

Disagreement over public holidays' amendment

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The government's amendment of the National Holidays and Other Public Holidays Act was welcomed by the employers' associations. Through the amendment, public holidays falling on weekends are no longer added to employees' vacation leave. The major Maltese trade unions have declared that they will resist any law which breaches existing collective agreements.

In a bid to enhance the country's competitiveness, after several unsuccessful attempts to reach a consensus with the social partners, the government amended the National Holidays and Other Public Holidays Act (http://docs.justice.gov.mt/lom/legislation/english/leg/vol_6/chapt252.pdf). By this amendment, public holidays falling on Saturdays or Sundays will no longer be added to employees' vacation leave (MT0502103F (<http://www.eurofound.europa.eu/mk/ef/observatories/eurwork/articles/union-collaboration-does-not-result-in-social-pact>)). This decision was applauded by the employers' associations but denounced by the trade unions.

Employers viewed this amendment as a cost saving measure which could eventually safeguard jobs and boost investments. For instance, the Malta Hotels and Restaurants Association (MHRA (<http://www.mhra.org.mt/>)) welcomed the public holidays' measure and urged the employers to ensure its implementation in order to enhance the competitiveness of the accommodation and hospitality industry.

On the other hand, the General Workers' Union (GWU (<http://www.gwu.org.mt/>)) expressed its disapproval of this measure in unequivocal terms. It stated that 'competitiveness can be achieved in several ways, but no responsible union will accept this to be done at the cost of reducing employees' rights and the rights of free collective bargaining'. The amendment was viewed as a means of reducing workers' benefits and conditions, bypassing both the Employment and Industrial Relations Act (EIRA (http://docs.justice.gov.mt/lom/legislation/english/leg/vol_14/chapt452.pdf)) (2002) and collective agreements. Moreover the union insisted that employers are duty bound to honour the commitments of the existing collective agreements. Any attempt by employers to implement this amendment would be a breach of the collective agreement.

In the meantime the GWU's national council discussed the actions which the union should take to counteract the amendments in the National Holidays and Other Public Holidays Act. It was decided that the GWU will present the case to the International Labour Organisation (ILO (<http://www.ilo.org/>)), European Union institutions and international organizations such as the European Trade Unions Council (ETUC (<http://www.etuc.org/>)) and the International Confederation of Free Trade Unions (ICFTU (<http://www.icftu.org/>)). At an enterprise level, the GWU decided to meet the employers to ensure that provisions laid down in collective agreements are observed. At a national level, it will explore what legal measures it may be able to take to remedy the effects of the amendment.

Some Industrial Relations analysts have commented that if unions contest the case before the Industrial Tribunal, the odds of winning the case are not stacked in their favour since the tribunal has to take into consideration the government policies. It has to ensure that its rulings promote such policies.

In a press release dated 9 March, the Malta Employers' Association (MEA (<http://www.maltaemployers.com/>)) declared that the GWU should not make pressure on employers to ignore changes in the law. MEA is contending that the law as amended, supersedes any existing contracts including collective agreements. So employers, according to MEA, have the right not to add public holidays falling on weekends to the vacation leave entitlement of their employees. MEA argues that that any industrial action related to this issue would be 'illegitimate, and [would] make the union liable for any damages caused by loss of productivity'.

The Chamber of Commerce (COC (<http://www.chamber.org.mt/>)) endorsed the stand taken by the MEA and urged GWU to take into consideration the national interest apart from seeking to ensure the best possible conditions for its members. The COC believes that the approach adopted by the GWU may raise Malta's unemployment level and decrease the working conditions of all workers.

The largest two Maltese unions, the GWU and the Union of United Workers (Union Haddiema Maghqudin, UHM (<http://www.uhm.org.mt/>)) have started contacting employers to ensure that the latter adhere to the clauses and honour the commitments made in collective agreements.

Meanwhile, the Technology and Electronics Section within the GWU is carrying out talks with ST Microelectronics, Malta's largest export revenue firm, on the impact of the amendment on employees with particular shifts during weekends. The result of such talks will be one of the first important field tests of the application of the modified National Holidays and Other Public Holidays Act.

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