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European Monitoring Centre on Change

Malta: Notice period to employees

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Malta

Phase:

Management

Type:

Notice period to employees

Last modified: 22 June, 2017

Native name:

Kap. 452 - Att dwar l-Impjegi u r-Relazzjonijiet Industrijali, 2002; Leġislazzjoni Sussidjarja 452.80 - Regolamenti dwar Sensji Kollektivi (Harsien ta' l-Impjegi) (Avviż Legali 428 tal-2002, kif emendat bl-Avviż Legali 427 u 442 tal-2004)

English name:

Cap. 452 - Employment and Industrial Relations Act, 2002; Subsidiary Legislation 452.80 - Collective Redundancies (Protection of Employment) Regulations (Legal Notice 428 of 2002, as amended by Legal Notices 427 and 442 of 2004)

Article

Employment and Industrial Relations Act - Article 36; Subsidiary Legislation 452.80 - whole regulation

Description

The notice periods in case of redundancies are indicated in article 36 of the Employment and Industrial Relations Act 2002 and are estimated according to the employee's continuous length of service, which are:

- Less than one month - without notice;
- More than one month and up to six months - one week;
- More than six months and up to two years - two weeks;
- More than two years and up to four years - four weeks;
- More than four years and up to seven years - eight weeks;
- More than seven years and up to eight years - nine weeks;
- More than eight years and up to nine years - ten weeks;
- More than nine years and up to ten years - eleven weeks;
- More than ten years - twelve weeks.

Longer period of notice may be agreed in the case of technical, administrative, executive or managerial posts.

Regulations on collective redundancies (defined as the termination of the employment by an employer on grounds of redundancy of 10 employees if 21 to 99 persons are employed, 10% of the workforce if 100 to 299 are employed; and 30 or more employees if 300 or more persons are employed) require that employers inform the employees' representatives 30 days in advance about who are the employees to be made redundant. The applicable notice periods as indicated in article 36 of the main act are still to be adhered to. Nevertheless, no redundancy may take effect before the lapse of the said period of 30 days, unless in exceptional circumstances where the Director of Industrial and Employment Relations allows the employer a shorter notification period. In any case the employee shall still have the right to the applicable notice period (or to a compensation in lieu if the period or part of, is not respected), as stipulated by article 36 of the act.

Comments

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

-  [EMCC legal framework of restructuring](#)
-  [Watson Wyatt, 2006, Employment Terms & Conditions Report Europe, Volume I Brussels, Belgium](#)
-  [Chapter 452 - Employment and Industrial Relations Act, 2002](#)
-  [Subsidiary Legislation 452.80 - Collective Redundancies \(Protection of Employment\) Regulations](#)

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