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CHARTRE SOCIALE EUROPEENNE (révisée)

1^{er} Rapport national sur l'application de la Charte Sociale européenne (révisée)

Soumis par

LE GOUVERNEMENT DE MALTE

Pour la période du 1 janvier 2005 au 31 décembre 2006

Sur les articles 1, 9, 10, 15, 18, 20, 24, 25.

Rapport enregistré par le secrétariat le 10 décembre 2007



**FIRST REPORT ON THE
REVISED EUROPEAN SOCIAL CHARTER**

submitted by the

Government of Malta

(for the period January 2005 to December 2006)

2007

Index

<i>Article Number</i>	<i>Page</i>
Article 1	4
Article 9	23
Article 10	27
Article 15	41
Article 18	49
Article 20	53
Article 24	60
Article 25	63

Report made by the Government of Malta in accordance with Article 21 of the European Social Charter, on the measures taken to give effect to the following accepted provisions of the European Social Charter, the instrument of ratification of which was deposited on the 4th October, 1989:-

- Articles 1, 9, 10, 15, 18, 20, 24, and 25 for the period 1 January 2005 to 31 December 2006.

No observations have been received from the organisations of workers and employers regarding the practical application of the provisions of the Charter, of the application of legislation, or other measures for implementing the Charter.

ARTICLE 1 RIGHT TO WORK

Paragraph 1

"With a view to ensuring the effective exercise of the right to work, the Parties undertake:

to accept as one of their primary aims and responsibilities the achievement and maintenance of as high and stable a level of employment as possible, with a view to the attainment of full employment;"

Question A

Please indicate the policy followed by your government in attempting to reach and maintain full employment. Please supplement with details of the measures and programmes implemented to achieve as high and stable a level of employment as possible.

Please indicate, if possible, the trend in total employment policy expenditure over the past five years, including the relative shares of "active" (job creation, training, etc.) and "passive" (financial compensation, etc.) measures.

Please indicate the active policy measures taken in order to favour access to employment of groups most exposed to or affected by unemployment (eg. women, the young,¹ older workers, the long-term unemployed,² the disabled, immigrants and/or ethnic minorities). Please give indications on the number of beneficiaries from these measures and information, if possible, on their impact on employment.

Reply A

The Employment and Training Corporation employs a number of active policy measures to activate the unemployed, including those who are disadvantaged. These active measures include:

Employment Schemes

Employment Training Placement Scheme (ETPS)

The objective of this scheme is to assist employers to provide the necessary training to newly recruited persons at the onset of their probationary period. This is also an opportunity for new employees to upgrade their skills or attain new skills that are relevant to the present needs of the labour market.

The Employment Training Placement Scheme consists of a subsidy payable to the employer for (a) employing a job seeker who is long-term unemployed or (b) who has been made redundant following a collective redundancy exercise or (c) for employing

a disadvantaged persons i.e. person with disability, ex-convict, ex-substance abuser (d) registered job seekers who are in the 25-39 age bracket and who have been registering for at least six months and (e) single parents who have custodial care for their children who are below 18 years of age. In the case of single parents who are registered unemployed and who have custodial care for children below 18 years of age, ETC will assist them to obtain child care provision through the payment of a child care allowance.

When a person is placed on the ETPS, that person will be in normal employment and will be considered as an employee with full rights as any other employees. The subsidy payable to the employer is equivalent to half the applicable minimum wage for the duration of a training period agreed to between ETC and the employer, which cannot be more than one year.

Eighty one (81) and sixty nine (69) persons participated in the ETPS in financial years 2004-2005 and 2005-2006 respectively.

Work Start Scheme

The Work Start Scheme is a scheme modeled on the Job Experience Scheme but is targeted at adults lacking adequate work experience by providing them with relevant work experience. The eligible participants will be:

- Adults who never worked before;
- Adults who have been absent from the labour market for at least five years;
- Persons possessing academic or vocational qualifications but who do not have work experience in the area in which they are qualified.

This scheme aims at assisting adult entrants to the labour market by exposing them to work experience and in-house training. It also aims at attracting more women and inactive persons to the labour market and to encourage persons possessing advanced academic or vocational qualifications to make use of ETC services.

Thirty seven (37) persons participated in this scheme in 2005-2006.

Redeployment Scheme

The aim of this scheme is to help employers to provide the necessary training when they employ persons whose jobs are at risk or who were made redundant or workers who are employed with a company that, though downsizing, may recruit the workers in another company within the same group in significantly different occupations. In all cases, this is done to help such workers in making a successful transition into quality jobs. The scheme is also intended to avoid redundancies by providing a period of retraining to workers in new occupations employed by an associate company within the same group of companies. One hundred and twenty seven (127) persons were enrolled on this scheme in 2005-2006.

Job Experience Scheme

This scheme has been in existence for a number of years and it is used to assist school leavers who never worked before to obtain work experience through a three-month work

placement at an establishment. ETC experience has shown that registered unemployed school leavers may have work experience but not in the occupation they are registering for thus being ineligible for the scheme. For this reason, the Job Experience Scheme has been extended to cover those school leavers who do not have work experience in the job they are registering for. Four hundred and fifty (450) youths were placed on the Job Experience Scheme in the last two financial years.

Active Youth Scheme

The objective of this scheme is to help young people between the age of 16 to 24 who have been registering for work for at least 6 months, to discover and develop their hidden talents through the undertaking of projects for Non-Governmental Organisations (NGOs) which will be of benefit to the community. Participants on this scheme will work for 20 hours per week on projects in non-profit organisations having a social purpose. € 68.88 weekly are paid to participants directly by ETC. The maximum duration of the scheme is six months. The one hundred and thirteen (113) young persons participating in the scheme were exempted from the requirement to register for work, while still being notified of any suitable job opportunities that may arise.

Training and Employment Exposure Scheme (TEES)

ETC aims to train or retrain persons who have been seeking employment for over six months and are over 40 years of age through the TEES with the ultimate objective of securing gainful employment on completion of the scheme. During the first month of the scheme, eligible persons are given training on Core Skills, particularly motivation and self-esteem raising practices, followed by Skills Sampling and Aptitude Testing to establish inclinations and wishes of participants.

Following phase one, intensive training is given on skills in demand in the labour market, spanning over a twenty-four week programme. A market exercise is conducted with employers to obtain vacancies and skills required. In phase three, participants are assigned with an employer for a twenty-two week period. This work exposure is aimed to pave the way for an offer of permanent employment by the Employer at the end of the scheme. Four hundred and sixty (460) persons participated during in this scheme.

Training courses

During the financial year 2004-2005, the number of participants in mainstream programmes in Malta and Gozo increased by 9% and reached the 6,224 mark, 78% of which were job seekers. ETC engaged systematically with the registered unemployed, whereby all those reaching three months of unemployment are required to participate in some form of training programme or scheme with the aim of increasing their employment prospects.

In an effort to increase the effectiveness of the programmes on offer, three working groups were set up to review a number of issues that have an impact on the outcome from programmes. These include the continued professional development of trainers, the effective use of available resources and the promotion of programmes amongst prospective clients.

ETC continued to offer remedial training programmes including basic functional literacy and numeracy courses. The main aim of such programmes is to provide basic skills to those seeking employment. These two concepts, together with a basic knowledge of IT are increasingly becoming more important in today's markets characterised by rapid change due to globalisation and technological advances.

A number of training programmes were delivered for persons with a caring role. The courses include the Child Carers course, the Care Workers (disabled) and more recently Care Workers (elderly) programme. The Child Carers course trains persons interested to find employment in child-care centres and in instances wanting to open up their own centre. The other two programmes are oriented towards those wanting to become carers and who are interested in either working with special needs groups and/or old people's homes. There is a lot of interest amongst clients especially women returnees for these courses.

During the financial year 2005-2006, the Corporation celebrated its 60,000 and 60,001 participant in mainstream courses. ETC training programmes were actively promoted amongst those seeking employment, persons in employment interested in upgrading their skills, women returning to the labour market, persons with special needs and youths entering the labour market for the first time. Some new programmes were earmarked for particular client groups as was the case with youths in institutional care, women in refuge and refugees/asylums seekers.

The number of participants in ETC courses amounted to 6,763 of which 4,724 were men and 2,039 women. The percentage of registering unemployed was 76%.

The number of courses on offer was further increased to reach circa 80 different courses while further developments were made with respect to the type and quality of courses available. The Corporation is striving to provide more programmes that lead to recognised certification.

Traineeship Schemes

Traineeships offer a combination of on and off-the-job training which a number of employers have found most useful.

In the financial year 2004-2005, traineeships were started in the following occupational areas: Child caring, Laboratory Skills Practice, Information Technology (NCC Diploma and NCC Advanced Diploma), Insurance Practice and Digital Graphic Design. In the financial year 2005-2006, traineeships were organised in the following occupational areas: ICT, child caring, casino croupiers and cash dealers, call centre agents, applied insurance skills, tile laying and plastering.

The Training Services Division followed up the practical on-the-job training with regular monitoring visits. The aims of these visits were to ascertain that trainees were receiving adequate training and that conditions of work were being adhered to by all concerned. 292 undertook a traineeship during the past two financial years.

Persons with disability

The Employment and Training Corporation placed 58 persons with disability in employment between October 2004 and September 2005. An additional 25 were placed by Eden and Richmond Foundations with whom ETC has a co-operation agreement. The Employment Training Placement Scheme was utilised in 17 cases to assist persons with disability to integrate in the labour market. The Bridging the Gap Scheme was used in 20 instances. ETC has increased the allowance paid to clients on the scheme to make it attractive to them for participating.

In 2005 the ETC organised an ECDL programme for the hearing-impaired. Seventy one persons with disability have been trained either directly by ETC or through the co-operation agreements it has with Richmond and Eden Foundations. Given the valid contribution that the latter organisations are giving to enable more persons with disability to integrate in the labour market, during the period under review ETC renewed the co-operation agreements it has with them.

In the financial year 2005-2006, a new service was launched where each client was submitted to an assessment by an Occupational Therapist, thereby developing a professional assessment of clients' abilities. Seventy two persons with disability were placed in employment either directly or through the ESF Supported Employment Scheme. The latter scheme has proved effective in locating suitable employment opportunities to persons with disability. Sixty five persons with disability were trained either by ETC or through the co-operation agreements that ETC has with Eden and Richmond Foundation. 113 work-place visits were conducted by the employment advisors of the Supported Employment Section to market the employability of persons with disability and encourage employers to employ them.

Women

In addition to including women in all mainstream services, the Corporation has sought to take a number of specific measures to assist women choosing to be active in the labour market.

A empowerment skills training programme for women who are either homeless and/or have gone through domestic violence and therefore had to seek refuge at either two refuge homes was organised, which course included training sessions in self-empowerment and job-readiness skills. Women who were illiterate have also been encouraged to follow a literacy course offered by the Corporation.

The Gender Equality Unit within ETC worked on a number of projects and initiatives as outlined in the current Gender Equality Plan 2005-2006. These include training and awareness raising activities, submission of projects for EU funding, participation in various discussion programmes, research on gender related topics and the implementation of local projects.

Between October 2005 and May 2006 a large number of ETC employees were updated about gender related legislation relevant to the labour market. More intensive training on gender mainstreaming was given to the employment advisors who attended a full day training session. Training for employment advisors focused on an understanding of women's needs, for advisors to be in a better position to offer a quality service to them. A leaflet offering

assistance to lone parents to train or work is being sent by mail to all lone parents who are receiving social benefits.

Persons with special needs

During financial year 2005-2006, 81 placements in employment of persons who are ex-convicts and ex-substance abusers were made, which constituted an increase over the previous year. A prudent use was made of the Employment Training Placement Scheme, encouraging the employment of these persons in their own right and on their own merit. 50 of the said engagements were made without the use of wage subsidy.

Work exposure opportunities through the Bridging the Gap Scheme showed a notable increase over the utilisation of last year. In fact, this scheme was used on 20 occasions. Ten of the persons utilising the scheme were inmates nearing the end of their prison period.

ETC’s programme at the Corradino Correctional Facility where training opportunities are provided to inmates continued to function successfully with seventy six persons being trained.

