



European  
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Charter

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## **EUROPEAN SOCIAL CHARTER**

9<sup>th</sup> National Report on the implementation of  
the European Social Charter

submitted by

### **THE GOVERNMENT OF MALTA**

- Article 1, 9, 10, 15, 18, 20, 24, 25 for the period  
01/01/2011 - 31/12/2014
- Complementary information on Article 2§1, 2§2,  
4§1, 5 and 6§3 (Conclusions 2014)

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Report registered by the Secretariat on  
21 September 2015

**CYCLE 2016**





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

*submitted by the*

**Government of Malta**

**(1 January 2011 – 31 December 2014)**

**2015**

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## Group 1 – Employment, Training and Equal opportunities

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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 2011 to 31 December 2014.

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 26<sup>th</sup> 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.

## II. PROVISIONS OF THE EUROPEAN SOCIAL CHARTER (revised)

### Article 1 - Right to work

Labour market policies play a crucial role in supporting people to move from inactivity and unemployment to employment and finding more rewarding and productive jobs. This is recognised by the Maltese Government as the total expenditure between 2005 and 2012 increased from 28 million to 34 million. This data was found in the report issued by the European Commission on ‘*A Descriptive analysis of the EU labour market policy (LMP) statistics*’, issued this year (2015). It was also recognised that in four Member States (Bulgaria, Italy, Malta and Sweden) LMP expenditure in 2012 was the highest recorded over the period 2008-2012. It was also highlighted that most Member States including smaller Member States follow the general EU28 evolution for total spending though some Member States including Bulgaria, Ireland, Luxembourg and Malta show a continuous increase in total expenditure throughout 2008-2012.

In view of this, the Maltese Government introduced various measures targeted at long-term unemployed and older workers.

#### *Long-term unemployed:*

The aim of the Employment and Training Corporation (ETC) is to help individuals enter the labour market whilst assisting those already in employment to improve their career. When jobseekers register for the first time with the Corporation they are individually profiled. Each jobseeker is also allocated an Employment Advisor who then follows them up on a frequent basis. A Personal Action Plan (PAP) is also drawn up. The PAP includes the steps that the jobseeker will undertake with the aim of enhancing employability and job search activity. During follow-up meetings the employment advisor updates the profile of the person, assesses progress on the agreed Personal Action Plan and sets new goals. It is important to note that long-term unemployed are dealt with differently depending on whether they are youth or adults. When it comes to youth caseloads, those that are new registrants or long-term unemployed are placed in the same caseloads. The same applies for adults with the exception that at the moment there is a separate caseload which focuses particularly on those who are very-long term unemployed.

The early outreach of long-term unemployed is important since this can reduce the risk of social exclusion and prevent long-term unemployed detaching from the labour market. In order to facilitate the uptake of work amongst the long-term unemployed, the Government launched the ***Tapering of Benefits***, which is a one-time scheme for persons who are in receipt of *Unemployment Assistance (UA)* (the scheme focuses on beneficiaries who in the last 36 months benefited from Unemployment Assistance (UA) for a period of 24 months i.e. Long-term unemployed), *Social Assistance (SA)* and *Social Assistance for Single Unmarried Parents (SUP)*. If eligible, participants can have their benefit tapered down gradually over a period of 3 years instead of having it stopped altogether. Tapering of Benefits is given for a three year period to those beneficiaries who become engaged in employment or also as self occupied as long as they earn the national minimum wage or more. Following Budget 2015, this scheme is also being

extended to Single Parents with children under the age of 23 yrs.

The ETC also launched the *Mature Workers' Rules (MWR)* which aims to tackle two issues: long-term unemployment and obstacles older jobseekers face when trying to find a job. The Mature Workers Rules offers employers a tax deduction in respect of new employees aged 45-65 who have been registering for at least the preceding 6 months on the ETC unemployment register (Parts 1 and 2).

Following Budget 2015, the ETC is currently also preparing to launch the *Work Programme Initiative*. The private sector together with the ETC will be working together to help persons who have been unemployed or inactive for long periods to re-enter the labour market. This programme will be outcome-based and providers will be paid according to results. The private providers will create a professional profile for each individual assigned to them which will indicate the required training and job needs for that particular person. Employers making use of the Work Programme to employ such persons will be eligible up to €2,750 for every employee on a 3 year period.

#### *Older workers:*

The demographic distribution of the Maltese over the past three decades has shifted from a traditional pyramidal shape to an evenly distributed demography, excluding the older cohort. This is due to the evolution of the Maltese demography having shrinking fertility rates and higher improvements in life expectancy rates. An ageing population increases the burden on welfare programmes currently in place. Smaller working population will be unable to support an increasing pension bill and Malta's demographic imbalance will eventually put more pressure on the social and health care sector. The fact that persons have been increasingly interested in remaining in the labour market past their retirement age, led to pensioners become eligible to receive pension while employed. This triggered an increase in persons remaining in employment after their retirement. The share of older workers over 61 of age out of the total workforce increased from 2.5 per cent in 2004 to 6.0 per cent in 2012 (as per ETC administrative data).

A common framework for the active participation of older citizens in the labour market has been launched known as, the 'National Strategic Policy for Active Ageing: Malta 2014-2020' which includes different measures to mainly enhance the active participation of the elderly in the labour market. This is done in line with the EU's active ageing agenda in which individuals are motivated to remain active in the labour market by shifting from passive to active welfare policies. One of the measures highlighted is the provision of continuous vocational education and training for ageing and older workers. This would serve to reinforce competences of these people in computer related skills, information management and processing skills, language skills amongst others. It is recommended to take into consideration the requirements of employers and workplace. The evolvement of production methods and working conditions have become more intensive, leading to stress, health risk and early retirement for older workers since they end up experiencing neck and shoulder pain, reduced aerobic capacity, longer injury recovery pains amongst others. Therefore certain measures and facilities are required to serve as a means to counter such inevitable age-related setbacks such as modern technology, equal training opportunities, flexible and individual work designs, age-friendly shift schedules and others.



A change in mentality and policies is required to support an ageing workforce. Age management is being promoted through five segments where firstly employment organisations should ensure that older workers have equal or special access to occupations on offer. Older workers should be offered training opportunities to develop their careers. It also involves the provision of adequate levels of added work flexibility or timing and nature of their retirement and taking into account ergonomics and job design. The final segment involves a positive attitude of an organisation supportive of age-friendly measures.

With reference to measures to implement the legal framework in relation to the national employment policy with specific reference to finding suitable employment, at pages 5 – 6 of the Report Malta 2007 – 2010 – Article 1), the Public Administration Human Resources Office (PAHRO) within the Office of the Prime Minister participates in initiatives to publicise career opportunities in the Public Administration such as the Careers Convention and the Public Service Week as measures to increase employment by attracting school-leavers seeking employment and graduates to work in the diverse sectors of the Public Administration;

As regards the increasing the participation of women in the labour market, the Ministry for Social Dialogue & Consumer Affairs had requested recommendations from a number of line Ministries regarding how to address the commitments as regards Malta's Participation in the Open Governance Partnership (OGP).

The input received from the Ministry for the Family & Social Solidarity (MFSS), from the Ministry for Education and Employment (MEDE), from the Ministry for Social Dialogue & Consumer Affairs (MSDC), and from the Office of the Prime Minister (PAHRO) was specifically requested on the Participation of Women in the Public Service wherein the named Ministries were asked to provide three recommended actions. In this regard, and in view that this exercise was coordinated by Director (Policy Development, and Programme Implementation), MSDC, it is considered that MFSS should also seek feedback from Director (PDPI), MSDC.

With reference to the Committee's query relating to the prohibition of discrimination in employment at page 7 of the Conclusions Malta 2012, regarding whether there are any jobs that are inherently connected with the preservation of law and order or national security and involve the exercise of public authority which are reserved exclusively to Maltese nationals, such jobs include:

- posts in the Office of the President, the House of Representatives, the Prime Minister's and Ministers' secretariats, the Cabinet Office, and the offices of the Principal Permanent Secretary and any Permanent Secretary;
- posts involving the preparation of expert advice in the field of prosecution of offences or lawmaking, and posts entailing responsibility for advisory constitutional bodies;
- posts involving the sovereignty of the State, including diplomatic and foreign representation;
- posts in the Office of the Prime Minister and the Ministries of Finance, Justice, Home Affairs and Foreign Affairs;

- posts within departments charged with the protection of the economic interests of the State, including tax authorities;
- positions in the Senior Executive Service;
- posts in the disciplined forces and offices responsible for defence matters;
- posts in the security services and in the field of civil protection and defence.

With reference to Section 2 of Article 1 of the Conclusions Malta 2012, page 7 regarding prison work, the Public Service provides the possibility for former public officers who were dismissed from the Service after being sentenced to a term of imprisonment and were subsequently granted parole in terms of the Restorative Justice Act, to be engaged on a temporary basis. An application for such engagement may be submitted to the PAHRO either whilst the applicant is still in prison or after the applicant is granted parole. In the former case, applications submitted earlier than the 11th month of the prison sentence are not considered. Upon receipt of the necessary documents, the application and the documents are referred to the Re-Employment and Re-Instatement Committee (RRC). If the RRC agrees that the application should be favourably considered, it shall refer the application to an Assessment Board, composed of representatives from PAHRO, the Employee Support Programme Unit and the Ministry in which the officer concerned was posted before s/he was dismissed, to determine whether the officer is competent to perform the duties of his post and the place of work where s/he may be posted.

The conclusions of both the RRC and the Assessment Board are referred to PAHRO, which immediately informs the applicant that his/her application has been favourably considered. In such a case the applicant shall also be informed that seven weeks prior to the lapse of his/her prison sentence, he/she may submit an application to PAHRO so that after the termination of his/her temporary engagement, he/she may be considered to be re-integrated within the Public Service as a regular public officer.

If, after considering the application in terms of this policy, the RRC decides that the application should not be accepted, the RRC shall inform PAHRO, which shall immediately inform the applicant about the refusal and advise him/her of his/her right to appeal to a Committee set up for this purpose, whose decision is final.

Applicants are eligible to be considered under this policy, if:-

- i. they were dismissed from the Public Service after they were sentenced to a term of imprisonment, provided that a general perpetual interdiction was not imposed upon them by the Courts; and
- ii. they are in possession of a parole licence by the Parole Board, granted in terms of the Restorative Justice Act; and
- iii. they are found fit to perform the duties assigned to them through a medical test/a Medical Board appointed for this purpose.

Once a parolee is re-engaged on temporary basis, PAHRO will refer the person to the Employee Support Programme Unit for assessment and monitoring with the aim of assisting the employee to reintegrate at the workplace.

Apart from implementing various active labour market policies the Employment & Training Corporation also conducts various exercises to monitor the labour market situation. This is done through collection of statistical data such as unemployment rates, gainfully occupied persons and redundancies, research on whether the Public Employment Service assisted jobseekers to find and retain employment and tracking of participants' employment history.

The table hereunder shows the number of job vacancies notified to the Employment and Training Corporation (ETC), and the number of placements made by the Corporation for years 2011-2014.

	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>
ETC Placements*	3,428	4,298	4,979	3,277
Vacancies Notified to ETC**	13,653	14,234	15,683	17,052

\*The number of placements is not unique, meaning that if the same person was placed twice in one year by ETC, then that counts as two placements.

