Manual for Public Sector Entities: Delegation of Authority to effect Recruitment, Promotions and Industrial Relations

The first version of this manual was developed by the Management Efficiency Unit (MEU) in January 2014.

Further updates shall be carried out by the People & Standards Division.

Should you have any comments or queries kindly contact People & Standards Division.

Version 11
July 2026

Contents

Table of Contents 4

Definitions and Acronyms 5

1 Introduction 8

2 Scope of the Manual 11

3 Use of the Manual 14

3.1 To which entities is the Manual applicable? 14
3.2 Posts in Public Sector Entities filled on Indefinite Basis 15
3.3 Recruitment from outside a Public Entity 15
3.4 Internal Restructuring and Promotions 15
3.5 Creation of Post / Position-Designations subject to the Industrial Relations Unit 16
3.6 Concurrent Issue of Internal and External Calls 16
3.7 Instances when the Manual is not applicable 16

4 Legislation 20

4.1 Horizontal Legislation 20
4.2 Other Legislation 21
4.3 Manual on Resourcing Policies and Procedures 21

5 The Recruitment Procedure 24

5.1 The Role of the Permanent Secretary 24
5.2 The Role of People & Standards Division 24
5.3 Delegation of Authority to conduct Industrial Relations 25
5.4 The Role of the Coordinating Committee 26
5.5 The Role of RSSL and ERL 27

6 The Revised Procedure 30

7 Conclusion 36

Appendix 1 – Form to be Utilised when the Entity is restoring to External Recruitment 38

Appendix 2 – HR Plan Template 42

Appendix 3 – Eligibility Requirements 43

Definitions and Acronyms

CEO	Chief Executive Officer
EIRA	Employment and Industrial Relations Act
ERL	Engineering Resources Limited
ETS	Employment and Training Services
FDRS	Financial Data Reporting System
HoE	Head of Entity
HR	Human Resources
HRM	Human Resources Management
Manual	Manual for Public Sector Entities: Delegation of Authority to effect Recruitment, Promotions and Industrial Relations Unit
MFIN	Ministry for Finance
OECD	Organisation for Economic CO-operations and Development Countries
OPM	Office of the Prime Minister
PS	Permanent Secretary
PSC	Public Service Commission
P&SD	People & Standards Division
Public Sector entity	For the purpose of the Manual, a Public Sector entity refers to an organisation, whereby the recruitment and promotions are carried out in terms of article 110 (6) of the Constitution and in adherence with the Employment and Training Services Act (CAP. 594).
RSSL	Resource Support and Services Limited
Remuneration Package	Remuneration package includes the entire financial package paid to an employee, including the salary, allowances and fringe benefits.
Top Management	For the purpose of this Manual, Top Management refers to the Head of the Entity, such as the Executive Chairperson or Chief Executive Officer, along with the immediate next level within the structure. The exact composition of Top Management may naturally vary according to the size and complexity of the entity. In smaller entities, this may involve fewer roles, whereas larger entities with more intricate structures might encompass additional senior positions. It is important to emphasise that the final determination of who constitutes Top Management is governed by IRU sanctioning.

01

Introduction

1. Introduction

Human resources (HR) are critical resources for any organisation, and the Public Administration is no exception to this. The way HR is managed (HRM) determines the performance of the Public Administration and thus its effectiveness. Moreover, the Public Administration workforce constitutes a significant percentage of Malta's total workforce. Recruitment is thus an inevitable HR function.

Public Sector entities, together with the Public Service, are key organisations in the administration of Government and are entrusted with important functions including the provision of essential services and acting as regulators.

Chairpersons, Chief Executive Officers (CEOs) and members of Boards are expected to maintain good governance in running these entities in the most effective and efficient manner whilst giving good value for money for the public funds.

It is in this spirit that Office of the Prime Minister through Directive 7.3 delegates certain powers of recruitment to Public Sector entities and their Permanent Secretaries. Transferring resources and competencies nearer to the points of service delivery, and consequently HR decentralisation, is a major trend in Public Administration modernisation.

02

Scope of the Manual

2. Scope of the Manual

The scope of this Manual is to guide Public Sector entities, when they are recruiting under the delegation given to them by virtue of Directive 7.3.

It is not the intention of the Manual to give detailed information on the whole recruitment procedure and on all types of recruitments, but solely on the processes that are impacted by the delegation. This is explained further in **Section 03** of the Manual which describes in detail which entities fall under the scope of the Manual and thus will follow the revised procedures under the devolved scenarios as presented in **Section 06**.

It is neither the intention of the Manual to override the employment laws and regulations in force in Malta or the laws and regulations by which certain public entities are regulated. An overview of such laws and regulations is provided in **Section 04** of the Manual.

Although the Manual is mainly intended for the Public Sector entities specified in **Section 03,** the role of the key entities involved in the recruitment procedure is elaborated further in **Section 05**. Thus, this section may be useful to both the Public Sector entities and the other key players.

03

Use of the Manual

3. Use of the Manual

3.1 To which entities is the Manual applicable?

1. All Public Sector Entities set up by Government, with the exception of 3.1.1 below;
2. Entities regulated by a Collective Agreement and/or Grading and Salary Structure approved by the Industrial Relations Unit (inclusive of top management and all designations and relative salaries and benefits/allowances); and
3. Entities that have their HR Plan for the respective year approved by the Coordinating Committee, as delineated in section 5.4.

IMPORTANT

Under the above circumstances, and subject to the required approval from the respective Permanent Secretaries, this delegation is applicable even in cases where this would result in an increase in the headcount of the entity, provided that the budgeted financial allocation approved by the Coordinating Committee for the respective year.

In all cases, entities should fill vacancies, in accordance with the approved HR Plan and the Collective Agreement and/or the Grading and Salary Structure approved by the Industrial Relations Unit. Moreover, financial packages, including allowances and/or other benefits not stipulated in the Collective Agreement and/or in the Grading and Salary Structure approved by the Industrial Relations Unit cannot be offered unless prior special permission is granted from Industrial Relations Unit.

