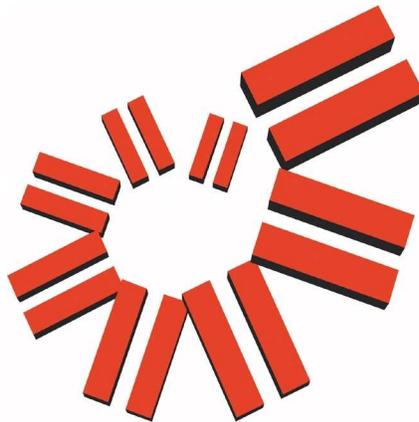


# **ANNUAL REPORT 2008**

***NATIONAL COMMISSION  
FOR THE  
PROMOTION OF EQUALITY***



**NCPE**

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**ISBN:** 978 - 99909 – 89 – 34 - 2

**Published by:** National Commission for the Promotion of Equality (2009)

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## Message from the Honourable Minister John Dalli

As has been the case in previous years, throughout the fifth year of activity, NCPE contributed to various national achievements. Such achievements have included the strengthening of laws and policy, the further training of Public Sector employees as well as private businesses and working towards national strategies using various methods such as projects specifically targeted at national needs. Persons who are at risk of being discriminated against because of their gender or racial/ethnic origin have been empowered to recognise and combat discrimination and stereotypes. To this effect, more women in Malta have attained higher levels of education, entered the labour market, and became active in public life.

As of this year, NCPE's remit has been widened to include responsibility for ensuring equal treatment on a wider scale by virtue of Legal Notice 181 of 2008. Through this Legal Notice, NCPE's remit has been widened to cover discrimination in the access to and supply of goods and services on the grounds of gender, including pregnancy or maternity. Moreover, through OPM Circular 30 of 2008, the Public Sector has been invited to identify discriminatory practices and policies in the provision of public services. To this effect, NCPE will be able to tackle these inconsistencies so as to ensure equal treatment in the access to and supply of such services, in accordance with Legal Notice 181 of 2008.

Accordingly, gender mainstreaming has been strengthened within the national agenda to ensure equality of opportunity in the design, application, analysis and monitoring of all law and policies. The Maltese Government has taken different measures to ensure that gender mainstreaming is in fact a horizontal priority. Such a strategy was targeted towards issues related to gender segregation in employment and education; work/life policies; and family friendly measures.

The Maltese Government is committed towards the emerging needs of families, employees and businesses. The reconciliation of work and private life is crucial to ensuring equality of opportunity. To this effect, this year witnessed an important addition to the family friendly measures which are offered to employees; i.e. telework. Indeed, the *Teleworking Policy in the Public Administration* set out the formal framework for the public administration of telework. Besides the above, Legal Notice 312 of 2008 – *Telework National Standard Order* delineated all-encompassing regulations for telework in both Private and Public Sectors. Carrying out work away from the company's premises enables employees to enter and stay in the labour market, but also to share family responsibilities. Similarly, flexible working arrangements and special leave

provisions help expectant mothers, fathers, parents and other public officials improve the quality of life of families and workers by facilitating the reconciliation of work and private life.

In addition, NCPE's endeavour to achieve *de facto* equality is also evident in various activities that have been carried out to promote and disseminate information about equality and diversity. The Government acknowledges the increasing cultural, racial/ethnic origin diversity in Malta. In line with national strategies, NCPE has been promoting the respect of diversity and mutual understanding, alongside the social inclusion of racial/ethnic minorities. NCPE has also contributed to national strategies of increasing employment by training employers on diversity management which puts forward the tools necessary to manage such a diverse workforce. Accordingly, the Commission has been raising awareness on the benefits of diversity, as well as the rights of those who are discriminated against because of racial/ethnic origin and the right channel to be used when seeking to redress a grievance if such discrimination were to occur.

Globalisation, migration, demographic changes, changing family structures and functions, and other economic instabilities pose new challenges to the promotion of *de facto* equality in society at large. However, NCPE will be at the forefront in meeting such needs so as to ensure social inclusion and equality of opportunity for all.

**John Dalli**  
**Minister for Social Policy**

## Message from the Commissioner

As Maltese society has become more heterogeneous, the Year for Intercultural Dialogue arrived at a unique time in helping to sensitise Maltese society to the diversity of the various cultures that now exist on our islands. This goes of course, hand in hand with the basic principle of equal treatment between all persons, irrespective of their background. The importance of being sensitised to gender as a possible means of discrimination has now established itself as a key fundamental principle in Maltese society. This year, fitting in well with the Year for Intercultural Dialogue, NCPE's remit has now also expanded to monitoring discrimination on basis of race (outside the labour market).

A wider anti discrimination directive is presently being debated in EU and the Member States, and builds upon previous directives which prohibit discrimination on grounds of sex, racial or ethnic origin, age, disability, sexual orientation, religion or belief. It focuses on the need for new legislative measures across the EU to tackle discrimination beyond the labour market.

This strategy to combat discrimination is consistent with the horizontal objectives of the European Union, and in particular with the EU Social Agenda. The added value of the Social Agenda is beyond doubt. The Agenda makes it possible to facilitate the modernisation of national systems against a background of far-reaching economic and social changes. It supports the harmonious operation of the single market while ensuring respect for fundamental rights and common values. In order to implement the Social Agenda, the EU Member States now have a range of instruments at its disposal such as European Social Fund (ESF), the PROGRESS programme and the "open method of coordination".

In spite of progress made, significant problems remain in areas such as women's access to and participation in the labour market, career advancement, reconciliation of family and work life, participation in decision making and gender pay gap. Only more intensive work and research as a micro level will help to address these imbalances. The new directive ensuring equality of access to goods and services presents several challenges that will require new ways of thinking and functioning among several service providers.

NCPE is working hard in order to address these and other issues mandated to it by law, with minimal resources, both financial and human. May I thank the Executive Director and her staff for their unending enthusiasm and endeavours, very often even outside of their formal working hours, in the face of various difficulties, for achieving the results NCPE has indeed accomplished over the last year.



The members of the Commission and the executive staff have continued to liaise extremely well together using a proactive approach with respect to discussions on strategies and priorities to be taken. May I take this opportunity to personally thank them all individually for their commitment and constructive contributions throughout this year.

**Janet Mifsud**  
**Commissioner**

## Message from the Executive Director

The year under review in this Annual Report is 2008, a year which marked five years of activities of the National Commission for the Promotion of Equality (NCPE). This year has been characterised by more involvement both at the national as well as at the European level, and with the further widening of NCPE's remit to include Legal Notice 181/2008 focusing on 'Access to Goods and Services and their Supply (Equal Treatment) Regulations'. This Legal Notice was the end result of the transposition of Directive 2004/113/EC which implements the principle of equal treatment between men and women in the access to and supply of goods and services.

NCPE has worked relentlessly to ensure that 'discrimination' becomes part of the everyday vocabulary and also sought to empower individuals to come forward and seek advice on issues / situations that appear to be discriminatory. This was done through a number of awareness-raising campaigns emanating from the various projects that NCPE implemented with very positive outcomes. Many a phone call was received at our offices where clarifications were sought.

In fact NCPE has participated in a number of antidiscrimination campaigns sensitising the population on possible discrimination also on multiple grounds and not just on gender and race. The thinking was that since we are educating the general public we have to inform on the wider remit rather than compartmentalising the message to fit one's responsibilities. Emphasising one area more than another may not be the wise way forward as the general public is not concerned with specific remits but with a general coherent message. This approach was applied whenever the parameters of a specific project allowed.

Research has also been on NCPE's agenda and new areas were explored to ensure that new concepts that are sprouting around us will also be captured and developed and their feasibility tested against a local background. The PROGRESS project titled 'Living Equality' has actually explored the application of a Gender Responsive Budget. The European discussion focuses on the fact that rather than push away such concepts because of current financial difficulties, this may be the right time to apply such principles to ensure that national funds are used in the best possible way and truly respond to the needs of the public: a case of serving needs before wants.

At NCPE we also recognise that there are lessons to be learnt from policy formulation abroad. When considering foreign policy implementation, a thorough consideration of contextual differences is undergone.

In-house research also ensures a good understanding and scientific evidence of good practices, their short-term and long-term implications, implementation problems, and possible solutions. Various areas were researched with this specific aim. *Inter alia*, these included Diversity Management, European income tax laws, and different family compositions.

With regards to gender mainstreaming, NCPE has also identified and published *Good Practices in the Public Service and Sector* to ensure that the strategy remains on the national agenda and is shown to be a manageable approach, which gives very good results.

Other tools that help the application of gender mainstreaming have been prepared and published. A particular ESF project titled 'The Gender Aspect from a Legal Perspective' has actually produced three toolkits aimed at specific 'populations': i.e. the Legal Profession, the Public Service and the Private Sector. Other initiatives included the preparation of a brochure that was sent to all households in Malta and Gozo to ensure that the information is made available to one and all and in a language that is comprehended by the general public.

NCPE also reached out to schools as a way of further widening the information on the subject. Specific tools were used to ensure that the students involved will find the experience a positive one. Forum theatre was superbly created to involve all the students present. The scenarios created fitted very well into the life experience of the audience in a way that it triggered their input and helped them explore their pre-conceived ideas.

Furthermore NCPE produced a music CD with twelve original songs that were specifically composed and written for the project 'Taking Gender Equality to the Local Community'. This approach proved to be very popular and considered as fun by the general public.

The different approaches and tactics used have produced a number of 'trained' individuals not as part of NCPE staff but as participants of the various projects out there in our society. It can now be categorically stated that through this model, many an individual out there champions equality and is prepared to defend it.

But NCPE was not involved in projects' delivery only but as can be evidenced from this report, it has participated in a huge amount of National, European as well as International fora and given feedback on

many a document that charts the way forward for our island locally as well as at EU level. Complaints are always a priority for NCPE and this particular report will highlight some examples and their outcomes.

All this could only be achieved through a motivated work force – one that has championed equality to the very core and who is prepared to go that extra mile to ensure that all outputs are of high standard as is after all rightly expected.

This will also be an excellent opportunity to publicly acknowledge the work and thank all the staff of NCPE, the Members of the Commission itself and last but definitely not least those members of staff who are now working at other Departments / Entities. I am sure that they will be delivering with the same enthusiasm they showed while working at NCPE.

**Sina Bugeja**  
**Executive Director**

# 1. Introduction

## 1.1 – Introduction to NCPE

The National Commission for the Promotion of Equality (NCPE) was set up in 2004 by virtue of Chapter 456, 'Equality for Men and Women Act' which transposed the provisions laid out by Council Directive 2002/73/EC implementing the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions.

NCPE's remit, duties and responsibilities, as outlined by this Act of Law, include the promotion of equality, the discriminatory nature of sexual harassment as well as discrimination on the grounds of sex and family responsibilities at the place of work, in education and vocational guidance or by banks and financial institutions.

NCPE is an independent, Government - funded body and is the designated 'equality body' which strives to bring about *de facto* equality in Maltese society.

NCPE's remit was widened in April 2007 to incorporate Legal Notice 85 of 2007 'Equal Treatment of Persons Order'. This Legal Notice transposed the non employment provisions of Council Directive 2000/43/EC<sup>1</sup>, which outlines the equal treatment of persons irrespective of race or ethnic origin in the provision on goods and services.

*Harassment shall be deemed to be discrimination when it is related [to] racial or ethnic origin and takes place with the purpose or effect of violating the dignity of a person and of creating an intimidating, hostile, degrading, humiliating or offensive environment (LN 85/2007 Article 2(1)(c)).*

However, there can be difference in treatment where there is a '*genuine occupational requirement which is proportionate in the circumstances*' (LN 85/2007 Article 3).

The Legal Notice also delineates that there shall be no discrimination in relation to social protection; social advantages; education; access to and supply of goods and services which are available to the public,

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<sup>1</sup> Implementing the principle of equal treatment between persons irrespective of racial or ethnic origin

including housing; access to any other service as may be designated by law for the purposes of this regulation; and the provision of financial or insurance services.

NCPE's remit was further strengthened in August 2008 with the introduction of Legal Notice 181 'Access to Goods and Services and their Supply Regulations', which transposed the provisions of Council Directive 2004/113/EC<sup>2</sup>, and outlines the equal treatment of men and women in the supply and access to goods and services. Legal Notice 181 applies to all persons who provide goods and services made available to the public.

*It shall be unlawful for a person to subject another person to discriminatory treatment, whether directly or indirectly, on the grounds of sex, including discriminatory treatment related to pregnancy or maternity (LN181/08, Article 4(1)).*

This non discrimination in treatment also applies for the use of sex as a factor in calculating premiums and benefits for insurances and other financial services. However, the Legal Notice also leaves room for difference in treatment if such is *'justified by a legitimate aim and the means of achieving that aim are appropriate and necessary'* (LN181/08, Article 4(8)). Therefore the difference in the calculation of premiums is allowed if the premiums *'are proportionate and that this assessment is based on relevant and accurate statistical data'* (LN181/08, Article 5(1)). Legal Notice 181 of 2008 also allows for the possibility of positive action in Article 6, to ensure *'full equality in practice between men and women.'*

Although both Legal Notices outline the right to non-discriminatory treatment in the access to and supply of goods and services, each Legal Notice covers a separate ground of discrimination and different areas, for example, Legal Notice 85/2007 includes a shift in the burden of proof for alleged discrimination and also covers protection against any discriminatory advertising.

In relation to the above Acts of Law, NCPE's work includes:

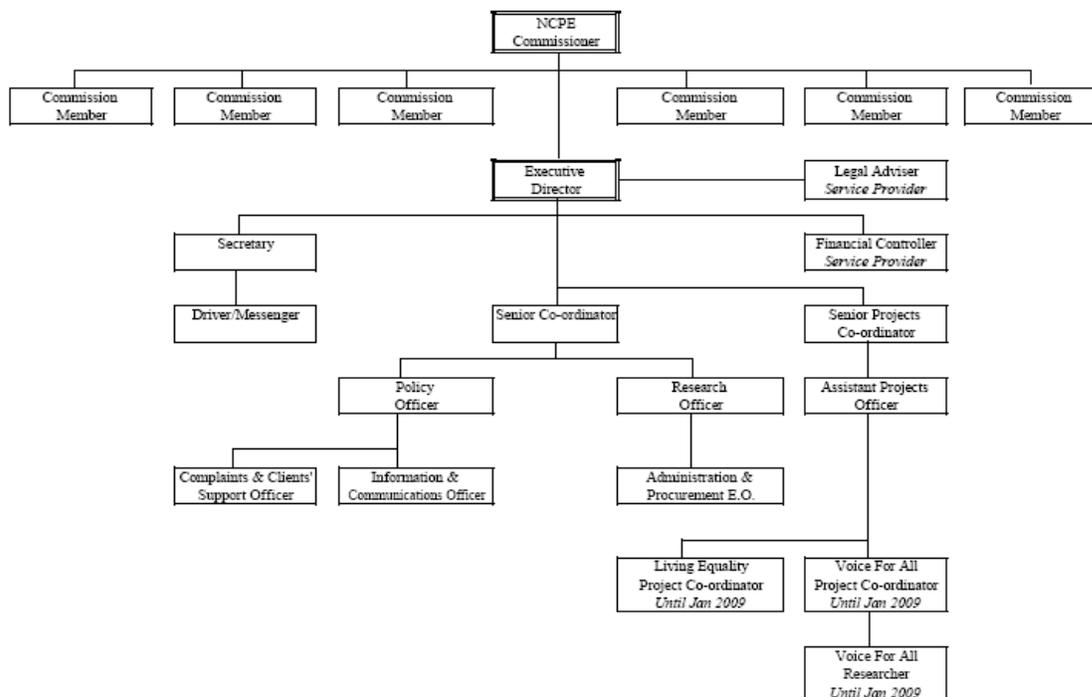
- Working towards the elimination of discrimination on the grounds of gender and race/ethnic origin as prescribed by the Law.
- Investigating complaints and providing assistance to those suffering from discrimination on the grounds of gender and race/ethnic origin.

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<sup>2</sup> Implementing the principle of equal treatment between men and women in the access to and supply of goods and services

- Analysis and monitoring of policies directly or indirectly related to issues of equality as well as monitoring the implementation of national policies.
- Liaising with Government agencies on issues emanating from remit.
- Advising Government and suggesting appropriate changes in order to ensure that gender mainstreaming is carried out through out the Public Service/Sector.
- Keeping under review the working of the Act, and where deemed required, submitting proposals for its amendment or substitution.
- Keeping direct and continuous contact with local and foreign bodies working in the field of equality and anti-discrimination.
- Monitoring gender discriminatory advertisements with regards to employment vacancies and training opportunities.
- Giving training to Government entities and employees as well as private companies in equality, diversity management, gender mainstreaming, gender equality and sexual harassment at the place of work.

The structure of NCPE is as follows:



As can be seen in the above organigram, the Commission is composed of the Commissioner, six Commission Members, the Executive Director and her staff. The Executive Director heads the Executive arm of the Commission which implements various aspects of the Commission's remit including research, policy implementation and direction, project implementation, investigating complaints, information dissemination, awareness raising and training. Each of these sections will be described in more detail throughout this report.

The members of the Commission are:

**Commissioner:** Dr Janet Mifsud, B.Pharm (Hons), PhD (QUB)(Belfast)

Dr Mifsud was appointed as the Commissioner, National Commission for the Promotion of Equality for Men and Women in 2004 and has represented Malta at several gender EU, UN and EuroMed policy meetings. Dr Mifsud has been active in the gender and science field for several years. She has been invited by EU DG Research to attend Women in Science Fora held in Brussels, and she has also been appointed several times as an expert evaluator for proposals submitted under FP calls. Locally, she has chaired the Gender Issues Committee for the University of Malta and is a member of the Public Service Commission.

**Members of the Commission:**

Dr. Vanni Xuereb, S.Th.B., D.E.J.E.(Bruges), LL.D.

Dr. Xuereb is currently the Head of the Malta-EU Steering & Action Committee. MEUSAC's functions are threefold: consultation on new EU legislation, dissemination of information on EU Policy and Funding opportunities, and providing assistance to local councils and NGOs on EU funds. As an organisation, MEUSAC is committed to ensure that issues raised at the EU level in relation to the promotion of equality are properly debated by civil society as has already occurred, for example, when the Commission's proposals in relation to *A better work-life balance: stronger support for reconciling professional, private and family life* and for a Directive on implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation were discussed by the Core Group of MEUSAC.

Ms. Grace Attard

Ms. Attard is currently the Vice-President of the National Council of Women, as well as being a member of the European Economic and Social Committee; the Section on External Relations dealing with Gender Issues; the Euro-Med Follow-up Committee focusing on Gender Equality; the Labour Market Observatory with special focus on women in employment; the European Centre of the International Council of Women;

the Malta Anna Lindh Foundation Network focusing on improving the situation of women through education, the media and culture and also an advisor to the Commission meetings on the Istanbul Ministerial Conclusions on Gender Equality. Ms. Attard is also currently working on *discrimination between men and women in self-employment activities* as well as a *review of EU Directives on pregnant women, women who have recently given birth and women who are breastfeeding*.

Mr. Joseph Farrugia, B.A. (Hons) ECOM, M.A. Marketing

Mr. Farrugia joined the Malta Employers' Association as Director General in November 2001. He was previously employed at the University of Malta where he lectured in Marketing related subjects to Junior College, B.Comm and MBA students. He has also conducted courses in sales and sales management for the Malta University Services. Mr Farrugia has extensive experience in marketing consultancy and was employed as a Human Resources executive with the Gasan Group of Companies between the years 1988 and 1995. His main responsibilities at the Gasan group were industrial relations, collective bargaining, training, and organisational design and development. Mr. Farrugia sits on the board of directors of the Employment and Training Corporation, and of the Employment Relations Board. He also represents the MEA on the Malta Council for Economic and Social Development, and in international fora, amongst them the International Labour Organisation.

Ms. Therese Bugeja, B.Sc (Hons)(Nurs.Stud), P.Q.Dip.Nurs.Educ, M.Sc,

Ms Bugeja lectures at the Institute of Health Care at the University of Malta. She read for a BSc (Honours) in Nursing, followed by a post graduate diploma in Education and an MSc in Health Education. She facilitates credits of contemporary issues focusing on equality related topics. She is also a qualified Psychotherapist. She has been a committee member on the National Bioethics Commission for three years and last year she was appointed a member of the National Commission for the Promotion of Equality.

Dr. Myriam Spiteri-Debono, B.A. (Hons), Dip. N.P.

Dr. Spiteri-Debono graduated with a BA (Hons.) in English and also read the LL.D course and is a practising Notary by profession. Dr. Spiteri-Debono is a former Speaker of the House of Representatives and has been active in local politics since her days as a student, being a founding member of the Socialist Student Group, a Propaganda Secretary as well as a member of the National Executive for the Malta Labour Party and also Secretary General and is currently in her second consecutive mandate as the President of the Woman's section of the Malta Labour Party. She was also chairperson of the Press Ethics Commission, being instrumental in drafting its rules of procedure and by-laws as well as chairperson of the Co-operatives Board.

In politics, she cooperated with all women's organisations and made it her mission to elevate the Woman Question above party politics. As an NCPE Commission member, her contribution is mainly in the complaints sub-committee dealing with discrimination and harassment.

Mr. Mario Mallia, B.Ed (Hons), M.Ed

Mr. Mallia is currently the Head of School at St Albert the Great College Primary and Secondary. He graduated with B.Ed (Hons) and M.Ed and holds a post-graduate diploma in Educational Administration and Management. Dissertations at both levels focused inter alia on aspects of gender through ethnographic research and policy sociology. Mr. Mallia has been a member of NCPE since its inception in December 2003.

