



DECENT WORK CHECK

MALTA 2023

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WageIndicator Foundation - www.wageindicator.org

WageIndicator started in 2001 to contribute to a more transparent labour market for workers and employers by publishing easily accessible information on a website. It collects, compares and shares labour market information through online and face-to-face surveys and desk research. It publishes the collected information on national websites, thereby serving as an online library for wage information, labour law, and career advice, both for workers/employees and employers. The WageIndicator websites and related communication activities reach out to millions of people on a monthly basis. The WageIndicator concept is owned by the independent, non-profit WageIndicator Foundation, established in 2003. The Foundation has offices in Amsterdam (HQ), Ahmedabad, Bratislava, Buenos Aires, Cape Town, Islamabad and Venice.

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INTRODUCTION

Decent Work is the type of work for which all of us aspire. It is done under conditions where people are gainfully employed (and there exist adequate income and employment opportunities); social protection system (labour protection and social security) is fully developed and accessible to all; social dialogue and tripartism are promoted and encouraged; and rights at work, as specified in ILO Declaration on Fundamental Principles and Rights at Work and Core ILO Conventions, are practised, promoted and respected.

WageIndicator Foundation has been working, since late 2007, to raise awareness on workplace rights through a unique tool, i.e., **Decent Work Check**. The Decent Work Check considers different work aspects deemed necessary in attaining “decent work”. The work makes the abstract Conventions and legal texts tangible and measurable in practice.

The Decent Work Check employs a double comparison system. It first compares national laws with international labour standards and scores the national regulations (happy or sad face). If national regulations in a country are not consistent with ILO conventions, it receives a sad face and its score decreases (and vice versa). It then allows workers to compare their on-ground situation with national regulations. Finally, workers can compare their personal score with national score and see whether their working conditions are consistent with national and international labour standards. The Check is based on de jure labour provisions, as found in the labour legislation.

A Decent Work Check is beneficial both for employees and employers. It gives them knowledge, which is the first step towards any improvement. It informs employees of their rights at the workplace while simultaneously enlightening employers about their obligations. Decent Work Check is also helpful for researchers, labour rights organisations conducting surveys on the situation of rights at work and the general public wanting to know more about the world of work. For example, WageIndicator teams worldwide have found out that workers, small employers and even labour inspectors are not, sometimes, fully aware of the labour law. When you are informed – being a worker, self-employed, employee, employer, policymaker, labour inspector – there is a greater possibility that you ask for your rights (as a worker), you comply with rules (as an employer), and you strive to enforce these (as a labour inspector).

The work is relevant to the challenges posed to the future of work, especially the effective enforcement of legislation in financially constrained states, a rise in precarious employment and analysing the impact of regulatory regimes.

In 2023, the team aims to include at least 12 more countries, thus taking the number of countries with a Decent Work Check to 125!

MAJOR LEGISLATION ON EMPLOYMENT AND LABOUR

1. The Employment and Industrial Relations Act
2. National Minimum Wage National Standard Order (S.L.452.71)
3. Overtime Regulations (S.L.452.110)
4. Organisation of Working Time Regulations (S.L.452.87)
5. National Holidays and other Public Holidays Act (CAP. 252)
6. The Weekly Day of Rest and Annual Vacation Leave National Standard Order (S.L.452.64)
7. Organisation of Working Time Regulations (S.L.452.87)
8. Information to Employees Regulations (S.L.452.83)
9. Contracts of Service for a Fixed Term Regulations (S.L.452.81)
10. Minimum Special Leave Entitlement Regulations (S.L.452.101)
11. Parental Leave Entitlement Regulations (S.L.452.78)
12. Protection of Maternity (Employment) Regulations (S.L.452.91) as amended by Legal Notice 415 of 2014
13. Protection of Maternity at Work Places Regulations (S.L. 424.11) as amended by Legal Notice 195 of 2015
14. Social Security Act (CAP. 318) as amended by ACT XIII of 2015 and Legal Notice 123 of 2015
15. Occupational Health & Safety Authority Act (CAP. 424)
16. General Provisions for Health and Safety at Work Places Regulations (S.L.424.18)
17. Minimum Requirements for the Use of Personal Protective Equipment at Work Regulations (S.L.424.21)
18. Professional Offices Wages Council Wage Regulation Order (S.L.452.39)
19. Constitution of Malta 1964, last amended in 2015
20. Equal Treatment in Employment Regulations
21. Employment and Industrial Relations Act (CAP. 452)
22. Young Persons (Employment) Regulations (S.L.452.92)
23. Protection of Young Persons at Work Places (Amendment) Regulations, 2015 (L.N. 196 of 2015)
24. Criminal Code (CAP. 9)

The text in this document was last updated in December 2023. For the most recent and updated text on Employment & Labour Legislation in Malta, please refer to: <https://mywage.org/malta>

01/13 WORK & WAGES

ILO Conventions

Minimum wage: Convention 131 (1970)

Regular pay & wage protection: Conventions 95 (1949) and 117(1962)

Malta has ratified the Conventions 95, 117 and 131.

Summary of Provisions under ILO Conventions

The minimum wage must cover the living expenses of the employee and his/her family members. Moreover, it must relate reasonably to the general level of wages earned and the living standard of other social groups. Wages must be paid regularly on a daily, weekly, fortnightly or monthly basis.

Regulations on work and wages:

- The Employment and Industrial Relations Act
- National Minimum Wage National Standard Order (S.L.452.71)

Minimum Wage

Minimum wage is set by the Government in the National Minimum Wage National Standard Order. The minimum wage rate in Malta is set on the recommendation of Employment Relations Board which has representation from all the social partners including independent experts. Wages at the sectoral level may also be set by the government in accordance with the recommendations of the Board. Wages can also be determined through collective bargaining with the condition that these should not be less than those stipulated by the government in the national standard order or sectoral wages council wage regulation order(s).

Minimum wage level is adjusted yearly based on the rate of inflation calculated by the Retail Price Index. A mandatory cost of living allowance is then added to all wage levels including minimum wages to offset any increase in the cost of living.

The National Minimum Wage National Standard Order is applicable to all employees except those covered by sectoral regulation orders in which case the sectoral regulation order applies. Specific Wage Regulation Orders are issued for the following sectors: Hotels and Clubs; Public Transport; Construction, Agriculture; Beverage; Clay and Glass Work Products; Food Manufacturing; Hire of cars and Private Buses ; Hospitals and Clinics; Jewellery and Watches; Papers, Plastic,

Chemicals and Petroleum; Private Security Services; Sextons and Custodians Professional Offices; Tobacco Manufacture; Woodworks and Private Cleaning Services; Textiles and Allied Industries; Leather Goods and Shoes Industries; Transport Equipment, Metal and Allied Industries; Agriculture and Allied Industries.

The national minimum wage rate for part-time workers is calculated on the pro-rata basis and by the same hourly rate as that of the full-time workers. The hourly rate is determined by dividing the above amount by forty.

The Minister for Labour appoints labour inspectors to carry out inspections and ensure compliance with all employment and labour legislation, including minimum wage rates set in national standard orders or sectoral regulation orders.

In the case of violation, i.e., failure to pay an employee the wage as stipulated in any national standard order or sectoral regulation orders results in a fine of between 232.94 euro and 2,329.37 euro and an order to pay the employee(s) their due amount.

Sources: §3 & 4 of the Employment and Industrial Relations Act; National Minimum Wage National Standard Order (S.L.452.71)

Regular Pay

A wage is defined as remuneration or earnings, payable by an employer to an employee and includes any bonus payable under article 23 of Employment and Industrial Relations Act (paid twice a year, once in June and once in December) other than any bonus or allowance related to performance or production.

The Act also requires that wages be paid in legal tender.

Employer is required to pay wages at regular intervals which should not exceed four weeks although a collective agreement may set a different wage payment interval. Deductions from wages are not allowed except in cases provided under the law.

The Legal Notice No.439 of 2018 requires an employer to provide employees with an itemised payslip on or before the due date of wages. The Notice also has minimum requirements for the payslips.

Sources: §2, 11-15, 22 & 23 of the Employment and Industrial Relations Act

02/13 COMPENSATION

ILO Conventions

Compensation overtime: Convention 01 (1919)

Night work: Convention 171 (1990)

Malta has ratified the Convention 01 only.

Summary of Provisions under ILO Conventions

Working overtime is to be avoided. Whenever it is unavoidable, extra compensation is at stake - minimally the basic hourly wage plus all additional benefits you are entitled to. In accordance with ILO Convention 1, overtime pay rate should not be less than one and a quarter time (125%) the regular rate.

Night work means all work which is performed during a period of not less than seven (07) consecutive hours, including the interval from midnight to 5 a.m. A night worker is a worker whose work requires performance of a substantial number of hours of night work which exceeds a specified limit (at least 3 hours). Convention 171 requires that night workers be compensated with reduced working time or higher pay or similar benefits. Similar provisions are found in the Night Work Recommendation No. 178 of 1990.

If a worker has to work on a national/religious holiday or a weekly rest day, he/she should be entitled to compensation. Not necessarily in the same week, provided that the right to a paid compensation is not.

If a worker has to work during the weekend, he/she should thereby acquire the right to a rest period of 24 uninterrupted hours instead. Not necessarily in the weekend, but at least in the course of the following week. Similarly, if a worker has to work on a public holiday, he/she must be given a compensatory holiday. A higher rate of pay for working on a public holiday or a weekly rest day does not take away the right to a holiday/ rest.

Regulations on compensation:

- Employment and Industrial Relations Act (CAP. 452)
- Overtime Regulations (S.L.452.110)
- Organisation of Working Time Regulations (S.L.452.87)

Overtime Compensation

The Minister may, after consultation with the Employment Relations Board, prescribe the maximum weekly working hours including overtime, minimum period of daily and weekly rest, annual leave and may make different provisions for different kinds of employees.

The average weekly working hours for each 7-day period including overtime cannot exceed an average of 48 hours over a reference period of 17 weeks except in the case of manufacturing and tourism sector workers including travel and catering establishments where the reference period is 52 weeks.