A 12-hour training programme in life-skills and job-seeking skills was delivered to persons following a substance abuse rehabilitation programme. The course helped trainees in both their personal development (self esteem and self confidence) and also in their job-search and employability.

In mid-2006 an important initiative was launched involving the establishment of an Advisory Drug Misuse Board. This Board is made up of representatives of ETC, Sedqa and the Department of Social Security. The scope of the Board is to discuss and monitor particular cases of ETC clients with a view to determining whether clients need additional preparation before employment. This Board examines each case on its own merits and takes actions accordingly.

The Long- and Very Long-Term Unemployed persons

The number of long-term unemployed persons placed in employment amounted to 159, of whom 29 joined the Training and Employment Exposure Scheme and 40 were placed through the use of the Employment Training Placement Scheme. Another 33 obtained work exposure through the Active Youth Scheme or the Work Start Scheme. As already indicated, 1,638 long-term unemployed persons were trained. Following the one-to-one interviews held with the long-term unemployed, the latter have been referred to a number of ETC courses which they have either started attending during the financial year under review or will be starting in the one after.

	2002 €	2003 €	2004 €	2005 €	2006 €
Total cost Employment & Training Initiatives	2,869,703	2,341,606	2,427,334	2,113,510	1,816,666

The above figures are based on ETC financial year, i.e. from October to September.

Question B

Please indicate the trends in employment covering all sectors of the economy. In connection with this, indicate as far as possible, the activity rate, the employment rate and the breakdown of employment by region, by sex, by age, by employment status (employed, self-employed), by type of employment (full time and part time, permanent and fixed term, temporary), and by sector of activity.

Please give the trend of the figures and percentages of unemployed in your country, including the proportion of unemployed to the total labour force. Please give a breakdown of the unemployed by region, category, sex, age and by length of unemployment.

Reply B

Labour Status

	Sex				Total	
	Males		Females			
	No	%	No	%	No	%
October - December 2006						
Employed	104133	65.1	48610	29.2	152743	46.8
Unemployed	6924	4.3	4085	2.5	11009	3.4
Inactive	48845	30.6	113588	68.3	162433	49.8
Total	159902	100	166283	100	326185	100
October - December 2005 (Revised)						
Employed	105379	66.4	45605	27.8	150984	46.8
Unemployed	6901	4.3	4484	2.8	11385	3.5
Inactive	46429	29.3	113741	69.4	160170	49.7
Total	158709	100	163830	100	322539	100

Activity Rates by age groups

Labour force (15-64 years) as a percentage of the population of working age (15-64 years)

Age Group	Sex		Total
	Males	Females	
	%	%	%
October - December 2006			
15 – 24	60.1	49.8	55
25 – 54	93.9	40.9	67.8
55 – 64	46.4	12.2	28.6
Total	79.5	38.4	59.1
October - December 2005 (Revised)			
15 – 24	59.9	51.3	55.8
25 – 54	94.2	38.9	66.9
55 – 64	53.7	10.1	31

Total	80.7	37	59.1
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Employment Rates by age groups

Persons in employment (15-64 years) as a percentage of the population of working age (15 – 64 years)

Age group	Sex		Total
	Males	Females	
	%	%	%
October - December 2006			
15 – 24	49.2	44.9	47.1
25 – 54	90.2	38	64.5
55 – 64	45.3	11.7	27.8
Total	74.5	35.4	55.1
October - December 2005 (Revised)			
15 – 24	48.5	44	46.3
25 – 54	90.6	36.1	63.7
55 – 64	52.6	10.1	30.5
Total	75.7	33.7	54.9

Professional status of main occupation for total employed persons

Professional Status	Sex				Total	
	Males		Females		No	%
	No	%	No	%		
October - December 2006						
Self-employed without employees	11523	11	2452	5	13975	9.2
Self-employed with employees	5485	5.3	384 ^u	0.8	5869	3.8
Employee	87125	83.7	45774	94.2	132899	87
Family Worker						
Total	104133	100	48610	100	152743	100
October - December 2005 (Revised)						
Self-employed without employees	12648	12	1113 ^u	2.4	13761	9.1
Self-employed with employees	5544	5.3	903 ^u	2	6447	4.2
Employee	87187	82.7	43534	95.5	130721	86.6
Family Worker			55 ^u	0.1	55 ^u	0.1
Total	105379	100	45605	100	150984	100

^u – under-represented

Absolute changes between one survey and another, smaller than 1,800 may be due to sampling error.

Type of employment (main occupation)

Type of employment	Sex				Total	
	Males		Females			
	No	%	No	%	No	%
October - December 2006						
Full-time job	99361	95.4	37558	77.3	136919	89.6
Full-time with reduced hours job	222 ^u	0.2	1709 ^u	3.5	1931	1.3
Part-time job	4550	4.4	9343	19.2	13893	9.1
Total	104133	100	48610	100	152743	100
October - December 2005 (Revised)						
Full-time job	100266	95.1	35957	78.8	136223	90.2
Full-time with reduced hours job	207 ^u	0.2	1588 ^u	3.5	1795 ^u	1.2
Part-time job	4906	4.7	8060	17.7	12966	8.6
Total	105379	100	45605	100	150984	100

^u – under-represented

Absolute changes between one survey and another, smaller than 1,800 may be due to sampling error.

Distribution of the labour force

Labour Status	Sex				Total	
	Males		Females			
	No	%	No	%	No	%
October - December 2006						
Employed	104133	93.8	48610	92.2	152743	93.3
Unemployed	6924	6.2	4085	7.8	11009	6.7
Total	111057	100	52695	100	163752	100
October - December 2005 (Revised)						
Employed	105379	93.9	45605	91	150984	93
Unemployed	6901	6.1	4484	9	11385	7
Total	112280	100	50089	100	162369	100

Unemployed persons classified by age groups

Age Group	Sex				Total	
	Males		Females			
	No	%	No	%	No	%
October - December 2006						
15-24	3400	49.1	1483	36.3	4883	44.4
25-34	927 ^u	13.4	823 ^u	20.1	1750	15.9
35-44	772 ^u	11.2	741 ^u	18.2	1513 ^u	13.7
45-54	1600 ^u	23.1	931 ^u	22.8	2531	23
55-64	225 ^u	3.2	107 ^u	2.6	332 ^u	3
Total	6924	100	4085	100	11009	100
October - December 2005 (Revised)						
15-24	3540	51.3	2127	47.4	5667	49.8
25-34	1521 ^u	22.1	1063 ^u	23.7	2584	22.7
35-44	692 ^u	10	584 ^u	13	1276 ^u	11.2
45-54	924 ^u	13.4	710 ^u	15.9	1634 ^u	14.3
55-64	224 ^u	3.2			224 ^u	2
Total	6901	100	4484	100	11385	100

^u – under-represented

Absolute changes between one survey and another, smaller than 1,800 may be due to sampling error.

Duration of job search of unemployed persons

Duration	Sex				Total	
	Males		Females			
	No	%	No	%	No	%
October - December 2006						
Less than 5 months	2626	37.9	1933	47.3	4559	41.4
6 - 11 months	851 ^u	12.3	1095 ^u	26.8	1946	17.7
12 + months	3447	49.8	1057 ^u	25.9	4504	40.9
Total	6924	100	4085	100	11009	100
October - December 2005 (Revised)						
Less than 5 months	2228	32.3	1693 ^u	37.7	3921	34.5
6 - 11 months	1318 ^u	19.1	895 ^u	20	2213	19.4
12 + months	3355	48.6	1896	42.3	5251	46.1
Total	6901	100	4484	100	11385	100

^u – under-represented

Absolute changes between one survey and another, smaller than 1,800 may be due to sampling error.

Source of data: NSO – News Release Date: 29 March 2007 No: 51 / 2007

Question C

Please indicate the trend in the number and the nature of vacant jobs in your country.

Reply C

The Vacancy Profiling Unit (VPU) at the Employment and Training Corporation receives a number of vacancies through different media, mainly by telephone, fax and e-mail.

As reported in the Employment and Training Corporation Annual Report 2005 – 2006, the following number of vacant jobs were available.

	Financial Year (Oct – Sep)				
	2001 / 2002	2002 / 2003	2003 / 2004	2004 / 2005	2005 / 2006
Job Vacancies	7,020	7,548	6,798	7,531	8,738

Paragraph 2

"With a view to ensuring the effective exercise of the right to work, the Parties undertake:

to protect effectively the right of the worker to earn his living in an occupation freely entered upon;"

Elimination of all forms of discrimination in employment

Question A

Please give information concerning legislative or other measures taken to ensure the elimination of all discrimination in employment which might be based on sex, social or national origin, political opinion, religion, race, colour or age and to promote effectively equal opportunities in seeking employment and in taking up an occupation.

Please give information in this respect on existing sanctions and remedies in cases of discrimination in employment.

Reply A

Article 45 of the Maltese Constitution prohibits the State from discriminating against persons on grounds of race, place of origin, political opinions, colour, creed or sex whereby persons of one such description are subjected to disabilities or restrictions to which persons of another such description are not made subject or are accorded privileges or advantages which are not accorded to persons of another such description.

The Maltese Constitution in fact states that:

"...no law shall make any provision that is discriminatory either of itself or in its effect" (Article 45 (1)).

and that

"...no person shall be treated in a discriminatory manner by any person acting by virtue of any written law or in the performance of the functions of any public office or any public " (Article 45 (2)).

Gender discrimination is prohibited under both the Employment and Industrial Relations Act and the Equality for Men and Women Act.

The Employment and Industrial Relations Act moreover prohibits discrimination on grounds of any form of discriminatory treatment 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. This principle is further enunciated under the Equal Treatment in Employment Regulations, issued as subsidiary legislation under the Employment and Industrial Relations Act. The purpose of these regulations is to put into effect the principle of equal treatment in relation to employment by laying down minimum requirements to combat

discriminatory treatment on the grounds of religion or religious belief, disability, age, sexual orientation, and racial or ethnic origin.

By virtue of the Equality for Men and Women Act, persons who feel aggrieved because the principle of equal treatment has not been applied to them may institute an action for damages with the Civil Courts.

Moreover, the Employment and Industrial Relations Act allows persons who have suffered discrimination to lodge a claim with the Industrial Tribunal, through which, aggrieved persons may request to be reinstated in their employment, or may seek payment for damages.

The Equal Treatment in Employment Regulations, 2004 (L.N. 461 of 2004) as amended by L.N. 53 of 2007 put into effect the principle of equal treatment in relation to employment by laying down minimum requirements to combat discriminatory treatment on the grounds of religion or religious belief, disability, age, sexual orientation, and racial or ethnic origin.

Any person claiming to have been subjected to discriminatory treatment in relation to his or her employment in terms of these regulations may, within four months of the alleged breach, refer the matter to the Industrial Tribunal for redress which has the competence to investigate and order the payment of reasonable sums of money as compensation to the aggrieved party.

The aggrieved person has also the right of action before the competent Court of civil jurisdiction requesting the Court to order the defendant to desist from such unlawful act and, where applicable to order the payment of compensation for such damage suffered through such unlawful act

Any person found guilty of an offense against these regulations are liable to a fine not exceeding € 2329.37 or to imprisonment for a period not exceeding six months or to both such fine and imprisonment.

Question B

Please indicate any methods adopted:

- a. to seek the co-operation of employers' and workers' organisations and other appropriate bodies in promoting the acceptance and observance of the above policy of non-discrimination;
- b. to ensure the acceptance and observance of the above policy through educational efforts.

Reply B

It should be noted that the above mentioned legislation was discussed thoroughly by the Employment Relations Board where both workers' and employers' organizations are represented.

Question C

Please indicate the guarantees, including applicable sanctions and remedies, which prevent any discrimination in regard to members of workers' organisations at the time of engagement, promotion or dismissal.

Reply C

Article 26 of the Employment and Industrial Relations Act states that it is unlawful for any person to subject any applicants for employment or employees already in employment to discriminatory treatment. Discriminatory treatment is defined as any distinction, exclusion or restriction which is not justifiable in a democratic society including, inter alia, discrimination made on the basis of membership in a trade union or employers' association.

Question D

Please indicate whether any form of forced or compulsory labour is authorised or tolerated.

