January 2026

European Social Charter (revised)

European Committee of Social Rights

Conclusions 2025

MALTA

This text may be subject to editorial revision.

The function of the European Committee of Social Rights is to rule on the conformity of the situation in States with the European Social Charter. In respect of national reports, it adopts "conclusions"; in respect of collective complaints, it adopts "decisions".

A presentation of this treaty as well as statements of interpretation formulated by the Committee appear in the General Introduction to the Conclusions.[1]

The European Social Charter (revised) was ratified by Malta on 27 July 2005. The time limit for submitting the 17th report on the application of this treaty to the Council of Europe was 31 December 2024 and Malta submitted it on 17 February 2025. On 12 June 2025 and 20 August 2025, two letters were addressed to the Government requesting supplementary information regarding Articles 2§1, 3§1, 3§2, 3§3, 5, 6§1, 6§2 and 6§4 of the Charter. The Government submitted its replies on 22 July 2025 and 9 September 2025

The present chapter on Malta concerns 10 situations and contains:

– 1 conclusion of conformity: Article 6§2

– 9 conclusions of non-conformity: Articles 2§1, 3§1, 3§2, 3§3, 4§3, 5, 6§1, 6§4, 20

The next report from Malta will be due on 31 December 2026

[1] *The conclusions as well as state reports can be consulted on the Council of Europe's Internet site (www.coe.int/socialcharter).*

Article 2 - Right to just conditions of work

Paragraph 1 - Reasonable working time

The Committee takes note of the information contained in the report submitted by Malta.

The Committee recalls that for the purposes of the present report, States were asked to reply to targeted questions for Article 2§1 of the Charter (see the appendix to the letter, whereby the Committee requested a report on the implementation of the Charter in respect of the provisions falling within Group 1).

Previously, the Committee found that the situation in Malta was not in conformity with Article 2§1 of the Charter on the ground that the law did not guarantee the right to reasonable weekly working hours for certain categories of workers (Conclusions 2022). The assessment of the Committee will therefore concern the information provided by the Government in response to the targeted questions, including the previous conclusion of non-conformity as related to targeted questions.

Measures to ensure reasonable working hours

The Committee notes that in its previous conclusion it found the situation in Malta not to be in conformity with Article 2§1 of the Charter on the ground that the law did not guarantee the right to reasonable weekly working hours for certain categories of workers (Conclusions 2022).

In the targeted question, the Committee asked for information on occupations, if any, where weekly working hours can exceed 60 hours or more, by law, collective agreements or other means, including information on the exact number of weekly hours that persons in these occupations can work; as well as information on any safeguards which exist in order to protect the health and safety of the worker, where workers work more than 60 hours.

In reply, the report states that the general rule is that the maximum average weekly working time, including overtime, cannot exceed 48 hours, averaged over a reference period (usually 17 weeks). However, there are exceptions and derogations allowing certain professions or categories of workers to exceed this limit, sometimes reaching or exceeding 60 weekly hours, provided that specific conditions are met.

In response to a request for additional information, the report states that derogations from 48 weekly working hours are possible for watchmen in several sectors; transport equipment and metal industry workers; public transport, construction workers and those in hospitality, cinemas and theatres. Once a worker goes above 60 hours a week, stricter safeguards must allowed, such as: rest-period compliance, monitoring of working hours and obligations to prevent fatigue-related risks, higher overtime rates, written consent or collective agreement.

The Committee notes that workers performing specific functions in certain sectors and in exceptional circumstances may be allowed to exceed 16 daily working hours limit or 60 weekly working hours limit during short periods. However, certain safeguards must exist (Conclusions 2025, Statement of Interpretation on Article 2§1 on maximum working time). Despite there being certain safeguards, it does not appear that exceeding 60 weekly hours are allowed in specific sectors, for specific work and in exceptional circumstances only. The Committee therefore considers that the situation in Malta is not in conformity with Article 2§1 of the Charter on the ground that the maximum weekly working time may exceed 60 hours for workers in watchmen, transport equipment and metal industry, public transport, construction, hospitality, cinemas and theatres.

Working hours of maritime workers

In the targeted question, the Committee asked for information on the weekly working hours of maritime workers.

In response to a request for additional information, the report states that maritime workers may work up to 14 hours in any 24-hour period and up to 72 hours in any seven-day period.

They must have at least 10 hours of rest in every 24-hour period and 77 hours of rest every seven days.

The Committee notes that, in order to be in conformity with the Charter, maritime workers may be permitted to work a maximum of 14 hours in any individual 24-hour period and 72 hours in any individual seven-day period. The maximum reference period allowed is one year. Adequate rest periods have to be provided. Records of maritime workers' working hours shall be maintained by employers to allow supervision by the competent authorities of the working time limits (Conclusions 2025, Statement of Interpretation on Article 2§1 on working time of maritime workers).

Law and practice regarding on-call periods

In the targeted question, the Committee asked for information on how inactive on-call periods are treated in terms of work or rest time on law and practice.

In reply, the report states that there is no clear-cut answer legally in this regard. In various sectors under specific Wage Council Wage Regulation Orders, workers have to be paid the minimum remuneration they are entitled to in case of on-call period. That is when they are physically on-site, but they have no work assigned to them.

In response to a request for additional information, the report states that when a worker is on-call but not actively working and is not on the employer's premises, the law does not set a fixed rule. If the worker is on-call from home, whether the time counts as paid working time depends on how limited their freedom is during that period. The more restricted the worker is, the more likely it counts as work and must be paid.

The Committee notes that, with regard to inactive parts of on-call period during which no work is carried out and where the worker stays at home or is otherwise away from the employer's premises, under no circumstances should such periods be regarded as rest periods in their entirety. However, there are two situations that need to be addressed. Firstly, the situation involves a worker who is on-call away from the employer's premises (at home or at another designated place by the employer) and who is under an obligation to be immediately available or available at very short notice and on a recurring basis to the employer, and where there are serious consequences in cases of the failure to respond. Such on-call periods, including where no actual work is performed (inactive on-call), must be classified as working time in their entirety and remunerated accordingly in order to be in conformity with the Charter. Secondly, the situation involves a worker who is away from the employer's premises (at home or at another place designated by the employer) and who has a certain degree of freedom to manage their free time and is allowed time to respond to work tasks (i.e. they do not have to report for work immediately or at a very short notice or on a recurring basis). In these circumstances, the inactive on-call periods amount neither to full-fledged working time nor to genuine rest periods. In such cases the situation may be considered as being in conformity with the Charter if the worker receives a reasonable compensation. The Committee will assess the reasonableness of the nature and level of such compensation on a case-by-case basis and will take into account circumstances such as the nature of the worker's duties, the degree of the restriction imposed on the worker and other relevant factors (Conclusions 2025, Statement of Interpretation on Article 2§1 on on-call periods).

The Committee notes that it appears from the report that if the worker is less restricted, on-call time does not count as paid working time. In these circumstances, the Committee considers that the situation in Malta is not in conformity with Article 2§1 of the Charter on the ground that it has not been established that inactive on-call periods during which no effective work is undertaken are not considered as rest periods.

Conclusion

The Committee concludes that the situation in Malta is not in conformity with Article 2§1 of the Charter on the grounds that:

- the maximum weekly working time may exceed 60 hours for workers in watchmen, transport equipment and metal industry, public transport, construction, hospitality, cinemas and theatres;
- it has not been established that inactive on-call periods during which no effective work is undertaken are not considered as rest periods.

Article 3 - Right to safe and healthy working conditions

Paragraph 1 - Safety and health regulations

The Committee takes note of the information contained in the report submitted by Malta.

The Committee recalls that in the context of the present monitoring cycle, States were asked to reply to targeted questions for Article 3§1 of the Charter (see the appendix to the letter, whereby the Committee requested a report on the implementation of the Charter in respect of the provisions falling within Group 1).

The assessment of the Committee will therefore concern the information provided by the Government in response to the targeted questions.

The Committee asked for information on the content and implementation of national policies on psychosocial or new and emerging risks, including in relation to: (i) the gig or platform economy; (ii) telework; (iii) jobs requiring intense attention or high performance; (iv) jobs related to stress or traumatic situations at work; (v) jobs affected by climate change risks.

