

National Conference on the  
**Council of the European Union Directive**  
establishing a General Framework  
for Equal Treatment in  
**Employment and Occupation**

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Council Directive 2000/78/EC

Friday, 10<sup>th</sup> December 2004  
**International Human Rights Day**  
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## Message from Mr Joseph M. Camilleri

Today we are pleased to have reached the end of our activities for the Persons with Disability Week, which was an exhausting week. At the end of our activities, we are now participating in a National Conference on the European Union Directive on Equality in Employment.

**A**s you know, the slogan chosen by the Jesuit Refugee Service and us is “Diversity Strengthens”. Unfortunately, this diversity is not always the source of strength; very often it brings divergence, fragmentation and weakness. Why? The reason is that we separate ourselves into groups with different aims and thus our voice is weakened and we fail to transmit effectively the issues which concern us onto the national agenda. We have to learn that strength in diversity comes from making compromises and forming strategic alliances.

Thus, today I am happy to see representatives of different minority groups together. I firmly believe that most of the discrimination we face in our different societies is common and one of the common forms of discrimination suffered by minorities in everyday life concerns employment. Employment, together with education, are fundamental in our lives both as children and as adults. A good quality of

life has its foundations in education that helps us maximise our personal potential and the opportunity to have a job that can be described as useful, in the sense that it is profitable for the country, the employer and us.

Very often, in the disability sector, our employment is seen as an act of charity, as social assistance, to get us out of our home or as pocket money. These paternalistic attitudes were appropriate for a different society, but today, youths with disability want the same things out of life as those without disability. If we want to have an independent adult life, this has to be based on having a job which is appropriate to our abilities and on having the necessary support to help us contribute in a more real way. This job has to give us equal opportunities and by this we mean equal pay for equal work, which is a slogan used by women in the seventies. It should also offer training opportunities to everyone. I

know persons with disability employed in a company who see their colleagues attend a number of courses while they are not given such opportunities. The concept of equal opportunities also involves having equal opportunities for promotions, as well as living our working life without fear of bullying or discrimination because of our differences. The achievement of these ingredients significantly enhances the life of persons with disability. In turn, this also improves family life because when we achieve

something, our family benefits too as there is a reduction in stress on the whole group.

A Directive that urges equality in employment is not something extra or something that we can live without. It is something essential which will help us fulfil our potential. As a person with disability and as the chairman of KNPD, I wish that this conference will be a success and that we, as different minorities, will work together to keep this Directive on the national agenda and to ensure that it is implemented.

Thank you

Director, Jesuit Refugee  
Services – Malta

## Message from Fr Pierre G. Margeurat

A few years ago there was a world conference on racism and discrimination related to race. In this conference, it transpired that one of the groups suffering from this problem is refugees, people who are immigrants in a country.

**T**his phenomenon has been growing significantly in Malta over the last two or three years and it would be a mistake to fail to see that people of a different colour are being discriminated against because of their culture, their ethnic origins, or the colour of their skin.

Some time ago, as you might have read, we became aware of a case we felt we had to give prominence to. Two people from Somalia worked for two weeks and when they went to ask to be paid for the third time, their employer did not only refuse to pay them but attacked them with a pair of scissors used to cut wire nets in the construction industry. As a result, one of the persons' head was cut open. We cannot tolerate such behaviour.

Today, the International Human Rights Day, we have to ensure that this European Union Directive is implemented and that we work with all the stakeholders of the country to be

successful in this aim. This might mean that some laws in Malta might have to be changed. Firstly, when the Refugee Act was enacted in the year 2000, we asked the Government to give refugees the legal right to work, but this has not been done yet. Refugees are given work only at the minister's discretion. I think that we are not treating these persons as equal. Being given the right to work by the Minister is different from being given this right by law. I have told the minister that when there is a different minister or when there is a rise in unemployment, refugees are not given the right to work because people look at them and accuse them of stealing their jobs. Although this is very often not the case, these kinds of comments can be heard frequently and this is one of the reasons why we have to ensure that refugees have equal rights.

The second problem that we are facing is that many persons having humanitarian

status, which is a status provided by the Refugees Act, only have permission to work and are not given a work permit, which means that they have to find an employer who in turn, has to ask for the permission to employ the refugee. This means that a person who is going to employ a legal immigrant (whoever has a humanitarian status can live in Malta legally and thus should have rights like everyone) will offer poorer conditions to those offered to Maltese persons. Such conditions include low rates of payment and the failure to pay national insurance contributions. In such situations, there is the risk of breaking Maltese laws, as well as of exploitation; I often see cases of extreme exploitation. In this way, we are tolerating the breach of these people's rights and those of each one of us.

I will now conclude: on my desk I had a poster which showed me what it really means to stand up for your rights. First of all this means speaking out for the rights of others; you might have read these lines by a protester found in a Nazi camp in the Second World War which said, "When they came for the Communists I was not a Communist and I did not speak out. When they came for the Catholics I did not speak up cause I was not a Catholic. When they came for the Jews I did not speak up cause I was not a Jew. When they came for the Trade Unionists, I did not speak up cause I was not a Union member. When they came up for me, there was no one to speak out for me." If we do not defend the rights of others, we are weakening our own rights.

Thank you

Opposition Spokesperson  
for the Family  
and Social Solidarity

## The Hon Marie Louise Coleiro

I welcome you and I welcome our foreign friends who are with us today. I am sure that you are being provided with an excellent interpretation and therefore I am going to speak in Maltese.

**We** are discussing a Directive, which is very important not only to these two sectors we are supporting but to society as a whole. After all, the chosen theme “Diversity Strengthens” reflects the whole of society. Society is made up of a conglomeration of minorities. Who can say today that he is different from someone else or that he belongs to a group which is bigger than another? To me, someone who says this is being arrogant. I am going to focus mostly on disability because there is more information and social statistics available about persons with disability. I definitely agree with all that Fr Pierre has said about immigrants and refugees.

Unfortunately, we used to think that in Malta we are more tolerant than others but when it comes to the decisive moments we realise that certain ways of thinking which were born abroad are also to be found in Malta. Apart from the case mentioned by Fr Pierre, I also know of cases which have not been

mentioned. These involve cases where people are being abused and treated very badly at their place of work. This undermines not only the dignity of these persons but also that of all the Maltese people. I know refugees who have worked for ninety cents per hour in the construction industry with all the dangers entailed, without the safety kit demanded by the Occupational Health and Safety Authority Act. The acceptance of these conditions also lead to the deterioration of the conditions of Maltese workers.

Mr. Joe Camilleri spoke mostly about harassment at the place of work. This harassment not only affects persons with disability but also women and homosexuals. Harassment at the place of work is a phenomenon that in Europe is being discussed as “Workplace Mobbing”. I have recently spoken about this in Parliament because I feel that we have to give it a lot of importance. If we really want

to implement and enforce the law, then we have to address seriously the problem of discrimination. It is very difficult to prove discrimination but this directive places the burden of proof on the defendant. Still, it is very difficult to prove this and it is for this reason that seminars like this are very important for us to join forces in fighting situations like these.

I would like to refer to the National Plan on Poverty and Social Inclusion. In the first paragraph of page 8 of the Maltese version, there is a discussion of a Strategic Approach, principal aims and fundamental targets and description which I would like to quote from. After identifying certain groups which easily fall under the risks of poverty, the text states, "Apart from the unemployed, the groups which are at a great risk of poverty and of social exclusion in the Maltese society, are persons with disability particularly those without education and basic skills." Finally, it mentions the issue of immigrants. The issue of employment is definitely linked to that of education. Moreover, access to work opportunities is also tied to education.

On the European Day of Persons with Disability, we were presented with a very important research carried out by KNPD and NSO, from which I am also going to quote, which shows that there is a link between education and work. In October 2004 there were 315 persons with disability who were registered under part 1 of the Unemployment Registry. 78% of these were men and 53% women. The

number of contributing beneficiaries receiving an invalidity pension in the year 2003 was 16,739. The number had increased by 5,050 from 1999. Moreover in 2003, 2,848 non-contributory beneficiaries received benefits related to disability. While we have a clear picture that there are 315 persons registering for work, on the other hand there is another issue related to health and security because more invalidity pensions are given after accidents at work than due to disability. There is another paragraph about education which is also very important "Persons with disability have two choices for their education: they can choose to participate in special educational programmes in special schools, or choose inclusive education in mainstream state or private schools. In 2003, there were 247 persons with disability attending special schools, while 1,232 were integrated in kindergartens and mainstream primary and secondary schools in the same year. This shows clearly the preference that exists for inclusive education. 24.8% of persons with disability who attend school are in special schools. One should note that this figure went down to 16.7% in 2003." This, in my opinion, is a very encouraging figure. The fact that there has been such an increase over the last few years in the number of students moving away from Special Schools to Inclusive Education should encourage us in our effort to ensure that persons with disability have better opportunities to be trained and to thus acquire the basic skills needed to start working.

In conclusion, I would like to say that this week we had more indicators; this week, as part of your programme, there was the NSO study that is more detailed as regards employment and education.

However, despite the fact that we are making a leap in quality, as seen from the statistics where we have more people with disability being trained and thus having greater access and opportunities, we can still see persons with disability being given particular jobs and not others in which they could show their full abilities. In my opinion, this is due to a lack of awareness. Just as we are lacking as regards illegal immigrants and refugees, we also lack awareness as regards the capacities of persons with disability. Sometimes, this is due to the person's lack of skills or due to the parents' overprotective attitude, and I am saying this

from hands on experience rather than using scientific evidence. However, another source of this lack of awareness are the employers, and that is why I would like to appeal to the employers; it is very important and we have to work harder for the employers to understand. The employers have been also helped by ETC, by schemes that encourage them to employ persons with disability. However, employers haven't used them enough. There is help provided by practical schemes and also by the legal framework, especially the so called 2% law. Together with this, we have to make an effort to integrate persons with disability at work. Work is being done but we have to show a certain impetus to push even further to really be able to say that strength comes from diversity.

