**ANED 2016-17 -Task Social Pillar (focus topics)**

**Country report**

Country: Malta

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# Skills in transition to the labour market

## Main policy reforms or measures in education and training

*What are the main legal and policy frameworks providing for equality of learning opportunity for young people in your country, and have they changed since ANED reported on these issues in 2010? For example:*

* *What significant reforms or policy measures have been introduced in vocational education and training and how are young disabled persons affected by them?*
* *Are young disabled people in vocational skills programmes covered by disability discrimination legislation beyond compulsory school age?*

Malta’s largest vocational institution is the Malta College of Arts, Science and Technology (MCAST). Vocational and Educational Training (VET) courses are currently being offered in post-secondary education at levels 1 to 6 of the Malta qualifications framework (MQF), and partly in secondary education at MQF level 3.

In April 2015, MCAST, in collaboration with the Ministry of Education and Employment, published the National Vocational Education and Training Policy. According to this policy, MCAST is aiming to review the successes of the MCAST Pathways Programme. This is a programme which was originally launched in 2007 and is offered at MCAST which is a mainstream vocational institution. This programme is specifically aimed towards youths who have been assessed as having a mild to moderate intellectual impairment. This programme aims to give these youths the opportunity to follow a structured programme of study in subjects that are closer to these individuals’ needs. It is particularly designed to help them acquire the skills required to gain and maintain employment. According to the National Vocational Education and Training Policy, MCAST is also aiming towards widening the programme as well as implementing the programme in other Vocational and Education Training providers.

In addition, MCAST is also aiming to set up an ACCESS committee to help it develop and maintain a policy for inclusivity particularly in relation to assessment for individuals with disability. Through this policy MCAST is also aiming towards placing greater emphasis on inclusion through Quality Assurance and towards providing students with individual-based support and guidance as they progress throught their Vocational and Educational Training programmes. To date there has not been any independent evaluation of these various policy reforms, especially in relation to the extent to which they have brought significant changes to the education and skills training of disabled youths.

Since 2010, there have been no significant changes in legal frameworks providing for equality of learning opportunity for young people in our country. In addition, there are no specific policies in relation to the inclusion of disabled people in vocational skills programmes except in Article 16 of the National Vocational Education and Training Policy. However, the right to education for disabled people in Malta is enshrined in Article 11 Education of the Equal Opportunities Act (Cap. 413) which was enacted in 2000. The Equal Opportunities Act (Cap 413) also makes it unlawful for any educational authority or institution, including providers of vocational training, even beyond compulsory school age, to discriminate on the basis of disability. In addition, the right to reasonable accommodation is also enshrined in this legislation.

The Ministry of Education and Employment is currently in the process of drafting amendments to the Education Act and in 2014 a wide consultation[[1]](#footnote-2) with major stakeholders in the education sector was held. The process of drafting a new bill for the Education Act is still ongoing.

## Relevance of the National Youth Guarantee Implementation Plan and assessment report (for EU Member States)

*Are the policy measures described above all covered by the reforms outlined in the national Youth Guarantee Implementation Plan, or the Commission assessment of it? (EU Member States only)*

* *Are the needs of young disabled persons addressed in those documents, what is missing?*

According to the Youth Guarantee Implementation Plan Malta, one of the specific target groups of those youths considered to be Not in Education, Employment or Training (NEETS) is disabled youths who are in receipt of a disability pension.

However, a number of other policies, including the National Employment Policy, the National Youth Policy Towards 2020, Framework for the Education Strategy for Malta 2014-2020, A Strategic Plan for the Prevention of Early School Leaving in Malta, and A National Literacy Strategy for All in Malta and Gozo and which are part of the Youth Guarantee Implementation Plan have not made a direct reference to the needs of disabled people.

