

Social Dialogue mapping

Description scheme for country overviews

MALTA

Sources:

1/ Eurofound Working Life Profiles <https://www.eurofound.europa.eu/country/malta>

2/OSH WIKI https://oshwiki.eu/wiki/OSH_system_at_national_level_-_Malta

3/ ESENER-2 <https://osha.europa.eu/en/surveys-and-statistics-osh/esener/2014>

Introduction on Social Dialogue in MS (1)

The Malta Council for Economic and Social Development (MCESD) is a national tripartite body acting as an advisory council that issues opinions and recommendations to the Maltese government on matters of economic and social relevance. The Council has a distinct legal personality, is appointed by the Prime Minister and is composed of the following members: a chairperson; deputy chairperson appointed by the Prime Minister from among members of the public service; 10 people nominated by representative national employers' and workers' organisations constituted bodies; the Chair of the Gozo Regional Committee, ex officio; and the Chair of the Civil Society Committee (Source: Malta Council for Economic and Social Development Act 2001).

The Employment Relations Board (ERB) was set up following the enactment of the Employment and Industrial Relations Act 2002. The board is composed of 13 members composed of an independent chairperson, four employers' representatives, four employees' representatives and four members appointed by the government. The ERB discusses employment related matters and makes recommendations to the minister responsible for labour, before the publication of any employment-related legislation.

Trade Unions (1)

- **About trade union representation**

The right of employees to join a trade union is guaranteed by the principle of the right of assembly and association set out in Article 42, Chapter 4 of the Constitution of Malta. Maltese trade unionism remains

based on the British model, reflecting the traditions of British colonial rule. The model places high emphasis on the shop steward, who is the important link between the shop-floor and the trade union upper hierarchy. Among other roles, the shop steward carries out day to day union activities at shop floor level, including the recruitment of members. The evolution of industrial relations in Malta has led to a more cooperative scenario between stakeholders.

To be officially recognised and thus gain legal protection, a trade union must be registered by the Registrar of Trade Unions in accordance with the EIRA (Title 2, part 1). This would require a trade union to have at least seven members who are required to sign the relevant application form. In order to be officially recognised at the place of work, the practice is that a trade union must at least represent 50% + 1 of employees who are members of the union in accordance with Legal Notice 413 of 2016, namely the Recognition of Trade Unions Regulations. Nonetheless, employees in various enterprises, in particular in the public sector, set up different bargaining units and thus obtain separate recognition according to their class of employment.

In the Various Laws (Trade Union Membership of Disciplined Forces) Act 2014, members of disciplined forces are given the right to join a registered trade union of their choice. Such members are now entitled to negotiate the conditions of employment and to participate in dispute resolution procedures, although they cannot take any other form of industrial action in contemplation or furtherance of a trade dispute.

• Main trade union confederations and federations

Malta has three trade union confederations which are the General Workers Union (GWU), the Confederation of Maltese Trade Unions (CMTU), and the Forum Unions Maltin (FORUM).

A National Trade Union Forum was launched on July 2014. It is composed of a total of 22 unions, the Office of the President and the Centre for Labour Studies at the University of Malta.

The tasks of the forum include information campaigns, holding seminars and carrying out scientific research to gauge public opinion on trade unions. The forum aims to provide an opportunity for trade unions to share experiences and seek collaboration through dialogue. Among the activities carried out to date are seminars on the work of trade unions towards active aging through collective bargaining, dealing with multiple claims for trade union recognition, and the role of unions in closing the differences between workers' rights for family-friendly measures in the public and private sectors.

Long name	Abbreviation	Members	Year	Involved in collective bargaining (*)
General Workers Union	GWU	49,894	2015	Yes*
Konfederazzjoni tat-Trade Unions Maltin (Confederation of Malta Trade Unions)	CMTU	30,077	2015	Yes*
Forum Unions Maltin	FORUM	13,940	2015	Yes*

**Indirect involvement through member unions.*

Employers' organisations (1)

• About Employers' organisations

To formally register a new employers' association with the registrar of trade unions requires a minimum of seven members. Once registered, an organisation shall enjoy the rights granted by the EIRA as for instance can be able to 'perform any act in furtherance of any of the purposes for which it is formed' (EIRA section 51 (1)). Each year a registered employers' association must supply the registrar of trade unions with the number of paid-up members, details of committee members, a copy of their annual report and an audited copy of their financial accounts (source DIER).

