



# MANUAL ON SPECIAL LEAVES





# MANUAL ON SPECIAL LEAVES

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# Introduction

Cognizant of the different opportunities that public officers may encounter, the Public Service has introduced a wide range of un/paid leaves to address such requirements. The aim of this manual is to provide a detailed description of each policy which public officers may utilise whilst ascertaining that their career development is secured.

This manual is categorised into seven (7) different sections of special leaves, as follows:

1. Paid leave approved by Directors;
2. Unpaid leave approved by Directors;
3. Un/paid leave approved by Permanent Secretaries;
4. Un/paid leave on grounds of public policy approved by the People Relations (PRD) Directorate within the People & Standards (PSD) Division;
5. Unpaid leave to take up temporary employment with Institutions, Bodies and Agencies of the European Union;
6. Paid leave approved by Other Authorities
7. Cooperatives Schemes

Furthermore, the Public Service promotes continuous learning, self-actualisation and career development. In this regard, it also supports flexibility by providing Study Leave. The rules and procedures regarding study leave are found in the Sponsorships and Study Leave Manual.

# General Conditions

## SPECIAL UNPAID LEAVE <sup>1</sup>

In computing special unpaid leave, every day of absence is to be counted. Saturdays, Sundays and public holidays falling at the beginning or at the end of such leave, however, are to be excluded. This provision does not apply in respect of those categories of staff for whom Saturdays and Sundays are normal working days.

Approvals of unpaid leave are to be submitted to the Gozo Salaries Section for salary adjustments and for record purposes. All unpaid leave should also be recorded in the officer's Personal Record Sheet (GP 46) and the Service and Leave Record Form (GP 47).

Before utilising unpaid leave, employees must utilise their vacation leave, computed pro-rata on the period of service actually worked during the calendar year prior to commencement of the unpaid leave. This does not apply to those employees utilizing Carer's Leave.

Officers, who are on/have just exhausted long unpaid leave, should resume duty before being granted any other type of paid leave, including sick leave. Paid leave is granted for actual work periods and cannot be authorised if no service has been given. Nevertheless, during the period of unpaid leave, employees may still avail themselves of Maternity Leave.

Those in the teaching profession who avail themselves of unpaid leave are allowed to resume duty by the end of February or at the end of the scholastic year in September.

Officers who resume duty on the summer time-table following unpaid leave or reduced hours, should be paid for the actual hours worked, unless they opt to compensate for the shortfall in hours by working longer hours.

Employees benefitting from the special leaves listed at section 1.1, 2, 3, 4 and 5 of which the duration is longer than one consecutive month, will not have access to send emails from their official email account. They shall however continue to be entitled to receive e-mails and notifications.

Officers, who have availed themselves of unpaid leave for two (2) years or more, will have to undergo an induction course on resuming duties.

When officers on special leave fail to resume duty without justification, on the expiration of their authorised leave, disciplinary action is to be taken.

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<sup>1</sup> MPO Circular No B1 6/94 and MPO Circular No 31/2005 PAHRO Circular No 4/2015

Any of the unpaid leave entitlements in section 2 of the Manual on Work-Life Balance Measures as well as all special unpaid leaves granted not on grounds of public policy in terms of this manual, may be followed by one another, subject to an overall maximum of eight (8) years, whether taken at a stretch or broken up by periods of resumption of duty. The eight (8) year limit applies also to Paid Leave for Development Work Abroad. Notwithstanding the above, in line with the Public Administration's constant support towards work-life balance and employee wellbeing, the full entitlement of Parental Leave, Career Break and Responsibility Leave, may still be availed even if the maximum eight (8) year entitlement has been reached. However, no other unpaid leave entitlement listed in the Manual on Special Leaves, including Paid Leave for Development Work Abroad, may be availed of over and above the eight (8) year capping.

When officers opt to follow one type of leave with another, they are required to apply at least one (1) month in advance to allow for adequate planning.

All unpaid leave granted **not on grounds of public policy** is not reckonable as service for Treasury pension purposes. Furthermore, if officers retire while on unpaid leave, their Treasury pension will be based on the last salary that they had earned before availing themselves of unpaid leave.

# Service in the Grade

Details of reckoning of un/paid leave for the purpose of Service in the Grade are found at PAHRO Circular No. 4/2015 and PAHRO Circular No. 7/2015

01

Paid Leave

Approved by Directors

## 1.1 Pre-Retirement Leave <sup>2</sup>

Public officers are entitled to avail themselves of unutilised sick leave on full pay as pre-retirement leave on the basis of one (1) day's pre-retirement leave for every four (4) days of unutilised full pay sick leave, immediately preceding their retirement from the Service.

### Eligibility

In order to qualify for pre-retirement leave, public officers need to accumulate an average of fifty (50)% unutilised sick leave on full pay per year, throughout their career in the Public Service.

### Duration

The maximum amount of unutilised sick leave which employees are entitled to carry over for the purpose of pre-retirement leave is capped at seven (7) working days per calendar year. The resulting number of days of pre-retirement leave entitlement cannot exceed the total of three (3) calendar months.

Pre-retirement leave may:

- i. Be utilised in one continuous period at a stretch. In such cases:
  - a) Officers are required to utilise all Vacation Leave (including accumulated Vacation Leave) and TOIL together prior to the pre-retirement leave.
  - b) The position occupied by an employee on pre-retirement leave will be considered as vacant with effect from the date when the employee commences the pre-retirement leave, and;
  - c) All allowances are immediately withheld. Allowances include all supplementary payments and other benefits to which the officers may be entitled to,

Or

- ii. Where the circumstances of the job make this possible, in agreement with the respective Head of Department, Public Officers may avail themselves of their pre-retirement leave entitlement over a period equivalent to double the amount of days, working half the hours and receiving full pay. In such cases:
  - a) Officers are required to utilise all accumulated Vacation Leave from the previous year and any TOIL together with the pro-rata Vacation Leave entitlement of the current year prior to the pre-retirement leave. Officers are allowed to retain the pro-rata Vacation Leave entitlement of the pre-retirement leave period from the balance of their vacation leave entitlement for utilisation during the pre-retirement leave period. It is the responsibility of the officer on pre-retirement leave to ensure utilisation of this Vacation Leave as any unavailed vacation leave may not be compensated.
  - b) Allowances are paid pro-rata.

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<sup>2</sup> MPO Circular No 73/2006

## Application Procedure

Public Officers are to complete the e-form and submit it to the respective Director at least three (3) months before the commencement of such leave.

The e-form may be accessed [here](#).

The respective Director shall decide on the request within five (5) working days from receipt of the application. The applicant shall be informed of the decision by an automatically-generated email. The Director responsible for People Management shall receive a copy of the information for records purposes.

## Conditions Of Pre-Retirement Leave

- Officers on a Performance Agreement are entitled to avail themselves of pre-retirement leave.
- Officers who are entitled to a fully-expensed vehicle may request to purchase the vehicle before commencing their pre-retirement leave, provided that the depreciated value is computed as at the date of commencement of pre-retirement leave, the car is paid by the officer before its takeover and that no other allowances are allowed<sup>3</sup>.
- Where the pro-rata vacation leave entitlement during the year of retirement cannot be availed of, by virtue of the fact that it would have coincided with pre-retirement leave, the commencement of the pre-retirement leave may be pre-dated by the number of hours equivalent to the pro-rata vacation leave, on the basis of the following formula:

$$\frac{\text{No of calendar days up to date of retirement}}{365^*} \times \frac{\text{No of hours annual vacation leave}^{**}}{1}$$

\* 366 in leap years

\*\* including the amount of additional vacation leave in lieu of public holidays falling during weekends

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<sup>3</sup> MFEI Circular No 8/2009

## 1.2 Injury leave <sup>4</sup>

Special paid leave may be allowed on the authority of the respective Director to officers who are injured on the following conditions:

- the accident happens anywhere within the precincts of one's workplace; and
- the cause of the accident is directly connected with the work being performed in the workplace, and shall be deemed to arise out of or in the course of one's employment, provided that the injury sustained is specifically attributable to the nature of one's duties; or
- by any diseases specified in the first column of the Fourth Schedule to the Social Security Act (being a disease due to the nature of their work);

It must be ensured that the injury sustained on duty is not a result of negligence on the officer's part or to any contravention of safety rules laid down by the management.

### Application Procedure

An officer who is injured on duty is to notify the respective Director of any injury sustained on duty, within twenty-four (24) hours of the accident. The employing Department/ Directorate is to report to the Department of Social Security, on form NI30/GP75 in duplicate, within ten (10) working days from the date of the relevant accident, copying the OHSA.

Part II of the form is to be completed and signed personally by the Director concerned who must be satisfied as to the veracity and accuracy of the relative details, particularly those relating to the circumstances of the injury. It is necessary to have a factual and detailed report on the injury.

As soon as practicable following the injury, the Director concerned is required to consider whether special or ordinary sick leave is to be granted, indicating the decision at Part III of Form NI30/GP75.