## Availability and effectiveness of apprenticeship schemes

*Specifically, and in more detail, what is the current availability of apprenticeship schemes in your country and how beneficial are they for young disabled people? For example:*

* *What training schemes are available, how are they funded, and who is eligible for them?*
* *Are young disability people a target group for recruitment and what provisions exist to ensure that apprentices get reasonable adjustment, accessibility and appropriate support during their training?*
* *What evidence is there of take-up, or positive job outcomes, among young disabled people on such schemes?*

Currently, Jobsplus, which is Malta’s government entity responsible for enhancing and facilitating access to jobs and the labour market, provides a scheme titled Traineeship Scheme.[[2]](#footnote-3) This scheme is funded through EU funds from the programming period 2014-2020 and is intended to provide jobseekers with initial vocational training (pre-employment training) with the aim of obtaining the knowledge, skills and competence required to find and retain employment. The duration of a traineeship varies between 14 to 16 weeks, on an average of 40 hours/week with tuition being provided by Jobsplus and on-the-job training provided by a number of employers. This scheme is available for both registered unemployed persons and inactive job seekers (excluding persons who are attending any public or private sixth form or university). However, neither in the eligibility criteria nor in the information provided on the website is there a specific mention of disabled people. Thus, it can be assumed that young disabled people are not a specific target group for recruitment but can apply nonetheless. To date, there is no data available which states how many disabled people have made use of this scheme. Although there is no mention of any specific provisions for disabled people during the training, discrimination on the basis of disability in relation to this scheme remains unlawful. This is enshrined in the Equal Opportunities Act.

To date there has not been any independent evaluation or otherwise of this scheme, especially in relation to the extent to which this initiative has been taken up or how it has affected young disabled people.

In addition, the Youth Guarantee Implementation Plan Malta also refers to Supported/Sheltered Employment aimed towards young disabled person as one of its initiatives. The lead organisation in ensuring the implementation of this initiative is Jobsplus. More information about this initiative is provided in question 2.1.

## Example of good practice to achieve Youth Guarantee objectives

*Can you identify an example of promising policy/practice in your country that might help other countries to achieve the goals of the Youth Guarantee for young disabled persons?*

* *i.e. a policy or practice that might ensure more young disabled people receive a good-quality offer of employment, a continued education, or an apprenticeship or a traineeship.*

Although disabled people in receipt of a disability pension are one of the target groups in the aims of reducing NEETS, there is only one specific policy/practice emerging from the Youth Guarantee Implementation Plan in Malta which is specifically aimed towards young disabled persons. The policy/practice which is aimed specifically towards young disabled youths, particularly those with learning difficulties, is the Supported/Sheltered Employment initiative. It aims to provide young disabled persons with a client-centred approach in the development of skills and thus facilitating the transition towards open employment. This initiative is administered by Jobsplus through the Supported and Sheltered Employment Scheme. More information about the Supported Employment Training Scheme can be found in question 2.1 below.

References

Education Act. Cap. 327. Retrieved from <http://justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=8801&l=1>

Equal Opportunities Act. Cap. 413.

Retrieved from <http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=8879>

MCAST. (2015). National Vocational Education and Training Policy. Retrieved from <https://education.gov.mt/en/resources/Documents/Policy%20Documents/National%20Vocational%20Education%20and%20Training%20Policy.pdf>

Ministry for Education and Employment. (n.d.). Youth Guarantee Implementation Plan Malta. Malta: Ministry of Education and Employment. Retrieved from <https://education.gov.mt/en/resources/News/Documents/Youth%20Guarantee%20Implementation%20Plan%20-%20Malta.pdf>

# Access to the open labour market

## Relevant active labour market schemes

*What are the main policies or schemes that exist to support people with disabilities in employment and what policy changes have occurred in recent years? This question relates to pillar theme 4. For example:*

* *What measures exist to support people with disabilities to take up employment?*
* *Who is responsible for helping them and what help is available?*
* *Are these mainstream or disability specific schemes?*

Three significant policy changes have occurred in recent years which are aimed at increasing the participation rate of disabled persons in the labour force.

The first change that has taken place regards eligibility for the disability pension.[[3]](#footnote-4) Ever since the institution of this non-contributory pension in 1974, its eligibility for those disabled people who are in employment has continued to widen. With the most recent change, that took place in 2014, disabled persons who are gainfully employed can retain the disability pension, regardless of how much the person earns. Disabled people who were already employed in 2014 can also apply to receive the disability pension. These measures addresses the issue of the benefits trap, whereby disabled people are disincentivised to work for fear of losing the disability pension.