3.1.1 This Manual is not applicable to the entities of which the recruitment process is already decentralised, as listed below:

- Central Bank of Malta;
- Malta Stock Exchange;
- University of Malta [academics and non-academics];
- MCAST [academic staff only];
- Institute of Tourism Studies [academic staff only];
- Office of the Ombudsman;
- Office of the Commissioner for Data Protection;
- Broadcasting Authority;
- National Audit Office;
- Local Councils;
- Office of the Arbiter for Financial Services;
- Malta Fiscal Advisory Council;
- Parliamentary Service;
- Malta Financial Services Authority;
- Malta Development Bank;
- Air Malta plc; and
- Malta Air Travel Ltd (Malta Med Air)

3.2 Posts in Public Sector Entities filled on Indefinite Basis

Posts in Public Sector entities, which are issued publicly either through Jobsplus or by public notice, or internal posts, which are not at a senior management level – that is, comparable to salary scale 5 level of responsibility (Assistant Director/Senior Manager) and higher in the Public Service – and where no objective reason exists in terms of S.L.452.81, will be filled on an indefinite basis in conformity with Directive 12. Only the applicable probationary period tied to the particular post will determine whether an officer will be confirmed in the position, thus attaining indefinite status. Positions carrying an objective reason will still be filled on a definite basis. Public notices/Expressions of Interest and internal calls for applications are to be issued accordingly.

3.3 Posts in Public Sector Entities filled on Indefinite Basis

Recruitment is to be effected by Public Sector entities (mentioned under article 3.1), through an external call, for:

1. an EXISTING* post to replace someone in the same position and with the same conditions (i.e. there is no increase in headcount and expenditure);
2. an EXISTING* post (not a replacement), even if this constitutes an increase in headcount; or
3. an EXISTING post (not a replacement) not entirely regulated by a Collective Agreement and/or by the Grading and Salary Structure approved by the Industrial Relations Unit but for which *ad hoc* approval has already been obtained from Industrial Relations Unit for the financial package attached to such post, even if this constitutes an increase in headcount.

*Existing to mean posts included in the Collective Agreement and/or in the Grading and Salary Structure approved by the Industrial Relations Unit.

In the above cases, approval of the Permanent Secretary is required as per **Process 03**.

In the case of **EU funded positions,** it is important to note that although these have now also been delegated, and thus do not require approval from People & Standards Division**, the entity is to directly seek the endorsement of the Ministry responsible for EU Affairs by forwarding the relative Vacancy Form, duly endorsed by the Permanent Secretary responsible for the entity, together with any relative documentation.**

3.4 Internal Restructuring and Promotions

Internal restructuring and promotions, subject to 3.1 above, and ***important*** note below, are hereby being totally decentralised and left completely at the discretion of the top management of the Public Sector entity as long as the overall parameters included in the Collective Agreement and/or within the Grading and Salary Structure approved by the Industrial Relations Unit for the particular post / position are followed and the budget is available.

This implies that the Public Sector entity, in case of internal restructuring and promotions which consist of existent posts / positions, and that therefore are already included in the Collective Agreement and/or within the Grading and Salary Structure approved by the Industrial Relations Unit (and which will not result in an increase in headcount), does not need to obtain approval from the Permanent Secretary. However, in such cases, the Permanent Secretary is to be informed immediately at the outset of promotion exercises.

IMPORTANT

Internal restructuring and promotions must be in line with Entities' approved HR Plan. Also, internal restructuring and promotions are to be effected following a duly advertised internal call for application (including remuneration package).

3.5 Creation of Post / Position-Designation subject to the Industrial Relations Unit

In respect of recruitment (as per Section 3.3) and internal restructuring and promotions (as per Section 3.4), in no case are Public Sector entities to create post / position-designations which are not covered by the Collective Agreement and/or by the Grading and Salary Structure approved by the Industrial Relations Unit with the prior approval of the Permanent Secretary.

3.6 Concurrent Issue of Internal and External Calls

Concurrent internal and external calls are possible, as per current situation.

Concurrent initiation of external (as per Process 03) and internal (as per Section 3.4) selection processes is possible subject:

i. To no breach of any pertinent Collective Agreement; and

ii. If recourse to issue an Expression of Interest and/or Public Notice (following Jobsplus procedure as per ETS Act) is eventually taken, mention is made that available vacancies are filled on the basis of the internal call result and, when exhausted, through the Expression of Interest and/or through Jobsplus procedures, as applicable.

IMPORTANT

Following the call for applications, whether initiated **internally** or **externally**, candidates who were assessed must be appropriately informed about the publication of the results.

The selection process shall remain valid for **one year** from the date the Selection Board approves the result unless there are compelling reasons for an extension. Interview results will be used to fill vacancies recurring in that particular post / position during the validity period. If a new call for applications is made for the **same post and/or position** within this **period**, any remaining candidates form the initial list who have not been appointed will take precedence over successful candidates from the second call, as long as the **validity** of the **first call** is still in effect.

3.7 Instances when the Manual is not applicable

1. When the entity has not budgeted correctly or not at all for the recruitment and thereby additional funds have to be approved by the Permanent Secretary and, if this is forthcoming, by the Ministry responsible for Finance. In such cases, the Public Sector entity is to primarily seek financial approval for the required funds, and proceed by following Section 3.4 – Internal Restructuring and Promotions and/or Process 03 – Procedure for Public Sector Recruitment, as applicable.
2. When the vacancy in question has attached to it the payment of *ad hoc* allowances not covered by the Collective Agreement and/or by the Grading and Salary Structure approved by the Industrial Relations Unit. In such instances, the Public Sector entity is to seek Industrial Relations Unit's approval for the required *ad hoc* allowances, and if approval is granted, the Entities are to proceed by following Section 3.4 – Internal Restructuring and Promotions and/or Process 03 – Procedure for Public Sector Recruitment, as applicable.
3. Where a post / position is being filled externally/internally, in anticipation of, and/or in replacement to a vacated post / position arising as a consequence of the secondment of a Public Sector employee with the Public Service; unless otherwise sanctioned by OPM. In this case, the centralised procedure will remain applicable, such that the approval of the People & Standards Division is sought for a replacement through external/internal recruitment.

4. Where a post / position is being filled externally/internally, in anticipation of, and/or in replacement to a vacated post / position arising as a consequence of the revocation of detailing of a public officer with a Public Sector entity; unless otherwise sanctioned by OPM. In this case, the centralised procedure will remain applicable, such that the approval of the People & Standards Division is sought for a replacement through external/internal recruitment.
5. Where a post / position is being filled externally/internally, in anticipation of, and/or in replacement to a vacated post / position arising as a consequence of an on loan arrangement or the redeployment of a Public Sector employee in terms of Article 16 of the Employment and Training Services (ETS) Act (when an employee moves from a Public Sector entity to another); unless otherwise sanctioned by OPM. In this case, the centralised procedure will remain applicable, such that the approval of the People & Standards Division is sought for a replacement through external/internal recruitment.

