

Nagħti l-kunsens tiegħi.

(L.S.)

GEORGE ABELA
President

28 ta' Ġunju, 2012

ATT Nru. IX tal-2012

*ATT li jemenda l-Att dwar l-Ugwaljanza għall-Irġiel u n-Nisa
Kap. 456.*

IL-PRESIDENT, bil-parir u l-kunsens tal-Kamra tad-Deputati, imlaqqgħa f'dan il-Parlament, u bl-awtorità tal-istess, hareġ b'ligi dan li ġej:-

1. It-titolu fil-qosor ta' dan l-Att huwa l-Att tal-2012 li jemenda l-Att dwar l-Ugwaljanza għall-Irġiel u n-Nisa u dan l-Att għandu jinqara u jinftiehem haġa waħda mal-Att dwar l-Ugwaljanza għall-Irġiel u n-Nisa, hawn aktar 'il quddiem imsejjaħ "l-Att".

Titolu fil-qosor.

Kap. 456.

2. L-artikolu 2 tal-Att għandu jiġi emendat kif ġej:

Emendat tal-artikolu 2 tal-Att.

(a) it-tifsira "diskriminazzjoni" fis-subartikolu (1) tiegħu għandha tiġi sostitwita b'dan li ġej:

" "diskriminazzjoni" tfisser diskriminazzjoni bbażata fuq is-sess, jew minhabba responsabbiltajiet li ġgħib il-familja, orjentazzjoni sesswali, età, religjon jew twemmin, oriġini etnika jew razzjali, jew identità tal-generu u tinkludi t-trattament ta' persuna b'mod anqas favorevoli mit-trattament li qiegħed jingħata, kien ingħatat jew kieku jiġi trattat fuq dawn ir-raġunijiet u "jiddiskrimina" jew "tiddiskrimina" għandha tiftiehem skont hekk;"

(b) minnufih wara t-tifsira "fastidju sesswali" għandha tidhol din it-tifsira ġdida li ġejja:

" "persuni li jaħdmu għal rashom" skont id-direttiva 2010/41/EU tal-Parlament Ewropew u tal-Kunsill dwar l-applikazzjoni tal-prinċipju ta' trattament ugwali bejn l-irġiel u n-nisa li jeżerċitaw attività li fiha jaħdmu għal rashom, tfisser il-persuni kollha li jeżerċitaw attività bi qligħ għal rashom, u l-konjuġi tal-persuni li jaħdmu għal rashom li ma jkunux impjegati jew imsieħba fin-negozju, fejn huma abitwalment jipparteċipaw fl-attivitàjiet tal-persuna li taħdem għal rasha u li jwettqu l-istess kompiti jew kompiti anċillari;

(ċ) is-subartikolu (3) tiegħu għandu jiġi sostitwit b'dan li ġej:

"(3) Għall-finijiet tas-subartikolu (1) ikun hemm diskriminazzjoni bbażata fuq is-sess jew minhabba responsabbiltajiet li ġġib il-familja jew orjentazzjoni sesswali, età, reliġjon jew twemmin, origini etnika jew razzjali, jew identità tal-ġeneru, meta:

(a) jingħata trattament anqas favorevoli, direttament jew indirettament, lill-irġiel u lin-nisa minhabba fis-sess tagħhom jew minhabba responsabbiltajiet li ġġib il-familja tagħhom jew minhabba l-orjentazzjoni sesswali tagħhom, l-età, ir-reliġjon jew it-twemmin, l-origini etnika jew razzjali, jew l-identità tal-ġeneru;

(b) mara tiġi ttrattata b'mod anqas favorevoli minhabba fi tqala li tkun teżisti jew li tista' ssehh jew it-twelid ta' tarbija;

(ċ) l-irġiel u n-nisa jiġu ttrattati b'mod anqas favorevoli minhabba f'li jkunu ġenituri, r-responsabbiltajiet li ġġib il-familja jew għal xi raġuni oħra li jkollha x'taqsam mas-sess, u, jew orjentazzjoni sesswali, età, reliġjon jew twemmin, origini etnika jew razzjali, jew identità tal-ġeneru;

(d) kull trattament ibbażat fuq provvediment, kriterju jew prattika li kieku kien iquieghed persuni ta' sess wiehed fi żvantagġ partikolari meta mqabbla ma' persuni tas-sess l-iehor jew tal-istess sess jew orjentazzjoni sesswali, età, reliġjon jew twemmin,

origini etnika jew razzjali, jew identità tal-generu, hliet jekk dak il-provvediment, kriterju jew dik il-prattika jkunu xierqa jew meħtieġa u jkunu jistgħu jiġu ġustifikati permezz ta' fatturi oġettivi li ma jkollhomx x'jaqsmu mas-sess."

Mgħoddi mill-Kamra tad-Deputati fis-Seduta Nru. 493 tal-25 ta' Ġunju, 2012.

MICHAEL FRENDU
Speaker

RAYMOND SCICLUNA
Skrivan tal-Kamra tad-Deputati

I assent.

(L.S.)

GEORGE ABELA
President

28th June, 2012

ACT No. IX of 2012

*AN ACT to amend the Equality for Men and Women Act,
Cap. 456.*

BE IT ENACTED by the President, by and with the advice and consent of the House of Representatives, in this present Parliament assembled, and by the authority of the same, as follows:-

Short title. **1.** The short title of this Act is the Equality for Men and Women (Amendment) Act, 2012 and this Act shall be read and construed as one with the quality for Equality for Men and Women Act, hereinafter referred to as "the Act".

Cap. 456.

Amends article
2 of the Act.

2. Article 2 of the Act shall be amended as follows:

(a) the definition of "discrimination" in subarticle (1) thereof shall be substituted by the following:

" "discrimination" means discrimination based on sex or because of family responsibilities, sexual orientation, age, religion or belief, racial or ethnic origin, or gender identity and includes the treatment of a person in a less favourable manner than another person is, has been or would be treated on these grounds and "discriminate" shall be construed accordingly;"

(b) immediately after the definition of "Minister" there shall be inserted the following new definition:

" "self-employed workers" in line with Directive 2010/41EU of the European Parliament and the Council of 7 July 2010 on the application of the principle of equal treatment between men and women engaged in an activity in a self-employed capacity, means all persons pursuing a gainful activity for their own account, and the spouses of self-employed workers not being employees or business partners, where they habitually participate in the activities of the self-employed worker and perform the same tasks or ancillary tasks;"

(c) sub-article (3) thereof shall be substituted by the following:

"(3) For the purposes of subarticle (1) discrimination based on sex or because of family responsibilities or sexual orientation, age, religion or belief, racial or ethnic origin, or gender identity is:

(a) the giving of less favourable treatment, directly or indirectly, to men and women on the basis of their sex or because of family responsibilities or because of their sexual orientation, age, religion or belief, racial or ethnic origin, or gender identity;

(b) treating a woman less favourably for reasons of actual or potential pregnancy or childbirth;

(c) treating men and women less favourably on the basis of parenthood, family responsibility or for some other reason related to sex and, or sexual orientation, age, religion or belief, racial or ethnic origin, or gender identity;

(d) any treatment based on a provision, criterion or practice which would put persons at a particular disadvantage compared with persons of the other sex of the other sex or sexual orientation, age, religion or belief, racial or ethnic origin, or gender identity, unless that provision, criterion or practice is appropriate and necessary and can be justified by objective factors unrelated to sex."

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Passed by the House of Representatives at Sitting No. 493 of the
25th June, 2012.

MICHAEL FRENDU

Speaker

RAYMOND SCICLUNA

Clerk to the House of Representatives