**Executive Director:** Ms Sina Bugeja, MSc (Wales); FRSH; MIM

Ms Bugeja is the Executive Director of the National Commission for the Promotion of Equality – a position she has held since January 2004. She represents Malta on the Steering Committee for Equality between Women and Men (CDEG) and on the Bureau of the same committee (CDEG-BU) of the Council of Europe and the High Level Group on Gender Mainstreaming of the EU. Ms Bugeja has also been appointed as the national member on the Anti-discrimination Governmental Expert Group on gender and race; the National Focal Point on PROGRESS; and the Federation Councillor of Soroptimist International. She has held the position of Chief Executive Officer of Sedqa – the national agency against drugs and alcohol abuse for six years. She also held the Chairperson seat of ECCAS (European Collaborating Centres on Addiction Studies) for two years. Ms Bugeja has been awarded the Commonwealth Award for Excellence in Women's Health, is a part-time lecturer at the University of Malta and is also a member of the Malta Institute of Management.

## **1.2 – Summary of Work Carried Out in 2008**

NCPE has carried out extensive work in the past year, in fact, 2008 has been very eventful, where work with social partners was strengthened and several issues raised were analysed and appropriate follow up action was taken.

In August 2008 NCPE had its **remit widened** with the introduction of Legal Notice 181 - '*Access to Goods and Services and their Supply Regulations*'. This Legal Notice protects people being discriminated against because of their gender more comprehensive, allowing for a stronger safety net in the face of discriminatory treatment.

NCPE has replied to various **Questionnaires and Surveys** from different entities, including the EU and other national and international bodies. Questionnaires aid NCPE's work not only from a research perspective but also in identifying important issues, formulating / amending policies, and acting as a platform for future projects. NCPE, as the national entity for equality, also gives **feedback** with regards to various documents submitted for review / input throughout the year. This task includes ensuring that an equality perspective is taken into consideration throughout all documents and policies (further discussed in section 7).

NCPE represents Malta in various national, Council of Europe and other EU level **committees** and gives ongoing input and feedback regarding several current issues (further discussed in sections 1.5 & 1.6).

The **investigation of complaints** is an important aspect of NCPE's work. NCPE has a complaints section which confidentially investigates any complaint brought to its attention and takes the initiative to investigate situations which are believed to be discriminatory (further discussed in section 4).

Making use of European Union as well as local funding, NCPE has implemented several **projects** throughout 2008 to promote equality on all forms of discrimination in varying sectors of Maltese society (further discussed in section 3).

NCPE carries out diverse types of **training**, targeting wide-ranging and diverse groups within both the Public and the Private Sectors of employment, informal groups and NGOs. With respect to NCPE's remit, trainees are sensitised to equality issues, legal obligations and duties, harassment and sexual harassment, diversity management, the illegality of racism and xenophobia, gender mainstreaming and sensitivity, as well as any other issue which fall within NCPE's remit (further discussed in section 6).

NCPE also carries out in-house **Capacity Building** for staff members. Internal training for new recruits takes place on a regular basis as does external training. Members of staff are given the opportunity to keep abreast with current issues and topics relevant to NCPE's remit by attending seminars and training sessions throughout the year, when such opportunities arise. NCPE's staff also regularly attend training organised by SDO for personal capacity building which enhances the overall work output (further discussed in section 6).

Training as well as project implementation leads to widespread **information dissemination** and **awareness raising** within Maltese society. NCPE widened its **network** of organisations with which it collaborates. NCPE

regularly consults and is in constant contact with different NGOs, Civil Society Organisations as well as private companies and Governmental bodies, in order to collaborate on issues and projects as well as the sharing of knowledge. Such networking is an indispensable tool to bring about social change in relation to equality.

The above aspects of NCPE's work are all intertwined, which often leads to regular **inter-Departmental / Ministerial cooperation**.

Main issues emanating from complaints, project implementation, training and research often result in further **in-depth research**, as well as targeted training and awareness raising and the implementation of new projects which adequately address issues identified. This leads to streamlined action which deals with the specific and real needs of Maltese society at each point in time.

All the work NCPE carries out is constantly being vetted from a **legal perspective** to ensure that such work is in line with Maltese Legislation as well as to make certain that NCPE meets the obligations it was mandated through Maltese law.

NCPE's work also centres on having constant contact with the individual Ministries regarding issues emanating from its remit. This is achieved through the Ministries' **Equality Committees**. Each Committee consists of officers from different Departments within each Ministry who work together as a point of reference for employees to ensure that equality is mainstreamed in all workings of the Ministry.

This year the Committees have completed a questionnaire highlighting their work on equality, which their Ministry has implemented since 2006. After the handing in of this questionnaire, a meeting was held with each Ministry's Equality Committee where the roles and duties of the Equality Committee were explained and discussed. As a result, most of these Committees have been trained and they regularly give feedback to NCPE via questionnaires presented to them.

Each year, NCPE contributes to the **pre-budget consultation** and **budget speech** process by ensuring that proposed measures are non-discriminatory and will not result in direct or indirect discrimination.

**Issues** which were raised in 2008 varied and emanated from several sources, including amongst others:

- Enforcing LN181/2008 and LN85/2007.

- Promoting family friendly measures and other flexible work arrangements.
- Highlighting gender and race discrimination in the media.
- Requested change in job titles at ETC.
- A change in nomenclatures used by the Public Service was initiated to make sure that the names used are gender inclusive.
- Initiated discussions with regards to tax issues and gender.
- Ongoing monitoring of Government appointed Boards and Committee to ensure gender balance whenever possible.
- Gender mainstreaming all policies in the Public Service and Sector.
- Provided training to Public Service and Sector employees.
- Implemented obligations emanating from the EU's 'A Roadmap to Equality between Men and Women', including monitoring of indicators.
- Researched and highlighted different issues such as Diversity Management, multi-ground discrimination, pregnancy and probation.
- Provided feedback for the proposed new EU antidiscrimination directive.
- Emphasised gender segregation in employment and education.
- Held meetings with NGOs working on issues of race.
- Promoted flexible work arrangements and female entrepreneurship.
- Welcomed the 14 weeks of maternity leave.
- Researched gender budgeting and auditing.
- Emphasised the need for an increase in childcare facilities.
- Underlined the low level of women in decision making in the Public Service and Sector.
- Collaborated with other entities in order to streamline data/information collection and collation.
- Prompted the issuance of OPM Circular 30 of 2008, where the Public Sector has been invited to identify discriminatory practices and policies in the provision of *public* goods and services.

### **1.3 – Policy Direction**

With the widening of the remit to include Legal Notice 181 and the increasing obligations emanating from the European Union, the National Commission for the Promotion of Equality's future policy direction will concentrate on the following objectives:

- **Promote equality** through awareness raising campaigns regarding rights and obligations on all discriminatory areas as specified by the EU;

- **Empower individuals** (general public) through the provision of information and assistance with regards to issues pertinent to NCPE's remit;
- **Provide targeted training** to Private and Public entities/companies with regards to equality (gender and race), sexual harassment, gender mainstreaming, diversity and inclusiveness, and laws pertinent to discrimination on the basis of gender and race;
- Provide further training for Ministries with regards to **gender equality and diversity**;
- Provide further (ongoing) training for **Equality Committees within each Ministry**;
- **Implement and monitor the obligations emanating from LN181/2008** specifically related to the provision of goods and services and their supply by the Public Service / Sector;
- **Continue implementing EU obligations** with regards to equality – monitoring and collating data for indicators identified by EU for all 27 Member States emanating from the 'A Roadmap for equality between women and men 2006-2010' and the 'Beijing Platform for Action'.

NCPE's strategy to carry out the above mentioned objectives will include the following:

### **Awareness raising campaigns**

One of the principal thrusts of NCPE's work is to raise awareness regarding its remit as well as promoting equality and non-discrimination. Awareness raising campaigns are therefore pivotal to reach the different sectors of society. NCPE has incorporated into all project proposals a component of awareness raising to educate, disseminate and highlight research results/findings, and promote equality etc.

### **Training initiatives**

While *de jure* equality is even covered in the Constitution of Malta, *de facto* equality is still to be achieved. There is a clear lack in the basic understanding of the concept of equality and its application and lack of information on the other areas of discrimination as listed by the EU. These include race and ethnicity, sexual orientation, age, and religion. In order to improve this situation, training initiatives should be directed at those who can create a multiplier effect.

### **Targeted training**

Starting in 2009, NCPE will identify a number of Ministries each year to offer targeted training with regards to gender and racial equality, sexual harassment, diversity management, equality policies and any other issues

pertinent to NCPE's remit. Furthermore Equality Committees in every Ministry will continue to receive ongoing training in order to keep up to date with current best practices and legislation pertinent to equality.

### **Implementation and monitoring of National/EU obligations**

Emanating out of Directive 2002/73/EC, NCPE has the obligation to monitor all policies to ensure that they are in fact gender mainstreamed. Mainstreaming itself is a strategic approach which aims at addressing discriminatory practices that are brought about by the relevant political, legal or administrative structures and are not directed at individuals themselves.

Other obligations emanating from LN181/2008 include:

- the collection of data from insurance and related financial services regarding their calculation of premiums and benefits
- the analysis of data from insurance and related financial services to identify whether the use of sex as a factor in the calculation of premiums and benefits is justified
- receive complaints
- initiate proceedings after receiving a complaint, as prescribed in Chapter 456
- provide independent assistance to victims of discrimination in pursuing their complaints
- conduct independent surveys
- publish reports
- make recommendations

**Indicators emanating from 'A Roadmap for equality between women and men 2006-2010' and 'Beijing Platform for Action'** will be central to the collection of national data. NCPE will continuously monitor and collate all relevant data for the indicators identified by EU Commission for all 27 Member States.

### **Research and dissemination of publications/information**

Baseline, as well as targeted research is necessary to gauge different factors impinging on gender and racial equality. A number of research initiatives will be undertaken to help NCPE better understand the situation so as to come up with acceptable and feasible policy suggestions.

### **Policy formulation and implementation**

After different research has been carried out, NCPE will be able to further mainstream equality in Maltese society through policy formulation and implementation.

### **Capacity building of staff to provide further assistance to general public**

As NCPE's remit was widened both in 2007 and 2008 and new obligations have emanated from the implementation of EU Directives, NCPE continuously invests in the capacity building of its staff as well as the Equality Committees in all the Ministries. In this manner NCPE will be better able to assist the general public and promote equality.

## **1.4 – Research Carried to Support Policy-making**

NCPE recognises that there are lessons to be learnt from past attempts of policy formulation at a national as well as an international level. When considering policy implementation at an international level, a thorough consideration of contextual differences must be taken. Research also ensures a thorough understanding and researched evidence of good practices, their short-term and long-term implications, implementation problems, and possible solutions. The areas researched during 2008 included diversity management, positive action and positive discrimination, European income tax laws, different family compositions, multiple discrimination and non-discrimination mainstreaming, violence against women, equality committees, discriminatory advertising, maternity and the Commonwealth plan of action.

**Diversity management** is “the active and conscious development of a future oriented, value driven strategic, communicative and managerial process of accepting and using certain differences and similarities as a potential in an organisation, a process which creates added value to the company” (Keil, Amershi, Holmes, Jablonski, Lüthi, Matoba, Plett & von Unruh, 2007, pp.6). NCPE carried out research on diversity management to identify the underlying principles, the historical development, the business rationale, and the best strategies and practices for introducing diversity management.

**Positive action** is aimed at achieving full equality in practice through compensatory measures that eradicate stereotypes and reverse past and present discrimination effects. The research focused on identifying the relevant EU legislation, the parameters established by law, the practical European Court of Justice rulings for specific measures, examples of international good practices, and the pinpointing of wider measures needed to allow the smooth and successful implementation of positive action.

**European income tax laws** were reviewed to identify the different tax computations and tax allowances across countries. In addition, the income tax variations in relation to marital status and dependent children or older persons were also researched.

NCPE acknowledges that the **concept of family** is changing, from both sociological as well as from cultural aspects. Throughout time the family passed from a relationship controlled socially by customs, public opinion, laws, etc, to a spontaneous relationship developed through natural affection and consent. The contemporary definition of family recognises residence, marriage, whether formal or informal, and parenthood, as the main characteristics specific to the social group of the family. Families deviating from the traditional stereotype face, or are more likely to face certain difficulties. It is the responsibility of the welfare state to recognise different family compositions, and to align policies and welfare services and benefits to provide a safety net for all, by addressing the most vulnerable through directly-targeted and tailor-made provisions. Social policy must therefore be informed by, and fully aware of, the changing patterns of family formation, and of family functions.

In addition, NCPE collaborates with other entities in order to **form and update databases of information**. NCPE liaises with other public entities, such as NSO, in order to update statistics and data on relevant **EU indicators**. Since NCPE receives frequent **questionnaires** from, and is required to give comprehensive information to, European and international institutions, specific facts and details about race and gender-related issues are often required. Hence, when necessary, NCPE informs other entities about the need to collect race and gender-segregated data on equality indicators.

Due to changes in family and labour force composition, stereotypical roles and family responsibilities, caring needs for an aging population and the standard and cost of living, NCPE carried out research with regards to **different flexible work time arrangements** in order to better understand how to reconcile conflicts and pressures experienced by working employees with family responsibilities. Such arrangements include **flexi-time, job sharing, reduced hours, shift swapping, time banking and part-time work**. In addition more inclusive schemes of benefits need to be analysed in order to facilitate the reconciliation of work and private life of employees who have commitments which are not necessarily related to caring responsibilities.

NCPE endorsed the strategic objectives of 'The Beijing Declaration and Platform for Action' in support of the advancement of women. **The Beijing Platform for Action (BPfA)** enhances gender equality, women's empowerment and human rights in 12 critical areas. Accordingly, NCPE carries out ongoing research with regards to indicators set out by the BPfA in the areas of women and armed conflicts; violence against women; gender inequalities in decision-making and political processes and structures; mechanisms to promote the advancement of women; media stereotyping and the access for women in communication

systems; discrimination and violation of rights of the girl child; inequality in economic structures and policy, especially the gender pay gap; reconciliation of work and family life; and women's access to education and training.

Research into all **Equality Committees** was carried out on two separate occasions, one during the first quarter of 2008 and another one during the third quarter of 2008. Information gathered included the level of training the Committees had, the policies in place, including complaints procedures, complaints put forward and any other issue the committee felt they would like to put forward or get help on. Such research allows for a channel of communication to be open between NCPE and the individual Committee, as well as the identification of any areas which require action.

Research was also carried out about **discriminatory advertising and the power of pictures**. Through this research, it was found that pictures carry ideology and they create or add meaning to a text.<sup>3</sup> The research also emphasised the issue that gender-neutrality should also be applied to pictures/images juxtaposed to text of job vacancy adverts. Chapter 456, The Equality for Men and Women Act, Article 10 (1) and (2) state that any displayed or published vacancy advertisement must not discriminate between job seekers. Within the law, no discrimination is made between textual and pictorial advertising.

NCPE researched various issues related to **maternity** and legislation including the rights of women who are employees or who are self employed in relation to non-discrimination towards those who are pregnant, who have recently given birth or are breastfeeding.

NCPE carried out research related to the Monitoring and Evaluation Framework for the **Commonwealth Plan of Action** for Gender Equality 2005-2015. This report not only looked at the gender perspectives of these areas of action, but also the race/ ethnic origin as applicable to NCPE's remit. Each of the 'critical areas' as described throughout the plan of action, namely : Gender, Democracy, Peace and conflict; Gender, human rights and law; Gender, poverty eradication and economic empowerment and; Gender and HIV/AIDS are described in detail throughout the report, each divided into race and gender as pertaining to NCPE's remit.

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<sup>3</sup> Barthes, R. *Camera lucida: reflections of photography*. London: Flamingo. (1984) as quoted in Van Den Berg, D.J. What is an image and what is image power. (May 2004) as at [www.imageandnarrative.be/issue08/dirkvandenbergh.htm](http://www.imageandnarrative.be/issue08/dirkvandenbergh.htm)

## **1.5 - Attended Meetings and Conferences**

### **1.5.1 – Abroad**

#### **High-level Group on Gender Mainstreaming (10 - 12.01.08, Ljubljana and Brodo, Slovenia)**

The High Level Group meeting of the Slovenian Presidency was held in Ljubljana. This Presidency is working on two of the indicators emanating out of the Beijing Platform for Action; i.e. women in decision-making and the girl child. Data has been collected and sent.

#### **Conference “Elimination of Gender Stereotypes: Mission (Im)Possible?” (29.01.08) and Informal Meeting of Ministers for Gender Equality (30 - 31.01.08, Slovenia)**

The Permanent Secretary MSOC together with the Executive Director attended this conference. The objective of the Conference, organised with the support of the European Commission, was to review progress so far and pinpoint the key challenges faced when eliminating gender stereotypes, in particular in education and training, employment, private and family life, participation and decision making, and the media. The Informal Meeting of Ministers addressed women’s participation in society and the strengthening of the role and status of women.

#### **Meeting with representatives of the national equality bodies designated in accordance with Directive 2002/73/EC (22.02.08, Brussels)**

The main point for the discussion was the transposition of Directive 2002/73/EC and case law from the European Court of Justice as good examples.

#### **ECRI [European Commission against Racism and Intolerance] Seminar with national specialised bodies to combat racism and racial discrimination (28 - 29.02.08, Strasbourg)**

The main theme for discussion was INTEGRATION. Malta highlighted its situation where irregular immigrants arriving in Malta are not wholly interested in integration as most of them want to continue migrating to mainland Europe.

#### **38<sup>th</sup> Meeting of the Bureau of the CDEG (27 - 28.03.08, Strasbourg)**

The meeting focused on: [i] the preparation of the declaration on Equality; [ii] balanced participation of women and men in political and public decision making; [iii] activities in the field of gender mainstreaming; and [iv] activities to protect women against violence.

**Gender budgeting, a necessary tool to implement the ‘gender mainstreaming act’ of 12 January 2007  
First Thematic Seminar (16.04.08, Brussels)**

The Institute of Equality organised this seminar where the Belgian and the Moroccan approaches to gender budgeting were discussed.

**EQUINET Annual General Meeting (17 - 18.04.08, Brussels)**

The AGM approved the new statute of EQUINET following its new set up under Belgian Law. The AGM was attended by the Head of the Anti-discrimination Unit of the European Commission. Discussion on how EQUINET can have better communication among its members was also on the agenda.

**Responding to new Social Realities: Developing an EU Agenda for Opportunities, Access and Solidarity (05 - 06.05.08, Brussels)**

This EU conference was attended by the Commissioner along with another 6 participants from Malta. This Conference provided valuable input into the discussion on how Europe should respond to its current social challenges in an era of globalisation and create discussion on how it should renew its social agenda.

**Communicating Equality and Non-discrimination in the European Union (05 – 06.06.08, Belfast, Northern Ireland)**

This conference focused on the projects that countries had implemented as part of the Year for Equal Opportunities for All. It was attended by the Senior Projects Coordinator who was the focal person on the MOSAIC – one in diversity project.

**Strengthening the Role of Women in Society (12.06.08, Brussels)**

This EuroMed Ad Hoc Meeting was attended by the Commissioner. The conclusions presented by rapporteurs provided a set of recommendations to guide the setting up of a wide range of specially tailored measures and complementary and systematic supportive measures and strategies, essential to achieve the objective of full and equal participation of women in political life.

**39<sup>th</sup> Meeting of the CDEG (30.06.08 – 02.07.08, Strasbourg)**

The Executive Director attended the 39<sup>th</sup> CDEG meeting. Throughout this Meeting, the Committee discussed the preparation of a declaration on equality between men and women to guarantee gender equality in practice, future activities in the field of balanced participation of both sexes to the decision-making process and initiatives to achieve higher social cohesion.

**High-level Group on Gender Mainstreaming (11 - 12.09.08, Paris)**

The High Level Group Meeting on Gender Mainstreaming was organised by the French Presidency. The indicators emanating from the Beijing Platform for Action on Women and Armed Conflict were discussed. The draft report as prepared by the French Presidency and discussed by the representatives of the Member States. A consensus was reached after all the input was discussed at length.

**39<sup>th</sup> Meeting of the Bureau of the CDEG (17 – 19.09.08, Strasbourg)**

This was attended by the Executive Director. An informal meeting on gender mainstreaming and the media was also held and attended. The importance of working with the media to ensure that stereotypes are diminished was emphasised. In fact, the next Informal Meeting on gender mainstreaming will focus on gender mainstreaming and the media.

**2<sup>nd</sup> Equality Summit (29 – 30.09.08, Paris)**

The French Presidency organised the Equality Summit at Institute du Monde Arabe. This Summit allowed stakeholders to voice their concerns and present their different perspectives on how to strengthen the fight against discrimination in Europe.

**Strengthening the Role of Women in Society (13.10.08, Brussels)**

This was another EuroMed Ad Hoc Meeting which was also held in Brussels and attended by the Commissioner. This Meeting was held to evaluate the achievements of the EuroMed partners in the implementation of the “Istanbul Conclusions”.

**Conference on “Professional equality between men and women, an economic stake facing the demographic challenge” (13 - 14.11.08, Lille, Paris)**

This conference discussed the gender gap in the various professional categories. The Executive Director attended this conference. The conference was followed up by the Informal meeting of Ministers in charge of gender equality and further enhanced on the matter.

**Informal meeting of Ministers in charge of gender equality (14.11.08, Lille, France)**

The Permanent Secretary MSOC and the Executive Director attended this meeting. The 2nd Declaration of the Trio of Presidency between France, Czech Republic and Sweden on Gender Equality was signed.

**1<sup>st</sup> Meeting of the Anti-discrimination Government Expert Group (18.11.08, Brussels)**

The first meeting of the Anti-Discrimination Government Expert Group was held in Brussels, Belgium. Being the first meeting of this group, the work programme for the year was discussed.

**40<sup>th</sup> Meeting of the CDEG (26 - 28.11.08, Strasbourg)**

The 40<sup>th</sup> meeting of the CDEG was held in Strasbourg, France. The aim of this meeting was the preparation of the 7<sup>th</sup> Council of Europe Conference of Equality between Women & Men to be held in Azerbaijan, 2010.

