

**EUROPEAN COMMITTEE OF SOCIAL RIGHTS
COMITE EUROPEEN DES DROITS SOCIAUX**



COUNCIL OF EUROPE CONSEIL DE L'EUROPE

9 March 2011

**REPORT ON THE MEETING
WITH THE MALTESE GOVERNMENT
WITHIN THE FRAMEWORK OF THE PROCEDURE
ON NON-ACCEPTED PROVISIONS
(ARTICLE 22 OF THE 1961 CHARTER)**

(Valetta, 7 December 2010)

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— Malta and the European Social Charter —



PDF format

Update: February 2011

Ratifications

Malta ratified the European Social Charter on 04/10/1988 as well as the Amending Protocol to the Charter on 16/02/1994.

It ratified the Revised European Social Charter on 27/05/05, accepting 72 of the Revised Charter's 98 paragraphs.

Malta has neither signed nor ratified the Additional Protocol providing for a system of Collective Complaints.

Table of accepted provisions

1.1	1.2	1.3	1.4	2.1	2.2	2.3	2.4	2.5	2.6	2.7	3.1
3.2	3.3	3.4	4.1	4.2	4.3	4.4	4.5	5	6.1	6.2	6.3
6.4	7.1	7.2	7.3	7.4	7.5	7.6	7.7	7.8	7.9	7.10	8.1
8.2	8.3	8.4	8.5	9	10.1	10.2	10.3	10.4	10.5	11.1	11.2
11.3	12.1	12.2	12.3	12.4	13.1	13.2	13.3	13.4	14.1	14.2	15.1
15.2	15.3	16	17.1	17.2	18.1	18.2	18.3	18.4	19.1	19.2	19.3
19.4	19.5	19.6	19.7	19.8	19.9	19.10	19.11	19.12	20	21	22
23	24	25	26.1	26.2	27.1 ¹	27.2	27.3	28	29	30	31.1
31.2	31.3										
								Grey = Accepted provisions			

¹ Sub-paragraph c.

The Charter in Domestic law

Malta is a dualist state.

Reports

Between 1990 and 2011 Malta submitted 16 reports on the application of the Charter and 3 reports on the application of the Revised Charter.

The [3rd report](#), submitted on 29/01/2010, concerns the provisions accepted by Malta related to Thematic Group 3 "Labour Rights" (Articles 2, 4, 5, 6, 26, 28 and 29 of the Revised Charter). Conclusions in respect of these provisions were published in December 2010.

The next report concerns provisions accepted by Malta related to Thematic Group 4 "Children, families, migrants", i.e.

- the right of children and young persons to protection (Article 7),
- the right of employed women to protection (Article 8§§1, 2, 4 and 5),
- the right of the family to social, legal and economic protection (Article 16),
- the right of mothers and children to social and economic protection (Article 17),
- the right of workers with family responsibilities to equal opportunity and treatment (Article 27§§1c and 2),

It was due by 31/12/2010.

* [Following a decision taken by the Committee of Ministers in 2006](#), the provisions of both the 1961 Charter and the Revised Charter have been divided into four thematic groups. States present a report on the provisions relating to one of the four thematic groups on an annual basis. Consequently each provision of the Charter is reported on once every four years.

Situation of Malta with respect to the application of the Revised Charter

Examples of progress achieved in the implementation of social rights under the Social Charter ¹

Health

- ▶ The regulations on the medical supervision of young workers apply to all workers in all sectors (1994 Act on the promotion of health and safety at work)
- ▶ The right to maternity leave has been extended to part-time employees (1996 regulation), six weeks post natal leave is now compulsory and in general the right to maternity leave has been strengthened (Industrial Relations and Employment Act (cap 452) and Protection of Maternity (Employment) Regulations 2003)
- ▶ Prohibition on assigning an employee while she is pregnant, following delivery or while she is breastfeeding, to work which may pose hazards for the course of her pregnancy or her own or the child's physical and mental health (administrative regulation 92/2000)

