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UN EMPLOYMENT QUESTIONNAIRE*

***REQUIRES THIRD-PARTY INPUT**

The Office of the High Commissioner would be grateful to receive relevant information for the preparation of this study. In particular, views and information would be welcome in relation to the following questions:

1. Detailed information on the measures adopted by your country to ensure that persons with disabilities have equal opportunities for productive and gainful employment in the open labour market (articles 4(1) (a) and 27 (1)).

Article 7 of the Constitution of Malta establishes that right of every Maltese citizen, irrespective of age, gender, disability, faith or belief, to work. Article 12 of the Constitution also establishes the right of to work and receive vocational training without discrimination. More specifically, Article 16 of the Constitution includes a direct reference to the right of disabled people to work and receive adequate vocational training.

The Disabled Persons (Employment) Act of 1969 (Cap. 210) was enacted with a view to increase the number of disabled people who are active in some form of employment. This legislation (also popularly known as the 'quota system') introduced the concept of a register for disabled persons. The Employment and Training Corporation (ETC), the Maltese Public Employment Service, operates and maintains such a register. By virtue of such legislation, employers who employ more than 20 employees are required to engage at least 2% of their employees from register for disabled persons. This Act also established the concept of reserved jobs which are allocated for disabled people.

Furthermore, with the enactment of the Equal Opportunities (Persons with Disability) (Cap. 413) in 2000, it became unlawful for employers to refuse to employ disabled people on the basis of their disability. In addition, this Act also established the right of disabled people to have equal access to employment and to resources that would enable them to perform their work on an equal basis with others.

Please also refer to the information given in the answer to question 3.

2. Detailed information on the measures adopted to modify or abolish existing laws, regulations, customs and practices that constitute discrimination against persons with disabilities in the fields of employment, as well as to eliminate discrimination on the basis of disability by private employers and enterprises (articles 4 (1), (b), (d) and (e) and 27 (1) (a)).

The Equal Opportunities (Persons with Disability) Act of 2000 makes it unlawful to discriminate against disabled persons on the ground of their disability in various aspects of life including employment, irrespective of whether it is public or private employment. Therefore, employers in the private sector must also comply with the regulations set out in the said Act.

3. Information on the affirmative action programmes, incentives and other measures, if any, that your country has developed to promote employment opportunities for persons with disabilities in the public and private sectors (articles 5 (4) and 27 (1) (e), (g), and (h). Has your country adopted any measure to increase employment opportunities for persons with disabilities belonging to particularly vulnerable groups (for example young persons with disabilities, women with disabilities, persons with intellectual/psycho-social disabilities, etc)?

The Employment and Training Corporation, the Maltese Public Employment Service (PES), has recently chosen to mainstream all clients. The PES acknowledges that while it is important to adequately tackle disability issues linked to the access, integration and retention of persons in the labour market; due importance must be given to the need to mainstream initiatives aimed at enhancing the employability of jobseekers, be they affected by a disability or otherwise. The PES believes that it is indeed essential to focus on the ability rather than the disability of the individual, in order to facilitate and encourage a smooth school-to-work/job-to-job transition or re-entry in the labour market, as the case may be. One should not over-emphasize the physical/intellectual/mental differences that exist between a person and another; but rather the capabilities characterizing and reinforcing a versatile workforce. At the same time, one must take into consideration impairment-related factors that disabled people may need support in to be able to join and stay in the labour market. The PES currently maintains a register for disabled persons as specified by the Persons with Disability (Employment) Act of 1969. Individual assessments are first carried out by a Medical Officer and an Occupational Therapist in order to determine whether individuals may be included under the Register of Disabled Persons. Clients are then provided with placement services together with referrals to adequate training. Additional assistance may be also provided through job-coaching services and assessments carried out by occupational therapists.

The PES strives for the inclusion and participation of disabled individuals. Ongoing Guidance and Counseling services are provided in order to identify the persons limitations, abilities, inclinations and the assistance needed during employment and/or training. Following the clients meeting with their employment advisor, a personal action plan is formulated, this enables the client to be referred both to mainstream courses and specialized training and also be matched and submitted for suitable job opportunities, work exposure schemes, and wage subsidy schemes with other mainstream job seekers. The Personal Action Plan is then followed up and updated on a regular basis, through meetings with the employment advisor.