Membership in employers' associations is voluntary.

• Main Employers' organisations

The main employers' associations in Malta are the Malta Employers Association, the Malta Chamber of Commerce, Enterprise and Industry and the Malta Chamber of Small and Medium Enterprises.

Long name	Abbreviation	Members	Year	Involved in collective bargaining (*)
Malta Employers Association	MEA	523	2015	No
Malta Chamber of Commerce, Enterprise and Industry	Malta Chamber	1,200	2016	No
Malta Chamber of Small and Medium Enterprises	GRTU	8,155	2015	No

Social Dialogue on OSH (2)

• General Remarks on Social Dialogue on OSH

The established model of industrial relations in Malta is that of a voluntary, bipartite, collective bargaining at the enterprise level, in a traditionally polarised relationship between employers and trade unions. However, in recent decades, a pattern of corporate, tripartite, national level bargaining, based on a model of social dialogue, has begun to gradually emerge ^[34].

• National level

The Employment Relations Board (ERB), the Malta Council for Economic and Social Development (MCESD) and the Occupational Health and Safety Authority (OHSA) are the three main tripartite social dialogue institutions that deal with working conditions. During the last years, these three bodies were instrumental in bringing significant changes at both enterprises, sectorial and national levels ^[34].

The ERB is a tripartite consultative body set up by government under the Employment and Industrial Relations Act, 2002 ^[35]. The board comprises four representatives, four employees' representatives and four members appointed by the government. The board has to be consulted before the publication of any employment-related legal notices. Hence, the social partners, through the ERB, have a direct effect on Maltese legislation ^[34].

The MCESD, established in 1988 and given legal status by an Act of Parliament (Act XV, Chapter 431) in 2001, is a legal consultative and advisory body to the government. The council provides a forum for consultation on economic and social development issues for social partners ^[34].

The OHSA aims to verify that the health and safety protection standards set out by the Act XXVII of 2000 are upheld. The authority consists of nine members including two members representing the interest of workers and another two representing the interest of employers and five government officials. The OHSA's activities are divided into five major areas. These are: the construction, quarrying and mineral extraction; machinery, equipment, plant and installation including Control of Major Accidents Hazards (COMAH); chemical and biological agents; radiation protection and general and accident investigation ^[34].

There are a number of social partners that play an active role in the social dialogue process at a national level in relation to working conditions and more broadly occupational health and safety: including, the Malta Chamber of Commerce, Enterprises & Industries; Malta Hotel's & Restaurants Associations; Association of General Retailers & Trade Union; General Worker's Union; United Worker's Union; The Gozo Business Chamber; Confederation of Malta Trade Unions; and Building Industry Consultative Council ^[36].

- **Sectoral level**

At a sectoral level, as covered in Section 3.1, the three main dialogue institutions that handle working conditions are The Employment Relations Board (ERB), the Malta Council for Economic and Social Development (MCESD) and the Occupational Health and Safety Authority (OHSA) ^[34].

- **Enterprise level**

At the company level, it is the duty of the employer to ensure that a Worker's Health and Safety Representative or Representatives are chosen, elected or designated; and, in turn, that they are consulted in advance by the employer on matters that may affect occupational health and safety. The procedure of appointment/ selection of a WHS representative is regulated by LN 36 of 2003 (General Provisions for Health and Safety at Work Places Regulations) ^[18], and revolves around the principle that WHS representatives should be appointed by workers themselves. In addition, as specified by the legislative framework, it is the duty of every worker to co-operate with the employer and with the Health and Safety Representative or Representatives at the workplace on all matters pertaining to health and safety ^{[1] [4]}.

- **Collective agreements**