

MANAGEMENT AND PERSONNEL OFFICE

**FAMILY-FRIENDLY MEASURES
HANDBOOK**

Employee Relations Department
Auberge de Castille • Valletta
Phone. 22001208 • Fax. 22001220

This manual is correct as on 23rd October 2009.

CONTENTS

| | | |
|-----------------------|---|----------|
| 1 | Preface..... | 5 |
| 1.1. | How to use this Handbook..... | 5 |
| 1.2. | List of Family-Friendly Measures currently in force..... | 6 |
| 1.3. | List of measures related to the family-friendly regime | 6 |
| 1.4. | FAQs | 7 |
| 2 | Details of the Family-Friendly Measures | 8 |
| 2.1. | Adoption Leave | 9 |
| 2.2. | Appointment of Public Officers while on Maternity or Parental Leave | 11 |
| 2.3. | Bereavement Leave | 12 |
| 2.4. | Donation of Vacation Leave for Humanitarian Reasons | 13 |
| 2.5. | Leave to accompany spouse abroad on government sponsored assignments | 15 |
| 2.6. | Leave to foster children | 16 |
| 2.7. | Marriage Leave | 17 |
| 2.8. | Maternity Leave | 18 |
| 2.9. | Parental Leave | 21 |
| 2.10. | Paternity Leave | 24 |
| 2.11. | Reduced Hours..... | 25 |
| 2.12. | Responsibility Leave..... | 31 |
| 2.13. | Teleworking | 34 |
| Appendix 2.13.A..... | | 36 |
| | Policy Document regarding Teleworking in the Public Administration of Malta..... | 36 |
| Appendix 2.13.B..... | | 43 |
| | Guidelines to implement Teleworking in the Public Service and the Public Sector | 43 |
| Appendix 2.13.C..... | | 59 |
| | Application for Telework | 59 |
| Appendix 2.13.D | | 63 |
| | Telework Agreement | 63 |
| 2.14. | Unpaid Leave - General Conditions..... | 68 |
| 2.15. | Urgent Family Leave | 71 |

| | | |
|----------|---|----|
| 3 | Measures Related to the Family-Friendly Regime... 73 | |
| 3.1. | Equality of Opportunity | 74 |
| 3.2. | Experience for the purpose of Appointment, Promotion or Progression | 76 |
| 3.3. | Flexibility in Work Schedules..... | 78 |
| 3.4. | Increments to temporary and part-time employees not engaged through the Public Service Commission (PSC) | 80 |
| 3.5. | Thirty days unpaid leave for special reasons..... | 81 |

1 PREFACE

It is Government policy to create a family-friendly work environment so as to promote social inclusion in all levels, in line with the Lisbon Agenda, giving everyone the opportunity to work and be financially independent.

Family-friendly measures play an important role in enabling employees to balance work commitments with family responsibilities. With these policies in place, human resources are safe-guarded because experienced employees can remain in employment, resulting in continuity and improved productivity.

Family-friendly measures are applicable to all public service and public sector employees, whether engaged on full-time, part-time, on a definite or indefinite contract basis.

1.1. How to use this Handbook

The aim of this handbook is to group all family-friendly measures in one compact publication. In Section Two, exhaustive information on each policy or initiative is given concisely, with sources from where to get further in-depth information in particular cases or queries. Policies are listed in alphabetical order for easy retrieval of information. Section Three deals with other practices that were not specifically introduced as a family-friendly measure but that nonetheless promote equality and help employees to combine family and career responsibilities.

This handbook is intended as a management tool for Directors, Corporate Services and Human Resource Managers, to help them make the best use of family-friendly measures: keeping their employees motivated through the grant of these benefits, while ensuring that the productivity of their organisation is improved.

It also serves as a guide to employees for the long-term planning of their career, taking into account their family responsibilities.

This handbook will be updated every six months to reflect any new policies or initiatives that come into effect. It is to be noted that each policy should be administered in accordance with the latest circular.

1.2. List of Family-Friendly Measures currently in force

Adoption Leave (2.1.)
 Appointment of public officers on maternity or parental leave (2.2.)
 Bereavement Leave (2.3.)
 Donation of vacation leave for humanitarian reasons (2.4.)
 Leave to accompany spouse abroad on government sponsored assignments (2.5.)
 Leave to foster children (2.6.)
 Marriage Leave (2.7.)
 Maternity Leave (2.8.)
 Parental Leave (2.9.)
 Paternity Leave (2.10.)
 Reduced Hours (2.11.)
 Responsibility Leave (2.12.)
 Teleworking (2.13.)
 Unpaid Leave – General Conditions (1.14.)
 Urgent Family Leave (2.15.)

1.3. List of measures related to the family-friendly regime

Equality of opportunity (3.1.)
 Experience for the purpose of appointment, progression or promotion (3.2.)
 Flexibility in hours of work (3.3.)
 Increments to casual and part-time employees (3.4.)
 Policy on handling cases of sexual harassment (3.5.)
 Thirty days unpaid leave (3.6.)

1.4. FAQs

1. Can I avail myself of maternity leave, following prolonged sick leave due to pregnancy complications?

Maternity leave is granted to all employees, with the exception of employees on special unpaid leave. Sick leave, even on no pay, does not exclude employees from being granted maternity leave.

2. My wife and I wish to work on reduced hours to look after our young family. Can we both work on a reduced time-table concurrently?

The policy does not prohibit the concurrent use of reduced hours by both partners. It might be the case, especially in cases of employees working on a shift basis, that if both parents work on a reduced time-table, one parent will always be available to take care of the young in the family.

3. Am I allowed to work a flexible time-table, instead of strictly adhering to the normal time-table?

An agreement can be reached between employees who wish to work a flexible time-table and their superior, so that a 'best-fit' model is adopted, that suits the employees and results in improved service delivery.

4. I am the father of newly-born twins. Is the paternity leave entitlement doubled because I had two children?

Two days paid paternity leave are granted to the father on the birth of each child. In the case of twins the entitlement is four days paid paternity leave. This leave has to be utilized within fifteen days of the birth.

5. Can I perform private work while benefiting from family-friendly measures?

Officers benefiting from family-friendly measures such as responsibility leave, parental leave, reduced hours, teleworking or other measures are precluded from performing private work, even after official hours. However, work after official hours in Government employment may be allowed subject to the recommendation of the Permanent Secretary concerned.

2 DETAILS OF THE FAMILY-FRIENDLY MEASURES

2.1. Adoption Leave

Date issued: 15.02.91
 Revision Date: 25.10.05

Purpose To give adoptive parents and adopted children, the same rights and benefits as other parents and children.

Policy Adoption leave with pay may be availed of by adoptive parents, in new adoption cases.

Duration Five weeks

Procedure Adoption leave may be availed of by the mother or the father, or shared by both parents if they are both employed in the Public Administration of Malta, provided that they do not exceed the prescribed limit and do not take the adoption leave concurrently. Adoption leave commences on the day that a child passes into their custody. If both parents intend to avail themselves of adoption leave, the leave of each parent should be taken in one period.