\*\*It is to be noted that the data provided for the number of vacancies notified to ETC is not unique. This means that if a vacancy was not filled and it was re-issued, the vacancy is counted as two vacancies. In addition, ETC is not informed of all vacancies issued at national level. The data above represents vacancies which were notified to ETC.

There are certain amounts of placements which are not being accounted for and hence this results in an increase in vacancies and a decrease in placements as shown in the table above. A placement is only tagged once a person was certain to be submitted to a particular vacancy opened by an employer and was then employed by the same employer. The latter is not always easy to prove. Jobseekers can access vacancy information also through the ETC website. Jobseekers can also access information on vacancies at the job centres. Although these have been developed in a way to trace receipt of information on vacancy details, there are certain cases such as through job centres where the information can be accessed without the tagging of such submissions. This results in a lower identification of placements.

Furthermore, the services offered by the PES over the years changed in accordance to the needs of the jobseekers. One of the main changes adopted since the end of 2013 is the focus on the soft skills of jobseekers and the mutual obligation principle. The aim behind such workshops is to empower jobseekers to be active in searching for jobs and to move away from the preconceived concept that the PES will find a job whilst they remain passive.

In 2011, the Gender Social Inclusion and Diversity Committee carried out an extensive review of services offered by the Employment and Training Corporation (ETC) to ensure equal opportunities at every level. With the aim to activate vulnerable groups and improve the employability of the workforce, by focusing on vocational training and guidance, ETC has been constantly implementing a number of employment and training schemes.

In 2011, ETC focused on supported employment which is a way to move people from dependence on a service delivery system to independence via competitive employment.

The provision of on-going support services for people with disabilities significantly increases their rates for employment retention. Work exposure opportunities through the use of the Bridging the Gap (BTG) and Work Trial Scheme (WTS) proved to be effective as employability tools for this client group. The WTS gives the jobseeker an opportunity to gain work experience from a real place of work. ETC grants 50% of the national minimum wage per week for the duration of the scheme towards the participant.

The BTG Scheme offers disadvantaged jobseekers including persons with disability, a period of work exposure with an employer to enable them to demonstrate the skills needed for a particular job. Through the scheme, participants have access to employment opportunities and acquire the skills required by employers. The employer on the other hand, has the opportunity to interview and select the client; evaluate his or her progress and have the support of Public Employment Service officials throughout the work phase. For 2011 a total of 92 clients participated in the BTG of which 37 were persons with disability or ex-convicts. The WTS involved a total of 602 clients of which 12 were persons with disability or ex-convicts.

The Job Bridge Programme aims to prepare young persons with intellectual disability for active participation in the labour market and sustain each individual's informed choice, potential and support needs. One of the aims of the programme is to identify each individual's abilities, vocational preferences and aptitudes, personal connections and circumstances that would help in the transition to employment. During this programme trainees will be made aware of a variety of occupations that they are able to undertake. Half way through the programme for a period of 12 weeks, the trainees will be placed in a temporary work experience placement (internship). During 2011, a total of 590 persons with disability attended mainstream courses offered by the Corporation, an increase of 51 persons when compared with 2010. Also a total of 1,319 one-to-one interviews were conducted by Employment Advisors responsible for special cases clients.

Within the Inclusive Employment Services provided by the Corporation in 2012 the Community Inclusive Employment Scheme was launched. This scheme saw the involvement of the ETC who in collaboration with interested Local Councils, it facilitated the application and matching of registering job seekers with the needs of the applicant local councils. Jobs were for a maximum period of three years, with payment, based on national minimum wage. This was calculated on pro-rata basis in accordance to the number of hours worked. A total of 55 applications were received of which 9 placements were reported by end of December 2012.

The Employment in the Social Economy Project (ESEP) aimed to promote an inclusive labour market by encouraging employers whose function was not a commercial one to recruit persons from disadvantaged categories and persons with disability by offering them a grant when they employ one or more persons falling under one of the disadvantaged categories eligible under the project. In 2013, in order to further facilitate the uptake of the project, the list of eligible clients was extended. The target was to have 200 jobseekers employed as a result of the assistance provided through this project. Despite efforts, there was a low demand from applicant organisations to engage prospective employees from disadvantaged groups. Funds allocated for grants were therefore not fully utilised.

The Employment Support for Persons with Disabilities (ESPD) was an ESF-funded project which contributed towards the integration of disabled people in the labour market through the services of an Occupational Therapist and or Occupational Psychologist. This project included learning support assistance, job coaching and personal assistance allowance to employers during work exposure and/or employment.

In addition, in 2013, 83 persons with disability were placed in employment, while 132 were trained. 332 clients had an appointment with the ETC Medical Officer, while 177 clients were assessed by the Occupational Therapist.

Furthermore, ETC introduced the Enhancing Employability through Training Programme (EET) which aims to facilitate the reintegration of jobseekers and inactive persons, including persons with disability, into the labour market while also providing assistance to those in employment to secure and advance their position within the labour market. The Programme provides access to training to assist the labour force to acquire new skills and to provide opportunities to jobseekers and other individuals to further their existing skills in order to adapt to labour market changes and requirements. The EET provides training programmes which offer a wide range of opportunities to satisfy the individuals' needs and those of the economy in terms of levels of knowledge, skills and competences; promote entrepreneurship amongst unemployed and inactive persons through training services; and encourage participation in lifelong learning amongst the labour force as a necessary means to retain employment or find alternative job opportunities.

There are several services offered by employment advisors for persons with disability, which include ad hoc training courses organised to jobseekers with different forms of disability. These courses are 'tailor made' to accommodate the particular needs of the clients. Through Cooperative agreements, intellectually disabled clients and those suffering from mental illnesses can also benefit from specialised training organised by ETC in collaboration with Inspire and Richmond Foundation. The aim of these agreements is to provide specialised and personalised services to persons with disabilities to enhance their employability, with a view to enable their entry into the labour market and retain employment.

The Employment Aid Programme (EAP) contributed towards the integration of disadvantaged persons and persons with disabilities in the labour market. The programme facilitated access into employment through financial assistance and upgraded the skills of those furthest away from the labour market through work experience. Amongst the target groups, the EAP targeted persons with disabilities and disadvantaged groups including single adults looking after dependents, unemployed persons over 50 years of age, the long term unemployed (more than two years), and persons who wished to enter or re-enter work 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. There has also been an extension to the Gozo EAP following the success of the scheme which ran between 2009 and 2012 which also contributes to the integration of disadvantaged persons, including older women in the labour market.

The Work and Training Exposure Scheme (Gozo) is specifically targeted at the Gozo labour market. Persons who were inactive and/or registering on part 1 are given the

opportunity to gain work and training experience with the private sector. Through this scheme participants were provided with the possibility to enter the labour market through an experience of work exposure, with the possibility to enhance and upgrade their skills. For the duration of the scheme and on a voluntary basis participants were able to attend training courses organized by ETC. Participants who complete the course successfully were given a financial incentive.

Through the Cleaner and Greener Gozo, Gozitans registered as unemployed and those without a job earned up to €145 a week for five months. Participants, who had to either be registering for employment or are inactive, could opt to work either part-time or on a full-time basis. Part-timers were eligible for €75 for 20 hours per week and €145 for full timers.

The Greening the Economy – Get Started scheme was targeted to all persons on the ETC unemployment register till the end of 2013; persons out of the labour market (inactive) and all those interested to open their own economic activity as self-employed. Furthermore, those employers who decided to retain the trainee by formally employing him or her (Part 1 Registrants only) after the 20 week duration of the scheme benefited from a one off grant of €1,000 for each trainee at the end of 2014. Those who applied through this option as self employed (Part 1 Registrants only), benefited from a one off grant of €1,000 at the end of 2014 following confirmation of employment through ETC data.

The below is a list of the number of persons with disability who participated in ETC Schemes between 2011 and 2014:

<b>Schemes</b>				
	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>
Employment Aid Programme	52	25	1	---
BTG	37	37	36	54
Work Trial	12	10		
Job Bridge Pembroke	---	---	6	25
Community Work Scheme*	14	35	84	127
Community Work Scheme unique	10	22	54	71
Work & Training Exposure Scheme	---	---	8	---
Gozo Employment Aid	---	---	---	2
Cleaner & Greener Gozo	---	---	---	8
Greening the Economy	---	---	---	2
Sheltered Employment Training	---	---	---	81
Work Trial Scheme Youths Gozo	---	---	---	5
Work and training exposure scheme for Gozitan Registering Clerks	---	---	---	1

(\*This includes the persons who had a renewal of the scheme)

## **Article 9 - Right to vocational guidance**

The National Strategic Policy for Active Ageing establishes three policy measures with regards to employment services for older workers. It points out that employment services should take into account the diversity of older workers and guidance workers should be adequately trained in order to meet the requirements and minimise premature exit from the labour market and in the meantime tackle unemployment amongst individuals aged 50 years and over. Three other policy measures have been highlighted with regards to ageism and age discrimination in order to seek more awareness, broaden the legal definition and allow older workers to continue working beyond their retirement age.

The employment-friendly tax and benefit system has been recommended by the EU in 2012 in order to ensure that work pays for older workers whilst providing adequate benefits. Through such mechanisms, older people are rewarded for remaining active before and after statutory retirement age. Moreover, the National Strategic Policy recommends a broad public campaign focusing on the relevance of older workers as mentors and role models for younger employees to ensure the transfer of experience and higher retention levels. Malta has introduced various measures such as tax brackets which have been revised in order to minimise the burden of taxation across all categories of workers.

One of the measures introduced is the provision of training and/or employment to employees who are between 45 and 65 years of age. The Maltese Government will offer a tax deduction of €5,800 as an incentive to employers to hire persons within this age group who have been unemployed for the previous three years. In addition, companies will benefit from a tax deduction on their income or corporate tax of 50 per cent of the training (up to a maximum of €400) for training undertaken by a training provider officially accredited by the Malta Qualifications Council.

This scheme emerges from Legal Notice 180 of 2014, Subsidiary Legislation 123.159 Deduction (Mature Workers) Rules. ETC is the authority designated to administer this scheme by processing applications from employers who employ mature workers aged 45 to 65 (and whose name appears on the unemployment register parts 1 and 2 and has been on the register for at least the preceding 6 months), issuing a certificate of Approval and submitting to the Commissioner for Revenue the details of approved applications. These rules came into force as from the year of assessment 2015, in respect of employees engaged on or after 1st January 2014.

Budget and Actual Expenditure in respect of the Advisory and Outpost for the years 2011-2014. From 2012 till 2014 the Outposts were being included with the Advisory

Year	CC Details	Overall		Initiatives		Operational	
		Budget	Actual	Budget	Actual	Budget	Actual
2014	Job Seekers Advisory Department	1,108,517	1,138,072	39500	129294	1,069,017	1,008,778
2013	Job Seekers Advisory Department	1,059,378	1,003,222	48770	28434	1,010,608	974,788
2012	Job Seekers Advisory Department	1,502,834	1,078,175	389000	173371	1,113,834	904,804
2011	Placements & Career Guidance HF, CWS & ETPS	1,257,820	1,426,778	628700	818933	629,120	607,845
	Outpost Centres	347,444	276,381			347,444	276,381
		5,275,993	4,922,629	1,105,970	1,150,032	4,170,023	3,772,597

Department.

