240	94	49.0%	98	51.0%	192
Faculty of Science	56	54.4%	47	45.6%	103	42	47.7%	46	52.3%	88
Faculty for Social Wellbeing	46	28.8%	114	71.3%	160	76	28.8%	188	71.2%	264
Institute of Digital Games	11	91.7%	1	8.3%	12	3	100.0%	0	0.0%	3
Centre for Entrep. and Busd. Incubation	19	57.6%	14	42.4%	33	11	78.6%	3	21.4%	14
Centre for Labour Studies	16	44.4%	20	55.6%	36	1	4.8%	20	95.2%	21
Others	217	47.3%	242	52.7%	459	256	48.3%	274	51.7%	530
Total	1,484	40.7%	2,161	59.3%	3,645	1,483	42.6%	2,002	57.4%	3,485

⁴⁴ www.um.edu.mt

⁴⁵ Ibid.

Table 12: MCAST Graduates in 2016⁴⁶

Level 6	Male		Female		Total
Institute for the Creative Arts	40	48.2%	43	51.8%	83
Institute of Applied Sciences	7	41.2%	10	58.8%	17
Institute of Business Management and Commerce	13	36.1%	23	63.9%	36
Institute of Community Services	0	0.0%	12	100.0%	12
Institute of Engineering And Transport	36	81.8%	8	18.2%	44
Institute of Information and Communication Technology	56	88.9%	7	11.1%	63
Vocational Teacher Training Unit	30	46.2%	35	53.8%	65
Total	182	56.9%	138	43.1%	320
Level 5					
Gozo Campus	1	50.0%	1	50.0%	2
Institute for the Creative Arts	64	51.6%	60	48.4%	124
Institute of Applied Sciences	28	54.9%	23	45.1%	51
Institute of Business Management and Commerce	41	38.3%	66	61.7%	107
Institute of Community Services	0	0.0%	28	100.0%	28
Institute of Engineering And Transport	56	93.3%	4	6.7%	60
Institute of Information and Communication Technology	66	90.4%	7	9.6%	73
MCAST Gateway To Industry	8	8.2%	89	91.8%	97
Total	264	48.7%	278	51.3%	542
Grand Total	446	51.7%	416	48.3%	862

Figure 13: MCAST Graduates in 2016

⁴⁶ Correspondence with MCAST, 21st February 2017

Comments

In 2015 and 2016, more women than men graduated from University whilst the number of women and men graduates from MCAST was almost equal. However, at both University and MCAST, gender segregation in education stands out. For example, at University, 80.2% of all graduates from the Faculty of Engineering, and 73.6% from the Faculty of Information and Communication Technology, were male, whilst 80.5% of all graduates from the Faculty of Health Sciences were female. At MCAST, all students graduating from the Institute of Community Services were female whilst those graduating from the Institute of Engineering And Transport, and the Institute of Information and Communication Technology, were predominantly male.

Table 13: University of Malta Academic Staff (Women and Men) in 2015 and 2016⁴⁷

Post	2015					2016				
	Males	Females	Totals	Males	Females	Total	Males	Females	Total	
Resident Academics										
Professor	84	85.7%	14	14.3%	98	87	86.1%	14	13.9%	101
Associate Professor	89	75.4%	29	24.6%	118	84	73.0%	31	27.0%	115
Senior Lecturer	139	73.2%	51	26.8%	190	148	71.8%	58	28.2%	206
Lecturer	106	61.6%	66	38.4%	172	124	61.4%	78	38.6%	202
Assistant Lecturer	73	50.7%	71	49.3%	144	67	48.9%	70	51.1%	137
Associate Academic	9	60.0%	6	40.0%	15	10	62.5%	6	37.5%	16
Visiting Staff (part-time)										
Visiting Professor	6	100.0%	0	0.0%	6	6	100.0%	0	0.0%	6
Visiting Associate Professor	7	70.0%	3	30.0%	10	5	62.5%	3	37.5%	8
Visiting Senior Lecturer	193	73.4%	70	26.6%	263	205	71.7%	81	28.3%	286
Visiting Lecturer	120	61.5%	75	38.5%	195	124	62.3%	75	37.7%	199
Visiting Assistant Lecturer	148	51.9%	137	48.1%	285	151	52.8%	135	47.2%	286
Junior College										
Junior College Senior Lecturer II	38	71.7%	15	28.3%	53	37	71.2%	15	28.8%	52
Junior College Senior Lecturer I	24	43.6%	31	56.4%	55	22	39.3%	34	60.7%	56
Junior College Lecturer	22	51.2%	21	48.8%	43	20	48.8%	21	51.2%	41
Junior College Assistant Lecturer	9	45.0%	11	55.0%	20	9	45.0%	11	55.0%	20
Total	1,067	64.0%	600	36.0%	1,667	1099	63.5%	632	36.5%	1,731

⁴⁷ Correspondence with the University of Malta, 17th January 2017

Figure 14: University of Malta Academic Staff (Women and Men) in 2016 by percentage

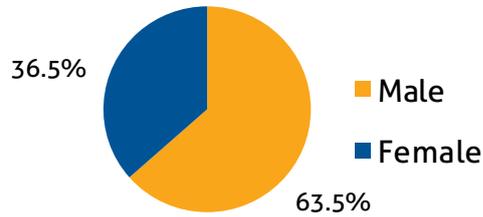
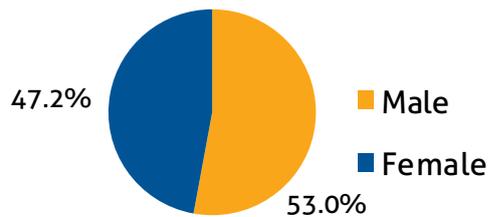


Table 14: MCAST Academic Staff (Women and Men) in 2015 and 2016⁴⁸

Academic posts at MCAST	2015					2016					
	Males	Females	Total	Males	Females	Total	Males	Females	Total		
Senior Lecturer 2	7	58.3%	12	5	41.7%	12	6	54.5%	5	45.5%	11
Senior Lecturer 1	52	47.3%	110	58	52.7%	110	63	51.6%	60	49.2%	122
Lecturer	124	55.9%	222	98	44.1%	222	122	52.8%	109	47.2%	231
Assistant Lecturer	67	54.9%	122	55	45.1%	122	47	55.3%	38	44.7%	85
Total	250	53.6%	466	216	46.4%	466	238	53.0%	212	47.2%	449

Figure 15: MCAST Academic Staff (Women and Men) in 2016 by percentage



Comments

Figures show that there is a significant female under-representation in academia, especially the top academic posts. At University, only 27.7% of Assistant Professors and 13.9% of Professors are women. At MCAST, gender imbalance in academic posts is less pronounced since there is only a slight female under-representation within the different academic posts.

⁴⁸ Correspondence with MCAST, 3rd February 2017

2. Striving Towards Equality

There are several dimensions to NCPE's work. These can be broadly categorised into two categories: (i) the official investigation of complaints on discrimination and sexual harassment, as established by Maltese equality legislation, and (ii) the promotion of equality in society comprising policy work, awareness-raising initiatives, research, media presence, training, and the provision of information to the general public and specific stakeholders.

2.1 Investigations

By virtue of Chapter 456 of the Laws of Malta, NCPE is the national entity which works towards a Maltese society that is free from discrimination based on: (i) sex/gender and family responsibilities, sexual orientation, age, religion or belief, racial or ethnic origin, and gender identity, gender expression or sex characteristics in employment; banks and financial institutions, as well as education; (ii) racial/ethnic origin and gender in the provision of goods and services and their supply; and also (iii)



NCPE staff in 2016

freedom of movement for workers in the EU. Thus, whoever deems that his/her rights falling under these grounds were violated, s/he can lodge a complaint with NCPE.

Complaints Forms, available in both Maltese and English, can be acquired both from NCPE's offices as well as from NCPE's website, and should reach NCPE in writing either by email, postal mail or by hand. Officers (Complaints and Client's Support) can provide assistance in filling out the Complaints Form. The complainant may submit relevant evidence for investigation to substantiate the complaint. Submitting the Complaints Form is the first step in the process enabling the complainant to describe the discrimination s/he experienced. Lodged complaints should be about incidents which happened in the one year prior to the date of submission. Complaints which are frivolous or vexatious are disregarded.

Upon submission, the Commissioner will study the Complaints Form to determine whether the case falls within NCPE's remit or not. In those cases where the complaint does not fall within NCPE's remit, the complainant is referred to the relevant entity/department. Once it is established that complaint

falls within NCPE's remit, the person/s or entity/ies responsible for the alleged discrimination are informed about the lodged complaint and will be asked to provide a written report on the matter, substantiated with relevant evidence. NCPE will then hold sittings with all parties involved. All sittings are recorded and transcribed and a copy of the transcription is sent to the relevant parties.