Non-discrimination (Sex)

- ▶ Elimination of gender-based discrimination with regard to the payment of survivor's pension and sickness benefit (changes made with effect from 1 January 1998)
- ▶ Elimination of discrimination between spouses in wedlock and with regard to children including replacement of paternal responsibility by parental authority (Act No. XXI of 1993)
- ▶ Protection against discrimination strengthened (Equal Treatment in Employment Regulations L.N. 461 of 2004 were adopted under the Employment and Industrial Relations Act XXII of 2002)

Nationality

- ▶ Entitlement to the social security benefits provided for in the Social Security Act of 1987 has been extended to include nationals of other Contracting Parties (European Social Charter Order, 1999)

Employment

- ▶ Under the Police Act as amended in 2002 police officers from the rank of inspector and above may form one professional association, while all police officers of other ranks may form another.
- ▶ Creation of Malta Council for Economic and Social Development to promote social dialogue in Malta.
- ▶ Organisation of Working Time Regulations 2003 LN 247 of 2003 provide for a minimum period equivalent to four weeks may not be replaced by an allowance in lieu, except where the employment relationship is terminated. Also legislation now provides that when a worker falls sick during his/her annual leave, he/she does not lose his /her right to holiday leave, and may recover his holiday leave.
- ▶ New legislation regulates minimum periods of weekly rest (Organisation of Working Time Regulations 2003 LN 247 of 2003)
- ▶ Female employees related to the employer and part-time employees protected against dismissal during maternity leave. (Protection of Maternity (Employment) Regulations 2003)

Cases of non-compliance

Thematic Group 1 "Employment, training and equal opportunities"

- ▶ *Article 1§2– Right to work - Freely undertaken work (non-discrimination, prohibition of forced labour, other aspects)*

Access to posts in the public service and public sector is too restricted for nationals of other States Parties. ([Conclusions 2008](#))

¹ « 1. The [European Committee of Social Rights] rules on the conformity of the situation in States with the European Social Charter, the 1988 Additional Protocol and the Revised European Social Charter. 2. It adopts conclusions through the framework of the reporting procedure and decisions under the collective complaints procedure » (Article 2 of the Rules of the Committee).

► *Article 1§4 (9 and 15§1) Right to work - Vocational guidance, training and rehabilitation*

- It has not been established that the right to vocational guidance in the education system is guaranteed. People with disabilities are little integrated into mainstream training institutions. (Article 9)
 - It has not been established that mainstreaming of persons with disabilities is effectively guaranteed in training. (Article 15§1)

[\(Conclusions 2008\)](#)

► *Article 10§2 - Right to vocational training - Apprenticeship*

It has not been established that nationals of other States Parties lawfully resident or regularly working in Malta are guaranteed equal treatment as regards access to apprenticeships.

[\(Conclusions 2008\)](#)

► *Article 10§5 - Right to vocational training - Full use of facilities available*

It has not been established that the measures to monitor the efficiency of vocational training for young workers are adequate.

[\(Conclusions 2008\)](#)

► *Article 15§2– Right of persons with disabilities to independence, social integration and participation in the life of the community - Employment of persons with disabilities*

It has not been established that persons with disability are guaranteed an effective equal access to employment.

[\(Conclusions 2008\)](#)

► *Article 24 – Right to protection in case of dismissal*

Employees are excluded from protection against dismissal during a six months probationary period that might be extended until up to one year for certain categories of employees.

[\(Conclusions 2008\)](#)

Thematic Group 2 “Health, social security and social protection”

► *Article 3§3 - Right to safe and healthy working conditions - Enforcement of safety and health regulations*

It has not been established that the labour inspection services are effective.

[\(Conclusions 2009\)](#)

► *Article 11§1 – Right to protection of health - Removal of the causes of ill-health*

It has not been established that the health care system is fully accessible to the entire population.