The PES offers various vocational guidance options as part of one's Personal Action Plan including one-to-one guidance. Personal Action Plan goals and milestones can include small duties allocated to the job seeker such as upgrading client CV, filling in worksheets, attending group sessions such as a motivation seminar, information sessions on various topics, Job clubs, and developmental workshops such as presentation skills amongst others.

Such guidance measures are offered directly to jobseekers registering with the PES; however the same service is offered to other potential jobseekers in collaboration with a number of different entities including educational institutions such as the University of Malta, MCAST and secondary schools where ETC participates in career weeks/days in order to provide both guidance and information on the different services provided by the PES. The ETC also collaborates with other entities such as Appogg, various homes and institutes, and also with certain local agencies such as the EUPA and AWAS amongst others.

Development at MCAST is currently undergoing a transformation process to address the challenges from the continuous demands in Education and Industry. Its strategic developments are based on a cross-curricular programme development, work-based learning and providing an entrepreneurship experience to the learner.

To address these challenges the following developments are being implemented:

#### *1. MCAST Structure*

3 Colleges have been set up to strengthen MCAST's current structure. The corporate structure enables each College to create focused strategies that address the specific needs



of students at each level while maintaining a healthy dialogue with all interested stakeholders in order to provide the best programmes for the needs of the local economy and society. The Institutes and Centres provide all the technical and professional expertise towards the delivery of all programmes at MCAST while having the main aim of driving forward all the areas of study under their respective responsibility with an outlook towards the future.

*Foundation College:* The Foundation College focuses on providing the best curricula and learning pedagogies for candidates following courses at MQF/EQF Levels 1, 2 and 3 by addressing their specific needs and preparing them for further education at the Technical /College. Courses at this level plan to introduce work exposure schemes and basic entrepreneurship programmes. Together with Secondary Education Institutions, the College is developing a programme to implement vocational education at Secondary Level.

*Technical College:* The Technical College provides further programmes of study at MQF/EQF Level 4 in closer collaboration with industry. The Advanced Diploma on offer prepares MCAST students with the right knowledge, skills and competences in order to take up technical positions within industry or progress to the University College should they prefer to do so. MCAST Level 4 programmes incorporate a wide range of apprenticeships in various fields of studies thus enabling its students to also gain practical work experience while studying. These Level 4 programmes are modular based learning vocational courses while introducing apprenticeship and/or work based learning programmes and strengthening the entrepreneurship experience.

*University College:* The University College caters for higher education programmes and vocational degrees while also working in close collaboration with industry in order to provide professionals that are both academically prepared and trained to satisfy the needs of the local industry. MQF/EQF Levels 5 to 7 are modular based learning vocational graduate programmes offering internship and entrepreneurship opportunities while offering Degrees through international partnerships.

MCAST is today made up of 6 Institutes and a Gozo Campus as follows:

- Institute of Engineering & Transport which includes two Centres: Maritime Training Centre and the Aviation Maintenance Training Centre;
- Institute of Business Management and Commerce;
- Institute of Information and Communication Technology;
- Institute for the Creative Arts;
- Institute of Applied Sciences (which includes the Centre of Agriculture, Aquatics and Animal Sciences);
- Institute of Community Services; and
- Gozo Campus.

## 2. MCAST Curriculum

MCAST's vocational education and training programmes are accredited against the Malta Qualification Framework. In order to facilitate student and the eventual job mobility, MCAST promotes certification using instruments which include the Europass and ECVET / ECTSs across all levels of the national qualification framework from level

1 up to level 7. Development, and renewal, of MCAST's curriculum is a constant process which also includes consultation with industry and employers' associations as well as students to guarantee relevance of the curriculum to meet the current and future economic needs.

The Curriculum addresses vocational skills pertaining directly to economic areas and key competences that are essential for employability. Particularly for the lower programme levels (MQF Level 1 and Level 2), the pedagogy used facilitates the integration of key competences within the vocational aspects of the curriculum.

### *3. MCAST Quality Assurance*

As a measure of ensuring that MCAST's curriculum is constantly tied to the needs of the labour market and in order to make curriculum development a sustainable process, MCAST has set up an organisation structure where Curriculum Development is strongly linked to Staff Professional Development, Research and Innovation, Apprenticeship and Entrepreneurship. This structure is supported by its commitment to a structured Quality Management System.

In line with the College Strategic Plan, all programmes are designed, validated and periodically reviewed with the involvement of staff, students, industry and other stakeholders in order to ensure that the programmes are relevant to the needs of the labour market.

### *4. Work based learning*

MCAST is working to ensure that all students attending MCAST will have work exposure, apprenticeship or internships as a critical component in their study and training programme.

As from September 2014, the Malta College of Arts, Science and Technology (MCAST), Malta's leading VET institution, has taken over the administration of the apprenticeship scheme which has now been renamed as the National Apprenticeship Scheme. This reformed scheme has created a single focal point for apprenticeship training central to which is the quality of vocational and technical training and is now offering new apprenticeships at different competence levels to reflect labour market needs.

Apprenticeships will be offered in different and new sectors and this addition has resulted in MCAST being able to offer over 40 courses at Malta Qualifications Framework (MQF) Levels 3 and 4 with around 700 apprentices benefitting. MCAST is in the process of putting in place accredited work-based learning (AWBL) modules for all apprenticeship courses. MCAST is developing work-based learning modules integrated in its educational and training programmes emphasising on quality qualifications, thus improving the individuals' employability and increasing economic competitiveness. The integrated work-based learning programmes ensure that the skills gap between education and work is addressed producing a skilled labour force which responds better to the labour market needs.

### *5. Entrepreneurship Experience at MCAST*

MCAST currently offers entrepreneurship courses as an integral part of every degree course being offered at MCAST at level 6. It is now working to strengthen its

entrepreneurship curriculum by offering entrepreneurship training at all levels within its educational and training courses. These programmes will be of a more practical and holistic nature giving its learners the opportunity to learn and develop the attitudes, knowledge and skills to act in an entrepreneurial way. MCAST is developing these courses to include exposure to a business incubation centre which will provide practical learning opportunities creating an experiential learning experience of entrepreneurship participation.

Thus MCAST, in collaboration with Malta Enterprise, has launched the MCAST Entrepreneurship Centre with the aim to provide its learners and alumni with the opportunity to transform their creative and innovative ideas into profitable and sustainable business ventures.

#### *6. MCAST Student Support Services*

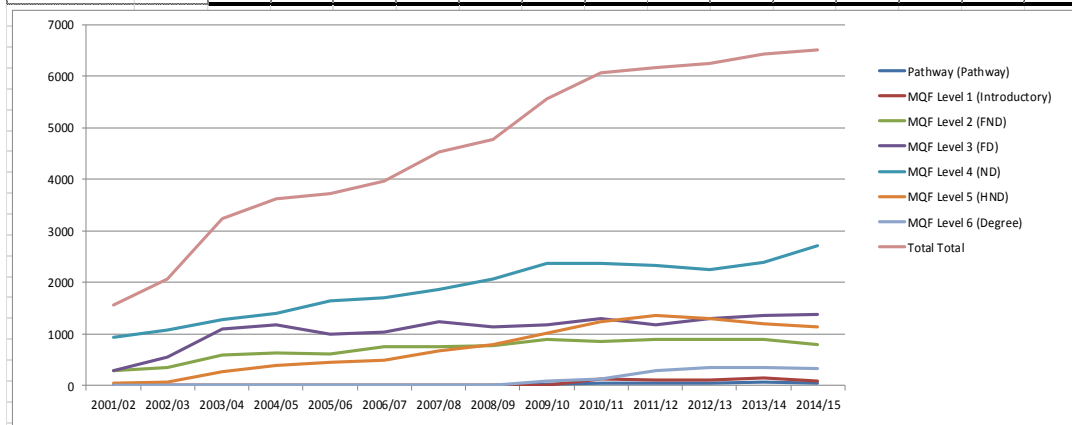
MCAST embraces an inclusive education policy and its team of Counsellors and Career Advisers works together to offer an optimum service to prospective and current MCAST students and their families.

1. Agribusiness,
2. Applied Science,
3. Art and Design,
4. Building and Construction Engineering,
5. Business and Commerce,
6. Community Services,
7. Electrical and Electronics Engineering,
8. Information and Communication Technology,
9. Mechanical Engineering,
10. 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.

MCAST student Population.

Population by Level		2001/02	2002/03	2003/04	2004/05	2005/06	2006/07	2007/08	2008/09	2009/10	2010/11	2011/12	2012/13	2013/14	2014/15
Pathway	(Pathway)	-	-	-	-	-	-	-	-	25	45	40	44	60	57
MQF Level 1	(Introductory)	-	-	-	-	-	-	-	-	-	128	103	112	157	91
MQF Level 2	(FND)	284	351	584	631	620	749	751	784	895	864	891	889	893	801
MQF Level 3	(FD)	286	561	1101	1186	995	1032	1247	1132	1175	1295	1176	1298	1355	1383
MQF Level 4	(ND)	933	1085	1270	1403	1652	1694	1861	2063	2366	2375	2320	2255	2390	2708
MQF Level 5	(HND)	56	74	274	400	449	498	678	797	1023	1237	1358	1295	1204	1132
MQF Level 6	(Degree)	-	-	-	-	-	-	-	-	82	128	282	351	358	333
<b>Total</b>		<b>1559</b>	<b>2071</b>	<b>3229</b>	<b>3620</b>	<b>3716</b>	<b>3973</b>	<b>4537</b>	<b>4776</b>	<b>5566</b>	<b>6072</b>	<b>6170</b>	<b>6244</b>	<b>6417</b>	<b>6505</b>



\*Courses that are not pegged with an MQF Level were given a comparable Level for these statistics

### Total effective hours delivered for Part-time Courses

	Term 1	Term 2
2013/2014	110,194	63,089
2014/2015	149,776	108,400

MCAST's University College caters for higher education programmes and vocational degrees while also working in close collaboration with industry in order to provide professionals that are both academically prepared and trained to satisfy the needs of the local industry. MCAST is developing a modular based learning vocational graduate programmes at level 6 and 7 and offering internship and entrepreneurship opportunities while offering Degrees through international partnerships.

Currently MCAST is offering 31 Level 6 First Degree courses and 6 Level 5 undergraduate Higher Diploma courses in diverse specialist areas with a specific occupational focus.

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 students with different abilities.

