

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."

A 236

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*

