

### **Abbozz ta' Liġi msejjah**

*ATT biex 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'liġi dan li ġej:-

**1.** It-titolu fil-qosor ta' dan l-Att huwa l-Att tal-2014 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, hawnhekk iżjed 'il quddiem f'dan l-Att imsejjah "l-Att prinċipali".

Titolu fil-qosor.

Kap. 456.

**2.** Is-subartikolu (2) tal-artikolu 19 tal-Att prinċipali għandu jġi sostitwit b'dan li ġej:

Emenda tal-artikolu 19 tal-Att prinċipali.

"(2) Fi proċedimenti taht is-subartikolu (1), meta persuni li jikkunsidraw ruħhom trattati hazin għaliex il-prinċipju ta' trattament ugwali ma ġiex applikat għalihom jistabblixxu, quddiem il-Qorti, fatti li minnhom jista' jġi preżunt li kien inġhata trattament inqas favorevoli, direttament jew indirettament, lill-irġiel u lin-nisa minhabba fis-sess tagħhom jew minhabba responsabbiltajiet li ġgib il-familja tagħhom, għandu jkun il-konvenut li jgib prova li ma kien hemm l-ebda ksur tal-prinċipju ta' trattament ugwali dwar is-smiġh tal-ilment, u l-Qorti għandha tilqa' l-ilment jekk il-konvenut ma jgibx prova li hu ma wettaqx l-att illegali."

C 176

**Għanijiet u Raġunijiet**

L-għan ta' dan l-Abbozz ta' Liġi hu sabiex jemenda l-artikolu 19(2) tal-dwar l-Ugwaljanza għall-Irġiel u n-Nisa fir-rigward tal-piż tal-prova fi proċedimenti ċivili, bil-għan li jiġi traspost l-Artikolu 19 tad-Direttiva 2006/54/KE tal-Parlament Ewropew u tal-Kunsill dwar l-implimentazzjoni tal-prinċipju ta' opportunitajiet ugwali u trattament ugwali ta' rġiel u nisa fi kwistjonijiet ta' impieg u okkupazzjoni.

**A Bill  
entitled**

*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, 2014, 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.

Cap. 456.

**2.** Sub-article (2) of article 19 of the principal Act shall be substituted by the following:

Amendment of article 19 of the principal Act.

"(2) In any proceedings under subarticle (1), it shall be sufficient for the plaintiff to establish, before the Court, facts from which it may be presumed that he or she has been treated less favourably, directly or indirectly, on the basis of sex or because of family responsibilities, and it shall be incumbent on the defendant to prove that there has been no breach of the principle of equal treatment, or that such less favourable treatment was justified in accordance with the provisions of this Act."

---

C 178

### **Objects and Reasons**

The object of this Bill is to substitute article 19(2) of the Equality for Men and Women Act regarding the burden of proof in civil proceedings, with a view to transposing article 19 of Directive 2006/54/EC of the European Parliament and of the Council on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (recast).

---