

**Equal Opportunities  
Act  
2009-2010  
Annual Report**

Ten Years since the Equal Opportunities Act

## Contents

Introduction	02
Executive summary	04
Overview of the main complaints	07
General overview	23
List of all complaints	38

## Introduction

### Living Fully in the Community

2010 was an important year in the National Commission of Persons with Disability calendar, marking the tenth anniversary of the Equal Opportunities (Persons with Disability) Act. KNPD was given the important responsibility of implementing this Act.

The Equal Opportunities Act opened up new horizons in our country's legislation by being the very first anti-discriminatory act in its history. It was also historical because it obtained unanimous support in the House of Representatives and broad consensus across public and private sectors.

There is no doubt that much more work is required in order that persons with disability can benefit from equal opportunities without having to overcome social obstacles on a daily basis. But if we consider the situation encountered ten years ago and compare it to today, we have to admit that progress has taken place and will continue to happen...obviously this does not always occur at the quick pace that we all would wish to see.

As observed in this report, in the first ten years of operation, the EOA sector within KNPD investigated almost 1,000 complaints, amounting to an average of 100 complaints per year. When one considers the small size of our islands and a culture which gave rise to few or no complaints by persons with disability and their relatives, this is an encouraging number. It shows that persons with disability are gradually and their families are gradually becoming more aware of their rights, and this is because their self-confidence is growing, as is their confidence in their abilities and in their intrinsic value.

Physical accessibility continued to dominate the number of complaints. This is understandable considering that more than one third of persons with disability have a physical disability, while 15% have more than one form of disability which often includes physical disability.

Nevertheless, KNPD was always aware that physical accessibility was not the be-all-and-end-all of social hindrances. Therefore it has always done, and will continue to do, its utmost to identify, investigate and conclude complaints that affect persons with other forms of disability, especially in the main legal sectors of Education, Employment, Accommodation/Housing, the Provision of Goods and Services, and Insurance. This work is reflected in this report.

I encourage Maltese and Gozitan persons with disability and their relatives and friends to inform themselves better about what the EOA can do in order to improve our quality of life so that, with the help of continuous education and anti-discriminatory laws, we can reach our ultimate goal of Living Fully in Society.

Joe Camilleri  
KNPD Chairman

## EXECUTIVE SUMMARY

- During this year, KNPD investigated a total of 244 complaints, with 141 pending from previous years and 103 new complaints. This means that there was a decrease of 41 complaints, considering that last year KNPD received 285 complaints.
- The number of new complaints for this year (103) was lower than that of the previous year by 69 complaints. Last year KNPD had 172 new complaints.
- The number of complaints for this year amounted to 5 more complaints than the average number of complaints received by KNPD each year (98).
- Within the employment sector, the number of new complaints for this period totaled 14, an increase of 3 complaints over the amount reached in the previous year.
- Within the education sector, the number of complaints showed a decrease from 38 to 22, which means that there were 16 less complaints.
- As in previous years, the accessibility sector continued to receive the highest number of complaints. This year there were in fact 35 new complaints, even if this number shows a decrease of 30 complaints in comparison to last year.
- The provision of goods and services sector witnessed a decrease of 28 complaints, with KNPD receiving only 22 new complaints compared to the 50 received in the previous year.
- The number of new complaints within the accommodation and insurance sectors remained very low, with 5 new complaints received in both sectors.

- Over this period, KNPD closed 81 complaints out of a total of 244, while 163 complaints are still being discussed. This means that 33% of cases were concluded while 67% still require further investigation.
- The cases that KNPD presented against the Education Division regarding the provision of medicines in schools and against Banif Bank regarding accessibility were closed, since in both cases a solution was reached outside Court.
- The majority of complaints that were closed regarded accessibility, amounting to 26 complaints or 32% of the total sum of complaints which KNPD was working on during this period. KNPD closed 26 of the 125 complaints it was working on within this sector.
- KNPD closed 9 of 14 cases related to the employment sector, while it closed 18 of 56 complaints received with regard to the education sector. In the case of the provision of goods and services sector, KNPD closed 23 of 38 complaints it was working on within the stipulated period; 3 of 5 cases regarding the housing/accommodation sector; and 2 of 6 cases within the insurance sector.
- The majority of complaints (60%) which are still being discussed are related to accessibility. The second highest percentage of pending complaints (24%) relates to education. There are also 3% of complaints belonging to the employment sector, 9% to the provision of goods and services sector, 1% pertaining to housing, and 2% to the insurance sector.
- Throughout the year, more complaints were lodged against public entities (59%) than against the private sector (42%). The former witnessed an increase of 4% (from 55% to 59%), while the latter shows a decrease of 2% (from 44% to 42%).
- The greatest number of closed cases regarded complaints against government (60% of cases), while the second and third greatest numbers were against the Local Councils (38% of cases) and the private sector (28%) respectively. The closed cases related to parastatal entities amounted to 21% while the rate of complaints made against the Church was 15%.

- By the end of this period KNPD had one ongoing case in Court against the Health Division regarding access to the Gzira Health Centre. KNPD also had 4 cases for which a judiciary protest was presented. Three of the latter regarded physical accessibility and were against the owners of St Anne Hall, Huggins Pub and Sky Club, while one case was related to insurance and was presented against Bank of Valletta.
- The number of cases examined by the Test of Reasonableness Board totaled 82, an increase of 9 cases over the previous year. The number of cases considered as reasonable (subject to certain conditions) amounted to 32 (or 39%). On the other hand 26 cases (32%) were deemed unacceptable while 24 cases (29%) required further information.

## **OVERVIEW OF MAIN COMPLAINTS**

Each year, the National Commission Persons with Disability presents to the Maltese public the work carried out over the previous twelve months, in this case during the period October 2009 – September 2010. This is done in order to ensure that the Equal Opportunities (Persons with Disability) Act is observed, and therefore benefit both persons with disability and society at large. The work report on this Act starts from October of each year since the law came into effect in October 2000. In fact it is now in its tenth year of operation, and as can be seen from this report, there have been some interesting developments regarding the legal sectors that concern persons with disability more directly.

The work is carried out by a small-scale sector within KNPD's secretariat, which receives complaints by persons who feel discriminated against because of their disability. The members of this section are as follows:

- Mr Joe Camilleri, KNPD Chairman
- Ms Anne-Marie Callus, KNPD Executive Director
- Ms Marianne Debono, Section Coordinator
- Mr Elvin Sciberras, Assistant Manager
- Ms Victoria Grech, Assistant Services Officer
- Dr Daniela Mangion, Lawyer
- Mr Alfred Bezzina, Consultant

Section III of the EOA gives details regarding the sectors where discrimination against persons with disability on the basis of their disability cannot occur. These sectors are divided into five general categories:

- \* Employment
- \* Education Sector
- \* Access (physical)
- \* Provision of Goods, Facilities and Services



\* Accommodation (Housing)

As well as the above, Title 6 gives details on exemptions. It protects persons with disability from discrimination in relation to insurance.

This section of the report compiles a brief account of all main complaints considered by KNPD over the past year. Each section contains three parts:

- Closed complaints
- Complaints being discussed
- Complaints before court or arbitration

The number of each complaint, according to the Tables in pages 41-58, appears after the name of the complaint.

1. Employment

Closed Complaints

Complaint regarding unjust termination of employment (Complaint 12)

A person with disability complained to KNPD about having lost their job with a private company in an unjust manner, as the latter had not established the working conditions when the person was employed. This person alleged that the said company had terminated their employment claiming that the person had been employed as a substitute for another employee on maternity leave, who was then returning to work. KNPD began to investigate this complaint to investigate whether discrimination had taken place against the person with disability, but during this investigation it transpired that the person had taken legal action against the company. Therefore, in compliance with KNPD's procedure in such cases, it was decided that the case be closed.

## Pending Complaints

### Complaint by car park attendant (Complaint 9)

KNPD received a complaint from a person with disability who is licensed to work as a car park attendant on Sundays and public holidays. KNPD was informed by this person that other attendants working in the same car park were asking other unauthorized people to fill in for them, when they were meant to ask him. Contact was immediately established with Transport Malta in order to evaluate the situation and to take immediate action should the abuse be verified. Discussions are still taking place.

### Court or Arbitration

There were no cases within the employment sector that was taken to Court or arbitration.

## 2. Education

### Closed complaints

#### The provision of medicine in schools (Complaint 15)

KNPD continued to investigate and concluded the court case regarding the administration of medicine to students with disability during school hours. This had been initiated because a number of students were not being given the medicine they required during school hours. Some parents even had to go to their child's school every day (sometimes more than once) in order to administer the medicine themselves. Initially KNPD cooperated with the Ministry of Education and took part in a purposely set up task force, making the necessary recommendations, but a solution could not yet be found. For this reason KNPD had no other option but to present a judiciary protest, and subsequently file a case against the Ministry.