[\(Conclusions 2009\)](#)

► *Article 11§2 - Right to protection of health - Advisory and educational facilities*

It has not been established that:

- public information and awareness-raising is a public health priority;
- prevention through screening is used as a contribution to the health of the population.

[\(Conclusions 2009\)](#)

► *Article 12§1 – Existence of a social security system - Right to social security*

The rates of sickness benefits for a single person, of unemployment benefits, including the Special Unemployment Benefit for a single person, and of the invalidity pension and the survivors' pension are manifestly inadequate; and the duration for which unemployment benefit is payable is too short.

[\(Conclusions 2009\)](#)

► *Article 13§1 – Right to social and medical assistance - Adequate assistance for every person in need*

- it has not been established that the right to assistance is guaranteed for as long as there is a need for it;
- it has not been established that the right of appeal is effectively guaranteed;
- it has not been established that the equality of treatment of foreign nationals legally resident or regularly working in Malta for eligibility to social assistance, is guaranteed.

[\(Conclusions 2009\)](#)

► *Article 13§3 – Right to social and medical assistance - Non-discrimination in the exercise of social and political rights*

- it has not been established that help and advice services operate in accordance with this provision;
 - it has not been established that nationals of other States Parties legally resident or regularly working in Malta are provided equal access to these services.

([Conclusions 2009](#))

Thematic Group 3 “Labour rights”

► *Article 4§4 – Right to a fair remuneration - Reasonable notice of termination of employment*

- one week notice is insufficient for employees with less than six months' service;
- two weeks notice is insufficient for employees with more than six months' service;
- four weeks notice is insufficient for employees with three to four years' service.

([Conclusions 2010](#))

► *Article 4§5 – Right to a fair remuneration - Limitation of deduction from wages*

It has not been established that deductions from wages will not deprive workers and their dependents of their very means of subsistence.

([Conclusions 2010](#))

► *Article 5 – Right to organise*

It has not been established whether there are adequate remedies against refusals to register police trade unions.

([Conclusions 2010](#))

► *Article 6§3 – Right to bargain collectively - Conciliation and arbitration*

It has not been established that decisions of the Court of Inquiry are binding on the parties only with their joint consent or that there are adequate procedures for conciliation and arbitration for all public sector employees.

([Conclusions 2010](#))

Thematic Group 4 “Children, families, migrants”

► *Article 7§3 – Right of children and young persons to protection - Prohibition of employment of young persons subject to compulsory education*

Children are permitted to work up to 4 hours per day and cannot therefore enjoy the full benefit of their education.

([Conclusions XVII-2](#) (2005))

► *Article 8§1 - Right of employed women to protection - Maternity leave*

It has not been established that:

- post-natal maternity leave was not compulsory for at least six weeks,
- employees who had not given their employer three weeks' notice prior to the commencement of maternity leave were only entitled to it from the date of confinement and only then for five weeks,
- employees related to the employer were not entitled to maternity leave on the same terms as other employees,
- employees were obliged to refund their maternity allowances to the employer if they decided not to resume their jobs at the end of their maternity leave.

([Conclusions XVII-2](#) (2005))

► *Article 8§2- Right of employed women to protection - Illegality of dismissal during maternity leave*

During the reference period female employees related to the employer, and part time employees were not protected against dismissal during maternity leave.

([Conclusions XVII-2](#) (2005))

► *Article 16 - Right of the family to social, legal and economic protection*

It has not been established whether the childcare facilities are affordable and of good quality.

