

Report
May 2025
ON THE NON-ACCEPTED PROVISIONS OF
THE REVISED EUROPEAN SOCIAL CHARTER

MALTA



GOVERNMENT OF MALTA
MINISTRY FOR SOCIAL POLICY
AND CHILDREN'S RIGHTS

Introduction

This report outlines Malta's updated position as of May 2025, on the non-accepted provisions of the Revised European Social Charter. It provides a detailed explanation of the legal, administrative, and policy considerations that inform Malta's current stance. Malta remains fully committed to the core principles of social rights and continues to align its national framework with European standards, the process of accepting certain provisions is subject to practical limitations, sector-specific challenges, and the need for proportional and sustainable policy development.

Over the past years, Malta has undertaken various legal reforms and policy initiatives aimed at strengthening the protection of social rights across a broad range of areas, including occupational health and safety, labour market access, and migrant integration.

Malta remains open to continued dialogue with the European Committee of Social Rights and reiterates its commitment to progressively advancing towards greater compliance with the Charter's objectives, wherever feasible and appropriate within the national context.

Malta's Non-Accepted Provisions

Article 2: The right to just conditions of work

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

4. to eliminate risks in inherently dangerous or unhealthy occupations, and where it has not yet been possible to eliminate or reduce sufficiently these risks, to provide for either a reduction of working hours or additional paid holidays for workers engaged in such occupations.

Malta's Position 2025:

Malta remains committed to the continuous improvement of occupational health and safety standards. However, at this stage, Malta is not in a position to introduce a general reduction of working time as a risk reduction measure in sectors where residual risks remain.

Current national legislation, aligned with EU directives, already imposes strict occupational health and safety standards, including limits on exposure to risk factors and mandatory preventive measures. Additional measures, such as alternating duties, providing rest areas, or granting additional breaks, are encouraged as good practice and may be implemented at enterprise level through social dialogue and sector-specific agreements.

Nonetheless, given the particular characteristics of high-risk sectors, operational realities, and labour market dynamics, the general or mandatory reduction of working time or additional paid holidays as a universal measure, are not considered feasible at this time. Malta will continue to

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actively monitor developments in this area and to promote risk prevention measures through existing regulatory frameworks and social partner engagement.

Article 2: The right to just conditions of work

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

7. to ensure that workers performing night work benefit from measures which take account of the special nature of the work.

Malta's Position 2025:

In its 2020 Report Malta had highlighted its willingness to accept the provision. The ECSR had requested: "..... National law or practice must define what is considered to be "night work" within the context of this provision, in particular what period is considered to be "night" and who is considered to be a "night worker".

The regulations under S.L. 452.87 provide important protections for night workers engaged in tasks that involve special hazards or intense physical or mental strain. Such workers are not to work more than eight hours within any 24-hour period. The classification of hazardous or strenuous night work must be supported either by a risk assessment conducted under Article 12 of the Occupational Health and Safety Authority Act (Cap. 646), or through provisions in collective agreements that address the specific risks of night work.

Furthermore, employers are required to ensure that workers undergo a suitable health assessment before being assigned to night work and at regular intervals thereafter. These assessments help determine whether a worker is fit for the duties involved and must be repeated when there are changes in the worker's health or working environment. Confidentiality of health assessments is strictly maintained, with disclosures allowed only with the worker's written consent or to confirm fitness for work. If a medical practitioner determines that night work is affecting a worker's health, and suitable day work is available, the employer must transfer the worker without imposing any charges or wage deductions. This framework ensures that worker health and safety are prioritized in night work settings.

It is also the duty of any employer who regularly engages night workers, to keep adequate records demonstrating compliance with the provisions of these regulations. Employers must also furnish the Director, upon request, with any information related to night work which may be considered necessary.

In relation to the query regarding the definition of a night worker, it should be noted that under S.L. 452.87, 'night worker'" means a worker who:

- (a) works at least three hours of his daily working time as a normal course during nighttime; or
- (b) works more than fifty per cent of his annual working time, or such lower proportion as may be specified in appropriate provisions of a relevant collective agreement during nighttime.