In spite of this case, KNPD continued to explore the possibility of finding a solution outside court, which it in fact succeeded in doing. This is because, following discussions, the Ministry informed KNPD that from September 2009 it had come to an agreement to buy this service from MMDNA. MMDNA nurses therefore are now being sent to schools to administer medicine required by students.

Students with disability sent home when the Learning Support Assistant is absent (Complaint 16)

KNPD continued with the investigation and closed the complaints regarding students with disability attending Church schools who were being sent home whenever their LSA was absent. Following discussions, KNPD was informed by the local Church authorities that it was not possible to provide students with LSA substitutes. After having reached an agreement with the Ministry of Education, the latter decided to help the Church schools by providing them with LSA substitutes.

#### Open/Pending Complaints

Accessibility in Gozo Schools (Complaint 17)

KNPD continued to investigate a complaint concerning various schools in Gozo. Persons with disability -- both staff and students -- attending these schools complained to KNPD that they were having difficulties due to lack of access. Following a meeting held in these schools between KNPD and the Ministry for Gozo, a detailed report was drawn up by an architect appointed by the Ministry, which highlighted the main problems that required urgent address within a stipulated time frame. While KNPD notes with satisfaction that a solution to the majority of these problems has been found, it is still undergoing discussions with the Ministry for Gozo so that the final measures are taken in order that the complaint can finally be closed.

ICT/Computer Schools (Complaint 19)

KNPD received various complaints regarding lack of physical access to certain ICT schools. Due to the important role ICT plays in today's world, KNPD decided to start an investigation covering all schools offering ICT tuition in Malta. While this investigation was ongoing, the MCAST controversy regarding the contracting out of ICT tuition to such schools arose. One of the conditions imposed upon these schools was that the building had to be accessible to all. It is worth noting that KNPD reached an agreement with two computer schools (Computer Domain and St Martin's Computer Centre) regarding the various aspects of accessibility, including physical access and access to the educational services they offer. As it has been doing for the past years, KNPD will continue to investigate the matter and will go on committing itself to the cause of rendering such schools reasonably accessible to all.

### Court or Arbitration

In addition to the closing of the case against the Ministry of Education, there was no other case related to education to appear before court or go to arbitration.

### 3. Access (Physical Accessibility)

#### Closed Complaints

##### Banif Bank (Complaint 66)

Throughout this year KNPD succeeded in closing a complaint that was opened in 2008 regarding lack of accessibility to Banif Bank branches. The case initially regarded the newly-opened Banif Bank branch in St Julians where access to all was not granted, despite MEPA-approved plans showing otherwise. Following discussions, the bank explained that it had made a mistake, and that part of the property which had been assumed to belong to the bank did not actually belong to the latter. The ramp could not therefore be installed in the intended place. Instead, without consulting KNPD, the bank installed a platform lift whose measurements do not conform with KNPD guidelines, in addition to the fact that there was a step leading to this lift. It was also discovered that the bank's main office was not accessible to all. Later, the Banif branch that was opened at PAVI Supermarket in Qormi also proved inaccessible except for the reception area.

In spite of the bank's promises that it would install a platform lift within a few weeks, KNPD could not accept the situation and although it was ready to accept a global agreement, it insisted that the bank would adopt a general equal opportunities policy, that the main office would become accessible, and that its yet-to-open branches would be fully accessible from the start. The bank continued to maintain that the main office was accessible and requested a short period of time in which to render accessible all offices to be opened in future. KNPD was prepared to accept the request upon the issue of a bank guarantee, as happens with other entities. Since an agreement could not be reached, KNPD initially presented a judicial protest, which was then followed by a court case against this bank, of which hearing began on March 1, 2010.

In spite of this case, KNPD proceeded with discussions with Banif Bank representatives in order to resolve the matter on friendly terms, which it succeeded in doing. This happened because an agreement regarding the various aspects of accessibility, including physical access and access to the services offered by the bank, was reached with the latter.

#### House of Catalunya (Complaint 46)

KNPD continued to investigate and managed to close a complaint regarding the inaccessibility in the House of Catalunya in Valletta. Following discussions with the government department that operates from these premises, a detailed report was drawn up by KNPD's architect and sent to the department in order for it to be able to work on the commission's recommendations. Throughout this year it was noted that the works in question had been carried out and the complaint was therefore closed.

#### Accessible toilet at St James Cavalier (Complaint 85)

KNPD closed a complaint regarding the fact that the accessible toilet at St James Cavalier was not in operation and could not therefore be used by persons with disability. For this reason KNPD insisted that the centre management would carry out the necessary repairs as soon as possible. This year KNPD was informed by the management that the toilet had been repaired, and after this was verified by KNPD, the case was closed.

#### Open/Pending Complaints

##### Accessibility at Junior College (Complaint 20)

KNPD continued to closely follow the complaint case regarding lack of physical access at Junior College. Persons with disability attending Junior College had made the complaint. The University of Malta, of which the college forms part, was contacted and informed that imminent changes to ensure accessibility were necessary. The University accepted to hold a meeting between University representatives and KNPD's architect so that the main problems would be identified. In fact, following this meeting, the necessary plans were drawn up and an application to proceed with the works was submitted to MEPA. KNPD has been informed that MEPA has not issued a permit and therefore works cannot begin as yet.

#### District Offices at the Social Security Department (Complaints 44, 45)

Following a complaint received by KNPD and subsequent contact established with the Social Security Department, the latter carried out a detailed study of each district office, with the aim of drawing up a plan of rendering these offices as accessible as possible over a period of time. Unfortunately, for a time nothing was being done despite constant pressure from KNPD; however last year KNPD was provided with a plan with a time limit regarding works in district offices. KNPD continued to follow this complaint to ensure that the given plan would be adhered to. Recently, in fact, it received the first response regarding a number of offices that have undergone changes which still need to be inspected.

#### Clinics and Health Centres (Complaint 48)

KNPD received various complaints that the clinics of the Health Division were not accessible to everyone and, in many cases, could not be used even by the elderly. It was agreed that representatives of KNPD and the Health Division would compile an audit of these centres and make recommendations about how access could be increased as much as possible, both within the foreseeable future as well as for the long term. Among other things, KNPD advised that railings should be installed in the presence of staircases, while the steps should have non-slip surfaces. KNPD requested that the Health Division would come up plan of action with recommendations that would be implemented within a reasonable time frame. In response to this report as well as to KNPD's insistence, throughout this year KNPD received news from the Health Division regarding works that had been carried out at clinics. Meanwhile KNPD decided to widen its investigation to also include health centres, the reason being that these were utilised more than clinics. Here it is worth mentioning that there is currently a court case on the Gzira Health Centre, details of which are given later on. Discussions with the Health Division regarding health centres are ongoing.

#### Road Accessibility (Complaints 59,86,87,88,90)

This year KNPD met twice with Transport Malta with regard to a number of pending complaints related to the latter entity. Some of the complaints are about streets and pavements on arterial and residential roads whose construction did not follow KNPD's Access for All guidelines. While KNPD is aware of the manifold changes that occurred within TM, including changes in personnel, it still believes that enough time has passed for a solution to be found to such complaints, with some pending since 2006. For this reason KNPD requested another meeting with TM, in which the roads under TM and local council jurisdiction were identified. During the same meeting KNPD was assured that it

would receive a time-bound plan regarding each road under TM jurisdiction requiring restructuring. It was decided that the KNPD architect would discuss the works required with TM.

#### Parish Churches in Gozo (Complaint 49)

KNPD continued to investigate the complaint received with regard to accessibility in parish churches in Gozo. In fact, throughout 2009 KNPD met Archbishop of Gozo Mario Grech for the second time to voice its concerns over the limited progress that was taking place. During this meeting KNPD was assured that the Gozitan Diocese was committed to granting access to at least two parish churches per year. For 2009, the Diocese indicated the Xaghra and Sannat parish churches. At the start of 2010 KNPD began to ask whether the works on the said churches had been carried out according to plan, but the Gozitan Diocese gave no reply. KNPD was concerned about the situation and after continuous insistence with the diocese, the latter informed that in 2009 the necessary detailed reports had been made on a number of parish churches following the appointment of three architects to carry out the task. The diocese also informed that some of the parish priests had already started working on such reports, with some applications already submitted to MEPA. The diocese also said that works related to physical access to the cathedral church would be completed by the end of 2010, and also provided KNPD with a plan of action regarding all parish churches in Gozo.

#### Parish Churches in Malta (Complaint 50)

Throughout the year KNPD continued its discussions with the Church of Malta, also holding meetings to ensure that at least the main entrances to parish churches in Malta are rendered accessible to all according to KNPD guidelines. These discussions came as a result of an informal meeting between KNPD and Archbishop Paul Cremona and Pro-Vicar General Anton Gouder in 2007. An agreement was reached about the need for maximum effort to solve the problem in a reasonable manner and within the shortest possible period of time. KNPD is pleased to observe that progress has been made in the past three years; so far there are 32 churches with an accessible entrance. KNPD continues to ask for updates in order to ensure that the number of accessible churches increases in as short a time period as possible.