### Conditions

- Injury Leave is additional to the normal sick leave entitlement. The injured officer is to be paid the full salary, less the full amount of injury benefit to which s/he may be entitled, throughout any period of authorised special leave.
- When sick absence on account of injury amounts to six (6) months in any period of twelve (12) months, the Director responsible for People Management shall refer the case to the Medical Panel appointed in terms of the Social Security Act (Cap 318) Medical Board to ascertain the state of the officer's health.
- Following resumption of duties, any time-off required by officers who have been injured whilst on duty, in order to receive prescribed medical treatment in connection with their injury or to attend before Government Boards, is to be paid in full.

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<sup>4</sup> OPM Circular No 55/1991

- Officers who as a result of an injury on duty or an occupational disease, suffer a physical or mental impairment, have right to either an **Injury Grant**, an **Injury Pension** or even an **Invalidity Pension**. The type and amount of benefit depend on the extent of the injury and the percentage loss of physical or mental faculty as a result of the accident at work:
- An **Injury Grant** is payable when it is established that a person has suffered a permanent loss of physical or mental faculty resulting in an impairment assessed at less than 20%. The applicable rate of Injury Grant is established according to the percentage impairment with the lowest rate of grant for a percentage impairment of 1% and the highest rate of grant where the impairment is established at 19%.
- An **Injury Pension** is payable where the permanent loss results in a bodily or mental impairment assessed between 20% and 89%. The rate payable will vary according to the resulting percentage disability between 20% and 89%. The Injury Pension is payable (until pension age) if the person remains in employment.
- An **Invalidity Pension** is granted if the employee suffers a permanent loss of physical or mental faculty resulting in an impairment exceeding 89% and the person has to cease employment.
- A person entitled to Injury Benefit/Injury Grant/ Injury Pension under the Social Security Act (Cap 318) is also entitled to free medical treatment, specifically related to the injury sustained.
- In the event of the death of an employee as a result of an accident on duty, the surviving spouse may be entitled to receive a pension in respect of widowhood at the full rate and irrespective of the amount of social security contributions paid or credited by the deceased spouse.
- Public officers will be entitled to these benefits only if the relevant Injury Benefit Application Form - NI 30/GP75 is completed and the relevant medical documentation is provided. Where applicable, the public officer will be required to attend for a medical examination by the Medical Panel appointed in terms of the Social Security Act (Cap 318) to determine from the medical aspect, whether the public officer is entitled to any of the above benefits.
- Government does not enter into any insurance scheme but considers granting compensation whenever public officers are injured or die through an accident arising out of or in the course of their work. In this way government provides adequate indemnity to all public officers against all risks.

Government reserves the right to prohibit public officers from this compensation if it can be proved that:

- the officers concerned had acted negligently by disregarding any safety precautions that they were obliged to take in terms of the Occupational Health and Safety Authority Act, thereby causing the accident that resulted in injury.
- the work-related disease came about as a result of the public officers refusing to undergo medical examination when they were requested to do so by their Director, or if they behaved in a manner which resulted in the retardation of their recovery.

- In exceptional cases it may be necessary, for the purposes of the Pension Regulations 14, 19 and 20 and of the award of this special leave to appoint ad hoc boards to investigate the circumstances leading to injuries sustained on duty and report on:
  - the circumstances of the injury, particularly those factors which caused the injury or contributed to it;
  - whether the injury was sustained by officers by accident arising out of and in the course of their employment, or by any diseases specified in the first column of the Fourth Schedule to the Social Security Act (being a disease due to the nature of their work);
  - whether the injury was the result of negligence on the part of the officer or to any contravention of safety rules laid down by the management; and
  - whether the injury was likely to cause any after effects. Information on after-effects is obtained from the Department of Social Security.

## 1.3 Quarantine Leave

### Eligibility

Officers who are precluded by the Superintendent of Public Health from attending to their duties, are to be allowed special leave on full pay during the period of such absence.

### Duration

The Superintendent of Public Health shall communicate with the respective Director the duration of Quarantine Leave.

### Application Procedure

Officers who are precluded by the Superintendent of Public Health from attending to their duties are to inform their respective Director within twenty-four (24) hours. The Director is to request confirmation from the Superintendent of Public Health in relation to the officer's eligibility for Quarantine leave and its duration, within two (2) working days. The Superintendent of Public Health shall provide written confirmation within two (2) working days. The Director is to inform the employee of the decision within one (1) working day of receipt.

## 1.4 Jury Leave

### Eligibility

Public officers including temporary and part-time employees, who are called upon to serve as jurors are to be allowed special leave on full pay.

### Duration

Duration of the jury.

### Application Procedure

The employee should notify the respective Director within three (3) working days from receiving the jury summons. If one is actually called upon to serve as juror, s/he is to inform the respective Director within twenty-four (24) hours.

## 1.5 Attendance at Local Council Meetings\* <sup>5</sup>

### Eligibility

Public employees elected as Local Councillors.

### Duration

The duration of the official meetings.

### Application Procedure

Employees are to submit the e-form to the respective Director, attaching documentary evidence of attendance, by not later than two (2) working days prior to the meeting.

The e-form may be accessed [here](#).

### Conditions

This special leave may be utilised for official Council meetings, information sessions organised by the Ministry responsible for Local Councils, Servizzi Ewropej f' Malta (SEM) or the Department for Local Government and activities organised by the Local Councils' Association held during office hours, without prejudice to their vacation leave entitlement.

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<sup>5</sup> This arrangement is also applicable to members of the Administrative Councils set up in terms of article 47 of the Local Councils Act.

## 1.6 Leave to Attend Official Twinning Ceremonies\*

### Eligibility

Public employees elected as Local Councillors are entitled to special paid leave on the official ceremony day and travelling days, so as to travel abroad to participate in the official ceremony of the signing of a twinning agreement with a foreign municipality. Only one (1) public employee from the same local council may be released.

### Duration

A maximum of three (3) working days special paid leave is allowed, including the ceremony and travel dates, as long as these coincide with the employee's normal working days.

### Application Procedure

Employees are to submit the e-form to the respective Director, attaching documentary evidence of attendance, by not later than two (2) weeks prior to the ceremony.

The e-form may be accessed [here](#).

# 02

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Unpaid Leave  
Approved by Directors

## 2.1 Unpaid Leave to New Recruits

### Eligibility

#### New Recruits

### Duration

In truly exceptional and justifiable circumstances, during their first six (6) months of service, new recruits may be allowed up to three (3) working days unpaid leave.

### Application Procedure

Applicants should submit the e-form to the respective Director at least one (1) week in advance, attaching the relevant documentation where applicable. The respective Director shall decide on the request within three (3) working days from receipt of the application. The applicant shall be informed of the decision by an automatically-generated email. The Director responsible for People Management shall receive a copy of the notification for records purposes.

The e-form may be accessed [here](#).

### Conditions

- Such absence does not constitute a break of service.
- After the first six (6) months service, public officers may avail themselves of unpaid leave entitled 'Leave for a special reason'.

## 2.2 Leave for A Special Reason\* <sup>6</sup>

### Eligibility

Employees working on full-time or part-time basis may, for a special reason (including family-friendly reasons), avail themselves of special leave without pay up to a maximum of three (3) months, in any period of twelve (12) months.

### Duration

A maximum of three (3) months.

### Application Procedure

Applicants should submit the e-form to the respective Director at least two (2) weeks in advance, attaching the relevant documentation. The respective Director shall decide on the request within five (5) working days from receipt of the application. The applicant shall be informed of the decision by an automatically-generated email. The Director responsible for People Management shall receive a copy of the notification for records purposes.

The e-form may be accessed [here](#).

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<sup>6</sup> OPM Circular No 117/92

## 2.3 Leave to Settle in A Foreign Country

### Eligibility

Public officers who have completed at least one (1) year's service and would like to settle abroad in any country.

### Duration

A maximum of one (1) year unpaid leave.

### Application Procedure

Applicants should submit the e-form to the respective Director at least one (1) month in advance, attaching the relevant documentation. The respective Director shall decide on the request within five (5) working days from receipt of the application. The applicant shall be informed of the decision by an automatically-generated email. The Director responsible for People Management shall receive a copy of the notification for records purposes.

The e-form may be accessed [here](#).

## 2.4 Leave for Fishing and Agricultural Purposes

### Eligibility

Public officers who have completed at least one (1) year's service and who:

- engage in fishing during particular fishing seasons; or
- are required to assist in the exportation of onions and potatoes, or to work their fields.

### Duration

A maximum of three (3) months unpaid leave.

### Application Procedure

Applicants should submit the e-form to the respective Director at least two (2) weeks in advance, attaching the relevant documentation. The respective Director shall decide on the request within five (5) working days from receipt of the application. The applicant shall be informed of the decision by an automatically-generated email. The Director responsible for People Management shall receive a copy of the notification for records purposes.

The e-form may be accessed [here](#).

Applications for leave are not approved unless the employees concerned are bona fide part-time farmers or fishermen as the case may be, and are certified as such by the Directors of Agriculture or Fisheries, as applicable.

## 2.5 Vocational Leave

### Eligibility

Public officers who have completed at least one (1) year's service and wish to test their vocation of joining a religious order.

### Duration

A maximum of one (1) year unpaid leave.