Following collection of all possible evidence, NCPE's Commissioner issues an opinion outlining whether there was a breach of Chapter 456, *Equality for Men and Women Act*. The opinion is sent to the complainant and to the respondent. The Commissioner submits opinions to the Commissioner of Police in cases of criminal offence. It may also refer the case to the Industrial Tribunal or a civil court, as well as offer mediation between parties.

Cases which do not fall within the remit of NCPE are forwarded to the relevant entity/ies. Moreover, as outlined in Chapter 456 of the Laws of Malta, the Commissioner may deem it necessary to initiate *ex officio* investigations on any discriminatory acts or practices hindering equality in the different spheres of life.

Complaints Lodged in 2016

	Women	Men	Ex Officio Investigations	Total
Gender-Sexual Harassment	4	0	0	4
Race/Ethnic Origin	0	2	0	2
Gender Identity/Gender Expression/Sex Characteristics	1	0	0	1
Age	0	1	0	1
Sexual Orientation	0	0	0	0
Religion or belief	0	1	0	1
Not within NCPE's remit	0	29*	0	29
Total Complaints Lodged				38

* These 29 complaints were lodged by one individual

The following are two investigations which were concluded in 2016.

Case A – Alleged discrimination on the basis of race and ethnic origin

In 2016 the Commissioner concluded an investigation regarding alleged discrimination on the basis of race and ethnic origin.

The complainant stated that as he was shopping with his family at a supermarket, he faced discrimination. He further stated that when they had laid down all their groceries on the belt and were standing in front of the checkout clerk waiting for the previous customer to still collect her shopping, a man approached them and asked them to let him skip the line. The complainant added that the man asked them twice with the attitude that he had to be obeyed. The complainant answered that, simply because he was black, it was not his job to let the man go first. The complainant further stated that at that point the lady packing her bags suggested that the complainant should go back to Africa and that when she realized he wasn't from Africa, she told him about how things worked in Malta and that he was not in his country anymore. The complainant stated that during this time the checkout clerk did not say anything and when the lady left, the security guard went and stood behind them, watching them. The complainant further alleged that he was not given any assistance in carrying his shopping to the car.



The Commissioner noted that the incident occurred because a man asked the complainant to let him skip the queue since he only had a few items while the complainant had several items. The said man did not get into an argument with the

complainant and in fact he apologized and waited behind the complainant until it was his turn. The complainant also confirmed that this man did not say anything which could be interpreted as racist in nature.

With regards to the complainant's allegation that the woman in front of him uttered statements that were racist in nature, there was not enough evidence to prove this was the case, since neither the complainant nor the cashiers present at the till could remember this specific alleged incident.

With reference to the complainant's allegation that nobody assisted him in carrying his shopping to the car, the Commissioner collected enough evidence to prove that it is not the policy of the company to help clients carry their shopping to their car but that when they do it, it is out of their own free will and depending on the workload. In fact the same complainant experienced help in this same store some time before the incident.

Although the complainant could not remember the words that were used by the third party paying customer and it is therefore not possible to prove whether they were discriminatory or otherwise, it could be deduced that even if such words were in fact discriminatory, the Commissioner found that the persons responsible for the establishment did intervene to check whether there was a problem and at this point, the complainant did not explain the situation but said that all was well. To this end, the persons responsible for the establishment cannot be accused of not fulfilling their duty to suppress harassment since no such claim of harassment was put forward by the complainant at that point and thus it cannot be proved that there was inaction by the establishment. The said establishment did present proof that they took steps as were reasonably practicable to prevent harassment since the Security Guard intervened to stop the argument. Moreover, they tried to contact the complainant on the same day that the incident happened and immediately started an internal investigation into the matter.

For these reasons, the Commissioner dismissed the complaint as unfounded.

Case B- Alleged discrimination at the place work on the basis of gender and family responsibilities

NCPE's Commissioner concluded an investigation concerning allegations of discriminatory arrangement of working conditions. The complainant alleged that she was being discriminated against since the arrangement of her working conditions was made in a discriminatory manner in the context of her family responsibilities. In particular, it was alleged that the employer's refusal to extend the complainant's reduced hours contract for a further period following her return from maternity and parental leave in the interim period before going out on maternity leave for her second pregnancy, was discriminatory in her regard, both on the basis of her sex as well as on the basis of family responsibilities.

On a preliminary basis, NCPE's Commissioner noted that whilst reduced hours are not mandated by law and hence there is no legal obligation on employers in this regard, working a reduced hours timetable is in line with policies adopted by the Government of Malta in an effort to further promote equality between men and women. The inclusion of family-friendly measures within the workplace and the adoption of measures such as reduced working hours and flexi-time are encouraged by NCPE as a means towards retaining experienced and skilled employees in employment whilst allowing them to cater for their family responsibilities.

Following the investigation, the Commissioner noted that whilst the employer argued that the complainant's role was irreplaceable and it was not possible for it to be covered by her colleagues, during the company's testimony it was confirmed that the complainant's colleagues could in fact take over her responsibilities.

To justify the refusal to allow reduced working hours to the complainant, the employer argued that there was an increased workload in certain company sections, other than in those where the complainant worked; however, the company

failed to explain how the increase in workload in other sections of the company could or did affect the workload in the complainant's section, thereby justifying the company's refusal. Another reason mentioned by the company as a justification for their refusal, was that they had to adhere with strict EU-mandated deadlines. In this respect, the Commissioner argued that the complainant's colleagues could have taken on the complainant's responsibilities, and that work could have been distributed in such a manner so as to cater for such deadlines.

Moreover, the Commissioner noted that the company's argument that it could not train another person to temporarily cover the complainant's responsibilities because it did not have time to adequately train such person owing to the level of expertise involved, did not hold water, as the complainant had already been on maternity and parental leave before, and subsequently also on reduced hours, entailing that the company had already dealt with the complainant's absence from work.

On the basis of the above, the Commissioner found enough evidence to prove the occurrence of discrimination against the complainant.

2.2 Policy Review and Recommendations

NCPE regularly provides input to national policies, strategies and draft legislation that are open for public consultation on a national level as well as to EU and international documents related to equality.

National Policies

NCPE input at a national level is aimed at ensuring that an equality concern is integrated in all government action so that the needs and barriers of different social groups within NCPE's remit are horizontally addressed. Thus, NCPE gives its feedback to a wide spectrum of draft national documents encompassing areas such as tourism, crime, employment, transport and finance.

In 2016, NCPE submitted its input to the following documents published for consultation:

- Towards A Robust Human Rights and Equality Framework - Consultation on the Equality Bill and the Human Rights and Equality Commission Bill
- Draft National Strategy for Retirement Income and Financial Literacy Knowledge, Planning Action 2016 - 2018
- Proposed Legal Reform for the Tourism Industry
- Cohabitation Bill
- Charter of Patient's Rights and Responsibilities
- A Proposal for the Introduction of the Jobsplus Act
- Job Brokerage Offices
- The Malta National Disability Strategy
- Mobile Government Strategy 2017 - 2018
- National Transport Strategy 2050 and Transport Master Plan 2025
- Pre-Budget Document 2017
- Bringing Education into the 21st Century
- Effective laws against all forms of violence - Full implementation of the Istanbul Convention
- National Children's Policy 2016
- Crime Prevention Strategy for the Maltese Islands 2017 - 2021
- Work Based Learning and Apprenticeship Act

Following a consultation process initiated in 2014 on the establishment of a Human Rights and Equality Commission (HREC), the two Bills setting up this Commission - **the Equality Bill** and the **Human Rights and Equality Commission Bill** - were published for consultation by the Ministry for Social Dialogue, Consumer Affairs and Civil Liberties. NCPE reviewed the Bills and provided its feedback

based on its initial proposal submitted in 2013 and subsequent input, based on its twelve years experience as a national equality body. It welcomed the proposed Bills and underlined the importance of having an HREC that is fully compliant with the Paris Principles, with adequate powers to enforce its decisions in the spheres of human rights and equality. With regards to the *Equality Bill*, NCPE stated that there was room for extending protection against discrimination to more spheres of life and increasing the number of grounds on which discrimination is prohibited.