#### Lack of Toilet Accessibility at the Valletta Waterfront Terminal (Complaint 55)

Discussions with the Valletta Waterfront Terminal management proceeded in regard to the absence of accessible to all toilet facilities. During the year KNPD received two different plans with proposals for this toilet (for consultation prior to the commencement of works) and KNPD approved both plans. KNPD insisted – and continues to insist -- with the management that a time frame for the completion of the toilet facility should be stipulated, considering that the work is very slow.

#### Aula Magna at the Old University (Complaint 56)

KNPD continued its investigation regarding accessibility at the Aula Magna at the Old University Building in Valletta. Following initial problems experienced due to the fact that part of the premises did not form part of University, the whole building is now under the University's wing and plans for the installation of a lift to provide access to all floors are in hand. This year KNPD was informed that a MEPA permit was issued, thus enabling the commencement of works.

#### Access to APS Bank Branches (Complaint 67)

KNPD was informed that APS Bank had opened a branch in Birkirkara that was not accessible to everyone. Following a meeting with KNPD, the Bank agreed to render this branch reasonably accessible to everyone within a short time. However KNPD felt that it should extend this complaint to include all branches, as was done with all other local banks. Following a meeting with the management, it was agreed that that an audit of all APS branches should be compiled by KNPD's architect and followed by a plan for necessary modifications. The architect's report revealed that there were other inaccessible branches, and this was therefore sent to the bank management to implement these recommendations within a reasonable time frame. In the meantime APS Bank requested a meeting with KNPD to discuss existing technical difficulties at two of its branches while it promises that all the other branches will become accessible by June 2011.

#### Access to Lombard Bank (Complaint 68)

KNPD continued its investigations on the complaint that the Lombard Bank branches were not accessible to all. As with all other local banks, the management was contacted and accepted to meet with KNPD representatives in order to discuss access. During the meeting it was established that an audit of all Lombard branches should be compiled within a stipulated period of time, followed by a scheduled plan to render such premises reasonably accessible. At the



same time work is being carried out to ensure that an agreement is reached and signed with the said bank in relation to various aspects of accessibility, among which are physical access and access to services offered by the bank.

#### Accessibility at the Sports Complex and National Pool, Tal-Qroqq (Complaint 127)

While KNPD continued with its investigations regarding accessibility at the Sports Complex throughout the year, it decided to extend this complaint to include the National Pool which forms part of the complex. This was done in response to a complaint regarding the latter made by a person with disability who could not enter the pool. In fact KNPD continued discussions with the Malta Sports Council which is responsible for these premises. With regard to the complex, the council informed KNPD that following the approval of plans by KNPD and the subsequent MEPA permit issue, the necessary works would commence. Regarding the National Pool, a call for tenders will be issued for the purchase of a hoist to enable persons with disability to enter the pool. KNPD stressed that this hoist would comply with KNPD's Access for All guidelines and offered to welcome a consultation session prior to the call.

#### Excelsior, Dolmen and Le Meridien hotels (Complaints 71, 72, 74)

KNPD continued to investigate the complaints regarding lack of access for all in these hotels. A detailed audit with recommendations for improvements was compiled and sent to the Excelsior Hotel owners, with the aim of implementing such changes within a reasonable period of time. KNPD was informed that some of the recommended changes were carried out. KNPD now needs to approve such work and discuss any other required changes. As regards the Dolmen hotel, KNPD insisted with the owners that the refurbishment of the premises should ensure that the number of accessible rooms is compliant with KNPD's Access for All guidelines. Recently the owners informed KNPD that the refurbishment has just been completed and KNPD has yet to verify this. Pending works related to accessibility at Le Meridien were completed with the exception of the platform lift which was not according to KNPD Access for All guidelines. The hotel owners were informed of this and were asked to take the necessary corrective measures within a reasonable time frame.

## Court or Arbitration

In addition to the closed case with Banif Bank, the following complaints were also taken to court:

### Gzira Health Centre (Complaint 47)

This year KNPD proceeded with the court case against the Health Division regarding accessibility at Gzira Health Centre, due to the fact that it is not physically accessible to everybody, being situated on the first floor and having no lift facility. This case has been pending for a long period of time, and KNPD is very much concerned about the fact that cases which regard such rights take so long to be heard and to be concluded. Meanwhile KNPD decided to proceed with separate discussions with the Health Division regarding accessibility in other health centres around the country.

### St Anne's Hall, Marsascala (Complaint 67)

KNPD presented a judicial protest in court, aimed at the owner of St Anne's Hall in Marsascala for not having provided access to all. KNPD allowed the owner some time to rectify the situation, but no reply has been received as yet.

### Huggins Pub, Paceville (Complaint 82)

KNPD presented a judicial protest against the owner of Huggins Pub in Paceville. The owner had refrained from replying to KNPD's letters, as required by law. These letters contained requests to render the place accessible to all. It is worth mentioning that the MEPA application submitted by the owner some years ago were according to KNPD Access for All guidelines, and KNPD had granted its approval of such plans to MEPA. However, when the pub was opened it resulted that works had not been carried out according to plan.

### Sky Club (Complaint 84)

KNPD filed a judicial protest against the Sky Club Paceville owner. In spite of the fact that he had issued a bank guarantee to ensure that the place would be rendered accessible within a stipulated time, the owner failed to do so. This year KNPD continued to insist that the owner must honour the agreement established between the two sides and respect the obligations placed upon him by the Equal Opportunities Act. In fact, a meeting was held with the owner who accepted that KNPD's architect would inspect the premises.

#### 4. Provision of Goods, Facilities and Services

##### Closed Complaints

Melita, Gozo Diocese, Yellow Pages and Notte Bianca Websites (Complaints 133, 134, 137, 148)

These complaints were made by persons with disability because they could not access information found on the above websites, but following contacts KNPD established with the companies and entities concerned, the latter immediately accepted that they carry out the necessary changes. The complaints have now been closed and the websites are now accessible to all, including visually-impaired people.

Access to television programme *Xarabank* (Complaint 142)

KNPD succeeded in closing a case which regarded persons with hearing impairment complaining that the television programme *Xarabank* was inaccessible to them. KNPD contacted and proposed to the programme producers and PBS that a Maltese sign language version of the programme should be broadcast. Following initial technical difficulties due to the nature of the programme, KNPD was presented with a DVD of a programme in sign language. After consulting persons with hearing impairment, KNPD advised the programme technicians to proceed with the version. In fact, the latter started being broadcast on Education 22 simultaneously with the main programme.

##### Open/Pending Complaints

Hand-controlled car hire services (Complaints 147, 156, 157, 158, 159, 160, 161)

KNPD continued to investigate the complaint regarding the lack of services offering vehicles with hand controls for hire by persons with disability. Initially contact with Rent-a-Car Association was established, being the association that holds together all garages that offer car hire services to the public. Following several discussions the latter accepted to purchase a hand control kit that could be used by persons with disability in their own cars. However, in spite of the fact that RACA informed KNPD that it had purchased the kit, the commission was later informed that the association had no employees to install this kit in the service user's vehicle. KNPD therefore began separate discussions with other

main garage companies offering car hire services, requesting that the hiring services of vehicles with hand control kits be implemented within a reasonable period of time. It is worth mentioning that some of these garages informed KNPD that they do not offer hire services to the public, and the complaints in their regard have therefore been closed.

#### Public Transport (Complaints 140, 141)

This year KNPD continued to investigate complaints received by persons with disability in connection with public transport use, which included public buses, the Park & Ride service, Citicabs, ferry boats and taxis. In fact KNPD held another meeting, forming part of a series of meetings with Transport Malta having the aim of rendering accessibility for all an integral part of the local public transport reform, which is to be imminently announced. In fact, during this meeting KNPD received another confirmation that TM would be considering the needs of persons with disability in its reform.

#### Lack of subtitles on television programmes broadcast on GO (Complaint 143)

KNPD continued to investigate complaints received by persons with hearing impairment who observed that television programmes being offered by GO were inaccessible to them due to the fact that they could not access the subtitles provided with programmes as is usual with other companies, including local ones. This year KNPD held a meeting with the company did not produce subtitles but could broadcast programmes with subtitles. Subtitles are issued by Production Houses when working on the material to be broadcast on television. While GO claimed that there were technical difficulties related to the number of channels with subtitles it was able to broadcast, it nonetheless promised it would do everything in its capacity to offer such a service on a limited number of channels with subtitles. KNPD will continue to follow this case and aims to initiate discussions with another local company offering this service. KNPD aims to extend discussions in order to include Production Houses so that in future television programmes would include subtitles.

#### Court or Arbitration

No cases within the provision of goods, facilities and services sector went to court or arbitration.

## 5. Accommodation (Housing)

### Closed Complaints

#### Dangerous ramp in front of a Housing Authority apartment block (Complaint 176)

KNPD received a complaint regarding a dangerous ramp in front of a Housing Authority apartment block. KNPD contacted the Housing Authority and requested that the necessary changes be carried out within a reasonable period of time, thus ensuring that the ramp would be as safe and accessible as possible. The Authority accepted the request and the case was therefore closed.