Reply D

There is no forced labour in Malta and no person may be subjected to forced labour. It should be noted that in Malta, the exaction of forced or compulsory labour is prohibited in terms of Section 35 of the Constitution of Malta.

Question E

If so, please describe the nature and scope of any such labour and indicate the extent to which recourse has been had thereto during the reference period.

Reply E

N/A

Question F

Please indicate what measures are being taken to secure the complete abolition of forced or compulsory labour and the date by which these measures will be fully implemented.

Reply F

N/A

Question G

Please give information concerning the conditions under which work is carried out in prison establishments.

Reply G

Prisoners are allowed to perform work for private enterprises within the prisons against payment but the work is on voluntary basis. Prisoners are also allowed to work outside the prisons during their last three months of the sentence. The prisons also offer a wide variety of work for prisoners within the prisons. The work offered is bookbinding, tailoring, carpentry, masonry, electrical work, cleaners, assembly of toys, bakery.

A prisoner may seek employment during his last three months of the sentence. The work depends on the work offered by the employer and the prisoner gets paid for the work done.

Prisoners under arrest are not obliged to work inside the prisons but the majority of the prisoners even though under arrest are given the opportunity to work. No forced labour is allowed and this has been prohibited years ago.

Conditions of employment are related to good behaviour, level of trust, length of sentence, and the personal capability of the prisoner. Apart from this, conditions of work are up to standard.

Paragraph 3

"With a view to ensuring the effective exercise of the right to work, the Parties undertake:

to establish or maintain free employment services for all workers;"

Question A

Please describe the operation of free employment services available in your country, indicating the age, sex and nature of occupation of persons placed by them in employment and persons seeking employment.

Please indicate as far as possible the number of vacancies, the placement rate and the duration of unemployment of persons placed.

Reply A

The Employment and Training Corporation is Malta's public employment service. It maintains a register of people seeking employment, captures job vacancies from employers and tries to match the two. A nation-wide computerised job seekers' database is in use. It's staff provides career and vocational guidance and counselling services and placement services to job seekers. Job seekers are advised about their occupational preferences and their suitability to meet their job expectations based on their qualifications, interests and disposition. Job seekers can be referred to training programmes organised by ETC or by

other organisations.

Total Unemployment by Gender (Malta and Gozo – Parts 1 & 2)

	September 2005	September 2006
Males	5,571	5,472
Females	1,639	1,712
Total	7,210	7,184

Unemployment analysed by age group (Parts 1 & 2)

Age Group	September 2005	September 2006
16 – 19 years	925	953
20 – 29 years	2,128	2,103
30 – 39 years	1,434	1,451
40 – 49 years	1,529	1,502
50 years & over	1,194	1,175

Source: ETC Annual Report 2005 - 06

Job Vacancies and placements

	2004 – 5	2005 – 6
Job Vacancies	7,531	8,738
Submissions	77,578	74,200
Placements	4,568	3,363
Placements to vacancies ratio	61%	38%
Private Placement	3,279	2,358
Public Placement	1,289	1,005

Unemployment: Duration of Registration (Parts 1 & 2)

Weeks	September 2005	September 2006
0 – 8 weeks	1,845	1,726
9 – 16 weeks	973	1,009
17 – 24 weeks	587	569
25 – 52 weeks	1,104	1,309
53 weeks & over	2,701	2,571

Source: ETC Annual Report 2005 – 06

Question B

Please describe the organisation of public employment services in your country indicating the accompanying measures for the unemployed, and where appropriate, the steps taken to revise the geographical distribution of local and regional employment centres and to redeploy resources when the changing patterns of economic activity and of population so warrant.

Reply B

The Corporation operates a number of employment and training schemes that enable it to facilitate the integration of job seekers in the labour market. The Employment and Training Corporation is also responsible for the running of the state financed apprenticeship schemes.

The placement services are carried out both from its main offices and from regional job centres of which there are four – three in Malta and one in Gozo which is a sister island forming part of the Maltese islands. Job vacancies notified to the Corporation are displayed in these job centres and job seekers can seek the assistance of ETC personnel in applying for these vacancies. Persons can also apply to attend ETC training programmes from these job centres. Any person of employment age can make use of the services of ETC job centres even those who are not registered unemployed. The vacancies notified to ETC are available on its website. It enables persons to apply for vacancies and for employers to view the CVs of job seekers interested in the job vacancies.

Question C

If both public and private free employment services exist in your country, please describe the steps taken to co-ordinate such services, and to determine the conditions governing the operation of private employment agencies.

Reply C

Both Public and Private Employment services exist in Malta. When a new Private Employment Service opens in Malta, they are required to register with the Department of Industrial and Employment Relations as stipulated in the Employment and Training Services Act (Chapter 343. 19) – Part V.

Once registered, they are eligible to open a vacancy with the Public Employment Services - Employment and Training Corporation (ETC).

Vacancies are matched with the persons registering for employment and promoted free of charge on the ETC website and in Job Centres. In addition to this, the Employment and Training Corporation also offers links to other organisations, amongst these are a number of private employment services, which offer services which may supplement ETC's services through its website (www.etc.gov.mt).

A list of all Private Employment Services is also being given to new job seekers registering with the Employment and Training Corporation through the '*Personal Action Plan – Supporting you in your job search – booklet*'.

Private Employment Services are also bound by Legal Notice 126 of 1995 para 11 (d), to send the Corporation a list with details of the persons placed in employment by the Private agency as quoted here under:

“The licensee shall ensure that the particulars including name, address and identity card number of persons employed through the employment agency as well as the name, address, Value Added Tax registration number and Income Tax registration number of the employer with whom such persons have been employed are submitted to the Employment and Training Corporation not later than four weeks from the date on which such employment had been effected.”

Question D

Please indicate whether and how the participation of representatives of employers and workers in the organisation and operation of the employment services and in the development of employment services policy is provided for.

Reply D

The Employment and Training Corporation is a public corporation set up by an act of parliament in 1990. It is a body corporate with a distinct legal personality. The Employment and Training Corporation is managed by a Board of Directors which includes representatives from the various stakeholder groups and social partners. Members are appointed on this Board by the Minister for Education, Youth and Employment (MEYE).

The participation of social partners at strategic decision making level enables the Corporation to listen to the needs of the various stakeholder groups and to address such needs through active labour market measures. Employers are represented in the management of certain schemes. This is done with the aim of developing schemes in line with the needs of these employers, at the same time promoting the schemes amongst certain sectors, stakeholders and social partners. However, the Corporation keeps within the policy direction set by the Ministry.

Question E

Please indicate what legislation or administrative guarantees are provided to ensure that these services are available to all.

Reply E

The Corporation is empowered by the provisions of the Employment and Training Services Act, 1990. In addition through this legislation the Corporation maintains a database of all persons in employment and provides national labour market administrative statistics to the National Statistics Office for publication.

Paragraph 4

"With a view to ensuring the effective exercise of the right to work, the Parties undertake:

to provide or promote appropriate vocational guidance, training and rehabilitation." Please indicate, illustrating with relevant data as far as possible, what measures have been taken to provide or promote:

- a. vocational guidance;
- b. vocational training;
- c. vocational rehabilitation;

with the aim of giving everyone the possibility of earning his living in an occupation freely entered upon.

Please indicate whether equal access is ensured for all those interested, including nationals of the other Contracting Parties to the Charter lawfully resident or working regularly in your territory, and disabled people.

Reply

Disabled students attending mainstream schools can access services offered in the field of vocational training like any other student. However, guidance teachers in mainstream schools still have no specific training in this area.

With regards to disabled students attending special schools, most students have an Individual Educational Programme which includes vocational guidance and training. The Education Division has recruited a transition teacher to support disabled students in these areas during their last months there to make the transition from school to adult life.

The Employment & Training Corporation (ETC) has agreements with the Eden Foundation and the Richmond Foundation to provide vocational training services to persons with an intellectual impairment (Eden) and with mental health impairment (Richmond).

ARTICLE 9 THE RIGHT TO VOCATIONAL GUIDANCE

"With a view to ensuring the effective exercise of the right to vocational guidance, the Parties undertake to provide or promote, as necessary, a service which will assist all persons, including the handicapped, to solve problems related to occupational choice and progress, with due regard to the individual's characteristics and their relation to occupational opportunity: this assistance should be available free of charge, both to young persons, including schoolchildren, and to adults."

Question A

Please give a description of the service - its functions, organisation and operation - specifying in particular:

- a. whether access to services is free of charge;***
- b. whether vocational guidance work is carried out in the public or private sectors;***
- c. the measures taken to supply all persons with adequate information on the choice of employment;***
- d. the measures taken to ensure a close link between vocational guidance and training on the one hand and employment on the other;***
- e. the measures in hand for improving the services;***
- f. the details of special measures to assist disabled persons.***

Reply A

At MCAST where students are trained for the career of their choice vocational guidance is of utmost importance. The Guidance and Counseling team works together with the Information and Student Support Centre to offer the optimum service to prospective students as well as to students who are already following courses at MCAST. Prospective students particularly those in their last year of compulsory education are invited to come and discuss the options open to them at the College. This process starts before the students leave secondary school – the Guidance team gives talks to the fifth form students at their schools and informs them of this service. Students and their parents are invited to make an appointment with a member of the team to help them explore their options or to be aware of alternative paths open for them. Students who are still undecided or uncertain as to which route of vocational study they would like to pursue are encouraged to ask for the assistance of a counselor before they enroll for a course. Students who are already at MCAST and who may find difficulty with the courses of their choice are encouraged to discuss their difficulties in order for them to continue or else are made aware of alternative routes and courses.

This Guidance service is also open to other adults who are considering furthering their studies especially those who would like to follow any of the adult courses that the MCAST runs on a part-time day or evening courses for adults. These courses offer adults the opportunity to retrain or update their skills. They are also encouraged to seek the guidance of one of the member of the Guidance Team who will help them explore the best way forward for them.

Persons with learning difficulties or disabilities are also offered the services of the Guidance Team and at the same time are encouraged to make an appointment with the College Support Team before they apply for the course. The Support Team offers every applicant a confidential interview to assess their particular needs and to determine what level and type of support the MCAST can offer in order for them to follow the courses of their choice. At the same time MCAST endeavors to make the College accessible to these persons who are able to benefit from the courses offered at the various Institutes of MCAST.

The Vocational Guidance service is offered free to all those who need to use it. MCAST is making every effort to improve the service by employing more specialized personnel and ensuring that the service is available to all.

Question B

Please indicate the measures taken in the field of vocational guidance to promote occupational and social advancement.

Reply B

In the field of vocational guidance, MCAST insists on imparting a very clear message about the relevance of vocational education and training to employment in various industry sectors. Most of guidance work with students creates the right environment for the promotion of courses and programmes of study which enhance social advancement for registered and prospective students.

Question C

Please indicate the types of information available in the vocational guidance services and the means employed to disseminate this information.

Reply C

First of all MCAST gives information on all the courses that are run at the various Institutes of MCAST, both full-time and part-time courses for school-leavers who wish to pursue further vocational studies and for adults who wish to retrain or update their skills. A strong link is always kept between Industry and the Institutes of MCAST that cater for the different vocational areas to make sure that the courses offered are what the industry needs. In that way the students and adult participants are ensured the link between the courses they follow and the offer of employment available through the industrial community.

MCAST employs various strategies to make information available to students and adults who are interested in following vocational studies. Below are mentioned the ways employed at various times and to various potential participants of courses.

Information on courses and industry links

- Talks to secondary school students
- Organised visits to the various Institutes of MCAST
- Talks to parents and students at MCAST prior to application week

- MCAST Institutes Open Days
- Career Fairs and Conventions where Industries linked with the various vocation areas are also present alongside the Institutes
- Visits for students to work related institutions
- Through work-experience and apprenticeship schemes
- Information on industry through the curriculum

Every year the prospectus of courses is made available through the Local Council Offices and school leavers are informed personally that a copy is especially made available for them. Part-time lists of courses are also made available in the local papers and the radio and TV is used to inform of the courses available and the offer of Guidance and Counselling for those who wish to avail themselves of the service. All these services are without charge to the public.

