

INTERNATIONAL NETWORK ON LEAVE POLICIES AND RESEARCH

11th International Review of Leave Policies and Related Research 2015

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For comparisons with other countries in this review – on demographic, economic, employment and gender equality indicators and on leave provision and early childhood education and care services - go to [cross-country comparisons](#) page on website. To contact authors of country notes, go to [membership-list of members](#) page on website.

1. Current leave and other employment-related policies to support parents²²⁷

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

Length of leave

- Eighteen weeks: six weeks must be taken following the birth, while eight weeks can be taken before or after birth. A further period of up to four weeks may be taken, immediately after the take-up of 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 twenty-six 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, 100 per cent of earnings for 14 weeks with no ceiling on payments, followed by a flat-rate payment equivalent to the statutory minimum wage (€166.26 per week) for the final four weeks. During the special Maternity leave, an allowance is paid, equivalent to the rate of sickness benefit.
- Women on Maternity leave or special Maternity leave are entitled to all rights and benefits which may accrue to 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, this is no longer, 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 in the pay package should not be deducted during such leave.

²²⁶ Please cite as: Camilleri-Cassar, F. (2015) 'Malta country note', in: P. Moss (ed.) *International Review of Leave Policies and Research 2015*. Available at: http://www.leavenetwork.org/lp_and_r_reports/

²²⁷ There is a distinction between policies in the public sector 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 under a contract of service in the private sector, and are outside the scope of this report.

- Funded by employers (public or private), except for the final four weeks paid at minimum wage level, which is funded by the government, via the department of Social Security.

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.

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

- None.

b. Paternity leave (public sector)

Length of leave

- Two days after birth.

Payment and funding

- One hundred per cent of earnings with no ceiling on payments.
- Funded by the government (as employer).

Flexibility in use

- Must be taken up within fifteen days of the birth.

Eligibility

- All employees.

b. Paternity leave (private sector)

Length of leave

- One working day.

Payment and funding.

- Hundred per cent of earnings with no ceiling 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; lone parent) or delegation of leave to person other than the father.

- Two days leave in the case of multiple births.

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

Length of leave (before and after birth)

- Twelve months per family. If both parents work in the public sector, they only receive 12 months shared between them.

Payment

- None.

Flexibility in use

- Parental leave may be taken in one continuous period of twelve months or in continuous periods of four, six, or nine months.
- Four months may be broken down in periods of one month at a time and taken until the child is eight years old, and may be granted on a full-time or a part-time basis.
- Leave may be shared between the parents if both are public sector employees.
- Parents cannot be on leave together.

Eligibility

- At least twelve months continuous service.

Variations in leave policy

- Public officers in the positions of head, director or assistant director are eligible to four months unpaid parental leave.

c. Parental leave (private sector unless covered by Wage Regulation Orders²²⁸) (responsibility of Ministry of Social Dialogue, Consumer Affairs, and Civil Liberties)

Length of leave (before and after birth)

²²⁸ 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. Reference to 'private sector' benefits in this report cover only non-WRO workers. For more information see <https://dier.gov.mt/en/Legislation/Pages/Wage-Regualtion-Orders.aspx>; and <http://www.justiceservices.gov.mt/LOM.aspx?pageid=27&mode=chrono&gotID=452>.

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

Payment

- None.

Flexibility in use

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

Eligibility

- At least twelve months continuous service.

d. Childcare leave or career breaks (public sector)

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

Payment

- None.

Flexibility in use

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

Eligibility

- All employees in the public sector, but 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, any career break being at the discretion of the employer.

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

Adoption leave and pay

- The same as Maternity leave

Time off for the care of dependants

- Public sector 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 sector with one year of service may apply to work flexi-time for 12 months, renewable every year.
- Employees in the public sector 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.

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

Adoption leave

- Four 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

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 sector workers who use Parental leave and career breaks; or just under 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; all children are entitled to attend ECEC from three years of age. Consequently, there is no gap between the end of paid leave and an ECEC entitlement (for parents in full-time employment or education). Levels of attendance at formal services are above the average for the countries included in this review and OECD countries, both for children under and over three years. For actual attendance levels, see 'relationship between leave and ECEC entitlements' on [cross-country comparisons](#) page.

3. Changes in policy since April 2010 (including proposals currently under discussion)

Statutory Maternity leave increased from 16 to 18 weeks from January 2013, with 14 weeks paid at 100 per cent of earnings. As of January 2015, payment for the remaining four weeks was introduced, at the level of the national minimum wage. As of August 2015, Maternity leave that includes August is to be treated as vacation leave and paid accordingly for all educators working in schools and/or under school work conditions.

4. Take-up of leave (public sector)²²⁹

a. Maternity leave

In 2013, 702 women took up their entitlement to 14 weeks of paid maternity leave. However, the number fell substantially – to 429 women - for the remaining low paid four weeks of Maternity leave.

b. Paternity leave

No information available

c. Parental leave

There is a clear gender gap in the take-up of unpaid Parental leave in 2013, with only 14 men taking leave compared with 485 women.

d. Childcare leave and Career breaks

Two hundred and eighty women took up their entitlement to an unpaid career break of up to five years in 2013; only 14 men opted for the benefit.

A study of social policy in Malta finds that unpaid family leave is synonymous with career regression, and interruption in national insurance contribution that in turn perpetuate women's financial dependence on men and increases the feminisation of poverty in old age (see Camilleri-Cassar, 2005). 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.

e. Other family-employment related measures

One thousand five hundred and thirty eight women opted to work reduced hours in 2013, compared with 94 men. However, reduced hours need not necessarily be for reasons of childcare.

