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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 parents³⁹⁰

a. Maternity leave and Special Maternity leave (responsibility of the Ministry for Social Policy and Children’s Rights)

Length of leave

- Eighteen weeks: 6 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 4 weeks may be taken immediately after these 14 weeks.
- It is obligatory to take 6 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

- For Maternity leave, one hundred per cent of earnings for 14 weeks with no upper limit on payment, followed by a flat-rate payment equivalent to the statutory minimum wage (€213.54 per week) for the final four weeks. During

³⁸⁹ Please cite as: Camilleri-Cassar, F. (2024) ‘Malta country note’, in Dobrotić, I., Blum, S., Dobrotić, I., Kaufmann, G., Koslowski, A., Moss, P. and Valentova, M. (eds.) *International Review of Leave Policies and Research 2023*. Available at: <https://www.leavenetwork.org/annual-review-reports/>

³⁹⁰ 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.

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.
- Payments are taxed.
- Funded by employers (public or private), except for the final 4 weeks paid at minimum wage level, which is funded by the government, via the relevant benefit under the Social Security Act. Private employers receive a refund from the Maternity Leave Trust Fund for wages paid to women during their 14 weeks' Maternity leave.³⁹¹

Flexibility in use

- None, except for 8 weeks of leave that can be taken before or after birth.

Eligibility (e.g., related to employment or family circumstances)

- All employees and self-employed women³⁹².

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 5

³⁹¹ The Maternity Leave Trust Fund addresses 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 is 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 goes into the fund. This policy does 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, the probability of maternity, the probability of women who exit the labour market before/during/after pregnancy, and the number of women working in the private sector. The fund is calculated on a 3, 6 or 12 month reimbursement system (yet to be established) by the government to employers after their payment for Maternity leave.

³⁹² A self-employed woman who has recently given birth is eligible for a Maternity leave benefit; this benefit is paid for four weeks, in addition to the first 14 weeks, as maternity benefit entitlement.

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 leave³⁹³ (public administration)³⁹⁴ (responsibility of the Ministry for Social Policy and Children’s Rights)

Length of leave

- Ten working days.

Payment and funding

- One hundred per cent of previous earnings with no upper limit on payment.
- Payments are taxed.
- Funded by the government as the employer.

Flexibility in use

- Must be taken up in one continuous period within 15 days following the birth or adoption of a child.

Eligibility (e.g., related to employment or family circumstances)

- Fathers or equivalent second parents from the date of commencement of employment.
- Same-sex couples are also eligible.

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

- None.

b. Paternity leave (private sector)

Length of leave

- Ten working days.

Payment and funding

- One hundred per cent of previous earnings with no upper limit on payment.

³⁹³ OPM Circular No. 11/2022.

³⁹⁴ Manual on Work-Life Balance Measures, March 2023. https://publicservice.gov.mt/en/Documents/Public_per_cent20Service_per_cent20Management_per_cent20Code/PSMC_per_cent20Manuals/Manual_on_Work-Life_Balance_Measures.pdf

- Funded by the employer who claims a refund from the State Trust Fund according to the applicable rate established for the scheme.

Flexibility in use

- None.
- Must be taken up in one continuous period within 15 days following the birth or adoption of a child.

Eligibility (e.g., related to employment or family circumstances)

- Fathers or equivalent 2nd parents, on the birth or adoption of a child.
- Eligible also in case of still births, as provided under the maternity leave policy.

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

- None.

c. Parental leave³⁹⁵ (public administration) (responsibility of the Ministry for Social Policy and Children’s Rights)

Length of leave (before and after birth)

- Twelve months.
- This is a family entitlement.

Payment and funding

- Two months³⁹⁶ paid at the same rate established by the sickness benefit entitlement under the Social Security Act.
- Individual right of each parent, for a period of 4 months until the child has attained the age of 8 years.
- However, child credits are awarded to parents who take a career break or terminate employment to care for their child/children under 6 years of age. Credits are due for the first 3 children, even if the parent does not return to employment. Any credits for the 4th 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.

³⁹⁵ OPM Circular No 117/92, MPO Circular No BI/6/94, MPO Circular No 28/96, OPM Circular No 15/1998, OPM Circular No 29/1998, MPO Circular No 108/2005 and MPO Circular No 3/2008, OPM Circular No 11/2022.

³⁹⁶ Subsidiary legislation 452.125 The Work-Life Balance for Parents and Carers Regulation, Legal Notice 201 of 2022.

Flexibility in use

- Parental leave may be taken in one continuous period of 12 months or in continuous periods of 4, 6 or 9 months.
- Four months may be broken down into periods of 1 month at a time and taken until the child is ten 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 (e.g., related to employment or family circumstances)

- Every parent in employment, whether full-time or part-time, on an indefinite or fixed-term contract.
- Completion of 12 months of probationary period.
- Same-sex couples, legal guardians, adoptees and foster carers of children under 10 years of age are eligible³⁹⁷.

