



Striving for an inclusive labour market in Malta

Positive actions and reasonable accommodation to facilitate hiring and employment of persons with disabilities involving employers and employer initiatives

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Positive actions and reasonable accommodation to facilitate hiring and employment of persons with disabilities involving employers and employer initiatives

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1 Executive summary

1.1 Support and incentives directed at employers to promote the employment of persons with disabilities, including guides on good practice, websites and advice services

Employers in Malta are obliged by law to have 2 % of their workforce as disabled employees if they have more than 20 persons in their employment. Employers who fail to adhere to the quota are obliged to make an annual contribution of EUR 2 400 per person whom they should be employing (capped at EUR 10 000 per employer). Employers are also obliged by law to provide reasonable accommodation for job applicants and employees, provided that the measures do not impose a disproportionate burden on the employer.

An employer who employs a person with a disability is then:

- exempt from paying the employer's share of social security contributions for that employee; and
- eligible to claim a fiscal incentive equivalent to 25 % of the disabled person's basic wage, up to an annual maximum of EUR 4 500 for each employee with disability.

Other schemes aimed at incentivising employers to employ persons with disabilities are:

- the Access to Employment (A2E) scheme, through which employers receive a weekly wage subsidy for a maximum of 156 weeks for each new registered disabled person employed;
- the Bridging the Gap scheme enables persons with disabilities to engage in work exposure prior to proper employment. Employers participating in this scheme are exempted from social security contributions, wages and sick leave benefits;
- the Workplace Accessibility Tax Deduction scheme, whereby employers are enabled to make the necessary changes for their employees with disabilities; with the costs incurred being eligible for a tax deduction (of up to a maximum of EUR 20 000);
- the Facilitating Work Life for Individuals with Disability scheme, whereby employers can apply for a grant to render the workplace accessible.

Jobsplus (the public employment service) and the Commission for the Rights of Persons with Disability (CRPD Malta) organise training for employers in relation to employing persons with disabilities. The Lino Spiteri Foundation, which supports persons with disabilities in employment, also gives advice and support to employers employing persons with disabilities.

CRPD Malta also implements research and projects to raise awareness on the subject. Following research carried out in 2021 on the current situation of persons with disabilities vis-à-vis employment, CRPD Malta has published guidelines for employers – *Disability & Employment in Malta: Employers' Guidelines* – in order to guide them in the recruitment, accommodation and retention of employees with disabilities. These comprehensive guidelines come at an opportune time: since the quota is now being fully enforced, research shows that employers have mixed feelings about this

obligation, as well as not having enough guidance and awareness on the employment of persons with disabilities. Research¹ also shows that the quota on its own might not be enough to increase the rate of employment of persons with disabilities – which in Malta is still one of the lowest in the EU – and thus such guides, together with the incentives (rather than punitive measures) mentioned above, are a welcome initiative.

There is no evidence for the effectiveness of these measures.

1.2 Support and partnerships available to employers to assist them in making reasonable accommodations

The support available to employers to make reasonable accommodation includes the Workplace Accessibility Tax Deduction scheme (see Section 1.1) administered by CRPD Malta. Furthermore, professionals such as occupational therapists within the Allied Health Services Care Directorate can also provide guidance on providing reasonable accommodation in the workplace for specific individuals with disabilities.

While there are no partnerships specifically to assist employers to make reasonable accommodations, various partnerships exist with the aim of bridging the gap between employers and persons with disabilities. These include the Malta Business Disability Forum, chaired by CRPD Malta and including nine entities from both the business and disability spheres, which are working together to maximise accessibility for persons with disabilities in employment. The Lino Spiteri Foundation (see Section 1.1), which is a partnership between Jobsplus and the cooperative Empower, also undertakes outreach work with companies and assists employers employing persons with disabilities.

There is no evidence for the effectiveness of these measures.

1.3 Illustrative examples of good employer practice for providing reasonable accommodations for persons with disabilities

The *Employers' Guidelines* (see Section 1.1) published by CRPD Malta provide guidance and examples of good employer practice in providing reasonable accommodation for employees with disabilities. Furthermore, the Fair Society Award also rewards employers in recognition of their inclusivity towards persons with disabilities in the workplace.

There is no evidence for the effectiveness of these measures.

¹ Axisa, T. (2018), 'The Effectiveness of Disability Quotas when Employing Persons with Disabilities: An Exploratory Study among Maltese Employers' (dissertation for M.A. in Youth and Community Development Studies, De Montfort University).

1.4 Recommendations

The same *Employers' Guidelines* (see Section 1.3) provide recommendations to employers in the various stages of employment.

Recruitment and hiring

Having application forms in various accessible formats and rendering online vacancy announcements accessible for persons with different impairments, e.g. through audio and visual content to complement text.

Initial employment

Engaging in continuous feedback and dialogue and providing job carving.

Promotion and career development

Including enabling employees with disabilities to reach their maximum potential and ensuring that barriers have been eliminated during performance appraisals.

