

The Equal Opportunities (Persons with Disability) Act The Fourth Year

Equal Citizens in an Inclusive Society

Introduction

During the years in which the laws that protect the rights of persons with disability have been in force, such as the Americans with Disability Act of the United States, the Disability Discrimination Act of the United Kingdom and the Equal Opportunities (Persons with Disabilities) Act (EOA) of Malta, it has become clear that persons with disability in different countries face the same social barriers in their struggle for the attainment of equal opportunities.

It is also clear that the enactment of anti-discriminatory legislation in these countries was a positive step with the aim of stopping negative acts based on disability. Moreover, these laws also act as educational instruments with regard to persons with disability, both for the public in general, as well as for persons with disability and their families. In fact the aim of these laws may be explained in one sentence: An effort to build a “society in which persons with disability may participate fully as equal citizens”.¹

During the year 2003-2004, the EOA Compliance Unit continued to do its work to ensure that there are equal rights and that the quality of life of persons with disability individually and as a group is improved. This was done by following cases as identified in the sections of the EOA, which are: Employment, Access, the Provision of Goods, Facilities and Services, Education, Housing and Insurance.

As happened in previous years, the two major sectors of our work were in Education and Access. This is understandable since without any doubt these are the principal columns on which we build our lives and our futures. It was rewarding for the Equal Opportunities Act Section (EOA) that persons with disability and their families are fighting for their rights in every sector of life. This means that we are always learning how to use the tools of the law for our own good.

This same year (2003-2004) confirms what we have been saying for a long time i.e. that cases should be instituted in court as a last resort, after having exhausted the negotiation process. We note with disappointment that the court cases are taking a long time. The Commission is not disheartened, but it is pushed to do all that is possible so that this process is shortened and effective remedies are found which give solutions within a reasonable time.

Unfortunately, the other side of the coin shows that when every effort to find a reasonable solution has failed, there is no other way but to seek our rights in court. This is what happened in the case of the University of Malta, against which the Commission had no alternative but to institute judicial proceedings. Despite the fact that in the last years the Commission has improved physical access on different levels, there are still shortcomings which must be urgently addressed. One of the shortcomings which has dire consequences on students (and

¹ <http://www.drc-gb.org/> Disability Rights Commission, UK

employees) with disability is the lack of access to student house. The Commission had been pointing this out to the University for the last twelve years. It went so far as to offer suggestions, which in its opinion, were reasonable, however, during all this time, there was no concrete effort from the part of the University to find a solution, whether temporary or permanent. However, we still think that we will find a just solution and, if possible, within the shortest possible time.

We have mentioned the word “reasonableness”. The EOA has a clause on reasonableness, a clause which obliges the Commission, as well as service providers to be reasonable in their claims and statements. In fact, all the work of the EOA is based on reasonableness. Everyone agrees that the concept of reasonableness is subjective and because of this the Commission believes that every agreement on what is reasonable must be based on discussions and negotiations within the ambit of a general policy.

In fact during the year 2003-2004, officials and consultants of the Commission frequently met and held discussions with organisations and individuals, regarding different aspects of the EOA. We can unashamedly say that every time there was disagreement on a particular point in the EOA and the person concerned contacted the Commission, we used the process of discussion and reasonableness to find solutions or compromises, which were acceptable to both parties. Therefore, we encourage persons who feel the need to contact the Commission so that we can find a solution without delay and without affecting the good will of the parties.

We have now been continuously using the tools of the EOA for the last four years. We have become used to it, because as every good tool, it was in our hands all the time. Therefore, in this time we had the opportunity to see what its strengths and weaknesses are, and where it can be improved. Therefore, during the next year - the fifth year of its application - we are going to put the EOA under a lens and propose amendments to it. This will be done to continue to refine the principal national instrument with which we are continuing together to build equal opportunities, defend the rights of persons with disability and build an inclusive society, a society which does not reject anyone.

Joseph M. Camilleri
Chair

Marianne Debono
Co-ordinator
EOA COMPLIANCE UNIT

General Overview

Introduction

The 1st of October 2004, marks four years from the date in which society decided to put into force The Equal Opportunities (Persons with Disabilities) Act. Every October, the Commission presents a report of its work to the Maltese public in a book published for the purpose through the EOA Compliance Unit. This is the fourth annual report presented by this Unit.

This Unit within the Commission has received complaints of discrimination against persons with disability in six different sectors:

Employment (EMP)
Education (EDU)
Access (ACC)
Provision of goods, facilities or services (SER)
Housing (HOU)
Insurance (INS)

This booklet presents an analysis of the work performed by this Unit from October 2003 to September 2004.

The Process

According to the Equal Opportunities Act, the Commission has the obligation of receiving complaints on discrimination, investigating them and mediating so as to find a solution and, if it feels the need, instituting arbitration or court proceedings. The Commission also has an obligation to give advice on the law and its enforcement both to persons with disability and their family as well as to the rest of society who have an obligation under this law.