### Application Procedure

Applicants should submit the e-form to the respective Director at least one (1) month in advance, attaching the relevant documentation. The respective Director shall decide on the request within ten (10) working days from receipt of the application. The applicant shall be informed of the decision by an automatically-generated email. The Director responsible for People Management shall receive a copy of the notification for records purposes.

The e-form may be accessed [here](#).

## 2.6 Missionary / Voluntary Service <sup>7</sup>

### Eligibility

Public officers who have completed at least one (1) year's service and wish to engage in Missionary Work or Voluntary Service.

### Duration

The maximum duration is pegged to the overall aggregate of eight (8) years unpaid leave. This unpaid leave is renewable on application yearly and the eight (8) years may be utilised at a stretch or broken up by periods of resumption of duty.

### Application Procedure

Applicants should submit the e-form to the respective Director at least one (1) month in advance, attaching the relevant documentation. The respective Director shall decide on the request within ten (10) working days from receipt of the application. The applicant shall be informed of the decision by an automatically-generated email. The Director responsible for People Management shall receive a copy of the notification for records purposes.

The e-form may be accessed [here](#).

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<sup>7</sup> MPO Circular No 70/2004 and MPO Circular No 31/2005

## 2.7 Leave to Try Alternative Employment in The Private Sector <sup>8</sup>

### Eligibility

Officers in salary scales 11 and lower who have completed one (1) year's service, may avail themselves of special unpaid leave to try alternative employment in the private sector. Public officers in salary scales 10 and higher may apply through the provisions set out in 3.4 of this Manual.

### Duration

A minimum of three (3) months and a maximum of five (5) years, renewable yearly, and is subject to a maximum of four (4) renewals only.

### Application Procedure

Applicants should submit the e-form to the respective Director at least one (1) month in advance, attaching the relevant documentation. The respective Director shall decide on the request within ten (10) working days from receipt of the application. The applicant shall be informed of the decision by an automatically-generated email. The Director responsible for People Management shall receive a copy of the notification for records purposes. The e-form may be accessed [here](#).

### Conditions

- Officers may opt to resume duty before the expiration of the unpaid leave, preferably by giving one (1) month's notice to their Director.

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<sup>8</sup> MPO Circular No 30/2003 and MPO Circular No 122/2007

03



## 3.1 Duty Leave

### Eligibility

Duty leave with full pay may be granted to those public officers who require to be absent from work:

- owing to business directly connected with the official duties of the respective public officers; or
- to attend at international conferences abroad.

### Duration

Duration of (i) and (ii) in the Eligibility section.

### Application Procedure

Applicants should submit their request to the respective Permanent Secretary, through their Director/Head of Department as soon as practicable. The respective Director/Head of Department shall forward his/her recommendation to the Permanent Secretary within three (3) working days from receipt of the request for the Permanent Secretary's consideration.

## 3.2 Unpaid Leave to Take Up a Post with An International Organisation

### Eligibility

Public officers who have completed at least one (1) year's service and are selected to work with an international organisation.

The experience gained by public officers when released to work with renowned international organisations, such as World Health Organisation (WHO), United Nations (UN), Food Agriculture Organisation (FAO) and Commonwealth is not only positive but is also expected to add value to the functions and expertise of the releasing Ministry/ Department, once the officer concerned resumes duties.

### Duration

One (1) year unpaid leave **not on grounds of public policy**, which may be renewed yearly, depending on the needs of service delivery.

### Application Procedure

Applicants should submit the e-form to the respective Permanent Secretary, through one's Director/Head of Department at least one (1) month in advance. The e-form may be accessed [here](#).

The request should include:

- official documentation from the International Organisation to confirm that the officer has been selected to work with the International Organisation;
- the period of the work assignment;
- job/position description.

The respective Director/Head of Department shall forward his/her recommendation to the Permanent Secretary within three (3) working days from receipt of the completed application form. The Permanent Secretary shall evaluate the request, considering also whether the experience gained by the applicant during the release would be an asset to the public service upon the officer's return. An application may be refused on the grounds of the needs of service delivery and/or where it is not in the public service interest to accede to such a request. In such instances, the applicant shall be given reasons why the request could not be acceded to. A copy of the decision shall be automatically sent to the Director responsible for People Management for records purposes and to the People Relations (PRD) Directorate for monitoring purposes.

### Conditions

Any of the unpaid leave entitlements in section 2 of the Manual on Work-Life Balance Measures as well as all special unpaid leaves granted not on grounds of public policy in terms of this manual, may be followed by one another, subject to an overall maximum of eight (8) years, whether taken at a stretch or broken up by periods of resumption of duty. The eight (8) year limit applies also to Paid Leave for Development Work Abroad.

When officers opt to follow one type of leave with another, they are required to apply at least one (1) month in advance to allow for adequate planning.

### 3.3 Political Activities Leave (Regulated by Directive 5)\*<sup>9</sup>

Public employees can apply for unpaid electoral leave on grounds of public policy to contest elections for the National Parliament, Local Councils and European Parliament, subject to the rules and regulations outlined in Directive 5.

#### Application Procedure

Applicants should submit the e-form to the respective Permanent Secretary, through the Director/Head of Department. The respective Director/ Head of Department shall forward his/her recommendation to the Permanent Secretary within three (3) working days from receipt of the completed application form. The Permanent Secretary shall consider the request and inform the employee of the decision. A copy of the decision shall be automatically sent to the Director responsible for People Management for records purposes. The e-form may be accessed [here](#).

#### Conditions

- Public officers who resume duties from electoral leave in terms of the Members of Parliament (Public Employment) Act, may be released from their duties as public officers in order to attend activities related to House business, irrespective of whether these activities are held in or outside the House (e.g. attendance for Committee meetings, travelling abroad on parliamentary delegations, attendance for official events which are related to their role in Parliament etc.). However, elected public officers should not be released in order to attend to their constituency.

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<sup>9</sup> OPM Circular No 2/1992, OPM Circular No 3/1996 and OPM Circular No 19/1996

## 3.4 Leave to Try Alternative Employment in The Private Sector

### Eligibility

Officers in salary scales 10 and higher who are not on a performance agreement and have completed one (1) year's service, may avail themselves of special unpaid leave to try alternative employment in the private sector. Public officers in salary scales 11 and lower may apply through the provisions set out in 2.7 of this Manual.

### Duration

A minimum of three (3) months and a maximum of five (5) years, renewable yearly, and is subject to a maximum of four (4) renewals only.

### Application Procedure

Applicants should submit the e-form to the respective Permanent Secretary at least one (1) month in advance, attaching the relevant documentation. The respective Permanent Secretary shall decide on the request within ten (10) working days from receipt of the application. The applicant shall be informed of the decision by an automatically-generated email. The Director responsible for People Management shall receive a copy of the information for records purposes.

The e-form may be accessed [here](#).

### Conditions

- Officers may opt to resume duty before the expiration of the unpaid leave, preferably by giving one (1) month's notice to their Permanent Secretary.

04



## 4.1 RELEASES WITH TRADE UNIONS\*

### Introduction

The promotion of Social Dialogue is essential, as the Public Administration acknowledges the critical role of trade unions in enhancing employee well-being, ensuring economic sustainability, and benefiting society. Both the Administration and trade unions are committed to fostering and implementing Social Dialogue, recognizing it as a foundational pillar in this process.

To support this commitment, the Administration continues to assist trade unions based on certain principles, emphasizing the expectation that each official adheres to ethical best practices to thrive towards and maintain industrial harmony for the benefit of all stakeholders.

In line with the Public Administration's commitment towards social dialogue, trade unions may request for the release of public employees to work with a registered Trade Union.

The Public Administration recognised the work carried out by both 'General Unions' and 'Sectoral Unions'. It is recognised that both types of unions hold similar responsibilities, it is recognised that the function of a General Union is spread over a wider array of economic sectors within the Maltese economy.

In order for a public employee to be released with a Trade Union the union must:

1. Be registered as a Trade Union (or Association); and
2. Be signatory to the Public Service Collective Agreement or a Public Service Sectoral Agreement.

### Definitions

General Unions are defined as unions which are present and are representative in all economic sectors of the Maltese economy. Their functions must be actively present across the Public Administration, Public Sector and the Private sector, including but not limited to Manufacturing sector, Professional sector, Services sector, Aviation & Maritime sector, Hospitality sector, Financial Sector. In addition, the union needs to represent as a minimum over 20,000 employees across the different sectors.

A sectoral union is defined as a trade union which represents a specific and focused class of employees or sector. Sectoral Unions may form part of a confederation/organisations such as CMTU and FORUM yet are considered as Sectoral Unions. A confederation of a group of separate Sectoral Unions cannot be defined as General Unions.

### Eligibility

Notwithstanding the provisions of this document, it remains the prerogative of the administration when considering the release of public employees. When considering release of employees the Administration is duty bound to consider shortages and specific scenarios whilst ensuring social dialogue is maintained.

Employees will be released on full pay, including allowances, on grounds of public policy up to the maximum of Salary Scale 6. However, employees who were granted tenure in a higher grade as a result of their release, shall continue to be paid the salary tied to their tenured grade. The number of public employees who may be released with a trade union is dependent on the Union's official membership as per the Register of Trade Unions and, as per the parameters listed in this policy.