Thank you.

Official in the Disability Unit  
in the Directorate General  
for Employment, Social Affairs  
and Equal Opportunities  
of the European Commission

## Keynote Speech from Ms Elizabeth Straw

It is a great pleasure to be able to address this conference on the EU anti-discrimination Directive on Employment and I thank you for your kind invitation to do so.

**My** name is Elizabeth Straw and I am a member of the Disability Unit in the Directorate General for Employment, Social Affairs and Equal Opportunities of the European Commission

I would like to begin with an over-view of the Directive, explain some of the legal concepts behind it and then go on to tell you how the Member States are doing with their transposition of the Directive into national law.

### **Historical Background:**

Back in 1997 the then 15 EU Member States unanimously decided to add a new article to the Amsterdam Treaty to ban discrimination across Europe. The new article 13 gave the Council the power to adopt measures to combat discrimination on grounds based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation. After

the entry into force of the Amsterdam Treaty on 1 May 1999, the Commission put forward a package of proposals to implement article 13 – a three pronged strategy to combat discrimination. These were:

- a Community Action Programme running from 2001-2006
- a Directive on discrimination on grounds of race and ethnic origin (Directive 2000/43/EC); and,
- a Directive covering discrimination on grounds of religion or belief; disability; age or sexual orientation, in the employment sphere (Directive 2000/78/EC)

It is this latter Directive that I will concentrate on today with particular reference to the provisions on disability.

### **Discrimination:**

The Directive prohibits discrimination on the

grounds I have mentioned. It sets out minimum requirements – so the Member States can provide greater protection if they want to. What is meant by “discrimination” under European law? The directive contains a specific, common definition which includes:

- direct discrimination
- indirect discrimination
- harassment
- instructions to discriminate

This is based in part on the pre-existing Community law on sex and nationality discrimination. It is important to note that discrimination does not have to be intentional to be unlawful. The definition of indirect discrimination is inspired by the case law of the European Court of Justice in the field of migrant workers. It is not necessary that a statistically significant group of people is disadvantaged by an apparently neutral rule. Rather, if an apparently neutral provision or practice would place even a single member of one of the protected groups at a particular disadvantage compared to other people, it is discriminatory unless justified (something we will come onto later).

Who is protected against discrimination? The Directive applies to all persons in the European Union, whether or not they are nationals of a Member State, and to both public and private employers. Thus the personal scope is very wide.

In what fields is discrimination prohibited? The Directive covers employment, vocational training, pay and working conditions and membership of organisations of workers or employers. Under the case law of the European Court of Justice the definition of “vocational training” is very wide and covers nearly all post-school education, universities, technical colleges as well as more traditional forms of training such as apprenticeships. So the material scope is quite wide, and some Member States have had to introduce protection against disability discrimination in employment where nothing existed previously.

Under the Employment Framework Directive “reasonable accommodation” must be provided for people with disabilities. This is the provision, by the employer, of measures which will allow a disabled person to work in as equal a way as possible in comparison with able bodied people. It could be something as simple as changing working hours, so that a disabled person can manage the trip to work more easily, a ramp to allow physical access to a building or more complicated things such as specialist computer equipment. The employer does not have to provide something which would impose a disproportionate burden on the business. The aim of the requirement to provide reasonable accommodation is to give, as much as possible, a disabled person equal treatment in employment. It marks a clear shift away from considering disabled

people as in being in need of protection, towards granting them equal rights with non-disabled people. If you think that most jobs could not possibly be filled by disabled persons, bear in mind that the UK's Home Secretary has been blind since birth. Or that Professor Stephen Hawking has a very severe disability which does not prevent him from being a world-famous scientist.

### **Exceptions:**

Having looked at who is protected from discrimination, and in which circumstances, does this mean that all differences of treatment are unlawful? No, the Directive contains a number of exceptions:

- justification of indirect discrimination. A difference of treatment caused by a neutral provision or practice will not be unlawful if that rule or practice is objectively justified by a legitimate aim and the means of achieving that aim are appropriate and necessary.
- occupational requirements. If a difference of treatment is based on a characteristic which constitutes a "genuine and determining occupational requirement", the difference of treatment will not be unlawful as long as the objective is legitimate and the requirement is proportionate. For example it is clear that to be a fireman a person must be 100% physically able.
- The requirement to provide a reasonable accommodation to enable disabled people to work will not apply if

it would impose a disproportionate burden on the employer. However, Member States may subsidise the costs of reasonable accommodation.

- Article 2(5) of the employment Directive provides that it is without prejudice to measures laid down in national law for public order and security reasons, for the protection of health and the protection of the rights and freedoms of others.

It has taken the ECJ at least 20 years to establish what can constitute objective justification in the field of sex discrimination for instance. I hope we do not have to wait that long for disability, but it is clear that the boundaries of these exceptions have still to be established. However, we should bear in mind that the right to non-discrimination is a fundamental right under Community law, and as such, exceptions should be narrowly interpreted.

### **Enforcing Rights:**

What can a person do if they think they have been discriminated against? Well, the Member States are required to provide information on the rights that the Directive provides. In addition, the Directive requires the Member States to ensure that organisations that have an interest in non-discrimination may help an individual to take a case, or even take a case on their behalf. This could cover, for example, pressure groups, NGO's, trade unions or equality bodies such as Ombudsmen.

If a case goes before the courts, the Directive provides for a sharing of the burden of proof. If an alleged victim establishes facts from which the court may presume that there has been discrimination, then it falls to the respondent – normally the employer - to prove that he has not discriminated against the person. This is an important provision because it can be very difficult to prove discrimination. Under the Directive, the shift of the burden of proof does not apply to criminal procedures, and the Member States can decide not to apply it in proceedings where the court or competent body has to investigate the facts of the case. This means that in some Member States, where anti-discrimination provisions are mainly found in the Penal Code, or where there is a reliance on investigative procedures, it seems that there will be very little application of the shift of the burden of proof. This will inevitably make it more difficult for victims of discrimination to enforce their rights. A further point that the NGOs among you may wish to note is that a national court may, under Article 234 of the EC Treaty, refer a case to the European Court of Justice if the national court has any doubt on how to interpret a provision of the Directive. This is an important point because so far we have no judgments to help us to interpret the anti-discrimination directives.

The Directive requires the Member States to protect people from victimisation. This means that if a person makes a formal complaint of discrimination, or is connected with such a complaint, they should not

suffer adverse consequences, such as being dismissed from their job.

The Directive leaves it to the Member States to set out their national rules on sanctions applicable to breaches of the principle of non-discrimination. However, sanctions must be “effective, proportionate and dissuasive”. These terms are not defined, and there is not yet any guidance from the Court of Justice in the disability discrimination field.

Once a Directive has been transposed into national law, a person must take their case under that same national law before the national courts or tribunals.

If the Directive has not been transposed, or has been transposed incorrectly, how can an individual enforce his rights? Well, he may be able to rely upon the principle of direct effect, as developed by the European Court of Justice. If a provision of a Directive is clear, precise and unconditional, an individual may be able to rely directly on it, rather than on the national implementing legislation, before the national court. A provision of a Directive only has direct effect as regards the State or its public bodies – it cannot be relied upon against a private employer for example. Ultimately it is for the European Court of Justice to decide which provisions, if any, can have direct effect, and clearly it is too early for any such judgments. However, if one looks at the precedents set by the European Court in respect of the sex discrimination directives, one can expect that quite a lot of

the provisions of the employment directive will be held to have direct effect.

The second action a person may be able to take is against the Member State itself, under the state liability principle, as established by ECJ caselaw. If a provision of Community law gives clearly identified individual rights, and the person has suffered damage because of the Member State's failure to properly implement that provision, then compensation may be claimed from the State as long as the State's breach of Community law is sufficiently serious. And the Court has held that failure to implement a Directive does indeed amount to a sufficiently serious breach. I am not aware of any state liability cases yet having arisen in the Member States, which is perhaps surprising given the large number of Member States that have not completed their transposition of the Directive.

The third possibility is that if there is some national law transposing the Directive, then the national judge must interpret that national law in the light of the Directive, in order to achieve the aim of the Directive.

So far we have no jurisprudence of the European Court to guide us on the correct interpretation of the Directive, and most of the terms are undefined. This makes it very difficult to give advice in individual cases. Specialist advice centres or bodies for the promotion of equal treatment are often very good at identifying test cases which raise important legal questions, and often such

questions are referred to the European Court of Justice for interpretation. It is as yet too early for such referrals in the case of disability, not least because Member States have the option – where it can be justified - of a further three years (from December 2003) to transpose the disability provisions of the employment directive.

Although the Employment Directive does not require the Member States to establish bodies to promote equal treatment in respect of other grounds of discrimination, some Member States have gone beyond the minimum requirements, for example in Sweden they have an Ombudsman for discrimination on sexual orientation, and in Belgium the mandate of the Centre for Equal Opportunities has been widened to cover the other grounds of discrimination.

### **Transposition:**

Let's now look at the transposition of the Directive by the Member States. The deadline for transposition into national law was 2 December 2003, with a possible further 3 years for transposing the provisions on age and disability discrimination, in order to take account of particular conditions. A number of Member States have notified the Commission that they intend to use this extra period:

- Belgium, the UK, Germany, the Netherlands and Sweden will use the extra 3 years for the age discrimination provisions, with Denmark using only 1 extra year

- France has notified the Commission that it will use the extra 3 years for the disability provisions, the UK and Denmark will use 1 extra year.

For those Member States who have most recently joined the EU, they should have fully implemented the Directive by the time they joined the European Union on 1 May 2004.