Question D

Please indicate:

- a. the total amount of public expenditure devoted to vocational guidance services during the reference period;***
- b. the number of specialised staff of the vocational guidance services and their qualifications (teachers, psychologists, administrators, etc.);***
- c. the number of persons benefiting from vocational guidance broken down by age, sex and educational background;***
- d. the geographical and institutional distribution of vocational guidance services.***

Question E

Please indicate whether equality of access to vocational guidance is ensured for all those interested, including nationals of the other Contracting Parties to the Charter lawfully resident or working regularly in your territory, and disabled persons.

Reply E

Vocational Guidance is available free of charge to all members of the public including disabled persons and other nationals who approach MCAST for Guidance or who when they are about to apply show any sign that they are not sure of what courses to follow.

Further replies to questions A to E

As from 1st January 2007, clients are called in by the respective Employment Advisor for an in-depth interview and a Personal Action Plan is drafted. The Employment Advisor discusses with the client job opportunities and provides direction on the type of jobs he/she can register for taking into consideration the qualifications and prior job experience of the client. An updated CV can also be printed.

The Employment Advisor also sends for clients registering under Part 1 for a general interview. This is done so that contact is kept with all clients including those who have been registering for quite a long time.

The Employment Advisor also verifies whether the client needs training or retraining to become more employable, in which case the said client is referred for training through the use of the client database. An acknowledgment letter is printed, signed by Employment Advisor and client.

The Personal Action Plan (PAP) is an agreement between the Employment Advisor and the client to list down ways and means to help the said client in finding the desired job. PAP for a new client is now being agreed upon on the very first interview with the Employment Advisor. The agreement is written down and endorsed by both parties and includes a schedule of the process to be followed for the client to be placed in the desired job. Usually the PAP is a follow-up of three meetings (1 every month). The PAP should be designed and developed between the two parties when obstacles that are hindering the client from finding the desired job are identified.

ETC also offers a Job Brokerage (Matching Services) Service. Vacancies placed with the Corporation are assigned to an Employment Advisor who utilises a computerised matching system to select and submit eligible candidates.

Matching is based on:

- Job Preferences
- Qualifications
- Work experience
- Other personal attributes & skills

Following auto-matching, a limited number of best possible candidates are selected by the Employment Advisor who sends an e-mail, fax or letter with a list of suitable candidates to employers.

Apart from the advisory services mentioned above the Corporation has currently applied for ESF funding under the Cohesion Policy 2007 – 2013 to provide guidance services to its youths. The project is intended to equip young persons with the motivation and skills they need to enter, retain and progress within work. Employment advisors will refer their clients to more intensive career guidance services; such referrals depend on the profile of the customer.

During October 2005 and September 2006, 2,512 profile interviews and 7,111 general interviews were conducted by the ETC employment advisors in Malta while 2,195 personal action plans were drawn up by them in agreement with job-seekers. The ETC Gozo Branch conducted 676 profiling interviews and 1,198 follow-up general interviews.

ARTICLE 10

THE RIGHT TO VOCATIONAL TRAINING

Paragraph 1

"With a view to ensuring the effective exercise of the right to vocational training, the Parties undertake:

to provide or promote, as necessary, the technical and vocational training of all persons, including the handicapped, in consultation with employers' and workers' organisations, and to grant facilities for access to higher technical and university education, based solely on individual aptitude;"

Question A

Please give an account of the functions, organisation, operation and financing of the services designed to provide vocational training for all persons including those with disabilities, specifying in particular:

- a. the rules laid down by legislation, collective agreements or carried out otherwise;*
- b. the total amount of public expenditure devoted to vocational training;*
- c. the number of vocational and technical training institutions (at elementary and advanced levels);*
- d. the number of teachers in such schools in the last school year;*
- e. the number of pupils, full-time and part-time in such schools in the last school year*

Question B

Please indicate how the arrangements for vocational training are provided with reference to the various types of vocational activity and, if data are available, to age and to sex.

Question C

Please state what measures are taken to ensure a close link between vocational guidance and training on the one hand and employment on the other.

Question D

Please indicate the methods adopted by your government with a view to providing access to higher technical education and university education on the basis of the sole criterion of individual aptitude.

Question E

Please indicate whether equality of access to vocational training opportunities is ensured for all those interested, including nationals of the other Contracting Parties to the Charter lawfully resident or working regularly in your territory, and disabled persons.

Paragraph 2

"With a view to ensuring the effective exercise of the right to vocational training, the Parties undertake:

to provide or promote a system of apprenticeship and other systematic arrangements for training young boys and girls in their various employments."

Question A

Please give an account of the legal framework and the functions, organisation, operation and financing of apprenticeships and/or other systems for training young boys and girls in various jobs in your country.

Reply A

Malta operates apprenticeship schemes on a dual system. This means that the apprentice follows a training programme at a vocational educational institution and carries out on-the-job training at a place of work. There are two schemes, namely, the Technician Apprenticeship Scheme (TAS) and the Extended Skill Training Scheme (ESTS). The Apprenticeship framework is primarily governed by Act XXVIII of 1990, Legal Notices 82 of 1990 (TAS) and Legal Notice 73 of 1998 (ESTS).

Conditions of Apprenticeship

Hours of work

Apprentices' hours of work do not exceed the ordinary hours applicable to the employer's establishment. Time allotted to theoretical instruction is considered as part of the normal working hours.

Vacation leave

Apprentices are entitled to 2 working days for every 20 days attendance at the place of work.

Statutory Bonus

Apprentices are entitled to half of the statutory bonuses due in June and December.

Social Security Contributions

Weekly rate of Social Security Contributions payable by the employer and the apprentice:

- Under 18 years, 10% of weekly wage up to a maximum of € 4.38
- Over 18 years, 10% of weekly wage up to a maximum of € 7.94

Sick Leave

Apprentices are entitled to 30 days sick leave, of which 15 days will be on full pay and the other 15 days on half pay. This benefit may be availed of only after the successful completion of the probationary period.

Overtime

Apprentices are eligible to work overtime provided the necessary consent is provided by ETC. This will ascertain that the extra hours will not influence badly on the time the apprentice needs to either rest or study. Overtime rates are those applicable to full-time employees performing the same job. No overtime rate is to be worked out on a wage below the National Statutory minimum wage. Overtime of apprentices below 18 years of age is regulated by LN 440 of 2003.

Wages/Maintenance grants

Apprentices receive Wages/Maintenance Grants, both of which are defined and vary by year, up to a maximum of three years. A one-time grant of € 326.11 or part thereof is paid to cover expenses related to the purchase of educational equipment.

Certification

A Journeyman's Certificate is awarded to those who successfully complete the apprenticeship at Technician level to TAS apprentices and at Craftsman level to ESTS apprentices.

The Corporation's Training Services Division also offers mainstream programmes and initiatives which are offered to both youths and adults. The Employment and Training Corporation implements the Basic Employment Training as part of a larger project, co-funded by the European Social Fund. The aim of the scheme is to provide basic employment skills to young school leavers who for one reason or another are coming out of the present educational system with little or no skills / qualifications, academic or otherwise.

Question B

Please give an account of the measures taken to implement this provision, stating approximately, if possible the number of young persons benefiting from training systems.

Reply B

The Employment and Training Corporation believes that training is part of the lifelong learning process and has become even more important in today's mobile job market where one needs to constantly upgrade one's skills.

With regards to youth training, during the last financial year (Oct 2005 and Sep 2006) the Training Services Division has supported the Housing Authority in its execution of the Equal programme for **Youths in Institutional Care** - a project co-funded by the EU to provide basic and advanced vocational training to those youths who are currently in institutional care and who do not have the resources to attend such training without financial and social help. On its part the Division provided and arranged for all training requirements so that clients identified by the Housing Authority obtain the necessary skills required by them to find and retain employment. On their part the Housing Authority assisted the selected clients with adequate housing.

In addition ETC repeated the already successful Basic Employment Passport scheme, during the summer of 2006 and 2007, this time entitled BET and organised as part of a larger European Social Funds project. The aim of the scheme is to provide basic employment skills to young school leavers who for one reason or another are coming out of the present educational system with little or no skills / qualifications, academic or otherwise. This scheme was intended for male and female secondary school leavers. No entry requirements were imposed but each participant was assessed so as to establish the entry level.

Profile of Trainees aged 16 – 24 who attended ETC Training courses

	Oct 04 – Sep 05	Oct 05 – Sep 06
IT Related Courses	490	375
Office Related Courses	176	245
Basic Skills Courses	788	1,034
Other Courses	281	329
Trade Courses	136	238
Short Courses	36	24
Small Business Management Course	33	28
NIFTE	726	806
Traineeships	26	127

Question C

Please indicate how the arrangements for vocational training are divided between the various types of vocational activity.

Reply C

Vocational training provided by the Employment and Training Corporation covers a variety of levels and subjects and makes up for identified needs.

Question D

Please describe any measures under which private apprenticeship schemes are assisted out of public funds.

Reply D

In Malta apprenticeship schemes are not privately run. They are part funded by central government through Maintenance Grants that are given to apprentices and through the fact that apprentices attend at public vocational education training institutions (Institute of Tourism Studies (ITS) and the Malta College for Arts Science and Technology (MCAST) for their off-the-job training. These VET institutions are administered and resourced by central government.

Question E

Please indicate whether the measures described are applicable to all categories of young boys and girls likely to benefit from and wishing to undertake apprenticeship or vocational training. If this is not the case, please give an estimate of the proportion of those not covered and, if possible, indicate the categories concerned.

Reply E

Apprenticeships in Malta are run on the dual basis system: ie off-the-job and on-the-job. They are standard based however their duration cannot be less than 18 months or more than 36 months in duration. For a person to participate in these apprenticeships, s/he would need to have completed compulsory education, have been accepted by the VET institute in the training programme that is supported by the apprenticeship framework and also have secured employment with an employer that would be willing to offer on-the-job training.

At the present moment not all the training programmes within the public VET institutions are offered on apprenticeship basis.

There presently are no apprenticeships in the financial services sector, the care sector and the maritime sector. Then there are other sectors where apprenticeship are not offered at varied levels of competency. A case in point is the tourism sector. Apprenticeships are available only at Craft Level.

The training measures are available to all youths, irrelevant of gender, that satisfy the entry requirements set by the VET provider. There are no age barriers for participation. At the moment, we are trying to attract more female participants, as participation rate is rather low.

Paragraph 3

"With a view to ensuring the effective exercise of the right to vocational training, the Parties undertake:

to provide or promote, as necessary:

- a. adequate and readily available training facilities for adult workers;*
- b. special facilities for the retraining of adult workers needed as a result of technological development or new trends in employment;"*

Question A

Please give details of the facilities provided for the training and retraining of adult workers, in particular the arrangements for retraining redundant workers and workers affected by economic and technological change.

Reply A

Each Institute of MCAST deals with a particular vocational area. These Institutes made available courses in their particular area together with the workshops and laboratories needed to carry out the courses. In some instances where this was possible and applicable work-experience with employers was also made part of the course. The times of the courses were such as to be convenient to the participants particularly if these had young children or other dependents. The following courses were offered since 2005 through ESF funding for the sole purpose of retraining or updating the skills of the participants.

Preservation of Traditional Maltese Crafts (including Silver Filigree, Pottery, Stained Glass and Bee Keeping courses) and 304 participants were certificated.

Reskilling and Retraining of Workers in the Mechanical Engineering Industry including Motor Vehicle engineering and 186 participants were certificated.

Reskilling and Retraining of Workers in the Electronics Engineering Industry and 153 participants were certificated.

Employability Skills for Women Returning to the Workforce (including Customer Service and IT courses, Call Centre courses, and Accounting Technician courses) and 276 participants were certificated

Foundation Training Programme for Adults with no Formal Qualifications (including courses in Caring for the Elderly and Decontamination and Sterilisation Science) and 276 participants were certificated

Reskilling and Retraining of Workers in the Building and Construction Industry and 166 participants were certificated.

Question B

Please indicate how the arrangements for vocational training are divided between the various types of vocational activity.