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

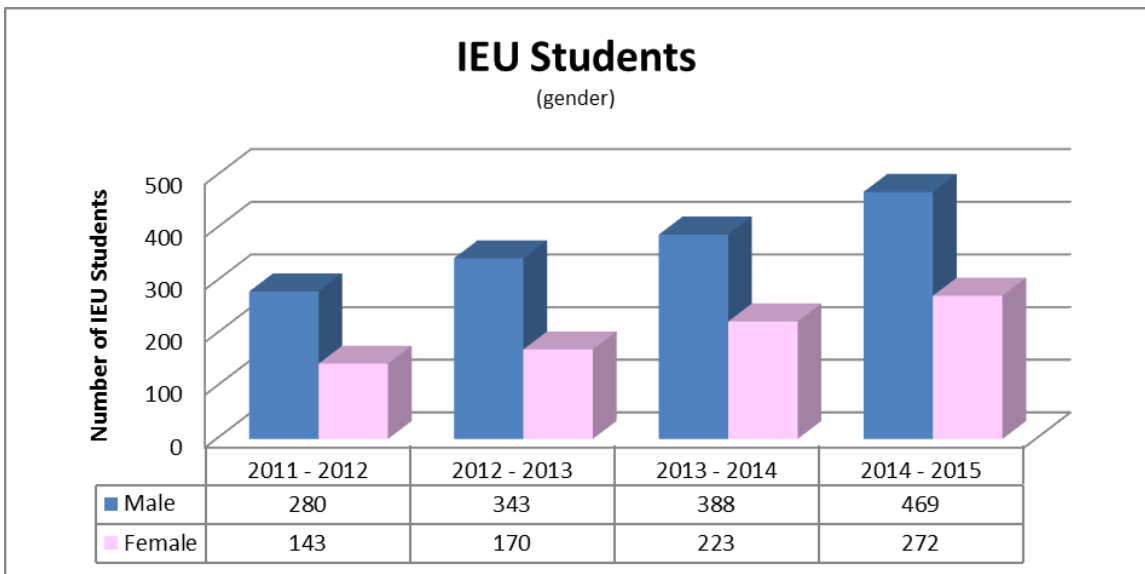
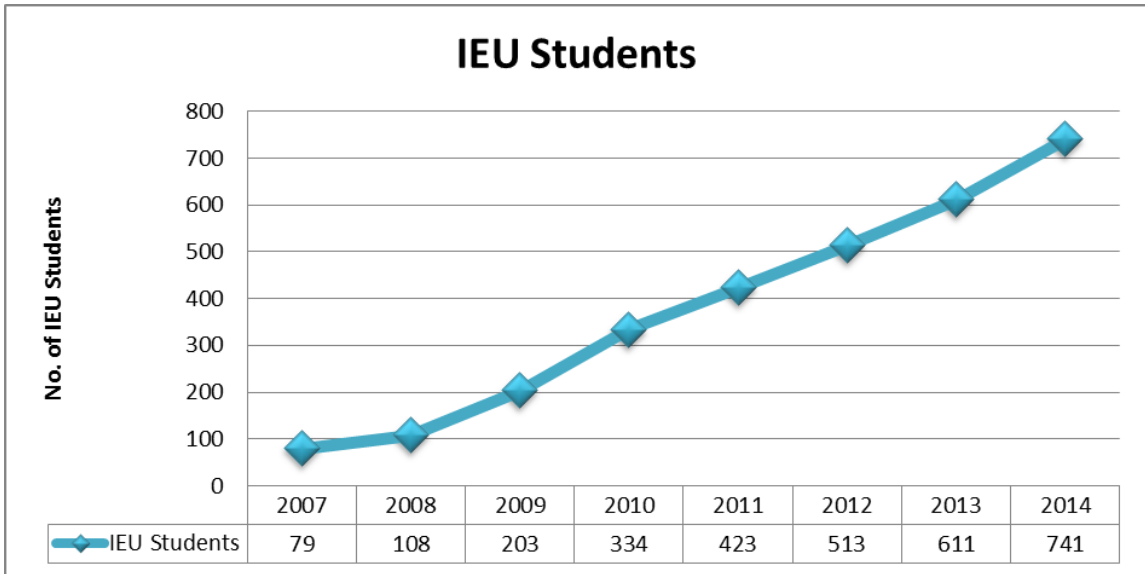
College. This committee is chaired by the Deputy Principal and is currently made up of the following:

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

The Inclusive Education Unit (IEU) provides support to students with learning difficulties as well as physical disabilities which could make the learning experience at the College more challenging. Prospective students are offered a confidential interview during which the Inclusion Coordinator collates all the necessary documentation in order to assess the students' 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 IEU makes sure that the support offered is relevant and appropriate to the diverse particular needs of the students. Support to students with physical impairments is approached differently than that provided to students with learning difficulties. Nonetheless, a number of students present multiple challenges in both areas. In such cases the IEU offers a combined approach of support whilst liaising with other professionals in order to maximise the support provided.

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*

It is pertinent to mention that secondary school students are benefitting from vocational career guidance services before joining MCAST courses. These services are provided through the Personal, Social and Career Development lessons (PSCD) as well as activities and one to one sessions organized by Career Advisers and Guidance Teachers. A team of members within the MCAST Support Services Department works in close collaboration with the career guidance practitioners of compulsory schooling. This team offers 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 Calendar Events – promoted and organized in collaboration with Institutes, the Student Support Services Department and the Communication Office:

□ *September - The MCAST Handbook* for each separate Institute is updated and printed yearly in collaboration with the Office of the Registrar, the Quality Assurance/Curriculum Directorate and the Support Services Department and is distributed to all new students during Induction Talks. This relates general information about MCAST structure and vision, facilities and Services for Students, communication, and the relative Institute's Regulations, assessment procedures, attendance and maintenance grants. For the Academic year 2015 – 2016, in view of the recent developments and reorganisation of the MCAST Structure it is planned that all students at all levels will receive the new Handbook;

□ *September – October: Fresher's Week* is held on the last week of September and at the start of the Academic Year over three days, which is a calendar event whereby students are given familiarisation tours and get to meet their colleagues and lecturers in a lighter mode. The participation of NGOs, Student Organisations, EUPA, Commercial Entities providing services for students and the Sports Department, Chaplaincy and Student Support Services form MCAST's part;

□ *February – Progress Week*; Guided Tours of Institute for students' parents / guardians / friends; exhibitions of students work;

□ *February - March - Launch of Part-Time Courses*, including a full media campaign, plus mailing of part-time prospectus to all households in Malta and Gozo. The campaign targets from hobby courses to levels 5;

□ *March – NSTS Science Week* in collaboration with the Institute of Applied Sciences. An interactive exhibition and live demos of work by Primary, Secondary and Tertiary (MCAST) students;

□ *April – Agribusiness Institute Open Weekend*. An exhibition for the general public by students of the Institute promoting their courses and project work;

□ *June – MCAST Expo* – involves the participation of all MCAST Institutes and Departments and Industry Partners. The EXPO is held over four days from 10.00 – 20.00, which is run concurrently with the information talks about Institutes and the launch of the new Prospectus. This is disseminated to all form 5, school leavers, available in all Local Councils and from MCAST Campuses in Malta and Gozo;

□ *July - Exhibition at the Institute for Creative Arts*. Students' final projects are exhibited;

□ *August – September Launch of Part-Time Courses*, including a full media campaign, plus mailing of part-time prospectus to all households in Malta and Gozo. The campaign targets from hobby courses to levels 5; and

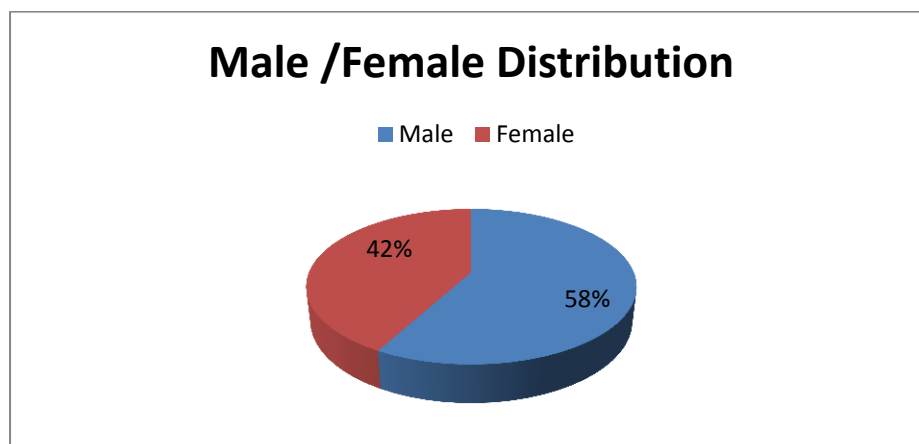
□ *MCASTlink* is published twice a year and is distributed to MCAST students, Education Division, Local Councils, Members of Parliament, Newspaper Editors and Schools.

*Other events*

**2011**

- Career week at Giovanni Curmi Higher Secondary, Naxxar – February 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
- 41 Feeder School visits (Reach out clients-1825)
- Campus visits (Reach out clients- 5817)

**Career Guidance Sessions** 1695 Clients (712 Female & 983 Male)



**Radio/TV** 39 Media Appearance

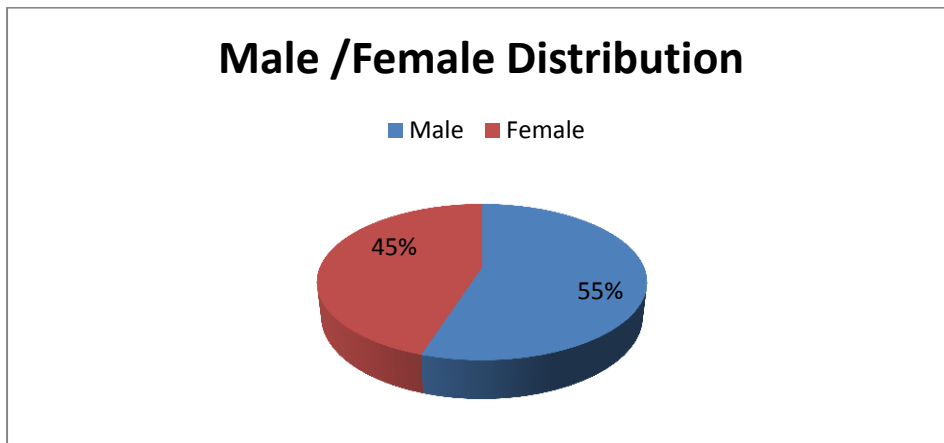
**2012**

- Career week at Giovanni Curmi Higher Secondary, Naxxar – February 2012
- Learning Expo Fair - February 2012



- ETC Jobs and Training Fair - May 2012
- Open Weekend Agribusiness Institute - June 2012
- MCAST Expo – June 2012
- Induction talks to new students – September 2012
- Participation in MCAST Freshers Days – October 2012
- Gozo YEP Fair - October 2012
- Open Day Gozo - December 2012
- 46 Feeder School visits (Reach out clients-2446)
- 10 Campus visits (Reach out clients- 1332)

**Career Guidance Sessions** 1671 Clients (752 Female & 919 Male)



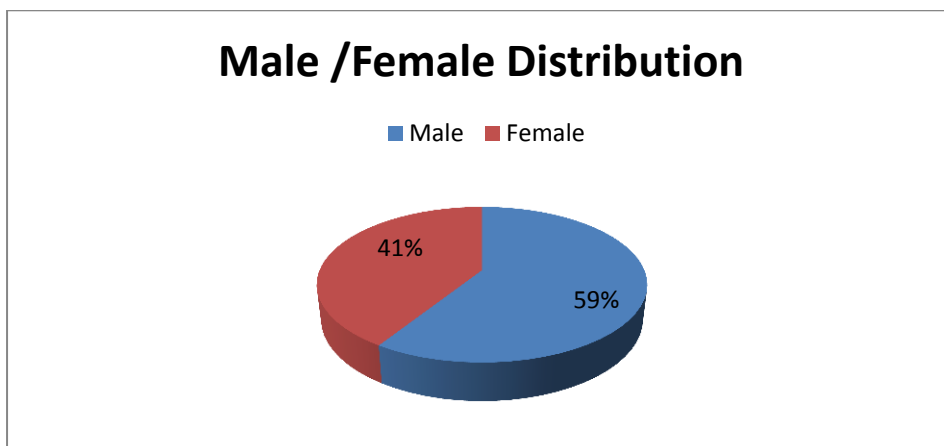
**Radio/TV** 29 Media Appearance

**2013**

- Career week at Giovanni Curmi Higher Secondary, Naxxar – February 2013
- Gozo 6th Form Outreach activity – February 2013
- Playmobil Career Fair – April 2013
- Career Day St Theresa College – April 2013
- ETC Jobs and Training Fair – May 2013
- Open Weekend Agribusiness Institute – June 2013
- MCAST Expo – June 2013

