



Approved Resolutions

NCW Annual General Meeting

January 2015

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Comment [WU1]:

1. Points to be considered for a sustainable EU Year for Development

Justification

The European Year for Development puts in practice the concept of Participative Democracy, therefore there is the need to ensure civil society, that is citizens' direct involvement and engagement at local, national and EU level and also at global level

Recommendations

The EU Year should not concentrate on Development Aid only but should have a wider perspective.

The main emphasis should be on: sustainable aspects of development cooperation such as global solidarity and justice, policy coherence for development, sustainable development goals, global public goods and challenges and European citizens' role as consumers and actors in a global economy. (Post-Millennium Development Goals 2015)

There is the need to highlight the role of the private sector and social partners with particular reference to SMEs which need to be developed and sustained, in particular in developing countries in order to eradicate poverty and social exclusion

Civil Society Organisations (CSOs) and their activities should be given priority and adequate funding to ensure sustainable outcomes of development initiatives carried out during 2015

Funds should not give priority to Campaign Agencies, but to the practical sustainable initiatives of the CSOs

The European Year for development should also serve to address the many problems (unemployment, poverty and social exclusion) resulting from the financial crisis and subsequent austerity measures; the emerging role of civil society to address these issues has already been recognised through the development of the Social Economy

Objectives:

Engaging and involving European citizens and civil society organisations and their partners throughout the world in development and in a political dialogue on global development and global justice is the key to the success of the Year 2015 and development as such

It is crucial that the objectives focus more particularly on the younger generation, who tend to be more connected to the world at large through social and other media and more aware of the pressing issues that they - as our future leaders - will need to resolve. Therefore, the meaningful and direct involvement of children and youth, especially girls, in the debates of the European Year is of crucial importance.

Based on good practice in the past European Years, eg The European Year for Volunteering, the Committee expresses its support for the establishment of a wide and inclusive CSO Alliance, which as in past years should play the leading role in the planning and implementation of the European Year

2. The Immediate Regularisation of Gentlemen's Clubs in Malta

Whereas

a. The MGG does not support the operation and licensing of Gentlemen's Club on the grounds of public morality, gender inequality, and a disrespectful approach to sexuality and sexual relationships, the possibility of sexual exploitation and/or links to human trafficking networks. MGG is aware even through media reports that, in the past decade or so, Gentlemen's Clubs have proliferated especially in the St. Julians/Paceville, Sliema and Bugibba areas and therefore their operation must be regulated by national law.

b. At present, there is no specific classification and regulation of such clubs in relation to their licensing as these are regulated by the Malta Tourism Authority on the basis of Legal Notice 409.15 entitled 'Catering Establishments Regulations' in the same way as all other catering establishments in Malta.

c. This lacuna in the law has led to the recent increase of controversial court cases, with both bar owners and employees (namely 'entertainers', as their working permits denote) being charged with a multitude of charges, ranging from charges such as running brothels, indecency, living off the earnings of prostitution, offending public morals, precarious conditions of work, and in certain cases charges of human trafficking for the purposes of sexual exploitation amongst others.

d. Whilst acknowledging that these kind of clubs may be popular in various EU Member States, some States have rightly adopted an abolitionist approach, criminalising activities related not only to prostitution, but also activities related to this fragment of the entertainment industry such as lap dancing, strip clubs etc. Conversely, Malta, may be said to be adopting a "regulationist approach", namely that every woman has a full right to control what she wants to do with her own body. Thus, lap dancers consensually engaged in such forms of work in clubs are simply performing another form of work (unless they are forced to carry out this work). Consequently, the law to be introduced should create a legal framework which should seek to improve the working conditions of these 'entertainers', regulate the operation of Gentlemen's Clubs, and also address, legally and judicially, circumstances whereby this fragment of the ever expanding entertainment business is linked to networks of human trafficking for sexual exploitation.

e. While commending the Attorney General's recommendations on the matter in question, a public consultation with all stakeholders and concerned organisations, especially organisations advocating the advancement of women's rights and gender equality is hereby proposed.

f. Gentlemen's Clubs are generating substantial profits due to their demand and they are therefore striving to secure the market. In light of this, the MGG augurs that Malta will not be tainted with a reputation as a 'sex tourism destination', a country which is legalising sexual slavery and/or diminishing the human being to the level of merchandise at the hands of clients.

IT THEREFORE RESOLVES to:

1. Introduce a working definition and regularisation of Gentleman's Clubs under Maltese law

At present Maltese legislation places Gentlemen's Clubs within an umbrella term, namely that of 'discotheques', without taking into account the very intrinsic nature of such bars and

ensuing ramifications. Thus, the Government must take immediate action to address this legislative lacuna in S.L 409.15 by introducing a draft bill in Parliament to define and regularise Gentlemen's Clubs and the diverse activities/transactions that take place behind their doors;

2. The issuance of guidelines indicating what is permissible and what is prohibited within the confines of Gentlemen's Clubs

Taking into account recent local jurisprudence on the subject at hand, highlighting the lack of a denotation defining morality and indecency, it is being recommended that the concerned authorities should issue guidelines specifically indicating what is permissible and what is prohibited within the confines of such clubs, since whilst the local legislation is clear on two points of law, namely that (i) brothels and (ii) indecency violate the law, the law fails to provide a definition denoting what constitutes and amounts to indecency. Furthermore, in light of the Maltese Courts' recent judgments adopting a somewhat more liberal approach to the matter, the issuance of guidelines will create a greater degree of certainty for all;

3. Ensure decent working conditions for all service providers in Gentlemen's Clubs

In light of reports affirming a strong tendency that the norm is that the providers of such entertainment services in these clubs are deemed to be 'self-employed', owners tend to escape prosecution by judicial authorities on the basis that the 'entertainers' are not directly employed by them. The law should seek to ensure that service providers in these Gentlemen's Clubs are:

1. Of age since otherwise they do not have the capacity to "consent" and
2. Are given all the necessary information especially but not exhaustively limited to local legal terms and conditions of work, tax obligations, as well as the conditions that need to be satisfied wherein they decide to terminate their employment/resign - labour, social and migrant rights are also to be communicated.

