



NATIONAL POLICY ON

Disabled Persons and Employment



Kummissjoni
Nazjonali
Persuni b'Dizabilità

KNPD

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National Policy on Disabled Persons and Employment



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Foreword

Maltese society believes firmly in respecting the dignity of each person, without distinction or discrimination, and in the provision of equal opportunities for every citizen. This can only be achieved when every individual citizen is fully included in the country's social, cultural and economic development. Therefore, in keeping with the spirit of mainstreaming, these principles should directly inform decision-making in the employment sector.

The Kummissjoni Nazzjonali Persuni b'Diżabilità (KNPD) has always insisted that disabled persons form an integral and essential part of the country's human

resources. Consequently, they do not only have the right to participate in the country's development and contribute to it as much as possible, but the country also has the duty of creating an environment which is open to disabled persons and one which is the least restrictive. In this way, the right of every person to work according to their personal capacity, as recognized and embraced by the Maltese Constitution, can be upheld.

The participation of disabled persons in the employment sector is essential for the country's development, and makes economic sense, as shown by, among others, Gordon

Cordina's study (freely available from www.knpd.org). Apart from this purely economic aspect, this contribution emphasizes other positive values within Maltese society. Thus, it is not enough to remove all forms of discrimination against disabled persons. There must also be pro-active efforts to undertake all that is possible so that the employment sector is provided with reasonable incentives aimed at ensuring the inclusion of disabled persons.

The present revision of KNPD's 1996 National Policy on Employment and Persons with Disability has involved the collection of relevant data and fresh consultations with all stakeholders. A list of all those who contributed to the consultation process can be found in the Appendix. The revised policy provides a description of the Maltese

context in which it is to be implemented, the principle on which this implementation should be based, and tangible recommendations regarding this implementation in order to bring about positive changes in the employment situation of disabled people in Malta.

Joseph M. Camilleri
KNPD Chairman

3rd December 2009

Executive Summary

In 1996 the Kummissjoni Nazzjonali Persuni b'Diżabilità (KNPD), with the consent of all stakeholders, drew up a national policy on Disabled Persons and Employment. This policy has now been revised.

An overview of the employment situation of disabled persons shows that there are legal provisions to ensure that disabled people are not discriminated against in the labour market. Statistics related to existing services in this sector in Malta, gathered in 2007, show that there are disabled persons who are currently benefiting from support to find and retain employment. However, these services are not

enough and clearly more needs to be done.

Article 27 of the United Nations Convention on the Rights of Persons with Disabilities asserts the right of disabled persons to be accepted in the labour market and in a work environment that is open, inclusive and accessible to them.

In the light of the above, it is important for the following measures to be put into place:

- The Government should ratify the UN Convention and its Optional Protocol. It should also strengthen the Equal Opportunities (Persons with Disability) Act, ensure that there are disabled people

working at all levels in the public sector, and encourage the private sector to do the same, in order to promote equal opportunities for all.

- The Ministry for Education should provide disabled students with vocational guidance and training together with a comprehensive assessments of their abilities and needs, and should ensure that post-secondary and tertiary educational institutions offer support systems to disabled students.
- The Ministry for Education or the Employment and Training Corporation (ETC) (depending on whether the disabled person is a full-time student or not) should carry out a comprehensive assessment of disabled students, disabled persons

attending day centres and those who are seeking employment. The emphasis of this assessment should be on the vocational aspect and lead to vocational training and guidance as necessary. This comprehensive assessment should be carried out with the full involvement of the disabled persons, and of their parents where necessary. It should be carried out by a multi-disciplinary team and should include recommendations for assistive apparatus and any necessary modifications.

- The Supported Employment Section within ETC should be strengthened so that it has the necessary resources for it to be able to provide the necessary assessment and training for disabled persons, identify job opportunities for them, and create

- schemes so that they can secure and retain employment, and advance in their chosen career.
- ETC should provide the whole range of services necessary for persons with disability to be supported in employment according to their personal needs and abilities.
 - ETC should further develop existing schemes to support disabled people to enter the labour market. It should also introduce schemes to provide reasonable support for disabled people to work in an open environment.
 - Employers' associations and trade unions should give their full support to these initiatives.
 - Disabled persons should be given incentives to be able to start up and maintain self-employment.
 - Government should offer incentives for the setting up of commercial cooperatives where the majority of workers are disabled people.
 - Agenzija Sapport, in collaboration with ETC and the private sector, should set up sheltered employment units to offer jobs to disabled persons who cannot work in open employment. These workers should be remunerated at a reasonable rate according to the work they carry out.
 - Agenzija Sapport should be allocated all the resources that are necessary for it to provide day services for disabled people

who cannot enter the labour market. It should also be given extra funding specifically for the setting up and running of the sheltered employment units. These services should be provided in the hours when the person is active, including evenings and weekends.

- Government should ensure that all clauses of the Disabled Persons (Employment) Act are enforced and that the structures that it refers to are set up at ETC. The quota of registered disabled persons which should be employed by any employer according to this Act should remain 2% for both the public and the private sectors. However the employer should, for valid reasons, be given the opportunity of either employing according to this quota or paying a sum

of money which is equivalent to 20% of the minimum wage.

- The disability pension should be raised to at least the minimum wage and all disabled persons who are unable to work because of their impairment, irrespective of the nature of that impairment, should be eligible for this pension.
- KNPD should be assigned the specific task of monitoring the implementation of this policy and should be provided with the necessary resources to be able to do this while the social partners in the country should be involved in the implementation of all these policies.

The names of all those who contributed to the consultation process are listed in the Appendix.

I. The Current Situation

1. INTRODUCTION

1.1 In order to be able to draw up this national employment policy, KNPD has attempted to gain a wider understanding of the current situation of employment for disabled persons, taking into consideration the legal aspects as well as service provision in this sector in Malta. KNPD feels that this analysis is important for various reasons, including:

- (a) It offers a picture of the situation at present and what needs to be done,
- (b) It offers a means of measuring progress in the future.

1.2 The exercise to gather the relevant statistical data was carried out in 2007. It was not easy either to collect the information or to present it in a format which makes comparison possible. This exercise took up more time than had been predicted and therefore the statistics may in some respects be rather outdated. However, KNPD believes that they are still valid as a point of reference.

1.3 KNPD also tried to analyse the data according to disabled persons' age, the nature of their impairment, their sex and the locality in which they reside. This

presented some difficulties since not all entities were in a position to supply this information. In some instances, it was difficult to utilise the data because of the way it was presented. Consequently, it was decided that analysis according to locality would be omitted. We apologise to those who took the trouble to supply information which we may not have used.

KNPD is very satisfied with the fact that governmental and non-governmental entities were very cooperative during the data collection exercise. We are very grateful to all those who answered our requests.

1.4 In this analysis, the following abbreviations are used:

Gvn.....	Government
Ind	Independent
Chu.....	Church
Gen Pop	General Population
F	Female
M.....	Male
Imp	Impairment
Psy.....	Psychological
Intell.....	Intellectual

2. MALTESE LAW

(a) The Constitution of Malta

2.0 According to the first article of the Constitution of Malta, “*Malta is a democratic republic founded on work and on respect for the fundamental rights and freedoms of the individual.*”

2.1 The Constitution establishes as a principle the duty of the State to recognize that every Maltese citizen has the right to work. Article 7 of the Constitution of Malta states that “*The State recognises the right of all citizens to work and shall promote such conditions as will make this right effective.*”

2.2 The Constitution also obliges the Maltese State to protect work and “*provide for the professional or vocational training and advancement of workers*” (Article 12). Apart from this, it is also established that “*disabled persons and persons incapable of work are entitled to education and vocational training*” (Article 17(3)).