Reply B

Vocational training provided by the Employment and Training Corporation covers a variety of levels and subjects and makes up for identified needs. Initiatives include training programmes and schemes:

Apprenticeship Schemes,
Traineeship Schemes,
Mainstream Programmes,
Business Start up Scheme (Ibda n-Negozju Tieghek)
Night Institute for Further Technical Education (NIFTE)
Business and Management Development Programmes
Basic Employment Passport Scheme
Training Subsidy Scheme
Training Grant Scheme (Business Promotion Act - Regulation 14)

Question C

Please state whether the measures described are applicable to all categories of interested workers likely to benefit from and in need of training or retraining facilities. If this is not the case, please give an estimate of the proportion of those not covered and, if appropriate, give details of the categories concerned

Reply C

Yes all measures are applicable to all categories of interested workers.

Question D

Please indicate the approximate number of adult workers who have participated in training or retraining measures.

Reply D

Hereunder we are reproducing statistical data showing the number of adult workers that participated in training or retraining measures.

Malta Oct 2004 – Sep 2005

	Age Group			
	25 – 39	40 - 49	50 – 59	60+
IT Related Courses	392	53	30	2
Office Related Courses	84	53	30	2
Basic Skills Courses	736	740	485	14
Other Courses	218	212	105	8
Trade Courses	146	82	43	4
Short Courses	40	37	26	0
Small Business Management Course	50	28	13	3

Gozo Oct 2004 – Sep 2005

	Age Group			
	25 – 39	40 - 49	50 - 59	60+
IT Related Courses	69	19	7	0
Office Related Courses	14	2	0	0
Basic Skills Courses	57	12	8	0
Other Courses	48	28	12	1
Trade Courses	14	3	2	1

Other ETC Training Programmes Oct 2004 – Sep 2005

	Age Group			
	25 – 39	40 – 49	50 - 59	60+
NIFTE	455	277	177	8
Traineeships	9	4	4	0

Malta Oct 2005 – Sep 2006

	Age Group			
	25 – 39	40 - 49	50 - 59	60+
IT Related Courses	298	224	150	15
Office Related Courses	78	59	31	0
Basic Skills Courses	798	814	555	8
Other Courses	232	197	92	6
Trade Courses	288	141	79	2
Short Courses	14	10	6	1
Small Business Management Course	43	19	8	0

Gozo Oct 2005 – Sep 2006

	Age Group			
	25 – 39	40 - 49	50 - 59	60+
IT Related Courses	119	45	13	0
Office Related Courses	6	2	0	0
Basic Skills Courses	63	30	8	1
Other Courses	74	46	13	1
Trade Courses	1	0	0	0

Other ETC Training Programmes Oct 2005 – Sep 2006

	Age Group			
	25 – 39	40 – 49	50 - 59	60+
NIFTE	615	368	201	16
Traineeships	63	52	7	0

Question E

Please describe special measures to assist adult women wishing to take up or resume employment.

Reply E

Initiatives undertaken by the Employment and Training Corporation to assist adult women wishing to take up or resume employment (2005-2006):

The Employment and training Corporation through the Gender Equality Unit undertook various initiatives that directly or indirectly assist adult women to take up or resume employment. The Gender Equality Unit publishes a bi-yearly Gender Equality Plan which looks at the developments in the labour market through the gender lens and makes proposals for activities on how to address the gender imbalance in the Maltese labour market.

Some of the activities have the aim of challenging gendered beliefs and values whilst others consist of direct help to mothers like for example the help with childcare costs for mothers who are undergo training with the Corporation.

The following is a brief outline of some of the activities carried out during the period 2005-2006

Increasing female Participation through Childcare Services at the Workplace - ESF 24

The Employment and Training Corporation has implemented an ESF funded project on childcare services at the work place. The project consisted of small grants to help employers set up childcare centres at the place of work for their employees. In all a total of 3 employers received these grants. Through the same funding, eleven courses, for a total of 130 trainees were organised and delivered free of charge. The course had the aim of training child carers to enable them to give a better service to children and their parents. The course consists of 300 hours of tuition and 500 hours of supervised work placement in a functioning childcare centre.

Manual for employers: 'Making Work Better for Organisations and for Employees'

A manual for employers wishing to enhance their work environment through gender equality was published in 2006. The aim of the manual is to encourage good practice by employers and help them to find win-win solutions where productivity and flexibility are combined. This is done through a number of checklists which employers can refer to in implementing good practice initiatives at work where gender equality and work-life balance is concerned. Examples of these initiatives are telework and job-sharing implementation, fair and gender-aware recruitment, training and promotion opportunities and childcare facilities. Furthermore, legal updates relating to gender equality and the workplace, as well as two sample policies in the area of sexual harassment and gender equality were included in the publication.

In June 2006 a seminar was organised for employers during which the manual was launched. The seminar included presentations from various employers who already implement some of the measures suggested in the manual and who discussed with other employers ways in which these initiatives may help their business improve. The manual can be found at: <http://etc.gov.mt/docs/manual%20content.pdf>

Telework study and conference

ETC commissioned a study on the feasibility of telework in Malta, particularly in light of the Lisbon Targets for employment and the need to increase female participation and work-life reconciliation measures. The study looked at a number of case studies and carried out a SWOT analysis of the various methods of implementation of telework both locally and in other EU countries. Results showed that telework had economic, social and environmental benefits. These benefits include better work-life balance, better retention of staff, increased employment opportunities and the possibility of extension of service hours.

In March 2006 a seminar on Telework was organised in collaboration with the Ministry for Investment and IT and Industry. In this seminar the findings of ETC funded research on the subject were presented and discussed with the audience present. A summary of results can be obtained from <http://etc.gov.mt/docs/telework%20leaflet.pdf>

Men on parental leave

As part of the EU-funded project Modern Men in Enlarged Europe, a number of awareness raising activities were carried out in order to encourage more fathers to use parental leave. These activities included the publication of leaflets on parental leave which were distributed to health clinics, hospitals, local councils and prenatal classes. A bus campaign promoting the rights of fathers to parental leave was also held. Research was carried out with fathers who were on parental leave in Malta. Results showed that fathers who took parental leave and took a more active role in their children's upbringing felt that the relationship they had with their child improved; the relationship with their partner showed improvement, thanks to increased communication; they felt less stressed out and experienced personal growth in that they learnt new skills.

On Father's Day 2005, the Gender Unit held a press conference outlining the project and the research results at the post-natal ward in St. Luke's hospital where new fathers were given a gift pack containing material produced for the project.

A seminar on Men and Parental Leave was organised in December 2005. This seminar concluded the Modern Men in Enlarged Europe project which was funded by the European Union. The seminar was well attended and received substantial coverage by the press. A summary report can be downloaded from: http://etc.gov.mt/docs/Joint_Report.pdf

Childcare subsidy

The Employment and Training Corporation has taken the initiative to offer trainees a subsidy on childcare services during their training period. This subsidy is of 56c per hour. Since its inception in April 2006, a number of trainees have benefited from this scheme.

Question F

Please indicate whether equality of access to adult training and retraining is ensured for all those interested, including nationals of the other Contracting Parties to the Charter lawfully resident or working regularly in your territory, and disabled persons.

Reply F

Yes, equality of access is ensured.

Paragraph 4

"With a view to ensuring the effective exercise of the right to vocational training, the Parties undertake;

to provide or promote, as necessary, special measures for the retraining and reintegration of the long-term unemployed;"

Question

Please indicate the special measures taken to provide or promote the retraining and reintegration of long-term unemployed, including as far as possible information on the number of participants and the results achieved.

Reply

In 2006 ETC embarked on a project where all Long Term Unemployed clients (over 3000 registered unemployed persons) were asked to attend a compulsory interview with the aim to select and choose 2 ETC training courses. Such exercise was concluded in September 2006.

The aim of this exercise was to re-integrate these individuals in the labour market in the shortest possible time by offering them relevant and useful training courses. The ETC has engaged a number of interviewers who acted as middle persons between the Employment Advisors of the Corporation and the clients. The interviewers compiled a report on the qualifications, skills, experience and motivation of the individuals. Clients were referred to training programmes according to their preferences of work, qualifications and experience. The interviews were compulsory for all those who have been registering for employment for more than a year. Those who failed to attend without a justified reason were struck-off the unemployment register.

Long-term unemployed participate in ETC organised courses such as Back-to-Work programme which is a modified version of the Job Skills Programme. The Employment and Training Corporation has also implemented the Training and Employment Exposure Scheme, an ESF funded project, during 2004-2006. The aim of the scheme was to re-train unemployed persons over the age of 40 years in areas where they can be re-integrated in the labour market. The scheme also aimed to convince employers that employees over 40 years of age can give very efficient and productive work and thereby, value the concept that 'experience pays', by means of an outreach initiative with private employers. The scheme was one year long and it was sub-divided into 3 phases – the first two phases involved training in basic and specific skills whereas the third phase involved work exposure.

Moreover ETC launched the TEES (training and employment exposure scheme) where over 40 unemployed clients who have been unemployed for at least 6 months were interviewed.

TEES was an ESF 2004 – 2006 project and its aim was to integrate older workers back into employment thru intensive training and work exposure. TEES was launched in 2005 and completed in Dec 2006. In total, 3204 clients were called in for an interview and invited to participate in TEES. 350 men and 110 women actually started the scheme while 213 retained their job when the scheme came to an end. Another 40 clients found alternative employment during the scheme itself and 8 left the scheme to take-up self-employment.

Paragraph 5

"With a view to ensuring the effective exercise of the right to vocational training, the Parties undertake:

to encourage the full utilisation of the facilities provided by appropriate measures such as:

- a. reducing or abolishing any fees or charges;*
- b. granting financial assistance in appropriate cases;*
- c. including in the normal working hours time spent on supplementary training taken by the worker, at the request of his employer, during employment;*
- d. ensuring, through adequate supervision, in consultation with the employers' and workers' organisations, the efficiency of apprenticeship and other training arrangements for young workers, and the adequate protection of young workers generally."*

Question A

Please give a brief account of any fees or charges imposed in respect of vocational training and indicate, where appropriate, the measures taken to reduce or abolish such fees or charges.

Reply A

Unemployed persons do not pay any fees to follow courses organised by the Employment and Corporation.

The Corporation also operates the **Training Subsidy Scheme**, which is intended to assist self-employed persons and persons employed in enterprises with less than twenty employees, to participate in further off-the-job vocational education and training. Assistance will be in the form of a training grant that will be reimbursed to the individual after successfully completing the training. The training must lead to the acquisition of transferable vocational skills ideally compatible with the individual's occupation at the time of application and is to be delivered by a training institution approved by the Corporation. Inactive persons can also benefit from a scheme similar to the one described above.

The Employment and Training Corporation is responsible for the administration of Regulation 14 of the Business Promotion Regulations derived out of the Business Promotion Act (known as BPA).

Regulation 14 regulates the awarding of financial assistance in the form of grants to employers

- to provide training for new employees as well as those that aim to update the skills of those currently employed as per labour market needs.
- promote the re-training of employees whose skills no longer fit the requirements of the enterprise they are currently employed in.
- offer monetary assistance in the form of a training incentive to enterprises.
- promote the ideology of Life Long Learning (LLL) within the workplace.

Through this incentive companies in manufacturing and related services, companies involved in research and development, companies working in biotechnology and companies carrying out activities related to the repair, improvement or maintenance of aircrafts, may benefit from substantial training assistance. Depending upon whether a company is classified as a “large” or a “small or medium” enterprise, such assistance may vary from 35% to 80% of costs involved.

The Corporation monitors apprentices at regular intervals during the on-the-job training.

Further to the above it must also be noted that all the ESF funded courses listed in Article 10 paragraph 3 question A, which were delivered by MCAST, were all free of charge to all adults. MCAST has also a set of evening courses taken against payment. However, senior citizens are exempt of these charges.

Question B

Please describe the system existing in your country for providing financial assistance (allowances, grants, loans, etc.) to participants in vocational training. Please indicate also the nature of the financial assistance provided (amounts, duration, eligibility criteria, etc.).

Please indicate whether equal treatment in respect of financial assistance is ensured for nationals of all the Contracting Parties to the Charter lawfully resident or working regularly in your territory.

Question C

Please indicate the measures taken to include time spent on training taken by workers, at the request of their employer, in the normal working hours.

Question D

Please indicate the supervision and evaluation measures taken in consultation with the social partners to ensure the efficiency of apprenticeship and other training arrangements for young workers.

