

## **Living Together in Society**

### **Equal Opportunities (Persons with Disability) Act**

#### **Fifth Year of Application**

The working year 2004-2005 is a significant date for the Equal Opportunities (Persons with Disability) Act (EOA). This is because the EOA has now been safeguarding the rights of persons with disability in Malta and Gozo for five years. While until some time ago it was still early to assess the EOA and its application, now, after five years, we can ask ourselves, "Has the Act been effective?", "If yes, why?" and "If no, what were the problems?". We should also ask what should be done to strengthen and improve the EOA.

While the EOA focuses on six aspects of the life of persons with disability, that is, Employment, Education, Access, Provision of Goods, Facilities or Services, Accommodation and Insurance, it is clear that as in previous years the greatest numbers of complaints registered with the EOA Section were related to access, education and the provision of facilities, goods or services.

As the statistics included in this booklet show, the greatest number of complaints were made against governmental and parastatal entities. One reason for this may be that the majority of persons with disability and their families have regular contact with these entities. The complaints relating to the church and the local councils remain consistent with those made in previous years, while there was a bigger number of complaints relating to private entities. It is clear that, gradually, persons with disability are becoming more conscious not only of their rights but also of their intrinsic value.

Until some time ago, many persons with disability and their families perceived the services and benefits they receive as a form of charity. They also looked at the person giving them a service as a humane individual who is doing them a favour and towards whom they should be grateful. Today, we are beginning to understand that we have the right to receive services and benefits which are adequate to our needs and that those who provide such services should respect our human dignity. A reflection of this new way of thinking is the slight but still important increase in the number of cases brought forwards to the EOA Section.

We are also satisfied with the fact that the Test of Reasonableness Board is working efficiently and in a highly transparent manner. The EOA is based on the concept of reasonableness, that is, that every decision should be based on that which is reasonable. Because of this, the process of negotiation is given importance in every case tackled by the EOA Section. One development of this concept is that a case might be accepted subject to certain conditions. The nature of these conditions is important because one should not forget that the aim of this Act is not just to reach a compromise but also to do so while respecting the basic rights of persons with disability.

This was an important year for the EOA. This is because it had been decided that after five years, the National Commission Persons with Disability (KNPD) would propose amendments in the Act after a wide process of consultation which would include non-governmental organisations working in this section. These amendments are meant to fill the gaps left by the law and to clarify those points which are not very clear in the first version. We would like to thank all those who have worked in drafting these amendments and those who have contributed to the consultation process. After all, we have always insisted that the EOA belongs to everyone.

Finally, we believe that since the EOA belongs to everyone, it should be used by everyone. It should be used by both persons with disability and their families as a way to safeguard their rights

but also by those without a disability and who feel they have a part to play in the EOA. One of the main aims of the EOA is that it should be a means to educate the people. Rather than using it just to redress wrongs, we should see it as a spur to improve our products (services, building, employment, objects etc) by making them more accessible to everyone. When a product is accessible to everyone its value increases, it becomes more competitive and more profitable.

Let us understand the potential of this legislation. We believe that, if used correctly, the EOA can improve in a tangible way the life of those with and without disability so that we can live together in society.

Joseph Camilleri  
Chair

Marianne Debono  
Coordinator (EOA Section)

### **Executive Summary**

- Every October, KNPD presents an annual report of the work done in the previous twelve months in relation to the Equal Opportunities (Persons with Disability) Act (EOA).
- The KNPD receives complaints about discrimination against persons with disability in six main areas: Employment, Education, Access, Provision of Goods, Facilities or Services, Accommodation and Insurance.
- The EOA stipulates that KNPD has the duty to receive complaints about discrimination, to investigate the same, to mediate and, if necessary, to take the case to arbitration or to court.
- KNPD has to do this within the limits of that which the Act defines as “reasonable” (Part IV). The Commission has appointed a Board to help it decide what should be considered as reasonable.
- Very often the decision made by the Board is negotiated and most of the cases are accepted as being reasonable but with certain conditions.
- During this year, the Board determined 71 cases, 20 cases more than last year. Out of these, only 27 cases, or 26%, were accepted as reasonable with certain conditions.
- This year, the KNPD worked on 58 cases of complaints of discrimination which were pending and it started investigating 85 new cases. This shows a significant increase of 26 new complaints, or 46% more than the previous year. This also means that KNPD worked on 143 different cases, which is a substantially higher number than the 111 cases of the previous year.
- In the Employment Sector, the number of new complaints have decreased, even though by just one case, that 6% less than the total number of complaints.
- In the Education Sector, the number of new complaints increased by nine and is 8% higher than the total.
- In the Access Sector the number of new complaints increased by seven but it is 11% less than the total.
- In the Provision of Facilities, Goods and Services Sector the number of new complaints increased by 14 from last year and is 7% higher than the total.

- For the first time, the greatest number of complaints were made in relation to Education and Access.
- KNPD concluded 75 cases out of the 143 it worked on this year. This means that slightly more than half of the cases (52%) were concluded.
- The number of cases still to be concluded (66) is higher by 12 than that of last year (54).
- The majority of the cases, 37, or 58% of the pending cases, are about physical access.
- The majority of the complaints (61%) are still made against the Government, parastatal entities and local councils. This is 19% less than last year.
- KNPD concluded almost two thirds of the cases related to the Government. However, there are two cases, both against the Health Division, that have been instituted in court.
- The lowest number of successfully concluded cases were in relation to complaints made against the Church, where KNPD only concluded 18% of the cases.
- During this working year, the courts of Malta have ruled on three complaints, always in favour of the Commission. These were cases against the Medical Centre of Peresso Ltd, the Student House of the University of Malta and Invicta Ltd. The first two defendants appealed. The case against SBT is still pending.
- This year, the Commission instituted one case relating to 2 complaints against the Health Division, one with respect to lack of access at the Gzira Health Centre and the other one with respect to lack of accessible sanitary facilities at St Luke's Hospital.
- This year the KNPD started a consultation exercise to revise the EOA in order to make it more effective and compliant with the European Union Council's Directive which establishes a common basis for equal treatment in employment.

### **General Overview**

Every October, the National Commission Persons with Disability presents a report of its work over the previous twelve months, in which it tries to ensure that the Equal Opportunities (Persons with Disability) Act (EOA) is implemented in a satisfactory way both for persons with disability and their families as well as for society in general.

This is the fifth year in which the Commission is presenting its annual report (covering October 2004 till September 2005) of the EOA Section by means of this booklet. This Section within the Commission receives complaints of discrimination from persons with disability with respect to six general areas:

Employment (Emp)

Education (Educ)

Access (Acc)

Provision of Goods, Facilities or Services (Serv)

Accommodation (Hse)

Insurance (Ins)

## The Test of Reasonableness Board

The EOA stipulates that KNPD has the duty to receive complaints about discrimination, to investigate the same, to mediate and, if necessary, to take the case to arbitration or to court. The Commission is also obliged to give advice about the Act and its enforcement both to persons with disability and their families as well as to others who have certain obligations in terms of this law.

KNPD has to carry out its duties within the limits of that which the Act defines as “reasonable” (Part IV). The Commission has appointed a Board to help it decide what should be considered as reasonable in specific cases. This Board is composed of Mr Fred Bezzina (executive director of the Commission) in the role of Chairman of the Board and the following members: Mr Gordon Cardona (a person with disability), Mr John Peel (parent of a person with disability who cannot represent herself), Architect Robert Musumeci (representative of the Building Industry Consultative Committee (BICC)) and Ms Anne McKenna. Ms Marianne Debono, who is the manager of the Equal Opportunities Section within the Commission, is the Board’s secretary, while Dr Joseph Spiteri acts as a consultant when required. Unfortunately, the BICC representative was often unable to attend.