2.3 It should be noted that the Articles of the Constitution referred to above are not “*enforceable in any court, but the principles therein contained are nevertheless fundamental to the governance of the country and it shall be the aim of the State to apply these principles in making laws*” (Article 21).

**(b) The Equal Opportunities
(Persons with Disability) Act - Chapter 413**

- 2.4** This Act makes it illegal to discriminate against a person because of their disability in various aspects of life, including employment. Through this Act, a disabled person has the right to apply for a job, become an apprentice or receive training. A disabled person's application must be considered in a just manner on the basis of merit.
- 2.5** Employers must provide those goods and services that a disabled person needs to do that work, as long as these goods and services are reasonable. This applies also for training.
- 2.6** Employers cannot refuse to employ a disabled person if:

- (i) reasonable modifications to working conditions and arrangements have to be carried out;
- (ii) the disabled person cannot carry out parts of the job which are not essential for that job.

**(c) The Disabled Persons (Employment Act)
- Chapter 210**

2.7 This Act established

- (i) the setting up of a Register of Disabled Persons, which is kept and administered by the Employment and Training corporation (Article 5);
- (ii) that enterprises and institutions that employ not less than twenty

(20) workers should employ a quota (at present 2%) of disabled persons chosen from this Register (Article 15(8)). This percentage is established by the Minister responsible for this sector after consultation with the Corporation (Article 16(2)).

- (iii) the right of the Minister to specify special types of employment as reserved employment for disabled persons (Article 19).
- (iv) that breaking this law or regulations that emerge from it is punishable by a fine of not more than €232.94, or imprisonment of not more than three months, or both (Article 29).

(d) The Social Security Act - Chapter 318

2.8 This Act entitles disabled persons to a non-contributory pension if they cannot work because of their disability.

2.9 Persons who receive this non-contributory pension can continue to receive the pension, even if they receive other income, for example from a part-time job, as long as the combined income does not exceed the national minimum wage. If the income exceeds the national minimum wage, the pension is reduced pro rata.

3. EXISTING PROVISIONS

(a) Disabled Persons and Education

KNPD collected the most comprehensive data possible about disabled students who are aged fourteen and over.

3.1 Table 1 shows the data for disabled students who are attending the senior years of secondary school, together with the percentage of these figures when compared to the whole population. This table shows that just under 3% of students attending the last two years of secondary schools are considered to have a disability. It shows too that there are many more students in Form IV (132 disabled students) than in Form V (98

students). The table also shows that almost half of these persons (46%) are students with an intellectual disability. Psychological impairment is also common and accounts for 18% of these students, while 16% have an unspecified impairment, which very often includes conditions such as dyslexia and Attention Deficit Hyperactivity Disorder (ADHD). It is significant to note that the percentage of students who have more than one impairment (7%) is substantially higher than that of students who have a hearing or a visual impairment which, when taken together, amount to 2%.

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Table 1: Disabled Students (from the age of 14 upwards) who are in Secondary Education

Type of School	Gen Pop		Hearing Imp.		Visual Imp.		Int. Imp.		Psy. Imp.		Physical Imp.		Multiple Imp.		Others		Total	% vs Gen Pop
	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F		
Form IV (Gvn)	1,589	1,730	0	2	0	1	20	13	17	4	8	5	3	1	6	2	82	2.4
Form V (Gvn)	1,723	1,759	1	0	2	0	24	4	5	4	3	1	1	0	3	1	49	1.4
Form IV (Chu)*		449		0		2		21		4		2		6		11	46	10.2
Form V (Chu)		448		2		0		17		2		3		4		14	42	9.3
Form IV (Ind)**		67		0		0		1		3		0		0		0	4	5.9
Form V (Ind)		75		0		0		5		2		0		0		0	7	9.3
Total		7,840		5		5		105		41		22		15		37	230	2.9

* The following schools supplied data: St Dorothy, Zebbug; St Joseph Blata I-Bajda; St. Joseph, Sliema; the Archbishop's Seminary, tal-Virtu; Stella Maris College, Gzira; St Aloysius College, B'kara.

** St Michael Foundation supplied data.

Table 2: Disabled Students (from the age of 14 upwards) who attend Special Schools

Age Group	Hearing Imp.		Visual Imp.		Int. Imp.		Psy. Imp.		Physical Imp.		Multiple Imp.		Others		Total		Grand Total
	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	
14-16 yrs	-	-	-	-	15	14	-	-	-	-	4	3	-	-	19	17	36
17-18	-	-	-	-	15	6	-	-	-	-	6	1	-	-	21	7	28
19-20	-	-	-	-	13	11	-	-	-	-	3	4	-	-	16	15	31
21-22	-	-	-	-	19	4	-	-	-	-	5	5	-	-	24	9	33
Total	-	-	-	-	62	35					18	13			80	48	128

3.2 Table 2 gives information about students who attend special schools and are aged 14 and over.

These figures show that there are 128 students in special schools, all of whom have an intellectual disability or more than

one disability which often includes intellectual impairment. Of these, two-thirds are male and one third are female. An analysis by age suggests consistency across age groups, with 28% being between the ages of 14 and 16, 22% between the ages of 17 and 18, 24% between 19 and 20, and 26% between the ages 21 and 22.

Table 3: Disabled Persons in Post-Secondary Education

* No statistics kept

Type of School	Gen Pop		Hearing Imp.		Visual Imp.		Int. Imp.		Psy. Imp.		Physical Imp.		Multiple Imp.		Others		Total	% vs Gen Pop
	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F		
Higher Sec. School	898	1,250	0	0	0	1	4	2	0	0	3	2	0	0	4	2	18	0.8
ITS	378	245	0	0	0	0	0	0	0	0	0	0	0	0	14	10	24	3.9
Junior College	1,260	1,816														2	2	0.1
St Aloysius Form VI		455										2		5			7	1.5
MCAST*																		
University	3,343	4,782	4	4	3	4	0	0	0	0	2	9	0	0	21	29	76	0.9
Total		14,427		8		8		6		0		18		5		82	127	0.9

3.3 Table 3 indicates the number of disabled students who are in post-secondary education and how this compares with the non-disabled student population.

MCAST was omitted since it did not keep this type of statistics for 2007. Less than 1% of students who attend the other post-secondary educational institutions were reported as

disability is slightly lower at 5%, while 4% have more than one impairment.