- i. Public employees in a position which is analogous to Scale 6 or analogous level within the structure<sup>10</sup>, or lower. Employees who are released on Salary Scale 5 shall be paid up to the maximum of Salary Scale 6. Senior management positions **not** eligible for release will include and are not limited to:
- Headship and Assistant Directorship positions,
  - Senior Management pertaining to any Sectoral Agreement, and
  - Analogous levels in Public Sector Entities such as Senior Management, Heads, Directors, Deputy Directors, or any level that falls within the top management structure of the Public Sector entity/agency/authority. (Senior Managers and higher)
- ii. The release of public employees with trade unions shall be made according to the Union's official membership as indicated below.

Trade Unions' Number of Members	Employees released by membership	
		Cumulative
0 – 299		8 hrs per week
300 – 999	1	1
1000 – 3999	1	2
4000 – 11999	2	4
12000 – 14999	1	5
15000 – 17999	1	6
18000 – 20999	1	7
21000 - 23000	1	8
23000 +	2	10
For every additional 3000 over 25000+	1	

### Duration

Public employees are released for periods of 12 months, renewable yearly through a written request.

### Application Procedure

Requests for the release of employees with trade unions are to be submitted to the People & Standards Division through the People Relations Directorate (PRD) at least one (1) month prior to the date of the requested release on [prd.opm@gov.mt](mailto:prd.opm@gov.mt). The Director People Relations will refer to the employee's respective Permanent Secretary for endorsement within five (5) days from receipt of the complete application. The PRD Directorate will inform the union of the approved release within ten (10) working days from the receipt of all the requested endorsements, information and documentation.

Requests for renewals are to be submitted to the PRD Directorate by not later than two (2) months prior to the expiry of the release.

<sup>10</sup> This does not apply in the case of employees who have been tenured in a higher scale

## Conditions

1. In order to be eligible for a release under this policy, the Trade Union making the request must be representing public employees.
2. Employees released in terms of this policy shall be paid up to the maximum of Salary Scale 6 or the salary pegged to this level, as specified above, in the Public Sector, including any allowances to which they are entitled. Employees who were granted tenure in a higher scale as a result of their release, shall continue to be paid the salary package tied to the higher grade, irrespective if the latter is higher than the maximum of Salary Scale 6.

It is the responsibility of the management of the respective Trade Union to manage the day to day matters of the Public employees who are released with the Trade Union. They are obliged to keep records of their attendance and monitor their performance. The Trade Union is responsible to provide details of attendances every month to the employee's respective Director responsible for People Management.

## 4.2 RELEASE OF PUBLIC EMPLOYEES TO WORK WITH VOLUNTARY ORGANISATIONS (VOs)\*

The objective of this policy is to support registered Voluntary Organisations (VOs) and national non-governmental institutions (hereinafter in this policy collectively referred to as 'organisations') in the implementation of projects and activities which are aligned to government policy by enhancing their HR capacity, through the release of public employees on special leave with pay on grounds of public policy.

### Organisations' Eligibility & Criteria for Selection

Organisations must be established exclusively to fulfil a social or charitable purpose on a national level, and as defined by the Trusts and Trustees Act, that is, any charitable and philanthropic purpose.

Organisations must also be non-profit-making and their income, capital or property is not to be available directly or indirectly to any promoter, founder, member, administrator or donor (but they may engage salaried staff to fulfil their purpose). Organisations that may benefit under this scheme will be selected according to the following criteria:

- i. The organisation must provide a service that is complementary to a service provided by government or a service aligned with government policy which is not currently provided by government. An agreement between both parties (i.e. government and the organisation) may be entered into;
- ii. the extent to which the proposal submitted by the organisation sets out clearly defined deliverables linked to set target dates;
- iii. whether or not the organisation is already receiving Government assistance (financial or in kind) under another scheme. Priority will be given to organisations that are not receiving any assistance, provided that the criteria at (i) and (ii) are satisfied.

### Duration

The period of release is for the duration of the project or for a maximum period of twelve (12) months (whichever is shorter), with the possibility of renewal.

### Application Procedure

Requests for the release of employees with other VOs/NGOs are to be submitted to the Director responsible for People Management through the respective Director/Head of Organisation at least one (1) month prior to the date of the requested release. The Director for People Management shall refer the application to the Permanent Secretary, for endorsement. The Permanent Secretary shall decide on whether to approve the application or otherwise and reply not later than ten (10) working days from receipt of application. Endorsed applications are to be forwarded to the People Relations Directorate (PRD) for approval, on [prd.opm@gov.mt](mailto:prd.opm@gov.mt). The PRD Directorate will process applications within ten (10) working days from receipt of all the requested endorsements, information and documentation.

Submitted applications are to include the following:

- a. A recommendation letter endorsed by the Head of Organisation where the officer will be released.
- b. A statement setting out the scope/mission of the organisation, describing its social/ charitable purpose.
- c. A copy of the organisation's statute.
- d. The registration number of the VO (if applicable).
- e. A description of the service provided by the organisation.
- f. A motivational statement and a copy of the applicant's curriculum vitae;
- g. A description of the duties that will be carried out by the employee for whom the request is being made.
- h. A description of how the service provided is within the identified charitable and philanthropic purposes of the policy.
- i. A description of how the service provided complements services provided by government, or in the case that such service is not currently provided by government, how the service is aligned with government policy.
- j. A statement indicating whether any Government assistance of any type (financial or otherwise) and under any scheme, is already being received by the organisation.
- k. An indication of any concrete initiative, apart from the usual activities, which the organisation can offer the Public administration (e.g. free lectures, open days or other useful services).
- l. A declaration by SportMalta (in the case of Sport Organisations) confirming that the Association is registered with SportMalta in accordance with the provisions of the Sports Act (Cap. 455) and that the Organisation actively represents Malta in sporting activities.
- m. Endorsement from the Head of Department and Permanent Secretary.

The release of public employees already assigned to work with such organisations expires at the end of the agreed period. If organisations already benefiting from this scheme, require the services of the employee assigned to them for a further period, they should re-apply accordingly.

### Conditions

1. Public employees may be assigned to VOs and national non-governmental institutions on special leave with pay on grounds of public policy. In the case of teachers, the vacation leave entitlement will be granted pro-rata, depending on the date of release.
2. Only one (1) public employee may be assigned to any organisation. When an organisation operates separate offices in Malta and Gozo, it may benefit from the release of a public employee, both for the Malta as well as the Gozo office, provided that the request for the additional public employee satisfies all the necessary requirements.

In exceptional and specially deserving cases, and where this is justified by the nature of the project or activity being undertaken by the organisation, two (2) or more public employees may be assigned. In such cases, an ad hoc agreement is entered into between the PRD Directorate and the organisation concerned. Unless otherwise specified in the agreement, the provisions of this policy shall apply.

3. Government reserves the right not to assign any public employee to an organisation, even if all the criteria are satisfied - this, to allow government to distribute its assistance along different types of projects. Government may also impose a limit on the amount of assistance granted to such organisations.
4. Approval of release under this scheme is communicated by the PRD Directorate in consultation with the relevant stakeholders including the respective Director and Permanent Secretary.

5. Public officers on a performance agreement or on a contract must revert to their substantive grade when they are released to work with such organisations.
6. Public Officers on a salary scale higher than Scale 6 and Public Sector employees with a basic salary higher than the equivalent of maximum Salary Scale 6 of the Public Service will be paid the maximum of Salary Scale 6.
7. Subject to the provisions of the Manual on Allowances, allowances and other remuneration will be reviewed by the PRD Directorate before approval of release.
8. The PRD Directorate reserves the right to monitor the released employee to ensure conformity with the terms of release, including the ongoing progress of the project/activity submitted. To this effect spot checks may be carried out and/or reports on the activities may be required by the respective Director General/Director/Head of Entity or by the People & Standards Division. The employing Department/Entity reserves the right to withdraw the released employee by giving a five (5) working day notice if the terms of agreement are not adhered to.
9. In the case that the released employee is required back at the releasing department/entity owing to prevailing circumstances thereat, the release may be withdrawn by the employing department/entity by giving two weeks' notice.
10. Directors for People Management are to ensure that the organisation submits verified attendance records, endorsed by the Head of the organisation to the respective employing department on a monthly basis. The PRD Directorate reserves the right to withdraw the release of public officers if organisations fail to submit the required attendance records.
11. Requests for renewals of releases are to be made to the PRD Directorate not later than two (2) months prior to the expiry of the approved release. The prior endorsement of the Head of Department and Permanent Secretary is required for requests for renewal of releases. Approval for a further period of leave is communicated by the PRD Directorate following consultations with the employee's respective Director responsible for People Management / DCS. Without prejudice to the regulations governing the respective organisation, during the period of release, public officers are liable to the PSC disciplinary procedures for any misconduct. Public Sector employees are regulated by the respective disciplinary procedures prevailing in the employing entity. Employees will resume duties with their employing Department/Entity at the end of the approved release.
12. Employees who have been released for a period of three (3) years or more will have to undergo an induction course and any other re-training activities considered necessary by the employing Department/Entity, upon resumption of duties. Employees who, during their period of release are selected for appointment in a grade/ position must choose between taking up the duties of the new appointment or else continuing with their release. If they do not accept appointment, they will remain on the order of merit till the validity of the result and the candidate who is next-in-line in the order of merit will be appointed (not on a back-to-back basis).