General policies concerning psychosocial or new and emerging risks

The Committee recalls that new technology, organisational constraints and psychological demands favour the development of psychosocial factors of risk, leading to work-related stress, aggression, violence and harassment. With regard to Article 3§1 of the Charter, the Committee takes account of stress, aggression, violence and harassment at work when examining whether policies are regularly evaluated or reviewed in the light of emerging risks. The States parties have a duty to carry out activities in terms of research, knowledge and communication relating to psychosocial risks (Statement of Interpretation on Article 3§1 of the Charter, Conclusions 2013 and 2017).

The Committee notes, based on official sources [Occupational Health and Safety Authority of Malta], that the authorities have adopted the Strategic Plan for Occupational Health and Safety 2022-2027, which incorporates a focus on psychosocial risks and mental health and outlines the relevant measures to be implemented by the Occupational Health and Safety Authority (OHSA) and other actors. Of relevance is in particular Activity Area 4, “Taking appropriate action against existing and emerging risks,” which includes ensuring “full and equitable access to OHS preventive and protective services, which considers both individual and collective needs.”

The Committee further refers to the EU Commission Peer Review on legislative and enforcement approaches to address psychosocial risks at work in the Member States [Peer Country Discussion Paper – Malta (June 2024)], which mentions the Online Interactive Risk Assessment (OIRA) tool dedicated to psychosocial risks from 2018, and webinars held in 2015 and 2022 in conjunction with the EU-OSHA on the topic of psychosocial risks.

The gig or platform economy

According to the abovementioned EU Commission’s Peer Review, the COVID-19 pandemic resulted in an increase in platform work and the National Statistics Office (NS) found in 2022 that almost 5% of the work force engaged in digital platform work.

The report refers to the Digital Platform Delivery Wages Council Wage Regulation, established under Legal Notice 268 of 2022, which regulates the working conditions of individuals engaged in delivery services via digital labour platforms. The report notes that the employer is responsible for creating and maintaining a safe working environment for platform workers. This involves identifying potential risks related to their job duties and implementing measures to mitigate those risks. The employer must comply with the Occupational Health and Safety Authority Act and the associated regulations.

In addition, employers are required to regularly assess work-related risks, including potential accidents and stress-related concerns, and to introduce appropriate preventive measures to

safeguard workers' well-being. Any monitoring systems used by the employer should not exert undue pressure on workers or endanger their mental health.

Telework

The report notes that the framework for teleworking arrangements is set out in the Standard Order, established under Legal Notice 312 of 2008. It defines teleworking, outlines the obligations of both employers and workers, and ensures that teleworkers enjoy equivalent rights to on-site workers.

In response to a request for additional information, the report states that the Standard Order concerning telework (Legal Notice 312) requires that teleworking agreements be formalised in writing and place explicit obligations on employers, including the provision and maintenance of necessary equipment, the assumption of related costs unless otherwise agreed, and the continued responsibility for occupational health and safety standards. Furthermore, it ensures parity of access for teleworkers in relation to training, career development and employment protections, while imposing requirements to safeguard data privacy and to comply with monitoring and display screen regulations. The framework also incorporates flexibility, permitting either party to terminate teleworking through short written notice, thereby reinstating the worker to their original role.

The Committee refers to its statement of interpretation concerning telework (see Conclusion under Article 3§3) which provides, *inter alia*, that States Parties must take measures to ensure that employers comply with their obligations to ensure safe and healthy working conditions for their teleworkers, including providing information and training to teleworkers on ergonomics, the prevention of psychosocial risks (e.g. isolation, stress, cyberbullying, work-life balance, including digital disconnect and electronic monitoring) and the reporting process.

Jobs requiring intense attention or high performance

The report did not provide the requested information. Therefore, the Committee concludes that the situation in Malta is not in conformity with Article 3§1 of the Charter on the ground that it has not been established that there are national policies on psychosocial or new and emerging risks in jobs requiring intense attention or high performance.

Jobs related to stress or traumatic situations at work

The report does not contain any information regarding this targeted question.

The Committee notes that the abovementioned Peer Review refers to the European Survey of Enterprises on New and Emerging Risks (EESENER) data from 2019, showing that "41% of organisations [with five or more workers] had a stress prevention plan, 70% had procedures for bullying and harassment, and 65% for client threats and abuse...". Nonetheless, it was found that "only 39% felt adequately informed to include psychosocial risks in risk assessments, the lowest in the EU".

The Committee refers to the Maltese framework agreement on work-related stress developed by OHSA, which was mentioned in the previous Conclusion (2021). This agreement outlines the various steps that must be taken for the early recognition and prevention of work-related stress. It also lays out a model policy that establishes an effective and consistent approach to the prevention of work-related stress.

The aforementioned Peer Review notes that the Employment and Industrial Relations Act (EIRA, 2002) makes both general and sexual harassment unlawful, and that persons who are exposed to harassment may lodge a complaint with the Industrial Tribunal (though it appears that few cases reach the Tribunal in practice). The Equality for Men and Women Act (dated 9 December 2003) also covers sexual harassment and stresses the employer's role in preventing sexual harassment. The National Commission for the Promotion of Equality

(NCPE) has prepared the Sexual Harassment: Code of Practice (2005), which provides guidance to employers on how to prevent sexual harassment in the workplace.

Jobs affected by climate change risks

The report did not provide the requested information. Therefore, the Committee concludes that the situation in Malta is not in conformity with Article 3§1 of the Charter on the ground that it has not been established that there are national policies on psychosocial or new and emerging risks in jobs affected by climate change risks.

The Committee recalls its case law under Article 3 in relation to the protection against dangerous agents and substances (including asbestos and ionizing radiation), and air pollution (see Conclusions XIV-2 (1998), Statement of interpretation on Article 3). Further, the Committee notes the United Nations General Assembly Resolution A/RES/76/300 (28 July 2022) "The human right to a clean, healthy and sustainable environment".

The Committee notes that climate change has had an increasing impact on the safety and health of workers across all affected sectors, with a particular impact on workers from vulnerable groups such as migrant workers, women, older people, persons with disabilities, persons with pre-existing health conditions and youth. As noted by the United Nations Committee on Economic, Social and Cultural Rights, rapid environmental changes, caused by climate change, increase risks to working conditions and exacerbate existing ones (General comment No. 27 (2025) on economic, social and cultural rights and the environmental dimension of sustainable development, UN Doc E/C.12/GC/27, §51). Hazards related to climate change include, but are not limited to, excessive heat, ultraviolet radiation, extreme weather events (such as heatwaves), indoor and outdoor workplace pollution, vector-borne diseases and exposure to chemicals. These phenomena can have a serious effect on both the physical and mental health of workers. (Ensuring safety and health at work in a changing climate, Geneva: International Labour Office, 2024).

States should take measures to identify and assess climate change risks and adopt preventive and protective measures. These risks and impacts should be addressed through appropriate policies, regulations, and collective agreements. Particular attention should be paid to vulnerable workers, such as migrant workers, persons involved in informal work, young and older workers, women, persons with disabilities and persons with pre-existing health conditions. States must effectively monitor the application of standards addressing climate-related safety and health risks, including through appropriate supervisory mechanisms, and should undertake these efforts in close consultation with employers' and workers' organisations.

Risk assessment and prevention/protection plans should include measures aimed at mitigating the effects of climate change on the safety and physical and mental health of workers (for example, provision of personal protective equipment, appropriate clothing, sun protection, hydration, ventilation, as well as the introduction of reduced or flexible working hours and the provision of mental health support and other support services, where appropriate).

The Committee further stresses the importance of providing guidance and training to employers and workers, as well as implementing awareness-raising activities, collection of data and carrying out of research concerning the impact of climate change.

Conclusion

The Committee concludes that the situation in Malta is not in conformity with Article 3§1 of the Charter on the ground that it has not been established that there are national policies on psychosocial or new and emerging risks concerning the following types of work:

- jobs requiring intense attention or high performance;
- jobs affected by climate change risks.

Article 3 - Right to safe and healthy working conditions

Paragraph 2 - Safety and health regulations

The Committee takes note of the information contained in the report submitted by Malta.