Question E

Please indicate if the provision of sub-paragraphs (a), (b) and (c) of Article 10 para. 4 are applicable to the great majority of the persons concerned.

ARTICLE 15

THE RIGHT OF PERSONS WITH DISABILITIES TO INDEPENDENCE, SOCIAL INTEGRATION AND PARTICIPATION IN THE LIFE OF THE COMMUNITY

Paragraph 1

“With a view to ensuring to persons with disabilities, irrespective of age and the nature and origin of their disabilities, the effective exercise of the right to independence, social integration and participation in the life of the community, the Parties undertake, in particular:

to take the necessary measures to provide persons with disabilities with guidance, education and vocational training in the framework of general schemes wherever possible or , where this is not possible, through specialised bodies, public or private;”

Question A

Please indicate the criteria applied to grant disabled status and give an estimation of the total number of persons with disabilities as well as the number of persons with disabilities of working age.

Reply A

Persons can register with the National Commission Persons with Disability (KNPD) to get a Special Identity Card thus obtaining the official status of ‘disabled person’.

Disabled persons eligible to get this card are as follows:

- disabled persons according to the Social Security Act (1987) and as amended;
- persons who have a permanent hearing loss of not less than 70dB, or who use hearing aids on a regular basis;
- persons who have a total and permanent paralysis, or a severe permanent and total loss of one arm or one leg;
- persons who have severe psychological illness that causes a disability.

As of the end of 2006, there were 4,884 persons between the ages of 15 and 64 years who were registered with KNPD and who have a Special Identity Card (Source: KNPD Annual Report 2007, p44. Available at <http://www.knpd.org>).

Question B

Please describe the measures taken to provide persons with disabilities with

education, guidance and vocational training in the framework of general schemes wherever possible or, where this is not possible, through specialised bodies, public or private, and provide information on the following points:

- a. assessment of the skills of persons with disabilities and criteria used to assess the prospects of rehabilitation of persons with disabilities;**
- b. organisation of education for persons with disabilities in ordinary schools and/or specialised schools (access, number of persons and establishments);**
- c. organisation of vocational guidance for persons with disabilities (access, number of persons with disabilities receiving guidance through mainstream or specialist provision);**
- d. organisation of vocational training (access, number of persons with disabilities receiving vocational training through mainstream or specialist provision);**
- e. adjustment of the methods of vocational rehabilitation in accordance with the needs of the labour market;**
- f. financial assistance available to persons with disabilities undertaking vocational rehabilitation.**

Question C

Please specify whether the measures mentioned above are available to all persons with disabilities irrespective of age, the nature and origin of their disability.

Question D

Please specify:

- a. the number and nature of the principal institutions giving general education, guidance and vocational training and the number of places available;**
- b. the number of persons undergoing such training;**
- c. the number of staff, their qualifications and the measures taken to ensure their expertise;**
- d. the organisation of co-operation between general and specialised services.**

Paragraph 2

“With a view to ensuring to persons with disabilities, irrespective of age and the nature and origin of their disabilities, the effective exercise of the right to independence, social integration and participation in the life of the community, the Parties undertake, in particular:

to promote their access to employment through all measures tending to encourage employers to hire and keep in employment persons with disabilities in the ordinary working environment and to adjust the working conditions to the needs of the disabled or, where this is not possible by reason of the disability, by arranging for or creating sheltered employment according to the level of disability. In certain cases, such measures may require recourse to specialised placement and support services;”

Question A

Please describe the measures taken to promote the employment of persons with disabilities in an ordinary working environment and in particular the measures concerning the placing of persons with disabilities; incentives for employers to hire persons with disabilities and, where appropriate, measures obliging employers to adjust working conditions.

Please provide information on employment obligation for persons with disabilities.

Please specify the measures to ensure the retention of persons with disabilities in employment (duty of occupational redeployment for persons who become disabled following an accident at work or an occupational disease, ban on dismissal of workers because of their disability, obligation for employers to adjust working conditions, provision of support for persons with disabilities to start their own business, etc.).

Reply A

Within its Supported Employment Section, the ETC caters for the employability of disabled persons who are registering as unemployed. This is done through the RDP Unit which functions with two Employment Advisors. Such clients undergo an in-depth profiling exercise to assess their abilities, which assessment is done with the utilisation of an Occupational Therapist.

Clients are directed to receive ‘mainstream’ training within the ETC Training facilities where it is appropriate, or referred to a specific NGO where it is felt that specialised training is more beneficial. The ETC has currently two Co-operation Agreements with the Eden Foundation and the Richmond Foundation whereas clients suffering from intellectual disabilities or mental illnesses respectively are referred.

During the referred period, the ETC has had three schemes to further enhance the employability of such clients, being:

(A) The ‘Bridging the Gap Scheme’ which offers a work exposure opportunity whereby the Client receives from the ETC an allowance equivalent to 80% of the minimum wage for a maximum period of 52 weeks. During such a period the Employer does not enter into any

obligations (N.I. contributions, Optional Leave, etc.) as in 'normal' employment, but has the chance to assess the Client's abilities during such an exposure period, without any commitment of employment.

(B) The 'Employment Training Placement Scheme' subsidizes the employment of such Clients with 50% of the minimum wage up to a period of 52 weeks. Such a scheme was halted in December 2006.

(C) The 'Supported Employment Scheme' which is an ESF funded project offers both financial aid to employers and other services such as the utilisation of a Job Coach and/or personal assistance. It consists of five tiers of subsidies depending on the case. The SES is intended to last until September 2008.

Current legislation obliges employers (with more than 20 employees) to have at least 2% RDP's within their respective workforce.

Furthermore the Equal Treatment in Employment Regulations, 2004 (L.N. 461 of 2004) as amended by L.N. 53 of 2007 stipulates that employers should provide reasonable accommodation for persons with disabilities. Employers should take appropriate measures to enable a person with a disability to have access to, participate, or advance in employment or to undergo training.

Question B

Please indicate the number (or an approximation) of persons with disabilities who during the reference period found paid employment (whether in specialised institutions or not; in the public or private sector).

Reply B

Between October 2005 and September 2006, 47 Clients were placed in gainful employment through the ETC 'Supported Employment Section'.

Question C

Please provide information on sheltered employment structures (type, capacity, pay rates for persons with disabilities working there). Please indicate the opportunities which exist to transfer from sheltered employment to open employment.

Reply C

In Malta there exists the following opportunities with Sheltered Employment:

The Supported Employment Section of the ETC supports and targets people with disability as well as other groups facing discrimination to integrate into labour market. The Section assists these client groups by providing counselling and placement services together with referrals to adequate training. There are two schemes that a person with disability may benefit from as follows:

The Bridging the Gap scheme is designed to support a trainee in the transition period from unemployment to employment. It allows the employer to evaluate the performance of the trainee in the workplace, prior to proper engagement. The scheme offers the trainee a period of work exposure with an employer to enable him/her to demonstrate the skills needed for a particular job. The employer and the Employment and Training Corporation (ETC) enter into an agreement regarding the work exposure period, whereby a trainee is placed on the scheme with the prospect of employment. The trainee is considered as an unemployed registrant without the obligation to turn up for his/her weekly signing-up. Trainees will receive a weekly allowance of € 81.53 from ETC while renouncing the rights to any Social Security benefits throughout the work exposure phase.

The Supported Employment Scheme is designed to support registering unemployed persons who have a severe disability. The idea is that of offering the person with disability the opportunity to gain workplace skills required by employers, integrate within the labour market and have remunerative employment while receiving ongoing support services from the ETC. In such scheme, the Employer interviews and selects the person and evaluates the progress of the person with the assistance of a job coach, if the need arises. The Employer will have the support of the ETC officials throughout the employment of this person. Participants continue to receive the Disability Pension throughout this period.

The Supported Employment Programme (Richmond Foundation in conjunction with ETC) provides personalised training services to persons with mental health difficulties, with a view to ensuring them secure employment. It is made up of four levels: Transition Training, Job Exposure, Job Placement and the Follow-On Support Service. Jobseekers attend various sessions of group training before they start on the job training, depending on their needs. Group training include sessions in Social Skills; Health and Safety; Anger Management; Sex Education; Presentation and Grooming; Job Hunting; Work Ethics; Problem Management; and Stress Management.

The Day Services of Agenzija SAPPOR (FSWS) introduce some of its clients to the world of employment through sheltered employment programmes that aim at skill teaching, problem management and social skills. Remuneration for such services are agreed on individual basis.

The Eden Co-operative Society Ltd. provides training and support services for persons with disability primarily in vocational training. The emphasis is on 'training', whereby even the client group is denoted by the term 'trainees'. The main driving forces of the Eden Co-operative are to train and support people with disability with the necessary employability skills needed to find open employment and remain employed. This is achieved by providing different work experiences in real work environments. The Eden Co-operative has also the responsibility to provide work opportunities for persons with disability. The Eden Co-operative has the responsibility to offer direct training in Vocational and Employment skills as well as support in those cases where it is not required to have close contact but suffices regular monitoring.

The programmes provided by the Supported Employment Section of the ETC, the Supported Employment Programme (Richmond Foundation in conjunction with ETC) and the Eden Co-operative Society Ltd. are all intended to transit disabled people from sheltered to open employment.

Paragraph 3

“With a view to ensuring to persons with disabilities, irrespective of age and the nature and origin of their disabilities, the effective exercise of the right to independence, social integration and participation in the life of the community, the Parties undertake, in particular:

to promote their full social integration and participation in the life of the community in particular through measures, including technical aids, aiming to overcome barriers to communication and mobility and enabling access to transport, housing, cultural activities and leisure.”

Question A

Please indicate how national policy promotes the independence, the full integration and participation in the life of the community of persons with disabilities. Please describe in particular how this applies to children with disabilities.

Reply A

Government policy is that persons with disability are socially included at all levels. This policy is, as far as possible, mainstreamed in all decision-making processes. In particular Government has:

signed the UN Convention on the Rights of Persons with Disability with a view of ratifying it as soon as possible;

legislated the Equal Opportunity (Persons with Disability) Act (i) to outlaw discrimination on the basis of disability and (ii) to establishing KNPD, so that, inter alia, it will ensure that this legislation is being enforced;

adopted a policy whereby all plans of new building developments open to the public and ‘of major use’ are vetted to ensure compliance with ‘Access for All’ principles.

adopted a policy whereby the great majority of students with disability receive their education in mainstream schools and that they are also provided with the appropriate support, primarily through the recruitment and deployment of Learning Support Assistants.

adopted a policy, which includes the setting up of Agenzija SAPPOR, to provide essential support persons with disability in order to enable them to continue living in the community and, where this is not possible, to provide the option of small, community homes.

The last measure ensures that children with disability are fully integrated in society.

Question B

Please describe:

a. the measures taken to overcome barriers to communication and mobility;

b. the measures taken to enable access to transport, housing, cultural activities and leisure for persons with disabilities.

Reply B

The Maltese Government has taken the following measures to ensure that persons with disability can overcome barriers to communication and mobility, through the provision of:

the Foundation for Information Technology Accessibility (FITA) to ensure that persons with disability have full access to ICT;

financial support for the Deaf People's Association to set up and maintain a small Sign Language Interpreting Service;

limited financial support to persons with disability to help them buy necessary equipment (including vehicles) to enable them to live more independently;

a Blue Parking Badge service for persons with mobility impairment which entitles them to park in Reserved Parking Bays for persons with disability;

a reserved parking bay in front of the residence of persons with a severe mobility impairment.

The Maltese Government also took the following measures to enable persons with disability access to transport, housing, cultural activities and leisure for persons with disabilities:

all new buses have to be accessible to all. At present about one fourth of the total bus fleet are accessible to all;

sea ferries operating between Malta and Gozo are accessible to all;

the Housing Authority offers limited financial support for persons with disability to enable them to own their own house, or to adapt their present dwelling to their impairment-led needs.

Question C

Please indicate how organisations representing or assisting persons with disabilities are consulted or involved in the formulation and implementation of the social integration policies for persons with disabilities.

