



European
Social
Charter

Charte
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EUROPEAN SOCIAL CHARTER

17th National Report on the implementation of
the European Social Charter

submitted by

THE GOVERNMENT OF MALTA

Articles 2, 3, 4, 5, 6, and 20

Report registered by the Secretariat on

17 February 2025

CYCLE 2024



**EUROPEAN COMMITTEE OF SOCIAL RIGHTS
COMITÉ EUROPÉEN DES DROITS SOCIAUX**

6 June 2024

**Proposed questions from the European Committee of Social Rights
for the next statutory report**

Group 1

**To be submitted by States Parties not having accepted the
collective complaints procedure by 31 December 2024**

Introduction

Following¹ the reform of the reporting procedure adopted by the Committee of Ministers, States Parties not having accepted the collective complaints procedure, shall submit a report every two years covering provisions from one of two groups² of the Charter.

In co-operation, the European Committee of Social Rights (ECSR) and the Governmental Committee of the European Social Charter and European Code of Social Security (GC) shall define a limited number of targeted questions to be answered in the report, and which will be adopted by the GC.

The number of themes or topics to be covered in one report should in principle not exceed about a dozen.

Accordingly, on the basis of consultations between the two committees, the States Parties due to submit a report on the accepted provisions of the Charter by 31 December 2024 should respond to the questions found in this document. The questions build in part on previous questions posed and on previous conclusions of non-conformity. As such, while the relatively limited number and scope of the questions very much reflect the spirit and form of the new, simplified reporting procedure, their content will enable continuity in terms of the ECSR's reporting work.

In this respect, it is proposed that a particular focus be given to Article 5 (right to organise) and Article 6 (right to bargain collectively), in order to further clarify, reaffirm and develop certain aspects of the ECSR's case law on these key provisions.

In the same spirit of simplification, it has been agreed that States Parties should not be requested to provide information in response to previous conclusions of non-conformity.

Finally, it is recalled that following the above-mentioned reform of September 2022, the previous system of reference periods has been abolished and reports should therefore focus on the situation pertaining at the time of submitting the report. This also means that statistical information should be as recent as possible unless otherwise indicated.

¹ See decision of 27 September 2022 based on CM(2022)114-final.

² First Group

Article 1 - Article 2 - Article 3 - Article 4 - Article 5 - Article 6 - Article 8 - Article 9 - Article 10 - Article 18 - Article

19 - Article 20 - Article 21 - Article 22 - Article 24 - Article - 25 - Article 28 - Article 29.

Second Group

Article 7 - Article 11 - Article 12 - Article 13 - Article 14 - Article 15 - Article 16 - Article 17 - Article 23 - Article 26

- Article 27 - Article 30 - Article 31.

Article 2 – The right to just conditions of work

Explanatory remark:

A question on working time has been included as previous conclusions suggested that there are certain occupations in States Parties where weekly working hours can exceed 60 hours. States Parties responses would allow the Committee to have a more comprehensive overview of the situation.

The question pertaining to seafarers has been included as the previous conclusions suggested that the ECSR would re-examine its case law in relation to this category of employees.

Moreover, there has been an outstanding issue regarding on-call periods, with many States Parties not in conformity with the Charter on this point.

Questions:

Article 2§1 Reasonable daily and weekly working hours

a) Please provide 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;
- information on any safeguards which exist in order to protect the health and safety of the worker, where workers work more than 60 hours.

Under Maltese labour law, 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), in line with the **Working Time Regulations (S.L. 452.87)** which transposes the EU Working Time Directive (2003/88/EC). However, there are **exceptions** and **derogations** allowing certain professions or categories of workers to exceed this limit, sometimes reaching or exceeding **60 hours per week**, provided specific conditions are met.

Wage Council Wage Regulation Orders (WROs) are a core element of domestic labour law. This set of subsidiary legislation regulate, in part, the statutory employment rights and obligations of employees in specific industries. Currently there are thirty-two WROs in force. The WROs share the same linguistic format and address the same aspects of the employment relationship, with the exception of the most recently published WRO - the Digital Platform Delivery Wages Council Wage Regulation Order, which represents a qualitative break from the other WROs. Hereunder please find listed in tabular form the relevant WROs.

