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Malta: Reemployment obligation after restructuring

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Malta

Phase:

Management

Type:

Reemployment obligation after restructuring

Last modified: 06 July, 2017

Native name:

Kap. 452 - Att dwar l-Impiegi u r-Relazzjonijiet Industrijali, 2002

English name:

Cap. 452 Employment and Industrial Relations Act, 2002

Article

36

Description

The employee whose employment was terminated on grounds of redundancy (collective dismissal or more general) is entitled to reemployment if within a period of one year from the date of termination of employment the post he/she formerly occupied is made available again. The offered conditions shall be as favourable as those to which employee would have been entitled if the contract had not been terminated.

In case of reemployment, the previous period of employment shall still be taken into consideration in terms of length of service and shall be considered as one continuous employment.

Comments

This regulation is sometimes 'by-passed'. The employee is offered some additional lump sum and both sides agree on the termination of employment contract on the basis of mutual consent. It allows the employer to gain some flexibility in the case he/she would be forced to employ a person within a year's time for the same post.

Labour legislation and relating amendments are discussed at policy formulation stage in the tripartite Employment Relations Board (ERB). Members forming this board come from trade unions, employers' associations and the government.

Cost covered by

Not applicable

Involved actors other than national government

- Employer organisation
- Trade union
- Other

Involvement others

- Employment Relations Board

Thresholds

No, applicable in all circumstances

Sources

- Kurtyka, M., 2005, Malta Country Dossier, Study on Restructuring in new Member States, Joint Project of the European Social Partner Organisations
- Chapter 452 - Employment and Industrial Relations Act, 2002

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