Retention

While the above are also relevant in guiding employers to retain employees, the *Employers' Guidelines* also lay out the legal obligations set out in the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) on employers to provide support for employees with disabilities in retaining employment, including after they acquire a disability.

2 Support and incentives directed at employers to promote the employment of persons with disabilities, including guides on good practice, websites and advice services

2.1 Employment quotas

The Persons with Disability (Employment) Act of 1969² – hereafter referred to as the Act – (amended multiple times, most recently by Act No. XXXIV of 2021),³ together with Subsidiary Legislation 210.02,⁴ establishes that employers who have more than 20 persons in their employment are obliged to have and maintain a 2 % quota of persons with a disability.

The Act includes the same definition of ‘person with disability’, which includes persons over compulsory school age who:

‘have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others.’

The above definition is the one established in the UNCRPD,⁵ and is the definition of ‘person with disability’ referred to by both the Equal Opportunities (Persons with Disability) Act⁶ and the United Nations Convention on the Rights of Persons with Disabilities Act,⁷ to which the Persons with Disability (Employment) Act refers. Persons with disability need to be registered with Jobsplus – the public employment service – or with the Commission for the Rights of Persons with Disability (CRPD Malta).

Employers who fail to adhere to the quota as stipulated in the Act are obliged to make an annual contribution for every person with disability whom they should be employing. The full yearly contributory amount – EUR 2 400 per person – came into force in 2017, and is capped at EUR 10 000 per employer.⁸ Since 2017, these contributions have been utilised to finance:

- contributions towards the Lino Spiteri Foundation⁹ (a social purpose foundation supporting persons with disability in employment);
- fiscal incentives for persons with disability;
- inclusive job support for vulnerable persons.

² Persons with Disability (Employment) Act 1969, *Laws of Malta*, chapter 210, <https://legislation.mt/eli/cap/210/eng/pdf>.

³ Persons with Disability (Employment) (Amendment) Act 2021, <https://legislation.mt/eli/act/2021/34/eng>.

⁴ Standard Percentage of Employment of Persons with Disability Order (subsidiary legislation), 10 November 1995, <https://legislation.mt/eli/sl/210.2/eng/pdf>.

⁵ United Nations Convention on the Rights of Persons with Disabilities (UNCRPD), 2006, <https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities.html>.

⁶ Equal Opportunities (Persons with Disability) Act 2000, *Laws of Malta*, chapter 413, <https://legislation.mt/eli/cap/413/eng/pdf>.

⁷ United Nations Convention on the Rights of Persons with Disabilities Act 2021, *Laws of Malta*, chapter 627, <https://legislation.mt/eli/cap/627/eng>.

⁸ Jobsplus (2022), ‘Employing Persons with Disability’, <https://jobsplus.gov.mt/employers-mt-MT-en-GB/employing-persons/employing-persons-disability>.

⁹ See: <https://linospiterifoundation.org>.

Given that in 2020, due to COVID-19, Jobsplus did not enforce the quota in relation to the contribution, income from this contribution dropped by 75 % during this year; thus the contributions were used to finance the above-mentioned expenditures only partly.¹⁰

No data as to the percentage of employers who comply with the employment quota is readily available. However, Jobsplus reports that in 2017, it commenced the collection of the contribution due by those employers who were not in line with the quota in 2015 and 2016, and issued invoices to non-complying private companies. By December 2017, while over 400 companies had paid the contribution due, 150 companies had not paid.¹¹ In 2018, while Jobsplus issued relevant invoices to 487 different enterprises for the 2017 contributions, only 246 enterprises had paid the related fees by December of that year. Jobsplus takes legal action against those employers who do not pay the contribution. Notably, the number of private companies which were in line with the 2 % quota increased by 12 % between December 2016 and December 2017.¹²

No data is readily available as to the number of persons with disabilities employed under the quota. The impact (or lack thereof) of the quota has been analysed by various researchers and studies. Research commissioned by CRPD Malta in 2021 on the situation of persons with disabilities regarding employment showed that more than half of the employers interviewed had not offered a job to a candidate with disability. Of the employers interviewed, 63.5 % had at least 2 % of their employees registered as disabled, while 23.1 % reported that they paid the annual contribution.¹³

Indeed, it is doubtful as to whether the quota is having the desired impact. In 2018, Axisa¹⁴ conducted a study amongst Maltese employers and reported that the disability quota in employment is still a grey area among employers, with many unanswered questions, mixed feelings and misconceptions about persons with disability in employment: while all the research participants admitted that their knowledge of the quota increased dramatically when the Government decided to enforce it, most of them lacked detailed knowledge of it. Many also expressed their concern that they have employees with disabilities who are not registered and hence do not count when it comes to establishing their quota. Participants also admitted that they receive financial and other human support (mainly through job coaches) to recruit employees with disabilities, but very often the human support is of short duration and thus not enough. Ultimately, most participants were sceptical about the quota enforcement and some even argued that the contribution which employers have to pay if they do not satisfy the quota is simply another Government tax. Indeed, human resources managers in another study conducted by Zammit (2017)¹⁵ mentioned that many companies offer

¹⁰ See Jobsplus annual reports page, <https://jobsplus.gov.mt/resources/publication-statistics-mt-mt-en-gb/publications/annual-reports>.