The daily work time limits are not clearly provided for the daytime workers in the law. The daily average working hours for night workers are 8-hours in a 24-hour period over a reference period as provided in a collective agreement or a 17-week employment period. The working time for young workers also does not exceed eight hours per day. The working time for young workers may not exceed 40 hours per week.

Overtime means time worked in excess of normal hours of work per week. However, since the law says that average weekly working hours including overtime cannot exceed 48 hours (provided that workers have a minimum 24 hours of weekly rest), it can be assumed that performance of

overtime work is allowed only for workers whose working hours are less than 48 hours per week and thus they can work up to 48 hours including overtime hours. Nonetheless if a worker has given written consent to work more than an average of 48 hours per week, the above 48-hour limit does not apply to that worker. Moreover, as provided under the Overtime Regulations, the normal working hours are 40 hours a week and eight hours above 40 hours a week are considered overtime hours.

An employee whose overtime rate is not covered by a Wages Council Wage Regulation Order is paid one and a half times (150% of) the normal rate for work carried out in excess of a forty-hour week, averaged over a four-week period or over the shift cycle at the discretion of the employer. An employer may not have to pay overtime rates if schemes to bank hours are introduced allowing extra hours over and above the normal weekly working hours due to the periods of higher activity and then reducing working hours in periods of lower activity. Law allows 376 hours to be banked over a year and paid at the normal rate of payment.

Sources: §6 of the Employment and Industrial Relations Act; Overtime Regulations (S.L.452.110) as amended by Legal Notice 81 of 2015; §6 & 7 of the Organisation of Working Time Regulations (S.L.452.87)

Night Work Compensation

Night work is the work performed between 20:00 to 06:00, when at least three working hours are performed during this interval of time or that worker works more than 50% of his annual working time or a lower proportion as specified in a collective agreement during night time.

The daily working time of a night worker may not exceed an average of eight hours in a 24-hour period. Night workers must enjoy a minimum of 24 consecutive hours of weekly rest. An employer has to ensure that a night worker whose work involves special hazards or heavy physical or mental strain may not work for more than eight hours in a 24-hour period. The night workers are entitled to a medical examination, prior to being assigned to medical work and afterwards at regular intervals. Employer is required to keep record of workers carrying out night work. If a medical practitioner has advised that a worker is suffering from health issues because of night work, an employer may transfer such a worker to day time work.

Neither hours of work are not reduced for night worker nor are they given a night work premium.

Sources: §9 & 10 of the Organisation of Working Time Regulations (S.L.452.87)

Compensatory Holidays / Rest Days

If a worker is required by his employer to work during a period which otherwise is rest period or rest break (daily or weekly rest), employer is obliged to ensure that the worker is allowed such compensatory rest that is reasonably considered equivalent to the rest period provided under the law (11-hour daily rest and minimum of 24-hour weekly rest). If, due to some objective reasons, it is not possible to grant such a period of rest, employer has to provide such protection as may be appropriate in order to safeguard the worker's health and safety.

Sources: §4, 6 & 14 of the Organisation of Working Time Regulations (S.L.452.87)

Weekend / Public Holiday Work Compensation

There is no provision of monetary compensation for working on a weekly rest day or a public holiday in the Act. The law rather requires that an arrangement with regard to the conditions of work (for those working on a weekly rest day) does not include granting of monetary compensation or any other material benefit to the worker other than the provision of such a benefit that can improve the physical conditions under which the worker works or the amenities or services available to the worker while working.

These provisions are found more in the Wages Council Wage Regulation Orders. For example, in the Construction Wages Council Wage Regulation Order, workers who are engaged to work on Saturday, they are paid 150% of their normal wage rate as wage for the day. If workers are engaged on Sunday, they are paid 200% of their normal wage rate as wages for the day. If workers are engaged on a holiday, they are paid 300% of the normal wage rate (double time/200% in addition to a normal hourly wage). On the other hand, under the Professional Offices Wages Council Wage Regulation Order, workers who are engaged on weekly rest day and a public holiday are entitled to 200% of their normal wage rate as wages for that day.

Sources: §14 of the Organisation of Working Time Regulations (S.L.452.87); Professional Offices Wages Council Wage Regulation Order (S.L.452.39); Construction Wages Council Wage Regulation Order (S.L.452.59)

03/13 ANNUAL LEAVE & HOLIDAYS

ILO Conventions

Convention 132 (1970) on Holidays with Pay Convention
Conventions 14 (1921), 47 (1935) and 106 (1957) for weekly rest days.
In addition, for several industries, different Conventions apply.

Malta has ratified the Conventions 14, 106 and 132 only.

Summary of Provisions under ILO Conventions

An employee is entitled to at least 21 consecutive days of paid annual leave. National and religious holidays are not included. Collective agreements must provide at least one day of annual leave on full remuneration for every 17 days on which the employee worked or was entitled to be paid.

A worker should be entitled to paid leave during national and officially recognized public holidays.

Workers should enjoy a rest period of at least twenty-four consecutive hours in every 7-day period, i.e., a week

Regulations on annual leave and holidays:

- National Holidays and other Public Holidays Act (CAP. 252)
- The Weekly Day of Rest and Annual Vacation Leave National Standard Order (S.L.452.64)
- Organisation of Working Time Regulations (S.L.452.87)

Paid Vacation / Annual Leave

Workers are entitled to paid annual leave of at least equivalent in hours of four weeks and four days on the basis of a 40-hour working week and 8-hour working day (24 days of annual leave). If an employee is in employment for less than 12 months in any calendar year, the worker is entitled to such annual leave in proportion to the period of employment. With effect from January 2019, the workers who are working 40 hours per week are entitled to 208 hours of paid annual leave, which is equivalent to 26 working days. If the average working time, calculated in the basis of a reference period of 17 weeks, is below or exceeds 40 hours per week, the annual leave entitlement in hours is adjusted accordingly.

With effect from January 2021, the days of annual leave have been reduced from 27 days to 24 days. Employees shall remain entitled to an additional day of annual leave in respect of public or national holidays falling on a Saturday, Sunday or any other weekly day of rest.

Annual leave is scheduled on days agreed upon between the worker and the employer. Law allows splitting of annual leave and a proportion of annual leave (not more than 50% of total annual leave entitlement) may, by mutual agreement, be

carried over once to the next calendar year. However, such vacation may be utilized first during the next year and may not be carried forward again.

A worker cannot receive any payment in lieu of four weeks of leave except in the case of termination of employment and any agreement to the contrary is null and void. There is no clear provision on pay during the term of annual leave except that the law mentions "paid annual leave". It appears that law requires that a worker be paid his/her full wages during the term of annual leave.

If a public holiday, falls on a weekly day of rest to which such employee is entitled, such employee is entitled to an additional day of vacation leave during the calendar year when such public holiday so falls on a weekly day of rest or on a Sunday in respect of each such public holiday.

Unless otherwise agreed in a collective agreement or a trade union agreement with the employer or employer association, the employer may use only 12 working days from the annual leave entitlement for the purposes of any kind of shutdown including a temporary closure (whether partial or full) by the enterprise for bridge holidays or any other such periods of shutdown.

Sources: §4 of the Weekly Day of Rest and Annual Vacation Leave National Standard Order (S.L.452.64); §8 of the Organisation of Working Time Regulations (S.L.452.87)

Pay on Public Holidays

In Malta, there are 14 national and public holidays of religious and memorial nature. The full-time employees are entitled to national holidays and all public holidays

with full pay.

The National Holidays are Jum il-Helsien (March 31); Sette Giugno (June 07); Jum il-Vittorja (September 08); Jum 1-Indipendenza (September 21); and Jum ir-Repubblika (December 13).

The Public holidays are New Year's Day (January 01); Feast of St. Paul's Shipwreck (February 10); Feast of St. Joseph (March 19); Good Friday; Workers' Day (May 01); Feast of St. Peter and St. Paul (June 29); Feast of the Assumption (August 15); Feast of the Immaculate Conception (December 08); and Christmas Day (December 25).

The above days and Sundays are public holidays in Malta and these days are enjoyed with full pay.

Sources: National Holidays and other Public Holidays Act (CAP. 252); §8(5) of the Organisation of Working Time Regulations (S.L.452.87)

Weekly Rest Days

Every worker is entitled to a minimum uninterrupted weekly rest period of 24 hours for each 7-day period. An employer can however decide that weekly rest period is averaged over a 14-day reference period. A worker, in such cases, is entitled to either 2 uninterrupted rest period of at least 24 hours preceded by a daily rest period or one uninterrupted rest period of at least 48 hours preceded by a daily rest period. The rules on daily rest periods may also be modified or excluded by collective agreements.

Workers are entitled to a rest break of at least 15 minutes (uninterrupted) if the working day is longer than 6 hours. The duration and terms of rest breaks can be

agreed under a collective agreement or individual agreement between the parties. Employers are required to give a rest break of at least 30 minutes (uninterrupted) if the daily working hours exceed four and a half hours.

For adult workers, an uninterrupted daily rest period of at least 11 hours is required under the law. For young workers, the required daily rest period is at least 12 consecutive hours in a 24-hour period.

Sources: §3 of the Weekly Day of Rest and Annual Vacation Leave National Standard Order (S.L.452.64); §5 & 6 of the Organisation of Working Time Regulations (S.L.452.87); §6(2a)(5) and 8(1)(2) of the Young Persons (Employment) Regulations

04/13 EMPLOYMENT SECURITY

ILO Conventions

Convention 158 (1982) on employment termination

Malta has not ratified the Convention 158.

Summary of Provisions under ILO Convention

The questions under this section measure the security or even flexibility or precariousness of an employment relationship. Although these are not clearly mentioned in a single convention (severance pay and notice requirement are provided in the Termination of Employment Convention No. 158) however, the best practices in the field require that employees be provided with a written contract of employment; workers on fixed term contracts should not be hired for tasks of permanent nature; a reasonable probation period (ideally lower than or equal to 6 months) may be followed to assess the suitability of an employee; a period of notice must be specified in an employment contract before severing the employment relationship; and workers be paid severance allowance on termination of employment relationship.

