

Malta: Selection of employees for (collective) dismissals




Phase:

Management

Type:

Selection of employees for (collective) dismissals

 Last modified: 06 April, 2018

Native name:

Kap. 452 - Att dwar l-Impiegi u r-Relazzjonijiet Industrijali, 2002; Leġislazzjoni Sussidjarja 452.80 - Regolamenti dwar Sensji Kollettivi (Harsien ta' l-Impjiegi) (Avviż Legali 428 tal-2002 kif emendat bl- Avviżi 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, 2002 - Article 36.4; Collective Redundancies (Protection of Employment) Regulations - Whole regulations

Description

The Collective Redundancies (Protection of Employment) Regulations does not specify the criteria for the selection of those employees who will be made redundant. Nonetheless, within seven working days from the day on which the employees' representatives have been notified of the intended collective redundancies (10 employees in companies with more than 20 and fewer than 100 persons, 10% of the workforce if between 100 and 299 persons are employed; and 30 employees or more if 300 persons or more are employed), the employer has to inform the employees' representatives in writing about the proposed criteria for the selection of the employees to be made redundant.

However, in the event of termination of employment on grounds of redundancy the rule of 'last in first out' is applied. This means that the last person who was hired in the category of employees affected by redundancy should be dismissed first. In those cases involving companies which are not a limited liability company or a statutory body, and where the employee to be made redundant is related to the employer by up to the third degree of consanguinity, the employer may instead of terminating the employment of such person terminate that of the person next in line.

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; Department of Industrial and Employment Relations

Thresholds


Company size by number of employees:


21

Number of affected employees:

10

Sources

 Chapter 452 Employment and Industrial Relations Act, 2002
(<http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=8918>)

 Subsidiary Legislation 452.80 - Collective Redundancies (Protection of Employment) Regulations
(<http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=11214>)

 **Revision log summary**