¹¹ Jobsplus (2018) *Annual Report 2017*, <https://jobsplus.gov.mt/resources/publication-statistics-mt-mt-en-gb/publications/annual-reports>.

¹² Jobsplus (2019) *Annual Report 2018*, <https://jobsplus.gov.mt/resources/publication-statistics-mt-mt-en-gb/publications/annual-reports>.

¹³ CRPD Malta (2020), *Research into the Current Situation of People with Disabilities and Employment in Malta*, <https://www.crpdmalta.org/resources/research>.

¹⁴ Axisa, T. (2018), 'The Effectiveness of Disability Quotas when Employing Persons with Disabilities: An Exploratory Study among Maltese Employers' (dissertation for M.A. in Youth and Community Development Studies, De Montfort University).

¹⁵ Zammit, I.M (2017), 'Experiencing the job interview process: different perceptions by persons with physical disability and HR managers' (dissertation for M.A. in Disability Studies, University of Malta), <https://www.um.edu.mt/library/oar/handle/123456789/26386>.

jobs – mostly low-skill and low-paid ones – to employees with disabilities in order to avoid the hefty fine linked to the quota system. Furthermore, if an employee is not registered as disabled with Jobsplus or CRPD Malta, they do not count towards the quota. Zammit concludes that persons with disability still face barriers in the workplace, one of them being lack of knowledge of disability among recruiters. Thus, while the quota system may open a door for persons with disabilities to gain employment,¹⁶ there still needs to be other measures supporting this: as Axisa (2020)¹⁷ contends, employers also need to adapt their places of work, not only physically but also in terms of adapting to the employee's needs, such as allowing them to start work later (see Sections 4 and 5 of this report).

2.2 Tax relief / reduced social security contributions / wage subsidies for employers employing persons with disabilities

An employer who employs a person with a disability (as defined in Section 2.1) is exempt from paying the employer's share of social security contributions for that employee.¹⁸ In 2020, Jobsplus processed 205 applications for this exemption,¹⁹ while 220 applications were processed in 2019.²⁰ Similar numbers of applications were processed during 2018 and 2017.²¹

The employer is also eligible to claim a fiscal incentive equivalent to 25 % of the disabled person's basic wage, up to a maximum of EUR 4 500 for each employee with disability.²² In 2020, 77 companies received this fiscal incentive, amounting to a total of EUR 349 070 in relation to the employment of 147 persons with disabilities.²³ This is similar to 2019, when 75 companies received the incentive in relation to the employment of 157 employees.²⁴ In 2018, 173 applications from 64 different employers were eligible in relation to 209 employees with disabilities.²⁵ This showed a marked increase from 2017, when 46 applications were received in relation to 101

¹⁶ Attard, A., 'Perspectives on the employment of persons with intellectual disabilities' (dissertation for M.A. in Disability Studies, University of Malta), <https://www.um.edu.mt/library/oar/handle/123456789/26319>.

¹⁷ Axisa, T., quoted in 'Making workplace disability quotas work in Malta' by Repeckaite, D. 20 May 2020, <https://www.equaltimes.org/making-workplace-disability-quotas?lang=en#.YIARhijRblU>.

¹⁸ Jobsplus, 'Employing Persons with Disability', <https://jobsplus.gov.mt/employers-mt-MT-en-GB/employing-persons/employing-persons-disability/>.

¹⁹ Jobsplus (2021), *Annual Report 2020*, <https://jobsplus.gov.mt/resources/publication-statistics-mt-mt-en-gb/publications/annual-reports>.

²⁰ Jobsplus (2020), *Annual Report 2019*, <https://jobsplus.gov.mt/resources/publication-statistics-mt-mt-en-gb/publications/annual-reports>.

²¹ See Jobsplus annual reports page, <https://jobsplus.gov.mt/resources/publication-statistics-mt-mt-en-gb/publications/annual-reports>.

²² Jobsplus, 'Employing Persons with Disability', <https://jobsplus.gov.mt/employers-mt-MT-en-GB/employing-persons/employing-persons-disability>.

²³ Jobsplus (2021), *Annual Report 2020*, <https://jobsplus.gov.mt/resources/publication-statistics-mt-mt-en-gb/publications/annual-reports>.

²⁴ Jobsplus (2020), *Annual Report 2019*, <https://jobsplus.gov.mt/resources/publication-statistics-mt-mt-en-gb/publications/annual-reports>.