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

- Public officers in the positions of head, director, or assistant-director are eligible for 4 months unpaid Parental leave instead of 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 6 year creditable performance required as an officer in the respective grade.

c. Parental leave³⁹⁸ (private sector unless covered by Wage Regulation Orders)³⁹⁹

Length of leave (before and after birth)

- Four months per parent.
- The first 2 months are an individual, non-transferable entitlement; the second 2 months are an individual but transferable entitlement.

³⁹⁷ OPM Circular No 117/92, MPO Circular No BI/6/94, MPO Circular No 28/96, OPM Circular No 15/1998, OPM Circular No 29/1998, MPO Circular No 108/2005 and MPO Circular No 3/2008.

³⁹⁸ L.N. 201 of 2022, Employment and Industrial Relations Act (Cap.452) The Work-Life Balance for Parents and Carers Regulations, 2022.

³⁹⁹ Thirty-one 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>.

Payment and funding

- The first 2 months for each parent are paid; the remaining period is unpaid. The payment rate is the Married rate established for the Sickness Benefit.
- The benefit level is equal to the sickness benefit entitlement:
 - 50 per cent of previous earnings for children under 4 years of age;
 - 25 per cent of previous earnings for children 4 to 8 years of age.⁴⁰⁰
- Payments are made to parents by the employer who claims a refund from the State up to a maximum of 2 months leave per parent.

Flexibility in use

- Leave may be taken in periods of 1 month, up to the child's 8th birthday.
- The four months can be taken on one continuous period if the child is between 0 and 4 years, in which case only 4 weeks of the entitlement will be paid at the applicable rate and the remainder is unpaid; if the child is between 4 and 6 years, only 2 weeks of the entitlement will be paid at the applicable rate and the remainder is unpaid; if the child is between 6 and 8 years, only 2 weeks of the entitlement will be paid at the applicable rate and the remainder is unpaid.
- Parents cannot be on leave together.

Eligibility (e.g., related to employment or family circumstances)

- Each parent on the grounds of birth, adoption, child fostering or legal custody of a child.
- At least 12 months of continuous service.
- Self-employed workers and same-sex couples are not eligible.

d. Childcare leave or career breaks (public administration)

- A 5 year career break can be taken until a child is 10 years old by employees in the public administration; in the case of female employees, they must undertake 6 months employment either after Maternity or Parental leave, or else immediately after the career break. The 5 years must be taken in one continuous period and may be reduced to multiples of 3 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 once if both are public administration employees.

There is no payment; 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 6 years of age. Credits are due for the first 3 children, even if the parent does not return to employment; any credits for the 4th 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.

⁴⁰⁰ L.N. 201 of 2022. Employment and Industrial Relations Act (Cap. 452) The Work-Life Balance for Parents and Carers Regulations, 2022.

d. Childcare leave or career breaks (private sector)

- No statutory entitlement. Any career break is at the discretion of the employer.

e. Other types of leave and flexible working (public administration)

Adoption leave and pay

- The same as Maternity leave.
- International adoptees (i.e., persons who adopt a child from outside Malta) are entitled to additional separate periods of unpaid leave that do not exceed three months in total.

Time off for the care of dependants

- Public administration workers who have completed their respective probationary period may apply for up to one year of unpaid responsibility leave, to care for dependent elderly parents, children, spouse or partner in a civil union (renewable every year).

Specific provision for breastfeeding

- Women may take a maximum reduction for breastfeeding of 1 hour per working day without loss of payment, taken as 1 60 minute break, 2 30 minute breaks, or 3 20 minute intervals per day.

Flexible working

- Parents are not obliged to work overtime for a period of 12 months from the birth of their child.
- Employees in the public administration with three months 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.
- Flexi-week: employees in the public administration, who have held their current position for at least 3 months, may apply to work a 40 hour week over 4 or 6 days for 12 months (renewable every year).
- Remote working: up to 20 per cent of the weekly working hours may be worked remotely during usual office hours, subject to approval, and without providing justification. All employees in public administration who have held their current position for at least 3 months are eligible

- Extended remote working: all employees in public administration who have held their current position for at least 3 months may work outside usual office hours. Eligible are public officers whose job is suitable for remote working, and who provide supporting documents to justify a need. The eligibility for Extended Remote Working may include, but is not limited to the following reasons: (i) public officers who have children up to sixteen years that need to be taken care of; (ii) public officers who have dependent elderly parents, sons and daughters, or spouse/partner in a civil union; (iii) public officers who have valid medical/humanitarian reasons. In any of these cases the public officer is required to produce a medical specialist's certificate certifying that for medical or serious humanitarian and/or family reasons, they may not attend their duties fully from the office.