With respect to the last three (3) circumstances more information on the current procedure can be found in Section 5 of the *Manual on Resourcing Policies and Procedures*, which can be viewed on http://publicservice.gov.mt/en/Documents/Public%20Service%20Management%20Code/PSMC%20Manuals/Manual_on_Resourcing_Policies_and_Procedures.PDF.

04

Legislation

4. Legislation

4.1 Horizontal Legislation

Recruitment with public entities is regulated by the following provisions:

a. The Constitution of Malta Article 110 (6):

"Recruitment for employment with any body established by the Constitution or by or under any other law, or with any partnership or other body in which the Government of Malta, or any such body as aforesaid, have a controlling interest or over which they have effective control, shall, unless such recruitment is made after a public examination duly advertised, be made through an employment service as provided in sub-article (2) of this article".

b. The Employment and Training Services (ETS) Act (CAP 594) Article 15 (1):

"All employees required by the Government of Malta from outside its service or by any body corporate or company referred to in article 110(6) of the Constitution whether these are, in each case, employed on a contract for a specified time or for an indefinite period, shall, save as provided in the Constitution and in sub-articles (2) and (3), be recruited through the employment service provided by Jobsplus."

c. In case of recruitment of foreigners, ETS Act Article 15 (2) applies:

"Where the recruitment of employees by the Government or any other employer to which sub-article (1) refers is in connection with the employment of …persons engaged from outside Malta … Jobsplus may cause or authorise recruitment, whether through referral by it or otherwise, under such conditions or in such manner as Jobsplus may deem appropriate"

d. The Employment and Industrial Relations Act (EIRA) (CAP 452):

As a general rule, employees in both the Private and Public Sector are covered by the provisions of the EIRA (CAP 452). Moreover, national standard orders and sectoral regulations orders, as issued by government are applicable to all employees both in the private and public organisations.

4.2 Other Legislation

In most cases recruitment by entities is regulated by the Act setting them up which also determines the functions and powers of the entity. For example, the Malta Enterprise Act (CAP 463) Article 18 (1) stipulates that:

"The Corporation may employ, on such terms and conditions as the Board may determine, such number of persons to be members of staff of the Corporation, as it may consider necessary for the proper performance of its functions..."

Similarly, the Water Services Corporation Act (CAP 355) Article 36 states that:

"The Corporation shall appoint and employ... such officers and other employees as may from time to time be necessary for the due and efficient discharge of its functions..."

The Authority for Transport in Malta Act (CAP 499) Article 17 (1) stipulates that:

"Subject to the provisions of the Constitution, any other enactment applicable thereto, and without prejudice to the other provisions of this Act, the employment and appointment of officials and other employees of the Authority shall be made by the Authority and the terms and conditions of their employment and appointment shall be established by the Authority with the concurrence of the Minister."

4.3 Manual on Resourcing Policies and Procedures

The regulations concerning the employment of Public Service employees are governed by the *Manual on Resourcing Policies and Procedures*. Notwithstanding, there are certain provisions which are also applicable to Public Sector entities such as Section 5 entitled *Public Sector Resourcing*, which has been referred to earlier on in this Manual and Section 1.13.7 related to *Extension of Service Beyond Retirement Age*. The *Manual on Resourcing Policies and Procedures* may be accessed through the following link:
http://publicservice.gov.mt/en/Documents/Public%20Service%20Management%20Code/PSMC%20Manuals/Manual_on_Resourcing_Policies_and_Procedures.PDF.

05

The Recruitment Procedure

5. The Recruitment Procedure

Many OECD countries are now moving towards a model of HRM whereby major decisions regarding HR are delegated from a central HRM body to Line Ministries and departments, although due to financial pressures, the general management of the overall pay systems remains centralised in the majority of countries. As HRM authority is delegated, the role of the central HRM authority, is also changing to one of setting minimum standards and formulating HRM policies and strategies rather than implementing them.[1] The revised procedure presented in **Section 06** follows this model. Below, the role of the main players under this devolved scenario is explained further.

5.1 The Role of the Permanent Secretary

Since Permanent Secretaries are charged with the day to day running of a Ministry and are responsible for the overall coordination of the activities of the respective line departments, agencies and entities that fall within their portfolio, and play an instrumental part in this holistic exercise; first by evaluating and prioritising the requests received from the core Public Service departments and units, as well as the Public Sector entities that fall within their remit. Their approval for employment has therefore to be sought by Public Sector entities prior to engaging in the external recruitment process.

Public Sector entities, through their Permanent Secretary, should before deciding whether to seek a new post / position with the Permanent Secretary and the Industrial Relations Unit's approval or replace employees who retire, resign, or avail themselves of family friendly measures, consider all the options.

External recruitment may at times be avoided by implementing re-structuring/re-organisation of work or by re-engineering work processes, or internally by giving underutilised existing human resources re-training/re-skilling programmes to maximise their potential.

The national target of maximising the human resources at the disposal of Ministries is achievable so long as one critically evaluates the current resource allocation, ensures further synergy of processes, eliminates duplication, shares logistical support, intra- as well as inter-Ministry, furthers consolidation of back-office work in Gozo, monitors sick leave, improves discipline, together with a myriad of other small steps that, when taken as a whole, can make a substantial difference.

Thus, after that the Public Sector entity ascertains that the filling of the vacancy through internal recruitment (in line with Section 3.4); and, as per Process 03, redeployment of staff from RSSL/ERL; recruitment from other sectors of the Ministry and through an Expression of Interest within the Public Administration (which issue requires the prior approval of the People & Standards Division) would or proved futile, it is to send the duly filled in Vacancy Form I together with the Job Description to the Permanent Secretary for consideration. Upon receiving the request from the Public Sector entity, the Permanent Secretary decides on whether to grant approval to the Public Sector Entity to go for a Public Call through Jobsplus. If in the affirmative, the Permanent Secretary will endorse and send the Vacancy Form I to the Public Sector entity, so that it may proceed with contacting Jobsplus as described in Step 5 of Process 03.

