



European
Social
Charter

Charte
Sociale
Européenne



COUNCIL
OF EUROPE

CONSEIL
DE L'EUROPE

31/01/2012

RAP/RCha/MAV(2012)

EUROPEAN SOCIAL CHARTER

5th National Report on the implementation of
the European Social Charter

submitted by

THE GOVERNMENT OF MALTA

(Articles 1, 9, 10, 15, 18, 20, 24 and 25
for the period 01/01/2007 – 31/12/2010)

Report registered by the Secretariat on 31 January 2012

CYCLE 2012



**FIFTH REPORT ON THE
EUROPEAN SOCIAL CHARTER (REVISED)**

submitted by the
Government of Malta
(1 January 2007 – 31 December 2010)

2011

INDEX

Group 1 – Employment, Training and Equal Opportunities

I. INTRODUCTION

II. PROVISIONS OF THE EUROPEAN SOCIAL CHARTER (revised)

Article 1	5
Article 9	23
Article 10	39
Article 15	51
Article 18	55
Article 20	62
Article 24	63
Article 25	68

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 2007 to 31 December 2010.

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.

I. INTRODUCTION

This Report by Malta is drafted within the context of the form for submission as adopted by the Committee of Ministers on the 26th March 2008.

The following information is to supplement previous information submitted by Malta with respect to the same provision under the European Social Charter and should be taken as additional information. Where a new provision of the Revised Charter has not been reported upon in previous Reports from Malta, full details of the situation of the respective Article in Malta will be provided.

Article 1 – The right to work

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

1. 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;
2. to protect effectively the right of the worker to earn his living in an occupation freely entered upon;
3. to establish or maintain free employment services for all workers;
4. to provide or promote appropriate vocational guidance, training and rehabilitation.

Appendix to Article 1§2

This provision shall not be interpreted as prohibiting or authorising any union security clause or practice.

Information to be submitted

Article 1§1

1) *Please describe national employment policy and the general legal framework. Please specify the nature of, reasons for and extent of any reforms.*

National employment policy is implemented by different actors, one of them being the Employment and Training Corporation. Malta's Public Employment Service was set up by an Act of Parliament in 1990. Article 5 of the Employment and Training Services Act, 1990 establishes the Employment and Training Corporation as a body corporate having a distinct legal personality and is primarily responsible for:

- Providing and maintaining an employment service
- Finding suitable employment and assisting employers to find suitable employees
- Providing training services to clients seeking new jobs and to clients already on the job but wanting to improve their knowledge and skills

ETC's Mission Statement reinforces its responsibility "To provide and ensure equitable access to training programmes and employment services that contribute towards the social and economic development of the community."

The Corporation has been actively involved in the implementation of active labour market policies for Malta. Empowered by the provisions of the aforementioned Act, it also maintains a database of all persons in employment and provides national labour market administrative statistics to the National Statistics Office for publication. Market research is undertaken both to understand how the market is operating and to determine the labour and skills needs of employers. The ETC Law Compliance Unit plays an important role in keeping the employment register updated and in identifying any abusers of the social system in order to a certain extent, address the issue of undeclared work.

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 Employment, Education and the Family. 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.

Finally, the Corporation is also responsible for the processing of employment licences to third country nationals seeking to work in Malta.

2) *Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.*

The Employment and Training Corporation has and continues to employ a number of active labour market measures to maximize the potential of the pool of workers available at its disposal. These active measures include:

The **Active Youth Scheme** (2007-2008) in an effort to help youths discover and develop their hidden talents whilst contributing to society by working with NGOs, and religious and cultural organisations. The success of this scheme was the result of intensive and continuous promotion on radio stations, newspapers, and one-to-one meetings with employers and local councils.

Recruitment Drives have been organized since 2007 for employers needing a number of employees. During the 2007 and 2008 financial year as a response to transitions in the labour market, Recruitment Drives were held for cleaners, room attendants, waitresses/waiters, secretaries and machine operators. Employment advisors were present at these Recruitment Drives to assist employers with their selection process.

The Gozo Employment Aid Scheme was launched by Malta Enterprise in collaboration with ETC in 2008. The scheme aimed to stimulate employment opportunities for jobseekers that were in disadvantaged situations. The PES was entrusted to manage the scheme. The scheme closed in December 2008 and had 240 participants.

The ESF-funded **Job Experience Scheme** (2008-2009) proved to be an effective means of activating and re-integrating young jobseekers into employment. Between 2007 and 2008, 455 young persons were placed on the Scheme. The project was extended to mid-2009, to achieve a total of 847 placements, when the original target had been of only 200 youth placements. Out of the total number, 660 (78%) completed their work experience placement. These positive results were achieved through more active promotion of the scheme to employers. Several initiatives were taken in order to achieve the set targets. An audiovisual production highlighting the success stories of this scheme was produced and distributed among employers. This was also aired on TVM, the State TV channel in Malta.

The **Private Sector Placement Scheme** (2008-2009) was also set up to provide jobseekers; including youths, who have been registering for more than 6 months, the opportunity to increase and enhance their skills at the workplace through exposure. The scheme consisted of a placement in a private company for a maximum of 12 consecutive 30- hour weeks. Meanwhile motivational seminars for youths and other job seeking cohorts were also organized from time to time in order to improve job seeking prospects for clients.

The rapid reaction service provided special registration and job seeking arrangements for employees made redundant in the first months of 2009. The rapid reaction service was provided to fourteen companies. In the case of company closures or large redundancies, the employees were provided with a Fast Track Registration process, spread over a number of days. On notification of planned redundancies, the PES worked with the relevant companies to draw up a rapid employment response programme, which included information on different PES services, profiling of employees and referring them to relevant PES courses. The rapid reaction service also included meetings with Social Security officials, who provided employees with information on their national insurance contributions to date and their entitlement to unemployment benefits. Response to this programme was satisfactory and much appreciated, as besides facilitating registration and job seeking, it provided much moral support to these employees at a difficult period in their working lives. Also, during 2009, additional funds were awarded to the PES to organize targeted training programmes in companies adopting short working time arrangements. Training programmes were primarily of a generic nature and were organized in close consultation with the employers involved. The PES assisted six companies, which, between them, sent approximately 1,300 employees for training.

The European Globalization Adjustment Fund (2007-2008) helped workers made redundant as a result of changing global trade patterns. The Maltese PES applied for this Fund as soon as collective redundancies were announced by two textile factories which halted their operations in Malta in the summer of 2007.

The initiatives provided through the EGF were:

- profiling of each redundant employee by the PES' employment advisors at their place of work;
- Occupational guidance services for those who wished to benefit from advice to improve their career prospects;
- training opportunities for those wishing to upgrade their knowledge and skills, and thus, improving their level of employability and adaptability;
- Entrepreneurial start-up grants for those who were interested in starting their own business

- Redeployment scheme for employers who engaged former employees of these textile factories
- Job search allowance for employees who were registered unemployed for a period of more than 6 months.

ESF-funded Youth Employment Programme, was initiated in 2009 to provide career guidance and counselling services for youth jobseekers in an effort to explore and develop their training, educational and employment pathways. Outreach services will be strengthened in order to reach young people, particularly those who barely make use of the services of the public employment service and who are inactive in the labour market. The programme aims to use ‘youth appealing’ activities such as websites, music, sports, youth days and TV programmes.

The Work Trial Scheme was launched after carrying out an analysis and evaluation of a pilot project carried out in 2009. A revised framework, including new scheme literature, documentation, procedures and time schedules, was subsequently drawn up. This improved Work Trial Scheme was launched in early 2010, targeting the following groups:

- Jobseekers aged 16 – 24 who never worked (i.e. new labour market entrants with no job experience in their field of job preference)
- Youth aged 16 - 24 with previous work experience not in line with their respective job preference
- Graduates and other persons who completed their studies and never worked in their field of study
- Inactive persons (i.e. at least a one year break from last employment)
- Registered jobseekers aged 25 years and over who have been unemployed for at least six months
- Recently made redundant persons, (i.e. within six months of their last employment, wishing to change their job preference)

The Scheme contributes to the enhancement of the basic skills and qualifications of jobseekers by providing opportunities to build on their knowledge, skills and competences through on-the-job training and experience.

ESF-funded Employment Aid Programme (2009-2013) is a wage subsidy scheme, aimed at integrating disadvantaged groups in the labour market through work experience; thereby, improving the employability and productivity of vulnerable groups with low employment rates while at the same time, upgrading the skills of those furthest away from the labour market. This action is also part financed by Cohesion Policy 2007-13. The Scheme targets the following groups:

- Any person who is under 25 and is within two years after completing full-time education and who has not previously obtained his or her first regular paid employment after completing his or her studies. (By first regular paid employment, ETC is taking at least six consecutive full-time months of employment). By Full- Time Education, ETC is taking secondary, postsecondary or tertiary education of at least one full academic year.
- Any person who wishes to enter or to re-enter working life and who has been absent both from work and from education for at least two years - particularly any person who gave up work on account of the difficulty of reconciling his or her working life and family life.
- Any person living as a single adult looking after dependents

- Any person who has not attained upper secondary level qualifications or equivalent (ISCED level 3) and who has been made redundant in the past six months or has been served with a redundancy notice of termination of employment.
- Any person older than 50 who does not have a job or who is losing his or her job (i.e. has been served with a redundancy notice of termination of employment).
- Any long-term, registered unemployed person, i.e. any person who has been unemployed for twelve of the previous 16 months, or six of the previous eight months in the case of persons under 25.
- Any person who is a registered disabled person and who has a recognised, serious, physical, mental or psychological impairment.

During 2010, ETC introduced a new service to employers – **Personalized Recruitment Service (PRS)**. The objective of PRS is to offer the employer a holistic job placement service, including promotion of vacancies, receipt of applicants’ CVs, pre-selection, setting up of interviews and attending for interviews when and where required.

The Community Work Scheme was developed in 2009 and targets the very long-term unemployed (those who have been registering for work for five years or more). The scheme consists of 30 hours of community work per week for a period of 26 weeks. Participants receive a remuneration of 75% of the minimum wage. The scheme started off in 2009 with 115 persons. As at the end of 2009, 93 clients were still actively participating in the scheme and assigned work with 43 different Local Councils. The Community Work Scheme continued its operations during 2010, with 160 persons participating by end-December. A total of 109 persons are doing community work in Malta while another 51 are detailed in Gozo. All the scheme’s participants are attached to 55 Local Councils and 8 NGOs. Discussions are ongoing with other Local Councils and NGOs to increase participation. To date, 300 very long-term unemployed persons have been interviewed for participation in the scheme. To increase the possibility of better matching unemployed persons with requests received by Local Councils and NGOs for community work, training courses have been designed to provide the unemployed with the required skills for tasks to be undertaken. The feedback received to date from those participating in the scheme has been positive and encouraging. Towards the end of 2010, the Corporation entered into an agreement with the Housing Authority to utilize the Community Work Scheme to embellish housing estates. Community work will also be done to upgrade sports facilities. The scheme’s objectives in the near future are to encourage more Local Councils and NGOs to participate in the Scheme. In line with government policy, participation in the Community Work Scheme will be extended to unemployed persons who have been registering for less than five years. This will be done gradually over a number of years. Unemployed persons found the Scheme beneficial as, through participation, they had the opportunity to learn new skills or to upgrade their current skills while undertaking sterling work for the benefit of the community.

ESF funded Nista- Sharing Work-Life Responsibilities Campaign (2008-2010)

The main aim of this project is to encourage more women to enter and remain in the labour market through an Information campaign that will span over two years using TV and radio and other media. The first target group of the campaign will be inactive women, who form part of a large pool of untapped resources in the country's economy, as well as women, such as single mothers, who receive social benefits. The project's aim is to instil a sense of financial independence and empowerment amongst this target group, thus hoping to encourage them to seek formal employment and re-entry into the labour market. The campaign will also promote the benefits of sharing paid work and non-remunerated work between the spouses/family. Thus the second target group of this campaign will address the role of men in the family. It is a known fact that the increased role of men in the sharing on non-remunerated work like caring and house work, will free women from taking the full burden of family work and lead to an increase in female employment rates. The last phase of the campaign will target employers with the aim of promoting the business case for greater work-life reconciliation measures at the workplace. More flexible work organisations will enable more women and men with caring responsibilities to work. Towards the end of the project, the information campaign will also include a 13 week series of TV programme of 30 minutes, which will consolidate the messages given earlier in the campaign and expand them.

Supported Employment

The number of registered disabled persons successfully placed in employment during 2010 was 107, an increase of 33 placements over 2009. This was achieved after 8,410 submissions were put forward. The impact of EAP, which was utilized in 24 cases, proved extremely beneficial. Bridging the Gap and the Work Trial Schemes served once again as essential tools in the provision of work exposure opportunities to Supported Employment clients. In fact, 31 clients participated in Bridging the Gap scheme, whilst another seven benefited from the Work Trial Scheme. At the end of 2010, out of the 31 clients placed in Bridging the Gap scheme, 16 continued in employment, 12 returned on the unemployment register, whilst the remaining 4 were inactive (i.e. neither registering nor in employment). During 2010, there were 967 mainstream training referrals, which signified an increase of 80% over 2009, whilst 1,340 one-to-one interviews were conducted.

3) Please provide pertinent figures, statistics (for example Eurostat data) or any other relevant information, in particular: the GDP growth rate; trends in employment covering all sectors of the economy: employment rate (persons in employment as a percentage of the population aged 15-64 years), youth employment rate; activity rate (total labour force as a percentage of the population aged 15 years and over); unemployment rate, long-term unemployment rate, youth unemployment rate; employment status (employed, self-employed); all figures should be broken down by gender; employment policy expenditure as a share of GDP, including the relative shares of 'active' (job creation, training, etc.) and 'passive' (financial compensation, etc.) measures.

Source: ETC Annual Reports, 2007-2008, 2009, 2010

Scheme	2007-2008 *15month reporting period			2009			2010		
	Males	Females	Total	Males	Females	Total	Males	Females	Total
Job Experience Scheme	210	245	455	154	125	279			
Bridging the Gap Scheme	63	21	84	61	9	70	71	10	81
Active Youth Scheme	50	45	95	4	4	8			
Gozo Employment Aid	120	120	240						
Private Sector Placement Scheme	125	33	158	27	11	38			
Youth Employment Programme							1294	1056	2350
Community Work Scheme				108	7	115	107	5	112
Employment Aid Programme				197	148	345			
Work Trial Scheme				46	55	101	206	171	377

Scheme (Supported Employment Section)	2007*15month reporting period					2009					2010				
	LTU/ VLTU	Persons with Disability	Ex- convicts	Ex- substance Abusers	Social Cases	LTU/ VLTU	Persons with Disability	Ex- convicts	Ex- substance Abusers	Social Cases	LTU/ VLTU	Persons with Disability	Ex- convicts	Ex- substance Abusers	Social Cases
Job Experience Scheme		2		1	2	23	4	1	2						
Bridging the Gap Scheme		35	29	11	9		26	16	18	10		31	21	18	11
Active Youth Scheme	78		1	1	2	2	1	1		1					
Gozo Employment Aid															
Private Sector Placement Scheme	158	9		6	5	13	4	2	2	1					
Youth Employment Programme															
Community Work Scheme						115					102	5	1	3	1
Employment Aid Programme											34	24	3	1	
Work Trial Scheme						5	3	1		2	74	7	2	1	

Source: ETC Annual Reports, 2007-2008, 2009, 2010

European Globalization Adjustment Fund	2007-2008		
	Males	Female	Total
Occupational Guidance	9	51	60
Training and testing	7	80	87
Aid for self-employment	5	16	21
Job search allowance (7 to 9 months unemployed)	10	95	105
Job search allowance (10 to 12 months unemployed)	7	69	76
Redeployment Scheme	78	167	245

Source: Final report on the execution of a contribution from the European Globalisation Adjustment Fund (EGF)

Article 1§2

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

In the Employment and Industrial Relations Act (Cap. 452) it is specifically stated that the employer cannot impose in any contract of service any terms as to the place in which, or the manner in which, or the person or persons with whom, any wages paid to the employee are to be spent or otherwise employed, and any such term contained in any such contract shall be null and void.