The Commission must perform its work within the limits of “reasonableness” as defined by the Act itself (Chapter IV). For this purpose, the Commission has established a Board to help it decide what should be considered as reasonable in particular cases. This Board is composed of Mr. Fred Bezzina, Executive Director of the Commission who also acts as chairman of the Board, Mr. Gordon Cardona (person with disability), Mr. John Peel (parent of a person who cannot represent himself), Mr. Robert Musumeci (representative of the Building Industry Consultative Committee) and Anne McKenna who act as members. Ms Marianne Debono, manager of the Equal Opportunities Compliance Unit within the Commission, is Secretary to the Board. In most cases, the decisions of the Board are negotiated and therefore a substantial number of cases are accepted as being reasonable under a number of conditions. Only a little more than a third of the cases which came before the Board were declared as being unreasonable in terms of the Act.

This Board was established in June 2003 and worked in the following manner:

Test of Reasonableness Board		
Cases discussed	51	100%
Reasonable, subject to conditions	30	59%
Unreasonable	21	41%

Complaints

During the fourth year, the Commission continued to work on the 49 cases which were still pending from the previous three years and started to investigate 59 new cases. These 111 cases were divided as follows:

Employment (EMP)

Education (EDU)

Access (ACC)

Provision of Goods, facilities or Services (SER)

Housing (HOU)

Insurance (INS)

Complaints which were investigated during 2003-2004							
	EMP	EDU	ACC	SER	HOU	INS	Total
Pending	5(10%)	6(12%)	38(73%)	2(4%)	0(0%)	1(2%)	52
New	6(10%)	16(27%)	18(31%)	14(24%)	4(7%)	1(2%)	59
Total	11(10%)	22(20%)	56(50%)	16(14%)	4(4%)	2(2%)	111

When one compares the new complaints with those from the previous years, one finds the following figures:

Complaints										
Type	00/01		01/02		02/03		03/04		Total 01-04	
	No	%	No	%	No	%	No	%	No	%
EMP	13	14	9	14	11	17	6	10	39	14
EDU	10	11	5	8	21	33	16	27	52	19
ACC	48	53	38	60	16	25	18	47	120	43
SER	18	20	10	16	10	16	14	31	52	19
INS	2	2	0	2	2	3	4	7	8	3
HOU	1	1	1	0	4	6	1	2	7	3
Total	92	100	63	100	64	100	59	100	278	100

The total number of complaints for this year was similar to that of last year because there was a small reduction of five cases from last year. We must remember that in the first year the Commission started receiving complaints before the law came into force on the 1st October 200 and therefore the figures for the first year effectively cover a longer period.

During this year, the largest number of complaints was again access (18 complaints) and there was a small increase of two cases from last year. However, the number of complaints on education (16), access (18) and the provision of goods and services (14) were nearly the same. In the case of education there was a slight decrease of two cases on the previous year, while in the case of services the number was the same as last year. It is clear that these three sectors are the sectors in which persons with disability feel most discriminated against or where they feel that it is easier for them to ask for a remedy under this Act. In the employment sector, there was a decrease in the number of complaints again and the number was reduced from 11 to 6, nearly a decrease by half. The accommodation and insurance sectors do not carry a lot of complaints despite being important sectors for a person to have a good quality of life.

An analysis of the work of the Commission on the 111 complaints on which it worked during the year shows that these have either been settled, mostly because an agreement was reached, or a temporary agreement was reached which has to be implemented over a number of years, or they have ended up in court or are still being discussed as can be seen from this table:

Work carried out on these complaints		
	<i>Total</i>	<i>%</i>
Settled	58	52
Temporary Agreement	9	8
Still being discussed	40	36
Court	4	4
Total	111	100

This means that the Commission has managed to conclude, even if in some cases temporarily, nearly two thirds of the complaints while it is only in 4% of the complaints that the Commission has resorted to the Law Courts. It is important to emphasise that the Commission only goes to court as a last measure of resort. It believes that this work involves a change in the mentality and attitude which can be implemented in a more effective way by means of negotiations and mediation rather than by means of imposition by the court. This is only used for those who absolutely refuse to listen.

The number of cases which are still being discussed (40) is nearly the same as that of last year (38).

An analysis of the work based on the type of complaint gives us the following figures:

What happened to complaints during 2003-2004							
	EMP	EDU	ACC	SERV	HOU	INS	Total
Settled	8	15	17	14	3	1	58
Temporary Agreement	-	-	9	-	-	-	9
Still being discussed	3	7	27	1	1	1	40
Court	-	-	3	1	-	-	4
Total	11	22	56	16	4	2	111

The Commission has settled the majority of cases related to the provision of goods and services (14 from 16) while it appears that temporary agreement may be used mostly in cases related to access. In this sector, the Commission has managed to conclude only half the cases on a permanent level. It appears that these cases take a long time to be settled. In the education sector, the Commission has concluded two thirds of the complaints while there are seven complaints pending of which some are of a general rather than of an individual nature.

