

Malta¹

Frances Camilleri-Cassar (University of Malta)

April 2019

For comparisons with other countries in this review on leave provision and early childhood education and care services, please see the [cross-country tables](#) at the front of the review (also available individually on the Leave Network website). To contact authors of country notes, see the [members page](#) on the Leave Network website.

1. Current leave and other employment-related policies to support parents²

a. Maternity leave and Special Maternity leave (responsibility of Ministry of Social Dialogue, Consumer Affairs, and Civil Liberties)

Length of leave

- 18 weeks: six weeks must be taken following the birth, while a further eight weeks can be taken before or after birth. A further period of up to four weeks may be taken, immediately after these 14 weeks. It is obligatory to take six weeks following the birth.
- Special Maternity leave is granted when suitable alternative work and/or work hours (in terms of health and safety during pregnancy or during the 26 weeks starting from the date of confinement) are not possible. In such instances, the mother is granted leave, up to the time limit stipulated by the statutory Maternity leave.

Payment and funding

¹ Please cite as: Camilleri-Cassar, F. (2019) 'Malta country note,' in Koslowski, A., Blum, S., Dobrotić, I., Macht, A., and Moss, P. (eds.) *International Review of Leave Policies and Research 2019*. Available at: http://www.leavenetwork.org/lp_and_r_reports/.

² There is a distinction between policies in the public administration - which comprises government ministries, government departments and government entities - and those pertaining to the private sector and which do not fall under the Wages Council Wage Regulation Orders (WRO). Policies under the WRO include employees engaged in a contract of service in the private sector, and are outside the scope of this report.

- For Maternity leave, 100 per cent of earnings for 14 weeks with no upper limit on payments, followed by a flat-rate payment equivalent to the statutory minimum wage (€175.84 per week) for the final four weeks. During special Maternity leave, an allowance is paid, equivalent to the rate of the sickness benefit payable under the terms of the Social Security Act.
- Women on Maternity leave or special Maternity leave are entitled to the same rights and benefits which may accrue for other employees of the same class or category of employment at the same place of work, including the right to apply for promotion. Furthermore, the mother is entitled to return to the same job. If, for a valid reason, the position is no longer available, she is entitled to equivalent or similar work and conditions of employment.
- With the exception of bonuses or allowances related to performance or production, all automatic or fixed allowances specifically incorporated into the pay package should not be deducted during such leave.
- Funded by employers (public or private), except for the final four weeks paid at minimum wage level, which is funded by the government, via social security.
- The Maternity Leave Trust Fund was implemented in July 2015 with the aim of addressing discrimination against the employment of women in the private sector. Although employment law prohibits gender discrimination at the stage of recruitment, employers in the private sector are often wary of employing women, due to the possibility of pregnancy and payment for Maternity leave. The fund will be financed through contributions by private companies.
- The premium contribution is calculated at 0.3 per cent of the basic wage of all employees, and the amount collected will go into the fund. Private employers will receive a refund from the Maternity Leave Trust Fund for wages paid to women during their 14 weeks' Maternity leave. The new policy will not change the system of payment to women on Maternity leave (i.e. full wage for the first 14 weeks paid by the employer, and a flat-rate benefit paid by the government for the remaining four weeks of Maternity leave).
- The calculation of the 0.3 per cent is based on the number of employed women, the annual basic wage, probability of maternity, probability of women who exit the labour market before/during/after pregnancy, and the number of women working in the private sector. The fund will be calculated on a three-month, six-month, or 12-month reimbursement system (yet to be established) by the government to employers after their payment for Maternity leave.

Flexibility in use

- None, except for eight weeks of leave that can be taken before or after birth.

Eligibility

- All employees and self-employed women.³

Variation in leave due to child or family reasons (e.g. multiple or premature births; poor health or disability of child or mother; single parent) or delegation of leave to person other than the mother

- In those cases where, owing to a pathological condition arising out of confinement, an employee is unable to resume duties at the end of her Maternity leave, she will be entitled to a further period of absence of up to five weeks, which are deducted from her paid sick leave. Any period of absence in excess of the paid sick leave entitlement is considered sick leave without pay.

b. Paternity leave (public administration)⁴ (responsibility of Ministry of Social Dialogue, Consumer Affairs and Civil Liberties)

Length of leave

- Five working days after birth (including stillbirths).

Payment and funding

- 100 per cent of previous earnings with no upper limit on payments.
- Funded by the government (as employer).

Flexibility in use

- Must be taken up consecutively within 15 days of the birth.

Eligibility

- All employees.
- Same-sex couples are also eligible.

b. Paternity leave (private sector)

³ A self-employed woman who has recently given birth is eligible for Maternity leave benefit; this benefit is paid for four weeks, in addition to the first 14 weeks, as maternity benefit entitlement.

⁴ Manual on Work-Life Balance Measures, March 2019. Available at: https://publicservice.gov.mt/en/Documents/Public%20Service%20Management%20Code/PSMC%20Manuals/Manual_on_Work-Life_Balance_Measures.pdf.

Length of leave

- 1 working day.

Payment and funding.