1	Public Transport	1969	17	Hospitals and Clinics	1977
2	Paper, Plastics, Chemicals and Petroleum	1972	18	Textiles and Allied Industries	1977
3	Professional Offices	1975	19	Jewellery and Watches	1977
4	Domestic Service	1976	20	Hire (Cars or Private Buses)	1977

5	Cargo Clearance & Forwarding Agents (Burdnara)	1976	21	Travel and Insurance Agencies	1978
6	Cinemas and Theatres	1976	22	Construction	1980
7	Woodworks	1977	23	Beverage Industries	1980
8	Canning Industry	1977	24	Wholesale and Retail Trades	1989
9	Electronics Industry	1977	25	Hotels and Clubs	1990
10	Private Schools	1977	26	Food Manufacture Industries	1991
11	Printing and Publishing	1977	27	Tobacco Manufacture Industry	1991
12	Clay and Glass Products	1977	28	Leather Goods and Shoes Industries	1991
13	Agriculture and Allied Industries	1977	29	Sextons and Custodians	1996
14	Seamen	1977	30	Private Cleaning Services	2001
15	Transport Equipment, Metal and Allied Industries	1977	31	Private Security Services	2002
16	Laundries	1977	32	Digital Platform Delivery	2022

Therefore, typically regardless of sector all WROs include:

1. **Maximum working hours:** Usually 40 hours per week, but may increase with overtime (subject to a legal cap).
2. **Overtime provisions:** Beyond normal hours, typically compensated at a higher rate (usually 1.5x or 2x regular pay).
3. **Rest periods:** Mandatory breaks and weekly rest days must be observed.

The standard Overtime Rates for Whole-Time Employees are time-and-a-half (1.5x) for work performed beyond regular daily or weekly hours and double-time (2x) for work carried out on Sundays or public holidays.

b) Please provide information on the weekly working hours of seafarers.

c) Please provide information on how inactive on-call periods are treated in terms of work or rest time.

There is no clear cut answer legally in this regard. However, in various sectors under specific WROs workers have to be paid the minimum remuneration they are entitled for, in the case of waiting time. That is, when they are physically on site, (where the employer requires them to be present) but they had no work assigned to them.

Article 3 – The right to safe and healthy working conditions³

³ Please note that Article 3 of the European Social Charter also applies to the self-employed.

Explanatory remark:

The proposed questions which focus on health and safety raise issues identified in the most recent conclusions, notably on Article 3 (right to health and safety at the workplace), or focus on new issues such as risks to health and safety caused by climate change (e.g. having to work in extreme heat or cold). Other proposed questions on Article 3 focus on new issues that were covered by the Committee's Statement of interpretation on Article 3§2 of the Charter in Conclusions 2021, notably the right to digital disconnect.

Furthermore, the questions on Article 3 cover self-employed and vulnerable categories of workers, such as domestic workers, as there were previously many non-conformities on the ground that self-employed and domestic workers were not adequately protected by occupational health and safety regulations. An emphasis has been placed on supervision, as supervision is crucial if the effective implementation of the right to safe and healthy working conditions is to be guaranteed, especially for vulnerable categories of workers (such as domestic workers, digital platform workers, posted workers and workers employed through subcontracting). Workers are more often exposed to environmental-related risks such as climate change and pollution.

Questions:

Article 3§1 Health and safety and the working environment

Please provide information on the content and implementation of national policies on psychosocial or new and emerging risks, including:

- in the gig or platform economy;
- as regards telework;
- in jobs requiring intense attention or high performance;
- in jobs related to stress or traumatic situations at work;
- in jobs affected by climate change risks.

When concerned with Articles 3.1 and 3.3 one has to note the following:

Standard Order, established under **Legal Notice 312 of 2008**, sets out the framework for telework arrangements in Malta. It defines telework, outlines employer and employee obligations, and ensures teleworkers enjoy equivalent rights to on-site employees.

In the case of the **Digital Platform Delivery Wages Council Wage Regulation Order, 2022**, established under **Legal Notice 268 of 2022**, aims to regulate the working conditions of individuals engaged in delivery services via digital labour platforms. It introduces measures to ensure fair employment status, working conditions, and social protection for platform workers in Malta.

When it comes to health and safety measures and the rights of Digital Platform Delivery workers one has to note 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 any associated regulations.