²⁵ Jobsplus (2019), *Annual Report 2018*, <https://jobsplus.gov.mt/resources/publication-statistics-mt-mt-en-gb/publications/annual-reports>.

employees,²⁶ and 2016, when Jobsplus received applications from only 12 employers for 54 persons with disability.²⁷

The fiscal incentive, however, excludes employers who are benefiting from the Access to Employment (A2E) scheme,²⁸ which provides employment aid to enterprises to promote the recruitment of inactive persons and jobseekers who encounter challenges in finding employment. Employers who benefit from this scheme receive a weekly subsidy for a maximum of 156 weeks for each new registered disabled person engaged.²⁹ Since its initiation in 2015, a total of 2 429 applications for the scheme had been received by Jobsplus by the end of 2020. Applications were received from 978 employers, and 1 677 persons had been employed by means of the same scheme. 2020 saw the highest number of applications (531) under the A2E scheme, with microenterprises employing most of the employees with disability and large enterprises constituting only 5 % of employers benefiting under the scheme. Of the 493 employers who responded to a survey, 96 per cent declared that they were very likely to reapply for funding through the Access to Employment scheme, among others, and are likely to recommend these schemes to others.³⁰

Another scheme administered by Jobsplus, Bridging the Gap, enables registered disabled persons to engage in a period of work exposure to enable the employer to evaluate the performance of the client in the workplace, prior to proper engagement. Employers participating in this scheme are exempted from social security contributions, wages and sick leave benefits. Furthermore, throughout the work exposure phase, the employer can benefit from the support of Jobsplus officials.³¹ In 2020, 46 persons with disabilities were assisted through this scheme,³² a decrease from 2019, when 64 persons with disabilities benefited.³³ However, 2019 had seen an increase from 2018, when 45 persons with disability had benefited from the scheme.³⁴

There is no further evidence assessing the strengths and weaknesses of the wage subsidy programme.

²⁶ Jobsplus (2018), *Annual Report 2017*, <https://jobsplus.gov.mt/resources/publication-statistics-mt-mt-en-gb/publications/annual-reports>.

²⁷ Jobsplus (2017), *Annual Report 2016*, <https://jobsplus.gov.mt/resources/publication-statistics-mt-mt-en-gb/publications/annual-reports>.

²⁸ Jobsplus 'Employing Persons with Disability', <https://jobsplus.gov.mt/employers-mt-MT-en-GB/employing-persons/employing-persons-disability>.

²⁹ Jobsplus, 'Access to Employment Scheme', <https://jobsplus.gov.mt/a2e>.

³⁰ Jobsplus (2021), *Annual Report 2020*, <https://jobsplus.gov.mt/resources/publication-statistics-mt-mt-en-gb/publications/annual-reports>.

³¹ Jobsplus, 'Bridging the Gap Scheme', <https://jobsplus.gov.mt/schemes-jobseekers/bridge-gap-scheme>.

³² Jobsplus (2021), *Annual Report 2020*, <https://jobsplus.gov.mt/resources/publication-statistics-mt-mt-en-gb/publications/annual-reports>.

³³ Jobsplus, (2020), *Annual Report 2019*, <https://jobsplus.gov.mt/resources/publication-statistics-mt-mt-en-gb/publications/annual-reports>.

³⁴ Jobsplus (2019), *Annual Report 2018*, <https://jobsplus.gov.mt/resources/publication-statistics-mt-mt-en-gb/publications/annual-reports>.

2.3 Reasonable accommodation

Lack of access to reasonable accommodation is also one of the reasons that the employment rate of persons with disabilities in Malta is still one of the lowest in the EU.³⁵

Nonetheless, the duty to provide reasonable accommodation for employees – provided that the measures would not impose a disproportionate burden on the employer – is laid down in the Equal Opportunities (Persons with Disability) Act 2000 and³⁶ the Equal Treatment in Employment Regulations 2004.³⁷

2.4 Other relevant actions targeted at employers

Jobsplus organises awareness-raising with employers to promote the employment of persons with disabilities. For example, in 2020, it delivered a series of webinars with employers' representatives and organisations to further promote the A2E scheme.³⁸

CRPD Malta also provides disability equality training (DET) to many public and private organisations, aimed at facilitating the inclusion of persons with disabilities in various areas including employment.³⁹ CRPD Malta also undertakes advocacy projects aimed at challenging stereotypes of persons with disabilities in employment. One such project is the 'Video Curriculum Vitae of Persons with Intellectual Disability' (*ĈaVetta Għall-Futur*) project, aimed at challenging mistaken assumptions about the perceived lack of abilities of persons with intellectual disabilities with regard to employment.⁴⁰

The Malta Employers Association (MEA) is also currently implementing a project, '*Pro-Inklude*', aimed at providing services for small and medium-sized enterprises (SMEs) with regard to greater inclusivity in the workplace, especially when it comes to the integration of persons with disabilities. Activities as part of this project include education, training and awareness-raising.⁴¹

Aġenzija Sapport, the public agency providing services for persons with disabilities, is also implementing the INK project, which, among other activities, targets employers with training sessions to enable them to provide support to persons with disabilities.⁴²

The Fair Society Award (*Premju Soċjetà Ġusta*), organised by the Parliamentary Secretariat for Active Ageing and Persons with Disability, is an annual event held to celebrate the work – and recognise the achievements – of individuals and organisations who work towards the inclusion of persons with disabilities. One of the

³⁵ Jobsplus (2019), *Annual Report 2018*, <https://jobsplus.gov.mt/resources/publication-statistics-mt-en-gb/publications/annual-reports>.