The Committee recalls that, for the purposes of the present report, States were asked to reply to targeted questions for Article 3§2 of the Charter (see the appendix to the letter, whereby the Committee requested a report on the implementation of the Charter in respect of the provisions falling within Group 1).

The assessment of the Committee will therefore concern the information provided by the Government in response to the targeted questions.

The right to disconnect

In a targeted question, the Committee asked for information on the measures taken to ensure that employers put in place arrangements to limit or discourage work outside normal working hours, including the right to disconnect; and on how the right not to be penalised or discriminated against for refusing to undertake work outside normal working hours is ensured.

The report does not provide the requested information. In response to a request for additional information, the report notes that Malta does not have any regulations on the right to disconnect. However, strict rules govern working time, including overtime and rest periods, as well as a prohibition on victimisation, subject to supervision and control by the courts and the Department for Industrial and Employment Relations.

The Committee recalls that, consistent with States Parties' obligations under Article 3§2, in order to protect the physical and mental health of persons teleworking or working remotely and to ensure the right of every worker to a safe and healthy working environment, it is necessary to fully enable the right of workers to refuse to perform work outside their normal working hours (other than work considered to be overtime and fully recognised accordingly) or while on holiday or on other forms of leave (sometimes referred to as the "right to disconnect") (Statement of interpretation on Article 3§2, Conclusions 2021).

The Committee concludes that the situation in Malta is not in conformity with Article 3§2 of the Charter on the ground that workers do not have the right to disconnect.

Personal scope of the regulations

In a targeted question, the Committee asked for information on the measures taken to ensure that self-employed workers, teleworkers and domestic workers are protected by occupational health and safety regulations; and on whether temporary workers, interim workers and workers on fixed-term contracts enjoy the same standard of protection under health and safety regulations as workers on contracts with indefinite duration.

Self-employed workers

The report does not provide the requested information. In response to a request for additional information, the report notes that occupational health and safety regulations apply to all workplaces and all sectors of work activity, public and private, and to all work activities, including those carried out by self-employed persons. Although self-employed workers are not covered in the same way as workers, if they perform work on another party's premises, that party may have certain occupational health and safety duties obligations depending on the situation. Moreover, while the crews of aircraft and vessels are excluded from the scope of the Health and Safety at Work Act 2025 (Cap. 646), they are covered by Transport Malta through maritime and aviation safety regimes.

Teleworkers

The report notes that the Standard Order established under Legal Notice 312 of 2008 sets out the framework for telework arrangements. It defines telework, outlines employer and worker obligations, and ensures that teleworkers enjoy equivalent rights to on-site workers. Additionally, under the Occupational Health and Safety Authority Act, the employers' duty to ensure a safe and healthy working environment for their workers also extends to teleworkers. Specifically, employers must assess the risks of remote work and provide appropriate equipment and guidance.

Domestic workers

The report does not provide the requested information. In response to a request for additional information, the report notes that domestic workers are entitled to basic occupational protections under the Wage Regulation Order (Domestic Service – WRO 452.40). The Committee notes that Malta has ratified International Labour Organization Convention No. 189, which calls on countries to provide fair recruitment practices and decent working conditions to domestic workers.

Temporary workers

The report does not provide the requested information. In response to a request for additional information, the report notes that temporary and fixed-term workers enjoy the same health and safety protections as permanent workers. This is set out in S.L. 452.81 (Fixed-Term Work Regulations) and S.L. 452.82 (Temporary Agency Work Regulations). Employers must treat these workers no less favourably than comparable permanent staff with regard to occupational health and safety. They are also required to inform all workers, including those on short-term contracts, about safety measures, emergency procedures, and any risks involved in their job, in accordance with the Information to Employees Regulations (S.L. 452.83).

Conclusion

The Committee concludes that the situation in Malta is not in conformity with Article 3§2 of the Charter on the ground that workers do not have the right to disconnect.

Article 3 - Right to safe and healthy working conditions

Paragraph 3 - Enforcement of safety and health regulations

The Committee takes note of the information contained in the report submitted by Malta.

The Committee recalls that in the context of the present monitoring cycle, States were asked to reply to targeted questions for Article 3§3 of the Revised Charter (see the appendix to the letter, whereby the Committee requested a report on the implementation of the Charter in respect of the provisions falling within Group 1).

In its previous conclusion (Conclusion 2021), the Committee concluded that the situation in Malta was not in conformity with Article 3§3 of the Charter on the grounds that it had not been established that:

- occupational diseases were monitored effectively.
- the labour inspection system was effective.

In a targeted question, the Committee asked for information on measures taken to ensure the supervision of the implementation of health and safety regulations concerning vulnerable categories of workers such as: (i) domestic workers; (ii) digital platform workers; (iii) teleworkers; (iv) posted workers; (v) workers employed through subcontracting; (vi) the self-employed; (vii) workers exposed to environmental-related risks such as climate change and pollution.

The assessment of the Committee will therefore concern the information provided by the Government in response to the targeted questions.

In response to a request for additional information, the report states that the supervision of health and safety across various categories of workers is handled primarily by the Occupational Health and Safety Authority (the OHSA), with additional support from the Department of Industrial and Employment Relations (the DIER). Moreover, the new OHS Act (Cap 646), which entered into force on 26 November 2024, introduced significant changes to the OHS legal framework, such as: the restructuring and more powers given to the OHSA (including the authority to issue administrative instruments to address urgent matters); the establishment of a new structure and increased penalties; the introduction of a new duty on employers to appoint a Health and Safety Reporting Officer (the HSRO); and the creation of an independent and impartial Health and Safety Tribunal, responsible for hearing and deciding on appeals against administrative penalties, as well as against decisions, orders or administrative instruments issued by the OHSA.

Domestic workers

In response to a request for additional information, the report states that domestic workers in Malta are covered by the Domestic Service Wage Regulation Order (WRO 452.40), which outlines working hours, overtime, and rest periods. The report also states that while private homes are not typically subject to routine workplace inspections due to legal safeguards protecting privacy, the OHSA retains the right to investigate any health and safety complaint made by domestic workers. It adds that, although enforcement is limited due to the private nature of the workplace, domestic workers are still entitled to the same protections under Cap. 646 and may seek assistance through the DIER.

Digital platform workers

The report notes that employers are responsible for creating and maintaining safe working environments for platform workers. This involves identifying potential risks related to their job duties and implementing measures to mitigate those risks. Employers must comply with the Occupational Health and Safety Authority Act and any associated regulations.

Employers are also required to regularly assess work-related risks, including possible accidents and stress-related issues, and introduce appropriate preventive measures to protect

workers' well-being. Any monitoring systems used by the employer should not put undue pressure on workers or endanger their mental or physical health.

Teleworkers

The Telework National Standard Order, established under Legal Notice 312 of 2008, sets out the framework for teleworking arrangements. It defines teleworking, outlines the obligations of both employers and workers, and ensures that teleworkers enjoy the same rights as on-site workers. The Order explicitly obliges employers to provide and maintain the necessary equipment, assume related costs unless otherwise agreed, and continue to be responsible for occupational health and safety standards.

The Committee notes that, under Article 3 of the Charter, teleworkers, who regularly work outside of the employer's premises by using information and communications technology, enjoy equal rights and the same level of protection in terms of health and safety as workers working at the employer's premises.

States Parties must take measures to ensure that employers comply with their obligations to ensure safe and healthy working conditions for their teleworkers, such as: (i) assessing the risks associated with the teleworker's work environment; (ii) providing or ensuring access to ergonomically appropriate equipment and protective equipment; (iii) providing information and training to teleworkers on ergonomics, safe use of equipment, physical risks (e.g. musculoskeletal disorders, eye strain) and prevention of psychosocial risks (e.g. isolation, stress, cyberbullying, work-life balance, including digital disconnect, and electronic monitoring); (iv) maintaining clear documentation and records; (v) providing appropriate support through human resources or health and safety officers/services; and (vi) ensuring that teleworkers can effectively report occupational accidents or health and safety issues encountered during teleworking. States Parties must also take measures to ensure that teleworkers comply with the guidelines and regulations on health and safety and co-operate with employers and labour inspectorate or other enforcement bodies in this sense.