So that you may better understand how the implementation process works I will now give you some indication about the situation with the other Directive on race, which I mentioned at the beginning. At the deadline for the implementation of this Directive, only France and Italy had fully transposed the Directive into their national law. Infringement procedures for non-communication of implementing measures were therefore launched against the other Member States (some of which had effectively implemented the Directive but had not ensured 100% geographical coverage). The first stage of the infringement procedure is the sending of the letter of formal notice, and the Member States have 2 months within which to reply. If there is no reply, or the reply is inadequate, the Commission then sends a "reasoned opinion". Reasoned opinions were sent in February this year to Germany, Austria, the UK, Ireland, Luxembourg, Belgium, Greece, Finland and the Netherlands. In most of these countries draft legislation exists and is at an advanced stage before the national Parliament, so hopefully we will fairly soon have a good

transposition of the Race Directive. The exception is Germany, where as far as we are aware there is not even any draft legislation yet.

Returning now to the Employment Equality Directive, letters of formal notice for non-communication were sent in January this year to Germany, Denmark, Austria, the UK, Ireland, Luxembourg, Belgium, Greece, Finland and the Netherlands. In a number of Member States both Directives have been implemented in the same draft national legislation, so quite a lot of draft legislation is currently before the national parliaments.

So far we have a rather mixed picture from the most recently joined Member States. Most have notified legislation which transposes the Directives, but nothing has yet been received from Estonia or Cyprus.

Infringements for non-communication of national implementing measures are not the only type of infringement procedure open to the Commission under article 226 of the Treaty. We are now starting to examine in detail the legislation of the Member States which have completed their transposition of the Directive, to see if has been correctly done. As you can imagine, this is a lengthy task, especially when faced with 500 pages of Finnish legislation – to say nothing of Lithuanian or Czech!

The Commission also receives quite a lot of complaints from individuals or organisations. Usually there is not much we

can do, unless the complaint shows that the Member State is clearly in breach of its obligations under the Directives. In that case we would contact the Member State and investigate the complaint.

I hope I have managed to give you an overview of the anti-discrimination Directive on employment. As I am sure you will have realised, the Directive is still fairly new and many questions remain unanswered. If you would like more information on the Directives or the work of the Commission in this field, I would suggest looking at our web-page ([http://europa.eu.int/comm/employment\\_social/index\\_en.html](http://europa.eu.int/comm/employment_social/index_en.html)). In particular I would recommend that you read the Green Paper on the future of non-discrimination policy at EU level and the results from the online questionnaire.

I have of course concentrated on the employment directive on anti-discrimination since this is the main theme of your conference. I would like to conclude with a brief r sum  of what other activities the Commission is currently undertaking in relation to employment and disability.

Many of you will know that 2003 was the European Year of People with Disabilities. This was an awareness-raising year so that the situation of people with disabilities, and the difficulties they face every day could be brought to a wider audience through out the European Union. We are proud that this was an extremely successful year with a vast amount of Member State participation. We learned a lot about what disabled people

want and have tried to incorporate that in our policy follow-up to the European Year.

This is our Communication and Action Plan: "Equal opportunities for people with disabilities: A European Action Plan." This document outlines our overall strategy on disability until 2010, and identifies four priority themes for action during 2004-2005, all from the employment perspective. These are: access to, and remaining in employment; access to the built environment; life long learning; using the potential of new technologies; and, accessibility to the built environment. Further priorities will be identified in subsequent action plans covering the period up to 2010.

In addition to regular Action Plans, the Commission will publish every second year, starting in 2005, a report on the overall situation of disabled people in the EU, with contributions from the Member States and NGOs. We are also working, in cooperation with colleagues who are labour market experts, on a paper dealing with mainstreaming of disability into employment policies and programmes. In this paper we will publish details of national good practices in all the 10 guidelines of the European Employment Strategy. This latter is, along with our Communication, our main tool for encouraging equality of opportunity in employment for people with disabilities.

This is a brief flavour of our employment-related activity in relation to disability which we believe both supports and complements activity in the anti-discrimination field.

Consultant, Department  
for Industrial Relations

## Dr Noel Vella

Thank you, Mr Chairman. We have to recognise the importance that employment and work have in the aspirations and realisation of the potential in each and everyone of us.

**T**his is one of the reasons why the European Union felt the need to draft a directive against various forms of discrimination in the context of employment in order to help the holistic development of a person and her integration in society.

In 2002, the Employment and Industrial Relations Act came into force and this defines discriminatory behaviour as being every distinction, exclusion or restriction that is not justifiable in a democratic society, which includes discrimination on the basis of colour, race, gender and disability. Under this law, no one can subject a person to discriminatory treatment, i.e., one cannot use different measures in the same circumstance due to a person's age, colour, race, sexual orientation, religion, belief or disability. In the employment sector, the law offers protection that covers the whole process from the advertising of the vacancy to the selection process, the recruitment and the training that may be necessary

before or after a person is employed. There is also the obligation that a person of a different religion or race etc. in a job is treated equally in every aspect of the conditions of work and the chances for promotion.

The law emphasises the right of a person not to be treated consciously in a discriminatory way by the management in the distribution of work or in the status given to different employees through work practices. The law also offers protection from victimisation to every person that complains or that has started proceedings on alleged violation of these provisions. Apart from the principal Act, there are also two sets of regulations under the Act that are relevant to today's discussion. In 2003, the legal framework was widened and this involved the preparation of legal notice 297 that specifies that in the case of alleged discrimination presented to the Industrial Tribunal, the Tribunal has to take into

consideration the provisions of European Union Directives 2000/43 and 2000/78.

The aim of these directives is, as you know, to combat discrimination due to age, disability, race, sexual orientation, or religion. This year the 2004 regulations on equal treatment in employment came into force. These offer various rights to a person who thinks that s/he is being treated in a discriminatory way. I am now going to list in brief some principle points emerging from these regulations.

Apart from direct discrimination, where a person is treated worse than another one in a comparable situation, there is also the principle of indirect discrimination. This situation arises when provisions, criteria or practices that appear to be neutral may put a person with disability, of a different race etc., at a disadvantage when compared to other persons. There has also been the introduction of the concept which prohibits harassment; it is not allowed to subject a person to undesired behaviour or requests related to age, religion, sexual orientation, race or disability when such behaviour is requested with the aim of violating the dignity of a person or to create a hostile, degrading or offensive environment.

There is also the obligation of equal treatment that is not limited only to places of work but is also extended to cover the operation of various organisations such as employers' organisations, unions, and employment agencies. These regulate the way membership applications and

applications for benefits are to be handled. Principals as well as those leading organisations which I have just mentioned are also obliged to prevent a person from discriminating against another and to curtail all forms of harassment at work or in their organisations. This means that a principal who is aware that a client is harassing his employees, has the responsibility to take action to stop this behaviour.

There has also been the introduction of the principle of positive action in relation to access to training necessary to prepare persons with disability etc. to a particular job. There is also the possibility of an association which has a juridical interest to represent or act on behalf of a person in judicial or administrative proceedings taken in accordance with the regulations. One should point out that once a person proves that she was subjected to unequal treatment, the burden is then on the defendant to prove that this treatment was justified. On failure to do so, the court may decide in favour of the complainant.

To conclude, I will give some information about what a person can do if she feels that she has suffered unequal treatment. Such a person can write to whom she thinks has subjected her to this unequal treatment, specify what the treatment was and ask for an explanation of this behaviour and also explain the provision of the law in terms of which the complaint is being made. The receiver of the complaint must reply within ten days and give reasons, if these exist, why she does not agree with the allegations

of the complainant. This right can also be exercised by the Director of Labour. This correspondence can be presented in court and if the court determines that such correspondence has not been presented, has not been given a reply, or if the court thinks that this reply was evasive or equivocal, it can infer that there was an illegal act. There is also the possibility of taking the case to the Industrial Tribunal. The person making the allegations has four months to present a complaint to the Tribunal. If the Tribunal deems the complaint to be justified it can offer a remedy in the form of the cancellation of a contract or a clause or of a reasonable compensation. There is also the possibility of a person instituting judicial proceedings in the First Hall of the Civil Court. Such a person has four months to do so and can ask the Court to stop the illegal actions or, if necessary, to ask for compensation for damages.

One can also complain to the official of the Labour Office, who in turn can take the case to Court and if the Court rules that a person is guilty, it can sentence him to pay a fine of not more than one thousand Malta liri and/ or six months imprisonment. Thus, there are various options for the individual to exercise his rights. Finally, I conclude by saying that while the legal framework is important, the measures taken by the State and the social partners in education and changes in attitude towards minorities are also very important. It is also very important that each and every one of us recognises from an early age that we have reciprocal rights and duties and that it is our responsibility as individuals to create an inclusive society that respects individuals and diversity.

Thank you.

Public Edities  
Section Secretary,  
Union Haddiema Magħqudin

## Mr Jesmond Bonello

After such an excellent talk by Dr. Vella, it is maybe difficult for me to continue and come up with new arguments. However, I will do my best. The aim of this directive is just and it will, if implemented properly, bring positive outcomes.

**T**his directive focuses on strands in society that may be or are being discriminated against. As Dr. Vella said, in Malta we already have laws dealing with equal opportunities and discrimination. There have already been a number of cases and KNPD have fulfilled their role well as they defended those who were discriminated against or did not have access to particular jobs. We notice that these cases are being solved. The positive aspect of this directive is that it is relevant to a wider range of issues, including belief, age, disability, religion or sexual orientation. If one analyses these issues one realises that he can be part of these minorities in a few years time as he grows older.

Another positive aspect of this directive is that it does not simply focus on work conditions only in the sense of salary or promotions but gives a wider definition to discrimination, introducing issues such as pay, work conditions, leave and sick leave.

On the other hand, there is also education. In a society which is embracing the concept of life-long learning, it is important that people in this strand are given the opportunity and the access to a continuous education. Those employees who have different needs and require better access should not be treated differently to other employees.