Special consideration will be given for additional separate periods of unpaid leave, not exceeding 3 months in aggregate, in those cases of international adoptions which involve lengthy processing abroad.

Adoptive parents may utilise one year parental leave for each adopted child and a once only career break of five years for the same purpose, until the child reaches six years of age. The provisions of Parental Leave at sub-section 2.9. will apply.

Those employees who fail to resume duty at the expiration of adoption leave, or who, having resumed work, resign or abandon their employment without sufficient cause, within three months from resumption of duty, shall be liable to pay

government a sum equivalent to the salary they received during the adoption leave. If adoption leave is shared, the obligation of three months service is worked out pro-rata, with each parent being bound by his/her respective period of service.

Employees who avail themselves of the five weeks paid adoption leave may work the three months commitment to government either before or after parental leave.

Clarification Officers who benefit from adoption leave are precluded from performing private work during this leave, even after official hours. However, work after official hours in government employment may be allowed subject to the recommendation of the Permanent Secretary concerned.

Approval Head of Department concerned who will however invariably consult the Department of Social Policy before any decision is taken.

Authority MPO Circular No 14/1991
 MPO Circular No 93/2005

Inquiries Human Resources Manager of the respective department.

- Five weeks adoption leave can be shared by both adoptive parents if they are both eligible.
- Adoption Leave commences on the day, the child passes into their custody.

2.2. Appointment of Public Officers while on Maternity or Parental Leave

Date issued: 06.06.01

| | |
|------------------|---|
| Purpose | In order to promote equality of opportunity for women and men who wish to combine family and career responsibilities, due appointments are granted to officers while on maternity or parental leave. |
| Policy | Officers who qualify for an appointment during maternity or parental leave will be granted their due appointment, even if they are unable to resume duties within the validity period. |
| Procedure | Officers who are granted an appointment while on maternity or parental leave, will be liable to perform their period of probation when they resume duties and will only be confirmed in their appointment on satisfactory completion of the period of probation. Where it is absolutely necessary that the vacancy be filled, the post may be occupied by a temporary appointee. |
| Authority | MPO Circular No 47/2001 |
| Inquiries | Human Resources Manager of the respective department. |

2.3. Bereavement Leave

Date issued: 17.04.79

| | |
|-----------------------|--|
| Purpose | To grant special paid leave to employees on the passing away of next of kin. |
| Policy | Employees are entitled to bereavement leave on the death of near relatives namely wife or husband, mother or father (or the person who at the time was acting as mother or father), son or daughter, brother or sister. |
| Duration | Two working days |
| Clarifications | The two days bereavement leave should be availed of at a stretch and should not start later than the first working day following the death of the relative. In the event of a relative dying abroad, additional paid leave may be granted on the authority of the Head of Department. |
| Approval | Head of Department concerned. |
| Authority | OPM Circular No 23/79 |
| Inquiries | Human Resources Manager of the respective department. |

2.4. Donation of Vacation Leave for Humanitarian Reasons

Date issued: 20.02.08
24.11.08

| | |
|--------------------|--|
| Purpose | To allow public officers to donate vacation leave to their colleagues or their own family members up to the fourth degree, either by consanguinity or by affinity, for humanitarian reasons. |
| Eligibility | Donated vacation leave is used for strictly humanitarian reasons. The donated leave is used by public officers who require the leave either personally or to assist members of their family up to the fourth degree, either by consanguinity or by affinity. Documentary evidence of the need for the leave must be produced, and the request must be recommended by the head of department. |
| Policy | Public officers may donate part of their vacation leave to colleagues who are suffering from health problems or who need to attend to sick relatives up to the fourth degree, by consanguinity or by affinity, subject to the parameters listed below. |
| Parameters | <ul style="list-style-type: none"> a) the forfeiture of vacation leave is at the complete discretion of the employees concerned; b) a maximum of 40 hours vacation leave may be donated by any officer; c) employees who are caring for sick relatives may only utilise the donated vacation leave after they have exhausted their own vacation leave; and d) employees who are suffering from personal illness may only utilise donated vacation leave after they have exhausted their own vacation leave and any accumulated full-pay and half-pay sick leave. |

Procedure The vacation leave is donated during the first months of the calendar year, following a departmental circular that is to be issued and circulated by each Department of Corporate Services.

Donated vacation leave will be pooled in a vacation leave fund. Additional vacation leave for humanitarian reasons will be distributed to eligible employees from this fund. If the vacation leave pooled in the fund is not exhausted during one calendar year, it may be carried forward to the following year. In this way, it may not be necessary to ask for donation of vacation leave every year.

Clarification Public officers may donate their full vacation leave entitlement or part thereof, to their own family members up to the fourth degree, who are also public officers and who are required to assist sick relatives or are themselves suffering from personal illness. If the donor and the beneficiary work in different ministries, the Departments of Corporate Services of the employees concerned are to liaise together for the transfer of vacation leave from one employee to another.

The smaller ministries can ask the larger ministries for assistance, if their fund is exhausted during any calendar year.

Approval The vacation leave fund will be created in and administered by each ministry, through the Department of Corporate Services, so as to be in a better position to control vacation leave and monitor the beneficiaries.

Authority Letter-circular to Directors, Corporate Services dated 20th February 2008 (Reference: MPO 192/2007).

MPO Circular No. 108/2008

Inquiries Director, Corporate Services of the respective department.

2.5. Leave to accompany spouse abroad on government sponsored assignments

Date issued: 18.11.92
Revision dates: 15.11.04
15.06.05

| | |
|-----------------------|--|
| Purpose | To allow special leave without pay, to public officers who wish to accompany spouse abroad on a government-sponsored assignment or course of study. |
| Policy | Officers with one year service, may avail themselves of one year unpaid leave, renewable up to a maximum of four years, to accompany spouse abroad on government-sponsored assignments or courses. |
| Duration | One year, renewable up to a maximum of four years. The unpaid leave may be continuous or broken up by periods of resumption of duty. |
| Clarifications | <p>This unpaid leave may immediately follow other types of unpaid leave, subject to a maximum of eight years unpaid leave, in total.</p> <p>Applications for unpaid leave and renewals must be made one month in advance. However, when the unpaid leave follows another type of leave, officers are to apply three months in advance.</p> |
| Approval | Head of Department concerned. |
| Authority | OPM Circular No 117/92 MPO Circular No 70/04 MPO Circular No 31/05 |
| Inquiries | HR Manager of the respective department. |

2.6. Leave to foster children

Date issued: 24.12.99

| | |
|----------------------|---|
| Purpose | To allow unpaid leave to officers who opt to foster a child. |
| Policy | A maximum of one year unpaid leave may be utilised by officers who foster a child. |
| Duration | <p>One year.</p> <p>In the case of further foster placements, additional unpaid leave may be granted, provided that a maximum of one year is not exceeded in a period of four years.</p> |
| Eligibility | Officers who provide documentary evidence that they are fostering a child after being certified competent to act as foster parents by the Adoption and Fostering Panel of the Department of Family Welfare. |
| Procedure | Officers should apply for this leave at least one month in advance, attaching the required documentation, referred to above. |
| Clarification | If the fostering placement ends, the reason for allowing unpaid leave is no longer applicable and it will be terminated. The employee will resume duties on the termination of unpaid leave. |
| Approval | Head of Department |
| Authority | OPM Circular No 47/99 |
| Inquiries | HR Manager of the department concerned. |