Very often the decisions of this Board are negotiated and for this reason many of these cases are accepted as reasonable subject to certain conditions.

The Board’s work in this period involved the following:

<b>The Test of Reasonableness Board</b>				
	2003- 2004		2004-2005	
	Number	%	Number	% *
Cases discussed	51		87	
Reasonable subject to conditions	30	59	27	26
Not reasonable	21	41	44	74
Pending	0	-	16	-

\* The percentage was calculated only on the cases which were determined.

The number of cases tackled by this Board increased by 36, which is a significant increase reflecting the importance of this Board. Unfortunately, in the absolute majority of the cases (approximately three quarters), the Board decided that the cases were not reasonable, even with certain conditions.

The Board felt the need to establish certain guidelines to make its operation more consistent and transparent. This was done with respect to relatively small commercial buildings (e.g. restaurants, bars and shops etc.) and relatively small places of work (e.g. offices etc). There were also changes with respect to industrial buildings (e.g. factories). These guidelines will now be incorporated in the new edition of *Access for All – Design Guidelines* that the Commission will publish at the end of 2005.

## Complaints

During this fifth year, the Commission pursued 58 cases which were still pending from the previous 4 years and it started investigating 85 new cases. This means that there was a significant increase of 26 new cases over the previous year. It also means that the Commission worked on 143 different cases of discrimination, which is a significantly higher amount than the 111 cases tackled last year. These 143 cases can be classified as follows:

<b>Complaints handled by the Commission in 2004-2005</b>							
	<b>Emp</b>	<b>Educ</b>	<b>Acc</b>	<b>Serv</b>	<b>Hse</b>	<b>Ins</b>	<b>Total</b>
Pending from previous years	4(7)	10(17)	39(67)	3(5)	1(2)	1(2)	58(100)
New	5(6)	25(29)	25(29)	24(28)	4(5)	2(2)	85(100)
Total	9(6)	35(24)	64(45)	27(19)	5(3)	3(2)	143 (100)

The following is a comparison of new complaints with complaints made in previous years:

<b>Complaints</b>						
Type	00/01		01/02		02/03	
	<b>Num</b>	<b>%</b>	<b>Num</b>	<b>%</b>	<b>Num</b>	<b>%</b>
Emp	<b>13</b>	14	<b>9</b>	14	<b>11</b>	17
Educ	<b>10</b>	11	<b>5</b>	8	<b>21</b>	33
Acc	<b>48</b>	53	<b>38</b>	60	<b>16</b>	25
Serv	<b>18</b>	20	<b>10</b>	16	<b>10</b>	16
Hse	<b>1</b>	1	<b>1</b>	2	<b>4</b>	6
Ins	<b>2</b>	2	<b>0</b>	0	<b>2</b>	3
Total	<b>92</b>	100	<b>63</b>	100	<b>64</b>	100

<b>Complaints</b>						
Type	03/04		04/05		Total 00/05	
	<b>Num</b>	<b>%</b>	<b>Num</b>	<b>%</b>	<b>Num</b>	<b>%</b>
Emp	<b>6</b>	10	<b>5</b>	6	<b>44</b>	12
Educ	<b>16</b>	27	<b>25</b>	29	<b>77</b>	21
Acc	<b>18</b>	31	<b>25</b>	29	<b>145</b>	40
Serv	<b>14</b>	24	<b>24</b>	28	<b>76</b>	21
Hse	<b>1</b>	2	<b>4</b>	5	<b>12</b>	3
Ins	<b>4</b>	7	<b>2</b>	2	<b>10</b>	3
Total	<b>59</b>	100	<b>85</b>	100	<b>364</b>	100

This table shows substantial changes in the way that the Commission is working in this sector. One should note that:

- In the Employment Sector, the number of new complaints have decreased, even though by just one case, that is 6% less than the total number of complaints.
- In the Education Sector, the number of new complaints increased by nine and is 8% higher than the total.
- In the Access Sector the number of new complaints increased by seven but it is 11% less than the total.
- In the Provision of Facilities, Goods and Services Sector the number of new complaints increased by 14 from last year and is 7% higher than the total.
- For the first time, the greatest number of complaints were made in relation to Education and Access.

These figures show that persons with disability are giving more importance to education while they are giving the same amount of importance to access and the provision of facilities, goods and

services. The number of complaints made this year in relation to accommodation and insurance have remained consistent, even though there was a slight increase in complaints made in relation to accommodation.

Out of the 143 cases which the Commission worked on during this year, 75 cases were concluded (one of which was a court case) while the Commission is still working on another 66 cases (five of which are court cases). This means that the Commission concluded a little more than half (53%) of the cases which it worked on during this year. The percentage of the cases pending in court is only 4%. The Commission wishes to emphasise once again that it only initiates judicial proceedings as a last resort. This is because the Commission believes that there must be a change in attitude and mentality that can be brought about more effectively through negotiation and mediation rather than through the imposition of court judgments. The court is only used against those persons who do not want to listen.

The number of cases still pending before the Commission, 66, amounts to 12 or 22% more than those pending before the Commission last year (54 cases). When one takes into account the increase in the number of cases instituted before the Commission during this year, one can conclude that the increase in the number of cases still pending before the Commission, although considerable, is still reasonable.

An analysis of the work of the Commission based on the type of complaint, gives us these numbers:

<b>How complaints were dealt with in 2003-2004</b>							
	<i>Emp</i>	<i>Educ</i>	<i>Acc</i>	<i>Serv</i>	<i>Hse</i>	<i>Ins</i>	<i>Total</i>
Closed*	9(100%)	23(66%)	23(36%)	17(63%)	5(100%)	2(67%)	79(55%)
Under Discussion	0(0%)	12(34%)	37(58%)	9(33%)	0(0%)	1(33%)	59(42%)
Court	-	-	4(6%)	1(4%)	-	-	5(4%)
Total	9	35	64	27	5	3	143

\*One of these, which was related to access, was instituted in court.

The majority of the cases which are still pending are about physical access. This is because while in other sectors the Commission managed to conclude at least two thirds of the complaints, in the sector related to physical access the Commission only managed to conclude a little more than one third of the complaints. The majority of the cases pending before the court also relate to access. In relation to education and the provision of goods, facilities and services, the number of cases which are still pending is relatively low. No cases are pending before the Commission in relation to employment and accommodation, while there is one case related to insurance.

### **The Entities Against whom Complaints were Made**

The Commission investigates complaints made against various entities in Malta, that is, the Government (GVN), Parastatal entities, including Authorities (Para), entities which provide tertiary education, Local Councils (LC), the Church (CH), and private entities (Priv) which also include non-governmental organisations. The following are the entities in relation to whom the Commission received complaints in the last four years of operation of the Act:

Entities against whom complaints were made								
Entity	00/01		½		02/03		03/04	
	No	%	No	%	No	%	No	%
<b>GVN</b>	<b>37</b>	40	<b>19</b>	30	<b>32</b>	48	<b>36</b>	61
<b>Para</b>	<b>21</b>	23	<b>10</b>	16	<b>8</b>	12	<b>4</b>	7
<b>LC</b>	<b>6</b>	7	<b>13</b>	21	<b>7</b>	11	<b>7</b>	12
<b>CH</b>	<b>9</b>	10	<b>12</b>	19	<b>1</b>	2	<b>3</b>	5
<b>Priv</b>	<b>17</b>	18	<b>9</b>	14	<b>16</b>	25	<b>9</b>	15
<b>Others</b>	<b>2</b>	2	<b>0</b>	0	<b>1</b>	2	<b>0</b>	0
<b>Total</b>	<b>92</b>	100	<b>63</b>	100	<b>65</b>	100	<b>59</b>	100
Entities against whom complaints were made								
Entity	04/05		Total 00-05					
	No	%	No	%				
<b>GVN</b>	<b>28</b>	33	<b>152</b>	42				
<b>Para</b>	<b>14</b>	16	<b>57</b>	16				
<b>LC</b>	<b>10</b>	12	<b>43</b>	12				
<b>CH</b>	<b>10</b>	12	<b>35</b>	10				
<b>Priv</b>	<b>23</b>	27	<b>74</b>	20				
<b>Others</b>	<b>0</b>	0	<b>3</b>	1				
<b>Total</b>	<b>85</b>	100	<b>364</b>	100				

The Government and entities connected to it (Parastatal entities and Local Councils) remain the entities against which the majority of the cases were filed. The number amounts to 52 complaints or 61% of all the complaints or two thirds of all the complaints, which is 19% less than the complaints filed last year. Although the number has decreased, and although a substantial number of complaints were solved within a relatively short period of time, citizens reasonably expect the Government and related entities to set an example. The Commission feels that the number of complaints filed against the Government is still high and that the Government and related entities should make an effort to offer equal opportunities to persons with disability.