A contract of employment may be oral or written however workers should be provided with a written statement of employment at the start of their employment.

Fixed Term Contract workers must not be hired for permanent tasks as it leads to precarious employment.

A reasonable probation period must be allowed to let a worker learn new skills. A newly hired employee may be fired during probation period without any negative consequences.

A reasonable notice period, depending on the length of service of an employee, may be required before an employer may sever the employment relationship.

Employers may be required to pay a severance allowance on termination of employment (due to redundancy or any other reason except for lack of capacity or misconduct).

Regulations on employment security:

- The Employment and Industrial Relations Act
- Information to Employees Regulations (S.L.452.83)
- Contracts of Service for a Fixed Term Regulations (S.L.452.81)

Written Employment Particulars

In accordance with the Employment and Industrial Relations Act, an employer has to explain to the employee the provisions of any recognized conditions of employment as may be applicable and deliver to the employee a written statement about such conditions as may be prescribed (in regulations).

If a written contract has been signed between the parties, employer is bound to provide the worker a signed copy of agreement until the 8th working days from the day of commencement of contract. In cases, where written contract has not been signed between the parties or if a written contract does not include all necessary information that an employee needs to be notified about, employer is bound to provide a worker with a letter of engagement or a signed statement within 8 working days from the date of commencement of employment.

Such letter or statement should include following information: personal information of the parties; date of commencement of contract; probation period; wage rate and overtime rates; wage payment intervals; normal hours of work; expected or agreed duration of employment contract (for fixed term contracts); vacations and holidays; job description and job title; notice period;

condition under which fines may be imposed; and reference to a collective agreement governing an employee's working conditions and all other relevant or applicable conditions of employment.

An employer who contravenes above provisions is guilty of an offence and is liable on conviction to a fine of not less than €116.47c and not more than €1,164.69c.

Employers must inform workers of essential employment details, including employer information, place of work, job specifics, start date, and, if applicable, end date. This information encompasses various aspects such as leave entitlements, termination procedures, remuneration details, and conditions of employment. The employer is obligated to provide this information within specified timeframes, either within the first seven days or one month, depending on the nature of the details. Additionally, if engaging an outworker, the employer must furnish additional information about the work rate and special contract conditions. This obligation does not exempt employers from complying with minimum conditions stipulated by applicable laws and regulations.

Sources: §7 of the Employment and Industrial Relations Act; Information to Employees Regulations (S.L.452.83); §5-6 of the Transparent and Predictable Working Conditions Regulations, 2022

Fixed Term Contracts

Employment contracts may be concluded for an indefinite period of time or for a fixed period of time or for completion of a specific task, undertaking, work or service. If an employee is retained in employment

after termination of a fixed term contract or is re-employed in the same category by the employer for a fixed or indefinite term within one year from termination of employment, his/her conditions of service should not be less favourable than those with indefinite contracts.

An employee whose fixed term contract has expired but he is still retained by the employer is deemed to be retained on an indefinite term contract if the said employee is not given a new contract within 12 days of the expiry of the previous contract.

The maximum length of a fixed term contract including renewals is 48 months (4 years). If a worker has been continuously employed for a total term of more than 4 years, his fixed term contract is transformed into a contract of indefinite term. An employer may only retain an employee on a fixed term contract beyond four years when such retention is justified by objective reasons based on precise and concrete circumstances in a given activity. Certain situations where longer periods of fixed term contracts are allowed are mentioned in the regulations.

Sources: §33 & 34 of the Employment and Industrial Relations Act; Contracts of Service for a Fixed Term Regulations (S.L.452.81)

Probation Period

In accordance with the Employment and Industrial Relations Act, the first 06 months of employment are considered probationary period unless a shorter period has been agreed between the parties. However, for employees holding technical, executive, administrative or managerial

posts and whose wages are at least double the minimum wage established in that year, the probation period is 12 months (one year) unless otherwise specified in the contract of service or collective agreement.

Sources: §36 of the Employment and Industrial Relations Act

Notice Requirement

Before terminating an indefinite term contract, the contract terminating party (employer or employee) has to give due notice to the other party. On receiving the notice from the employer, an employee has the option to either continue working until the end of notice period or, at any time during the period, require the employer to pay him half the wages that would be payable in respect of the unexpired notice period. If contract termination notice has been served by the employee, an employer may allow the worker to continue work or, at any time during the currency of notice, pay the worker wages that would have been payable in respect of the unexpired period of notice.

The contract termination notice for both worker and employer depends on the length of worker's continuous service with the employer and is one week for one to six months of employment; two weeks for six months to twenty-four months (two years) of employment; four weeks for twenty-four (two years) to forty-eight months (four years) of employment; and eight weeks for forty-eight (4 years) to eight-four months (seven years) of employment. For more than seven years of service, an additional week of notice is added for every subsequent year of service or part thereof however the maximum length of notice

period is 12 weeks. Longer notice periods may be agreed by the parties in the case of technical, administrative, executive and managerial posts.

Notice of termination may not be served if an employee is pregnant, has recently given birth or is breastfeeding. A termination notice may not be served during the period of incapacity for work.

If an employee with an indefinite contract fails to give notice, he is liable to pay the employer half wages that would be payable in respect of that notice. If an employer fails to give required notice, he is liable to pay the employee wages that would be payable to the worker in respect of that notice.

If a fixed term contract is terminated by the employer before its expiry, employer must pay the employee half of the wages that would have accrued to the worker in respect of the remainder of time agreed in a fixed term contract. If a fixed term contract is terminated by the worker before its formal expiry, he is also liable to pay the employer half of the wages that he would be entitled to if he kept working for the remaining period of fixed term contract.

During the probationary period, employment contract may be terminated at will by either party without assigning any reason provided that a week's notice of the termination is given to the other party in the case of an employee who has been in the employment of the same employer continuously for more than one month.

The provisions of unfair dismissal are now also applicable to the fixed term contracts.

Sources: §36 of the Employment and Industrial Relations Act

Severance Pay

No severance payment is guaranteed by the law. However, a collective agreement may provide for redundancy pay in the event of collective redundancies.

05/13 FAMILY RESPONSIBILITIES

ILO Conventions

Convention 156: Workers with Family Responsibilities Convention (1981) Recommendation 165: Workers with Family Responsibilities (1981)

Malta has not ratified the Convention 156.

Summary of Provisions under ILO Convention

Paternity leave is for the new fathers around the time of childbirth and is usually of shorter duration.

Recommendation (No. 165) provides for parental leave as an option available to either parent to take long leave of absence (paid or unpaid) without resigning from work. Parental leave is usually taken once the maternity and paternity leave have been exhausted. For working parents, laws may define the portion of parental leave that has to be compulsorily taken by fathers or mothers.

Flexible Work Option for Parents / Work-Life Balance Recommendation 165 asks the employers to look into the measures for improving general working conditions through flexible work arrangements.

Regulations on family responsibilities:

- Minimum Special Leave Entitlement Regulations (S.L.452.101)
- Parental Leave Entitlement Regulations (S.L.452.78)

Paternity Leave

New fathers are granted a fully paid paternity leave of ten days on the birth of a child or immediately after adopting a child. This is referred to as "birth leave" in the law. The specific leave entitlements however may vary depending on the applicable Wages Council Wage Regulation Order.

In the public sector, the paternity leave duration is 5 working days after live and still birth.

Sources: §4 of the Minimum Special Leave Entitlement Regulations (S.L.452.101); Work-Life Balance for Parents and Carers Regulations, 2022

Parental Leave

As per the Work-Life Balance for Parents and Carers Regulations, 2022, each parent is entitled to four months of parental leave, two of which are compensated (at the same rate provided for sickness benefit entitlement under the Social Security Act). Two months of parental leave cannot be transferred and it must be taken in chunks of at least two weeks. Alternatively, the employer and the employee may strike an agreement stating differently. Parents are eligible for this benefit if they have worked for the same company for a continuous period of at least twelve (12) months. When an employee changes employers or jobs

and has an existing balance of parental leave, the leave balance is transferred. During the leave, payment is granted for two months at the same rate as the sickness benefit under the Social Security Act. The payment is distributed as follows: 50% if the child is under four years old, 25% if the child is between four and six years old, and another 25% if the child is between six and eight years old.

Sources: §3, 4, 8 & 9 of the Parental Leave Entitlement Regulations (S.L.452.78); §6 The Work-Life Balance for Parents and Carers Regulations, 2022

Flexible Work Option for Parents / Work-Life Balance

There is no provision in the law requiring employers to provide flexible work options for parents. A collective agreement or an employment contract may have such provisions.

Workers and carers of children up to eight years old can request flexible working arrangements for caregiving purposes, with limitations on duration. If arrangements are time-limited, workers have the right to request an early return to their original schedule due to justified changes. Employers must consider and respond to such requests within two weeks, providing reasons for any refusal or postponement. Flexible working arrangements encompass options like remote work, reduced hours, and flexitime.

However, carers' leave has been established, granting five days of unpaid leave to employees who have relatives or persons residing with them who need care, support, and "serious" medical attention. Furthermore, the Legal Notice has

developed a new concept to enhance working conditions for both parents and carers. Employees can now seek flexible working circumstances (until the child is eight years old in the case of parents). These include, but are not limited to, remote working, flexitime, and shorter work hours (which, however, may be limited in duration).

Sources: §10 of the Work-Life Balance for Parents and Carers Regulations, 2022

06/13 MATERNITY & WORK

ILO Conventions

An earlier Convention (103 from 1952) prescribed at least 12 weeks maternity leave, 6 weeks before and 6 weeks after birth. However, a later convention (No. 183 from year 2000) requires that maternity leave be at least 14 weeks of which a period of six weeks compulsory leave should be after childbirth.

Malta has not ratified the Conventions 103 and 183.

Summary of Provisions under ILO Convention

During pregnancy and maternity leave, a worker should be entitled to medical and midwife care without any additional cost.