The second significant policy change has been the enforcement of the so-called ‘2% Law’.[[4]](#footnote-5) This name refers to the Disabled Persons (Employment) Act of 1969 (Chapter 210 of the Laws of Malta). This Act establishes the system of having a quota of disabled persons for employers. The quota is set at 2% for those employing 20 or more staff, with a minimum of one disabled person (full time or full-time equivalent). While this law has been in effect since 1969 and has been used by the national employment agency to encourage employers to recruit disabled individuals, until 2015 it was not legally enforced. Employers who fail to meet the quota are now required to make a contribution of € 2400 per year for every disabled person they should have employed, to a maximum of € 10,000 per person. According to a report by Malta Today,[[5]](#footnote-6) by January 2017, invoices totalling € 1,440,800 were issued to private companies that were not compliant with the legislation. At the time of reporting, € 442,400 had been collected.

The funds raised from the private sector in this manner are being used to employ job coaches to support disabled persons who have entered the labour market. These job coaches are employed by Jobsplus (formerly known as the Employment and Training Corporation) the national employment agency, especially through its Inclusive Employment Services Division and the recently set up Lino Spiteri Foundation (LSF), which is funded by government.[[6]](#footnote-7) The former caters for people who, for various reasons find it difficult to integrate in the labour market, including disabled people, while the latter offers services for disabled persons, as described below. Employment-related services and incentives for disabled people are therefore provided through a disability specific service that forms part of a mainstream employment agency.

The LSF was jointly set up by Jobsplus and Empower, a private cooperative that employs disabled people to work in the private sector. The cooperative offers services to the private sector through open and assisted employment, groups of disabled persons who work together in a company, and sheltered employment. No information is provided about the pay and working conditions of these employees.

The third policy change relates to exemptions on the payment of national insurance contributions of disabled persons. The contributions of newly employed disabled persons are funded through an ESF scheme. The government has also allocated national funds for the exemption of payment of these contributions by employers for disabled employees who are already on their payroll.

In addition to these recent policy changes, Jobsplus also runs a number of other schemes and services that are aimed at increasing employment opportunities for disabled people to join the workforce.[[7]](#footnote-8)

* The Bridging the Gap scheme which provides work exposure for disadvantaged people who are unemployed. They are engaged for a maximum of twenty-eight weeks, during which period they receive an allowance which is the equivalent of 80% of the minimum wage (which currently stands at € 169.76 a week).[[8]](#footnote-9)
* The Job Bridge Training Centre which provides pre-employment training in employability skills, social skills, and independent living skills.
* The Access to Employment Scheme which focuses on people who find it most difficult to find a job. Employers receive a subsidy for the wages of individuals they recruit through this scheme. For disabled persons the subsidy is higher and the period of eligibility is longer than it is for other disadvantaged persons (€ 125 per week for a maximum of 156 weeks). This scheme is part funded by the European Social Fund and started operating in 2015. Similar ESF-funded schemes had been run previously.
* The Sheltered Employment Training programme that is aimed specifically at disabled persons to enable them to acquire employability skills. The training is provided in a simulated working environment and is provided by job coaches.

The first three of these schemes are also available for other people who are disadvantaged in the labour market. The Access to Employment Scheme offers enhanced incentives for employers recruiting disabled persons, while the Sheltered Employment Training is provided specifically for disabled persons.

It should be noted that this information has been compiled from websites and public documents (see footnotes). To date there has not been any independent evaluation of these various schemes and initiatives, especially in relation to the extent to which they have increased the employment rate of disabled people in the long term, and the quality of the jobs that have been secured.

## Support for flexible working arrangements

*What measures exist to permit or support flexible working arrangements for persons with disabilities? This question relates to pillar theme 2. For example measures that support:*

* *Working at non-standard times or non-standard hours, working from home etc.*
* *Please identify any examples of promising practice*

There are no specific policies permitting or supporting flexible working arrangements for disabled persons in Malta. Flexible working arrangements such as reduced hours, part-time work, and teleworking are available for Maltese employees. However these are promoted as family friendly measures and are taken up mostly by female public-sector employees.[[9]](#footnote-10) There is no record of such arrangements being included under policies and measures for disabled persons, even if the Equal Opportunities (Persons with Disability) Act 2000 (Chapter 413 of the Laws of Malta) mentions flexible working arrangements as a means of providing reasonable accommodation in employment (Article 7 (5) (b)).