There was a substantial increase in the complaints made against private entities and the Church with an increase of 12 cases in the case of the former and an increase of 7 cases in the case of the latter. Although the numbers are relatively still low, the increase is still significant. This means that persons with disability have become more assertive and are requesting discrimination against them to stop wherever it occurs, including discrimination related to the Church and the private sector.

A more detailed analysis of the 143 cases which the Commission worked upon during this year in accordance with the entities against whom they were made shows the following situation:

What happened to the complaints made				
	<i>Closed</i>	<i>Under Discussion</i>	<i>Court</i>	<i>Total</i>
<b>GVN</b>	33(36%)	17(33%)	2(4%)	52
<b>Para</b>	12(71%)	4(24%)	1(6%)	17
<b>LC</b>	10(56%)	8(44%)	0	18
<b>CH</b>	3(18%)	14(82%)	0	17
<b>Priv</b>	22(56%)	15(38%)	2(5%)	39
<b>Total</b>	80(56%)	58(41%)	5(3%)	143

The Commission managed to close the majority of the complaints (56%). This shows a marginal progress of 4% over the previous year. In the case of the complaints made against the government, the Commission closed approximately two thirds of the complaints (63%) although there are two complaints, both made against the Health Division, which are pending before the Court. This shows a substantial progress over the previous year during which the Commission managed to conclude 58% of the cases. However, this progress is greatly dampened by the fact that the Commission had to institute judicial proceedings in Court against the Government. In the case of Local Councils and private entities, the Commission managed to close a slightly smaller number of cases than it managed to close against the Government, while it managed to conclude a substantially greater number of cases than it did against parastatal entities. It is clear that the Commission is finding it most difficult to conclude complaints made against the Church, in relation to whom only 18% of the cases were concluded. The Commission believes that the Church should make a greater effort, not only because there is a legal obligation but also because the Church has a moral obligation which should be a determining factor.

### **The Court**

During this year, the Industrial Tribunal gave judgment on a case related to discrimination based on disability and awarded the employee concerned financial compensation.

The Maltese courts, during this period, determined three cases of complaints, all of them in favour of the Commission. These were:

- a) the one relating to the Medical Centre of Michele Peresso;
- b) the one relating to Student House at the University of Malta; and
- c) the one relating to Invicta.

The first two cases were appealed.

The case instituted against SBT is still pending.

During this year the Commission filed one case with respect to two complaints filed against the Health Division, one related to lack of access to the Gzira Health Centre, the other due to lack of accessible sanitary facilities in St Luke's Hospital.

During this year, the Commission filed three judicial protests against:

- a) the Health Division;
- b) Bay Street Hotel;
- c) Gharb Parish Church.

Further details with respect to these cases will be given in the detailed notes prepared with respect to these cases.

### **Consultation**

The Commission gives a lot of importance to the educational aspect of the Act and, therefore, during this year it continued to offer consultation services on this Act both to those persons directly involved in this sector, that is, persons with disability; their families and their organisations; professionals; as well as persons and entities which have certain obligations in terms of this Act, such as, employers, persons who offer services, educational entities and others.

The Commission offered a large number of consultations and it was difficult to keep a record of all of them. The Commission feels that it is important to keep these records and it will make an effort to keep them within the limits of the available resources.



## **Revision of the Equal Opportunities Act**

Since the Equal Opportunities Act has now been in force for five years, the Commission has started to work on a comprehensive revision of the Act. This revision was made in the light of the Directive of the Council of the European Union which establishes a General Basis on Equal Treatment in Employment (2000/78/EC). A public and wide consultation with all persons concerned was made with this aim. A national seminar was also organised with the participation of Mr Bert Messie, chairman of the Disability Rights Commission (equivalent to the KNPD in the United Kingdom). Later on this year, the Commission will be presenting a number of amendments to this Act to the Ministry for Social Solidarity and the Family so that this law can be amended as soon as possible in order to become more effective and reach the aims for which it was passed.

## **Conclusion**

The Commission, through its Equal Opportunities Section, has carried out its work as requested by the Act. The Equal Opportunities Act Section is a very small section of the Commission, and apart from the Manager, it employs two part-timers, Dr Doreen Clarke LL.D and Mr Elvin Sciberras.

Fred Bezzina  
Executive Director  
National Commission Persons with Disability

Marianne Debono  
Manager  
Equal Opportunities Section

## **Important cases**

Below, the Commission will give a short account of the principal cases on which it worked during this year. These will be grouped into four different sections:

- a) cases which were closed because a solution was found;
- b) cases in which a temporary agreement was reached but for which a final agreement will have to be reached over a number of months/years;
- c) cases which are still being discussed;
- d) cases pending in court.

The cases are listed in the following order: cases related to employment are listed first, then come the cases related to education, access, provision of goods, facilities and services, accommodation and insurance.

## **Closed cases**

### **Employment**

#### *1. Government Employee on Light Duties*

The Commission received a complaint that a Government employee with disability was denied a promotion because he worked on light duties. This actually conformed to a circular published by the Management and Personnel Office (MPO) of the Office of the Prime Minister.

The case of this particular employee was solved in his favour by the Public Service Commission. However, the Commission initiated discussions with the Management and Personnel Office (MPO) of the Office of the Prime Minister to ensure that this circular does not discriminate against persons with disability. It was found that the case of this individual was an isolated case and that the vast majority of persons with disability are being given the increments and promotions they deserve, even if they perform only light duties due to their disability.

## 2. *Enrolment of a Sergeant with the Police Force*

The Commission received a complaint that a person with disability was not allowed to sit for an exam to enter the Malta Police Force because he suffered from diabetes. The Commission held various discussions about this case, including discussions regarding whether diabetes could be considered a disability and whether the Police Force could be reasonably exempted from the applicability of the Act. The Commission stated that whether a person has a disability or not was determined by the effects of an illness and not by the nature of the illness itself. Therefore, diabetes could also be considered as a disability. Moreover, the Equal Opportunities Act also takes into account persons who do not have a disability but are treated as if they have a disability. Therefore, the Commission held that this case fell within the parameters of the Act. The Commission also held that if a person can perform most of the work stipulated in a job description, such person should be allowed to sit for an exam. The Commission believes that a person who suffers from controlled diabetes can perform most of the work of a police sergeant.

## 3. *An Employee of Edible Oil Group of Companies*

An employee with disability was dismissed due to the fact that the factory reduced the number of employees. The employee instituted proceedings before the industrial tribunal and claimed that he had been dismissed because of his disability and that he should not have been dismissed because the Equal Opportunities Act stipulated that persons with disability should not be dismissed from employment if the employer does not employ the required quota of persons with disability which currently is of 2%. The Commission gave its evidence in the proceedings.

The Tribunal decided in favour of the employee and awarded him the sum of Lm4,000.