In the Telework National Standard Order 2008 (L.N. 312 of 2008), it is specifically stated that the employer shall respect the privacy of the teleworker. The employer may only put in place any kind of monitoring system if this is agreed to by both the employer and the teleworker in a written agreement and that such monitoring system is proportionate to the objective and is introduced in accordance with Council Directive 90/270 on the minimum safety and health requirements for work with display screen equipment.

In the Employment and Industrial Relations Act (Cap 452) it stated that it shall not be lawful for any person when advertising or offering employment or when selecting applicants for employment to subject any applicants to discriminatory treatment. Similarly discriminatory treatment in regard to conditions of employment is not allowed with regards to employees already in employment. Discriminatory treatment is defined as any distinction, exclusion or restriction which is not justifiable in a democratic society including discrimination made on the basis of marital status, pregnancy or potential pregnancy, sex, colour, disability, religious conviction, political opinion or membership in a trade union or in an employers' association.

In the Equal Treatment in Employment Regulations (S.L. 452.95) it is stated that it is unlawful for a person to subject another person to discriminatory treatment, whether directly or indirectly on the grounds of a particular religion or religious belief, disability, age, sex , including discriminatory treatment related to pregnancy or maternity , sexual orientation or racial or ethnic origin in situations such as access to employment , selection criteria and during the recruitment process and at all levels of the professional hierarchy including promotions.

Article G of the European Social Charter states that restrictions to the rights and principles set out by the Charter are permissible if those restrictions are prescribed by law and are necessary in a democratic society for, among other things, the protection of public interest.

Following Malta's submission in 2009, it is re-iterated that the nationality requirements applying to recruitment to the Maltese Public Service meet these two criteria of admissibility and should not, therefore, be regarded as contravening the Charter.

Nationality requirements for employment in the Maltese Public Service are regulated through article 49 (f) of the Public Administration Act (chapter 497 of the laws of Malta), which empowers the Prime Minister to make regulations governing the recruitment in public administration of nationals of member states of the European Union other than Malta and nationals of other countries enjoying rights in relation to the free movement of workers.

Regulations under the above-mentioned provision of the Act were enacted on 2 August 2011 in the form of Legal Notice 315 of 2011 entitled the *Nationality Requirements for Appointments in Public Administration Regulations*. These regulations stipulate that no person shall be appointed to a public office unless that person is:-

- (a) a Maltese national; or
- (b) a national of another member state of the European Union who is entitled to equal treatment with Maltese nationals in matters of employment by virtue of EU Treaty provisions and legislation on the free movement of workers; or
- (c) a national of any other country who is entitled to equal treatment with Maltese nationals in matters related to employment by virtue of the application to that country of the provisions on the free movement of workers; or
- (d) any other person who is entitled to equal treatment with Maltese nationals in matters related to employment in terms of Maltese law or the provisions on the free movement of workers, on account of that person's family relationship with a person to whom paragraph (a), (b) or (c) applies; or
- (e) a third country national who has been granted long-term resident status in Malta under regulation 4 of the Status of Long-Term Residents (Third Country Nationals) Regs, 2006 or granted a residence permit under regulation 18(3) thereof, together with family members of such a third country national granted a residence permit under the Family Reunification Regulations, 2007.

Moreover, where suitable candidates for a public office cannot be found, the Principal Permanent Secretary, as Head of the Public Service, is empowered by virtue of the cited legal notice to waive the afore-mentioned requirements (a) to (e) after informing the Public Service Commission – the constitutionally set up organ autonomous from the Administration which scrutinizes the making of appointments in the Public Service.

The above-mentioned requirements apply only to employment in the Public Service (ministries and departments), but the regulations also state that the authorisation of the Principal Permanent Secretary is required for a government agency or another government entity to set any nationality requirements for appointments therewith. This is without prejudice to any other law including the Immigration Act and any regulations made thereunder.

Article 1§3

1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

The Employment and Training Services Act 1990, establishes ETC as being responsible for maintaining a register of people seeking employment, capturing job vacancies from employers and trying to match the two. A nation-wide computerised job seekers' database is in use. Corporation staff provides career and vocational guidance as well as 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.

Placement services are carried out both from its Valletta Access office and from a further seven regional job centres – one of which is in Gozo. 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.

Since 2010, first time registration was relocated to Valletta Access to facilitate clients' access to registration facilities. In addition to this, first time registrants started being serviced by a front-office employment advisor who informed them of all PES services, matched them with suitable vacancies, and/or referred them to training courses during their first meeting. Meanwhile, two additional district offices were opened in Qawra and Birkirkara as well as a mini job centre in Zejtun in order to further manage the distribution of job seekers' services offered by the PES around the island. The opening hours of PES registration services and district offices services to the public were also extended

2) *Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.*

The Unemployment register has three main parts. Part 1 of the register is for persons who have never worked, or who have been made redundant. Part 2 of the register is for persons who have resigned from their previous job, who have missing documents, were dismissed, or who have been removed from Part 1 of the register. Part 3 of the register is for persons who are already in employment but would like to be notified of other work opportunities. Part 3b is for persons seeking temporary employment such as students. Further to this, there also exist Part 3C1 and Part 3C2 of the register for those who wish to have a part-time job as a sole employment or as another employment besides the full/part-time job.

Persons, who locally register for work, enter a sequential flow of services provided by the Public Employment Service. On the first day of registration, clients registering on Part 1 of the unemployment register are allocated an employment advisor and are asked to identify their job preferences. They are immediately issued with a registration card together with a registration certificate bearing the occupation(s), for which a client is registering, as well as the date and time of a client's first weekly registration. In the first week following official registration, jobseekers begin their registration for work. The frequency of jobseekers registration depends on their type of registration.

Within the first week of unemployment, Part 1 registrants are enrolled onto a Job Search Seminar. Within the first month of unemployment, clients have their first interview with their employment advisor whereby a personal action plan is also initiated and reviewed in follow up meetings. Furthermore, Part 1 registrants who are deemed as needing more specialised attention to find and secure sustainable employment are also enrolled onto a Job Club Seminar within the first month of registration. Part 1 registrants who have exceeded the 3 month registration period are then enrolled onto a Job Skills seminar. All Part 1 registrants are placed on an active measure within the first 6 months of unemployment.

Over the years, the Public Employment Services has striven to:

(a) **Strengthen profiling tools and employment advisory services** - in an effort to guide jobseekers and employees alike, to appropriate and/or alternative employment pathways and reduce unemployment gaps. The full-utilisation of the labour force is all the more required in such precarious moments in history when economic upturn needs a reinforced consumer and business confidence, the latter depending also on the availability of a productive workforce. Existing industries and potential investors need to be ascertained that they will find the skills base they need to further develop their entrepreneurial ventures.

(b) **Improve skills matching** in an endeavour to satisfy the immediate and short-term labour market demand while simultaneously planning measures to equip the labour force according to labour market forecasts.

Meanwhile, EU citizens interested in seeking employment in other EU countries may also avail themselves of the **EURES** service. The local EURES team works towards raising awareness of work opportunities abroad and also provides help to EU nationals seeking employment in Malta. EURES advisors organize many activities to promote foreign job

opportunities awareness. These include seminars, information sessions, Job Fairs, Job Days, Training, and adverts on various media.

Through this holistic approach, the Maltese Public Employment Service seeks to guide jobseekers and employees alike, to alternative employment pathways and limit unemployment gaps as much as possible.

3) *Please provide indicators, estimated if necessary, on the functioning and the performance of the employment services in practice, including the number of vacancies registered by employment services; placement rate (placements made by the employment services as a share of notified vacancies).*

Placed in Jobs	2007-2008 *15month reporting period			2009			2010		
	Males	Females	Total	Males	Females	Total	Males	Females	Total
	2432	2206	4638	2215	1812	4027	2200	1843	4043

Source: ETC Annual Reports, 2007-2008, 2009, 2010

Placed in Jobs (Supported Employment)	2007*15month reporting period					2009					2010				
	LTU/ VLTU	Persons with Disability	Ex- convicts	Ex- substance Abusers	Social Cases	LTU/ VLTU	Persons with Disability	Ex- convicts	Ex substance Abusers	Social Cases	LTU/ VLTU	Persons with Disability	Ex- convicts	Ex- substance Abusers	Social Cases
	163	147	23	82	16	76	84	18	44	22	112	109	16	29	19

Source: ETC Annual Reports, 2007-2008, 2009, 2010

Article 1§4¹

1) *Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.*

Under the Employment and Training Services Act 1990, ETC is also made responsible for managing state-financed vocational training schemes together with the employment services and subsequent guidance mentioned above in Article 1§3 (2) . The Corporation operates a number of employment and training schemes that enable it to facilitate the integration of job seekers in the labour market and is also responsible for the running of state financed apprenticeship schemes. Furthermore the Employment and Training Corporation offers a wide array of training courses that are open both for the unemployed and the employed who want to upgrade their skills. The courses cover a variety of subjects. The Corporation also runs a series of traineeships, which are developed by the ETC in partnership with employers, their associations or other professional bodies.

2) *Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.*

In addition to the employment guidance services mentioned in Article 1§3 (2) above, the Public Employment Service also offers a number of training opportunities. These include:

ESF Employability Programme was launched with a total monetary value of approximately €5 million. This programme also provides traineeships, trade testing and a training subsidy scheme.

The Employability Programme will run between 2009-2012 and covers four categories of courses:

- Job skills
- Basic Skills
- Work Orientation
- Re-training

Job Search Assistance offered under the Employability Programme includes Job search seminars, Job Skills programmes and Job clubs. The programmes most followed in 2009 were those providing basic skills. These include Maltese and English literacy, Basic IT and soft skills. This reinforces the PES policy of providing a second chance to those who finish mainstream education with low or no qualifications. A Basic Skills Programme addressing eight key skills was developed. The eight key skills focus on:

- Communication in Maltese
- Communication in English
- Mathematical Competence
- Digital Literacy
- Learning to Learn

¹ The conformity of national situations with this provision is assessed with reference to Articles 9, 10 and 15 of the Charter due to the links between these provisions. Consequently, where a state has accepted Articles 9, 10 and 15 references may be made to the information provided in respect of these Articles. Where a state has not accepted one or more of the provisions of Articles 9, 10 or 15, the ECSR will assess the conformity of the situation under Article 1§4.

- Social and Civic Competence
- Entrepreneurship
- Cultural Awareness and Expression

Following recommendations by employers, ETC organized another training programme in machine setting skills. The programme was attended by jobseekers and others in employment referred by their employers. The programme was integrated into a Traineeship in 2010 and was combined with on-the-job work placements. Meanwhile, the Training Division continued to organize re-training programmes specifically aimed at assisting the unemployed to improve their employability skills. These programmes were also open to those in employment who wished to improve their employment situation. Re-training programmes included IT, technical, and management development training. Following discussions with employers, programmes were organized on employers' premises, with new initiatives introduced, namely:

- Leadership Skills (specifically designed for supervisors)
- Soft Skills
- Basic CNC
- Basic Life Support
- Fire Fighting Awareness
- H ACCP

Traineeship Schemes forming part of ESF Employability Program are training initiatives based on the dual VET system to offer job seekers knowledge and skills to meet current and future labour market needs. The duration of each calling within the Scheme is based on 20% off-the-Job training, the majority of which is delivered at ETC's Training Complex, and 80% of on-the-Job training provided by different employers who apply through public calls to be considered as Training service providers (TSPs). The duration of each calling is determined by the respective Training Programmes' objectives and contents, and is in consultation with employers or their representatives. The callings initiated in 2009 and concluded during 2010 were in Office Procedures and as Casino Dealers. New callings started in 2010 and included a second intake in Office Procedures, Care for the Elderly, Refrigeration and Air-conditioning, Industrial machine setting, Call centre, Freight and Shipping (Clerical), Sales representatives, Woodwork, Food and Beverage servicing and Housekeeping. Efforts are made to encourage youths to participate in traineeships which address the requirements of booming sectors including ICT, health care and green jobs.

Apprenticeships are considered as one of ETC's main initiatives in training provision. The Maltese Public Employment Service firmly believes in the potential of apprenticeships to ensure the development of skills that are appropriate, timely and relevant to particular industries. Apprenticeships may mitigate the drop in the labour market integration of school leavers and prepare young people with valuable occupational and social skills, required to pursue their employment pathway. There are two apprenticeship schemes, namely, the Technician Apprenticeship Scheme (TAS) and the Extended Skill Training Scheme (ESTS). Both schemes are based on the dual system of vocational training, which is a combination of on-the-job and off-the-job training. The schemes are widely considered as most effective in preparing youngsters for the labour market and in providing a pool of qualified workers. Results locally show that 82% of apprentices are eventually employed with the same sponsor while others start their own business, following completion. During 2010, 91% of applicants on the schemes were placed with an employer. At the end of the year, the number of

apprentices registered with ETC stood at 763; 634 or 83% being male. Applicants are currently placed with 354 employers, 92% coming from the private sector. To ensure quality training at the employers' establishment and at Vocational Educational Training (VET) Institutes, ETC officials carried out a total of 863 monitoring visits, 675 visits on the job and 188 at either MCAST or Institute of Tourism Studies (ITS), the two VET institutions currently supporting apprenticeship schemes through the provision of theoretical programmes. In 2010 the Corporation introduced apprenticeship handbooks to ensure that apprentices' training was in line with the calling being followed. The handbooks consist of an Occupational Profile, a list of competencies to be covered during on-the-job training and Assessment Criteria that will serve as a guideline for the Final Trade Test. The handbooks were provided to both employers and apprentices for every placement registered.

ESF Training Aid Framework (TAF) (2009-2013) has an allocated budget of circa €8.5 million. It provides financial assistance in the form of training grants to employers providing training to their workforce. Companies are reimbursed a percentage of the training costs incurred, on successful completion of the training programme and submission of the relevant documentation. The reimbursement percentage depends on the size of the company and type of training. TAF covers all forms of training, whether specific to the organization or generic (transferable to other organizations). This varies from basic induction training to specialized, post graduate training relevant to both organization and employee. TAF proved to be very successful, with the number of applications exceeding all expectations. By December, 2009, more than 1,000 applications were submitted from 295 different companies. This translated into the training of approximately 4,400 employees. By the end of December 2010, a total of 2123 applications had been received and processed by ETC. In 2010 alone, ETC received 1,077 applications. A total of 1,180 grant agreements amounting to €2.6 million were signed with beneficiaries applying both in 2009 and in 2010, covering training for 7,004 persons.

The Entrepreneurship Scheme offers a jobseeker the possibility of starting one's own business by providing a package of Counselling, Entrepreneurship Training, Mentoring and Financial Assistance. Since its introduction, 97 clients benefited from all services offered by the scheme and started their own businesses. During the first half of 2010, two special intakes were made available to ex-Malta Shipyards employees. Interest in the scheme was rather casual during the rest of 2010, compared with previous years. However, interest gained momentum, particularly from registering clients who were referred by Employment Advisors. An informal service in this scheme is the provision of pre-entry counselling to clients who wish to take part when they only have an idea to start up a business. An average of 16 clients per month received this service during 2010. All clients, except one, on ex-Malta Shipyards Intakes completed the scheme, started up their business and were awarded the ETC Enterprise Grant.

Participation in Training

The total number of participants in ETC courses organized during 2010 was 12,685 in Malta and 994 in Gozo, in total 13,679, more than double the number of persons who participated in 2009. A total of 9,440 were men while 4,239 were women, the latter signifying an increase of over 200% on 2009 figures. The largest age group participating in training was in the 25 to 39 age group, making up 34% of the total number of participants, closely followed by those in the 40 to 54 age category with 30%. The Corporation also trained more than 2,500 long-term and very long-term unemployed clients in several courses, primarily in job skills courses, IT,

hospitality and trade training programmes. Of the 13,648 persons who received training during the operational year under review, 7,468, or 55% of the total number attending training, were registered unemployed clients, 4273 were regularly employed and 1907 were inactive clients.