IMPORTANT

Permanent Secretaries are invariably to act in strict conformity with the approved HR Plan, the Collective Agreement and/or IRU approved Grading and Salary Structure in force, the approved budgeted financial allocation and any applicable standing parameters.

[1] *Government at a Glance 2011 – OECD*

5.2 The Role of People & Standards Division

In line with the model presented earlier on, in this section and with the Public Administration Act (PAA), whereby it is stated that People & Standards Division's function is "to provide a framework that enables ministries and departments to manage their human resources in the most effective manner", under the devolved scenario People & Standards Division will assume a role of a more strategic nature. Moreover, in light of OPM Circular 20/2015, the People & Standards Division's operational responsibility includes the monitoring and auditing of the delegated resourcing functions under Directive 7.3. **For the purpose of such monitoring and auditing, Public Sector entities falling within the scope of this Manual are bound to provide the following information:**

1. On monthly basis, each Public Sector entity is to issue a complied HRS1, HRS2, HRS3 from entitled Employment Movements Information Sheets to the Personnel Systems and Compliance Directorate within the People & Standards Division at employment-returns.opm@gov.mt, copying the Public Sector Office – People and Resourcing Compliance Directorate, People & Standards Division at publicsector.opm@gov.mt. The HRS1, HRS2, HRS3 form may be obtained by sending an email to mailto:employment-returns.opm@gov.mt.
2. The HR Plans as indicated in Section 5.4 and in Process 01 of this Manual.
3. A copy of each and every Vacancy Form endorsed by the respective Permanent Secretary, as indicated in Step 5 of Process 03 and the details of the candidate/s selected, as indicated in Step 7 of Process 03.

IMPORTANT

If the People and Standards Division observes an irregularity, the immediate attention of the respective Permanent Secretary will be drawn.

Any Public Sector entity, to which this Directive applies, which fails to abide with the recruitment procedure outlined in the Manual may have the delegated authority withdrawn in its regard, by the People and Standards Division, with the authority of the Principal Permanent Secretary.

5.3 Delegation of Authority to conduct Industrial Relations

The Industrial Relations Unit (IRU) within the People and Standards Division is the central regulatory body with regard to industrial relations across Public Sector Entities. The process concerning negotiations with employees' representatives with respect to Documents/Agreements or any other negotiating processes regulating salary structures and working conditions is being clarified as explained hereunder in respect of approvals and in the light of fiscal responsibility.

The IRU, will act in their role of consultants on Industrial Relations and will need to be informed, at the very initial stages, of any negotiation processes to be undertaken with the management and/or employees' representatives, through the respective Permanent Secretary if the entity decides to use this service at a charge. Heads of Entities, after consultation with the respective Permanent Secretary, are to engage the IRU in the negotiations and design or amendments of salary structures and/or negotiations regarding working conditions undertaken with employees' representatives. The Head of Entity and IRU will then agree on an official position and the IRU will assist the Head of Entity throughout the negotiating process. Full responsibility of any process, including implementation lies with the Head of Entity through the respective Permanent Secretary. The final version will be as endorsed by the IRU supported with financial approval by the Ministry responsible for Finance.

Should the Head of Entity opt to not involve the IRU in negotiations, this shall be endorsed by the respective Permanent Secretary. The negotiating team will invariably still require the approval from the IRU on a negotiation post / position as well as the financial approval from the Ministry responsible for Finance. The IRU is to inform the respective Head of Entity and the Permanent Secretary on whether, in its opinion, the intended negotiating position conforms to central policies adopted across the Public Administration and informs the Ministry responsible for Finance accordingly. The respective Permanent Secretary is obliged to monitor that the process is conducted and concluded within the parameters established by the IRU. Any process, including implementation, lies within the responsibility of the Head of Entity through the respective Permanent Secretary.

5.4 The Role of the Coordinating Committee

The Coordinating Committee on strategic HR planning is empowered to scrutinise and approve HR Plans in respect of Public Sector entities. Hence, Public Sector entities are every year, to submit, with the authority of the Permanent Secretary, HR Plans in respect of the following two-year period to, and for the consideration of, the Coordinating Committee. These plans should be strictly contained within the estimated budget previously communicated to entities This process is part of the Business and Financial Planning process under the Fiscal Responsibility Act (CAP. 354).

Public Sector entities are bound to cooperate fully with the Coordinating Committee's requests for clarifications/adjustments for this process to be completed by the established deadline.

Projected budgetary allocations for personal emoluments should cover salaries for all current and new posts for the whole financial year, that is from 1 January to 31 December, regardless of when vacancies are projected to be filled in.

In the case of vacancies to be filled as a result of selection processes initiated during the previous year as per HR plan, or vacancies from the preceding year's HR plan for which the recruitment process has not initiated, the Public Sector entity should, if still required, ask for the Committee's approval to carry forward in addition to the next year's Plan. In such cases the Public Sector entity is to ensure that the funds to fill such vacancies are still available from the previous year, which would be carried forward to the new year and likewise be financed from the new year's allocation.

In cases where the requirement for the creation of a new vacancy is due to either an expansion of service from the Public Sector entity's end or arising out from the implementation of a particular project, Public Sector entities are expected to support their submissions by either presenting the Coordinating Committee with a projected organigram or a business plan which clearly outlines the capacity required in terms of HR.

As soon as the financial allocation for 'Personal Emoluments' for the forthcoming year in respect of each vote administered by the Public Sector entity is published in the annual Financial Estimates, the Coordinating Committee will initiate its discussions with communicate to the Permanent Secretary the budgeted financial allocation for new external recruitment in respect of each Public Sector entity, as issued by the Ministry responsible for Finance and request the Public Sector entity to revise its HR Plans in line with such allocation. The revised Plans are to be submitted by the stipulated deadline through the Permanent Secretary to discuss any revisions which may be considered necessary. Once the revised Plans are received by the Committee, the Committee will re-assess and issue a communication outlining the parameters according to which the revised HR Plan may be proceeded with.

HR Plans are to be submitted by the Director responsible for Human Resources within the Ministry for onward transmission to the Coordinating Committee.

HR Plans should be strictly contained within the approved budgeted financial allocation for new external recruitment, the IRU-approved Grading and Salary Structure and applicable standing parameters stipulated in the attached Manual.

The direction of the Coordinating Committee is binding and is scrupulously to be adhered to. No departures can be made therefrom and any requested updates necessitate the prior sanctioning of the Coordinating Committee before implementation.