## 4. *Lombard Bank Health Scheme*

The Commission received a complaint that Lombard Bank had introduced a health scheme through which it was requesting information about persons with disability which it did not have a right to. After various discussions were held, it was agreed that:

- this scheme should be voluntary and this should be made clear in the application;
- the scheme should not be tied to the contract of employment;
- if the application for the scheme is changed, there must not be any discrimination against employees with disability.

## 5. *Dismissal of Employee from Smart Supermarket*

An employee with disability complained that he was dismissed from his place of work because of his disability. It was found that this employee was dismissed during his probationary period. The employee did not show any interest in further proceedings and consequently the case was closed.

## **Education**

### 6. *Recording Lessons at MCAST*

The Commission received a complaint from a person with physical disability who could not write any notes and had to record lessons because of her disability. The lecturers did not accept this. The Commission held discussions with the administration of the College and after the Commission presented the guidelines implemented and accepted by the union of teachers in the United Kingdom, the College issued a circular guiding teachers to allow students with disability to record lessons.

### 7. *Tax Rebate for Parents of Persons with Disability who Attend Independent Schools*

The Commission received a complaint that persons with disability who attend independent schools are not being offered the services of a facilitator. The Commission recommended that persons who were paying for the service themselves should at the very least be granted a tax rebate. The Government accepted this recommendation and these parents can deduct an amount of up to LM4,000 for income tax purposes from the year 2005 if they employ a facilitator for a child with disability who attends an independent school.

#### **Access**

### 8. *Access to the Entrance of Cospicua Parish Church*

The Commission continued with its work so that at least the main entrances to the parish churches are accessible to everyone. During this period a very good ramp was built to the Cospicua Parish Church by the Works Division within the Ministry for Resources and Infrastructure with the support of the Committee for the Rehabilitation of Cottonera and the chaplain.

### 9. *Access to the Local Tribunal of Gozo*

The Commission continued with its work so that all the Local Tribunals are accessible to everyone. The Local Tribunal of Gozo has, during this period, with the intervention of the Ministry for Gozo, started to hold sittings at a place which is accessible to everyone.

### 10. *Phoenicia Hotel*

The Commission received a complaint that the principal entrance to this Hotel and to the ballroom were not accessible to everyone. After various discussions were held and after a judicial protest was filed, the requested work was carried out and the Hotel is now more accessible, also to persons who use a wheelchair.

### 11. *Bay Street Hotel*

This Hotel, which was built after the enactment of the Equal Opportunities Act, should have had a number of rooms which are accessible to everyone, including persons with disability using a wheelchair. After complaints were made that there was a lack of access, the Commission held discussions with the owners of this Hotel and filed a judicial protest. This Hotel now has a number of rooms which can be used by everyone, including persons with disability.

### 12. *Mediterranean Conference Centre*

The Commission has received complaints that the Mediterranean Conference Centre is not equipped with sanitary facilities that are accessible to everyone. There was just a toilet for persons with disability in the men's toilets and this was inadequate. It was agreed that there would be a toilet with a separate entrance that would be accessible to everyone. Inspections on the spot indicated that the work was being carried out well. However, the door to this toilet is too narrow and the Commission will work to solve this problem.

Moreover, this building now has an accessible entrance and the pavement leading to the entrance has an adequate ramp.

### *13. Access to Isouard Hall at the Manoel Theatre*

The Commission received a complaint that this Hall was not accessible because it did not have a lift. A number of discussions were held between the Commission and the managers of this hall with the result that a lift was installed and the hall is now accessible to everyone.

### *14. Bus Shelter in Marsascala*

The Commission reached an agreement with Faces to make all bus shelters which it was installing accessible to everyone and such that they do not cause any obstructions. The Commission received a number of complaints with respect to these bus shelters, including one in Marsascala which was causing obstruction in a way that a person using a wheelchair could not climb on the pavement. This problem was solved subsequent to the intervention of the Commission.

### *15. Access to the Licensing and Testing Directorate*

The Commission received a complaint that the offices of the Licensing and Testing Directorate were not accessible. After discussions were held, ramps were installed. However, these were not adequate for their purpose. These ramps were improved on the insistence of the Commission.

### *16. Implementation of a Temporary Agreement*

During this period, the temporary agreements reached with Mamma Mia Restaurant, Hotel Riviera and UCIM were carried into effect without any problems. In the case of the Riviera Hotel, this agreement still has to be implemented in part so as to be fully implemented.

## **The Provision of Goods, Facilities and Services**

### *17. Accessible Transport for a Student with Disability by Paramount*

The Commission received a complaint that a person with disability could not use the same means of transport used by his fellow students due to the fact that this was not physically accessible. Transport was provided against payment by Paramount. This problem was solved after discussions were held between the Commission, the Company and the student's parents.

The Commission is satisfied with this result and feels that this is a very important case. However, it will continue to work so as to solve this problem for all those students and employees who cannot use the same means of transport as their colleagues because this is not accessible.

### *18. Reserved Parking Space with Time Limits*

The Commission received a complaint that the reserved parking spaces in Pembroke and Zejtun had a time limit while other parking places in the vicinity were not subject to a time limit. The Commission held discussions with the Malta Transport Authority and it was established that:

- a) reserved parking places for persons with disability cannot be subjected to a time limit when parking bays in the vicinity are not so subject;
- b) if parking bays in the vicinity are subject to a time limit, reserved parking bays for persons with disability can be made subject to a time limit in so far as this is longer than that established for other parking bays. This is reasonable because, as a rule, persons with disability need more time to park and to carry out their chores.

The ADT issued a circular to Local Councils establishing these rules. After discussions were held between ADT, the Local Councils of Pembroke and Zejtun and the Commission, this problem was solved.

*19. Reserved Parking Bays in the vicinity of Bay Street*

The Commission received a complaint that the reserved parking bays situated near Bay Street were removed while works were being carried out in the area. The Commission made sure that these reserved parking bays were marked again.

*20. Pension for Persons with Psychological Disability*

The Commission received a complaint that persons with a psychological disability received a pension which was much lower than that received by persons with different disabilities. The Commission believes that, in principle, there should not be such discrimination. However, the Commission is still studying whether this issue falls within the parameters of the Equal Opportunities Act.

*21. Payment for Pink Floyd Concert*

The Commission received a complaint from a person with disability who claimed that the price for a concert for a person with disability was higher than that for persons without disability because she had to pay for a personal assistant even when the price for persons with disability was reduced. In principle, the Commission believes that when a person with disability needs a personal assistant he should not be made to pay the entrance ticket for such person. The Commission will start working so as to introduce this principle in Malta.

**Temporary Agreement**

***Education***

*1. Absent Facilitator*

As recommended by the Commission, the Education Division formed a pool of facilitators to substitute other facilitators when these are absent and when the student cannot be on his own in class. Despite this, there was a period of time when students would be sent home because this procedure was not implemented. The Commission insisted that sending a student with disability home is a very serious action and that it should be used very responsibly and only if there is no alternative. Moreover, the school should keep written records of these occurrences. The Education Division agreed in principle with this argument and the two sides are going to continue discussing ways in which this procedure can be implemented.

*2. Access in Government Schools*

The Commission has received complaints that government schools are not accessible to everyone even though some students with physical disabilities attend these schools. These complaints were made about the Primary Schools of B'Kara, Rabat, Hamrun, Paola, St. Paul's Bay and Victoria; the Tereza Nuzzo Secondary School in Marsa and the Ninu Cremona Secondary School, Victoria and the 6<sup>th</sup> Form in Gozo. The Commission kept regular contact with the Foundation for Tomorrow's Schools and there has been progress in some schools although in some other cases the situation has not improved. The Commission is not satisfied with the pace at which this work is being carried out

and will keep on working to make sure that, at least where there are students with disability, the schools are made accessible

### *3. Maltese Sign Language Interpreters*

A number of students with hearing impairment whose first language is the Maltese Sign Language complained that they were not offered the service of an interpreter. This was also the case at MCAST where five students with disability could not attend courses organised at this College because of this problem. The Commission helped the Ministry for Education reach an agreement with the Association for Hearing Impaired Persons Malta so that the Ministry could buy this service from this association. This agreement which is already being implemented will be signed in the near future.