- Gozo Career Guidance activities for students and parents – July 2013
- Induction talks to new students – September 2013
- Presentations at 3 Local councils
- Presentations at 3 Youth centres
- 45 Feeder School visits (Reach out clients-1108)
- 12 Campus visits (Reach out clients- 1959)

**Career Guidance Sessions 1578 Sessions (647 Female & 931 Male)**



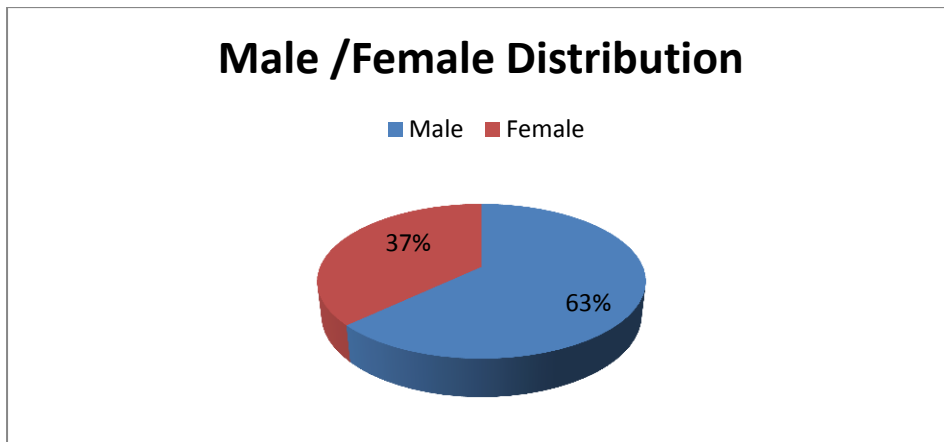
**Radio/TV 14 Media Appearances**

**2014**

- Career week at Giovanni Curmi Higher Secondary, Naxxar – February 2014
- Gozo 6th Form Outreach activity – February 2014
- ETC-EURES Job Fair – May 2014
- MCAST Expo – June 2014
- Gozo Career Guidance activities for students and parents – July 2014
- Induction talks to new students – September 2014
- 34 Feeder School visits (Reach out clients-2684)
- 12 Campus visits (Reach out clients- 2234)

- 9 community reach out sessions which includes Local Councils and Youth Centres

**Career Guidance Sessions 1514 clients (560 Female & 954 Male)**



**Radio/TV 15 Media Appearances**

*Pathway Programme Malta*

The two-year Pathway to Independent Living Programme provides students with mild to moderate intellectual disabilities/learning difficulties with an opportunity to follow a structured programme of study in subjects that are closer to their individual needs. It is particularly designed to help them acquire the skills required to gain employment.

In the first year of the course, students are exposed to three vocational areas, namely, hospitality, production and retail, and office work. In the second year, students focus on one vocational area and are provided with the opportunity to attend supervised placements one day a week. They are also presented with opportunities to experience hands-on learning in all subjects throughout the course. The students are required to attain learning outcomes in both vocational and key skills which are based on two incremental levels prior to Level 1 qualifications. These are Entry Level 3 and Entry Level 2. (British Framework).

Following completion of the Pathway Programme, students may progress to a Foundation level 1 course or the Basic Office Skills Award (BCos) at the Institute of Business and Commerce. In some cases students register with ETC to benefit from one of their schemes to join the labour market.

**Staffing Levels**

1 Coordinator

8 Full time Lecturers Qualifications vary PHD, Masters, First Degree plus PGCE

6 LSAs Qualifications vary 1<sup>st</sup> degree, A levels, Inclusion Diploma

Academic Year	No of 1 <sup>st</sup> year students	No of 2 <sup>nd</sup> year students
---------------	-------------------------------------	-------------------------------------

2011 - 2012	17	23
2012 - 2013	28	17
2013 - 2014	32	28
2014 - 2015	20	32

### 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, Masters Disability  
1 LSA                                  Inclusion Diploma

Academic Year	No of 1 <sup>st</sup> year students	No of 2 <sup>nd</sup> year students
2011 - 2012	3	4
2012 - 2013	2	3
2013 - 2014	4	2
2014 - 2015	5	4

### Article 10 - Right to vocational training

The Employment & Training Corporation (ETC) does not make any distinction between nationals and non-nationals, however one must note that when ETC was administering apprenticeship (until 2013), ETC was not the gatekeeper when it came to apprenticeship admissions. ETC did not set additional eligibility criteria or entry requirements apart from those established by the Malta College of Arts Science and Technology or the Institute for Tourism Studies (ITS) when enrolling students on training programmes leading to apprenticeship. The only exception was with regards to Third Country Nationals (TCNs), whereby before accepting the apprentice, the Apprenticeship Unit used to verify with the Employment Licences Unit (both Units within ETC) whether the employer fulfilled the labour market test requirement as per normal ETC procedure.

### **Reform of the National Curriculum Framework (NCF) in Malta – the Vocational Education Development Programme and Vocational Guidance**

It is pertinent to point out that Part 1, 11 (2) m of the Education Act states that “*The Directorate for Educational Services shall ensure the supply and the coordination of vocational and career guidance services, including the implementation of programmes aimed at achieving improved school-workplace correlation and assist in the transition stages, including those from school to work;*”

The National Curriculum Framework (NCF) – 2012 - is founded on six general principles namely: entitlement, diversity, continuum of achievement, student-centred learning, quality assurance, and teacher professional support. In harmony with these

principles the National Curriculum Framework in Malta aims at developing learners who are capable of successfully developing their full potential as lifelong learners, learners who are capable of sustaining their chances in the world of work, and learners who are engaged citizens in constantly changing local, regional and global realities.

As part of the national curriculum, Malta has worked on introducing vocational subjects in the secondary school cycle. In this regard, during 2010, the then Ministry for Education and Employment, signed a Memorandum of Understanding with Pearson Education Ltd. expressing the intention to collaborate on the provision of Business and Technology Education Council (BTEC) qualifications for the schools sector in Malta. Four vocational subject areas (Engineering, Health and Social Care, Hospitality, and Information Technology) were scheduled in six state colleges and four non-state schools from September 2011. BTEC qualifications are pegged at Level 3 on the Malta Qualifications Framework (MQF).

The first cohort of students participating in the BTEC Pilot obtained these qualifications in April 2014 (BTEC Hospitality Extended Certificate, BTEC Engineering Extended Certificate, BTEC Health & Social Care Extended Certificate and BTEC Information Technology Extended Certificate). The BTEC Pilot will come to an end in 2016. In the meantime, as from scholastic year 2014-2015, home-grown qualifications in the same subjects designed by the Malta College for Art, Science and Technology (MCAST) and the Institute of Tourism Studies (ITS) – which are the main VET providers in Malta – started being piloted in the same schools, thus gradually replacing the BTEC qualifications.

The teachers who have been involved in the management of the BTEC Pilot have been involved in the writing and eventual management of these local qualifications. The teaching of vocational subjects is expected to be rolled out nationally in all state and non-state secondary schools as from September 2015. The University Senate has accepted that these VET subjects will be assessed by the MATSEC Board (our national assessment agency for secondary school qualifications) as Vocational SEC subjects at Level 3 of the MQF.

Moreover, as from 2013-14, the Directorates of Education within the Ministry for Education and Employment have introduced alternative learning programmes - comprising a range of vocational pathways at MQF levels 1 and 2 - to the upper secondary students who are at high risk of becoming early school leavers.

With regards to vocational career guidance in secondary schools, this used to be provided by the School Guidance Services. In 2009 the Counselling and Career Guidance Services were separated whereby both services started to be given by more specialized and qualified practitioners. The specialist practitioners in vocational career guidance are now the College Career Advisors, the College Trainee Career Advisors and Guidance Teachers who have obtained either a Post-Graduate Diploma or a Masters in Career Guidance Services.

Moreover, in 2014 the Personal and Social Development Programme (PSD), which is a core subject in our education system, has been re-written to include career education thus evolving into a Personal, Social, and Career Development Programme (PSCD).

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

ETC can only provide the data in relation to the number of students with disabilities who followed a course at ETC and the number of students with disabilities who attended a training course at ETC and are still in employment at end of July 2015.

<b>Registered Disabled Persons (RDPs) Trained (ETC)</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>
Persons started Training*	590	292	88	160
Persons started Training unique	382	224	71	139

<b>Registered Disabled Persons (RDPs) Trained and are in Employment as at end July 2015</b>	<b>201 1</b>	<b>201 2</b>	<b>201 3</b>	<b>201 4</b>
RDPs trained through mainstream courses and EET and are in employment as at end July 2015	139	67	20	35

\*This includes individuals who started more than one course.

According to statistical data provided by Malta's National Statistics Office the employment rate for disabled persons (20-64 years) in Malta in 2010 was 27.5% compared to 64.2% for non-disabled people. In 2011 it increased to 36.0% compared to 64.0% for non-disabled persons. The unemployment rate for disabled persons (20-64 years) in 2010 was 25.0% and decreased to 11.2% in 2011. The economic activity rate increased to 36.6% in 2011 compared to 40.5% in 2010.

Following an ad hoc module conducted by Malta's National Statistics Office in the Labour Force Survey, it transpired that in 2011 the total number of persons between 15 – 64 years who had a basic activity difficulty (such as seeing, hearing, walking, communicating) or people having a work limitation caused by a longstanding health condition and/or a basic activity difficulty amounted to 62,673.

The number of employed persons between 15 – 64 years who have a basic activity difficulty (such as seeing, hearing, walking, communicating) or people having a work limitation caused by a longstanding health condition and/or a basic activity difficulty amounted to 26,289.

According to the Malta's National Statistical Office the number of people declaring having a disability seeking employment with ETC as well as those who are unemployed as at end of June 2015 amounted to 409- 326 males and 83 females.

The number of disabled persons who participated in an ETC scheme between 2011 and 2014 can be found in the table hereunder.

<b>Schemes</b>
----------------

	2011	2012	2013	2014
Employment Aid Programme	52	25	1	---
BTG	37	37	36	54
Work Trial	12	10		
Job Bridge Pembroke	---	---	6	25
Community Work Scheme*	14	35	84	127
Community Work Scheme unique	10	22	54	71
Work & Training Exposure Scheme	---	---	8	---
Gozo Employment Aid	---	---	---	2
Cleaner & Greener Gozo	---	---	---	8
Greening the Economy	---	---	---	2
Sheltered Employment Training	---	---	---	81
Work Trial Scheme Youths Gozo	---	---	---	5
Work and training exposure scheme for Gozitan Registering Clerks	---	---	---	1

#### *Measures to encourage the employment of persons with disabilities*

The creation of employment opportunities for disadvantaged groups, including persons with disabilities, is considered to be a priority in the Government's policy. A National Policy on Employment and Persons with Disability was published in 2010. The government agency responsible for employment and training (ETC) offers support to disabled people seeking employment through schemes offering disabled people the opportunity of entering the labour market through supported employment measures. Among the schemes available in 2007-2010, the report mentions the following:

- Bridging the Gap Scheme (see also Conclusions 2008), providing the possibility to follow a training, remunerated weekly at 80% of the minimum wage (while renouncing the rights to any Social Security benefits throughout the traineeship);

24

- Cooperation agreements with the Eden foundation and the Richmond foundation to provide on-the-job training, work experience and follow-up support to persons with mental and intellectual disabilities;

- Work trial scheme, providing training remunerated at 50% of the minimum wage for the duration of the scheme (maximum 12 consecutive weeks, based on a 20 hour week, i.e. 4 hours a day);

- the Supported Employment Scheme (2004-2006), aimed at promoting disabled people's permanent integration in competitive employment;

- Employment Aid Programme, which offers financial assistance to employers, by subsidising 75% of the wage of the disabled employee for the first year and 60% of the wage for two other years (until September 2013) – in addition, the programme subsidises 50% of employers' national insurance contributions for disabled employees.