To be honest, there are various reasons, such as financial issues and others, why sometimes there is a lack of access at work. A positive point about this directive is that it does not only focus on physical access. While it is important to provide access to someone using a wheelchair, there is also the issue of access to training and to employment. We may look at access as something constrictive but one has to keep in mind those persons who cannot progress in their job due to disadvantages imposed by others. The fact that this directive introduces the possibility of

changing working hours and the installation of necessary equipment will help these persons progress in their career. The perception we have today that a person with disability can only have a receptionist's job or that of a phone operator is mistaken.

Nowadays, if you give the opportunity to an employee to learn more, he will take this opportunity and show he is as good as anyone else. This directive will give the opportunity to persons with disability to progress just like others. At this point I would like to say that I too sometimes find it difficult to give the opportunities for advancement to a person. You generally find barriers. Despite making your point, you often find insurmountable obstacles. Maybe the directive will help. As we have already said, discrimination is not only suffered by persons with disability or of a different race but also because of age. There are many people of over forty years of age who cannot find a job.

Will this directive solve this problem? If there is the belief that a person over 40 years of age is no longer able to work, we should work to change the culture. One has

to say that there are also issues open to interpretation. This directive allows one to address obvious cases of discrimination. For example, nowadays, a call for applications cannot stop someone from applying for a vacancy due to age, race or sexual orientation.

However, discrimination can still happen in a subtle, hidden way. An interviewer may select or refuse someone for a number of reasons. This person may find a reason for not employing someone who is capable of doing the job. Moreover, someone may be employed and still be discriminated against, for example, by being given harder tasks and thus forcing him to leave the job. We have experienced cases like these, where persons with disability are given tasks that are refused by others and are thus made to give up and leave.

I would like to conclude by saying that this directive may create ambiguity and that this can only be avoided through more consultation and talks at MCESD. In this way we can eliminate abuse.

Thank you.

Deputy CEO,  
Employment and  
Training Corporation

## Mr Felix Borg

Let me start by thanking the National Commission Persons with Disability and the Jesuit Refugee Service for inviting me to talk at this conference. I shall start with the services offered by ETC.

**A** person who is looking for a job (independently of whether the person has a disability or otherwise, and of the age, sexual orientation or other conditions) has the right to register for employment with ETC. There is also a function of medical assessment primarily used with persons with a disability. When a person registers for employment, this person is declaring that she is looking for employment.

We also offer the service of profiling and guidance, i.e., we talk with the person who has come to look for a job. Even in the case of a person having a disadvantage in society, our staff discusses the abilities and experience of this person and the type of job and training she would like to have. Apart from having a list of persons who are looking for a job, we also receive a list of job vacancies and it is our task to do job matching, that is, matching the person who is looking for a job with the vacancies we receive from the employers. If the job

matching is successful there is job placement, which means that we have successfully found a job for a person.

Apart from these employment services, we also have training programmes. We have about seventy such programmes and we also use employment and training schemes to help groups of persons with disadvantages integrate better in the employment sector. As regards persons with disability, we make use of two schemes and two agreements. Firstly, there is the Bridging the Gap Scheme through which we place a person with disability in a job and this person is given three months to familiarise herself with the place of work. During these three months, this person is given a financial allowance. The Bridging the Gap Scheme, while providing work exposure, does not provide a job. However, there is also the Employment Training Placement Scheme, through which we place a person in a job and thus provide

this person with employment. As an incentive, we subsidise fifty percent of the minimum wage during the length of the training period provided by the employer.

Moreover, we also have an agreement with the Eden Foundation and the Richmond Foundation which offer us specialised training services, work exposure, jobs and follow-on support to our clients with disability.

I would also like to mention some of our achievements during the last financial year. Over the twelve months of the last financial year, we trained fifty five persons with disability either directly or through the agreement we have with the two foundations. We found a job for 73 persons with disability, helped 26 persons with disability through the Bridging the Gap Scheme and another ten persons through the Employment Training Placement Scheme.

While the two schemes mentioned above help persons with disability find a job, they do so by providing temporary assistance to the employer who trains and employs such a person. We have thus created a new scheme which we have called Supported Employment Scheme to help the person with disability integrate in the place of work permanently.

This Supported Employment Scheme will be given prominence as from next year when it will be launched and it will be financed primarily by the European Social

Fund and partly by the Maltese Government. Our aim is to have 65 persons in this Scheme over the next two years. These persons will first be introduced for eight weeks into their place of work through the Bridging the Gap Scheme. During these eight weeks they will be assessed by a job coach. After four weeks, an occupational therapist will analyse the person with disability in order to find the abilities of the person and the areas in which she needs to be assisted. After eight weeks, the report of the occupational therapist will be discussed by the ETC Employment Advisor, the employer, the Occupational Therapist and the job coach. They will determine what type of assistance will be offered on a permanent or temporary basis to the person with disability.

The Supported Employment Scheme will offer five options of assistance which I will explain further on. Those persons whose productivity is assessed at 40% will qualify for category number 1, while those whose productivity is between 41% and 60% will qualify for categories 2 to 5. In Category 1 of this scheme, ETC will provide job coaching services of four hours a day and a personal assistant, i.e., we will give a sum of money to the employer to assist the full time employee. This will happen on a permanent basis, i.e., until the person with disability keeps that job. This is something which so far has not been possible in other schemes.

In the second category, we have the option of providing a subsidy to the employer

equivalent to half the minimum wage without offering job coaching services or a personal assistant. In Category 2, the subsidy will be on a permanent basis.

In the third category, if the person needs assistance we will offer a subsidy to the employer equivalent to half the minimum wage plus a personal assistant on a permanent basis. Thus, on top of the subsidy offered also in Category 2, this category also offers personal assistance to the employer i.e. a sum of money to assign one of the employees to the task of helping a person with disability integrate at the place of work.

In Category 4 we will offer job coaching services on a temporary basis for 40 weeks without personal assistance. Then, there is also category 5 which provides job coach assistance for 40 weeks and personal assistance on a permanent basis to the employer.

You will hear more about the Supported Employment Scheme both from us and from the Commission when the scheme is launched next year.

Since the theme of today's conference is also related to refugees I would also like to speak about the assistance provided by ETC to foreign persons who have been granted the refugee or humanitarian status.

As Fr. Pierre said, refugees have the right to work in Malta and also have the right to register for work. In fact, presently we have about fifteen persons registering for work in Part 1 of the Registry and these persons have the same rights of Maltese people to our services and training. There are about two hundred persons with work permits and about seventy who are registered with ETC who are either refugees or who have humanitarian status and who are working.

While Fr Pierre was talking I thought that only seventy refugees or persons with a humanitarian status are working in Malta. There may be more but if so, they are doing so in an illegal way. Thus, in cases of exploitation or abuse, these people have no protection from the authorities because their jobs are illegal (either because they do not know the rules or because their employer wants to exploit them).

I would also like to say that last year we trained eight refugees or persons with a humanitarian status in the English language to help them integrate in Malta. If they eventually leave Malta and settle in another country they will be able to communicate, find a job and settle in another country. I think I can conclude here. If necessary, I will elaborate during the discussion.

Thank you.

President, Malta  
Employers Association

## Dr Paul Debattista

Firstly, as employers, we are talking about two issues. There are persons who have a disability when they start working and those who acquire a disability after they start working.

**A**s employers, we have persons who have been working when they suffered an injury at work or outside. We reintegrate these people and change their job to help them keep their work. We mentioned immigrants and refugees. At the moment in Malta there are many foreigners who are not immigrants, who are not refugees, but who are in Malta and are working regularly. Thus, the seventy persons mentioned may be refugees but I can assure you that there are many more working in Malta who are foreigners.

However, we have to build a strong basis before these people start working. We cannot expect the employers to solve all the problems. We must start from the schools. The national statistics already show that persons without disability find it difficult to find a decent job if they lack a good education. From a survey that I have recently heard about, only about 30% of persons with disability have completed

secondary school. I think that it is essential that we make an effort to give them not only secondary education but if possible tertiary education and the proper guidance. It is important that those guiding the persons with disability are trained to be able to direct them to jobs in which they will be able to integrate later on in life. I know that we have a problem with guidance teachers for students in general, but if we are to address this problem we must focus on it and employ trained guidance teachers who can direct these people to jobs in which they can integrate.

It is also important that they keep attending general schools as this serves for two reasons: the person with disability must integrate in the place of work but other workers should also learn how to integrate with persons with disability; it is a two-way process. If these persons start to be integrated from an early age it will then be easy for them to be helped not only by the

facilitators provided by the government but also by their colleagues at work. The Government's decision to offer this assistance is a good move because it is encouraging employers to employ persons with disability.

We should keep in mind that there are two important reasons why persons with disability should have a normal job: firstly,

so that they will not be a burden on their country but rather net contributors through their tax and national contributions; secondly, so that they will feel like other human beings. As someone said at the beginning, this is not a question of charity. Everyone has the right to work and the Government should look after those people who can offer a valid contribution to society.

Thank you.

Secretary General,  
General Workers Union

## Mr Tony Zarb

First of all, we would like to thank the organisers who gave us this opportunity today to talk about such an important subject, even for trade unions, that is, discrimination. This topic has been important for GWU as from its establishment.

In fact, a few years after the establishment of GWU, more than 50 years ago, GWU employed its first female employees. GWU was the first entity in Malta to give equal conditions, including pay, to women. We then started to introduce clauses against gender discrimination in the collective agreements we signed. We believe that there should be no form of discrimination at work due to belief, gender, race, sexual orientation or disability. I would like to make a point about those foreigners who work in Malta legally (referring to refugees). I ask if in Malta these people are suffering from serious discrimination.

