

L.N. 46 of 2012
Employment and Industrial Relations Act

Overtime Regulations, 2012

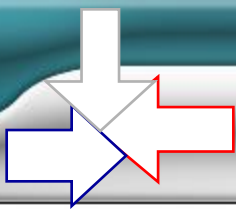
Presentation by

Dr Charlotte Camilleri

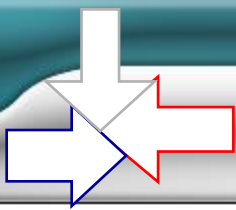
B.A. (Legal & European Studies), LL.D., M' Juris (European & Comparative Law)

Malta Employers' Association

16th February 2012



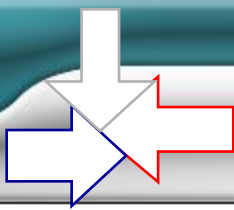
Legal Notice 46 of 2012 regulating overtime stipulates that employees shall work overtime required by the employer provided that the average weekly working time (including overtime) does not exceed an average of 48 hours unless the employee has signed the opt out clause.



Companies **not** falling under any WRO pay overtime at time and a half.

The legal notice does not differentiate between weekdays, Saturdays and Sundays.

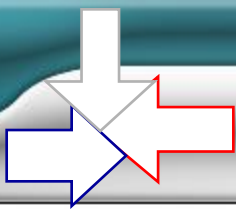
Hence any hours worked on a Sunday being in excess of an average of forty is paid x 1.5



AVERAGE

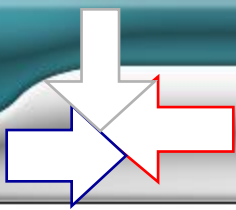
No WRO

is calculated either every four weeks or every shift cycle

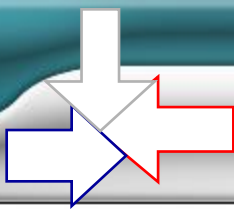


Companies regulated by L.N. 432 of 2007 and where no c/a is applicable:

- Hours worked on Sunday as part of the 40 hour week is paid at flat rate
- Hours worked on a Sunday but in excess of an average of 40 hrs is payable at time and a half