The report indicates that the Supported Employment Section placed 147 persons in employment between October 2007 and December 2008, 84 in 2009 and 107 in 2010. In particular, between 2007 and 2008, 24 persons found a job through the cooperation agreements with Eden foundation and Richmond foundation, 49 through work experience schemes, including the Bridging the Gap scheme, and 61 through the Supported Employment Scheme (including 20 persons accessing work for the first time). In 2009, half of the 26 persons with disabilities participating to the Bridging the Gap scheme were placed in employment. In 2010, 31 persons participated to the Bridging the Gap scheme and 7 to the Work trial scheme. End 2010, out of 31 persons participating in the Bridging the Gap scheme, 16 continued in employment, 12 returned on the unemployment register, whilst the remaining 4 were inactive. Between 2009 and December 2010 a total of 48 persons with disabilities participated in the Employment Aid Programme. The Committee asks the next report to indicate more clearly how many trainees with disabilities benefited from the different measures enacted and what percentage of them entered a lasting work relationship thereafter.

The table hereunder provides the number of disabled persons who were placed between 2011 and 2014. The table also includes the number of disabled persons who participated in an ETC scheme between 2011 and 2014.

	2011	2012	2013	2014
Placed	112	93	74	98
included in the above				
Inspire	0	1	4	6
Richmond	0	2	5	4
<b>Schemes</b>				
	2011	2012	2013	2014
Employment Aid Programme	52	25	1	---
BTG	37	37	36	54
Work Trial	12	10		
Job Bridge Pembroke	---	---	6	25
Community Work Scheme*	14	35	84	127
Community Work Scheme unique	10	22	54	71
Work & Training Exposure Scheme	---	---	8	---
Gozo Employment Aid	---	---	---	2
Cleaner & Greener Gozo	---	---	---	8
Greening the Economy	---	---	---	2
Sheltered Employment Training	---	---	---	81
Work Trial Scheme Youths Gozo	---	---	---	5
Work and training exposure scheme for Gozitan Registering Clerks	---	---	---	1

\* This includes the persons who had a renewal of the scheme.



The table below includes the number of disabled persons who participated in an ETC scheme and were still in employment as at end of July 2015.

Schemes	Employed in July 2015			
	2011	2012	2013	2014
Employment Aid Programme	41	18	1	---
BTG	20	22	18	38
Work Trial	8	4	---	---
Job Bridge Pembroke	---	---	3	18
Community Work Scheme unique	1	4	10	8
Work & Training Exposure Scheme	---	---	3	---
Gozo Employment Aid	---	---	---	0
Cleaner & Greener Gozo	---	---	---	0
Greening the Economy	---	---	---	0
Sheltered Employment Training	---	---	---	13
Work Trial Scheme Youths Gozo	---	---	---	1
Wtes for Gozitan Registering Clerks	---	---	---	-0

The government has also encouraged employers to recruit disabled people by making changes to the Social Security Act to the effect that employers employing a severely disabled person or a visually impaired person will have their national insurance for the first 156 weeks of employment refunded. In addition, accessible transport used during working hours is partly subsidised by the government. However, according to the ANED report (2009) on employment of disabled persons, such services are still expensive when compared to regular public transport and there are long waiting lists to use this service.

The 1969 Employment Disabled Persons Act, (known as the 'Quota Act') provides that local companies with more than 20 workers shall ensure that 2% of their workforce are taken from registered disabled people. The ANED report 2009 on employment of disabled persons and the report by the European Network of Experts in the Non-Discrimination field indicate however that the quota is not respected (end 2007, the disabled persons in the public sector were 347, i.e. 1.2%, while no data were available for the private sector). The Committee requests the next report to reply to these comments and provide additional information on all the steps taken to promote the employment of people with disabilities.

Maltese law does not specifically provide for sheltered or semi-sheltered employment for disabled workers. The setting up of sheltered employment structures is reported to be under consideration. The Committee requests the next report to provide more information in this respect. 25

The National Employment Policy published in May 2014 by the Maltese Government had promised new fiscal incentives to attract employers to provide open market jobs for persons with disability, employment supported by job coaches and various sheltered

workshops amongst others. In the National Budget for 2015 discussed in the last quarter of 2014, the Government announced that the 2% legislation will be enforced. Since 1969, the legislation provided that within any company employing more than 20 employees, at least, 2% must be persons with disability. This legislation was rarely enforced; however now, companies who fail to adhere to this legislation will have to make an annual contribution of €2,400 for every disabled person they did not employ for up to a maximum of €10,000. During 2015, private sector employers shall pay the equivalent of one third of the amount due and increase to two thirds in 2016, whilst pay the full amount in 2017. For those employers employing disabled persons there are various incentives such as being exempted from paying the Employer's share of social security contributions for the respective employee.. An employer may also be eligible to claim a fiscal incentive equivalent to 25% of the disabled person's wage (up to €4,500). Funds levied from private sector employers will be used to support on-the-job training and job retention by vulnerable persons. In the implementation of the 1969 '2% Quota' legislation, the mere notification of a vacancy to ETC by an employer does not absolve the employer from his legal responsibility to employ an RDP.

Sheltered employment is normally regarded as a first step towards the open labour market. This concept is not always endorsed across the board due to the idea that it can be discriminatory and isolating. Some Member States are shifting towards supported employment whilst others are increasing sheltered employment opportunities. The real value of this initiative relies in creating opportunities where persons with severe disabilities can contribute to labour market and increase their socialisation, independence and job satisfaction in their employment. For such reasons, various sheltered employment workshops were setup to cater for persons with severe disabilities. The Maltese Government is committed to enter into sheltered employment agreements with the private sector and the necessary support to employers and employees is currently being provided. ETC together with the project partner, sector NGO Inspire, have the required experience to help these people and hence have embarked on a new project where free sheltered employment training is being provided to persons with different disabilities to enhance their employability. The applicants are registered as disabled persons with ETC or with the National Commission for Persons with Disability. Legal guardians on behalf of persons with disability may also apply. The ETC's job coaches will assist jobseekers throughout the whole duration of the training programme which includes practical employment training in various sectors of the labour market. The Sheltered Employment Training offers the possibility for clients in receiving hands on approach to training in one or more categories depending on the availability and preferences as indicated by the client. At present the five categories which have been made available for the clients include back-office, catering, assembly, gardening and housekeeping.

As per data collected by end of August 2015, the number of participants who started Sheltered Employment Training amounted to 152.

Further to the above the annual reports for 2011 to 2013 by the National Commission Persons with Disability are accessible through <http://www.knpd.org/issues.html> whereas the Equal Opportunities Act annual reports for the same period area available on <http://www.knpd.org/legislation/ea.html>.

### **Article 18 - Right to engage in a gainful occupation in the territory of other States**

Malta does not impose any restrictions or special conditions for nationals to leave the country to carry out a gainful occupation in the territory of other states and no statistics are available of the number of nationals engaged in a gainful occupation abroad.

### **Article 20 - Right to equal opportunities and equal treatment in employment and occupation without sex discrimination**

In the recent years, Malta has made considerable effort to increase and improve the participation of women in the Maltese labour market. The statistical figures hereunder, show that female employment rate in Malta has been increasing over the last years. The female employment rate (20-64 years) in 2008 stood at 39.4% compared to 51.9% in 2014, an increase of 12.5 percentage points. The table below shows that Malta was the Member State with the highest growth in female employment rate between 2008 and 2014 for almost all age groups.

Female Employment Rate Growth 2008-2014

		2008	2014	Difference	MS with the highest increase (2008-2014)
<b>20-64 years</b>	<b>MT</b>	39.4	51.9	12.5	<b>MT -12.5</b> LU- 5.4 DE- 5.3
	<b>EU 28</b>	62.8	63.5	0.7	
<b>20-24 years</b>	<b>MT</b>	68.5	67.2	-1.3	HU- 3.9 LT- 1.5 DE- 0.6
	<b>EU 28</b>	50.4	45.5	-4.9	
<b>25-29 years</b>	<b>MT</b>	70.5	78.3	7.8	LU- 8.8 <b>MT- 7.8</b> DE- 4.7
	<b>EU 28</b>	69.4	66.5	-2.9	
<b>30-34 years</b>	<b>MT</b>	54.5	67.3	12.8	<b>MT- 12.8</b> DE- 5.5 HU- 3.6
	<b>EU 28</b>	71.7	70.5	-1.2	
<b>35-39 years</b>	<b>MT</b>	40.8	64.6	23.8	<b>MT- 23.8</b> LU- 9.5 HU- 3.0
	<b>EU 28</b>	73.5	72.8	-0.7	
<b>40-44 years</b>	<b>MT</b>	41.3	60.4	19.1	<b>MT- 19.1</b> LU- 9.5 DE- 2.8
	<b>EU</b>	75	74.4	-0.6	

	<b>28</b>				
<b>45-49 years</b>	<b>MT</b>	29.7	49.5	19.8	<b>MT- 19.8</b> HU- 7.3 AT- 4.3
	<b>EU 28</b>	74.3	74.5	0.2	
<b>50-64 years</b>	<b>MT</b>	17.7	26.7	9.0	DE- 11 BE- 9.9 IT- 9.4
	<b>EU 28</b>	47.9	54.4	6.5	

The Budget Speeches from 2011 onwards emphasised the importance of attracting more women to the workplace through the various initiatives. By the end of 2010, there were 6,566 women who benefited from the one year tax credit scheme for each child. It has been argued that women were discouraged from working since their husbands received social assistance and therefore their income would be considered in their means test for social assistance which would have resulted in a reduction or discontinuity of the social assistance. To address this situation in the 2011 Budget, the Minister announced that as from January 2011, part of the income from work for people receiving social assistance will not be considered in the financial means test for the family to qualify for social assistance. A weekly allowance of €26.37 obligatory contribution for self-employed people resulted in a number of women choosing not to enter the labour market or to work in the informal market. To this effect, amendments were put forward and self-employed women working on a part-time basis were given the opportunity to choose to pay a 15 per cent pro-rata contribution on their income instead of the minimum stipulated by law at the time.

The 2012 Budget placed focus on the importance to increase aid in creating adequate work-family balance. The Government continued the promotion of fiscal incentives and in doing so introduced more savings in income tax payments. In addition, 13 childcare centres opened in the previous years for children to follow programme based on the concept of educare from an early age. In the 2012 Budget the expenditure increased to open another three new centres.