The European Social Fund (ESF) represents a crucial tool for employment creation and social cohesion. The PES firmly believes in the potential of such funding in order to promote labour market integration. In view of this, the PES implements a wage subsidy scheme, known as the Employment Aid Programme, aimed at integrating disadvantaged groups in the labour market through work experience; thereby, improving the employability and productivity of vulnerable groups with low employment rates while at the same time, upgrading the skills of those furthest away from the labour market. Persons with a disability are also included in the eligible target groups for this programme. Employers are granted a 75% wage subsidy for the first year and a 60% wage subsidy for the second and third year of employing a

registered disabled person. In addition, employers will also be eligible to receive a three year refund of Social Security contributions' payments made.

Moreover, the PES also offers various other initiatives in an effort to encourage the active inclusion of disadvantaged persons. These include: a) training programmes, accessible to all segments of society, which address both the soft and hard skills required by industry. Ad hoc training sessions specifically organized for persons with a disability also take place from time to time at the PES. Such training provided by the PES is financed through the ESF Employability Programme; (b) financial assistance to companies who wish to offer on- and/or off-the job training to their workers through the ESF Training Aid Framework; and (c) training subsidies for employees in small enterprises who themselves wish to pursue further training, particularly due to the fact that small enterprises are less likely to offer training to their employees. This training is provided through the ESF Employability Programme.

The PES will soon also embark upon the implementation of a new ESF project: The Employment Support for Persons with Disabilities (ESPD). This project contributes towards the integration of disabled persons in the labour market through assessments and support services that include Learning Support Assistance during training, Job Coaching and Personal Assistance allowance to employers during work exposure and/or employment. This project is driven by the belief that the highest form of social inclusion is reached through labour market inclusion. The ESPD project is intended to be carried out through an 'individual assessment and guidance' programme, which programme includes the input of professionals such as Occupational Therapists (OTs) and Occupational Psychologists (OPs). The programme includes the following activities:

- a) Identification of the participants' needs, strengths and weaknesses and the barriers that may be faced to take up employment or training;
- b) Provision of Job coaching and/or the Personal assistance as may be needed during work exposure and/or employment. Such levels of assistance will be assessed by the OTs and/or OPs as may be deemed necessary throughout the project;
- c) On-the-job visits by the OTs and OPs will be carried out throughout the project to re-assess the level of support needed and recommend accordingly. This through our belief that support should not be less than needed but not more than necessary;
- d) Provision of Learning Support Assistance (LSA) as may be needed during training activities.

Other initiatives funded through national funds include the Work Trial Scheme through which participants; including registered disabled persons, spend 20 hours a week for 12 weeks with an employer to gain work experience. The Bridging the Gap scheme is yet another national funded initiative that offers a trainee a period of work exposure with an employer to enable him/her to demonstrate the skills needed for a particular job. The employer and the PES enter into an agreement regarding the work exposure period, whereby a trainee is placed on the scheme with the prospect of employment. The scheme allows the employer to evaluate the performance of the

trainee in the workplace, prior to proper engagement. Meanwhile during work exposure periods under both the Work Trial Scheme and the Bridging the Gap Scheme, registered disabled persons are also offered job coaching services and any additional support assistance that they may need throughout the training period.

The Maltese PES constantly strives to sustain its efforts to foster stronger working relationships with various stakeholders in an effort to enhance the services offered to disadvantaged groups. Such consultations assist the PES in identifying the stumbling blocks being encountered, and hence improve the effectiveness of the services being provided. Further inter-/intra-institutional dialogue is promoted, in an effort to inform and encourage employers, jobseekers and workers to benefit from the services provided while at the same time, suggest improvements in terms of design and implementation. To this end, the PES has also actively been involved in negotiations aimed at revising the Disabled Persons Register over these past months and revisions aimed at curbing abuses, reducing backlogs, and facilitating the procedure for persons who are truly impeded from working. Additionally the PES has also re-launched cooperation agreements with Inspire Foundation and the Richmond Foundation in order to enhance the quality of specialized training, work exposure experiences and placement services. As a partner to the ME2 initiative, the PES also assists Agenzija Support in referring and facilitating training to disabled persons, providing work exposure and employment opportunities, and delivering in house seminars for Agenzija Support workers to bring them up to speed with PES services.