([Conclusions XVIII-1](#) (2006))

- ▶ *Article 17 - Right of mothers and children to social and economic protection*
 - children born outside marriage are discriminated against in matters of succession and inequalities exist between children of a first and second marriage;
 - corporal punishment in the home is not prohibited;
 - the age of criminal responsibility is manifestly too low.
- ([Conclusions XVII-2](#) (2005))

The European Committee of Social Rights has been unable to assess compliance with the following rights and has invited the Maltese Government to provide more information in the next report in respect of the following provisions:

Thematic Group 1 “Employment, training and equal opportunities”

(Report to be submitted before 31 October 2011)

- ▶ *Article 1§3 – Conclusions 2008*
- ▶ *Article 15§3 – Conclusions 2008*
- ▶ *Article 20 – Conclusions 2008*

Thematic Group 2 “Health, social security and social protection”

(Report to be submitted before 31 October 2012)

- ▶ *Article 3§1 – Conclusions 2009*
- ▶ *Article 3§2 – Conclusions 2009*
- ▶ *Article 3§4 – Conclusions 2009*
- ▶ *Article 12§4 – Conclusions 2009*
- ▶ *Article 13§4 – Conclusions 2009*
- ▶ *Article 14§1 – Conclusions 2009*

Thematic Group 3 “Labour rights”

(Report to be submitted before 31 October 2013)

- ▶ *Article 2§1 – Conclusions 2010*
- ▶ *Article 6§1 - Conclusions 2010*
- ▶ *Article 6§4 - Conclusions 2010*

Thematic Group 4 “Children, families, migrants”

(Report to be submitted before 31 October 2010, Conclusions will be published by end of December 2011)

- ▶ *Article 7§5, 8 and 10 – Conclusions XVII-2 (2005)*
- ▶ *Article 7§10 – Conclusions XVII-2 (2005)*

Executive summary of the meeting

The meeting with the Maltese authorities on 7 December 2010 in Valetta took place within the framework of the procedure adopted by the Ministers' Deputies in December 2002 concerning the provisions not accepted by the States Parties (Article 22 of the 1961 Charter). The Deputies decided that "states having ratified the Revised European Social Charter should report on the non-accepted provisions every five years after the date of ratification" and "invited the European Committee of Social Rights to arrange the practical presentation and examination of reports with the states concerned".

In accordance with this decision, five years after ratification of the Revised Charter (and every five years thereafter), the European Committee of Social Rights ("the ECSR") reviews non-accepted provisions with the authorities of the state concerned with a view to securing a higher level of acceptance. Experience has shown that governments tend to overlook that selective acceptance of Charter provisions is intended to be transitory. The aim of the new procedure is therefore to require them to review the national situation at regular intervals and encourage them to accept more provisions.

The detailed programme of the meeting, including the different speakers, can be found in Appendix II.

Malta ratified the Revised Charter in 2005 and this meeting was thus the first on the non-accepted provisions following It was co-organised by the Department of the European Social Charter and the Maltese Ministry of Education, Employment and the Family.

The delegation of the ECSR consisted Mr Andrej Swiatkowski, First Vice President and Ms Jarna Petman and assisted by Ms Niamh Casey and Mr Gerald Dunn from the Secretariat.

The provisional assessments,¹ provision-by-provision, made by the ECSR delegation are based on the information provided in the course of the discussions, may be summarised as follows:

Article 2§4

The focus of this provision in the Revised Charter is on prevention and elimination of risk and this would also seem to be reflected in Maltese legislation and practice. In accordance with EU rules exposure to risk factors may not exceed prescribed limits, however where risks cannot fully be eliminated no provision is made for the reduction of working time. There are several occupations in Malta which may be considered to harbour residual risks or be inherently dangerous for example the building sector, quarrying. Further information would have to be sought from the trade unions as to whether various organisational measures such as additional breaks, setting of rest areas and alternating of duties are used to reduce risk and exposure and if not whether they could be introduced. Difficulties are foreseen for the building sector.

Conclusion: Malta could not accept this provision at this time.

Article 2§7

Article 10 of the Working time Relations 2004 concerns night work and requires medical examinations prior tonight work it also allows for transfer to daytime work. However the Maltese

¹ It is recalled that an opinion by the delegation that Malta could accept a provision does not mean that the situation will automatically be found to be in conformity with the Revised Charter; it simply indicates that there are no major obstacles to ratification of and compliance with the provision.

authorities stated there was no continuous consultation with trade unions in enterprises with less than 50 employees, the majority of the enterprises in Malta have less than 50 employees and hence no trade union representation.