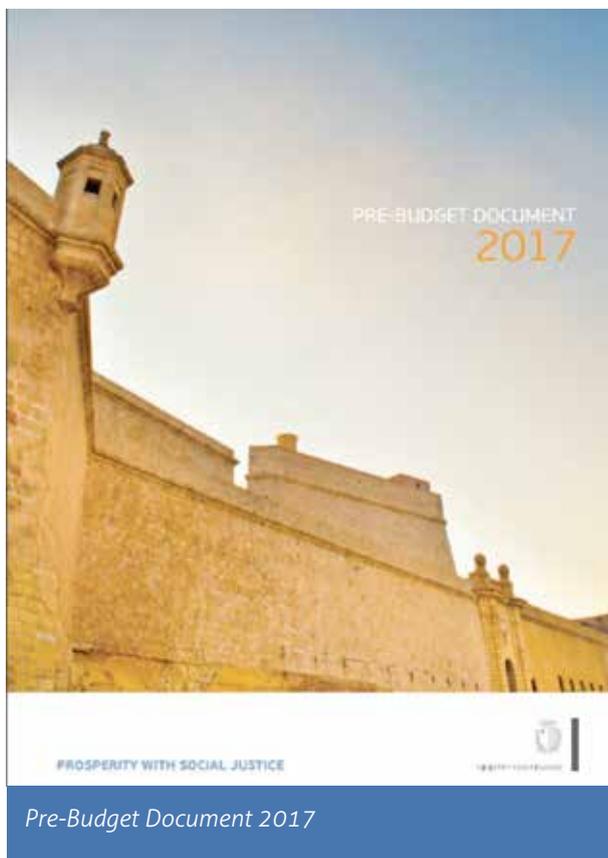
Another important document reviewed by NCPE was the proposal by Jobsplus to create **Job Brokerage Offices** for migrants who went through the asylum process with the aim of regularising short-term employment with working conditions that are in accordance with the law. NCPE stated that the needs and realities of people who went through the asylum process should be acknowledged and addressed. However, this should happen through an extension and strengthening of the current services offered by Government and not the creation of parallel systems. It also insisted that principles of fairness, transparency and accountability in recruitment should be ensured.

The **Malta National Disability Strategy** was also reviewed by NCPE. It stated that the Strategy should adopt an intersectional approach. A number of points to be included in the Strategy were suggested, such as: training to Disability Officers should take into account the needs arising from the intersection of disability with other grounds; the standing committee should be gender-balanced and should include persons from different groups in society; and that data produced from research on disability should always be gender-disaggregated in order to effectively address the concerns of both women and men.

In September, a draft **National Transport Strategy** and a **Transport Masterplan** were published. NCPE stated that transportation needs, travel behaviour and level of access to transport vary between women and men from different social groups. The *Strategy* and the *Masterplan* should be based on knowledge of mobility patterns relating to different

social groups so that it can be structured accordingly. NCPE also highlighted that certain groups, such as women, trans persons and people from minority race/ethnic origin and religions may face safety and accessibility issues due to discrimination and sexual harassment. Thus, it is important that the *Strategy* and *Masterplan* ensure protection from discrimination and sexual harassment.

Annual input to the **Pre-Budget Document** offers an opportunity for NCPE to put forward its proposals for an equitable allocation of resources in relation to different groups in society. In its 2016 feedback NCPE stated that the Budget should address existing inequalities through a fair and responsive allocation of resources as well as through the creation of programmes and projects targeting different groups and spheres of life. Among the specific measures suggested by NCPE there were: incentivising family-friendly measures in the private sector; changes to the pension system addressing difficulties faced by male and female pensioners; the provision of gender reassignment treatment and hormone replacement therapy by the State; and strengthening the current structures



and services related to employment in order to ensure the long-term inclusion of all workers in Malta at all levels of employment.

A Bill for the full implementation of the Istanbul Convention was also published in September. NCPE stated that the title of the Bill – **Gender-Based Violence and Domestic Violence Act** – should include a reference to violence against women in line with the Istanbul Convention. This would address the roots of gender-based violence emanating from a power imbalance where men hold more power than women in most spheres of life. NCPE also stated that the Bill should establish an inter-ministerial committee that includes representatives of the Ministries responsible for equality, justice, health, family and social solidarity and home affairs. Moreover, it highlighted a number of legal provisions that should be amended by this Bill as well as additions to the functions of the Commission on Domestic Violence and the Designated Agency.

EU and International Affairs

In 2016, NCPE contributed to the consultation process of EU and international documents and carried out desk-research on different topics.

The **Council Conclusions in relation to equality**, adopted by the Dutch and Slovak Presidencies respectively, was one such document. In particular, during the Dutch Presidency, the Council adopted conclusions on gender equality in response to the Commission's strategic engagement for gender equality as well as on LGBTI equality in response to the Commission's list of actions to advance LGBTI equality. Moreover, during the Slovak Presidency, the Council adopted conclusions on women and poverty focusing on the gender dimension of poverty. These conclusions were based on a report prepared by the European Institute for Gender Equality (EIGE), which was also reviewed by NCPE.

The proposed equal treatment horizontal directive was also discussed in Council during both Dutch and Slovak Presidencies. NCPE thus gave its input to the drafting suggestions put forward in relation to the **Proposal for a Council Directive on implementing the principle of equal treatment between persons**

irrespective of religion or belief, disability, age or sexual orientation which aims to extend the protection against discrimination to areas outside employment.

In March, the European Commission launched a public consultation on the **European Pillar of Social Rights**. The first preliminary outline delineated a number of essential principles which should become common to participating Member States for the conduct of their employment and social policy, with a specific focus on the needs and challenges confronting the euro area. Two of these principles are 'gender equality and work-life balance' as well as 'equal opportunities'. In light of this, NCPE gave its input in reply to various requests for feedback since discussions on this topic took place in different fora throughout 2016.



EQUINET logo

Being part of the **European Network of Equality Bodies (EQUINET)**, NCPE contributed to the work of EQUINET throughout the year by replying to questionnaires on various issues, including the use of social media; youth discrimination; the principle of equal pay between men and women through transparency; and on intersectionality in the work of equality bodies. NCPE also participated in the consultation process to EQUINET's perspective on economic and social rights; a handbook on equal pay; a working paper on developing standards for equality bodies; and a perspective on intersectionality. Replies were also given to various requests for information by other equality bodies members of EQUINET to share work practices and experiences.

The opinions by the **Advisory Committee on Equal Opportunities for Women and Men** were also reviewed. These addressed FGM and other harmful practices; gender mainstreaming in refugees' reception and integration measures; and work-life balance. Feedback was also given to reports by the European Parliament on topics related to equal

treatment such as parental leave and poverty from a gender perspective.

In 2016, NCPE was also consulted on matters related to equality emanating from international



Gender Equality Committee Meeting

bodies such as the Council of Europe, (particularly the Gender Equality Committee (GEC) and the European Commission against Racism and Intolerance (ECRI)), and the United Nations (in particular the Commission on the Status of Women (CSW)).

Drafting of reports and write-ups; preparation of presentations; and compilation of statistical data when necessary to provide information on the achievements and remaining challenges towards equality were also part of NCPE's work throughout the year.

2.3 Research

NCPE worked on two research papers in 2016: *Women in Politics and Gender Quotas* and *Cultural Diversity in the Maltese Public Service: Approaches to Diversity Management*.

In the **Women in Politics and Gender Quotas** research paper, NCPE conducted a desk-research on gender quotas in the context of women's low participation in politics and explored factors that can lead to an increase in Malta of the under-represented sex in this sphere.

The research paper:

- provided a statistical snapshot of the current situation
- highlighted reasons why gender-balanced political participation is important
- outlined different types of gender quotas
- discussed their implementation and effectiveness
- provided recommendations for the Maltese context.

The research paper concluded that there are several underlying factors to the current under-representation of women in politics. These include negative gender stereotypes, a male-dominated environment that makes it harder for women to participate and succeed, a predominantly male incumbency, lack of women candidates, direct and indirect discrimination in the choice of candidates and weak support structures for persons with family responsibilities, as well as issues related to financial resources and family support. Actions targeting different levels are required in order to address this gender imbalance, and these entail legislative and structural changes within the political parties and governmental institutions as well as wider cultural and social changes.

NCPE carried out research on behalf of the People and Standards Division on cultural diversity within the Public Service. This research paper, entitled **Cultural Diversity in the Maltese Public Service: Approaches to Diversity Management**, will be finalised in 2017 and it will be presented during the European Public Administration Network (EUPAN) meetings to be held in Malta during the Maltese Presidency of the Council of the EU.

This research study seeks to understand existing human resource practices related to cultural diversity in the Maltese Public Service as well as assess the potential of implementing systematic diversity management. It will provide a statistical overview of cultural diversity levels in the Public Service and compare them with those in the general Maltese workforce by using nationality as an indicator of cultural diversity. Through a

qualitative research study conducted by NCPE among managers in the Public Service, it will analyse the management's views on cultural diversity and its impact on team dynamics, service delivery and policy development, and it will discuss Public Service's approaches to diversity recruitment and management. The study will also provide recommendations for the systematic implementation of diversity management in the Public Service.

2.4 Media

In order to get its message across to a wide variety of audiences NCPE regularly makes use of media opportunities. Media presence is crucial for the dissemination of information on different topics related to NCPE's remit and for the promotion of equality and non-discrimination in society.

Contributions to the Press

In 2016, NCPE had 110 contributions in the media, including:

- Press Statements
- Answers to journalists' questions
- Articles
- Participation in TV and radio programmes.

In its Press Statements, NCPE covered various topics such as conferences and other activities it organised as well as topical issues such as the morning-after pill and the objectification of women in the media.