(b) Disabled persons and Vocational Training

3.4 KNPD attempted to gather information about vocational training that is given

specifically to disabled persons. Naturally, a substantial number of disabled persons receive mainstream vocational training. No statistics about this are kept. The statistics that do exist relate to the training given by the Eden and Richmond Foundations, a

Table 4: Vocational Training commissioned by ETC from the Eden Foundation

	Hearing Imp.		Visual Imp.		Int. Imp.		Psy. Imp.		Physical Imp.		Multiple Imp.		Total		Grand Total
	M	F	M	F	M	F	M	F	M	F	M	F	M	F	
Less than 20 years					3	4					1	-	4	4	8
Between 21 and 40 years					2	3					-	-	2	3	5
Between 41 and 60 years					1	1				1			1	2	3
60+															0
Total					6	8				1	1	-	7	9	16

Table 5: Vocational Training commissioned by ETC from the Richmond Foundation

	Hearing Imp.		Visual Imp.		Int. Imp.		Psy. Imp.		Physical Imp.		Multiple Imp.		Total		Grand Total	
	M	F	M	F	M	F	M	F	M	F	M	F	M	F		
Less than 20 years							1						1	-	1	
Between 21 and 40 years							6	3	1			1	1	8	4	12
Between 41 and 60 years							4	1	1					5	1	6
60+																0
Total							11	4	2			1	1	14	5	19

having a disability. The absolute majority, 65%, have an unspecified impairment which very often includes Dyslexia and ADHD. 14% of these students have a physical disability while 6% have a hearing impairment and another 6% have a visual impairment. The percentage of students with an intellectual

substantial part of which is financed by ETC. FITA also offers training in information technology.

Tables 4, 5, 6, and 7 show that 110 disabled persons received this type of training. Exactly half of them received training

Table 6: Vocational Training delivered by the Eden Foundation

	Hearing Imp.		Visual Imp.		Int. Imp.		Psy. Imp.		Physical Imp.		Multiple Imp.		Total		Grand Total	
	M	F	M	F	M	F	M	F	M	F	M	F	M	F		
AGE																
Less than 20 years																
Between 21 and 40 years					12	6								12	6	18
Between 41 and 60 years						2									2	2
60+																
Total					12	8								12	8	20

in IT. Almost half (54) have an intellectual impairment while another quarter (23) have more than one impairment. Nineteen persons with psychological impairment and 11 persons with visual impairment received vocational training. There were only 3 persons with physical impairment who received vocational

training that was specifically aimed at them, while no persons with hearing impairment were registered as having received this type of training. The number of persons who received this training is split almost exactly in half in terms of males and females (56 and 54 respectively).

Table 7: Vocational Training by FITA

* There is no breakdown by age

FITA*	Hearing Imp.		Visual Imp.		Int. Imp.		Psy. Imp.		Physical Imp.		Multiple Imp.		Total		Grand Total
	M	F	M	F	M	F	M	F	M	F	M	F	M	F	
Attended the course			7	4	13	21	1	3			2	4	23	32	55

(c) Disabled Persons and Support to Find Work

3.5 A substantial number of disabled persons need support to find work. ETC has two schemes, Bridging the Gap and Work Start, to help disabled persons enter employment. Table 8 shows the work carried out in this sector. It is clear that, at least during 2007, the Work Start scheme did not have significant results

as it only managed to support one person. The Bridging the Gap scheme supported 16 persons. More than half (9) of these had a psychological impairment while 6 had more than one impairment. The other person who benefited from this scheme had a physical impairment. The impairment of the person who benefited from Work Start was not identified.

Table 8: ETC Schemes

Bridging the Gap/Work Start	Hearing Imp.		Visual Imp.		Int. Imp.		Psy. Imp.		Physical Imp.		Multiple Imp.		Others		Total		Grand Total	
	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F		
Less than 20 years					1					-	1	-	-	-		1	1	2
Between 21 and 40 years					1	3	4	3			-	1	-	1	5	8	13	
Between 41 and 60 years							2	-	-	-	-	-	-	-	2	-	2	
60+																	-	
Total					2	3	6	3	-	1	-	1	-	-	8	8	17	

The number of persons who received support from these two schemes is divided almost exactly in half in terms of males (8) and females (9).

(d) Disabled Persons and Support to Retain Work

3.6 A number of disabled persons need support to be able to continue working. This can take the form of personal assistance, job-coaching, follow up from

Table 9: ETC Scheme

Supported Employment	Hearing Imp.		Visual Imp.		Int. Imp.		Psy. Imp.		Physical Imp.		Multiple Imp.		Others		Total		Grand Total
	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	
Less than 20 years					1	2					-	-	-	1	1	3	4
Between 21 and 40 years	1		2		7	4	1	-	8	1	-	1	1	-	19	6	25
Between 41 and 60 years									1						1		1
60+																	
Total	1	-	2	-	8	6	1		9	1	-	1	1	1	21	9	30

professionals, individualized transport arrangements, etc. During 2007 there were 93 persons who were given this type of support. Exactly one third (31) received support from the ETC's Supported Employment Scheme (Table 9) which offers job coaching, personal

assistance and other assistance according to need. A little over a half (53) were supported by the two schemes run by the Eden Foundation (Table 10): the Assisted Employment scheme which primarily offers the support of a job coach, and the Follow

Table 10: Support in Employment from the Eden Foundation

Assisted Employment/ Follow up Support	Hearing Imp.		Visual Imp.		Int. Imp.		Psy. Imp.		Physical Imp.		Multiple Imp.		Grand Total
	M	F	M	F	M	F	M	F	M	F	M	F	
Less than 20 years													
Between 21 and 40 years					22	16							38
Between 41 and 60 years					2	3							5
60+													
Total					24	19							43

Up Support scheme through which a disabled persons is given support if and when there is a need. The other persons (19) were given support by means of individualized transport from the Foundation for Respite Care Services (Table 11).

Almost half of the persons who received this support (45) have an intellectual impairment while another 15 have more than one impairment. Twenty persons with physical impairment and 9 with visual impairment received support on the job.

There were more disabled men (56) who

Table 11: Individualised Transport from the Foundation for Respite Care Services

	Hearing Imp.		Visual Imp.		Int. Imp.		Psy. Imp.		Physical Imp.		Multiple Imp.		Total		Grand Total
	M	F	M	F	M	F	M	F	M	F	M	F	M	F	
Less than 20 years									1				1		1
Between 21 and 40 years			2	1		1			3	5			5	7	12
Between 41 and 60 years			3	1	1				1				5	1	6
60+															
Total			5	2	1	1			5	5			11	8	19

received some form of support on the job than disabled women (36).

The absolute majority of disabled persons who received this support (75) were aged between 21 and 40.

(e) Disabled Persons and the Public Service

3.7 KNPD collected information about how many disabled people registered with ETC are employed in the Public Service. The Office of the Prime Minister provided information on the situation by the end of 2007 which is presented

Table 12: Disabled Persons who work in the Public Service

	Hearing Imp.		Visual Imp.		Int. Imp.		Psy. Imp.		Physical Imp.		Multiple Imp.		Total		Grand Total
	M	F	M	F	M	F	M	F	M	F	M	F	M	F	
Less than 20 years	0	2	0	0	4	0	0	0	1	1	1	1	6	6	12
Between 21 and 40 years	4	1	1	2	12	13	11	9	28	26	8	1	64	51	115
Between 41 and 60 years	7	4	10	2	24	10	18	3	92	24	10	4	151	47	198
60+	0	0	1	0	3	1	5	0	8	2	1	1	18	4	22
Total	11	7	12	4	43	26	34	12	119	52	20	7	239	108	347

in Table 12. There were 347 disabled persons registered with ETC working in the public sector, from a total of around 38,558 persons. This amounts to around only 1.2% of those who work in this sector. It appears that the Public Service does not have 2% of its workers who are

registered as disabled persons with ETC as required by the Disabled Persons (Employment) Act 1969. However, there may be other disabled people working in the Public Service who are not in the ETC's Disabled Persons Register.