- 100 per cent of previous earnings with no upper limit on payments.
- Funded by the employer.

Flexibility in use

- None.

Eligibility

- All employees.

Variation in leave due to child or family reasons (e.g. multiple or premature births; poor health or disability of child or mother; single parent) or delegation of leave to person other than the father.

- 2 days' leave in the case of multiple births.

c. Parental leave (public administration) (responsibility of Ministry of Social Dialogue, Consumer Affairs and Civil Liberties)

Length of leave (before and after birth)

- 12 months per child. This is a family entitlement: if both parents are public administration employees, they only receive 12 months of leave shared between them (not concurrently).

Payment

- None. However, child credits are awarded to parents who take a career break or terminate employment to care for their child/children under six years of age. Credits are due for the first three children, even if the parent does not return to employment. Any credits for the fourth child (and onwards if required) will be awarded on the condition that the parent returns to employment for the same number of years of credits to be awarded.

Flexibility in use

- Parental leave may be taken in one continuous period of 12 months or in continuous periods of four, six, or nine months.
- 4 months may be broken down into periods of one month at a time and taken until the child is eight years old – they may be granted on a full-time or a part-time basis, in a piecemeal way, or a time-credit system.
- Leave may be shared between the parents if both are public administration employees.
- Parents cannot be on leave together.

Eligibility

- At least 12 months' continuous service.
- Same-sex couples, legal guardians, and foster carers are eligible.

Variations in leave policy

- Public officers in the positions of head, director, or assistant-director are eligible to four months' unpaid Parental leave instead of the 12 months, and this leave may be taken up to the child's tenth birthday. Any period taken as unpaid Parental leave is calculated as part of the six-year creditable performance required as officer in the respective grade.

c. Parental leave (private sector, unless covered by Wage Regulation Orders⁵) (responsibility of Ministry of Social Dialogue, Consumer Affairs and Civil Liberties)

Length of leave (before and after birth)

- 4 months per parent. Leave is an individual entitlement.

Payment

- None. However, child credits are awarded to parents who take a career break or terminate employment to care for their child/children under six years of age. Credits are due for the first

⁵ 31 sectors in the private sector fall under WROs, including: hospitals and clinics, construction, private cleaning services, printing and publishing, seamen, hotels and clubs, etc. Workers covered by Wage Regulation Orders have their own legal entitlements which are amended regularly (e.g. hours of work). The reference to the 'private sector' benefits in this report covers only non-WRO workers. For more information, see: <https://dier.gov.mt/en/Legislation/Pages/Wage-Regualtion-Orders.aspx>; and also <http://www.justiceservices.gov.mt/LOM.aspx?pageid=27&mode=chrono&gotoID=452>

three children, even if the parent does not return to employment. Any credits for the fourth child (and onwards if required) will be awarded on the condition that the parent returns to employment for the same number of years of credits to be awarded.

Flexibility in use

- Leave may be taken in blocks of one month, up to the child's eighth birthday.
- Parents cannot be on leave together.

Eligibility

- At least 12 months' continuous service.
- Self-employed workers and same-sex couples are not eligible.

d. Childcare leave or career breaks (public administration)

- A one-off five-year career break can be taken until a child is ten years old.

Payment

- None. However, child credits are awarded to parents and legal guardians who take a career break or terminate employment to care for their child/children under six years of age. Credits are due for the first three children, even if the parent does not return to employment. Any credits for the fourth child (and onwards if required) will be awarded on the condition that the parent returns to employment for the same number of years of credits to be awarded.

Flexibility in use

- The five years must be taken in one continuous block, and may be reduced to multiples of three months.
- If the five years are not fully used, the outstanding leave may be taken for the care of another child/children.
- The career break may be shared by both parents if both are public administration employees.

Eligibility

- All employees in the public administration. However, female employees must undertake six months' employment either after Maternity or Parental leave, or else immediately after the career break.

d. Childcare leave or career break (private sector)

- No statutory entitlement, with any career break being at the discretion of the employer.

e. Other family-employment related measures (public administration)

Adoption leave and pay

- The same as Maternity leave.

Time off for the care of dependants

- Public administration workers may apply for up to one year of unpaid leave to care for elderly parents, disabled children or spouses.

Flexible working

- Employees in the public administration with one year of service may apply to work flexi-time for 12 months. This is renewable every year, with a full-time salary and other benefits. Employees may work different time schedules in winter and summer.
- Employees in the public administration may apply to work reduced hours (i.e., between 20 and 35 hours per week) until their children are 16 years old, with pro-rata payment.
- Alternative work arrangement 'closer to home' is limited to a maximum of 26 weeks from birth confinement.
- Employees in the public administration may apply to work on a teleworking arrangement for 12 months (renewable every year).

Specific provision for breastfeeding

- Women may take a maximum reduction for breastfeeding of one hour per working day without loss of payment, taken as one 60-minute interval, two 30-minute intervals, or three 20-minute intervals per day.

Specific provision for antenatal visits

- Release from work up to confinement, with no loss of pay or benefit.