The Corporation continued delivering training to various disadvantaged groups in society. Training was offered to Corradino Correctional Facility (CCF), to Dar Sant'Anna and Dar Santa Marija, to Caritas rehabilitation centre at San Blas and Inspire, amongst others. The Corporation continued to conduct trade testing to ascertain the proficiency of individuals interested in obtaining certification in their selected competencies. In 2010, 474 persons were tested or re-tested, of whom 348 were apprentices, 82 non apprentices and 44 trainees.

3) *Please provide pertinent figures, statistics or any other relevant information, if appropriate.*

Apprenticeship Schemes	2007-2008 *15month reporting period			2009			2010		
	Males	Females	Total	Males	Females	Total	Males	Females	Total
Technician Apprenticeship Scheme	411	47	458	378	56	434	372	57	429
Extended Skill Training Scheme	223	47	270	191	46	237	210	54	263

Source: ETC Annual Reports, 2007-2008, 2009, 2010

Traineeship Schemes	2007-2008 *15month reporting period			2009			2010		
	Males	Females	Total	Males	Females	Total	Males	Females	Total
Grand Total	39	1	40	14	18	32	57	29	86

Source: ETC Annual Reports, 2007-2008, 2009, 2010

Scheme/ Programme	2007-2008 *15month reporting period			2009			2010		
	Males	Females	Total	Males	Females	Total	Males	Females	Total
Training Aid Framework							3839	3165	7004
Training Courses *	3747	1761	5508	4656	2089	6745	9440	4239	13679
Entrepreneurship Scheme				63	4	67	5	2	7

* Training Courses in 2009 and 2010 were offered under ESF Employability Programme

Source: ETC Annual Reports, 2007-2008, 2009, 2010

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.

Information to be submitted

1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

Article 10 (b) of the Employment and Training Services Act confers; amongst others, the following functions upon the Public Employment Service vis-à-vis jobseekers:

“(i) To interview such persons and evaluate, if necessary, their physical and vocational capacity;

(iii) To assist persons seeking employment by guidance and advice on the choice of employment, and the training and retraining which may be necessary”

2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

Throughout the years, the Public Employment Service has striven to improve the quality of the guidance services offered to its clients. In 2006, ETC conducted an internal evaluation exercise to identify employment service areas in need of improvement. This resulted in the launch of a new service process which is still being used till this day.

On registering, clients fill in a new Registration Form with relevant details, which form is then passed to an Employment Advisor so that within one month of registration, a Personal Action Plan meeting is set up. This new system has reduced registration time and has reinforced ETC's 'activation' philosophy whereby clients are not simply passive recipients of services but are active players in the development and implementation of their own Personal Action Plan. The reorientation was an important one, which now sees clients being continually encouraged and assisted to seek work rather than merely to 'register' for it.

All registered Part 1 job seekers are assigned an employment advisor to assist them in their job search. In order to enhance the quality of this service, the PES categorizes its mainstream jobseekers according to age; Youths (16-24 years) and Adults (25 plus years). Adults are further categorized according to the locality that they hail from. At the moment, youths are also being provided with an enhanced occupational guidance service through the ESF funded Youth Employment Programme

Employment Advisors prioritize the service needs of their jobseekers in accordance to the list below:

- New Personal Action Plan

- No submissions for job interviews in the last 6 months
- Completed courses
- Not called for interviews between 3-6 months
- Clients who only have 2 job preferences
- Long term unemployed

In the Personal Action Plan meeting, employment advisors explain the scope of the interview to jobseekers and its expected outcomes. Relevant in-depth information is gathered on each jobseeker which will help them in their job-search, focusing upon their job search ability and activity, their occupational goals, their experience and training needs and the actions they intend to take to seek work or enhance their skills.

To help clients identify suitable actions, ETC published a Personal Action Plan Handbook in August 2007. Advisors assist jobseekers by referring them to job interviews, training courses or traineeships, and employment schemes. A copy of the completed PAP is given to the jobseeker to sign. The plan is also signed by the employment advisor, and remains valid for a maximum period of six months. Nobody can change any information contained in the action plan of jobseekers unless changes are authorized by the jobseeker and the employment advisor on whose caseload the client features.

Meanwhile, jobseekers will receive submissions for job interviews with companies registering vacancies with the ETC. When matching vacancies with clients, the employment advisor has to follow the Protocol for a General Interview; this Protocol was developed by ETC to ensure that jobseekers are given a consistently good service by Employment Advisors. Follow-up interviews are held with jobseekers after the Plan is launched. Jobseekers referred to job interviews have to provide evidence to the employment advisor that they have contacted the employer and/or attended the job interview. Employment advisors may contact jobseekers to follow up on action in respect of the submission to vacancies, and may also follow up with employers if required. Jobseekers who in their action plan have agreed to participate in ETC schemes will be referred to the agreed schemes by the employment advisors.

During follow-up interviews, the need may become evident to change the plan, such as a change in job search actions or inserting more realistic job search preferences. Employment advisors have the right to impose occupational preferences if an agreement on reasonable preferences is not reached with customers.

Where employment advisors become aware that a jobseeker may have special needs, the client is referred – if he or she wishes – to the Supported Employment section of ETC. Social Cases, Ex-Convicts, Ex-Substance abusers, Very Long Term Unemployed and Registered Disabled Persons are instead provided with a specialized service in order to assist with their re-integration into the labour market. Work exposure schemes and EU funded programmes developed and employed at ETC have also been designed in a manner that takes into account the needs of these disadvantaged groups within the labour market and ultimately prove to be essential tools in obtaining desired results. Meanwhile ETC has also sustained its efforts to foster stronger working relationships with NGOs providing services to disadvantaged groups including those operating within the remit of Attention Deficit Hyperactivity Disorder clients, orphaned youths, and physically and mentally disabled persons. Indeed ETC also reinforced its participation in the ‘16+ Committee’; an initiative taken by the National Commission for

Disabled Persons aimed at analysing the added services and assistance required by persons with disabilities after reaching the age of 16. ETC is also actively participating in the ESF funded project ME2 that also provides training aimed at enhancing capabilities, social and vocational skills, and the provision of job coaching services to disabled persons in an effort to assist them in their integration into the labour market. In collaboration with the Deaf Association, all ETC DVDs include sign language interpretation. Information sessions for deaf clients were organized in conjunction with the latter association utilising the services of a sign language interpreter.

ETC is well aware of the fact that different clients face different challenges and obstacles along their job seeking route. The Support Employment Section at ETC provides specialised job search assistance and training to registered disabled persons. Such clients undergo an assessment by a medical doctor to qualify for registration on ETC's disability register. Following qualification, clients are then further assessed by professional occupational therapists to help better identify their abilities. Direct contact with clients, through one-to-one interviews also helps to obtain good results. Mainstream training courses are also adapted to meet the demands of these clients as a means of facilitating and easing their transition into employment.

A number of disabled persons are placed into employment each year as a result of the persistence and good communication channels that the ETC staff have managed to establish with employers.

Meanwhile, ETC has kept up its efforts to keep jobseekers and employers alike aware of its services. In view of this, the Corporation has throughout the years published and sent out a number of Information leaflets for jobseekers and employers and has also organized a number of information sessions, motivation and job search seminars, Job Clubs, open days, job fairs, and recruitment drives. In addition to this, ETC also sends out daily autotmailers to all clients having access to a personal email address, and has also developed a vacancy free phone to jobseekers. A number of career paths have also been developed and published on the EURES website as further guidance for jobseekers.

3) Please supply any relevant statistics or other information on public spending on vocational guidance services, their geographical distribution and the institutions that provide them, their staffing levels and the qualifications of those staff, and the number of persons served and their characteristics, in terms of age, sex, educational level and occupation

ETC currently employs a total of 32 Employment Advisors of which 6 hail from the Supported Employment Section. In 2010, ETC spent an approximated €1.8 million on regional centres and placement services for job seekers.

ETC currently provides guidance services from the following locations: Hal Far Head Office, Valletta Access, Gozo Centre, Mosta Job centre, Valletta Job Centre, Birkirkara Job Centre, Qawra Job Centre, Birgu Job Centre, and a mini Job Centre in Zejtun.

Placements / Vacancies / Submissions over 6 years							
Placement Services	Oct to Sep		Oct - Dec		Jan - Dec		
	2005-6	2006-7	2007-8	2009	Malta	Gozo	Totals
Job Vacancies	8,738	13,489	15,089	7,791	8,752	725	9,477
Submissions	74,200	87,534	92,168	58,234	69,201	1,994	71,195
Placements	3,363	3,548	4,638	4,027	3,785	258	4,043
Placement to Vacancies Ratio	38%	26%	31%	52%			43%
Placements							
Private Sector	2,358	2,400	3,182	2,893			2,426
Public Sector	1,005	1,148	1,456	1,134			1,617

Source: ETC Annual Report 2010

Unemployment Malta & Gozo

by Gender (Part1&2)	Dec-06	Dec-07	Dec-08	Dec-09	Dec-10
Males	5,544	4,684	5,004	5,986	5,216
Females	1,617	1,488	1,369	1,694	1,390
Total	7,161	6,172	6,373	7,680	6,606

Source: ETC Annual Report 2010

Unemployment by Age Group (Parts 1&2)

Age Group	Dec-06	Dec-07	Dec-08	Dec-09	Dec-10
16 - 19 years	823	596	533	701	502
20 - 29 years	2,012	1,534	1,535	1,785	1,488
30 - 39 years	1,471	1,356	1,410	1,656	1,427
40 - 49 years	1,574	1,457	1,477	1,689	1,434
50 years & Over	1,281	1,229	1,418	1,849	1,755

Source: ETC Annual Report 2010

Unemployment: Duration of Registration

	Dec-06	Dec-07	Dec-08	Dec-09	Dec-10
Weeks	Part 1 & 2				
0 - 8 weeks	1,768	1,521	1,524	1,815	1,558
9 - 16 weeks	1,088	1,033	1,001	1,154	1,034
17 - 24 weeks	566	554	667	763	605
25 - 52 weeks	1,154	807	1,008	1,398	1,023
53 weeks & Over	2,585	2,257	2,173	2,550	2,386

Source: ETC Annual Report 2010

Personal Action Plans Jan-Dec 2010

	Gender			Supported Employment				
	Males	Females	Total	LTU/VLTU	Persons with Disability	Ex-Convicts	Ex-Substance Abuser	Social Cases
PAPs New	3021	1070	4091	563	169	28	36	29
PAP Reviews	16281	4414	20695	6506	1236	413	682	272
Total PAP	19302	5484	24786	7069	1405	441	718	301

Source: ETC Annual Report 2010

Personal Action Plans by Age Groups Jan-Dec 2010

	Age Groups			
	16-24 yrs	25-39 yrs	40-54 yrs	55+ yrs
PAPs New	1103	1168	1353	467
PAP Reviews	5009	6382	7028	2276
Total PAP	6112	7550	8381	2743

Source: ETC Annual Report 2010

MCAST input

1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

The Malta College of Arts, Science and Technology, established by Public Deed of the 11 August 2000, was re-established and incorporated in the Education Act of 2006 to implement the mission to provide studies and training for education in the vocational and professional sectors. Article 89 (1) of the said act states “The College shall ... ensure the existence of educational institutions accessible to all, and to establish such facilities and such programmes of education and training, and of work and practical experience which the College may deem necessary to provide all with the opportunity to qualify in trades, skills, artisan or technical or commercial activities, and in professions according to the socio-economic needs of the country in a lifelong learning curriculum framework and holistic personal development”.

The MCAST Mission Statement states: “To provide universally accessible vocational and professional education and training with an international dimension, responsive to the needs of the individual and the economy”.

MCAST is today made up of nine vocational institutes, viz.,

1. Agribusiness,
2. Art and Design,
3. Building and Construction Engineering,
4. Business and Commerce,
5. Community Services,
6. Electrical and Electronics Engineering,
7. Information and Communication Technology,
8. Mechanical Engineering,
9. Maritime.

There is also the Gozo Centre which offers a selection of courses. Level 1 to Level 6 courses offered by MCAST are pegged to the Malta Qualifications Framework.

Before 2001, technical training was delivered in several technical institutes and trade-schools. According to a National Statistics Office report on Education, the total number of students attending the technical institutes in the academic year (2000-2001) immediately preceding the opening of MCAST, amounted to 1,159 of which 958 (83%) were males and 201 (17%) were females.

During the same scholastic year, the Trade Schools served a total of 1,693 students of whom 1,631 (96%) were males and 62 (4%) females. The low participation of female students in vocational education before MCAST came into being is evident.

During its first academic year (2001-2002), the number of full time students attending MCAST amounted to 1,559. By 2010-2011, MCAST full-time student registrations rose to 6072.

At MCAST the “September Guarantee” is now firmly in place. MCAST guarantees it is able to make an offer of learning, by the end of September, to every young person who can show a certificate of completion of secondary education. Through the introduction of the new

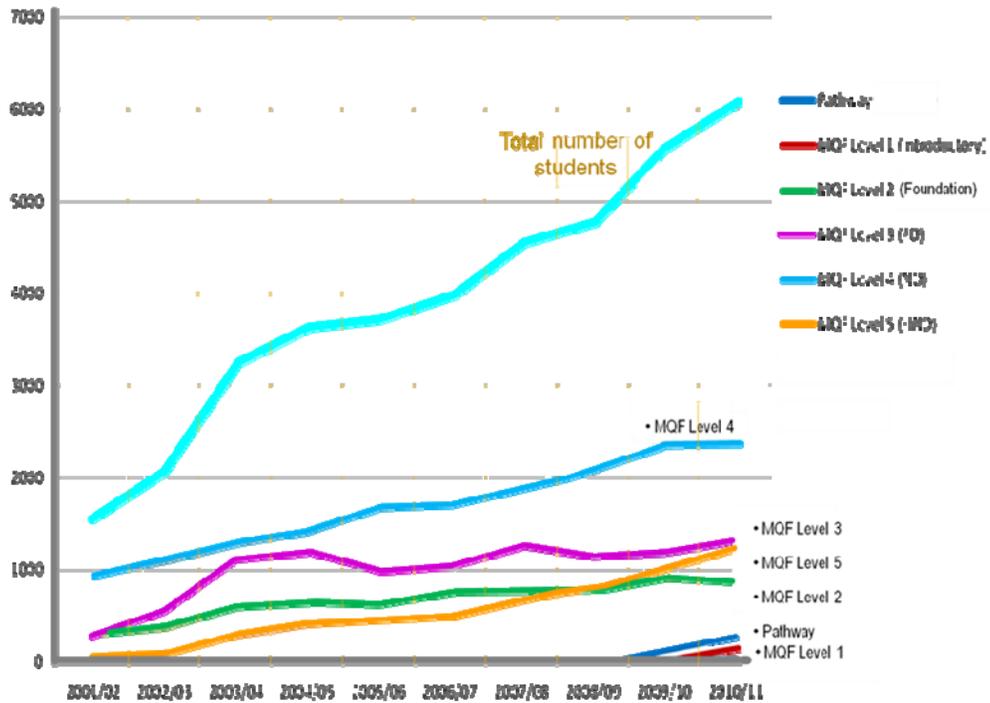
level 1 programme and the reorganization of the level 2 Foundation Certificate courses in the last couple of years, MCAST has improved the opportunities for those learners who, for whatever reason, may have felt let down by previous systems. Efforts to make academic subjects more attractive and ‘user friendly’ included the preparation of teaching material which is more specifically and identifiably targeted at learners of specific vocational callings.