In the event that these instructions are departed from, a serious view will be taken which may lead to the withdrawal of the delegation of authority, with the endorsement of the Principal Permanent Secretary, in respect of the offending Public Sector entity.

5.5 The Role of RSSL and ERL

A main function regulating the setting up and the role of RSSL and ERL as companies is to absorb workers made redundant following the closure of such organisations as Malta Shipbuilding, Malta Shipyards, Malta Drydocks, MDC, Sea Malta, IPSE, METCO Kalaxlokk Co. Ltd and Enemalta Ltd. Therefore, on a quarterly basis, RSSL and ERL will distribute an expression of interest to all RSSL and ERL staff respectively, to check whether anyone is interested in any vacancies arising with other entities within the Public Administration. RSSL and ERL will inform Permanent Secretaries accordingly.

06

The Revised Procedure

6. The Revised Procedure

Prior to 2005, Public Sector entities had complete authority on the recruitment processes. However, in 2005, new procedures were introduced, the aim of which was curtailing and reducing the size of the Public Sector through the better rationalisation of available resources and more control on the number of persons being employed in the Public Sector and the pay packages that they were being offered. Research has indicated that this aim was fulfilled and therefore it was decided that Public Sector entities be delegated authority to recruit and effect promotions exercises subject to set parameters.

However, Government's aim to curtail Public Sector employment still prevails and therefore certain conditions such as engaging staff on RSSL/ERL's books and endeavouring to redeploy persons that might be underutilised elsewhere in the Ministry (or elsewhere in the Public Sector) will still prevail.

The new modus operandi in this devolved scenario is further developed in this section of the Manual.

Process 01. Obtaining Approval from the Coordinating Committee

Overview of process & remarks

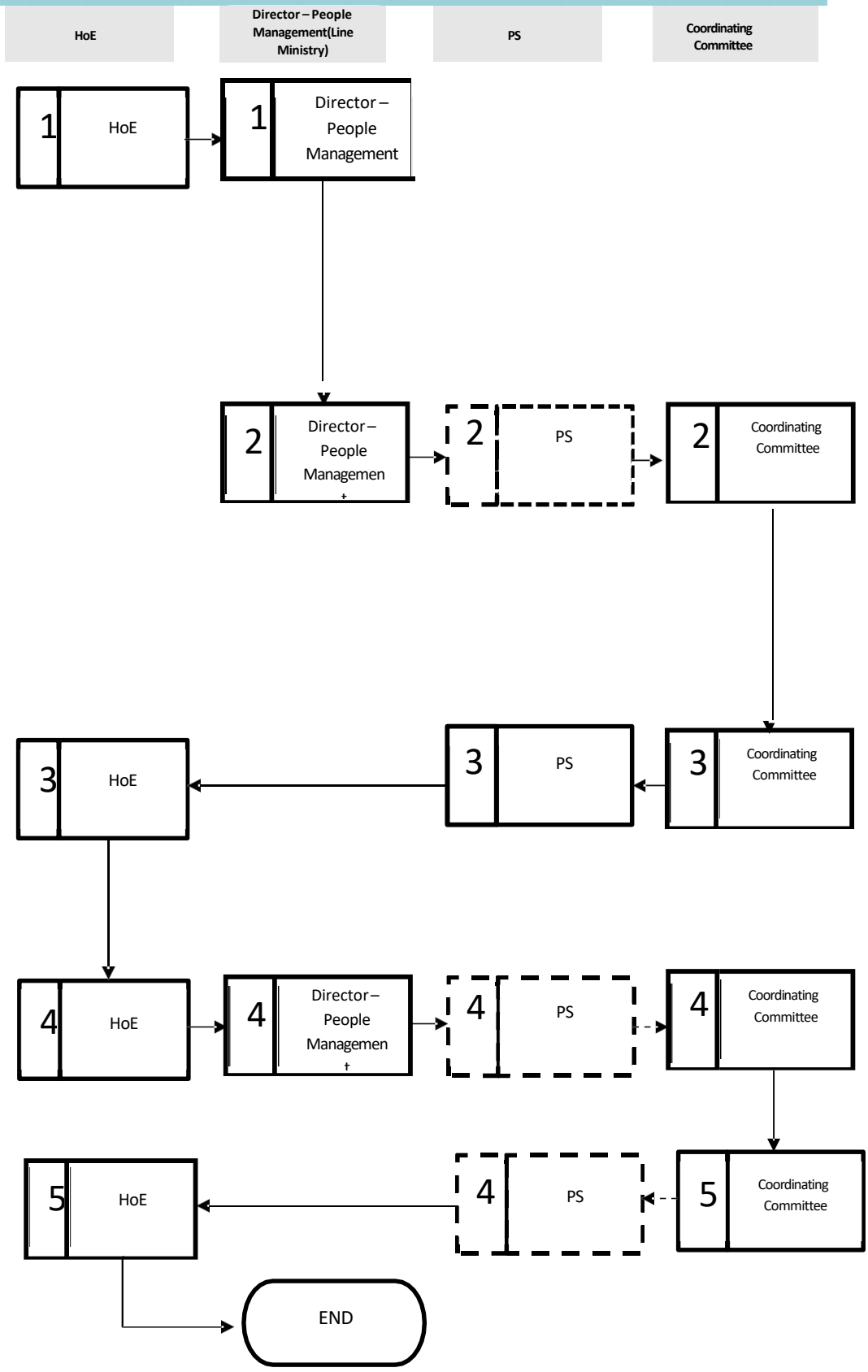
Step 1: The Head of Entity (HoE) responds to the letter circular issued by the Coordinating Committee on a yearly basis, whereby Entities are requested to submit the HR Plans in respect of the following two-year period, for the consideration of the Coordinating Committee. The HoE is to compile the HR Plan in accordance to the template provided in Appendix 2 of this Manual. Moreover, the HoE is to ensure that the HR Plan is filled in line with the Entity's Collective Agreement (CA) and/or Grading and Salary Structure and Section 5.4 of this Manual. Once completed, the HoE is to submit the HR plan to the respective Line Ministry, for the attention of the Director responsible for People Management.