### Open/pending Complaints

#### Ramp in a common entrance (Complaint 177)

KNPD received a complaint from a person with disability who is a wheelchair user and whose neighbours would not agree to the construction of a ramp giving the former access to the common outside area leading to the private apartment block. KNPD contacted the Local Council, who had accepted to build a ramp on the pavement which would however prove to be dangerously placed for passers-by, and which the neighbours had objected to. The neighbours are refusing any modifications to the ramp to render it safe. KNPD will continue to follow this case and insist that a solution be reached in order to enable the person with disability to access their residence without much effort.

### Court or Arbitration

No cases within the accommodation sector went to court or arbitration.

## 6. Insurance

### Closed Complaints

Lack of provision of a van with wheelchair space while personal van was being repaired (Complaint 172)

KNPD received a complaint from a person with disability who is a wheelchair user and whose insurance company, Gasan Mamo, refused to provide them with a replacement van with wheelchair space while their personal van was being repaired following a traffic accident. After KNPD contacted the company, the latter accepted that it would provide the person with disability with a van.

### Open/Pending Complaints

Cordina Insurance Agency (Complaint 173)

KNPD received a complaint that the travel insurance policy adopted by Cordina Insurance Agency was being discriminatory because it made a distinction between persons with disability and those without. KNPD contacted this company, which immediately accepted to carry out the necessary changes in its policy in order to conform with the law. There are ongoing discussions between the two entities regarding whether such amendments are in fact sufficient measures to stop discrimination against persons with disability who wish to avail of the company's insurance services.

Britannia Services Ltd (Complaint 174)

Another complaint received by KNPD this year and regarding which discussions are still ongoing regarded the discriminatory booking conditions and travel insurance policy upheld by the Britannia Services Company. This is due to the fact that the company distinguishes between persons with disability who wish to make use of the services offered by the company and persons without disability. KNPD contacted the said company, which agreed to make the necessary changes within a reasonable time frame in order to stop the discrimination against persons with disability in this regard.

### ROCS Insurance (Complaint 175)

Another complaint related to insurance came from the parents of an autistic child who could not travel because he became very agitated on the plane. Because of this, the parents had to cancel their holiday plans. Following discussions with this insurance company, the family received reasonable compensation which it had requested.

### Court or Arbitration

#### Insurance for Persons with Disability at Middlesea and Bank of Valletta (Complaint 170)

KNPD had been working on a complaint claiming that Bank of Valletta was selling a travel insurance that did not cover persons for their disability. Because this insurance also involved Middlesea Insurance, KNPD began discussions with both entities. When contacted, Middlesea immediately admitted that the terms used were not politically correct and carried out the necessary amendments. KNPD requested that Bank of Valletta change their terminology in their prospectus as was done by Middlesea. Following discussions with the Bank, an agreement regarding the required changes in the insurance in order that it would conform with the law was reached in 2008. However, the Bank did not act as agreed. For this reason this year KNPD presented a judicial protest in court against Bank of Valletta. The bank provided a copy of the new prospectus which is yet to be reviewed by KNPD.

## GENERAL OVERVIEW

### Work Carried Out in 2000-2010

Over the ten years since the implementation of the EOA, KNPD has investigated 244 complaints, of which 141 were still pending from previous years, and 103 were newly lodged. When compared to the previous year's findings, these figures show that:

- The number of new complaints decreased by 69 complaints, since KNPD worked on 172 new cases in the previous year while 103 new cases appeared this year
- The total number of complaints which KNPD investigated this year showed a decrease of 41 complaints, compared to the 285 complaints KNPD worked on in the previous year.

The average number of complaints that KNPD has received per year over these ten years amounts to 98, which means that the new complaints received by KNPD during this last year (103) exceeds the average quota by 5 complaints. These complaints were categorised as shown in Table 1.

	Emp		Educ		Acc		Serv		Hse		Ins		Total Nr
	Nr	%	Nr	%	Nr	%	Nr	%	Nr	%	Nr	%	
<b>Previous years</b>	0	0	34	24	90	64	16	11	0	0	1	0	141
<b>New complaints</b>	14	14	22	21	35	34	22	21	5	5	5	5	103
<b>Total</b>	14	5	56	23	125	51	38	16	5	2	6	2	244



**TABLE 2: Complaints over the years**

	<b>Emp</b>		<b>Educ</b>		<b>Acc</b>		<b>Serv</b>		<b>Hse</b>		<b>Ins</b>		<b>Total</b>
	<i>Nr</i>	%	<i>Nr</i>	%	<i>Nr</i>	%	<i>Nr</i>	%	<i>Nr</i>	%	<i>Nr</i>	%	
<b>00/01</b>	13	14	10	11	50	53	19	20	1	1	2	2	<b>95</b>
<b>01/02</b>	10	13	8	11	42	55	14	18	2	3	-	-	<b>76</b>
<b>02/03</b>	11	15	23	31	18	24	16	21	5	7	2	3	<b>75</b>
<b>03/04</b>	9	13	16	23	25	35	16	23	2	3	3	4	<b>71</b>
<b>04/05</b>	7	8	26	29	27	30	25	27	4	4	2	2	<b>91</b>
<b>05/06</b>	6	7	24	26	42	46	18	20	1	1	1	1	<b>92</b>
<b>06/07</b>	9	9	14	13	57	54	22	21	1	1	2	2	<b>105</b>
<b>07/08</b>	8	8	28	29	44	45	15	15	2	2	1	1	<b>98</b>
<b>08/09</b>	11	6	38	22	65	38	50	29	6	3	2	1	<b>172</b>
<b>09/10</b>	14	14	22	21	35	34	22	21	5	5	5	5	<b>103</b>

<b>Total 00 /10</b>	98	10	20 9	21	4 0 5	41	21 7	22	29	3	20	2	<b>978</b>
<b>Average each year</b>	10	10	21	21	41	41	22	22	3	3	2	2	<b>98</b>

Table 2 compares new complaints with those pending from previous years. From this table one can observe the following:

- In its ten years of operation, KNPD investigated 978 complaints, an average of 98 per year, which ranges between 71 and 172 complaints.
- Within the employment sector, the number of new complaints for this period increased by 3 complaints as compared to the previous year (from 11 to 14), while the percentage within this sector shows an 8% (14%) increase when compared to the total number of complaints. The difference in percentages for this sector when compared to the average percentage of 10% over these ten years reveals a 4% increase. Although these figures show an increase, KNPD still feels that full use of the Act is not being made.
- Within the education sector, the number of complaints showed a decrease from 38 to 22, while the percentage of complaints within this sector represent 21% of all complaints received this year, which equals the average over these 10 years and stands at the same level as in the past two years. This percentage reveals the awareness of the importance of the EOA within this sector among persons with disability.
- The accessibility sector was reconfirmed as the most complained about sector, even if this year experienced a fall of 30 complaints (from 65 to 35). In fact this sector represents 34% of all complaints, which means a decrease of 4% over last year (38%) and 3% over the yearly average (41%).
- Within the provision of goods and services sector, the number of complaints investigated by KNPD equaled that within the education sector (22) and therefore these two sectors appear to be the second most complained about, even if, as can be observed in Table 2, this sector registered a decrease of 28 complaints, from 50 to 22. When compared to all complaints within the sector the percentage is 21%, a decrease of 8% from the previous year, and of 1% from the yearly average (22%). These figures show that persons with disability are becoming more conscious of the use of this Act within this important sector.

- As in previous years, the number of complaints within the accommodation sector remained very low when compared to the other sectors. In fact the number of complaints within this sector decreased from 6 to 5, which represents 5% of all complaints. This rate constitutes a 2% increase over the average maintained over the ten years (3%).
- The same can be said about the insurance sector, even if the number increased by 2 complaints (from 3 to 5). The percentage of complaints received by KNPD with regard to this sector is the same as that for the housing sector (5%), which is the lowest among all sectors. This percentage is 3% higher than the yearly average of 2% for this sector.

In accordance with what happened in the previous years, and as illustrated in Table 2, this year's findings clearly show that persons with disability in Malta are making use of this Act in order to improve the accessibility sector, within which persons with disability continue to experience most discrimination. As already outlined, they are also feeling discriminated against within the provision of goods and services sector, the second most complained about sector. While education, accessibility, the provision of goods and services and housing registered a decrease in complaints, a minimal increase of 3 complaints was registered within the employment and insurance sectors.