I refer to the case which happened a few weeks ago when two foreign workers were attacked and injured when they went to claim their pay for work they had done. We are still waiting, or at least we still have not been told that the aggressor has been taken to court. We are going to keep talking about this case –we have also talked to Fr.

Pierre about it – because we believe that who is guilty in this case has to pay for it. We do this even if it means that we, officials at GWU, receive threats for talking about such issues. Nonetheless, these threats are not going to discourage us because we cannot accept such discrimination.

The subject of this seminar is related to the European Directive on the Equal Treatment in Employment with the aim of ensuring equal opportunities for everyone. We believe that this directive gives equal opportunities to everyone, opportunities of physical access to everyone. The Directive also urges employers to take the necessary measures to ensure that persons with disability benefit from the provisions of the Directive.

However, one cannot fail to notice that the Directive states that all this can be done as long as there isn't an excessive burden on the employer but this burden is not defined.

Unfortunately, we often come across persons, even persons with disability, who suffer from discrimination. To be fair to employers, many cases are solved through discussions. We also have cases where the employer understands our position as a Union and does his best to rectify the situation. However, there is still a lot to be done in Malta to improve the situation. I believe that while it is important to have laws, it is also very important that these laws are implemented. We have a law about the quota of workers with disability depending on the number of employees. I believe that this law is not functioning properly. The GWU, together with other Unions, will keep focusing on this law.

I would like to conclude by saying that the GWU building is accessible to everyone. We invite persons with disability to come and visit us to see the art exhibitions, the workers' museum or to enjoy one of our events. The museum is also accessible to blind people. All of you are welcome to trade-unionism, especially with regards to persons with disability who deserve their rights above any kind of pity.

I would like to conclude by wishing you a prosperous new year.

Thank you.

Director General,  
Federation of Industry

## Mr Edwin Calleja

It is difficult for me to say anything which has not been said before since I have been preceded by a panel of employers and trade union members who dealt with this theme from a variety of perspectives.

**H**owever, I am going to try. There will be some overlapping but this in itself may be positive as we might be seeing the problems in converging ways thus making it easier to find solutions. The Directive of the Council of Ministers of the 27<sup>th</sup> of November, 2000, provided a framework for equal treatment in employment with a continuous emphasis on persons with disability. As Dr Vella said, the Employment Act reflects the principles listed in the Directive. Prior to this, UNICE, the Brussels-based union of federations of employers (our union is a full member of UNICE) had been working as from 1997 with the trade union movement in Brussels, ETUC, that brings together all the trade unions in Europe, and others in an attempt to help the integration of persons with disability at work.

Through research, social partners within the European Union came to the conclusion that there are five factors to keep in mind in order for persons with

disability to find jobs. Both trade unions and employers believe that there should not be discrimination and that we should work for persons with disability to have jobs. Secondly, we must look for the ability of a person rather than her disability. Persons should be chosen according to their competence and abilities. It is crucial for an enterprise to be competitive. Thus, it should identify the abilities of its employees and do its utmost to develop them. Thirdly, effective work practices can contribute to the financial success of a company. The managers should be more aware of disability and try to develop resources, which might be present but hidden in the company, in order to facilitate workers with disability. This, in turn, would enhance the quality of work of persons with disability. Fourthly, there should be an attempt to find different solutions for the specific needs of every worker with disability. Finally, all those interested in making sure that persons with disability are integrated should contribute in a collective effort.

It is not easy to be successful in reaching our aims. Persons with disability have other disadvantages apart from their disability. They do not find obstacles only at work. There are problems in the educational section, they lack training opportunities and they are not always facilitated by society. At this point, I would like to express my appreciation of the effort being made by ETC, the Government and the NGOs. However, we have to keep in mind that persons with disability are products of a society that is not consistently aware of their special needs.

It is obvious that small enterprises lack information and experience with regards to the employment of persons with disability. Most of our enterprises are small in size and do not have the necessary resources and managerial framework to train their own workers. Very often, these enterprises are accused without valid reasons and without taking into consideration their small size. The financial incentives, the law and the quotas established by the law are not enough to solve this problem in a serious way.

Enforcing the law is not enough to achieve results which give dignity to a person with disability. I believe in the need for sustained campaigns aimed at changing the culture, starting from home and continuing in the educational sector and in training. We need to have the right attitudes towards persons with disability. The role of the agencies working in between the persons with disability and the employers have an important role in

promoting a positive attitude towards these persons and to help providing training and the necessary courage.

I was happy to hear about the co-operation between ETC, Eden Foundation and Richmond Foundation which offer a good start. Every case needs to be considered in its specificity. The agencies involved in this sector must be prepared and equipped with capable staff to help persons with disability find jobs which are specifically appropriate for each one of them.

In conclusion, I appeal to the employers, the Unions, the Government, the educators, the voluntary groups and ETC to formulate a strategy based on the reality of our country, the limitations in funds, opportunities and on the lack of experience found in other countries which have successfully integrated persons with disability at work. Let us avoid thinking only theoretically and making lawyers richer through cases between employers and trade unions, voluntary groups or the Government. We are not going to solve the problem by simply obliging employers to have 2% of their employees with disability. The English and other countries have dropped the quota clause. There is a lot that can be done to improve the roles of NGOs that are aware of the problems of persons with disability. With the help of ETC they should be introduced as intermediaries, and be much more involved than they are today. In this way they would be able to understand not only the needs of the person with disability but also those of the employers and be able

to build closer links between the employers and those who, despite their special needs, can give a valid contribution at work.

There is the need of sincerity and professionalism, and a better understanding of how to bring together the interests and the possibilities of the two sides. With good will, patience and by adapting those systems which have been successful abroad to the specific needs of Malta, we can be successful in Malta too.

Thank you.

## Mr Tesfamichael Beraki Mekonnen

I want to address the problem that the immigrants face in Malta. The people of different ethnic origins that living in Malta, particularly those who have lived here for a number of years, sense an increase in hostility from the local population to ward them in recent months.

**T**his is due to a number of factors; the manner by which immigrants and refugees are portrayed in the media, which creates fear in the minds of Maltese people.

“We are being invaded,”

“They might be sick, criminals, terrorists”

We are being duped”

“They will swamp our culture”

“They will take our job”

Comments such as these have unfortunately become commonplace in the media and also in political and other figures of authority.

The use of reception policies such as detention, which are essentially policies of exclusion serve to further criminalise asylum seekers and immigrants in the eyes of the man in the street.

Today many immigrants are detained for a longer period than people founded guilty of

having committed criminal offences, up to 18 months in many case. They are taken to hospital accompanied by military personnel or police officers.

Therefore Maltese people inevitably conclude that these immigrants are being detained they must bad, or some how dangerous. These factors lead to an increase in exclusion of immigrants from mainstream of Maltese society and growing of hostility to forward them.

At the outset it is useful to identify who we are talking about, those people of diverse racial origin are. Included in the category of people of diverse racial origin are:

- Maltese nationality of diverse, ethnic origin who married Maltese spouse, or people born in Malta of foreign parents before the national law of Malta changed.
- A foreign nationality who are in Malta for work or study purpose or foreign nationals seeking protection Malta

(Refugee and Humanitarian protection).

- Immigrants allowed to live in Malta, that are granted the visa, but with out status in Malta. This includes immigrants release after 18 months detention and other immigrants granted a visa to stay in Malta usually on humanitarian ground.
- Immigrants, on regular situations,

With regards to employment, it is clear that an individuals right to work in Malta is determined primarily on his / her legal status. For example Maltese nationals, what ever their ethnic origin have the right to work in Malta. Foreign nationals are allowed to work in Malta if the particular employer is granted permission to employ them to carry out a specific job.

Work permits in Malta are ultimately granted only where the job in question demands skills or knowledge not readily available in the locale labour market. Refugees are granted a work permit in Malta and people with humanitarian protection are granted permit to work, As a matter of Government policy, not as of right. Immigrants without status even if they have the visa cannot work legally in Malta. Immigrants in a regular position should not be present and much less work in Malta.

Immigrants in Malta are employed in a job, particularly in the construction industry, or in agriculture; this is true even when immigrants are highly skilled or educated. The jobs are usually low skilled and labour

intensive characterized by long working hours and low pay, often below the minimum wage. It seems that only immigrants can fill these vacancies. In many cases, even if immigrants are legally represented in Malta, and cannot get a working permit, they are employed illegally and thus they are outside the protection of Maltese Employment and Social Security Legislation. There are employers that abuse; as examples, there are employers who pay less what they agree before the work started.

## Ms Carol Galea

Bismillah er-Rahmen er-Rahim (In the Name of God, the Most Gracious, the Most Merciful), Mr. Chairman, Ladies and Gentlemen, the most basic human right is the right to speak out for your values. This should lead to one's opinion being heard and respected.

In a democratic country like ours, we are taught to see the democratic process as an absolutely faultless system of election and leadership. But the democratic process tends to be blind to minority groups for the simple reason that they are not able to change the outcome of an election. In the democratic system, those who count are the majority of the voters and this could lead to injustices - our politicians must, therefore, be sensitive to the minority groups in society and give them due importance, though they are not able to make or break future elections. Thus, they would be amending the fault of an otherwise just system.

One fundamental human right is to respect all differences as long as they are not harmful to oneself and to others. However, human rights are not to supersede God's Laws and if a wrong deed is stopped or made illegal, it is not to be considered as a human rights violation. On the contrary,

something that is harmful to the individual who practises it, and to those around him, must be stopped. Society must not condone that which is harmful under the guise of a human right or it risks disintegration.