**2<sup>nd</sup> Annual Meeting of the National Gender Equality Bodies designated in accordance with Directive 2002/73/EC (09.12.08, Brussels)**

This meeting was attended by the Commissioner, where the said Directive on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions was discussed further.

**Conference “Continuing the Diversity Journey – Business Practices, Perspectives and Benefits” (11 - 12.12.08, Brussels)**

This conference focused mainly on the current European situation where diversity is central. Furthermore, a number of good practices were highlighted to show how diversity is beneficial for businesses.

**1.5.2 – Local**

16.01.08 – The Commissioner and the Executive Director were invited to an informal breakfast meeting that the Honourable Minister hosted for all the Departments and Commissions answerable to the Ministry for the Family and Social Solidarity.

22.01.08 – A meeting was held with the Department of Industrial and Employment Relations to discuss the modus operandi between NCPE and the said Department on common issues that are the responsibilities of both organisations.

24.01.08 – NCPE organised a meeting with all independent and NGOs working on issues of race and ethnicity. This served as an introductory meeting where all the organisations present described their remit and their area of responsibility and exchanged contact details. It was also decided that such a meeting will be held regularly.

25.01.08 – A meeting was held with Member of the European Parliament Dr. Simon Busuttil where collaboration as well as the issue of pregnancy and probation were discussed. It was also decided for NCPE to hold similar meetings with all Maltese Members of the European Parliament as each sits on different committees and can positively contribute to the work of the Commission.

06.02.08 – A meeting was held with the Employment and Training Corporation to discuss issues that affect equality and which are encountered by employers.

14.02.08 – A meeting was held with the Chair of the Gender Issues Committee of the University of Malta on the possibility of submitting a joint project under the *United Nations Educational, Scientific and Cultural Organisation* call.

22.02.08 – An introductory meeting was held between the European Network Against Racism and NCPE where a collaborative approach was discussed.

04.03.08 – A meeting was held with representatives of the Danish Institute for Human Rights who conducted pan-European research on the treatment of lesbian, gay, bisexual and transgender individuals at the place of work. The main focus was homophobia and discrimination on the ground of sexual orientation. The project was commissioned by the European Union Agency for Fundamental Rights.

05.03.08 – The Secretariat of the Ministry for the Family and Social Solidarity organised a seminar at the University of Malta to celebrate International Women's Day. The Executive Director was invited to give a presentation on the work of NCPE.

18.03.08 – A meeting was held with a representative of the United Nations High Commissioner for Refugees in Malta where possible collaboration was discussed.

02.04.08 – A meeting was held with the Chief Executive Officer of the Broadcasting Authority to discuss the possibility of having radio and TV adverts monitored by the Broadcasting Authority staff.

03.04.08 – A meeting was held with the Malta Council for Science and Technology to discuss research opportunities emanating from the Seventh Framework Programme.

22.04.08 – A meeting was held with representatives of the European Commission on the National Reform Programme organised by the Management Efficiency Unit. NCPE presented initiatives taken to encourage women to return or to stay in the labour market.

30.04.08 – A meeting was held with the Chief Executive Officer of the Broadcasting Authority, and two lecturers from the University of Malta on the joint initiative to train broadcasting staff on gender and race. The training was planned for June 5<sup>th</sup>.

02.05.08 – A meeting was held between NCPE and the Honourable Minister for Social Policy to discuss NCPE's remit and the current problems which are being encountered.

02.05.08 – A meeting was held with the National Coordinator of the European Year of Intercultural Dialogue. An initial exploration of how NCPE could work with issues related to this project was carried out.

07.05.08 – A meeting was held with the Director (Policy Development) within Health, exploring the idea highlighted during a Commission meeting to carry out a gender audit on the dispatch and use of free medicines. This meeting was an initial one and it was meant as an introduction to this initiative.

07.05.08 – A meeting was held with General Workers Union's Representative exploring ways forward on how best to work together.

20.05.08 – A meeting was held by the Honourable Minister of Finance on the Pre-Budget 2009 - Towards Sustainable Development in our Localities. The meeting was attended by NCPE and feedback was given regarding the document.

20.06.08 – NCPE attended the conference organised by the United Nations High Commissioner for Refugees on World Refugee Day. Issues, which were discussed and highlighted included integration of refugees in Malta, personal experiences and accounts of several refugees living and working in Malta and Government's future strategic plans. A discussion ensued between the participants, who represented several NGOs, and Government entities working on these issues.

21.06.08 – A meeting was held by the Honourable Minister for Social Policy with all the entities which fall under his Ministry. The Commissioner presented the work of NCPE and emphasised the current situation

and the opportunities that should be acted upon. The meeting was attended by the Commissioner and the Executive Director.

27.06.08 – A conference titled ‘Valuing All Learning’ was organised by the Malta Qualifications Council and supported by the Ministry of Education. The Executive Director attended.

17.07.08 – A meeting with the Data Protection Commissioner was held and a number of data protection issues were discussed.

23.07.08 – A meeting was held with the Chief Executive Officer of the Malta Hotels and Restaurants Association on issues pertaining to equality on the basis of gender and race that the said Association might find useful. A short article on Diversity Management was requested and sent for publication in the Association’s magazine which was in fact published in the September issue.

24.07.08 – The Women in Business organisation held a seminar titled ‘Breaking Stereotypes’ and the Executive Director was invited to give a presentation on the current local situation. The discrepancy between the University output of 60% female graduates and the reality of the world of work was emphasised.

30.07.08 – A meeting was held with the Chief Executive Officer of the Broadcasting Authority where the possibility of further collaborative training was discussed.

31.07.08 – A meeting with the Management and Personnel Office was held to further the discussion on the use of gender inclusive language in the nomenclatures used by the Public Service.

04.08.08 – A discussion on the National Reform Programme led by the Honourable Minister of Finance was held and attended by NCPE.

13.08.08 – A meeting was requested by the Jesuit Refugee Services who have the responsibility of writing the Annual National Report for Malta on Racism and Xenophobia. The Commissioner also attended the meeting.

26.08.08 – NCPE attended an inter-ministerial meeting for consolidated Malta position with regards to the European Commission's proposal for a new anti-discrimination directive which was held at the office of the Director General (Strategy and Sustainability) within MSOC.

22.09.08 – Following a Memo sent to the Commissioner of Inland Revenue and copied to the Permanent Secretary, the Ministry of Finance, the Economy and Investment on the current Income Tax Law, a meeting was convened at MFEI. The points highlighted emanated from complaints or requests for information received.

23.09.08 – The Honourable Minister for Social Policy called a meeting where the transposition of Directive 2004/113/EC into Legal Notice 181 [goods and services – gender] was discussed. Present for the meeting were Malta Insurance Association, Malta Financial Services Authority, and Permanent Secretary of the Ministry for the Social Policy, and Executive Director NCPE. The focus of the discussion was the application of Article 5.

24.09.08 – The Fight Against Poverty Conference was aimed at all those concerned with poverty in Malta, the Mediterranean, Europe and the world - its causes, its impact on security and the values and mechanisms required to address the challenge of eliminating it.

26.09.08 – A meeting on the Anti-discrimination Directive was called by the Director General (Strategy and Sustainability) within MSOC. The Ad hoc Ministerial Group discussed the various issues highlighted. Emphases were placed on the timelines necessary to bring Malta in line with the proposed legislation.

08.10.08 – A conference titled 'Vision 2015' was held where the main speaker was the Honourable Minister for Finance.

08.10.08 – A meeting was held with Malta Financial Services Authority. Legal Notice 181 was studied and the salient points were identified. A way forward was also planned.

08.10.08 – NCPE was invited to attend the Social Affairs Committee of the House of Representatives where the plan for discussions and meetings was put forward for all involved.

09.10.08 – The Management and Personnel Office together with the UHM organised a seminar on family friendly measures and all the Directors and Permanent Secretaries of the Public Service and Public Sectors were invited. The Executive Director was one of the speakers and a presentation was prepared and delivered.

10.10.08 – NCPE attended a conference titled ‘Good Corporate Governance’ organised by the Audit Unit within the Office of the Prime Minister. The issue highlighted were the effects of the current unexpected financial crisis and how this relates to globalisation.

13.10.08 – The workshops emanating out of the Management and Personnel Office / UHM conference on family friendly measures was held. The Executive Director participated.

21.10.08 – The Hon Dr Justyne Caruana visited NCPE offices where the remit was discussed. Material produced by the Commission was presented and a discussion on its work ensued.

22.10.08 – A meeting was held with the Director (Employee Relations) of the Management and Personnel Office to discuss how the Public Service will adjust to the requirements of Legal Notice 181/2008. OPM Circular 30/2008 addressing the said Legal Notice was issued in December.

29.10.08 – A meeting was called by the Permanent Secretary where the Honourable Minister and the Principal Permanent Secretary addressed all the Heads in the various Departments and entities under the Ministry for Social Policy.

10.11.08 – A meeting was held with the Chairperson of the National Statistics Office to discuss various issues related to specific data requested by the European Commission.

24.11.08 – NCPE’s Ombudsman Liaison Officer attended one of the regular scheduled meetings.

02.12.08 – A meeting was held with two Personal and Social Development Education Officers. A discussion on how best to collaborate was held and possibilities explored.

03.12.08 – A breakfast meeting was held together with the Malta Employers’ Association titled: Family Friendly Measures in the Private Sector – Good Business Sense. This meeting was well attended by the Private Sector and an interesting discussion ensued.

## **1.6 – Committees**

### **1.6.1 – EU**

#### **Bureau and Steering Committee for Equality between Women and Men (CDEG) of the Council of Europe**

The Steering Committee for Equality between Women and Men (CDEG) is the intergovernmental body which is responsible for defining, stimulating and conducting the Council of Europe's action to promote equality between women and men. It is directly answerable to the Committee of Ministers, from which it receives its instructions and to which it addresses its reports and proposals. The main activities of the CDEG concern: action against trafficking in human beings for the purpose of sexual exploitation; combating violence against women; gender mainstreaming; equality and democracy: women in politics and decision-making; and equality: a common issue for women and men. The members of the CDEG are appointed by the Government of each of the organisation's Member States.

#### **European Commission against Racism and Intolerance (ECRI)**

The European Commission against Racism and Intolerance (ECRI) is a body of the Council of Europe. It is entrusted with the task of combating racism, xenophobia, anti-Semitism and intolerance in Europe, from the perspective of the protection of human rights. ECRI is comprised of 46 expert members, one from each Member State of the Council of Europe. ECRI's activities cover all possible measures to combat violence, discrimination and prejudice faced by persons and groups of persons, notably on grounds of race, colour, language, religion, nationality and national or ethnic origin. In practice, ECRI's work consists of country-by-country reporting, work on general themes and activities in relation to civil society.

#### **European Network of Equality Bodies (EQUINET)**

Equinet develops co-operation and facilitates information exchange between Equality Bodies across Europe to support the uniform implementation of EU anti-discrimination law and the levelling-up of legal protection for victims of discrimination. The aim of Equinet is to help Equality Bodies fulfil their mandates by establishing a sustainable network and resource base for the exchange of legal expertise, enforcement strategies, training and best practice as well as a platform for dialogue with the European institutions.

#### **EU Advisory Committee on Equal Opportunities between Women and Men**

The role and setting up of the Advisory Committee on Equal Opportunities emanates from Commission Decision 82/43/EEC of 1981. The Committee's remit is to help the EU Commission formulate and implement

Community measures aimed at promoting equal opportunities for women and men and to encourage the continuous exchange of information on experience gained and policies and measures undertaken in the fields in question between the Member States and the various actors involved. The Committee not only brings together representatives of national bodies working for equality and the 77 social partners, but also follows and advises on the development of European policy on equality between men and women.

### **High Level Group on Gender Mainstreaming of the EU**

The High Level Group (HLG) provides an important informal forum for discussion and exchange of information on best practices and experiences in order to support and improve the synergy among national policies on gender equality and strategies for gender mainstreaming at a national level. 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.

### **Informal Council of Europe Network on Gender Mainstreaming**

The Informal Council of Europe Network on Gender Mainstreaming is aimed at creating a forum where once a year gender mainstreaming specialists meet with experts from other disciplines to discuss ways of promoting this strategy in their activities. These meetings provide an opportunity for Member States to exchange good practices and discuss ways of overcoming the obstacles to implementing the strategy. One of the aims is to provide an impetus to develop networks at national, regional and international levels.

### **Non-discrimination Governmental Expert Group on gender and race**

The creation of this Governmental expert group has been formalised through a Commission Decision. The task of this group is to establish cooperation between the relevant authorities and the Commission on issues relating to the fight against discrimination and the promotion of equality; to follow-up the development of EU and national policies on issues of discrimination; and to bring about exchange of experience and good practice on issues of common interest relating to non-discrimination and the promotion of equality.

## **1.6.2 – Local**

### **Sectoral Monitoring Sub-Committees (SMSCs)**

The five [5] Sectoral Monitoring Sub-committees, administered by the Managing Authority, deal with Agriculture and Fisheries; Enterprise and Tourism; Environment; Human Resources Development and Employment; and Transport. The aim of these Sub-Committees is to monitor the implementation and the

impact of projects chosen for EU funding under the SPD (Single Programming Document). NCPE's Executive Director is a member in all Sub-committees and regularly attends scheduled meetings.

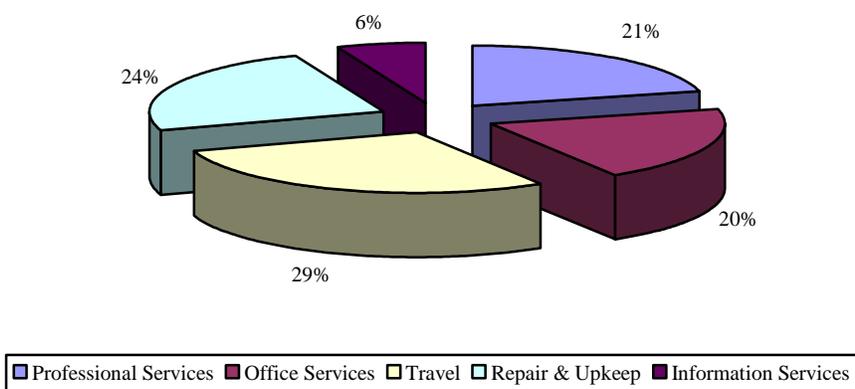
**European Agricultural Fund for Rural Development (EAFRD) Monitoring Committee**

NCPE was nominated to sit on the European Agricultural Fund for Rural Development (EAFRD) Monitoring Committee. The Monitoring Committee includes 16 representatives from economic and social partners, local and public authorities, and other bodies representing civil societies and NGOs. The tasks of the Monitoring Committee include: the assessment of the selection criteria for operations that will be financed through the programme; scrutinising implementation results by monitoring utilisation of financial allocations to the respective measures and progress in achievement of programme targets; consideration and approval of the annual progress reports before onward submission to the Commission by the Managing Authority; proposing to the Managing Authority any adjustments or reviews to the Plan as may be necessary to achieve the objectives of EAFRD or to improve the implementation and/ or financial management of the plan; as well as considering and improving any proposal to amend the content of the programme prior to submission to the Commission.

**1.7 – Financial Overview**

At the beginning of the financial year, the Government allocated to the Commission a budget of €256,000. 85% (€215,932) of the total budget related to Staff salaries and Honoraria and 15% (€40,068) was for maintenance and operational expenses. An analysis of the operational expenses is better explained by the figure below.

Operational & Maintenance Expenses



The above figure clearly shows that more than a quarter (24%) of the operational expenses accounted to repair and upkeep (€9,367). This expense mainly included utilities and maintenance costs for the running of the premises, 20% related to office services (€7,687), while the remaining 56% related to travel (€11,647), professional services (€8,106) and information services (€3,261).

During the financial year under review the Commission also succeeded in making use of EU Funds. The following is a table highlighting the various projects which the Commission participated in and their respective budgets for year ending 2008.

Name of Project	Budgeted Amount (2008)
ESF 46 – The Gender Aspect form a Legal Perspective	€249,743
ESF 48 – Affirming Gender Mainstreaming at a National Level	€171,967
Taking Gender Equalities to Local Communities	€480,627
PROGRESS – Voice For All	€389,130
PROGRESS – Living Equality	€85,683

The expenditure reported for the operational period under review was in line with what had been budgeted. This was only attainable through continuous monitoring and review when needed by all staff concerned.

## 2. Overview of Present Situation in Malta with Regards to Gender and Race

### 2.1 – Gender Overview

*De facto* gender equality and gender mainstreaming is crucial for ensuring full participation and social inclusion of women and men in the labour market and in society at large. Indeed, the *Equality for Men and Women Act* renders any discrimination based on sex or family responsibilities in employment, education, vocational guidance and in the access to and supply of goods and services illegal. Accordingly, NCPE's responsibilities and remit safeguard women and men against direct and indirect discrimination, as well as sexual harassment.

Gender equality and gender mainstreaming are in fact key priorities in both European and Maltese policies. *A Roadmap for Equality between Women and Men*<sup>4</sup> delineates concrete strategies with the aim of achieving gender equality. The priority objectives and actions entail equal economic independence for women and men; reconciliation of private and professional life; equal representation in decision-making; eradication of all forms of gender-based violence; elimination of gender stereotypes and the promotion of gender equality in external and development policies.

In line with these objectives, the *National Report on Strategies for Social Protection and Social Inclusion 2008-2010 Malta* aims at promoting active inclusion, by raising the female employment rate, reducing long-term unemployment, raising the average exit age from employment, increasing the provision of formal childcare for children under three years, mainstreaming gender in all national policies, promoting equality of opportunity, and strengthening legislative and policy frameworks to combat discrimination.

Hence, a necessary condition to achieve equality of opportunities and increase the participation of, or retain, women in the labour market is the reconciliation of professional and private life. In Malta, both **traditional gender stereotypes** in family roles as well as in family composition are still strong, despite exposure to more gender mainstreamed European trends.

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<sup>4</sup> COM (2006) 92 final

**Child day care services**, alongside **family friendly measures**, in the Public Service enhance men and women's social inclusion as employees and as full participants in society at large. Currently, there are 37 registered child care centres in Malta<sup>5</sup>. Moreover, the implementation of a Childcare Subsidy Scheme<sup>6</sup> will increase the availability and affordability of quality childcare. Accordingly, financial assistance will be provided to employed parents with children under three years of age to mitigate the cost of childcare.

As well as the above, family friendly measures and special leave provisions facilitate the **reconciliation of work and family life** for mothers and fathers, as well as other male and female employees. **Teleworking** is the latest addition to family friendly measures in the Public Sector. Teleworking is a method of performing work by using information technology, in which a considerable proportion of an employee's working time is spent away from the firm's premises<sup>7</sup>. This family friendly measure is flexible, and thus very effective in reconciling work and private life. On the other hand, teleworking is also beneficial to employers, since they are able to retain experienced staff and increase productivity. In addition, Legal Notice 312 of 2008 – *Telework National Standard Order* sets out the general framework for telework in both Private and Public Sectors. This Legal Notice delineates the conditions of telework that should be included in a written agreement or contract; the rights and responsibilities of teleworkers, including participation in training and career development programmes; regulations covering the equipment and means of communication necessary for the performance of telework; the organisation of work and time management; as well as privacy and data protection issues.

Besides the above, Public Officers can avail themselves of maternity leave, parental leave, adoption leave, or leave to foster children. A career break is also granted to parents who have children under the age of eight. Moreover, reduced hours, responsibility leave and urgent family leave are available to Public Officers who take care of their dependent elderly parents, children or spouses.

The below table outlines the policy as well as the law related to **work/life balance measures**.

<b>Work/ Life balance Measure</b>	<b>Policy</b>	<b>Law</b>
<b>Appointment of public officers while on Maternity or Parental Leave</b>	MPO Circular No 47/2001	
<b>Maternity / Special Maternity</b>	OPM Circular No 47/81, MPO	LN439/2003, LN3/2004 and

5 ETC, 2008. Last retrieved on 14th November 2008: <http://www.childcaremalta.org/etc/content.aspx?id=43594>

6 *National Report on Strategies for Social Protection and Social Inclusion 2008-2010*, Malta

7 ETC, 2008. *Telework – Is it for me?*

<b>Leave</b>	Circular No 68/97, OPM Circular No 16/01, OPM Circular No 48/01, MPO Circular No 55/03, MPO Circular No 173/07	LN431/2007
<b>Paternity Leave</b>	OPM Circular No 23/79	covered in 'wage regulation orders' but differs depending on the sectors
<b>Adoption leave</b>	MPO Circular 14/1991 revised by MPO Circular 93/2005	
<b>Fostering leave</b>	OPM Circular No 47/99	
<b>Parental leave</b>	OPM Circular No 117/92, MPO Circular No BI/6/94, MPO Circular No 28/96, OPM Circular No 15/98, OPM Circular No 29/98, MPO Circular No 108/05, MPO Circular No 3/08	LN225/2003 amended by LN430/2007.
<b>Special leave to accompany a spouse abroad</b>	OPM Circular No 117/92, MPO Circular No 70/04, MPO Circular No 31/05	
<b>Bereavement leave</b>	OPM Circular No 23/79	covered in 'wage regulation orders' but differs depending on the sectors
<b>Marriage leave</b>	OPM Circular No 23/79, OPM Circular No 103/80	covered in 'wage regulation orders' but differs depending on the sectors
<b>Reduced hours</b>	OPM Circular No 25/99, MPO Circular No 108/05	
<b>Responsibility leave</b>	OPM Circular No OPM/25/99	
<b>Urgent family leave</b>	MPO Circular No 9/2004	LN296/2003
<b>Teleworking</b>	OPM Circular No 6/08; Feb 2008 – MPO published Teleworking Policy	LN312/2008
<b>Donation of Vacation Leave for Humanitarian Reasons</b>	Letter-circular to Directors, Corporate Services dated 20th February 2008 (Reference: MPO192/2007)	
<b>30 days unpaid leave</b>	OPM Circular No 117/92	

The legal infrastructure and universal provision of such measures legitimates and promotes the participation of parents, especially mothers, in paid employment. However, the share of fathers that make use of parental leave is minimal. In fact, in the Public Service the utilisation of parental leave as at 1<sup>st</sup> December 2005

amounted to 26 males and 457 females<sup>8</sup>. This is indicative of sustained stereotypes in gender roles in the family, and also of income gaps between the sexes.