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Within this context this provision is considered as accepted and will no longer be considered as a Non-Accepted Provision for the purposes of future reporting obligations.

Article 8: The right of employed women to protection of maternity

With a view to ensuring the effective exercise of the right of employed women to the protection of maternity, the Parties undertake:

3. to provide that mothers who are nursing their infants shall be entitled to sufficient time off for this purpose.

Malta's Position 2025:

While Malta fully recognises the importance of supporting employed mothers in balancing work and childcare responsibilities, it is not in a position to accept the provisions of Article 8§3. The implementation of mandatory paid nursing breaks, particularly within the context of small enterprises, presents significant practical and financial challenges that cannot be addressed without imposing a disproportionate burden on employers. Malta remains committed to promoting family-friendly policies and continues to encourage voluntary measures and support schemes; however, the compulsory application of such provisions across all sectors, including micro and small businesses, is currently not feasible within the national legal and economic framework. This is also not possible due to logistical provisions and the prevailing traffic conditions in Malta.

In view of the above, Malta's position remains the same as in the 2020 Malta Report. Thus, the provision of this article could not be accepted.

Article 12: The right to social security

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

2. to maintain the social security system at a satisfactory level at least equal to that necessary for the ratification of the European Code of Social Security;

Malta's Position 2025:

Malta has developed a robust and comprehensive social benefit system that reflects its commitment to social solidarity and inclusion. The system already provides a wide range of support measures, including universal healthcare, free education, contributory and non-contributory social benefits such as pensions, unemployment assistance, disability allowances, and child benefits. In recent years, Malta has also strengthened targeted support for low-income households and vulnerable groups, aiming to reduce poverty and social exclusion. The country's social protection framework is underpinned by strong public investment and continuous reforms to ensure sustainability and responsiveness to emerging socio-economic challenges.

It is within this context that the preparatory work outlined in previous reports remains relevant, and Malta continues to ensure alignment with the requirements for ratification of the European Code

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of Social Security. In this regard, Malta has been working towards the ratification of the European Code of Social Security for some time and is now close to completing the necessary preparations. Once ratification is in place, Malta will proceed with the acceptance of this provision.

Article 18: The right to engage in a gainful occupation in the territory of other Parties

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

- 1. to apply existing regulations in a spirit of liberality;**
- 2. to simplify existing formalities and to reduce or abolish chancery dues and other charges payable by foreign workers or their employers;**
- 3. to liberalise, individually or collectively, regulations governing the employment of foreign workers;**

Malta's Position 2025:

People from any of the EU Member states as well as EEA and Switzerland are eligible to live and work in Malta without a need of an employment licence (work permit). People from such countries have the same rights as nationals to access the Maltese labour market. Other Foreign nationals wishing to work in Malta must obtain an employment licence.

Following the transposition of various EU Legal Migration Directives combining residence and employment (such as the Single Permit Directive, the Blue Card and Seasonal Work Directive), third country nationals (TCNs) wishing to reside and work in Malta need to apply through a Single Application Procedure (including Residence and Work) at Identita.

TCNs qualifying for a Single Permit Procedure would still require an employment licence in order to work in Malta, but the issue of such licence is an internal process between Identita and Jobsplus. Jobsplus continues to conduct the labour market tests and consequently a number of requirements still apply in order to carry out such tests.

In respect of TCNs who do not qualify for the Single Permit Application Procedure, an employment licence is granted to an employer subject to labour market considerations; and the employer must demonstrate that every effort has been made to recruit a Maltese/EU citizen. Such licences are issued for a specific job and for a specific period. The validity of the licence is generally for a maximum period of one year, depending on the type of application submitted. Employment Licences for temporary work placements or for provision of service are generally issued for a shorter period. Applications of asylum seekers and/or failed asylum seekers are generally issued for less than one year depending on the status of the application submitted with the Refugee Commission for asylum. In general employment licenses are renewable. A residence permit is automatically granted where an employment licence (work permit) has been approved.

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Fees for an employment licence vary according to the type of application submitted or the status of the applicant. Hence,

- The fee for an asylum seeker, a failed asylum seeker and beneficiaries of national or international protection is of €58 on issuance of the licence covering one year of licence validity, and €34 for every renewal.
- All other TCNs pay €150 on application and a further €80 as the employment licence is issued
- TCNs who are in primary employment and wish to work part-time, pay €120 for a secondary employment licence.