Moreover, the introduced law must also address the recruitment of 'entertainers' operating in Gentlemen's Clubs occurring over the internet, via social media networks or with the help of intermediaries. The MGG is aware that these 'entertainers' are socially stigmatised, even if they stop practising in Gentlemen's Clubs. MGG holds that ONLY when such work is undertaken voluntarily and without any coercion from bar owners or third parties, and once legal measures are undertaken to better regulate such a profession, such employees should in accordance with Maltese law be entitled to the same rights and obligations granted to other employees, including unemployment benefits, social services, psychological and social assistance, based on their individual needs, in order to be reintegrated into society or repatriated.

4. Take all the necessary measures to prevent and suppress risks of human trafficking and organised crime within the context of Gentlemen's Clubs in accordance with Malta's existing local legislation and international obligations

Human trafficking for sexual and/or labour exploitation within the context of Gentlemen's Clubs is not unheard of.

Despite Malta's international (Convention on Transnational Organized Crime and the supplementary Protocol to the Convention to Prevent, Suppress and Punish trafficking in persons, especially women and children back in 2003) and regional obligations (Council of Europe Convention on Action against Trafficking in Human Beings which entered into force

on the 1st of May 2008 and the EU Directive on Preventing and Combating Trafficking, parts of which were implemented in the 2013 amendments to the local Criminal Code) in the fight against the trafficking of humans for sexual/labour exploitation, a 2012 US Embassy Report on Malta on Human Trafficking , affirmed that the Government of Malta was not fully compliant with the minimum standards for the elimination of human trafficking despite its ratification of various international and regional instruments seeking to prevent and suppress this gender specific phenomenon.

Comment [U2]:

Although in the years following the issuance of this report, the Government of Malta has evidenced its commitment to the fight against human trafficking, in particularly by adopting the 2013 amendments to the Criminal Code, Chapter 9 of the Laws of Malta, whereby sections 248A et seq of the Code were amended to transpose EU directive 2011/36 on the preventing and combating trafficking in human beings and protecting its victims and its creation of the first ever national anti-trafficking action plan and the allocation of funds to implement the plan, the MGG stresses the need for further action. The vast majority of the presumed victims trafficked for sexual exploitation are women and under-age females, who hail from vulnerable groups, eastern European countries or countries outside the EU, characterised by ethnic and other socio-economic inequalities, lack of employment opportunities and/or lack of access to education, corruption and armed conflicts. The Government shall issue a checklist at visa application stage to identify potential risks of human trafficking and also to inspect the quality, security and integrity of the submitted travel documents.

In light of the recommendations put forward in the 2013 GRETA Report , the MGG affirms the need for better consultation of the concerned national authorities with civil society, so as to ensure that NGOs voice their opinions about the national anti-trafficking policies. The MGG also asserts the importance of strengthening Malta's international judicial cooperation, particularly with other Member States, and with the countries of origin of victims of trafficking, in order to prevent, detect, investigate and combat human trafficking networks in Europe more effectively and therefore to identify, protect and assist victims of human trafficking; also providing them with information in their mother language about the risks of human trafficking for sexual and labour exploitation about their right to compensation and to be granted a temporary residence permit and ways to access it, ensuring that they have effective access to legal aid and providing for the possibility of not imposing penalties on victims of trafficking for their involvement in unlawful activities to the extent that they were compelled to do so..

5. Enact and effectively implement monitoring and enforcement procedures

Proper enforcement of age restrictions on the patrons of Gentlemen's Clubs is imperative and the monitoring and consequent enforcement of all forms of restrictions introduced by the law should be incumbent on the local Police Force on a regular basis. The Government should address the lack of effective victim/witness protection, reporting and legal services, whereby cases involving any kind of abuse can be reported by the victims themselves. The MGG reiterates the inherent gender dimension of this gender specific crime being reflected in all elements of Malta's anti-trafficking policy and hence the importance of appropriate training for police services and judicial system personnel, the recruitment of more women within the police force and the investment in human and financial resources within Aġenzija Appoġġ, in the various aspects of sexual exploitation, including gender and immigration aspects. It is of essence that the knowledge and sensitivity of judges, prosecutors, police investigators and

lawyers regarding human trafficking and the rights of victims of trafficking should be improved.

The MGG recommends that concerned Maltese authorities should conduct and support research on human trafficking related issues as an important source of information for future policy measures and thus, through the statistical evidence collected from monitoring and enforcement procedures, the Government would be in a better position to assess the impact of and evaluate whether the introduction of this proposed legislation would result in being the best way forward in the regulation of Gentlemen's Clubs in Malta. Research should aid Authorities in shedding more light as to how and what seemingly legal facades perpetrators are bypassing for the execution of human trafficking for sexual and/or labour exploitation both to and within Malta.

3. A National Gender Equality Strategy

Justifications

The need of a long-term vision away from fragmented measures, short term policies and adequate funding

Recommendations

Reconciliation of work and family life needs to consider that

- More women are needed on the labour market and
- More women to have children

Areas to be addressed

- Flexibility and predictability of working time – how does it work in the case of mothers?
- Needs and choices change over the life course of men and women – transitions
- Working time arrangements can facilitate the organisation of private life (flexi-time, emergency leave, part-time etc)
- Companies can make a difference – not all working time arrangements are costly

Action to be taken

- **Revision of the Maternity Leave Directive**
- **Include unworked periods in Pensions Rights**
- **Recognition of skills while performing family care work**

Acknowledging mothers' and fathers' contribution to society

Conciliation policies:

- Raise morale
- Increase job satisfaction and employee engagement
- Higher productivity
- Improves brand reputation
- Attracts other groups of women eg: the highly qualified mothers
- Support retention of expensively trained and experienced staff
- Lower absenteeism

Recent survey findings – 18% of workers in Europe have problems with work-life balance especially men between 30 and 49 years of age

All social actors have a role to play:

- Company arrangements
- Social partners negotiations
- legal system, social protection system, social infrastructure etc in the organisation of care and work

The stark reality: In Europe the **Pay Gap is on average 16% - Pensions Gap is 39%**

Further recommendations

Addressing the fertility rate and work/life balance

- In line with the priorities of the EU2020 Strategy, there is the need **for a national policy, a package of maternity, paternity and family-friendly measures for both the public and private sector whilst taking into consideration the situation of**

SMEs to increase the participation of women in the labour market and at the same time take responsibility for the social aspect and health and safety of both mother and child.