## ***Access***

### *4. Access to the Cathedral and Parish Churches*

The Commission has reached a temporary agreement to make the Cathedral in Mdina, the Parish Church of Mosta, the Immaculate Conception Church in Hamrun and the Parish Church in Santa Venera accessible to everyone at least from the main entrance. In the case of Mosta, the Commission has an agreement with the Local Council to build a ramp from the road to the first part of the parvis. Unfortunately, while this ramp has been in place for months, the railing has not been installed yet and thus the ramp cannot be used.

### *5. Access to Qormi Local Tribunal*

The Commission has been working to make sure that all regional tribunals are accessible to everyone. This has occurred apart from the case of Qormi. The Commission had reached a temporary agreement with the Regional Tribunal of Qormi and within a reasonable time this tribunal will start holding sittings in a more accessible place.

### *6. Access to the Lift at the Palace*

The Commission worked hard for the installation of a lift at the Palace that would make a substantial part of the building accessible to everyone. However, the lift which has been installed can only be reached by using a temporary and inadequate ramp. The Commission has insisted that there should be a better and permanent ramp. After discussions were held with the President, Dr E. Fenech Adami, an agreement was reached and this ramp is now in place.

## **The Provision of Goods, Facilities and Services**

### *7. Accessible information and publications*

The Commission has received a complaint that statements, accounts, circulars, publications and websites are not accessible to persons with disability particularly those with visual impairment. The Commission has decided to write to major companies that offer these services to urge them to make the necessary changes. The Commission is very satisfied with the work done by HSBC as the website of this company is accessible and it has reached an agreement to start offering these services to persons requesting them in the near future.

## **Cases which are still being Discussed**

### ***Education***

#### *1. Absent Facilitator from Church Schools*

The Commission regularly receives complaints that a small number of students with disability in Church Schools are sent home whenever the facilitator is absent because the students cannot be on their own in class due to their degree of disability. The Commission believes that there should be a similar remedy to that offered in Government schools. The Commission is insisting that Church Schools should be a pool of facilitators ready to substitute absent facilitators. Discussions about this issue are ongoing.

#### *2. Giving of medicine in Regular Schools*

The Commission has continued discussions with the Ministry of Education in an attempt to solve this problem. For this reason, a small committee composed of representatives from the Ministry of Education, Ministry of Health and the Commission, was appointed. This committee was given the task of drafting a national policy on this matter. The draft has been completed and it has now been passed on to the Minister who is still studying the document, together with all those involved, including the Attorney General. The Commission is concerned that this issue has been dragging for too long and many students with disability are suffering the consequence of not having the best educational service possible. This despite the fact that Government is investing heavily in this sector.

#### *3. Special Arrangements for Examinations*

As recommended by the Commission, the Ministry of Education published a document regulating this sector. Unfortunately, this document was not embraced by the University of Malta, which administers MATSEC. Moreover, this document needs to be revised due to recent developments in information technology and the use of computers. Therefore Commission is requesting that:

- a) the Ministry of Education should revise this document. This proposal has been accepted and the work on the revision of the document has started;
- b) the University of Malta, and especially the MATSEC Board, should accept this document and abide by it. The Commission is still waiting for a reply from University regarding this matter but it will keep insisting that its proposal should be accepted.

### ***Access***

#### *4. Ministry for Tourism*

The Commission was promised by the Ministry of Tourism and the Tourism Authority that St George's Bay would be made accessible to everyone so much so that a consultant in this field was appointed. The Commission also vetted the plans and accepted them as being accessible to everyone. Unfortunately, upon completion of the work, it was obvious that this bay was by no means accessible to persons with disability. At the moment, discussions are being held to solve these problems. The Commission will do everything in its power for this to happen.

#### *5. Vat Department and Evans Building*

The Commission is working so that more and more Government Departments become accessible to everyone and is currently holding discussions with the VAT Department and Evans Building so as

to make these accessible. The plans were sent to MEPA. However, unfortunately, these were not accepted. The Commission will keep organising meetings between all parties involved in order to solve these problems.

#### 6. *Parish Churches*

The Commission is committed to make sure that the main entrances to all parish churches in Malta and Gozo are accessible to everyone. This process is underway but is progressing rather slowly. During this year, discussions started and continued with the Parish Churches of Gharb, Ghasri and Nadur, Gozo, Ballutta, Gharghur, Floriana, Dingli and Fgura. In the case of the Gharb Parish Church there are serious problems and the Commission had to file a judicial protest. The Commission will continue working so that the work is carried out more quickly.

#### 7. *Access in the Streets*

The Commission received various complaints about lack of access in the streets. Several of these complaints relate to entities such as Melita Cable and Enemalta. However, the majority of these complaints are against the Malta Transport Authority, the Ministry of Resources and Infrastructure and several Local Councils respectively. The Commission treats different cases individually and has found solutions for some of these.

The Commission has held several meetings with the Malta Transport Authority to try and find a solution to these problems. One new problem is that the roads built under the Italian Protocol are not accessible to everyone. The Commission is very disappointed that this new project did not take into consideration such aspects. The Commission will keep on working to address this situation and to find a way so that in the future these considerations will be made at the beginning of the project.

The Commission has held discussions with the Ministry of Resources and Infrastructure, particularly about the rehabilitation of Mdina. The Commission is insisting that, as long as it is reasonable, pavements should have ramps and the bastions should be accessible.

#### 8. *Access for cars in Mdina*

The Commission has continued discussions in an attempt to allow persons with disability in possession of a Blue Sticker to enter and park in Mdina. The Commission has recommended that

- (a) there should be a reasonable number of parking bays reserved to persons with disability in possession of a Blue Sticker;
- (b) cars with a Blue Sticker should be allowed to enter Mdina and park in a limited number of reserved parking bays.

After holding discussions with the Ministry for Internal Affairs, the traffic regulations were amended to allow this. The Commission will continue its discussions with the Mdina Local Council so that these recommendations will be implemented.

#### 9. *Hilton and Valletta Waterfront Projects*

There have been a number of complaints about the Waterfront Project in Valletta which is not accessible to everyone, despite the fact that the Commission vetted and approved the plans for this project. The Commission is studying this case and will work to find ways of making it more accessible to everyone so that everyone can enjoy this project.



There have also been complaints about the Hilton project because some parts of it are not accessible. The Commission is investigating this complaint to make sure that this project is made accessible.

#### *10. Eden Century Complex*

The Commission regularly receives complaints that this Complex is not accessible. The Commission will continue working so that reasonable modifications can be made in order to make the building more accessible to everyone, including persons with disability.

#### *11. Hotel Calypso and Latini Bar*

The Commission received complaints about these two projects in Gozo. In both cases, the Commission had vetted and approved the plans. From the inspections carried out it resulted that the work was not carried out according to plans or that the work had been modified in such a way that the buildings are now not accessible. The Commission will make sure that these projects are made accessible to everyone. It is futile to use public funds on the vetting of plans when the buildings are then not made accessible to everyone.

#### *12. Access to the Valletta Market*

The Commission continued to work, with little success, to make the Valletta Market accessible to everyone, both because the principal entrance is not accessible and because there is no lift. Unfortunately, the Commission was ignored by the relevant Authorities and will now be taking all the measures possible, including legal ones, to stop this and to make this place accessible.

#### *13. Access to New Band Clubs*

The Commission pursued its efforts to ensure that the new band clubs of Sant' Antnin, Birkirkara, and of San Gwann, are made accessible to everyone. Unfortunately, the Commission's efforts are being ignored. The Commission will now be taking all the measures possible, including legal ones, to address this refusal to collaborate and to make sure that these places becomes accessible.