The labour inspectorate or other enforcement bodies must be entitled to effectively monitor and ensure compliance with health and safety obligations by employers and teleworkers. This requires to: (i) conduct regular and systematic supervision, including remote audits; (ii) review employers' risk assessments and training documentation; (iii) verify the appropriateness and effectiveness of preventive measures taken by employers; (iv) have adequate resources, legal authority, and clearly defined powers to issue corrective instructions and impose proportionate and dissuasive sanctions in cases of non-compliance.

Posted workers

In response to a request for additional information, the report states that posted workers enjoy equal OHS protection rights in accordance with both national legislation and European Union Directives. The host employer (or any other employer to whom they are assigned) must comply with the requirements of Cap 646 and provide the necessary OHS protection. Posted workers (i.e. workers temporarily sent from another EU member state to Malta) are protected by the provisions of the Posted Workers Regulations (S.L. 452.82) and fall under Maltese health and safety laws while working in Malta. The OHSA is empowered to conduct inspections of worksites and verify that posted workers receive equal treatment in terms of safety training, equipment, and accident prevention measures. Posted workers may also report issues directly to the OHSA or the DIER.

Workers employed through subcontracting

In response to a request for additional information, the report states that, in the context of subcontracting, the law places responsibility on both the main contractor and the subcontractor to ensure that OHS is being adhered to. Workers employed via subcontractors are equally protected under Maltese OHS laws. Both the subcontractor (direct employer) and the principal

contractor (site manager or project owner) have responsibilities under Cap. 424, particularly when working on shared premises or construction sites. The OHSA actively monitors such arrangements with a view to preventing gaps in enforcement. In high-risk sectors such as construction, the OHSA coordinates with site managers to ensure that all workers on-site, regardless of their contractual status, have access to safe conditions and appropriate training.

Self-employed workers

In response to a request for additional information, the report indicates that self-employed workers are also legally required to implement health and safety measures for themselves. These measures include carrying out risk assessments, taking adequate OHS measures to protect themselves. They are also required to cooperate with other contractors who may be engaged on the same place of work. Self-employed workers are partially covered under Chapter 424, specifically in instances where their activities may present risks to others. While they are not subject to employer-directed safety protocols, self-employed workers working on shared sites (e.g. construction, renovation) must comply with OHSA regulations and may be subject to inspection. The OHSA encourages self-employed workers to apply safety standards to themselves and provides guidance on risk management.

The Committee notes from the information provided in the report that only self-employed workers performing work on shared sites, such as construction sites, are subject to supervision by the OHSA. It recalls that the objective of providing a safe and healthy working environment must be the same for both employed and self-employed workers, and the regulations and their enforcement must be adequate and suitable in view of the work being done (Conclusions XIV-2 - Statement of interpretation - Article 3). The Committee considers that the situation in Malta is not in conformity with Article 3§3 of the Charter on the ground that certain categories of self-employed workers are not subject to supervision by the occupational health and safety authorities.

Workers exposed to environment-related risks such as climate change and pollution

In response to a request for additional information, the report indicates that the Health and Safety at Work Act (Cap 646) establishes a comprehensive and enforceable legal framework to ensure the effective supervision and implementation of health and safety regulations for all categories of workers in Malta by the OHSA. Moreover, the OHSA organises regular awareness-raising initiatives to reach the widest possible audience, in line with its motto that ‘every worker counts’. For example, in 2024, the OHSA addressed the risks related to digitalisation and climate change through 2 conferences funded by the EU-OSHA.

The Committee recalls that States must effectively monitor the application of standards addressing climate-related safety and health risks, including through appropriate supervisory mechanisms, and should undertake these efforts in close consultation with employers’ and workers’ organisations.

Risk assessment and prevention/protection plans should include measures aimed at mitigating the effects of climate change on the safety and physical and mental health of workers (for example, provision of personal protective equipment, appropriate clothing, sun protection, hydration, ventilation, as well as the introduction of reduced or flexible working hours and the provision of mental health support and other support services, where appropriate). The Committee further stresses the importance of providing guidance and training to employers and workers, as well as implementing awareness-raising activities, collection of data and carrying out of research concerning the impact of climate change.

Conclusion

The Committee concludes that the situation in Malta is not in conformity with Article 3§3 of the Charter on the ground that certain categories of self-employed workers are not subject to supervision by the occupational health and safety authorities.

Article 4 - Right to a fair remuneration

Paragraph 3 - Non-discrimination between women and men with respect to remuneration

The Committee takes note of the information contained in the report submitted by Malta.

The Committee recalls that in the context of the present monitoring cycle, States were asked to reply to the targeted questions for Article 4§3 of the Charter (see the appendix to the letter, whereby the Committee requested a report on the implementation of the Charter in respect of the provisions falling within Group 1).

The assessment of the Committee will therefore concern the information provided in the report in response to the targeted questions.

The notion of equal work and work of equal value

In its targeted question the Committee asked the report to indicate whether the notion of equal work and work of equal value is defined in domestic law or case law.

The Committee recalls that under Article 4§3 in order to establish whether work performed is equal or of equal value, factors such as the nature of tasks, skills, educational and training requirements must be taken into account. Pay structures shall be such as to enable the assessment of whether workers are in a comparable situation with regard to the value of work. The value of work, that is the worth of a job for the purposes of determining remuneration should be assessed on the basis of objective gender-neutral criteria, including educational, professional and training requirements, skills, effort, responsibility and working conditions, irrespective of differences in working patterns. These criteria should be defined and applied in an objective, gender-neutral manner, excluding any direct or indirect gender discrimination.

The Committee considers that the notion of equal work or work of equal value has a qualitative dimension and may not always be satisfactorily defined, thus undermining legal certainty. The concept of “work of equal value” lies at the heart of the fundamental right to equal pay for women and men, as it permits a broad scope of comparison, going beyond “equal”, “the same” or “similar” work. It also encompasses work that may be of a different nature, but is, nevertheless, of equal value.

States should therefore seek to clarify this notion in domestic law as necessary, either through legislation or case law (Conclusions XV-2, Article 4§3, Poland). No definition of work of equal value in legislation and the absence of case law would indicate that measures need to be taken to give full legislative expression and effect to the principle of equal remuneration, by laying setting the parameters for a broad definition of equal value.

The report states that according to Article 26 of the Employment and Industrial Relations Act (EIRA), discriminatory treatment shall include: (a) the engaging or selection of a person who is less qualified than a person of the opposite sex, unless the employer can prove that the action was based on acceptable grounds related to the nature of the work or on grounds related to previous work performance and experience;(b) actions which apply to a worker, terms of payment or employment conditions that are less favourable than those applied to a worker in the same work or work of equal value, on the basis of discriminatory treatment.

According to Article 27, workers in the same class of employment are entitled to the same rate of remuneration for work of equal value.

The Committee notes from the Country Report of the European Network of Experts of Gender Equality and Non-Discrimination (Malta, 2024) that Section 2 of the EIRA defines a comparable full-time worker as a full-time worker as the one who is engaged in the same or similar work or occupation, due regard being given to other considerations including seniority, qualification and skills, provided that where there is no comparable full-time worker in the same establishment, the comparison shall be made by reference to collective agreements covering similar comparable full-time workers in other establishments, and further provided that where

there is no applicable collective agreement, reference shall be made to law or in default of provision by law to the prevailing practice as may be established by the Employment Relations Board.

As regards the existence of parameters for establishing the equal value of the work performed, according to the Country Report, there is no case law. The Committee considers that the parameters for establishing equal value are not laid down in either legislation or in case law. Therefore, the Committee considers that situation is not in conformity with the Charter on this point.

Job classification and remuneration systems

In its targeted question the Committee asked the report to provide information on the job classification and remuneration systems that reflect the equal pay principle, including in the private sector.

The Committee considers that pay transparency is instrumental in the effective application of the principle of equal pay for work of equal value. Transparency contributes to identifying gender bias and discrimination and it facilitates the taking of corrective action by workers and employers and their organisations as well as by the relevant authorities. In this respect, job classification and evaluation systems should be promoted and where they are used, they must rely on criteria that are gender-neutral and do not result in indirect discrimination. Moreover, such systems must consider the features of the posts in question rather than the personal characteristics of the workers (UWE v. Belgium, Complaint No. 124/2016, decision on the merits of 5 December 2019). Where gender-neutral job evaluation and classification systems are used, they are effective in establishing a transparent pay system and are instrumental in ensuring that direct or indirect discrimination on the grounds of gender is excluded. They detect indirect pay discrimination related to the undervaluation of jobs typically done by women. They do so by measuring and comparing jobs the content of which is different but of equal value and so support the principle of equal pay.

