



MALTA HOTELS  
& RESTAURANTS  
ASSOCIATION

24<sup>th</sup> February 2023

## Media Release

### Social Partners Appeal for Industrial Relations Stability

Malta's major trade unions and employer organisations – General Workers' Union, UHM Voice of the Workers, For.U.M, Confederation of the Maltese Trade Unions, Malta Employers' Association, Malta Chamber of Commerce, Malta Chamber of SMEs and the Malta Hotel and Restaurants Association issued an appeal to safeguard industrial relations stability by respecting clear boundaries between the rights of majority and minority unions at the workplace. They stated that a fundamental pillar of industrial relations is freedom of association through which any employee can opt to join a union of his/her choice, whether it is a majority or a minority union, but there is a demarcation line between the rights of a majority union and a minority one. This does not in any way restrict the right of any employee to associate or to be represented or assisted by a trade union of his choice.

Unions can have a majority of employees in some companies, and a minority in others. However, the law establishes that a minority union can only represent members on an individual basis, and that collective issues can only be discussed by the majority trade union. In addition, article 5 of Legal Notice 413 of 2016 Recognition of Trade Union Regulations, clearly establishes that: '*Once a union is recognized as the sole collective bargaining union, no other union may intervene on a collective matter relating to the employees concerned with the employer*'. In addition, article 5 states that '*no employer*

*shall discuss collective matters relating to employees concerned with a union other than the recognised union'*. This principle is also entrenched in numerous collective agreements, and has been conducive to harmonious industrial relations even when employees are members in different unions.

In some cases, a majority union, whilst keeping its sole recognition, may opt to conduct negotiations with the involvement of the minority union as one joint negotiating body. A minority union has the right to represent and assist individual members but cannot discuss issues of a collective nature on behalf of a class of workers or whole grades. That responsibility rests solely on the majority, recognised union. Any court decision which overturns this situation will result in unnecessary industrial conflict between workers, unions, and also between unions and employers. The social partners stressed that such an outcome should be avoided at all costs in the interest of employees, their representatives, and employers. Economic stability depends on a harmonious work environment.