To be effective, the European Union has to take a strong stand for its beliefs. It cannot simply talk and then turn a blind eye to what is actually taking place. By ignoring France's new law that caused such a vulgar and inhumane violation of human rights for all its Muslim citizens, the European Union has allowed the first violation of this sort within its own jurisdiction. Turkey does not allow its people to claim, in their constitution, that they are Muslims, and its people cannot wear the Muslim scarf, the hijab, to work and to public schools. France, instead of showing Turkey that it has superior and more just laws for its citizens and giving it a good example, followed Turkey's lead and applied a similar

law. Instead of the European Union setting the standards for all its members, it is the other way round individual countries are violating human rights but learning how to make it seem another thing and the European Union is swallowing the bait. The European Union must be stronger and truer to its own principles. It must actively stop such violations and not accept them. I have mentioned this violation as if it affected only Muslims. It is very serious for Muslims in that the wearing of the Muslim scarf is an obligation - thus a woman who is not allowed to wear it is being forced to commit a sin. The other religions were not affected so seriously because the Jewish cap and the Christian cross are not worn as a religious obligation. Still they, like us, suffer under this law and expect better from a country that claims to be civilised and democratic.

The European Union has just drafted its Constitution. I am ashamed to think that in the Constitution, drafted by a majority of Christian politicians, there is no mention of God. If it were a communist Constitution, I would have had to accept it. But in a democratic system, I demand that a mention of God is made. It is fear and love of God that keeps man from doing wrong. All religions, when honestly obeyed, will lead their followers to respect and protect other people's rights and will be a driving force behind the building of a just society. The European Union is claiming that it has the right principles, the ship, but it is throwing away the helm, the concept of God in our lives.

For human rights to be adhered to in a society, it has to be educated to respect all differences. Starting from the politician, the successful businessman and the man in the street, they must all engage in continuous and constructive dialogue led with respect and equality from all those concerned. Any feeling of superiority, be it economic, social or moral, will turn any attempt to get to know one another to failure. Human rights have to be set on paper, but one way to make sure that they are not violated is through educating people to know the truth about other groups within their societies so as not to fear them but rather understand them. Dialogue must be a continuous process in which all are ready to listen, learn and teach. This should also open the way for better integration of the minority groups into the general social arena.

Education is a crucial factor that will make or break society's concept of equality and fairness. Our students must be thought to accept the diversities around them, learn to take lessons from those who are not mainstream if possible and not shun those who have different beliefs, different skin colour, deformations, disabilities and the like. Educating our children from a young age to be open to differences will mean that the future will be richer for them and for all those who live with them. But it is the education system that must open the way to this possibility. Diversity can be as conceived as a dread by the ignorant. Only those prepared to learn can ever grow richer from other cultures, beliefs, and ways of living. One much too serious

discrimination I have had reports of is that against my colleagues studying at our University. Various students have claimed that they were treated with disdain by teachers and made to fail exams while being sure that they did well. I want to mention this here because it should be investigated seriously and if these Muslim students are suffering, it should be stopped immediately. This has got to be urgently addressed because it could seriously hold back these students' success in their life. I would like to propose a way of going about changing the attitudes of our University teachers. As we do with the company I work for, there should be continuous seminars against such bad treatment as well as a board that keeps an eye on behaviours and which could be called upon in case of need. So please allow me to appeal to those who can cause the change, to remember and take action if action is justified.

Another crucial factor for a fair society that insures social justice is an unbiased media. Speaking from the Muslim point of view, I'm dismayed at the continuous and unjust reporting that is taking place around me. I hear that Muslim terrorists attacked the U.S. Army in Iraq, though the 'terrorist' is in his home country and the US Army is occupying a sovereign state. I hear that Islamic extremists attacked the Israeli army though these were in the Gaza Strip with their tanks, whereas that should be Palestinian territory. I have to listen, at almost brain-washing frequency, these loaded phrases used to refer to a whole

variety of people, from nationalists defending their country, to people fighting for their right to live, to actual extremists, though probably not Muslim except maybe in name, attacking innocent people in some poor country like Indonesia. One thing assumed to be common among them is that they are Muslims and acting out of love for their religion, and this is very rarely the case. The media has to be obliged to give true and honest news and it should be illegal to use the media to generate lies and inflate problems to instil fear in the people.

The media plays a huge part in generating an image of us Muslims that tells all non-Muslims to beware and steer clear of us. Once, on a local television station, I had to watch a local journalist discussing 'Islamic terror' and the images showing during his speech included a Mosque's minaret against the setting sun, people performing their Salat (the prayers) and a group of Muslim women wearing the Muslim scarf chatting together. What is the message given by this journalist? It is: 'These people and these places are who I am referring to'. So the non-Muslims fear our religion and us. So few non-Muslims know the truth about Islam that it is impossible for them to like us or at least treat us as sane people. They perceive us as slightly insane due to our adhering to what they think is an unjust, violent and imposing religion.

The European Union has a responsibility in the racism and hatred, generated by

the media and suffered by us who are socially recognised as Muslims. I put this responsibility on its shoulders simply because it is ignoring the problem and turning a blind eye. It could do much to overcome this bias but it seems not to have an agenda against it. The European Union is concentrating its strength into trying to become an economic power. Well, there must be justice for us to have unity. It is an injustice to allow the media to shame us Muslims by using phrases like 'Islamic terrorism' for all that happens in Muslim countries and for anything bad that could somehow be labelled thus.

The European Union must fight injustices, be they committed by a state, by the rich and the powerful, or by the common people. It must put economic pressure on those who act against its principles, whether they are member states or otherwise. It is in vain for us, otherwise, to put high standards on others while leaving our standards to be low or even apply them only at will on those whom we want to hinder.

As part of the Muslim Community in Malta, I will try to mention that which is needed for us Muslims to feel accepted and to live as an integral part of the general society. But, before I start, I have to mention that Islam recognises human rights within the frame of God's Law, the Holy Qur'an and the Prophet's teachings (peace and blessings of God be upon him). Among other things, this means that perfection is only with God, the Wise, and we human

beings must recognise and accept our limits and always keep ourselves open to new lessons and consequently, adjust.

Being different at the work place is hard. As a woman, and thus ever more easily recognised and targeted due to my clothing, I can say that it is quite hard to stand up against all the ignorance and outright injustices. I work in an international bank and being experienced in dealing with many different cultures, the company is very conscious of social and religious diversity and the need to respect these for successful relations with its employees and with its clients. It is setting standards here in Malta for our businesses in that it is responsible not only of its profits but also of its employees' rights to be different but recognised and protected. I am fortunate and still, at times, I still face racist, degrading, ignorant comments.

In Malta, there was never outright violence against us, thank God. There has never even been outright and forceful rejection by society of us Muslims. Still, some Maltese are not welcoming and there are many individual cases that show the Maltese's mistaken outlook of us. Unfortunately, I have never seen, for example, a woman who wears the Muslim scarf apply for a job with a Maltese company and actually occupy the post. Now, one can argue that this could be due to her inability to surpass the other candidates. Granted. But I think, and it is not only my opinion, that many Maltese would be afraid to employ a Muslim woman simply because they are prejudiced

and cannot be bothered to walk the extra mile and bring about justice instead of endorsing one's perception of fear of the different.

Friends who work in smaller and local companies usually recount worse trials than mine, and their only chances of survival depends on their superior's outlook to Islam and Muslims. If their manager or the owner of the company is open minded, they are allowed to wear the Muslim scarf without too much hassle, and can pray at work, but the law does not protect them in case of injustices. This is what we really need a legal framework that is clearly and simply a guarantee that we who have special needs are not second-class citizens, and a law that tells all that our special needs are to be met, not ignored or trampled on.

- There are two major holidays in the Muslim Calendar and these are Ghid ul-Fitr, at the end of Ramadan, and Ghid ul-Adha, the major feast of the entire Calendar. We need to be given the right to claim these days at least as leave.
- We need the right to clothe ourselves according to our religious beliefs and to be respected for it.
- The right to pray at work
- The right to have prayer rooms in public places
- The right to attend Friday prayers at the local mosque, and be excused from work for the time it takes to attend to this obligation

- The right for Muslim students to be provided with religious education from an early age, in public schools.
- We need the right to be legally protected from all discrimination in such a way as to make it clear to all that the law backs our claim to these human rights.
- One significant change needed in Malta is the legal recognition of Muslim marriage contracts. This would prevent many injustices and provide more legal strength to women in particular. The marriage contract could incorporate a variety of demands set from one part to the other and it is important that these demands are respected, especially in case of the unfortunate disintegration of the couple.

The lack of these rights and facilities are crucial to us in that our religious obligations of performing the five daily prayers at their particular times, to pray in congregation the Friday prayer and to wear the Muslim scarf constitute a sin if not adhered to. Thus, I would be sinning against God if I do not pray the five daily prayers at their proper times. This is a heavy burden to bear and it should not be forced on us Muslims.

There is a very apt phrase in English: 'agree to disagree'. This is the right we need to be guaranteed. We, as a minority group in Malta, need the right to be different and yet part of society. We need to be different yet equal to the all people. The Law has to be strong for the weak in society and the

Muslims are a weak branch in society with many needs that are currently not being addressed.

Having said this, there was this respected politician who could not find support in his colleagues when he refused to deny his values when asked about them.

Mr. Bottilgi one was replaced after having proclaimed openly his opinion. Instead of being respected for it, he lost his place, his job. The European Union and its laws should have protected him from this injustice rather than condoned it. If the European Union admits to this being a mistake, let it make amends. If the European Union has not yet admitted to its being a mistake, what chances have we here of seeing our entreaties put to practice? I hope I am being a pessimist without cause, and I pray that we do see justice practised within the European Union, a justice that only turns a blind eye to one's social status.

I finish by thanking the organisers of this Conference for inviting me and for working so hard to provide us minorities with a chance to be heard. I also want to say that, for all that the European Union is still far from perfect, I believe that the concept is good and, God Willing, it is possible. I pray that, as European members, we remain united and work together for the common good. May God lead us all in this project so as to have the best of results for a better future to share together.

## Ms Doria Grixti

I represent the minority of people with sexual orientations which are different from the so-called 'normal' sexual orientations. These people include gays, lesbians, bisexuals and transsexuals.