Reply C

The National Commission Persons with Disability, established by the Equal Opportunities (Disabled Persons) Act (EOA), is the Government's focal point responsible for the formulation and implementation of the social integration policies for persons with disabilities in Malta (EOA Article 22). Seven members of this Commission are appointed by the Prime Minister. They are persons who, in his or her opinion "best represent voluntary organisations working in the field of disability issues" (EOA Article 21.1). Furthermore at least one half of the total number of the members of the Commission have to be "themselves persons with a physical disability or family members of persons with a mental disability" (EOA Article 21.2) Since its

enactment in 2000, these provisions have been adhered to. The Prime Minister, in appointing the Commission members has always asked the Federation of Organisations Person with Disabilities to nominate five members to sit on this Commission and their recommendations have always been accepted.

ARTICLE 18

THE RIGHT TO ENGAGE IN A GAINFUL OCCUPATION IN THE TERRITORY OF OTHER PARTIES

Paragraph 1

"With a view to ensuring the effective exercise of the right to engage in a gainful occupation in the territory of any other Party, the Parties undertake:

to apply existing regulations in a spirit of liberality;"

Question A

How is this paragraph observed in your country, both with regard to wage-earners and with regard to others?

Reply A

Our response is based on the situation of third country nationals in Malta. Third country nationals do not have an automatic right to engage in a gainful occupation in Malta however, work permits are granted in sectors where labour shortages are identified and in the case of highly skilled workers. Work permit requests for part-time work are usually not acceded to. With regard to self-employed third country nationals, requests for work permits are not acceded to.

Question B

Please indicate the number of permits granted compared with the number of applications made.

Reply B

We do not have this data readily available.

Question C

Please state whether your country applies restrictions to the right to engage in a gainful occupation by nationals of other states and if so, please mention the grounds.

Reply C

Yes as explained under question A, work permits are not granted for self-employed activity and when the third-country national is not highly skilled and there is no shortage of labour in that occupation/sector.

Paragraph 2

"With a view to ensuring the effective exercise of the right to engage in a gainful occupation in the territory of any other Party, the Parties undertake:

to simplify existing formalities and to reduce or abolish chancery dues and other charges payable by foreign workers or their employers;"

Question A

Please describe the formalities which must be observed by nationals of the other Contracting Parties and the members of their families or by their employers, with regard to their residence in the country and the exercise of an occupation, whether they are seeking paid employment or wish to engage as self-employed, distinguishing between wage-earners or salaried employees, self-employed traders or craftsmen, heads of agricultural or non-agricultural concerns, various professions.

Please state what derogations have been made to the rules normally applicable and with regard to what categories of persons.

Reply A

Fees for work permits	New	Renewal
Third Country National	€ 139.76	€ 139.76
Asylum Seeker	€ 58.23	€ 34.94
Refugee	€ 58.23	€ 34.94
Persons with Temporary Humanitarian Protection	€ 58.23	€ 34.94

Work permits for self-employed are not granted, except for Refugees.

Question B

Please indicate what chancery dues or other charges are payable by foreign workers or their employers.

Reply B

Foreign workers pay the same rates of social security contributions and taxes applicable to their Maltese counterparts. However EU nationals who provide proof that they are still paying their social security contributions in their country of residence will be exempted from paying such dues in Malta.

Question C

Please indicate the steps taken to simplify the formalities described in Question A and to reduce the charges referred to in Question B.

Reply C

The forms are available online and templates for documents requested are also provided online in order to ease the process.

Paragraph 3

"With a view to ensuring the effective exercise of the right to engage in a gainful occupation in the territory of any other Party, the Parties undertake:

to liberalise, individually or collectively, regulations governing the employment of foreign workers;"

Question A

Please specify whether, and if so under which conditions, a foreign worker may:

- a. change his place of occupation;***
- b. change his occupation;***
- c. claim the renewal of the permit.***

Reply A

A foreign worker who changes his place of occupation and/or his occupation is allowed to do so as long as he/she submits a new application. He may also claim the renewal of the permit as long as his position is still warranted and both he and his employer abided by the conditions of the work permit and tax and social security contributions were paid and at least a minimum wage was earned.

Question B

Please describe the situation of the holder of a work permit if he loses or gives up his job while the permit is still valid.

Reply B

The person will either have to find an alternative employment otherwise he/she has to request a residence permit on grounds other than employment. If not he/she will have to leave the territory.

Paragraph 4

"With a view to ensuring the effective exercise of the right to engage in a gainful occupation in the territory of any other Party, the Parties undertake:

the right of their nationals to leave the country to engage in a gainful occupation in the territories of the other Parties."

Question

Please indicate whether there are any restrictions or special conditions affecting the right of such persons to leave the country for this reason and, if so, what the regulations are.

Reply

There are no restrictions or special conditions affecting the right of such persons.

ARTICLE 20

THE RIGHT TO EQUAL OPPORTUNITIES AND EQUAL TREATMENT IN MATTERS OF EMPLOYMENT AND OCCUPATION WITHOUT DISCRIMINATION ON THE GROUNDS OF SEX

“With a view to ensuring the effective exercise of the right to equal opportunities and equal treatment in matters of employment and occupation without discrimination on the grounds of sex, the Parties undertake to recognise that right and to take appropriate measures to ensure or promote its application in the following fields:

- a. access to employment, protection against dismissal and occupational reintegration;*
- b. vocational guidance, training, retraining and rehabilitation;*
- c. terms of employment and working conditions, including remuneration;*
- d. career development, including promotion”.*

Question A

Please state how the rights contained in this provision have been protected in legislation. This information should be specified according to the areas listed in paragraph 1 of Article 20.

Reply A

The rights contained in the areas as listed in paragraph 1 of Article 20 of the European Social Charter are protected by the Equal Treatment in Employment Regulations 2004 (L.N. 461 of 2004) as amended by L.N. 53 of 2007. (Please refer to Reg 1 (3) & (4).

Question B

Please indicate whether legislation provides a right for a worker to take legal action before a court or other competent authority in order to ensure the effective implementation and exercise of his rights under this provision. The information shall cover the four areas specified in the provision.

Reply B

The Equal Treatment in Employment Regulations, 2004 (L.N. 461 of 2004) as amended by L.N. 53 of 2007 provide for any person who claims to have been subjected to discriminatory treatment, whether direct or indirect, in relation to his employment in relation to the four areas specified in Article 20 to refer, within four months of the alleged breach, the matter to the Industrial Tribunal for redress.

The above mentioned Regulations provide also for a right of action before the competent Court of civil jurisdiction requesting the Court to order the defendant to desist from such discriminatory practice and to order the payment of compensation for any damage suffered through such unlawful act.

Question C

Please state whether clauses in collective agreements and employment contracts that contravene the principles of non-discrimination may be declared null and void and according to which procedure.

Reply C

Regulation 13 of the Equal Treatment in Employment Regulations, 2004 stipulate that any provisions contrary to the principle of equal treatment in individual contracts or in collective agreements shall be considered null and void.

Question D

Please describe which safeguards legislation provides against gender discrimination and against retaliatory measures undertaken by the employer. Please state how it provides for the rectification of the situation (reinstatement in cases of dismissal, financial compensation, etc.).

Please indicate also whether there are other sanctions against an employer who is guilty of such discrimination.

Reply D

Gender discrimination is prohibited under both the Equality for Men and Women Act and The Employment and Industrial Relations Act. Victimization against a person who has sought to enforce his/her rights is also prohibited under both Acts.

By virtue of the Equality for Men and Women Act, persons who feel aggrieved because the principle of equal treatment has not been applied to them may institute an action for damages with the Civil Courts, and may moreover request the court to order that such person desists from the unlawful act.

Moreover, the Employment and Industrial Relations Act allows persons who have suffered discrimination to lodge a claim with the Industrial Tribunal, through which, aggrieved persons may request to be reinstated in their employment, or may seek payment for damages.

The Equality for Men and Women Act also envisages criminal proceedings in cases of sexual harassment, which is deemed to be a form of gender discrimination.

The Employment and Industrial Relations Act (Cap 452) also provides for safeguards against gender discrimination. In fact article 26 of the said Act state that it shall not be lawful to subject any applicants for employment or employees already in employment to discriminatory treatment.

Any person who alleges that an employer has discriminated against him or her can lodge a complaint to the Industrial tribunal which has the power to order financial compensation and /or re-instatement in cases of dismissal.

Question E

Please describe who has the burden of proof in cases of alleged gender discrimination in your country and whether this issue is regulated in legislation or case law. If the latter is the case, please enclose some decisions based on this case law.

Reply E

The Equality for Men and Women Act provides:

19. (1) Without prejudice to the provisions of article 30 of the Employment and Industrial Relations Act, a person who alleges that any other person has committed in his or her regard any act which under any of the provisions of this Act is unlawful, shall have a right of action before the competent court of civil jurisdiction requesting the court to order the defendant to desist from such unlawful acts and, where applicable, to order the payment of compensation for such damage suffered through such unlawful act.

(2) In any proceedings under subarticle (1) it shall be sufficient for the plaintiff to prove that he or she has been treated less favourably on the basis of sex or because of family responsibilities and it shall be incumbent on the defendant to prove that such less favourable treatment was justified in accordance with the provisions of this Act.

With regards to proceedings instituted under the Employment and Industrial Relations Act, LN. 297 of 2003, issued under the same Act, states that *'In determining whether any treatment is treatment that is justified in a democratic society, the Industrial Tribunal shall take into account the provisions of any directive and, or regulation issued by the institutions of the European Union relating to discrimination...'*

Thus, in determining cases of alleged gender discrimination, the Industrial Tribunal would have to apply the principle of the shifting of the burden of proof as enunciated in EU Anti-Discrimination legislation.

Question F

Please describe the specific measures to prevent discrimination against women in matters of employment and occupation, particularly in cases of pregnancy, confinement and during the post-natal period.

Reply F

Regulation 12 of the Protection of Maternity (Employment) Regulations, 2003 (L.N. 439 of 2003) states that it is unlawful for the employer to dismiss a pregnant employee, an employee who has recently given birth to a child or a breastfeeding employee.

Regulation 11 stipulates that employees who are on maternity leave shall be entitled to all rights and benefits which may accrue, including the right to apply for promotion opportunities at her place of work.

Question G

Please indicate whether there are occupations (if so, which ones) that are reserved exclusively for one or other sex, specifying whether this is due to the nature of the activity or the conditions in which it is carried out.

Reply G

There are no such occupations.

Question H

Please indicate whether measures of positive action in favour of one gender aimed at removing de facto inequalities are allowed under the legislation and, if so, whether such measures were taken during the reference period.

Reply H

The Equality for Men and Women Act provides that “Nothing... shall be deemed to constitute discrimination in so far as such treatment -...constitutes measures of positive action for the purpose of achieving substantive equality for men and women.”

Measures of positive action are thus allowed under Maltese legislation. In this regard, reference could be made to an EQUAL project implemented by the National Commission for the Promotion of Equality (Promoting Equal Opportunities through Empowerment), which basically entailed reaching out to the inactive segment of the Maltese population, particularly women, and encourage them to be part of, remain and advance in the labour market by promoting the uptake of opportunities to this end.

The project will make use of role models that have improved their employment status after they have undergone training and/or sought employment to develop their career to strengthen the project's objectives.

Question J

Please indicate what active policies carried out by your authorities to achieve equal opportunities and equal treatment in employment and what practical measures have been taken to implement these policies.

Reply J

The Maltese Government has endorsed the decision to implement gender mainstreaming in all Government Ministries, Departments and entities in 2000 (OPM circular 24/2000). All public officers involved in the policy making process have also been made accountable for the implementation of this strategy by means of the same circular.

The implementation of gender mainstreaming enjoys political support at the highest level. In fact, a number of speeches delivered by Ministers also attach specific importance to gender mainstreaming. For instance, the Message by the Hon. Dolores Cristina, Minister for the Family and Social Solidarity, included in the 2005 Annual Report of the National Commission for the Promotion of Equality states, amongst other things that : *‘Gender mainstreaming is the*

main tool that legislators and administrators alike can and should use in order to promote equality at all levels'. Similarly the opening speech delivered by Dr. Louis Deguara, Minister of Health, at the 'Gender Management Systems in the Health Sector Seminar on the 3 October 2001, stated, *inter alia*, that *'All Ministries and Departments are therefore strongly urged to integrate women's concerns in the drafting and implementation of all policies'*

Until 2004, all Government Ministries had an Equality Focal Point who was responsible for all Equality issues within that particular Ministry. Following the establishment of the NCPE in 2004 however, the Focal Points system evolved, so that now each Government Ministry has an internal Equality Committee instead. The terms of reference assigned to such committees includes the implementation of gender mainstreaming within their respective Ministry.