The National Employment Policy, published by the Ministry for Education and Employment in 2014, notes that very few workers in Malta benefit from flexible working arrangements, with nearly 73% of the workforce reporting that they do not have any such arrangements.[[10]](#footnote-11) Significantly, while this policy contains a section about the employment of disabled people, no mention is made of flexible working arrangements as one of the ways in which disabled people can be supported to enter the workforce.

In a report on employment opportunities in Malta for people with chronic diseases, Fiorini (2014)[[11]](#footnote-12) notes incentives and practices that are available for disabled people. No mention is made of flexible working arrangements in his report. He does however highlight two examples of good practice by Playmobil (the German toy manufacturer that has a factory in Malta) and MSV Life (a leading Maltese insurance agency), both of which have a number of people with intellectual disability who work as a group within the respective companies. These two companies work in collaboration with Empower.[[12]](#footnote-13)

## Support for workplace adaptions

*What support is available for workplace adaptions for workers with disabilities? This question relates to pillar theme 9. For example:*

* *What are the eligibility conditions? What level of funding is provided and who receives it?*
* *What is the employer’s responsibility or liability? Does this depend on the size of the business?*

The Equal Opportunities Act considers failure to provide reasonable accommodation as discrimination, unless the employer can prove that the required adjustments would have a negative effect on their company (Article 7 (2) (d)). When deciding whether or not these adjustments are reasonable the following factors, as found in Article 7 (4) are taken into consideration:

(a) the nature and cost of the alterations;

(b) the overall financial resources of the workplace involved in the making of the alterations;

(c) the number of employees at the workplace requiring alterations;

(d) the effect on expenses and resources and the impact of the required alterations upon the operation of the workplace;

(e) the overall financial resources of the employer;

(f) the overall size of the business of the employer including the number of employees, and the number, type and location of its workplaces;

(g) the type of operation or operations of the employer, including the composition, structure and functions of the work-force; and

(h) the availability of financial assistance from public funds to defray the expense of any alterations.

The Commission for the Rights of Persons with Disabilities is vested with powers by the Equal Opportunities Act itself to investigate complaints of discrimination, including the failure to provide reasonable accommodation.[[13]](#footnote-14)

Regarding the last sub-article, the Workplace Accessibility Scheme that the Inland Revenue Department and the National Commission Persons with Disability put in place in 2010, provides tax deductions to employers who employ disabled people and need to make modifications within their place of work.[[14]](#footnote-15) There are no reports available about the take up of this scheme.

## Evidence on non-standard wages

*How are wages set for workers with disabilities outside the open labour market? This question relates to pillar theme 8. For example:*

* *What provisions regulate the wages of people with disabilities employed in sheltered workshops or forms of adapted employment (alternative / segregated / supported …)?*
* *Are there groups of workers who do not receive the minimum wage?*

As explained below, the sheltered workshop set-ups for disabled people in Malta provide training and preparation for entering the workforce. Disabled people in these workshops do not receive the minimum wage but an allowance for attending the training and engaging in the work involved. For example participants in LSF’s Headstart Programme (see below) receive a stipend of € 90 a month, which is far below the minimum wage, even when taking into account that they attend for 20 hours a week.[[15]](#footnote-16)

There are no legal provisions that regulate the wages of disabled people in sheltered workshops or other forms of adapted employment.

## Employment conditions in sheltered workshops

*What conditions of employment exist for workers in sheltered workshops and how are these regulated? This question relates to pillar theme 7. For example:*

* *Describe the system of sheltered workshops generally: do sheltered workshops exist? Who is eligible to be employed in such workshops? Please indicate if there are different kinds of workshops and eligibility conditions.*
* *Does standard labour law apply to those employed in sheltered workshops? If not, what justification is given for differences in treatment? Including:*
* *Protection from dismissal*
* *Right to join a trade union and take industrial action*
* *Health and Safety legislation*
* *Right to be consulted and receive information from the employer*
* *Protection from discrimination*