Indeed, even though the female participation in the labour market is gradually increasing<sup>9</sup>, women are still **under represented in the labour market**. In actual fact, the female employment rate is 31.5%, in comparison to 61.7% for men<sup>10</sup>.

Although the Lisbon employment targets call for a female employment rate of 60% by 2010<sup>11</sup>, because of the uneven starting position when the Lisbon targets were set, in 2004, Malta's target was set to increasing the female employment rate to 41% by 2010. Despite Malta's endeavours in meeting EU targets, the rise in female employment rate has occurred very gradually over the years. In fact, in the first quarter of 2008, Malta's current female employment rate was no more than 36%<sup>12</sup>. Malta once again recorded the lowest rate of female employment in comparison to the average rate of the EU27 countries (58.6%)<sup>13</sup>.

The low overall female employment rate in Malta has a direct influence on the small **gender pay gap**. In fact, Malta has one of the lowest gender pay gaps among the Member States. Whereas the average gender pay gap in the EU25 is 15%, Malta has a gender pay gap of 2.5%<sup>14</sup>. In particular, the low participation of females in the labour market reflects a small proportion of low-skilled or unskilled women in the workforce<sup>15</sup>, and this is reflected by the pay gap in Malta being lower than average. NSO defines the *gender pay gap* as *the difference between men's and women's average gross hourly earnings as a percentage of men's average gross hourly earnings for paid employees aged between 16 to 64 years and working 15 hours per week and more*. In 2004, the gender pay gap in Malta was 3.25%, while in 2005 and 2006 it was 4.26% and 2.53% respectively. In 2006, NCPE conducted research on the gender pay gap through a project titled *ESF 23 Gender Mainstreaming: the Way Forward*. This study was titled '*Gender Pay Gap Review*' and researched caring responsibilities, career, equality and protection at work, gender orientation, leave and

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8 MPO (2006), Report on family-friendly measures in the public service. Retrieved July 30, 2008 from <http://www.mpo.gov.mt/downloads/ff.pdf>

9 NSO, 2008, Gainfully Occupied Population: June 2008

10 NSO, 2008, Labour Force Survey: Q2/2008

11 COM (2006) 92 final

12 Eurostat, 2008, Labour market latest trends: 1st quarter 2008 data. Retrieved October 10, 2008, from [http://epp.eurostat.ec.europa.eu/cache/ITY\\_OFFPUB/KS-QA-08-034/EN/KS-QA-08-034-EN.PDF](http://epp.eurostat.ec.europa.eu/cache/ITY_OFFPUB/KS-QA-08-034/EN/KS-QA-08-034-EN.PDF)

13 Ibid.

14 NSO, 2008, International Women's Day 2008

15 Memo/07/297, Bridging the Gender Pay Gap, Brussels, 2007

parental leave, remuneration, pay and other benefits including promotions, the comparison of salaries as well as working from home.

The Labour Force Survey: Q2/2008<sup>16</sup> shows that the **gender pay gap** is consistent within all occupational groups, conferring advantages in remuneration on men.

**Average gross annual salary for employees by main occupation in April-June 2008**

Occupation	Sex				Total	
	Males		Females		No	Average Euro
	No	Average Euro	No	Average Euro		
Armed Forces	1,440 <sup>U</sup>	12,250.80 <sup>U</sup>	-	-	1,440 <sup>U</sup>	12,250.80 <sup>U</sup>
Legislators, senior officials and managers	7,119	24,164.82	1,803	17,411.23	8,922	22,800.02
Professionals	9,729	18,240.94	8,827	16,040.93	18,556	17,194.40
Technicians and associate professionals	14,465	15,776.96	9,833	13,271.53	24,298	14,763.05
Clerks	7,008	13,430.17	12,295	10,857.51	19,303	11,791.52
Service workers and shop and sales workers	10,006	12,007.99	9,608	8,910.79	19,614	10,490.81
Skilled agricultural and fishery workers	922 <sup>U</sup>	11,243.80 <sup>U</sup>	70 <sup>U</sup>	11,349.59 <sup>U</sup>	992 <sup>U</sup>	11,251.26 <sup>U</sup>
Craft and related trades workers	15,111	11,965.60	514 <sup>U</sup>	8,658.54 <sup>U</sup>	15,625	11,856.81
Plant and machine operators and assemblers	8,630	12,958.70	2,975	11,375.60	11,605	12,552.86
Elementary occupations	13,265	10,892.16	5,771	8,395.83	19,036	10,135.37
<b>Total</b>	<b>87,695</b>	<b>14,335.12</b>	<b>51,696</b>	<b>11,802.31</b>	<b>139,391</b>	<b>13,395.77</b>

<sup>U</sup> - under-represented due to small sample size. Please note that these data must be interpreted with caution

Women also tend to earn less on an hourly basis since on average they work fewer hours than men. However, women's participation in the labour market is increasing, particularly in full-time jobs, and full-time jobs with reduced hours<sup>17</sup>. Furthermore, women earn less than their male counterparts, since they tend to opt for traditional jobs, which tend to be remunerated at a lesser rate. In fact, women are under-represented

<sup>16</sup> NSO, 2008, Labour Force Survey: Q2/2008

<sup>17</sup> Ibid.

within the higher echelons of practicing legal professionals, senior officials and management occupational group.

Males occupy 82.26% of the **decision-making and headship positions** in the Public Sector<sup>18</sup>. Yet, women in political and decision-making positions are also gradually increasing. Although females are under-represented in Government Departments and Ministries, this difference has decreased drastically; the gender gap in this sector was 22.36% in May 2007 whereas it was halved in May 2008, with a gender gap of 11.12%<sup>19</sup>.

**Main occupation of total employed persons in April-June 2008**

Occupational Group	Sex				Total	
	Males		Females		No	%
	No	%	No	%		
Armed Forces	1,440 <sup>u</sup>	1.4	-	-	1,440 <sup>u</sup>	0.9
Legislators, senior officials and managers	10,166	9.7	2,231	4.1	12,397	7.8
Professionals	10,971	10.5	9,485	17.3	20,456	12.8
Technicians and associate professionals	15,800	15.1	9,942	18.1	25,742	16.1
Clerks	7,040	6.7	12,377	22.5	19,417	12.2
Service workers and shop and sales workers	13,229	12.6	11,138	20.2	24,367	15.2
Skilled agricultural and fishery workers	2,340	2.2	174 <sup>u</sup>	0.3	2,514	1.6
Craft and related trades workers	20,698	19.7	769 <sup>u</sup>	1.4	21,467	13.4
Plant and machine operators and assemblers	9,373	8.9	2,975	5.4	12,348	7.7
Elementary occupations	13,837	13.2	5,890	10.7	19,727	12.3
<b>Total</b>	<b>104,894</b>	<b>100.0</b>	<b>54,981</b>	<b>100.0</b>	<b>159,875</b>	<b>100.0</b>

<sup>u</sup> - under-represented due to small sample size. Please note that these data must be interpreted with caution.

18 Statistics gathered by NCPE, as at September 2008

19 NSO, 2008, Labour Force Survey: Q2/2008

**Occupational segregation** is also evident in other economic activities<sup>20</sup>. In fact, due to gender stereotypes, females outnumber males in caring professions, such as in the spheres of education, health and social work. On the other hand, males are more likely to go for scientific or technical employment.

Total employed persons classified by economic activity in April-June 2008

Economic Activity	Sex				Total	
	Males		Females		No	%
	No	%	No	%		
Agriculture, hunting and forestry	2,441	2.3	316 <sup>U</sup>	0.6	2,757	1.7
Fishing	378 <sup>U</sup>	0.4	-	-	378 <sup>U</sup>	0.2
Mining and quarrying	529 <sup>U</sup>	0.5	-	-	529 <sup>U</sup>	0.3
Manufacturing	18,362	17.5	5,121	9.3	23,483	14.7
Electricity, gas and water supply	3,722	3.6	174 <sup>U</sup>	0.3	3,896	2.4
Construction	11,302	10.8	575 <sup>U</sup>	1.0	11,877	7.4
Wholesale and retail trade, repairs	16,587	15.8	8,488	15.4	25,075	15.7
Hotels and restaurants	7,802	7.4	5,893	10.7	13,695	8.6
Transport, storage and communication	9,741	9.3	3,249	5.9	12,990	8.1
Financial intermediation	3,036	2.9	3,573	6.5	6,609	4.1
Real estate, renting and business activities	7,873	7.5	3,552	6.5	11,425	7.2
Public admin and defence; compulsory social security	8,846	8.4	4,928	9.0	13,774	8.6
Education	4,310	4.1	9,260	16.9	13,570	8.5
Health and social work	5,553	5.3	7,082	12.9	12,635	7.9
Other community, social and personal service activities	4,199	4.0	2,543	4.6	6,742	4.2
Private households with employed persons	-	-	227 <sup>U</sup>	0.4	227 <sup>U</sup>	0.2
Extra-territorial organizations and bodies	213 <sup>U</sup>	0.2	-	-	213 <sup>U</sup>	0.2
<b>Total</b>	<b>104,894</b>	<b>100.0</b>	<b>54,981</b>	<b>100.0</b>	<b>159,875</b>	<b>100.0</b>

<sup>U</sup> - under-represented due to small sample size. Please note that these data must be interpreted with caution

Gender differences are also reflected in **educational segregation** in enrolment for different subject courses, both at secondary, post-secondary and tertiary level. Male students are more likely to opt for scientific and technical courses, whereas female students are more inclined to pursue studies in humanities, health and care-related subjects. The National Minimum Curriculum seeks to ensure gender equality by requiring all students to follow the same curriculum, be taught in a manner that ensures equal access to the same work opportunities, be exposed to the same educational experiences and have the opportunity to effectively choose the subjects they want to learn based on an informed choice<sup>21</sup>. As can be seen in the below table,

20 Ibid.

21 Ministry of Education (1999). *Creating a future together. National minimum curriculum*. Retrieved July 30, 2008 from [http://curriculum.gov.mt/docs/nmc\\_english.pdf](http://curriculum.gov.mt/docs/nmc_english.pdf)

more women are successfully completing tertiary education<sup>22</sup>. Females outnumber males in post-secondary and tertiary education, in 2007/8 female graduates numbered 60.8%<sup>23</sup>

#### Graduate Statistics by Gender

Gender	Year of Graduation					
	2002/3	2003/4	2004/5	2005/6	2006/7	2007/8
<b>F</b>	1220	1664	1522	1507	1625	1626
<b>M</b>	923	1085	1111	1115	1073	1047
<b>Total</b>	<b>2143</b>	<b>2749</b>	<b>2633</b>	<b>2622</b>	<b>2698</b>	<b>2673</b>

## 2.2 – Race Overview

Due to factors related to globalisation and migration, cultural diversity is increasing throughout all of Europe and Malta is no exception. Diversity is an integral part of all European societies; it widens our perspectives and knowledge and increases our opportunities to learn from different cultural traditions. Hence, mutual understanding and social inclusion of racial/ethnic minorities is of fundamental importance. In fact, the European Union aimed at promoting and raising awareness of the importance of respecting cultural diversity, through the *European Year of Intercultural Dialogue 2008*.

Apart from being beneficial to society at large, diversity is also advantageous for businesses<sup>24</sup>. Workplace environments that respect diversity and have equality and anti-discrimination policies in place experience higher levels of employee satisfaction. This is evident through higher levels of employee retention, commitment, development and promotion. A diverse workforce brings other benefits to the company, for example, employers have access to a larger labour pool of skilled and efficient prospective employees. Consequently, culturally diverse companies experience superior economic effectiveness through higher levels of employee retention, improved motivation and efficiency, as well as enhanced innovation and creativity. Moreover, these companies tend to broaden their marketing opportunities owing to their good company reputation and enhanced customer satisfaction.

<sup>22</sup> NSO, 2008, International Women's Day 2008

<sup>23</sup> University of Malta, Office of the Registrar, 2008

<sup>24</sup> *The Business Case for Diversity: Good Practices in the Workplace*, European Commission, 2005.

The European Union supports equality, diversity and social inclusion through various measures. At the outset, the European Union safeguards a common minimum level of legal protection against racial discrimination through the Employment Equality Directive (2000/78/EC)<sup>25</sup> and the Racial Equality Directive (2000/43/EC)<sup>26</sup>. The former Directive renders illegal all discriminatory treatment in relation to conditions for access to employment, vocational guidance, training, and membership of an organisation of workers or employers. Moreover, this Directive also safeguards equal treatment in employment and working conditions, including dismissal and pay.

On the other hand, Directive 2000/43/EC also known as the Race Directive, implements the principle of equal treatment between persons irrespective of racial or ethnic origin. It covers not only the difference in treatment in the access to and conditions of employment but also vocational guidance. Apart from the above, the Race Directive ensures equal treatment in training and education; social protection and social advantages; as well as in the access to and supply of goods and services which are available to the public, such as housing.

This Directive promotes positive action to prevent and compensate for disadvantages linked to racial or ethnic origin. Positive action is aimed at ensuring full equality in practice<sup>27</sup>. In fact, positive action in employment brings economic benefits and helps to raise social standards. For instance, outreach advertising is often utilised to enhance the opportunities of employment for persons of ethnic or racial minorities. Positive action upholds equality and social inclusion by fostering the representation of racial/ethnic minorities in every sphere of life.

Equal treatment between persons irrespective of racial or ethnic origin was also promoted through diversity and anti-discrimination training, information campaigns and awareness-raising activities. At EU level, the information campaign '*For Diversity: Against Discrimination*'; an award scheme for journalists; training sessions on equality for NGOs, trade unions and businesses; a photo contest and other activities have encouraged the actual implementation of the Race Directive. These activities also took place in Malta through several EU co-funded projects. In addition, throughout the European Year of Intercultural Dialogue 2008, the European Union co-financed various projects aiming at raising awareness and promoting pluralism, social inclusion and mutual understanding of different cultures.

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<sup>25</sup> Council Directive 2000/78/EC.

<sup>26</sup> Council Directive 2000/43/EC.

<sup>27</sup> *Putting Equality into Practice: What Role for Positive Action?*, European Commission, 2007

In Malta, intercultural dialogue was promoted through the 'European Film Festival' that was aimed at educating children and the general public about different cultures as well as activities such as round-table discussions which were held between school children of different origins; music, dance, art, cookery, drama, poetry and singing lessons were given to students by immigrants living in Malta. Moreover, NCPE carried out a project, 'Voice for All', with the aim of empowering participants to endorse diversity and to challenge the learning and thinking processes that give rise to discrimination. This project included forum theatre, a good practice competition, an art competition, a play on discrimination, and an awareness raising campaign (please see section 3 for more information).

At a national level, the non employment provisions of the Race Directive were transposed into Maltese legislation by Legal Notice 85 of 2007 – *Equal Treatment of Persons Order*. Legal Notice 85/2007 safeguards the rights of and promotes equality between persons irrespective of their ethnic or racial origin in the access to and supply of goods and services. Likewise, the Employment Equality Directive was transposed to Legal Notice 338 of 2007 – *Equal Treatment in Employment (Amendment) (No2) Regulations*.

In Malta, effective awareness-raising, alongside a solid legal framework are essential to safeguard our increasing diversity. In fact, the number of persons of racial or ethnic minorities is gradually increasing. Non-Maltese citizens amounted to 1.91% of the total population in 1995<sup>28</sup>, whereas this amount increased to 2.99% in 2005<sup>29</sup>. As a result of the increasing amount of persons from racial or ethnic minorities, further importance should be placed on social inclusion and fair and equal treatment to all ethnic/racial groups.

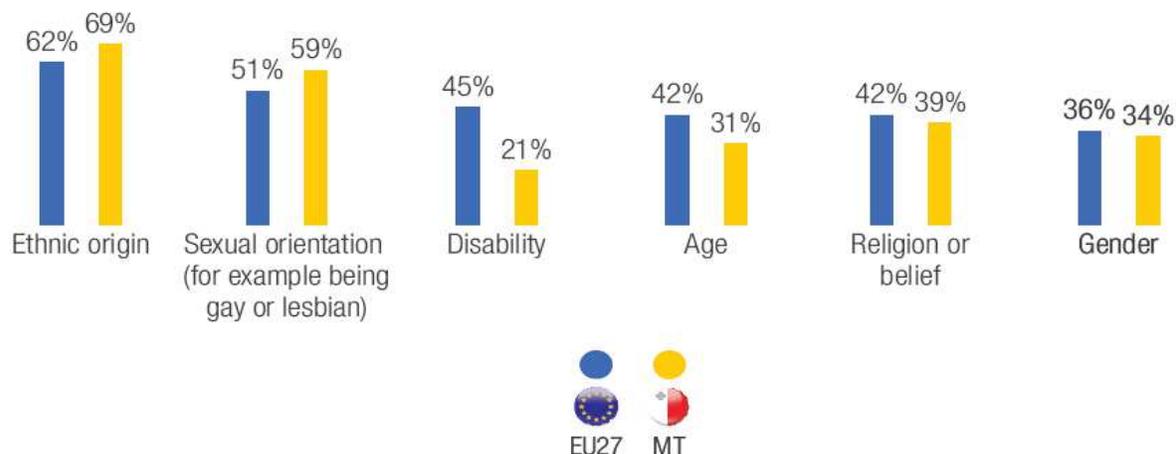
However, a number of EU reports confirm some xenophobic sentiments experienced by many Maltese citizens. The Eurobarometer<sup>30</sup> points out that the perceptions of the intensity of discrimination in Malta vary according to the type of discrimination. In fact, as regards disability, age, religion or belief, and gender, discrimination is lower than the average of the EU27, whereas ethnic origin and sexual orientation display a reverse trend.

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28 NSO, 1997. Census of Population and Housing Malta 1995. Volume 1: Population, Age, Gender and Citizenship

29 NSO, 2007. Census of Population and Housing 2005. Volume 1: Population

30 EUROSTAT, 2008



EUROSTAT (2008). Discrimination in the European Union 2008. Results for Malta.

In fact, the Maltese are less likely to have friends or acquaintances from a different ethnic origin than their European counterparts (in Malta just 30% of respondents had friends or acquaintances from a different ethnic origin, in comparison to an average of 55% of respondents of EU27). The EUROSTAT report asserts that “the average Maltese has a less diverse social circle than the average European”<sup>31</sup>.

Similarly, the 2007 Eurobarometer report on Intercultural Dialogue in Europe<sup>32</sup> confirmed that only 52% of Maltese – the lowest percentage in the EU – agree that people from different backgrounds enrich the nation’s cultural life. 20% (highest in the EU) are ‘not in favour of diversity’, whilst another 55% declare themselves ‘pro diversity but wish to keep cultural roots’. Meanwhile, 24% of respondents (second highest in the EU) stated that they are ‘not interested at all’ in 2008 being the European Year for Intercultural Dialogue.

Another Eurobarometer report, the European Social Reality<sup>33</sup>, found that although concerns regarding the increase in immigration and the resulting racism are not restricted to Malta, Maltese citizens tend to have a significantly poor view of ethnic minorities and immigrants. In fact, on a scale of 1 to 3 (1 being a negative view of immigrants and 3 being a positive view of immigrants), Malta scores lowest in the EU with a score of 1.52, indicating that the Maltese have a negative perception of ethnic minorities. Although the issue of racism is a European-wide concern – 42% of Europeans believe that the presence of ethnic minorities is a cause for

31 EUROSTAT (2008). Discrimination in the European Union 2008. Results for Malta.

32 Intercultural Dialogue in Europe, Eurobarometer, 2007

33 European Social Reality, Eurobarometer, 2007

insecurity, and 46% state that the presence of ethnic minorities increases unemployment – the report indicates that xenophobia is somewhat more overt in Malta.

A 2008 policy paper released by the General Workers Union<sup>34</sup> marked one of the first formal attempts to face the issue of illegal and exploitative employment of immigrants. The report speaks of a number of employers who, under the guise of charity, employ a number of immigrants under significantly poorer working conditions and lower wages than those offered to Maltese employees of an equal level.

Racist or xenophobic perceptions, beliefs and attitudes inevitably have a profound effect on employment, educational and training opportunities, as well as the access to and supply of goods and services. Hence, mutual understanding and solidarity are of fundamental importance for social inclusion and equal treatment of racial or ethnic minorities. Consequently, NCPE, through EQUAL and PROGRESS funds, seeks to raise awareness in order to promote equality and to foster diversity.

NCPE works to train, raise awareness and disseminate information about the issues discussed above, with a special focus on its remit on the non discriminatory provision of goods and service, as emanating from Legal Notice 85 of 2007.

In all work carried out related to discrimination based on race and ethnic origin, it is imperative that local NGOs, Civil Society Organisations and the Commission work together on these issues and to this effect, NCPE is in constant liaison with groups who specifically work on issues related to race and ethnic origin.

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<sup>34</sup> Il-Haddiema Immigranti, General Workers Union, September 2008, available online at [http://www.gwu.org.mt/documents/Migrants\\_Workers\\_Paper\\_110908.pdf](http://www.gwu.org.mt/documents/Migrants_Workers_Paper_110908.pdf)

## **3. Projects**

### **3.1 – Introduction and Future Projects**

2008 was a busy year for projects' implementation at NCPE. This effort was integrated in NCPE's strategy as a Commission because it is strongly believed that through projects, the implementation of objectives set both at a National and European level can be achieved.

