

Malta

Algorithmic management

Phase	Digital Platform Delivery Wages Council Wage Regulation Order, 2022
Native name	Ordni tal-2022 tal-Kunsill tal-Pagi tal-Pjattaforma Digitali għall-Konsenja
Type	Algorithmic management
Added to database	11 October 2023
Access online	Click here to access online

Article

L.N. 268 of 2022 - Digital Platform Delivery Wages Council Wage Regulation Order, 2022

Description

LAST UPDATE 2023 - THIS CONTENT WILL NOT BE UPDATED

L.N. 268 of 2022 introduced new laws to regulate digital platform work and provided more safeguards for digital platform workers' employment status and rights.

The Legal Notice aims to promote fairness, transparency, and accountability in algorithmic management (Article 1). The Legal Notice establishes the presumption of an employment relationship (Article 4) between the digital platform worker and the digital labour platform or work agency, and ensures the application of employment law and rights to digital platform workers, including overtime rates and sick leave. The Legal Notice makes reference to the application of, inter alia, the Employment and Industrial Relations Act; the Social Security Act; the Occupational Health and Safety Authority Act; the Transparent and Predictable Working Conditions Regulations; and the Employee (Information and Consultation) Regulations. An employer under this L.N. is required to give the worker a letter of engagement or a signed declaration within seven days from the commencement of the employment relationship (Article 15).

Transparency includes informing platform workers about the automated monitoring and decision-making systems used by the platform, and protecting the employees' personal data against any processing not intrinsically related and necessary to their work (Article 17). Employers are also required to make such information available to the Director General for Employment and Industrial Relations and to platform workers' official representatives (that is, a lawyer representing the worker, a trade union representative, or an information and consultation representative who has been appointed in accordance with the Employee (Information and Consultation) Regulations), if they so request.

Commentary

While the legislation makes reference to trade union representatives, it is worth noting that unionisation is low among workers on 'atypical' contracts (Debono, 2018). It is the author's understanding that measures related to access to algorithmic measures are yet to be used by the Director General for Employment and Industrial Relations and platform workers' official representatives.

Additional metadata

Cost covered by	National government
Involved actors other than national government	Employer organisation National government Trade union
Involvement (others)	None
Thresholds	Affected employees: No, applicable in all circumstances Company size: No, applicable in all circumstances Additional information: No, applicable in all circumstances

Sources

- [Department for Industrial and Employment Relations \(2022\), FAQs on the Digital Platform Delivery Wages Council Wage Regulation Order of 2022](#)~~~ [L.N. 268 of 2022 - Digital Platform Delivery Wages Council Wage Regulation Order, 2022](#)~~~ [Times of Malta \(2022\), Payslips, bonuses and sick pay: new laws for platform workers unveiled, Times of Malta, 22 October](#)~~~ [Debono, M. \(2018\), 'An Analysis of Trade Union Membership in Malta,' Xjenza Online, Vol. 6, pp. 46-58](#)~~~

Citation

Eurofound (2023), Malta: Algorithmic management, Restructuring legislation database, Dublin