In cases of short-term employment of a group of foreign nationals in the film and entertainment industry, a bulk licence fee is payable as follows:

- €150 for the first person
- €15 for any additional person up to a maximum of €500 payable on application
- If the bulk licence is issued, an additional €80 is payable

Jobsplus guides its clients that payment for the above-mentioned applications needs to be agreed between the employer and the employees.

Article 19: The right of migrant workers and their families to protection and assistance.

With a view to ensuring the effective exercise of the right of migrant workers and their families to protection and assistance in the territory of any other Party, the Parties undertake:

1. **to maintain or to satisfy themselves that there are maintained adequate and free services to assist such workers, particularly in obtaining accurate information, and to take all appropriate steps, so far as national laws and regulations permit, against misleading propaganda relating to emigration and immigration;**
2. **to adopt appropriate measures within their own jurisdiction to facilitate the departure, journey and reception of such workers and their families, and to provide, within their own jurisdiction, appropriate services for health, medical attention and good hygienic conditions during the journey;**
3. **to promote co-operation, as appropriate, between social services, public and private, in emigration and immigration countries;**

Malta's Position 2025:

Malta is in the process of accepting this provision. In this context several other measures address the rights of migrant workers and their families:

1. **Maintaining adequate free services and ensuring access to accurate information for migrant workers:**

The *Learning, Exchanging and Integrating (LEI)* project, primarily co-financed by the Asylum, Migration and Integration Fund (AMIF) 2014–2020, represented a significant step forward in achieving the goals outlined in Malta's *Migration Integration Strategy & Action Plan (Vision 2020)*. Entrusted to the Human Rights Directorate, the project successfully supported ongoing initiatives

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such as the *I Belong* programme, which continues to provide essential language and cultural orientation courses to facilitate migrant integration into Maltese society.

A particularly commendable initiative under LEI was *Turning the Tables*, a migrant-led effort that highlighted the importance of collaborative integration. By engaging migrants directly in policy discussions on issues like education, employment, documentation, and political rights, the project promoted empowerment and fostered a greater sense of belonging. The use of thematic working groups allowed for deep, targeted exploration of key challenges, leading to well-informed policy proposals. The documentation and publication of these discussions further add value, offering a resource for future advocacy and continued dialogue.

Additionally, the *END-RACISM-MT* project made notable strides in addressing discrimination, particularly around accommodation rights. The dissemination of an informative awareness sheet marks a valuable first step toward more concrete measures. The *Tkunx Razzist/Don't be Racist* campaign also stood out for its proactive message, emphasizing that racism is learned—and therefore can be unlearned. By focusing on education, self-reflection, and accountability, the campaign effectively called on individuals and communities to actively dismantle racism and foster inclusive, respectful environments.

Overall, these initiatives reflect a strong commitment to inclusion and the recognition of migrants as active participants in the integration process. Continued efforts to build on this foundation, particularly in the areas of policy implementation and community engagement, will be essential for sustaining progress.

2. Facilitation of Departure, Journey, and Reception:

Malta has made commendable progress in establishing reception facilities that provide essential services to asylum seekers and irregular migrants. These facilities, guided by the *Strategy for the Reception of Asylum Seekers and Irregular Migrants*, reflect the country's commitment to ensuring adequate reception conditions that align with principles of dignity and human rights. The inclusion of accommodation, healthcare, and psychosocial support services highlights a comprehensive approach to initial migrant care.

In terms of healthcare access, the collaboration between government entities and NGOs—particularly the Foundation for Social Welfare Services and Jesuit Refugee Services (JRS) Malta—has been instrumental in extending vital health and psychosocial services to refugees and asylum seekers. These organizations play a key role in filling service gaps by offering legal support, social work, and psychological assistance. Strengthening coordination among these actors and ensuring sustainable funding can further enhance the effectiveness and reach of these support systems. It is important to note that third-country nationals are required to hold valid health insurance coverage as part of the conditions for entry and stay.

