



## European network of legal experts in gender equality and non-discrimination

### NEWS REPORT

**Country:** Malta  
**Title:** Maternity leave fund created  
**Date:** 23 July 2015  
**Expert:** Peter G Xuereb  
**Context**  
**Issue at stake:** Discrimination in employment  
**Ground of discrimination:** Sex  
**Source:** Policy development  
**Field:** Employment, pregnancy and maternity  
**Applicable law:** Equality for Men and Women Act 2003 as amended, Chapter 456 of the Laws of Malta

### Content

**Policy development:** The Government has announced a new system for the funding of maternity leave in the private sector. Private employers had long argued that the statutory obligation upon small enterprises to pay 14 weeks full pay during maternity leave was an impossible burden to bear in combination with the cost of replacing the pregnant worker for the duration of the leave.

Under this new scheme, all private employers will pay a sum of 30 Euro cents in every EUR 100 of pay for each employee, male or female, into a central fund. Maternity leave pay for the first 14 weeks for all private sector employees will be paid out of this fund. The Government will continue to pay a flat rate payment to all employees on maternity leave for the remaining four weeks of maternity leave (total maternity leave amounts to 18 weeks).

**Key points of analysis:** It is common knowledge that small private businesses prefer to engage staff who are unlikely to get pregnant and select new employees accordingly. This is rarely the subject matter of court or industrial tribunal proceedings due to difficulties proving such a situation, even though it amounts to direct discrimination on the ground of sex. This new scheme attacks this discrimination at root.

### **Internet link sources:**

Equality for Men and women Act 2003 as amended, (Chapter 456 of the Laws of Malta), available at:

<http://justiceservices.gov.mt/LegalServicesSearch.aspx?type=lp&pageid=75>, accessed 22 July 2015.

Government of Malta press release (L-GVERN INIEDI L-FOND GHALL-LEAVE TAL-MATERNITÀ KIF IMHABBAR FL-AHHAR BAĠIT), Reference No.: PR151696, 21 July 2015, available (in Maltese only) at:

<https://www.gov.mt/en/Government/Press%20Releases/Pages/2015/July/21/pr151696.aspx>, accessed 23 July 2015.

Kurt Sansone, *Maternity Leave Fund aims for Equality*, Times of Malta, 22 July 2015, available at: <http://www.timesofmalta.com/articles/view/20150721/local/new-maternity-leave-trust-fund-launched-in-bid-to-end-gender.577551>, accessed 22 July 2015.