### 4.3 Paid Leave to Work with Malta's Committee of Regions (COR) Representatives\* <sup>11</sup>

#### Eligibility

A public employee, whose salary scale is below scale 5 and has completed one (1) year's service, may be released on paid leave, on grounds of public policy to work with Malta's COR representatives. The employee will be identified by the Local Councils Association and will be based in Malta.

#### Duration

Paid leave will be granted for one (1) year, renewable yearly to a maximum of eight (8) years. During the period of release the employee will be seconded with the Local Councils Association.

#### Conditions

One (1) public employee at a time will be assigned to assist the COR members.

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<sup>11</sup> MPO Circular No 80/2008

## 4.4 Paid Leave For Development Work Abroad <sup>12</sup>

### Eligibility

Full time Public Officers who have completed at least one (1) year's service, may be released on special leave with pay on grounds of public policy, to perform development work in countries that are recipients of Official Development Assistance (ODA).

Public Officers on contract or a performance agreement may still benefit from this policy on condition that they relinquish their contract or performance agreement and revert to their substantive grade.

### Duration

A maximum of eight (8) years, renewable on application yearly.

### Application Procedure

Applicants should submit the e-form to the respective Permanent Secretary, through their Director, at least one (1) month in advance, attaching the relevant documentation. The e-form, endorsed by all parties and including any relevant documentary evidence, should be forwarded to the People Relations (PRD) Directorate within five (5) working days from receipt of full documentation. The PRD Directorate shall decide on the request within five (5) working days from receipt of the recommendation. The Ministry and applicant shall be informed of the decision by an automatically-generated email. The Director responsible for People Management shall automatically receive a copy of the request for records purposes. The e-form may be accessed [here](#).

Every year, officers on paid leave must send a report to their Director, with details and documentary evidence regarding the assignment being undertaken. Directors will then submit copies to the PRD Directorate, the Ministry for Foreign Affairs and Tourism, the Ministry for Finance and the Ministry for Social Policy and Children's Rights.

### Conditions

The number of officers to be posted on paid leave abroad will depend on Malta's ODA budget, calculated annually by the Ministry for Foreign Affairs and Tourism and the Ministry for Finance. The paid leave will be on the basis of assignments. Unpaid leave (not on grounds of public policy) for voluntary service/missionary work in countries that are not recipients of ODA may still continue to be granted by the employee's Director, as stipulated in the provision entitled 'Missionary/Voluntary Service.

Any of the unpaid leave entitlements in section 2 of the Manual on Work-Life Balance Measures as well as all special unpaid leaves granted not on grounds of public policy in terms of this manual, may be followed by one another, subject to an overall maximum of eight (8) years, whether taken at a stretch or broken up by periods of resumption of duty. The eight (8) year limit applies also to Paid Leave for Development Work Abroad.

When officers opt to follow one type of leave with another, they are required to apply at least one (1) month in advance to allow for adequate planning.

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<sup>12</sup> OPM Circular No 4/2007

## 4.5 Unpaid Leave to Work as Personal Assistant to Members of The European Parliament (MEPs)

Public Officers identified to work as personal assistants to Malta's MEPs may be granted unpaid leave on grounds of public policy.

### Eligibility

Public officers who are in a grade/position not higher than that of Principal or analogous grades/positions (capped at Scale 7). (The term 'analogous' grade means all those grades which are on a salary scale having the same salary maximum as the scale of the post/position to which they are being compared). Only one (1) public officer may be released with each MEP.

### Duration

One (1) year, renewable yearly.

### Application Procedure

Applicants are to submit the e-form to the People Relations (PRD) Directorate through the respective Permanent Secretary and Director at least one (1) month in advance, attaching the relevant documentation. The PRD Directorate shall submit its decision by not later than five (5) working days from receipt of the application from the respective Ministry.

The e-form may be accessed [here](#).

## 4.6 Releases with Political Parties \*

Regulated by Directive 5

### Eligibility

Public employees in salary scale 6 (or equivalent) and lower who occupy a politically free post may be granted unpaid leave on grounds of public policy in order to:

- take up a post in a party's core administration (irrespective whether the party has a statute or otherwise).
- act as personal assistant to the leader of a political party represented in Parliament. Only one public officer may be released with the Leader of a political party represented in Parliament.

### Duration

This unpaid leave may be renewed yearly up to the duration of:

- one's political appointment in a party's core administration.
- the assignment as personal assistant to the leader of the political party.

### Application Procedure

Applicants should submit the e-form to the respective Permanent Secretary, through their Director, at least one (1) month in advance, attaching the full documentation. The Director/Head of Department shall forward his/her recommendations to the Permanent Secretary within three (3) working days from receipt of the request for consideration. Within five (5) working days from receipt of the Director/ Head of Department's recommendation, the application form, endorsed by all parties and including full documentation, should be forwarded to the People Relations (PRD) Directorate. The PRD Directorate shall decide on the request within five (5) working days from receipt of the recommendation. The Ministry and applicant shall be informed of the decision by an automatically-generated email. The Director responsible for People Management shall automatically receive a copy of the request for records purposes.

The e-form may be accessed [here](#).

For full information regarding political participation and communications with the Media please be guided by Directive 5 and Amending Directive 5-1.

### Conditions

Any of the unpaid leave entitlements in section 2 of the Manual on Work-Life Balance Measures as well as all special unpaid leaves granted not on grounds of public policy in terms of this manual, may be followed by one another, subject to an overall maximum of eight (8) years, whether taken at a stretch or broken up by periods of resumption of duty. The eight (8) year limit applies also to Paid Leave for Development Work Abroad.

When officers opt to follow one type of leave with another, they are required to apply at least one (1) month in advance to allow for adequate planning.

05

Unpaid Leave to take up  
Temporary Employment  
with Institutions, Bodies and  
Agencies of The European Union\*

## 5.1 NOT ON GROUNDS OF PUBLIC POLICY\*

### Eligibility

Public employees who have been in the public service for at least one (1) year.

### Duration

A maximum period of three (3) years or the duration of the public employee's service, whichever is the shorter.

### Application Procedure

Applicants should submit the e-form to the respective Permanent Secretary through their Director at least one (1) month in advance, attaching the relevant documentation. In the case of short-term contracts (three (3) months or less), the one (1) month notification is reduced to two (2) weeks. Where the individual is in a post/position that carries a longer notice period, whether by contract or otherwise, it is the longer contractual notice period that shall have to be respected.

The e-form may be accessed [here](#).

The respective Director/Head of Department shall forward his/her recommendation via the e-form to the Permanent Secretary within three (3) working days of receipt of full documentation. The Permanent Secretary shall consider the request and take the final decision by not later than five (5) working days from receipt of the respective Director/Head of Department's recommendation. The applicant and respective Director responsible for People Management shall automatically receive a copy of the decision.

### Conditions

Subject to the adherence to the conditions and limitations of the granting of such special unpaid leave, public officers will:

- enjoy the right to return to their substantive grade held immediately before their contract with the EU;
- retain all rights and privileges applicable to their public office and those arising from the respective Classification Agreement;
- have their social security rights acquired under the Social Security Act (Cap. 318) safeguarded in line with the provisions of Council Regulation (EEC) No. 1408/71.

Special unpaid leave not on grounds of public policy to work with one of the EU Institutions, Bodies or Agencies may only be availed of once, irrespective of the duration which in any case can never exceed the maximum period of three (3) years. Requests for extension of the unpaid leave to work with the same institution may be considered so long as the three (3) year capping is respected.

Individuals on special unpaid leave shall inform the People Relations (PRD) Directorate of all posts they hold within EU Institutions, Bodies and Agencies as well as any changes in their employment circumstances. Such individuals are obliged to provide at least an annual statement containing such details. Failure to provide such information or the provision of inaccurate information will be considered as a resignation from Government service.

Individuals on special unpaid leave not on grounds of public policy have to submit a new application if they wish to be considered for special unpaid leave on grounds of public policy as a result of their changed circumstances. As these officers are already on unpaid leave, the notice period usually required for the grant of unpaid leave on grounds of public policy, is not necessary. Nevertheless, the submission of an annual statement, as per previous paragraph, shall continue to apply.

Individuals who terminate their employment with the European Institution, Body or Agency shall immediately write to the PRD Directorate, at least thirty (30) calendar days prior to the expiry of the unpaid leave, requesting resumption of duties into Government service and the termination of the unpaid leave. The period of thirty (30) calendar days shall be extended by an additional thirty (30) calendar days for every year of unpaid leave availed of. Termination of unpaid leave and the consequent resumption of duties will be considered to have taken place thirty (30) calendar days following receipt of such request by the PRD Directorate; provided that this one (1) month shall be extended by a further thirty (30) calendar days for every consecutive year of unpaid leave availed of. Failure to inform the PRD Directorate within the established timeframes following the termination of employment with the EU Institution, Body or Agency will be considered as a resignation from the public service.