Entities against whom complaints were filed

The Commission investigates complaints filed against various entities in our country, including the Government (Gvn), Parastatal entities (Para), Local Councils (LC), the Church (Chr), Private Entities (Priv) and Others (Others). The complaints received by the Commission in the last four years in which the Act has been in force are distributed as follows:

Entities against whom complaints were filed										
Entity	00/01		01/02		02/03		03/04		Total 00-04	
	No	%	No	%	No	%	No	%	No	%
Gvn	37	40	19	30	31	48	36	61	123	44
Para	21	23	10	16	8	12	4	7	43	15
LC	6	7	13	21	7	11	7	12	33	12
Chr	9	10	12	19	1	2	3	5	25	9
Priv	17	18	9	14	16	25	9	15	51	18
Others	2	2	0	0	1	2	0	0	3	1
Total	92	100	63	100	64	100	59	100	278	100

Government and other related entities (parastatal entities and local councils) are the biggest entities against whom the largest number of complaints are filed. This figure amounts to 80% of all the complaints. One must understand that a substantial number of complaints are solved in a relatively short period of time. Moreover, citizens often expect the Government and its entities to be a model of how these things should be done - which is surely not always the case. Complaints against entities other than the Government have all decreased this year. The Commission has no concrete indication which shows that discrimination against persons with disability is increasing in the public sector but decreasing in the private sector. The Commission believes that the citizen is becoming more assertive in relation to the Government but is afraid when it comes to the private sector.

A more in-depth analysis of the 111 complaints on which the Commission worked during this year according to the entities they were filed against shows the following figures:

What happened to the complaints according to the entity against whom they were filed					
	Settled	Still under discussion	Court	Temporary Agreement	Total
Gvn	30(58%)	22(42%)	-	-	52(100%)
Para	5(56%)	3(33%)	1(11%)	-	9(100%)
LC	7(54%)	5(38%)	-	1(8%)	13(100%)
Chr	5(45%)	3(27%)	-	3(27%)	11(100%)
Priv	11(42%)	7(27%)	3(12%)	5(19%)	26(100%)
Total	58(52%)	40(36%)	4(4%)	9(8%)	111(100%)

The Commission has managed to settle the majority (more than 50%) of the cases filed against the Government and related entities while it found it relatively more difficult to settle cases against the Church (45%) and private entities (44%). Temporary agreements were mostly reached with the Church or private entities.

Settled Complaints

During this year, the Commission has managed to settle 57 complaints and reach a temporary agreement in 9 complaints which were distributed as follows:

Settled Complaints or Temporary Agreement							
	<i>EMP</i>	<i>EDU</i>	<i>ACC</i>	<i>SERV</i>	<i>HOU</i>	<i>INS</i>	<i>Total</i>
Settled	8	15	17	14	3	1	58
Temporary Agreement	-	-	9	-	-	-	9
Total	8	15	26	14	3	1	67

The Commission frequently has to resort to temporary agreements related to access because the changes necessary need time and large capital expenditure. Despite this, the Commission has still managed to close a substantial number, 16 complaints, related to this sector. The number of settled complaints this year which were related to the educational sector (15 complaints) and the provision of goods and services (14 complaints) are encouraging.

Court

During this year, the Industrial Tribunal has decided two cases related to discrimination on the grounds of disability, both against the employee concerned. The Centre for Arbitration has decided a case which the Commission had instituted against the Ministry for Internal Affairs in which it decided partly in favour of the Commission.

Three cases filed against Michele Peresso, Invicta and SBT are unfortunately still pending before the Courts of Malta.

During this year, the Commission instituted two new cases, one against the University of Malta regarding access to Student House, and the other against Les Lapins Hotel also in relation to access. The former is still pending while the latter has been withdrawn by the Commission after the Hotel stopped operating and the management paid the Commission the expenses involved in instituting proceedings.

During this year, the Commission presented 4 judicial protests against

- a) the Armed Forces
- b) the University of Malta
- c) Phoenicia Hotel
- d) Les Lapins Hotel

Consultation

The Commission gives a lot of importance to the educational aspect of this Act and therefore during this year strong emphasis was made on offering consultancy services on the law both to those who work directly in this sector, that is persons with disability, their families and organisations, professionals etc and to those persons and entities which have obligations under this Act as employers, persons who offer services, educational entities etc.

During this year, the Commission had a large increase in requests for more information or advice related to this Act as is evidenced from this Table:

Consultation		
	No	%
EMP	15	32
EDU	7	15
ACC	15	32
SERV	2	4
HOU	1	2
INS	7	15
Total	47	100

This information indicates that the employment and access sectors are attracting most of the requests for advice and information. The education sector together with the insurance sector were also sectors in which the help of the Commission was asked for. It appears that the sectors of provision of services and accommodation are still behind in this aspect.