2.7. Marriage Leave

Date issued: 17.04.79
 Date revised: 31.12.80

| | |
|----------------------|--|
| Purpose | To allow additional paid leave to officers on the occasion of their marriage. |
| Policy | Special paid leave is granted to employees on contracting marriage. This leave is to be availed of at a stretch and should commence on the first working day following the marriage. |
| Duration | Three working days. |
| Clarification | Employees are only entitled to marriage leave, if they continue in employment after their marriage. |
| Approval | Human Resource Manager concerned. |
| Authority | OPM Circular No 23/79 OPM Circular No 103/80 |
| Inquiries | Human Resource Manager of the respective department. |

2.8. Maternity Leave

Date issued: 06.05.81
 Revision Dates: 02.12.97
 30.03.01
 14.11.01
 02.05.03
 27.12.07

| | |
|----------------|---|
| Purpose | To allow maternity leave on full pay to employees, during pregnancy and confinement. |
| Policy | Female employees, including employees engaged on contract, part-timers and temporary workers are entitled to maternity leave for absence from work because of pregnancy and confinement. |
| | Maternity leave must be utilised at a stretch, in the following manner: |
| | (a) a period of six weeks immediately after the date of confinement; |
| | (b) the remaining eight weeks may be availed of immediately before or after confinement; and |
| | (c) during pregnancy and during the 3 months starting from the date of confinement, female officers may be given alternative duties where there is an occupational risk to their Health and Safety. |

A confinement will be taken to mean the birth of a living child or the birth of a child whether living or stillborn after seven months of pregnancy.

Refund of salary on termination of service. An employee who has been granted paid maternity leave is required to work for an uninterrupted period of 6 months.

| | |
|-----------------------|--|
| Duration | Fourteen weeks continuous paid leave. |
| Procedure | In order to be eligible for maternity leave, female employees should, at least 3 weeks before such leave is about to begin or, if that is not reasonably practicable, as soon as practicable, give notice in writing to their Head of Department that they will be absent from work because of pregnancy and confinement and, together with such notice, they should produce a signed medical certificate in which is indicated the expected date of confinement. After confinement employees are required to produce the birth certificate of the baby. As regards alternative duties, female officers should also give reasonable notification in order that adequate arrangements may be made. |
| Clarifications | <p>In cases where confinement does not occur within 8 weeks from the day on which the maternity leave commences, the period after the 8 weeks till the date of confinement should be covered by unpaid leave.</p> <p>An employee who, having been granted maternity leave, is unable to resume duties at the expiration of the maternity leave owing to a pathological condition arising out of confinement will be entitled to a further period of absence of up to 5 weeks. Such further absence shall be deducted from the period of paid sick leave to which the employee may be entitled at the time of the absence, any period of absence in excess of the sick leave entitlement being reckoned as sick leave without pay. The rules regarding sick leave, including the regulations concerning notification of sick absence, will apply.</p> <p>An employee who fails to resume duty at the expiration of maternity leave or of the further period of absence referred to in the preceding paragraph or who having resumed work resigns or abandons her employment without sufficient cause within 6 months from the date of such resumption, shall be liable to pay Government a sum equivalent to the salary she received during the maternity leave. These 6 months must be actual service and may not be covered by vacation, sick or other leave and may be</p> |

worked either before or after the utilisation of the parental leave. An employee on a fixed-term contract shall not be liable to refund the salary she received during maternity leave if her contract of employment is not extended, at the employer's discretion for up to a period of time which is sufficient for her to fulfil the 6 month obligation.

Change in post. If an officer changes post after availing herself of maternity leave for another post in the public service, she may render the 6 months service required after maternity leave in her new post, provided there is no break of service. This applies also if the new post is in a different career stream.

| | |
|------------------|---|
| Approval | Head of Department concerned. |
| Authority | OPM Circular No 47/81 MPO Circular No 68/97 OPM Circular No 16/01 OPM Circular No 48/01 MPO Circular No 55/03 MPO Circular No 173/07 |
| Inquiries | HR Manager of the respective department. |

2.9. Parental Leave

Date issued: 18.11.92
 Revision dates: 12.05.94
 11.04.96
 14.04.98
 27.07.98
 23.11.05
 04.01.08

Purpose To allow employees unpaid leave of absence to look after their young children.

Policy Employees are allowed to avail themselves of 1 year unpaid parental leave to take care of their own children who are under 6 years of age. They may choose to utilise 3, 6 or 9 months instead of 12 months. The parental leave chosen must be taken in one period and may be shared by both parents. The parents must declare their option up front when they apply for parental leave. Any outstanding parental leave that is not utilised (from the 1 year entitlement) is lost and may not be availed of at a later date. This leave may be availed of in respect of each child.

In addition, parents are allowed a total of 5 years unpaid career break to be utilised for the care of a child/children under 6 years of age. The 5 years must be utilised as a whole period, and may be reduced by multiples of three months. If the 5 years are not availed of in one whole period, the outstanding period of leave may only be taken for the care of another child. Unpaid leave from the entitlement of 5 years may be shared once by both parents, in respect of each child.

Three months of the total parental leave entitlement may be availed of in periods of one month at a time.

Three months from either the one year parental leave or the five-year career break, may be reserved and utilized by employees until the child reaches eight years of age, always subject to an overall maximum of eight years unpaid leave.

Eligibility Employees, whether working on full-time or part-time basis, with one year service.

Duration A maximum of one year parental leave, for each child.
 A maximum of a once-only, five years career break.
 (subject to a maximum of eight years unpaid leave in total)

Procedure Applications for parental leave and career break are to be forwarded to the Head of Department.

For proper management, it is required that officers give at least 3 months notice when they apply for the 1 year parental leave or for the additional period of 5 years career break. If the parental leave requested does not exceed three months, employees are only required to give three weeks' notice.

The periods of unpaid leave to be taken must be declared on application for the leave, and any change may only be made by giving 3 months' notice, so that alternative working arrangements may be made. Officers who resume duties earlier than the stipulated dates, forfeit the balance of the entitlement.

Clarifications Parental leave may be availed of by the mother or the father, or shared by both if they are both government employees, provided that together they do not exceed the prescribed limit and do not take the parental leave concurrently.

Three months of the parental leave or career-break may be utilised in separate periods of one month each.

If both parents intend to avail themselves of parental leave, the leave of each parent should, be taken in one period.

Female employees who avail themselves of the 14 weeks paid maternity leave still have the obligation to put in 6 months service. The 6 months which have to be worked by female officers who avail themselves of paid maternity leave, must be worked in one period by the officer concerned immediately before or after the 1 year parental leave or before or after the career break mentioned in the preceding paragraph.