During pregnancy and while breastfeeding, a worker should be exempt from work that might bring harm to you or your baby.

The total maternity leave should last at least 14 weeks.

During maternity leave, a worker's income should amount to at least two thirds of your preceding salary.

During pregnancy and maternity leave, a worker should be protected from dismissal or any other discriminatory treatment.

Workers have the right to return to same or equivalent position after availing maternity leave.

After childbirth and on re-joining work, a worker must be allowed paid nursing breaks for breast-feeding the child.

Regulations on maternity and work:

- Protection of Maternity (Employment) Regulations (S.L.452.91) as amended by Legal Notice 415 of 2014
- Protection of Maternity at Work Places Regulations (S.L. 424.11) as amended by Legal Notice 195 of 2015
- Social Security Act (CAP. 318) as amended by ACT XIII of 2015 and Legal Notice 123 of 2015
- The Employment and Industrial Relations Act

Free Medical Care

A pregnant employee is entitled to time-off without loss of pay in order to attend ante-natal examinations. Female workers are entitled to pre-natal and post-natal care including free confinement and hospital care.

Sources: §9 of Protection of Maternity (Employment) Regulations (S.L.452.91) as amended by Legal Notice 415 of 2014; §8 of the Protection of Maternity at Work Places Regulations (S.L. 424.11)

No Harmful Work

Before assigning work to a pregnant or breastfeeding worker, an employer has to assess the nature and degree of any hazard present at the workplace. If the risk assessment reveals presence of a risk factor, employer is required to take measures to protect the safety and health of an employee with temporary adjustment of the working environment and the working hours.

If a temporary adjustment is not feasible, employer has to reassign the employee to a suitable alternative work. If no suitable

alternative work is available, employee (on agreement with the Occupational Health and Safety Authority) may be given special maternity leave by the employer for the whole period to protect her health.

The special maternity leave is up to eight weeks in duration and is taken continuous or with interruptions. During this period, employer pays the employee a special allowance equivalent to the rate of sickness benefit. Night work and overtime work is also prohibited during pregnancy and breastfeeding period.

Sources: §3, 4, 5 & 9-A of Protection of Maternity (Employment) Regulations (S.L.452.91) as amended by Legal Notice 415 of 2014; Protection of Maternity at Work Places (Amendment) Regulations as amended by Legal Notice 195 of 2015

Maternity Leave

Women workers have the right to maternity leave as guaranteed under the Regulations. Maternity leave is 126 consecutive days (18 weeks). Of these 126 days, 42 days (6 weeks) is the compulsory entitlement and is taken after birth. Four weeks leave may be taken before birth while the remaining leave (8 weeks) may be taken immediately before or after birth as an employee may request. If a worker is unable to avail the 4-week pre-natal leave before birth, this may be availed after confinement.

An employee must inform the employer of her intention to avail maternity leave at least four weeks before the maternity leave begins.

Under Subsidiary Legislation 452.114, a prospective parent who undergoes the process of medically assisted procreation,

whether in or outside Malta, is entitled to one hundred hours of fully paid leave (payable by employer) for medically assisted procreation.

It defines medically assisted procreation as “all treatments or procedures that include the in vitro handling of human oocytes, spermatozoa or embryos for establishing a pregnancy. This includes, but is not limited to, intrauterine insemination, in vitro fertilization (IVF), intracytoplasmic sperm injection, embryo transfer, gamete, germinal tissue and embryo cryo-preservation and oocyte and embryo donation”. The law also defines "prospective parent" as any person, regardless of gender or sexual orientation, who has attained the age of majority and is a receiver or user of the medically assisted procreation techniques regulated under the Embryo Protection Act. The leave is sixty hours and forty hours respectively for the receiving and non-receiving parent.

An employee who is a prospective parent and who intends to or avails himself of leave in terms of this order shall not be dismissed by the employer by reason of the intention or availing himself of such leave.

Sources: §6 & 8 of Protection of Maternity (Employment) Regulations (S.L.452.91) as amended by Legal Notice 415 of 2014; Article 2,3, 3A, 7 of Subsidiary Legislation 452. 114 amended in 2020

Income

Workers on maternity leave are entitled to full wages during the first 14 weeks, paid by the employer. However, if an employee chooses to avail additional maternity leave beyond 14 weeks, employer is not obliged to pay wages for those extra four weeks. A

maternity leave benefit for four weeks is paid by the Government in accordance with the provisions of Social Security Act.

In accordance with the Maternity Leave Trust Fund, launched by the government on 6 July 2015, employers will pay the equivalent of 0.3 per cent of the basic pay for every employee, irrespective of gender and age, to establish a fund from which maternity leave will be paid. Main objective of this Trust Fund is to end discrimination where employers engage more men than women to avoid the payment of wages during maternity leave.

Sources: §7 of Protection of Maternity (Employment) Regulations (S.L.452.91) as amended by Legal Notice 415 of 2014; §71-72 of Social Security Act (CAP. 318) as amended by ACT XIII of 2015 and Legal Notice 123 of 2015; <https://dssservices.gov.mt/BenefitPaymentsRates.aspx>

Protection from Dismissals

It is not lawful for the employer to dismiss a pregnant worker, an employee who has recently given birth or a breastfeeding employee or during any period of special maternity leave. A full-time female worker cannot be dismissed by the employer during the period of her maternity leave or the period of five weeks following the end of such leave for her inability to work owing to some pathological condition arising out of confinement. Any condition in the contract of service which empowers an employer to terminate the employment of a female worker on her marriage or becoming pregnant is null and void.

Sources: §36(5, 14 & 17) & 40 of the Employment and Industrial Relations Act;

§12 of Protection of Maternity (Employment) Regulations (S.L.452.91) as amended by Legal Notice 415 of 2014

Right to Return to Same Position

When an employee is on maternity leave or special maternity leave, she is deemed to have been in the employment of the employer and is entitled to all rights and benefits which may accrue to other employees of the same class or category of employment at the same place of work, including the right to apply for promotion opportunities at her place of work, and on return to work, she is entitled to return to the same job or when this is no longer possible for a valid reason, to equivalent or similar work which is consistent with her original contract of employment.

Sources: §36(19) of the Employment and Industrial Relations Act (CAP. 452); §11 of Protection of Maternity (Employment) Regulations (S.L.452.91) as amended by Legal Notice 415 of 2014

Breastfeeding/ Nursing Breaks

There is no provision on breastfeeding breaks for new mothers.

07/13 HEALTH & SAFETY

ILO Conventions

Most ILO OSH Conventions deal with very specific Occupational Safety hazards, such as asbestos and chemicals.

Convention 155 (1981) is the relevant general convention here.

Labour Inspection Convention: 81 (1947)

Malta has ratified the Convention 81 only.

Summary of Provisions under ILO Conventions

The employer, in all fairness, should make sure that the work process is safe.

The employer should provide protective clothing and other necessary safety precautions for free.

Workers should receive training in all work-related safety and health aspects and must have been shown the emergency exits.

In order to ensure workplace safety and health, a central, independent and efficient labour inspection system should be present.

Regulations on health and safety:

- Occupational Health & Safety Authority Act (CAP. 424)
- General Provisions for Health and Safety at Work Places Regulations (S.L.424.18)
- Minimum Requirements for the Use of Personal Protective Equipment at Work Regulations (S.L.424.21)
- The Employment and Industrial Relations Act

Employer Cares

An employer is required to ensure safe and healthy working conditions for every worker who may be affected by the work being carried out by the employer. Employer has to ensure health and safety of workers by taking into account the following principles of prevention including avoidance of risk; identification of hazards associated with work; evaluation of risks which cannot be avoided; taking of all necessary measures to reduce risk by replacing hazardous with the non-hazardous or less hazardous; giving collective protection measures priority over individual protection measures; and adapting work to the worker with regard to design of workplace, choice of work equipment and choice of working and production methods. Suitable warning signs must be indicated on the areas, rooms or closures used to store significant quantity of mixtures and substances.

It is also the duty of a worker to safeguard his own safety and health and that of other persons who can be affected by reason of work being carried out by him. It is the duty of every worker to cooperate with the employer and with the Health and Safety Representatives at the workplace on all

OSH matters.

Sources: §6 & 7 of Occupational Health & Safety Authority Act (CAP. 424); Work Place (Provisions of Health and, or Safety Signs (Amendment) Regulations, 2015 (L.N. 199 of 2015)

Free Protection

Law requires that personal protective equipment be used when the risks to the health and safety of workers cannot be avoided or sufficiently limited by technical means of collective protection or by measures, methods or procedures of work organization.

The personal protective equipment is provided free of charge by the employer who has to ensure that the equipment is in good working order and satisfactory hygienic condition by means of necessary maintenance, repair and replacements. Before a worker starts using PPE, he/she must be trained in its proper use and informed about the risks against which it protects. If an item of PPE is used by more than one person, employer has to take necessary measures to ensure that such use does not create any health or hygiene problem for different users. Workers are also under obligation to make correct use of personal protective equipment and return it to proper place after using it.

Sources: §15(2.b) of General Provisions for Health and Safety at Work Places Regulations (S.L.424.18); Minimum Requirements for the Use of Personal Protective Equipment at Work Regulations (S.L.424.21)

Training

Safety Authority Act (CAP. 424); §43 of the Employment and Industrial Relations Act

Employer has to ensure that each worker receives adequate training on health and safety issues in the form of information and instructions specific to the workstations and tasks assigned to the worker. Such training has to be provided on recruitment; on transfer or a change of job or task; introduction of new work equipment or a change in equipment; on the introduction of any new technology; and on the introduction of new work practices.

The above referred training has to be adapted to take account of new or changed risks and repeated periodically when necessary. Training is provided to the workers and workers' representatives at the expense of employer and this training must take place during working hours.