<b>TABLE 3: Entities against which complaints were made</b>											
	<b>Government</b>		<b>Parastatal</b>		<b>Local Councils</b>		<b>Church</b>		<b>Private</b>		<b>Total</b>
	<i>Nr</i>	%	<i>Nr</i>	%	<i>Nr</i>	%	<i>Nr</i>	%	<i>Nr</i>	%	
<b>00/01</b>	38	40	23	24	6	6	9	9	19	20	<b>95</b>
<b>01/02</b>	23	30	13	17	16	21	14	8	10	3	<b>76</b>
<b>02/03</b>	34	45	11	15	9	12	2	3	19	25	<b>75</b>

<b>03/04</b>	43	61	6	8	8	11	4	6	10	14	<b>71</b>
<b>04/05</b>	29	32	15	16	11	12	11	12	25	27	<b>91</b>
<b>05/06</b>	28	30	14	15	5	5	25	27	20	22	<b>92</b>
<b>06/07</b>	16	15	25	24	15	14	17	16	32	30	<b>105</b>
<b>07/08</b>	16	16	10	10	15	15	13	13	44	45	<b>98</b>
<b>08/09</b>	62	36	25	14	9	5	23	13	53	31	<b>172</b>
<b>09/10</b>	41	40	7	7	12	12	8	8	35	34	<b>103</b>
<b>Total 00/10</b>	289	33	138	14	106	11	126	13	268	27	<b>978</b>
<b>Average over 10- year span</b>	34	35	14	14	11	11	13	13	27	28	<b>98</b>

TABLE 4: The outcome of complaints 2009-2010														
	<i>Emp</i>		<i>Educ</i>		<i>Acc</i>		<i>Serv</i>		<i>Hse</i>		<i>Ins</i>		<i>Total</i>	
	Nr	%	Nr	%	Nr	%	Nr	%	Nr	%	Nr	%	Nr	%
Closed	9	11	18	22	26	32	23	28	3	4	2	2	81	33
Discussed	5	3	38	24	95	60	15	9	2	1	3	2	158	65
Court: Case/Protest	-	-	-	-	4	80	-	-	-	-	1	20	5	2
<b>Total</b>	<b>14</b>	<b>6</b>	<b>56</b>	<b>23</b>	<b>125</b>	<b>51</b>	<b>38</b>	<b>16</b>	<b>5</b>	<b>2</b>	<b>6</b>	<b>2</b>	<b>244</b>	<b>100</b>

KNPD investigates complaints made against various Maltese entities, whether they are governmental, parastatal, Local Councils, private bodies, or the Church. Table 3 offers an analysis of the complaints received over the past ten years, classified according to entities. This table shows that there were more complaints lodged against public entities (60 complaints or 59% of all complaints) than against the private sector (43 complaints or 42% of the sum total).

The public sector experienced a 4% increase in complaints, (from 55% to 59%), while within the private sector there was a decrease of 2% (from 44% to 42%).

## Work Carried Out in 2000-2010

Table 4 shows the outcomes of the 244 complaints considered by KNPD over the year. Of these, 81 complaints were closed while 163 are pending and are still being discussed. Two of the court cases KNPD was involved in were closed this year: these cases were against Banif Bank regarding accessibility and against the Department of Education regarding the provision of medicines in schools. In both cases, a solution was reached outside court. KNPD also holds another case against the Health Division regarding accessibility at Gzira Health Centre, and has filed four judicial protests regarding St Anne Hall, Marsascala, Huggins Pub, Sky Club, and Bank of Valletta.

This table also shows how KNPD succeeded in concluding 33% of the complaints it investigated during this period. This implies a 16% decrease in complaints when compared to the percentage received in the previous year, where 49% of cases had been resolved. While a high percentage of closed cases can always be considered as a positive outcome and implies a more efficient system, it also indicates a more available society in general that is willing to eliminate any discrimination against persons with disability.

The number of complaints for which proceedings were instituted in Court or the Arbitration Tribunal decreased from 6 to 4, due to the fact that two court cases were closed during this year. In fact the percentage of court cases at the end of this year was 2%, which equals that of the previous year. These figures confirm the strategy adopted by KNPD of resorting to Court or the Arbitration Centre only in cases where negotiation, mediation and persuasion fail to resolve matters with those who refuse to cooperate by shunning any legal and social responsibilities towards persons with disability.

Table 4 also provides an analysis of the complaints tackled by KNPD over the year, here classified according to types of complaints. In fact the majority of closed complaints regarded accessibility (26 complaints or 32% of all closed complaints). The second greatest number of closed complaints belongs to the provision of goods and services sector (23 complaints or 28% of complaints received). 18 complaints hailing from the education sector (which amount to 22% of all closed complaints) and 9 complaints (or 11%) from the employment sector were resolved by KNPD. KNPD concluded 3 complaints on housing and 3 more on insurance, amounting to 4% and 2% of the total number of closed complaints for each sector respectively.

In the case of pending cases which require further consideration over the coming months, the majority of these (95 complaints or 60%) are related to accessibility. Four of these complaints related to the latter sector proceeded to Court

when cases or judicial protests were filed. The second highest number of pending complaints (38 complaints or 24%) addresses the education sector, while the third highest number regards the provision of goods and services sector (15 complaints or 9% of pending complaints). With regard to employment, there are 5 pending complaints (or 3%); there are 3 pending complaints (or 2%) related to insurance and 2 (or 1% of complaints) belonging to the housing sector.

## ENTITIES AGAINST WHICH COMPLAINTS WERE MADE

Table 5 shows the complaints received by KNPD against different sectors for the period October 2009 – September 2010. It can be observed that:

- The most pronounced change in complaints related to employment (50%0, education (68%) and housing (60%) occurred in relation to the government.
- The greatest number of complaints related to the accessibility sector addressed the local councils and the private sector (34%).
- The greatest number of complaints related to the provision of goods and services sector regarded the private sector (45%)
- The greatest number of complaints related to insurance concerned the private sector (100%).

The most manifest change in complaints was registered within government, with a decrease of 31 complaints (or 2%) since the previous year. The second most important change occurred within the private sector, with a decrease of 19 complaints (or 3%). The third most noticeable shift concerned the Church, with a 5% decrease (or a decrease of 15 complaints), followed by those regarding parastatal entities, with a decrease of 7 complaints (or 1%). Ultimately the complaints against local councils registered an increase of 3 complaints (from 9 to 12, or a 7% increase over the previous year). As can be determined from previous EOA reports, these figures indicate that persons with disability in Malta appear more confident when making complaints against the government than when they complain against the private sector.

<b>TABLE 5: Complaints against various entities and sectors</b>											
	<b>Government</b>		<b>Parastatal</b>		<b>Local Councils</b>		<b>Church</b>		<b>Private</b>		<b>Total</b>
	Nr	%	Nr	%	Nr	%	Nr	%	Nr	%	
<b>Emp</b>	7	50	2	14	-	-	-	-	5	36	14
<b>Educ</b>	15	68	-	-	-	-	6	27	1	5	22
<b>Acc</b>	7	20	3	9	12	34	1	3	12	34	35
<b>Serv</b>	9	41	2	9	-	-	1	5	10	45	22
<b>Hse</b>	3	60	-	-	-	-	-	-	2	40	5
<b>Ins</b>	-	-	-	-	-	-	-	-	5	100	5
<b>Total</b>	41	40	7	6	12	12	8	8	35	33	103

Table 6 offers an analysis of the 244 complaints made against various entities and sectors as investigated by KNPD, and their outcome.

By looking at this table one can observe that KNPD succeeded in resolving 33% of complaints received this year, which means a 16% decrease over last year's number of complaints. The majority of closed complaints were related to government (60%), while the second highest percentage regarded local councils (38%), followed by the private sector (28%). The closed complaints against parastatal entities amounted to 21% while those against the Church reached 15%. This includes all complaints regarding accessibility in parish churches, where gradual progress is being registered.



<b>TABLE 6: Outcome of complaints according to entities concerned</b>								
	<i>Closed</i>		<i>Under Discussion</i>		<i>Court</i>		<i>Total</i>	
	<b>Nr</b>	<b>%</b>	<b>Nr</b>	<b>%</b>	<b>Nr</b>	<b>%</b>	<b>Nr</b>	<b>%</b>
<b>Government</b>	<b>35</b>	60	<b>22</b>	37	<b>1</b>	1	<b>58</b>	23
<b>Parastatal</b>	<b>4</b>	21	<b>15</b>	78	-	-	<b>19</b>	7
<b>Local Councils</b>	<b>7</b>	38	<b>11</b>	61	-	-	<b>18</b>	7
<b>Church</b>	<b>8</b>	15	<b>44</b>	84	-	-	<b>52</b>	21
<b>Private</b>	<b>27</b>	28	<b>66</b>	68	<b>4</b>	4	<b>97</b>	39
<b>Total</b>	<b>82</b>	33	<b>158</b>	64	<b>4</b>	1	<b>244</b>	100

## COURT OR ARBITRATION

At the end of this period KNPD had one court case pending against the Health Division regarding access to the Gzira Health Centre, since it operates from the second floor without a lift facility.