Projects generally include research, training and awareness raising elements, targeted at a diverse spectrum of sectors. Funding opportunities are consistently sought from various sources, such as the European Social Fund, Community Framework Strategy for Gender Equality, EQUAL and PROGRESS.

Amongst the key endeavours of this year is the closure of the ESF 2004-2006 programming period. NCPE, as a final beneficiary, implemented three ESF projects, and one EQUAL project. Furthermore, NCPE formed part of the EQUAL National Thematic Network, whose remit was to develop a policy brief to Government based on the good practices and lessons learnt linked to the closing programming period 2004-2006.

Moreover another project, funded through the Community Framework Strategy for Gender Equality 2001-2005 was also closed in February 2008. Parallel to this, as highlighted in last year's report two new projects funded by PROGRESS 2007-2013 have been written, submitted and implemented. These addressed the areas of non-discrimination and gender equality. NCPE was also involved in last year's For Diversity Against Discrimination campaign, by participating in the Networking Group as well as by being part of the jury panel for the 2008 Journalist Award. Further information on the specific projects referred to so far shall follow in this section.

Another project which has been submitted and has received approval is entitled 'Unlocking the Female Potential' which will be funded through the ESF 2007-2013 programming period. Through this project, research will focus on learning and understanding what hinders women to get involved in training and employment. The key pillars of this project are aimed at incentivising and ensuring equal access to employment. Furthermore this project shall be introducing a new concept which is that of the 'Equality Mark'. This 'equality mark' will be given to employers and will be the way an employer will show that they are an equal opportunity employer.

## **3.2 – Living Equality – VS/2007/0442**

### **3.2.1 – Objectives and Aims**

The overall objective of the project *Living Equality – VS/2007/0442* was to monitor and identify further capacity building needs for the actual implementation of gender mainstreaming in all ministries, Government Departments, Public Entities and in the national policy-making programmes. This project built on what has already been achieved from various projects co-funded through the European Social Fund, Community Framework for Gender Equality, as well as the Equal projects. The project was concluded in January 2009.

This project aimed at delivering a campaign to foster gender mainstreaming in all spheres of the Public Service and Sector. The activities delivered during this year were aimed at facilitating the concept of gender equality for the working staff within the Public Sector and Service, and at promoting the implementation of gender mainstreaming tools.

The European Community Programme for Employment and Social Solidarity – PROGRESS (2007-2013) financed 80% of the project, whereas the Government of Malta is financed 20% of the project. Total allocated budget for this project: € 85682.50.

Through the project deliverables, the priority areas highlighted by 'A Roadmap for Equality between Women and Men' (European Commission, 2006) and the *European Pact for Gender Equality* are being addressed.

### **3.2.2 – Components**

This project was composed of the following:

**Training Sessions on Gender Mainstreaming** aspired at contributing towards a management team and a workforce, within the Public Service and Sector, that is knowledgeable on gender mainstreaming tools, and that would thus be able to integrate the gender mainstreaming process in the working environment. The gender mainstreaming tools training sessions were particularly targeted at directors, persons responsible for policy making, senior principals, principals and equality committee members within all ministries, Government Departments and public entities. These actors were particularly targeted so that the importance of gender mainstreaming would be endorsed by all levels throughout the public service and the Public Sector.

**Gender Sensitivity Training Sessions** aimed at ensuring strong ownership of gender equality by public officers. Through such ownership, the implementation of gender mainstreaming would be facilitated and more effective. These sessions also trained the public officials on *A Gender Sensitivity Manual*, a publication that was also issued as part of this project. Training on this manual accelerated the awareness on the existence of such a manual, whilst creating a sense of ownership of the gender equality concept within the Public Service and Sector.

**Seminar on the Implementation of Gender Mainstreaming within the Public Service and Sector:** This seminar addressed those participants who were previously addressed through the training session on the application of the gender mainstreaming tools. It discussed and analysed the use and uncertainties surrounding the application of gender mainstreaming tools and family friendly measures within the Public Service and Sector. Good practices related to the Implementation of Gender Mainstreaming within ministries, Government Departments and Public Entities were also presented during this seminar, for further replication across Public Service and Sector.

**Final Conference** was held in January 2009. During this conference the Gender Responsive Budgeting research findings, the GRB research report, the Good Practices document and the Final Report were launched.

The project also produced an **Electronic Newsletter** and the concept was developed so as to have a strategic communications approach. The e-Newsletters are sent to all public officials through an email. This proved to be a strategic way to reach out to as many individuals as possible within Public Service and Sector. The e-Newsletters are used as a tool for ongoing dissemination of information on the project, activities and results. They are also used as a means of communication for ongoing feedback. The Living Equality e-Newsletters also contain a section focusing on identified good practices related to the implementation of gender mainstreaming within the Public Service and Sector.

### 3.2.3 – Outcomes of Project

Dates	Type of Activity	Number of sessions	Number of participants		
			Males	Females	Total
September 2008	Focus Groups	Eight	32	49	81
6 <sup>th</sup> August 2008; 4 <sup>th</sup> November 2008	Gender Mainstreaming Tools	Two	22	45	67
December 2008	Gender Sensitivity Training Sessions	Three	44	61	105
5 <sup>th</sup> November 2008	Seminar on the Implementation of Gender Mainstreaming within the Public Service and Sector	One	22	39	61
December 2008 to January 2009	E-Newsletters to all public officials	Six	n/a	n/a	n/a

### 3.2.4 – Research and Publications

**Research on Gender Responsive Budget (GRB) at pan-European level:** The research on Gender Responsive Budgeting focused on Sweden, France, the United Kingdom, Switzerland and Italy. The research was carried out from mid-July till the end of November 2008 which gathered information on GRB with the aim of transferring this knowledge from a European level to a local policy-making scenario. The research findings were launched during the Final Conference in January 2009 together with the GRB Initiatives document.

**Focus Groups:** The Focus Groups implemented a monitoring phase behind the project. These were two-tiered since they concentrated on top management and policy makers, as well as middle and lower management of the Public Service and Sector. Through these sessions, feedback on the implementation of the gender mainstreaming process was given, resulting in a stronger analysis and comprehension of the concept. Good practices related to the implementation of Gender Mainstreaming within the Public Service and Sector, were also identified. This was aimed at further replication across other policy areas.

### 3.2.5 – Awareness Raising

**E-Newsletters:** The Electronic Newsletters contained information on how Gender Mainstreaming can be implemented better within the Public Service and Sector. Whereas the first issues dealt with giving general information on the gender mainstreaming concept, delving into the prerequisites for this process, the later issues delved into giving more information on particular gender mainstreaming tools, such as the Gender Audit and the Gender Impact Assessment. This medium also promoted the good practices identified during the Focus Group sessions and the Seminar on the Implementation of Gender Mainstreaming. The good practices featured were related to a better work/life balance, particularly through the use of teleworking. This showed that through good management family-friendly measures can be availed of without negatively affecting the daily working routine.

## **3.3 – Taking Gender Equality to Local Communities - VS2006/0322**

Taking Gender Equality to Local Communities aimed to assist the community in looking at gender roles at the local level and encouraged a re-examination of the roles performed by women and men in order to develop a culture of equality and equal opportunities.

The project was partly funded by the European Community Framework Strategy on Gender Equality (2001-2005) and co-financed by the Government of Malta. The European Framework Programme financed 79.33% of the project and the Government of Malta financed 19.67%. Total allocated budget for this project: € 480,626.51.

NCPE was the lead partner in a project of six partners. The National partner was the Department for Local Government (Malta), whereas the transnational partners were the following: the Research Centre for Gender Equality (Greece), Dipartimento per le Pari Opportunità (Italy), the Governmental Office for Gender Equality (Croatia) and Comissão para a Cidadania e Igualdade de Género (Portugal). The aim behind the transnational partnership agreements was of conducting a research study to seek good practices in the promotion of gender equality in European Mediterranean States, in order to promote them widely as success stories in the fight for equality. This project was concluded in February 2008.

### 3.3.1 - Components, Aims and Objectives

The overall aim of this project was to disseminate the promotion of gender equality and gender mainstreaming in local development. This was done through educational and publicity campaigns that were implemented at the Local Council level.

Moreover, the project developed tools, such as training presentations and promotional materials, in order to entice citizens to discuss the roles of women and men in public and private life. To achieve this objective various Local Councils, organisations that operate on a local and/or regional level, religious institutions and ultimately the citizens themselves have been gender sensitised.

The underlying belief guiding this project was that by educating local authorities and citizens about the negative impact of gender roles and stereotypes, and by showing the benefits of gender mainstreaming, society will come closer to a balanced social participation by different genders and as a result, increase economic productivity.

The project also aimed at strengthening the impact of gender mainstreaming at community level and transnational partners will share the knowledge acquired through the project's research study. This will ensure that good practices can be replicated in the different partner countries.

### 3.3.2 - Awareness Raising

The project's implementation phase came to a close at the beginning of 2008. Training sessions for the general public and also for local council delegates continued to be organised throughout January and February 2008. With regards to the training sessions targeting the general public, these were held within various local organisation and public places such as schools (parents and teachers were among the main participants) and local councils offices spread around Malta and Gozo. On the other hand, training targeting local delegates was held at local council's offices.

The final conference was held on the 25<sup>th</sup> February 2008. Representatives from the six project partners, local council delegates and members form the general public were present. During this activity the main concepts emanating from the project activities were highlighted while publications produced were disseminated. To note that both the leaflet and the report were printed and made available in Maltese and English and translated into the languages of the four transnational partners. Copies of the leaflets and research report were also distributed to all local council offices in Malta and Gozo.

The second and final transnational conference was held in Malta on the 25<sup>th</sup> February, 2008. The scope behind the activity was of outlining the project's achievements and share the main findings of the five research studies that were carried out in Malta, Greece, Italy, Croatia and Portugal.

### 3.3.3 - Outcomes of Project

The following is a list of the final project results:

Dates	Type of Activity	Number of sessions	Number of participants		
			Males	Females	Total
January and February 2008	Training for citizens	Nineteen	49	323	281
January and February 2008	Training for Local Council Delegates	Seven	30	20	50
25 <sup>th</sup> February 2008	Second Transnational Meeting	One	4	19	23
25 <sup>th</sup> February 2008	Final Conference	One	12	57	69

### 3.3.4 - Research and Publications

#### **Good Practice for Gender Equality - Leaflet**

This leaflet was published to further propagate the various good practices that were highlighted by each project partner. A total of 10 different good practices of gender equality were presented.

#### **Good Practice for Gender Equality – Research Report**

The research report was also published to further circulate the various good practices that were highlighted by each project partner and at the same time, outline the main research findings. Throughout this publication, the selected good practices were explained in further detail.

#### **Different and Equal – Audio CD**

An audio CD containing 12 songs on gender equality, was developed and distributed widely among all the local radio stations and local DJs. These twelve songs were composed by local professionals and performed by six local singers.

#### **www.equalityincommunity.com - Website**

As part of this project, a multilingual website was developed and deployed live. This website contains generic information on the project itself and also on all the project partners. Located on the website are also the lyrics of the 12 gender equality songs which can be downloaded.

### 3.3.5 - Public Relations

In 2008, two press releases were issued. The first on the 22<sup>nd</sup> January 2008 which focused on the training seminars for local council delegates, while the second press release was issued on the 21<sup>st</sup> February 2008, announcing the final conference.

## **3.4 - Anti-Discrimination and Diversity Training - VT/2006/009**

In 2006 the Human European Consultancy Group, in partnership with the Migration Policy Group, prepared a submission in view of the Anti Discrimination and Diversity Training -VT/2006/009 call for proposals and approached NCPE to act as the Maltese Coordinator. This project proposal consisted of anti-discrimination and diversity management training to be delivered in 31 European Countries (all EU-25 countries, EU candidate countries and EAA countries). Total allocated budget for this project: € 23,250.00.

### 3.4.1 - Components, Aims and Objectives

As national partners, NCPE was expected to organise two, two-day seminars to promote anti-discrimination among local NGOs and Trade Unions and another one day seminar to promote diversity management among employer's organisations, large companies and SMEs both within the Private and Public Sector. The aim of these seminars was to enhance knowledge regarding anti-discrimination.

The first two day seminar dealing with Anti-Discrimination was held in November 2007 during which various NGOs and Trade Unions participated.

A one day Diversity Management seminar was held in February 2008 and it was directed towards employer's organisations, large companies and SMEs both within the Private and Public Sectors. This seminar was coordinated by a local trainer who had previously received training, with the support of another international trainer.

The second two day seminar, which was also aimed at the same participants who had attended the November 2007 session, was held in February 2008. Both seminars were delivered by six national trainers who were previously trained.

### 3.4.2 - Awareness Raising

During the Diversity Management Seminar, held on 5<sup>th</sup> February 2008, NCPE in collaboration with the Malta Employers Association, gave the opportunity to employer's organisations, large companies and SMEs (47% were representing the Private Sector while 53% were representing the Public Sector) to express and share their experiences with regards to Diversity Management. In addition, participants were also exposed to local case studies and best practices on Diversity Management.

During the second Anti-Discrimination Seminar held on the 15<sup>th</sup> and 16<sup>th</sup> February, participants coming from eight NGOs and two Trade Unions received training and enhanced their knowledge of race and employment Directives. Various case studies were presented in order to give practical examples of the information presented.

### 3.4.3 - Outcomes of Project

Dates	Type of Activity	Number of sessions	Number of participants		
			Males	Females	Total
5 <sup>th</sup> February 2008	Diversity Management training	One	24	31	55
15 <sup>th</sup> February 2008	Follow up seminar for NGOs and trade unions dealing with anti-discrimination	One	9	12	21
16 <sup>th</sup> February 2008	Follow up seminar for NGOs and trade unions dealing with anti-discrimination	One	7	13	20

### 3.4.4 - Publications

The *Training Manual for Diversity Management* was published and used as guidance notes during the Diversity Management training. This publication was distributed to all the seminar's participants.

### **3.5 - A National Campaign promoting Equality Opportunities for All**

In November 2007, as a follow up to the *European Year of Equal Opportunities for All 2007*, the European Commission Representation in Malta in collaboration with the National Commission for the Promotion of Equality organised a media campaign entitled *A National Campaign Promoting Equal Opportunities for All*.

This campaign was aimed at highlighting the six grounds of discrimination as recognised by the EU - Gender, Religion or Belief, Race or Ethnicity, Age, Sexual Orientation, and Disability.

#### **3.5.1 - Components, Aims and Objectives**

This media campaign focused on the following key objectives:

- (1) to encourage people to seek and acknowledge others' abilities;
- (2) to allow individuals to develop their potential;
- (3) consequently allowing individuals to become economically independent and self sufficient.

For these reasons a series of seven educational spots were created. Six of which focused on the six grounds of discrimination as identified by the EU, and one generic spot with the slogan 'Differenti u Indaqs' (Different and Equal).

The message within these seven educational spots was being presented by different individuals found in a common setting - the Airport. The purpose of this approach was to create awareness that individual discrimination could occur during the daily actions that people perform in everyday life as well as via attitudes and beliefs in everyday situations. This approach was not meant to be incriminating but simply to make the general public aware that as individuals we can actually contribute to make a difference.

The campaign was aimed at generating a deep seated necessity to remove the 'labels' that we put on each other whenever we become conscious of a 'difference'. In fact, these spots have showed us that if we focus on abilities, the attributed limitations tend to pale away.

#### **3.5.2 - Awareness Raising**

A press conference was held at the EU Representation Office on the 8<sup>th</sup> August 2008 in order to launch the media campaign entitled *A National Campaign promoting Equal Opportunities for All*.

Seven educational television spots were produced and aired on National local television stations. Six of which covered one of the six grounds of discrimination identified by the EU (gender, race/ethnicity, religion/belief, age, disability and sexual orientation), and another generic spot with the slogan *Differenti u Indaqs (Different and Equal)* showing snippets from the other six Public Service Announcements.

### 3.5.3 - Outcomes of Project

Production of seven television Public Service Announcements that were aired on the National local station during September 2008.

## 3.6 - Voice for All - VS/2007/0477

The project Voice for All aimed at empowering participants to challenge the learning and thinking processes which give rise to discrimination based on race, sexual orientation, gender, age, religion and disability and to positively endorse diversity. Diversity enriches the quality of life yet through misrepresentation, lack of understanding and knowledge it can become a cause for discrimination and segregation. By providing information, space and time for participants to stop and think about discrimination and the six grounds of discrimination, Voice for All sought to activate cooperation and promote dialogue whilst enabling participants to adopt an outlook which was based on awareness and understanding. Voice for All targeted SMEs, Public Sector organisations, members of the media, NGOs, civil society, secondary schools, educators and the general public. The project was concluded at the end of January 2009.

The European Community Programme for Employment and Social Solidarity – PROGRESS (2007-2013) is financing 80% of the project, whereas the Government of Malta is financing 20% of the project. The maximum total budget allocated for this project is €389,130.11.

### 3.6.1 - Components, Aims and Objectives

The aims of this project fit in the European dimension as they will raise awareness on the grounds of gender, racial or ethnic origin, religion or belief, sexual orientation age and disability and the respective EU legislation protecting individuals against discrimination.

The following is a brief description of the tools adopted to promote equality by the EU, which are applicable to Malta. The Amsterdam Treaty, signed in 1997, states that the Treaty aims to “take appropriate action to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual

orientation”<sup>35</sup>. Through Article 13 of the amended TEC, the EU identified the six grounds upon which discrimination is to be combated. The Employment Equality Directive seeks to create a common framework “for combating discrimination on the grounds of religion or belief, disability, age or sexual orientation as regards employment and occupation”<sup>36</sup>. Each of these grounds is guaranteed legal protection through this Directive, which clarifies the concepts of occupational requirement and reasonable accommodation, thus clearly outlining the instances where differential treatment may not constitute discrimination.

The 2004 Equal Treatment Directive (Council Directive 2004/113/EC) consolidates a previous Equal Treatment directive (Council Directive 76/207/EEC), in order to establish a common ground to combat gender discrimination, in a similar way to that established by the Framework Directive on the other grounds. The Race Equality Directive (Council Directive 2000/43/EC) explicitly prohibits racial or ethnic discrimination in various spheres of social life, namely employment (including access to employment and selection criteria); vocational training; working conditions; involvement in workers’ unions or organisations; social benefits; education; and provision of goods and services. The Charter of Fundamental Rights of the European Union, enacted in 2000, seeks to encompass all civil, social, economic and political rights of persons, and places more prominence on grounds of discrimination typically minimised, such as sexual orientation, age and disability. Chapter 3 of the Charter states:

*“Any discrimination based on any ground such as sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation shall be prohibited”<sup>37</sup>*

The project will not only deal with the sphere of employment but will disseminate knowledge on the provision of goods and services and promote good practices in the sector. The issue of multiple discrimination will also be tackled and will seek to ensure that marginalised groups acquire their rights and are duly represented, recognised and respected.

The project aims and objectives are being pursued through the following activities:

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<sup>35</sup> Article 13, Treaty establishing the European Community, 1957, as amended by the Treaty of Amsterdam, 1997

<sup>36</sup> Article 1, Employment Equality Directive, 2000 – Council Directive 2000/78/EC

<sup>37</sup> Article 21, Charter of Fundamental Rights of the European Union, 2000 – Charter 2000/C 364/01

## **Training**

Forum theatre was used as the main tool throughout the training sessions which sought to equip participants with a better strategy by which to live their life and thus adopt a more dynamic approach which empowered participants to challenge discrimination in a non-violent direct manner. Specialised forum theatre training sessions were provided to all the target groups, sensitising all participants on the six grounds of discrimination and utilised as a portal to disseminate good practices from the research and launch the good practice competition.

## **Research**

The research component of the Voice for All project aimed at identifying good practices – practices aimed at combating discrimination and promoting equality for all persons on the grounds of race/ethnicity, gender, religion, age, disability and sexual orientation – in Malta as well as in the three transnational partner countries, namely Cyprus, Italy and Northern Ireland. The transnational partner organisations that carried out the research in these countries were:

- SYMFILIOSI (Cyprus) - an independent research organisation working on various issues of non-discrimination and racial equality.
- Dipartimento Per le Pari Opportunità (Italy) – Italy's National Office against Racial Discrimination. Established within the Department for Rights and Equal Opportunities, UNAR's role is to promote equality of treatment, monitor the effectiveness of legal instruments that tackle racial discrimination, and work towards eliminating racial discrimination.
- Institute for Conflict Research (Northern Ireland) – an independent research organisation which specialises in working on issues related to conflict, human rights, social transformation, and social justice.

## **Research Report**

The research analysed the situation related to discrimination on the various grounds within each country, and sought to ascertain the manner in which the good practices identified in each country help towards eliminating discrimination within a particular sector. Good practices combating discrimination were identified on each ground of discrimination and within a number of target groups, namely the Public and Private Sectors, the media, civil society and the educational sphere.

The main findings on each of the six grounds of discrimination analysed were the following:

### **1. Race**

- Poor housing and detention conditions
- Prevalence of illegal employment involving migrant workers
- Lack of over-arching integration policy covering various aspects of social life e.g. education, healthcare, employment etc

### **2. Gender**

- Low female employment rate
- Existence of gender pay gap
- Low female representation in decision-making positions
- Prevalence of traditional gender roles
- Lack of childcare facilities

### **3. Sexual Orientation**

- Influence of Catholic Church on discourse on LGBT issues
- Lack of adequate legislative protection from discrimination
- Lack of political will to address the situation

### **4. Disability**

- High inactivity rates of persons with a disability
- Societal focus on care and charity towards persons with a disability, rather than on integration and empowerment

### **5. Religion**

- Link between increase in religious diversity and increase in incoming migration patterns
- Role of educational institutions in promoting religious diversity

### **6. Age**

- Significant drop in employment in the population over the age of 50
- Paternalistic and over-protective attitude towards both the elderly and the young

The research identified a number of good practices, within each area of discrimination and across a number of target groups that are seeking to address any obstacles outlined by the research in each transnational partner country.