4. Take-up of leave (Private sector)²³⁰

No information available.

5. Research and publications on leave and other employment-related policies since April 2014

▪ General overview

²²⁹ <https://opm.gov.mt/en/PAHRO/ERM/Pages/Reports/Reports.aspx>

²³⁰ Personal communication with the Department of Industrial and Employment Relations, Malta. <http://dier.gov.mt/en/Pages/home.aspx>.

Malta's leave schemes are based on a clear division between the public and private sectors, with employees in the public sector having more favourable conditions. They also assume and sustain a male breadwinner system. They are patchy, and have done little to change father practices. Leave policies couched by the state as family friendly, fall disproportionately on women, while men's employment is undisturbed by their transition into fatherhood. Most fathers in Malta are unable to shoulder the loss of income, and loss in retirement pension due to interrupted national insurance contributions during their unpaid leave. Admittedly, it makes economic sense that a clear majority of care-leave takers are women in a male breadwinner regime.

One of the most obvious of gender inequalities is the two day Paternity leave (one day in the private sector) compared with eighteen weeks Maternity leave. Such discriminatory practices supported by the State can only broaden the gender gap, and reinforce traditional family patterns of a male breadwinner ideal type in Malta. Typical of a male breadwinner model, unpaid leave schemes are taken up largely by women, which leaves the basic gendered structure of society untouched.

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Research and publications are patchy and consist largely of a few newspaper articles by employers' associations lamenting the (un)fairness to employers for having to pay for maternity leave. Other than that publications are mainly annual reports by government departments such as the Public Administration HR Office of the Prime Minister or short comments uploaded on line by law firms in Malta. Statistics that would provide a clear picture of the take-up of leave policies for drawing up leave policies that are effective in Malta are dated or not available.

b. Selected publications since April 2005

Camilleri-Cassar, F. (2005) *Graduate Women and the Male Breadwinner Model*, Malta: Agenda.

The study examines government claims to gender equality in Malta's social policies. It argues that despite claims to promote gender equality, Malta has a male breadwinner model where women are assumed economically dependent on men. The fifth chapter in the study focuses on leave policies through in-depth interviews with graduate women. It contends that recent developments in Malta's leave policies perpetuate the traditional gender arrangement. One major implication for understanding gender equality in Maltese social policy is that there appears to be a deeply ingrained set of cultural assumptions, structures, and obligations within the family that shape workplace expectations, which in turn spill over into relationships within the bureaucracy such that government policies are blunted in their effect.

Centre for Equality Advancement (2005) *Fathers on Parental Leave*. Vilnius: EUgrimas.

This report between partner countries including Malta seeks an understanding of factors that encourage the take-up of Parental leave by fathers, the obstacles that men encounter, and reactions by their employers. The study combines qualitative and quantitative research methods and concludes that the poor take-up of Parental leave in Malta persists largely due to conservative, traditional reactions.

Camilleri-Cassar, F. (2009) 'Flexible Working Time Arrangements'. External report commissioned by and presented to the EU Directorate-General Employment and Social Affairs, Unit G1 'Equality between women and men', Expert Group on Gender and Employment, DG Employment.

Government policy to increase women's active participation in the labour market brings to the fore the importance attached to balancing employment with family life. The study raises questions about flexible working time arrangements in Malta through an exploration of the national regulatory framework and recent policy debates. It goes on to assess general trends at a macro level of new forms of gender (in)equality, and concludes with an evidence-based discussion of working time flexibility from a life course perspective.

Camilleri-Cassar, F. (2009) 'The provision of childcare services in Malta', Expert Group on Gender and Employment issues (EGGE) report for the European Commission Directorate-General for Employment, Social Affairs and Equal opportunities, Unit G.1 'Equality between women and men'.

Family oriented debates are high on the political agenda in Malta. Government policies towards women's full employment have been underpinned with a reduced hours system, Parental leave, career breaks and plans for subsidies for users of childcare centres. However, women's experience of care policies suggests that Malta remains a strong male breadwinner regime, where men are expected to earn and women to care. It concludes that the state's key source of failure is resistance to address cultural and structural disadvantages for women consistent with inadequate and ineffective family support policies.

Malta Business Bureau (2010) *The Estimation of Costs to the Maltese economy of implementing EU legislative proposals related to maternity and paternity leave*. Available at: <http://www.mbb.org.mt/Articles/PrintArticle.aspx?ArticleId=2323&Section=newsroom>

The study seeks an estimate of costs incurred if Malta were to introduce the EU legislative proposals related to Parental leave, including the extension of Maternity leave and the introduction of Paternity leave. The study suggests that the economic benefits of the legislative changes in the Maltese economy would be relatively marginal as Maternity leave is already an existing statutory benefit. However, an increase in parental leave could possibly increase the costs exponentially. The report argues that whereas estimates of benefits are subject to a high degree of uncertainty, direct costs in terms of loss of output can be quantified statistically.

Camilleri-Cassar, F. (2013) 'Leave policies for childcare 2010 - 2013', External report commissioned by and presented to the EU Directorate-General Employment, Social Affairs, and Equal Opportunities, Unit G1 'Equality between women and men'.

The report presents a discussion of leave policies in Malta between 2010 and 2013.

PAHRO (2013) *Family Friendly Measures Report 2013*, Public Administration HR Office, Malta.

The report provides data on the take-up of family friendly measures in the public administration of Malta. Data is broken down by gender, and salary scale and presents some analysis of employee work-family needs.

c. Ongoing research

The Public Administration HR Office of the Office of the Prime Minister is currently working on the 2014 Annual Report of Family Friendly measures. Other than that, information on ongoing research is not available.