3. Promotion of Cooperation Between Social Services:

Malta's *Integration Strategy and Action Plan (2025–2030)* demonstrates a forward-thinking and inclusive approach to migrant integration. The emphasis on collaboration between government entities and civil society organizations is a strong foundation for fostering social cohesion and addressing the multifaceted needs of migrants. Notably, the use of public consultation in the

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strategy's development reflects a commendable commitment to transparency and shared responsibility, ensuring that diverse perspectives are integrated into policy planning.

Furthermore, Malta's ongoing collaboration with international organizations, including the European Union Agency for Asylum (EUAA), has strengthened its capacity in migration management. Support in areas such as asylum processing and the identification of vulnerable individuals enhances the country's ability to provide targeted and humane responses. Continued investment in these partnerships, alongside efforts to implement the strategy at both national and local levels, will be crucial in translating strategic goals into tangible outcomes for migrant communities.

These initiatives demonstrate Malta's commitment to upholding the rights of migrant workers and their families by providing essential services, facilitating their journey and reception, and promoting cooperation between various social services.

Article 19: The right of migrant workers and their families to protection and assistance.

With a view to ensuring the effective exercise of the right of migrant workers and their families to protection and assistance in the territory of any other Party, the Parties undertake:

- 4. to secure for such workers lawfully within their territories, insofar as such matters are regulated by law or regulations or are subject to the control of administrative authorities, treatment not less favourable than that of their own nationals in respect of the following matters:**
 - a. remuneration and other employment and working conditions;**
 - b. membership of trade unions and enjoyment of the benefits of collective bargaining;**
 - c. accommodation;**

Malta's Position 2025:

Malta considers that the current frameworks are already addressing and implementing the provisions of Article 19.

a) Remuneration and other employment and working conditions

National Legislation such as the **Equal Treatment in Employment Regulations 3.(1)** prohibit discrimination in employment and ensure that workers lawfully residing in Malta are not treated less favourably than nationals in matters such as pay and working conditions. Under these regulations, it is unlawful to treat a person unfairly, either directly or indirectly, on the basis of religion, belief, disability, age, sex (including gender reassignment and pregnancy/maternity), sexual orientation, or racial or ethnic origin. For the purpose of these regulations:

- **Direct discrimination** occurs when an individual is treated less favourably than another in a comparable situation on grounds such as religion, belief, disability, age, sex, sexual orientation, or ethnic origin.

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- **Indirect discrimination** arises when a seemingly neutral provision, criterion, or practice places individuals at a particular disadvantage, unless it is objectively justified by a legitimate aim and the means of achieving that aim are appropriate and necessary. In the case of persons with disabilities, appropriate measures must be taken to eliminate such disadvantages, in line with applicable legal obligations.

This law also prohibits harassment and sexual harassment, placing a duty on employers and organisations to prevent and address such behaviour. Harassment includes conduct that violates the dignity of the person concerned and creates an intimidating, hostile, degrading, humiliating, or offensive environment. Employers or any persons or organisations to whom these regulations apply shall also be deemed to have engaged in discriminatory treatment if they instruct another person to discriminate or if they fail to fulfil their obligation to prevent and suppress harassment within the workplace or organisation.

Furthermore, no person shall sexually harass another by subjecting them to any form of unwanted verbal, non-verbal, or physical conduct or request of a sexual nature, where such conduct or request is intended, or has the effect, of violating the person's dignity, particularly by creating an intimidating, hostile, degrading, humiliating, or offensive environment.

These protections apply equally to migrant workers who are lawfully present, reinforcing the broader obligation under Articles 2, 26, and 27 of the **Employment and Industrial Relations Act (EIRA)** to ensure fair and equal treatment for all workers, irrespective of nationality.

b) membership of trade unions and enjoyment of the benefits of collective bargaining

The relevant regulations and respective Articles under the EIRA explained in preceding section apply also in this case (Articles 2, 26 and 27 of the EIRA). It is to be noted also that all provisions in the EIRA concerned with the promotion and the protection of the right of collective bargaining do also apply by extension to migrant workers, provided that these reside legally in Malta and have a legally valid working permit.

c) accommodation

In Malta's private residential lease market, no restrictions may be imposed based on a person's nationality, residency status, or country of origin. This means that migrant workers have the same legal right to rent property as Maltese or EU citizens.