### **Study Visits**

These good practices were witnessed first hand through the organisation of a study visit in each partner country. A three-person NCPE delegation attended a three-day study visit in each of Northern Ireland, Cyprus and Italy during November and December 2008, whereby the NCPE delegation held meetings with various relevant bodies and organisers of good practices within that country. Issues discussed throughout these meetings included the implementation of the respective good practice, issues of non-discrimination, and the manner in which the good practice is seeking to combat discrimination and encourage social inclusion for marginalised social groups.

### **Campaign**

- An awareness raising campaign in Valletta was organised with the aim of exposing and disseminating information collected from the good practice research with the general public.
- A play on the six grounds of discrimination as well as double/multiple discrimination was written and performed in the marquee in Valletta and at the Filarmonik Society in Nadur, Gozo. The play was commissioned to provide the time, space and possibility for the audience to think about stereotypes and discrimination, thereby empowering them to form their own ideas and challenge discrimination. The script was printed and disseminated amongst schools, Ministries and NGOs to promote replication of the play. The play was filmed and aired on national television to gain further exposure on the emotive reality caused by discrimination and to initiate debate on the six grounds in private and public places.
- A good practice competition was launched with the objective of encouraging social and corporate responsibility by empowering participants to challenge discrimination and to take the initiative to eliminate discrimination for example by enacting policies within a company to safeguard employees from all forms of discrimination. The awarded good practices were included in a document and presented with a commemorative plaque symbolising their commitment towards equality.
- Created a number of radio and TV Public Service Announcements (PSAs) aiming at sensitising the general public on the six grounds of discrimination which were aired over the main TV and radio stations.

- Created newspaper adverts in order to promote and inform the public on the various actions and practices which could be taken up.
- The final conference featured results from the good practice research from Malta, Italy, Cyprus and Northern Ireland. For this purpose, our partner researchers came to Malta and presented their findings in person. It also featured results from an evaluation study which was carried out on all the project activities reporting on their efficiency and how these results relate to recent Eurobarometer findings, pertinent to the six grounds of discrimination. The final conference included animated short video showcasing snapshots from the various project activities and outputs.

### **Communication**

- An interactive website with the address: [www.voiceforall.gov.mt](http://www.voiceforall.gov.mt) was created to act as the main portal of Voice for All incorporating all the activities and events. The main attraction of the website was a user-friendly quiz on the six grounds of discrimination which served as an educational tool by expanding knowledge in this area. The site featured all the research findings on good practices and the downloadable publications as part of the project to provide efficient eco-friendly access.

### **3.6.2 - Awareness Raising & Public Relations**

#### **Good Practice Competition**

A press release launching the good practice competition was sent out on the 7<sup>th</sup> November 2008.

#### **Marquee in Valletta**

An awareness raising campaign in Valletta took place between the 20<sup>th</sup> and 22<sup>nd</sup> November in a marquee which was also the official launch of the project. The campaign had the aim of exposing and disseminating information collected from the good practice research with the general public. Dissemination in this way was utilised to make people aware about the type of action they can take at different levels. The information was provided through the dissemination of brochures and publications created for this project; computers were available on site with access to the *Voice for All* and *For Diversity – Against Discrimination* websites; a big screen showcasing various project activities; and detailed promotion and information on the good practice competition.

We created a number of radio and TV Public Service Announcements (PSAs) aiming at sensitising the general public on the six grounds of discrimination which were aired over the main TV and radio stations. Radio and TV PSAs were chosen so as to reach a wider audience. The PSAs sent a clear message that

discrimination must not be tolerated, equality is prescribed by national, EU and international legislation and harmful to both the party initiating the discrimination and the party being discriminated against. The slogan chosen for the PSAs was discrimination on the basis on age, gender, race, sexual orientation, disability and religion is suppressive. The PSAs projected positive images of social life without discrimination. The communications rationale behind this was that people respond and accept to positive messages more than they do to negative ones, particularly when these address their own behaviour.

Created newspaper adverts in order to advertise the play, the good practice competition, the forum theatre training sessions and the final conference.

### 3.6.3 - Outcomes of Project

Date	Type of Activity	Number of Sessions	Male Participants	Female Participants	Total
October to December	Forum theatre training sessions to Secondary school students	20	144	169	313
November to December	Forum theatre Training sessions to Teachers	2	2	9	11
November to December	Forum Theatre Training to NGOs	2	25	34	59
November to December	Forum theatre to Public Sector	2	17	37	54
November to December	Forum Theatre to Private Sector	2	8	22	30
November to December	Forum Theatre to Media	2	4	9	13
January	Final Conference	1	30	60	90

### 3.6.4 - Publications

- Brochures for all households
- Brochures for Small and Medium Enterprises (SMEs)
- Brochures for large companies

- Brochures for Media
- Brochures for Schools and Educational Institutions
- Brochures for Public Officials
- Brochures for NGOs and Civil society
- Good Practice Document
- Research Report
- Script for Play
- Final Report

### **3.7 - Affirming Gender Mainstreaming at a National Level – ESF/No. 48**

The objective of this project was of affirming the concept of gender mainstreaming at a national level in all spheres of activity. This project was a follow-up project to *ESF/No. 23 Gender Mainstreaming – The Way Forward* and it builds on the concept of gender mainstreaming. ‘*Affirming Gender Mainstreaming at a National Level*’ was aimed at affirming gender mainstreaming in both the Public and Private Sectors.

75% of this project was co-funded by the EU Structural Funds Programme for Malta 2004-2006 EU and 25% was funded by the Government of Malta. Total budget allocated for this project: €171,967.00

#### **3.7.1 - Components, Aims and Objectives**

This project was fully dedicated towards the increase of equal opportunities for all as it strived to make a significant step in achieving gender equality. It was aimed at providing directors, policy makers, human resource managers and equality committees with the impetus to update policies and practices to meet the obligations of current EU and Maltese commitments towards the implementation of gender mainstreaming.

Gender mainstreaming has been defined by the Council of Europe as ‘*the (re)organisation, improvement, development and evaluation of policy processes, so that a gender equality perspective is incorporated in all policies, at all levels and at all stages, by the actors normally involved in policy-making*’.<sup>38</sup>

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38 ‘Factsheet on Gender Mainstreaming’, Council of Europe (1998) as retrieved from [www.coe.int/t/e/human\\_rights/equality/02.\\_gender\\_maintreaming/001\\_Factsheet.asp](http://www.coe.int/t/e/human_rights/equality/02._gender_maintreaming/001_Factsheet.asp) on January 05th 2009.

A Mainstreaming strategy is not aimed at changing men and women, but rather accepts their different situations, priorities and needs as being of the same importance. This is the starting point in (re)designing organisations and institutions to be gender equal.

The target groups of this project were directors, policy makers, human resource managers, equality committees as well as the general public.

The project had two major components:

**1) Training** - This project enhanced the principle of gender mainstreaming process through the following two types of group training sessions:

- Training seminars were specifically organised for directors, managers and policy makers coming from both the Private and Public Sector.
- Another form of training was exclusively developed and organised for various Equality Committee within every Government Ministry.

**2) Communication** – In order to promote the gender mainstreaming principle and to minimise the inequality gap between men and women in employment, the following communication techniques were used:

- A gender equality information pack containing cartoon drawing was produced and published specifically for directors, policy makers and human resource managers and distributed among all business organisations in Malta and Gozo.
- A leaflet containing cartoon drawings was produced and distributed to all households in Malta and Gozo in order to sensitise the general public about the subject matter and empower them to be more vigilant against direct and indirect discrimination.
- Newspaper publicity, radio public service announcements and television public service announcements were used to disseminate information related to the objectives of the project and to the principle of gender equality.

### 3.7.2 - Awareness Raising

During this project the following awareness raising activities were held:

Two, one half page black and white adverts and one full page black and white adverts and were issued on all local Sunday newspapers. These adverts were issued in order to disseminate information about: 1) the

organisation of the project training seminars, 2) the aims and objectives of the project and the benefits of introducing gender mainstreaming in the business environment and 3) the publication and distribution of the gender equality information pack for businesses and the gender equality information leaflet for households. These three adverts were issued on the following Sundays, 17<sup>th</sup> and 24<sup>th</sup> February and 16<sup>th</sup> March 2008.

A gender information pack produced specifically for directors, policy makers and human resource managers was printed and distributed among all business organisations in Malta and Gozo during March and April 2008. Within this publication, one was able to find information related to: 1) what is gender equality, 2) what is gender mainstreaming, 3) why should an employer introduce gender mainstreaming, 4) gender mainstreaming practice and 5) where one can obtain assistance and information.

Concurrently, a brochure targeting the general public was produced, printed and distributed to all households in Malta and Gozo in the same period. It is good to note that both the gender information pack and the household's brochure presented the concept of gender equality in an innovative way – that was through cartoon drawings. Within the publication, one was able to find information related to: 1) what is gender equality, 2) what is gender mainstreaming, 3) fair treatment in employment, 4) discriminatory advertising, 5) work of equal value, 6) sexual harassment, 7) advice and assistance, 8) remedies and 9) information related to the industrial tribunal

Furthermore, a website annex containing information on this project and links to the above mentioned documentation was developed.

Throughout the implementation of the project a total of ten meetings with different Equality Committees found within various ministries were held during February, March and April 2008. The scope of these meetings was to further promote the principle of gender mainstreaming, explaining the role of the equality committees and suggesting ideas and concepts that help to develop or enhance the equality policy and equality principle.

Besides the above mentioned meetings, the objectives of this project were further promoted among directors, managers and policy makers coming from both Public and Private Sectors throughout five half days seminars between February and April 2008

As part of this project, a radio advertisement campaign was carried out on the ten main national radio stations during November and December 2008. For this purpose, four different radio public service

announcements (PSAs) were developed and aired in English and Maltese. These PSAs made the general public more aware of what constitutes gender discrimination by using various examples.

Simultaneously, a television advertisement campaign was also carried out on the four main national television stations. For this purpose two different television public service announcements (PSAs) were developed and aired on all four main television stations. The first PSA was aimed at helping the general public to understand what is meant by sexual harassment and that it is illegal. Whilst the second PSA was intended to raise awareness that in 2008, gender discrimination at the place of work is still ongoing issue and problem. Both adverts also stated that the National Commission for the Promotion of Equality provides assistance to individuals who encounter or experience discrimination and/or harassment. Sign language single interpretation and subtitles were used throughout both PSAs, in order for the message of the PSAs to be understood by the largest amount of people as possible.

### 3.7.3 - Outcomes of Project

Dates	Type of Activity	Number of sessions	Number of participants		
			Males	Females	Total
21 <sup>st</sup> and 28 <sup>th</sup> February, 3 <sup>rd</sup> , 4 <sup>th</sup> , 18 <sup>th</sup> , 20 <sup>th</sup> , and 25 <sup>th</sup> March and 14 <sup>th</sup> April	Training for Equality Bodies	10	41	101	142
27 <sup>th</sup> February, 18 <sup>th</sup> March and 28 <sup>th</sup> April 2008	Training seminars for directors, managers and policy makers coming from both the Private and Public Sector	5	31	70	101

### 3.7.4 - Publications

#### **Brochure for Households**

The Information Pack for households was published to further promote the concepts of gender equality among the general public and was widely distributed during March and April 2008

#### **Information Pack for business organisations**

The Information Pack for business organisations was published to further promote the concepts of gender equality among directors, managers and policy makers coming from both Public and Private Sector and was widely distributed during March and April 2008.

### **3.8 - The Gender Aspect from a Legal Perspective – ESF/No. 46**

The overall objective of this project was to address structural barriers to gender equality in Maltese legislation. For this purpose analysis of particular codes and acts were carried out. In addition, three toolkits were produced that were directed at Private and Public Sectors human resource managers and employers, as well as to legal service providers (including legal drafters) and law students.

75% of this project was co-funded by the EU Structural Funds Programme for Malta 2004-2006 EU and 25% was funded by the Government of Malta. Total budget allocated for this project: € 249,743.00.

#### **3.8.1 - Components, Aims and Objectives**

This project aimed to integrate a gender perspective in all legal frameworks governing the realms of employment and occupation and civil and family life. All this was made with the intension to facilitate female accessibility to the labour market, and as a result, also facilitating economic empowerment.

Thus this project has embedded in the principle of gender mainstreaming in various Codes and Acts of Maltese Legislation. It also aimed at furthering the development of gender mainstreaming at a national level and sensitise legislators, providers of legal services and human resource managers to the principles of gender equality and gender mainstreaming.

The project had three major components:

- 1. Research** - A study of current education, employment and training, social security and taxation, criminal, civil and family legislation was carried out. Throughout this research, recommendations about the gender mainstreaming of Maltese legislation to promote equality in all spheres and activities was developed.
- 2. Training** - Training sessions on the principle of gender mainstreaming and relevant EU and Maltese legislation were provided to a) legislators and individuals that provide legal services, b) human resource managers in the Private Sector and c) human resource managers within the Public Sector.
- 3. Communication of results** – in order to promote the project aims and objectives and disseminate the research findings, a website annex was developed, three toolkits were printed and distributed, while a newspaper campaign was carried out.

### 3.8.2 - Awareness Raising

Throughout this project various awareness raising activities were organised.

A newspaper educational campaign targeting the general public, based on the research results of the project was carried out in April and May 2008. Two full page black and white adverts were issued on all local Sunday newspapers. The first advert was issued on the 13<sup>th</sup> April while the other one was issued on the 11<sup>th</sup> May 2008.

Furthermore, a website annex was also developed and used in order to disseminate information about the project as well as the research results emanating out of the project

As part of this project, four training sessions were organised. One half day session directed towards HR managers and Public Service and Sector Directors was held on the 23<sup>rd</sup> April 2008. Another half day session held on the 29<sup>th</sup> April was organised to provide training to Legal service providers. While HR manager and employers from the Private Sector were invited to attend two half day sessions that were held on the 13<sup>th</sup> and 14<sup>th</sup> May.

The project's final conference was on the 16<sup>th</sup> May 2008 were all individuals who had either contributed towards this project or had participated during the above mentioned seminars were invited to attend. During this conference, the research results and recommendation were presented, the conference was closed off by a speech from the Minister for Social Policy, the Honourable John Dalli.

In addition to the above mentioned training activities, three toolkits were developed and printed as support training material. Each toolkit was developed specifically for one of the below listed project target groups.

- Human Resource Managers / Directors in the Public Sector;
- Human Resource Managers / Employers in the Private Sector;
- Legal Service Providers (including legal drafters)

Each toolkit was given a particular colour code to be easily recognised. The Green toolkit focused on the Private Sector whilst the Red toolkit on the Public Sector. Each publication was made up of the following five

sections consisting of: 1) an introduction to gender equality, 2) non-discrimination in employment, 3) family friendly measures at the place of work, 4) Gender Mainstreaming and 5) other useful information.

On the other hand the Blue toolkit which specifically targeted legal service providers was made up of the following four sections: 1) key concepts and terms, 2) overview of the principal legislative enactments on gender equality in Malta, 3) a brief analysis of the legislative audit and 4) Practical Application of Material. All these toolkits were translated into Maltese.

### Research

A Gender Audit of various Codes and Acts of Maltese Legislation was carried out. The purpose of this gender audit was to:

- Insert the principles of gender mainstreaming in a selected number of Codes and Acts of Maltese Legislations
- Support the Maltese legislation with the principles laid down within the relevant EU Directives.

On completion of this gender audit, conclusions were drawn up on each area of law analysed, providing an overview and review of the provisions requiring either amendments or introduction in the relative legislative provisions.

The recommendations drawn up therefore were of kinds: (i) proposed amendments to existing legal provisions, and (ii) proposals for the introduction of new legal provisions to address gender issues in the particular subject-area of legislation.

### 3.8.3 - Outcomes of Project

Dates	Type of Activity	Number of sessions	Number of participants		
			Males	Females	Total
23 <sup>rd</sup> April 2008	Seminar for the Public Sector	1	9	25	34
29 <sup>th</sup> April 2008	Seminar for Legal Service Providers	1	5	10	15
13 <sup>th</sup> and 14 <sup>th</sup> May 2008	Seminar for the Private Sector	2	9	17	26
16 <sup>th</sup> May 2008	Final Conference	1	14	48	62

### **3.8.4 - Publications**

#### **Gender Mainstreaming in Employment – Public Sector – A Toolkit**

The Gender Mainstreaming in Employment (Public Sector Toolkit) was published as guide notes during the seminar mentioned above and also for further reference for anyone working within the Public Sector.

#### **Gender Mainstreaming in Employment – Private Sector – A Toolkit**

The Gender Mainstreaming in Employment (Private Sector Toolkit) was published as guide notes during the seminars mentioned above and also for further reference for anyone working within the Private Sector.

#### **Gender Mainstreaming for the Legal Sector – A Toolkit**

The Gender Mainstreaming for legal sector was published as guide notes during the seminar mentioned above and also for further reference for anyone working within a legal environment.

## **4. Complaints**

### **4.1 - Set up of NCPE**

All complaints submitted to NCPE are dealt with by the Complaints Section which is responsible for processing complaints, gathering information vis-à-vis complaints and answering requests for information. Apart from the Complaints Section, the Complaints Sub-Committee is the body within NCPE which is responsible for taking decisions with respect to complaints received or those which are initiated by NCPE. During the year, the Sub-Committee meets regularly in order to discuss the complaints received, to investigate particular matters, and also to conduct face-to-face meetings with concerned parties.

### **4.2 - NCPE's Complaints Procedures**

NCPE may initiate complaints if it is aware of a breach in the law within its remit, with regards to gender or race discrimination. Moreover, NCPE has an established procedure for dealing with complaints received which is adhered to in order to ascertain consistency in the handling of each case and according to the client's needs.

Complaints must be submitted in writing as stipulated in Chapter 456 – the *Equality for Men and Women Act* and whenever this is not possible, for example, when the complainant has difficulty in filling in the complaints form provided by NCPE, the responsible Officer will aid the concerned individual in writing the complaint and also by guiding the complainant with regards to required documentation. The documents are signed by all parties present, including a witness in order to ensure faithful interpretation of the facts stated according to the complainant.

During investigations, all complainants are urged to provide any relevant documentation pertaining to the case to support their claim. To note that as per the Data Protection Act, confidentiality is assured during all phases of investigation and processing of the complaint.

NCPE strives to empower individuals to fight for their rights and thus encourages individuals to avoid anonymity when lodging a complaint.

Each complaint received is acknowledged within three working days. Immediately following receipt of the complaint, a case file is opened and the case is analysed according to the pertinent legislation.

Following the analysis of the case, discussions ensue through which various proposals are made on the best way forward to investigate the case. Moreover, depending on the needs pertaining to each individual case, meetings are held with NCPE's legal advisor in order to ensure that all legal perspectives are taken into consideration.

In order to investigate each case, NCPE may send for any person/s that may throw light on the case.

After investigation, the Commission may:

- a) refer the matter to the competent civil court or to the Industrial Tribunal for redress;
- b) dismiss the complaint,
- c) find that the complaint is proved and thereupon, shall:
  - where the action complained of constitutes an offence, make a report to the Commissioner of Police for action on his/her part;

**Or**

- where the action complained of does not constitute an offence, call upon the person against whom the complaint is directed to redress the situation, and mediate between the complainant and such person to find a solution acceptable to all involved.

In most instances, cases are solved through mediation and without the involvement of the police or the Industrial Tribunal. For example, for cases pertinent to gender discrimination and employment, once NCPE informs the employer about the breach of the law and begins to mediate, many employers rectify the situation or reach an acceptable compromise with their employees. These positions are only accepted if all parties concerned agree to them.

### **4.3 - Complaints received by NCPE**

During 2008 NCPE received several complaints dealing with different aspects of gender and race discrimination. Below is a list exemplifying the issues raised:

- Sexual harassment at the workplace
- Sexual harassment at partner's workplace
- Gender discrimination during interview
- Discrimination in procedures related to race discrimination
- Gender discrimination in work opportunities

- Health and safety matters including gender related issues
- Issues related to family friendly measures (including maternity leave and parental leave)
- Gender discrimination in provision of school subjects
- Indecent clothing at the place of work

Apart from the above mentioned complaints, NCPE has received other numerous complaints which do not fall within its remit.

#### **4.4 - Issues emanating from complaints and recommendations**

In August 2008, NCPE's remit was further widened to include responsibilities emanating from Legal Notice 181 of 2008 - *Access to Goods and Services and their Supply Regulations*. Therefore, NCPE's Complaints Section is currently also handling and investigating complaints with regards to gender discrimination in the access to and supply of goods and services offered by Public and Private Sectors to the general public.

Provision of goods and services covers a wide range of activities, including shops and other retail outlets as well as the entertainment industry - restaurants, bars, hotels, gyms, cinemas etc. The law also includes service providers such as banks, insurance and other financial services, as well as the health, housing, social benefits and education sectors. These regulations apply to both Public and Private Entities and include discriminatory treatment related to pregnancy and maternity.

With regards to complaints received, once again, this year NCPE has dealt with several cases of sexual harassment and alleged discrimination with regards to family friendly measures. In fact, NCPE has commenced discussions in order to ameliorate policies related to family friendly measures. Moreover, NCPE is working towards eliminating the gender discriminatory approach of various procedural systems and in following complaints lodged, NCPE has helped several private organisations introduce a sexual harassment as well as an equality policy and a grading system for the assessment of prospective interviewees.

An important issue which was highlighted this year is the need for Public Service employees to be made more aware of the underlying issues and repercussions of making use of certain family friendly measures.

With regards to complaints related to race, although Legal Notice 85 of 2007 *Equal Treatment of Persons Order* came into force in 2007 highlighting discrimination on the basis of race/ethnic origin in the provision of goods and services, there has been a limited number of complaints received by NCPE.