In certain economic circumstances, a tax reduction on income also helps incentivising work. Hence, in order to make the market more attractive for women and parents the Government announced an important reform in the income tax system. Apart from the single and joint computations, a new category was introduced: the 'parent computation'. Parents supporting children who are not gainfully employed up to 18 years of age are eligible for this computation. If children are still in tertiary education, this age limit is extended to 21 years. Through this initiative married couples can save up to €840 in income tax yearly payments.

The Maternity leave was increased from 14 weeks to 16 weeks in 2012 and by another two weeks in 2013. The 2013 Budget priorities were mainly on economic growth and the safeguarding and creation of jobs. Through this strategy, the Government encouraged women to retain their jobs or re-enter the workforce.

The Making Work Pay concept was put forward in the 2014 Budget. This Budget introduced new opportunities to increase the female employment rate. It introduced the

proposal of free child care centres intended to assist families in exploiting the full potential of each household member. For this initiative the Government allocated 3.8 million Euros. Since its launch on 1<sup>st</sup> April 2014, 5124 children have benefitted from this initiative (Data as at July 2015).

In addition to the free child-care initiative, a comprehensive approach which includes a number of measures to address the challenges faced by parents was adopted by the Maltese Government. Such measures include:

- **Breakfast Club Scheme:** a new service has been introduced whereby parents are given the opportunity to take their children to school one hour prior to the current school time. Children are provided with a healthy breakfast. This initiative is open in every school in Malta and Gozo. The average daily attendance is 936 children.
- **Klabb 3-16:** The Klabb 3-16 is an after school hours care service provided to all school age children. The service has been implemented in order to bridge the gap between the finishing school time and the time when parents finish from work. Klabb 3-16 aims to provide a good quality and affordable care service after school hours that would meet the needs of the school community and therefore engages children in activity. This allows parents to have greater working flexibility. This service is also being offered during the holidays. In summer this service is offered through ‘Skolasajf’ which is offered from 7am till 6pm. Each centre has a Co-ordinator, who is responsible for the overall running of the respective centre and playworkers who organise hands-on, fun activities such as arts and crafts, cooking, story-telling, musical activities, sports and an educational quiz.
- **An increase in the tax deduction for parents who use childcare services:** An increase in the tax deduction from €1,300 to €2,000 for parents who pay fees for childcare services in respect of their children. This measure came into force as of 1st January 2014.

A tax exemption for females joining the workforce is expected to increase the participation rate in the labour market. Through amendments in tax regulations, Government offered a tax incentive aimed at women who are over forty years of age and who are not gainfully occupied. Married women, who have not been gainfully occupied for the past five years and who are over forty years of age and choose to join the labour market, and whose pay does not exceed the minimum wage, will be exempt from income tax. Spouses may continue to apply for married income tax computation without the wife’s income being added to the household income. This benefit will apply for a maximum of five years.

The In-work benefit which is applicable for employed parents earning between €10,000 to €20,400 and having children up to 23 years old was also introduced. Parents will be entitled to receive a maximum amount of €1,000 per child annually; a single working parent earning between €6,600 and €15,000 will be entitled to receive a maximum amount of €1,200 per child annually. The Government will also be financing various schemes under the Youth Guarantee Scheme (YGS) through the European Social Fund. Entitlement or continued entitlement to unemployment benefits in the case of persons

younger than 23 years, including single mothers of children older than one year, will be conditional to the unemployed person joining the YGS.

Malta has successfully narrowed the gender pay gap within the past years where one of the major determinants of the pay gap in Malta arises from costs associated with maternity for women. As a result the 2015 Budget announced the introduction of a new fund to cover the cost to pay the maternity leave benefit payable by the employer. The Maternity Leave Trust Fund to which employers have to make contributions started operating on 6th July 2015.

Through the Tapering of Benefits, unemployed single parents who commence employment will continue to receive 65% of their unemployment benefits in the first year of employment, which rate will be tapered down to 45% in the second year and 25% in the third year. Their employers will also benefit from 25% of the unemployment benefit for the first three years of employment.

#### *Employment of women*

The employment rate of women in Malta is increasing, reaching 51.9% in December 2014:

<b>Employment Rates in %<sup>1</sup></b>				
<b>Year</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>
<b>Males</b>	79.0	79.2	79.4	80.3
<b>Females</b>	43.8	46.6	49.8	51.9

Such increase is evident in the employment rates of all age groups:

<b>Employment Rates by Age Group<sup>2</sup></b>								
<b>Age</b>	<b>2011</b>		<b>2012</b>		<b>2013</b>		<b>2014*</b>	
	<b>Males</b>	<b>Females</b>	<b>Males</b>	<b>Females</b>	<b>Males</b>	<b>Females</b>	<b>Males</b>	<b>Females</b>
<b>15-24</b>	48.1	41.8	46.7	40.7	47.5	44.4	45.6	47.4
<b>25-54</b>	90.0	50.8	89.7	54.9	89.6	57.8	91.1	58.6
<b>55-64</b>	51.5	15.1	53.1	16.3	53.8	18.7	53.7	17.0

\*Statistics for 2014 are extracted from NSO, 2015. *Labour Force Survey: Q4/2014*.

The unemployment rate of women is decreasing:

<b>Unemployment Rates in %<sup>3</sup></b>				
<b>Year</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>
<b>Males</b>	6.0	5.7	6.5	6.2
<b>Females</b>	7.1	7.3	6.3	5.4

<sup>1</sup> Eurostat. Employment rate by sex, age group 20-64 in %. Last retrieved on 24<sup>th</sup> August 2015 on: [http://ec.europa.eu/eurostat/tgm/refreshTableAction.do?tab=table&plugin=1&pcode=t2020\\_10&language=en](http://ec.europa.eu/eurostat/tgm/refreshTableAction.do?tab=table&plugin=1&pcode=t2020_10&language=en)

<sup>2</sup> NSO, 2014. Labour Force Survey – Revisions 2005-2013.

<sup>3</sup> Eurostat. Unemployment rate by sex and age group – annual average, %. Last retrieved on 24<sup>th</sup> August 2015 on: <http://appsso.eurostat.ec.europa.eu/nui/submitViewTableAction.do>

- The majority of women in employment in Malta have a full time job. Yet, more women than men have a part time job as their main occupation<sup>4</sup>.
- Gender segregation in employment is still evident whereby women tend to be overrepresented as services and sales workers and men as technicians and associate professionals as well as crafts and related workers. Women are also underrepresented in decision-making positions such as managers<sup>5</sup>.
- The majority of University graduates in Malta are women (58.9% in 2013/2014)<sup>6</sup>. Female students tend to be overrepresented in particular courses such as education, health sciences, and social wellbeing. Male students tend to dominate in other courses including information and ICT, engineering, sustainable energy and the centre for labour studies.
- In 2014 the majority of graduates from the Malta College of Arts, Science and Technology (MCAST), (which is Malta's leading vocational education and training institution) were male<sup>7</sup>. Male students tend to opt for courses on engineering, ICT, as well as building and construction, while females are overrepresented in courses on community services as well as applied science.

### *The Gender Pay Gap*

In 2013, the gender pay gap in Malta decreased to 5.1%.

<b>Gender Pay Gap in unadjusted form, in %<sup>8</sup></b>			
<b>Year</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>
<b>Gender Pay Gap</b>	6.2	6.5	5.1

In March 2015, NCPE organised a **conference on the gender pay gap** in Malta. This conference was the first public event in Malta on the subject and brought together employers, trade unions, academics, statisticians and members of NGOs working in the field. The causes of the gender pay gap; how it is calculated; and the link to the gender pension gap were discussed. This conference also presented good practices by employers and an NGO on how they promote and safeguard the principle of equal pay for work of equal value. Practices on how to work towards bringing about equality at the workplace were discussed. These included measures that can be taken to prevent and combat the gender pay gap and how wage transparency can be encouraged.

The 2012 and 2015 amendments to Chapter 456, Equality for Men and Women Act, further safeguard equal treatment on additional grounds besides sex and family responsibilities including gender identity<sup>9</sup> as well as gender expression and sex characteristics<sup>10</sup>. These amendments thus enhance the protection against discrimination in employment, particularly: in access to employment; in the terms and conditions of employment; in career development; and in vocational training and guidance.

<sup>4</sup> NSO, 2015. Labour Force Survey: Q4/2014.

<sup>5</sup> NSO, 2015. Labour Force Survey: Q4/2014.

<sup>6</sup> University of Malta. Facts and Figures. Last retrieved on 28<sup>th</sup> August 2015 on: [https://www.um.edu.mt/\\_data/assets/pdf\\_file/0004/235174/completedawards2013-14.pdf](https://www.um.edu.mt/_data/assets/pdf_file/0004/235174/completedawards2013-14.pdf)

<sup>7</sup> Source: NCPE's Annual Report 2014.

<sup>8</sup> Eurostat. Gender Pay Gap in unadjusted form in %. Last retrieved on 24<sup>th</sup> August 2015 on: <http://ec.europa.eu/eurostat/tgm/table.do?tab=table&plugin=1&language=en&pcode=tsdsc340>

<sup>9</sup> Act IX of 2012.

<sup>10</sup> Act XI of 2015.

Another amendment to Chapter 456<sup>11</sup>, in 2014, strengthens the rights of victims of discrimination who start proceedings in court or another competent authority. This amendment determines that it is sufficient for a person who is discriminated to establish facts from which it may be presumed that discrimination occurred. Establishing facts on the breach of equality, rather than proving that a case of discrimination occurred, empowers victims of discrimination to access justice as follows:

it shall be sufficient for the plaintiff or the person instituting the said proceedings to establish, before the Court or before such other competent authority, facts from which it may be presumed that he or she has been treated less favourably, directly or indirectly, on the basis of sex or because of family responsibilities, and it shall be incumbent on the defendant or on the person against whom such proceedings are brought to prove that there has been no breach of the principle of equal treatment, or that such less favourable treatment was justified in accordance with the provisions of this Act, and the Court or other competent authority shall uphold the complaint if the defendant or the person against whom the proceedings before the competent authority are brought fails to prove that he did not commit an illegal act.

Moreover, this amendment strengthens consistency in the provisions of other legislation on equal treatment in employment ie. the Equal Treatment in Employment Regulations<sup>12</sup>.

NCPE's Commissioner is empowered to initiate **investigations on discrimination** and to investigate complaints of persons who are discriminated according to a standard operating procedure<sup>13</sup>.

Other commitments by NCPE to promote and safeguard gender equality in employment throughout this period include:

- the dissemination of information on rights and responsibilities related to equal treatment in employment through **training**. NCPE delivers training to various groups (including employers and employees) who request training on subject matters related to its remit such as: gender equality in employment, sexual harassment, and gender mainstreaming in policies and practices.
- **The Equality Mark Certification**, which has been continued following the termination of the EU co-funded project *Unlocking the Female Potential ESF3.47*. In effect, the Equality Mark has been adopted as part of NCPE core work programme and as such is an ongoing commitment. NCPE works to assess the policies and practices of companies that foster gender equality and provide the necessary assistance to organisations to put in place actions that go over and above the minimum required by the law in the area of gender equality in employment and the provision of goods and services. The Equality Mark is valid for a two year period, following which NCPE ensures that the commitments taken were adhered to and that the entity is willing to retain the good practices thus re-certifying the organisation. Till May 2015, 60 companies were awarded

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<sup>11</sup> Act XVIII of 2014.

