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NEWS REPORT

Country:	Malta
Date:	11 August 2015
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Title:	Act No. XXII of 2015: Persons with Disability (Employment) (Amendment) Act, 2015
Country:	Malta
<u>Context</u>	
Issue at stake:	To sanction the failure to respect the disability quota under the Persons with Disability (Employment) Act
Ground of discrimination:	Disability
Source:	Legislation
Field:	Employment
Applicable Law:	Persons with Disability (Employment) Act. (Chapter 210 of the Laws of Malta).

Content

Law development: The amendment provided for in Act No. XXII of 2015 applies to Article 16 of the Persons with Disability (Employment) Act (Chapter 210 of the Laws of Malta) ('the Principal Act'). This article gives further detail on the quota rule that is expressed in Article 15. Article 15 of the Principal Act, in fact, specifies that employers must employ a certain number of persons with disability according to the quota which is calculated in accordance with the provisions of Article 16. This Article applies to persons that employ not less than twenty persons. It should be noted that if the Minister is satisfied with the fact that no person with disability is available with the skills or qualifications required for the job, a permit may be issued authorising the employer to engage a person who is not registered with a disability notwithstanding that the quota is not satisfied. Act No. XXII of 2015 adds the new sub-articles 5A and 5B to Article 16 of the Principal Act.

The new sub-article 5A adds sanctions against anyone who may not respect the said quota referred to in the law (the new articles do not specify that such persons must be employers but this is inferred from the Act). Any such person, shall be asked by the Maltese Employment and Training Corporation to make an annual contribution of two thousand and four hundred euro (€2,400) for every person with disability that should be in his employment, to a maximum of ten thousand euro (€10,000) for anyone who fails to respect the quota.

Sub-article 5B, then, specifies how the payment shall be completed. It states that the person found to be in breach must pay one third of the contribution for the year 2015; following that the person shall owe two thirds of the contribution amount to be paid in 2016 and finally, by 2017, the payment shall be that of the full contribution. Therefore, this sub-article provides for a gradual implementation of the sanctions which from 2017 onwards, shall be fully payable.

The establishment of such sanctions or penalties works towards making sure that persons abide by such quota provided for, and acts as a deterrent against non-compliance.

Key points of analysis:

The Act provides for the establishment of:

- A monetary sanction for those who do not respect the disability quota provided for in the Persons with Disability Act (Cap. 210 of the Laws of Malta).
- A paying schedule for these sanctions.

Internet link source:

<http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lp&itemid=26998&l=1>

Last accessed on the 6 August 2015