Public employees may terminate their unpaid leave at any time, if it is to take up a post/ position with the Government, as a result of a call for applications to which they are eligible, or a post/position at Government scales 1-4 or a post/position in a Ministerial Secretariat, or the EU Secretariat within the Ministry for Foreign Affairs and Tourism.

Public employees, who are engaged on definite contract in Ministries and departments of Government and take up an engagement with the EU, are expected to terminate their contract unless they opt to return and continue the remaining period of contract of engagement with Government within the first six (6) months from the effective date of commencement of their employment with the EU Institution, Body or Agency.

Any of the unpaid leave entitlements in section 2 of the Manual on Work-Life Balance Measures as well as all special unpaid leaves granted not on grounds of public policy in terms of this manual, may be followed by one another, subject to an overall maximum of eight (8) years, whether taken at a stretch or broken up by periods of resumption of duty. The eight (8) year limit applies also to Paid Leave for Development Work Abroad.

When officers opt to follow one type of leave with another, they are required to apply at least one (1) month in advance to allow for adequate planning.

Substitute officers may be engaged to replace officers on unpaid leave.

## 5.2 On Grounds of Public Policy\* <sup>13</sup>

### Eligibility

Public employees who have been in the public service for at least one (1) year and who are employed by an EU Institution, Body or Agency in one of the following categories will be eligible to be granted special unpaid leave on grounds of public policy:

- Cabinet or similar positions of trust with Commissioners (European Commission), Judges (European Court of Justice and Court of First Instance), members of the Court of Auditors, President of the Parliament, President of the European Council, members of the Council, President of the European Economic and Social Committee and the President of the Committee of the Regions.
- A16 to A13 posts with EU Institutions, Bodies or Agencies.
- A12 to A9 posts with EU Institutions, Bodies or Agencies.

### Duration

The following periods of unpaid leave will apply respectively to the categories defined above as follows:

- A maximum period of five (5) years which may be renewed to take up a new position of trust with a different Commissioner, Judge or President of the Institutions mentioned in the Eligibility Criteria at category (1).
- A maximum period equivalent to the duration of the term of office of the posts they may hold.
- A maximum period of five (5) years provided that, if the public employee has been in the public service for more than ten (10) years, the maximum period may be extended to ten (10) years, or to the duration of the terms of office of the posts they hold, whichever is the shorter.

### Application Procedure

Applicants should submit the e-form to the respective Permanent Secretary, through their Director, at least one (1) month in advance, attaching the relevant documentation. In the case of short-term contracts (three (3) months or less), the one (1) month notification is reduced to two (2) weeks. Where the individual is in a post/position that carries a longer notice period, whether by contract or otherwise, it is the longer contractual notice period that shall have to be respected.

The e-form may be accessed [here](#).

The respective Director/Head of Department shall forward his/her recommendation via the e-form to the Permanent Secretary within three (3) working days of receipt of full documentation. The Permanent Secretary shall consider the request and take the final decision by not later than five (5) working days from receipt of the respective Director/Head of Department's recommendation. The applicant and respective Director responsible for People Management shall automatically receive a copy of the decision.

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<sup>13</sup> MPO Circular No 150/2006

## Conditions

Public officers on a substantive grade who avail themselves of such special unpaid leave will:

- enjoy the right to return to that grade in the public service;
- be eligible for progression or promotion in the same stream;
- retain all rights and privileges applicable to their public office and those arising from the respective Classification Agreement;
- have their service with the EU reckonable as service with the Government, also for pension purposes. In the case of pensionable officers, their service with the EU is deemed as service given to the Government of Malta for pension purposes under the Pensions Ordinance; and
- have their social security rights acquired under the Social Security Act (Cap. 318) safeguarded in line with the provisions of Council Regulation (EEC) No. 1408/71.

Individuals who have been granted special unpaid leave, should write to the PRD Directorate at least one (1) year prior to the expiry of their special unpaid leave requesting the resumption of their duties into the Public Service.

Individuals on special unpaid leave on grounds of public policy at section 5.2 are eligible to apply to change the category under which their special unpaid leave has been granted.

Where applicable, however, the time spent in one category has to be counted as forming part of the special unpaid leave granted in terms of the new category. Individuals who have benefited from special unpaid leave on grounds of public policy are not eligible to apply for special unpaid leave not on grounds of public policy with the EU Institutions, Bodies or Agencies.

Individuals on special unpaid leave shall inform the PRD Directorate of all posts they hold within EU Institutions, Bodies and Agencies as well as any changes in their employment circumstances. Such individuals are obliged to provide at least an annual statement containing such details. Failure to provide such information or the provision of inaccurate information will be considered as the automatic resignation of the officer from the Public Service.

Employees on special unpaid leave may terminate their unpaid leave at any time, if it is to take up a post/position with the Government as a result of a call for applications to which they are eligible or a post/position at Government scales 1, 2, 3 or 4 or a post/position in a Ministerial Secretariat, or the EU Secretariat.

Persons who are engaged on contract in Ministries and Government Departments and who are selected and engaged with the EU are expected to resign, but they will retain the right to return and to complete the remaining period of contract of engagement with Government, provided they do so within six (6) months from the effective date of commencement of their employment with the EU Institution, Body or Agency.

Officers may be engaged to replace officers on unpaid leave on a back to back basis.

06

Paid Leave approved  
by other Authorities

## 6.1 Flexi Training Scheme \*

Public employees who are athletes forming part of the national team under the national organisation rules in all individual sport, may be released from work, to train professionally in their sport, for an amount of hours per week as requested by the applicant or as determined by the SportMalta.

### Eligibility

Public employees:

- individual athletes who are currently national athletes and attaining good results shall be eligible for this scheme.
- any individual athletes who are top in the country and due to conflict with the association are not nominated.

This will be determined by the Board following consultations with the association of the particular sport, which is registered with the SportMalta and which organisation is also affiliated with the respective International Sport Organisation.

### Period Coverage and Parameters

The Flexi Training Scheme will be granted for a period of twelve (12) months, which may be renewed by further periods of twelve (12) months through the submission of an application following the issue a call for applications by SportMalta to this effect.

All employees released on this scheme shall retain their public employee status throughout their release. The following parameters shall furthermore apply:

- During the period of release, employees will only be entitled to receive their basic salary. Allowances will be paid on a pro-rata basis. Any Sunday and/or Public Holiday allowances will be forfeited and the employee will be paid the basic salary for the hours spent training under this scheme on a Sunday and/or public holiday.
- During the period of release, employees are regulated by the PSC disciplinary procedures or the disciplinary procedures applicable in the respective entity (in the case of public sector employees), for any misconduct. This is without prejudice to the regulations governing their respective National Sport Organisation and any other conditions stipulated by SportMalta in the flexi-training contract.
- Released employees are not entitled to paid injury leave. They are however, entitled to ordinary sick leave for any injury sustained during the training sessions being undertaken in the period of the release.
- Public employees may not avail themselves of family-friendly measures or any form of special leave concurrent with the Flexi Training Scheme.
- Hours given under this scheme are to be used to train extra sessions over and above the normal training schedule as stated in the application.

## Application Procedure

This scheme is operational on a yearly basis provided that any applications may be received and accepted throughout the year, should an athlete be included in the national team and become eligible throughout a particular year of operation of the scheme.

The procedure to be followed is as outlined hereunder:

The employee shall submit a written request, addressed to the respective Head of Department/Director, at least fifteen (15) working days before the closing date for submission of applications to SportMalta. The request should include the international sport event by virtue of which the release is required, as well as details regarding the annual training schedule of the employee.

Within ten (10) working days of receiving the request, the Head of Department/Director shall forward his/her letter of recommendation/objection to the relevant authorities, as specified hereunder, while also informing the employee, in writing, whether the request has been approved or refused.

### I. IN CASES OF REFUSALS

A request may be refused in such instances as acute staff shortage or when the employee is performing specialised duties which require one's full-time presence or when no suitable replacement is available. When refusing requests, the Head of Department/Director should clearly indicate the reason for refusal. In such cases, the employee may appeal to the respective Permanent Secretary who shall investigate the case and decide whether to accede to the request or otherwise. The decision taken by the Permanent Secretary shall be final and shall be communicated to the employee and the Permanent Secretary responsible for Sport, and copied to SportMalta and the People Relations (PRD) Directorate.

### II. IN CASES OF APPROVALS

The Head of Department/Director shall write a letter of recommendation, addressed to SportMalta, through the Permanent Secretary. The employee shall also be copied in this correspondence. The completed application form, endorsed by the respective Head of Department/Director, including all the required documentation as per Section E of the Application Form, shall be attached/enclosed with the letter of recommendation. The application form may be accessed from the SportMalta website [here](#).

Following the recommendation (in both positive and negative cases) by the Head of Department/Director, the Permanent Secretary responsible for Sport is responsible to approve or reject the employee's application to participate in this Scheme and his/her decision shall be final.

All approved applications shall be vetted by SportMalta and an interview shall be carried out by the SportMalta interviewing board.