NCPE's Press Statements in 2016 were:

- Gender balance in Universities and research organisations
- Addressing the low female participation in politics
- The licensing of the morning-after pill
- Gender equality and the objectification of women in the media
- NCPE's 12th Annual Conference
- Launch of NCPE's new project - Equality Beyond Gender Roles
- NCPE's conference on Human Rights and Equality in Practice



NCPE's Commissioner participating in a radio programme

All Press Statements can be accessed from the *News* section of NCPE's website – www.equality.gov.mt

In addition, throughout 2016, NCPE replied to various questions sent by journalists encompassing the following topics:

- Discriminatory advertising
- Sexualisation of women in the media
- Complaints' investigation
- Morning-after pill
- The Equality Mark
- Discrimination in employment
- Ownership of shares in companies
- Fertility rate and women's empowerment.

Articles and features were also published in local newspapers, covering themes related to human rights, active ageing, diversity at the workplace, NCPE's *Directory of Professional Women*, bullying in schools, violence, and men's role in the household. These articles can be accessed through the *News* section of NCPE's website.

In 2016, NCPE's Commissioner and staff participated

in TV and radio programmes in order to inform the general public on NCPE's work and other equality-related issues. In such programmes, NCPE had the opportunity to discuss issues of direct relevance to the public such as sexual harassment at the workplace, discrimination in advertising, equality among youth, vilification of religion, women in politics, violence against women, childcare and women's participation in the labour market.

Website

NCPE's website – www.equality.gov.mt – offers all the information related to NCPE's work and activities, its publications, specific initiatives that NCPE carries out throughout the year, and latest developments and events.

The website also features a section on the *Directory of Professional Women* that includes a registration and search facility as well as a section on the Equality Mark intended for organisations that wish to inquire on how to apply for certification. There is also a direct link to NCPE's Facebook Page, Twitter,



NCPE Website

The website is updated regularly and NCPE ensures that it maintains an easily accessible, user-friendly format.

Social media

Facebook is the social media most used by NCPE, with the number of *Likes* increasing up to 2,800 in 2016. Posts of general interest are uploaded on a daily basis, reaching up to 600 followers. Such posts include quotes of well-known personalities, articles from international media related to equality, information on equality developments at national, European and international levels, photos of NCPE events and press statements, articles and other information published by NCPE.

In 2016, NCPE started using other online social networks. Accounts for Twitter and Instagram were created so as to reach a wider audience.

As part of the awareness-raising initiatives connected with the *Equality Beyond Gender Roles* project, NCPE launched a blog addressing issues related to equality in employment and in the sharing of family and domestic responsibilities. This blog is being promoted on NCPE's website and Facebook Page.

Youtube Channel

NCPE makes use of its Youtube Channel – NCPE Malta – to upload video-clips that raise awareness on different grounds of discrimination. These videos, beside sensitising the general public on issues of discrimination, are also a useful tool for educators, students, stakeholders and victims of discrimination. Youtube videos are also uploaded on NCPE's website and Facebook Page.

Equality Matters e-newsletter

NCPE's Equality Matters e-newsletter is another effective medium for NCPE to promote its work and activities.

The 2016 issue covered various initiatives carried out by NCPE, including: the launch of the new project *Equality Beyond Gender Roles*; a write-up accompanied with photos of a conference organised to commemorate International Women's Day; and a feature on the *Directory of Professional Women*. As in other editions, it included an overview of an investigation carried out by NCPE.

A Special Edition of *Equality Matters* targeting employers and management in the public and private sector was also issued in 2016. NCPE presented two initiatives that employers can benefit from – the *Equality Mark* certification and the online *Directory of Professional Women*. In addition, there were features on the prevention of sexual harassment at the workplace as well as on the promotion of family-friendly measures.

Equality Matters is disseminated by NCPE via email and is uploaded on its website and Facebook page.

2.5 Maltese Presidency of the Council of the EU

NCPE is involved in preparations related to the sphere of gender equality for the Maltese Presidency of the Council of the EU.

European Institute for Gender Equality preparatory meetings on cooperation during the Maltese Presidency of the Council of the EU

Representatives of the European Institute for Gender Equality (EIGE) held two visits in Malta during 2016:

- A round of working level meetings with representatives of different Ministries in April
- High level meetings and a public event with the participation of EIGE's Director Virginija Langbakk in June.

April Visit

Following a request submitted by the EIGE, NCPE organised meetings between EIGE representatives and high level officials within Ministries and members of Parliamentary Committees. The main aim of these meetings (5 - 6 April), was to introduce the Institute to experts in charge of relevant Presidency commitments, and explore how EIGE can assist the incoming Maltese Presidency with its knowledge and expertise on gender equality in the EU in preparation for meetings at Ministerial level held later in June 2016. A meeting was also held with NCPE and Malta's representative on EIGE Experts' Forum to discuss the organisation of a public event to raise awareness on EIGE's Gender Equality Index.

To this end, the meetings were held with:

- The Ministry for Social Dialogue, Consumer Affairs and Civil Liberties
- Government officials working on social dialogue, consumer affairs, civil liberties, education, employment, family and social solidarity
- Representatives of the Parliament and Ombuds Office
- Government officials working in the spheres of energy, health, transport and infrastructure, economy, investment and small business, justice, culture and local government
- NCPE and the Maltese representative on EIGE's Experts' Forum.

June Visit

EIGE Director, Virginija Langbakk, visited Malta (13 – 14 June) to hold a set of high level meetings with the Minister for Social Dialogue, Consumer Affairs and Civil Liberties, Dr Helena Dalli as well as with NCPE; representatives of the Ministry for Education and Employment; representatives of the National Statistics Office; and with members of Parliament sitting on the Social Affairs Committee and the Foreign and European Affairs Committee. These meetings were a follow-up to working level meetings held in April with EIGE representatives offering expertise and support on gender equality issues during the Maltese Presidency of the Council of the EU and exploring potential areas of



EIGE logo

cooperation. EIGE provided further information on tools and initiatives for the promotion of gender equality across various policy areas.

Two seminars were also held with government officials and with representatives of NGOs, social partners and the academia respectively, during which EIGE officials presented the country-specific analysis on Malta vis-a-vis EIGE *Gender Equality Index*. This overview highlighted achievements and challenges towards gender equality in the domains of work, money, knowledge, time and power, as well as the satellite domains of violence against women and intersecting inequalities. EIGE also disseminated further information on the services EIGE provide and how these can be used in the national context.

Preparations for the meeting of the High Level Group on Gender Mainstreaming

The High Level Group on Gender Mainstreaming (HLG) is made up of high level Member States representatives in charge of gender equality and gender mainstreaming at national level. The HLG is called and chaired by the European Commission, and meets twice a year in the respective Presidency country. During 2016, NCPE worked to ensure that preparations for the meeting of the High Level Group on Gender Mainstreaming, to be held on 1st and 2nd February 2017, were in place.

Among its main tasks, the HLG supports the triopresidencies in identifying relevant policy areas and topics to be addressed. The HLG is also the

main forum for planning the strategic follow-up of the *Beijing Platform for Action*, including the development of indicators. Moreover, since 2003 the Group has also been assisting the Commission in the preparation of the Report on equality between women and men to the European Council.

The HLG meeting in Malta planned in particular to focus on advancing equal economic independence of women and men, combating gender-based violence and promoting gender equality and women's rights across the world. Prior to the HLG meeting, a Trio meeting was planned with current and forthcoming Trio Presidencies to discuss the national programmes of the Presidencies in relation to gender equality.

During 2016, NCPE liaised with various entities to make the necessary preparations, particularly with the European Commission to discuss the agenda and the necessary logistics for the meeting; with officials of the Ministry for Social Dialogue, Consumer Affairs and Civil Liberties to liaise on various matters including the agenda, logistics, and communications; the Presidency Unit on the meeting venue and accommodation, as well as interpretation booths; the Accreditation Unit regarding the registration and accreditation of local and foreign delegates; the EU Presidency Designated Destination Management Company for the logistical aspects of the meeting; the Branding Unit for the stationery, gifts and other branding material to be utilised during the meeting; and other relevant stakeholders to make the necessary arrangements for the HLG meeting.

Information was also sought from various stakeholders to compile a *Practical Information Note* to be utilised by delegates when preparing their journey and stay in Malta; and an *Event Brief* summarising the aims of the meeting to be published on the official website of the Maltese Presidency of the Council of the EU.

Drafting of Council Conclusions on "Upscaling Skills of Women and Men in the EU Labour Market"

Despite the increasing participation of women in the labour market across Europe, various gender gaps and inequalities persist. In particular, low-

qualified people face higher risk of permanent exclusion from the labour market, that often results in poverty and social exclusion, with low-qualified women facing additional challenges due to structural inequalities and persisting gender stereotypes. Moreover, women face a higher risk of precariousness throughout their lives.