Additionally, employers are required to regularly assess work-related risks, including possible accidents and stress-related concerns, and introduce appropriate preventive measures to safeguard workers' well-being. Any monitoring systems used by the employer should not place undue pressure on workers or endanger their mental or physical health.

Article 3§2 of the Revised Charter (Article 3§1 of 1961 Charter) Health and safety regulations

a) Please provide 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);
- how the right not to be penalised or discriminated against for refusing to undertake work outside normal working hours is ensured.

b) Please provide information on:

- the measures taken to ensure that self-employed workers, teleworkers and domestic workers are protected by occupational health and safety regulations;
- 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.

Article 3§3 of Revised Charter (Article 3§2 of 1961 Charter) Enforcement of health and safety health regulations

Please provide information on measures taken to ensure the supervision of implementation of health and safety regulations concerning vulnerable categories of workers such as:

- domestic workers;
- digital platform workers;
- teleworkers;
- posted workers;
- workers employed through subcontracting;
- the self employed;
- workers exposed to environmental-related risks such as climate change and pollution.

Article 4 – The right to fair remuneration

Explanatory remark:

The ECSR considers that the inclusion of questions on gender equality are necessary in order to ensure the ECSR's approach to this issue as outlined in the *UWE* decisions on equal pay is applied across States Parties especially as regards measures taken

to ensure pay transparency, to reduce the gender pay gap and to increase the representation of women in decision-making positions.

Questions:

Article 4§3 Right of men and women to equal pay for work of equal value

a) Please indicate whether the notion of equal work and work of equal value is defined in domestic law or case law.

b) Please provide information on the job classification and remuneration systems that reflect the equal pay principle, including in the private sector.

c) Please provide information on existing measures to bring about measurable progress in reducing the gender pay gap within a reasonable time. Please provide statistical trends on the gender pay gap.

In this case one has to take into consideration Articles 26 and 27 EIRA:

26. 1) It shall not be lawful for any person -

(a) when advertising or offering employment or when advertising opportunities for employment or when selecting applicants for employment, to subject any applicants for employment or any class of applicants for employment to discriminatory treatment;

(b) in regard to employees already in the employment of the employer, to subject any such employees or any class of employees to discriminatory treatment, in regard to conditions of employment or dismissal.

(2) For the purposes of this article, 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 an employee, terms of payment or employment conditions that are less favourable than those applied to an employee in the same work or work of equal value, on the basis of discriminatory treatment;

(c) actions whereby the employer knowingly manages the work, distributes tasks or otherwise arranges the working conditions so that an employee is assigned a clearly less favourable status than others on the basis of discriminatory treatment.

27. Employees in the same class of employment are entitled to the same rate of remuneration for work of equal value:

Provided that an employer and a worker or a union of workers as a result of negotiations for a collective agreement, may agree on different salary scales, annual increments and other conditions of employment that are different for those workers who are employed at different times, where such salary scales have a maximum that is achieved within a specified period of time; and Provided further that any distinction between classes of employment based on discriminatory treatment otherwise than in accordance with the provisions of this Act or any other law shall be null and of no effect.

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.
 - In 2023 the NCPE carried out ***The Prevalent Gender Role Perceptions and Attitudes among Adults Living in Malta*** study, which was aimed at investigating the prevalence of traditional gender roles and attitudes among adults living in Malta and to find out whether sexual stereotypes prevail within the different strata of the population.

Research findings indicated that despite progressive gender role perceptions, particularly in the public sphere, “there are still people in Malta who believe that certain subjects are for boys, and others are for girls. Macro data demonstrates that this idea prevails in Malta”. In 2023, the NCPE presented the research and findings in its Annual Conference.

- **Unequal share of paid and unpaid work** between women and men
 - The NCPE 2024 study on ***Perceptions and Attitudes of Women and Men in Malta towards Work-Life Balance: With a Specific Focus on Family Size***, analysed how work-life balance issues impact the perceptions and attitudes of women and men in Malta towards fertility intentions, through a representative sample of 600 women and men from the 18-39 age cohort. Challenges in reconciling work and childcare responsibilities were evident with 67.6% of women and 58.6% of men finding it difficult to fulfill their family responsibilities at times or frequently. Moreover, gender imbalances still exist, with women shouldering a larger burden of childcare and household chores.
 - The NCPE discussed the main findings of this research with different stakeholders during a **conference** carried out in January 2025.
- The **glass ceiling** which is caused by the unequal representation of women and men in headship positions.
 - The NCPE’s online **Directory of Professional Women** includes information about the qualifications, experience, and skills of Maltese and Gozitan professional women, and is aimed at giving them visibility and enhancing their opportunities for possible appointment on boards and committees and/or to assume decision-making positions in the labour market.