MCAST FULL-TIME STUDENT NUMBERS 2001-2011

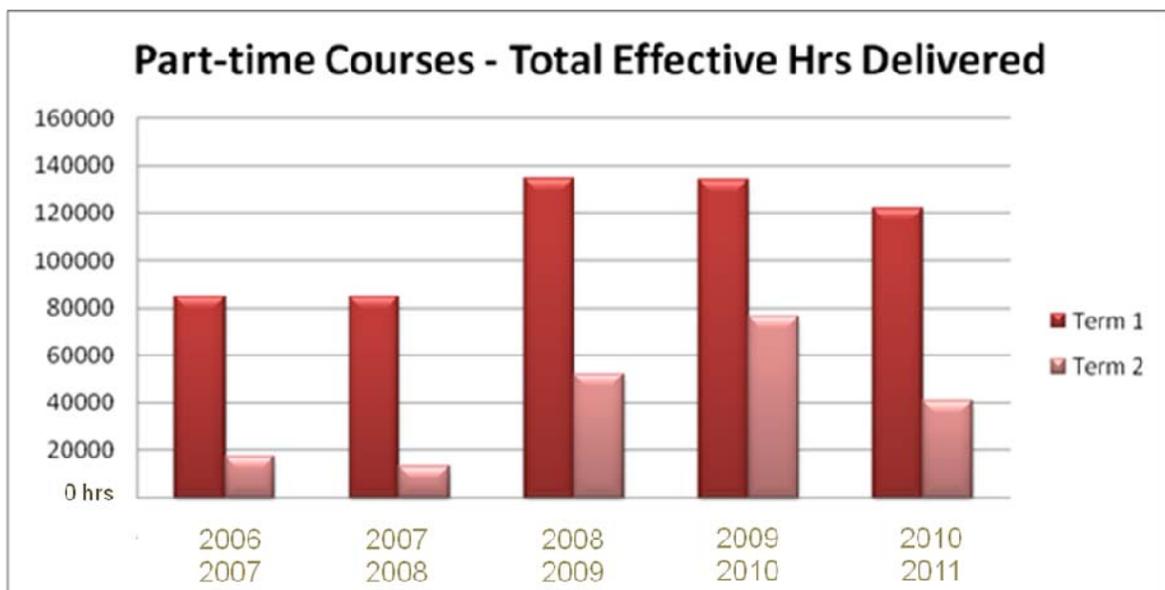
MQF Level	2001 2002	2002 2003	2003 2004	2004 2005	2005 2006	2006 2007	2007 2008	2008 2009	2009 2010	2010 2011
1	-	not applicable						-		128
2	284	351	584	631	620	749	751	784	895	864
3	286	561	1101	1186	995	1032	1247	1132	1175	1295
4	933	1085	1270	1403	1652	1694	1861	2063	2366	2375
5	56	74	274	400	449	498	678	797	1023	1237
6	-	not applicable						-	82	128
PATH-WAY	-	not applicable						-	25	45
TOTAL	1559	2071	3229	3620	3716	3973	4537	4776	5566	6072

As the table below shows, student numbers rose across all courses. In 2009, MCAST introduced level 1 courses to cater for those learners who, having left secondary schooling with no formal qualifications, were finding it difficult to cope with studies at Level 2.

At the higher end of the qualifications framework, on the other hand, collaborative links have been set up with renowned foreign institutions and universities, as a result of which MCAST students have received advanced training in various specialist areas. Eight degree programmes, between BA Hons and BSc Hons have so far been delivered. By the end of academic year 2011-2012, MCAST would have successfully delivered a total of nineteen vocational degree programmes in various specialist areas, all with a specific occupational focus.



Graph depicting rise in student numbers between 2001 and 2011



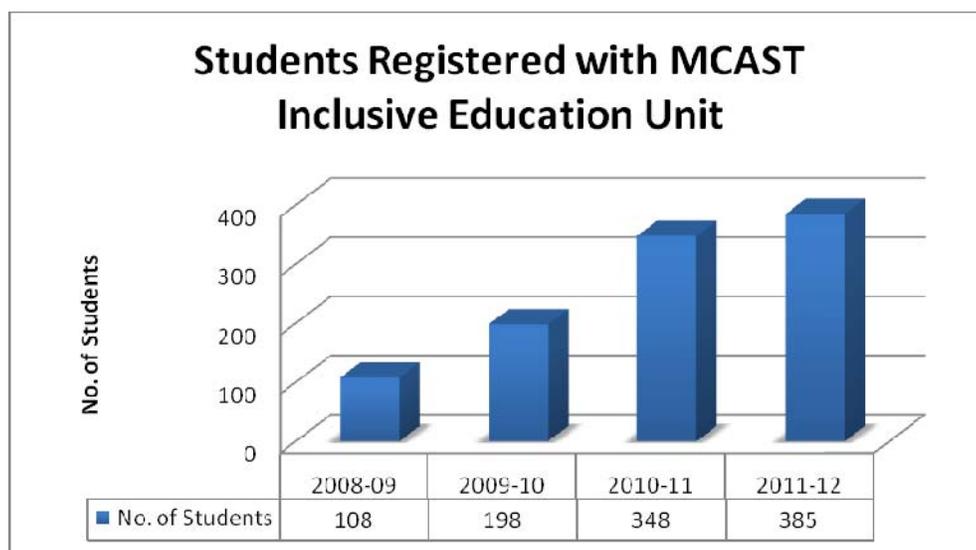
MCAST is publicly committed to “putting students at the heart of all we (MCAST) do, as this will ensure that the individual needs, potential and aspirations of students as learners will be met in the most focused way possible” (Strategic Plan 2007-2009:6) Being an inclusive College, MCAST strives to offer the optimal services to all including students with disabilities. Having disabled students in the mainstream during their primary and secondary schooling demands the same treatment in the post secondary and tertiary sector.

The inclusion committee which was set up in May 2009 as a result of the MCAST Inclusion Working Group recommendations meet regularly to discuss inclusion issues at College. This committee is chaired by the Deputy Principal and is made up of the following:

- KNPD representative
- Ministry representative
- Commissioner for Children
- MCAST Inclusion Coordinator
- MCAST Director Information and Student Support Services

MCAST is also represented on the KK16+ (Coordinating Committee sixteen plus) with the aim of facilitating employment to persons with disabilities. The committee is chaired by KNPD and is composed of members from different national entities. These include the University of Malta, MCAST, ITS, Agenzija Support, ETC, Ministry, Education Directorate, Ministry Gozo and FES.

The Inclusive Education Unit offers confidential interviews to prospective students who sometimes would be accompanied by their LSAs, parents and/or other school staff members. During the interview, the coordinator would collate all the necessary documentation in order to assess their particular needs and to discuss what level and type of support is required. This unit works in close collaboration with the Career Guidance section as well as the Counselling unit.



The needs vary from physical to, intellectual impairment. This includes also learning difficulties. Indeed, the World Health Organisation (WHO) states that Disabilities is an umbrella term, covering impairments, activity limitations, and participation restrictions. The following are the conditions of students registered with the Inclusive Education Unit of MCAST:-

ADD, ADHD, Albinism, Myasthenia Gravis, Anxiety Disorder, Apert's Syndrome, Asperger Syndrome, Asthma, Autism, Bipolar Disorder, Cancer, Congenital Adrenal Hyperplasia, Delayed Speech and Echolalia, Depression, Diabetes, Dyslexia, Dyspraxia, Encephalitis, Epilepsy, Fine Motor Skills difficulties, Glaucoma, Hand Injury, Hearing Impaired, High Blood Pressure, Hydrocephalus, Hyperthyroidism, Hypopituitarism, Oral Hydrocortisone, Inflammatory Bowel Disease, Klinefelter's Syndrome, Parkinson's Disease, Learning Difficulties, Nystagmus, OCD, Reasoning Disability, Selective Mutism, Semantic-Pragmatic Problem, Slow Learner, Slow reading & processing, Spastic Diplegia, Spina Bifida, Tetrasomy, Thoracolumbar Scoliosis, Visual Impairment

Vocational Guidance

The two Career Guidance Officers offer career guidance to prospective students as well as to students who although made their choice, sometimes find themselves doubting whether they are in the right course.

Information & Dissemination events

MCAST prospectus is distributed through the local councils to all secondary school leavers and the general public.

Leaflets and fliers are also disseminated to promote training courses both full time and part time as well as services. During the academic year 2009-2010, the Career Advisers visited the radios and TV stations for 13 times to promote MCAST courses.

During the months of November December 2009 and February 2010, Open Weeks were organized by the Guidance section of MCAST and 3212 students from secondary schools visited the college.

Other activities 2009

- Careers Convention April 2009
- SME Week 30th April 2009
- Sessions with Foundation Students- Decision Making 11th-15th May 2009
- Malta international Trade Fair Stand 2009
- Meeting with Career Guidance teachers from colleges 12th October 2009
- Day Seminar for Trainee Guidance teachers from Colleges 25th November 2009

2010

- Day Seminar for Church Schools Guidance Teachers 17th February 2010
- Seminar on Culture for Mechanical Engineering Students in level 3 March 2010
- Careers Convention March 2010
- Talk to Social Workers from the Foundation for the Social Welfare Services March 2010
- 24th April 2010 Seminar for Kindergarten Assistants
- 28th-30th May Open weekend at agribusiness institute

2011

- Learning Expo Fair February 2011
- ETC Jobs and Training Fair March 2011
- MQC Fair April 2011
- Open Weekend Agribusiness Institute June 2011
- Air show September 2011
- YEP Fair October 2011

Secondary School Visits 2009-2010

San Andrea'	100 students
Gozo Secondary	120
St. Monica, B'Kara	100
Seminary	50
St. Monica Gzira	50
Immaculate Conception	50
St. Francis Sliema	50
St. Paul's Missionary College	50
St. Patricks	3
Higher Secondary	100
St Aloysius	50
St. Michael's	60
St Joseph Sliema	60
G F. Agius de Soldanis Gozo	40

De La Salle	150
Ninu Cremona Gozo	100
St Augustine College	80
St Joseph Blata	60
Our Lady Immaculate	60
St. Monica Gzira	50
TOTAL number of Students	1483

Staffing Levels

2 Full time Personnel

Qualifications of staff

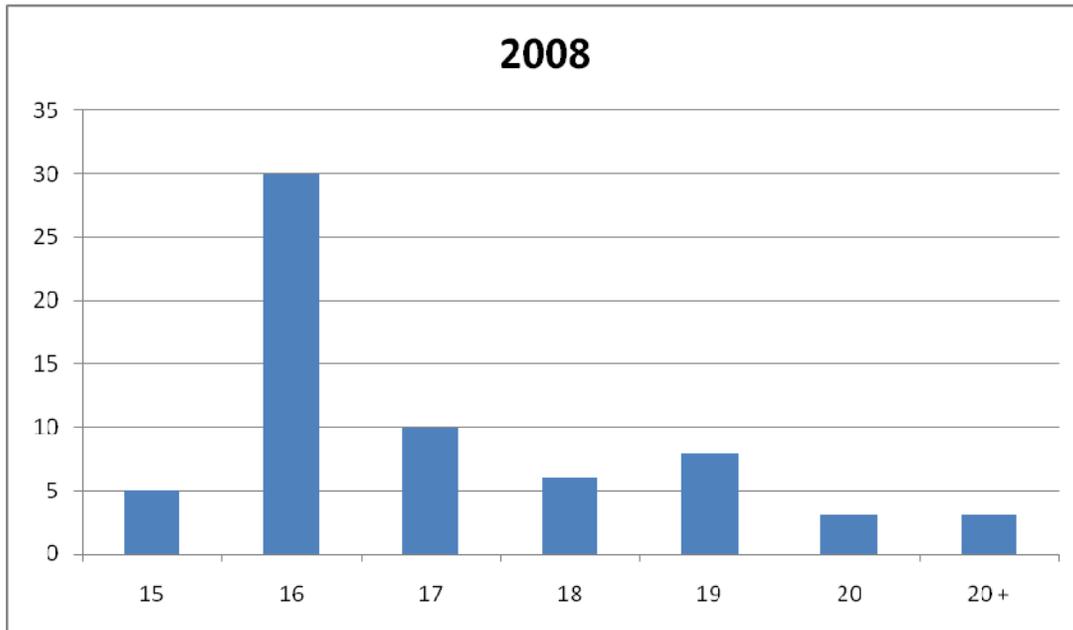
B. Bys (Hons) and Studied Postgraduate Diploma in Lifelong Career Guidance and Development at University of Malta

BA In Sociology and Postgraduate Certificate in Education at University of Malta

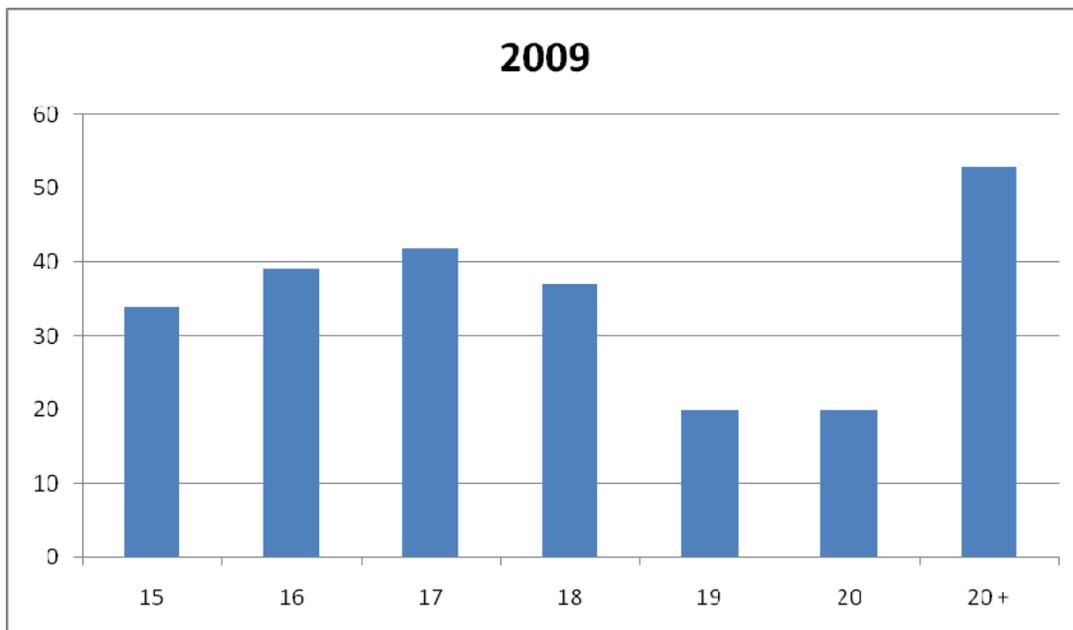
Number of persons who made use of Career Guidance services

Academic Period	Career Guidance sessions
October 2008- June 2009	205
July 2009- September 2009	894
October 2009- March 2010	145
April 2010-December 2010	198
January 2011- June 2011	219
July 2011- August 2011	1160

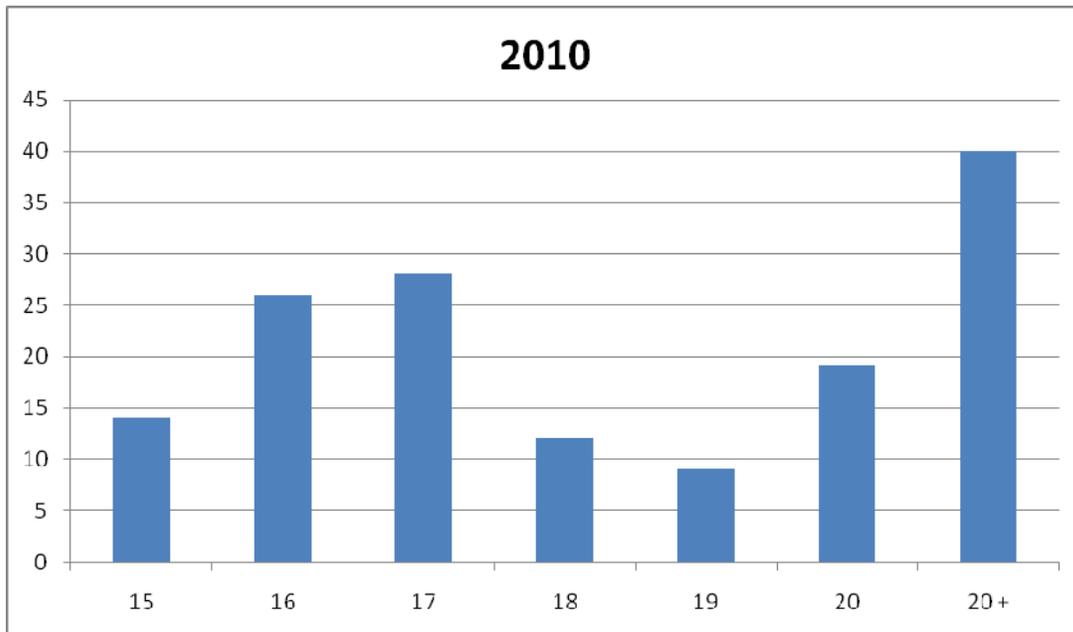
**Characteristics of persons who made use of career guidance services in terms of Age
2008 (From August till November – 1 Career Adviser)**