Sources: §14 of General Provisions for Health and Safety at Work Places Regulations (S.L.424.18)

Labour Inspection System

The Labour Inspection system in Malta is divided among Department of Industrial and Employment Relations (DIER) and the Occupational Health and Safety Authority (OSHA). The DIER is regulated under the Employment and Industrial Relations Act while the OSHA is regulated under the Occupational Health and Safety Authority Act. Inspectors under the DIER enforce the regulations regarding employment contracts and conditions of employment. On the other hand, Occupational Health and Safety Authority enforces OSH related provisions and carries out inspections to promote health and safety at workplace.

Sources: §15-20 of Occupational Health &

08/13 SICK LEAVE & EMPLOYMENT INJURY BENEFIT

ILO Conventions

Convention 102 (1952), Conventions 121 (1964) and 130 (1969) concerning Social Security, Employment Injury Benefits and Medical Care and Sickness Benefits

Malta has not ratified the above-mentioned Conventions.

Summary of Provisions under ILO Conventions

A worker's rights to work and income should be protected when illness strikes. The national labour law may provide that sickness benefit may not be paid during the first 3 days of your absence. Minimally, a worker should be entitled to an income during first 6 months of illness. This income should be at least 45 per cent of the minimum wage. (Countries are free to opt for a system which guarantees 60 per cent of the last wages during the first 6 months of illness or even during the first year). A worker must be entitled to paid sick leave.

During illness, a worker should be entitled to medical care without any additional cost. Employees and their family members should have access to the necessary minimal medical care at an affordable cost.

During the first 6 months of illness, a worker should not be fired.

If a worker is disabled due to an occupational disease or accident, he/she must receive a higher benefit. In the case of temporary or total incapacity/disability, a worker may at least be provided 50% of his average wage while in the case of fatal injury, the survivors may be provided with 40% of the deceased worker's average wage in periodical payments.

Regulations on sick leave & Employment Injury Benefits:

- Professional Offices Wages Council Wage Regulation Order (S.L.452.39)
- Social Security Act (CAP. 318)
- The Employment and Industrial Relations Act

Income

Sick leave entitlement varies from industry to industry and period of entitlement may depend on the duration of employment as stipulated in various industry wages council wage regulation orders.

Under the Professional Offices Wages Council Wage Regulation Order, a full-time employee is entitled to 20 days sick leave on full pay. The part-time employees have a pro-rata entitlement to sick leave in hours on full pay. A full-time employee is entitled to a further period of 20 days sick leave. The part-time employees also have pro-rate entitlement to sick leave. From this amount is subtracted the amount set as sickness benefit under the Social Security Act. The first three days of sick leave are fully paid by the employer.

A full-time employee is also entitled to one-year injury leave on full pay subtracting the amount of injury benefit that an employee may be entitled to under the Social Security Act if he is injured during the actual discharge of duty and such injury is not due to any contributory negligence on his part or the contravention by him of any safety rules.

Sickness Benefit is payable from the fourth day of incapacity and for up to 156 benefit days per year, or up to a maximum of 312 benefit days per year if the person

undergoes major surgery or suffers severe injury (not work-related), or is affected by a serious illness that requires a long period of treatment before the person may resume work.

Sources: §9 & 13 of the Professional Offices Wages Council Wage Regulation Order (S.L.452.39); §18 of the Social Security Act (CAP. 318);

<https://dssservices.gov.mt/BenefitPaymentsRates.aspx>

Medical Care

Those covered by the social security legislation receive public health care services in accordance with the entitlements determined by the Ministry of Health. Health care is free at the point of use. Public hospitals provide inpatient treatment, including medicine and medical services, free of charge. Public primary care services are free of charge. Persons diagnosed with a chronic disease and patients in the low-income group get free medical care and a list of diseases is provided under the law. Outpatients, except for low income persons, pay for medicine and medical devices.

Sources: §19, 23, Fifth Schedule & Eighth Schedule of the Social Security Act (CAP. 318);

<https://dssservices.gov.mt/BenefitPaymentsRates.aspx>

Job Security

Employment of a worker is secure during the term of paid sick leave. As for injury leave, employment of a worker is secure during the first twelve months of incapacity. An employer may not terminate an employee on injury leave (except with

workers own consent) during period of incapacity for work caused by personal injury arising out of and in the course of employment or by any of the occupational disease specified in the Social Security Act. At the end of incapacity for work, in response to the application for re-instatement made by the employee, an employer may reinstate the worker in the former employment or in other suitable employment if the injury or disease has caused incapacity for the former employment.

Sources: §36(15 & 16) of the Employment and Industrial Relations Act

Disability / Work Injury Benefit

There is a provision for occupational injury benefit which is paid to the employed and self-employed persons who have paid at least one week of contributions and submitted the claim for benefit within ten days of injury.

An insured person is entitled to one-year injury leave on full pay from the employer and has to refund the amount received from the Department of Social Security to the employer. The insured person is entitled to full pay as long as the duration of incapacity does not exceed one year from the date of injury. The injury benefit is a flat rate benefit unrelated to previous earnings and paid at a daily rate. €29.84 per day is paid for a single or married person supporting a spouse who is not in full-time employment and €22.44 per day is paid for other insured persons. As indicated above, this injury or temporary disability benefit is paid from the fourth day of disability for up to twelve months.

For work related disabilities of 90% or higher, a full invalidity pension is paid regardless of the number of contributions

paid. Benefit varies depending on the insured person's marital status and whether an occupational service pension is paid.

For an assessed degree of disability between 20% to 89%, the weekly rate is a flat rate benefit. For disability between 1% to 19%, a lump-sum benefit is paid which ranges from €251.70 to €4781.15.

There is also provision for spouse pension and orphan's pension. Up to 55.6% of annual average earnings in the best three consecutive years in the last 11 years before the spouse's death or retirement are paid. The survivors receive a flat rate benefit per week. The pension does not cease on remarriage. The orphan's pension is also a flat rate benefit per week and is paid for each orphan under 16 years of age. The benefit is higher for each orphan aged from 16 to 21 years who is not gainfully employed.

Source: Social Security Act (CAP. 318); L.N. 123 of 2015; <https://dssservices.gov.mt/BenefitPaymentRates.aspx>

09/13 SOCIAL SECURITY

ILO Conventions

Social Security (minimum standards): Convention 102 (1952). For several benefits somewhat, higher standards have been set in subsequent Conventions

Employment Injury Benefits: Conventions 121 (1964),

Invalidity, Old age and survivors' benefits: Convention 128(1967)

Medical Care and Sickness Benefits: Convention 130 (1969)

Unemployment Benefits: Convention 168 (1988).

Malta has not ratified the above-mentioned Conventions.

Summary of Provisions under ILO Conventions

In the normal circumstances, the pensionable age may not be set higher than 65 years of age. If retirement age is fixed above 65 years, it should give “due regard to the working ability of elderly persons” and “demographic, economic and social criteria, which shall be demonstrated statistically”. Pension can be set as a percentage of the minimum wage or a percentage of the earned wage.

When the breadwinner has died, the spouse and children are entitled to a benefit, expressed as a percentage of the minimum wage, or a percentage of the earned wage. This must at least be 40% of the reference wage.

For a limited period of time, the unemployed has a right to unemployment benefit set as a percentage of the minimum wage or a percentage of the earned wage.

Invalidity benefit is provided when a protected person is unable to engage in a gainful employment, before standard retirement age, due to a non-occupational chronic condition resulting in disease, injury or disability. Invalidity Benefit must at least be 40% of the reference wage.

Regulations on social security:

- Social Security Act (CAP. 318) as amended by ACT XVI of 2017 and Legal Notice 123 of 2015

Pension Rights

The current retirement age is 62 years for both men and women. For those born between 1952 to 1955, the pensionable age is 62 years. The pensionable age is 63 years for those born between 1956 to 1958; 64 years for those born between 1959 to 1961; and 65 years for those born on or after January 01, 1962.

A person must have at least 156 weeks of paid contributions, including an annual average of at least 50 weeks of paid or credited contributions for 35 years and must have been gainfully employed for the 10 years immediately prior to retirement. Partial pension is paid with an annual average of at least 15 weeks of contributions. Early pension is available at the age of 61 years if the insured person has at least 2080 weeks of paid or credited contributions since age 18, if born on or after January 01, 1962 and 1820 weeks of paid contributions since age 18 if born between 1952 and 1961.

There is a provision for flat rate and earnings-related (two-thirds) pension. In the case of contributory old-age pension (two-thirds pension), up to 66.7% of the insured's annual average earnings in the best three consecutive years in the last 11 years before retirement is paid to employed persons. A flat-rate benefit is paid depending on the marital status of the insured person.

Source: Social Security Act (CAP. 318) as

amended by ACT XVI of 2017 and Legal Notice 123 of 2015;

<https://dssservices.gov.mt/BenefitPaymentRates.aspx>

Dependents' / Survivors' Benefit

Survivors' pension is available for surviving spouses, divorced spouses if being maintained by the deceased spouse; surviving partners and children.

For widow(er), the condition of entitlement to survivors' benefits is 156 weeks of paid contributions paid by the deceased, with an annual average of 50 weeks paid or credited. Widow(er) under the age of 60 years with children below a certain age and in full-time education qualify for their pension regardless of their income.

Orphans must have both parents deceased for entitlement to benefit. One parent must have been an insured person and have paid at least one week of contributions at the time of death. No specific benefit is provided for in the event of the death of one parent, as in this case the spouse is entitled to a survivor's pension.

Up to 55.6% of annual average earnings in the best three consecutive years in the last 11 years before the spouse's death or retirement is paid. A flat rate benefit for a survivor of deceased person is paid per week. The pension does not cease on remarriage. The orphan's pension is paid for each orphan under 16 years of age. The benefit is also paid for each orphan aged from 16 to 21 years who is not gainfully employed.

Source: Social Security Act (CAP. 318) as amended by ACT XVI of 2017 and Legal Notice 123 of 2015;

<https://dssservices.gov.mt/BenefitPaymentsRates.aspx>

Unemployment Benefits

Unemployment benefit is paid under the contributory and non-contributory scheme. Under the contributory scheme, unemployment benefit is paid to an unemployed person with 50 weeks of paid contributions and 20 weeks of paid or credited contributions in the two years preceding the year in which the claim is made. For non-contributory schemes, there is provision for Special Unemployment Benefit which is paid to the head of the household after a means test. There is also provision for Unemployment Assistance payable under means test if the insured person has exhausted the right to unemployment benefit.