Almost half of these persons (171) have a physical impairment, 20% (69) have an intellectual impairment, 13% (46) a psychological impairment, 8% (46) more than one impairment, 5% (18) have a hearing impairment, and 5% (16) have a visual impairment.

There are many more disabled men (239) who work in the Public Service than women (108). This reflects the situation for all workers within this sector.

Considerably more than half of these workers (198) are aged between 40 and 59, while one third (115) are between 20 and 39 years old. Twelve disabled persons who work in this sector are under 20 years of age while 14 persons are over 60. These figures indicate that

disabled persons who work in the public sector are getting older. If the trend continues the percentage of disabled people registered with ETC and working in the Public Service is set to decrease.

(f) Disabled Persons and Day Services

There is no doubt that there are a small number of disabled persons who find it very difficult to enter the world of work, even if they are supported or in sheltered employment. Consequently, it is important that these persons receive individualized and community-based day services. KNPD believes that this should be restricted only to those persons who truly cannot work, even with support or in sheltered employment.

The situation at the end of 2007 regarding

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Table 13: Disabled Persons Using Day Services

AĠENZIJA SAPPORT / MINISTRY FOR GOZO																	
	Hearing Imp.		Visual Imp.		Int. Imp.		Psy. Imp.		Physical Imp.		Multiple Imp.		Others		Total		Grand Total
	R	M	R	M	R	M	R	M	R	M	R	M	R	M	R	M	
Less than 20 years					2	4	1	5			5				8	9	17
Between 21 and 40 years			1		90	60	1	2	1	2	43	31			136	95	231
Between 41 and 60 years			4	5	59	54	4	2	2		17	20			86	81	167
60+			14	5	14	10					3	2			31	17	48
Total			19	10	165	128	6	9	3	2	68	53			261	202	463
FOUNDATION FOR RESPITE CARE SERVICES																	
Less than 20 years				1				6					2	1	2	8	10
Between 21 and 40 years				1	2	3	2		1						5	4	9
Between 41 and 60 years		1		1		2	1								1	4	5
60+						1	2								2	1	3
Total		1		3	2	6	5	6	1				2	1	10	17	27
Total for all Day Services	0	1	19	13	167	134	11	15	4	2	68	53	2	1	271	219	490

day services is reflected in Table 13. Day services are given primarily by the Ministry for Social Policy through Aġenzija Support to 463 persons (in Gozo the service is given by the Ministry for Gozo). The Foundation for Respite Care Services provides day services to a small number of disabled persons, 27 in total. Thus, the total number of disabled persons who receive this service amounts to 490.

The absolute majority of these persons (86%) have an intellectual impairment (301) or more than one impairment (121), which often includes intellectual impairment. A small number of persons with psychological impairment (26 persons) also use this service. Thirty-two persons with visual impairment use day services at the specialized centre in Santa Venera.

Almost half of these persons (240) are

between 21 and 40 years old while a third (172) are between 41 and 60 years old. Fifty-one persons who receive day services are over 60 while only 27 are under the age of 20. One should note that it is the policy for this service to be given to those who are over the age of 20. It should also be noted that almost one third of persons receiving day services who are over 60 have a visual impairment.

There are more males (271) using day services than females (219).

(g) Disabled Persons Registering for Work with ETC

3.9. According to the Disabled Persons (Employment) Act, the ETC keeps a register of disabled persons who are registering for work. At the end of 2007,

Table 14: Disabled Persons Registering for Work with ETC

	Hearing Imp.		Visual Imp.		Int. Imp.		Psy. Imp.		Physical Imp.		Multiple Imp.		Others		Total		Grand Total
	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	
Less than 20 years					12	9	2		2	2	1	1	1	-	18	12	30
Between 21 and 40 years	4	1	6	1	20	12	20	12	42	4	19	6	3	4	114	41	155
Between 41 and 60 years	5		7	1	5	3	10	4	51	8	25	-	4		107	16	123
60+					-	-	1		2						3		3
Total	9	1	13	3	37	24	33	16	97	14	45	7	8	4	242	69	311

311 disabled jobseekers were registered with ETC, as shown in Table 14.

A little over a third of these persons (111) have a physical impairment. The percentages for people who have an intellectual impairment

(20%), or more than one impairment (17%) or a psychological impairment (16%) are more or less the same. This can also be said for disabled persons registering for work who have a visual impairment (6%), or whose impairment is not specified (4%) or who have a hearing impairment (3%).

Table 15: Persons who receive the Disability Pension from the Department of Social Security

	HP*		SHP**		Blind Pension		Total		Grand Total
	M	F	M	F	M	F	M	F	
Less than 20 years	77	41	15	18	7	4	99	63	162
Between 21 and 40 years	526	348	100	75	39	23	665	446	1111
Between 41 and 60 years	377	328	53	52	30	28	460	408	868
60+	69	99	5	13	9	13	83	125	208
Total	1049	816	173	158	85	68	1307	1042	2349

* HP is the pension given to persons with a “severe mental sub normality”.

**SHP is the pension given to persons with a “severe physical impairment or a total hearing impairment”.

(h) Disabled Persons and the Disability Pension

3.10 Disabled persons who cannot work and who have never paid social security

contributions are entitled to a non-contributory pension. This amounts to around 55% of the national minimum wage. This pension is given to:

- (i) those who have a severe intellectual disability – these receive what the Social Security Department refers to as pension *HP*;
- (ii) those who have a severe physical impairment or a total hearing impairment – these receive what the Social Security Department refers to as pension *SHP*; and
- (iii) those who have a visual impairment – these receive what the Department calls the *Blind Pension*.

Table 15 shows the number of disabled persons who receive one of these pensions. 2349 disabled persons do so, of which 1865 (79% of the total) receive the HP person, while 331 (14%) receive the SHP pension. 153 (7%) receive the Blind Pension.

The majority of those who receive the disability pension (1111 or 47%) are aged between 21 and 40 years, 868 or 40% are between 41 and 60 years old, while only 208 (9%) are older than 61. The other 162 (7%) persons are aged between 16 and 20 years, with a few exceptions in the case of people with visual impairment who are between 14 and 16 years old.

There are 65 (11%) more males than females who receive one of these pensions.

II. The United Nations Convention on the Rights of Persons with Disabilities

The Convention on the Rights of Persons with Disabilities was approved by the General Assembly of the United Nations in December 2006 and entered into effect in May 2007 when 20 countries had ratified it.

Malta has not yet ratified this Convention. But it signed it in March 2007 and has expressed the wish to ratify it, together with the Optional Protocol, as soon as possible.