KNPD succeeded in closing the court case against the Ministry of Education regarding the provision of medicine to students with disability in schools during school hours. This happened following discussions held between KNPD and the Ministry of Education outside court, to which a solution was found when the Ministry informed KNPD that it would buy the service from MMDNA. MMDNA nurses were therefore sent to schools to administer medicines to students who required them.

The case against Banif Bank was also resolved with a signed agreement regarding physical accessibility at the bank branches and equal opportunities in the bank's employment policy.

Besides, there were four other cases about which judicial protests were presented to the Court, with 3 being presented last year and one this year. Three of these were all related to physical accessibility and concerned the owners of St Anne's Hall, Huggins Pub and Sky Club. The other case was related to insurance and addressed Bank of Valletta.

## THE TEST OF REASONABLENESS BOARD

According to the Equal Opportunities Act, KNPD is obliged to receive complaints reporting discrimination, investigate them, and mediate between parties to resolve the dispute and, if deemed necessary, present the case to the Arbitration Centre or the Court. KNPD must also fulfil its role of giving advice regarding the law and its enforcement to persons with disability, their family members, and the rest of society which has obligations related to this law and which it must fulfil.

KNPD must fulfil this role within the parameters that this same law defines as 'reasonable' (Chapter IV). For this purpose, KNPD set up a board to aid it in the decisions regarding what is to be considered reasonable in particular cases. The board is headed by Mr Joseph M. Camilleri, KNPD's chairman. The other members are Ms Marianne Debono, manager of the Equal Opportunities section within KNPD, Mr John Peel (a parent of a person with disability who cannot represent themselves), Mr Joseph B. Camilleri (from the public sector), Ms Anne McKenna (from the private sector), and architect Dr Joseph Spiteri (technical consultant). Ms Marie Portelli (KNPD's draughtsperson) is the board's secretary.

An absolute majority of cases presented to this board contest KNPD's position when vetting development applications submitted to MEPA. It is also worth mentioning that often the decisions taken by the board are negotiated and therefore the majority of these cases come to be accepted as reasonable subject to certain conditions. In most cases the board requests further information in order to help it come to a decision. The work carried out by this board over these past seven years is reflected in Table 7.

In fact, the number of cases considered by the board over this year increased by 9 cases since last year (from 73 to 82 complaints), with 32 of these (or 39%) being accepted as reasonable subject to certain conditions. On the other hand 26 cases (or 32%) were not accepted while 24 cases (or 29%) required further information.

It is worth mentioning that the number of cases presented this year (82) was the highest ever seen by the board, and stands higher than the yearly average of 58 complaints for the seven years since the board was set in motion. This is a remarkable increase which is indicative of the hard work KNPD is involved in within this sector. In Table 7 one can observe that after several years of cases deemed unreasonable being in greater number than the number of cases considered reasonable, this year the majority of cases were considered reasonable (39%). This can be considered a very positive factor.

<b>TABLE 7: Test of Reasonableness Board</b>																
	<b>03/04</b>		<b>04/05</b>		<b>05/06</b>		<b>06/07</b>		<b>07/08</b>		<b>08/09</b>		<b>09/10</b>		<b>TOTAL 03/10</b>	
	Nr	%	Nr	%	Nr	%	Nr	%	%	%	Nr	%	Nr	%	Nr	%
Discussed cases	51		71		59		29		39		73		82		404	
<b>Reasonable subject to certain conditions</b>	30	59	27	38	15	25	11	38	15	38	27	37	32	39	157	39
<b>Not reasonable</b>	21	41	44	62	44	75	18	62	24	62	29	40	26	32	206	51
<b>Further information requested</b>											16	22	24	29	40	10
<b>Referred to KNPD board</b>											1	1			1	0

## CONSULTATION

As in previous years, KNPD continues to give a lot of importance to the educational aspect of this Act, and therefore throughout this year it persisted in offering a consultation service regarding the Act to both those who work directly in this sector, which include persons with disability, families, organisations and professionals, as well as persons and entities who have certain obligations with regard to this law, such as employers, service providers, and educational entities among others. There continued to be several consultation sessions held by KNPD in this regard..

## CONCLUSION

KNPD will continue to ensure that the Equal Opportunities (Persons with Disability) Act continues to function properly in order to ensure that persons with disability and their families benefit from the highest possible quality of life. This commitment will be strengthened if Malta, as it has committed itself to do, ratifies the International Convention on the Rights of Persons with Disability and, hopefully, the Non-Obligatory Protocol accompanying this Convention, especially now that it has been ratified by the EU. Therefore, while KNPD's work for the coming year will be to continue to work in order to safeguard the EOA, it also aims to ensure the quickest possible ratification of the Convention and its Protocol, and subsequently its fullest possible implementation in our country.

Anne-Marie Callus

*Executive Director*

Marianne Debono

*Coordinator – Equal Opportunities Act Compliance Unit*

Elvin Sciberras

*Assistant Manager – Equal Opportunities Act Compliance Unit*

The complaints marked with \* are mentioned in detail in the preceding pages of this booklet.

<b>LIST OF ALL COMPLAINTS</b>					
<b>EMPLOYMENT – COMPLAINTS FROM PREVIOUS YEARS</b>					
	<b>Complaint</b>	<b>Status</b>	<b>Sector</b>	<b>Entity</b>	<b>Opened</b>
Complaints from previous years were all closed before October 2009.					
<b>EMPLOYMENT – NEW COMPLAINTS</b>					
	<b>Complaint</b>	<b>Status</b>	<b>Sector</b>	<b>Entity</b>	<b>Opened</b>
1	Request to work reduced hours	Closed	Government	Ministry of Justice	October 2009
2	Placed on a lower scale due to disability and having no promotion prospects	Discussed	Government	Education Division	October 2009
3	Requests, with regard to the employment of a LSA, that there be a clause stating that persons with disability can refrain from lifting a person	Closed	Government	Directorate for Educational Services	July 2010
4	Accommodation allowing a person with disability to carry on teaching	Discussed	Government	Education Division	September 2010
5	Accommodation for employment	Closed	Private	Private	July 2010
6	Request to park in a public reserved parking space, not an employees' space	Closed	Private	MIA	November 2009
7	Discriminatory transfer	Discussed	Private	GO	December 2009
8	Breaking a permit issued by Transport Malta	Closed	Parastatal	TM	December 2009
*9	Car Park attendants who work in the same car park as him were getting someone else to replace them when they should have been replaced by him.	Discussed	Parastatal	TM	January 2010
10	Job lost after an accident at work	Closed	Private	Private	May 2010
11	Asks why she should do exams to work as a government clerk when she obtained her Maltese and English O-Levels.	Closed	Government	OPM	July 2010
*12	Lost her job in an unjust manner because she was not informed about the working conditions (that is, that she was replacing	Closed	Private	Private	July 2010

	someone on maternity leave)				
13	Ill-treatment after a transfer	Discussed	Government	Health Division	August 2010
14	Requiring flexible working hours	Closed	Government	ST Electronics	September 2010
EDUCATION – COMPLAINTS FROM THE PREVIOUS YEARS					
	Complaint	Status	Sector	Entity	Opened
*15	Lack of provision of medicines in schools	Closed	Government	Education Division	January 2003
*16	Student with disability sent home when her LSA is absent	Closed	Church	Church School	August 2006
*17	Gozo schools	Discussed	Government	Ministry for Gozo	November 2006
18	Access to stage	Discussed	Government	FTS	December 2006
*19	Accessibility in Computer schools (see Table A)	Discussed	Private	Computer schools	August 2008
*20	Accessibility in Junior College	Discussed	Parastatal	University of Malta	October 2008
EDUCATION – NEW COMPLAINTS					
	Complaint	Status	Sector	Entity	Opened
21	Cannot stay for activities after hours like other students because of no facilitator	Closed	Government	Education Division	November 2009
22	Physical access in college	Closed	Private	St Martin's College	November 2009
23	Lack of helper	Closed	Government	St Miguel School	November 2009
24	Request for reasonable accommodation in the course for the Diploma in Food Preparation & Service at ITS	Closed	Government	Education Division	October 2009
25	Lack of accommodation required	Discussed	Government	University of Malta	December 2009
26	Lack of accommodation (enlarged graph) required for the MATSEC exam	Closed	Government	Education Division	January 2010
27	Difficulties in accommodation required in the school	Discussed	Government	Helen Keller School	May 2010
28	Inconsistent arrangements during MATSEC exams	Closed	Government	University of Malta	May 2010
29	Accommodation provided at St Benedict College	Discussed	Government	Education Division	June 2010
30	Accommodation of a longer time period during the ECDL exam	Closed	Government	Education Division	July 2010
31	Accessible transport for the school	Closed	Church	Malta Seminary	September 2010
32	Accessible transport for the school	Discussed	Church	St Joseph School	June 2010
33	Student with down syndrome is not allowed to go up two flights of	Discussed	Government	Education Division	February 2010

	steps with classmates unless in the presence of the LSA				
34	The <i>facilitator</i> is not allowed to accompany the child to <i>speech therapy</i>	Closed	Government	Education Division	March 2010
35	Student with autism not attending school for a month because of difficulties with his facilitator	Closed	Government	Education Division	March 2010
36	<i>Bullying</i> of a person with disability in class	Closed	Government	Education Division	March 2010
37	Accepted into the Church School system but still not allowed to attend	Discussed	Church	Church of Malta	April 2010
38	Choice of students with disability for Form 1 entrance to Church schools	Closed	Church	Church of Malta	August 2010
39	<i>Klabb Sajf</i> open only to those taking complimentary classes during the scholastic year	Closed	Government	Education Division	May 2010
40	Children requiring a facilitator not accepted for <i>Skola Sajf</i>	Closed	Church	Marsascala Parish	June 2010
41	Services offered in summer to students with disability	Closed	Government	Education Division	June 2010
42	The procedure regarding how students with disability are chosen	Closed	Church	Church	June 2010