In addition to the services provided by the Maltese PES, the ESF Project titled 'ME2! - Integration of persons with disability into the labour market', is a project co-financed by the European Union and spearheaded by Agenzija Support with the Foundation for Social Welfare Services (FSWS), the National Commission Persons with a Disability (KNPD) and the Employment and Training Corporation (ETC). The aim of the project is to offer support to persons with disability to enhance their skills to integrate in society and raising awareness among employers and providing work opportunities.

As part of this project, ME2 Co-op Limited has been set up and officially launched in April 2012. The aim of this Co-operative is to serve as an opportunity to enhance a disabled person's skills to become more independent, to empower and to promote inclusion into an integrated society. The Co-operative offers various services based on the abilities of its members, including back-up office services, assembly & packaging services, support worker services, hand-craft activities, cleaning services, and agricultural services. In all, the Cooperative has 52 members (22 females and 30 males), with 14 members falling within the age category of 18-25 years and the remaining 38 members falling within the age category of 25 years and over.

4. Information on measures your country has introduced to enable persons with disabilities to access general technical and vocational guidance programmes, placement services and vocational and continuing training (article 27 (1) (d)). Please also indicate the steps taken to promote vocational and professional rehabilitation, job retention and return-to-work programmes for persons with disabilities (articles 26 and 27 (1) (k)).

The Malta College of Arts, Science and Technology (MCAST) organizes a two year full time course intended to offer training in independent living to students with mild to moderate learning disabilities. Students will develop the knowledge and practical skills needed to gain

and maintain employment. Assessment is ongoing throughout the course and students are required to work at suitable placements. During the first year, students will be offered a job placement of their choice within MCAST. Then, second year students will follow a work placement once a week in industry in order to enhance their employment skills. They will be supported by our support staff through visits and continuous feedback sessions with both the employer and the student. On completion of the two year programme most of the students are either employed or enrolled in mainstream programmes within the College.

Students with special needs/disabilities are always encouraged to approach the Inclusive Education Unit (IEU) in order to benefit from the required support and entitlements. Initially this is done through an interview where students present relevant documents and discuss the required support to follow the training programme with their peers.

Moreover, most of the students registered with the IEU would usually benefit from:

- a. One hour weekly individual sessions with a Learning Support Assistant (LSA);
- b. Extra support in English, Maltese and Mathematics from the Learning Support Unit;
- c. Support during time-constrained assignments (e.g. extra time, reader, scribe);
- d. Other support such as timetable arrangements in case of mobility problems.

MCAST is also embarking on an EU funded project - European Social Fund Project: Inclusion for Employment - to revise the training programmes of Pathway, Levels 1, 2 and 3, in order to make them more appealing to vulnerable students and to procure the required resources to compliment the newly revised programmes. This project aims at facilitating the learning process through appropriate teaching and learning methodologies together with innovative teaching aids and equipment. It is envisaged that the outcome of the project will enhance the learning experience of vulnerable students thus motivating them to further their studies with the result of becoming more employable.

5. Detailed information on the measures your country has adopted to promote opportunities for self-employment, entrepreneurship, the development of cooperatives and starting one's own business (article 27 (1) (f))

Please refer to reply to question 4 on ME2 Cooperative.

6. Information on the measures adopted by your country to ensure that reasonable accommodation is provided to persons with disabilities in order to facilitate access to or continuance of employment (articles 5 (3) and 27(1) (i))

According to the Equal Opportunities (Persons with Disability) Act of 2000, employers are required to offer disabled people with equal access to work. In order to do so, employers who employ or plan to employ a disabled person, receive support from various agencies, including the Employment and Training Corporation (ETC), the Maltese Public Employment Service, which has a support employment unit that offers advice and assistance to both disabled people seeking employment and also to employers. ETC also works closely with the National Commission Persons with Disability (KNPD) and seeks its guidance on the matter where required, and with the Foundation for Information Technology Accessibility (FITA) in relation to IT-related matters. The recently inaugurated Sonia Tanti Independent Living Centre (STILC) in Malta, which is run by the National Commission Persons with Disability, also assists

disabled people with assessment and advice regarding assistive equipment that enables them to perform work as well as to enjoy more independent living.