Article 27 of this Convention deals with work and employment and states:

1. States Parties recognize the right of persons with disabilities to work, on an equal basis with others; this includes the

right to the opportunity to gain a living by work freely chosen or accepted in a labour market and work environment that is open, inclusive and accessible to persons with disabilities. States Parties shall safeguard and promote the realization of the right to work, including for those who acquire a disability during the course of employment, by taking appropriate steps, including through legislation, to, inter alia:

- (a) Prohibit discrimination on the basis of disability with regard to all matters concerning all forms of employment,

- including conditions of recruitment, hiring and employment, continuance of employment, career advancement and safe and healthy working conditions;
- (b) Protect the rights of persons with disabilities, on an equal basis with others, to just and favourable conditions of work, including equal opportunities and equal remuneration for work of equal value, safe and healthy working conditions, including protection from harassment, and the redress of grievances;
 - (c) Ensure that persons with disabilities are able to exercise their labour and trade union rights on an equal basis with others;
 - (d) Enable persons with disabilities to have effective access to general technical and vocational guidance programmes, placement services and vocational and continuing training;
 - (e) Promote employment opportunities and career advancement for persons with disabilities in the labour market, as well as assistance in finding, obtaining, maintaining and returning to employment;
 - (f) Promote opportunities for self-employment, entrepreneurship, the development of cooperatives and starting one's own business;
 - (g) Employ persons with disabilities in the public sector;

- (h) Promote the employment of persons with disabilities in the private sector through appropriate policies and measures, which may include affirmative action programmes, incentives and other measures;
- (i) Ensure that reasonable accommodation is provided to persons with disabilities in the workplace;
- (j) Promote the acquisition by persons with disabilities of work experience in the open labour market;
- (k) Promote vocational and professional rehabilitation, job retention and return-to-work programmes for persons with disabilities.

2. States Parties shall ensure that persons with disabilities are not held in slavery or in servitude, and are protected, on an equal basis with others, from forced or compulsory labour.

III. Principles applied in practice on a national level

1. ELIMINATION OF DISCRIMINATION

All forms of discrimination against disabled persons on the grounds of their disability in the workplace should be eliminated.

This includes recruitment and retention of disabled persons, and the provision of assessment, training and placements as well as opportunities for promotions. Malta's legal framework upholds this principle.

On a national level, there are the Equal Opportunities (Persons with Disability) Act (Chapter 413) and the Employment and Industrial Relations Act (Chapter 452). On a European level, there is the European Council

Directive to establish a general framework for equal treatment in employment (Council Directive 2000/78/EC). It is important to strengthen these laws by:

- ratifying the UN Convention on the Rights of Disabled Persons as soon as possible;
- strengthening the Equal Opportunities Act so that it conforms completely with the EU Council Directive (2000/78/EC).

1.1 Disabled persons should have access to work opportunities in the public sector, in the private sector and to become self-

employed. However, it is the State that should provide a leading example by:

- (a) giving this sector the highest priority on the national agenda, with as much investment as possible;
- (b) continuing with the commitment of applying the principle of equal opportunities in employment in the public sector, and removing all regulations and procedures that go against this principle;
- (c) continuing to strengthen all existing structures in the country that are aimed at contributing to the employment and training sector, so that these structures do not only include disabled persons in

their remit, but have specialised personnel who can provide a professional service for disabled persons;

- (d) encouraging the private sector so that it too applies the principle of equal opportunities for all. This should be done through the creation of appropriate schemes and incentives that lead to the participation of this sector in the process. These schemes should include allowances for disabled people to cover impairment-related costs such as personal assistance, provision of individualised transport, workplace adaptations, etc.;

- (e) ensuring that there are no obstacles for a disabled person to be self-employed and, as far as possible, offering reasonable incentives to encourage this.

2. EDUCATION

2.0 Maltese society recognizes the fact that the employment sector is intrinsically tied to education. This fact is more evident in the disability sector. Consequently, this document should be read in conjunction with the national policy on special education published by the National Commission Persons with Disability and the Spiteri Report, both of which can be obtained from the KNPD website.

After more than ten years of an inclusive education policy, a considerable number of disabled persons have now received their education in an inclusive environment. This has had a positive effect on the expectations of disabled students, which have become closer to those of non-disabled students. This has resulted in more disabled persons aspiring to further their education and to take up work opportunities, instead of remaining dependent on social services and their families. It is therefore important that post-secondary and tertiary education offers more equal opportunities for disabled students in order to eliminate all forms of discrimination against them, by offering support systems that enable more disabled students to take up further education. This includes services

that address impairment related needs, etc. By the time they leave secondary school, some disabled students may not have acquired the necessary skills and maturity to enter employment or even pursue vocational training. Where indicated, they should be provided with opportunities to continue improving on their basic academic skills and their personal and social development.

Many disabled persons' aspirations are shared by their parents and other family members who are sometimes instrumental in helping them secure employment. However, other disabled persons may find that their aspirations for further education and employment and a more independent life are thwarted by conflicting attitudes from their parents, or other family members. The

latter may in fact be reluctant to support the disabled persons they are related to in their bid to further their education at the post-secondary level and to find a job. This may stem from several reasons including:

- a wish to protect the disabled person from potential risks of abuse that may arise from being in an open-employment setting;
- an underestimation of the disabled person's skills and abilities, and their employment potential;
- a reliance on the disabled person's pension as a source of income.

Increased support services for disabled persons should therefore be complemented by other support services addressed towards

their parents or other primary caregivers. Individualised support for disabled persons should involve these family members so that it can be ensured that everyone is working towards the same goals.

3. THE POTENTIAL OF DISABLED PERSONS: A COMPREHENSIVE ASSESSMENT

3.0 The right to work should include the right to a comprehensive assessment with an emphasis placed on the vocational aspect, so that different individual abilities and needs are identified, and so that these needs are placed in the right perspective for them to be understood and accepted both by the disabled person and by the person

who will eventually employ or train that person. In this way, the disabled person's potential can be identified and fulfilled. This assessment should be open not only to those actively seeking employment but also to economically inactive disabled people, including those who use day services.

3.1 It is important that this assessment is carried out with the full involvement of the disabled persons, and of their parents where necessary. It is important that the disabled person or their parents (where necessary) have the right to accept or refuse the assessment that is made about them or their son or daughter. Sometimes there may be a discrepancy between the aspirations of the disabled person for

themselves and those of their parents or their legal guardians. In these cases, discussions should be held so that the parents' concerns are addressed without denying the disabled persons involved the opportunity to secure employment.

3.2 This assessment should commence before the person has finished their formal education and should continue, according to the person's need, until the person has found suitable employment. In the case of persons who develop a disability later on in life, the assessment should be done as soon as possible after diagnosis.

3.3 Any form of assessment should be carried out by a multi-disciplinary team that includes the person concerned and, where necessary, the parents. The multi-disciplinary team should draw up an individualized vocational programme that includes details of provisions needed by disabled people. This programme should be revised on a regular basis, or when a team member feels that there should be a revision.

3.4 A suitable assessment should include recommendations for assistive apparatus and modifications necessary so that the individual can find employment that is suitable for their abilities and potential. Modifications that need to

be made are not always of a physical nature but may rather relate to changes in job descriptions or to current work practices. According to the Equal Opportunities Act, the costs for support and modifications should be borne by the employer, as long as these are reasonable. When the expense is not reasonable, there should be state schemes available to subsidise them.

If necessary, assessments should continue to be carried out periodically in order to ensure that disabled persons retain their employment, and can benefit from the same training and promotion opportunities as their colleagues.

3.6 This comprehensive assessment should serve as the basis for entry into the ETC Disabled Persons Register which in turn is the document used to enforce the Employment (Disabled Persons) Act. Hence this Act needs to state clearly which disabled persons can be entered in this register.

4. CONTINUOUS VOCATIONAL TRAINING

Vocational training should start from school and continue, according to need, until the disabled person has found suitable employment. Consequently, guidance teachers in mainstream schools should have the necessary training and support for them to ensure that this vocational training is provided.

Vocational training should include training in life skills that prepares people for employment and helps them acquire and develop skills they may not have acquired by the time they finish their secondary education. This service should also be extended to students in special schools, according to their needs.