The Committee considers that States Parties should take the necessary measures to ensure that analytical tools or methodologies are made available and are easily accessible to support and guide the assessment and comparison of the value of work and establish gender neutral job evaluation and classification systems.

The Committee notes from the Country Report of the European Network of Experts of Gender Equality and Non-Discrimination (Malta, 2024) that the National Commission for the Protection of Equality (NCPE) implemented a project named “Prepare the Ground for Economic Independence” (PGEI) which is co-funded by the Rights, Equality and Citizenship Programme 2014-2020, through which an equal pay tool was developed. The project was launched in 2018, to run until 2020. The aim of the equal pay tool is for the companies/entities to accurately check equal pay for work of equal value between women and men within an organisation. The tool is scalable in three tiers. The first tier captures very basic data on worker salary, hours worked, and gender. However, the output of the model is limited to the median and mean gender pay gap, with no information on gender discrimination. The second tier captures additional data on observable worker characteristics, such as qualifications, age, tenure, designation (based on International Standard Classification of Occupations (ISCO), divided into eight major groups or based on entity-specific designations). The third tier captures, in addition to the data in the first two tiers, the value of work through a worker questionnaire. This enables a calculation of pure gender discrimination insofar as all the other explanatory variables control for the key drivers of salary determination.

The Committee notes that the report does not provide any information on this issue. It considers it has not been established that there are job classification and remuneration systems that would ensure pay transparency and gender equality. Therefore, the situation is not in conformity with the Charter on this point.

Measures to bring about measurable progress in reducing the gender pay gap

In its targeted question the Committee asked the report to provide information on existing measures to bring about measurable progress in reducing the gender pay gap within a reasonable time.

The Committee considers that States are under an obligation to analyse the causes of the gender pay gap with a view to designing effective policies aimed at reducing it. The Committee recalls its previous holding that the collection of data with a view to adopting adequate measures is essential to promote equal opportunities. Indeed, it has held that where it is known that a certain category of persons is, or might be, discriminated against, it is the duty of the national authorities to collect data to assess the extent of the problem *(*European Roma Rights Centre v. Greece, Complaint No. 15/2003, decision on the merits of 8 December 2004, §27). The gathering and analysis of such data (with due safeguards for privacy and to avoid abuse) is indispensable to the formulation of rational policy (European Roma Rights Centre v. Italy,Complaint No. 27/2004, decision on the merits of 7 December 2005, §23).

The Committee considers that in order to ensure and promote equal pay, the collection of high-quality pay statistics broken down by gender as well as statistics on the number and type of pay discrimination cases is crucial. The collection of such data increases pay transparency at aggregate levels and ultimately uncovers the cases of unequal pay and therefore the gender pay gap. The gender pay gap is one of the most widely accepted indicators of the differences in pay that persist for men and women doing jobs that are either equal or of equal value. In addition, to the overall pay gap (unadjusted and adjusted, the Committee will also, where appropriate, have regard to more specific data on the gender pay gap by sectors, by occupations, by age, by educational level, etc (University Women of Europe (UWE) v. Finland, Complaint No. 129/2016, decision on the merits of 5 December 2019, §206).

The Committee has held that where the States have not demonstrated a measurable progress in reducing the gender pay gap, the situation amounted to a violation of the Charter (University Women of Europe (UWE) v. Finland, Complaint No. 129/2016, decision on the merits of 5 December 2019).

According to the report, the following are factors that lead to the gender pay gap:

- sectoral segregation which is caused by the overrepresentation of women in low-paying sectors, such as care, health, and education.
- unequal share of paid and unpaid work between women and men
- the glass ceiling which is caused by the unequal representation of women and men in headship positions.
- pay discrimination which is a result of women being paid less than men for doing equal work or work of equal value.

The Committee takes note of an Equal Pay Tool which was developed to promote equal pay for the same work and work of equal value between men and women, by assisting organisations to identify and address potential pay inequalities that are not justifiable. Companies can input data related to their human resources into an excel workbook which is then processed by the Equal Pay Tool software.

The Committee notes from Eurostat that the gender pay gap in Malta stood at 10.5% in 2019 and at 5.1% in 2023. The Committee notes that this indicator is well below the EU average (12%) and considers that this downward trend represents a measurable progress and therefore the situation is in conformity with the Charter on this point.

Conclusion

The Committee concludes that the situation in Malta is not in conformity with Article 4§3 of the Charter on the grounds that:

- the parameters for establishing equal value are not laid down in either legislation or in case law;
- it has not been established that there are job classification and remuneration systems that would ensure pay transparency and gender equality

Article 5 - Right to organise

The Committee takes note of the information contained in the report submitted by Malta.

The Committee recalls that in the context of the present monitoring cycle, States were asked to reply to the targeted questions for Article 5 of the Charter (see the appendix to the letter, whereby the Committee requested a report on the implementation of the Charter in respect of the provisions falling within Group 1).

The assessment of the Committee will therefore concern the information provided in the report in response to the targeted questions.

Positive freedom of association of workers

In its targeted question a), the Committee asked for information on measures that have been taken to encourage or strengthen the positive freedom of association of workers, particularly in sectors which traditionally have a low rate of unionisation or in new sectors (e.g., the gig economy).

The report refers to the Wage Council Wage Regulation Orders (WROs) which are a core element of domestic labour law. This set of subsidiary legislation regulate, in part, the statutory employment rights and obligations of workers in specific industries. Currently there are thirty-two WROs in force. The report refers in this respect to the Digital Platform Delivery Wages Council Wage Regulation Order, 2022, established under Legal Notice 268 of 2022, which aims to regulate the working conditions of individuals engaged in delivery services via digital labour platforms.

The Committee notes that the Order grants platform workers access to essential labour and social protection rights. It achieves this by determining the employment status of individuals providing paid delivery services. According to the Order, all platform workers are considered workers and, therefore, entitled to various rights, including the minimum wage, overtime rates, vacation leave, sick leave, and other benefits. Additionally, platform workers have specific rights related to the unique nature of their work, such as access to information on automated systems and monitoring tools used by employers. The order places a strong emphasis on information disclosure. Employers must provide various details to workers, including basic information, job details, salary package, and information on automated systems within seven calendar days. Additional information, such as training entitlement and collective agreements, must be provided within one month. (B 2075L.N. 268 of 2022, Employment and Industrial Relations Act (CAP. 452) Digital Platform Delivery Wages Council Wage Regulation Order, 2022).

Legal criteria for determining the recognition of employers' organisations for the purposes of social dialogue and collective bargaining

In reply to the Committee's request for information concerning the legal criteria for determining the recognition of employers' organisations for the purposes of social dialogue and collective bargaining (targeted question b)), the report states that a recognised trade union (as per the Recognition of Trade Unions Regulations) has the right to request negotiations with an employer in writing. Employers must respond within 30 days, confirming their acceptance. Once accepted, the union must provide a written agenda with key negotiation points and attendees.

According to the report, the Minimum Wage and Collective Bargaining Regulations 2024, issued under the Employment and Industrial Relations Act, introduced into the Maltese law the concept of 'Compulsory Employer Participation'. The regulations establish a clear legal duty for employers to engage in collective bargaining upon request from a recognised trade union, effectively constituting compulsory employer participation. Employers cannot ignore or refuse legitimate requests without violating legal obligations, ensuring that unions have a guaranteed platform to negotiate employment terms.

The Committee notes that according to Article 3 of the Minimum Wage and Collective Bargaining Regulations, 2024, "collective bargaining" means, under the Regulations, all negotiations which take place according to national law and practice between an employer, a group of employers or one or more employers' organisations on the one hand, and one or more trade unions on the other, for determining working conditions and terms of employment.

The Committee also notes from outside sources (ETUI – European Trade Union Institute), that collective bargaining in Malta takes place mainly at enterprise level. Employers' associations do not play a direct role and are not signatories of collective agreements, although they assist their members when requested.

