

# Making workplace disability quotas work in Malta

Wednesday 27 May 2020, by [REPECKAITE Daiva](#) (Date first published: 20 May 2020).

**Like many workers in Malta affected by lockdown measures during the [COVID-19 pandemic](#), Robert (not his real name) has been furloughed. But while work is important to him, home is where he feels most comfortable. There, Robert's wheelchair fits everywhere he needs to go. He no longer needs to wear an incontinence pad in case his wheelchair prevents him from accessing the toilets at his workplace.**

Speaking to *Equal Times* before the pandemic, Robert said his dream has always been to find a job that could be done remotely. "I'm an introvert. The emotional vibe of others affects me. It's a big issue." Yet Robert works as a receptionist. His previous three jobs were also client-facing. "I told my job coach about it and he tried to help, but there was no way to change jobs. And I can't afford to be unemployed."

When Robert applied for his current job in 2016, Malta was easing into a government policy that requires all companies with more than 20 employees to ensure that 2 per cent of their staff are people with disabilities.

Failure to do so obliges companies to pay a financial contribution of €2,400 for every disabled worker they could have employed under the quota (capped at €10,000). The money is then paid to the Lino Spiteri Foundation, a public-private partnership that works with Jobsplus, Malta's public employment service, and the non-profit social enterprise Empower Coop, to match disabled job seekers with work and to provide them with training.

This policy is based on the [Persons With Disabilities \(Employment\) Act](#) which was passed in 1969 but remained dormant until 2015. According to [a 2019 report from the International Labour Organization](#), 103 countries in the world have some form of quota for the employment of people with disabilities – a third of them subjecting employers to fines.

Initially, Maltese employers decried what they considered to be a punitive approach meted out to non-compliant companies. "In reality, the funds collected for the Foundation will be more of a 'tax' or a 'fine'," the Malta Employers' Association (MEA) wrote in its [2015 position paper](#) on the measures. "It is believed that a strategy of persuasion is preferable and will achieve better results than one of coercion," the employers' lobby continued, suggesting that it would be wiser to focus on the largest companies before rolling it out to thousands of small to medium-sized enterprises (SMEs).

Employers also feared that workers who did not declare their disability would not count towards the quota, and employers would be financially penalised. Eventually, Jobsplus (then, the Employment and Training Corporation) and the MEA reached an agreement and signed [a memorandum of understanding](#) (MOU) along with the Malta Chamber of Commerce, Enterprise and Industry. It exempted employers from making payments to the Foundation if they offered equivalent hours of

work in service contracts, outsourcing, apprenticeships, or through a surrogate employer. The MOU also gave Jobsplus access to other disability registers and allowed workers with previously undeclared disabilities to count towards their employer's quota.

## **Inaccurate data**

Disability and employment expert Tonio Axisa, who is working on a PhD on the subject at De Montfort University in the UK, notes that disparities between the different disability registers used in Malta has been an obstacle in tracing how many people actually benefit from this scheme - and how many should. His research has shown that many employers feel that they lack clear guidelines on what counts as disability ; is dyslexia, for example, on the list ? "There are three registers : the CRPD [Commission for the Rights of People with Disability], which includes children and seniors, the social security register (if a person is eligible for social benefits and disability allowance), and Jobsplus (for those aged 16-63 years old who are actively looking for work). The numbers [between the three databases] don't match. The biggest challenge has been that in order to enter each one of the registers you have to go in front of a board for an assessment. But the assessments are not the same," the researcher explains.

In 2018, CRPD counted 19,057 persons with disabilities, while Jobsplus had only [357 people with disabilities on their books](#). CRPD recently commissioned research on the situation of workers and jobseekers with disabilities. The preliminary findings shared with *Equal Times* by Allison Zammit, the CRPD's manager for research and policy, shows that nearly a third of the 206 people interviewed identified as having disabilities but did not register as such with Jobsplus. Amongst jobseekers with disabilities, over half did not register as such with Jobsplus. More research is needed to know whether this is because they fear stigmatisation or because they are simply are not aware of the options. And of the 50 employers interviewed, one in ten claimed to employ people with disabilities.

The quota was not designed to help those workers who already had access to mainstream employment opportunities. Its aim was to open the doors for more vulnerable individuals, who may require workplace adaptation.