- **Pay discrimination** which is a result of women being paid less than men for doing equal work or work of equal value.
- Developed an **Equal Pay Tool** 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 NCPE provides a report with confidential information and guidance on the equal pay situation within the organisation, and an Equal Pay Certification is awarded when the Equal Pay Tool finds that there is a Low Risk of non-compliance with the equal pay principle.
 - Companies employing at least 50 employees have the option to also apply for the Equal Pay Certification, alongside the Equality Mark Certification.
 - In February 2024, two online information sessions were organised on the practical use of the Tool.
 - To date, 4 companies have been awarded the Equal Pay Certification, and others have shown interest.
 - The Equal Pay Tool was launched in 2023 during a **Business Breakfast** which addressed the gender pay gap, equal pay, the Pay Transparency Directive, and the NCPE Equal Pay Tool.
- Carries out **investigations** on alleged discrimination, including pay discrimination, as well as *ex-officio* investigations.
 - **Raises awareness** on the gender pay gap through slots on TV programmes, printed articles, and social media.
 - **Statistics on the Gender Pay Gap**

Gender Pay Gap⁴ (%)		
	EU27	MT
2022	12.7	10.2
2021	12.7	10.5
2020	12.9	10.0
2019	13.7	11.6

⁴ https://ec.europa.eu/eurostat/databrowser/view/SDG_05_20/default/table?lang=en

2018	14.4	13.0
2017	14.6	13.2

- The following are the **sectors with the most prominent gender pay gaps** in Malta (2022):⁵
 - Other services activities: 32.8%⁶.
 - Manufacturing: 24.8%.
 - Financial and insurance activities: 24.1%.
 - Real estate activities: 23%.

Article 5 – The right to organise

Article 6 – The right to bargain collectively

Explanatory remark:

Questions concerning the the long-term decline in unionisation and collective bargaining coverage rates across Europe from a social rights perspective are proposed. While the causes of low trade union density rates are complex, these include deindustrialization and globalization, as well as the presence of large non-unionized segments of the workforce, including many workers who are low paid and/or have a precarious contractual situation. One of the questions under Article 5 seeks to articulate the scope of State Party obligations in arresting that decline, without unduly interfering with trade union freedom. Another question looks at some of the reported ways in which unionisation at the workplace has been undermined, for instance by the promotion of alternative sources of representation that are more prone to being controlled by the employer. The decline in trade unionisation is accompanied in many places by the demotion of joint consultation mechanisms in bipartite and tripartite mechanisms, by diluting the contents of the matters of joint interest addressed or downgrading the status of these exchanges.

The decline in collective bargaining coverage has been uneven, with some countries more affected than others. However, in many cases the decline has been associated with a decentralisation of collective bargaining arrangements and an increase in the discretion afforded to employers in terms of fixing the terms and conditions of the employment relationship. The targeted questions seek to uncover some of the common elements underpinning this process, including, for example, the way in which collective bargaining is articulated across different bargaining levels. They also seek

⁵

https://ec.europa.eu/eurostat/databrowser/view/earn_gr_gpgr2_custom_9865802/default/table?lang=en

⁶ This section (as a residual category) includes the activities of membership organisations, the repair of computers and personal and household goods and a variety of personal service activities not covered elsewhere in the classification.

to ascertain what measures are taken by States Parties to arrest and reverse this decline, in line with their duty under Article 6§2 to promote collective bargaining. The questions under Article 6§4 take a closer look at some of the restrictions to the right to strike reported in many States Parties, including the minimum service requirement or the availability of injunctive relief for preventing a strike from taking place.

Questions:

Article 5 Right to organise

- a) Please indicate what measures 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).
- b) Please describe the legal criteria used to determine the recognition of employers' organisations for the purposes of engaging in social dialogue and collective bargaining.
- c) Please describe the legal criteria used to determine the recognition and representativeness of trade unions for the purposes of engaging in social dialogue and collective bargaining.