Furthermore, in accordance with Section 4(d) of the Equal Treatment of Persons Order (S.L. 460.15 of the Laws of Malta), the terms and conditions of a lease agreement offered to a migrant worker may not be less favourable than those offered to a Maltese or EU tenant. This provision ensures that all individuals are treated equally and without discrimination in housing-related matters.

Article 19: The right of migrant workers and their families to protection and assistance.

With a view to ensuring the effective exercise of the right of migrant workers and their families to protection and assistance in the territory of any other Party, the Parties undertake:

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5. to secure for such workers lawfully within their territories treatment not less favourable than respect of employed persons;

Malta's Position 2025:

As per 2020 position report, Malta has accepted this provision, and should no longer be considered for future reporting.

Article 19: The right of migrant workers and their families to protection and assistance.

With a view to ensuring the effective exercise of the right of migrant workers and their families to protection and assistance in the territory of any other Party, the Parties undertake:

6. to facilitate as far as possible the reunion of the family of a foreign worker permitted to establish himself in the territory;

Malta's Position 2025:

Malta's position remains as per the information provided in the previous reports. At this stage, this provision cannot be accepted by Malta.

Article 19: The right of migrant workers and their families to protection and assistance.

With a view to ensuring the effective exercise of the right of migrant workers and their families to protection and assistance in the territory of any other Party, the Parties undertake:

7. to secure for such workers lawfully within their territories treatment not less favourable than that of their own nationals in respect of legal proceedings relating to matters referred to in this article;

Malta's Position 2025:

Foreign nationals in Malta may be entitled for legal assistance as long as they fulfil the criteria established under Article 912 of Chapter 12 of the Laws of Malta. This article outlines the provisions for granting legal aid in civil proceedings in Malta. The framework is designed to ensure access to justice for individuals who are financially disadvantaged, while also maintaining standards of merit in legal claims.

Maltese legislation guarantees that foreign workers are treated no less favourably than nationals in matters such as employment disputes and access to legal remedies. This includes the right to

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bring cases before the Industrial Tribunal or the Department for Industrial and Employment Relations (DIER).

These measures reflect Malta's commitment to upholding equal treatment in legal processes. Malta considers that the provisions of Article 19(7) are already being implemented.

Article 19: The right of migrant workers and their families to protection and assistance.

With a view to ensuring the effective exercise of the right of migrant workers and their families to protection and assistance in the territory of any other Party, the Parties undertake:

- 8. to secure that such workers lawfully residing within their territories are not expelled unless they endanger national security or offend against public interest or morality;**

Malta's Position 2025:

The expulsion of a lawfully residing worker would only be considered in exceptional circumstances, such as when the individual has been convicted of a serious criminal offence and is consequently deemed to pose a threat to national security, public order, or public morals. In the absence of such grounds, it is difficult to justify the expulsion of individuals who are lawfully residing and contributing to the labour market.

Article 19: The right of migrant workers and their families to protection and assistance.

With a view to ensuring the effective exercise of the right of migrant workers and their families to protection and assistance in the territory of any other Party, the Parties undertake:

- 9. to permit, within legal limits, the transfer of such parts of the earnings and savings of such workers as they may desire;**

Malta's Position 2025:

Malta's financial system supports these transfers through a well-regulated banking sector that offers various services for international money transfers. While there are no specific government

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programs targeting remittance facilitation, the existing financial infrastructure ensures that migrant workers can transfer their earnings and savings without undue hindrance.

As per 2020 position report, Malta can accept this provision, and should no longer be considered for future reporting.

Article 19: The right of migrant workers and their families to protection and assistance.

With a view to ensuring the effective exercise of the right of migrant workers and their families to protection and assistance in the territory of any other Party, the Parties undertake:

10. to extend the protection and assistance provided for in this article to self-employed migrants insofar as such measures apply;

Malta's Position 2025:

The Single Permit application process does not apply in the case of self-employment. Guidelines for the engagement of TCN in self-employment vary according to status.