For entitlement to unemployment benefit, the insured person must be registered as unemployed and be capable of and available for work. No benefit is paid for six months if unemployment is voluntary or as a result of misconduct. The Unemployment Benefit and the Special Unemployment Benefit is paid for up to 156 days excluding Sundays. The Unemployment Benefit is paid at the rate of €12.05 per day to a single parent or a married person whose spouse is not employed full time and €7.89 for all other insured persons. The total number of benefit days must not exceed the total number of contributions paid since the person first entered the system. The Special Unemployment Benefit (means tested) is €20.06 a day and is paid to a single parent or married person whose spouse is not employed full-time. The benefit is €13.22 for other insured persons. The benefit is payable from the first day of unemployment, and for up to 156 days. After

that, the person no longer qualifies for this benefit unless he takes up employment again for at least 13 weeks. The total number of benefit days cannot exceed the total number of contributions paid by the individual since his entry into the social security scheme.

Unemployment Assistance is paid at a rate that can vary in accordance with the means test, and in particular varies with household composition. If weekly income of the household exceeds the weekly benefit, no benefit is paid.

With effect from 1st January 2015, a person who has not yet reached the age of 23 years is obliged to participate in the Youth Guarantee Scheme under the supervision of the Ministry responsible for Employment.

Sources: Social Security Act (CAP. 318) as amended by ACT XVI of 2017 and Legal Notice 123 of 2015;

<https://dssservices.gov.mt/BenefitPaymentsRates.aspx>

Invalidity Benefits

Invalidity pension is paid to any insured person who is certified to suffer either from incapacity for suitable full time or part-time employment or incapacity that is considered to be of permanent nature. To qualify for invalidity pension, a person must have paid 250 weeks of contribution as an employed or self-employed worker with an annual average of 50 weeks of paid or credited contributions.

The amount of invalidity benefit depends on the number of contributions made and whether the insured person is married and supporting a spouse rather than according to the degree of invalidity.

Sources: Social Security Act (CAP. 318) as amended by ACT XVI of 2017 and Legal Notice 123 of 2015;
<https://dssservices.gov.mt/BenefitPaymentRates.aspx>

10/13 FAIR TREATMENT

ILO Conventions

Convention 111 (1958) lists the discrimination grounds which are forbidden.

Convention 100 (1952) is about Equal Remuneration for Work of Equal Value.

Convention 190 (2019) is about elimination of violence and harassment in the world of work.

Malta has ratified the Conventions 100 and 111.

Summary of Provisions under ILO Conventions

At workplaces, equal pay for men and women for work of equal value is a must, regardless of marital status. Pay inequality based on race, colour, sex, religion, political opinion, national extraction/place of birth or social origin is also forbidden. A transparent remuneration system and the clear matching of pay and position should be in place and to help prevent wage discrimination.

Convention No. 190 recognizes the right of everyone to a world of work free from violence and harassment. It defines violence and harassment as “a range of unacceptable behaviours and practices, or threats thereof, whether a single occurrence or repeated, that aim at, result in, or are likely to result in physical, psychological, sexual or economic harm, and includes gender-based violence and harassment”. This definition covers physical abuse, verbal abuse, bullying and mobbing, sexual harassment, threats and stalking, among other things.

An employer can't discriminate against you on in any aspect of employment (appointment, promotion, training and transfer) on the basis of union membership or participation in union activities, filing of a complaint against an employer, race, colour, sex, marital status, family responsibilities, pregnancy, religion, political opinion, national extraction or social origin, temporary absence due to illness, age, trade union membership, disability/HIV-AIDS, or absence from work during maternity leave. (Conventions 111, 156, 158, 159 and 183)

People have the right to work and there can't be occupational segregation on the basis of gender.

Regulations on fair treatment:

- Constitution of Malta 1964, last amended in 2015
- Equal Treatment in Employment Regulations
- Employment and Industrial Relations Act (CAP. 452)

Equal Pay

The Constitution of Malta guarantees same wages for women workers for same work as men. The Employment and Industrial Relations Act regulates the equal pay for equal work provision and requires that employees in the same class of employment are entitled to same rate of remuneration for work of equal value.

It is the duty of the employer to ensure that for the same work or work of equal value, there is no direct and indirect discrimination on grounds of sex with regard to all aspects and conditions of remuneration. Employer has to ensure that where a job classification system is used for determining pay, it is based on the same criteria for both men and women and so drawn up as to exclude any discrimination on grounds of sex.

Sources: §14 of the Constitution of Malta 1964, last amended in 2015; §3-A of the Equal Treatment in Employment Regulations; §27 of the Employment and Industrial Relations Act (CAP. 452); Equality for Men and Women Act. Cap. 456, last amended in Act No. XI of 2015

Sexual Harassment

Sexual harassment is defined and prohibited under Employment and

Industrial Relations Act and Equality for Men and Women Act. Both harassment and sexual harassment is prohibited under the law. Sexual harassment is considered a form of sex discrimination.

It is unlawful for an employer or an employee to sexually harass another employee or the employer (the victim) by subjecting the victim to an act of physical intimacy; or requesting sexual favours from the victim; or 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 the act, request or conduct is unwelcome to the victim and could reasonably be regarded as offensive, humiliating or intimidating to the victim; 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.

A person who contravenes the provisions relating to sexual harassment in the law is guilty of an offence and is liable on conviction to a fine not exceeding €2329.37 or to imprisonment for a period not exceeding six months, or to both such fine and imprisonment. In line with the Gender-Based Violence and Domestic Violence Act, 2018, a person guilty of an offence of sexual harassment is liable to the punishment of imprisonment for a term from six months to two years or to a fine of not less than €5,000 and not more than €10,000, or to both such fine and imprisonment:

Employer is deemed to have discriminated against a person by neglecting the obligation to suppress sexual harassment. A person who alleges that an employer is in breach of provisions relating to

harassment, sexual harassment and non-discrimination provisions, he/she may lodge a complaint to the Industrial Tribunal. The Tribunal may order cancellation of an employment contract and order payment of compensation for loss and damage sustained by the aggrieved party as a consequence of the breach.

It is the duty of the employer to take effective measures to prevent all forms of discrimination on grounds of sex, in particular harassment and sexual harassment in the workplace, in access to employment, vocational training and promotion.

Sources: §12 of the Equal Treatment in Employment Regulations; §28-30 & 32 of the Employment and Industrial Relations Act; §9 of the Equality for Men and Women Act (CAP. 456); Gender-Based Violence and Domestic Violence Act, 2018; §251-A of the Criminal Code.

Non-Discrimination

In accordance with article 45 of the Constitution, discrimination (meaning affording different treatment to different persons attributable wholly or mainly to their respective descriptions) on the ground of race, place of origin, political opinions, colour, creed, sex, sexual orientation or gender identity.

Employment and Industrial Relations Act also prohibits discrimination and it is unlawful for any person to subject a job candidate or an employee (with regard to conditions of employment or dismissal) to discriminatory treatment. Discriminatory treatment is defined as any distinction, exclusion or restriction which is not

justifiable in a democratic society including discrimination made on the basis of marital status, pregnancy or potential pregnancy, sex, colour, disability, religious conviction, political opinion or membership in a trade union or in an employers' association.

Under the Equality for Men and Women Act, it is unlawful for employers to discriminate, directly or indirectly, against a person in offering employment, in employment conditions and dismissal related matters.

Under this Act, discrimination based on sex or because of family responsibilities, sexual orientation, age, religion or belief, racial or ethnic origin, or gender identity is prohibited.

In accordance with Equal Opportunities (Persons with Disability) Act 2000, an employer cannot discriminate against a qualified person with a disability on the grounds of disability in regard to procedures relative to applications for employment; the hiring, promotion or dismissal of employees; employee compensation; job training; and any other terms, conditions and privileges related to employment. Trade unions are also prohibited in engaging in discrimination on the ground of disability.

Sources: §45 of the Constitution of Malta 1964, last amended in 2015; §26-30 of the Employment and Industrial Relations Act; Equality for Men and Women Act 2012 (CAP. 456); §7-10 of the Equal Opportunities (Persons with Disability) Act 2000, last amended in 2016

Equal Choice of Profession

There is no restrictive provision in the Employment and Industrial Relations Act.

11/13 MINORS & YOUTH

ILO Conventions

Minimum Age: Convention 138 (1973)

Worst Forms of Child labour: Convention 182 (1999)

Malta has ratified the Conventions 138 and 182.

Summary of Provisions under ILO Conventions

At workplaces, children may not be forced to perform work that could harm their health and hampers their physical and mental development.

All children should be able to attend school. Once this is safeguarded, there is no objection against children performing light jobs between the ages of 12 and 14. The general minimum age is 15 years however developing countries may set this at 14 years. The minimum age for hazardous work, work that is likely to jeopardize the health, safety or morals of young persons, is 18 years. It can also be set at a lower level of 16 years under certain circumstances

Children should not be employed in a work that is likely to harm the health, safety or morals of children. It is considered one of the worst forms of child labour. The minimum age for such hazardous work is 18 years.

Regulations on minors and youth:

- Young Persons (Employment) Regulations (S.L.452.92)
- Protection of Maternity at Work Places Regulations (S.L.424.11) last amended by 195 of 2015
- Protection of Young Persons at Work Places (Amendment) Regulations, 2015 (L.N. 196 of 2015)

Minimum Age for Employment

Minimum age for employment is 16 years and child are defined as “any young person, of either sex, who is less than sixteen years of age, or any other age which may from time to time be established as the school leaving age by virtue of the Education Act”.

A child under 16 years of age may not be employed unless special permission has been granted in terms of the provisions of Education Act. Such permission/authorization may be granted for engagement in cultural, artistic, sports or advertising activities.