Legal criteria for determining the recognition and representativeness of trade unions in social dialogue and collective bargaining

In a targeted question, the Committee requested information on the legal criteria for determining the recognition and representativeness of trade unions in social dialogue and collective bargaining. It particularly requested information on the status and prerogatives of minority trade unions; and the existence of alternative representation structures at company level, such as elected worker representatives (targeted question c)).

The report states that a recognised trade union (as per the Recognition of Trade Unions Regulations) has the right to request negotiations with an employer in writing but does not provide more information in this respect.

The Committee notes that the 2016 Regulations on the Recognition of Trade Unions regulate the recognition of a union, as the sole collective bargaining union at a place of work (Art. 1(2) of the Regulations). Under Article 6(2) of the Regulations, where there is no recognised union and a union seeks to be recognised, if the latter has more than 50% of workers as members, the employer must grant recognition to that union. When a union has been recognised by the employer, no union may request recognition for a period of one year from the date when such recognition was awarded (Art. 4).

According to Article 5 of the Regulations, once a union is recognised as the sole collective bargaining union, no other union may intervene on a collective matter relating to the workers concerned with the employer, and conversely, no employer may discuss collective matters relating to the workers concerned with a union other than the recognised union.

The Committee recalls that requirements for representativeness, although allowed under the Charter, must not excessively limit the possibility of trade unions to participate effectively in collective bargaining procedures. In its jurisprudence, the Committee considered that the restriction to collective bargaining to trade unions representing at least 33% of workers concerned was in violation of Article 6§2. It recalls that similar criteria apply under Article 5 of the Charter.

The Committee also notes, with regard to worker representatives, that under the Employment and Industrial Relations Act, there are two principal types of worker representative: the recognised union representative, a representative of a registered trade union recognised by an employer for the purposes of collective bargaining; or in the case of non-unionised workers, a representative who is duly elected from amongst the non-unionised workers.

As for minority trade union, the report underlines that they do not have bargaining rights but are free to operate, represent individual members, and engage in trade disputes. Their members are protected under the Employment and Industrial Relations Act from discrimination or victimisation related to union activity.

In light of the above, the Committee concludes that the requirement for the trade union to have 50% of workers as members to be recognised as representative is excessive and in breach of Article 5.

The right of the police and armed forces to organise

In a targeted question, the Committee requested information on whether and to what extent members of the police and armed forces are guaranteed the right to organise (targeted question d)).

The report does not provide any answer in this respect. The Committee notes from Conclusions 2022 (Article 5, Malta) that up to date, there have been 1,189 members registered with the Malta Police Association, 1,356 members registered with the Police Officers Union and 165 members registered with the Union of Civil Protection. No requests to form any union have been rejected. The previous report also explained that a refusal of registration of a police union can be contested as with any other union.

The Committee notes (https://legislation.mt/) that the Act No. IV of 2015 which is still in force allowed for the possibility of converting police associations' status from that of an association into a union. The Committee notes from the website of Malta Police Union, that the police association was officially registered as a trade union in August 2015 making it the first registered union representing police offices in Malta and the trade union with autonomous status as a trade union of police forces.

The Committee considers that the situation remains in conformity in this respect.

Concerning the armed forces, in Conclusions 2022 (Article 5, Malta), in the absence to an answer to its request for information on the right of members of the armed forces to organise, the Committee reiterated its request and considered that if the requested information is not provided in the next report, there would be nothing to establish that the situation is in conformity with the Charter on this point. The report does not provide any answer in this respect.

The Committee notes that according to Part II (Amendments to the Malta Armed Forces Act) of Act No. IV of 2015, a member of the Armed Forces is entitled to be a member of a registered trade union of their choice and trade unions shall not be entitled to limit membership to any particular rank or sector in the Armed Forces. Military unions shall be entitled to negotiate conditions of employment and to participate dispute resolution procedures of a conciliatory, mediatory, arbitral or judicial nature on behalf of the members of the Armed Forces but are not entitled to take any other action in the Force in contemplation or furtherance of a dispute.

Conclusion

The Committee concludes the situation in Malta is not in conformity with Article 5 of the Charter on the ground that the criteria used to determine representativeness of trade unions is not adequate.

Article 6 - Right to bargain collectively

Paragraph 1 - Joint consultation

The Committee takes note of the information contained in the report submitted by Malta.

The Committee recalls for the purposes of the present report, States were asked to reply to the targeted questions for Article 6§1 of the Charter (see the appendix to the letter, whereby the Committee requested a report on the implementation of the Charter in respect of the provisions falling within Group 1).

In its previous conclusions (Conclusions 2022), the Committee considered that the situation in Malta was not in conformity with Article 6§1 of the Charter on the ground that it had not been established that joint consultative bodies existed in the public sector. The assessment of the Committee will therefore concern the information provided in the report in response to the targeted questions, including the previous conclusion of non-conformity as related to targeted questions.

Measures taken to promote joint consultation

In a targeted question, the Committee asked as to what measures are taken by the Government to promote joint consultation. In response to a request for additional information the report states that the Maltese government promotes joint consultation primarily through tripartite structures like the Malta Council for Economic and Social Development (MCESD). This council includes trade unions, employers, and government representatives. It plays a key role in shaping national policies such as the Cost-of-Living Allowance (COLA) mechanism. The Minimum Wage and Collective Bargaining Regulations (2024) introduced mandatory employer participation in collective bargaining and measures to improve the capacity of social partners, particularly when collective bargaining coverage is below 80%. This includes the creation of an action plan with defined goals and a review every five years.

The Committee reiterates that joint consultation should take place in the private and public sector, including the civil service (Conclusions III (1973), Denmark, Germany, Norway, Sweden; Confederazione Generale Italiana del Lavoro (CGIL) v. Italy, Complaint No. 140/2016, decision on the merits of 22 January 2019, §107). The Committee recalls that in its previous conclusions on this Article (Conclusions 2022), it considered that the situation in Malta was not in conformity with Article 6§1 of the Charter on the ground that it had not been established that joint consultative bodies existed in the public sector. The Committee notes that the information provided by the Government does not contain any information on the existence of joint consultative bodies in the public sector.

Issues of mutual interest that have been the subject of joint consultations and agreements adopted

In a targeted question, the Committee asked as to what issues of mutual interest have been the subject of joint consultation over the past five years, what agreements have been adopted as a result of such discussions and how these agreements have been implemented.

In response to a request for additional information the report states that the MCESD and social partners have discussed cost of Living Allowance (COLA) reforms; remote working and telework arrangements; wage increases in healthcare, education, and care sectors; COVID-19 emergency measures; the Labour Migration Policy; Traffic Mitigation Measures; Increases in the Minimum Wage in the Low Wage Commission (which falls under the auspices of the MCESD).

The Digital Platform Delivery Wages Council WRO (2022) was also direct result of such consultation, providing employment rights and safety protections to gig workers.

Other sources consulted by the Committee confirm that an important unanimous agreement between all employer bodies, unions and government representatives on the minimum wage

was concluded in October 2023, stipulating annual increases for the rates of 2024 to 2027 in addition to the statutory COLA provided during the same timeframe (Eurofound, Malta: Minimum Wage Country Profile, updated 20/03/2025). Social dialogue also played an important role during the COVID 19 pandemic in the introduction, updating and phasing out of COVID-19-related support measures (Eurofound, working life in Malta, 1 June 2024).

Joint consultation on the digital transition and on the green transition

In a targeted question, the Committee asked if there has been any joint consultation on matters related to (i) the digital transition, or (ii) the green transition.

In response to a request for additional information, the report states that Digital and green transition topics, including sustainability and digital platform labour regulations had been discussed by MCESD and social partners. The Digital Platform Delivery Wages Council (2022) was also a direct result of such consultation, providing employment rights and safety protections to gig workers. In addition, Consultation on Malta's Sustainable Development Strategy 2050 and National Climate Challenges were undertaken.

Conclusion

The Committee concludes that the situation in Malta is not in conformity with Article 6§1 of the Charter on the ground that it has not been established that joint consultations have been held in the public sector.

Article 6 - Right to bargain collectively

Paragraph 2 - Negotiation procedures

The Committee takes note of the information contained in the report submitted by Malta.