- Although a number of financial incentives have been introduced by current and previous governments, it is important that financial allocations are included in the Budget 2015 finances to ensure **sustainability in the coming years**. The ESF could provide the necessary funds in the case of free childcare.
- There is also the need for transparency in how the childcare centres are being 'reimbursed' by government to cover costs.
- Government needs to ensure that all current and new **childcare centres are registered and have the necessary standards in place**. Monitoring needs to be done through random inspections
- Besides the provision of childcare facilities, government should aim at strengthening the policy where both men and women have equal access to employment, not least in view of the current demographic deficit, **eliminating the obstacles through effective active labour market policies, flexicurity and vocational training**.
- **Legal provision on paternity leave should be raised to at least 2 weeks non-transferable in order to encourage sharing care responsibilities between mothers and fathers**

Other recommendations

- introducing **financial incentives for private sector who introduce positive action of maternity and parental leave**
- **A careful assessment of the research study on the cost of non-participation of women of child rearing age in different occupations on which to take action**
- **Use of EU Structural funds and ETC Schemes to support the workers during maternity and paternity leave**
- Although the legal framework for **Temping Agencies is in place**, there is the need to **address the obstacles that are hindering the growth of Temping Agencies, which besides providing practical solutions for more work/life balance, can be another source of job creation if adequate action is taken**
- Collective agreements with options to include **lifelong learning opportunities by employers for women and men on parental leave or career breaks**
- Further **expand and subsidise care services for sick, disabled and elderly people, which is very often done by women who therefore are not in a position to seek employment**
- Introduce **a framework for child minding services within the community** for those mothers who can use adequate facilities at their home to offer the services

4. Setting up of a pre-conception clinic

Justification/s

a. Research based evidence provides recommendations to improve both preconception health and care. The goal of these recommendations is to improve the health of women, partners, and families, before conception of a first or subsequent pregnancy.

b. Since the early 1990s, research has recommended preconception care, and reviews of previous studies have assessed the evidence for interventions and documented the evidence for specific interventions. Improving preconception health can result in improved reproductive health outcomes, with potential for reducing societal costs as well. Preconception care aims to promote the health of women of reproductive age before conception and thereby improve pregnancy-related outcomes. Therefore, the aims of setting up a pre-conception clinic are to improve a woman's health before conception, whether before a first or a subsequent pregnancy.

c. The provision of preconception care has been identified by research based evidence that it improves pregnancy outcomes, including low birth weight, premature birth, infant mortality and morbidity, maternal mortality and morbidity, and relationships.

d. This is because of the consistent delivery and implementation of interventions before pregnancy to early detect, treat, and help women/partners modify behaviours, health conditions, and risk factors that contribute to adverse maternal and infant outcomes.

Recommendation/s

a. The setting up of a pre-conception clinic is aimed at achieving eight goals to:

- 1) improve the knowledge and attitudes and behaviours of men and women related to preconception health;
- 2) assure that all women of childbearing age in the Maltese Islands receive preconception care services (i.e., evidence-based risk screening, health promotion, and interventions) that will enable them to enter pregnancy in optimal health;
- 3) reduce risks indicated by a previous adverse pregnancy outcome through interventions during the inter conception period, which can prevent or minimize health problems for a mother and her children or future children; and
- 4) reduce the disparities in adverse pregnancy outcomes;
- 5) identifying those at increased risk of developing perinatal mental health conditions;
- 6) advice those with an existing mental health disorder that stopping medication abruptly can precipitate or worsen an episode;
- 7) advice those with an existing mental health disorder that there may be an increased risk of developing an episode of existing mental disorder;
- 8) advice on the risks and benefits of psychotropic medication during pregnancy and breastfeeding.

The recommendations for the initiation of this clinic will focus on the changes in consumer knowledge, clinical practice, public health programs, health-care financing, and data and research activities. Based on implementation of the recommendations, improvements in access to care, continuity of care, risk screening, early detection and appropriate delivery of interventions, and changes in health behaviours of women of childbearing age are expected to occur.

b. The recommendations to set up this clinic will enhance

- 1) individual responsibility across the lifespan,
- 2) consumer awareness,
- 3) preventive visits
- 4) interventions for identified risks and referral system,
- 5) interconception care,
- 6) pre-pregnancy checkup,
- 7) physical and mental health promotion and disease prevention especially for
- 1) women with high risks,
- 8) public health programs, policies recommendations and
- 2) strategies,
- 9) research, and
- 10) monitoring improvements.

c. The setting up of this clinic will help achieve improved pregnancy outcomes in

which 1) women of childbearing age and their partners have high reproductive awareness (i.e., understand risk factors related to childbearing); 2) women and partners have a reproductive life plan (e.g., whether or when they want to have children and how they will maintain their reproductive health); 3) pregnancies are intended and planned; 4) women of childbearing age are screened before pregnancy for risks related to the outcomes of pregnancy; and 5) women with a previous adverse pregnancy outcome (e.g., infant death, very low birth weight or preterm birth, mental health illnesses) have access to interconception care aimed at reducing their risks.