A TCN applying for self-employment must meet one or more of the following criteria:

- Invest in Malta a capital expenditure of at least €500,000 on fixed assets within six months from the date on which Jobsplus has issued the self-employment licence
- Is a highly skilled innovator with a sound business plan and commits to recruit at least three EEA/Swiss/Maltese nationals
- A person leading a project approved by Malta Enterprise. Asylum Seekers, persons enjoying Subsidiary Protection/Temporary Humanitarian Protection Status and Refugee Status require an employment licence to work as self-employed in Malta. However, they are exempt from meeting the above criteria.

Article 19: The right of migrant workers and their families to protection and assistance.

With a view to ensuring the effective exercise of the right of migrant workers and their families to protection and assistance in the territory of any other Party, the Parties undertake:

11. to promote and facilitate the teaching of the national language of the receiving state or, if there are several, one of these languages, to migrant workers and members of their families;

Malta's Position 2025:

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The Human Rights Directorate (HRD) has continued its commendable efforts to support the integration of migrants in Malta through the ongoing promotion of the 'I Belong' programme. The Directorate's engagement in encouraging participation in this programme demonstrates a clear commitment to inclusive policy implementation and the empowerment of migrants living in the country.

Additionally, the provision of foundation courses in Maltese, English, and digital literacy reflects a thoughtful and inclusive approach. By addressing literacy challenges early on, these preparatory courses help to bridge educational gaps and improve access to the main stages of the programme. This tiered structure is particularly effective in supporting diverse learner profiles, including those with lower levels of formal education or language skills.

Importantly, the 'I Belong' programme has been positioned as a central pillar of the second National Integration Strategy, launched in January 2025. This alignment reinforces the programme's policy relevance and supports broader national objectives for integration. The availability of further information and access to the strategy online reflects a transparent and accessible governance approach.

In terms of reach and impact, the programme has seen strong uptake and growing participation, suggesting increasing demand and awareness. Data for students successfully graduating from Stage 1, Stage 2 and Foundation Courses further underscores the programme's effectiveness.

The 'I Belong' programme remains a cornerstone of Malta's integration efforts. It combines accessibility, academic credibility, and strategic foresight to provide migrants with valuable tools for participation in Maltese society. Continued investment in this initiative, alongside monitoring and adaptation to participants' evolving needs, will be essential to ensure its long-term success. Further attention to outreach, flexibility in delivery formats, and continuous evaluation of learner outcomes could enhance its inclusivity and impact even more.

Within this context, Malta is in a position to accept this provision.

Article 19: The right of migrant workers and their families to protection and assistance.

With a view to ensuring the effective exercise of the right of migrant workers and their families to protection and assistance in the territory of any other Party, the Parties undertake:

12. to promote and facilitate, as far as practicable, the teaching of the migrant worker's mother tongue to the children of the migrant worker;

Malta's Position 2025:

At this stage, Malta is not in a position to accept the provision under Article 19§12, which calls for the promotion and facilitation of teaching the migrant worker's mother tongue to their children.

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While Malta remains committed to fostering inclusion and cultural diversity, the practical implementation of this provision poses significant challenges due to the wide array of languages represented among the migrant population. Given the country's limited size, resources, and educational infrastructure, it is currently not feasible to support the systematic teaching of numerous mother tongues within the national education system.

Article 21 – The right to information and consultation

With a view to ensuring the effective exercise of the right of workers to be informed and consulted within the undertaking, the Parties undertake to adopt or encourage measures enabling workers or their representatives, in accordance with national legislation and practice:

- a. to be informed regularly or at the appropriate time and in a comprehensible way about the economic and financial situation of the undertaking employing them, on the understanding that the disclosure of certain information which could be prejudicial to the undertaking may be refused or subject to confidentiality; and**
- b. to be consulted in good time on proposed decisions which could substantially affect the interests of workers, particularly on those decisions which could have an important impact on the employment situation in the undertaking.**

Malta's Position 2025:

Malta maintains its position and this provision can be accepted.