³⁶ Equal Opportunities (Persons with Disability) Act 2000, *Laws of Malta*, chapter 413, <https://legislation.mt/eli/cap/413/eng/pdf>.

³⁷ Equal Treatment in Employment Regulations 2004 (subsidiary legislation), *Laws of Malta*, 452.95, <https://legislation.mt/eli/sl/452.95/eng/pdf>.

³⁸ Jobsplus (2021), *Annual Report 2020*, <https://jobsplus.gov.mt/resources/publication-statistics-mt-en-gb/publications/annual-reports>.

³⁹ CRPD Malta, 'DET Training', <https://www.crpdmalta.org/services/training>.

⁴⁰ CRPD Malta, information on the *ĈaVetta Għall-Futur* project, <https://www.crpdmalta.org/c%cc%87avetta-ghall-futur-project>.

⁴¹ MEA, 'Pro-Inklude', <https://www.maltaemployers.com/pro-inklude>.

⁴² See 'INK – Person-focused inclusion project', <https://oureu.mt/portfolio-item/ink>.

awards is given to companies for the most inclusive workplace. In 2021, this award was given to Farsons Group (a local brewery),⁴³ while in 2020 it was awarded to Ecabs, a local taxi company.⁴⁴ In 2019, the award was given to Bank of Valletta, which at that time employed 34 persons with disability, making it one of Malta's largest private sector employers of persons with disabilities.⁴⁵ The first award given in this category was in 2018, when the award was given to MaltaPost, the postal service company, for its Tanseana project in Gozo, where most of the staff who work there have various disabilities and carry out work related to document management services.⁴⁶

2.5 Examples of good practice

The above-mentioned measures and incentives are all examples of good practices. It is also due to the fact that the quota system on its own does not seem to have a desired impact that complementary measures such as the ones indicated below are necessary to increase access to the labour market for persons with disabilities.

Fiscal incentives

As indicated in Section 2.2 of this report, the number of companies benefiting from the fiscal incentive in relation to employing disabled people has been slowly but steadily increasing since 2016,⁴⁷ thus demonstrating interest from employers. This could be partly because, rather than involving the payment of a fine for failing to employ persons with disabilities – as some employers consider the contribution to be made in relation to the quota system⁴⁸ – this is a positive measure and an incentive to employ persons with disabilities.

Access to Employment Scheme

The A2E scheme (see Section 2.2) – which provides a weekly subsidy for employers employing persons with disabilities – has seen a marked increase in beneficiaries since its launch in 2016, mainly among microenterprises.⁴⁹

Workplace Accessibility Tax Deduction Scheme

While this scheme (see Section 2.2) has not had the desired impact, it remains an example of good practice in that it incentivises employers to adapt their workplace to persons with disabilities. Indeed, one of the recommendations of the CRPD Malta

⁴³ President of Malta, press release, 'Announcing of the winners of the Premju Soċjetà Ġusta 2021', 11 December 2021, <https://president.gov.mt/announcing-of-the-winners-of-the-premju-socijeta-gusta-2021/?lang=en>.

⁴⁴ 'Five people and one firm awarded for work in disability sector', Times of Malta, 8 December 2020, <https://timesofmalta.com/articles/view/five-people-and-one-firm-awarded-for-work-in-disability-sector.837437>.

⁴⁵ 'Bank of Valletta receives 'Premju Soċjetà Ġusta'', Bank of Valletta website, 30 December 2019, <https://www.bov.com/news/bank-of-valletta-receives-premju-socijeta-gusta>.

⁴⁶ 'MaltaPost plc awarded the 'Premju Soċjetà Ġusta' award for the most inclusive company', MaltaPost website, 17 January 2019, <https://www.maltapost.com/news-details?id=4877>.

⁴⁷ Jobsplus, annual reports page, available at: <https://jobsplus.gov.mt/resources/publication-statistics-mt-mt-en-gb/publications/annual-reports>.

⁴⁸ Axisa, T. (2018), 'The Effectiveness of Disability Quotas when Employing Persons with Disabilities: An Exploratory Study among Maltese Employers' (M.A. in Youth and Community Development Studies, De Montfort University).

⁴⁹ Jobsplus (2021), *Annual Report 2020*, <https://jobsplus.gov.mt/resources/publication-statistics-mt-mt-en-gb/publications/annual-reports>.

study mentioned in Point 1 above indicates the need to extend such incentives and also to increase direct funding to employers to enable reasonable accommodation such as purchasing assistance equipment and technology for the workplace.⁵⁰

2.6 Good practice guides, websites and advice services directed at employers

Good practice guides targeted at employers do not seem to be readily available in Malta (with the exception of the CRPD Malta guidelines mentioned in Point 2 below). However, a number of entities have websites with practical advice on the schemes and incentives available when employing persons with disabilities:

A. Websites

Jobsplus

The public employment service incorporates, on its website, a section dedicated to schemes for employers, including ones mentioned in Section 2.2 such as A2E and Bridging the Gap. The section briefly describes the schemes and provides the necessary forms and the contact details of the person responsible for the scheme.⁵¹ In another section of the Jobsplus website, details of the quota system, the legal obligations and the related contributions are described for employers. It also enables the download of the Memorandum of Understanding (MoU) between Jobsplus and the MEA on the quota, as well as the relevant applications for exemptions and fiscal incentives.⁵² Links:

- <https://jobsplus.gov.mt/employers-mt-MT-en-GB/employing-persons/employing-persons-disability>;
- <https://jobsplus.gov.mt/a2e>;
- <https://jobsplus.gov.mt/schemes-jobseekers/bridge-gap-scheme>.