**A**n experience I had was when I was seventeen years old, when I was still discovering my sexuality, and I was sacked from my job in a school as I was wrongly taken for a paedophile. Other experiences include not being given a promotion after years of productive work and then a new employee is promoted ahead of you only to be told that you should be grateful to be working. They would have been thinking about firing me for a long time. In the case of men, there may be problems because he may be effeminate or they might not like him. We suffer from harassment, offensive words and jokes in bad taste; when lesbians are slightly masculine they are looked at by males in certain ways, etc. Obviously, this is not right. I have heard of slightly effeminate males not being given front office jobs so as not to appear on behalf of their company.

This discrimination creates bad feelings such as a sense of inferiority, negative self-

perception, low motivation and the fear that you need help. These are all feelings felt by those who are discriminated against. What I wish and demand is respect towards the person. Who benefits from respect? Only me? The whole of society benefits. Employers benefit because if a person is happy at work, he will work more productively and effectively; he will be happy and smile and thus the client will be more satisfied and won't think twice about coming again. I know that it is fear which makes us build defences and define someone as not belonging to our category. However, if we look into ourselves, at the mirror, we will realise that everyone has something, maybe visible or maybe not.

To conclude, no one does anything for nothing; there is always a reason behind an action. So, let us respect each other to eliminate discrimination.

Thank you.

Personal Experience

## Ms Marianne Debono

Today, 10<sup>th</sup> December 2004, is dedicated to human rights. One of the most important human rights is the right to work. While there are various forms of discrimination against various kinds of minorities, I will focus on persons with disability.

**T**he Maltese laws related to today's topic are the 1969 Act, better known as the 2% Act, and the Equal Opportunities Act (2000). In November 2001, the European Union formulated this Directive about employment

There are several common elements in the Equal Opportunities Act and the European Union Directive. Some of these are: both of them are based on human rights; both give dignity to persons with disability; both help in moving away from a dependant object to a subject that participates in and contributes to society. Both are based on philosophical and social approaches to disability, that is, both acknowledge that the obstacles that exclude persons with disability from society are a result of factors like the lack of accessible transportation, the way we build, the lack of access to services such as communication and the wrong attitude of some people, rather than the disability of the person. This means that

the greatest obstacles are created by society and consequently it is society which can eliminate these obstacles. Both the Equal Opportunities Act and the European Union Directive identify direct discrimination, such as the refusal to employ a person with disability who has all the necessary qualifications, and indirect discrimination, such as harassment at work aimed at or resulting in the undermining of the dignity of the person or which creates a hostile, degrading, humiliating, offensive or threatening atmosphere.

In the Equal Opportunities Sector, we have had informal complaints from persons with intellectual disability but this does not mean that people with other forms of disability are immune from such discrimination. Obviously, someone who gives instructions is also discriminating. Both Act and Directive apply to the Public and the Private Sectors. In both, the responsibility is placed on who discriminates. With regards

to exemptions, both only consider technical or financial reasons and both require an enforcement mechanism. In Malta, the regulator is the KNPD. History shows us how the individual cannot survive in a society dominated by those who are economically and socially powerful. Both Act and Directive overrule existing laws and regulations. They both suggest that training is necessary to increase the employable skills and that action must be taken: change in policies, structures and programmes. The process has begun but there is a lot to be done.

Obstacles at work: A research carried out by the KNPD and NSO which has just been published shows a very low level of education among persons with disability. By not giving them an education, we are ruining their lives as education has an extremely important role for someone trying to find a job. Access to information: not only in a different format but also learning how and from where to procure information. Other major obstacles are wrong ideas about persons with disability. We often perceive persons with disability as patients who take a lot of sick leave. Statistics show that this is not true. Another thing one has to understand is that there are different disabilities and different degrees of disability. The KNPD does not only regulate the sector but also provides information.

Another misconception is that the necessary accommodations are always very expensive; research shows that this is not true. There has been a lot of improvement in computers

and the technology of communication. With regards to I.T, FITA has a lot to offer.

Attitudes are another obstacle. One of the aims of the Act and the Directive is to start seeing persons with disability as full citizens rather than objects of charity. Pitying the person and giving her a fish once in a while is not enough. We have to teach the person how to fish and thus be independent. This would also make economic sense because it would allow more persons with disability to start working and not depend on social welfare. They would earn money and thus have money to spend and pay the national insurance contribution. Charity often takes away our dignity and independence.

Undoubtedly, the media can help; in a local newspaper I read the following: "On the occasion of Disability Day, which is celebrated on 3<sup>rd</sup> December, Malta seems to make the general public aware of the trials and tribulations encountered by disabled people during their everyday life." For a moment I thought we were in Easter times rather than Christmas; this was said about a person who draws using a paintbrush held in his mouth. You can be sure that it is not this painting that is creating obstacles even in Europe and America, the priority is increasingly being given to economic growth over social justice. Economic growth does not always translate into a strong society and it does not always benefit everyone. We must encourage the Government and the members of the European Parliament to promote the Lisbon Agenda Strategic Plan.

Several documents such as the report by the chairman of the High Group of the Lisbon Strategy, Cooks, testify to the importance of promoting this plan. We have to identify our targets and an effective way of assessing whether these targets have been reached. For example, research conducted by the NSO, which the Commission has just published, and statistics from ETC show that there is a large number of unemployed persons with disability when compared to unemployed persons without disability. If the Equal Opportunities Policy is effective, one should expect a change in this imbalance.

Discrimination is experienced every day by the majority of persons with disability and it affects different aspects of their life. Laws against discrimination create equal opportunities, a level playing field and not privileges; therefore they are human rights. For example, don't you think that it is

discriminatory to be prejudiced against and not give a job to a qualified person who uses a wheelchair or who needs a modified keyboard, because she has one arm, because she was born that way or was injured? I hope that the EU acts on the insistence of the European Disability Forum by enacting anti-discriminatory legislation which eliminates discrimination against persons with disability in EU member states. Despite the fact that the responsibility to promote and defend the rights of persons with disability should remain that of public authorities, the active contribution of various entities such as, educators, employers, trade unions, social workers and other stake-holders providing services, is necessary. Through awareness and basic respect towards other persons everyone can contribute to achieve this aim.

Thank you.

## Discussion

**Anna Maria Laurenti**, Psychologist working for the Richmond Foundation: I would like to make a point; today I enjoyed listening to people's experiences. Unfortunately, discrimination is found everywhere, against various populations, and ultimately it is a question of changing our attitudes, opening up to difference and celebrating it. However, a population which today has not been mentioned is that of persons suffering from mental illness, and I would like to at least mention them. This is another population which faces intense discrimination; for some reason or other we are afraid of them, as if we are going to be infected. They are people like every one of us, they feel as much as we do and like every one they need support and acceptance. I would like to at least have mentioned them today. Thank you.

**Joseph M. Camilleri**: I would like to make a short contribution to the discussion. I would like to assure the lady who has just

spoken that we include persons with mental illness in what we understand by persons with disability, both when we work to promote public awareness and when we organise an activity. Therefore, when we speak of disability we speak of every social disadvantage which results from a society that disregards a form of impairment. Mental health is included in this. This means that we are aware and, yes, we include them. Nonetheless, I thank the lady for raising the point.

**Michael Micallef** (Foundation for Information Technology Accessibility): Today, I felt that many of the speeches we heard and the arguments raised have been heard and raised before.

Something I would have expected this morning, considering the presence of the ETC representative, Mr Felix Borg, is to hear about new courses being offered to persons with disability or new training being

offered to them. Should the ETC promote the traditional crafts that we, persons with disability, are used to? As we are all aware, the world is changing and we have to change accordingly. Just as businessmen, in order to reach customers use radio advertising, ETC should try to reach persons with disability in issues related to work. This could be done not only through the radio and other means of communication but through any means possible, even by keeping regular contact with them, especially with those who unfortunately are unemployed. The latter are very often unaware of the opportunities available or are unable to, for example, like me, use the internet and search for new job opportunities. Thank you.

**Tony Buttigieg** (Department of Employment and Industrial Relations): I have been working in this sector for 28 years. I would like to make two points. First, regarding the so called two percent law, even though it is not true that it is a two percent law; this was a law which made it possible for persons with disability to start working 35 years ago and which included several things which at that time seemed impossible to accomplish. After all these years, despite having achieved a lot, there is still a lot to be done. I have always said this, even in a paper I presented in 1990. This is just the beginning. There is still a long, hard way to go. We have to work together and focus on what each individual can offer to the country. The second point is: today I am involved in different entities; in fact I am part of the board which issues

working permits. It is true that the work permits are issued. We have about 2,800 legal work permits. Even refugees are being given appropriate jobs. We are not happy to hear about accidents like those which recently appeared on the newspapers about people who are exploited, beaten and hurt. Until today, we still do not know which was the company involved. Anyone who knows more about this should inform us so that we can take the necessary measures seriously. Our policy has always been that everyone should have equal opportunities and equal conditions of work regardless of the individual and his origins. Thank you.

**Sandro Mangion** (Malta Gay Right Movement): First, I would like to congratulate both KNPD and the Jesuit Refugee Service for organising this activity, and also for the series of activities that you are organising together to commemorate the International Human Rights Day. I would also like to congratulate you because while everyone seeks to defend his own territory, you have opened the discussion to other minorities. For this I thank you in the name of that section of the population, which is estimated to amount to between 5% and 10% that MGRM represents. I am one of those firm believers that one can only progress through legislative enactment. One can win by using force, but it is better to conquer the heart. We have mentioned the 2% law; a few months ago I interviewed an ETC official who is a member of the Supported Employment Section and he made it clear that the law is not being enforced.