Article 22 – The right to take part in the determination and improvement of the working conditions and working environment

With a view to ensuring the effective exercise of the right of workers to take part in the determination and improvement of the working conditions and working environment in the undertaking, the Parties undertake to adopt or encourage measures enabling workers or their representatives, in accordance with national legislation and practice, to contribute:

- a. to the determination and the improvement of the working conditions, work organisation and working environment;**
- b. to the protection of health and safety within the undertaking;**
- c. to the organisation of social and socio-cultural services and facilities within the undertaking;**
- d. to the supervision of the observance of regulations on these matters.**

Malta's Position 2025:

Malta upholds the right of workers to participate in shaping and improving their working conditions and environment through a comprehensive legal framework. The Employment and Industrial

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Relations Act (EIRA), Chapter 452 of the Laws of Malta, serves as the cornerstone of employment law, regulating individual and collective employment relations, including mechanisms for voluntary and compulsory resolution of industrial conflicts. This Act facilitates workers' involvement in determining and enhancing working conditions, work organization, and the working environment.

Furthermore, the Health and Safety at Work Act (Chapter 646), enacted in 2024, emphasises the shared responsibility between employers and employees to ensure a safe and healthy workplace. It introduces the role of Health and Safety Reporting Officers (HSROs) in certain industries to oversee the implementation of health and safety measures.

In practice, worker participation in Malta encompasses both direct and indirect forms. Trade unions play a pivotal role in representing workers' interests, engaging in collective bargaining, and contributing to policy development. The Occupational Health and Safety Authority (OHSA) includes representatives from both employers and trade unions on its board, ensuring that workers have a voice in health and safety matters. Additionally, the OHSA provides training for health and safety experts and maintains a register of competent persons to support workplace safety initiatives.

These structures collectively enable workers and their representatives to contribute to the determination and improvement of working conditions, the protection of health and safety, the organization of social services within undertakings, and the supervision of compliance with relevant regulations.

This provision can be accepted by Malta and no future reporting will be required.

Article 30 – The right to protection against poverty and social exclusion

With a view to ensuring the effective exercise of the right to protection against poverty and social exclusion, the Parties undertake:

- a. to take measures within the framework of an overall and co-ordinated approach to promote the effective access of persons who live or risk living in a situation of social exclusion or poverty, as well as their families, to, in particular, employment, housing, training, education, culture and social and medical assistance;**
- b. to review these measures with a view to their adaptation if necessary.**

Malta's Position 2025:

Malta has shown a strong commitment to addressing social exclusion and poverty in alignment with Article 30 of the European Social Charter. The introduction of the National Strategy for Poverty Reduction and Social Inclusion 2025–2035 aims to reduce poverty by 3.1%, tackling both current challenges and future risks. The Strategy focuses on achieving long-term impact and sustainability, with the goal of fostering a society where individuals and communities can flourish across generations.

A significant strength of the Strategy lies in its governance and implementation framework, which emphasizes strong administrative leadership, effective coordination between ministries, and strategic partnerships with voluntary organizations and the private sector. The ten-year duration

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reflects the understanding that substantial change takes time and requires continuous effort. Additionally, the Strategy includes a review process every three years to ensure it remains responsive to global and national shifts, allowing for timely adaptations. This approach supports the European Social Charter's call for a coordinated, evolving framework to effectively combat poverty and promote social inclusion.

This provision could be accepted by Malta.

Article 31 – The right to housing

With a view to ensuring the effective exercise of the right to housing, the Parties undertake to take measures designed

- 1. to promote access to housing of an adequate standard;**
- 2. to prevent and reduce homelessness with a view to its gradual elimination;**
- 3. to make the price of housing accessible to those without adequate resources.**

Malta's Position 2025:

Malta considers that Article 31 is already being implemented.

Malta has made significant strides which relates to the right to housing and the protection of tenants, particularly those at risk of social exclusion or living in precarious housing situations. The introduction of the Controlled Residential Leases Reform Act of 2021 is a key step in addressing the affordability and security of housing, especially for tenants residing in pre-1995 properties with controlled rents. The reform allows landlords to increase rents by up to 2% annually based on the freehold value of the property, as long as tenants meet the means test criteria. This ensures that landlords receive fair compensation while providing tenants with the means to remain in their homes without the risk of eviction, thus ensuring continued access to housing for vulnerable groups.