Employees in teaching grades who avail themselves of parental leave are allowed to resume duty by the end of February, or in September, at the end of the scholastic year, including the summer holidays. The option has to be declared when the officers apply for parental leave. Any outstanding period of the 12 months parental leave not availed of, is forfeited. This is intended to minimize as much as possible the disruption of classes.

Public officers are considered to be abusing of this leave when they engage in full-time employment or work part-time or exercise their profession even after official hours whilst availing themselves of parental leave, which is specifically meant to assist parents to take care of their children who are under 6 years of age. In cases where parental leave is abused of, Heads of Department may use their discretion to refuse or withdraw approval of parental leave.

| | |
|------------------|--|
| Approval | Head of Department |
| Authority | OPM Circular No 117/92 MPO Circular No BI/6/94 MPO Circular No 28/96 OPM Circular No 15/98 OPM Circular No 29/98 MPO Circular No 108/05 MPO Circular No 3/08 |
| Inquiries | HR Manager of the respective department.. |

- If the five-year career break is not utilized in one period, the balance can be used for the care of another child.
- Three months of the career-break or parental leave, may be reserved to be utilized when the child is between six and eight years of age.

2.10. Paternity Leave

Date issued: 17.04.79

| | |
|----------------------|---|
| Purpose | To allow paid leave to male employees on the birth of each of their children. |
| Policy | Male employees are also entitled to 2 working days paid leave on the birth of each of their children. |
| Duration | Two working days. |
| Clarification | Paternity leave should be availed of at a stretch, within 15 days following the birth. |
| Approval | Head of Department concerned. |
| Authority | OPM Circular No 23/79 |
| Inquiries | HR Manager of the respective department. |

2.11. Reduced Hours

Date issued: 10.06.99
 Revision date: 23.11.05
 14.10.09

Purpose To allow employees to work on a reduced time-table, for better work-life balance.

Policy Employees who are conditioned to a 40 hour working week, have the option to work on a reduced time-table which may vary between 20 and 35 hours, to the nearest hour, per week. In the case of employees who are conditioned to an alternative timetable, the hours may vary between 50% and 87.5% of their usual working hours. Officers may work on a different time-table in Winter and in Summer.

Eligibility Officers who have been serving for at least 1 year may be allowed to work on a reduced timetable except for:

- (a) officers who are engaged in a Top Management position (e.g. Assistant Directors, Directors, Directors General and Permanent Secretaries); and
- (b) uniformed members of the Armed Forces of Malta.

Approval is normally given to employees who:

- (a) are in the course of a period of unpaid parental leave or employees who would, had they applied, have been entitled to parental leave. Reduced hours are allowed until the child is 12 years old;
- (b) are in the course of a period of responsibility leave or would, had they applied, have been entitled to responsibility leave; and
- (c) produce a medical specialist's certificate stating that for medical or serious humanitarian and family reasons, they may not attend their duties on a full time basis.

Employees on parental or responsibility leave are allowed to suspend the unpaid leave and return to work on reduced hours, provided that they apply at least 1 month in advance of suspending the unpaid leave.

Procedure

Requests from eligible employees to work on a reduced timetable are submitted to the relevant Head of Department for approval.

Applications for a permit to work on a reduced time-table or for the renewal of such a permit have to be made at least 1 month in advance.

In case of requests to work on reduced hours for reasons other than those specified above, Heads of Department are to use their discretion whether to approve these requests, primarily bearing in mind the potential impact of the proposed partial absence, on the operations of the Department. To ensure consistency in the treatment of these requests for work on reduced hours, Heads of Department are to draw up a written policy they intend to follow in evaluating requests received from employees in their Department.

When drawing up the Departmental policy, which should be circulated to all the employees, Heads of Department are to stipulate:

- (a) staff ratios (e.g. if more than one fourth of staff in particular grades in any Department are on parental leave, responsibility leave, or reduced hours, reduced hours for further reasons will not be allowed as this will seriously hamper the running of the Department);
- (b) the hours during which it is mandatory that staff must attend for duty especially if the division has to provide a public service (e.g. front line customer desks);
- (c) particular arrangements for employees working on a shift/roster basis; and
- (d) any particular requirements necessitated by the operational demands on the Department.

All approvals for work on reduced hours should be notified to the respective DCS or DFA, as applicable, to monitor and note in the records.

Duration Employees who are granted permission to work on a reduced time-table will be expected to continue to work on the basis of the approved arrangement for a period of 12 months and will, during such period, not be entitled to the grant of unpaid leave or to revert to their normal work time-table, unless proof is given that the reason for which the reduced time-table was requested no longer applies. An advance notice of at least 1 month would have to be given to the Head of Department. Those who resume full time duties after a period of reduced hours will not be allowed to take reduced hours again for the same specific reason, before the lapse of 12 months from the date when they resume full time duties. Exceptions may be made in special circumstances.

Arrangements for employees to work on a reduced timetable may be renewed, subject to the approval of the Head of Department, for successive periods of 12 months and the terms of the arrangements (e.g. number of hours to be worked) may be reviewed at the commencement of such renewal periods.

Clarifications A Head of Department, for operational reasons may revoke a permit granted to an employee to work on a reduced time-table, provided that 2 months' notice in writing is given to the employee.

If an application for reduced hours is refused or revoked by the Head of Department, the officer may appeal, through the Head of Department, to the next higher authority within the Ministry who will consider the case, and after carrying out the necessary consultation with the parties involved, decide on the case. The decision of the next higher authority in the Ministry will be final.

Officers who are allowed to work on a reduced timetable are precluded from performing private work, even after official hours. However, work after official hours in government employment may be allowed subject to the recommendation of the Permanent Secretary concerned.

Where it results to the Head of Department that employees will be or are using reduced hours for a purpose for which it was not intended, the officers may immediately be requested to resume duty on full hours.

Pay and Benefits

While employees are working on a reduced time-table, they:

- (a) are entitled to their current salary on a prorata basis, depending on the chosen number of hours;
- (b) are entitled, on a prorata basis, to any allowances linked to their duties and to which they would have been entitled had they been working on a full-time table. If a qualifications allowance is applicable, it is paid in full;
- (c) when officers on reduced hours are required to work beyond their usual weekly hours, they are paid at the hourly rate for the extra hours worked. Extra hours worked that exceed the weekly hours worked by a full-time counterpart, are paid at overtime rates;
- (d) retain all leave benefits but they are paid pro-rata. Vacation leave is to be calculated using the formula below:

$$\frac{\text{Average hours worked per week} \times 192 \text{ hours}}{40}$$

In the case of officers on reduced hours who opt to work a 4-day week while their full-time counterparts work a 5-day week, the following points should be adhered to:

- (i) if sick leave is taken at a stretch for a whole week, it is computed as 5 days. If, however, sick leave is taken on separate days, it is to be counted on a one day basis; and

- (ii) if a public holiday falls on the off-day of the employee working on reduced hours no extra compensation is called for.

In the case of officers whose full-time counterparts work a 6-day week but who opt to spread their hours over 5 days, the number 5 in (i) above, should be substituted by 6.