4.1 Vocational training from ETC for disabled jobseekers should be carried out with non-disabled jobseekers who are following similar training, with the necessary support and modifications. When this is not possible, there should be training addressed specifically at disabled persons, especially where there is a need for individualized training.

Disabled persons who attend day centres or sheltered workshops (once these are set up) should receive vocational training so that they can use all available opportunities to move away from the protected work environment they are in.

In the case of persons who develop a disability later on in life, vocational training should start as early as possible after diagnosis.

Disabled persons who, for some reason or another, need to change their job have a right to suitable vocational training.

Disabled employees too have a right to continue with their training, with the support and modifications necessary not only for them to continue to be efficient workers but

also for them to have equal opportunities for promotions. According to the Equal Opportunities Act, the necessary costs for this support and modifications should be borne by the employer, as long as these are reasonable. When the expense is not reasonable, there should be state schemes available to subsidise the support and modifications necessary for this training.

5. NATIONAL SUPPORT SERVICES

5.0 National support services that exist now or may exist in the future should be based on the principle that disabled persons are not only an integral part of their clientele, but should be among their highest priorities. In fact, the resources of these services should be

allocated principally for disabled persons. This entails increasing the budget of these services so that they can provide a service that is better suited to the needs of disabled persons. Therefore, they should have primary responsibility so that, in the disabled people's sector, they:

- provide the necessary training and assessment;
- identify job opportunities;
- create schemes so that disabled people can find and retain employment, as well as advancing in their chosen career, and
- foster a national culture based on the principles of inclusion and equal opportunities.

5.1 Authorities responsible for the development of human resources in our country (the Ministry responsible for human resources and the ETC) should provide the whole range of services so that they can help persons with disability find suitable employment according to their aspirations, abilities and support needs. Therefore, the ETC should provide support for disabled persons who wish to work in open employment (on a full-time or part-time basis), be self-employed, work from home, or set up cooperatives or work, where necessary, in sheltered environments. These services should include:

- internal assessment services which identifies the individual's abilities and support needs;
- remedial education services with the support of the Directorate for Educational Services;
- training services in different sectors according to the demands of the market, which is integrated with training provided for other clients;
- a service for placements of disabled persons in the workplace and eventual assessment and monitoring;
- support schemes so that disabled persons have the necessary support and modifications so that they can

find and retain employment and advance in their chosen career;

- more incentives for disabled people to pursue self-employment should be created, such as interest free loans or tax exemptions for a period of 5 years.

5.4 These services should be based on the principle of inclusion. At the same time, one should keep in mind the maximum potential that can be reached by each individual. Consequently, the system has to be flexible enough to allow a person, who is receiving suitable training and continuous monitoring, to advance from one phase to the next and from one type of job to another.

6. OPEN EMPLOYMENT

6.0 The ultimate aim of any employment policy should be to ensure that as many disabled persons as possible find employment in the open market. A good number of disabled people manage to achieve this goal through their own resources, while others need initial support in order to do this. Other disabled people can only gain open employment if they are provided with support on an on-going basis.

6.1 Disabled people should be given the support they need to enter and remain in open employment by the Ministry responsible for the development of human resources in collaboration with the ETC, such as through schemes like

Bridging the Gap. These schemes should be used to provide reasonable support. The Cordina report shows that it makes economical sense to provide disabled people with reasonable and sustainable support in open employment.

- 6.2** One of the major obstacles encountered by disabled people in the labour market is the attitudes of employers and employees. Hence, employers' associations and trade unions have a significant role to play in order to ensure that both employers and employees have the right attitude towards disabled people working in an open environment and understand the fact that the latter may need support in order to be able to do so.

7. SELF-EMPLOYMENT

7.0 Disabled people should have the same opportunity as non-disabled people to become self-employed. However, they very often find it more difficult to do so and need support in order to be able to start and maintain their own business.

7.1 The Ministry responsible for human resources development should introduce schemes that support disabled people to become self-employed. These schemes could include the availability of interest-free or subsidised loans or a period of tax exemptions.

8. COOPERATIVES

8.0 The Ministry responsible for cooperatives, together with other existing structures, should offer incentives for the setting up of commercial cooperatives, the majority of whose workers would be disabled people. The implementation of this policy should not weaken the principle that the work environment should be integrated. It is important to emphasise that this type of initiatives should:

- be commercially viable;
- provide wages and salaries for all participants which are the equivalent of market rates at the time;

- involve the employment of not less than 50% and not more than 75% of disabled persons.

9. SHELTERED EMPLOYMENT

9.0 The philosophy behind sheltered workshops should be positive and proactive, in the sense that the individual should be trained in an employment sector that eventually brings them closer to work in an integrated environment or towards alternatives that offer the best possibilities for the future for that individual.

9.1 The application of this principle implies that:

- (a) the structures that regulate employment in a protected environment such as sheltered workshops should be integrated into existing structures that deal with human resources in our country. This means that the administrative responsibility of these workshops should fall under the remit of the Ministry responsible for human resources.
- (b) an exercise should be carried out immediately to identify the quality, type and variety of activities that can and should be carried out in these sheltered workshops. This exercise should be carried out by competent people and the choice of activity should be, as far as possible, related to and compatible with current demand for jobs in the labour market. This exercise can be revised and updated regularly and should be carried out by people involved in the human resources development sector.
- (c) sheltered workshops should offer jobs which are paid at a reasonable rate for the type of work being carried out. The necessary investment should be made so that suitable personnel is found or training is given for persons who are detailed to work in these sheltered workshops.

- (e) a professional method of assessment should be established for disabled people who currently attend day centres, with the aim of identifying those persons who can leave the day centre system, as proposed in this document, and for them to be integrated in a sheltered employment environment.
- (f) a procedure should be established so that, at fixed and regular periods, assessments are carried out of the progress being registered by each individual, with the aim of deciding whether the individual should stay

within that structure or whether they should move to another structure that can help them develop further.

- 9.2 Government should support these entities and should also use existing European Union state aid regulations that favour this sector in order to ensure that these entities are as competitive as possible.

10. DAY SERVICES

- 10.0 It is inevitable that, in certain circumstances, the assessment may indicate that the disability is such that it is more beneficial for the person concerned to use day services, where

the emphasis is not on productive work but on the development of life skills which are essential for the person to live as independently as possible, and to have the best quality of life possible. It is the state's responsibility to provide this type of service. It should be emphasized that assessment and monitoring should continue even while the person is using day services, with the aim of keeping open the option that the person eventually be integrated in a support service that is best suited to them or that can be adapted for them. This may include sheltered or supported employment.

- 10.1** This service should have a strong social element that works on two fronts: the disabled individual, and persons providing them with the necessary support, which is often the parents.
- 10.2** Agenzija Support should have all the resources necessary so that the waiting list for these services is eliminated and for full coordination between the Agency and educational services so that school-leavers who need these services can access them on the basis of a transition plan that is agreed upon between all parties and that can be implemented smoothly and according to the established timeframe.

10.3 In the provision of these services, the predominant aspect is not work, but personal development, community integration and the quality of life of the person and their family. Hence, these services should not be limited to mornings and afternoons but should also be provided in the hours when the person is active, including evenings and weekends. Furthermore, this service is not suitable for those disabled people who have the potential to become employed.