*If protection for workers employed in sheltered workshops is the same as for all other workers, you only need to indicate this, and not discuss level of protection as such. If workers employed in sheltered workshops have a different level of protection, please indicate this and indicate how this level of protection differs from that available to workers in general.*

There are a number of initiatives that provide employment opportunities for disabled people in sheltered environments. LSF offers **the Headstart Programme, which is aimed at providing a link** to employment. Disabled people who join the programme work in an environment which replicates work conditions found in industry. Emphasis is placed on factors such as attendance, measurable outputs, and quality of work. Programme participants are guided by a job coach and have personal goals that they are supported to reach. Information about eligibility criteria and conditions of employment is limited.

After completing the Headstart Programme, disabled people are regularly referred to the Sheltered Employment Training (SET) programme run by Jobsplus. SET participants do not receive any payment but are provided with transport. As with Headstart, they attend for 20 hours a week and are provided training in conditions which mimic employment conditions, with an allocation of vacation and sick leave. Training is initially provided in the Jobsplus training centre and eventually in industry.

Disabled people working through Empower in ‘work gangs’ with Playmobil and MSV Life (referred to above) work for 20 hours a week and have the same work conditions and employment contract as the other employees. They are also fully included with the other employees of these two companies.

Generally, disabled people are encouraged to move on to other employment opportunities once they have attained a good performance level.

# Benefit caps and transitions

## Recent law and policy reforms

*How has the legal and policy framework changed for disability benefits for people of working age since the onset of the economic crisis. Have there been changes in the eligibility criteria (making them more difficult to claim or easier to claim)? This question relates to pillar theme 16.*

In Malta, the economic crisis has not negatively affected the legal and policy framework for disability benefits for people of working age. If anything, most eligibility criteria has recently been widened thus making benefits more accessible to a wider proportion of the disabled population.

## Key changes in eligibility criteria for disability benefits

*What major policy reforms or developments have occurred in relation to out-of-work disability benefits, implemented or now proposed? This question relates to pillar theme 14*

* *Is there evidence of the number of people affected by these changes or the extent of their impact?*

There have recently been some reforms implemented in relation to disability benefits and the eligibility criteria. At this point, it is important to point out that notwithstanding the recent recession which gripped Europe, Malta did not experience any severe austerity measures.

The first change was implemented in 2015 and emerged from one of the measures of the Budget 2015[[16]](#footnote-17) which saw the expansion of eligibility criteria for disabled people making it possible for disabled people to still receive a non-contributory pension irrespective of the amount of money earned from gained employment. Thus, this has made the disability pension not means tested. Till 2015, only disabled persons who earned up to the National Minimum Wage were eligible for a disability pension. In addition, in 2015, conditions such as Neuro Myelitis Optica andAmyotrophic lateral sclerosis were added to the list of conditions on the Social Security Act thus making disabled people with these conditions eligible for a disability pension.

Further reforms are currently being implemented and these have emerged from Budget 2017.[[17]](#footnote-18) The first reform which is known as Tier 1 is the introduction of a non-contributory pension for persons losing the function of one limb through amputation or otherwise, irrespective of the amount earned through gained employment. This became known as the Disability Assistance. Up until a year ago persons losing the function of one limb were not eligible for any kind of disability pension. However, it is important to point out that persons having only one limb affected are not eligible to what is known as the full pension but 2/3 of that pension. Therefore, whereas the Severe Disability Assistance is of EUR102.13 weekly, the Disability Assistance for people losing the function of one limb is of € 76.60.

Another measure emerging from Budget 2017 is the introduction of another tier, that is, Tier 3 of disability assistance titled the Increased Severe Disability Assistance which is aimed towards those disabled people who absolutely cannot work and who rate 0-4 on the Barthel Index. This benefit is not means tested and stands at EUR120.00 which is eventually and gradually meant to increase yearly to meet the National Minimum Wage.

Tier 2 refers to what was known as the original disability non-contributory pension and which recently became known as the Severe Disability Assistance. The eligibility criteria for this assistance is acquiring an impairment before the age of 60 and it depends on the decision of a Medical Board.