The selection shall be made based on the below criteria:

Scheme A	Up to 30 hours	<ul style="list-style-type: none"> <li>• Double individual Gold Medallist in the last edition of GSSE</li> <li>• Medallist in the last edition of European Championships, Mediterranean Games</li> <li>• Finalist* in the last edition of Olympics, Paralympics, Commonwealth Games, World Championships or any other games/ championships/ cups which are the sole event that gives the champion title of the said event to the winner.</li> </ul>
Scheme B	Up to 20 hours	<ul style="list-style-type: none"> <li>• Gold individual medallist in the last edition of GSSE</li> <li>• Finalist* in the last edition of European Championships, Mediterranean Games</li> <li>• Semi-Finalist* in the last edition of Olympics, Paralympics, Commonwealth Games, World Championships or any other games/ championships/ cups which are the sole event that gives the champion title of the said event to the winner</li> <li>• Medallist in championships/ cups with more than 20 participating countries in the event</li> <li>• Qualified by standard (not invitational card) for the next edition of Olympics, Paralympics, Commonwealth Games, World Championships or any other games/ championships/ cups which are the sole event that gives the champion title of the said event to the winner.</li> </ul>
Scheme C	Up to 10 hours	<ul style="list-style-type: none"> <li>• Silver individual medallist in the last edition of GSSE</li> <li>• Medallist in championships/ cups with 10 or more participating countries in the event</li> <li>• Gold medallist in the last edition of the MESA Games</li> <li>• Top 3 in the Maltese National Ranking with 10 or more athletes in the ranking event</li> <li>• Qualified by standard (not invitational card) for the next edition of Olympics, Paralympics, Commonwealth Games, World Championships or any other games/ championships/ cups which are the sole event that gives the champion title of the said event to the winner</li> </ul>
Scheme D	Up to 5 hours	<ul style="list-style-type: none"> <li>• Bronze individual medallist in the last edition of GSSE</li> <li>• Medallist in doubles/teams events in the last edition of GSSE</li> <li>• Athletes on last year's scheme who did not perform due to injury (physical/psychological/emotional)</li> <li>• Silver or Bronze Medallist in the last edition of the MESA Games</li> <li>• Top 3 in the Maltese National Ranking with less than 10 athletes but more than 5 athletes in the event</li> <li>• Medallist in championships/ cups with less than 10 participating countries in your event</li> <li>• Qualified by standard (not invitational card) for the next edition of GSSE in the year of the games</li> </ul>

\* There must be a previous round

If the athlete is selected by SportMalta according to the above-mentioned criteria, the Head of Department/Director shall immediately make the necessary arrangements for the release of the employee to participate in this scheme in terms of the application.

## Accepted Applications: Procedure

The employee/athlete shall sign a contract with SportMalta undertaking that s/he will:

- abide with the Code of Sport Ethics and all terms and conditions of the scheme including but not limited the obligations stipulated in the contract;
- make no use of illegal substances and/or performance enhancing drugs and/or other doping methods;
- undertake any doping tests and update the Anti-Doping Administration & Management system (ADAMS) thereby keeping National Anti-Doping Organisation (NADO) informed of his/her whereabouts (and submit other information, which includes, but is not limited to, details on the athlete residence, training venues and times, competition schedule, holiday arrangements etc., as well as a 60- minute time slot between 6am and 11pm where they can be located for testing) as required by NADO;
- immediately provide a contact telephone number for quick and easy contact if the need arises;
- be available, at all times, in cases where SportMalta and/or the government needs the employee/ athlete for sport promotion purposes;
- immediately inform SportMalta and the respective department when sick and utilising one's sick leave entitlement, in which case a medical certificate shall be submitted to the respective department and a copy sent to the Social Security Department as per normal procedure. SportMalta shall also be supplied with a photocopy of the certificate;
- will return back immediately to work:
  - in cases of injury, unless covered by a medical certificate;
  - if dropped from the national selection;
  - when not reporting for training;
  - when not fit for training.

**The Head of Department/Director** and SportMalta have the right to:

- Carry out spot checks during the training programme;
- Request, and be immediately provided with medical/fitness tests to certify that
- the employee is of an acceptable level of fitness appropriate for his/her sport and according to the set training programme;
- Request, and be immediately provided with, any other information (on the employee and relating to the Scheme) deemed relevant. Where the employee/athlete is found guilty of:
  - Unjustified absence for a training session;
  - Illegal doping;
  - Misbehaviour;
  - Lack of respect towards one's supervisor/s;
  - Lack of sportsmanship
  - Any flagrant action followed by indefinite suspension from one's sport capacity;
  - Any other action deemed to be serious in nature; the immediate termination of the agreement shall ensue, together with any necessary disciplinary action in accordance with the PSC disciplinary procedures or the disciplinary procedures pertaining to the employing entity in the case of public sector employees.

SportMalta shall inform the employing department, copying the PRD Directorate in the event that the employee is dismissed or voluntarily drops out of the scheme. Furthermore, if in default through a doping offence / the use of illicit substances and/or drugs, the employee is responsible for reimbursing the government of Malta for all the training hours allocated to the said employee, that is, from the date when the employee started to benefit from this scheme till the date when s/he was found guilty of such offence, without prejudice to further actions taken in accordance with the Laws of Malta.

For full information on this scheme, you may access the SportMalta website: <https://www.sportmalta.org.mt/assistance/sports-organisations/flexi-training-scheme>

## 6.2 International Sports Activities Held Locally and Abroad <sup>14</sup>

Public employees participating as accompanying officials in international sports activities, both locally and abroad, may be granted special leave with pay. Public employees benefitting from the Flexi Training Scheme are not precluded from being granted special paid leave under this policy.

### Eligibility

- members of a National Sport Organisation who shall be representing Malta in both competitive and friendly events held locally / abroad;
- members of Local Sport Organisations (individual clubs) who shall be participating in competitive events held locally / abroad.
- members of Federation / Association who shall be participating in training camps held locally / abroad.

### Duration

Three (3) working days special paid leave for each international event, up to a maximum of ten (10) international events per calendar year, may be utilised by public employees as per the eligibility criteria above. An additional five (5) working days special paid leave may be utilised to attend mandatory conferences and meetings held abroad, such as the annual general meetings of the respective international federation. Travel days to attend sports activities and mandatory conferences and meetings may also be covered with special leave, provided that the amount of special leave entitlement is not exceeded.

### Conditions

1. Paid leave for participation in sports events and activities shall only be considered in cases where the participant is not being paid for such event.
2. Any approved sports leave shall not continue to apply from the day following the elimination of the Maltese athlete that the official is accompanying.

### Application Procedure

The applicant is required to submit an application to the respective Director, copied to the Director responsible for People Management, attaching the required documentation, by not later than fifteen (15) working days before the event. The application form may be accessed from the SportMalta website [here](#). The request should be endorsed by SportMalta, copying the Permanent Secretary for Sport. Documentation should include:

- information about the International Sports Event or a copy of the official invitation in case of a conference or meeting;
- the duration of the event, in the case of events and mandatory conferences and meetings being held abroad;
- the number of days of special leave being requested;
- a declaration stating whether the applicant is being paid to participate in the event;

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<sup>14</sup> PAHRO Circular 43/2011

- the endorsement of the National Sport Organisation of the discipline concerned and SportMalta, in the case of members or officials of National Sport Organisations representing Malta in competitive or friendly events or attending mandatory conferences or meetings;
- the endorsement of the Local Sport Organisation and SportMalta, in the case of members or officials of Local Sport Organisations participating in competitive events or attending mandatory conferences or meetings;
- the day/s during which the applicant will actually be accompanying the athlete participating in sports activities held locally;
- For International Sports Activities held locally regarding training preparation, the applicant must provide an endorsed signed letter from their employer by clearly indicating the applicant's Full-Time / Part-Time (pro-rata) working hours, together with training schedule held locally signed and provided by President and Secretary (both signatures required) of Association / Federation;
- For training camps held abroad (International Sports Activities), the applicant must provide a training schedule signed by President and Secretary of Association / Federation (both signatures are required).

The National / Local Sport Organisation, responsible for endorsing the request, should support the application with documentation that:

- it is registered with SportMalta;
- the event is recognised by SportMalta as an International event; or that the conference/ meeting is recognised by SportMalta as mandatory;
- the officer will be accompanying an athlete who is participating in and representing Malta at the International event or mandatory conference/meeting held locally or abroad; and whether
- the event is being held in Malta or abroad.

Within five (5) working days from receiving the application, the respective Director shall inform the employee, in writing, whether the application has been approved or otherwise. A request may be refused in such instances as acute staff shortage or when the employee is performing specialised duties which require one's full time presence. In those cases where the employee cannot be released, one may appeal to one's respective Permanent Secretary who shall investigate the case and decide whether to accede to the request or otherwise. The decision taken by the respective Permanent Secretary shall be final.

All decisions shall be addressed to the Permanent Secretary responsible for Sport. The Permanent Secretary responsible for Sport shall notify SportMalta, the PRD Directorate, the employee and the respective Director of the final decision. The Permanent Secretary responsible for Sport shall have the power to overturn a positive recommendation.

## 6.3 Cultural Leave <sup>15</sup>

Public Officers may be granted special paid leave to participate in cultural activities abroad.