Improving preconception health will require changes in the knowledge and attitudes and behaviours of persons, families, communities, and institutions (e.g., government and health-care settings). The purpose of preconception care is to improve the health of each woman before any pregnancy and thereby affect the future health of the woman, her child, and her family.

d. The frame work on how this clinic should be set up should incorporate both an ecological model and a lifespan perspective on health and recognize the unique contributions and challenges encountered by women, their families, communities, and institutions. Improving the health of women can increase the quality of health for families and the community. By increasing support for provision of preconception care, policy makers have the opportunity to promote broad-based programs and services aimed at improving the health of women, children, and families.

5. Working Mothers and Breastfeeding

Justification/s

a. Breastfeeding yields important immediate and long-term health benefits for infants and their mothers, including positive impacts on children's cognitive development and their health as adults. Breastfeeding is associated with higher employee productivity, good mental health, and lower absenteeism for breastfeeding mothers and has additional benefits for society. The American Academy of Pediatrics recommends exclusive breastfeeding through 6 months postpartum and continued breastfeeding until the infant is aged at least 12 months. Among other organizations, the World Health Organization, the US Surgeon General's Office and the American Academy of Family Physicians recommend comparable or longer durations of breastfeeding.

b. In 2003, the World Health Organization and UNICEF recommended “enacting imaginative legislation protecting the breastfeeding rights of working women and establishing means for its enforcement” by all governments. Employment of mothers outside the home, especially full-time employment, has a negative influence on duration of breastfeeding. Workplace barriers contribute to low rates of breastfeeding. Research shows that supportive state laws correlate with higher rates, yet despite the laws and heavy media on this regard there might be only few organisations who have adopted any strategies to encourage breastfeeding or expression of breast milk in the workplace. Therefore, improving the ability of mothers to breastfeed or to express and store milk in the workplace would likely contribute to higher breastfeeding rates.

c. Evidence suggests employers may reap net economic benefits by enabling women to combine work with breastfeeding, as in addition to improving retention of experienced employees, breastfeeding leads to lower health care spending, decreased absenteeism, increased productivity, improved morale, mother-baby attachment/bonding, and positive company image.

Recommendation/s

a. Public health professionals should explore ways to improve legal support for all working mothers wishing to breastfeed. All stakeholders should identify the laws that are most effective and assist policymakers in translating them into policy.

b. Ensure that employment conditions (supportive work environments, privacy and adequate time to express breastmilk are important) are established in order to encourage women to initiate and continue breastfeeding during the first few months even when the woman returns to work. Thus women may be more likely to extend breastfeeding duration as recommended through at least the first year.

c. Attempt to encourage breastfeeding in the workplace sort into 3 types: employers' voluntary initiatives, support services offered by nonprofit and other private entities, and government encouragement and requirements.

d. The workplace poses serious impediments to continued breastfeeding by mothers who return to work postpartum. The state should ensure the workplaces are supportive to breastfeeding working mothers, through legislation. Options to maximize the benefit of this legislation include informing eligible mothers and employers about it and advocating

for resources needed to implement and enforce it. The issue of discrimination against mothers who wish to breastfeed in the workplace requires a different legal approach. The broad body of discrimination law indicates that breastfeeding antidiscrimination laws may offer the greatest deterrent to overt employer retaliation when intent to discriminate can be most easily proven in court. Such laws may have less impact on subtle forms of discrimination or systemic barriers if intent cannot be proven.

6. Providing and Coordinating the Perinatal Mental Health Services

Justification/s

- a. Perinatal mental illness can affect at least 10% of women (NSPCC Report), if untreated can have a devastating impact on them, their relationship, their baby/babies and their families.
- b. When mothers suffer from these illnesses it increases the likelihood that children will experience behaviour, social, psychological, or learning difficulties and fail to fulfil their potential.
- c. The needs of women and her family need to be central and care should be provided through a person-centred approach.

Recommendation/s

- a. Improving and Coordinating the Perinatal Mental Health Services by: taking immediate action to plug the gaps in services to ensure that women with perinatal mental health illnesses get the timely expert support they need. As a society we need a step-up change towards better prevention of perinatal mental health illnesses, and early intervention when they occur so that we can prevent the onset of illness in women who are known to be at risk, and act quickly and appropriately when illness does occur. This is paramount in preventing serious and devastating effects on a) The mother; b) The children; c) Mother-infant interactions; d) and relationship.
- b. Midwives together with other health care professionals should have a more hands-on approach in improving perinatal mental health and their role should include:
 - 1. Raising awareness
 - 2. Tackling stigma
 - 3. Strengthening emotional wellbeing
 - 4. Building trust
 - 5. Identifying risk and current wellbeing
 - 6. Securing appropriate care
 - 7. Supporting family members
- c. In order to improve and coordinate the perinatal mental health services it is necessary that:
 - I. All those involved in the care of pregnant women should have additional training in the normal emotional changes associated with pregnancy and the postpartum period, the maternity context, psychological distress, perinatal disorders, and early parent-child relationship issues
 - II. There should be specialist mental health midwives to tackle the needs of women with perinatal mental illnesses.
 - III. Expectant parents and those with young children should be a priority for psychological Services
 - IV. Every new mother who needs inpatient psychiatric care must be able to access a Mother and Baby Unit at Mater Dei Hospital to avoid separation of mother and infant.

V. Perinatal mental health services need to be extended to women in prison who are pregnant or go through childbirth during their prison sentence or time under arrest. This is a critical time during which these women need bio-psychosocial support.

d. A proper, efficient, effective and sustainable perinatal mental health services is needed: all women with a child under one year who need psychiatric admission should be offered a place in a specialist mother and baby unit (NICE Guidelines). The implementation of such a service need to be done after a strategic mapping where this service is being provided need to be done. This is because there is enormous strain for a family where a new mother is being treated far from home. This is also important for the attachment between mother and baby to prevent long term life problems.

e. The organisation of care need to be from preconception, pregnancy till the postnatal period so that the disorder/illness will be detected efficiently, there will be an effective referral system, and care given through a provision of care in the most appropriate setting.