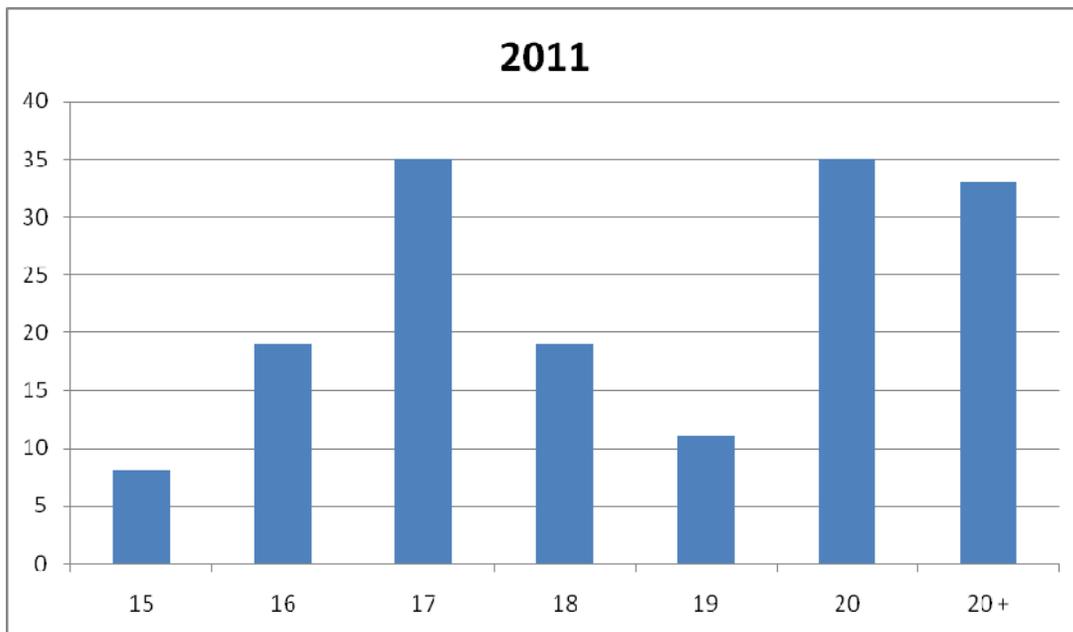
2009 (From January to March Excluding July- 1 Career Adviser. From April to December 2 Career Advisers)



2010 (2 Career Advisers Excluding July)



2011 (2 Career Advisers till September excluding July)



July is excluded as it is the peak time where new applicants submit their applications. The two Counsellors help out during this time of the year by offering Career Guidance sessions.

Action

Feeder School visits Scholastic Year 2009-2010

Reach out clients- 1483

Feeder School visits Scholastic Year 2010-2011

Reach out clients- 1825

TV/Radio Programmes

2009-2010

13 Media appearances

2010-2011

39 Media Appearances

Open Weeks

November December 2009

Art and Design		7			73	
	59	32	25	110	759	
					TOTAL	985

	30th November	1st December	2nd December	3rd December	4th December	4th November
Business and Commerce	63	35	35	4	57	
Electrical and Electronics	21	41	59	12	49	
ICT	84	124	50	18	98	
Community Services	208	134	163	42	130	
Mechanical Engineering	59	53	60	25	121	
Maritime	15	28	13	3	62	
Agribusiness	57	12	8	2	22	

Building and Construction	37	22	45	78	52	
Art and Design	35	61	38	60	36	
	579	510	471	244	423	
					Total	2227

February 2010

	22nd February	23rd February	24th February	25th February	26th February
Business and Commerce				85	92
Electrical and Electronics					90
ICT					143
Community Services					158
Mechanical Engineering					177
Maritime		25			12
Agribusiness	39		25		9
Building and Construction	20			25	5

a. Pathway Programme Malta

The Pathway to Independent Living is a two year Educational Programme offered to students who have mild to moderate cognitive impairments and who show an aptitude for further vocational education and training. They are introduced to basic academic, personal, social and vocational skills under the expertise of four lecturers and five Learning Support Assistants. Every Friday first year students are placed within college to acquire some vocational skills in an area of their choice. They are supported by the staff in order to gain the confidence in their work placement duties. Second year students are placed in Industry and they are supported by the career advisers as well as the LSAs and lecturer staff. This proved to be very fruitful in fact some of the students managed to get employed as a result of the placement. Others would progress to a higher level of vocational education.

Intake 2007-2009	2 full time study	2 employment	1 full time training
Intake 2009- 2011	1 full time study	5 employment	6 registering ETC
1 voluntary work			

Staffing Levels

4 Full time Lecturers	Qualifications vary PHD, Masters, First Degree plus PGCE
5 LSAs Part time	Qualifications vary 1 st degree, A levels, Inclusion Diploma

b. Pathway Programme Gozo

The Pathway Programme in Gozo was inaugurated in October 2009

Intake 2009- 2011	2 full time study	1 employment	3 registering ETC
-------------------	-------------------	--------------	-------------------

Staffing Levels

2 Full time Lecturers	Qualifications First Degree plus PGCE
-----------------------	---------------------------------------

1 LSAs Part time	Inclusion Diploma
------------------	-------------------

Public spending on vocational guidance services

2 Career Guidance Officers salary ranging from €15630 to €18200	€ 33,830
---	----------

7 Lecturers (Including inclusion coordinator) salary ranging from €18850 to €25680	€155,855
--	----------

12 LSA at an average of 30 hrs each In the region of €1000	€12,000
--	---------

TOTAL	€201,685
--------------	-----------------

Article 10 – Everyone has the right to appropriate facilities for vocational training.

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

1. 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;
2. to provide or promote a system of apprenticeship and other systematic arrangements for training young boys and girls in their various employments;
3. 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;
4. to provide or promote, as necessary, special measures for the retraining and reintegration of the long-term unemployed;
5. 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.

Information to be submitted

Article 10§1

1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

In relation to training, the Corporation is granted the following functions under Article 16 (1) of the Employment and Training Services Act, 1990:

- “ (a) to provide training courses or other schemes for the purpose of assisting persons desiring to fit themselves for gainful occupation, or desiring to improve or update the quality of their knowledge and skills for the same purpose;
- (b) to obtain information from employers regarding the number, educational level, skills and aptitudes of persons they may require for employment both in the short term and in the long term;
- (c) to enter into arrangements with the said employers, or any other person, for the provision of training courses or other schemes contemplated by this article.”

2) *Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.*

The Employment and Training Corporation provides training to all jobseekers, the inactive and the unemployed on an ongoing basis. Training recipients hail from various social and economic backgrounds. The Corporation insists on making its services available to all persons seeking to avail themselves of any employment and training opportunities organized by the Corporation. The core objective of all initiatives proposed and implemented by the Corporation has been to increase the employability of the potential working population in Malta. ETC believes that more efforts should continue to support the fostering of a greater synergy between the various educational, governmental, and employment institutions in Malta in order to create the necessary conditions for easing the transition from school to work.

In terms of persons needing specialized support, the Corporation has not only maintained specialized training opportunities under its own programmes; i.e. Bridging the Gap Scheme and the Employment Aid Framework, but has also sought to provide further training to Corradino Correctional Facility (CCF), to Dar Sant'Anna and Dar Santa Marija, to Caritas rehabilitation centre at San Blas and Inspire, amongst others. The Corporation was partner in a project led by the FSWS – “Embark for Life”, which provides training and independent accommodation to youths living in institutions. The Corporation delivered training and consultation on training issues to the project.

The Corporation was also partner in the project led by FES entitled “Youth. Inc”, which targets youths who finished compulsory education with no qualifications and with little basic educational skills. The project will provide training in life and job skills, literacy and numeracy, information technology, vocational training and also work placements. During 2010 the Corporation was also partner in an ESF project led by Paulo Freire Institute entitled “Ic-Cavetta” whose objective is the development of software applications, games and other learning material targeting adults with no literacy skills. Such material will increase the tools currently available to trainers who deliver literacy courses and who can thus offer more individualized training to the Corporation’s clients who want to learn Maltese

As demonstrated above, ETC has laboured intensively to forge closer relations with its stakeholders in order to ensure that the training initiatives and activities that it has chosen to pursue work in tandem with those being pursued by its immediate stakeholders. The overall rationale behind this approach is to maximise the potential benefits to be reaped by the labour market and thus avoid contradictory or duplicated efforts in this regard. To this end, the Corporation involves all of its major stakeholders in discussions pertaining to the implementation of major projects, collaborates with the bodies concerned to ensure recognition of training courses and their subsequent certification by the Corporation.

Meanwhile, ETC has also been actively engaged in talks with major examination boards; namely the City & Guilds of London Examination Board, in order to enable the Corporation to become recognised as an accredited training and testing centre for a number of new courses. Partnerships have also been established with less conventional partners including the local Correctional Facility in order to provide training opportunities to inmates in various areas of the correctional facility itself in a bid to facilitate the re-integration of inmates into the labour market following the completion of their sentence.

The Corporation continued to conduct trade testing to ascertain the proficiency of individuals interested in obtaining certification in their selected competencies. In 2010, 474 persons were tested or re-tested, of whom 348 were apprentices, 82 non apprentices and 44 trainees.

3) Please supply statistics or any other relevant information to show how this provision is applied in practice. The main indicators of compliance with this provision are: the total amount of public expenditure devoted to vocational training; the number of vocational and technical training institutions and types of education and training provided; number of teachers and pupils.

	Total Expenditure as at end December			
	2007	2008	2009	2010
Vocational Training	* 408,394.79	* 1,848,324.03	* 888,291.03	* 926,627

* Figures quoted reflect total spent on training courses in Hal Far, NIFE courses, Literacy and National IT Plan, Training (& placements) disadvantaged groups, Valletta training centre & Traineeships. Figures quoted reflect actual expenditure as at end December of each year

Course Title	Types of Training Provided Malta & Gozo 2007-2008		
	Total Participants	Male	Female
Basic Skills Course	1809	1374	435
IT Related Courses	1096	502	594
Office Related Courses	605	225	380
Hospitality Courses	245	209	36
Other Courses	980	863	117
Trade Courses	487	434	53
Short Courses	15	2	13
Business & Management Development Courses	89	56	33
N.I.F.T.E Courses	1323	494	397
Traineeships	40	39	1
Entrepreneurship Schemes	30	23	7

Course Title	Types of Training Provided Malta & Gozo 2009		
	Total Participants	Male	Female
Basic Skills Course	1290	894	396
Job Skills	1730	1236	494
IT Courses	667	324	343
Office Skills	362	178	184
Hospitality Skills	762	436	326
General Courses	935	812	123
Trade Courses	351	342	9
Foundation Technical Courses	85	78	7
Business & Management Development Courses	277	179	98
Care Workers Skills	35	3	32
Health & Safety Skills	251	174	77
Traineeships	32	14	18
Entrepreneurship Schemes	67	63	4

Course Title	Types of Training Provided Malta & Gozo 2010		
	Total Participants	Male	Female
Basic Skills Course	1559	1076	483
Job Skills	4242	3380	862
IT Related	1358	668	690
Office Related	718	344	374
Hospitality	3130	1998	1232
General Courses	1050	924	126
Trade Courses	934	857	77
Management & Development Courses	597	272	325
Care Workers	62	12	50
Traineeships	86	57	29
Entrepreneurship Schemes (awarded grant)	10	10	0

Article 10§2

1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

Apprenticeships are regulated under Part VII of the Employment and Training Services Act, 1990. Vide Attached.

2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

Apprenticeship Schemes are an effective medium of vocational education and training. In Malta they are based on the dual system. This witnesses the apprentice following a training programme at vocational educational institution and carrying out on-the-job training at a place of work.

This means that apprenticeship is an excellent way of getting a taste of what a client would like to do as a future job, since it provides them with first hand experience on a real job. Through apprenticeships client acquire competence since they will get a realistic view into the world of work. This experience, together with the theoretical training, will lead them towards acquiring a number of nationally recognised qualifications which provides proof that they are competent in a particular occupational area.

This will mean that apprentices will enhance their employability and stand an excellent chance of having a rewarding career. Experience has shown that over 85% of those who successfully completed an apprenticeship will be engaged in full-time employment subsequent to their apprenticeship whilst some of the others have even set up their own business.

Besides receiving a government maintenance grants, apprentices will also earn a stipend that is paid to them by the employer that supports their learning.

From its end the ETC provides apprentices with a training placement, monitors their progress and meets with apprentices through a number of monitoring visits that take place during the apprenticeship year to make sure that the training they are getting meets requirements.

There are two schemes:

1. Technician Apprenticeship Scheme (TAS)
2. Extended Skill Training Scheme (ESTS)

The apprentice, the employer (also known as the sponsor) and the ETC enter into an agreement laying down the rights and obligations of all parties during the apprenticeship. Apprentices are obliged to attend at a vocational educational institution to acquire the underpinning knowledge (off-the-job training) related to their calling. Public and private sector firms provide the on-the-job training, the latter employing the largest number of apprentices in both schemes.

Apprenticeships are available across a wide range of industries and provide excellent career prospects to apprentices.

Technician Apprenticeship Scheme (TAS)

The TAS leads the apprentice to obtain an occupational competence at technician level (level 4 according to the MQF Level Descriptors). This means that at the end of the apprenticeship a client will have the competence to supervise the routine work of others, taking some responsibility for the evaluation and improvement of work.

The present callings under the TAS scheme are:

- Agricultural Technician
- Aircraft Maintenance Technician
- Building Services Engineering Technician
- Computer Engineering Technician
- Computer Network & ICT Support Technician
- Construction Technician (Construction Design / Civil Engineering / Land Surveying / Quantity Surveying)
- Electrical and Electronics Engineering Technician
- Industrial Electronics Technician
- Jeweler/Silversmith
- Laboratory Technologist
- Mechanical Engineering Technician (Plant / Design & Manufacturing / Mechatronics / Operations & Maintenance)
- Motor Vehicle Engineering Technician
- Refrigeration and Air Conditioning Technician
- Software Developer
- Stone Heritage Technician (Mastru)
- Telecommunications Technician

Extended Skills Training Scheme (ESTS)

The ESTS offers a wide range of opportunities to young persons willing to learn a trade or skill at craftsman level (level 3 according to the MQF Level Descriptors). This means that at the end of the apprenticeship clients will have the competence to take responsibility for completion of tasks in work or study and adapt their own behaviour to circumstances in solving problems.

The present callings under the ESTS scheme are:

- Beauty Therapist
- Commis Chef
- Commis Waiter
- Electrical Installer
- Hairdresser
- Mechanical Fitter
- Motor Vehicle Mechanic
- Painter and Decorator
- Plasterer
- Plumber

- Printer
- Restaurant/Bar Operations
- Stone Heritage Craftsperson (Sewweej)
- Stone Mason
- Tile Layer
- Vehicle Body repairer / Spray Painter
- Welder and Fabricator
- Woodworker

Conditions of apprenticeship

- 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.
- Apprentices are entitled to 2 working days for every 20 days attendance at the place of work.
- Apprentices are entitled to half of the statutory bonuses (June and December).
- Weekly rate of NI 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
- 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.
- 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 and Maintenance Grants

The rates payable to apprentices under the **Extended Skill Training Scheme** are:

Year	Wage (payable by the sponsor)	Maintenance Grant (payable by the Government)
1	€ 47.75 per week	€ 93.17 per month
2	€ 49.99 per week	€ 93.17 per month
3	€ 73.61 per week	Nil

The rates payable to apprentices under the **Technician Apprenticeship Scheme** are:

Year	Wage (payable by the sponsor)	Maintenance Grant (payable by the Government)
1	€ 49.97 per week	€ 93.17 per month
2	€ 52.20 per week	€ 93.17 per month
3	€ 75.87 per week	Nil

A one-time grant of €326.11 or part thereof is paid to cover expenses related to the purchase of educational equipment.