This permission is granted subject to two conditions: employer carries out a risk assessment in terms of the General Provisions for Health and Safety at Workplaces Regulations which shows that the activity is not harmful to the safety, health or development of the child; and the Director of Education has no objection on engagement of the child in such activities on the ground that such is not likely to have an adverse effect on the child's attendance at school.

The working hours of children (14-16 years) who perform work under a combined work and training scheme or an in-plant work-experience scheme are eight hours a day

and 40 hours a week. If the light work is performed during school term outside the fixed school hours, the working hours are two hours a school day and 12 hours a week for workers aged 14-16 years. If the light work is performed during school vacations, the working hours are seven hours a day and 35 hours a week for workers aged 14-15 and eight hours a day and 40 hours a week for workers aged 15-16 years.

Night work between 20:00 to 06:00 is prohibited for children. Children must be allowed a daily rest period of 14 consecutive hours and minimum weekly rest period of two consecutive days in a week, one of which must be Sunday.

Sources: Young Persons (Employment) Regulations (S.L.452.92); Protection of Maternity at Work Places Regulations (S.L.424.11) last amended by 195 of 2015

Minimum Age for Hazardous Work

Minimum age for the hazardous work is eighteen years. Before engaging a young person (under 18 years of age), an employer must carry out a risk assessment for all occupational health and safety hazards which may be involved at the workplace and such assessment is repeated when there is change in the working conditions. The work assigned to a young person should not be beyond his physical or psychological capacity; involve any exposure to any of the chemical, physical or biological agents or to any of the processes listed in the Schedule, or to any other physical, chemical or biological agent which is toxic carcinogenic, causes heritable genetic damage; involve a risk of accidents which cannot be recognized or avoided by young person's owing to their insufficient attention to safety or lack of

experience or training; and should not involve a risk to health from extremes of cold or heat, or from noise or vibration. Regulation on Protection of Young Persons at Work Places provides non-exhaustive list of agents and processes of work to which young persons may not be exposed.

It is the duty of employer to properly train a young person before assigning him to work and ensure that he is supervised by a competent person who is trained in the work activity. The working time of adolescents cannot exceed eight hours a day and forty hours a week. Night work is prohibited for young persons between 20:00 to 06:00. Adolescents may be allowed night work in certain cases however no work should be carried out by them between midnight and 04:00.

Sources: Young Persons (Employment) Regulations (S.L.452.92); Protection of Maternity at Work Places Regulations (S.L.424.11); Protection of Young Persons at Work Places (Amendment) Regulations, 2015 (L.N. 196 of 2015)

12/13 FORCED LABOUR

ILO Conventions

Forced labour: Conventions 29 (1930)

Abolition of Forced labour: Conventions 105 (1957)

Forced labour is the work one has to perform under threat of punishment: forfeit of wages, dismissal, harassment or violence, even corporal punishment. Forced labour means violation of human rights.

Malta has ratified both Conventions 29 & 105.

Summary of Provisions under ILO Conventions

Except for certain cases, forced or compulsory labour (exacted under the threat of punishment and for which you may not have offered voluntarily) is prohibited.

Employers have to allow workers to look for work elsewhere. If a worker is looking for work elsewhere, he/she should not be shortened on wages or threatened with dismissal. (In the reverse cases, international law considers this as forced labour).

If the total working hours, inclusive of overtime exceed 56 hours per week, the worker is considered to be working under inhumane working conditions.

Regulations on forced labour:

- Constitution of Malta 1964, last amended in 2015
- Criminal Code (CAP. 9)
- Overtime Regulations (S.L.452.110) last amended by Legal Notice 81 of 2015
- The Employment and Industrial Relations Act

Prohibition on Forced and Compulsory Labour

In accordance with article 35 of the Constitution, no person may be required to perform forced labour. However, forced labour does not include any labour required in consequence of the sentence or order of a court; labour required of any person while he is lawfully detained by sentence or order of a court that is reasonably necessary in the interests of hygiene or for the maintenance of the place at which he is detained or if he is detained for the purpose of his care, treatment, education or welfare; any labour required of a member of a disciplined force in pursuance of his duties; any labour required during a period of public emergency or in the event of any other emergency or calamity that threatens the life or well-being of the community.

A person who, by using physical violence or threats or deceit or by otherwise depriving of a possibility of resistance or by taking advantage of a person's dependence/vulnerability trafficks a person for the purpose of exploiting the person in servitude or forced labour, slavery or practices similar to slavery or productions of goods or provisions of services or activities associated with begging and any other unlawful activities is, on conviction, liable to punishment of imprisonment from

four to twelve years.

Sources: §35 of the Constitution of Malta 1964, last amended in 2015; §248-A of the Criminal Code (CAP. 9)

Freedom to Change Jobs and Right to Quit

The contract termination notice for both worker and employer depends on the length of worker's continuous service with the employer and is one week for one to six months of employment; two weeks for six months to twenty-four months (two years) of employment; four weeks for twenty-four (two years) to forty-eight months (four years) of employment; and eight weeks for forty-eight (4 years) to eight-four months (seven years) of employment. For more than seven years of service, an additional week of notice is added for every subsequent year of service or part thereof however the maximum length of notice period is 12 weeks. Longer notice periods may be agreed by the parties in the case of technical, administrative, executive and managerial posts.

Sources: §36 of the Employment and Industrial Relations Act

Inhuman Working Conditions

As provided under the Overtime Regulations, the normal working hours are 40 hours a week and eight hours above 40 hours a week are considered overtime hours. The law requires that total working hours of a worker, including overtime, should not exceed 48 hours a week.

Sources: §4 of the Overtime Regulations (S.L.452.110)

13/13 TRADE UNION

ILO Conventions

Freedom of association and protection of the right to organize: Convention 87 (1948)

Right to Organize and Collective Bargaining: Convention 98 (1949)

Malta has ratified both Conventions 87 & 98.

Summary of Provisions under ILO Conventions

Freedom of association means freedom to join a trade union. This is part of the fundamental human rights. Employees may not be put at a disadvantage when they are active in the trade union outside working hours. The list of exclusions for sectors of economic activity and workers in an organization should be short.

Trade unions are entitled to negotiate with employers on term of employment without hindrance. The freedom of a trade union to negotiate with employers to try and conclude collective agreements is protected. (The ILO has a special procedure for handling complaints from unions about violation of this principle).

Workers have the right to strike in order to defend their social and economic interests. It is incidental and corollary to the right to organize provided in ILO convention 87.

Regulations on trade unions:

- Constitution of Malta 1964, last amended in 2015
- The Employment and Industrial Relations Act

Freedom to Join and Form a Union

In accordance with the article 42 of the Constitution, "no person shall be hindered in the enjoyment of his freedom of peaceful assembly and association, that is to say, his right peacefully to assemble freely and associate with other persons and in particular to form or belong to trade or other unions or associations for the protection of his interests".

Trade union is an organisation consisting wholly or mainly of workers and of which the principal purpose is by its rules the regulation of relations between workers and employers or employers' associations.

A workers' trade union or employers' association must be registered first before performing any other act for furtherance of purpose for which it is formed. For registration of a union, only seven members are needed. Workers must at least be 16 years of age in order to become union members.

Sources: §42 of the Constitution of Malta 1964, last amended in 2015; §49-60 of the Employment and Industrial Relations Act

Freedom of Collective Bargaining

Collective bargaining in Malta takes place at company level at least in the private sector. Only the public sector normally negotiates common conditions across a range of workplaces. The collective agreements are

negotiated "between an employer, or one or more organisations of employers, and one or more organizations of employees regarding conditions of employment in accordance with the provisions of any law in force in Malta". There is no other provision in the Employment and Industrial Relations Act on defining collective agreements are their contents and how the collective bargaining is done within the scope of law.

The Act refers to collective agreements only when it talks about the applicability of the minimum wage and the sector-specific provisions of the Employment Relations Board, in the absence of collective agreements. The law also provides that provisions of collective agreements are legally binding.

The Malta Council for Economic and Social Development (MCESD), established in 2001, is an advisory council that issues opinions and recommendations to the Maltese government on matters of economic and social relevance. In view of this, the MCESD's vision is one of continuous improvement of Social Dialogue. It is a tripartite plus committee and has members from workers, employers, government and other civil society organizations. The Council, composed of 14 members, is competent to promote social dialogue and consensus amongst all the social partners on issues relating to sustainable economic and social development.

Employment and Industrial Relations Act provides for Employment Relations Board which is composed of four members each from worker and employer organizations, three members appointed by the Minister and an independent chairperson. The functions of the Board include the following: to make recommendations to

the Minister as to any national minimum standard conditions of employment for eventual inclusion in a national standard order; to make recommendations to the Minister as to any sectoral conditions of employment for eventual inclusion in a sectoral regulation order; to advise the Minister on any matter relating to conditions of employment, or on any matter referred to the Board by the Minister.

Source: Malta Council for Economic and Social Development Act 2001; §3 of the Employment and Industrial Relations Act

Right to Strike

Legal immunity is granted when an action is taken in furtherance of a trade dispute. industrial action, i.e., strike or lockout in pursuit of a trade dispute is legitimate and sanctioned by law. Peaceful picketing is also allowed under the Act.

Only a registered union can convene a strike after registration of the existence of a trade dispute. If a trade dispute exists or is apprehended, the parties to the dispute may agree to refer the dispute to Director of Employment & Industrial Relations or a conciliator. Industrial action is legitimate unless it violates the procedural terms of a collective agreement.

The following groups of workers employed in essential services may not take part in collective action: Air Traffic Controllers and at the Airport Fire Fighting Section, both at the Malta International Airport; members of the Assistance and Rescue Force set up in terms of the Civil Protection Act; minimum staff required to guarantee port safety and emergency services, including pilotage, mooring, tug services, fire-fighting, medical

health services and pollution-combat services; minimum staff required to guarantee that life is not endangered through the non-importation and discharge into Malta of wheat, grain, domestic gas, aviation fuel, diesel, petrol and oil fuel for the operation of air transport facilities, power generation and water; such minimum number of persons to guarantee the continued production, provision and distribution of water and electricity; and such number of public officers listed in the First Schedule of the Act and engaged in offices which are required to be manned at all times. This Schedule has a list of medical staff that cannot engage in industrial action.

