

11<sup>th</sup> March 2016

Mr. Silvan Agius

Director for Human Rights and Integration

Ministry for Social Dialogue, Consumer Affairs and Civil Liberties

Barriera Wharf

Valletta VLT 2000

Dear Silvan

I hope you are in the best of health and would like to thank you for your presentation. The General Workers' Union would like to put forward the following suggestions, amendments and proposals:

### **Human Rights and Equality Commission**

On the establishment of the commission we are suggesting that there is an increase in the number of members of the commission and a reasonable number of members are nominated from the trade union movement.

### **Equality Act**

Definition for 'Appearance discrimination'. This occurs when a person is discriminated against because of their height, weight, body art, shape, or any other bodily characteristic.

Clauses to cover discrimination related to outsourcing and third party contractors. The case of employees performing the same job in the same organisation (different employers) but paid differently. The principal of 'equal pay for the job of equal value'

Another point raised is the change in surname when a female person gets an annulment or divorce? This situation creates a change in her identity and an extra financial burden.

Employees and Employers Section: Membership in the organisation can be refused to any persons who shall have a conflict with the same organisation's code of ethics, principals, values and/or statute of regulation.

Adverts: Permissible by law for certain specific jobs to advert for either female or male. As explained for certain jobs you need specific gender. Other vacancy either internal or external must be gender neutral.

Access to family friendly measures to both parents. Equality.

Equality between husband/wife – partners.

Same access to flexible working arrangements to all care givers – irrespective if it is young children, people with special needs or old people.

Legal cases: Exclusive jurisdiction of the industrial tribunal or civil court. Right of Appeal.

Prescription on alleged cases at least 12 months.

Applicable to all employees – Public Administration

Public Sector

Private Sector

Self-employed

Education/Promotion/Minimum Organisational policies: Burden of proof of innocence on the perpetrator

Obligation on employers not just to promote Equality but to practise it. Obligatory of paper work trail.

Obligation to include guide lines established within the organisation on real term Equality policies during the selection process of new recruits, probation, internal vacancies and promotions. and internal vacancies and promotions.

Set of guidelines to avoid rhetorical questions that give way to discriminate and to ensure dissemination of these guidelines through employment agencies and other constituted bodies.

Penalties: Fines of up to €10,000 fine for employers who are found of discrimination.

For repetitive offenders prison sentence.

Apart from the above I would also suggest streamlining with the current Employment and Industrial Relations Act 452 and any sub legislation.

I hope that the GWU's amendments and recommendations are included in the act or catered for.

Meanwhile permit me to thank you for your kind attention and send my best regards,

**Josef Bugeja**

Secretary General

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