Conclusion

The Commission, through the Equal Opportunities Compliance Unit has done this work as is required by the Act. This Unit is very small and apart from the manager, there are employed on a part time basis also Dr Doreen Clarke LL.D and Ms Mary Kay Zammit. During this year Ms. Daniela Debono MA has also contributed.

Fred Bezzina
Executive Director
National Commission Persons with Disability

Marianne Debono
Manager
Equal Opportunities Act
Section

The Most Important Cases

In this section, the Commission will be giving a short overview of the principal cases it worked on during this year. These will be divided into four sections:

- a) Settled cases, mostly because a solution was found;
- b) Cases in which a temporary agreement was reached and therefore final agreement will have to be reached over a number of months/years
- c) Cases which are still being discussed (discussed);
- d) Cases which are unfortunately still pending before the courts.

The order in which these cases are listed is that first there are the cases related to employment, then education, access, the provision of goods and services, accommodation and finally insurance.

Settled Cases

Employment

1. Soldier with Disability in the Armed Forces

The Armed Forces terminated a contract of employment of a soldier who was injured during his employment. The Commission asked for an explanation, which was only received after it filed a judicial protest in Court. From the documents sent to the Commission it appeared that there was no discrimination according to the Act and therefore the case was settled.

2. Termination of Employment with Steel & Fence Ltd

The Commission received a complaint from a person with disability who was employed with this company who alleged that his employment was terminated due to his disability. The employee chose to take the case before the Industrial Tribunal. This decided that the employer had been right in terminating the employment contract.

3. Termination of Employment with Dowty

Another similar case was of a person with disability employed with Dowty who was fired. The Commission tried to mediate but without success. The employee decided to take the case to the Industrial Tribunal which decided against the employee.

4. Promotion of an employee in Parliament

An employee with disability in Parliament alleged that she was not being promoted because of her disability. After discussions between the parties, it was agreed that this employee should apply for a promotion.

5. Training of employee in the Public Library

An employee within this department asked to be given training according to his needs. An acceptable solution was found after the intervention of the Commission.

Education

6. Facilitator in Government Schools

The Commission had various complaints on the work of facilitators which include:

- a) the Division was not providing this service

- b) the facilitator was not providing the assistance required by the student with disability
- c) the facilitator did not attend school and the child was sent home.

The Education Division after extensive consultation drew up a new plan on this sector as well as a new job description for facilitators. Therefore, these complaints decreased and those which were made could be solved more easily and more speedily.

The same can be said of the positive measure taken by the Education Division to have a number of substitute facilitators when the facilitators are absent for a justifiable reason. Naturally, there are circumstances where a problem cannot be solved for a limited period. The Commission has also held discussions with the Malta Union of Teachers so that a policy can be implemented with greater efficiency.

7. Facilitators in Church Schools

The Commission received various similar complaints because a number of students in Church Schools were being sent home when the facilitator was absent. The Commission had discussions with the Church Authorities so that these could have a small number of facilitators who could substitute regular facilitators. Although a permanent solution has still not been found, most of the particular complaints have been solved.

8. Repetition of Scholastic Year

The Commission received a complaint of a student with disability who was not being given the possibility to repeat the scholastic year as indicated by professionals in this Division. This case was solved after the necessary discussions were held.

Access

9. Access to the Principal Entrance of the Ministry for Internal Affairs

The Commission filed a complaint stating that the Ministry for Internal Affairs, which was then responsible for the Planning Authority, was not accessible. The Commission tried to reach an agreement so that at least the principal entrance could be accessible to everyone. The case was taken to the Centre of Arbitration since no agreement could be reached. This decided that the entrance should become accessible but not exactly in the same way requested by the Commission. The expenses were divided between the parties. The Ministry implemented the decision within the stipulated time.

10. Bus Shelter in Burmarrad

The Commission reached an agreement with Faces so that Bus Shelters, which it was installing, could be accessible and did not offer obstacles. The Commission received a complaint that a bus shelter in Burmarrad was proving to be an obstacle and that a person using a wheelchair could not climb the pavement. This problem was solved after the intervention of the Commission.

11. Access to Local Tribunal

The Commission continued with its work so that Local Tribunals become accessible to everyone. After discussions were held, the Local Tribunals of Fgura and Zurrieq are now being held in accessible places.

12. Pavement beneath the ramp to the San Gwann Co-Cathedral Museum

A complaint was received by the Commission stating that the ramp leading to the Museum of St John Co-cathedral, while it was well built, could not be used because the pavement leading to it was all broken and inaccessible to persons using wheelchairs. The Commission forwarded the complaint to the Valletta Local Council who took care to repair the pavement.

13. Parish Churches

The Commission continued with its work so that parish churches could at least have accessible principal entrances. During this year, it was confirmed that the Gudja and Ghaxaq Parish Churches now have an accessible principal entrance. Also the agreement reached with the Province of Minor Franciscans in relation to the new Qawra Church has been implemented in full.