- (e) are entitled to 16 hours urgent family leave, to be taken in not more than 4 sessions, the same as for all employees;
- (f) service on a reduced time-table counts in full for the purpose of salary increments;
- (g) in line with the provisions regarding unpaid leave, outlined in section 2.14., service on reduced hours counts in full for the first 12 months, but counts pro-rata for subsequent periods of reduced hours for the purposes of progression and promotion;
- (h) working on a reduced time-table does not prejudice the seniority of employees in the particular grade, or the opportunities of these employees for training, or for applying for calls for applications; and
- (i) employees on reduced hours should have the same access as other government employees to all government circulars and publications.

Pensionable service. As service on a reduced time-table will be not less than 50% of the normal time-table, it will count in full for Treasury Pension purposes. The Social Security contributions are based on the income earned by the employee at the rate of 1/10 by the employee and 1/10 by the employer. If the income is less than the minimum weekly wage, then the basic Social Security contribution by the employee is applicable. The Social Security Pension is computed in accordance with the Social Security Act (Cap. 318) which currently bases the pensions on the income of the best 3 years in the last 10 years of service.

Approval Head of Department concerned.

Authority OPM Circular No 25/99
MPO Circular No 108/05
MPO Circular No 101/09

Inquiries HR Manager of the respective department.

2.12. Responsibility Leave

Date Issued: 10.06.99

| | |
|-----------------|--|
| Purpose | To grant responsibility leave to employees who need to care for dependent relatives. |
| Policy | <p>Responsibility leave may be availed of by officers to take care of dependent elderly parents, sons and daughters, or spouses. The elderly parent or spouse must have no other responsible persons living with him during the day.</p> <p>The elderly parent, child or spouse must be certified by a medical specialist to require care. If both elderly parents are alive they must be certified as being dependent on care.</p> <p>Responsibility Leave is without pay. If the reason for which the leave is approved is no longer applicable, the employee is allowed to resume duties before the expiration of unpaid leave, provided an advance notice of one month is given. Officers who resume duties will not normally be allowed to avail themselves of responsibility leave again for the same specific reason, before a lapse of 12 months. Exceptions may be made in special circumstances.</p> |
| Duration | Responsibility leave is approved for periods of not less and not more than one year every time. Unpaid leave entitlements are subject to an overall maximum of eight years unpaid leave, whether the unpaid leave is taken at a stretch or broken up by periods of resumption of duty. |

| | |
|-----------------------|--|
| Eligibility | This leave may be availed of by public officers who have completed at least one year's service. |
| Procedure | <p>Responsibility leave is approved by the respective Head of Department, to whom the application must be submitted one month in advance of the date of commencement of the unpaid leave. Officers are required to submit together with their application a certificate by a medical specialist outlining the situation of the dependent elderly parent, or dependent/disabled child or spouse.</p> <p>Officers who have had an application refused, may appeal, through the Head of Department, for consideration by the next higher authority within the Ministry, who will carry out an investigation of the case, and after consulting the parties concerned, come to a decision as to whether the application is to be accepted or not. The decision of the next higher authority will be final. While the appeal is being considered applicants are able to utilize their vacation leave or the period of 30 days of special unpaid leave for the purpose in question.</p> <p>Those officers who wish to renew the leave must apply one month in advance of the date of renewal.</p> |
| Clarifications | <p>In cases requiring care of children, this unpaid leave may be availed of by the father or the mother and may be shared in the same way as parental leave is shared (2.9.), provided that together they do not exceed the prescribed limit and that they do not take responsibility leave concurrently. If both parents intend to avail themselves of the responsibility leave, the leave of each parent should be taken in one period.</p> <p>Responsibility leave should be availed of for the purpose for which it is authorized, and officers who abuse of this concession will immediately have their approval withdrawn and will be liable to disciplinary action.</p> |

| | |
|------------------|-------------------------------|
| Approval | Head of Department concerned. |
| Authority | OPM Circular No OPM/25/99 |
| Inquiries | Human Resources Manager |

2.13. Teleworking

Date issued: 08.02.08

Purpose To allow employees to work from home, using information and communications technologies. This method of working enables employees to combine career and family responsibilities more effectively. Teleworking also facilitates the possibility for an employer to retain experienced employees and keep benefiting from their input. The arrangement is meant to develop a win-win situation where the department's output is maintained, and possibly improved, while the employee is supported in combining work and family responsibilities.

Policy A detailed policy document is attached at Appendix 2.13.A and guidelines regarding the implementation of this policy are at Appendix 2.13.B.

Duration A teleworking contract is valid for a period of 12 months, and may be renewed annually.

Procedure Heads of Department must carefully examine requests to ensure that the needs of the applicant are given careful consideration, and also that the output and timeliness of their entity are maintained. For these objectives to be reached, careful consideration must be given to the job and the teleworker.

Employees and their immediate supervisor are to fill in Section 1 of the application form (attached at Appendix 2.13.C). Section 2 of the application form is to be filled in by the Head of Department, who will then decide whether to approve or reject the application. Approved applications are sent to the Director Corporate Services for review and subsequently forwarded to the Permanent Secretary for endorsement.

Following approval, an assessment of the employee's requirements (including technical training) is to be carried out.

A Telework Agreement should finally be signed by the employer and the employee. A specimen Telework Agreement is attached at Appendix 2.13.D.

Clarifications The teleworking arrangement is entirely voluntary and may not be imposed by the Head or demanded as of right by the employee.

Officers who benefit from a teleworking arrangement are precluded from performing private work, even after official working hours. However, work after official hours in government employment may be allowed subject to the recommendation of the Permanent Secretary concerned.

Approval Head of Department with the endorsement of the Permanent Secretary

Authority OPM Circular No 6/08

Inquiries HR Manager of the respective department

Appendix 2.13.A

Policy Document regarding Teleworking in the Public Administration of Malta

Teleworking Policy

In

The Public Administration

Management and Personnel Office
Employee Relations Directorate
February 2008

The MPO acknowledges the input of the NCPE, the ETC and a number of individuals and organisations that took part in the pilot teleworking project and/or gave essential input in the formulation of this policy

Table of Contents

1. Introduction
2. Definitions
3. Who can Telework
 - 3.1 Voluntary Character
 - 3.2 Suitability of Employee for Telework
 - 3.3 Suitability of Job for Telework
4. Employment Conditions
5. Data Protection
6. Privacy
7. Equipment
8. Health and Safety
9. Organisation at Work
10. Monitoring of Telework on a Regular Basis
11. Training
12. Telework Contract
13. Conclusion

Teleworking in the Public Administration¹

1. Introduction:

The purpose of this policy is to set up a formal framework for the administration of telework in the public administration of Malta. This policy document outlines the general principles on which telework should be administered in the Maltese Public Service and Public Sector and is intended to be used in combination with the Teleworking guidelines. Complementary to this policy, the appended guidelines are intended to facilitate the implementation of telework as a flexible working arrangement.

2. Definitions:

Telework:

Telework is a form of organising and /or performing work, using information technology, in the context of an employment contract / relationship, where work, which could be performed at the employers premises, is carried out away from those premises on a regular basis.

