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NEWS REPORT

Country:	Malta
Title:	Equal Pay
Date:	20 September 2016
Expert:	Romina Bartolo
<u>Context</u>	
Issue at stake:	Discrimination in Employment
Ground of discrimination:	Sex
Source:	National equality body
Field:	Employment; equal pay
Applicable law:	Equality for Men and Women Act 2003 as amended, Chapter 456 of the Laws of Malta

Content

Case development: A complaint was submitted to the National Commission for the Promotion of Equality (NCPE), the national equality body, regarding alleged discrimination on the grounds of sex in pay/wage and other work-related benefits. The complainant alleged that she was receiving a lower wage than the male employees who were in a similar or same rank and responsibilities. She stated that she was the only female manager and her colleagues who are managers and who are in the same scale with the same responsibilities, have a private office and a higher wage, even though she had seniority and more experience. The employer argued that the complainant's job position and role were not comparable with those of the other two managers who happened to be men and there was therefore no discrimination. The employer further stated that the company had treated the complainant fairly and favourably when it acceded to her request for flexi-time, even though the company was under no legal obligation to do so. After analysing the evidence collected, NCPE's Commissioner noted that while all the managers' wages differed in amount, the gap between the male managers' wages was smaller than the one between the average male manager's wage and the complainant's wage. NCPE Commissioner deemed that the company's arguments that there was no set salary scale for managers should not act as a detriment towards the company's employees and that the company should strive for more transparency in the manner in which wages are set.

Key points of analysis: This case is interesting since very often victims of discrimination avoid the Law Courts or the Industrial Tribunal and this complaint to the Equality Body sheds light on pay practices and the importance of pay transparency.

Internet link source: Published April 2016 – decided 2015
https://ncpe.gov.mt/en/Documents/Our_Publications_and_Resources/Annual_Reports/N_CPE%20AR%202015.pdf, accessed 25 August 2016.