In light of such challenges, the Maltese Government has made the upscaling of skills, with particular reference to women in the labour market, one of its political priorities during the Presidency of the Council of the EU, and seeks to table draft Council Conclusions on the topic for discussion among the member states. The aim is to address the situation of women and men trapped in low income precarious work without any opportunities for advancement due to lack of skills; and women and men who find difficulties in re-entering employment.

To this end, Hon. Minister for Social Dialogue, Consumer Affairs and Civil Liberties Dr Helena Dalli requested the European Institute for Gender Equality (EIGE) to conduct research on the topic in preparation for the drafting of the Council Conclusions for eventual EPSCO's approval. Such research study thus served as a basis for the drafting of the Council Conclusions.

During this year NCPE contributed to discussions on the topic; participated in meetings towards the drafting of the Council Conclusions; provided drafting suggestions for the Council Conclusions to ensure that the principle of gender equality is mainstreamed throughout; reviewed and strengthened a preliminary outline of the Council Conclusions; and made necessary preparations for NCPE's Commissioner deputy-chairing of the Social Questions Working Party on the Council Conclusions. NCPE's Commissioner participated in an experts meeting held in Vilnius by EIGE to consult and gather relevant information from European stakeholders on the topic. NCPE's Commissioner delivered a presentation during an MSDC Steering Committee meeting on the aims of the Maltese Presidency on these Council Conclusions, highlighting the topics covered therein and the draft schedule of the Working Parties. NCPE also liaised with EIGE to clarify queries and ascertain sources of statistical data utilised in

the research note Upscaling skills of women and men in precarious employment in the EU.

Malta is aiming for the adoption of these Council Conclusions in EPSCO Council in March 2017.

Way Forward on the 'Women on Boards' Draft Directive

In November 2012, the European Commission proposed legislation with the aim of attaining a 40% objective of the under-represented sex in non-executive board-member positions in publicly listed companies, with the exception of small and medium enterprises. The aim of this draft Directive is to accelerate progress towards a better gender balance on the corporate boards of European companies.

The Proposal for the Directive of the European Parliament and of the Council, on improving the gender balance among non-executive directors of companies listed on stock exchanges and related measures, was last discussed during the Luxembourg Presidency of the Council of the European Union (June – December 2015). In December 2015, European Ministers for equal opportunities failed to adopt a general approach on this draft Directive despite the fact that the Luxembourg Presidency had redrafted the text, making it more flexible.

The Maltese Presidency is seeking progress in the discussions on this draft Directive. In 2016, NCPE liaised with MSDC Director for Policy Development and Programme Implementation and with the Employment and Social Policy Attaché to push forward this draft Directive during the Maltese Presidency. NCPE's Commissioner, as the proposed deputy-chair of the Social Questions Working Party discussing this draft Directive, made a presentation on the fiche of this dossier to the MSDC Steering Committee delineating the current state and challenges towards reaching an agreement on this draft Directive. NCPE also sought to keep track of meetings held by the Permanent Representation of Malta to the EU with European institutions; respective bilateral meetings held with Member States; and discussions on the way forward for this draft Directive.

Discussions on the proposal by the European Commission to address the challenges of work-life balance faced by working parents and caregivers

The European Commission in 2015 issued the Roadmap *New start to address the challenges of work-life balance faced by working families*. The first consultation phase with European social partners and the public consultation on this proposal ended in 2015. The second-stage consultation with the social partners on the content of the envisaged proposal was launched in July 2016.

The European Commission announced in its 2016 work programme that it would present a package of measures to address the challenges of work-life balance faced by working parents and caregivers. The objective of this initiative is to promote equality between men and women with regard to labour market opportunities and treatment at work and thereby address the low participation of women in the labour market and support the equal use of occupational rights.

The proposal on work-life balance may be launched by the European Commission during the Maltese Presidency of the Council of the EU. In such case, the Maltese Presidency will seek to ensure that respective negotiations in Council are effective. NCPE liaised with MSDC (PDPID) and with the Employment and Social Policy Attaché on the way forward on this dossier. In October, NCPE's Commissioner delivered a presentation on the fiche of this dossier to MSDC Steering Committee to explain the background and to give an overview of the points that can be included in the proposal by the European Commission.

In relation to this proposal, the European Commission has also consulted the Advisory Committee on equal opportunities for women and men and called for their specific advice on a set of questions. In light of this, NCPE replied to a questionnaire sent by the Advisory Committee in preparation of its *ad hoc* opinion. In addition, NCPE also gave its contribution for inclusion in Malta's position on the Advisory Committee's *Draft ad-hoc opinion on the new initiative to address the challenges of work-life balance faced by working parents and caregivers*. Feedback was

also given to EQUINET's position in reply to this Draft Opinion.

Moreover, NCPE also contributed to the Malta position on the non-legislative resolution adopted by the European Parliament in September on the topic: *European Parliament resolution of 13 September 2016 on creating labour market conditions favourable for work-life balance*.

NCPE's Commissioner also participated in a conference held in September in Slovakia *Work-life balance in a changing society* that gathered experts across Europe to discuss challenges related to the context of the reconciliation of work, family and private life.

Participation in MSDC Steering Committee meetings

The MSDC Steering Committee held a number of meetings in 2016 in preparation for the Maltese Presidency of the Council of the EU contributing to the exchange of information and providing input on matters related to the preparation process and to MSDC's priorities for the Presidency to which NCPE participated actively.

Topics discussed during these meetings included the informal meetings to be held in Malta; organisational aspects and chairing of working parties; training on the accreditation system; the File Background Fiche utilised with every dossier; the national programme of the Maltese Presidency of the Council of the European Union; a bilateral meeting with the Dutch Presidency Delegation; presentations of every dossier fiche discussing Malta's position and aims as well as difficulties; communications for the informal meetings; and other related matters.

NCPE also gave feedback on equality to the Programme of the Maltese Presidency which delineates the priorities of the Presidency.

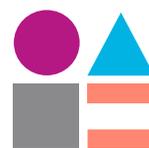
Participation in Training on the Presidency of the Council of the EU

In 2016, NCPE staff attended various training sessions to acquire further skills and knowledge on the Council of the EU and the role of its Presidency to be effectively prepared through all the stages of the negotiation process.

NCPE's Commissioner attended two modules of training by the *École nationale d'administration* (ENA), namely: Council Working Groups: *Procedures and Working Environment* and *Efficient Chairing of the Council Working Parties*. The first module enhanced the understanding of the legal and multicultural context at EU level; identified key actors in the decision-making processes to ensure a smooth running of the Presidency; highlighted legal and practical issues related to the Council Presidency and provided an understanding of the relations of the Presidency within the Council as well as with other European institutions and the Member States. The second module focused on the development of skills necessary for the efficient chairing of the Council meetings outlining the challenges and responsibilities of chairs; raising awareness on the crucial role of preparation; and developing abilities to manage the flow of the meeting, addressing difficult situations and securing an agreement.

Other training for NCPE staff members on the relations between the EU Council Presidency and the European Parliament provided further information on the European Parliament and its political bodies; parliamentary committees and their competences; organisation and functioning of the plenary session; the role of the parliamentary committees in the legislative process; inter-institutional negotiations; and the European Parliament's communication policy and the makings of a good Presidency.

2.6 Equality Beyond Gender Roles



Equality Beyond Gender Roles

Equality Beyond Gender Roles logo

The initiative *Equality Beyond Gender Roles*⁴⁹ was launched in 2016. From June to November, the procurement process was nearly completed and the various activities and events associated with the project were planned and coordinated. Two officers were recruited to work in the *Equality Beyond Gender Roles* project during 2016 - a project coordinator and a project promoter. The project faced some minor set-backs that were beyond the project team's control. These came in the form of a drawn out procurement process that saw the project-tenders being awarded in November/December 2016. The project however, remains on track and is expected to come to a close in December 2017 as initially planned.



Launch of the Equality Beyond Gender Roles project

A conference to launch the project and inform the general public as well as relevant stakeholders of the initiatives to be undertaken through the *Equality Beyond Gender Roles* project was held on the 28th March. In an opening video message, Minister for Social Dialogue, Consumer Affairs and Civil Liberties, Dr Helena Dalli remarked how in spite of the fact that government has introduced measures for parents to be able to participate

in both the public and the private spheres, the percentage of men who benefit from these family-friendly measures is still very low when compared to that of women. Likewise NCPE's Commissioner, Renee Laiviera opined that men are often reluctant to enter 'feminised' spaces for reasons of fear of ridicule, seen as a challenge to their masculinity. Ms Annalise Frantz, Senior Projects Executive at NCPE, then gave an overview of the activities under this project which is co-financed by the Rights, Equality and Citizenship Programme 2014-2020.