As of this year, amendments to the names referring to these benefits have also been made. Instead of referring to these benefits as disability ‘pensions’, they have become known as Increased Severe Disability Assistance (Tier 3), Severe Disability Assistance and Disability Assistance accordingly.

## Conditionality of out-of-work benefits

*To what extent is eligibility for out-of-work benefits conditional on active participation in job search or work-related activities? This question relates to pillar theme 14*

* *e.g. obligation of to apply for jobs, try out work, attend rehabilitation or training programmes, accept less suitable job offers, etc.)?*
* *Is there any reasonable accommodation or support for disabled job seekers in these obligatory activities?*

Out-of-work benefits are only available to those persons who are unemployed but who are registering for work with the government’s employment corporation Jobsplus, who satisfy the means and the capital resources test and who are 23 years of age and over. In addition, persons eligible for such benefits must take part in work-related activities such as any training provided by Jobsplus. If trainees who are registered as unemployed miss more than the 20% allowed absenteeism, they will be stopped from continuing the course. Absenteeism due to sickness is part of the allowed 20% absenteeism. Dismissal from a course will lead to striking off from the benefits list. Trainees need to provide documentation to justify their absenteeism. Tampering with the attendance sheets will lead to disciplinary action.

Those who receive the Disability Assistance and the Severe Disability Assistance can opt to work and remain receiving this benefit.

The Equal Opportunities (Persons with Disability) Act (Chapter 413 of the Laws of Malta) prohibits discrimination on the grounds of disability against persons with disability or their family members in the area of training and education and employment. In addition, the same legislation gives disabled people the right to reasonable accommodation in relation to training and education and employment, even in this regard.

## Flexibility of financial support during transition into work

*Is there any financial system of allowance to support transitions from benefits into work for unemployed disabled persons? This question relates to pillar theme 14 and 16:*

* *e.g. financial support to try out work for a trial period without losing benefit entitlements?*
* *to subsidise wages, to avoid ‘benefit traps’ or to ‘make work pay’? How does this work?*

Following the Budget of 2015,[[18]](#footnote-19) the government is implementing a Tapering of Benefits Scheme. This is intended to introduce persons in receipt of assistance, including the Unemployment Assistance (UA), Social Assistance (SA) and Social Assistance for Single Unmarried Parents (SUP) to employment. The tapering scheme allows for individuals who become engaged in employment or as self-occupied to continue receiving benefits for three years as long as they earn the national minimum wage or more. As of 2015, this scheme was also extended to Single Parents with children under the age of 23 yrs. In these cases, the Tapering of Benefits is given for a three-year period to those Single Parents who become engaged in employment or self-occupation as long as they work at least for 10 hrs per week earning the hourly rate equivalent to the national minimum wage. However, there is no direct reference to disabled people in this regard. Yet, disabled people can still apply for this scheme. This scheme was introduced to encourage more people to access employment.[[19]](#footnote-20)

In addition, as mentioned above, those disabled persons who become engaged in employment can continue to receive the disability assistance regardless of the amount of money they earn from employment.

## Example of good practice (avoiding ‘benefit traps’ or ‘making work pay’)

*Can you identify an example of promising practice in your country that might help other countries to ease the transition from benefits to work for persons with disabilities, and to avoid benefit traps?*

The introduction of disability assistance regardless of how much the person earns through gainful employment may be considered as one way of avoiding ‘benefit traps’ and thus as a promising practice which might help other countries. Although to date there has not been any independent evaluation of the effect that this reform has had on the rate of employment of disabled persons, it is believed that through this system more disabled persons will be encouraged and willing to pursue gainful employment without the fear of losing benefits.

References

Ministry of the Family and Social Solidarity. (n.d). Tapering of Benefits. Retrieved from <http://socialsecurity.gov.mt/en/Social-and-Unemployment-Assistance/Pages/Tapering-of-Benefits.aspx>

Ministry of the Family and Social Solidarity. (n.d). Social and Unemployment Assistance. Retrieved from <http://socialsecurity.gov.mt/en/Social-and-Unemployment-Assistance/Pages/Unemployment-Assistance-.aspx>

Social Security Act. Cap 318. Retrieved from <http://justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=8794>