Step 2: The Director responsible for People Management within the Line Ministry has to oversee that the HR Plan has been duly vetted by the Head of Entity. Subsequently, the Director is to submit the HR Plans of all Entities under the Line Ministry's remit to the respective Permanent Secretary, for consideration. Once all of the Entities' HR Plans are approved by the Permanent Secretary, the Director responsible for People Management is to submit, in a consolidated reply, all of the Entities' HR Plans to the People and Standards Division (P&SD) on the email address publicsector.opm@gov.mt, **by the established deadline.**

Step 3: The Coordinating Committee evaluates the submitted HR Plans. Upon such evaluation, the Coordinating Committee will agree on the budgetary financial allocation for new external recruitment to be allocated in respect of those Entities which have submitted their HR Plans. These Entities' budgetary financial allocation will be communicated to the respective Permanent Secretary. Consequently, Public Sector entities are to submit their revised HR Plans **by not later than the stipulated deadline**.

Step 4: The HoE is to submit the revised HR Plans to the Director responsible for People Management of the respective Line Ministry, for the consideration of the Permanent Secretary. Once approved by the relative Permanent Secretary, the Director responsible for People Management is to submit the revised HR Plans in respect of all entities within the Ministry's remit, in a consolidated reply, to the Coordinating Committee on the email address: publicsector.opm@gov.mt.

Step 5: The Coordinating Committee evaluates the revised HR Plans and will grant its final approval, provided that the HR Plans are in line with the budgetary financial allocation for new external headcount.



General Note

(1) Throughout the year, Public Sector entities are to operate within the approved HR Plan. Any updates or amendments to the three-year plan necessitate the prior approval of the Coordinating Committee.

Process 02. Obtaining Approval from Industrial Relations Unit

Overview of process & remarks

Note: The Industrial Relations Unit (IRU), will act in their role of consultants on Industrial Relations and will need to be informed, at the very initial stages, of any negotiation processes to be undertaken with the management and/or employees' representatives, through the respective Permanent Secretary (PS) if the entity decides to use this service at a charge. In those instances where the Head of Entity (HoE) decides to involve the IRU during the negotiations stages, Process 02, as explained in this Manual, will have to be followed. In those situations where the HoE decides not to involve the IRU in negotiation processes undertaken with employees' representatives, HoE are to abide by Section 5.3 of this Manual.

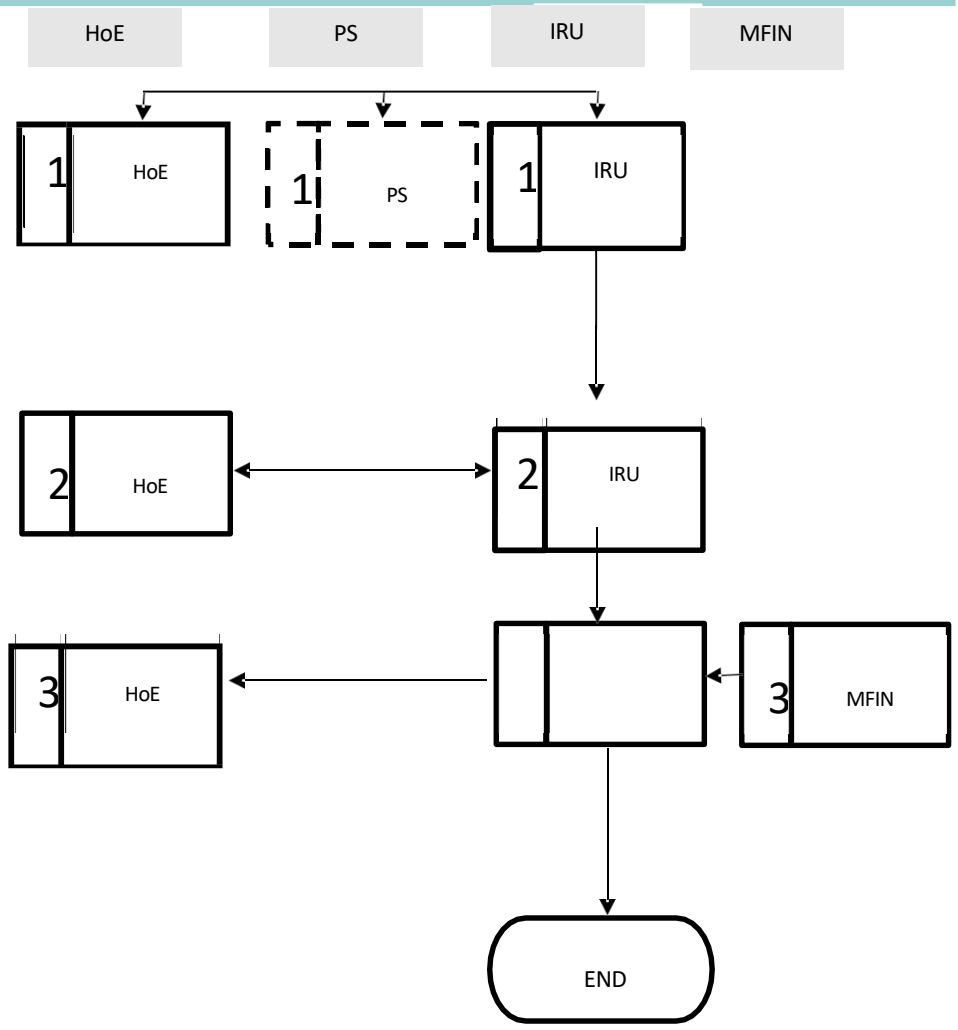
Step 1: The HoE, after consultation with the respective PS, is to engage the IRU in the negotiations and design or amendments of salary structures and/or negotiations regarding working conditions undertaken with employees' representatives.

Step 2: The HoE and IRU will then agree on

assist the HoE throughout the negotiating process.

Step 3: Once negotiation process is completed, the IRU will grant its approval supported with financial approval by the Ministry responsible for Finance.

Note: The approvall is valid for the period as specified in the respective approval unless there is a change in the Grading and Salary Structure.



General Notes

Thisprocess is to be followed by Public Sector entities:

(1) that have a signed Collective Agreement in place but such agreement does not cover all of the posts / positions within the said entity. In this case, posts / positions not covered by the Collective Agreement should be endorsed by the Industrial Relations Unit (IRU); or

(2) that do not have a signed Collective Agreement in place but have a Grading and Salary Structure (including top management positions) together with a structured salary package, approved by the IRU.