Please provide information:

- on the status and prerogatives of minority trade unions;
- on the existence of alternative representation structures at enterprise-level, such as elected worker representatives.

- d) Please indicate whether and to what extent the right to organise is guaranteed for members of the police and armed forces.

Article 6§1 Joint consultation

- a) Please state what measures are taken by the Government to promote joint consultation.
- b) Please describe what issues of mutual interest have been the subject of joint consultation during the past five years, what agreements have been adopted as a result of such discussions and how these agreements have been implemented.
- c) Please state if there has been any joint consultation on matters related to (i) the digital transition, or (ii) the green transition.

Article 6§2 Collective bargaining

- a) Please provide information on how collective bargaining is coordinated between and across different bargaining levels including information on:
 - the operation of factors such as *erga omnes* clauses and other mechanisms for the extension of collective agreements;
 - the operation of the favourability principle and the extent to which

local/workplace agreements may derogate from legislation or collective agreements agreed at a higher level.

b) Please provide information on the obstacles hindering collective bargaining at all levels and in all sectors of the economy (e. g. decentralisation of collective bargaining).

c) Please provide specific details on:

- the measures taken or planned in order address those obstacles;
- the timelines adopted in relation to those measures;
- the outcomes achieved/expected in terms of those measures.

d) Please provide information on the measures taken or planned to guarantee the right to collective bargaining of (i) economically dependent (self-employed) persons showing some similar features to workers and (ii) self-employed workers.

Article 6§4 Collective action

a) Please indicate:

- the sectors in which the right to strike is prohibited;
- those sectors for which there are restrictions on the right to strike;
- sectors for which there is a requirement of a minimum service to be maintained.

Please give details about the relevant rules concerning the above and their application in practice, including relevant case law.

b) Please indicate whether it is possible to prohibit a strike by seeking injunctive or other relief from the courts or other competent body (administrative body or arbitration body). If affirmative, please provide information on the scope and number of decisions in the last 12 months.

Comprehensive answer to Articles 5-6

1. Trade Union Landscape in Malta

- **Membership Trends:**
 - Since 1980, total union membership has more than doubled, but growth has slowed in the past two decades.
 - Current unionization rate stands at **45%**, with collective bargaining coverage at around **50%**.
- **Diversity in Membership:**
 - Increased female participation and a growing share of foreign workers in unions.
 - Leadership positions remain predominantly occupied by Maltese men.

2. Structure and Industrial Relations System

- **Main Union Blocks:**

1. **General Workers Union (GWU):** The largest and traditionally linked with the Labour Party.
 2. **Confederation of Malta Trade Unions (CMTU):** Representing white-collar workers and leaning towards the Nationalist Party.
 3. **Forum Unions Maltin (For.U.M.):** Formed in 2004 to represent independent unions and professionals.
- **Historical Influences:**
 - Strong British colonial influence with a focus on adversarial collective bargaining, now evolving towards dialogue and cooperation.
 - **Social Dialogue:**
 - Participation in tripartite bodies such as the **Malta Council for Economic and Social Development (MCESD)** and policy influence through agreements like the **Cost of Living Allowance (COLA)**.

3. Challenges and Adaptation Strategies

- **Declining Density:**
 - Despite increased membership, union density has fallen due to a growing workforce and difficulties organizing new sectors such as finance and IT.
- **Changing Workforce Composition:**
 - Unions struggle to attract younger workers, part-time employees, and workers in the gig economy.
- **Professionalization:**
 - Growth in professional unions, especially in healthcare, education, and financial services.

4. Collective Bargaining and Workplace Representation

- **Private Sector:**
 - Conducted at the company level with no sector-wide agreements.
- **Public Sector:**
 - Features a two-tier system with national and sectoral agreements.
- **Emerging Trends:**
 - Inclusion of work-life balance, health and safety clauses, and new remuneration structures to address absenteeism.

5. Industrial Conflict and Legal Framework

- **Legislation (EIRA 2002):**
 - Grants immunity for industrial actions but sets limitations for essential services.
- **Decrease in Strikes:**
 - Due to economic shifts and cooperative approaches, industrial disputes have declined significantly, especially in the private sector.
- **Court Rulings:**
 - Clarified the scope of legal strikes and trade dispute definitions over time.