14. Access to Les Lapins Hotel

The Commission tried to have the temporary agreement reached with Les Lapins Hotel implemented. This was not done and the Commission had to institute judicial proceedings against the Hotel. A little after the case was instituted, the hotel declared it was going to close down and therefore the case had to be withdrawn. The Hotel accepted to pay the expenses.

15. Access to the St James Hospital Eye Clinic

This hospital opened an eye clinic in Sliema, which was not accessible. The Management bought a special wheelchair which could go up the stairs but the Commission did not accept this arrangement as being reasonable for various reasons. Eventually, this clinic was transferred to an accessible building and therefore this problem was solved.

Provision of Goods and Services

16. Bank of Valletta –Electronic Banking

The Commission had a complaint that the new electronic banking system of Bank Of Valletta was not accessible to persons with a visual impairment. After discussions between the Commission, the Foundation for Information Technology Accessibility and this bank, an agreement was reached on how this service could be accessible to persons with disability, especially the visually impaired. This agreement was implemented and therefore this case was settled.

Use of Special Identity Card

The Commission received another complaint that persons who had a special identity card issued by the Commission were not receiving a service according to their needs in St Luke's hospital, especially as to priority of service. The Commission again held discussions with the management of the hospital so that this problem could, as far as possible, be decreased.

17. Lack of Home Help and Day Centre Services

The Commission received complaints that persons with disability were not receiving Home Help and Day Centre Services from the Department of the Elderly and Community Services. This was primarily because of lack of funds. The Commission worked both on an individual level as well as on a general level so that these problems could be solved, as happened in fact.

Accommodation

18. Installation of Lift in a Private Building

The Commission received a complaint that a building of private apartments did not have a lift and therefore it could not be used by persons with disability who wished to rent one of these apartments. After discussion were held, this particular case was solved. On the other hand, the Commission made a presentation to the Ministry for Employment and MEPA so that new developments which included a number of apartments should satisfy a number of criteria on access to everyone. This includes that common parts have to be accessible to everyone and that a reasonable number of these apartments be accessible to everyone, including persons who use a wheelchair.

Temporary Agreement

Access

1. Access to Mgarr Local Council

The Commission received a complaint that the Mgarr Local Council was not accessible. The Council proposed to build a small extension adjacent to the Council building so that a lift could be installed and the building become accessible to everyone. The Commission shall continue to follow this development.

2. Access to Parish Churches

During this year, the Commission reached a temporary agreement with the Cospicua and Mosta Parish Churches so that these could have accessible principal entrances. In the Cospicua Parish Church, the Committee for the Cottonera Rehabilitation Project accepted to build a ramp in accordance with the guidelines of the Commission. A discussion was held to install a lift but it was decided that a ramp was a better solution.

With regard to the Mosta Parish Church, the Council has started a Square rehabilitation project which will include the building of a small ramp to the entrance of the Church. The Parish Priest will oversee this project. The Commission will continue to work so that this church which is visited by both Maltese persons and tourists becomes accessible to everyone.

3. Access in Hotels

The Commission is working so that recently built hotels are accessible to everyone. The Commission received a complaint that the Bay Street Hotel did not have rooms which were accessible to persons using wheelchairs while the Riviera Hotel's principal entrance and one of its restaurants were not accessible in accordance with the guidelines of the Commission. After numerous discussions were held, a temporary agreement was reached with both hotels. In the case of Bay Street Hotel, this agreement has not yet started to be implemented, while in the case of the Riviera Hotel this agreement has started to be implemented.

The Commission received a complaint that the Phoenicia Hotel's principal entrance and the entrance to the ballroom were not accessible. An agreement was reached however this was not implemented and the Commission had to file a judicial protest against this hotel. The Commission has reached another agreement and, this time round, it is waiting for this agreement to be implemented.

4. Access to Mamma Mia restaurant

The Commission received a complaint that this restaurant was not accessible. The owner asked for an exemption since it was nearly impossible to make this restaurant accessible. He was refurbishing another restaurant, Manhattan, which he assured the Commission would be accessible to everyone. The Commission accepted this arrangement as being a reasonable one.

5. Access to UCIM Co Ltd's Showroom

The Commission received a complaint that the UCIM showroom was not accessible. The owner asked for an exemption from having an accessible principal entrance because of serious technical problems and assured us that persons using a wheelchair could use the other entrance. The Commission accepted this arrangement as reasonable, subject to a number of conditions.

Cases which are still being discussed

Employment

1. Recruitment in the Police Force

A person's application to become an inspector with the Police Force was refused because he had diabetes. The Commission asked for an explanation and met with the Commissioner of Police so as to ensure that the Police Force, while being able to serve its mission, offered equal opportunities. The Commission is still discussing this case.