CRPD

CRPD Malta provides a section, on its website, dedicated to information on the Workplace Accessibility Tax Deduction scheme (see Section 2.2), together with the related legal obligations on accessibility at work as well as a downloadable booklet with information on the scheme.⁵³ Link: <https://www.crpd.org.mt/resources/workplace-accessibility-tax-deduction-scheme>.

B. Advice

Lino Spiteri Foundation

As part of its work, the Lino Spiteri Foundation provides support to employers to promote the employment of persons with disabilities (see Section 2.1). It works with companies to explore their requirements and possible employment opportunities. When a company is interested in employing a person with a disability, the Foundation offers assistance throughout the engagement process as well as throughout the individual's employment with the company. Services offered include: job carving,

⁵⁰ CRPD Malta (2020), *Research into the Current Situation of People with Disabilities and Employment in Malta*, <https://www.crpd.org.mt/resources/research>.

⁵¹ See: <https://jobsplus.gov.mt/schemes-jobseekers>.

⁵² See: <https://jobsplus.gov.mt/employers-mt-MT-en-GB/employing-persons/employing-persons-disability>.

⁵³ See: <https://www.crpd.org.mt/resources/workplace-accessibility-tax-deduction-scheme>.

recruitment services support, support for the application of schemes and other incentives, and continued follow-up support.⁵⁴

Richmond Foundation

The Richmond Foundation is an NGO supporting people with mental health problems and those around them. It provides a staff organisation support programme (SOSP), which provides services to organisations wishing to promote mental wellbeing in the workplace.⁵⁵

MEA

The Malta Employers Association offers a Helpdesk for SMEs,⁵⁶ which is managing the *'Pro-Inklude'* project (see Section 2.4) on the inclusion of persons with disabilities in the workplace. The website page details the aim of the Helpdesk as well as the contact details.

C. Guidelines

CRPD

CRPD Malta also implements research studies, such as the research into the current situation of people with disabilities and employment in Malta, which was concluded in 2021 and resulted in the publication of guidelines for employers in order to assist them in gaining more awareness and knowledge about persons with disabilities and enable them to identify sources of any support required to employ such persons (see Sections 4 and 5 of this report).⁵⁷

⁵⁴ Lino Spiteri Foundation, information for employers, <https://linospiterifoundation.org/employers>.

⁵⁵ Richmond Foundation, information on support at work, <https://www.richmond.org.mt/our-services/support-at-work>.

⁵⁶ See: <https://www.maltaemployers.com/the-mea-sme-helpdesk>.

⁵⁷ CRPD Malta research available at: <https://www.crpdmalta.org.mt/resources/research>.

3 Support and partnerships available to employers to assist them in making reasonable accommodations

3.1 Support available to employers for making reasonable accommodation

CRPD Malta also administers the Workplace Accessibility Tax Deduction scheme, whereby employers are enabled to make the necessary changes for their employees with disabilities. The scheme has a legal basis in Legal Notice 428 of the 2010 Income Tax Act,⁵⁸ Deduction (Workplace Accessibility) Rules 2010.⁵⁹ It is open to employers who employ a person who is registered on the CRPD Malta register. The costs eligible for tax deduction under the scheme include those incurred for: installation or modification of physical structures of equipment; removal of architectural and physical barriers; acquisition of devices; and work training for employees with disabilities. The total deduction claimed cannot exceed EUR 20 000.⁶⁰ However, there has been very little uptake of the scheme: to date, CRPD Malta has received only one application from an accountancy firm,⁶¹ despite lack of accessibility in the workplace being one of the reasons for weak labour market outcomes for persons with disability in Malta.⁶²

In 2021, Malta Enterprise, the Government economic development agency, launched the Facilitating Work Life for Individuals with Disability scheme, through which employers and self-employed people can apply for a grant towards the cost of adapting/making the workplace more accessible for employees with disabilities who are currently employed, or due to be employed, by the employer. The aid under this scheme is awarded in the form of a cash grant covering 90 % of incurred eligible costs, up to a maximum grant of EUR 10 000 for each project.⁶³

Professionals (e.g. occupational therapists, psychologists, speech therapists and social workers) within the Allied Health Services Care Directorate at the Department of Health also provide guidance on providing reasonable accommodation in the workplace for specific individuals.⁶⁴

⁵⁸ Income Tax Act 1949, *Laws of Malta*, chapter 123, <https://legislation.mt/eli/cap/123/eng/pdf>.