A Journeyman's Certificate is awarded to those who successfully complete the apprenticeship

- at Technician level to TAS apprentices
- at Craftsman level to ESTS apprentices

3) *Please supply statistics or any other relevant information to show how this provision is applied in practice.*

The main indicators of compliance with this provision are: the existence of apprenticeship and other training arrangements for young people; the number of young persons benefiting from training systems; how the arrangements for vocational training are divided between the various types of vocational activity; length of the apprenticeship; the total public spending (and private spending, if possible) on these types of training and the availability of places for all those seeking them; equality of access to apprenticeship training for all those interested, including national of the other States party.

Length of apprenticeships: 3 years

	Total Expenditure			
	2007	2008	2009	2010
Apprenticeships Training	* 97301.52	* 647806.31	* 910636.18	* 607399

* Figures quoted also include BPA and Occup. Cert and reflect actual expenditure as at end December of each year

Apprenticeship Schemes	2007-2008 *15month reporting period			2009			2010		
	Male s	Female s	Total	Male s	Female s	Total	Male s	Female s	Total
Technician Apprenticeship Scheme	411	47	458	378	56	434	372	57	429
Extended Skill Training Scheme	223	47	270	191	46	237	210	54	263

Article 10§3

1) *Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.*

Article 17 (1) of the Employment and Training Services Act 1990, allows the Corporation to
“(a) provide or secure the provision of such courses and other schemes as it may consider adequate, having regard to any courses or schemes otherwise available”
“(c) from time to time consider such employments as appear to require consideration and publish recommendations with regard to the nature and length of the training for any such

employment, the further education to be required with the training, the persons by and to whom the training ought to be given, the standards to be attained as a result of the training and the methods of ascertaining whether those standards have been attained;”

“(e) assist any person in finding facilities for being trained where it cannot provide such training;”

2) *Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.*

In 2010 the Training Services Division continued administering the ESF Employability Programme which commenced in 2009, while it concluded an ERDF project also started in 2009.

Programme Budget Available Duration

ESF – Employability programme

€5,253,211 incl. VAT 2009 – 2011

ERDF – Phase 2, Extension of Skills Development Centre.
--

€627,125 incl. VAT 2009 - 2010

The ESF programmes cover, amongst others, training costs, publicity, training material, consumables and transport. The ERDF project covered construction and refurbishment of an annex to the existing Training Complex. The ESF 2.4 Employability Programmes, with a budget of €5,253,211, assist jobseekers, inactive persons and employees interested in upgrading their knowledge and skills. The Employability Programme includes job search assistance initiatives, training in basic skills, work orientation and re-training programmes, traineeships in occupational areas, a training subsidy scheme and a skills assessment system. ETC also provided free transport to trainees attending the Training Complex. The Employability Programme and its various initiatives have been actively promoted through the “I CAN” campaign. Another service provider is assisting in the development of the Skills Assessment initiative within the Programme.

ERDF – Phase 2 - Extension of ETC Skills Development Centre, with a budget of €627,125, was a continuation of the project completed through ERDF funds made available to the Corporation for the period 2004-2006. Phase 2 was finished within the planned timeframes and is already in use by trainees who participate in courses under the above-mentioned Employability Programme. The overall objective of the extension to the Training Complex was to increase capacity of the Corporation’s educational facilities since ETC had a number of training centres but space was somewhat limited. The new extension to the Training Centre consists of nine fully equipped training rooms, a computer lab and four offices, fully accessible to persons with mobility problems and compliant with current health and safety standards.

3) *Please supply statistics or any other relevant information to show how this provision is applied in practice.*

The main indicators of compliance with this provision are: the existence of facilities for training and retraining of adult workers, in particular the arrangements for retraining

redundant workers and workers affected by economic and technological change; the approximate number of adult workers who have participated in training or retraining measures; the activation rate – i.e. the ratio between the annual average number of previously unemployed participants in active measures divided by the number of registered unemployed persons and participants in active measures; equal treatment of non-nationals with respect to access to continuing vocational training.

European Globalization Fund Actions	Number of workers assisted		
	Males	Female	Total
Occupational Guidance	9	51	60
Training and testing	7	80	87
Aid for self-employment	5	16	21
Job search allowance (7 to 9 months unemployed)	10	95	105
Job search allowance (10 to 12 months unemployed)	7	69	76
Redeployment Scheme	78	167	245

Source: Final report on the execution of a contribution from the European Globalisation Adjustment Fund (EGF)

Article 10§4

1) *Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.*

This is also regulated by Article 16 (1) of the Employment and Training Services Act., 1990. Kindly refer to Article 10§1 above

2) *Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.*

ETC targets the Long-term unemployed through the Community Work Scheme, which aims to provide long-term unemployed over 40 years old and other disadvantaged groups with an opportunity to return to work by working in voluntary organizations and local councils, as deemed appropriate; the Community Work Scheme consists of 780 hours of community work and participants are required to work for 30 hours a week. Participants will increase their income up to 75 per cent of the minimum wage. Participation is mandatory and those who refuse the work without a valid reason will be removed from the unemployment register and will lose their benefits. The Community work scheme involves partnerships with local councils to provide the Corporation with possible work exposure.

Meanwhile, long-term, registered unemployed persons, i.e. any persons who have been unemployed for twelve of the previous 16 months, or six of the previous eight months in the case of persons under 25; are also eligible to participate in the Employment Aid Programme whereby employers receive a subsidy equivalent to 50% of the wage costs together with half the employer's NI for a period of 52 weeks.

- 2) *Please supply statistics or any other relevant information to show how this provision is applied in practice.*

The main indicators of compliance with this provision are: types of training and retraining measures available; the number of persons in this type of training and the impact of the measures on reducing long-term unemployment; equal treatment of non-nationals with respect to access to training and retraining for long-term unemployed persons.

Scheme	2009			2010		
	Males	Females	Total	Males	Females	Total
Community Work Scheme	108	7	115	107	5	112
EAP (LTUs) *	12	1	22	54	28	82

* Figures as at end December

Article 10§5

- 1) *Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.*

In respect of “*b. granting financial assistance in appropriate cases*”, Article 17 (4) of the Employment and Training Services Act, 1990 grants the Corporation with the authority to -
“(a) Make grants or loans to persons providing courses or other schemes approved by the Corporation;

(b) Pay fees to persons providing further education in respect of persons who receive it in association with their training in courses or other schemes provided or approved by the Corporation;

(c) Make payments to persons in connection with arrangements under which they or their employees make use of courses or other schemes provided or approved by the Corporation.”

In respect of “*d. Ensuring, through adequate supervision, in consultation with the employers’ and worker’s organizations, the efficiency of apprenticeship and other training arrangements for young workers, and the adequate protection of young workers generally*”, the Corporation is governed by Part VII of the Employment and Training Services Act, 1990. Vide Attached.

- 2) *Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.*

ETC strongly believes in the importance of life long learning. To this end:

a. All ETC training courses and schemes are offered to all jobseekers, inactive and employed persons alike completely free of charge thanks to the ESF Employability Programme.

b. Financial assistance in the form of a wage subsidy is provided to employers who recruit persons under the **ESF Employment Aid Programme**. Financial Aid is also granted to employers seeking to train/ re train their existent workforce through **the ESF Training Aid**

Framework. The size of the aid will depend upon the type of training and the size of the enterprise. During 2010 the Corporation continued to process applications that were previously submitted by eligible organisations under Regulation 14 of the Business Promotion Regulation Act. In total seven training programmes were audited and ETC processed payments amounting to €23,468.56 to employers. This scheme is now no longer operational as it has been replaced with the Training Aid Framework (TAF) launched in 2009. Training Aid is also granted through **the ESF Employability Programme** in the form of a **Training Subsidy Scheme** that aims to assist self-employed persons and persons employed in micro-enterprises of 10 or less employees, apprentices, the unemployed, NGO and Local Council employees to develop their skills by participating in further off-the-job vocational education and training. The Training Subsidy Scheme offers assistance in the form of a training grant to aid participants with costs related to training. This grant will be awarded to the individuals after successful completion of their training. Finally, the **INT Scheme** is a one stop entrepreneurship programme aimed at promoting an enterprise culture among those people who are interested in taking up self-employment by opening up their own small business. The scheme combines training and counseling services leading to an enterprise grant of €2329 upon successful completion of the scheme.

c. ESF Training Aid Framework, and the Training Subsidy Scheme under the auspices of ESF Employability Programme enable workers to undertake training during normal working hours. On the job training is also available under the Apprenticeship and Traineeship schemes.

d. To ensure quality training at the employers' establishment and at Vocational Educational Training (VET) Institutes, ETC officials carry out regular monitoring visits. In 2010, a total of 863 monitoring visits, 675 visits on the job and 188 at either MCAST or Institute of Tourism Studies (ITS), the two VET institutions currently supporting apprenticeship schemes through the provision of theoretical programmes were carried out. In 2010 the Corporation introduced apprenticeship handbooks to ensure that apprentices' training was in line with the calling being followed. The handbooks consist of an Occupational Profile, a list of competencies to be covered during on-the-job training and Assessment Criteria that will serve as a guideline for the Final Trade Test. The handbooks were provided to both employers and apprentices for every placement registered.

4) Please supply statistics or any other relevant information to show how this provision is applied in practice. The main indicators of compliance with this provision are: whether the vocation training is provided free of charge or that fees are reduced; existing system for providing financial assistance (allowances, grants, loans, etc.); measures taken to include time spent on training taken by workers in the normal working hours; supervision and evaluation measures taken in consultation with social partners to ensure the efficiency of apprenticeship for young workers.

Since 2009, training given by the Employment and Training Corporation is free of charge.

Apprenticeships	Monitoring Visits		
	2007-2008	2009	2010
On the Job Monitoring visits	510	408	675
Visits during theoretical training	177	104	188
Total Visits	687	512	863

Source: ETC Annual Reports 2007-2008, 2009, 2010

Article 15 – The right of persons with disabilities to independence, social integration and participation in the life of the community

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:

1. 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;
2. 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;
3. 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.

Information to be submitted

Article 15§1

1) *Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.*

Legal Framework – Article 16 of the Employment and Training Service Act (Chap 343 - attached) stipulates the functions of the Employment and Training Corporation in relation to training. This article specifies that the Corporation shall provide training courses or other schemes for the purpose of assisting persons desiring to fit themselves for gainful occupation, or desiring to improve or update the quality of their knowledge and skills for the same purpose.

2) *Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.*

Measures - 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.

The Supported Employment Section of the Employment and Training Corporation supports and targets disadvantaged groups to enhance their capabilities to integrate into labour market. The Section assists these client groups by providing counseling and placement services together with referrals to adequate training. Following an assessment by a professional occupational therapist aimed at better identifying the ability of a person to work and a number of regular one-to-one interviews that also include a profiling exercise, registered disabled persons are enrolled onto a training programme provided by the Maltese

Public Employment Service. Training programmes are aimed at assisting such persons in finding a job. Registered disabled persons are enrolled onto mainstream courses that have been moderately altered in order to accommodate such cohorts of clients. The aim of this approach is to nurture a culture amongst registered disabled persons that facilitates their integration into the labour market.

Through formal co-operation agreements entered with specialized foundations the Employment and Training Corporation offered specific and individualised training to persons with disability both at an initial phase and even once the individual trainee is placed in gainful employment. The trainee had access to a job coach but if the trainee demonstrates that he/she can cope somewhat independently, job coaching services were faded out gradually.

Through the Supported Employment Scheme which was partially funded by the European Social Fund (ESF 19 - 2004-2006) the ETC contracted NGOs whereby the latter delivered 'work related training' to persons with disabilities. It is to be noted that such training was conducted in November 2008.

3) *Please provide pertinent figures, statistics or any other relevant information to demonstrate effective access to education and vocational training for persons with disabilities (total number of persons with disabilities, number of persons with disabilities of 0-18 years of age, number of persons with disabilities in mainstreaming and special education and vocational training, including higher education; number of integrated classes and special education institutions, basic and in-service training for teachers).*

Statistics - Between September 2007 and December 2008 a total of 66 persons with disability received training through the cooperation agreements that ETC held with non-governmental organisations. In 2009 training for persons with disability was also ongoing and a total of 134 clients attending ETC training programmes. During 2010, 539 persons with disabilities attended an ETC mainstream training course.

Article 15§2

1) *Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.*

Legal Framework – Article 24 of the Persons with Disability (Employment) Act (Chap 210) specifies that it shall be the function of the Employment and Training Corporation to advise and assist the Minister in matters relating to the employment or training of, or to the undertaking of work on their own account by, persons with disability, including the promotion of opportunities for persons with disability to obtain and keep employment.

2) *Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.*

Measures –A person who is looking for a job (independently of whether the person has a disability or otherwise, and of the age, sexual orientation or other conditions) has the right to register for employment with Employment and Training Corporation. The Corporation offers

the function of a medical assessment which is primarily used with persons with a disability. It is important to note that when a person is registering for employment, this person is declaring that he/she is looking for employment. The Corporation also offers the service of profiling, employment guidance and job matching vis-à-vis the vacancies the Corporation receives from employers.

Between 2007 and 2010 the Employment and Training Corporation offered various measures including work exposure schemes in order to encourage the integration of persons with disability into employment. Mainly through the Supported Employment Section, the Corporation offered the following measures:

(i) Bridging the Gap Scheme, a work exposure scheme, this gives the opportunity to employers to evaluate the performance of the individual at the place of work prior to proper engagement for an agreed period of time. Through the Bridging the Gap Scheme clients will gain workplace skills required by employers, they will have access to employment opportunities and they will receive a weekly allowance of 80% of the current national minimum wage from ETC while renouncing the rights to any Social Security benefits throughout the work exposure phase.

(ii) The Corporation managed two Co-operation Agreements with the Eden Foundation and the Richmond Foundation to whom clients suffering from intellectual disabilities or mental illnesses were referred to respectively. ETC utilized the specialist expertise of these two foundations in providing services to disadvantaged groups with the aim of integrating them in the labour market. The Corporation referred its clients to the respective Foundation and the latter provided an assessment of the clients concerned; training including on-the-job training; work experience and follow up support.

(iii) Work Trial Scheme is another work exposure scheme which offers the possibility for the employer to train and evaluate the participant prior employment and the unemployed jobseeker is offered the possibility to build and upgrade his/her skills and competencies in line with the needs of the labour market and re-gain confidence at the workplace while building up self-esteem. The Employment and Training Corporation grants the participant 50% of the national minimum wage per week for the duration of the scheme. Placements can be for a maximum of 12 consecutive weeks. The work experience is based on a 20 hour week (4hours a day) in all cases.

(iv) The Supported Employment Scheme was a project part-financed by the European Union's Structural Fund Programme for Malta 2004 – 2006. The aim of this project was to enhance the participation of registered unemployed persons with disabilities in competitive employment. Five categories were offered through this scheme, which varied in terms of levels of assistance, time spent at the place of work and the allowance provided to the employer. The Supported Employment Scheme included an individual assessment process as well as an individualised job match. The aim of the scheme was to integrate into permanent gainful employment all those participants affected by a disability.

(v) In 2009 the Employment and Training Corporation launched the ESF-funded Employment Aid Programme targeted to facilitate the employment of disadvantaged and disabled persons. Through this programme, ETC provides financial assistance to those employers who employ persons coming from set target groups that satisfy established criteria. The financial assistance is in the form of a wage subsidy, including the employer's

national insurance contribution. Eligible client groups include any person who is a registered disabled person and who has a recognised, serious, physical, mental or psychological impairment. Such client group is offered 75 % of the Gross Wage costs for the first year and 60% for the second and third year. The subsidy will be offered up to three years or until September 2013 which ever comes first.