Notwithstanding the encouraging results obtained through such initiatives, further progress in the active inclusion of disabled people, particularly physically disabled people, is being hampered by the lack of access to work places. In order to overcome such difficulties, employers can avail from public funding to undertake modifications at their place of work, by means of the Workplace Accessibility Scheme established in 2010, to make it more accessible for disabled persons.

7. Information on measures your country has to protect the rights of person with disabilities, on an equal basis with others, to just and favourable conditions of work, including equal opportunities and equal remuneration for work of equal value, safe and healthy working conditions, including protection from harassment, and the redress of grievances (article 27 (1) (b)).

The aforementioned Equal Opportunities (Persons with Disability) Act of 2000 affirms the right of disabled people to equal working conditions, including the right to equal remuneration, for work carried out irrespective of disability.

The equal rights of disabled people are also mainstreamed in the Employment and Industrial Relations Act of 2002 (Cap. 452) which establishes that the rights of disabled workers must be the same for all workers, irrespective of disability.

8. Detailed information on the poverty reduction measures, social security and income maintenance schemes that your country has developed to provide adequate income support to persons with disabilities who, owing to disability or disability-related factors, have lost or received a reduction in their income from employment (including self-employment) or have been denied employment opportunities (article 28 (2) (b) and (e)).

Following changes introduced to the Social Security Act of 1987 (Cap. 318) in 2012, disabled people who are in receipt of the non-contributory disability pension can now also work without losing their pension irrespective of their earnings, or in the case of a married couple, the total amount earned. Indeed, while prior to such changes, disabled people in receipt of this non-contributory pension who worked risked losing this benefit pro-rata if their earnings exceeded the national minimum wage. In view that disabled people are now eligible to receive their full pension even when working, it is hoped that this measure will incentivise more disabled people to enter the labour market and take up gainful occupation.

Moreover, in cases where a disabled person cannot work or continue working, the Conditions of Employment (Regulation) Act of 1952 (Cap. 135) protects the right to compensation of persons who are injured or acquire a disease during the course of their working life, which prevents them from continuing to work. The amount of compensation they receive is determined according to the provisions contained in the above-mentioned Social Security Act.

9. Information on efforts that your country has undertaken to ensure that persons with disabilities are able to exercise their labour and trade union rights on an equal basis with others (article 27 (1) (c)).

The Employment and Industrial Relations Act of 2002, apart from reinforcing the rights of all workers, also includes a reference to the right of disabled workers' to join trade unions and to receive compensation in case of injury at work.

10. Information on the measures adopted by your country to closely consult with and actively involve persons with disabilities and their representative organisations in the development, implementation and monitoring of legislation and policies to promote and protect access to employment opportunities for persons with disabilities (articles 4 (3) and 33 (3)).

The National Commission Persons with a Disability (KNPD) is appointed in terms of Article 21 of the Equal Opportunities (Persons with Disability) Act of 2000 to implement this Act in Malta and to amongst other work towards the elimination of discrimination against people with disabilities and to raise awareness and foster respect for the rights and dignity of persons with disabilities, as well as to combat stereotypes, prejudices and harmful practices relating to persons with disabilities, in all areas of life including in employment.

KNPD is composed of a majority of disabled employees and this commission endeavours to ensure that disabled persons are represented on government bodies and involved in discussions on issues that impact on the quality of life of persons with disabilities. In addition, KNPD provides NGOs working in the disability sector with a platform where they can voice their opinions and inform policy-making. KNPD is also involved in initiatives aimed to educate and raise awareness about disability issues among the general public and in different institutions and places of work. All events organised by KNPD are organised in a way so as to be accessible to all.

11. Recent statistical date on the number of persons with disabilities employment in the public sector, disaggregated on the basis of age, sex, and type of disability (article 31).

Please vide attached table.

12. Is your country involved in international cooperation programmes related to the promotion of work and employment opportunities for persons with disabilities? Please describe the ways the programme are inclusive of and accessible to persons with disabilities (article 32).

Malta is not currently involved in international cooperation programmes related to the promotion of work and employment opportunities for disabled people. However, together with the University of Malta KNPD has participated in a project funded by EU programme *Leonardo da Vinci* that aimed to offer disabled people and other disadvantaged groups, the opportunity to access higher education and gain enough skills to live independently while developing their educational potential.