2. Health Scheme with Lombard Bank

The Commission received a complaint that Lombard Bank was collecting information, to which it might not have a right, on persons with disability. It was found that this information was being collected on a voluntary basis and exclusively so that the person could benefit from a health scheme offered by the Bank to its employees. The Commission is still discussing the

case so as to ensure that information is collected on a voluntary basis and is not used to the detriment of employees with disability.

Education

3. Tax Rebate for Students with Disability in Independent Schools

The Commission received a complaint that the parents of students with disability who attended independent schools were paying for the services of a facilitator which their children needed. The Commission made a request so that these parents could at least benefit from a bigger tax rebate than that given to other parents. The Commission held discussions both with the Ministry for Education and with the Ministry for Finance. However, this request has still not been accepted. The Commission will continue to work so that this request is accepted.

4. Giving Medicine in Regular Schools

The Commission has continued to hold discussions with the Education Division so that this problem can be solved. A small committee made up of representatives from the Ministry of Education, Ministry of Health, and the Commission was established for the purpose of drawing up a national policy. This Committee will soon finish a draft of this policy which will then be discussed with the various sectors concerned.

5. Access to Schools

The Commission received various complaints from students with disability who are attending schools stating that these schools are not accessible to them. These schools include Ninu Cremona, Victoria, B'Kara Primary School, M'Skala Primary School, Paola Primary School, and Victoria Primary School. The Commission held discussion both with the Ministry of Education and the Foundation for Tomorrow's Schools so that these problems could be reduced and overcome. While this work has been done, it has been limited and it is hoped that once the Foundation has successfully overcome all its administrative problems, the work will continue at a faster rhythm.

Access

6. Access to the Palace's Lifts

The Commission has worked for the Palace to have a lift so that substantial parts of it could become accessible to everyone. This lift has been installed but can unfortunately only be accessed through a step which is temporarily covered by a ramp which is not good enough. The Commission has been working for a long time so that a good and permanent ramp can be installed. The Commission has already held discussions with the new president, His Excellency Dr. E. Fenech Adami, and hopes that this problem will be solved.

7. Ministry for Tourism

The Commission is working so that tourist and cultural places become accessible to everyone. Among these, the Commission received a complaint with regard to the Manoel Theatre and

the new beach at St George's Bay. The Commission will continue to work so that all that needs to be done so that these places become accessible to everyone will be done.

8. Health Division

The Commission believes that building used for providing medical services should be among the first to be accessible to everyone. In reality this is not always so, so much so that the Gzira Health Centre is on the second floor and there is no lift. The Commission is working with the Health Division so that this problem can be solved. The Division has already bought a lift, however there are problems to install the lift since the building is owned by private individuals.

The Commission has also long been insisting that accessible toilets be installed in the Outpatients Department and the Emergency Section in St Luke's Hospital. The Commission will be taking all the necessary measures so that this is done within a reasonable time.

9. VAT and Licensing Department

The Commission is working so that more Government Departments become accessible to everyone and is currently holding discussions with the Licensing and VAT Departments so that this aim can be reached. While some work has been finished in the former department, the latter is facing some problems until the MEPA permits are issued.

10. Police Stations

The Commission is insisting on a programme so that, in so far as is possible and reasonable, police stations become accessible to everyone. Discussions are currently being held with the Paola and Zurrieq Police Stations while an agreement was reached with the Guardamangia Police Station. An agreement was also reached to the effect that an analysis of the principal police stations will be held and a report will be drawn up on how they could become more accessible. This work is being done and the first reports will soon be finalized with the hope that they will gradually be implemented according to a programme.

11. Access to vehicles in Mdina

The Commission has received complaints that persons with disability who have a blue sticker are facing difficulties since they cannot enter Mdina. The Commission made a request for meetings to be held with the Police Authorities and has made the following suggestions:

- a) that there should be a number of reserved parking spaces for persons with disability who have a blue sticker;
- b) that vehicles with a blue sticker should be allowed to enter Mdina and be allowed to park in parking places reserved for them only.

Discussions on these suggestions are still being held.

12. Access to the Mediterranean Conference Centre

The Commission received complaints on the problems of access to this Complex. Discussions have started with regard to the pavement situated in front of the principal entrance, the principal entrance and the toilets. There appears to be the will for these problems to be solved within a short period of time.

13. Access to the Public Broadcasting Services Building

The Commission has continued to work so that the building of this important company is accessible to everyone, so much so that a detailed report has been drawn up by an architect. Unfortunately, despite the fact that the Commission has continued to insist in favour of the implementation of this report, little progress has been made. The Commission will continue to work for this aim to be reached.

14. Access to Local Tribunals

The Commission is holding discussions so that all the Local Tribunals are held in buildings which are accessible to everyone. No solution has yet been found for the Local Tribunals of Gozo and Qormi. Therefore, the Commission is still working on the two cases.