7. Creating Sustainable Pensions for Men and Women

Justifications

- Addressing Pensions Reform requires a multifaceted approach with the engagement of a wide range of stakeholders to ensure the quality of life of the elderly and pensioners, both men and women
- People have to realise that having a dignified income when you grow older is not an automatic given that someone puts away for you, but is something you must strive to achieve and you must start to work on as soon as possible (*MSV Life CEO David G. Curmi NCW Conference on Pensions for Women 2014*)
- Women need to become more conscious of what would impact their income in old age and because of the nature of their role as wives and mothers, they had to become more positively selfish to ensure they don't have to rely on their children to live through old age. (*Senior Lecturer at the Faculty of Social Wellbeing and Director of the University of Malta Cottonera Resource Centre, Dr JosAnn Cutajar - NCW Conference Pensions for Women 2014*)
- To get a decent pension, you need a decent job in the first place. For this to happen, legislation needs to be in place to curb discrimination and secure accessibility and availability of good jobs for disabled people. (*Anca Guntă, EESC member of Group III, Vice President of the European Platform for Persons with Disability - Anca Guntă, EESC member of Group III, Vice President of the European Platform for Persons with Disability*)
- State Pensions are under pressure, individuals need to take personal financial responsibility to avoid anxiety in older life, and to live in dignity rather than just survive. Most people can't figure out how much money they would actually need to maintain their standard of living. (*MSV Life Chief Officer for Business Development Stuart Fairbairn*)

Recommendations

- NCW recognises that at all levels of Society, there is the need to be aware of the measures they need to take now to ensure that they can maintain at least their current quality of life as they get older, with dignity and peace of mind
- NCW recommends that the Research Study carried out by Senior Lecturer at the Faculty of Social Wellbeing and Director of the University of Malta Cottonera Resource Centre Dr JosAnn Cutajar should serve as a basis to address pensions Reform from a gender perspective
- There is the need to reach agreement on the design and implementation by government, social partners and relevant stakeholders on strong **Active Labour Market Policies** as an **effective key policy instrument** to address the Pension System's structural issues and **should not be underestimated**
- Establishing a Guarantee Fund by Government that will serve as a top-up for men and women of pensionable age capped in line with the minimum wage to ensure a decent pension system, similar to the one set up in Sweden about 15 years ago. This will address the low income earners now on pension
- Social partners to reach an agreement on a Pensions Fund for men and women, to which both employers and employees will contribute to ensure a decent pension capped in line with the minimum wage
- Another alternative would be a savings scheme for employees who, unless they opt out, would automatically have a small part of their salary saved. This would be a low-cost solution which would not cost local employers anything and is simple to implement
- The Department of Social Security can take up the newly launched initiative by Insurance Companies, who are offering an online interactive tool to enable people to work out what their State Pension will be in the future and how much they should start saving today in order to provide them with the same standard of living they currently have.
- The need to amend the Social Security Act with regards to persons who have a gap in work of five years due to following higher education, so that they will be allowed to fill those gaps according to the date of application (*currently under consideration*)

- NCW agrees that there is the need for *further reform* of the *Invalidity Pension System* by the Department of Social Security and also that a similar scheme be extended to the Disability Pension (while ensuring the necessary support: re-skilling, psychological etc)
- Legislation needs to be in place to curb discrimination and secure accessibility and availability of good jobs for disabled people, both men and women
- **Strengthening Community Care Support:** Study the possibility of a pension system to offset the economic impact related to ageing through the introduction of **contributions to persons who take care of elderly or long term sick persons**, especially those who opt out of the labour market to carry out these duties
- Increase in pensionable age for **entitlement to a non-contributory Old Age Pension needs careful study** before implementation to ensure there is no risk of poverty in the proposed changes.
- The introduction of **incrementally entitlement to full pension in the case of the surviving female spouse** who would have contributed to the said pension through her role **as a home carer** throughout her life
- NCW recommends that the **widow's pension should not be forfeited** if the said widow has dependent children over 21, is in employment and earns an income from a gainful activity that exceeds the yearly average minimum wage
- The need to **adopt appropriate legislation with regards to divorced or cohabiting partners** to safeguard their interests and protect their pension rights
- NCW believes that indepth expertise study should be carried out, together with proper training for public officers, in particular and financial literacy training for the **public prior to the introduction of the Mandatory Second Pension Scheme**
- NCW supports the view that given the state of the economy, in particular in the eurozone, the introduction of instruments for a **Voluntary Third Pension Scheme is to be set up prior to the introduction of the Mandatory Second Pension Scheme**. However, this instrument can be made use of only by individuals who can afford to do and not by low-income earners
- NCW believes that there should be provision of the necessary measures for **persons to be able to migrate into the Mandatory second pension scheme without having to pay an additional saving**

8. Cooperation in Preventing and Deterring Undeclared Work

Justification/s

- Undeclared work undermines the legality, security, solidarity, social and tax justice, free market competition and the rights of workers at national and EU level
- At National level, there is the need for a strategy that tackles undeclared work, using appropriate measures to prevent, control and combat it, through the joint cooperation of government, social partners and civil society organisations
- Undeclared or falsely declared work involves a very diverse range of people: employees not covered by social security, or without a contract or paid partly in cash; family helpers; workers who do not declare their second job; self-employed workers who choose not to follow the rules; the bogus self-employed; irregular immigrants involved in undeclared work, and workers from third countries who subcontract to Member States without minimum standards for decent work, making undeclared work difficult to tackle and calls for targeted strategies
- In line with the EESC, NCW agrees with the proposal to establish a European platform to enhance Member States cooperation in combating undeclared work through a coordinated strategy at European level to create jobs and smart, sustainable and socially inclusive growth and improve cooperation on combating undeclared work and falsely declared self-employment or bogus self-employed while abiding by national laws and practice. (*Proposal for a Decision of the European Parliament and of the Council on establishing a European platform to enhance cooperation in the prevention and deterrence of undeclared work*)

