



18th August 2014

Talking Point

Over a Cup of Coffee!

The proposals forwarded by the Malta Employers' Association for an overhaul of the Employment and Industrial Relations Act provoked numerous reactions which merit consideration, and perhaps a response.

Alison Bezzina enlightened us with a plastic pearl of wisdom, defending her position that employers should pay sick leave irrespective of how it is caused because you see, according to her philosophy, life itself is self-inflicted, and employers are to blame for this existential conundrum. The Prime Minister cunningly threw the media a catch word by stating that the proposals may be 'draconian'. As the journalists scurried off chasing this bone, he continued with a quite objective and well-reasoned evaluation of the issues that emerge in the utilization of sick leave, including the fact -sidelined by most media -that there is a culture of sick leave abuse even by students in government schools which is influencing their work ethic later on in life. He fully acknowledged that there are problems which need to be addressed in this and other areas of industrial relations that were included in the MEA's recommendations.

Most perplexing of all was UHM's Josef Vella, who feels that the issues raised by MEA in its document could be discussed over a coffee. What exactly is his line of thinking? Could it be that from now on, instead of resorting to industrial action, the UHM intends to organize coffee mornings for its members when issues of union recognition emerge? Or perhaps, rather than taking an employer to the Industrial Tribunal over recognition of a segment of the labour force, as is happening more frequently, Mr.Vella will resolve such matters by singing kumbaya with Tony Zarb and Paul Pace over a cappuccino? Time will tell.

Another significant reaction is that more than eleven thousand persons responded to the poll in The Times which asked whether employees should be paid for sick leave arising out of self-inflicted conditions. It is no surprise to MEA that a strong majority voted

against, as most employees do have a sense of duty and do not want to be burdened with a heavier workload caused by the abuses of a minority of their co-workers. Although the poll is not scientific, it does give a good indication of public opinion about this issue.

If anything, these and other reactions have served to underscore more than ever, the need for a serious discussion and re-thinking of numerous aspects of the Employment and Industrial Relations Act. The MEA proposals raise many points that are more important and fundamental to industrial relations than the sick leave issue. The format and functioning of the Industrial Tribunal need to be re-examined to make it more efficient and professional. Labour legislation has to be updated to cater for arbitrary, at times controversial, interpretations that are occasionally dished out by the Department of Employment and Industrial Relations. Examples are entitlement to overtime and deductions from wages in cases of outstanding payments by employees. The law needs to be clear about basic definitions such as that of a union member, and to establish an agreed procedure to determine which union, if any, has recognition at a workplace.

The Malta Employers' Association started the ball rolling, and the document is a challenge to the social partners to seek ways how to strengthen industrial relations through an improvement in the EIRA and to try to eliminate any lacunae that currently exist. The MEA has made public a negotiating document which is inviting the other social partners to forward their own recommendations to improve our employment legislation, using the existing social dialogue institutions, namely the Malta Council for Economic and Social Development, and the Employment Relations Board.

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