The Committee recalls that, for the purposes of the present report, States were asked to reply to targeted questions for Article 6§2 of the Charter (see the appendix to the letter, whereby the Committee requested a report on the implementation of the Charter in respect of the provisions falling within Group 1).

In its previous conclusion, the Committee found that the situation in Malta was not in conformity with Article 6§2 of the Charter on the ground that the legal framework did not allow for the participation of workers in the public sector in the determination of their working conditions. (Conclusions 2022). The assessment of the Committee will therefore concern the information provided by the Government in response to the targeted questions, including the previous conclusion of non-conformity as part of the targeted questions.

Coordination of collective bargaining

In a targeted question, the Committee asked for information on how collective bargaining was coordinated between and across different bargaining levels. Specifically, the question sought details on factors such as *erga omnes* clauses and other mechanisms for the extension of collective agreements, as well as to the favourability principle and the extent to which local or workplace agreements could derogate from legislation or collective agreements concluded at a higher level.

The report notes that the national law does not provide for an automatic extension mechanism and that collective agreements apply only to the members of the signatory trade union, unless employers voluntarily apply their terms more broadly. Furthermore, workplace agreements may not provide conditions less favourable than those established by statutory minimum standards or sectoral agreements, and higher-level protections take precedence.

Promotion of collective bargaining

In a targeted question, the Committee asked for information on the obstacles hindering collective bargaining at all levels and in all sectors of the economy (e. g. decentralisation of collective bargaining). The Committee also asked for information on the measures taken or planned to address those obstacles, their timeline, and the outcomes expected or achieved in terms of those measures.

The report indicates that the collective bargaining coverage rate currently stands at around 50%. In the private sector, collective bargaining takes place exclusively at the enterprise level, whereas in the public sector it features a two-tier system with national and sectoral agreements. The report refers to challenges such as the low collective bargaining coverage in some private sectors, as well as in small and medium enterprises; the difficulties with organising IT and gig workers; trade union professionalisation, especially in healthcare, education and financial services.

The Minimum Wage and Collective Bargaining Regulations adopted in 2024 further to the EU Directive on Adequate Minimum Wages include a range of measures aimed at promoting collective bargaining. Specifically, the Regulations require the Government to contribute towards strengthening the capacity of social partners; encourage fair and informed negotiations by providing access to relevant wage-related information; protect workers and trade unions from discrimination or interference during wage negotiations; and introduce a remedial action plan if collective bargaining coverage is below 80%. Notably, the Regulations introduced a clear legal duty for employers to engage in collective bargaining upon request from a recognized trade union, effectively amounting to compulsory employer participation. Accordingly, employers cannot ignore or refuse legitimate requests without violating legal obligations, ensuring that unions have a guaranteed platform to negotiate employment terms.

The Committee notes, based on the information included in the report and from other sources, that collective bargaining in Malta is decentralised and takes place mainly at enterprise level. In relation to its previous finding of non-conformity with Article 6§2 of the Charter (Conclusions 2022), the Committee notes that a collective agreement covering about 33,000 public service workers and valid from 2025 to 2030 was signed in 2024 (General Workers' Union (GWU). *Historic collective agreement signed for public sector employees in Malta*. 29 November 2024).

Self-employed workers

In a targeted question, the Committee asked for information on the measures taken or planned to guarantee the right of self-employed workers, particularly those who are economically dependent or in a similar situation to workers, to bargain collectively.

The report refers to legislation enacted in 2022, the Digital Platform Delivery Wages Council Wage Regulation Order (Legal Notice 268/2022), which introduces the legal presumption of a formal employment relationship for platform workers, and platform companies as the employer. Accordingly, platform workers fall under the general labour-law framework, which enables union membership and collective bargaining.

Conclusion

The Committee concludes that the situation in Malta is in conformity with Article 6§2 of the Charter.

Article 6 - Right to bargain collectively

Paragraph 4 - Collective action

The Committee takes note of the information contained in the report submitted by Malta.

The Committee recalls that for the purposes of the present report, States were asked to reply to targeted questions for Article 6§4 of the Charter (see the appendix to the letter, whereby the Committee requested a report on the implementation of the Charter in respect of the provisions falling within Group 1).

In its previous conclusion (Conclusions 2022), the Committee held that the situation in Malta was not in conformity with Article 6§4 of the Charter on the ground that the police are denied the right to strike.The assessment of the Committee will therefore concern the information provided by the Government in response to the targeted questions, including the previous conclusion of non-conformity as related to the targeted questions.

Prohibition of the right to strike

In its targeted questions, the Committee asked States Parties to indicate the sectors where the right to strike is prohibited as well as to provide details on relevant rules and their application in practice, including relevant case law.

In response to a request for additional information, the report states that under Chapter 452 of the Employment and Industrial Relations Act 2002 (EIRA) the Armed Forces of Malta and the Police Force are prohibited from striking due to national security and public order reasons.

Concerning police officers, an absolute prohibition on the right to strike can be considered to be in conformity with Article 6§4 only if there are compelling reasons justifying why such an absolute prohibition on the right to strike is justified in the specific national context in question, and why the imposition of restrictions as to the mode and form of such strike action is not sufficient to achieve the legitimate aim pursued (European Confederation of Police (EuroCOP) v. Ireland, Complaint No. 83/2012, decision on the admissibility and merits of 2 December 2013, §211). Where restrictions to the right to strike of police officers are so excessive as to render the right to strike ineffective, such restrictions will be considered to have gone beyond those permitted by Article G of the Charter. (European Confederation of Police (EuroCOP) v. Ireland, Complaint No. 83/2012, decision on the admissibility and merits of 2 December 2013, §211), This includes situations where police officers may exercise the right to strike, but only provided certain tasks and activities continue to be performed during the strike period, including the prevention, detection and documentation of criminal offences; arrests; regulation and control of road traffic; protection of people and property; border control and; prevention and handling of incidents at borders.(Conclusions 2022, North Macedonia.

The Committee recalls that in its previous conclusions it found that the situation in Malta was not in conformity with Article 6§4 on the grounds that the police were prohibited from striking (Conclusions 2022).

As the situation has not changed the Committee concludes that the situation is not in conformity with Article 6§4 of the Charter on the ground that the prohibition on the right to strike for the police goes beyond the limits set by Article G of the Charter.

The right to strike of members of the armed forces may be subject to restrictions under the conditions of Article G of the Charter, if the restriction is established by law, and is necessary in a democratic society for the protection of the rights and freedoms of others or for the protection of public interest, national security, public health or morals. This includes a requirement that the restriction is proportionate to the aim pursued. The margin of appreciation accorded to States in terms of the right to strike of the armed forces is greater than that afforded to States Parties in respect of the police (European Organisation of Military Associations (EUROMIL) v. Ireland, Complaint No. 112/2014, decision on the merits of 12 September 2017, § 114-116).

Having regard to the special nature of the tasks carried out by members of the armed forces, the fact that they operate under a system of military discipline, and the potential that any industrial action disrupting operations could threaten national security, the Committee considers that the imposition of an absolute prohibition on the right to strike may be justified under Article G, provided the members of the armed forces are have other means through which they can effectively negotiate the terms and conditions of employment, including remuneration (European Organisation of Military Associations (EUROMIL) v. Ireland, Complaint No. 112/2014, decision on the merits of 12 September 2017, §117; Confederazione Generale Italiana del Lavoro (CGIL) v. Italy, Complaint No. 140/2016, decision on the merits of 22 January 2019, §152; European Organisation of Military Associations (EUROMIL) v. Portugal.

The Committee finds no information on other means by which members of the armed forces can effectively negotiate the terms and conditions of employment, including remuneration. Therefore the Committee concludes that the situation is not in conformity with Article 6§4 on the grounds that the prohibition on members of the armed forces goes beyond the limits set by Article G of the Charter.

Restrictions on the right to strike and a minimum service requirement

In its targeted questions, the Committee asked States Parties to indicate the sectors where there are restrictions on the right to strike as well as to provide details on relevant rules and their application in practice, including relevant case law.

The report states that the EIRA 2002 Chapter 452, imposes restrictions on the right to strike of the workers in essential services.

In its response to a request for additional information the report states that the right to strike may be limited in essential services such as healthcare, electricity and port services where a minimum service is required to ensure public safety and continuity.