#### ACCESSIBILITY – COMPLAINTS FROM PREVIOUS YEARS

	Sector	Status	Sector'	Entity	Opened
43	Accessibility at the main entrance of Evans Building	Discussed	Government	Health Division	November 2000
*44	Accessibility at the Social Security District Office	Discussed	Government	Social Security Department	November 2005
*45	Accessibility to the Public Registry Office	Discussed	Government	Public Registry	July 2006
*46	Accessibility at House of Catalunya, Valletta	Closed	Government	Government Property Division	October 2008
*47	No lift facilities at Gzira Health Centre	Court	Government	Health Division	July 2001
*48	Accessibility to clinics and health centres	Discussed	Government	Health Division	August 2006
*49	Access at main entrances of Gozo parish churches (see Table B)	Discussed	Church	Djocesi ta' Għawdex Gozo Diocese	August 2002
*50	Access at main entrances of Malta parish churches (Table C)	Discussed	Church	Church of Malta	October 2004
51	Lack of access	Discussed	Church	Catholic Institute	November 2007

52	Lack of access to band club	Discussed	Private	San Gwann Band Club	March 2003
53	Lack of access at band club	Discussed	Private	St Anthony Band Club B'Kara	August 2003
54	Lack of accessibility in Council building	Discussed	Councils	Mgarr Local Council	March 2004
*55	Lack of accessible toilet	Discussed	Private	Valletta Waterfront	August 2004
*56	Lack of accessibility at Aula Magna	Discussed	Government	University of Malta	October 2005
57	Lack of accessibility to theatre	Discussed	Private	Empire Cinema	March 2006
58	Arrangements for cinema halls and accessibility at Eden Superbowl	Discussed	Private	Eden Leisure Group	March 2009
*59	Lack of accessibility in Sghajtar Street, Naxxar	Discussed	Parastatal	Transport Malta	March 2006
60	Lack of accessibility in Triq I-Ahwa Galea, Mosta	Discussed	Councils	Mosta Local Council	March 2006
*61	Accessibility to hall	Court/Protest	Private	St Anne Hall	July 2006
62	Lack of accessibility	Discussed	Government	Belvedere Mdina	October 2006
63	Access to Bugibba Bay	Discussed	Government	Ministry of Tourism	June 2007
64	Lack of access to Heritage Malta exhibitions	Closed	Government	Heritage Malta	August 2007
65	Reserved parking for persons with disability is timed	Discussed	Councils	Zejtun Local Council	June 2008
*66	Accessibility at bank branches	Closed	Private	Banif Bank	January 2008
*67	Accessibility at bank branches	Discussed	Church	APS Bank	April 2008
*68	Accessibility at bank branches	Discussed	Private	Lombard Bank	April 2009
69	Physical access at McDonald's franchise	Discussed	Private	McDonald's	June 2008
70	Physical access to Food Chain Holdings Ltd stores	Discussed	Private	Food Chain Holdings	June 2008
*71	Lack of accessibility in hotel	Discussed	Private	Excelsior Hotel	July 2008
*72	Lack of accessibility in hotel	Discussed	Private	Dolmen Hotel	April 2009
73	Lack of accessibility in hotel and surroundings	Discussed	Private	Hilton Hotel	September 2005
*74	Lack of accessibility in hotel	Discussed	Private	Le Meridien Hotel	July 2009
75	Lack of access to new showroom	Discussed	Private	Joinwell	November 2008
76	Lack of access to new showroom	Discussed	Private	Diamonds International, Portomaso	December 2008
77	Lack of access at new Euro Pharma	Discussed	Private	Michele Peresso Ltd	March 2009



78	Lack of access in restaurant	Discussed	Private	China House Restaurant	December 2008
79	Accessibility in restaurant	Discussed	Private	China Town Cuisine	September 2009
80	Physical access	Discussed	Private	Penang Restaurant	June 2009
81	Lack of access	Discussed	Private	Ta' Pawlu Restaurant	November 2007
*82	Lack of access	Court/Protest	Private	Huggins Pub	January 2007
83	Lack of access	Discussed	Private	Għall-Kafe'	January 2007
*84	Accessibility to disco	Court/Protest	Private	Sky Club	July 2009
*85	Accessible toilet	Closed	Government	St James Cavalier	January 2009
*86	Lack of pavement ramp	Discussed	Parastatal	Transport Malta	April 2009
*87	New pavement in Church Street, Xagħra	Discussed	Parastatal	Transport Malta	October 2008
*88	Lack of access on pavements	Discussed	Parastatal	Transport Malta	July 2005
89	Accessibility on pavements	Discussed	Councils	Floriana Local Council	September 2009
*90	Zebra crossings without ramps	Discussed	Parastatal	Transport Malta	April 2009
91	Ramps blocked by cars	Discussed	Government	Police Commissioner	April 2009
92	Blocked pavement	Closed	Private	Sa Maison Bar	August 2009
93	Physical access to Marks & Spencer shops	Discussed	Private	Marks & Spencer	May 2009
94	Reserved parking	Discussed	Councils	Pieta' Local Council	July 2009
95	Reserved parking	Discussed	Parastatal	Transport Malta	July 2009
96	Reserved parking during feast	Discussed	Government	Police Commissioner	July 2009

#### **AĊĊESSIBILITÀ – NEW COMPLAINTS**

	<b>Complaint</b>	<b>Status</b>	<b>Sector</b>	<b>Entity</b>	<b>Opened</b>
97	Pavement obstacle in Birkirkara lasting for more than a month	Closed	Councils	B'kara Local Council	January 2010
98	Request for permit to build a pavement ramp	Closed	Councils	Dingli Local Council	October 2009
99	Inaccessible pavement Bankina mhux aċċessibbli	Closed	Councils	Attard Local Council	February 2010
100	Accessibility in Cart Street	Closed	Councils	Valletta Local Council	May 2010
101	Request for repairs on a broken pavement ramp in Miggiani Street	Discussed	Councils	Hamrun Local Council	November 2009
102	Accessibility to public offices	Closed	Councils	Msida Local Council	November 2009

103	Unused accessible toilet	Discussed	Private	Heat Bar	December 2009
104	Unused accessible toilet	Discussed	Private	Hard Rock	December 2009
105	Unused accessible toilet	Closed	Private	Browns	December 2009
106	Feast decorations installed in areas reserved for persons with disability	Closed	Church	Church of Malta	November 2009
107	Use of reserved parking	Closed	Private	LIDL	February 2010
108	Wrong use of reserved parking and accessible toilet	Closed	Private	Pavi Supermarket	April 2010
109	Lack of reserved parking	Closed	Private	Fortina Hotel	April 2010
110	Reserved parking for persons with disability is blocked by a kiosk	Discussed	Councils	Paola Local Council	July 2010
111	Parking sign in front of a door creates an obstacle for a wheelchair-bound person to access their home	Closed	Parastatal	Transport Malta	September 2010
112	The street and ramp in St Rita Street, Rabat are blocked by umbrellas, chairs and tables	Discussed	Government	Commissioner for Children	May 2010
113	CVA parking and abusive use of Blue Badge	Closed	Councils	Valletta Local Council	January 2010
114	Complaint regarding CVA payment rates	Closed	Parastatal	Transport Malta	April 2010
115	Accessibility at Ta' Qali Fun Park	Closed	Government	Ministry for Resources and Infrastructure	January 2010
116	Lack of access and required accommodation	Closed	Private	Marsa Racing Club	January 2010
117	Accessibility at Belvedere, Għajnsielem	Discussed	Councils	Għajnsielem Local Council	April 2010
118	Accessibility in new showroom	Discussed	Private	Forestals	March 2010
119	Accessibility in restaurant	Closed	Private	Lo Squero Restaurant	April 2010
120	Accessibility at the Tourist Information Office, Valletta Waterfront	Closed	Government	Malta Tourism Authority	May 2010
121	New incline at Tigne' Point is too steep	Discussed	Private	Private	June 2010
122	Accessibility in a snack bar in Naxxar	Discussed	Private	Private	June 2010
123	Accessibility in a shop in Zabbar	Closed	Government	MEPA	August 2010
124	Accessibility in public toilets	Discussed	Councils	Mellieha Local Council	May 2010
125	Accessibility in Xatt il-Pwales	Discussed	Councils	St Paul's Bay Local Council	May 2010