Social Security Services. (n.d). Disability Assistances. Retrieved from <http://socialsecurity.gov.mt/en/Pensions/Pages/Non-Contributory-Disability-Pension.aspx>

The Equal Opportunities Act. Cap. 413. Retrieved from <http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=8879>

# Accessible housing

## Relevant law and policy

*Is there any definition of ‘accessible housing’ in national law or policy?*

* *If so, what is that? It is not necessary to provide us with detailed technical information about the accessibility standards.*
* *Are there any rules / requirements regarding the accessibility of newly built houses?*
* *Are there any rules / requirements regarding newly refurbished houses?*
* *Do these rules / requirements apply to the private sector, to social housing, or both?*

There is no definition of accessible housing in Maltese law or policy, or any rules or requirements regarding the accessibility of newly built houses, or newly refurbished homes.

The Equal Opportunities (Persons with Disability) Act (Chapter 413 of the Laws of Malta) prohibits discrimination on the grounds of disability against persons with disability or their family members in the area of housing. The law prohibits refusing these persons an application for accommodation, offering less favourable conditions, deferring the application, denying or limiting their access to a benefit associated with that accommodation or evicting them. Furthermore, this law gives disabled people and their family members to right to make alternations to the accommodation they live in provided that the expenses are paid for by them, that it is possible to restore the accommodation to its previous condition, that the alteration does not impinge on other people’s property, and that it is reasonable.

The Housing Authority,[[20]](#footnote-21) which is a state-funded entity that provides social housing, has in place a number of schemes to aid disabled people and their family members to make alterations to their homes which are necessitated by the disability. These include alterations to bathrooms and kitchens, widening the width of doorways, the installation of stair-lifts, handrails and other assistive equipment, and the installation of ramps. The Housing Authority also installs lifts in apartment blocks which it owns and where there is resident who has mobility problems. Furthermore, the Housing Authority supports NGOs that provide social housing for disadvantaged people, including people with physical, intellectual and/or psychosocial disabilities. Finally, the Housing Authority has indicated a commitment to provide ‘semi-independent housing’, that is housing where residents (which may include disabled people) live in their own accommodation with staff being present on site to provide any support needed. This policy proposal was launched in 2012, but there is no indication that it has been put into effect.

The provisions of the Condominium Act, mentioned below, are also relevant.

## Housing in multiple occupation (communal areas)

*In multi-occupied housing (e.g. apartment buildings) is there an obligation to make accessible the communal part of buildings (e.g. entrances and other communal areas)?*

* *Who does this obligation fall on? How is it triggered? Is there funding to support such adaptions?*

The Condominium Act (Chapter 398 of the Laws of Malta) gives residents in a condominium who have mobility problems to right to make alternations to the accommodation they live in to overcome these problems. A condominium is defined in this act as ‘a building or group of buildings where the ownership or the use or the enjoyment of the common parts thereof is vested pro indiviso in two or more persons and the ownership of the various separate units in the building or group of buildings is vested pro diviso in the same two or more persons’ (Article 2 (1)). Alternations do not need the permission of the other residents in the condominium but the law does state that they should not cause any serious prejudice, after such erection or installation, to the other condomini’ (Article 8 (5)).

Furthermore, this law stipulates that the expenses must be paid for by them, that it is possible to restore the accommodation to its previous condition, that the alteration does not impinge on other people’s property, and that it is reasonable. In the case of hired accommodation, tenants with mobility problems are also given the right to make such alterations at their own expense, without the owner of the condominium being able to increase the rent if the alterations made increase the value of the residence.

## Example of promising practice in making accessible housing available

*Can you identify one or more examples of promising practice in your country that might help other countries to increase the accessibility of housing stock to persons with disabilities?*

The best example of promising practice in helping to increase the accessibility of housing stock for disabled persons are the schemes in operation by the Housing Authority, referred to above. They are an example of mainstreaming disability issues, with issues related to housing for disabled people being seen not as a social housing issue, rather than one that necessarily needs to be tackled by disability-specific services.