Recommendations

- ✓ NCW supports the mandatory involvement of all Member States and believes that through joint and coordinated participation of all the EU countries, it will be possible to address cross-border matters and issues connected with the presence of undocumented undeclared workers from third countries to prevent, deter and combat, the negative consequences it entails: i) for workers' rights and safeguards; ii) for normal free market competition; and iii) for the free movement of workers in the EU; in line with the priorities and guidelines set out in the Europe 2020 strategy;
- ✓ promote and encourage the sharing of instruments, policies and best practice, addressing both economic factors and the cultural and social context.
- ✓ the appointment of a national single contact point, to ensure Member States' mandatory involvement of the social partners and civil society organisations that – having built up specific knowledge of undeclared work – can deliver added value to the strategy to tackle this issue
- ✓ Measures designed to prevent and deter undeclared work should combine a variety of tools, including controls and sanctions with smart regulatory measures, with a view to securing a stable and predictable legal framework,
- ✓ reducing the cost of implementing rules, avoiding excessive taxation on labour, using efficient methods so as to encourage employers to declare work and comply with the law, including through tax incentives and simplified systems for the payment of tax and social security obligations
- ✓ introducing tax incentives to coax undeclared work into the open.
- ✓ raising public awareness, to step up the capacity for civil society involvement,

At EU level within the platform it is important to make use of the role that could be played by:

- ✓ Eurostat, by carrying out assessments to ascertain the scale of, and trends in, the shadow economy and undeclared work in the EU;
- ✓ Eurofound, by setting up an interactive database of best practices in tackling undeclared work at EU level; and
- ✓ The OECD, in providing technical support for understanding the phenomenon;
- ✓ maintains that it would be worth equipping the European platform with a monitoring and evaluation mechanism using a system of ad hoc indicators and independent assessors

Source: EESC Opinion SOC 511 Cooperation in Preventing and Deterring Undeclared Work

9. Protection of Refugee Children

Comment [WU3]:

Justification/s

- a. Protection of 'Children Still Unborn' - while on their way to 'seek refuge'. Such children require to be registered on arrival in country of asylum but have been refused registration if biological father was not with wife at the time, for some reason.
- b. Protection of 'Unaccompanied Minors'. Such minors may have lost parents or relatives at sea or in the desert and found themselves alone with no one to care for them on arrival in host country. Such children cannot be left "in legal uncertainty" or in a state of "statelessness".
- c. Children 'In Search of Their Parents'. - Children who arrive 'unaccompanied' as 'b' above when fleeing from their homeland, are undergoing great pain and suffering and are anxiously yearning to trace their parents. Likewise, parents are desperate to find their lost children.

Recommendations

- a. Children need to have their birth registered in the host country to give them 'a civic identity'. Future of baby is prejudiced and it becomes uncertain. The State needs to be sensitive to such situations and be more flexible in its interpretation of the law.
- b. Such children also require 'legal recognition' by the host country. "The best interest of the Child" should take precedence over all other 'national and international law'.
- c. No efforts should be spared by the host country to help children trace their lost parents and unite families together!

10. Developing Services to the Family

Justification

- Developing and professionalising domestic work is of strategic importance to achieving equality at work, because it is mainly women who carry out such work and who need childcare services, care for the elderly and home-cleaning in order to reach an equal footing with men in their career.
- These services benefit not only individuals, but also society as a whole. They create new jobs, meet the needs of an ageing society and help people reconcile their private and professional lives. They improve quality of life and social inclusion and make it easier for the elderly to remain in their own homes.

With regard to services to the family, however, three main areas need to be distinguished:

- ✓ home-cleaning,
- ✓ childcare and care for the ill,
- ✓ those with severe disability and the elderly.

It is important to distinguish between these areas because the skills and qualifications needed, though often linked, differ to some extent, and also because institutional and organisational structures for these types of services vary from country to country, as do in consequence the situation, status and perception of the people who deliver them.

It must be remembered that a large share of assistance to families is currently provided by undeclared workers, which harms not only the workers themselves, but also families and the State

In order to develop services to the family, efforts must be made to upgrade them and to lift the weight of tradition, as it means that these tasks, which are still carried out by women for free in the home, are still considered to be relatively unskilled.

Bringing this work out of the shadows, giving these jobs professional status and making them into real careers, with employment contracts, training, social protection, career progression and rights equivalent to those of other employees, are prerequisites for their development

Recommendations

Areas to be addressed:

1. **Developing services in private homes in order to achieve a better work-life balance**
2. **Barriers to their development:** (Undervalued work; work that is poorly paid, precarious and poorly protected)
3. **Creating decent jobs and high-quality services:** (taking action on cost; doing away with undeclared work and providing different sources of financing)
4. **Reforms in the domestic work sector:**(taking action to provide professional status)

Recommendations

to the European Union, to:

- promote the exchange of best practice and disseminate statistics
- produce a set of recommendations for the social partners based on a gender-neutral comparison of jobs
- institute a prize for business innovation in services to the family
- promote social innovation in developing services to the family, regardless of the form these services take.
- **to the Member States, to**
- ratify ILO Convention 189

- legalise undeclared work by means of fiscal aid measures and simple declaration schemes to make family work a job like any other combat stereotypes to ensure that care work and household tasks are seen as activities for both men and women
- establish a general framework to encourage the emergence and development of a professionalised sector for services to the family, in accordance with the specific features and cultural practices of each Member State
- eliminate the legal barriers that are currently significantly reducing the declared, direct employment of employees by families.

to the social partners, to:

- recognise diplomas and certificates of qualifications, including accreditation of skills gained through experience during employment in private family homes
- negotiate collective agreements and job classification tables that take account of all skills, including those relating to psychology and relationships.

to business, to:

- set up companies and cooperatives to provide services to families and the status of employee to workers.

to unions, employers' organisations and works councils, to:

- promote the image of services to the family and upgrade jobs in this field
- promote training for those involved and certification of the skills acquired
- work towards setting up structures to bring services to the family together and organise them, while respecting traditions and differences between countries
- organise domestic worker and employer representation
- call, as one of the measures to promote professional equality, for services which create jobs and negotiate a financial contribution from businesses in order to promote a better work-life balance for all.