126	Accessibility in Mellieha Bay	Discussed	Government	Malta Tourism Authority	June 2010
*127	Accessibility at Sports Complex and National Pool	Discussed	Parastatal	Malta Sport Council	June 2010
128	Marsascala Police Station not accessible to persons with disability due to very high steps	Discussed	Government	Police Commissioner	August 2010
129	Lift accessibility	Closed	Private	Hunter's Palace	August 2010
130	Accessibility in Valletta	Closed	Councils	Valletta Local Council	August 2010
131	Accessibility in Gozo	Closed	Government	Malta Tourism Authority	July 2010
<b>PROVISION OF GOODS AND SERVICES – COMPLAINTS FROM PREVIOUS YEARS</b>					
	<b>Complaint</b>	<b>Status</b>	<b>Sector</b>	<b>Entity</b>	<b>Opened</b>
132	Website accessibility	Discussed	Private	Bank of Valletta	March 2005
*133	Website accessibility	Closed	Private	Melita	March 2005
*134	Website accessibility	Closed	Church	Gozo diocese	August 2006
135	Website accessibility	Discussed	Church	Church of Malta	January 2006
136	Website accessibility	Discussed	Church	APS Bank	April 2008
*137	Website accessibility	Closed	Private	Yellow Pages	June 2008
138	Website accessibility	Discussed	Parastatal	GO	July 2009
139	Website accessibility	Discussed	Parastatal	Lombard Bank	September 2009
*140	Changes in public bus timetable	Discussed	Parastatal	Transport Malta	January 2007
*141	Accessibility to Valletta Park & Ride	Discussed	Parastatal	Transport Malta	February 2007
*142	Accessibility to Xarabank programme	Closed	Private	Where's Everybody?	April 2007
*143	Lack of programme subtitles	Discussed	Parastatal	GO	April 2009
144	Permit for a vehicle to access school premises	Discussed	Councils	B'kara Local Council	November 2008
145	Clear information regarding accessible services	Closed	Private	Gozo Channel	February 2009
146	Accessibility in applications for funds from ERDF and ESF	Closed	Government	Parliamentary Secretary for Public Consultation	June 2009
*147	Car hire services of hand controlled cars	Discussed	Private	RACA	June 2006
<b>PROVIISION OF GOODS AND SERVICES -- NEW COMPLAINTS</b>					

	<b>Complaint</b>	<b>Status</b>	<b>Sector</b>	<b>Entity</b>	<b>Opened</b>
*148	Accessibility to Notte Bianca website	Closed	Government	Malta Council for Culture & the Arts	August 2010
*149	Accessibility to Church of Malta website	Closed	Church	Malta Diocese	June 2010
150	Home Help service setup	Closed	Government	Department for the Elderly	November 2009
151	Pension stopped because of an accident at work at age 61	Closed	Government	Social Security Department	December 2009
152	Person taking the Children disability allowance not entitled to disability pension	Closed	Government	Social Security Department	December 2009
153	Complaint made because after 5 years of marriage to a person with disability, pension is stopped if the wife has a job	Closed	Government	Social Security Department	April 2010
154	Despite the fact that together they do not reach the minimum wage, the sickness benefit was stopped because the person found a part time job	Closed	Government	Social Security Department	March 2010
155	Complaint regarding pension transfer on the person with intellectual disability	Closed	Government	Social Security Department	April 2010
*156	Car hire services of hand controlled cars	Discussed	Private	Merlin	December 2009
*157	Car hire services of hand controlled cars	Discussed	Private	John's Group	December 2009
*158	Car hire services of hand controlled cars	Discussed	Private	Thrifty	December 2009
*159	Car hire services of hand controlled cars	Closed	Private	Garden of Eden	December 2009
*160	Car hire services of hand controlled cars	Closed	Private	Paramount	December 2009
*161	Car hire services of hand controlled cars	Closed	Private	Wembley	December 2009
162	Hire services of a van accessible for one wheelchair	Closed	Private	Private	March 2010
163	Provision of taxis that are accessible for all	Closed	Private	RACA	July 2010
164	High bill without receipts from the condominium administrator	Closed	Private	Private	March 2010
165	Ill-/wrong?? treatment at the Outpatients section at Mater Dei Hospital	Discussed	Government	Mater Dei Hospital	April 2010

166	Lack of adequate accommodation	Discussed	Parastatal	Airmalta	April 2010
167	Withdrawals from a bank account in the name of a person with intellectual disability refused	Closed	Private	HSBC	June 2010
168	Lack of adequate accommodation on an aeroplane	Closed	Parastatal	Airmalta	April 2010
169	Complaint regarding exemption from road license payment	Closed	Government	Ministry of Finance	June 2010

#### **INSURANCE – COMPLAINTS FROM PREVIOUS YEARS**

	<b>Complaint</b>	<b>Status</b>	<b>Sector</b>	<b>Entity</b>	<b>Opened</b>
*170	Insurance for a person with disability	Court	Private	Middlesea Insurance and BOV	February 2007

#### **INSURANCE – NEW COMPLAINTS**

	<b>Complaint</b>	<b>Status</b>	<b>Sector</b>	<b>Entity</b>	<b>Opened</b>
171	Request for insurance due to a home loan	Closed	Private	Middlesea Insurance	December 2009
172	Lack of provision of a van that accommodates one wheelchair while personal van was being repaired after a traffic accident	Closed	Private	Gasam Insurance	March 2010
*173	Discriminatory travel insurance	Discussed	Private	Cordina Insurance Agency	May 2010
*174	Discriminatory looking conditions and travel insurance	Discussed	Private	Britannia Services Ltd	June 2010
*175	Request for compensation for the loss of a holiday	Discussed	Private	ROCS Insurance	September 2010

#### **HOUSING – COMPLAINTS FROM PREVIOUS YEARS**

	<b>Complaint</b>	<b>Status</b>	<b>Sector</b>	<b>Entity</b>	<b>Opened</b>
Complaints from previous years were all closed before October 2009.					

#### **HOUSING – NEW COMPLAINTS**

	<b>Complaint</b>	<b>Status</b>	<b>Sector</b>	<b>Entity</b>	<b>Opened</b>
*176	Inaccessible apartments due to a dangerous ramp	Closed	Government	Housing Authority	March 2010
*177	Neighbours of a person with disability not agreeing upon the construction of a ramp in common entrance area	Discussed	Private	Private	June 2010
178	Need to change apartment due to disability	Closed	Government	Housing Authority	June 2010

179	Allocation of houses that do not conform to the needs of persons with disability	Closed	Government	Housing Authority	July 2010
180	Upgraded lift not accessible	Discussed	Private	Private	August 2010

Table A

<b>19. COMPUTER SCHOOLS</b>	
1	Compex Computer
2	Computer Domain
3	Electronic Products
4	Execu Train
5	Holistic Technologies
6	Horizon 2000
7	Integrated Business Systems
8	ITIS
9	Key Training
10	Learn Key
11	Malta Institute for Computer Studies
12	STC Training
13	St Mark's
14	St Martin's
15	TCTC
16	Innovate Training Institute
17	Computime Ltd
18	Quantum Solutions
19	St Thomas
20	Future Focus
21	Euro Canadian Electronics Ltd
22	Educational Support Serv Ltd
23	Computer Advisory Service
24	Trigold Ltd
25	Success Malta Ltd
26	Learning & Development Centre

27	IT Studies Centre
28	Hi-Tex Computer Centre
29	Exor Computer Training Centre

Table B

<b>49. GOZO PARISH CHURCHES</b>	
1	Għarb Parish
2	St George (Victoria) Parish
3	Xagħra Parish
4	Kercem Parish
5	Munxar Parish
6	Katidral Parish, Victoria
7	Xlendi Parish

Table C

<b>50. MALTA PARISH CHURCHES</b>	
1	Dingli Parish
2	Fgura Parish
3	St Julians Parish
4	St Gaetan Parish
5	Lija Parish
6	Manikata Parish
7	Luqa Parish
8	Mellieha Parish
9	Mgarr Parish
10	Zabbar Parish
11	San Gwann Parish
12	Santu Wistin Parish, Valletta

13	Qrendi Parish
14	Paola Parish
15	Stella Maris Parish
16	San Pawl tat-Targa Church
17	St Anthony Church, Birkirkara
18	St Francis Church, Valletta
19	Xgħajra Parish
20	Marsascala Parish
21	Zejtun Parish
22	St Sebastian Parish, Qormi
23	Tarxien Parish
24	Santa Lucia Parish
25	Santa Marija Parish, Birkirkara
26	St Joseph Parish, Birkirkara
27	St Gregory Parish, Sliema
28	Safi Parish
29	Siggiewi Parish
30	Zurrieq Parish
31	St George Parish, Qormi