### ***The Provision of Goods, Facilities and Services***

#### *14. Voting by persons with visual impairment and persons with disability*

The Commission has received a complaint from four organisations of persons with visual impairment who argued that persons with visual impairment are being discriminated against in the way they are given the opportunity to vote. They vote like illiterate persons with the assistance of assistant commissioners. This problem also exists for a small number of persons with severe physical disability.

The Commission, after studying this issue in depth and analysing the procedures abroad, forwarded a memo to the Ministry of the Family and Social Solidarity with various alternatives that include:

- (a) voting by post;
- (b) electronic voting;
- (c) template voting;
- (d) voting with the assistance of a trusted friend;
- (e) voting with the assistance of assistant commissioners.

Every system has its advantages and limitations. The Commission is working to ensure that these persons have more than one way to vote.

### *15. Accessible information and publications*

The Commission has received complaints that the statements, accounts, circulars, publications and websites of major companies are not accessible to persons with disability particularly those with visual impairment. The Commission has decided to write to these entities that offer these services to urge them to make the necessary changes so that this information can become more accessible to everyone. The Commission is currently holding discussions with the Water Services Corporation, Maltacom, Enemalta, Vodafone and Bank of Valletta. The Commission is working to find a reasonable solution to these problems.

## **Insurance**

### *16. Higher Premiums for Life Assurance*

The Commission received a complaint by a person suffering from diabetes that he was asked to pay a higher premium for his life insurance by Middlesea Valletta Life Assurance. The Equal Opportunities Act permits this as long as the company provides solid evidence that justifies this. The Commission asked for this evidence and the company provided it. The Commission is studying this complicated issue and is analysing what is done abroad to find a just solution to this problem

## **Court**

### ***Access***

#### *1. Health Division*

The Commission has instituted proceedings against the Health Division due to a lack of physical access at the Gzira Health Centre and St Luke's Hospital. There were two main reasons for this.

Firstly, because the facilities at the Health Centre in Gzira are on the second floor and there is no lift available. Secondly, there are no sanitary facilities which are accessible to everyone in the Out Patients Department and in the Emergency Department in St Luke's Hospital.

The Commission has been asking the Health Division to solve these problems for a long time, specifically from July 2001 in the case of the Health Centre in Gzira, and from April 2000 in the case of St Luke's Hospital, that is, four and five years respectively.

The Commission has done its utmost to solve these problems without going to court. It had several formal and informal meetings, filed a judicial protest, and requested the other party to agree on arbitration proceedings. However, this was not enough to solve these problems.

#### *2. Access to the Michele Peresso Establishment*

The Commission filed another case against this establishment, which sells products for the specific use of persons with disability, due to the fact that this building is not accessible according to the guidelines of the Commission. The case was decided in the Commission's favour and the Court found this company guilty of discrimination against persons with disability in terms of the Equal Opportunities (Persons with Disability) Act. The Company was given two weeks to apply for the

necessary MEPA permits and to carry out the necessary works within two weeks from the issue of the permits.

The Commission believes that this judgment is very important. This long and detailed judgment recognises the basic principles which regulate similar cases. These include:

- a) The Commission has a right to institute judicial proceedings on behalf of or instead of persons with disability so that discriminatory acts can be stopped;
- b) The Equal Opportunities Act also regulates access to buildings built before the coming into force of this Act in 2000. In its judgment, the court held that the Equal Opportunities Act also applied to buildings which were built before the 1<sup>st</sup> October 2000.
- c) Not every kind of access is acceptable. In order for access to be adequate it has to allow a person with disability to enter on his own and this access should be from an entrance which is near the principal entrance. The judgment states that “not every access is to be considered acceptable, but only that which is near the entrance normally used by other members of society” and that “according to the spirit of the law, this (ramp) should be built in a way that a person with disability can use it in every case and irrespective of whether he is helped or not.”
- d) Those providing a service have to bring evidence that eliminating discrimination would impose an unreasonable burden on them. However, the Court declared that evidence should be “based on financial rather than aesthetic criteria”.
- e) Evidence that there is an unreasonable burden in eliminating discrimination should be brought by the person providing the service. The Court held that the principle that “the burden of proof lies on the person who makes an allegation” should apply.

However, the Company felt that it should appeal rather than implement this judgment.

### *3. Access to Student House, University of Malta*

Last year, the Commission instituted proceedings against the University of Malta to make Student House accessible to everyone. The Court ruled in favour of the Commission and ordered the University to install a platform lift near the first floor entrance of the building and to make the entrance accessible to everyone within two months from the date of the judgment.

The University appealed from this decision but in the meantime the discussions continued and the two parties agreed that a lift that would reach all the floors of the building would be installed within six months. Although the six months have already passed, the work has started and it is hoped that this building will soon be accessible to everyone.

### *4. Access to the Invicta Establishment*

The Commission instituted proceedings against this company because it was selling products for persons with disability from a building which was not accessible. During the proceedings, the company declared that it was not selling products which were specifically meant for persons with disability and that, moreover, it had started to sell goods from a place which was relatively accessible. An attempt was therefore made to reach an agreement on who was to bear the court expenses. However, no agreement was reached. The court was therefore asked to give judgment on this fact. This year, the Court ruled in favour of the Commission and ordered the company to pay all the costs and expenses related to the proceedings.

## The Provision of Goods, Facilities and Services

### 5. The use of SMS and SBT Company

The Commission filed this case as a consequence of the fact that the recommendation made by the Association for Hearing Impaired Persons (Malta), that services offered by SBT should be made more accessible to persons with a hearing impairment through SMS, was not accepted. During the proceedings, the company accepted that it should provide a mobile phone number but did not accept the fact that this number should be advertised. The Commission did not accept this so the case had to continue. Evidence was brought and the case is now awaiting judgment. The Commission is worried by the fact that this case is taking a very long time to be decided, so much so that no progress at all was made during this year.

## All the Cases

This is the list of all the cases of complaint that the Commission worked on in the year 2004-2005.

### Employment – Cases from Previous Years

Nr.	Area	Sector	Status	Entity	Complaint	Opened
1	Employment	Government	Closed	Department of the Elderly	Increment/ Promotion not given	01-Nov
2	Employment	Government	Closed	Police Commissioner	Job not given	03-Mar
3	Employment	Private	Closed	Lombard Bank	Non-inclusive Insurance scheme	04-Mar
4	Employment	Private	Closed	Muscular Dystrophy Group	Termination of contract of work	04-Sept

### Employment – New Cases

Nr.	Area	Sector	Status	Entity	Complaint	Opened
5	Employment	Private	Closed	Edible Oil Group of Companies	Termination of contract of work	04-Oct
6	Employment	Parastatal	Closed	Environmental Landscapes Consortium Ltd	Degrading treatment	04-Oct
7	Employment	Private	Closed	Smart Supermarket	Termination of contract of work	05-Feb
8	Employment	Private	Closed	Bank of Valletta	Transfer of an employee with disability to an inaccessible branch	05-Jul
9	Employment	Government	Closed	Ministry of Foreign Affairs	Lack of support at the place of work	05-Jul