Legal Notice 85 of 2007 outlines the illegality of discrimination in the fields of social protection, social security and healthcare, education, access to and supply of goods and services available to the public including housing and any others designated by the law. Complaints regarding discrimination in employment based on race are the remit of the Department for Employment and Industrial Relations.

In the coming year NCPE will be working to further raise awareness with regards to race discrimination in the provision of goods and services as well as informing the general public and individuals who are likely to suffer this form of discrimination, of their rights as well as NCPE 's role and functions as the Equality Body.

## **4.5 - Summary of a few of the investigations concluded by NCPE in 2008**

### **4.5.1 - Gender Discrimination at the Workplace**

**Case A** - Acting upon a complaint, NCPE investigated the conditions under which security and escort duties were assigned to employees. From the evidence collected, it resulted that the manner in which such security and escort duties were distributed by the persons in management brought about a situation whereby female employees, although trained, were excluded from escort duties with the consequence that any monetary benefits linked to such duties were being paid only to male employees.

The company under investigation pleaded that due to the potential risks involved in escort duties it “believes the placement of male security guards provides the most appropriate protection” and moreover that facilities at the locations where such escort duties are to be carried out are poor.

NCPE concluded that this practice amounted to gender discrimination and asked the company to take all necessary action to remove such discriminatory practices.

### **4.5.2 - Gender Discrimination in Access to Employment**

**Case A** - Acting upon a complaint, NCPE investigated a call for employment as a dental assistant which although did not indicate the preference of the sex of the applicants, upon seeking information about the call the complainant was informed that the dental clinic will only consider female applicants.

The employer pleaded that it is its policy that all chairside dental assistants are female and that this is the norm through out the European Union vis-à-vis dental clinics.

NCPE concluded by finding the occurrence of gender discrimination and asked the company to refrain from any such discriminatory practices.

#### 4.5.3 - Sexual Harassment at the Workplace

**Case A** - Acting upon information received NCPE investigated the occurrence of sexual harassment consisting in a person in authority asking female employees to prove by undressing that they were not menstruating.

The company under investigation admitted that the event did take place however pleaded that the person causing such harassment was acting under provocation.

NCPE concluded by finding that this behaviour amounted to sexual harassment and asked the company to implement a policy against sexual harassment at the workplace and to provide its employees with training in this respect.

**Case B** - Acting upon a complaint, NCPE investigated the occurrence of sexual harassment consisting in the placement of a rhyme, written in Maltese and taken from a play. This was affixed to a cabinet in an office. The complaint was received from one of the female employees who felt offended and degraded by such rhyme.

The employer recognised this as amounting to harassment.

NCPE concluded by declaring that the affixing of such rhyme amounts to sexual harassment in that it caused offence and humiliation. It moreover commended the employer for taking appropriate action by ordering the immediate removal of such rhyme, admonished the perpetrator and sought a written apology from the perpetrator.

#### 4.5.4 - Indirect Discrimination due to Family Responsibilities

**Case A** - Acting upon a complaint, NCPE investigated the conditions contained in a call for promotion within the Public Service, whereby one of the conditions that needed to be satisfied was that the applicant must

have been in continuous service for a number of months. Complainant was in this manner considered not to qualify as she was working on a reduced hour schedule due to family responsibilities.

Following the collection of relevant information NCPE concluded that this criterion amounted to indirect discrimination.

After discussions with the Public Service Commission, the latter has undertaken to address this by amending the criterion of eligibility to be one whereby the years of service required for one to be eligible shall be aggregate in cases in which the applicants have had a break in their service.

#### 4.5.5 - Participation in the Concluding of a Collective Agreement

NCPE was invited to participate in the discussions of a Collective Agreement to ensure that the conditions of employment therein agreed to be respectful of the principle of gender equality and ensured respect for employees having family responsibilities.

### **4.6 – Submitting a complaint with NCPE**

If a person feels that s/he is being discriminated against because of any of the below grounds, they can submit a duly filled in complaints form to NCPE:

- **Gender** in employment or in the provision and/or supply of goods and services,
- and/or**
- **Race or ethnic origin** in the provision and/or supply of goods and services,

To lodge a complaint with NCPE one may:

- Download the Complaints Form from NCPE's website, [www.equality.gov.mt](http://www.equality.gov.mt), and once compiled, the form must be signed and returned to NCPE's premises.  
NCPE, Fourth Floor  
Gattard House, National Road  
Blata I- Bajda HMR 9010
- Call / email NCPE (+356 2590 3850/ [equality@gov.mt](mailto:equality@gov.mt)) to set an appointment with the Complaints Section.

Two types of complaints forms are online; one for gender based discrimination and another for race/ethnic origin related complaints. These are available in Maltese and English.

If a person wishes to make a complaint but requires assistance to formulate/write the complaint, NCPE can be contacted for assistance and an appointment set up.

## **5. Information Requests and Discriminatory Advertising**

### **5.1 – Requests for Information**

Throughout the year NCPE responds to several requests for information about different topics pertinent to its remit from various sources. In order to provide clear and efficient responses, both requests to NCPE and replies by NCPE are to be made in writing so that NCPE can have a good record keeping system and be more transparent in its work.

#### **5.1.1 – Sources of request**

Requests for information came from a variety of sources including:

- Public Service Employees
- The Media
- The General Public
- Private Companies
- University Students

#### **5.1.2 – Requests**

Requests were made regarding:

- Family friendly measures (including maternity leave, reduced hours, parental leave and flexitime)
- Discrimination in advertising
- Gender inclusive language
- NCPE's procedure for dealing with complaints
- NCPE's website
- Directory of Maltese Women/Maltese Professionals
- Employment conditions
- Housing
- Sexual harassment
- Various publications and leaflets
- Social benefits
- Irregular immigrants
- Maltese women living in the first part of the 20th century

- Tax refunds
- Human rights issues
- Work of NCPE
- Role and legal position of women vis-à-vis marriage
- Role of company vis-à-vis sexual harassment at work
- Flexi time
- When to notify employer about one's pregnancy
- Awarding of qualifications allowance to only one group of employees
- Discrimination in distribution of tasks at the place of work
- Legislations catering for family friendly measures

## **5.2 - NCPE's Library**

NCPE's Research and Documentation Centre makes a wide range of documents and information available and is situated at NCPE's premises in Blata I-Bajda. The centre holds more than 6,000 books, magazines, studies and articles covering a range of literature linked to issues related to equality with regards to gender and race in employment, education, politics, society, media, health, religion, family, economy, European Union issues, welfare, social security, etc. Other subjects about which information can be found in the library include sexual harassment, childcare, prostitution, disability and the elderly.

Several persons made use of NCPE's library during 2008, either by borrowing books and journals or photocopying excerpts of material found in the library according to their research needs.

In 2007, Legal Notice 85 – Equal Treatment of Persons Order, vested NCPE with the power to also investigate cases with regards to racial or ethnic origin discrimination, and in 2008 Legal Notice 181 – Access to Goods and Services and their Supply (Equal Treatment) gave NCPE the responsibility of implementing the principle of equal treatment between men and women in the access to goods and services and their supply. The Commission took the introduction of these two Legal Notices as an opportunity to expand its library by acquiring more books on racial discrimination and human rights. In fact, during 2008, there were **189** new entries in our library system bringing the total number of publications to **6231**.

Apart from making use of the library at NCPE's premises, one may also access the library on-line by applying for an e-ID at the passports Department. An e-ID and password are required in order to access all services offered on-line by the Ministry for Social Policy.

### **5.3 - Discriminatory Advertising**

Another aspect of NCPE's remit is to ensure that no discriminatory advertising based on gender or which promotes discrimination is published. To this effect, NCPE has the right to initiate legal action against offenders if such discriminatory adverts do not cease to be published.

Article 10 of Chapter 456 – Equality for Men and Women Act, states that:

*“... it shall be unlawful for persons to publish or display or cause to be published or displayed any advertisement, or, otherwise to advertise a vacancy for employment which discriminates between job seekers ...”*

*“ ... It shall not be lawful for persons to publish or display or cause to be published or displayed any advertisement which promotes discrimination or which otherwise discriminate. ...”*

Article 8 of Chapter 456 – Equality for Men and Women Act, states that:

*“(1) it shall be unlawful for any educational establishment or for any other entity providing vocational training or guidance to discriminate against any person in -*

*(a) the access to any course, vocational training or guidance; ...”*

Article 8 of Legal Notice 85 –Equal Treatment of Persons Order, states that:

*“(1) It shall not be lawful for persons to publish or display, or cause to be published or displayed, any advertisement which promotes discrimination or which is discriminatory or which might reasonably be understood as indicating an intention to discriminate.”*

*“(2) any person who acts in breach of sub-article (1) of this article shall be guilty of an offence and shall, on conviction, be liable to the penalties established for contraventions.”*

In this regard, during 2008, NCPE intervened in **141** cases of gender discriminatory adverts, where advertising agencies were contacted and informed about the breach of the law. Adverts were related to employment as well as to educational opportunities and were published in local news papers, magazines and also on electronic news websites.

The below table shows the number of discriminatory adverts investigated by NCPE during 2008.

#### STATISTICS ADVERTS 2008

<i>Months:</i>	<i>Textual</i>	<i>Visual</i>	<i>Sub-totals</i>
January	6	5	11
February	6	5	11
March	7	8	15
April	6	1	7
May	9	2	11
June	5	1	6
July	1	2	3
August	4	6	10
September	30	4	34
October	17	0	17
November	4	6	10
December	6	0	6
<b>Total</b>	<b>95</b>	<b>40</b>	<b>135</b>

As shown in the above table, an advert can be discriminatory textually, visually or both. In view of its obligation to monitor discriminatory advertising, NCPE drafted and issued two sets of guidelines: one for NCPE's staff in order to have a clear procedure at hand and the second set for publishers / companies / educational establishments that draft adverts. The aim of the guidelines is to inform and educate by clearly delineating what is construed as discriminatory.

The guidelines highlight and explain the obligations laid out in Cap.456 in a user friendly manner vis-à-vis discrimination in employment, education, banks and financial institutions. These instructions give a variety of examples of discriminatory adverts both textually and visually, while also offering several alternatives in order to draft the advert in a gender neutral way. Guidelines for Publishers are included in this publication as Annex I and may be also accessed and downloaded from NCPE's website [www.equality.gov.mt](http://www.equality.gov.mt)

## **5.4 - Parliamentary Questions (PQs)**

<b>PQ Number*</b>	<b>Received on</b>	<b>Topic</b>
29307	3rd January 2008	Gozitan Workers
50	12th May 2008	New Employees January / February / March 2008
99	14th May 2008	Members/ Directors of Boards
209	15th May 2008	Part Time Workers
277	19th May 2008	Promotions
300	19th May 2008	Female Participation
316	19th May 2008	Reduced Hours
420	22nd May 2008	Private Insurance
659	30th May 2008	Reference to PQ*277
Urgent PQ to PM	2nd June 2008	Employees over 61 years old
761	3rd June 2008	New Employees
904	12th June 2008	Staff numbers Jan/ Apr 08
1018	12th June 2008	New Cars
1031	12th June 2008	Rented Cars
1350	30th June 2008	Inequality at the place of work
1360	3rd July 2008	Work Contracts
2246	1st August 2008	Borg Bros. Company
2310	9th September 2008	Gender Alignment in Marriage
2522	30th September 2008	Reported Theft
2528	30th September 2008	EU Travel
2782	2nd October 2008	Transfers to Gozo
2101	6th October 2008	Contracted Workers
2999	09th October 2008	Level of Living Research
2658	13th October 2008	Commission for the Family
3070	14th October 2008	Employees Granted Indefinite Status in 2007/2008
3476	23rd October 2008	Part Time Employees
3524	23rd October 2008	Photovoltaic Cells
3651	31st October 2008	Advertising Agencies
3665	6th November 2008	Participation of Women and People with a Disability at the Place of Work
3860	13th November 2008	Bought Vehicles
3994	18th November 2008	Direct Orders
4023/4024	18th November 2008	Contractors
4258	25th November 2008	Gozitan Public Sector
4259	25th November 2008	Retired Gozitan Public Sector Workers
4511	4th December 2008	Electric Cars

## 6. Training Initiatives

### 6.1 – Introduction

As part of its ongoing work, NCPE constantly carries out different types of training, covering topics such as sexual harassment, gender and race/ethnic origin equality, and gender mainstreaming, which target separate groups. Such training is indispensable as a tool for information dissemination as well as awareness raising and could be carried out either as a direct initiative of NCPE or emanating from specific projects.

NCPE also offers training to any Entity, Department or organisation, which requests it. Through training, NCPE not only disseminates knowledge about the rights and obligations which emanate from the laws falling within its remit, but also keeps stakeholders such as NGOs, Public and Private Sectors and other interested parties up to date and in contact with NCPE.

NCPE is often asked to contribute to training sessions being organised by other organisations and entities. Such training included topics such as sexual harassment and family friendly measures. During such sessions, NCPE's Executive Director or another member of staff attends the training session and gives a contribution related to the topic in light of NCPE's remit.

Each training session is tailored to the specific needs of the audience, for example, children were trained using various methods including forum theatre<sup>39</sup> giving participants hands on experience in dealing with issues related to equality which they may face in their lives.

Groups that received training from NCPE throughout 2008 included:

- Equality Committees within Government Ministries
- Legal Professionals
- Secondary School children
- MCAST students
- General Public
- NGOs
- Private Companies

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<sup>39</sup> Forum theatre is an interactive style of performance, first used by Augusto Boal who used it to set up different theatrical forums to discuss current events. Forum theatre immerses the audience in information and aims to incite the audiences to the participants and be active in the scenarios performed.

- Human Resource Managers
- Trade Union Representatives
- Civil Society Organisations
- Government Departments and sections
- Public Officials
- Management in the Public Service
- Teachers, Educators and Facilitators
- Directors

Apart from giving training, NCPE staff also regularly receives training to ensure that staff are abreast with the latest issues, policy and legislation.

## **6.2 – Training offered by NCPE Staff**

Throughout 2008, NCPE has held training sessions on issues such as equality at the place of work, non-discrimination in relation to family responsibility, non-discrimination on the basis of race/ ethnic origin and gender in the provision of goods and services, local and foreign good practices for mainstreaming equality and the sharing of good practices.

These training sessions were held for different groups and organisations such as Public Service and Sector Officials, private companies and businesses, policy makers, lawyers and legal staff, children and youths, Public Entities and organisations, trade-union officials and representatives from NGOs. For example policy makers were sensitised with regards to equality issues via several modes of training, including days dedicated to diversity training, gender sensitivity and gender mainstreaming.

### **Racism / Xenophobia Training – New Police Recruits**

The Police Academy requested training and sensitisation on race and xenophobia for their new recruits, which takes place every year and is now an integral part of the training in the Police force. The 2008 sessions took place on the 28<sup>th</sup> and 31<sup>st</sup> January 2008 and included an overview of Legislation related to anti-discrimination with regards to race, an explanation of NCPE's remit and lastly a group discussion regarding xenophobia and racism.

### **Sexual Harassment Training – Various Organisations**

In 2008, NCPE has continued to give training related to sexual harassment to public entities, private companies, legal workers, human resource management, other management and directors, new police recruits, Malta's Armed Forces, and any other group which may request such training.

During this training, a quick overview of the law is given, followed by the penalties that may be incurred. A description of who is covered by the law then precedes a detailed description of what constitutes sexual harassment, including some examples. Examples are also given as to what does not constitute sexual harassment and how the effects that sexual harassment may have at both an individual and a group level are discussed. The training session is usually finished off with a description of steps which can be taken in the case of sexual harassment and who can be contacted for advice if the need arises.

NCPE also helps draft and review the sexual harassment policies of any organisation, company or Department which requests this help.

### **Equality Committees Training**

NCPE established and is in constant contact with Equality Committees within each Ministry. These Committees are the points of reference for anyone within each Ministry who feels that they have suffered any form of discrimination or sexual harassment. The Committees are trained regularly on current equality issues and legislation, in gender mainstreaming, sexual harassment issues and are also the point of contact between NCPE and individual Ministries. Toolkits and documents published by NCPE which have been used in training for Equality Committees include:

- 'Racial and Ethnic Origin Equality Manual Toolkit';
- 'Sexual Harassment: A code of practice';
- 'Gender Sensitivity Manual' published through the project titled Living Equality and;
- 'Gender Mainstreaming Toolkit' published through the project titled ESF 46 - The Gender Aspect from a Legal Perspective.

### **Equality Issues Training – Various Entities**

NCPE conducts training on issues related to equality to Public Entities, private companies, legal workers, management and directors and any other group which may request it. Such training deals with various subjects pertinent to NCPE's remit including gender mainstreaming, non-discrimination in employment and because of family responsibilities, application of the laws and policies and non-discrimination in the provision

of goods and services based on race/ethnic origin or gender. Documents and toolkits emanating from core work and project research are used throughout training sessions and disseminated to all participants to enhance such training.

### **NCPE's Remit and work-related issues – Persons Registering for Employment**

NCPE gave training to persons registering for employment with ETC, in different sessions which took place in the months of March and November 2008. This training included an introduction to NCPE's remit and a run through of equality legislation related to the place of work, sexual harassment as well as discriminatory questions which may be asked during interviews and which may be against the law.

### **Media Training – Broadcasting Authority**

The Broadcasting Authority and NCPE organised training related to non-discrimination in media and advertising. Throughout this training, legislation relating to discrimination in the media on the grounds of race/ethnic origin and gender were presented and issues related to such legislation were discussed. Examples of such discrimination were given from the local as well as the international media. NCPE and Broadcasting Authority staff attended this training.

### **Gender Sensitivity Training – Various Entities**

Gender sensitivity training deals with various issues related to gender sensitivity as well as aspects of gender mainstreaming. This training included an explanation of NCPE's remit, an introduction to relevant legislation as well as issues related to gender equality, gender sensitivity and gender mainstreaming.

## **6.3 – Training received by NCPE staff**

### **Staff Development Organisation (SDO)**

NCPE staff members have the opportunity as Public Officers to attend training sessions organised by the Staff Development Organisation (SDO) which publishes a yearly prospectus of courses offered. The following were attended by some members of staff to enhance existing skills:

- Using Emotional Intelligence II
- Interpersonal Skills Programme (follow-up to Using Emotional Intelligence at Work – Module 2)
- Building Interpersonal Communication Skills in the Workplace
- How will the new Reform Treaty affect the structure and functioning of European Institutions?
- Project Management

- Public Procurement Training

**Training received through EU co-funded projects**

- Diversity Management Training (Human European Consultancy project)
- Anti-discrimination Training - The Role of NGOs and Trade Unions dealing with Anti-Discrimination on the Grounds of Race, Ethnic Origin, Age, Sexual Orientation, Religion and Disability' (Human European Consultancy project)
- Using Microsoft Access (EQUAL4 Project - Promoting Equal Opportunities through Empowerment)
- Using Alert Web Publisher (Year of Equal Opportunities for All – Mosaic- One in Diversity)
- Inclusion of Transgender Individuals in the Labour Market (ESF60 / Malta Gay Rights Movement)
- Information session on Transgender Persons at the Place of Work (ESF60 / Malta Gay Rights Movement)
- EU Asylum Directives seminar (European Refugee Fund 2007 / JRS Malta, the Malta Red Cross and UNHCR Malta)

**Training received through other organisations:**

- Work 'Stress' and Well Being at Work – Occupational Health and Safety Authority
- Data Protection in the Social Welfare Sector – Office of the Prime Minister in collaboration with the German Federal Ministry of the Interior
- Fire Fighting Basic Skills Course – Fire Fighting Force
- Data Protection Act – Foundation for Human Resources Development / Data Protection Commissioner
- Social Benefits – Ministry for Social Policy
- Seminar on Gender and Race Discrimination in the Media - Broadcasting Authority
- Say EU and ...Action! - Workshop on Flexicurity - Forum Malta fl-Ewropa
- Climate Change Presentation – HSBC Bank
- Erasmus for Officials – European Commission, Directorate General Personnel and Administration
- Legal Seminar on the implementation of EU law on equal opportunities and anti-discrimination - Directorate General Employment, Social Affairs and Equal Opportunities

## 7. Questionnaires and Feedback

Throughout the year, NCPE received several questionnaires from national, European and international entities. NCPE's feedback was also requested on specific documents and issues. Overall, questionnaires dealt with gender and race issues, as well other topics such as general information about NCPE's functions and responsibilities.

### 7.1 – Questionnaires - European Union and other International Bodies

#### 7.1.1 - Gender

In preparation for a High Level Group for Gender Mainstreaming Meeting, a questionnaire about the **Girl Child** was compiled by NCPE. Information collected included data on marginalised social group; description of media literacy and communication technology competencies of the girl child; protection measures against potentially harmful content; local education and vocational training possibilities; awareness raising campaigns, and national curriculum content on sexual and reproductive health.

The questionnaire **Women in Armed Conflicts**, by the EU French Presidency, is a continuation of the review of the Beijing Platform for Action (BPfA). The questions covered institutional aspects and internal functioning; gender mainstreaming in national, European and international actions; implementation of the United Nations Security Council Resolution 1325 about equality between men and women; equal participation of women and men in decision-making; national or trans-border armed conflicts concerning the EU countries; refugee treatment in the European Union; civil society, education, research and information; recommendations; and future efforts. Due to the nature of this topic, the Commission asked for data from relevant contact persons, such as the Commissioner for Refugees, Armed Forces of Malta (AFM), Ministry of Foreign Affairs (MFA) and the Mediterranean Academy of Diplomatic Studies.

The Council of Europe Steering Committee for Equality between Women and Men (CDEG) sent a questionnaire about the **Participation of Women and Men in Political and Public Decision-making**. The questionnaire asked for the current male and female representation in national parliament, national Government, local governments, Courts, and in the diplomatic service. Other sections gathered information about the type of electoral or appointment system, and whether quotas exist by operation of law or through political parties' regulations.