Teleworker:

A teleworker is any Public Service and Public Sector employee carrying out telework as defined above.

Head of Department:

For the purpose of this document, the term Head of Department includes also the equivalent authority in the relevant Public Sector Entity.

¹ This policy takes into consideration the research project carried out together with the NCPE (National Commission for the Promotion of Equality) feedback received from Government Ministries, the EU Framework Agreement concluded by the European Cross Country Industry Social Partners on 16th July 2002, and the CITAC memorandum of September 2006.

3. Who can Telework

In principle, all employees, whose job performance traits and skills as well as the nature of their job, are suitable for telework, can engage in telework. Qualifying employees whether engaged on a full-time or part-time basis, including persons working on reduced hours, on a definite or indefinite contract can telework.

3.1 Voluntary Character

Teleworking is voluntary and therefore cannot be demanded as a right by the employee neither can it be enforced as an obligation by the Head of Department. In considering whether to agree to a telework arrangement, the Head of Department shall take into account both the operational requirements of the entity, as well as the reasons brought by the employees who wish to telework. The request for telework is registered by means of a specific application which is processed in an established manner. The Application, will be recommended by the Head of Department, and endorsed by the Director, Corporate Services. The Permanent Secretary, shall determine whether a request is approved or rejected. The Permanent Secretary's decision is binding.

3.2 Suitability of Employee for Telework

For an employee to telework successfully s/he must possess a number of personal traits which reflect on her/his competencies and performance at work. These traits are normally directly and/or indirectly known to the Head of Department and on the basis of which s/he will process the respective application for any employee in her/his department, requesting a telework arrangement.

3.3 Suitability of Job for Telework

The job to be performed through telework should also have a number of characteristics. Jobs, which only meet some part of the criteria, cannot qualify for telework. In such cases the Head of Department may consider that the specific part of the job which completely satisfies the criteria may be carried out through telework.

4. Employment Conditions

Teleworkers shall benefit from the same rights, guaranteed by applicable legislation and collective agreements, as comparable employees at the employer's premises. However, in order to take into account the particularities of telework, specific complementary collective and / or individual agreements may be necessary as outlined in the guidelines, but no additional benefits are to be granted.

5. Data Protection

In order to ensure protection of data used by the teleworker, the Head of Department is responsible to take all the necessary measures set out by the local legislative framework on Data Protection, the pertinent European Directives and a number of relevant Government Policies and Standards which regulate all aspects of software use. The Head of Department must further ensure that the teleworkers are adequately informed of the relevant codes of conduct.

6. Privacy

The Head of Department must ensure that security norms are in place; but the privacy of the teleworker must be respected, and any monitoring systems put in place must be proportioned to the objectives to be achieved. The monitoring systems must respect the limits of the applicable European Directive on this matter.

7. Equipment

Issues regarding the provision of equipment, liability and costs are to be clearly defined before starting telework.

The Government or an agency commissioned by the Government is responsible for providing, installing and maintaining the equipment necessary for regular telework. Based on the nature of work to be conducted by the teleworker, the Head of Department will determine the appropriate equipment for the teleworker. Installation and operational costs for the voice communication system and other equipment necessary to conduct teleworking will be borne by the Government.

8. Health and Safety

The Government is responsible for the protection of the occupational health and safety of the teleworker in accordance with European Directives on the matter and local legislation, namely the 'Occupational Health and Safety Authority Act 2000'. However, given the very limited control over the wider teleworker's physical environs, the employer's health and safety responsibility is limited only to the workstation, where approved teleworking is performed. Teleworkers must also take reasonable care of their own health and safety and the health and safety of others who may be affected by what they do and must cooperate with the competent Government Authorities on health and safety equipment provided. Training will be provided to persons intending to telework to enable them to assess the risks related to the work station from where they intend to perform telework and to address them.

9. Organisation at Work

The workload and performance standards have to be outlined and must be compatible to those of workers at the department. To minimize the risk of social isolation, it is recommendable that the teleworker conducts some of his/her work from the office, and a small proportion of the working time can be spent at the Department.

10. Monitoring of Telework on a Regular Basis

The Head of Department must monitor the work on a regular basis. Failure to meet the agreed standards and workload entails immediate termination of telework. The employee may appeal the decision to the next higher authority whose decision will be final.

11. Training

Teleworkers should have the same access to training and career development opportunities as comparable employees working in the department. Appropriate training on the effective use of equipment to perform telework should also be organised to ensure the teleworking employee has the necessary skills, and to maximize productivity. Supervisors are also to receive appropriate training on this form of work and its management.

Persons in authority who will be assessing applications for telework shall also be regularly briefed about the characteristics of this working arrangement such that an objective appraisal of the applications is promoted. The employee should

further attend compulsory training session/s provided by the Government on the design of appropriate and risk-free workstations.

12. Telework Contract

Teleworkers must sign an annual contract which outlines the voluntary arrangement, the conditions, and the organization of the work.

13. Conclusion

This policy is directly in line with Government policy to encourage family- friendly working arrangements. A sustained effort to facilitate the take-up of such arrangements, while ensuring that the entity's output and timeliness are maintained, is strongly encouraged.

Appendix 2.13.B

Guidelines to implement Teleworking in the Public Service and the Public Sector

- 1.0 Document Overview
- 2.0 Definition and Scope
- 3.0 General Provisions Governing Telework for Public Employees
 - 3.1 Voluntary Character
- 4.0 Employment Conditions
- 5.0 Data Protection
- 6.0 Privacy
- 7.0 Equipment
- 8.0 Health and Safety
- 9.0 Organisation of Work
- 10.0 Training
- 11.0 Job and Employee Suitability
 - 11.1 Job Suitability
 - 11.2 Employee's Suitability
 - 11.3 Core Categories
- 12.0 Administration
 - 12.1 Telework Application Procedures
 - 12.2 Steps to be taken when an employee applies for Telework
 - 12.3 Letter of Agreement

1.0 Document Overview

This document is intended to provide the line Ministries and public entities¹ with a detailed explanation of the framework to be adopted for the provision of telework facilities for public employees. Line Ministries and public entities interested to offer teleworking to their employees should adhere to these guidelines.

2.0 Definition and Scope

Telework² is a way of working using information and communication technologies to perform a job independently of location. Telework is not a job but a method of working, and provides flexibility in the locations where employees may perform their jobs, be it at home, at an alternate office closer to home, or at other defined locations. In the context of the ongoing societal developments, most notably the rapidly increasing pervasiveness in IT literacy of the Maltese Society, telework is a methodology of work that should be embraced as it will be set to become more mainstream in the Maltese work force.

This policy applies to all public employees, including employees of entities in Government control, Government funded entities and entities with public majority shareholding.

A teleworker, within the context of this document, refers to a public employee who carries out part of the working week at an agreed alternate location, usually his/her own home.