6. European Union and International Engagement

- **Involvement with EU Institutions:**

- Participation in the European Trade Union Confederation (ETUC) and European Economic and Social Committee (EESC).
- **Challenges:**
 - Limited resources prevent extensive participation in EU-level initiatives.
- **Collaboration with Italian CGIL:**
 - Support services provided for the increasing Italian migrant workforce in Malta.

Court Rulings and Their Impact on Legal Strikes and Trade Dispute Definitions in Malta

The courts in Malta have played a significant role in clarifying the legal framework surrounding strikes and trade disputes, particularly in cases where the legality of industrial actions was challenged. The legal basis for industrial action is primarily established under the **Employment and Industrial Relations Act (EIRA), Chapter 452**, which provides unions with certain immunities but also imposes restrictions, particularly for workers in essential services. Over time, several key court cases have helped define the scope of “**legal strikes**” and the interpretation of a “**trade dispute.**”

The **Minimum Wage and Collective Bargaining Regulations, 2024**, issued under the **Employment and Industrial Relations Act (Cap. 452)**, implement Directive (EU) 2022/2041 on adequate minimum wages. These regulations establish the legal framework for setting and enforcing minimum wage levels and promoting collective bargaining to improve workers' conditions in Malta.

1. Citation (Regulation 1)

- These regulations are officially titled the **Minimum Wage and Collective Bargaining Regulations, 2024**.

2. Scope and Applicability (Regulation 2)

- The regulations apply to all workers in Malta with a valid employment relationship under local laws and collective agreements.
- They do **not** apply to the minimum wage of **seafarers**, which is regulated under the Merchant Shipping (Maritime Labour Convention) Rules.
- They respect the autonomy of social partners and collective bargaining rights.

3. Interpretation (Regulation 3)

Key terms defined include:

- **Minimum Wage:** The lowest remuneration payable to a worker by law or collective agreements.
- **Collective Bargaining:** Negotiations between employers and trade unions to set employment terms.
- **Collective Bargaining Coverage:** The percentage of workers covered by collective agreements at the national level.
- **Statutory Minimum Wage:** The minimum wage set by law, excluding those declared universally applicable via collective agreements.

4. Promotion of Collective Bargaining (Regulation 4)

The regulations aim to increase collective bargaining coverage and wage-setting negotiations by requiring the government to:

1. **Enhance capacity-building** of social partners to promote sectoral and cross-industry agreements.
2. **Encourage fair and informed negotiations** by providing access to relevant wage-related information.
3. **Protect workers and trade unions** from discrimination or interference during wage negotiations.
4. **Introduce an action plan** if collective bargaining coverage is below **80%**, with measures to improve participation.
 - The action plan must have clear timelines, targets, and be reviewed every **five years**, with public access to the plan.

5. Demand for Negotiation (Regulation 5)

- A recognized 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.
- Proper minutes must be recorded and signed when agreements are reached.

The importance of Regulation 5 in the above mentioned regulations is that it introduced into the Maltese law the concept of 'Compulsory Employer Participation'.

Regulation 5 establishes a clear **legal duty** for employers to engage in collective bargaining upon request from a recognized 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.

Compulsory employer participation in collective bargaining significantly strengthens trade unions by:

- Providing legal backing for negotiations.
- Expanding union influence across industries.
- Ensuring fair representation and better working conditions for employees.
- Enhancing social dialogue at the national level.

Ultimately, such policies create a more balanced industrial relations system where worker interests are systematically represented and addressed, contributing to fairer workplaces and stronger social cohesion.

Article 20 – Right to equal opportunities between women and men

Explanatory remark:

See the remark above under Article 4.

Questions:

a) Please provide information on the measures taken to promote greater participation of women in the labour market and to reduce gender segregation (horizontal and vertical). Please provide 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.

This year marks the 15th year of the NCPE implementing the **Equality Mark**.

- The Equality Mark 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 employees, irrespective of their gender and caring responsibilities. To date, 151 companies with 37,300 employees are certified with the Equality Mark.

