

**Malta**

Equality law in Malta is complex and different from the legislation in the other jurisdictions covered by the Methodist Church in Britain. There are several different pieces of current equality legislation and a new proposed Equality Bill.

Current Legislation

[Article 45 of the Constitution of Malta](https://fra.europa.eu/en/law-reference/constitution-malta-15#:~:text=Country%3A%20Malta.%20Article%2045.%20%281%29%20Subject%20to%20the,in%20a%20discriminatory%20manner%20by%20any%20person%20) prohibits any law, or the performance of the function of any public office, that discriminates on the grounds of “race, place of origin, political opinions, colour, creed or sex” and was amended by [Act No. X of 2014](https://legislation.mt/eli/act/2014/10/eng/pdf), which added “sexual orientation or gender identity”.

[Chapter 456 Equality for Men and Women Act](https://legislation.mt/eli/cap/456/eng/pdf) covers discrimination in relations to employment, educational and vocational guidance, and banks and institutions. Discrimination is unlawful on the grounds of:

* Sexual orientation
* Age
* Religion or belief
* Ethnic origin
* Gender identity or gender expression
* Sex characteristics

The [National Commission for the Promotion of Equality](https://ncpe.gov.mt/en/Pages/NCPE_Home.aspx) has a [remit regarding this act](https://ncpe.gov.mt/en/Pages/Rights_and_Obligations/Equality_Laws.aspx) and covers the following forms of discrimination:

* Direct discrimination
* Indirect discrimination
* Victimisation
* Harassment (including sexual harassment)
* Instruction to discriminate

Discrimination in employment is also unlawful under [Chapter 452 Employment and Industrial Relations Act](https://legislation.mt/eli/cap/452/eng/pdf), which makes discrimination unlawful on the grounds of:

* Marital status
* Pregnancy
* Sex
* Skin colour
* Disability
* Religious conviction
* Political opinion
* Trade union membership

However, the act states that this list is not exhaustive and any discrimination is unlawful if it is not justifiable in a democratic society. The subsidiary legislation [452.95 Equal Treatment in Employment Regulations](https://www.equalrightstrust.org/ertdocumentbank/equal%20treatment%20in%20employment%20-%20malta.pdf) also provide protection on the grounds of ethnic origin, religious belief, disability, age, sex or sexual orientation, and covers direct and indirect discrimination, harassment (including sexual harassment) and instruction to discriminate.

Discrimination on the grounds of disability is unlawful under two main pieces of legislation:

* [Chapter 210 Persons with Disability (Employment) Act](https://www2019.ilo.org/dyn/natlex/docs/ELECTRONIC/17845/60711/F-1450680014/MLT17845%202015.pdf), which designates quotas for the employment of people with a disability in different trades
* [Chapter 413 Equal Opportunities (Persons with a Disability) Act](https://www.equalrightstrust.org/ertdocumentbank/chapt413.pdf), which makes it unlawful to:
  + require a person who is disabled to comply with requirements that are unreasonable
  + treat a person who is disabled differently due to their needing an auxiliary aid or requires someone to provide them with assistance

and applies to:

* Employment
* Trade unions
* Education
* Access to premises, goods, services and facilities
* Accommodation

Other [equality legislation](https://humanrights.gov.mt/en/Pages/Laws_and_Policies.aspx) falls under the remit of the [Human Rights Directorate](https://humanrights.gov.mt/en/Pages/default.aspx). This includes:

* [Chapter 567 Affirmation of Sexual Orientation, Gender Identity and Gender Expression Act](https://humanrights.gov.mt/en/Documents/Affirmation%20of%20Sexual%20Orientation,%20Gender%20Identity%20and%20Gender%20Expression%20Act.pdf), which makes conversion therapy unlawful.
* [Chapter 614 Cohabitation Act](https://humanrights.gov.mt/en/Documents/Cohabitation%20Act.pdf), which makes it unlawful for cohabitants to be discriminated against in relation to married couples, with regards to housing, maternity and other labour family rights, healthcare, pensions and childcare.
* [Marriage Act (Amendment) 2017](https://humanrights.gov.mt/en/Documents/Marriage%20Equality.pdf), which provides for marriage between any two adults but provides for officials of religious organisations to opt not to solemnise any form of marriage not recognised by that religious body.
* [Chapter 581 Gender-based Violence and Domestic Violence Act](https://humanrights.gov.mt/en/Documents/Gender-based%20violence%20and%20domestic%20violence%20act.pdf), which makes it unlawful to discriminate in implementing provisions on domestic violence on the grounds of age, belief, ethnic or national origin, association with a national minority, skin colour, disability, family responsibilities, pregnancy, gender expression, gender identity, genetic features, health status, language, refugee status, political opinion, property ownership, sexual orientation or sex characteristics, however states that special measures to protect groups particularly vulnerable to gender-based violence are not considered discrimination.
* [Chapter 540 Gender Identity, Gender Expression and Sex Characteristics Act](https://humanrights.gov.mt/en/Documents/Gender%20Identity,%20Gender%20Expression%20and%20Sex%20Characteristics%20Act.pdf), which makes discrimination on the grounds of gender identity unlawful in relation to parenthood, marriage or succession.

Some of these laws will relate to the Methodist Church, for example in its role as an employer. However, many of the activities of the Methodist Church are not currently covered by equality law in Malta. In addition, the following forms of discrimination are not unlawful in Malta, whereas they are in other jurisdictions covered by the Methodist Church in Britain:

* Discrimination by association
* Discrimination based on perception

That these types of discrimination are not unlawful in Malta does not mean that they should occur within the Methodist Church, or that discrimination is acceptable in those areas of church life not covered by equality legislation in Malta. As such, they will be covered by this training. However, please be aware that, because they are not unlawful, there may be differences in how such situations are dealt with in Malta compared to the other jurisdictions.

Draft Legislation

A draft bill, [Equality Act 2019](https://humanrights.gov.mt/en/Documents/Equality%20Bill.pdf), was introduced into the House of Representatives in July 2019. Should it become law, it would follow the same principles as equality legislation in Great Britain, the Isle of Man and Jersey, and make it unlawful to discriminate on the grounds of certain protected characteristics. This would then apply to public organisations and may apply to more activities of the Methodist Church. The proposed protected characteristics are:

* Age
* Belief
* Skin colour or ethnic or national origin
* Family responsibilities or pregnancy
* Family or civil status
* Gender expression or gender identity
* Genetic features
* Health status
* Language
* Nationality
* Political opinion
* Property
* Sex or sex characteristics
* Sexual orientation
* Social origin

This would make it more extensive than equality legislation in other jurisdictions of the Methodist Church in Britain, though it would still not cover discrimination by association or perception.

The [Catholic Church in Malta has welcomed the draft legislation](https://knisja.mt/wp-content/uploads/2020/03/THE-EQUALITY-BILL.pdf), though has suggested amendments to clarify the interpretation of certain articles with regards to the operation of religious organisations. Other religious groups have opposed it. The Methodist Church in Britain has not expressed a view. However, the Methodist Church in Britain does not believe such discrimination should take place within the Methodist Church.

This training will therefore outline the forms of discrimination that are unlawful in other jurisdictions of the Methodist Church in Britain, that we would not want to see within the Methodist Church in Malta, and that may become unlawful should the Equality Bill 2019 become law.