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EMCC

European Monitoring Centre on Change

Malta: Obligation to consider alternatives to collective dismissals

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Malta

Phase:

Management

Type: [Obligation to consider alternatives to collective dismissals](#)

Last modified: 22 June, 2017

Native name:

Kap. 452 - Att dwar l-Impjegi u r-Relazzjonijiet Industrijali, 2002; Leġislazzjoni Sussidjarja 452.96 - Regolamenti dwar Dritt għal Informazzjoni u Konsultazzjoni mal-Impjegati (Avviż Legali 10 tal-2006, kif emendat bl-Avviż Legali 427 tal-2007); Leġislazzjoni Sussidjarja 452.80 - Regolamenti dwar Sensji Kollettivi (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 452.96 - Employee (Information and Consultation) Regulations (Legal Notice 10 of 2006, as amended by Legal Notice 427 of 2007); 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 42; Subsidiary legislation 452.96 and 452.80 - Whole regulations

Description

In situations concerning collective redundancies

Consultations shall cover ways and means of avoiding the collective redundancies (10 employees in companies with 21-99 employees, 10% of staff in companies with 100-300 employees, 30 employees in larger companies) or reducing the number of employees affected by such redundancies and mitigating the consequences.

In exceptional circumstances

Employers and trade union representatives may agree to different conditions of employment than those specified by law as a temporary measure to avoid redundancies. Such agreements must be approved by the Director of Industrial and Employment Relations and are stipulated by Article 42 of the Employment and Industrial Relations Act provides. Past agreements involved recourses to a four day week which meant a reduction in the weekly wage.

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.

Restructuring situations involving public entities

Measures undertaken in public entities such as the national airline company Airmalta aimed at avoiding mass redundancies consisted of early retirement schemes and redeployment of employees in other public entities and government departments.

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

-  [EMCC legal framework of restructuring](#)
-  [Subsidiary Legislation 452.96 - Employee \(Information and Consultation\) Regulations](#)
-  [Subsidiary Legislation 452.80 - Collective Redundancies \(Protection of Employment\) Regulations](#)
-  [Chapter 452 - Employment and Industrial Relations Act, 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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