The delegation from the ECSR stated that the Revised Charter did not require all enterprises to have worker representatives. The ECSR has never insisted on this issue under Article 2§7 in respect of small enterprises.

Conclusion: this provision could be accepted by Malta.

Article 8§3

Malta is still discussing the EU Directive on Maternity. The authorities believe it will be difficult for small enterprises (which are the majority of enterprises in Malta) to provide nursing breaks for their staff, and that it is not realistic to have childcare facilities on site where there are only one or two employees, nor to allow such employees to take breaks.

Conclusion: this provision could not be accepted by Malta at this time.

Article 12§2

Malta has been preparing ratification of the European Code of Social Security for some time, it has nearly completed preparations for ratification. Once it has ratified the Code it will proceed to accepting this provision.

Conclusion: this provision can be accepted by Malta once the Code has been ratified.

Article 18§§1-3

The authorities explained that foreign nationals wishing to work in Malta must obtain a work permit (an employment licence). Such a licence is granted automatically in respect of citizens of EU member states (with certain exceptions being applied to citizens of Bulgaria and Romania) and citizens of EEA member states. In respect of all other nationals an employment licence is granted to an employer subject to labour market considerations; an employer must demonstrate that every effort has been made to recruit a Maltese citizen. Such licences are issued for a specific job and for a specific period, generally for one to three years although they are renewable. A residence permit is automatically granted where a work permit has been approved.

Malta, in light of its size and the immigration challenges it has been confronted with recently operates a restrictive immigration policy.

The system is transparent in that a decision to refuse to grant an employment licence is reasoned and an applicant may request a reconsideration of his/her case. The highest fee payable for an employment licence is 230€, 150€ on application and a further 80€ should the licence be granted (not applicable or nationals of EU member states). These fees are payable by the employer. The system is relatively simple.

Conclusion: it does not seem feasible for Malta to accept Article 18§1 or §3 for the time being. Subject to further clarification Article 18§2 could be accepted by Malta.

Article 19§§1-3

The authorities explained that there were many resources explaining visa and permit requirements for working in Malta, not least the Government's own web sites. Information on job opportunities

were also available on line, and applicants could contact job centres by e-mail. There is also information available for Maltese nationals who have emigrated abroad and wish to return. There is also cooperation between countries of immigration and emigration.

Conclusion: these provisions could be accepted by Malta.

Article 19§4

The law expressly provides that migrant workers have equal rights in respect of remuneration and other employment and working conditions; A foreign national working in Malta has all the rights of a Maltese employee, which may be found in the Employment and Industrial Relations Act (2003). Any employee who believes that his or her rights may be breached in any way may seek recourse at the Department for Industrial and Employment Relations. Employers should not engage foreign nationals on conditions of work, (i.e. wages/salaries, hours of work, etc) which are less favourable than those established for work of the same character or nature by national laws and regulations.

However there are residence requirements for purchasing property in Malta.

The ECSR delegation stated that the restrictions on foreigners purchasing property in Malta would need to be further investigated prior to giving a view whether Malta could accept this provision.

Conclusion: this provision could not be accepted by Malta at this time.

Article 19§5

Foreign workers are subject to the same taxes and contributions as Maltese workers.

Conclusion: this provision could be accepted by Malta.

Article 19§6

A third-country national is entitled to apply for family reunification subject to the following conditions:- he/she is holding a residence permit valid for a minimum period of one year; and he/she has reasonable prospects of obtaining the right of permanent residence

A third country national may not submit an application for family reunification before he has resided legally in Malta for a minimum period of twelve months.