### **Education – Cases from Previous Years**

<b>Nr.</b>	<b>Area</b>	<b>Sector</b>	<b>Status</b>	<b>Entity</b>	<b>Complaint</b>	<b>Opened</b>
10	Education	Government	Closed	Education Division	Lack of Access at B'Kara Primary School	00-Oct
11	Education	Government	Closed	Ministry of Education	Lack of facilitators in independent schools	01-Jun
12	Education	Government	Under Discussion	Education Division	Refusal to give medicine at school	03-Jan
13	Education	Government	Under Discussion	Education Division	Lack of access at Victoria Primary School, Gozo	03-Mar
14	Education	Government	Under Discussion	Education Division	Lack of access at Ninu Cremona School, Victoria, Gozo	03-Dec
15	Education	Government	Closed	Foundation for Tommorrow's Schools	Lack of access at Paola Primary Schools	04-Jan
16	Education	Private	Closed	San Andrea School	Lack of access	04-Mar
17	Education	Government	Closed	Education Division	Lack of access to school activities	04-Apr
18	Education	Government	Closed	Education Division	Lack of access at M'Scala Primary School	04-May
19	Education	Government	Closed	Tereza Nuzzo School	Refusal of Application for entry at Tereza Nuzzo School	04-Sept

### **Education – New Cases**

<b>Nr.</b>	<b>Area</b>	<b>Sector</b>	<b>Status</b>	<b>Entity</b>	<b>Complaint</b>	<b>Opened</b>
20	Education	Government	Closed	Education Division	Lack of inclusion in class activities	04-Oct
21	Education	Government	Closed	Education Division	Lack of access to Despott Hall	04-Nov
22	Education	Government	Under discussion	Foundation for Tomorrow's Schools	Lack of access at school	04-Nov
23	Education	Private	Closed	San Anton School	Lack of facilitator	04-Dec
24	Education	Government	Under discussion	Education Division	Lack of access at the Primary School and Library in Rabat, Malta	04-Dec
25	Education	Government	Closed	Education Division	Facilitator assists more than one	05-Jan

					student	
26	Education	Government	Closed	Education Division	Lack of inclusion in class activities	05-Feb
27	Education	Government	Under discussion	Education Division	Lack of access at Sir Mikelang Refalo School, Victoria, Gozo	05-Feb
28	Education	Government	Closed	Education Division	Student sent home when facilitator is absent	05-Mar
29	Education	Government	Closed	Education Division	Lack of inclusion in class activities	05-Mar
30	Education	Government	Closed	Foundation for Tomorrow's Schools	Lack of access at Dun Gorg Primary School, Hamrun	05-Mar
31	Education	Parastatal	Closed	MCAST	Student not allowed to record lesson	05-Mar
32	Education	Parastatal	Closed	University of Malta	Failure to provide special arrangements for MATSEC examinations	05-Mar
33	Education	Government	Under discussion	Education Division	Lack of access at Tereza Nuzzo School, Marsa	05-Mar
34	Education	Government	Under discussion	Foundation for Tomorrow's Schools	Lack of access at St. Paul's Bay Primary School	05-Mar
35	Education	Private	Closed	EOCU	Lack of inclusion at school	05-Apr
36	Education	Parastatal	Closed	University of Malta	Application for a course refused	05-Apr
37	Education	Government	Closed	Education Division	Lack of inclusion in class activities	05-May
38	Education	Church	Closed	St. Joseph School	Lack of assistance	05-May
39	Education	Parastatal	Closed	University of Malta	Failure to provide special arrangements for MATSEC examinations	05-May
40	Education	Parastatal	Under discussion	MCAST	Lack of Sign Language interpreters	05-May
41	Education	Government	Under discussion	Education Division	Lack of inclusion in class activities	05-July
42	Education	Government	Under discussion	Foundation for Tomorrow's Schools	Lack of access at school	05-Aug

43	Education	Church	Closed	De La Salle College	Application for entry at 6 <sup>th</sup> Form refused	05-Sept
44	Education	Church	Under discussion	De La Salle College	Student sent home when facilitator is absent	05-Sept

**Access – Cases from Previous years**

<b>Nr.</b>	<b>Area</b>	<b>Sector</b>	<b>Status</b>	<b>Entity</b>	<b>Complaint</b>	<b>Opened</b>
45	Access	Private	Court	Michele Peresso	Lack of access	00-Apr
46	Access	Government	Court	St. Luke's Hospital	Lack of access to sanitary facilities	00-Apr
47	Access	Government	Under Discussion	The Palace	Lack of access from lift to corridor	00-Jun
48	Access	Private	Closed	Invicta Limited	Lack of access	00-Oct
49	Access	Government	Under Discussion	Health Division	Lack of access to main entrance of Evans Building	00-Nov
50	Access	Church	Under Discussion	The Cathedral in Mdina	Lack of access to main entrance	01-Mar
51	Access	Parastatal	Court	University of Malta	Lack of access to Student's House	01-Mar
52	Access	Private	Closed	Meridien Phoenicia Hotel	Lack of access	01-Apr
53	Access	Government	Under Discussion	VAT Department	Lack of access to main entrance	01-May
54	Access	Government	Court	Health Division	No lift at Health Centre in Gzira	01-Jul
55	Access	Church	Under Discussion	Mosta Parish Church	Lack of access to main entrance	01-Oct
56	Access	Government	Closed	Department of Health Information	Lack of access to main entrance	01-Dec
57	Access	Government	Closed	Police Commissioner	Lack of access to police station in Zejtun	02-Jun
58	Access	Private	Closed	Mamma Mia Restaurant	Lack of access	02-Jun
59	Access	Local Councils	Closed	Rabat (Gozo) Local Council	Lack of access to Regional Tribunal	02-Aug
60	Access	Church	Closed	Cospicua Parish	Lack of access to main entrance	02-Aug
61	Access	Local Councils	Under Discussion	Qormi Local Council	Lack of access to Regional Tribunal	02-Aug
62	Access	Church	Under Discussion	Hamrun (Conception) Parish Church	Lack of access to main entrance	02-Aug
63	Access	Church	Under	Ghasri Parish	Lack of access to	02-Aug

			Discussion	Church	main entrance	
64	Access	Church	Under Discussion	Gharb Parish Church	Lack of access to main entrance	02-Aug
65	Access	Parastatal	Under Discussion	Public Broadcasting Services	Lack of access	02-Nov
66	Access	Private	Closed	Bay Street Hotel	Lack of access	03-Jan
67	Access	Local Councils	Closed	St. Julian's Local Council	Reserved Parking in front of Bay Street	03-Feb
68	Access	Local Councils	Under Discussion	Valletta Local Council	Lack of access to the Market in Valletta	03-Feb
69	Access	Private	Under Discussion	New Band Club in San Gwann	Lack of access	03-Mar
70	Access	Government	Closed	Licensing Department	Lack of access	03-Jun
71	Access	Private	Closed	UCIM Co Ltd	Lack of access	03-Jun
72	Access	Private	Under Discussion	New Sant' Antnin Band Club, B'Kara	Lack of access	03-Aug
73	Access	Local Councils	Under Discussion	Mdina Local Council	Lack of reserved parking in Mdina	03-Oct
74	Access	Church	Under Discussion	Nadur Parish Church	Lack of access to main entrance	03-Oct
75	Access	Government	Closed	Mediterranean Conference Centre	Lack of access	03-Dec
76	Access	Government	Closed	Manoel Theatre	Lack of access to Isourd Hall	04-Feb
77	Access	Government	Closed	Police Commissioner	Lack of access to Paola police station	04-Mar
78	Access	Private	Under Discussion	Conimex	Lack of access	04-Mar
79	Access	Local Councils	Under Discussion	Mgarr Local Council	Lack of access to Health Centre	04-Mar
80	Access	Government	Under Discussion	Ministry of Tourism	Lack of access to St. George's Bay	04-May
81	Access	Local Councils	Closed	Cospicua Local Council	Lack of access to pavements	04-Jun
82	Access	Private	Under Discussion	Riviera Hotel	Lack of access	04-Jun
83	Access	Private	Under Discussion	Valletta Waterfront	Lack of access	04-Aug

### Access – New Cases

Nr.	Area	Sector	Status	Entity	Complaint	Opened
84	Access	Private	Under discussion	Faces Consultants Co.	Lack of access to a bus shelter in	04-Oct