3.0 General Provisions Governing Telework for Public Employees

3.1 Voluntary Character

Telework is based on a voluntary agreement between the individual and the Ministry / Entity. Although the latter strives to promote teleworking an eligible individual should not interpret eligibility as an automatic right to engage in teleworking. Conversely, the Head of the Department cannot oblige an employee

¹ Public entities include all centrally-funded public entities, authorities, foundations, agencies, public corporations and limited liability companies with public majority shareholding and not quoted on a stock exchange.

² Within the scope of this document the terms e-Work / e-Working and telework / teleworking are interchangeable.

to take up teleworking as long as s/he expresses her / his wish to engage in teleworking. A final decision as to whether a public employee is granted teleworking or not should always be endorsed by the Director or Human Resource Manager. The decision of the Permanent Secretary of the respective line Ministry is final.

Employees who find the teleworking arrangements to be unsatisfactory should be provided with the option to opt out.

Unless an employee is on an employment contract which engages him/her for less than one month and/or a working week not exceeding eight hours or of a casual and/or specific nature, the Department or Entity should provide the teleworker with relevant written information on the essential aspects of the contract or employment relationship and in accordance with the 'Employer's obligation to inform employees of the conditions applicable to the contract or employment relationship. These obligations emerge from the relevant Directives¹ and Council Directive 91/533/EEC². Some of these aspects include, but are not limited to, the nature or category of the work for which the employee is employed, length of notice period, length of the employee's normal working day or week and a written contract of employment and/or a letter of engagement.

Teleworking is not designed to be a replacement for appropriate dependent care. Although an individual employee's schedule may be modified to accommodate dependent care needs, the focus of the arrangement must remain on job performance and meeting business demands. Prospective teleworkers should discuss these expectations of telework with family members and the Head of Department prior to entering into a trial period.

Individuals requesting telework as an alternative work arrangement will be evaluated according to specific criteria. The teleworker and teleworker's Head of Department, with the assistance of the Human Resource Manager or Director Corporate Services, will evaluate the suitability of such an arrangement by completing an Application for Telework (Appendix 2.13.C) paying particular attention to the following areas:

¹ These Directives may be accessed in the EUR-LEX section on the EU webpage at www.europa.eu

² Council Directive (91/533/EEC) may be accessed in the EUR-LEX section on the EU web page at www.europa.eu

Employee Suitability – The Head of Department will assess the needs and work traits of the employee, according to the criteria in Section 2 of the Application for Telework (Appendix 2.13.C);

Job Suitability – the employee and the Head of Department will discuss the job responsibilities and determine if the job or parts of it is/are appropriate for teleworking arrangements.

Equipment requirements – It is within the remit of the Head of Department, who in consultation with the respective CIO determines the kind of equipment required by the teleworker, in order to effectively carry out the designated tasks.

Teleworking, only modifies the way in which work is performed and should not affect the teleworker's employment status. A worker's refusal to opt for telework is not, as such, a reason for terminating the employment relationship or changing the terms and conditions of employment of the worker.

There will be a one-month trial period during which time the teleworking arrangement may be reversible at any time at the request of either the teleworker or the Department. At the end of the trial period the Head of Department makes an evaluation of the arrangement and makes recommendations for the continuation, modification or termination of the agreement. Following a successful trial period teleworking arrangements are subject to review every 3 months for another six months and then every six months for the period during which the employee is teleworking. The Head of Department reserves the right to remove an employee from teleworking status by giving the employee adequate notice as stipulated in the Agreement.

The Head of Department must monitor the work on a regular basis. Failure to meet the agreed standards and workload entails immediate termination of telework. The employee may appeal the decision to the next higher authority whose decision will be final.

Short-term telework - It is possible for an employee to make a request for a temporary teleworking arrangement in order to complete a task away from the office. These arrangements should not involve government in any additional expenses. Such requests should be driven by the need to focus on a specific

assignment that requires a higher degree of concentration, which may not always be possible in a shared office environment. In this context an employee, who requires some time away from the office to complete a task by a pre-agreed deadline may discuss the case with his/her superior. The Superior may, on the merit of each individual case, grant permission to an employee to work from home for a pre-defined and mutually agreed period to complete the job. Once the assignment is completed the employee shall return to his/her office. Such cases should not be considered as formal teleworking arrangements and hence the employer and the employee will not be bound by any terms of the teleworking agreement. Should the employee consider adopting telework as a formal work arrangement s/he will undergo the process as defined by these guidelines.

4.0 Employment Conditions

Teleworkers benefit from the same rights, guaranteed by applicable legislation and collective agreements, as comparable workers at the employer's premises. However, in order to take into account the particularities of teleworking a specific agreement has been devised (Appendix 2.13.D).

Particular aspects, which will be specified in the telework agreement include:

- Place of work
- Hours of work
- Address at which the employee carries out telework
- Telephone number, where employee can be contacted during office hours
- Notice of termination period
- Duration of trial period and periodical reviews of teleworking arrangements

5.0 Data Protection

The Department or Entity, authorising telework is responsible for taking all appropriate measures in order to ensure that any data used by the teleworker in connection with his/her teleworking activity is fully protected. The Head of Department should indicate to the teleworker the applicable rules and regulations concerning data protection. It is the teleworker's responsibility to comply with these rules and regulations and if breaches are committed the teleworking agreement of the faulting teleworker can become nullified. The revocation of the teleworking agreement would not prejudice further actions, deemed appropriate in cases of data protection breaches by government employees.

*The Data Protection Act 2001, Cap 440*¹ refers, among other responsibilities, to the controller's responsibilities for the fair and lawful processing of personal data, and that such data should not be kept for a period longer than is necessary. Therefore, in order to safeguard the requirement defined in the Act, the total management of the data security is to be considered by the Head of Department before any data is passed to the teleworker for processing.

The security of equipment, assets, information, confidentiality, and copyright should be in accordance with Government's relevant policies. A teleworker will ensure the protection of any work-related and customer information accessible from their home office. Measures include but are not limited to, use of locked file cabinets, disk boxes and desks, regular password maintenance and other appropriate measures consistent with the nature of work. In particular, teleworkers should ensure that other household members or friends should not have access to personal data as defined by the Data Protection legislation.

The Head of Department is additionally responsible of informing the teleworker of his/her responsibility to abide by the Government Policies and Standards² on MAGNET connectivity, e-Mail and Internet use policies, use of software such as anti-virus and spam control, and any applicable security and technical issues as advised by MITA Limited, being the provider of technology services to the Government.