Process 03. Procedure for Public Sector Recruitment

Overview of process & remarks

Step 1: The Head of Entity (HoE) should ensure if there is any suitable candidate to fill the vacancy from RSSL/ERL. In the event that a suitable candidate is found and redeployment is required, the normal process through People & Standards Division (P&SD) is to be followed.

Step 2: If no suitable candidate is found from RSSL/ERL, the HoE is to liaise with the Director responsible for the HR of the Ministry, to check if the vacancy could be filled from within the Ministry or through an Expression of Interest across the Public Administration (Public Service & Public Sector) which issue requires the prior approval of the P&SD. In the event that detailing or redeployment is required the normal process through P&SD is to be followed.

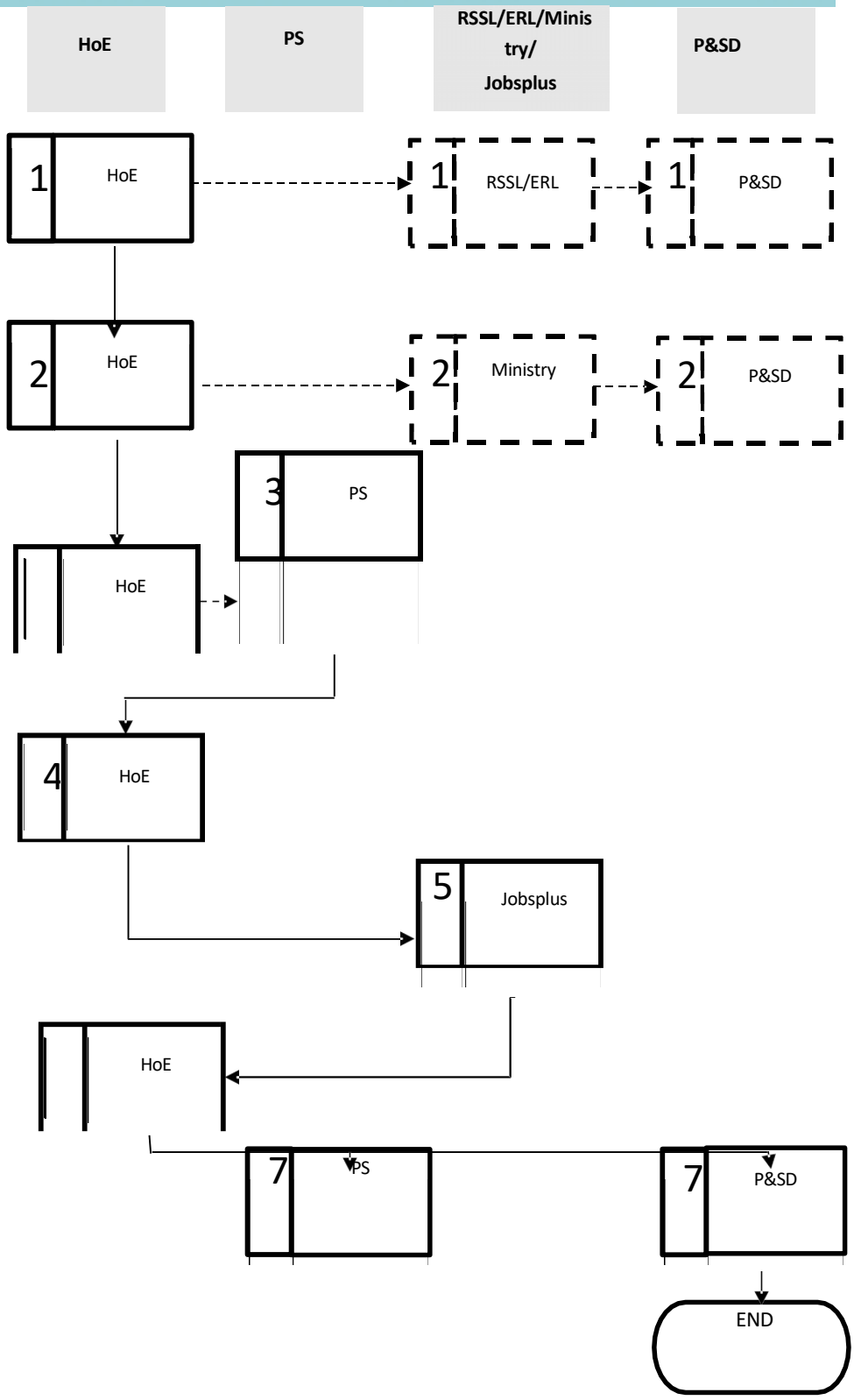
Step 3: If all the above possibilities have been explored to no avail, the HoE submits the request by filling in 'Vacancy Form I – Public Call', which must be conformant with the Collective Agreement and/or Grading and Salary Structure approved by Industrial Relations Unit and the approved applicable HR Plan, and sends it by email together with the Job Description to the Permanent Secretary (PS).

Step 4: The PS replies to the HoE's email and considers whether to grant approval to the HoE to go for a public call through Jobsplus.

Step 5: Subject to PS' approval, the HoE sends an email to Jobsplus, copying in the P&SD on publicsector.opm@gov.mt, with the necessary details on the vacancy including the Job Description and the PS approval.

Step 6: If no one suitable is found from Parts 1, 2 or 3, Jobsplus issues a permit number and the HoE can proceed to issue a public call. The public call requires to be advertised and include Jobsplus's permit number and the remuneration package.

Step 7: Once the vacancy is filled, the HoE informs PS and P&SD accordingly (the latter on publicsector.opm@gov.mt). The HoE is to include the following information in the email: scanned copy of Vacancy Form I endorsed by PS, Job Description, name of employee, post / position, qualifications and experience, remuneration package and method of recruitment.



General Notes

(1) This process is to be followed when recruitment is going to take place for an EXISTING post / position irrespective whether it is a replacement or not.

(2) The entity is to make sure that the post / position to be filled is reflected in the approved HR Plan.

(3) In the case that the entity resorts to fill the vacancy through redeployment as indicated in step 1, the request will be processed in accordance to existing procedures, whereby the employee will be redeployed according to the basic salary held at the releasing entity. The receiving entity shall match this basic salary according to the existing approved Grading and Salary Structure approved by the Industrial Relations Unit or the endorsed Collective Agreement.

07

Conclusion

7. Conclusion

Although we appreciate that all the parties involved have very busy schedules, the importance of timeliness cannot be stressed enough.