15. Access to Valletta Market

The Commission has received complaints that the Valletta Market is not accessible to everyone since the principal entrance is not accessible and there are no lifts. The Commission has made representations to the Local Council on the first problem and the Lands Department (the owner of the building) on the second problem. The Commission is continuing to hold discussions on both these problems.

16. Reserved Parking next to Bay Street

After extensive works were done on this area, the reserved parking found in this locality was removed and there were difficulties to put it back in a place which was adequately near. No solution has been found despite discussions held with both the Local Council and the Malta Transport Authority.

17. Parish Churches

The Commission is still holding discussions so that the parish churches of Gharb, Ghasri and Nadur have at least principal entrances which are accessible to everyone.

18. Principal Conimex Shop

The Commission received a complaint that the principal shop of Conimex is not accessible to everyone. The Commission is discussing this problem with this company so that this problem can be solved.

19. Access to Band Clubs

The Commission received two separate complaints, one about new premises that are being built for the St Anthony's Band Club, B'Kara and the other about structural alterations that are being made to the San Gwann Band Club. These buildings are not accessible to persons with disability. The Commission is holding discussions with these two band clubs so as to ensure that all that is reasonable is done so that persons with disability have equal opportunities even in this sector.

Housing

20. MEPA Permit for the Installation of a Lift

The Commission received a complaint that MEPA had refused to issue a permit for the installation of a lift so that a person with disability could have complete access to a house. This decision was taken on the grounds of aesthetic considerations. Discussions on this case are still being held. However, in principle, while the Commission can understand that the aesthetic aspect should not be ignored, the principle of equal opportunities should be given maximum importance.

Insurance

21. Higher Premiums for Life Insurance

The Commission received a complaint that MiddleSea Valletta had requested a higher premium from a person who has diabetes because of his disability. The Equal Opportunities Act permits this if the company concerned brings proof which justifies this. Therefore the Commission requested this. The Company brought proof which is currently being studied by the Commission.

Court

Access

1. Access to Student House, University of Malta

The Commission has been working for years so that the University of Malta become physically accessible to everyone. There is no doubt that a substantial part of the campus is accessible. Despite this, the Commission has always shown its worries that Student House, which is an important part of university life, is not accessible. The Commission filed a judicial protest with regard to this situation but the situation has not changed so much so that the Commission was constrained to institute civil proceedings in court against the University. The Commission hopes that this case will be decided in the shortest time possible.

2. Access to the Invicta Establishment

This Company declared that it was not selling products for the specific use of persons with disability and that, moreover, it had started to operate from premises which were relatively more accessible from where it had been originally situated. An attempt was therefore made on how expenses should be distributed. However, unfortunately, no agreement was reached. The court therefore gave a decision on this issue. Despite the fact that the case was instituted a long time ago, it still has not been settled.

3. Access to Michele Peresso Establishment

The Commission instituted another case against this establishment which sells products for the specific use of persons with disability because the building from which it operates is not accessible in accordance with the guidelines of the Commission. Unfortunately, the

proceedings which were instituted in March 2001 are still pending to the detriment of persons with disability.

Provision of Goods and Services

4. Use of SMS and the SBT Company

After a complaint from the Deaf Persons Association so that SBT Services could become accessible to persons with a hearing impairment was not acceded to, the Commission instituted judicial proceedings against the company. The latter eventually accepted to provide a mobile number but did not accept the fact that the Commission should publicize this number. The Commission did not agree with this suggestion and therefore proceedings had to continue and the case is awaiting judgment.

All the Cases

This is the list of all the complaints the Commission worked upon during the year 2003-2004

Work-Pending		
Entity	Complaint	Status
Commissioner of Police	Recruitment	Under discussion
Armed Forces	Termination of Employment	Under discussion
Steel & Fence Ltd	Termination of Employment	Settled
Kalaxlokk Ltd	Change in Employment	Settled
Dowty	Termination of Employment	Settled
Employment-New		
Employment Division	Transfer	Settled
Parliament	Promotion	Settled
Lombard Bank	Health Scheme	Under discussion
Public Library	Training	Settled
Education Division	Conditions of Employment	Settled
Education Division	Promotion	Settled
Education-Pending		
Ministry of Finance	Tax Rebate to students with disability to independent schools	Under discussion
Ministry for Education	Administration of medicine at school	Under discussion
Education Division	Access to Victoria School	Under discussion
Education Division	Substitute facilitator	Settled
Ministry for Education	Facilitators' work -general	Settled
Education Division	Facilitators' role during exams	Settled
Education-New		
Ministry for Education	Requisites for sixth form	Settled
St Dorothy's	Substitute facilitator	Settled
Education Division	Facilitator	Settled
Education Division	Transport and extra curricular activities	Settled
Education Division	Access to Ninu Cremona School in Victoria	Under discussion
Stella Maris	Substitute to facilitator	Settled
Education Division	Facilitator-particular	Settled
Education Division	Education in a regular school	Settled
Education Division	Access to Primary school B'Kara	Under discussion
Education Division	Access to Primary school Paola	Under discussion
Education Division	Substitute facilitator	Settled