- Employment rate

Employment and activity by sex and age ⁷ (%)								
	15 to 64 years				55 to 64 years			
	Males		Females		Males		Females	
	EU27	MT	EU27	MT	EU27	MT	EU27	MT
2023	75.1	84.1	65.7	70.3	70.1	67.5	58.0	43.9
2022	74.7	82.4	64.9	69.7	68.7	63.7	56.2	42.3
2021	73.3	81.9	63.3	65.4	67.0	65.1	54.3	36.4
2020	72.1	80.7	62.0	62.7	65.4	66.0	52.9	36.3
2019	73.3	81.4	63.0	61.0	65.3	65.6	52.2	34.1
2018	72.5	80.7	62.2	60.7	64.0	66.8	50.9	32.1

⁷

https://ec.europa.eu/eurostat/databrowser/view/lfsi_emp_a_custom_13717101/default/table?lang=en

- Employment by Occupation

Occupation	2021		2022		2023(Q3)	
	M %	F %	M %	F %	M %	F %
Armed forces	:	:	:	:	:	:
Managers	13.7	8.0	13.2	9.3	12.4	9.4
Professionals	17.8	26.7	17.6	25.5	18.2	23.3
Technicians and associate professionals	14.6	11.6	14.3	11.3	13.3	11.5
Clerical support workers	7.1	15.8	7.0	15.0	6.1	15.6
Service and sales workers	13.1	27.4	12.6	27.4	13.6	28.1
Skilled agricultural, forestry and fishery workers	0.9u	:	1.1u	:	1.5u	:
Craft and related trades workers	15.7	:	16.0	:	16.7	:
Plant and machine operators and assemblers	6.9	3.1u	7.6	2.7u	7.8	3.2u
Elementary occupations	8.7	6.3	9.2	7.5	9.6	6.7

b) Please 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.

The NCPE **publishes statistics** in its annual report on:

- The activity rates of women and men in the labour market
- Employment of women and men by occupation
- The number of women and men employed in headship positions in the public and private sectors, and in the political and judicial spheres.

The NCPE **raises awareness** on the importance of equal representation of women and men in headship positions.

Please refer to the information on the NCPE's **Directory of Professional Women**, above.

c) Please provide statistical data on the proportion of women on management boards of the largest publicly listed companies, and on management positions in public institutions.

Largest listed companies: presidents, board members and employee representatives⁸ (%)				
President				
	Males		Females	
	EU27	MT	EU27	MT
2023	91.7	96.8	8.3	3.2
2022	91.2	96.7	8.8	3.3
2021	91.5	100	8.5	0
2020	92.9	100	7.1	0
2019	92.2	100	7.8	0
2018	93.1	100	6.9	0

Largest listed companies: presidents, board members and employee representatives⁹ (%)				
Members				
	Males		Females	
	EU27	MT	EU27	MT
2023	66.1	82.5	33.9	17.5
2022	67.7	84.5	32.3	15.5
2021	69.3	89.2	30.7	10.8
2020	70.5	90.1	29.5	9.9
2019	71.6	90	28.4	10
2018	73.7	90.4	26.3	9.6

⁸ https://eige.europa.eu/gender-statistics/dgs/indicator/wmidm_bus_bus_wmid_comp_compbm

⁹ https://eige.europa.eu/gender-statistics/dgs/indicator/wmidm_bus_bus_wmid_comp_compbm

Public Administration – Women and Men in Salary Scales¹⁰ (%)										
	Scale 1		Scale 2		Scale 3		Scale 4		Scale 5	
	M	F	M	F	M	F	M	F	M	F
2023	83.3	16.7	84.8	15.2	79.2	20.8	63.6	36.4	47.5	52.5
2022	83.3	16.7	79.4	20.6	72.9	27.1	65.2	34.8	53.8	46.2
2021	80.0	20.0	79.4	20.6	73.1	26.9	65.5	34.5	54.4	45.6
2020	80.0	20.0	78.8	21.2	75.9	24.1	65.7	34.3	54.8	45.2
2019	83.3	16.7	75.0	25.0	73.1	26.9	67.6	32.4	53.6	46.4
2018	83.3	16.7	70.6	29.4	79.2	20.8	69.3	30.7	59.2	40.8

¹⁰ <https://ncpe.gov.mt/our-publications-and-resources/ncpes-annual-reports/>