Sources: §63-68 of the Employment and Industrial Relations Act

QUESTIONNAIRE

DECENTWORKCHECK.ORG

Check

Decent Work Check Malta is a product of WageIndicator.org
and www.mywage.org/malta/home



National Regulation exists



National Regulation does not exist

01/13 Work & Wages

	NR	Yes	No
1. I earn at least the minimum wage announced by the Government		<input type="checkbox"/>	<input type="checkbox"/>
2. I get my pay on a regular basis. (daily, weekly, fortnightly, monthly)		<input type="checkbox"/>	<input type="checkbox"/>

02/13 Compensation

3. Whenever I work overtime, I always get compensation <i>(Overtime rate is fixed at a higher rate)</i>		<input type="checkbox"/>	<input type="checkbox"/>
4. Whenever I work at night, I get higher compensation for night work		<input type="checkbox"/>	<input type="checkbox"/>
5. I get compensatory holiday when I have to work on a public holiday or weekly rest day		<input type="checkbox"/>	<input type="checkbox"/>
6. Whenever I work on a weekly rest day or public holiday, I get due compensation for it		<input type="checkbox"/>	<input type="checkbox"/>

03/13 Annual Leave & Holidays

7. How many weeks of paid annual leave are you entitled to?*		<input type="checkbox"/> 1 <input type="checkbox"/> 2	<input type="checkbox"/> 3 <input type="checkbox"/> 4+
8. I get paid during public (national and religious) holidays		<input type="checkbox"/>	<input type="checkbox"/>
9. I get a weekly rest period of at least one day (i.e. 24 hours) in a week		<input type="checkbox"/>	<input type="checkbox"/>

04/13 Employment Security





10. I was provided a written statement of particulars at the start of my employment		<input type="checkbox"/>	<input type="checkbox"/>
11. My employer does not hire workers on fixed terms contracts for tasks of permanent nature <i>Please tick "NO" if your employer hires contract workers for permanent tasks</i>		<input type="checkbox"/>	<input type="checkbox"/>
12. My probation period is only 06 months		<input type="checkbox"/>	<input type="checkbox"/>
13. My employer gives due notice before terminating my employment contract (or pays in lieu of notice)		<input type="checkbox"/>	<input type="checkbox"/>
14. My employer offers severance pay in case of termination of employment <i>Severance pay is provided under the law. It is dependent on wages of an employee and length of service</i>		<input type="checkbox"/>	<input type="checkbox"/>

05/13 Family Responsibilities





15. My employer provides paid paternity leave <i>This leave is for new fathers/partners and is given at the time of child birth</i>		<input type="checkbox"/>	<input type="checkbox"/>
16. My employer provides (paid or unpaid) parental leave <i>This leave is provided once maternity and paternity leaves have been exhausted. Can be taken by either parent or both the parents consecutively.</i>		<input type="checkbox"/>	<input type="checkbox"/>
17. My work schedule is flexible enough to combine work with family responsibilities <i>Through part-time work or other flex time options</i>		<input type="checkbox"/>	<input type="checkbox"/>

06/13 Maternity & Work





18. I get free ante and post natal medical care		<input type="checkbox"/>	<input type="checkbox"/>
19. During pregnancy, I am exempted from nightshifts (night work) or hazardous work		<input type="checkbox"/>	<input type="checkbox"/>
20. My maternity leave lasts at least 14 weeks		<input type="checkbox"/>	<input type="checkbox"/>

- | | | | | |
|-----|---|---|--------------------------|--------------------------|
| 21. | During my maternity leave, I get at least 2/3rd of my former salary |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 22. | I am protected from dismissal during the period of pregnancy
<i>Workers can still be dismissed for reasons not related to pregnancy like conduct or capacity</i> |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 23. | I have the right to get same/similar job when I return from maternity leave |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 24. | My employer allows nursing breaks, during working hours, to feed my child |  | <input type="checkbox"/> | <input type="checkbox"/> |





07/13 Health & Safety

- | | | | | |
|-----|--|---|--------------------------|--------------------------|
| 25. | My employer makes sure my workplace is safe and healthy |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 26. | My employer provides protective equipment, including protective clothing, free of cost |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 27. | My employer provides adequate health and safety training and ensures that workers know the health hazards and different emergency exits in the case of an accident |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 28. | My workplace is visited by the labour inspector at least once a year to check compliance of labour laws at my workplace |  | <input type="checkbox"/> | <input type="checkbox"/> |









08/13 Sick Leave & Employment Injury Benefits

- | | | | | |
|-----|---|---|--------------------------|--------------------------|
| 29. | My employer provides paid sick leave and I get at least 45% of my wage during the first 6 months of illness |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 30. | I have access to free medical care during my sickness and work injury |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 31. | My employment is secure during the first 6 months of my illness |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 32. | I get adequate compensation in the case of an occupational accident/work injury or occupational disease |  | <input type="checkbox"/> | <input type="checkbox"/> |













09/13 Social Security

- | | | | | |
|-----|---|---|--------------------------|--------------------------|
| 33. | I am entitled to a pension when I turn 60 |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 34. | When I, as a worker, die, my next of kin/survivors get some benefit |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 35. | I get unemployment benefit in case I lose my job |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 36. | I have access to invalidity benefit in case I am unable to earn due to a nonoccupational sickness, injury or accident |  | <input type="checkbox"/> | <input type="checkbox"/> |



10/13 Fair Treatment

- | | | | | |
|-----|--|---|--------------------------|--------------------------|
| 37. | My employer ensure equal pay for equal/similar work (work of equal value) without any discrimination |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 38. | My employer take strict action against sexual harassment at workplace |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 39. | I am treated equally in employment opportunities (appointment,promotion, training and transfer) without discrimination on the basis of:* |  | <input type="checkbox"/> | <input type="checkbox"/> |
| | Sex/Gender |  | <input type="checkbox"/> | <input type="checkbox"/> |
| | Race |  | <input type="checkbox"/> | <input type="checkbox"/> |
| | Colour |  | <input type="checkbox"/> | <input type="checkbox"/> |
| | Religion |  | <input type="checkbox"/> | <input type="checkbox"/> |
| | Political Opinion |  | <input type="checkbox"/> | <input type="checkbox"/> |




* For a composite positive score on question 39, you must have answered "yes" to at least 9 of the choices.

	Nationality/Place of Birth		<input type="checkbox"/>	<input type="checkbox"/>
	Social Origin/Caste		<input type="checkbox"/>	<input type="checkbox"/>
	Family responsibilities/family status		<input type="checkbox"/>	<input type="checkbox"/>
	Age		<input type="checkbox"/>	<input type="checkbox"/>
	Disability/HIV-AIDS		<input type="checkbox"/>	<input type="checkbox"/>
	Trade union membership and related activities		<input type="checkbox"/>	<input type="checkbox"/>
	Language		<input type="checkbox"/>	<input type="checkbox"/>
	Sexual Orientation (homosexual, bisexual or heterosexual orientation)		<input type="checkbox"/>	<input type="checkbox"/>
	Marital Status		<input type="checkbox"/>	<input type="checkbox"/>
	Physical Appearance		<input type="checkbox"/>	<input type="checkbox"/>
	Pregnancy/Maternity		<input type="checkbox"/>	<input type="checkbox"/>
40	I, as a woman, can work in the same industries as men and have the freedom to choose my profession		<input type="checkbox"/>	<input type="checkbox"/>





11/13 Minors & Youth

41.	In my workplace, children under 15 are forbidden		<input type="checkbox"/>	<input type="checkbox"/>
42.	In my workplace, children under 18 are forbidden for hazardous work		<input type="checkbox"/>	<input type="checkbox"/>

12/13 Forced Labour

43.	I have the right to terminate employment at will or after serving a notice		<input type="checkbox"/>	<input type="checkbox"/>
44.	My employer keeps my workplace free of forced or bonded labour		<input type="checkbox"/>	<input type="checkbox"/>
45.	My total hours of work, inclusive of overtime, do not exceed 56 hours per week		<input type="checkbox"/>	<input type="checkbox"/>

13/13 Trade Union Rights

46.	I have a labour union at my workplace		<input type="checkbox"/>	<input type="checkbox"/>
47.	I have the right to join a union at my workplace		<input type="checkbox"/>	<input type="checkbox"/>
48.	My employer allows collective bargaining at my workplace		<input type="checkbox"/>	<input type="checkbox"/>
49.	I can defend, with my colleagues, our social and economic interests through "strike" without any fear of discrimination		<input type="checkbox"/>	<input type="checkbox"/>

Results

Your personal score tells how much your employer lives up to national legal standards regarding work. To calculate your DecentWorkCheck, you must accumulate 1 point for each YES answer marked. Then compare it with the values in Table below:



is your amount of "YES" accumulated.

Malta scored 44 times "YES" on 49 questions related to International Labour Standards

If your score is between 1 - 18

This score is unbelievable! Does your employer know we live in the 21st century? Ask for your rights. If there is a union active in your company or branch of industry, join it and appeal for help.

If your score is between 19 - 38

As you can see, there is ample room for improvement. But please don't tackle all these issues at once. Start where it hurts most. In the meantime, notify your union or WageIndicator about your situation, so they may help to improve it. When sending an email to us, please be specific about your complaint and if possible name your employer as well. Also, try and find out if your company officially adheres to a code known as Corporate Social Responsibility. If they do, they should live up to at least ILO standards. If they don't adhere to such a code yet, they should. Many companies do by now. You may bring this up.

If your score is between 39 - 49

You're pretty much out of the danger zone. Your employer adheres to most of the existing labour laws and regulations. But there is always room for improvement. So next time you talk to management about your work conditions, prepare well and consult this DecentWorkCheck as a checklist.