Education Division	Substitute facilitator	Settled
Education Division	Substitute facilitator	Settled
Education Division	Access for exams	Settled
Education Division	Repetition of scholastic year	Settled
Education Division	Access to Primary School Marsascala	Under discussion
Access- Pending		
Health Division	Toilets in the outpatient department	Under discussion
Michele Peresso	Access to medical centre	In court
Office of President	Access to lift in the Palace	Under discussion
Province of Minor Franciscans	Access to Qawra Church	Settled
Invicta	Access to shop	Court
Health Division and others	Access to Evans Building	Under discussion
University of Malta	Student House	Court
Cathedral Chapter	Access to Mdina Cathedral	Temporary Agreement
Hotel Phoenicia	Access	Temporary Agreement
Ministry for Internal Affairs	Access to principal entrance	Settled
VAT Department	Access	Under discussion
Mosta Parish	Access to parish church	Temporary Agreement
Les Lapins Hotel	Access	Settled
Health Division	Access to Health Centre, Gzira	Under discussion
MEPA	Access to Gozo Office	Settled
St James Hospital	Access to Eye Clinic	Settled
Health Division	Access to Department of Information on Health	Under discussion
Commissioner of Police	Zejtun Station	Under discussion
Mosta Parish	Access to Oratory	Settled
Mamma Mia restaurant	Access	Temporary Agreement
Gharb Parish	Access to parish church	Under discussion
Ghasri Parish	Access to parish church	Under discussion
Cospicua Parish	Access to parish church	Temporary Agreement
Gudja Parish	Access to parish church	Settled
Conception Parish, Hamrun	Access to parish church	Under discussion
Local Council, Victoria	Access to local tribunal	Under discussion
Local Council, Zurrieq	Access to local tribunal	Settled
Local Council, Qormi	Access to local tribunal	Under discussion
Local Council, Fgura	Access to local tribunal	Settled
PBS	Access	Under discussion
Bay Street	Access to Bay Street Hotel	Temporary Agreement
Palace Square, Valletta	Reserved parking	Settled
Local Council, St Julians	Reserved parking next to Bay Street	Under discussion
Local Council, Valletta	Access to market	Under discussion
Band Club San Gwann	Access to club	Under discussion

UCIM Ltd	Access to showroom	Temporary Agreement
Licence Department	Access	Under discussion
St Anthony's Band Club B'Kara	Access to club	Under discussion
Access-New		
Commissioner of Police	Access to vehicles in Mdina	Settled
St Luke's Hospital	Access	Under discussion
Malta Transport Authority	Bus Shelter Burmarrad	Settled
Nadur Parish	Parish Church	Under discussion
Local Council, Kirkop	Streets and pavements	Settled
Local Council, Valletta	Pavement below Co-cathedral ramp	Settled
Mediterranean Conference Centre	Access	Under discussion
Bank of Valletta	Victoria branch	Settled
Commissioner of police	G'Mangia Station	Settled
Vistel Ltd	Access to Caraffa Stores	Under discussion
Ministry for Tourism	Manoel Theatre lift	Under discussion
Commissioner of Police	Paola Station	Under discussion
Conimax Ltd	Access to shop	Under discussion
Local Council Mgarr	Access	Temporary agreement
Ministry for Tourism	Access to St George's Bay	Under discussion
Riviera Hotel	Access	Temporary agreement
Local Council Cospicua	Access to alley	Under discussion
Department for the Elderly and Community Services	Transport to Day Centres	Settled
Provision of Goods and Services-Pending		
SBT	SMS Service	In court
Ministry for Internal Affairs	Electric buses	Settled
Provision of Goods and Services-New		
Health Division	Financial compensation	Settled
Mini Buses co-operative	Transport	Settled
Health Division	Ambulance services	Under discussion
Department for the Elderly and Community Services	Day Centre Services	Settled
HSBC Ltd	ATMs	Settled
Hamrun Local Council	Position of signs	Settled
Bank of Valletta	Electronic banking	Settled
Community Chest Fund	Service	Settled
Department for the Elderly and Community Services	Home Help Services	Settled
Victoria Local Council	Reserved Parking	Settled
Department for the Elderly and Community Services	Day Centre Services	Settled
Health Division	Use of Special Identity Card	Settled
Department for the Elderly	Lack of Home Help Services	Settled

and Community Services		
St Paul's Bay Local Council	Danger	Settled
Housing - New		
MEPA	Lift Installation	Under discussion
Private development	Lift Installation	Settled
Lands Department	Yard	Settled
Housing Authority	Change of house	Settled
Insurance-Pending		
HSBC	Insurance	Settled
Insurance-New		
MiddleSea Valletta Life Insurance	Higher premium	Under discussion