"Employers must adapt their places of work. Are you ready to allow people to start work at 10am instead of 9am, because when this person wakes up, he has to take his medicine, and then for two hours he will not be functional ?" Axisa asks, pointing out that lifts and ramps are not enough.

However, even these facilities are not universally available for disabled workers. "I tell employers in my cover letters about my disability - if they have stairs, I can't work there," says Robert about his experiences while job hunting. "But companies still call me back, and when I go for an interview, I can't access the building."

MEA was contacted for a comment but did not respond to our requests.

## **The right to work**

The government has been sure to offer carrots in addition to sticks : employers who create the space and facilities for persons with disabilities are exempt from their share of social security contributions and can claim a quarter of the salaries of such workers back (up to €4,500 per year). [In 2018](#), the employment of 209 workers was subsidised under this scheme, and 13 employers specifically approached Jobsplus to hire workers with disabilities. Meanwhile, 246 employers paid penalties worth close to €1 million.

Although only [around a third of jobseekers](#) in Malta uses public employment services, Jobsplus is a standard starting point for a jobseeker with a registered disability (physical, sensory, learning or

other). First, they are referred to an occupational therapist to channel them into sheltered, supported or mainstream employment. Next, job seekers are offered a consultation with the Lino Spiteri Foundation, which has a remit to help companies create accessible workplaces using funds collected from penalised employers. With employers' contributions capped at €10,000, Axisa says the financial stick isn't as tough as it initially sounds : "It's the price of three billboards of advertising. Some employers have told me : 'I don't want to go into this, I'm ready to pay the fine.' I don't blame them, because there isn't as much support as I think they should be given. Who is training the employer on how to deal with a bipolar person ?" says Axisa.

The penalties are enough to finance the Lino Spiteri Foundation's network of jobs coaches, who also [help workers with disabilities navigate issues](#) in the workplace. According to its website, the Foundation has supported a total of 780 individuals get into work and 980 companies employ workers with special needs. [In 2018](#), it placed 138 individuals with disabilities in employment. According to Jobplus's [last annual report](#), four-fifths of jobseekers were satisfied with the Foundation's services - but that means that one-fifth were not. "Sometimes [state agencies] have difficulties with the employer network and they cannot find a job for jobseekers. I am the assistant secretary for food and hospitality, and we have a network of employers in these sectors," says Gabriel Pullicino, section assistant secretary at the General Workers Union (GWU).

"Food and beverages, manufacturing companies employ people with disabilities - even intellectual - mostly in filing and administrative jobs." He says the union has invited CRPD to refer jobseekers to them : "We know these are good employers, as they have collective agreements. We bargain with them."

But Axisa warns against the fragmentation of job searches. He suggests that, with the quota scheme in place, it's now time to focus on changing perceptions, creating infrastructural adaptations and finding niches for more vulnerable individuals. "It's a matter of skills. An employer asks : 'What can this person do ?' If you speak to the parents [often the primary carers for people with serious physical or intellectual disabilities in the absence of state support], they will say : 'Let them do photocopying, let them do shredding, let them answer the telephone.' But when you go into the real world, into industry, you will see that shredding is no longer done in the offices. People no longer call on a fixed line, they call mobiles, so [in many small businesses] there is no longer a need for a receptionist.'

Pullicino agrees : "I don't think the quota is enough. [The Foundation should also] support employers and work with families. Some parents tend to be very protective and they feel it is quite difficult to let their children to start to work. I can understand this reaction as it requires courage to let your loved ones go." In Malta, 61 per cent of people aged 18-34 still live with their parents. Because of [Malta's poor infrastructure](#), many young people who cannot drive, including Robert, rely on their parents to drive them around. Pullicino says that the union works with parents to challenge misconceptions and involves people with different disabilities in its governing structures.

According to the research summary sent by Zammit, the employment retention rate of people with disabilities was rated as 'quite good'. Nine out of ten interviewees did not have any issues with their supervisors or colleagues. Still, when asked about obstacles, they named a lack of accessible transport options to get into work. Although exclusion can continue even when proactive employment policies are in place, Malta's workplace disability quota continues to advance the idea that seeking a job is a right for all those who chose to, and need to, do it - not charity.

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