

Malta - Sexual Harassment

Chapter 456

- (1) Without prejudice to the provisions of article 29 of the Employment and Industrial Relations Act, it shall be unlawful for any person to sexually harass other persons, that is to say: (a) to subject other persons to an act of physical intimacy; or (b) to request sexual favours from other persons; or (c) to subject other persons to any act or conduct with sexual connotations, including spoken words, gestures or the production, display or circulation of any written words, pictures or other material, where the act, words or conduct is unwelcome to the persons to whom they are directed and could reasonably be regarded as offensive, humiliating or intimidating to the persons to whom they are directed; or (d) the persons so subjected or requested are treated less favourably by reason of such persons' rejection of or submission to such subjection or request, it could reasonably be anticipated that such persons would be so treated.
- (2) (a) Persons responsible for any work place, educational establishment or entity providing vocational training or guidance or for any establishment at which goods, services or accommodation facilities are offered to the public, shall not permit other persons who have a right to be present in, or to avail themselves of any facility, goods or service provided at that place, to suffer sexual harassment at that place. (b) It shall be a defence for persons responsible as aforesaid to prove that they took such steps as are reasonably practicable to prevent such sexual harassment.
- (3) Persons who sexually harass other persons shall be guilty of an offence against this article and shall, without prejudice to any greater liability under any other law, be liable on conviction to a fine (multa) of not more than two thousand and three hundred and twenty-nine euro and thirty-seven cents (2,329.37) or to imprisonment of not more than six months or to both such fine and imprisonment.

Chapter 452, Article 29.

- (1) It shall not be lawful for an employer or an employee to harass another employee or to harass the employer by subjecting such person to any unwelcome act, request or conduct, including spoken words, gestures or the production, display or circulation of written words, pictures or other material, which in respect of that person is based on sexual discrimination

and which could reasonably be regarded as offensive, humiliating or intimidating to such person.

- (2) It shall not be lawful for an employer or an employee to sexually harass another employee or the employer (hereinafter in this article referred to as "the victim") by: (a) subjecting the victim to an act of physical intimacy; or (b) requesting sexual favours from the victim; or (c) subjecting the victim to any act or conduct with sexual connotations, including spoken words, gestures or the production, display or circulation of written words, pictures or other material where - (i) the act, request or conduct is unwelcome to the victim and could reasonably be regarded as offensive, humiliating or intimidating to the victim; (ii) the victim is treated differently, or it could reasonably be anticipated that the victim could be so treated, by reason of the victim's rejection of or submission to the act, request or conduct.

Chapter 9251A

- (1) A person who pursues a course of conduct: (a) which amounts to harassment of another person, and (b) which he knows or ought to know amounts to harassment of such other person, shall be guilty of an offence under this article.

Legal provisions on protection orders

Criminal Code, Article 412C

Legal Source

Chapter 456 of the Laws of Malta - Equality for Men and Women Act Article 9 sub-section 1 Chapter 452 – Employment and Industrial Relations Act – Article 29 (relation between the employer and employee re harassment) Chapter 9 of the Laws of Malta: Criminal Code Subtitle IX: Of Threats, Private Violence and Harassment Section 249-251 d