3) *Please provide pertinent figures, statistics or any other relevant information on the number of persons with disabilities in working age, in ordinary employment and in sheltered employment (estimated, if necessary). Please, also indicate whether the basic provision of labour law applies to persons working in sheltered employment where production is the main activity.*

Statistics - The Supported Employment Section placed 147 persons in employment between Oct 2007 and December 2008. 24 clients were placed in employment through the partnership agreements that ETC has implemented with Eden Foundation and Richmond Foundation. Work experience schemes were also utilised to increase the employability of 49 persons with disability, including ETC's Bridging the Gap scheme.

61 persons found employment through the ESF-funded Supported Employment Scheme for persons with disability – 20 of whom worked for the first time ever in their life.

During 2009, ETC placed 84 persons with disability in employment. Work exposure schemes and EU-funded programmes also proved essential in obtaining the desired results. A total of 26 persons with disability participated in Bridging the Gap Scheme. Half of these participants (13) were among the 84 persons placed in employment.

The number of registered disabled persons successfully placed in employment during 2010 was 107. Bridging the Gap and the Work Trial Schemes served once again as essential tools in the provision of work exposure opportunities to Supported Employment clients. In fact, 31 clients participated in Bridging the Gap scheme, whilst another seven benefited from the Work Trial Scheme. At the end of 2010, out of the 31 clients placed in Bridging the Gap scheme, 16 continued in employment, 12 returned on the unemployment register, whilst the remaining 4 were inactive (i.e. neither registering nor in employment). Between 2009 and December 2010 a total of 48 persons with disability participated in the Employment Aid Programme

Article 15§3

1) *Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.*

2) *Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.*

3) *Please provide pertinent figures, statistics or any other relevant information on persons with disabilities' access to housing, transport, telecommunications and cultural and leisure activities.*

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.

Appendix to Article 20

1. It is understood that social security matters, as well as other provisions relating to unemployment benefit, old age benefit and survivor's benefit, may be excluded from the scope of this article.
2. Provisions concerning the protection of women, particularly as regards pregnancy, confinement and the post-natal period, shall not be deemed to be discrimination as referred to in this article.
3. This article shall not prevent the adoption of specific measures aimed at removing *de facto* inequalities.
4. Occupational activities which, by reason of their nature or the context in which they are carried out, can be entrusted only to persons of a particular sex may be excluded from the scope of this article or some of its provisions. This provision is not to be interpreted as requiring the Parties to embody in laws or regulations a list of occupations which, by reason of their nature or the context in which they are carried out, may be reserved to persons of a particular sex.

Information to be submitted²

1) *Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.*

Legal Framework

2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

Measures

The Gender Equality Unit within the Maltese Public Employment Services was set up with the intention to implement a number of initiatives related to gender equality, including training, awareness raising campaigns, research and the implementation of various EU

² States party that have accepted Article 20 of the European Social Charter (revised) do not have to reply to questions concerning Article 4§3, but must take account of these questions in their answers on Article 20.

funded projects. The activities were aimed at a wide audience ranging from area secondary school students, single parents, employers, inactive women, trainees and the general public.

In 2007 the ETC published its third gender equality action plan for the years 2007 and 2008. The plan outlined the projects and initiatives which it had to undertake over a period of two years. During 2008, ETC also implemented the ESF funded project on childcare services at the work place. In total, eleven courses in child care were funded through this project. The project came to an end in September 2007 during a closing ceremony where trainees and employers who benefited from the project shared their experiences with those present and received their certificates.

ETC launched another ESF-funded project - National Campaign Promoting the Benefits of Quality Childcare in 2008. The aim of this project was to raise awareness about the benefits of quality childcare for children, their parents, employers and Maltese society in general. The project kicked off with a research element on which the advertising campaign was based. The extensive campaign used during this project included television and radio spots, billboards, leaflets and a national conference on issues related to quality childcare.

During 2009 the Gender Equality Unit launched the Gender Equality in Employment Action Plan 2009-2010. The process entailed in-depth research on gender equality in the sphere of employment. Also in 2009 ETC initiated NISTA - Sharing Work Life Responsibilities Campaign, an ESF- funded project too. The main aim of this project is to encourage more women to enter and remain in the labour market through an Information campaign using TV, radio and other media. The campaign will also promote the benefits of sharing paid work and non-remunerated work between the spouses/family. The last phase of the campaign will target employers with the aim of promoting the business case for greater work-life reconciliation measures at the workplace. More flexible work organisations will enable more women (and men) with caring responsibilities to work.

ETC launched a Childcare Subsidy Scheme in 2009 aimed at fulfilling the needs of individuals having family responsibilities but also wanting to further their skills and enhance their job opportunities. ETC offers a subsidy of EUR 1.50/hr on childcare services availed of by individuals during the period of training offered by the Corporation. The amount of hours eligible for subsidization are calculated from one hour prior to one hour following the duration of the training course and is available to all individuals having parental responsibilities.

In a strategic, organisational move, the Gender Equality Unit was incorporated in the Gender, Social Inclusion and Diversity Advisory and Consultative Committee set up in 2010 to make recommendations to top management on gender issues, diversity and social inclusion. The Committee, after carrying out a review of services offered by the Corporation, will propose advice, remedial action and alternatives whenever it identifies shortcomings in areas of gender equality, social inclusion and diversity – pertaining to the Corporation's remit.

3) Please provide pertinent figures, statistics or any other relevant information, in particular on employment and unemployment rates by sex and percentage differences in earnings.

Figures/Statistics

Unemployment Rates Malta & Gozo				
Gender (Part 1 & 2)	Dec-07	Dec-08	Dec-09	Dec-10
Males	4,684	5,004	5,986	5,216
Females	1,488	1,369	1,694	1,390
Total	6,172	6,373	7,680	6,606

Source: ETC Annual Report 2010

Persons aged 15 years and over, Employed				
	October-December 2007^{*1}	October-December 2008^{*2}	October-December 2009^{*3}	October-December 2010^{*3}
Males	105,928	108,382	105,867	106,487
Females	50,921	52,291	54,962	56,636
Total	156,849	160,673	160,829	163,123

Source:

*1 Labour Force Survey: Q4/2008

*2 Labour Force Survey: Q4/2009

*3 Labour Force Survey: Q4/2010

Contribution by the National Commission for the Promotion of Equality (NCPE) to the Revised European Social Charter Report 2011

1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

In Malta, Chapter 456 – Equality for Men and Women Act safeguards equal treatment on the grounds of gender and family responsibilities in employment and vocational training. In particular, this Act safeguards equal treatment in the **access to employment; in the terms of employment and working conditions**, including remuneration; and in **career development**. Article 4 of this Act stipulates that:

“(1) It shall be unlawful for employers to discriminate, directly or indirectly, against a person in the arrangements made to determine or in determining who should be offered employment or in the terms and conditions on which the employment is offered or in the determination of who should be dismissed from employment.

(2) Without prejudice to the provisions of article 26 of the Employment and Industrial Relations Act, employers shall also be deemed to have discriminated against a person if such employers -

(a) manage the work, give promotions, distribute tasks, offer training opportunities or otherwise arrange the working conditions in a manner that employees are assigned a less favourable status than others on the basis of sex or because of family responsibilities; or

(b) alter the working conditions, or the terms of employment of employees to the detriment of such employees after such employees have invoked any right accorded to him under this Act or claimed the performance in his favour of any obligation or duty under this Act; or

(c) neglect their obligation to suppress sexual harassment ...”

Moreover, Article 8 of the Equality for Men and Women Act safeguards equal treatment in **vocational training or guidance**:

“(1) It shall be unlawful for any educational establishment or for any other entity providing vocational training or guidance to discriminate against any person in -

(a) the access to any course, vocational training or guidance; or

(b) the award of educational support for students or trainees; or

(c) in the selection and implementation of the curricula; or

(d) in the assessment of the skills or knowledge of the students or trainees.”

By virtue of Chapter 456 – Equality for Men and Women Act, persons who feel discriminated against on the grounds of gender and family responsibilities in these spheres of employment and vocational training or guidance can lodge a **complaint** with NCPE. In effect, NCPE’s Commissioner may “*initiate investigations on the receipt of a complaint in writing by persons who claim to be the victims of an act or omission contrary to the provisions of this Act*”. In addition, NCPE may also “*initiate investigations on any matter involving an act or omission that is allegedly unlawful under the provisions of this Act*”.

NCPE investigates these complaints in accordance with the procedures established in *Legal Notice 316 of 2011 - Procedure for Investigation Regulations, 2011*. This Legal Notice delineates the procedure of the investigation of complaints adopted by NCPE.

Nonetheless, the Equality for Men and Women Act also stipulates that “*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*”.

In such cases, this Act also stipulates specific provisions in relation to the **burden of proof**, namely that “*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*”.

Although gender discrimination in employment is prohibited by the Equality for Men and Women Act, “*a less favourable treatment which is based on a characteristic related to sex shall not constitute discrimination where by reason of the particular occupational activities*

*concerned, or of the context in which they are carried out, such a characteristic constitutes a **genuine occupational requirement** and where such treatment remains within the limits of what is appropriate and necessary in the circumstances”.*

Moreover, the Equality for Men and Women Act also stipulates that “*measures of **positive action** for the purpose of achieving substantive equality for men and women*” does not constitute discrimination.

2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

The National Commission for the Promotion of Equality (NCPE) works to safeguard equal treatment between men and women and thus carries out various initiatives in this regard. In particular, NCPE raises awareness, carries out research and assists persons who feel discriminated against by investigating their complaints. To this end, various initiatives were carried out from 2007 to promote and safeguard gender equality:

NCPE is currently working on an EU co-funded project, *Gender Mainstreaming – In Practice VS/2010/0819*, which is aimed at strengthening the knowledge and understanding of gender mainstreaming within the public administration by; producing tools for the effective implementation of gender mainstreaming; providing training and highlighting good practices on gender mainstreaming; and encouraging the replication of such good practices to enhance the implementation of this principle. Throughout this project, examples of national policies that are gender mainstreamed will be provided and a network of support will be created to continue empowering stakeholders on gender mainstreaming.

NCPE is also currently working on the EU co-funded project *ESF 3.47 – Unlocking the Female Potential*, which aims at improving access to employment and enhancing the participation and progress of women in the labour market. As part of this project, in-depth research is carried out on various facets related to the female participation in the labour market. The respective findings and recommendations will be a valuable tool for policy makers in related policy formulation. In fact, the research components include: research on identifying, understanding and validating the reasons underlying the inactivity of the female segment in the Maltese population; research analysing what produces the ‘glass ceiling’ in Maltese society; and a comparative study on male and female entrepreneurs, seeking to provide further knowledge on the impact of gender on entrepreneurship.

Moreover, through the ‘Equality Mark’ certification, that is carried out as part of this project, more entities are working to actively foster gender equality, and hence further awareness is raised on the rights and responsibilities of employers, human resources managers, equality committees/ representatives within the workplace and employees. In fact, following an assessment of the respective policies and measures, organizations whose management is based on the recognition and promotion of the potential of all employees irrespective of their gender and caring responsibilities are awarded the ‘Equality Mark’. Indeed, the criteria assessed for the award of the ‘Equality Mark’ include: policies and initiatives on equality and sexual harassment; equal opportunities in recruitment and employment; equality in career advancement and personal development; as well as the availability of family friendly measures for men and women with caring responsibilities.

The project *Living Equality VS/2007/0442* sought to monitor and identify further capacity building needs for the actual implementation of gender mainstreaming in all Ministries, Government departments, public entities and in the National policy-making programmes. Indeed, as part of this project training was carried out with the aim of facilitating the concept of gender equality and gender sensitivity for the working staff within the Public Service and Sector, and at promoting the implementation of gender mainstreaming tools. In addition, good practices within Ministries, Government departments and public entities in relation to the implementation of gender mainstreaming were shared for possible further replication. Moreover, a set of Electronic Newsletters were developed and sent to all public officials to disseminate information on the project, activities and results.

The EU co-funded project *ESF 48 Affirming Gender Mainstreaming at a National Level* was aimed at affirming gender mainstreaming in both the public and private sector. This project sought to enhance equal opportunities for all as it strived to make a significant step in achieving gender equality. It was aimed at providing directors, policy makers, human resource managers and equality bodies with the impetus to update policies and practices to meet the obligations of current EU and Maltese commitments towards the implementation of gender mainstreaming, through training and awareness raising. Moreover, as part of this project, two information packs were published for households and business organisations respectively, delineating information on equality rights and responsibilities.

The project *ESF 46 - The Gender Aspect from a Legal Perspective* aimed at increasing the participation and advancement of women in the labour market primarily through the correction of structural barriers in Maltese legislation on the ground of gender. In particular, this study analysed the current employment and training, social security and taxation, education, criminal, civil and family legislation. In addition, training sessions for legislators, legal service providers, and human resource managers in both Public and Private Sectors on the principle of gender mainstreaming and relevant EU and Maltese legislation were carried out. As part of this project, three toolkits were published for human resource managers and directors in the Public Administration; human resource managers and employers in the Private Sector; as well as legal service providers.

The project *Taking Gender Equality to Local Communities* sought to assist the community in looking at gender roles at the local level and encouraged a re-examination of the roles performed by women and men in order to develop a culture of equality and equal opportunities. Through educational and publicity campaigns, citizens and local authorities were educated about the negative impact of gender roles and stereotypes.

NCPE also provides training to groups that request training on gender equality, sexual harassment, discrimination and the workplace and other matters related to NCPE's remit. Such training seeks to address specific subject matters and topics according to the needs of the particular group or audience.

3) Please provide pertinent figures, statistics or any other relevant information, in particular on employment and unemployment rates by sex and percentage differences in earnings.

Employment Rates in %				
Year	2007	2008	2009	2010
Males³	78.7	78.2	76.9	77.7
Females⁴	37.4	39.3	39.6	41.4

Unemployment Rates in %				
Year	2007	2008	2009	2010
Males⁵	6.0	5.6	6.6	6.8
Females⁶	7.6	6.9	7.6	7.1

Gender Pay Gap in unadjusted form in %			
Year	2007	2008	2009
Gender Pay Gap⁷	7.6	8.6	6.9

³ EUROSTAT. Employment rate by gender, age group 20-64 in %. Employment rate – Male. Last retrieved on 12th October 2011 on:
http://epp.eurostat.ec.europa.eu/tgm/refreshTableAction.do?tab=table&plugin=1&pcode=t2020_10&language=en

⁴ EUROSTAT. Employment rate by gender, age group 20-64 in %. Employment rate – Female. Last retrieved on 12th October 2011 on:
http://epp.eurostat.ec.europa.eu/tgm/refreshTableAction.do;jsessionid=9ea7d07d30e56c304d99c52349ec8402833ec539bbb4.e34MbxSc40LbNiMbxMc3yMc0?tab=table&plugin=1&pcode=t2020_10&language=en

⁵ EUROSTAT. Unemployment rate by gender in %. Males. Last retrieved on 12th October 2011 on:
<http://epp.eurostat.ec.europa.eu/tgm/refreshTableAction.do?tab=table&plugin=1&pcode=tsiem110&language=en>

⁶ EUROSTAT. Unemployment rate by gender in %. Females. Last retrieved on 12th October 2011 on:
<http://epp.eurostat.ec.europa.eu/tgm/refreshTableAction.do?tab=table&plugin=1&pcode=tsiem110&language=en>

⁷ EUROSTAT. Gender Pay Gap in unadjusted form (tsiem040). Last retrieved on 12th October 2011 on:
<http://epp.eurostat.ec.europa.eu/tgm/table.do?tab=table&init=1&language=en&pcode=tsiem040&plugin=1>

Article 20

Input from the Department of Industrial and Employment Relations

Reg 13 of the Equal Treatment in Employment Regulations specifically stipulates that any provisions contrary to the principle of equal treatment in any *law*.....are to be considered as null and void.