He also told me that the aim of the law was more educational than one of enforcement. However, I think that a law has to be enforced. Education is another issue, but an existing law should be enforced. Regarding Directive 2000/78, which we are discussing today, I would like to say that, unfortunately, because here we had a Labour Office representative who spoke about the Law and mentioned two Legal Notices, for those who were listening, that shows that the Government was very slow in implementing this directive in Malta. I can say that initially the Government refused, for example, to include the term “sexual orientation” as one of the grounds on which a person cannot be discriminated against. After we put intensive pressure on the Government - we even went to Brussels and Verheugen sent a letter to the Maltese Government urging it to implement the Directive – we saw the first legal notice in November 2003. After we continued to insist that the Directive had not been transposed correctly, on the 3<sup>rd</sup> November 2004, the Government published another legal notice to fill in the gaps that there were in the implementation of this Directive. We believe that there is still a lot to be done and we are still not satisfied. This European Union Directive has not been transposed to the Maltese Industrial law correctly. Why does the Government keep on publishing legal notices rather than transposing this directive directly into Maltese law. We are now waiting for a third legal notice. In conclusion, I would like to say that apart from waiting for the Government to transpose the Directive correctly, stake-

holders, employers, unions, and NGO’s should be informed so that we keep on working in terms of education. A lot of work is already being done and I would like to praise those who are carrying out the European Union campaign For Diversity Against Discrimination, led by Andrew Warrington. I hope that through this campaign we will manage to bring together the different categories of homosexuals, persons with disability and illegal immigrants, not only in a phantom manner, but find practical real life situations, both within the community through the use of basic groups, parishes and village organisations, and the media, in which these groups can actually meet with other people. Therefore I no longer speak about a Maltese Muslim, but I speak about Carol, I no longer speak about a person with disability, but about Joe. Thank you.

**Fr. Pierre Grech Margeurat:** I would like to comment on something which was said this morning, something which Tony Zarb and I talked about, the accident involving those Somalis. The case has been taken to court. Unfortunately, it was only at ten this morning that we became aware that proceedings were going to be held at 12.30. We provided our lawyer - we managed to find one of our voluntary lawyers – but unfortunately, the person involved was accused of something less serious than what he actually did. He was given a three month suspended sentence and was not even accused of serious bodily harm, as was the case, since he cut the victim’s head open, which needed six

stitches. The persons involved were trying to leave Malta. One of them has already left and the other will leave in two days time. This has made it difficult for us to help him. We can only promise that we will keep on instituting criminal proceedings in cases like these and help the victims involved take legal action. Other stakeholders should also do this. I have already spoken to Mr. Zarb and to UHM about the possibility of having a section to help these people. As long as these people are not defended by the stake-holders and we do not defend them primarily as workers, we will not improve the situation. In Malta, there is still the idea that persons who are not citizens do not have the same rights. We should look at these people primarily as workers just like other workers. Organisations should act accordingly. Thank you.

**Felix Borg (ETC):** I would like to give some information about some speeches made today. Michael Micallef mentioned the need to advertise the fact that persons with disability need to be integrated in the employment sector and be given the dignity they wish for, not because they are pitied but because they have rights. Yes, I do believe we can do more and the scheme which I mentioned, which will be launched in January 2005, will give us an opportunity to do the necessary marketing, together with the KNPD, and whoever necessary, to promote and increase employment among persons with disability in Malta. Michael also mentioned the courses which are available to persons with disability. All the courses offered by the ETC are theoretically

open to everyone, but, in practice, we are aware that this is not the case. However, we are open to any suggestions with regard to training which can be offered to persons with disability. However, experience has shown us that it is better to train a person with disability at her place of work rather than at the training centre in Hal Far, as this often results in the person finding it difficult to integrate and transfer her skills to the workplace. Our philosophy is to find a job for a person and then train that person at her place of work. Regarding the enforcement of the two percent (2%) law, it is true that we are not emphasising its enforcement but it must also be said that last year we had cases where employers argued that they were employing persons with disability who did not want to register as such. In such a case, would the employer be breaking the law when he employs someone visibly with disability who by rights does not want to register as a person with disability? It is not fair to give the impression that the ETC is not doing its job properly; there are difficulties, let us identify these difficulties and try to overcome them. However, the effort has to be made by both sides. Nonetheless, I promise that the ETC will keep doing its job. Thank you.

**Alfred Bezzina (Executive Director, KNPD):** I have two points to make with reference to what Felix Borg said. As a Commission, we agree that training should be given both at an integral level and 'on the job'. I understand that there are certain disabilities which require specific courses, that is, it is

difficult to generalise due to the enormous differences that there might be. Very often different methods have to be used. However, in principle, we agree with what Felix said. The second point regards the two percent (2%) Law. I think that all the stakeholders involved should sit around a table and discuss it properly. In reality, studies carried out in the European Union member states show that wherever this two percent law, also known as the “Quota Law”, exists there are pragmatic difficulties in its implementation. It is very often difficult to impose a person with disability on a

workplace where he is not wanted. This law is very difficult to implement in practice. I conclude by saying that this Directive is important, it is necessary for us to discuss it and that every person belonging to a minority should learn how to use it. However, we should not delude ourselves because it is very often difficult to prove ...that is, there are enormous difficulties in the implementation of this Directive. Therefore, I agree with the speakers who preceded me that the law should work hand in hand with raising-awareness. Thank You

Permanent Secretary,  
Ministry for Education,  
Youth and Employment

## Closing Speech from Mr Charles Mizzi

Our Ministry worked till the end of March with another Directorate, with which it is still working i.e. the European Union Culture and Education Directorate.

However, during the last seven months, we have also been working in collaboration with another Directorate. During the last few months, our Ministry was involved in two particular projects. One of these was the presentation of the National Action Plan for Employment in October, as requested from each member state by the Employment Directorate of the European Union. Then on the 5<sup>th</sup> November, there was the publication of the Legal Notice transposing the Directive into Maltese Law.

Being here today was very beneficial to me because I was exposed to various opinions which I will report back. I am also sure that the organisers of this conference will report these views in an even better way. I have heard Mr. Mangion speaking and I will pass on his message. However, what I came to point out today is that the European Union Directive is no longer simply a European Union Directive but was made by the Legal Notice which was published on the 5<sup>th</sup>

November, that is about a month ago a part of Maltese law. The provisions which it includes and which were explained, in what I think was a very good and objective way, by Dr. Noel Vella, have become a part of Maltese law, and this is one of the psychological things which must be perceived. We are speaking about Maltese legislation and the message must be not that we are speaking about a law of somebody else but a directive which is ours. The Ministry, the administration, must get this message across because these directives are also ours.

One of the messages which we wish to get across is that the “others and I” mentality must be done away with so that we start to speak about “us”, because we must all work together. This is also part of the philosophy behind this Directive; this can only be achieved if it is accentuated that all the persons involved will be contributing so that as Mr Mangion said, we will move away

from defending our territory to move forward together because this is the way that things should be done.

One should mention that in the new Ministry structure, the officials who spoke here today, both those coming from the ETC as well as the Department of Industrial Relations, are part of the Ministry of Education, Youth and Employment and therefore we are all working together rather than in an environment of “them and us”, with all the advantages that such a philosophy has. In fact when Mr. Camilleri started speaking at the beginning of this Conference, he mentioned that education and employment are two pillars which give dignity to a person while she is developing and living. There is something particular to this country; when we are in foreign fora we are told that the Lisbon Strategy is becoming weak and is suffering because, at times, the Ministers of Education and the Ministers of Work and Employment in a lot of countries do not see eye to eye. Even internally in the Commission, as we have mentioned, we wish to develop a better relationship between the Education and Culture Directorate and the Employment Directorate. This is not necessary in Malta because they are in the same Ministry.

Here it is apt to mention the comment made by Ms. Marianne Debono when she said: “Let us be careful: in Europe sometimes economic growth is given more importance than social justice”. It is important to examine such a comment since the comment does not see the European Union

in a foreign light but as something that affects us all. The Lisbon Strategy has set itself such a mission: to create the best economy in the world, a world reference, as long as there is environmental sustainability and a social dimension.

If you were following the Government Programme as shown in the Budget, you will have noticed that during the speech the three pillars of the Lisbon Strategy, that is, the economy, environmental sustainability and the social dimension, were being presented as if they were our own. One of the pillars is the economy but there is also the social dimension, the environment and education.

Despite the Strategy officially issued by the European Union, the BBC in the United Kingdom were talking in the ways mentioned earlier by Ms. Debono. I heard people arguing that it is very difficult to find a balance between the economy, the environment and social justice. There were also people in the United Kingdom saying that the economy should supersede all the other elements in importance. Maybe we heard an echo of this here when Ms. Debono referred to the fact that some people are trying to eliminate the quotas in the United Kingdom.

From our point of view, that is, that of the administration, we can say that it is important to know how things may develop. It is a fact that the Maltese Government wants to present the Lisbon Strategy as it is. The economy cannot be separated from

social justice or from environmental sustainability.

This is the kind of direction we want to take. However, I wanted to give the following message, which was anticipated by other speakers before me, that is, that in order for the aims of the Directive, which has now been transposed into Maltese law through the publication of the Legal Notice, to be achieved one cannot adopt a merely punitive approach by issuing sanctions. However, this has to be done too, if necessary. We must employ the European Union approach whereby people who are involved in an issue, and all the stakeholders are brought together in order to find a common stance and thus be able to transmit this to others. It is because of this that this conference is

valuable in view of the Legal Notice published a month ago. It is much more effective to have the stakeholders conducting a discussion than something like this to be organised by the administration only. We have to make sure that our work is done and that we support it, that we see what we can deliver, and move forward. We thank the organisers, the participants, and I promise that what is being said here will be passed on and I know that Minister Louis Galea has his own ways of looking at social affairs and I am sure that these views will not fall on deaf ears.

Happy Christmas and Best Wishes for the New Year.

Thank you.