The following family members are eligible for family reunification:

- A spouse (at least 21 years of age)
- Unmarried minor children including children adopted in a manner recognized by Maltese law;

The family members can be granted a first residence permit of at least one year's duration which can be renewable, provided that the duration of the residence permits granted to the members of the family, in principle, does not extend beyond the date of expiry of the original residence permit.

Evidence must be provided that a family relationship exists with the persons who are the subject of the application; that the third country national has (i) accommodation regarded as normal for a comparable family in Malta and which meets the general health and safety standards in force in Malta;(ii) sickness insurance in respect of all risks for himself, and the members of his family;(iii) stable and regular resources which are sufficient to maintain himself and the members of his family without recourse to the social assistance system in Malta and which would be equivalent to, at least, the average wage in Malta with an addition of another twenty percent income or resources for each member of the family who will be the subject of the family reunification application.

In general members of the family of the applicant will not be entitled to join him/her in Malta unless he/she has stayed lawfully in Malta for a period of two years.

The delegation of the ECSR noted that the rule that members of the family of the applicant will not be entitled to join him/her in Malta unless he/she has stayed lawfully in Malta for a period of two years was probably too restrictive to be in conformity with Article 19§6.

Conclusion: this provision could not be accepted by Malta at this time.

Article 19§7

The authorities were unclear what the conditions for receipt of legal aid were at the present time. But they believed that there was no discrimination between foreign workers and Maltese nationals.

The ECSR stated that further clarifications were needed.

Conclusion: this provision could not be accepted by Malta at this time.

Article 19§8

No information was available on the situation in this respect at this time.

Article 19§9

The authorities stated that there were no limits on the amount of savings, income etc that could be transferred out of the country.

Conclusion: this provision could be accepted by Malta at this time.

Article 19§10

The authorities stated that self employed migrant workers enjoyed in so far as relevant the same rights as migrant workers. But they would have to examine the issue further.

Conclusion: this provision could not be accepted by Malta at this time.

Article 19§11

The authorities stated that language classes were available for migrant workers and their families.

Conclusion: this provision could be accepted by Malta at this time

Article 19§12

The authorities were not aware of state provided mother tongue language classes aimed at the children of migrant workers, (outside of foreign language tuition through the school system). However undoubtedly some classes were available, although not necessarily funded by the state.

The ECSR delegation reminded the authorities that the obligation under this provision was to facilitate and promote. But further information would be needed.

Conclusion: this provision could not be accepted by Malta at this time.

Article 21

The authorities explained that the EU Directive on Information and consultation has now been transposed, therefore there is now provision for information and consultation with workers. However the concern was for small enterprises which did not have worker representatives. The ECSR delegation pointed out that the appendix to Article 21 explicitly allows states parties to exclude enterprises employing less than a certain number of workers to be determined by national legislation or practice, from the scope of Article 21.

Conclusion: this provision could be accepted by Malta.

Article 22

The authorities explained that all large enterprise had health and safety committees. However concern was for the situation in small enterprises.

The ECSR delegation pointed out that Article 22 was not solely about health and safety committees but also socio/cultural facilities such as welfare assistance, sports fields libraries, etc. Further like for Article 21 the Appendix explicitly allows states parties to exclude enterprises employing less than a certain number of workers to be determined by national legislation or practice, from the scope of the Article.

Conclusion: subject to certain clarifications this provision could be accepted by Malta.

Article 27§1c

The authorities stated that childcare services, in particular childcare centres were had been established recently in Malta.

The ECSR delegation highlighted the link between Article 16 of the Revised Charter and this provision in respect of childcare. More information is needed on affordability of childcare, child staff ration etc.

Conclusion: subject to certain clarifications this provision could be accepted by Malta.

Article 30

The authorities explained that there is a National Plan against Poverty and Social Exclusion. It sets out policy measures to target the groups of people who are at risk of poverty and social exclusion. In this regard, a consultation process with all the organizations responsible for the policy measures is carried out. Further consultations may take place with vulnerable groups themselves.

23% of the population is at risk of poverty this falls to 15% after social transfers.