⁵⁹ Deduction (Workplace Accessibility) Rules 2010, L.N. 428 of 2010, *Laws of Malta*, <https://legislation.mt/eli/ln/2010/428/eng>.

⁶⁰ CRPD Malta, information on workplace accessibility tax scheme, <https://www.crpdmalta.org/resources/workplace-accessibility-tax-deduction-scheme>.

⁶¹ Garland, R. (CRPD Malta Executive Director), communication with author via email, 2022.

⁶² Patrini, V. and Ahrendt, D, (2021), *Living conditions and quality of life – Disability and labour market integration: Policy trends and support in EU Member States*, Eurofound, https://www.eurofound.europa.eu/sites/default/files/ef_publication/field_ef_document/ef20013en.pdf.

⁶³ Malta Enterprise, 'Facilitating Work Life for Individuals with Disability', 27 September 2021, <https://maltaenterprise.com/node/1785>.

⁶⁴ See Allied Health Care Services Directorate – Department of Health Malta home page, <https://deputyprimeminister.gov.mt/en/ahcs>.

3.2 Partnerships to assist employers to make reasonable accommodations

While there are no partnerships specifically to assist employers to make reasonable accommodations, various partnerships exist, as detailed in the previous sections of this report, in order to bridge the gap between employers and persons with disabilities:

Malta Business Disability Forum

Chaired by CRPD Malta (see Section 2.4), this forum was officially set up in 2019 through the signing of an MoU between its nine members: CRPD Malta, the Malta Chamber of Commerce, Enterprise and Industry, the MEA and the Malta Chamber of SMEs as founding members; and the Malta Federation Organisations of Persons with Disability (MFOPD), the Faculty for Social Wellbeing (University of Malta), the Office of the Commissioner for Mental Health, the Gozo Business Chamber and the Local Councils' Association. Together, these entities are working to maximise accessibility for persons with disabilities in the business and employment spheres.⁶⁵

Lino Spiteri Foundation

The LSF is a public social partnership between Jobsplus and Empower, a cooperative that employs persons with disabilities in collaboration with the private sector (see Section 2.4). This partnership aims to draw on Jobsplus's resources, together with the experience and expertise of the corporate sector, to create employment opportunities for persons with disabilities. The LSF maintains close corporate relations with employers.⁶⁶ Throughout 2020, the LSF reached out to over 350 companies, including assisting employers who are already employing persons with disabilities.⁶⁷

Bank of Valletta

The bank received in 2019 the *Premju Soċjetà Ġusta* (see Section 2.4) for most inclusive workplace, established an Employee Welfare Committee that assists and supports employees with physical and mental difficulties. Support includes the granting of additional annual leave as well as financial assistance. The Bank also works with the Richmond Foundation (see Section 2.4) in providing professional and confidential assistance to staff members experiencing mental health issues.⁶⁸

⁶⁵ CRPD Malta, information on Malta Business Disability Forum, <https://www.crpdmalta.org/about/malta-business-disability-forum/>.

⁶⁶ Jobsplus, information on inclusive employment services, <https://jobsplus.gov.mt/job-seekers-mt-MT-en-GB/guidance-services/inclusive-employment-services>.

⁶⁷ Jobsplus (2021), *Annual Report 2020*, <https://jobsplus.gov.mt/resources/publication-statistics-mt-mt-en-gb/publications/annual-reports/>.

⁶⁸ 'Bank of Valletta receives *'Premju Soċjetà Ġusta'*', Bank of Valletta website, 30 December 2019, <https://www.bov.com/news/bank-of-valletta-receives-premju-societa-gusta>.

4 Illustrative examples of good employer practice for providing reasonable accommodations for persons with disabilities

4.1 Good practice guides for employers regarding reasonable accommodation

The research commissioned by CRPD Malta on the situation of persons with disabilities and employment (see Section 2.4) resulted in the publication of guidelines for employers,⁶⁹ including on reasonable accommodation. The guidelines include the legal definition of ‘reasonable accommodation’, as well as a section specifically on reasonable accommodation which comprises a further explanation of what this entails and examples of how it can be achieved. Other sections throughout the report give examples of how reasonable accommodation can be advertised in the job application process; explanations of how reasonable accommodation can challenge stereotypes of employees with disabilities; and where to find further guidance on providing reasonable accommodation (see Section 5).

4.2 Any other sources of information regarding good practice for employers regarding reasonable accommodation

Rather than other good-practice information for employers, one can find private law companies who publish short articles on employers’ obligations to provide reasonable accommodation, directing them to the European Commission’s guide on reasonable accommodation.⁷⁰ One such example comprises online articles by a private law firm, which set out the legal obligations on employers to provide reasonable accommodation, the definition of disability and the consequences of failing to provide such accommodation.⁷¹

4.3 Examples of individual reasonable accommodations which reveal good practice

There are no examples of individual reasonable accommodations which reveal good practice.