As regards methods of pay comparison and proof by reference to a suitable comparator, it should be noted that for such a purpose, the Employment and Industrial Relations Act, defines “comparable whole time employee as an employee in the same establishment who is engaged in the same or similar work or occupation whist due regard being given to other consideration s including seniority, qualification and skills, provided that where there is no comparable whole-time employee in the same establishment , the comparison is made by reference to collective agreements covering similar comparable whole-time employees in other establishments. Where there is no applicable collective agreement, reference shall be made to law or to the prevailing practice as may be established by the Employment Relations Board.

14% of collective agreements which were signed in 2008 took into consideration gender issues. These include:

- a) provisions whereas the employer agreed to subsidise the provision of day care facilities to a number of employees who have children under the age of four years and under the age of ten years in case of children with special needs.
- b) provisions providing for subsidised childcare and subsidies for summer school for children between 23 and 12, including concessions for employees who have children to work on a 30 hour week reduced schedule and give employees who are or will be availing themselves of unpaid childcare leave the opportunity to work a twenty – hour week until the end of their originally authorised childcare period

Article 24 – Right of workers 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 a 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.

Appendix to Article 24

1. It is understood that for the purposes of this article the terms "termination of employment" and "terminated" mean termination of employment at the initiative of the employer.
2. It is understood that this article covers all workers but that a Party may exclude from some or all of its protection the following categories of employed persons:
 - a. workers engaged under a contract of employment for a specified period of time or a specified task;
 - b. workers undergoing a period of probation or a qualifying period of employment provided that this is determined in advance and is of a reasonable duration;
 - c. workers engaged on a casual basis for a short period.
3. or the purpose of this article the following, in particular, shall not constitute valid reasons for termination of employment:
 - a. trade union membership or participation in union activities outside working hours, or, with the consent of the employer, within working hours;
 - b. seeking office as, acting or having acted in the capacity of a workers' representative;
 - c. the filing of a complaint or the participation in proceedings against an employer involving alleged violation of laws or regulations or recourse to competent administrative authorities;
 - d. race, colour, sex, marital status, family responsibilities, pregnancy, religion, political opinion, national extraction or social origin;
 - e. maternity or parental leave;
 - f. temporary absence from work due to illness or injury.
4. It is understood that compensation or other appropriate relief in case of termination of employment without valid reasons shall be determined by national laws or regulations, collective agreements or other means appropriate to national conditions.

Information to be submitted

1) *Please describe the general legal framework, including decisions by courts and other judicial bodies, if possible. Please specify the nature of, reasons for and extent of any reforms.*

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 or is participating in proceedings against the employer involving alleged violation of laws or regulations or is having recourse to competent administrative authorities
- g) the business in which the employee is employed has undergone a transfer of ownership.

Moreover, an employer cannot terminate the employment of an employee during any period of incapacity for work caused by personal injury by accident arising out of and in the course of employment or by any of the occupational diseases specified in the Social Security Act in each case occurring in the service of the employer except with the consent of the employee.

Moreover, a female employee cannot be dismissed by the employer during her maternity leave or during the period of five weeks following the end of such leave in which she is incapable for work owing to a pathological condition arising from such confinement.

Employees 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.

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 skills as may affect the employment potential of the said worker.

3) *Please provide pertinent figures, statistics or any other relevant information, if appropriate.*

The rules regarding termination of employment are stipulated in Sections 33 to 42 of the Employment and Industrial Relations Act. The Committee asks whether these rules also apply to employees on fixed term contracts.

It is confirmed that Sections 33 to 42 of the Industrial and Employment Relations Act apply to fixed term contracts except for Art. 36 (3), Art. 36 (5), Art 36 (6), Art 36 (7), Art 36 (8), Art 36 (9), and Art 36 (10) which apply specifically to contracts of indefinite duration.

It should be noted that the Protection of Maternity (Employment) Regulations have been amended in the sense that if an employer decides to dismiss a pregnant employee during the probationary period, the employer is bound to give reason or reasons for the employee's dismissal in writing at the time of dismissal to justify that the dismissal is unrelated to the employee's condition. If the employer fails to give written reasons for the dismissal at the time of dismissal or if the employee considers that any reason given by the employer is unjustified, and considers that the dismissal was unfair, then the employee may present a complaint of alleged unfair dismissal before the Industrial Tribunal within four months from the date of the dismissal. In the proceedings of the Tribunal, it shall be for the employer to prove that the dismissal was based on a good and sufficient cause and in the absence of such proof, the Tribunal shall uphold the complaint.

Further more, if the employer fails to give reason or reasons for the employee's dismissal in writing at the time of the dismissal, such a failure shall be considered by the Tribunal as an inference that the dismissal was indeed related to the employee's condition. If the Tribunal decides in favour of the employee 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.

The procedure of dismissals of public service employees is regulated by the Public service Management Code. An extract of the Code is attached.

Grounds cited by employers as "good and sufficient" with a view to justifying a dismissal include insubordination, absenteeism, pilfering, etc. However, in all cases, an employee can appeal within four months from the date of the dismissal, to the Industrial Tribunal if he or she considers that he or she has been unfairly dismissed.

Employment relationships can be terminated on economic grounds in case of redundancy. However, when an employer is affecting redundancies, the employer shall terminate the employment of that person who was engaged last in the class of employment affected by such redundancy. Moreover any employee whose employment is terminated on grounds of redundancy shall be entitled to re-employment if the post occupied by him or her is again available within a period of one year from the date of termination of employment.

As regards termination on the grounds of age, the Committee notes that pursuant to Article 36 (14) of the Employment and Industrial Relations Act, the employer can terminate an

employment relationship in the event the employee has reached pension age as defined in the Social Security Act. The Committee notes from the said Act that the pension age is fixed at 65. The Committee understands that even though the said Act permits termination on the ground that an employee has reached pension age, termination is not compulsory but still subject to the discretion of the employer.

The principle of prohibition of discriminatory treatment on the basis of age mainly emanates from Subsidiary Legislation 452.95, the Equal Treatment in Employment Regulations (LN 461 of 2004). These regulations give effect to a number of directives - Council Directives 76/207/EEC, 2000/78/EC, 2000/43/EC, 2002/ 73/EC and 2006/54/EC and apply to all persons as regards both the public and private sectors and including service with the Government in accordance with the Extension of Applicability to Service with Government (Equal Treatment in Employment) Regulations (SL 425.100).

The Regulations put into effect the principle of equal treatment in relation to employment by laying down minimum requirements to combat discriminatory treatment on a number of grounds, which include age. An important point is that the regulations apply to all persons in relation to conditions for access to employment, including the advertising of opportunities for employment, selection criteria and recruitment conditions, whatever the branch of activity and at all levels of the professional hierarchy, including promotions. It is expressly stated that it shall be unlawful for a person to subject another person to discriminatory treatment, whether directly or indirectly, on the grounds of age. However, "any difference of treatment based on a characteristic related to grounds of ... age ... shall not constitute discriminatory treatment where by reason of the nature of the particular occupational activities concerned, or of the context in which they are carried out, such a characteristic constitutes a genuine and determining occupational requirement provided that the objective is legitimate and the requirement is proportionate." (Reg 4 of the LN).

The Employment and Industrial Relations Act (Cap 452), by virtue of which the aforementioned regulations have been promulgated, tackles the issue of age in relation to employment in article 36 (14) thereof. Indeed, the latter states that the employer can terminate the employment of an employee when the employee reaches pension age as defined in the Social Security Act. It is clear from the wording that EIRA does not in any way preclude recruitment of persons of a pensionable age. EIRA is giving any employer the right to terminate an employee's employment relationship upon the employee's reaching of the national retirement age. This has been accepted by the ECJ. (see following case law)

In *Palacios de la Villa v. Cortefiel Servicios SA* (C-411/05), the ECJ stated that directive 2000/78 does not preclude a Spanish law permitting clauses in collective agreements that allow employees to be compulsorily retired when they reach a specified age. In *Rosenbladt v. Oellerking Gebäudereinigungsges* (C-45/09), the ECJ held that a German law allowing employer to agree with employees under a collective agreement that they must retire when they become entitled to a pension could be justified. German law provides that a clause allowing for the automatic termination of a contract of employment when an employee has reached the age when he or she is entitled to a state pension may escape the prohibition on the ground of age. Such clauses may be implemented by collective agreement. The ECJ ruled that the German law does not breach the prohibition on age discrimination in the Framework Directive (2000/78/EC). The ECJ said that the German Government had in mind the legitimate aim of seeking to promote access to employment by means of "better distribution

of work between the generations". The termination of the contracts of employment of retiring employees directly benefits young workers by making it easier for them to find work, which is otherwise difficult at a time of chronic unemployment. The rights of older workers are adequately protected as most of them wish to stop working as soon as they are able to retire, and the pension that they receive serves as a replacement income once they lose their salary. The automatic termination of employment contracts also has the advantage of not requiring employers to dismiss employees on the ground that they are no longer capable of working, which may be humiliating for those who have reached an advanced age. Thus, in this decision, the ECJ observed that German law does not force employees to withdraw from the labour market as it prevents a person who intends to continue to work beyond retirement age from being refused employment on the ground of age.

Maltese legislation is based on such approach.

Furthermore, Section 36 (15) of the said Act stipulates that an employment contract may not be terminated by the employer without the consent of the employee during a period of twelve months due to incapacity of work of the employee caused by personal injury by accident arising out of and in the course of employment or by any of the occupational diseases specified in the Social Security Act.

In cases of temporary absence from work due to illness or injury that has not occurred in the course of employment, the employee can avail himself or herself of paid sick leave as prescribed in the Wage Regulation Orders. These Wage Regulation Orders prescribe minimum conditions of employment covering employees according to economic sectors.

If the Industrial Tribunal considers that the employee has been unjustly dismissed, it may order reinstatement or, if this is not possible or the employee does not wish to be reinstated, it may award pecuniary compensation to the employee. The report further states that 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 skills as may affect the employment potential of the said worker. The Committee asks whether compensation in such cases is subject to a ceiling.

The pecuniary compensation awarded in the Industrial Tribunal is not subject to a ceiling.

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. However it should be noted that in cases where the allegation of unfair dismissal is based on discriminatory treatment on the grounds of religion or religious belief, disability, age, sex, sexual orientation, racial or ethnic origin and discriminatory treatment related to pregnancy or maternity leave, it is up to the employer to prove that the dismissal was justified.

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.

Appendix to Article 25

1. It is understood that the competent national authority may, by way of exemption and after consulting organisations of employers and workers, exclude certain categories of workers from the protection provided in this provision by reason of the special nature of their employment relationship.
2. It is understood that the definition of the term “insolvency” must be determined by national law and practice.
3. The workers' claims covered by this provision shall include at least:
 - a. the workers' claims for wages relating to a prescribed period, which shall not be less than three months under a privilege system and eight weeks under a guarantee system, prior to the insolvency or to the termination of employment;
 - b. the workers' claims for holiday pay due as a result of work performed during the year in which the insolvency or the termination of employment occurred;
 - c. the workers' claims for amounts due in respect of other types of paid absence relating to a prescribed period, which shall not be less than three months under a privilege system and eight weeks under a guarantee system, prior to the insolvency or the termination of the employment.
4. National laws or regulations may limit the protection of workers' claims to a prescribed amount, which shall be of a socially acceptable level.

Information to be submitted

1) *Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.*

Article 21 of the Employment and Industrial Relations Act establishes a Guarantee Fund for the purpose of guaranteeing payment of unpaid wages due by an employer to those employees whose employment is terminated because of the employer's proved insolvency.

Article 21 has been given better effect by the Guarantee Fund Regulations (Legal Notice 432 of 2002 as amended by Legal Notices 444 of 2004, 413 of 2005 and 427 of 2007).

The Regulations apply to employees' claims for unpaid wages arising out of contracts of service and existing against employers who are in a state of insolvency. However, the regulations shall not apply to private domestic servants, share-fishermen and to an employee who, on his or her own or together with his or her parents, spouse, children or siblings, was the owner or part owner of the employer's undertaking or business and had a considerable influence on its activities.

The Regulations determine when an employer is deemed to be in a state of insolvency. An employer is deemed to be in a state of insolvency where a request has been made for the commencement of proceedings for bankruptcy of the employer under 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 or when the Court has either appointed a provisional liquidator or administrator, or a liquidator after a winding up order in terms of the Companies Act. The actual date upon which the employer shall be considered to be insolvent shall be the earlier of the date of adjudication of bankruptcy by the Court or when a liquidator is appointed in accordance with the Companies Act.

The maximum amount which the Fund may pay to the employee shall 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.

The Regulations list the criteria which have to be satisfied in order for the Administration Board to take cognizance of a claim. First, the employee must have registered a claim for unpaid wages with the Administration Board within one month from the onset of the insolvency of the employer as defined in the same Regulations. Secondly, the employee must provide certified evidence that he has registered a valid claim for the unpaid wages in the insolvency proceedings of the employer and with the Department of Industrial and Employment Relations. Thirdly, the claim registered by every individual employee shall be limited to the unpaid amounts due for unpaid wages which consist of the basic wage for the relevant unpaid period, any unpaid overtime, arrears for any leave entitlement for the current and preceding calendar year, and any notice money payable according to the Employment and Industrial Relations Act. Fourthly, the claim registered by every individual employee refers to unpaid amounts which were due for wages payable during the last three months of the contract of service occurring within a period of six months preceding the date of the onset of insolvency of the employer or preceding the notification of termination. Lastly, the employee must bind himself to reimburse the Fund with a sum equivalent to the amount paid out of the Fund by the Administration Board in respect of the claim made by the employee from any amounts retrieved from any court proceedings or from any settlement received from a liquidator.

The Regulations oblige the employee to forward any documentation which may be necessary to enable the Administration Board to reach a decision as to the validity of the claim being presented. The Board may also request any information from any person to enable it to perform its obligations, and it shall be the duty of any such person to cooperate fully with the Administration Board.

3) *Please supply any relevant statistics or other information where possible on the amount of such claims, whether there is a ceiling on payments, the time taken between presentation of claims and payment of the amounts due and the overall percentage of employees' claims that are honoured by a guarantee institution and/or because those concerned are privileged creditors.*

It should be noted that the provision "unpaid wages up to the amount of 200 Maltese pounds (about €465) are treated as privileged claims and are settled before any other claims in the event of the employer's insolvency." quoted above is taken from the conditions of Employment Regulation Act (Cap 135) which was repealed in 2002 by the Employment and Industrial Relations Act (Cap 452). In Article 20 of the latter it is stated that any claim by any employee in respect of a maximum of three months of the current wage payable by the

employer to the employee and compensation for leave to which the employee is entitled , together with any compensation due to the employee in consideration of termination of employment , or any notice thereof, shall constitute a privileged claim over the assets of the employer and shall be paid in preference to all other claims whether privileged or hypothecated. The maximum amount of the privileged claim shall not exceed the equivalent of the national minimum wage payable at the time of the claim over a period of six months. It should be noted that the privilege and guarantee systems operate separately.

Claims registered by employees to the Guarantee Fund should consist of wages, any unpaid overtime, arrears for any leave entitlement for the current and preceding calendar year and any notice money. The claim registered by each employee should be for unpaid amounts which were due for wages payable during the last three months of the contract of service occurring within a period of six months preceding the date of the onset of insolvency of the employer or preceding the notification of termination.

It requests details of how the Guarantee Fund operates an estimate of the overall proportion of employees' claims met by the Guarantee Fund, and the average length of time between submission of claims and payment of the sums due to employees.

The average length of time between the submission of valid claims to the Guarantee Fund and payment of the sums due to employees is of three months.

The report states that domestic staff, share fishermen and wage earners who, on their own or with a close relative, owned all or part of the undertaking do not qualify for protection from the Guarantee Fund. The Committee requests an estimate of the number of workers not covered by the guarantee fund and whether there is any other form of effective protection for them.

The above mentioned categories of employees are covered by the provision of Art. 20 of the Employment and Industrial Relations Act mentioned above.