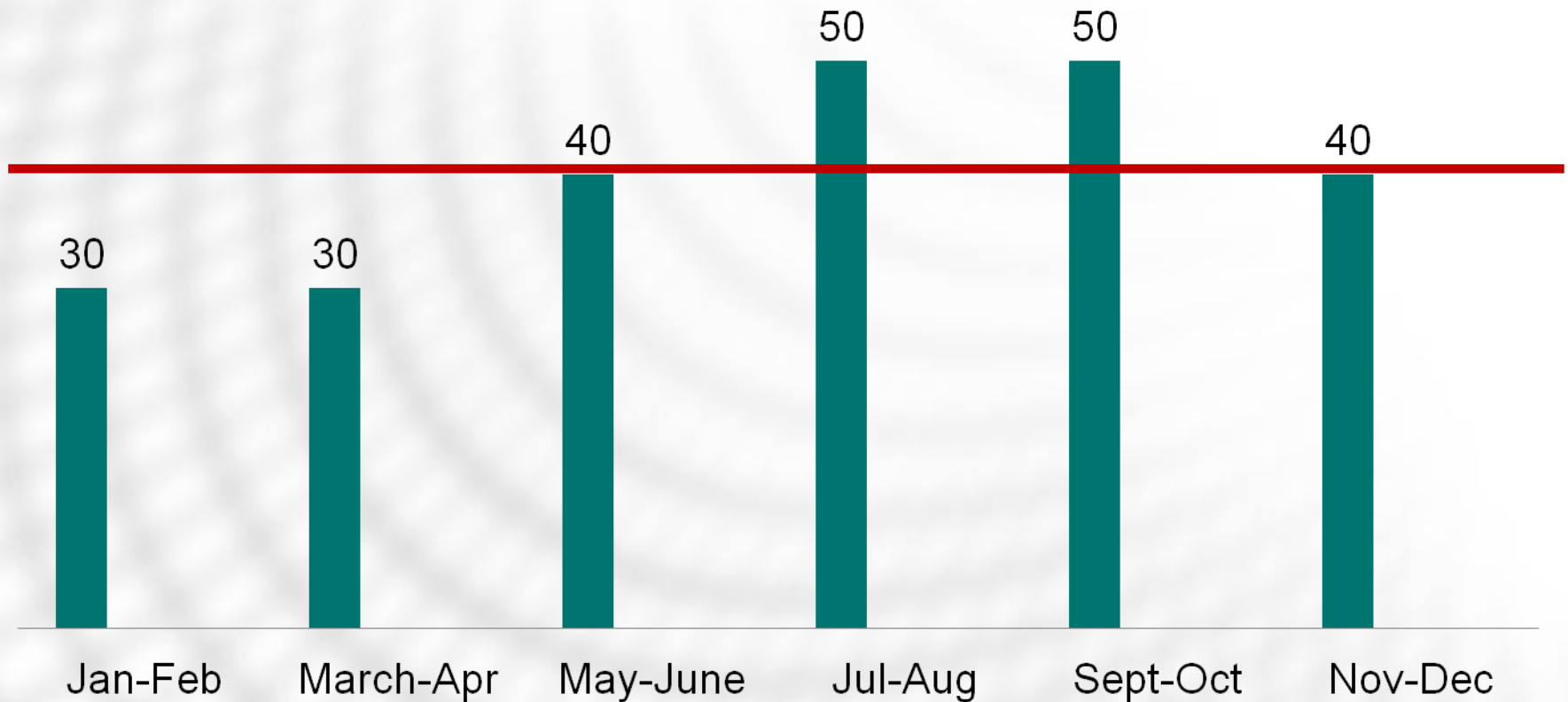


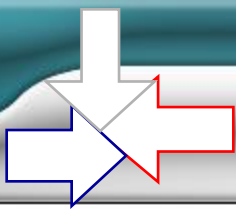
Annualized Hours



Banked Hours

■ average no of hrs/week



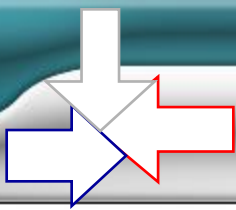


L.N. 46 of 2012 grants companies the possibility of banking up to 376 of normal working hours.

Unless the employee has signed the opt out clause the average weekly working time may not exceed 48 hours per week.

Banking of hours has to be authorized by the Director who may impose conditions.

Employee paid constant wage throughout the year



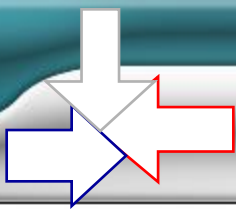
The Legal Notice overrides the WRO's

Only days of normal rate hours can be banked

Hours banked are paid at flat rate (unlike rates stipulated by WRO)

Special rate is paid for public holidays

Part timers and whole timers with reduced hours are not obliged to participate in banking scheme but may do so



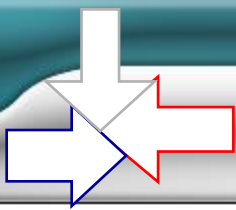
Written notice and roster for following 4 weeks

Employer may change weekly hours by giving 1 week notice

If employee is requested to work extra hours, these shall be paid at overtime rates

At end of year outstanding hours not redeemed paid at overtime rate unless carried forward by mutual agreement.

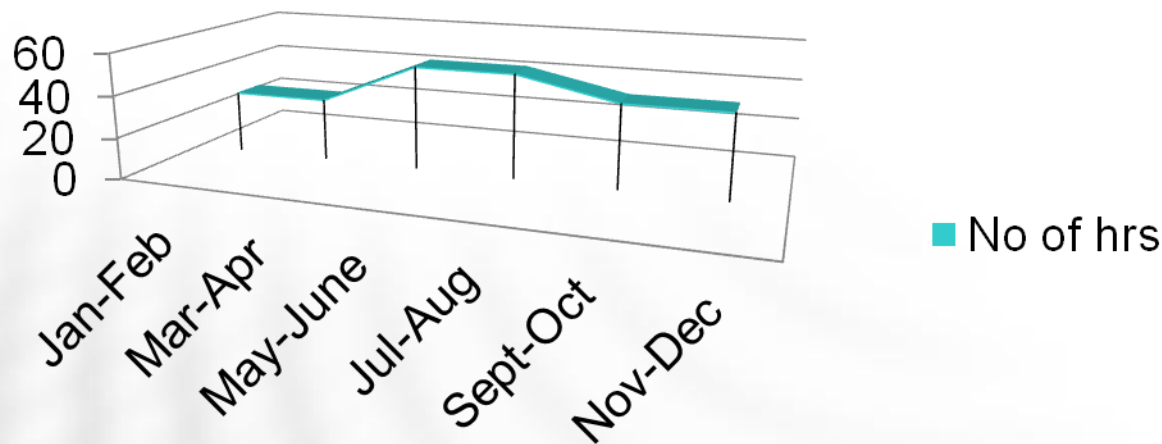
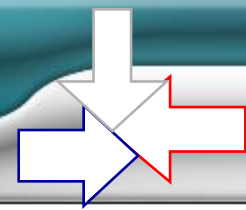
Up to 160 hours may be carried forward once & utilized first.



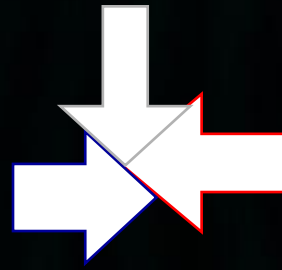
The number of hours deducted from vacation leave or sick leave is proportionate to schedule rostered.

During periods of maternity leave or paid leave not being annual leave or sick leave the employee shall be considered to have worked the same number of hours scheduled to be worked and shall be considered to be debited or credited as the case may be.

During periods of unpaid leave the employee shall be considered to have worked the number of hours scheduled and these shall be considered to have been credited or debited



- If employment is terminated for whatever reason before banked hours are redeemed, outstanding banked hours shall be paid at overtime rates.
- If employment is terminated the employer shall not be entitled to claim a refund in respect of hours not actually worked



Thank you for your attention

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