The European Commission sent a questionnaire on the **Gender Pay Gap**. The information required included the current state of affairs with regards to the Gender Pay Gap, National legislation and collective agreements, complaints and court cases, and recommendations for national and European law.

For **The Image of Women and the Struggle against Gender Stereotypes** by the EU French Presidency, NCPE compiled data about gender stereotypes in Malta. This questionnaire asked the measures and initiatives addressing gender stereotypes that have been implemented at a local level as well as time-frames as to when NCPE started addressing this topic.

The Council of Europe Steering Committee for Equality between Women and Men produced a questionnaire titled **Gender Mainstreaming in the Media** as a preparation document for the 8<sup>th</sup> Meeting of the Informal Network of Gender Mainstreaming. The information required included: current training for journalists; present female representation in journalism and management and decision-making positions in the media; training and awareness raising campaigns organised for the media; policies aimed at curbing the degrading of women in the media; steps taken by the self-regulating bodies of the media to promote gender equality; the role of NGOs in the fight against discrimination against women in the media; gender and media studies in public education, and suggestions for the future role of the Council of Europe in this area.

The 2008 Review Mechanism for **Strengthening the Role of Women in Society** was received from EuroMed Partnership. The areas covered included cross-cutting principles and action, women's political and civil rights, women's social and economic rights and sustainable development, and women's rights in the cultural sphere and the role of communication and mass media. In order to identify any activities carried out, NCPE also contacted other entities active on gender issues to gather information on their recent work. Moreover, the questionnaire asked for the national proposed priorities for 2009, including a description of the planned activities and the envisaged results, as well as a calendar for implementation.

The European Parliament Committee on Women's Rights and Gender Equality requested information from the European Equality Agencies for a draft report about the local transposition of **Directive 2002/73/EC**. This Directive *'on the implementation of the principle of equal treatment of men and women as regards access to employment, vocational training and promotion and working conditions'* required every Member State to set up an Equality Body. NCPE then forwarded an explanation of its functions, structure, administration and service provisions.

The Department of Sociology, of Copenhagen University, requested NCPE to fill a questionnaire *Europe as the Laboratory of the World?* about **gender mainstreaming**. The project which aimed at analysing gender mainstreaming as a core equality strategy in the context of women's movements and the Equality for All campaign launched by the European Union in 2007. Information gathered included data on the Commission, the relevant legislation, gender mainstreaming equality strategies, and gender mainstreaming projects.

ECORYS Research and Consulting conducted a survey among experts in gender issues, including NCPE, to assess the impact of subsidised childcare on gender equality. This questionnaire **The Impact of Subsidised Childcare on Gender Equality in the Labour Market** enquired about the local situation regarding the local childcare services available, and about the possibility of introducing subsidised childcare services in Malta. In addition, the impact of childcare on paid employment and on education was also taken into account.

The **United Nations** requested information on any policies related to the **Advancement of Women** implemented in Malta since the last United Nations General Assembly. NCPE presented an account of the Teleworking project, the relevant Legal Notices (Equal Treatment in Self-Employment and Occupation Order, Equal Treatment in Employment, and Access to Goods and Services and their Supply Regulation) and one set of Guidelines (General Equality and Gender Portrayal in the Broadcasting Media) that came to force since the last Assembly.

The **United Nations Division for the Advancement of Women** invited Member States to provide information on measures adopted to address **Violence against Women**, as well as any available data on this issue. NCPE described its role in the elimination of any form of discrimination against women, including violence. In particular, NCPE gave details on the development and coordination of policies, guidelines and publications on sexual harassment, alongside the respective training provided to the Public Sector, private organisations and the general public.

### 7.1.2 - Race

The Jesuit Centre for Faith and Justice, on behalf of the EU Fundamental Rights Agency, compiled information about **organisations that provide support to victims of racial or ethnic discrimination**. Being one of these organisations, NCPE provided details about its functions and role, the targeted groups, the support offered, the complaints procedure, and the relevant legislation with reference to racism and xenophobia.

The United Nations Human Rights Council asked Malta to submit a **National Report on Human Rights**. For this reason, NCPE, as well as the other public entities, produced a Report on Human Rights in relation to gender and race issues. NCPE delineated its role and responsibilities, in protecting human rights, in particular through mainstreaming equal treatment in all its activities. Moreover, this Report included the initiatives, achievements, legislation and best practices employed in combating discrimination and negative stereotypes in Maltese society.

The United Nations High Commissioner for Human Rights sought information regarding NCPE as an organisation, the legal framework, ratification with international conventions, other entities covering areas which are beyond NCPE's remit, the projects and initiatives undertaken by the Commission, and plans for future projects, policies and actions for the compilation of the **Durban Review Questionnaire - Combating Racism following the Durban Declaration and Programme of Action**.

In light of the meeting in April 2009, Jacob Blaustein Institute (JBI) for the Advancement of Human Rights of the American Jewish Community prepared an analytical study to review the implementation of the **Durban Declaration and Programme of Action**. Member States were requested to provide information about the local progress in combating racism and racial discrimination, following the Durban Declaration and Programme of Action. NCPE submitted information about the local legislation, educational programmes on human rights and anti-discrimination policies, alongside a detailed description of NCPE's functions and responsibilities.

### 7.1.3 - Others

The European Network of Equality Bodies (EQUINET) commissioned a study on the **Practice of specialised equality bodies in implementing the principle of independence** led by the University of Utrecht. NCPE contributed to this study by filling the questionnaire regarding its organisational procedures, policies, structure, personnel, financial management, goals, performance audit, and contact with stakeholders.

The European Network of Equality Bodies (EQUINET) Secretariat requested the **updated profile of all EQUINET Members**, including NCPE. The information provided included the date and mode of establishment; the status, the mandate and objectives; the grounds of discrimination covered; the

competencies and responsibilities held; the management and the nomination of senior staff and board; the number of staff; accountability and budget, and contact details.

The WYG International Ltd, commissioned by the DG Employment, Social Affairs and Equal Opportunities, carried out a study about the feasibility of **exchange of personnel of EU national administrations** within PROGRESS funding. The objective of this study was to promote mutual learning, awareness raising, information dissemination and the promotion of a debate about the key challenges and policy issues in the field of social protection and social inclusion. Questions asked included the extent of national expertise on specific issues and the potential policy adaptation from other countries on these same issues.

The Danish Institute for Human Rights (DIHR) and the International Consultancy Company (COWI) conducted a study on homophobia and discrimination on grounds of sexual orientation - **National Report on Homophobia** - across the Member States. Although NCPE's remit does not include sexual orientation, NCPE can investigate complaints of transgender persons, who have been discriminated on the ground of gender. For this questionnaire, NCPE, being a lead partner in '*Mosaic*' and '*Anti-Discrimination and Diversity Training VT/2006/009*', submitted information on these two projects, both of which included sexual orientation.

Following the first meeting of the **EU Non-Discrimination Governmental Expert Group**, the Commission requested feedback from participants on **Multiple Discrimination and Non-Discrimination Mainstreaming**. In its feedback, NCPE explained the local initiatives, training, awareness raising campaigns, and projects that were carried out in relation to multiple discrimination. Also, good local practices of non-discrimination mainstreaming were underlined. These included the establishment of Equality Committees, relevant research, training and awareness raising activities, audit of Maltese legislation, and the setting up of an equality platform.

## **7.2 – Feedback - European Union and other International Bodies**

NCPE was involved in providing feedback regarding a number of documents being discussed at EU level.

### **7.2.1 - Gender**

Review of the implementation by the Member States and the EU institutions of the Beijing Platform for Action - Indicators in respect of the **Girl Child** - Draft Council Conclusions.

Draft Conclusions of the Council and the Representatives of the Governments of the Member States meeting within the Council on the **promotion and protection of the rights of the child in the European Union's external action - the development and humanitarian dimensions.**

Informal Meeting of Ministers for Gender Equality of 30-31 January 2008 Brdo, Slovenia **Empowerment of Girls and Women: Supporting the achievement of the Lisbon employment targets and eliminating gender gaps through addressing gender segregation in education** (Theme 2).

Review of the implementation by the Member States and the EU institutions of the Beijing Platform for Action – **Reconciliation of work and family life** - Draft Council Conclusions.

Review of the Implementation by the Member States and the EU Institutions of the Beijing Platform for Action – **Women and Armed Conflict** - Draft Council Conclusions.

NCPE provided feedback to the Slovenian Presidency Monitoring Report about **Women in Political Decision-Making**, a Monitoring Report about the implementation of the Beijing Platform for Action by the Member States and the EU institutions. Compiled data consisted in the description of policies and measures addressing female representation in politics and decision-making positions, and the relevant statistics.

Review of the Implementation by the Member States and the EU Institutions of the Beijing Platform for Action – **Women in political decision-making** - Draft Council Conclusions.

Review of the implementation by the Member States and the EU institutions of the Beijing Platform for Action – **Eliminating Gender Stereotypes in Society and promotion of girls and young women in society** - Draft Council Conclusions.

Advisory Committee on Gender Equality - Opinion on the revision of Directive 86/613/EEC on the application of the principle of **equal treatment between men and women engaged in an activity, including agriculture, in a self-employed capacity, and on the protection of self-employed women during pregnancy and motherhood.**

Advisory Committee on Equal Opportunities between Men and Women - **Opinion on New Forms of Leave (Paternity Leave, Adoption Leave and Filial Leave).**

Advisory Committee on Gender Equality - **Opinion on the future of the EU budget.**

Memorandum on the report from the commission to the council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions on **Equality Between Women and Men 2008** (COM (2008) 10 final).

Committee on Equal Opportunities for Women and Men - Parliamentary Assembly of the Council of Europe, Report '**Access to safe and legal abortion in Europe**'.

Communication from the Commission to the Council, to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions - **Renewed Social Agenda: Opportunities, access and solidarity in the 21<sup>st</sup> century Europe** (COM (2008) 412 final).

Memorandum on Communication from the Commission to the European Parliament, the Council, the Economic and Social Committee and the Committee of the Regions on Final evaluation report on the **Community framework strategy and Community action programme relating to the Community strategy on gender equality (2001-2006)** (COM (2008) 503 FINAL).

Committee on Women's Rights and Gender Equality - Draft Opinion of the Committee of the Regions on Integration Policy and Intercultural Dialogue – European Parliament Report with recommendations to the Commission on the application of the **principle of equal pay for men and women** (2008/2012(INI)).

Committee on Employment and Social Affairs - **Report on progress made in equal opportunities and non-discrimination in the EU** (the transposition of Directives 2000/43/EC and 2000/78/EC) (2007/2202(INI)).

Proposal for a Directive of the European Parliament and of the Council on the application of the principle of **equal treatment between men and women engaged in an activity in a self-employed capacity and repealing Directive 86/613/EEC** COM(2008) 636 final.

Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions - **A better work-life balance: stronger support for reconciling professional, private and family life** COM(2008) 635 final.

Directive of the European Parliament and the Council - amending Council **Directive 92/85/EEC on the introduction of measures to encourage improvements in the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding** COM(2008) 637 final.

Report from Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions - **Implementation of the Barcelona objectives concerning childcare facilities for pre-school-age children** COM(2008) 638 final.

### 7.2.2 - Race

The Jesuit Centre for Faith and Justice requested NCPE's input for **the Fundamental Rights Agency (FRA) RAXEN NFP report**. The information provided included background information on the Commission, including its legal basis, remit, functions, complaints' procedure, and possible actions following an investigation. The data provided included statistics on racial and ethnic discrimination related cases, and their outcome. Finally, a comprehensive overview of the activities and initiatives undertaken by NCPE concerning race and ethnic origin was also given.

The EU Fundamental Rights Agency (FRA) requested a second review of the information provided by NCPE on the **RAXEN National Report 2008 regarding racism xenophobia, and related intolerance in Malta**. This report will serve as a basis for the chapter on racism in FRA's Annual Report 2009. In particular, the report describes the roles and functions of NCPE with reference to race; racist violence and crime, and employment, housing, health care, and education in relation to race and ethnic minorities.

Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions - **Non-discrimination and equal opportunities: a renewed commitment** COM (2008) 420.

### 7.2.3 - Others

European Economic and Social Committee – **OPINION of the European Economic and Social Committee on Extending anti-discrimination measures for areas outside employment and the case for a single**

**comprehensive anti-discrimination directive** (Own-initiative opinion) - SOC/304 Anti-discrimination measures for areas outside employment.

Communication of the European Commission on **Proposal for a Council Directive on implementing the principle of equal treatment between persons irrespective of religion or belief, age or sexual orientation** (COM (2008) 426 FINAL).

European Commission, Employment, Social Affairs and Equal Opportunities DG – Social Protection and Integration Inclusion, Social Policy Aspects of Migration, Streamlining of Social Policies - Note for the active inclusion informal working group of the SPC of 15/05/2008 - **Access to inclusive labour markets**.

European Commission, Employment, Social Affairs and Equal Opportunities DG – Social Protection and Integration Inclusion, Social Policy Aspects of Migration, Streamlining of Social Policies - Note for the active inclusion informal working group of the SPC of 04/06/2008 - **Access to quality social services of general interest**.

### **7.3 – Questionnaires and Feedback - Local Institutions**

The People for Change Foundation produced a questionnaire in preparation for the **Shadow Report of the European Network Against Racism (ENAR) on the situation of racism in Malta in 2007**. NCPE provided information regarding the complaints procedure on discrimination on the ground of race or ethnic origin. In particular, the mechanism of the complaints procedure, statistics of complaints lodged, ratio of complaints on race in comparison with gender, the measures taken to publicise NCPE’s new remit and other information about groups susceptible to racism was also conveyed.

NCPE conveyed its analysis and comments to the Ministry of Justice and Human Affairs about the Council of Europe’s Committee on Migration, Refugees and Population **Draft Resolution on Europe’s “boat people”**. NCPE underlined the relevant projects and other initiatives aimed at tackling intolerance, racism and xenophobia.

NCPE sent feedback on the ‘Public Transport Document’ (2008) to the Ministry for Infrastructure, Transport and Communications. NCPE highlighted the importance of equal treatment to everyone, especially to vulnerable groups, when restructuring **Malta Public Transport**. Moreover, the implementation of gender

mainstreaming and giving equal opportunities to both genders when choosing representatives were also highlighted.

Review of position taken by Forum Malta fl-Ewropa (FME) with reference to the draft memorandum on the report from the Commission to the Council, the European Parliament, the European Economic and social committee and the committee of the regions on **equality between women and men 2008** (ESH Women 250408) (Com (2008) 10).

EU Representation in Malta in conjunction with MEUSAC requested NCPE to answer a questionnaire, in preparation for a three-day conference. **Civil Society Survey 'L-Ewropa taghti widen - Konsultazzjoni mas-Socjeta Civili'** was aimed at assessing the relationship between public entities, including NCPE, and the European Union, EU Funds and EU-funded projects. In particular, NCPE conveyed information about its participation in European networks, the benefits and difficulties encountered since Malta's accession to the EU, accessibility to information, EU funds and projects, and also the laws transposed from EU Directives.

The Office of the Prime Minister requested feedback on the **Public Consultation Process for the Reform of the Local Councils.**

In order to be able to work towards national priorities, as outlined in **Malta's National Reform Programme**, NCPE gathered information about issues which were raised in the NRP in relation to NCPE's remit, and how this is connected to Malta's National Reform Programme with specific reference to the Strategic Theme 03 (Employment) and Strategic Theme 04 (Education). Some key issues identified include the employment gender gap; gender pay gap; occupational segregation; work life policies; participation in life long learning; the implementation of inclusive education and training policies aimed at adult learners. Research was carried out to this effect and a report was sent as to how NCPE is working towards the aims of the National Reform Programme.

## Annex 1 – Monitoring Visual Adverts – Guidelines for Publishers

Chapter 456 - Equality for Men and Women Act, came into force in December 2003. NCPE's` remit is to ensure that discriminatory advertising based on gender is not published, and it has the right to initiate legal action against such offences if such discriminatory adverts do not cease to be published.

### What the law says (Chapter 456: Equality for Men and Women Act):

#### Article 2: (DEFINITION OF DISCRIMINATION)

*“(3) for the purposes of sub article (1) discrimination based on sex or because of family responsibilities is:*

*(a) the giving of less favourable treatment, directly or indirectly, to men and women on the basis of their sex or because of family responsibilities; ...”*

#### Article 6: (BANKS AND FINANCIAL INSTITUTIONS)

*“(1) No bank or financial institution or insurance company shall discriminate against any person in the grant of any facility in respect of the establishment, equipment or in the launching or extension of any business or the launching or extension of any form of self employment or the insurance of that business or the person in self employment.”*

#### Article 8: (EDUCATION)

*“(1) it shall be unlawful for any educational establishment or for any other entity providing vocational training or guidance to discriminate against any person in -*

*(a) the access to any course, vocational training or guidance; or...”*

#### Article 10: (EMPLOYMENT)

*“(1)... it shall be unlawful for persons to publish or display or cause to be published or displayed any advertisement, or, otherwise to advertise a vacancy for employment which discriminates between job seekers or to request from job seekers information concerning their private life or family plans ...”*

*(2) It shall not be lawful for persons to publish or display or cause to be published or displayed any advertisement which promotes discrimination or which otherwise discriminate.*

*(3) Persons who act in breach of sub article (1) or (2) shall be guilty of an offence against this article and shall, on conviction, be liable to the penalties established for contraventions.*

### What to look for before publishing an Advert:

Job Titles: these should be gender neutral.

Examples:

Gender Discriminatory

Gender Neutral

Barman	Bar Personnel/Bar attendants
Waiter	Waiter/ess or Waiters
Chambermaid	Cleaner
Charwoman	Cleaner
Watchman	Security Officer/Personnel
Policeman/Policewoman	Police Officer
Draughtsman	Draughts Person
Handyman	Maintenance Officer
Foreman	Supervisor/Controller/Manager
Chairman	Chairperson
Businessman	Business Executive
Pool/Beach Boy	Pool/Beach Attendants
Fireman	Fire Fighter
Sales Girl	Sales person/Shop attendant
Craftsman	Artisan/Skilled/Specialised Person
Air Hostess/Steward	Flight Attendant

**Wording:** the wording throughout the advert should also be gender neutral

The English language lacks a pronoun that signifies both "he and she", and customarily the masculine pronoun has been used to refer to humanity in general. However, this usage is discouraged, and the following practices should be used instead:

**Getting rid of unnecessary use of pronouns by altering the structure:**

<p><u>Gender Discriminatory</u> The child carer...., she will be responsible... The Director will ensure.... He will determine The dietician..... She prepares.....</p>	<p><u>Gender Neutral</u> The child carer will be responsible...  The Director is responsible for ensuring and determining..... The dietician prepares ...</p>
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**Using the plural whenever possible:**

<p><u>Gender Discriminatory</u> Each director should prepare his budget...</p>	<p><u>Gender Neutral</u> Directors should prepare their budgets...</p>
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**Substitute a neutral word such as "one"; "individual", "eligible/chosen candidate":**

<p><u>Gender Discriminatory</u> His responsibilities...</p>	<p><u>Gender Neutral</u> The chosen candidate will be responsible ...</p>
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**Using both pronouns:**

<p><u>Gender Discriminatory</u> his duties ...</p>	<p><u>Gender Neutral</u> his or her duties; his/her</p>
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### Examples of discriminatory advertising:

#### **Tyre Fitter & Repairer**

We are looking for an experienced Tyre Fitter and repairer to join our team. This individual will be customer focused. **He** will be employed on a full time basis and must be willing to work ...

#### **Couriers Wanted**

...we require **female** couriers to look after our foreign clients. Transport is essential, must be single, speak fluent English and possible any other language...

#### **Vacancy**

... The person we are looking for must be a fishing enthusiast. **He** should be organised and able to work on **his** own initiative and posses a good ...

Images/Photos: Visual imagery is a form of language

'A picture is worth a thousand words', as the saying goes. All visual material should be non-discriminatory and gender inclusive by: either presenting an image that does not include any human beings, or by including both genders equally.

Logos/Speakers/Employers: When company logos contain picture/s of a person (male or female), or when ever an advert needs to highlight the contributor, provider, etc. With a picture a description should be inserted underneath – to explain who the person is. This must be made clear and prominent so that it is easier for the viewer to relate the **picture to the description**, rather than the picture to the opportunity.

### **Making Exceptions**

These are made if and when there is a **valid reason** for doing so, i.e. the position offered could be performed only by one gender because of a **specific situation**.

Valid Examples:

- Historical Re-enactors
- Fashion Models

### **It is not acceptable:**

- Using a female image for a job vacancy **today**, and then using a male image for the **same** job advert **tomorrow** - there is no guarantee that the viewer ship of today is going to be the same of tomorrow.
- Using discriminatory job titles and wording and then adding a caption at the bottom of the advert stating that: "*we are an equal opportunity employer*" - A disclaimer/caption is not enough to justify the discrimination constituted in the title. Besides people hardly read disclaimers which are usually presented in a small print.
- Using a picture of 1 person (being male or being female) who already benefited from or made use of the opportunity being advertised (being an employee or a student or a customer), even if a caption is added explaining who the person is. Showing only one gender tends to encourage only the gender being shown and automatically discourages the other 'left out' gender. It is wiser to use a group photo, where both genders are equally represented.



**Helpful websites:**

For further information on the use of non-sexist language please see these links:

<http://www.english.upenn.edu/~cjacobso/gender.html>

<http://www.rcmp-learning.org/docs/ecdd1133.htm>

<http://owl.english.purdue.edu/owl/resource/608/01/>

<http://apa.udel.edu/apa/publications/texts/nonsexist.html>

<http://honolulu.hawaii.edu/intranet/committees/FacDevCom/guidebk/teachtip/inclusiv.htm>