⁴⁹ Project part-financed by the Rights, Equality and Citizenship Programme 2014 - 2020



Theatre in Education session

The *Equality Beyond Gender Roles* project consists of a series of activities and events that fall under two categories, awareness-raising and training. **Theatre in Education** sessions are already underway, with the first three sessions attended by 211 (120 males and 91 females) students having taken place in November 2016. During these sessions, secondary school students attend a theatrical production organised by the Drama Unit aiming at raising awareness with regards to the importance of the sharing of family and domestic responsibilities, challenging existing gender stereotypes and identifying ways of attaining a work-life balance. The theatrical productions as part of the Theatre in Education Sessions are scheduled to resume in March 2017, with a total of 2,000 secondary school students being targeted.

The second activity, falling under the training category, targets private sector employers and consists of a series of four consultation sessions through which the NCPE will be discussing with employers various family-friendly measures and associated advantages and challenges. During this consultation process, note will be taken of all concerns and objections raised by local employers in relation to family-friendly measures with efforts made to address them. The consultation sessions are scheduled to take place in February and March 2017.

The awareness-raising category consists of five major activities and/or events.

An **Online Social Media Campaign**, consisting of various posts in the form of research findings, anecdotes, statistics, images and articles on the NCPE's Facebook and Youtube pages, began in June 2016. This is an ongoing activity that will continue throughout 2017.

A **Roving Exhibition Van Campaign** is planned to take place at a number of local post-secondary and tertiary educational institutions from February to May 2017. All of the work pertaining to the planning and tendering for the Roving Exhibition Van took place throughout 2016. This included the drafting, publishing and evaluation of the tender, as well as the holding of several meetings, both internal as

well as with external service providers involved in the Roving Van Campaign.

A **Business Breakfast** targeting local private sector employers is scheduled to take place on the 23rd January 2017. Preparatory work was undertaken with regards to this event throughout 2016, including the drafting, publication and award of the Call for Quotations for the provision of a venue and refreshments, supplementary administrative work associated with the event, as well as the holding of several meetings conducted to design a suitable agenda.

An **Event on Campus** aiming to raise awareness on family-friendly measures and traditional gender stereotypes among post secondary and tertiary students is scheduled to be held in April 2017 at the University of Malta's Msida Campus. In November 2016, the project team began drafting the tender for this event. A number of meetings during which the Event on Campus was planned and discussed were also held throughout November and December 2016.

The same tender covering the aforementioned Event on Campus also covers the organisation of an Event for the General Public to be held in a prominent location in May 2017. The work associated with this event conducted in 2016 consisted of the drafting of the tender and of the planning for the event through a number of internal meetings.

2.7 Training

NCPE continued offering and delivering training on diversity, equality and non-discrimination to a wide range of participants, including students, employers, employees in the private sector, public officers and asylum-seekers. In 2016, NCPE gave **48 training sessions** with over **1,100 participants**.

Topics covered by NCPE in its training sessions were:

- **An overview of Maltese equality legislation** giving the scope and substance of Chapter 456 *Equality for Men and Women Act* and its subsidiary legislation. The different spheres of

life and grounds of discrimination covered by Maltese law were outlined, and the procedure for lodging complaints with NCPE was explained.

- **Understanding the different social identities within NCPE's remit**, including a discussion on the social climate with regards to the different groups and the specific needs and barriers certain social groups might experience.
- **Preventing and addressing sexual harassment** at the workplace and in the provision of goods/ services. A definition of sexual harassment was given and the importance of having workplaces that strive to prevent and address sexual harassment was highlighted. Participants were also informed of possible ways to deal with cases of sexual harassment.
- **The concept of stereotypes** and how they are to be avoided. A definition of the word stereotypes was presented and examples of stereotypes encountered in everyday life were discussed.
- **Implementing a gender mainstreaming strategy** that integrates and addresses the concerns, experiences and aspirations of women, men, girls and boys, from different social groups, into any planned action. It was explained that a gender mainstreaming strategy should adopt a broad approach by looking at equality in relation to different social identities, since women and men from different groups in society have different needs and concerns.
- **Adopting a diversity management approach** that promotes the recruitment, retention and active participation of a diverse workforce with the goal of achieving equality, while at the same time improving organisational efficiency, effectiveness and performance in the workplace.

A number of training sessions in 2016 were delivered to children in primary and secondary schools. These covered themes such as stereotypes, sexual harassment and the value of diversity. Students following childcare courses and students studying health and social care, as well as newly recruited nurses and midwives at the Mater Dei

Hospital, were also trained on equality and non-discrimination. Training sessions to these groups focused on dimensions that are of most relevance to their work such as being sensitive to equality and diversity when delivering a service to members of the public.

In 2016, the NCPE was invited by the Agency for the Welfare of Asylum-Seekers (AWAS) to provide equality training to all asylum-seekers residing in state-run open centres. Eight two-hour sessions were delivered in April and May to which approximately 150 asylum-seekers from different nationalities participated. The rights and obligations emanating from equality legislation in Malta were explained and discussed with the participants, highlighting examples of discrimination at the workplace and in the provision of goods and services. Participants were also given the opportunity to share and discuss personal experiences. Information was also given on how to lodge a complaint with NCPE and information material on equality legislation and the NCPE was distributed following each session. Later in the year, NCPE provided four training sessions to employees working in open centres for asylum-seekers as well as to the Detention Service staff.

Gender Mainstreaming

In order to ensure that there is an understanding of gender mainstreaming and the related reporting obligations in the public service and the public sector, NCPE provided training and information



Gender mainstreaming tool published by NCPE

sessions to these officers on the strategy of gender mainstreaming, the updated reporting template and the related reporting process.

Gender mainstreaming has been official Government policy since June 2000, which policy was reiterated in 2012 through OPM Circular No. 15/2012, to ensure that policies and practices are gender mainstreamed and to have a consolidated yearly report on developments in governmental departments and entities in relation to the implementation of gender mainstreaming. NCPE was designated as the entity to receive these reports and compile a single report for the attention of the Permanent Secretary, Ministry for Social Dialogue, Consumer Affairs and Civil Liberties.

A total of 110 gender mainstreaming reports were received. In 2016, NCPE changed the format of the report compiled for the attention of the Permanent Secretary MSDC. Instead of including all answers in the submitted reports in one report, it has introduced a section entitled *Evaluation of Reports* where a brief assessment of each Ministry's work and reporting on the implementation of gender mainstreaming was provided.

2.8 Discrimination in Advertising

Non-discrimination in advertising is covered by the *Equality for Men and Women Act* (CAP. 456). This law states that no advertisement for vacant posts in employment should be discriminatory.

Equal treatment in the access to vocational training or guidance is also covered by the aforementioned legislation.

NCPE daily screens newspapers as well as online media for any discriminatory advertising and formally contacts the entities/companies in question explaining why an advert is discriminatory and suggesting actions that need to be taken for the adoption of inclusive language or images in such adverts.

In 2016, NCPE identified **57 discriminatory adverts** that discriminated either on the ground of gender or race/ethnic origin, or on the ground of age in employment as outlined here.

Discriminatory adverts of vacant posts in employment in 2016	
Gender	49
Age	5
Gender & Age	2
Gender & Race/ethnic origin	1
Total	57

Out of these 57 adverts, **48 entities were contacted and asked to address discrimination** in their text, **eight for discriminatory images** and **one advert for both discriminatory text and images**. In most cases, action was taken by the entities concerned to change the discriminatory content of the advert. When compared to 2014, the number of discriminatory adverts identified by NCPE decreased, indicating more awareness by advertisers on the use of inclusive language and images in adverts.

Discriminatory adverts by year	Number
2016	57
2015	54
2014	83

Examples of discriminatory text found in 2016	NCPE's suggestions
Handyman	Handyperson
Barmen	Bartenders
Maids	Cleaners
Draughtsmen	Draughtspersons
"he must have excellent organisational skills"	"s/he must have excellent organisational skills"
"must be over 25 years of age"	Remove this wording as it is discriminatory against job seekers on the basis of age

NCPE is also contacted by the general public on the depiction of gender stereotypes in advertisements. NCPE brings stereotypical depictions to the attention of the entity concerned, highlighting the importance of gender equality in this regard. NCPE has published guidelines on respecting equality principles in advertising on its website.

2.9 Requests for Information

Requests for information are received by NCPE on a regular basis. Such requests are forwarded by the general public as well as by various entities and agencies, both locally and internationally, requiring information on topics related to NCPE's remit. Individuals who request information that is not within NCPE's remit are referred to the relevant entity.

Total Number of Requests for Information received in 2016

	Women	Men	Total
Gender	30	5	35
Race/Ethnic Origin	4	0	4
Gender Identity, Gender Expression & Sex Characteristics	2	0	2
Age	3	2	5
Sexual Orientation	1	0	1
Religion/Belief	2	0	2
All grounds	5	3	8
Others / Not within NCPE's remit	13	1	14
Total RFI received	69*		

*Some requests covered more than one ground

2.10 Library and Documentation Centre

With more than 7,000 publications, the Library and Documentation Centre at NCPE's offices in Blata l-Bajda serves as a resource to academics, students and other interested persons who conduct research on equality and the various grounds of discrimination. Every year new publications, including those covering new areas of equality and non-discrimination, are made available. Up to three publications can be borrowed for personal reference. To facilitate the process, the database with available material can be accessed online.