1. [https://education.gov.mt/en/Documents/Consultation%20document  
   %20on%20reforms%20to%20the%20Education%20Act.pdf](https://education.gov.mt/en/Documents/Consultation%20document%20on%20reforms%20to%20the%20Education%20Act.pdf). [↑](#footnote-ref-2)
2. <https://jobsplus.gov.mt/schemes-jobseekers/traineeships>. [↑](#footnote-ref-3)
3. The History of Social Security in Malta. 2017. Retrieved from: <http://socialsecurity.gov.mt/en/about-us/Pages/The-History-of-Social-Security-in-Malta.aspx>. [↑](#footnote-ref-4)
4. Employment of Persons with Disability. 2017. Jobsplus. Retrieved from: <https://jobsplus.gov.mt/employers-mt-MT-en-GB/fileprovider.aspx?fileId=1015>. [↑](#footnote-ref-5)
5. Malta Today. 2017. Employers face € 1.4 million in penalties over disability quotas. 19th January 2017. Retrieved from <http://www.maltatoday.com.mt/news/national/73475/employers_face_14_million_in_penalties_over_disability_quotas_#.WS6guDOB1o4>. [↑](#footnote-ref-6)
6. The Lino Spiteri Foundation 2017. Retrieved from: <http://www.linospiterifoundation.org>. [↑](#footnote-ref-7)
7. Further information about these schemes can be found on the Jobsplus website: <https://jobsplus.gov.mt/job-seekers-mt-MT-en-GB/guidance-services/inclusive-employment-services>. [↑](#footnote-ref-8)
8. National Minimum Wage. 2017. Department for Industrial and Employment Relations. Retrieved from: <https://dier.gov.mt/en/Employment-Conditions/Wages/Pages/National-Minimum-Wage.aspx>. [↑](#footnote-ref-9)
9. Vella, M., Galea-Cavallazzi, R. and Mizzi, E. 2017. Malta Employment & Labour Law, 5th edition. Retrieved from <https://www.globallegalinsights.com/practice-areas/employment-and-labour-law/global-legal-insights---employment-and-labour-law-2017-5th-ed./malta>. [↑](#footnote-ref-10)
10. The National Employment Policy. 2014. Ministry for Education and Employment. Retrieved from: <https://education.gov.mt/employment/Documents/EMPLOYMENT%20POLICY%20DOC%20sml.pdf>. [↑](#footnote-ref-11)
11. Fiorini, L. 2014. Malta: Employment opportunities for people with chronic diseases. European Foundation for the Improvement of Living and Working Conditions. Retrieved from: <https://www.eurofound.europa.eu/observatories/eurwork/comparative-information/national-contributions/malta/malta-employment-opportunities-for-people-with-chronic-diseases>. [↑](#footnote-ref-12)
12. Empower, Changing Lives Through Job Creation. 2017. Retrieved from: <http://www.empower-coop.org>. [↑](#footnote-ref-13)
13. Commission for the Rights of Persons with Disabilities. 2017. The Equal Opportunities Act. Retrieved from <http://crpd.org.mt/eoa/>. [↑](#footnote-ref-14)
14. KNPD (2010). Workplace Accessibility Tax Deduction Scheme. Retrieved from <http://crpd.org.mt/wp-content/uploads/2016/03/004-101203_workplacexstaxded.pdf>. [↑](#footnote-ref-15)
15. National Minimum Wage. 2017. Department for Industrial and Employment Relations. Retrieved from: <https://dier.gov.mt/en/Employment-Conditions/Wages/Pages/National-Minimum-Wage.aspx>. [↑](#footnote-ref-16)
16. <https://mfin.gov.mt/en/The-Budget/Documents/The_Budget_2015/Budget_Doc_2015.pdf>. [↑](#footnote-ref-17)
17. <https://mfin.gov.mt/en/The-Budget/Documents/The_Budget_2017/Budget_Speech_2017_English.pdf>. [↑](#footnote-ref-18)
18. <https://mfin.gov.mt/en/The-Budget/Documents/The_Budget_2015/Budget_Doc_2015.pdf>. [↑](#footnote-ref-19)
19. <https://socialsecurity.gov.mt/en/Social-and-Unemployment-Assistance/Pages/Tapering-of-Benefits.aspx>. [↑](#footnote-ref-20)
20. <http://housingauthority.gov.mt/en/Pages/default.aspx>. [↑](#footnote-ref-21)