				Ltd.	Marsascala	
85	Access	Church	Under discussion	Balluta Parish Church	Lack of access to the main entrance	04-Oct
86	Access	Church	Under discussion	Burmarrad Parish Church	Lack of access to main entrance	04-Oct
87	Access	Church	Under discussion	Dingli Parish Church	Lack of access to main entrance	04-Oct
88	Access	Church	Under discussion	Fgura Parish Church	Lack of access to main entrance	04-Oct
89	Access	Church	Under discussion	Floriana Parish Church	Lack of access to main entrance	04-Oct
90	Access	Church	Under discussion	Gharghur Parish Church	Lack of access to main entrance	04-Oct
91	Access	Private	Under discussion	Calypso Hotel	Lack of access	04-Nov
92	Access	Private	Under discussion	Eden Century Cinemas	Lack of access	04-Nov
93	Access	Private	Closed	Melita Cable	Lack of access to pavements	04-Dec
94	Access	Local Councils	Closed	Pieta' Local Council	Lack of access to pavements	05-Feb
95	Access	Private	Closed	Birkirkara Tennis Club	Lack of access	05-Feb
96	Access	Local Councils	Closed	Attard Local Council	Lack of access to pavements	05-Feb
97	Access	Local Councils	Closed	St. Julian's Local Council	Irregular use of Reserved Parking	05-May
98	Access	Private	Closed	Malta Football Association	Special Identity Card not accepted	05-May
99	Access	Parastatal	Under discussion	Malta Transport Authority	Lack of access to pavements	05-May
100	Access	Parastatal	Under discussion	Malta Transport Authority	Lack of access to pavements	05-Jul
101	Access	Private	Under discussion	Il-Latini, Bar/Restaurant	Lack of access	05-Jul
102	Access	Local Councils	Under discussion	Zebbug (Malta) Local Council	Lack of access to pavements	05-Aug
103	Access	Local Councils	Under discussion	Dingli Local Council	Lack of access to new Local Council buildings	05-Aug
104	Access	Local Councils	Closed	Sliema Local Council	Irregular Use of Reserved Parking	05-Sept
105	Access	Local Councils	Under discussion	Mosta Local Council	Lack of access to pavements	05-Sept
106	Access	Local Councils	Under discussion	St. Paul's Bay Local Council	Lack of reserved parking in Xemxija	05-Sept
107	Access	Private	Under discussion	Hilton Hotel	Lack of access	05-Sept
108	Access	Church	Under discussion	Santa Verena Parish Church	Lack of access to main entrance	05-Oct

### **Provision of Goods and Services – Cases from Previous Years**

<b>Nr.</b>	<b>Area</b>	<b>Sector</b>	<b>Status</b>	<b>Entity</b>	<b>Complaint</b>	<b>Opened</b>
109	Goods and Services	Private	Court	SBT Breakdown Services	Lack of SMS facility for clients	01-Jul
110	Goods and Services	Government	Closed	Health Division	Transport to the Health Centre	03-Oct
111	Goods and Services	Local Councils	Closed	Zejtun Local Council	Reserved Parking with a time limit	04-Feb

### **Provision of Goods and Services – New Cases**

<b>Nr.</b>	<b>Area</b>	<b>Sector</b>	<b>Status</b>	<b>Entity</b>	<b>Complaint</b>	<b>Opened</b>
112	Goods and Services	Government	Closed	Ministry for the Family and Social Solidarity	Lower pension for persons with psychological disability	04-Oct
113	Goods and Services	Government	Closed	St. Luke's Hospital	Denial of support services at St. Luke's Hospital	04-Oct
114	Goods and Services	Government	Closed	Health Division	Provision of calipers	04-Nov
115	Goods and Services	Government	Closed	National Pool	Lack of reserved parking near National Pool	04-Nov
116	Goods and Services	Government	Closed	Ministry for the Family and Social Solidarity	Failure to give the pension to persons with disability	04-Dec
117	Goods and Services	Private	Closed	Paramount Transport Ltd	Accessible School Transport	04-Dec
118	Goods and Services	Parastatal	Closed	Housing Authority	Hypothec for help from the Malta Transport Authority	05-Jan
119	Goods and Services	Government	Under discussion	Electoral Commission	Lack of accessible ways of voting for persons with disability	05-Jan
120	Goods and Services	Private	Closed	Bank of Valletta	Special Identity Card not accepted	05-Feb
121	Goods and Services	Government	Closed	Health Division	Appointment with doctor at St. Luke's Hospital	05-Feb
122	Goods and Services	Private	Under discussion	Bank of Valletta	Small type in Bank Statements	05-Mar
123	Goods and Services	Private	Under discussion	HSBC	Small type in Bank Statements	05-Mar
124	Goods and	Parastatal	Under	Enemalta	Lack of access to	05-Mar

	Services		discussion	Corporation	website and publications	
125	Goods and Services	Private	Under discussion	Maltacom	Small type in statements and lack of access to website	05-Mar
126	Goods and Services	Government	Under discussion	Prime Minister's Office	Lack of Access to Government Circulars	05-Mar
127	Goods and Services	Parastatal	Under discussion	Water Services Corporation	Small type in statements and lack of access to website	05-Mar
128	Goods and Services	Government	Closed	Private individual	Fraud allegations	05-Apr
129	Goods and Services	Private	Closed	Pres-Malta	Payment for personal assistant for Pink Floyd Concert	05-Apr
130	Goods and Services	Local Councils	Closed	Malta Transport Authority	Reserved Parking with a time limit in Pembroke	05-May
131	Goods and Services	Government	Under discussion	Health Division	Special Identity Card not accepted in the Out Patients at St. Luke's Hospital	05-May
132	Goods and Services	Private	Under discussion	Vodafone Malta Ltd	Small type in statements and lack of access to website	05-May
133	Goods and Services	Government	Closed	Health Division	Home Help Care Service	05-Jun
134	Goods and Services	Local Councils	Closed	Malta Transport Authority	Reserved Parking in Marsalforn	05-Jul
135	Goods and Services	Private	Closed	Foundation for Transport for an Independent Life	Lack of accessible transport for work	05-Sept

### **Housing – Cases from Previous Years**

<b>Nr.</b>	<b>Area</b>	<b>Sector</b>	<b>Status</b>	<b>Entity</b>	<b>Complaint</b>	<b>Opened</b>
136	Housing	Parastatal	Closed	MEPA	Failure to give permit	03-Oct

### **Housing – New Cases**

<b>Nr.</b>	<b>Area</b>	<b>Sector</b>	<b>Status</b>	<b>Entity</b>	<b>Complaint</b>	<b>Opened</b>
137	Housing	Parastatal	Closed	Malta Transport Authority	Lack of financial assistance	04-Oct

138	Housing	Parastatal	Closed	Malta Transport Authority	Lack of access at the government flats in Pembroke	04-Nov
139	Housing	Government	Closed	Department of Housing	Obstacle to the use of a lift	05-Jun
140	Housing	Parastatal	Closed	Malta Transport Authority	Request for alternative accomodation	05-Jul

### **Insurance – Cases from Previous Years**

<b>Nr.</b>	<b>Area</b>	<b>Sector</b>	<b>Status</b>	<b>Entity</b>	<b>Complaint</b>	<b>Opened</b>
141	Insurance	Private	Under discussion	Middlesea Valletta Life Assurance Co. Ltd	Higher premium for insurance for persons with diabetes	04-Apr

### **Insurance – New Cases**

<b>Nr.</b>	<b>Area</b>	<b>Sector</b>	<b>Status</b>	<b>Entity</b>	<b>Complaint</b>	<b>Opened</b>
142	Insurance	Private	Closed	MiddleSea Insurance	Car insurance	05-Feb
143	Insurance	Private	Closed	Insurance Companies/ Banks	Refusal to provide insurance	05-May