Specific provision for medically assisted reproduction (IVF leave)

- 100 hours' fully paid leave (60 hours for the receiving person, 40 hours for the other).
- May be taken by both parents concurrently.
- May be taken for every assisted reproductive procedure, up to three times.

Responsibility leave

- Unpaid 12 months' leave, renewable yearly to care for dependent elderly parents, children, spouse, or partner in a civil union.

Special leave

- Unpaid three-month leave in any period of 12 months for any reason, including work-life balance.

Marriage and civil union leave

- 3 consecutive working days no later than the first working day following the marriage or civil union.

e. Other family-employment related measures (private sector)

Adoption leave

- 4 months' unpaid leave, until the child is eight years old, which may be used in one-month blocks.

Reduced hours

- Pro-rata benefits must be based on existing full-time working conditions.

Flexible working

- None.

Specific provision for breastfeeding

- None.

Medically assisted reproduction (IVF leave)

- 100 hours' fully paid leave (60 hours for the receiving person, 40 hours for the other).
- May be taken by both parents concurrently.
- May be taken for every assisted reproductive procedure, up to three times.

2. Relationship between leave policy and early childhood education and care policy

The maximum period of post-natal leave available in Malta is 76 months for public administration workers who use Parental leave and career breaks; or one year for private sector workers. In both cases, most of the leave period is unpaid, with leave paid at a high rate for just over three months. There is an entitlement to free attendance at ECEC services for children from three months of age who have a parent in full-time education or employment. Consequently, there is no gap between the end of paid leave and an ECEC entitlement (for parents in full-time public administration employment or education). However, all children are entitled to attend ECEC from three years of age, irrespective of whether the parent is economically active, or a stay-at-home parent. Levels of attendance at formal services are well above the average for OECD countries, both for children under and over three years of age. For actual attendance levels, see 'relationship between leave and ECEC entitlements' on the [cross-country comparisons](#) page.

3. Changes in policy since April 2018 (including proposals currently under discussion)

Two new leave types were introduced: 1) Responsibility Leave (unpaid twelve-month leave, renewable yearly, to care for dependent elderly parents, children, spouse, or partner in a civil union) and 2) Special Leave (unpaid three-month leave during any period of 12 months for any reason, including work-life balance).

In March 2019, Malta signed and ratified the Optional Protocol to the Convention on the Elimination of all Forms of Discrimination Against Women.

In January 2019, following the new Work-life Balance Directive by the European Parliament and Council of Ministers, a ten-day Paternity leave proposal was shot down by private sector employers, largely because it was not clear who would fund the measure. Currently, payment for family leave is the responsibility of private sector employers.

4. Uptake of leave (public administration)⁶

a. Maternity leave

In 2018, 852 women (3.7 per cent of the total number of women working in the public administration) took their entitlement to 14 weeks of paid Maternity leave. However, the number fell substantially to 612 women (2.6 per cent of the total number of women working in the public administration) for the remaining low-paid four weeks of Maternity leave. The data must be treated with caution, as it includes all women, irrespective of their age group.

b. Paternity leave

In 2018, 211 men (0.9 per cent of the total number of men working in the public administration) took up their entitlement to Paternity leave. The data must be treated with caution, as it includes all men, irrespective of their age group.

c. Parental leave

There is a clear gender gap in the uptake of unpaid Parental leave. In 2018, the women's share was 97 per cent.

d. Childcare leave and career breaks

In 2018, out of the total number of beneficiaries, women made 94 per cent.

A study of social policy in Malta finds that unpaid family leave is synonymous with career regression, and interruption in national insurance contributions. This, in turn, perpetuates women's financial dependence on men and increases the feminisation of poverty in old age (see Camilleri-Cassar, 2005).⁷ Until leave-to-care policies can offer financial compensation for loss of earnings, and are modified to allow time for the equal sharing of care between women and men, gender inequality will persist, both in the workplace and domestic sphere in Malta (Camilleri-Cassar, 2005).⁸

⁶ Family Friendly Measures Survey 2018, Standards and People Division, Office of the Prime Minister, Malta.

⁷ Camilleri-Cassar, F. (2005) 'Gender Equality in Maltese Social Policy? Graduate Women and the Male Breadwinner Model,' Agenda, Malta.

⁸ Ibid.

e. Other family-employment related measures⁹

In 2018, out of the total number of employees working reduced hours, women made 92 per cent. However, reduced hours need not necessarily be for childcare reasons.

There is a gender balance among employees working flexible hours. Of those working flexible hours, 51 per cent were women, however, this is largely evident in the lower grades.

In 2018, of the total number of workers who were eligible to telework, 85 per cent were women.

In 2018, out of the total number of employees who used the IVF leave, 65 per cent were women and 35 per cent were men. Data on same-sex couples who took up the leave is unavailable.

5. Uptake of leave (private sector)¹⁰

There is no information available.

⁹ Source: Family Friendly Measures Survey 2018, People and Standards Division, Office of the Prime Minister, Malta.

¹⁰ Based on personal communication with the Department of Industrial and Employment Relations, Malta: <http://dier.gov.mt/en/Pages/home.aspx>