10.4 It is necessary that the management of day services involves coordination between the Ministry responsible for social policy which is directly responsible for these services and

the Ministry responsible for human resources.

11. DISABLED PERSONS (EMPLOYMENT) ACT CHAPTER 210

11.0 Without prejudice to paragraph 9.1 below, the Government should see that all articles in this Act are applied and that the structures referred to by the Act are set up and function efficiently and effectively. This is valid for both the private and the public sector.

11.1 The Disabled Persons (Employment) Act should continue to be updated according to contemporary needs. The following amendments in particular should be made.

The quota of registered disabled persons which should be employed by an enterprise according to this Act should remain 2% for both the public and the private sectors. This quota should remain obligatory but the employer should, for valid reasons, be given the choice of either employing according to this quota or paying a sum of money which is equivalent to 20% of the minimum wage . This money should go into a social fund and be used for:

- creating incentive schemes for employers to employ more disabled persons;
- organising vocational programmes for disabled jobseekers; and
- subsidizing work and equipment that enable disabled people to work.

The Act should give a precise definition of which persons can be entered in the register of disabled persons established by the same Act.

There should also be in place a mechanism for this Act to be enforced. There is a particular need to revise the remedies that can be invoked by disabled persons where circumstances warrant it. The penalties applicable in the case of infringement of the law should be increased.

The concept of work reserved specifically for disabled persons should be removed from this law. The policy rather should be that all work in our country is available to disabled persons, as long as that person has the ability to fulfil the functions expected from the job in question. In the case of parity, preference should be given to the disabled person.

12. THE DISABILITY PENSION

12.0 Disabled persons who cannot work because of their impairment are currently entitled to a pension which is approximately 60% of the national minimum wage. This means that most disabled people live below the poverty line, especially given that:

- the national minimum wage can be assumed to be the minimum required for a person not to live below the poverty line;
- it can be assumed that most, if not all, disabled person incur extra costs due to their impairment;
- Consequently, it is imperative that the disability pension be raised to

the level of the national minimum wage.

12.1 A disabled person receiving the disabled pension can supplement it through another source of income, including through paid employment, as long as the total combined income does not exceed the national minimum wage. Any amount that exceeds this level is deducted from the pension. This leaves disabled persons on the verge of poverty and without any prospect of improvement. The disability pension should therefore be decreased pro rata and only after the total combined is one and a half times as much as the national minimum wage.

12.2 Within the present system, the disability pension is awarded to disabled persons subject to a medical test that follows strict medical guidelines. As a result, a number of disabled persons, especially those with mental health problems, are not entitled to this pension, notwithstanding the fact that they cannot work because of their impairment. This system needs to change so that all disabled persons who are unable to work because of their impairment, irrespective of the nature of their impairment, become eligible for the disability pension.

13. THE IMPLEMENTATION OF THESE POLICIES

In order for the measures set out in this document to be implemented, there is a need for trained personnel at all levels. Consequently, all those concerned should take all necessary steps to acquire trained personnel.

13.1 KNPD should be assigned the specific task of monitoring the implementation of this policy and hence should be provided with the necessary resources

13.2 All social partners in the country should be involved in the implementation of all these policies, in particular the Government, both as an employer as well as a regulator, trade unions,

employers' representative bodies
and disabled persons' organisations.
This is especially the case for those
entities which are directly involved in
the provision of support for disabled
persons in these areas.

IV. Recommendations

1. ELIMINATION OF DISCRIMINATION

The Government is to:

- ratify the UN Convention on the Rights of Disabled Persons and its Optional Protocol as soon as possible and strengthen the Equal Opportunities Act so that it conforms completely with the this Convention and the EU Council Directive (2000/78/EC);
- ensure that disabled workers are well represented at all levels of the civil service;
- encourage the private sector so that it too applies the principle of equal opportunities for all by creating appropriate support services, schemes and incentives that lead to the participation of this sector in the process;
- ensure that there are no obstacles for a disabled person to be self-employed or a part-time worker and, as far as possible, offer reasonable incentives to encourage this;
- ensure that support services for disabled persons are complemented by other support services that address their parents or primary caregivers.

2. EDUCATION

The Ministry of Education is to:

- provide disabled students in the final years of their secondary or special schooling, and those in further education, with vocational guidance and training together with a comprehensive assessment of their abilities and needs;
- provide guidance teachers in mainstream schools with the necessary training and support for them to be able to ensure that this training is provided. This service should also be extended to students in special schools, according to their needs;
- ensure that post-secondary and tertiary education offer support systems that enable more disabled students to take up further education.

3. THE POTENTIAL OF DISABLED PERSONS: A COMPREHENSIVE APPROACH

- 3.1 The Ministry of Education or the Employment and Training Corporation (as appropriate) are to carry out comprehensive assessments of disabled persons seeking employment with an emphasis placed on the vocational aspect, so that different individual needs are identified, and so that these needs are placed in the right perspective for them to be understood and accepted both by the disabled person and by the person who will eventually employ or train that person. This will lead to vocational guidance and training as necessary. In this way, the disabled

person's potential can be identified and fulfilled.

- 3.2** This comprehensive assessment is to be provided by the Education Division when the person is a full-time student. ETC is to provide all other disabled people with this assessment.
- 3.3** The necessary assessment, guidance and training are to be carried out with the full involvement of the disabled persons, and of their parents where necessary. The disabled person or their parents (where appropriate) should have the right to accept or refuse the assessment, guidance and training done or offered.

In the case of persons who develop a disability later on in life, the assessment, vocational guidance and vocational training needed should be done as soon as possible after diagnosis.

- 3.4** This assessment should be carried out by a multi-disciplinary team that includes the person concerned and, where necessary, the parents. The multi-disciplinary team should draw up an individualized vocational programme that includes detailed provisions together with the specific entity of who is responsible for such provision. This programme should be revised on a regular basis, or when a team member feels that there should be a revision.

- 3.5** This assessment should include recommendations for assistive apparatus and modifications necessary so that the individual can undertake the necessary vocational training and find employment that is suitable for their abilities and potential. Such apparatus and/or modifications, when reasonable, should be provided by the training provider or the employer as part of their legal obligation to provide reasonable accommodation to disabled persons. However, when the necessary expenditure is substantial, ETC should provide the necessary resources to ensure that these disabled persons get the necessary training and eventually are employed.
- 3.6** Vocational training from ETC for disabled jobseekers should be carried out with non-disabled jobseekers who are following similar training, with the necessary support and modifications. When this is not possible, there should be training addressed specifically at disabled persons. When there is a need for individualized training, this should also be provided.
- 3.8** Disabled persons who attend day centres or sheltered workshops (once these are set up) should also be assessed and receive vocational guidance and training on similar lines as those recommended here.

3.9 ETC should also provide suitable vocational training to disabled persons who, for some reason or another, need to change their job.

Employers are to provide reasonable accommodation to ensure that their disabled employees can continue with their training, with the support and modifications necessary.

3.11 Such a comprehensive approach provided by the educational authorities, in the case of full-time students, and by ETC, in all other cases, should be complemented by information and guidance sessions for parents or other family members who act as primary caregivers of the disabled person concerned.

4. NATIONAL SUPPORT SERVICES

4.1 The Supported Employment Section of the ETC should be strengthened so that it can have the necessary resources for it to be able to:

- provide the necessary assessment and training;
- identify job opportunities;
- create schemes so that disabled people can find and retain employment, as well as advance in their chosen career;
- contract out specialised services when the disability needs a particular technical analysis; and
- foster a national culture based on the principles of inclusion and equal opportunities.