<sup>12</sup> Legal Notice 461 of 2004. Equal Treatment in Employment Regulations.

<sup>13</sup> Legal Notice 316 of 2011 – Procedure of Investigation Regulations.



the Equality Mark, with over 15,800 employees working in equality certified places of employment.

- Training to entities within the public administration to **implement gender mainstreaming** in their policies and programmes, and the dissemination of respective tools, published by NCPE, for policy makers. In line with Government policy on gender mainstreaming (as per Circular OPM Circular 15/2012), departments and entities within the public administration are to implement gender equality policies within a gender mainstreaming strategy. They are to submit a brief annual report to NCPE on the measures taken in this regard and the progress achieved. NCPE, in its turn, monitors and evaluates developments in this regard.
- The **Directory of Maltese and Gozitan Professional Women**<sup>14</sup> that gives visibility to professional women and their competences in various fields. This online database includes information about the qualifications, experience and skills of these professionals which can be used by employers seeking qualified professional women to be appointed on decision-making boards or committees. This Directory was launched on 7th May 2015, and till 24<sup>th</sup> August, it included one hundred and ninety-two profiles of professional women. (Other profiles are being processed.)
- A **mentoring programme**<sup>15</sup> to empower more women to participate in decision-making positions. Thirty women are being guided and supported by successful persons who occupy high-level jobs to acquire the necessary knowledge and skills. Training was also provided to mentees on relevant topics such as leadership, communication skills and assertiveness.
- A **research studies** on gender-balanced representation in decision-making in various fields (including boardrooms, political parties, national and local government); as well as on gender quotas and related measures that enhance the gender balance in the boardrooms and gender electoral quotas<sup>16</sup>. This study, that will be finalised this year, will provide valuable findings to policy makers.

“The Equal Treatment in Employment Regulations (SL452.95) reads “3A. (1) It shall be the duty of the employer to ensure that for the same work or for work to which equal value is attributed, there shall be no direct and indirect discrimination on grounds of sex with regard to all aspects and conditions of remuneration. (2) The employer shall ensure, in particular, that where a job classification system is used for determining pay, it shall be based on the same criteria for both men and women and so drawn up as to exclude any discrimination on grounds of sex.”.

## **Article 24 - Right to protection in case of dismissal**

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<sup>14</sup> This Directory is being carried out as part of the EU co-funded project *Gender Balance in Decision-Making ESF 3.196*.

<sup>15</sup> This mentoring programme is being carried out as part of the EU co-funded project *Gender Balance in Decision-Making ESF 3.196*.

<sup>16</sup> This study is being carried out as part of the EU co-funded project *Gender Balance in Decision-Making ESF 3.196*.

EIRA regulates probation in article 36 (1) and (2). This states that the first six months of any employment under a contract of service shall be probationary employment unless otherwise agreed by both parties for a shorter probation period: Provided that in the case of a contract of service, or collective agreement, in respect of employees holding technical, executive, administrative or managerial posts and whose wages are at least double the minimum wage established in that year, such probation period shall be of one year unless otherwise specified in the contract of service or in the collective agreement. During the probationary period the employment may be terminated at will by either party without assigning any reason. However, a week's notice of the termination of employment shall be given to the other party in the case of an employee who has been in the employment of the same employer continuously for more than one month.

On whether in case of dismissals on economic grounds, the courts have the competence to examine the merits of the case or just points of law, the Industrial Tribunal, as a first court, examines both the facts of the case and the points of law raised.

Regarding the issue of termination of employment of an employee who reaches pensionable age, our law is in conformity with ECJ caselaw in this regard namely Palacios de la Villa, Rosenblatt, and Wolf cases.

#### **Article 25 - Right of workers to protection of their claims in the event of the insolvency of their employer**

The contents therein represent current state of affairs and thus there no updates/comments to make.

## **Article 2 – Right to just conditions of work**

### **Para 1 - Reasonable Working Time**

MT REPLY

The prevailing applicable law is the Organization of Working Time Regulations (SL 452. 87). Generally, the normal hours of work, excluding overtime, should not exceed a maximum of an average of 48 hours a week spread over a reference period of 17 weeks. In certain sectors, as the manufacture and tourism sectors, the reference period is of one year. It is important to clarify that if an employee who normally works on a 40 hour week is asked to perform overtime, such overtime may be of more than 8 hours in a particular week, provided that the provisions at law regarding daily rest and weekly rest periods are observed.

An employer can ask an employee to work more than an average of 48 hours per week. However in such a case, a written consent is required from the employee concerned. If an employee does not give his/her consent, the employer can neither force nor victimize that particular employee as a consequence of his/her refusal. On the other hand, if the consent is given, the employer has to ensure that the employee is given the daily rest and weekly rest periods due as established by law.

If an employee consents to work for more than an average of 48 hours per week, the employee can demand that the consent will be withdrawn. This can be done through written notice which is given to the employer. Notice must be given at least seven days before the withdrawal of the consent or at such longer periods, not exceeding three months, as may be agreed between the parties.

Regarding on call service, all time spent on oncall is regarded as working time. The entire on call period is working time and it is therefore NEVER considered as rest period.

### **Para 2 - Public Holidays with Pay**

MT reply

These are the overtime rates to be paid for work performed on public holidays-

#### **Agriculture & Allied Industries WRO**

All employees – double-time

#### **Beverages Industries WRO**

Whole time employees & watchmen (except shift employees and outside worker) – double-time

Outside workers – If P.H. from Monday to Friday – time-and-a-half

Outside workers – If P.H. on a Saturday or a Sunday – Double-time

Shift employees – if P.H. from Monday to Saturday – Time-and-a-half

Shift employees – if PH. On a Sunday – double-time

#### **Canning Industries WRO**

All employees except watchmen – double-time

#### **Cargo Clearance & Forwarding Agents (Burdnara) Employees WRO**

All employees – double-time

**Clay & Glass Products WRO**

All employees – double-time

**Construction WRO**

All employees – double-time

**Domestic Service WRO**

All employees – double-time

**Electronics Industry WRO**

All employees except watchmen & shift employees – double-time

**Food Manufacture Industry WRO**

All employees – double-time

**Hire (Cars or Private Buses) WRO**

All employees – double-time

**Hospitals & Clinics WRO**

All employees – double-time

**Hotels & Clubs WRO**

Hotels

Maintenance workers & watchmen - double-time

Clubs

Watchmen – double time

Restaurants

All employees except watchmen – double-time

**Jewellery & Watches WRO**

All employees except watchmen– double-time

**Laundries WRO**

All employees – double-time

**Leather Goods & Shoes Industries WRO**

All employees except watchmen– double-time

**Paper, Plastics, Chemicals & Petroleum WRO**

All employees – double-time

**Private Cleaning Services WRO**

All employees other except shift workers & watchmen– double-time

**Private Schools WRO**

Watchmen & all other employees (except teachers) – double-time

**Private Security WRO**

1 day VL to be added to the VL entitlement

**Professional Offices WRO**

All employees – double-time

**Sextons & Custodians**

1 day VL to be added to the VL entitlement

**Textiles & Allied Industries**

All employees – double-time

**Tobacco Manufacture Industry WRO**

All employees – double-time

**Transport Equipment, Metal & Allied Industries WRO**

Watchmen & all other employees except shift employees – double-time

**Travel & Insurance Agencies WRO**

All employees except watchmen – double-time

**Wholesale & Retail WRO**

All other employees except watchmen– double-time

**Woodworks WRO**

All other employees except watchmen – double-time

**Article 4 - Right to a Fair Remuneration**

Para 2 - Increased remuneration for overtime work

MT reply

In Malta, all time worked as overtime must be paid.

## **Article 5 – Right to organize**

Regarding information on the concrete amounts of registration fees for trade unions and employers' organizations, in Malta no fees are charged to register such unions and associations.

As regards to individual employees' rights to join or not to join Union/s, this issue is beyond PACBU's remit as this Office deals with Unions who bring forth claims by their members after recognition has been granted and thus negotiate with Unions and not with individuals.

As from 20 February 2015, enabling law was passed by Parliament granting members of disciplined and similar forces and services, including the Police Force to become members of Trade Unions of their choice (Act IV of 2015). The law however does not grant members of the disciplined services to strike. A Trade Union representing members of a disciplined force shall not be entitled to take any action in contemplation or furtherance of a dispute other than to negotiate conditions of employment and to participate in dispute resolution procedure of a conciliatory, mediatory, arbitral or judicial nature of the members of the disciplined force which it represents.

***On the issue of trade union interference, MT would like a clarification as to what is meant by union interference in order to be able to comment.***

## **Article 6 Paragraph 3 – Conciliation and Arbitration**

The Court of Inquiry has the same powers conferred by the Code of Organization and Civil Procedure (Cap 12 of the Laws of Malta) on any civil court. Thus its decisions are binding irrespective of the consent of the parties. Having said that, it is to be noted that the court of inquiry has never been resorted to.

Regarding the compulsory recourse to arbitration, it is to be noted that all provisions in EIRA related to compulsory arbitration have been agreed to at the Employment Relations Board, which is a board composed of representatives from both sides of management and labour. Thus there has been a consensus on the compulsory character of the Industrial Tribunal.

Regarding representativeness, in Malta, non-representative trade unions do not have the right to participate to collective negotiations or to exercise other key trade union prerogatives.

In cases of disagreement between the Employer and the Unions, the present Collective Agreement for the Public Service Employees 2011-2016 stipulates that the following procedure must be adhered to;

- A meeting between Employer and the Union/s is to be held to discuss and try to resolve disagreement.
- Union is to inform Permanent Secretary of Ministry involved in dispute that the meeting either did not take place or was uneventful to settle dispute
- Within five days, Permanent Secretary is obliged to chair a meeting
- If yet again no agreement is reached, either party may refer dispute to the established conciliation mechanism

- Conciliatory structure is composed of a Chairman and two members, all of which are appointed by Government in agreement with Unions, within one month of signing of the Collective Agreement.
- Conciliation meetings take place after an industrial dispute is declared.
- The party invoking the Conciliatory structure must inform in writing the other party and within fifteen days the Conciliation process should commence, which conciliation should not take longer than two months to conclude and submit its report.
- In cases where again o agreement is reached, the matter shall be referred to a Board, if in agreement by both parties.
- The Panel of Arbitrators is to be a last resort to settle dispute, a Chairman and two members appointed by Government in agreement with the Union, within one month of signing of the Agreement.
- The Panel of Arbitrators' setup is with the sole scope of addressing any industrial relations dispute or interpretation of an agreement after exhausting all avenues to settle matters amicably.
- The decisions taken by the respective Panel of Arbitrators shall be binding on both parties and considered as final.
- Once a decision is taken by the Panel, this shall be binding to all parties and shall not be open to unilateral action or reversion before expiration of one year from date of Panel's decision.
- The Panel must convene within fifteen days from invocation and must submit the final report within two months.
- Prior to taking industrial action that is not in breach of any legal provisions and of the Collective Agreement, the party taking such action is to notify the other with not less than three working days notice in writing. Only if management issues instructions that directly affect employees' working conditions without consulting Unions or there is a danger to the health and safety of employees that the Union reserves the right to take immediate remedial action as provided by Law.
- Only Union officials may give directives concerning industrial actions to employees and the Union must as far as reasonably possible cooperate to permit work that is required to protect the property and equipment of the Employer.