The Committee recalls that the introduction of a minimum service requirement in these sectors might be considered to be in conformity with Article 6§4 of the Charter, read in combination with Article G of the Charter (Matica Hrvatskih Sindikata v. Croatia, Complaint No. 116/2015, decision on the merits of 21 March 2018, §114, also Conclusions XVII-1 (2006), Czech Republic).

However, the Committee considers that employers should not have the power to unilaterally determine the level of minimum service required to be maintained during a strike. The Committee notes from the report that the minimum service level shall be set by the parties. In the absence of such an agreement, the court will determine the minimum services to be maintained during strike.

Prohibition of the strike by seeking injunctive or other relief

The Committee asked States Parties to indicate whether it is possible to prohibit a strike by obtaining an injunction or other form of relief from the courts or another competent authority (such as an administrative or arbitration) and if the answer is affirmative, to provide information on the scope and number of decisions in the past 12 months.

According to the report the courts have defined the scope of “legal strikes” and the interpretation of a “trade dispute” in several key cases.

The report states that due to economic shifts and cooperative approaches, industrial disputes have declined significantly, especially in the private sector.

In its response to the additional questions the report states that it is possible to seek injunctions from civil courts to halt a strike if it is unlawful or is in breach of procedural requirements. The courts have determined the legality of industrial action in the case of Freeport Terminal and MIA disputes. In recent rulings the courts have widened the definition of “trade disputes” to include protests over government policy.

Conclusion

The Committee concludes that the situation in Malta is not in conformity with Article 6§4 of the Charter even taking into account the possibility of subjecting the right to collective action to restrictions under Article G,on the grounds that:

- The police are denied the right to strike.
- members of the armed forces are denied the right to strike and it has not been established that are other means by which members of the armed forces can effectively negotiate their terms and conditions of employment, including remuneration.

Article 20 - Right to equal opportunities and equal treatment in matters of employment and occupation without discrimination on the grounds of sex

The Committee takes note of the information contained in the report submitted by Malta.

The Committee recalls that in the context of the present monitoring cycle, States were asked to reply to the targeted questions for Article 20 of the Charter (see the appendix to the letter, whereby the Committee requested a report on the implementation of the Charter in respect of the provisions falling within the thematic group “Labour rights”).

The assessment of the Committee will therefore concern the information provided in the report in response to the targeted questions.

The Committee recalls that the right to equal pay without discrimination on the grounds of sex is also guaranteed by Article 4§3 and the issue is therefore also examined under this provision for States Parties which have accepted Article 4§3 only.

Women’s participation in the labour market and measures to tackle gender segregation

In its targeted question the Committee asked the report to provide information on the measures taken to promote greater participation of women in the labour market and to reduce gender segregation (horizontal and vertical) as well as information/statistical data showing the impact of such measures and the progress achieved in terms of tackling gender segregation and improving women’s participation in a wider range of jobs and occupations.

Under Article 20 States Parties should actively promote equal opportunities for women in employment, by taking targeted measures to close the gender gap in labour market participation and employment. They must take practical steps to promote equal opportunities by removing *de facto* inequalities that affect women's and men's chances. The elimination of potentially discriminatory provisions must therefore be accompanied by action to promote quality employment for women.

States must take measures that address structural barriers and promote substantive equality in the labour market. Moreover, the States should demonstrate a measurable progress in reducing the gender gap in employment.

In its assessment of national situations, the Committee examines the evolution of female employment rates as well as the gender employment gap and considers whether there has been a measurable progress in reducing this gap. The Committee notes, that according to Eurostat in 2025 the female employment rate in the EU 27 stood at 71.3%, up from 70% in 2023, compared to 81% and 80.3% for males, respectively, revealing a gender employment gap of around 10%.

As regards the measures taken to promote greater participation of women in the labour market and to reduce gender segregation the report refers to the “Equality Mark” which is awarded to organisations that make gender equality one of their core values and whose management is based on the recognition and promotion of the potential of all workers, irrespective of their gender and caring responsibilities. To date, 151 companies with 37,300 workers are certified with the Equality Mark.

The Committee notes from Eurostat that the female employment rate amounted to 73.7% in 2023 and 76.5% in 2025. The gender employment gap decreased from 13.2% in 2023 to 12.8% in 2025 but remains above the EU average. Therefore, the Committee considers that the measurable progress has been insufficient and the situation is not in conformity with the Charter.

Effective parity in decision-making positions in the public and private sectors

In its targeted question, the Committee asked the national report to provide information on measures designed to promote an effective parity in the representation of women and men in decision-making positions in both the public and private sectors; the implementation of those measures; progress achieved in terms of ensuring effective parity in the representation of women and men in decision-making positions in both the public and private sectors.

Article 20 of the Revised European Social Charter guarantees the right to equal opportunities in career advancement and representation in decision-making positions across both public and private sectors. To comply with Article 20, States Parties are expected to adopt targeted measures aimed at achieving gender parity in decision-making roles. These measures may include legislative quotas or parity laws mandating balanced representation in public bodies, electoral lists or public administration.

The Committee underlines that the effectiveness of measures taken to promote parity in decision-making positions depends on their actual impact in closing the gender gap in leadership roles. While training programmes for public administration executives and private sector stakeholders are valuable tools for raising awareness, their success depends on whether they lead to tangible changes in recruitment, promotion, and workplace policies. States must demonstrate measurable progress in achieving gender equality by providing statistical data on the proportion of women in decision-making positions.

In its assessment of national situations, the Committee examines the percentage of women in decision-making positions in parliaments and ministries and considers whether a measurable progress has been made in increasing their share. The Committee notes from EIGE that 32.5% of the members of Parliaments were women in the EU27 in 2023 and 32.8% in 2025.

The Committee observes that the report refers to the National Commission for the Promotion of Equality annual report, which states that following the introduction of the gender-corrective mechanism, applied for the first time after the March 2022 general elections, the Parliament in Malta is now composed of 79 MPs - 22 female MPs and 57 male MPs. Namely, in parliament, women hold only 28 % of seats, a proportion that has remained unchanged since 2023.

According to the report the Bench of Magistrates is predominantly female, and this has been the case for the past three years. On the other hand, although in 2022 and 2023 there has been a slight increase in female representation on the Bench of Judges, women are still outnumbered by men.

The Committee notes from EIGE that the percentage of women in the national parliament increased from 27.8% to 29.1% but remains below the EU average. This percentage is particularly low among senior ministers – at 10.5% in 2023 and 11.8% in 2025, considerably below the EU average. The Committee considers that the measurable progress has been insufficient. Therefore, the situation in Malta is not in conformity with Article 20.

Women's representation in management boards of publicly listed companies and public institutions

In its targeted question the Committee asked the national report to provide statistical data on the proportion of women on management boards of the largest publicly listed companies and on management positions in public institutions.

The Committee considers that Article 20 of the Charter imposes positive obligations on States to tackle vertical segregation in the labour market, by means of, inter alia, promoting the advancement of women in management boards in companies. Measures designed to promote equal opportunities for women and men in the labour market must include promoting an effective parity in the representation of women and men in decision-making positions in both

the public and private sectors (Conclusions 2016, Article 20, Portugal). States must demonstrate a measurable progress achieved in this area.

In its assessment of national situations, the Committee examines the percentage of women on boards and in executive positions of the largest publicly listed companies and considers whether a measurable progress has been made in increasing their share. The Committee notes from EIGE the percentage of women on boards of large publicly listed companies amounted to 33.2% in 2023 and 35.1% in 2025 in the EU 27. As regards the percentage of female executives, it stood at 22.2% in 2023 and 23.7% in 2025.

The Committee notes from EIGE that the share of women on the boards of the largest quoted companies in Malta has amounted to 15.8% 2023 and 16.8% in 2025, which is significantly lower than the EU average. Therefore, the Committee considers that insufficient measurable progress has been made in this area. As regards the share of female executives, it stood at 23.9% in 2025.

Conclusion

The Committee concludes that the situation in Malta is not in conformity with Article 20 of the Charter on the grounds that:

- there is insufficient measurable progress in reducing the gender employment gap;
- no measurable progress has been made in promoting the effective parity in decision-making positions
- measurable progress in promoting women's representation on boards of the largest publicly listed companies is insufficient