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)

- One hundred hours of leave (60 hours for the receiving person, 40 hours for the other), fully paid.
- 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

- Three consecutive working days no later than the 1st working day following the marriage or civil union.

e. Other types of leave and flexible working (private sector)

Adoption leave

- Four months' unpaid leave, until the child is 8 years old, which may be used in one month periods.

Carers' leave

- Five working days per year.

- All employees who need to provide personal care or support to a relative or person in the same household for a serious medical reason.

Reduced hours

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

Specific provision for breastfeeding

- None.

Flexible working

- Carers and employees with children up to the age of 8 years are entitled to request flexible working arrangements.

Medically assisted reproduction (IVF leave)

- One hundred hours of leave (60 hours for the receiving person, 40 hours for the other), fully paid.
- 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 is just under 76 months for public administration workers who use Parental leave and career breaks; or just over 11 months 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 Early Childhood Education and Care (ECEC) for children from 3 months of age who have a parent in full-time education or employment. There is, therefore, no gap between the end of well-paid leave and an ECEC entitlement for children with parents in employment or studying. However, all children are entitled to attend ECEC from 3 years, irrespective of whether the parent is economically active or a stay-at-home parent.

For ECEC attendance levels, see 'relationship between leave and ECEC entitlements' in the [cross-country tables](#) at the front of the review.

3. Changes in policy since April 2022 (including proposals currently under discussion)

Paternity leave was extended from 5 days (in the public sector) and 1 day (in the private sector) days to 10 working days. It is paid 100 per cent of previous earnings with no upper limit on payments.

As of August 2022, the eligibility for Parental leave in the public sector extended to every parent in employment, whether full-time or part-time, on an indefinite or fixed-term contract. In the private sector, two months (out of four) of Parental leave have become non-transferable. Also, eight weeks of Parental leave must be paid at the level of sickness benefit.

Carer's leave in the private sector of five working days per year, one paid day, was introduced. All employees are entitled who need to provide personal care or support to a relative or person in the same household for a serious medical reason.

Employees in the public administration with at least 3 months of service (previously 1 year) may now apply to work flexi-time for 12 months. New forms of flexible working arrangements were introduced (see 1e (public administration)). Public service employees may submit a written request for remote working; however, the assessment of eligibility remains at the discretion of the head of the respective department. Details of the remote working policy, which include contact hours, employment conditions, eligibility and standards were published by the Public Service for its employees.

A proposal for menstrual leave of 12 days per year was tabled in Parliament in 2023. No decision has been made so far.

4. Uptake of leave (public administration)⁴⁰¹

There has been no update to the Family Friendly Report since 2020.

a. Maternity leave

In 2020, a total of 769 women took their entitlement of the first statutory 14 weeks Maternity leave on full pay; 597 took the remaining low-paid 4 weeks.

b. Paternity leave

In 2020, 196 men took up their entitlement to Paternity leave, an increase of almost 50 per cent over the leave uptake in 2019.

c. Parental leave

There is a clear gender gap in the uptake of unpaid Parental leave. In 2020, women's share of the uptake was 98 per cent.

d. Childcare leave and career breaks

In 2020, women were predominantly the largest number of takers of the career break with a total of 229 (98 per cent) women compared with 4 men.

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).⁴⁰² Until leave-to-

⁴⁰¹ Family-Friendly Measures Report 2020, Standards and People Division, Office of the Prime Minister, Malta.

⁴⁰² Camilleri-Cassar, F. (2005) *Gender Equality in Maltese Social Policy? Graduate Women and the Male Breadwinner Model*. Malta: Agenda Publishing..

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).⁴⁰³ The findings from this 2005 study seem to persist today.

e. Other types of leave and flexible working⁴⁰⁴

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.

In 2020, a total of 1,317 public officers chose to work Reduced working hours, 94 per cent of whom were women. Teleworking is a popular measure for both women and men. In 2020 and 2021, in the fifteen months of the pandemic, workers were strongly encouraged to telework to contain the spread of the virus. Others worked on a rota basis. No data is available as to the increase in the number of teleworkers over this time.

Flexitime seems to be the most preferred measure by both women and men. In 2020, of a total number of 1,418 public officers working flexitime, 816 (58 per cent) were women, compared with 602 men.

4. Uptake of leave (private sector)⁴⁰⁵

No information available.

⁴⁰³ Ibid.

⁴⁰⁴ Source: Family Friendly Measures Research Report 2020. People and Standards Division, Office of the Prime Minister, Malta. Available at: <https://publicservice.gov.mt/en/people/Documents/People-Support-Wellbeing/Reports/FFM - 2020.pdf>

⁴⁰⁵ Based on personal communication with the Department of Industrial and Employment Relations, Malta: <http://dier.gov.mt/en/Pages/home.aspx>