

Malta

Selection of employees for (collective) dismissals

Phase	Cap. 452 - Employment and Industrial Relations Act, 2002; 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, and 281 of 2017)
Native name	Kap. 452 - Att dwar l-Impjegi u r-Relazzjonijiet Industrijali, 2002; Legislazzjoni Sussidjarja 452.80 - Regolamenti dwar Sensji Kollektivi (Harsien ta' l-Impjegi) (Avviż Legali 428 tal-2002 kif emendat bl- Avviżi Legali 427 u 442 tal-2004, u 281 ta' 2017)
Type	Selection of employees for (collective) dismissals
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Article

Employment and Industrial Relations Act, 2002 - Article 36.4; Collective Redundancies (Protection of Employment) Regulations - Whole regulations

Description

The Collective Redundancies (Protection of Employment) Regulations does not specify the criteria for the selection of those employees who will be made redundant. Nonetheless, within seven working days from the day on which the employees' representatives have been notified of the intended collective redundancies (10 employees in companies with more than 20 and fewer than 100 persons, 10% of the workforce if between 100 and 299 persons are employed; and 30 employees or more if 300 persons or more are employed), the employer has to inform the employees' representatives in writing about the proposed criteria for the selection of the employees to be made redundant.

However, in the event of termination of employment on grounds of redundancy the rule of 'last in first out' is applied. This means that the last person who was hired in the category of employees affected by redundancy should be dismissed first. In those cases involving companies which are not a limited liability company or a statutory body, and where the employee to be made redundant is related to the employer by up to the third degree of consanguinity, the employer may instead of terminating the employment of such person terminate that of the person next in line.

Commentary

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.

Additional metadata

Cost covered by	None
Involved actors other than national government	Employer organisation Trade union Other
Involvement (others)	Employment Relations Board; Department of Industrial and Employment Relations
Thresholds	Affected employees: 10 Company size: 21 Additional information: No, applicable in all circumstances

Sources

- [Chapter 452 Employment and Industrial Relations Act, 2002](#) ~~~ [Subsidiary Legislation 452.80 - Collective Redundancies \(Protection of Employment\) Regulations](#) ~~~

Citation

Eurofound (2015), Malta: Selection of employees for (collective) dismissals, Restructuring legislation database, Dublin