Source: EESC Opinion SOC 508 Developing Services to the Family

11. Strategy for the Prevention and Reduction of Food Waste

Justification/s

In the EU Commission Roadmap to a resource efficient Europe, several steps have been taken amongst which are measures to assess how best to limit waste throughout the food supply chain, (2013) developing a methodology for sustainability criteria (2014) among others

The EESC is taking a range of initiatives from further research, to campaigns, to exhibitions and to an own initiative opinions on food waste, submitted to the EU Commission (*NAT/570 Prevention and reduction of food waste*)

The Maltese Government is currently launching a Strategy on Sustainable Development with particular reference to Waste Management and Prevention of Food Waste.

Areas to be addressed:

A recent study on *The Environmental Impact of Food Waste and the Effects of Awareness Campaigns*, which included data and statistics from a global perspective, highlighted aspects such as the food wastage footprint, the carbon footprint, the water footprint and land use. The research highlighted the role of consumers and the need for more responsible consumption patterns. The study can serve as a basis for action to be taken

The Role of Agriculture in Malta and Waste Reduction is also being assessed. Developments of agriculture in Malta, its impact on the environment, health, food security, medicine, recreation, knowledge and traditions as well as aspects of waste to resource and how Malta is developing agri waste to agri riches, as part of our tradition also need to be assessed

The Role of Food Industrialised and Food Services for a Sustainable Strategy needs to involve all citizens as well as Government, social partners, producers and retailers to enable citizens to satisfy their basic needs and enjoy a better quality of life without compromising the life of future generations. Corporate Social Responsibility is essential to business contribution to sustainable development, which involves social, economic and environmental issues. Malta faces a number of challenges and there is urgent need for a National Sustainable Development Strategy.

The Challenges in Managing Food Waste and the importance of the process of recycling and reusing waste, including biogas plant works, home composting and how households can make better use of compost with more modern facilities need to be developed.

Education for All Ages: effective communication. There is the need to communicate, to organise and build a popular movement to put pressure on governments and businesses to change their ways “We have to transform our relationship with food, as a first step towards transforming political, economic and social policies. The personal and political are two sides of the same coin” (*Dana Gunders, staff scientist with Natural Resource Defense Fund.*)

Recommendations

At EU level

Given the urgency in dealing with the Issue of Food Waste, the Conference recommends

- **That the EESC Group Three Various Interests Group present to the European Commission a proposal to designate a European Year to the Prevention and Reduction of Food Waste**
- The EU Commission to draw up an informed and transparent framework to meet the increasing global demands without compromising sustainability
- That the EU Commission works in partnership with social partners and stakeholders for Sustainable European Food Consumption and Production

- The need for a definition and a Common EU methodology to quantify food losses and food waste
- Increase political will by setting agendas and goals
- Address the falling resources of food banks and the increasing demand for services.

At Member State level

- The inclusion of training on this topic in the curriculum and ongoing training for food service professionals as well as in establishments for packaging designers
- More effective communication with consumers on accurate data of the causes of waste
- The sharing of initiatives of best practices that have already been taken in various member States aimed at recovering locally unsold discarded products in order to distribute them to groups of citizens below the minimum income threshold
- Processors and retailers to develop guidelines to address avoidable food waste and to implement greater resource efficiency in their section of the food chain
- The need to communicate, to organise and build a popular movement to put pressure on governments and businesses to change their ways
- That retailers engage with food distribution programmes for citizens who lack purchasing power and to implement measures allowing products nearing expiry date to be discounted
- The need for more and clear information on Managing Food Stores and Planning with regards to Food Shelf Life which is often not understood
- Addressing habits of excess food buying
- The need of encouraging Member States to address food waste in their National Waste Prevention Programmes. This can only be effectively done through the combined efforts of different stakeholders, farmers, the food industry, retailers, consumers and government with set targets and deadlines
- Targets that have to be reached at National and EU level:
 - Phasing out landfilling by 2025 for recyclable (including plastics, paper, metals, glass and bio-waste) waste in non hazardous waste landfills – corresponding to a maximum landfilling rate of 25% - European Commission.
 - Measures aimed at reducing food waste generation by 30 % by 2025- EU Commission Review of EU Waste Framework Directive 2008/98/EC, the Landfill Directive 1999/31/EU

12. Restructuring of the Malta Council for Economic and Social Development (MCESD)

Justification/s

The draft proposal submitted for consultation is moving in the right direction, giving both visibility and better structured participation. However, there are some important aspects that need to be developed further

Recommendations

- The MCESD should seek to work on topics/areas that are of national importance to Malta whether they are coming from National requests or from EU requests. The MCESD needs to seek to be proactive at both levels: National and European and in some cases at global level also. At all levels, the MCESD should promote participative democracy together with the public at large
- The five representatives of the European Economic and Social Committee (EESC) should form an integral part of the MCESD Structure and be appointed *ex officio* on the MCESD Board as advisors
- A Communications Group needs to be appointed to give greater visibility to MCESD and to disseminate the work done by MCESD
- Funds need to be allocated for the MCESD to keep closer collaboration with the European Economic and Social Committee (EESC) and participate in EESC events that are crucial for Malta
- The MCESD should ideally be structured on the lines of the EESC with the setting up of six Sections: SOC, INT, TEN, ECO, REX, NAT

INT Section for the Single Market, Production and Consumption

TEN Section Transport, Energy, Infrastructure and the Information Society

SOC Section for Employment, Social Affairs and Citizenship

NAT Section for Agriculture Rural Development and the Environment

ECO Section for Economic and Monetary Union and Economic and Social

Cohesion

REX Section for External Relations

(which represent the six sections in the EU Parliament and the EU Commission in a general manner) under which the following recommendations would fall)

- The Chairperson is to be elected on a rotation basis from the three groups for a specific period of 2 or 3 years
- There is the need for an inbuilt mechanism to be created so that the Chairperson (coming from whichever group) that ensures there is a spirit *of consensus* amongst the three Groups both in discussions and in decisions to be taken and that his/her position as Chairperson reflect the opinion of at least the majority in the MCESD.
- All representatives from the three groups or representatives from their organisations: employers, unions and civil society should be invited by the MCESD Chairperson through the Secretariat to be a member of the working group on each subject brought up for consultation inviting individuals to sit on the committee developing the topic in question.