A compilation of local newspaper articles related to areas of equality and discrimination is also available at the Library and its database can also be accessed on NCPE's website.

Those interested can visit NCPE's Library and Documentation Centre by appointment, either by telephone on 25903850 or by email equality@gov.mt.



NCPE library

3. The Equality Mark



The Equality Mark certification awarded by NCPE entered its seventh year in 2016. The certification is awarded to companies that make gender equality one of their values and have a management that is based on the recognition and promotion of the potential of all women and men, including persons with caring responsibilities. The Equality Mark aims to recognize and promote best practices in the area of gender equality. By December 2016, there were **71 certified organisations employing over 18,600 persons.**

The Equality Mark is based on the following themes:

- Policies and initiatives
- Recruitment and employment
- Employee Equality Representatives or Equality Committee
- Equality in career and personal development opportunities
- Family-friendly measures for men and women with caring responsibilities
- Gender equality in the access to and supply of goods and services.

Companies and public organisations can apply for the Equality Mark by submitting the completed Application Form together with the requested documents. An NCPE officer assists organisations that want to be awarded the Equality Mark

certification by holding meetings with the applicant as well as by reviewing and providing feedback on the documentation submitted. In particular, NCPE assists with the drafting of Equality and Sexual Harassment policies, or the improvement of existing ones.

Following the submission and review of documentation, NCPE conducts a gender equality audit at the organisation's premises. During the audit it is ascertained that: policies and other material is circulated to all employees; there is equal pay for work of equal value; the principle of non-discrimination is upheld in access to training opportunities; and employees can make use of family-friendly measures such as reduced hours, telework and flextime.

Each organisation applying for the Equality Mark has a file at NCPE containing all the information gathered throughout the certification process. The last step before certification is the presentation of this file to the NCPE Committee deciding on the eligibility of an organisation to be awarded the Equality Mark. The Committee is briefed on the outcomes of the certification process to be in a position to decide whether to award the Equality Mark or provide further feedback for the attention of the applicant.

Organisations having the Equality Mark can use its logo on all outgoing correspondence including recruitment, advertising and press releases to enhance the corporate image of certified companies.

The Equality Mark certification is valid for a period of two years. Following this time lapse, organisations can apply for re-certification. During the re-certification process NCPE asks for the completion of two different questionnaires - one questionnaire by the employer and one questionnaire by a number of randomly chosen employees – in order to verify that the commitments taken at certification stage are being followed. Some of the organisation's employees are also required to attend a short training-session by NCPE on gender equality.

During 2016, 12 organisations were awarded the Equality Mark and seven obtained their re-certification.



Equality Mark awards during NCPE Annual Conference 2016

Certified	Re-certified
Argus Insurance Ltd	Alf Mizzi & Sons (Marketing) Group
ARMS Ltd.	AIS Group of Companies
be.hotel	Commission for the Rights of Persons with Disability
Broadcasting Authority	Deloitte
Caremalta Mellieha Ltd.	Mater Dei Hospital
Caremalta Ltd.	Medicines Authority
Cateressence Ltd.	Sign Services (Malta)
G4S Security Services (Malta) Ltd.	
ICON	
Medserv Operations Ltd.	
Prohealth Ltd.	
Vassallo Builders Ltd.	

4. Building Knowledge and Networks



International Women's Day Conference

4.1 Our Conferences

NCPE organises a number of conferences to raise awareness among targeted audiences on equality-related issues as well as to discuss its ongoing work.

Human Rights and Equality in Practice – 3 March

The importance of reconciliation between work and family life and the strengthening of the legislative framework for equality and human rights in Malta were discussed in this Conference to mark International Women's Day.

An outline of the European Commission's Roadmap – *A new start to address the challenges of work-life balance faced by working families* - was presented.

Another presentation concerned the *Equality Bill* and the *Human Rights and Equality Commission Bill*. The link between human rights and equality was highlighted.

Two panels made up of stakeholders, academics, employers and trade unions discussed the thematic issues of this Conference. In particular, the experiences and opinions of stakeholders on how to reconcile work and family life, and the way forward in this sphere, were shared and discussed. Another panel focused on how the enjoyment of human rights and equality can be further promoted in Maltese society.

Following this Conference, NCPE took into account the proposals put forward by the stakeholders



Panel of speakers during the International Women's Day Conference

during the panel discussions, in particular when compiling feedback requested for national and international documents. Moreover, NCPE discussed the themes of women in employment and gender equality in three radio programmes and one TV programme. Following the discussions held on the legislative developments regarding human rights in Malta, NCPE published an article in a local newspaper on this subject matter.

Annual Conference – 25 May

NCPE organised its 12th Annual Conference which provided an overview of the work undertaken in 2015 and discussed a number of topics. NCPE's investigation procedure was also outlined and examples of cases investigated by NCPE were presented.

The Conference highlighted NCPE's *Mentoring Programme* targeting women aspiring to participate in decision-making positions through one-to-one support with a mentor. Success stories were presented by both mentors and mentees illustrating

how mentees found this experience useful and helped them in being appointed to desired posts. Participants discussed the way forward for such mentoring programmes during workshops held as part of the Conference.



Hon. Minister Dr Helena Dalli addressing NCPE's Annual Conference 2016



Workshop on Mentoring during NCPE Annual Conference 2016



NCPE Commissioner Ms Renee Laiviera addressing the 2016 Annual Conference

This Conference also promoted the *Online Directory of Professional Women* and urged more professional women to register. By December 2016, there were 233 professional women registered in the Directory.

The Equality Mark was awarded to organisations by Hon. Minister Helena Dalli to seven newly certified organisations as well as nine organisations that obtained their re-certification.

EQUINET's Working Group Meeting on Gender Equality – 4 November

In 2016, NCPE had the pleasure to host in Malta EQUINET's *Working Group Meeting on Gender Equality* where members of European equality bodies gathered to discuss issues relevant to their work.

EQUINET's new publication – *Equal Pay Handbook* – was disseminated during one of the sessions in order to discuss how to build a case on equal pay and how to design an outline for training on the use of this Handbook.

In addition, NCPE's Commissioner Ms Renee Laiviera presented equality-related priorities for the Malta Presidency of the Council of the EU which included

the *Women on Boards' Directive* and the *Focus Year on Violence against Women 2017*.

Another session held as part of this meeting discussed the agenda of a conference on intersectionality that EQUINET will be organising in 2017 as well as possible capacity-building measures as follow-up to the EQUINET perspective on the said topic. A Working Group work plan for 2017 was also presented.

4.2 International and National Meetings

NCPE's Commissioner and staff members participated in various local and EU/International meetings and conferences. These meetings and conferences are organised by various stakeholders, NGOs, government institutions and the private sector.

The role of NCPE at such meetings is to continuously work on strengthening and making more visible the equality agenda, highlighting recent and available data, policies and laws relevant to the subject under discussion.



EQUINET working group meeting on gender equality

Furthermore, participation in such events provides insight for developing NCPE's work, new and stronger collaborations with stakeholders, as well as being learning opportunities that enhance the policy context in which NCPE works.

NCPE Commissioner and staff were sometimes invited to give presentations during such meetings. One such meeting was the seminar organised by EQUINET entitled *Gender Equality in Education* (Prague, 19 -20 May).



NCPE delivering a presentation during EQUINET's seminar on gender equality in education

Another important event was The European Commission High Level Seminar on mutual learning in gender equality (Brussels, 28 - 29 November) where NCPE Commissioner with NCPE Senior Policy Mainstreaming, Training and Legal Executive gave a presentation on gender equality in economic decision-making. The NCPE Commissioner outlined and shared best practice with regards to NCPE's *Online Directory of Professional Women* and the *Mentoring Programme*.

Furthermore, NCPE Commissioner participated in the European Advisory Committee for Equal Opportunities between Women and Men (Brussels, 8 December), wherein activities and meetings on the Malta Presidency of the Council of the EU, to be held in Malta in 2017, were discussed.

4.3 Fora and Networks

NCPE is a member of various committees and boards and participates in their respective events.

European Network of Equality Bodies (EQUINET)

EQUINET, a network registered in Belgium, brings together 45 National Equality Bodies from 33 European countries that counteract discrimination across a range of grounds including age, disability, gender, race or ethnic origin, religion or belief, and sexual orientation.

EQUINET promotes equality in Europe through supporting equality bodies to be independent and effective as valuable catalysts for more equal societies. NCPE actively participated in EQUINET's events throughout 2016.

EU Advisory Committee on Equal Opportunities between Women and Men

The Advisory Committee on Equal Opportunities for Women and Men assists the European Commission in formulating and implementing the European Union activities aimed at promoting equality between women and men.