### Eligibility

The leave applies to actual performers and actual participants in a cultural event, provided that:

- the cultural events are organised by foreign Governments, Government Agencies, part of bilateral cultural agreements or events organised by worldwide reputable organizations; or
- the invitation to perform abroad has been made public through an entity of the Ministry for Culture; or
- the cultural event includes performances that are specifically assisted by the Government of Malta.

### Duration

Eligible officers may be granted up to a maximum of ten (10) working days (or in the case of shift workers, a maximum of eighty (80) hours) per calendar year.

### Application Procedure

Public Officers are to apply for cultural leave by first seeking the approval of their respective Director/Head of Department at least fifteen (15) working days prior to the actual event. The respective Director/Head of Department shall forward his/her recommendation to the Permanent Secretary within three (3) working days from the receipt of the request. The respective Permanent Secretary shall inform the Officer of the approval or otherwise, in writing, copying in the respective DPM, within three (3) working days from the receipt of the Director's/Head of Department's recommendation.

When this procedure is complete, the Ministry's People Management Directorate is to fill the online application and submit it on behalf of the applicant to the Permanent Secretary responsible for the Ministry for Culture ([www.culturalleave.gov.mt](http://www.culturalleave.gov.mt)) within three (3) working days from the receipt of the application. Submitting the online application will signify the respective Director/Head of Department/Permanent Secretary is recommending that there is no objection that the Public Officer can travel abroad during the requested period.

The following documents need to be uploaded with the online application:

- a) a copy of the invitation/request to perform overseas;
- b) the place and dates of performance;
- c) a statement by the applicant specifying the participatory role in the cultural event;
- d) any other verifiable documentation to support the above.

An acknowledgment is generated automatically by the system. The final decision of the Permanent Secretary for Culture is communicated electronically, within five (5) working days from the date the electronic application is received, to the HR Department of the respective Ministry and to the applicant if the email address is provided.

The timeframes of how to apply for Cultural Leave as per Directive 8.1 are to be strictly adhered to. The system will not allow late applications.

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<sup>15</sup> MHAL Circular 2/2020

## 6.4 Seminars and Courses Organised by Trade Unions

### Eligibility

Public Employees in Scale 6 or lower

### Duration

A maximum of five (5) days paid leave every calendar year. Employees who wish to attend further seminars in excess of the five (5) days entitlement are to avail themselves of vacation leave or special unpaid leave.

### Application Procedure

At least ten (10) working days prior to the event, the Trade Union should submit a request to the Director responsible for People Management in the officer's employing Ministry, to attend a seminar/course organised by the Trade Union.

The Director responsible for People Management is to inform the Trade Union of the decision, copying the individuals concerned, within five (5) days of original request from the Trade Union. In cases where a public officer will be exceeding the five (5) day limit, they are to be informed that they have to avail themselves of vacation leave. In cases of refusals, the Director responsible for People Management should also include the reasons for refusal.

## 6.5 Seminars Abroad for Trade Union Officials

### Eligibility

Trade Union Officials may be granted paid leave to attend to EU funded trade union seminars abroad. Attendance to seminars/conferences abroad which are not EU funded should be covered by vacation or unpaid leave.

### Duration

The duration of the EU funded seminar abroad.

### Application Procedure

The Trade Union should submit a request to the Director responsible for People Management in the officer's employing Ministry, for the release of a public employee to attend a seminar abroad, at least ten (10) working days prior to the event.

The Director responsible for People Management should inform the Trade Union of the decision, copying the individuals concerned within five (5) days of original request from the Trade Union. In cases of refusals, the Director responsible for People Management is required to include the reasons for refusal.

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## 7.1 New Scheme for Cooperatives in the Public Administration\* <sup>16</sup>

Public employees may join to set up and register a Cooperative with the Board of Cooperatives. The Cooperative is to be composed of a minimum of 5 members in accordance with the eligibility criteria in this policy.

Through this Scheme, public employees continue to receive their salary and may benefit from a share of any profits that may result from any work contract. Employees in a Cooperative are regulated by all regulations governing public employees, namely the Public Administration Act, Code of Ethics, Directives, Public Service Management Code and its Manuals, the PSC Disciplinary Regulations and/or comparable regulations in the respective Public Sector Entity.

The Cooperatives Scheme Unit within the People & Standards Division has been specifically set up to provide managerial assistance to Cooperatives and to provide assistance and advice in the financial aspect (accounting). This section may be contacted by email on [prd.opm@gov.mt](mailto:prd.opm@gov.mt) or by telephone on 2200 1279.

### Eligibility

Public Officers in salary scales 8 to 20 or Public Sector employees in comparable grades.

### Application Procedure

Applicants who wish to join up in a Cooperative should seek the approval of their respective Director/Head of Department, providing all details required for the evaluation of the request. The Director/Head of Department shall evaluate the request and inform the applicants of the approval or otherwise within one (1) month from the date of the request, after having consulted the respective Permanent Secretary. If a reply is not forthcoming within this period, the request is approved by default. Following the necessary approval, the Cooperative may be registered with the Board of Cooperatives.

### Conditions

A Director/Head of Department may assign work to Cooperatives through a contract for work in conformity with the Public Procurement Regulations. The authority of the Director/ Head of Department and the relationship between the Cooperative and the Director/Head of Department are to be stipulated in the contract for work which is approved by the Permanent Secretary. All parties are to ensure full accountability and transparency in the operations and value for money for public funds. The contract for work should specify clear demarcation of the roles of the Cooperative and the Director/Head of Department concerned. The Director/Head of Department cannot sign on behalf of the Cooperative, neither for bank account/s nor in relation to its audited accounts.

The Cooperative and the Director/Head of Department are to agree on the duration by which the contract should be finalised (unless this was already stipulated) and the percentage of the income to be retained by the Department, which should be approved by the respective Permanent Secretary. If a Cooperative makes use of Government assets such as buildings, machines or machinery, these are to be rented out to the Cooperative depending on the value established by the respective Head of Department as authorised by the respective Permanent Secretary. The Cooperative is to refund any expenses paid by the Department for the Cooperative's utilisation.

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<sup>16</sup> OPM Circular No 4/2018

Cooperatives falling under this Scheme may compete for tenders and enter into contracts for work with the Private Sector. These should be done under the direct control and scrutiny of the respective Director/Head of Department. Cooperatives in the Public Sector may not subcontract work or employ people from outside the Cooperative.

The performance and operations of the Cooperative are subject to the scrutiny of the respective Permanent Secretary, or his/her delegate, and to internal auditing by the Internal Audit and Investigations Department (IAID). All IAID Reports are sent to the respective Permanent Secretary for any necessary follow up.

Cooperatives falling under the criteria of this Scheme are to open a bank account in the Cooperative's name and the account should have at least two signatories from the members of the Cooperative's Steering Committee. The external auditor of the Cooperative is appointed by the Cooperative's members and should be replaced every 4 years.

These Cooperatives will be registered on a separate register under provisional registration. The Cooperatives Board will inform the Internal Audit and Investigations Department and the People & Standards Division regarding all new registrations.

At the end of each year, or in cases of works, or termination of contracts, the Cooperative will convene a General Meeting inviting the Board of Cooperatives. During these meetings, the Cooperative shall determine how the balance in the bank account shall be apportioned, following the payment of the monies due to the Department. This process shall follow in accordance with the established criteria hereunder:

- 5% to the Central Cooperative Fund;
- A minimum of 20% reserves, where applicable; and
- Up to a maximum of 75% distributed to the Cooperative's members, as agreed, by way of patronage refund.

## 7.2 Old Cooperatives Schemes <sup>17</sup>

### Scheme A

Public officers in scales 8 to 20 may be granted unpaid leave on grounds of public policy to set up cooperatives with the intention of competing for tenders issued by Central Government, Local Councils and other enterprises. Workers joining this scheme retain the rights and benefits enjoyed through their government employment. They can return to the government post if they leave the cooperative or if the co-operative stops functioning and is disbanded. This request for unpaid leave is drawn up by the employees' Director and submitted for approval to the respective Director responsible for People Management.

### Scheme B

Scheme B is intended for public officers in scales 8 to 20 to set up a co-operative in cooperation with their respective directorate. Through this scheme public officers continue to:

- receive their government salary;
- retain their previous rights; and
- benefit from a share of any financial profits made through their work.

The Director and the employees who are interested in this scheme are to apply and seek approval from their Permanent Secretary, who must be provided with all the necessary details, for approval to be given.

A directorate may:

- allocate work to be carried out by the cooperative; and
- compete for tenders in the name of the cooperative.
- The Director together with the cooperative must agree on a completion date for the contract (as long as this time limit is not set down beforehand). They also have to agree on the percentage share for the directorate.

The directorate may receive commission, rent out or sell equipment to the cooperative.

A bank account between the Director and the cooperative members has to be opened. The account must have at least two signatures - the signature of the respective Director and the signature of a member nominated by the cooperative.

The respective Director responsible for People Management and Permanent Secretary must use their discretion:

- when renting out equipment and issuing material from the Department to the cooperatives;
- in ensuring that the Department is paid for any expenses which are incurred on behalf of the cooperative;
- when considering the possibility of taking up the initiative themselves to set up a cooperative within their Department.

The Board of Cooperatives is responsible to monitor these cooperatives.

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<sup>17</sup> OPM Circular No 12/1996



