

# EMPLOYEE BOOKLET



**FREEPHONES**  
**1575 for employees**  
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GOVERNMENT OF MALTA  
DEPARTMENT FOR INDUSTRIAL AND EMPLOYMENT RELATIONS

## Contract of Service

An employment contract is an employer-employee agreement, stated in writing, whereby a person binds himself/herself to work or render a service to an employer in return for wages. The employer must give a written employment contract to the employee within 8 working days from the start of employment.

Employment contracts can be:

- Indefinite, wherein the employee is engaged in employment for an indefinite period. Thus, such a contract does NOT include a termination date.
- Definite, wherein the employer and employee usually agree on its duration. Thus, such a contract includes a termination date. A fixed term contract can be renewed up to a maximum period of four years, after which the employee shall be on an indefinite contract.

An indefinite contract of employment CANNOT be changed into a definite contract of employment.



## Probation Period

The first six months (or more) of employment are the probation period. The employer and employee can, however, agree to a shorter probation period.

In the case of a contract of employment, or a collective agreement, in respect of employees holding a Technical, Executive, Administrative or Managerial post, and whose wages are at least double the minimum wage for that particular year, the probation period is of one year unless otherwise agreed. A probation period cannot exceed one year.

## Termination during Probation

During probation either party may terminate the employment without justification, provided that a week's notice is given when the employment has exceeded one month.

However, in the case of a pregnant employee who is terminated during probation, the employer is obliged to give the employee reasons in writing to justify the dismissal so long as they are unrelated to the employee's condition.

## Wages Pay periods

Wages should be paid at regular intervals, not exceeding 4 weeks in arrears. If the employer fails to pay the employee the wages due, a complaint can be lodged at the Department of Industrial and Employment Relations (DIER).

## Payslips

As of 1st January 2019, employers have to give their employees an itemised payslip, either before or on the date when the wages are due. While an employer has the right not to display the sick leave balance on the payslip, the employee reserves the right to request the sick leave balance up to four times a year.

A complaint can be lodged at the Department of Industrial and Employment Relations (DEIR) if the employee does not received the due payslip.



### Overtime rates

Most sectors have their overtime rate regulated by the respective Wage Regulation Order, (WRO).

Employees whose overtime rate is NOT covered by a Wage Regulation Order (WRO), shall be paid one and a half (1.5) times the normal rate for each hour worked in excess of the 40 hours per week.

### Hours of Work

The employer can oblige an employee to work overtime, provided:

- (1) the total hours of work do not exceed on average 48 hours a week.
- (2) the employee has consented in writing to work more than the weekly average. However, such a consent can be withdrawn by the employee, provided that a written notice of at least 7 days or a longer period of maximum 3 months as may be agreed, is given to the employer. Employees do NOT have to work overtime especially during pregnancy and for a period of 12 months from either the birth of the child or from the effective date of a child's adoption.

An employer is NOT allowed to make deductions from the employee's wage, except where permitted by law or by an order of a competent court.

The employer can impose fines on his/her employees only if it is:

- agreed in a collective agreement, OR
- specified in a contract of employment or written statement;  
AND
- authorised by the Director of Industrial and Employment Relations

Fines may include suspension with or without reduced pay.

## **Hours of Work**

The normal hours of work of full-time employees are stipulated in the Wage Regulation Orders that regulate industry-specific sectors.

The normal hours of work of a part-time employee should be LESS than those worked by a full-time employee doing the same job. The hours are calculated on a weekly basis or on an average over a period of employment of up to one year.

A fulltime employee with reduced hours has agreed with his/her employer to work less hours than those worked by a comparable full-timer. In such cases, the wage and other entitlements are granted on a pro rata basis while social security contributions are paid regularly.

A part-time employee and full-time reduced employee is entitled to all entitlements enjoyed by the comparable fulltime employee but on a pro rata basis.

## **Rest Periods**

Where the working day is longer than six hours, an employee is entitled to not less than fifteen (15) minutes of rest, unless a longer period of rest is provided by another agreement. Such a rest period is not considered as working time.

Every worker is entitled to a minimum daily rest period of 11 consecutive hours AND:

- an uninterrupted weekly rest period of 24 consecutive hours within a seven-day period,  
OR
- one period of 48 consecutive hours within a 14-day period,  
OR
- two periods of 24 consecutive hours each within a 14-day period.

However, in circumstances specified by law, where an employee may not be able to take the full rest period, equivalent compensatory rest periods must be given to the employee immediately following this period of work.



## Vacation Leave

An employee working an average of 40-hours a week is entitled to 192 hours of Vacation Leave in year 2021. If the weekly working hours are below 40 hours per week the Vacation Leave entitlement must be worked on a pro rata basis. In agreement with the employer Vacation Leave can be taken either in hours or in whole days.

It is only possible to carry forward up to 50% of the annual leave entitlement to the following year in agreement with the employer. The law specifies that a minimum period equivalent to four weeks (160 hours) cannot be replaced by any allowance, except where the worker's employment is terminated.

## Sick Leave

The amount of Sick Leave varies according to each industry-specific sector. Thus, the applicable Sick Leave entitlement is stipulated in the relevant Wage Regulation Order (WRO) that regulates each specific sector of industry.

In the case of a sector not covered by a Wage Regulation Order (WRO), an employee is entitled to two (2) working weeks of Sick Leave annually, calculated in hours.

## Injured Leave

Employees are entitled to a maximum period of one year Injury Leave on full pay, less the full amount of any injury benefit to which such employee may be entitled to in terms of the Social Security Act.

Injury Leave entitlement is only due when the employee is injured during the actual discharge of his/her duties and not due to negligence on her/his part or to any breach of the safety rules laid down by the employer. During a period of Injury Leave, Vacation Leave and bonuses continue to accrue.





## Maternity leave

A pregnant employee may take an uninterrupted period of eighteen (18) weeks Maternity leave as follows:

- First fourteen (14) weeks with full wages paid by the employer;
- **AND**
- the remaining four (4) weeks which are not paid by the employer.

However, the employee has to apply for the Maternity Leave Benefit to which she is entitled in terms of the Social Security Act.

On termination of Maternity Leave, the employee has the right to resume work in the post formerly occupied before the start of the Maternity Leave. And if such a post is no longer available, to a similar post.

## Termination of Employment and Notice Periods

The duration of the Notice period depends on the employee's continuous length of service in the same employment. In the case of technical, administrative, executive or managerial posts, longer periods may be agreed by the employer and employee. However, if the employment is terminated during its probationary period, only a week's notice applies, given that the employee has been in employment for more than a month.



## Public Holiday

When a Public Holiday falls on any day of the week (from Monday to Sunday) and the full-time employee is not scheduled to work on such day as part of the normal weekly roster (being an off day of the employee), the equivalent in hours of one working day is to be added to the employee's vacation leave entitlement.

In the case of part-time employees and full-time employees working reduced hours, the equivalent in hours of one day pro rata is to be added to the employee's vacation leave entitlement.



### DIER Contact Details

An employee can seek the assistance of the **Department of Industrial and Employment Relations**, at **121, Melita Street, Valletta, Malta** or by telephone on **1575 for Employees** and **1576 for Employers** or via email on **info.dier@gov.mt**