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Malta: Public authorities information and consultation on dismissals

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Malta

Phase:

Anticipation

Type:

Public authorities information and consultation on dismissals

Last modified: 27 September, 2019

Native name:

Leġislazzjoni Sussidjarja 452.80 - Regolamenti dwar Sensji Kollektivi (Harsien ta' l-Impjeggi) (Avviż Legali 428 of 2002, kif emendat bl-Avvizi Legali 427 u 442 tal-2004 u 281 tal-2017); L-Att Dwar l-Impjeg u Relazzjonijiet Industrijali, 2002 - Artikli 36 u 81

English name:

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, and L.N. 281 of 2017); Employment and Industrial Relations Act, 2002 - Articles 36 and 81

Article

Collective Redundancies (Protection of Employment) Regulations as amended by L.N. 428 of 2002, as amended by Legal Notices 427 and 442 of 2004 and 281 of 2017- Whole regulation; Employment and Industrial Relations Act, 2002 - Articles 36 and 81

Description

The Collective Redundancies (Protection of Employment) Regulations stipulates that in the case of collective redundancies, the employer shall forward to the Director General responsible for Industrial and Employment Relations (IER) a copy of the written notification given to the employee representatives regarding the proposal to make redundancies. The Director General should be informed of the notification on the same day.

The Director General (Employment and Industrial Relations) shall also receive a copy of the written statement with all relevant information including the reasons for the redundancies, the number of employees planned to be dismissed, the number of employees normally employed, the criteria proposed for the selection of employees to be made redundant, details regarding any redundancy payment obligations and the period over which redundancies are to be effected. This information must be handed over to the Director General on the same day on which the employee representatives are notified. Moreover, where the projected collective redundancy concerns members of the crew of a seagoing ship, the employer shall notify the Registrar General of Shipping and Seamen.

These rules apply to the termination of employment by an employer on grounds of redundancy, over a period of 30 days, of:

- 10 or more employees in establishments normally employing more than 20 employees but fewer than 100;
- 10% or more of the number of employees in establishments employing 100–300;
- 30 employees or more in establishments employing 300 or more.

These regulations shall not apply to terminations of employment effected under contracts of employment concluded for limited periods of time or for specific tasks, except where such terminations take place prior to the date of expiry or the completion of such tasks and the reason for such prior termination is the redundancy of the employees so terminated.

Notice of dismissal may only take effect after 30 days from notification to the Director General of Employment and Industrial Relations who may either shorten the period in exceptional circumstances or who may extend the 30 day period by a second period of the same length if such extension may lead to finding resolution, or to the identification of beneficial solutions to employees who will be made redundant.

Comments

Labour legislation and related 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. Amendments to the Collective Redundancies (Protection of Employment) Regulations were effected in August 2018.

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

-  DG Employment, Social Affairs and Equal Opportunities/Héra, Selected companies' legal obligations regarding restructuring, 2011
-  [EMCC legal framework of restructuring](#)
-  [Subsidiary Legislation 452.80 - Collective Redundancies \(Protection of Employment\) Regulations, 2002](#)

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Contact us

Eurofound, Wyattville Road, Loughlinstown, Co. Dublin, D18 KP65, Ireland

Phone: (00) 353 1 2043100

E-Mail: information@eurofound.europa.eu

Press: media@eurofound.europa.eu



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