Created in 1981 by the European Commission Decision relating to the setting up of an Advisory Committee on Equal Opportunities for Women and Men, the Advisory Committee delivers opinions to the Commission on issues of relevance to the promotion of gender equality in the EU.

It comprises representatives of EU member states, social partners at EU level and NGOs, fostering ongoing exchanges of experiences, policies and practices between EU countries and the various parties involved.

High Level Group on Gender Mainstreaming of the EU

The High Level Group on gender mainstreaming is an informal group created in 2001 and comprises high-level representatives from all member states responsible for gender mainstreaming at national level. It is chaired by the European Commission at regular meetings convened twice a year in close collaboration with the Presidency.

Among its main tasks, the Group supports the tri-presidency in identifying relevant policy areas and topics to be addressed during the respective presidency.

The High Level Group is the main forum for planning the strategic follow-up of the Beijing Platform for Action including the development of indicators in specific areas.



Meeting of the High Level Group on Gender Mainstreaming

European Institute of Gender Equality Management Board

The European Institute for Gender Equality (EIGE) is an autonomous body of the European Union established to contribute to and strengthen the promotion of gender equality between women and men across the European Union. Its remit includes gender mainstreaming in all EU policies and the resulting national policies, and the fight against discrimination based on sex, as well as to raise EU citizens' awareness on gender equality.

Its Management Board consists of 18 representatives from among the Member States, operating on a rotation basis thus guaranteeing total representation combined with operational efficiency. One member is also represented by the European Commission and there is an equal number of substitute members. The NCPE has been a Board Member for the last two years.

European Commission against Racism and Intolerance (ECRI)

NCPE's Commissioner is a member of the European Commission against Racism and Intolerance (ECRI).

ECRI is a human rights body of the Council of Europe, composed of independent experts, which monitors problems of racism, xenophobia, antisemitism, intolerance and discrimination on grounds such as race, national/ethnic origin, colour, citizenship, religion and language (racial discrimination). It prepares reports on development in member states and issues recommendations to member States under review.

Committee of the Parties to the Istanbul Convention

NCPE's Commissioner is Malta's representative in the *Committee of the Parties of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence* (Istanbul Convention), composed of the representatives of the Parties to the Convention. The Committee of the Parties may adopt, on the basis of the reports and conclusions of the Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), specific recommendations addressed to the Parties concerned.

Italy–Malta 2007–2013 Executive Committee

The Italy–Malta 2007–2013 Operational Programme aims at achieving the general objective of strengthening the attractiveness and the competitiveness of the cross-border area within a framework of environmental sustainability.

One of the principles of the Programme is "equality between men and women and non-discrimination." As part of the Executive Committee of this Programme, NCPE gives feedback on the equal opportunities section of the project proposals, mainly on the impact of the equal opportunities proposed, on any actions which aim at removing barriers to inclusion and the awareness raising aspect of the measures to be taken as part of the project being evaluated. NCPE also sits on the programme's Monitoring Committee.

Local Committees and Boards

In 2016, NCPE sat on a number of Committees to promote equality between men and women, equal opportunities and non-discrimination that relate to a horizontal priority across all these programmes. *Project Selection Committee (PSC)*: This Committee

evaluates and selects project proposals submitted under the General Programme Solidarity and Management of Migration Flows.

European Economic Area (EEA) Financial Mechanism and the Norwegian Financial Mechanism 2009 and 2014: This Monitoring Committee was set up to monitor the effectiveness and quality of the implementation of the EEA Financial Mechanism 2009-2014 and the Norwegian Financial Mechanism 2009-2014.

The European Fisheries Fund Monitoring Committee: The European Fisheries Fund (EFF) 2007-2013 contributes to realising the Common Fisheries Policy (CFP) objectives, which specifically consist of ensuring the conservation and sustainable use of marine resources. NCPE sits on the Monitoring

Committee that assesses progress in reaching the objectives of the operational programme for Malta and analyses and approves the selection criteria for the financed operations. NCPE's role is to give horizontal feedback on issues related to equality.

The Rural Development Programme for Malta under the European Agricultural fund for Rural Development 2007-2013: The objective of this programme is to reduce economic and social disparities with the European Economic Area.

PPCD - Operational Programme I and Operational Programme II: The role of the Monitoring Committee is to monitor the effectiveness and quality of the implementation of the Operational Programme, in accordance with Articles 49 and 110 of Regulation (EU) 1303/2013.

5. Financial Overview

During the financial year 2016, NCPE received government funding amounting to €345,999 (2015 – €355,000), following an additional grant of €116,000. NCPE was refunded a total of €23,322 representing the share of overheads and indirect costs incurred throughout the duration of the completed project *Forms of Violence in Malta* and also the share of overheads and indirect costs upon the receipt of the final claims relation to the *ESF 4.22 – Capacity Building* and *ESF 3.196 Gender Balance in Decision Making* projects. Training services have generated €210 and €51 were received as an administrative penalty resulting from tendering procedure, while government capital grants released to income were €613. Total recurrent cost amounted to €347,563 (2015 – €354,376) thereby registering a surplus for the year of €22,632 for the year ending 31st December 2016.

Staff Costs and Honoraria decreased to €307,543 (2015 – € 310,680) representing 89% of the total cost. This decrease resulted from staff resignation/ career break during the year and the holding back of recruitment for vacant posts against wage increases brought about by the collective agreement.

Administrative costs amounted to €40,020 (2015 – €43,696). As in previous years, these costs are being kept to a minimum. The main administrative costs are listed hereunder:

	EUR
Legal and Professional fees	14,419
Stationery, Printing and Postage	6,236
Office related costs	7,888
Travelling & Transport	3,772
Other	<u>7,705</u>
	40,020

NCPE focuses on the promotion of equality and a great deal of research is carried out in this respect. NCPE regularly submits a number of proposals for EU Funding so as to be in a position to further its research and be in a better position to provide training and raise awareness. No projects have been completed during the year 2016.

However, NCPE is actively focussed on the *Equality Beyond Gender Roles*. The project commenced in the first quarter of 2016 and is expected to be completed by the end of 2017 with a projected budget in the region of €347,909.

Looking Ahead

The structure and remit of NCPE will undergo major changes in 2017 once the two Bills setting up the Human Rights and Equality Commission are enacted by Parliament. It is envisaged that the enactment of these Bills will strengthen the Commission's independence by transforming it into an institution answering directly to Parliament; widen its remit to include human rights and more grounds of discrimination; and strengthen its powers to act on cases of discrimination and human rights abuses. It is also envisaged that the new entity will be fully compliant with the Paris Principles in order to gain a grade A accreditation by the UN International Coordinating Committee.

Work is already being undertaken in order to ensure sufficient resources for the proper functioning of the HREC. Recruitment processes are currently underway to fill vacant posts so that NCPE has a full staff compliment prior to becoming an HREC. Also envisaged are new posts to cater for the wider responsibilities. NCPE has created its Grading and Salary Structure for 2016-2018 that was approved by the Public Administration Collective Bargaining Unit. An organisation chart for the HREC has been drafted on the basis of this structure. In 2017, a work-plan will be devised with a view to integrate the area of human rights and the added grounds of discrimination into the work of the Commission, and to make the general public aware of these changes in order that this law may be of effective use to all citizens. NCPE's Commission and staff are committed to ensure a smooth, successful transition and to embark on a campaign aimed at raising awareness on the new legislation.

Alongside the work connected to this envisaged development, NCPE will continue to carry out its core work as an equality body which entails the investigation of cases of discrimination, the

organisation of awareness-raising events, the provision of information to the public, research, the delivery of training and assistance to policy-makers.

During the Maltese Presidency of the Council of the EU, NCPE will focus on ensuring that equality is safeguarded in the topics addressed. NCPE will participate in the relevant Social Questions Working Parties to bring about the adoption of the *Council Conclusions on Enhancing the Skills of Women and Men in the EU Labour Market* by the Member States; and that progress is achieved in the discussions on the *Women on Boards draft Directive*. NCPE will aim for negotiations in the Council that are effective when the proposal on work-life balance is launched by the European Commission. This proposal will follow-up on the Roadmap *New start to address the challenges of work-life balance faced by working families* that was published in 2015 and the respective consultations carried out by the European Commission in 2016. NCPE will also work to ensure that the meeting of the High Level Group on Gender Mainstreaming hosted in Malta is successful.

The project *Equality Beyond Gender Roles* will continue to be developed for its full completion in 2017. A number of activities aimed at raising awareness on the concept of work-life balance and the breaking down of stereotypes will be held as part of this initiative. These include theatre sessions in schools, promotional videos on the role of men in family life, a business breakfast for employers and a roving van targeting students.

2017 promises to be another eventful year for NCPE. We will continue doing our best to fight discrimination and to promote an equal society that values diversity.



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