Furthermore, Malta's Pre-1995 Rent Subsidy scheme plays a critical role in ensuring the affordability of housing for those most in need. With the scheme's funding rising from €1.75 million in 2022 to €7.3 million in 2024, 1,654 families have benefited from financial assistance, ensuring they are not forced out of their homes due to rent increases. This subsidy helps maintain affordable housing for low-income tenants, allowing them to continue living in their homes without facing excessive financial burdens. The increased financial support reflects Malta's strong commitment to addressing housing affordability for vulnerable individuals and families at risk of social exclusion.

In addition to ensuring access and affordability, the Controlled Residential Leases Reform Act also indirectly contributes to the habitability and quality of housing. While the primary focus of the reform is rent adjustment, it encourages landlords to maintain and improve the condition of their properties, as they can now receive reasonable compensation for their investments. This balanced approach helps protect both tenants' rights and landlords' property rights, fostering a more sustainable housing market. Overall, Malta's efforts through the reform and subsidy scheme

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demonstrate a proactive approach to addressing housing challenges and ensuring that vulnerable groups have access to adequate, affordable, and habitable housing.

In view of the housing stock waiting list, there were approximately 1,630 applicants by the end of 2024. Malta is committed to continue furthering downwards this list to an unprecedented levels.

Malta adopts a collaborative, multi-stakeholder approach in addressing homelessness, with services coordinated through partnerships between government entities and non-governmental organizations (NGOs). These efforts are supported by a combination of public and private funding and are structured to provide both immediate support and long-term reintegration opportunities for individuals and families experiencing homelessness.

The Maltese government, through the Foundation for Social Welfare Services (FSWS), leads national efforts to support those who are homeless or at risk of homelessness. The FSWS established the Homeless Service in 2022, offering tailored assistance to individuals who are roofless or living in temporary accommodation. The service also introduced a single referral and assessment form, streamlining access to shelters across various NGOs and significantly reducing bureaucratic barriers—an initiative that continues to show strong results.

Additionally, eight Project Support Programmes (PSPs) provide essential services addressing homelessness, which may arise from various social, economic, or personal factors. Fondazzjoni Suret il-Bniedem operates two shelters: Dar Tereza Spinelli, offering accommodation and holistic support to homeless women and their children; and Dar Patri Leopoldo, providing similar services to homeless men and adolescents. Both facilities offer not only shelter and basic needs but also structured daily programmes that include emotional, psychological, physical, and healthcare support.

YMCA operates three facilities catering to different needs. Dar Nikki Cassar is an emergency shelter offering 24/7 care, semi-independent living, counselling, and personal development training. The Y Communal Home provides independent living with continued social work support, while Dar Simon Soler offers temporary shelter and assistance to elderly homeless individuals.

In Gozo, Fondazzjoni Kenn u Tama manages Dar Emmaws, which serves the general homeless population. The facility provides emergency shelter, food, and social support, especially to those experiencing material deprivation and social exclusion.

Life Network Foundation runs Dar Tgħanniq a t'Omm, a residential home supporting abortion-vulnerable pregnant women who are homeless. Services include physical, psychological, legal, educational, and therapeutic care. Dar Hosea, a drop-in centre, supports vulnerable women affected by sexual exploitation through a range of professional services.

The Salesians of Don Bosco offer semi- and supported independent living at Dar Osanna Pia and Dar Mamma Margherita. These homes provide 24/7 care, life skills training, mentoring, and therapeutic interventions in a structured environment. Additionally, the National Federation of Past Pupils &

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Friends of Don Bosco operates the Alberto Marvelli and Carlo Gastini Residences, which offer supported accommodation and mentoring for young homeless individuals.

Three emergency shelters are operated by Fondazzjoni Dar il-Hena: Dar Papa Frangisku for men, Dar Maria Dolores for women, and the Reach Residential Home, which functions as a long-term second-stage shelter. Fondazzjoni Dar il-Hena is a partnership between the Ministry for Social Policy and Children's Rights, Caritas Malta, and The Alfred Mizzi Foundation, and it plays a key role in providing both immediate and sustained support to individuals experiencing homelessness.