The ESCR delegation noted the measures taken to combat poverty, While the relative poverty rate before social transfers in Malta remains rather high, It falls to 15% after social transfer. The policies conducted on the whole seem to correspond to the requirements of Article 30.

Conclusion: this provision could be accepted by Malta.

Article 31§1

The authorities explained that there is legislation on the minimum standards new constructions should meet, however there are no requirements to ensure that older constructions are adequate.

Although housing benefits are available to make existing buildings adequate. Under legislation on rented properties a landlord is obliged to make structural renovations and the tenant has an obligation to maintain a rented property.

75% of the population are private home owners. Better security of tenure has been given to tenants in new rent reform legislation.

The ECSR delegation stated that overall the measures in place seemed to correspond to those required by Article 31§1, however further information was needed on the notion of adequacy of housing, and on the fact there was no requirement to ensure that older constructions are adequate.

Conclusion: this provision could not be accepted by Malta at this time.

Article 31§2

Evictions are regulated by law, prior notice must be give, there is a right to appeal before the courts. In fact in the private sector is quite difficult to evict a tenant or squatter. However it was unclear whether legal aid is available in such cases.

There is no statutory definition of homelessness. There are emergency shelters run by NGO's.

Conclusion: Subject to clarification of the availability of legal aid in eviction cases this provision could be accepted by Malta.

Article 31§3

Government housing does exist, the stock however is limited currently 2000 persons on waiting. There are also schemes to help people buy/ rent affordable housing benefit and rent subsidies do exist.

The ECSR delegation again noted that the measures in place corresponded to the requirements of the provision, but more information was need on the extent of the housing stock and the waiting list.

Conclusion: this provision could not be accepted by Malta at this time.

Appendix I



**SEMINAR ON
THE EUROPEAN SOCIAL CHARTER**

PROGRAMME

**organised by
the Secretariat of the European Social Charter
Directorate General of Human Rights and Legal Affairs
Council of Europe**

and

the Ministry of Education, Employment and the Family

Address of the venue

**Palazzo Ferreria
310 Republic Street
Valletta**

Malta, 7 December 2010

The Seminar is organised in the framework of the procedure provided for by Article 22 of the 1961 Charter on “Non-accepted provisions”. It will consist in an exchange of views and information on the provisions not accepted by Malta.

The overall objective is to ensure effectiveness of fundamental social rights in Malta.

PROGRAMME

Tuesday 7 December 2010

- | | |
|----------------------|--|
| 09.15 – 09.30 | <p>Introductory Remarks</p> <p>Mr Frank Micallef, Director, Department of Social Security, Malta</p> <p>Ms Niamh Casey Secretary to Sub Committee 1 of the European Committee of Social Rights Secretariat of the European Social Charter, Council of Europe</p> <p><u>Non accepted provisions</u></p> |
| 09.30 – 10.15 | <p>Right to just conditions of work (Articles 2§4 and 2§7), and Right of employed women to protection of maternity (Article 8§3)</p> <p>Ms Niamh Casey Secretary to Sub Committee 1 of the European Committee of Social Rights Secretariat of the European Social Charter, Council of Europe</p> <p>Discussion</p> |
| 10.15 – 10.45 | <p>Right to Social Security (Article 12§2)</p> <p>Mr Gerald Dunn, member of the secretariat of the European Social Charter Council of Europe</p> <p>Discussion</p> |
| 10.45 – 11.00 | Coffee break |
| 11.00 – 11.45 | <p>Right to information and consultation (Article 21) and Right to take part in the determination and improvement of the working conditions and working environment (Article 22)</p> <p>Mr Gerald Dunn, member of the secretariat of the European Social Charter Council of Europe</p> <p>Discussion</p> |
| 11.45 – 12.30 | <p>Right to protection against poverty and social exclusion (Article 30) and Right to housing (Article 31)</p> <p>Ms Niamh Casey Secretary to Sub Committee 1 of the European Committee of Social Rights Secretariat of the European Social Charter, Council of Europe</p> <p>Discussion</p> |
| 12.30 – 14.00 | Lunch |
| 14.00 – 15.00 | <p>Right to engage in a gainful occupation in the territory of other Parties (Articles 18§§1-3)</p> <p>Mr Andrzej Swiatkowski, First Vice-President of the European Committee of Social Rights, Professor, Faculty of Law Jagiellonian University Krakow</p> <p>Discussion</p> |