Time is of the essence in the recruitment and selection process. Tardiness and delay causes additional work for staff covering the vacancy which might lead to de-motivation and other HR problems. It also creates a poor image of the public sector.

It is to this effect that the approval of recruitment and promotions was delegated to the Permanent Secretaries and Heads of Entity respectively and thus devolved from the central authority to Line Ministries in accordance with the principle of subsidiarity.

Appendix

Appendix 1 – Form to be utilised when the Entity is resorting to External

VACANCY FORM I
IMPORTANT
• *This Vacancy Form is to be submitted to the Permanent Secretary subject that the request is conformant with the Collective Agreement and/or Grading and Salary Structure approved by the Industrial Relations Unit and the applicable HR Plan and budgeted financial allocation as approved by the Coordinating Committee.*
• *Please attach a copy of the Job Description with this Vacancy Form.*
• *Kindly fill in all points (1-17) and ensure that all information submitted is accurate and precise. (Tick where applicable)*

Recruitment

1. Date

2. Entity

2a. Entity Reference

3. Post / Position

4. No. of Vacancies to be filled

5. Scope

☐ Replacement	*Insert no. of vacancies*
☐ New Vacancy	*Insert no. of vacancies*

6. Reason

If scope is Replacement:		**If scope is New Vacancy:**	
☐ Retirement	*Insert name, surname, ID, post and date of retirement of employee*	☐ New Function	*Insert no. post*
☐ Termination	*Insert name, surname, ID, post and date of termination of employee*	☐ Increase in Demand/Output	*Insert no. post*
☐ Resignation	*Insert name, surname, ID, post and date of resignation of employee*	☐ Other (Insert comments in Section	*Insert no. post*
☐ As a Consequence of a Promotion	*Insert name, surname, ID, post and date of promoted*		
☐ Other (Insert comments in Section	*employee Insert no. posts / positions*		

7. Contract

☐ Indefinite			
☐ Definite			
If Definite, indicate if contract includes the objective reason clause in line with S.L.452.81:	☐ Yes	☐ No	If Definite, state period:

8. Employment Type

☐ Full Time	☐ Part Time/Reduced	☐ Back-to-Back

9. Hours per Week

10. Salary Information

	Comments	Amount in Euro (€)
S1 Basic Salary:		
Increments (if any):		
Maximum Salary:		

10a. Benefits/Allowances (if any)

	Comments	Amount in Euro (€)
Performance:		
Vehicle Related:		
Telephone/Mobile:		
Internet Related:		
Health Related:		
Others:		
B1 Total Benefits		
Current Year Recurrent Expenditure (add **S1** and **B1**)		

11. Qualifications & Experience Required:

Indicate the Qualification Level as set by the National Qualifications Framework. For assistance enter the following link: https://ncfhe.gov.mt/en/Pages/MQF.aspx	MQF Level (1 to 8)	

12. Competencies:

Insert competencies' codes within this field. To access the Occupational Competencies 2016 Manual, kindly enter the following link: https://jobsplus.gov.mt/resources/fileprovider.aspx?fileId=1761

13. Conditions bound by a Collective Agreement and/or Industrial Relations Unit Approval:

Indicate Collective Agreement or Industrial Relations Unit Approval's expiry date	

14. Distinct Legal Personality:

Indicate the chapter and article number that gives the entity the authority to recruit and enter into contracts	

15. Appendices enclosed:

☐ Job Description	Others:

16. **Others/Comments. Here you may provide any comments relevant to the request such as the reason and nature of the request:**

17. **Approvals:**

	HR Manager*	Financial Authorisation Officer **	Head of Entity
Signature:			
Name:			
Post:			
Entity:			
E-mail Address:			
Telephone No:			
Date:			

I declare that:

* I have submitted this request after having ascertained that, in line with Process 03, it is justified in all its aspects (i.e., an internal call within the entity proved/would prove futile, redeployment of existing staff from RSSL/ERL and from other sectors of the Ministry is not possible and an expression of interest within the public administration is not possible/proved futile and that funds have been budgeted for and are available through this year's approved headcount allocation/HR Plan and that the post / position is approved by the Industrial Relations Unit), I approve external recruitment through the Jobsplus' services in terms of the ETS Act.

** I confirm that funds are available for this recr uitment.

_____	_____
Permanent Secretary	**Date**

Appendix 2 – HR Plan Template

Name of the Public Sector Entity:	
Name of Respective Ministry:	
HR Plan Compiled on:	

HR Plan for the year: *(insert year)*

Posts *(To include nomenclatures which are in line with Entity's Collective Agreement and/or Industrial Relations Unit Grading & Salary Structure)*	Existing Staff in-place		Number of Posts / Positions Required to be filled by the Entity *(To indicate the number of posts to be filled under the respective columns provided hereunder, as applicable)*		Quarter of Issue of Call *(To indicate if Q1/Q2/Q3/Q4)*	Internal		Public Administration (Public Sector Expression of Interest)		External	
						New	Replacement	New	Replacement	New	Replacement
	No.	Salary Package* €	New	Replacement		Salary Package* €	Salary Package* €	Salary Package* €	Salary Package* €	Salary Package* €	Salary Package* €
Total											

* Amounts quoted under the Salary Package columns should include the basic salary and any additional allowances, which are to be quoted separately, in line with the Entity's Collective Agreement and/or Industrial Relations Unit's Grading and Salary Structure. The amounts should exclude NI Contributions, Income Supplements and Government Bonuses.

Appendix 3 – Eligibility Requirements

Entities which require to establish their own eligibility criteria (ex. qualifications required) may use as **guidelines** the eligibility criteria used by the Public Service. The link where the Public Service's eligibility criteria may be accessed is: https://peopleandstandards.gov.mt/media/PDFs/Resourcing/Forms_and_Templates/OtherTemplates/4a.%20eligibility.pdf. Public Sector entities are reminded that they are **not obliged** to follow these criteria.

This manual is to be used as a helpful tool, however if you require further information kindly contact:

Mailing Address:

People & Standards Division, Office of

the Prime Minister,

3, Castille Place,

Valletta, VLT 1062

Malta.

Tel: (356) 22 001 325

Email: publicsector.opm@gov.mt / prc-psd.opm@gov.mt

OFFICE OF THE PRINCIPAL PERMANENT SECRETARY
OFFICE OF THE PRIME MINISTER