

Nagħti l-kunsens tiegħi.

(L.S.)

EDWARD FENECH ADAMI
President

3 ta' April, 2009

ATT Nru. IV ta' l-2009

ATT biex jemenda l-Att dwar l-Ugwaljanza għall-Irgiel u n-Nisa, Kap. 456.

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

1. It-titolu fil-qosor ta' dan l-Att huwa l-Att ta' l-2009 li jemenda l-Att dwar l-Ugwaljanza għall-Irgiel u n-Nisa u għandu jinqara u jinftiehem haġa waħda ma' l-Att dwar l-Ugwaljanza għall-Irgiel u n-Nisa, hawn iżjed 'il quddiem imsejjaħ "l-Att prinċipali".

Titolu fil-qosor.

2. L-artikolu 2 ta' l-Att prinċipali għandu jiġi emendat kif ġej:

Emenda ta' l-artikolu 2 ta' l-Att prinċipali.

(a) fit-tifsira ta' "diskriminazzjoni" fis-subartikolu (1) tiegħu, minflok il-kliem "mogħti jew li jista' jkun mogħti" għandhom jidhlu l-kliem "li qiegħed jingħata, kien ingħata jew kieku kien jingħata";

(b) il-paragrafu (d) tas-subartikolu (3) tiegħu għandu jiġi mhassar u minflok għandu jidhol dan li ġej:

"(d) trattament ibbażat fuq provvedimenti, kriterju jew Prattika li kieku kien iquiegħed persuni ta' sess wieħed fi żvantaġġ partikolari meta mqabbla ma' persuni tas-sess

l-ieħor ħlief jekk dak il-provvediment, kriterju jew dik il-prattika ikunu xierqa jew meħtieġa u jkunu jistgħu jiġu ġġusstifikati permezz ta' fatturi oġġettivi li ma jkollhomx x'jaqsmu mas-sess." u

(ċ) minnufih wara s-subartikolu (4) tiegħu għandu jidhhol is-subartikolu ġdid li ġej:

“(4A) Diskriminazzjoni indiretta tista' tiġi ppruvata permezz ta' kwalunkwe mezz ta' prova inkluż bil-mezz ta' statistika.”.

Emenda ta' l-artikolu
12 ta' l-Att prinċipali.

3. Is-subartikolu (1) ta' l-artikolu 12 ta' l-Att prinċipali għandu jiġi emendat kif ġej:

(a) fil-paragrafu (g) tiegħu, minflok il-kliem “jsiru investigazzjonijiet ġenerali” għandhom jidhlu l-kliem “jsiru investigazzjonijiet ġenerali u indipendenti”;

(b) fil-paragrafu (h) tiegħu, minflok il-kliem “jiġu investigati” għandhom jidhlu l-kliem “jiġu investigati b'mod indipendenti”;

(c) fil-paragrafu (i) tiegħu, minnufih wara l-kliem “jintlaħqu konkluzjonijiet” għandu jidhhol il-kliem “b'mod indipendenti”; u

(d) fil-paragrafu (j) tiegħu, minflok il-kliem “tingħata assistenza” għandu jidhhol il-kliem “tingħata assistenza indipendenti”.

Mgħoddi mill-Kamra tad-Deputati fis-Seduta Nru. 98 ta' l-1 ta' April, 2009.

LOUIS GALEA
Speaker

PAULINE ABELA
Skrivan tal-Kamra tad-Deputati

I assent.

(L.S.)

EDWARD FENECH ADAMI
President

3rd April, 2009

ACT No. IV of 2009

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:-

1. The short title of this Act is the Equality for Men and Women (Amendment) Act, 2009 and this Act shall be read and construed as one with the Equality for Men and Women Act, hereinafter referred to as “the principal Act”. Short title.

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

(a) in the definition of “discrimination” in subarticle (1) thereof, for the words “has been or would be treated” there shall be substituted the words “is, has been or would be treated”.

(b) paragraph (d) of subarticle (3) thereof shall be deleted and substituted by the following:

“(d) any treatment based on a provision, criterion or practice which would put persons of one sex at a particular disadvantage compared with persons of the other sex unless that provision, criterion or practice is

appropriate and necessary and can be justified by objective factors unrelated to sex.”; and

(c) immediately after subarticle (4) thereof there shall be inserted the following new subarticle:

“(4A) Indirect discrimination may be proved by any means of evidence including statistical evidence.”.

Amendment of
article 12 of the
principal Act.

3. Subarticle (1) of article 12 of the principal Act shall be amended as follows:

(a) in paragraph (g) thereof, for the words “to carry out general investigations” there shall be substituted the words “to carry out general and independent investigations”;

(b) in paragraph (h) thereof, for the words “to investigate” there shall be substituted the words “to independently investigate”;

(c) in paragraph (i) of article 12 of the principal Act, after the words “make determinations” there shall be inserted the words “in an independent manner”; and

(d) in paragraph (j) thereof, for the words “provide assistance” there shall be substituted the words “provide independent assistance”.

Passed by the House of Representatives at Sitting No. 98 of 1st April, 2009.

LOUIS GALEA
Speaker

PAULINE ABELA
Clerk to the House of Representatives