4.2 ETC should provide the whole range of services so that they can support persons with disability and different needs find suitable employment according to their personal needs and abilities. These services should include:

- internal assessment services which identify academic needs and the individual's physical difficulties;
- remedial education services with the support of the Directorate for Educational Services;
- training services in different sectors according to the demands of the market, which is integrated with training provided for other clients;

- a service for placements of disabled persons in the workplace and eventual assessment and monitoring;
- support schemes so that disabled persons have the necessary support and modifications for them to find and retain employment and advance in their chosen career.

5. OPEN EMPLOYMENT

ETC should continue to develop further schemes that are aimed at supporting disabled persons to enter the labour market.

ETC should extend existing schemes and introduce new ones to provide reasonable and ongoing support for disabled people so that they can continue working in the open market.

5.3 Employers associations and trade unions should ensure that both employers and employees have the right attitude towards disabled people working in an open environment and understand the fact that they may need support in order to be able to do so.

6. SELF-EMPLOYMENT

6.1 Disabled persons should be given incentives to start up and maintain self-employment. These incentives can include professional advice, interest free or subsidised loans, tax exemptions, among others.

7. COOPERATIVES

7.1 The Ministry responsible for cooperatives, together with other relevant existing structures, should offer incentives for the setting up of commercial cooperatives that:

- are commercially viable;
- provide wages and salaries for all participants which are the equivalent of market rates at the time;
- involve the employment of not less than 50% and not more than 75% of disabled persons.

8. SHELTERED EMPLOYMENT

8.1 Agenzija Ssupport, in consultation with all stakeholders especially ETC, should undertake immediately an exercise to identify the quality, type and variety of activities that can and should be carried out in sheltered workshops. This exercise can be revised and updated regularly and should be carried out by people involved in the human resources development sector.

8.2 Agenzija Ssupport in partnership with ETC and the private sector should:

- set up sheltered workshops to offer jobs to disabled persons who cannot work in open employment, which are remunerated at a

reasonable rate for the type of work being carried out;

- identify and train suitable personnel who are detailed to work in these sheltered workshops;
- establish a professional method of assessment for disabled people who currently attend day centres, with the aim of identifying those persons who can leave day services and be integrated in a sheltered employment environment;
- establish a procedure so that, at fixed and regular periods, assessments are carried out of the progress being registered by each individual, with the aim of deciding

whether the individual should stay within that structure or whether they should move to another structure that can help them develop further.

that favour this sector in order to ensure that these entities are as competitive as possible.

- 8.3** For Agenzija Sapport to be able to implement measures related to sheltered employment, Government should provide it with the necessary funding. Measures should be undertaken to ensure that this finance is ring-fenced, that is that it is used exclusively for this purpose.
- 8.4** Government should, primarily through its procurement of goods and service, support these entities and should also use existing European Union regulations

9. DAY SERVICES

- 9.1** Agenzija Sapport is to be given all the necessary resources to provide day services, where the emphasis is not on productive work but on the development of life skills which are essential for the person to live as independently as possible, and to have the best quality of life possible.
- 9.2** Assessment and monitoring should continue even while the person is using day services, with the aim of keeping open the option that the person

eventually be integrated in a support service that is best suited for them or that can be adapted for them.

- 9.3** The management of day services should co-ordinate all its activities with ETC.

10. DISABLED PERSONS (EMPLOYMENT) ACT CHAPTER 210

- 10.1** The Government should see that this Act is applied and that the structures referred to by the Act are set up at ETC and that they function efficiently and effectively. This law should be enforced with both the private and the public sector.
- 10.2** The quota of registered disabled persons which should be employed

by any employer according to this Act should remain 2% for both the public and the private sectors. It should also remain obligatory. However the employer should, for valid reasons, be given the opportunity of either employing according to this quota or paying a sum of money which is equivalent to 20% of the minimum wage. Reasons brought forward by employers to be exempted from meeting the quota should be examined by a board composed of representatives of KNPD, ETC, employers and unions.

- 10.3** Money collected from these exemptions should go into a social fund and be used for:

- creating incentive schemes for employers to employ more disabled persons;
- organising vocational programmes for disabled jobseekers; and
- subsidizing work and equipment that enable disabled people to work.

10.4 The Act should give a precise definition of which persons can be entered in the Register of Disabled Persons established by the same Act. Disabled persons who are deemed by ETC to be receiving reasonable accommodation by their employer because of an impairment should automatically be

considered as a registered disabled person. Following that, the ETC Register of Disabled Persons will have to be updated accordingly.

10.5 Penalties applicable in the case of infringement of the law should be increased.

10.6 The concept of work reserved specifically for disabled persons should be removed from this law. The policy precisely should be that all work in our country is available to disabled persons, as long as that person has the ability to fulfil the functions expected from the job in question. In the case of parity, preference should be given to the disabled person.

11. THE DISABILITY PENSION

- 11.0** The Disability Pension should be raised at least to the same level as the national minimum wage.
- 11.1** Disabled persons who are in receipt of the disability pension and have an additional source of income should be allowed to earn to one and a half times as much as the minimum wage before deductions are made to the disability pensions. These deductions should be made pro-rata.
- 11.2** All disabled persons who cannot work because of their impairment, irrespective of the nature of that impairment, should be entitled to the disability pension.

12. THE IMPLEMENTATION OF THE NATIONAL POLICY

KNPD should be assigned the specific task of monitoring the implementation of this policy and should be provided with the necessary resources to be able to do this.

Entities involved in the implementation of this policy, primarily the Ministry of Education, ETC and Aġenzija Sapport, should take all necessary steps to acquire trained personnel.

- 12.3** The social partners in the country should be involved in the implementation of all these policies, in particular the Government, (both as an employer as well as a regulator), trade unions, employers' representative bodies and organisations of disabled persons.

Appendix: Entities who responded to the call for contributions to the consultation process

- Access Disability Support Committee, University of Malta
- Aġenzija Sapport
- Air Malta plc
- Dar tal-Providenza
- Down Syndrome Association (Malta)
- Employee Relations Department, Office of the Prime Minister
- Employment Training Corporation
- Equal Partners Foundation
- Fondazzjoni Hajja Indipendenti
- Foundation for Information Technology Accessibility
- Gozo College, Directorate for Educational Services
- Hbieb tal-Aġenzija Sapport
- Inspire Foundation
- Island Hotels Group
- KNPD Consultative Committee of People with Intellectual Disability
- Malta Chamber of Commerce, Industry and Enterprise

- Malta College of the Arts, Science and Technology
- Malta Guide Dogs Foundation
- Malta Society of the Blind
- Mental Health Association
- Playmobil Malta Ltd
- St Martha Day Centre, Gozo
- Student Services Department, Directorate for Educational Services
- Unjoni Haddiema Magħqudin

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The seven-year Programme targets all stakeholders who can help shape the development of appropriate and effective employment and social legislation and policies, across the EU-27, EFTA-EEA and EU candidate and pre-candidate countries.

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- promoting policy transfer, learning and support among Member States on EU objectives and priorities; and
- relaying the views of the stakeholders and society at large.

For more information see:

http://ec.europa.eu/employment_social/progress/index_en.html

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