15.00 – 16.00

Rights of Migrant Workers (Article 19)

Ms Jarna Petman, member of the European Committee of Social Rights, Professor ad interim in International Law, Deputy Director of the Erik Castren Institute, Faculty of Law University of Helsinki

Discussion

16.00 – 16.30

Right of workers with family responsibilities to equal opportunities and treatment (Article 27§1)

Ms Jarna Petman, member of the European Committee of Social Rights, Professor ad interim in International Law, Deputy Director of the Erik Castren Institute, Faculty of Law University of Helsinki

Discussion

16.30 – 17.00

The Collective Complaints Procedure

Mr Gerald Dunn, member of the secretariat of the European Social Charter Council of Europe

Discussion

17.00 – 17.30

Closing Remarks

Mr Joe Camilleri Director General, Department of Social Security, Malta

Appendix II

Title	Examination of non-accepted provisions
Description	
Status	Completed
Date	07/12/2010
Countries	CoE Members: Malta Groups: All Council of Europe member states Multilateral
CoE Programmes (PoA and VC)	
 Programme of Activities	
Pillar	I – Social Cohesion
Sector	<input type="checkbox"/> IV.1 – Ensuring social cohesion
Programme	<input type="checkbox"/> IV.1.1 European Social Charter
Project	2008/DGHL/1421 Implementation of ECSR decisions and conclusions and improvement of communication on the ESC
Expected Result	2 The number of ratifications of the Charter instruments and the number of provisions accepted are increased.
Nature of Intervention	Dissemination and Support
Activity Type	Evaluation / Assessment
Working Method	Expert Meeting / Expertise
Location	Malta
Directorate (Service)	Human Rights and Legal Affairs (Monitoring - European Social Charter)
CoE Contact	NEVILLE-CASEY, Niamh Ann email
Partners	
Web Pages	1 http://www.coe.int
Documents & links	
Last Modified	16/12/2010

Activity Synopsis (ID# 28688) ([Hide Synopsis](#))

To examine the provisions not accepted by Malta, in accordance with the procedure adopted by the Ministers' Deputies ("Article 22 of the 1961 Social Charter procedure"), as well as the collective complaints mechanism, not yet accepted by Malta.

Output/Results Further to the presentations by the two members of the European Committee of social rights and the secretariat as well as the discussions that followed, the Maltese authorities have identified some provisions whose acceptance they would closely look into, in particular Art. 2§7, 12§2, and 30.

Interest was also shown about the collective complaints mechanism, and the Ministry of Foreign Affairs will be consulted about possible acceptance.

Conclusions/Follow Up On the basis of a written contribution to be submitted by the Government, the European Committee of social rights will draw up a report on the situation in respect of non accepted provisions with a view to transmitting it to the authorities of Malta at the beginning of 2011.

Furthermore, the Maltese authorities expressed specific interest in

having a meeting on provisions which they have already accepted in order to obtain certain clarifications on their interpretation.

Participants Representatives from the Ministry of Education, Employment and the Family, including the Director General of the Social Security Division, the Director of Benefits of the Social Security Division, the Director of Strategic Development and International Relations of the Social Security Division, and representatives of other ministries dealing with immigration.

Consultants/Experts Members of the European Committee of Social Rights: Mr Andrei Swiatkowski, vice-President, and Ms Jarna Petman.

Niamh Casey and Gerald Dunn

Total No. Participants 11

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