⁶⁹ CRPD Malta (2021), *Disability & Employment in Malta: Employers’ Guidelines*, <https://www.crpdm.org/mt/resources/research>.

⁷⁰ European Commission (2020), *How to put Reasonable Accommodation into Practice: Guide to Promising Practices*, <https://ec.europa.eu/social/main.jsp?catId=738&langId=en&pubId=8341&furtherPubs=yes/>.

⁷¹ See: <https://fenechlaw.com/reasonable-accommodation-of-persons-with-a-disability-an-employers-perspective>; <https://www.mondaq.com/employee-benefits-compensation/1010416/reasonable-accommodation39-of-persons-with-a-disability-an-employer39s-perspective>; <https://www.lexology.com/commentary/employment-immigration/malta/fenech-fenech-advocates/reasonable-accommodation-of-persons-with-disabilities-employers-perspective>.

5 Recommendations and guidance regarding good practice and reasonable accommodation

5.1 Recommendations regarding good practice and reasonable accommodation in recruitment and hiring

The *Employers' Guidelines* published by CRPD Malta (see Section 4.1) provide guidance to employers on how to issue vacancy announcements online that are accessible for persons with sensory, mobility or cognitive impairments. Examples include:

- using audio and visual content to complement written text;
- using appropriate labels, colour and text intensity;
- avoiding busy designs;
- providing sections of the website which are accessible solely with the use of a keyboard; and
- including description of images.

The guidelines also provide guidance for employers in ensuring the application process is accessible, including through:

- having application forms in various accessible formats;
- allowing application forms to be processed through various means (e.g. by post, online, etc.);
- providing information and acknowledging the possibility of workplace accommodations and adjustments; and
- eliminating non-essential requirements and considering job sharing for particular roles.

Regarding the interview process, the guidelines include suggestions for the employer to ask what adjustments may need to be made for the interview (e.g. providing a sign language interpreter; holding the interview in an accessible room; providing more detailed instructions to access the building).⁷²

5.2 Recommendations regarding good practice and reasonable accommodation in initial employment

The same guidelines mentioned in Section 5.1 provide guidance for employers on the transition and induction of an employee with disability, and detail the following recommendations:

- the possibility of providing a colleague/supervisor assigned to the employee as their point of reference;
- communicating clearly the expectations to the employee and engaging in continuous feedback and dialogue;
- considering the possibility of job carving;

⁷² CRPD Malta (2021), *Disability & Employment in Malta: Employers' Guidelines*, <https://www.crpd.org.mt/resources/research>.

- holding a peer preparation session with colleagues before the employee with disability starts employment.⁷³

5.3 Recommendations regarding good practice and reasonable accommodation in promotion and career development

The same guidelines provide recommendations to employers when carrying out performance appraisals:

- ensuring that barriers have been eliminated (including through physical accessibility; providing sign language interpreters and accessible formats of necessary documents/reports);
- asking the employee what they may need to maintain or enhance their performance (thus allowing for the opportunity to explore accommodation strategies that may be needed);
- providing honest and constructive feedback; and
- using the process as an opportunity to ensure that the reasonable accommodation and support that have been put in place are still effective or whether changes need to be made.

The guidelines also provide recommendations to employers in the case of an employee's performance being unsatisfactory.

With regard to career progression, the guidelines recommend employers to:

- enable employees with disabilities to give a valuable contribution to the workplace to the maximum of their potential; and
- provide in-house or external training opportunities and make the necessary accommodations to ensure maximum participation by employees with disabilities in the training.⁷⁴

5.4 Recommendations regarding good practice and reasonable accommodation in retention, i.e. enabling people to stay in work if they develop an impairment or their impairment changes

The same guidelines referred in the previous sections lay out the obligation of employers – in accordance with the UN CRPD – to provide support for employees with disabilities in retaining employment, including after they acquire a disability.⁷⁵

In its work, CRPD Malta, which investigates complaints of discrimination encountered at work by persons with disabilities (see Section 4.3 of this report), encounters cases where employers provided reasonable accommodation after the employee encountered difficulties in conducting their previous work. One such case occurred in 2022, when CRPD Malta was approached by an individual with disability who had experienced chest pains especially when lifting heavy objects, due to having

⁷³ CRPD Malta (2021), *Disability & Employment in Malta: Employers' Guidelines*, <https://www.crpdmalta.org/resources/research>.

⁷⁴ CRPD Malta (2021), *Disability & Employment in Malta: Employers' Guidelines*, <https://www.crpdmalta.org/resources/research>.

⁷⁵ CRPD Malta (2021), *Disability & Employment in Malta: Employers' Guidelines*, <https://www.crpdmalta.org/resources/research>.

undergone a median thoracotomy. In view of this situation, he stated that this was causing serious consequences for his overall wellbeing. Following CRPD Malta's intervention, his superior collaborated in reaching an agreement, and, after identifying the employee's needs, he was assigned a role that entailed less strenuous duties.⁷⁶

⁷⁶ CRPD Malta, communication with author via email, 2022.

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