The National Commission for the Promotion of Equality co-ordinates the work of the Committees, provides expertise when requested and conducts seminars and training sessions on the subject. The National Commission for the Promotion of Equality will also be monitoring the work of the Committees in order to measure progress achieved in the different policy areas.

Since 2005, the NCPE has been dedicating specific resources for the implementation of gender mainstreaming. In particular, the NCPE has implemented a project entitled 'Gender Mainstreaming – the way forward', which involved a number of different components, including research studies intended to shed light on areas which have been identified as requiring attention, and the engagement of a Gender Liaison Officer whose work mainly related to the better understanding of the implementation of gender mainstreaming, and the sharing of such expertise with the members of the Equality Committees and other officers involved in the policy making process. In this regard, the NCPE held individual meetings with the different committees, in order to guide them in their work and to co-ordinate the work of the different committees.

It was felt however that the members of the Committees need better guidance on how to implement effective gender mainstreaming, and since November 2005, NCPE has been compiling literature for a toolkit for gender mainstreaming. NCPE will then use the toolkit as a basis for a training programme for the members of the Committees and other key public officers. Training sessions will also be delivered to the Judiciary and Members of the Legal Profession; Human Resources Practitioners and Law Students.

Gender Mainstreaming is however not only being promoted at departmental level, but also at a higher national level. In this regard therefore, NCPE has carried out an analytical review of the current key legislative instruments on the basis of which it has proposed concrete reforms in a number of relevant sectors, including the employment field, the social policy field and the fiscal field. A gender analysis of the National Reform Programme and of the Pre-Budget Document was also carried out. In fact, the first gender analysis of the budget was done for the 2006 budget, and was carried out in October 2005. The subsequent budget also received the same treatment.

Formal feedback was also sent regarding the Consultation Document regarding the Pensions Reform, and in this regard a number of important considerations have been included in the final document.

The NCPE has also been working closely with the department of contracts in order to introduce a 'gender equality clause' in all tenders assessed by them.

The NCPE has also been working closely with the Planning and Priorities Co-Ordination Division at the Office of the Prime Minister to ensure that the gender mainstreaming aspect required in the Structural Funds is given due importance and is observed in the best possible manner. A decision has also been taken whereby NCPE sits on all the Committees that discuss all EU-co funded projects and this to ensure that gender mainstreaming is definitely being implemented.

A number of gender-sensitive indicators have been developed for evaluation of ESF funded projects. These include: number of trainers (by sex); number of trainees (by sex); number of certified beneficiaries (by sex); number of trainees successfully placed after training (by sex); jobs created/retained (by sex).

The NCPE also contributes regularly to the print, audio and visual media since it believes that awareness raising and informal education are two key elements in the mainstreaming process.

The NCPE has also worked closely with the Employment and Training Corporation for the drafting of a Manual of Good Practice for Employers and to deliver Gender Equality Training to the staff of the said Employment and Training Corporation. The NCPE has also provided basic training on Gender Mainstreaming to all the staff of the same Employment and Training Corporation.

The tools used so far for the implementation of gender mainstreaming include gender-proofing and gender-impact assessments; educational materials; training; sharing of expertise; round table meetings.

Statistics disaggregated by sex are compiled by the National Statistics Office; the Employment and Training Corporation; and all research commissioned by the National Commission for the Promotion of Equality. The NCPE is however in contact with the National Statistics Office to improve the compilation of data in certain fields.

NCPE is has also worked with the Commonwealth Office in London and a 3 day training programme has been delivered in December 2006. This programme focused on a number of issues including gender mainstreaming.

For more information regarding measures implemented in pursuance of Gender Equality, by the National Commission for the Promotion of Equality and The Employment and Training Corporation can be obtained by accessing the following links:

<http://www.equality.gov.mt/>

www.equality.gov.mt

<http://www.etc.gov.mt/site/page.aspx?pageid=2113>

Question K

Please indicate if social security matters as well as provisions concerning unemployment benefit, old age benefit and survivor's benefit are considered to be within the scope of this provision.

Reply K

The Department of Social Security (DSS) administers two basic schemes. One Scheme is known as the Contributory Scheme, and the other as the Non Contributory Scheme. In the Contributory Scheme, the basic requirement for entitlement is that specific contribution conditions are satisfied. In the Non Contributory Scheme, the basic requirement is that the conditions of the means test are satisfied.

The contributory scheme is universal since it practically covers all strata of society and it is a system where an employee, self-occupied or self-employed person pays a weekly contribution as laid down by the Social Security Act. A person makes contributions towards the scheme made during the period that such person is gainfully active in order to provide for him or herself when a later contingency such as sickness, unemployment or retirement occurs. Moreover under certain conditions, the scheme acknowledges the non-payment (crediting) of contributions during a period of a specific contingency, and provides for the crediting in lieu of the payment of contributions.

As already stated the non-contributory benefits are not based on contributions, but on a financial means test of the person claiming such pension/benefit or allowance. These non-contributory benefits are mainly aimed at providing social and medical assistance (the latter, both in cash and in kind) to heads of household who are unemployed and either in search of employment or unable to perform any work because of some specific disease, provided their family's financial resources fall below a certain level. Those who suffer from certain chronic diseases are allowed a medical aid grant free of charge as well, irrespective of their family's financial resources

Once the contributory or the non-contributory eligibility requirements are satisfied the benefits/assistances are issued irrespective of age, state of health, disability and gender. In view of this all benefits and assistances including the unemployment benefit, the old age benefit and the survivor's benefit are all considered to be within the scope of this provision.

ARTICLE 24

THE RIGHT TO PROTECTION IN CASES OF TERMINATION OF EMPLOYMENT

“With a view to ensuring the effective exercise of the right of workers to protection in cases of termination of employment, the Parties undertake to recognise:

- a. the right of all workers not to have their employment terminated without valid reasons for such termination connected with their capacity or conduct or based on the operational requirements of the undertaking, establishment or service;*
- b. the right of workers whose employment is terminated without valid reason to adequate compensation or other appropriate relief.*

To this end, the Parties undertake to ensure that a worker who considers that his employment has been terminated without a valid reason shall have the right to appeal to an impartial body.”

Question A

Please state the valid grounds for termination of employment provided by national legislation and whether national legislation prohibits certain cases of termination of employment.

Please specify whether these grounds appear in legislation or regulations or whether they are derived from court decisions or other sources and provide examples of case law on this point.

Please state whether termination of employment is notified in writing, and if so, whether the employer is required to state the reasons for dismissal in the notification.

Please state what are the workers’ rights in cases of unilateral amendments by the employer to the substantive conditions of the employment contract.

Reply A

Under legal notice 110 of 1993 all employers have to submit a termination form within 4 days from the termination to the Human Resources Information Section of the Employment and Training Corporation either through website (www.etc@gov.mt) or through hard copies. ETC will then issue an acknowledgment both to employer and employee. In case of unjustified termination the client has to submit his appeal to the Department of Industrial and Employment Relations.

The Employment and Industrial Relations Act provides that the employer may dismiss an employee if there is a good and sufficient cause.

However, the employer may not set up as a good and sufficient cause the fact that:

- a) the employee is a member of a trade union
- b) the employee no longer enjoys the employer's confidence
- c) the employee contracts marriage
- d) the employee is pregnant with child or is absent from work during maternity leave
- e) the employee discloses information to a designated public regulating body regarding alleged illegal or corrupt activities being committed by his employer
- f) the employee has filed a complaint against the employer
- g) the business in which the employee is employed has undergone a transfer of ownership

The Employment and Industrial Relations Act does not require that termination of employment is notified in writing. However the Employment and Training Corporation requires that a written Termination Form is filled in by the employer stating also the reason for termination.

If the employer unilaterally amends substantially the conditions of the employment contract, the employee can seek redress through the Department of Industrial and Employment Relations.

Question B

Please state whether workers who consider that they have been dismissed without valid reason have a right of appeal to a tribunal or an impartial authority. Please indicate the time-limit which workers must observe to exercise this right of appeal. Please state where the burden of proof lies.

Reply B

Workers who consider that they have been unfairly dismissed can appeal within four months from the date of the dismissal, to the Industrial Tribunal.

The Industrial Tribunal have such powers as are vested in the Civil Court and the degree of proof required in cases of alleged unfair dismissals is the balance of probability

Question C

If the court or tribunal to which the appeal lies considers that the termination of employment is unjustified, please indicate whether the worker is entitled to adequate damages (and describe how the level of damages is determined) or to any other form of compensation (and indicate what such compensation consists of). Inasmuch as the remedy for unfair or unlawful termination of employment is monetary, please indicate:

- a. whether this applies to all enterprises, regardless of their size;***
- b. whether there is a minimum level of damages;***
- c. whether the choice of damages (instead of reinstatement) is left to the worker, the employer or the court.***

Reply C

If the Industrial Tribunal considers that the employee has been unjustly dismissed, the Industrial Tribunal may order for the employee to be reinstated or re-engaged by the employer. If this is not practical or the employee does not wish to be reinstated, the Industrial Tribunal may order an award of compensation to be paid to the employee by the employer.

When determining the amount of such compensation, the Tribunal shall take into consideration the real damages and losses incurred by the worker who was unjustly dismissed, as well as other circumstances such as the worker's age and skill;s as may affect the employment potential of the said worker.

Question D

Please list the categories of workers excluded from this protection and indicate how they are in conformity with item 2 of the Appendix to Article 24. If workers who are employed under a fixed-term contract are excluded (item 2 of the Appendix to Article 24) from this protection, please provide a definition of a fixed term contract. If there is a trial period of employment for this protection, please indicate its length.

Reply D

At present Public Service employees are excluded from seeking redress from the Industrial Tribunal.

ARTICLE 25

THE RIGHT OF WORKERS TO THE PROTECTION OF THEIR CLAIMS IN THE EVENT OF THE INSOLVENCY OF THEIR EMPLOYER

“With a view to ensuring the effective exercise of the right of workers to the protection of their claims in the event of the insolvency of their employer, the Parties undertake to provide that workers’ claims arising from contracts of employment or employment relationships be guaranteed by a guarantee institution or by any other effective form of protection.”

Question A

Please indicate whether workers’ claims in the event of the insolvency of their employer, are secured by means of a guarantee institution, a privilege, a combination thereof or by other means.

Reply A

The Guarantee Fund Regulations provide for the protection of employees in the event of the insolvency of their employer as regards as to guarantee payment of valid outstanding claims of unpaid wages.

Question B

Please state how the term “insolvency” has been defined and to which situations it has been applied.

Reply B

An employer is deemed to be in a state of insolvency:

- a) where a request has been made for the commencement of proceedings for bankruptcy of the employer under Part III of the Commercial Code and the Court has established that the employer’s undertaking or business has been definitely closed down and that the available assets are insufficient to cover the payment of the claims of employees,
or

the Court has either appointed a provisional liquidator or administrator in terms of the Companies Act.

Question C

Please indicate which claims are protected in case of the insolvency of the employer.

Reply C

The claims registered shall be limited to the unpaid amounts due for unpaid wages, which shall consist of the basic wage for the relevant unpaid period, any unpaid overtime, arrears for any leave entitlement for the current and preceding year and any notice money payable.

Question D

Please indicate whether there are any categories of workers not covered by the protection offered in this field by reason of the special nature of their employment relationship.

Reply D

Private domestic servants, share-fishermen, and employees who on their own or together with their parents, spouse, children or siblings was the owner or part owner of the employer's undertaking or business are not covered by the protection provided by the Guarantee Fund Regulations.

Question E

Please indicate whether workers' claims are limited to a prescribed amount. If so, state what the amount is and how it is determined.

Reply E

The maximum amount paid out of the Fund to an employee must not exceed a sum which is equivalent to thirteen weeks' national minimum wage payable at the time of the termination of employment of such employee.