- The Chairperson and board members are to decide on the number of individuals to be members of the working group, (now developed into a study group) (3 three from each group: Employers, Trade Unions and Civil Society) in particular if there are more nominations then requested to ensure a balanced representation
- The Chairperson and the Board Members in consultation with the three groups, may take a decision to increase the number to 4 from each group, if there is a request, reached by consensus, especially if the topic requires a wider consultation
- The Chairperson will send out a list of topics for discussion (for the next three months) to all members of the MCESD. Representatives from each of the 3 groups of Employers, Trade Unions and Civil Society will be able to send in their nomination to the Chairperson to be on the working group, stating which of the positions they wish to hold in the working group ie. as (a. President, b. rapporteur or c. member of the study group. In particular cases there may be the need to appoint a co-rapporteur for better reaching convergence on sensitive topics, by the three groups appointed on the working group, which decision will be taken by the Chairperson and the Board after consultation with the representatives of the three Groups
- Representatives of the 3 three groups: Employers, Trade Unions and Civil Society may also make a proposal to the Chairperson and the Board on a topic which is deemed important and there is the need to address it to be considered
- “Rizorsi u Servizz ta’ Konsulenza” Indeed if the Council is to be autonomous, it should have experts recruited for each topic by either the rapporteur /and co-rapporteur (as in EESC)
- Consultants that monitor economic, social and environmental developments should preferably be recruited by consensus from the three groups, and not by government or the chairman deciding who to engage. Their contracts would be renewable from year to year and there should be no permanency in their relationship with MCESD.
- Staff employed in MCESD should do the spade work on research on specific topics, whilst the consultants would formulate reports and recommendations.
- Slide 7 states that the Council should decide on “an agenda for a whole year”. This should be developed into a plan of action allowing for issues of National and EU importance, such as eg. The priority areas of the six monthly Council Presidency .
- The Bureau, in consultation with the representatives of the three groups could decide on desirable objectives that should be achieved in the next six months or 12 months in formulating a plan of action, allowing for other topics that will need to be discussed during the year

13. Promoting Social Economy and the role of Social Enterprise as drivers of competitiveness, growth and social well-being

Justification

Six years since the beginning of the financial crisis, the EU Commission has been calling for an alternative model that is competitive and that is based on social responsibility in response to the crisis.

Social Economy includes foundations, cooperatives, NGOs, SMEs where the measure of success includes also social cohesion. Initiatives to develop social economy are well underway at EU Commission and EU Parliament level with the support of a number of member states

'Social Europe' can be translated into business opportunities and much-needed job creation. In the current financial crisis situation where the number of people without a job or access to economic resources is steadily increasing, there is the need for a search for genuine alternatives. The social and market relations in which workers and small producers operate offer alternative forms of production through a more inclusive economic system. (Luca Jahier EESC President Group III Various Interests Group). It is a model for the way forward on the same level playing field with traditional business models

The term 'social and solidarity economy' refers to a broad range of organisations that are distinguished from conventional for-profit enterprise and informal economy by four features:

- They put social and often environmental objectives before profit
- They involve cooperatives and associations relations and forms of democratic management
- They uphold the values of solidarity, sharing and caring are inclusive and are rooted in the community

The wide range and diversity of the NGO Sector reflects the importance the Maltese Society gives to voluntary work. NCW believes that due to socio-economic developments in Malta and in Europe, not least the problems that need to be addressed as a result of the financial crisis, there is an urgent need to take the necessary steps to ensure NGOs, Foundations, cooperatives, micro enterprises are sustainable and that a legal framework is put in place to create the necessary opportunities and measures to ensure the sustainability of their social and economic potential.

Recommendations

A national legal framework for Social Enterprise in Malta (currently underway)

Further to APS Bank studies and recommendations on the development of social Enterprises,

NCW recommends

- Evaluation of the situation in Malta on the situation of NGOs, foundations, cooperatives, SMEs and their prospective development to engage in social enterprise
- Identifying the role of the Commission and the Council for the Voluntary Sector in working with stakeholders for the development of sustainable social enterprise
- Sharing practices of existing examples of social enterprise in Malta
- Social enterprises to share a level playing field with traditional economic operators in access to funding and public procurement.
- Measures to be taken to overcome legal, administrative, financial and political obstacles despite the richness and the innovative leadership which exists at all levels of the sector, with the aim of creating a more inclusive society and address the risk of

unemployment, in particular of vulnerable groups, including women, youth and disabled people

- Promote knowledge on social and solidarity economy, starting with the National Education curriculum
- That Malta increases its participation in EU projects which are mapping social enterprises, through an EU-wide comparison of approaches to public financing that are particularly suitable for social enterprises

B. Towards a Foundation Statute in line with a European Foundation Statute and access to public procurement

NCW recommends that

Malta should take the necessary measures to introduce a Foundation Statute on the lines of a European Foundation Statute. This is crucial to defend the role of social enterprises in providing services of general interest.

- A legal framework that facilitates participation in public procurements of economic operators whose principal objective is social solidarity, environmental protection and inclusion
- Integration of disabled or disadvantaged workers, providing a minimum threshold for disabled or disadvantaged workers
- NCW is closely following developments for the adoption of a European Foundation Statute, the adoption of a Statute for a European Association and a review of the value, as a result of which social enterprises would be able to operate in different EU Member States without any extra administrative burden.
- Finally, NCW urges that a mobilisation of the European Social Fund post 2015 should include "investment priority" for social enterprises and better access to other funds such as capital for start-ups and growth, notably for young social entrepreneurs.