*The European Data Protection Telecommunications Directive (97/66/EC)*³ imposes special rules for the processing of personal data in public telecommunications systems. The Head of Department, authorising telework should likewise, familiarise him/herself with this directive, and is therefore responsible to ensure that the teleworkers are aware of any its articles that are deemed relevant to his/her work

¹ Chapter 440 of the laws of Malta may be accessed from www.mjha.gov.mt/justice/legalservices.html

² The following documents apply; **1)** Connectivity to Magnet (Malta Government Network) **Policy**, version 1.0, **2)** Connectivity to Magnet (Malta Government Network) **Directive**, version 1.0, **3)** Connectivity to Magnet (Malta Government Network) **Standard**, version 1.0, **4)** Information Security **Policy**, version 2.0, **5)** Minimum Information Security **Directive** , version 2.0 and may be accessed at www.MITA.gov.mt

³ Directive 97/66/EC may be accessed in the EUR-LEX section of www.europa.eu

6.0 Privacy

The employer respects the privacy of the teleworker. This applies to arrangement for access to the site from which the teleworker is working. If any kind of monitoring system is put in place, it needs to be proportionate to the objective and introduced in accordance with *'the minimum safety and health requirements for work with display screen equipment'* Directive (90/270)¹ on visual display units. This Directive contains a requirement which stipulates that in designing tasks and choosing software, no qualitative or quantitative checking facility may be used without the knowledge of the worker. Employees should be advised in cases where their activity is being monitored. This includes cases of the utilisation of key-logging software where all activity on the employee's computer can be tracked and recorded, or where the computer is being controlled remotely.

7.0 Equipment

The Government or an agency commissioned by the Government is responsible for providing, installing and maintaining the equipment necessary for regular telework unless the teleworker uses his/her own equipment. Based on the nature of work to be conducted by the teleworker, the Head of Department will determine the appropriate equipment for the teleworker. Installation and operational costs for the voice communication system and other equipment necessary to conduct teleworking will be borne by the Government.

Technical requirements for the teleworker are being defined according to the level of access required by the teleworkers to conduct the work in an effective and efficient manner as if s/he is performing at the office. For some employees, teleworking may be performed successfully using e-mail and possibly a standard telephone contact or other means of verbal communications (e.g. VOiP) as established *a priori* with the respective Department or Entity. As long as the documents are not of a sensitive nature, these may be e-mailed across locations or transported on physical media. This band of users is being referred to as Tier 1.

A second category of users would need access to applications or data directly from a server, and therefore, a higher degree of security is required. For these cases it is necessary that the connection is made over a Virtual Private Network (VPN)² with a digital ID¹. This band of users is being referred to as Tier 2.

¹ Directive 90/270/EC may be accessed in the EUR-LEX section of www.europa.eu

² A virtual private network (VPN) is a network that uses a public telecommunication infrastructure, such as the Internet, to provide remote offices or individuals users with secure access to their

Finally, a third type of users would just require access to specific files or systems within their respective department or entity therefore, a secure VPN connection will be sufficient. This band of users is being referred to as Tier 3.

The type of equipment required and the corresponding estimated costs of each type of user are attached.

Where appropriate, desktop support and call centre services will be provided by MITA, which will assume the management and control function of teleworkers' support. Thus, in cases where a laptop requires maintenance (both hardware and software), the teleworker should deliver the computer to the office and advise the Head of the Department for the necessary follow-up.

Any damages sustained to the equipment should be immediately reported to the superior. Furthermore, a teleworker who presents a successful application to conduct telework, will, in addition, to signing a formal agreement, be required to sign a Declaration of Asset Inventory form which defines the responsibilities of the teleworker with respect to the Government equipment in his/her possession .

In order to ensure work continuity, the employee should accept any temporary arrangement provided by the Head of Department. This arrangement shall remain in force until the equipment's functionality is fully restored

Hardware used for telework will be governed by the relevant Government policies on the use of ICT in Government; this applies to whether the equipment is provided by the entity or whether it belongs to the employee. The teleworker must sign a statement attesting to the Government-owned property in his/her possession and pledges to protect the items from damage or theft. Upon termination of employment or the teleworking agreement all Government property must be returned to the Government.

organisation's network. A virtual private network can be contrasted with an expensive system of owned or leased lines that can only be used by one organization. The goal of VPN is to provide the organisation with the same capabilities, but at a much lower cost. A VPN works by using the shared public infrastructure while maintaining privacy through security procedure and tunnelling protocols.

¹ An electronic identity is a set of information that uniquely identifies a client to a computer system. Examples of an electronic identity are a username or digital certificate identifier.

The employee must establish an appropriate work environment within his/her home for work purposes. The Government will not be responsible for costs associated with the initial setup of the employee's home office such as remodelling, furniture or lighting, nor will it be responsible for repairs or modifications to the home office space to accommodate telework. After all equipment has been delivered, the teleworker will sign and return a checklist of all hardware and software provided.

8.0 Health and Safety

The employer is responsible for the protection of occupational health and safety of the teleworkers in accordance with Council Directive about *'the introduction of measures to encourage improvement in the health and safety of workers at work'* (89/391)¹ and relevant daughter directives, national legislation, namely the *'Occupational Health and Safety Authority Act 2000'* and collective agreements. Given the very limited control over the teleworker's physical movement and activity whilst engaged in telework, the employer's health and safety responsibility in respect of the teleworker is limited only to the workstation, where approved telework is normally conducted and which was previously assessed for risk by the employee him/herself, following the attendance of specific training on risk assessment of workstation.

In carrying out the obligations required to be observed in connection with Health & Safety:

The employer shall ensure that initial installation of equipment, which shall be of such safety standards as are applicable if the equipment were to be installed at an "on-site" work-place, shall be carried out in such a manner as to ensure safe operation given the nature of the equipment and the area in which it shall be operated, due consideration being given to family and social factors in the said area and that the employee is properly instructed in the safe use of the equipment. Moreover, the employee should attend compulsory training session/s provided by the Government on the design of appropriate and risk-free workstations. Following the successful completion of this training the employee is

¹ (Directive 89/391/EC) may be accessed at the EUR-LEX section of www.europa.eu
The Occupational Health and Safety Authority Act 2000 may be accessed from www.mjha.gov.mt/justice/legalservices/html

required to conduct a risk assessment of the workstation, from where s/he is intended to perform telework.

The employer shall carry out periodic, pre-announced visits to the work-place to examine the equipment and work-place and may request any necessary adjustments to the work-place, including modification to the placement or positioning of the equipment, at the employee's expense, subject to the employee's consent thereto. In the event that the employee does not consent to visits or modification or repair, the employer shall have no liability whatsoever in the event of injury or incapacity caused by the equipment or the work-process occurring since installation or the last visit performed as the case may be. The employer shall at his complete discretion be entitled to terminate the teleworking arrangement in the event that circumstances so require.

The employee shall take reasonable care of the equipment and examine same from time to time with a view to ensuring that it remains functional and safe for him/herself and other family members or visitors. Furthermore, the employee shall not make any modification to the equipment or the placement thereof within the operating area and shall not attach thereto any other equipment other than with the consent and under the supervision of the employer.

9.0 Organisation of Work

There is a risk that a teleworker may experience social isolation, therefore arrangements should be put in place to ensure that teleworkers have the same access to Government information as their office-based colleagues.

Part of the working time (a minimum of 10% of the total time a teleworker works per month) is to be spent at the employers' premises and face to face meetings unless otherwise agreed between the employee and the permanent secretary.

All internal communications such as memos and newsletters are to reach the teleworker promptly by e-Mail.

In those cases where the completion of a job requires the effective accessibility to the intranet the teleworker should be provided with access to the relevant Government and public entity intranets.

Whenever it is necessary a teleworker can be contacted by telephone during the normal office hours, furthermore, a teleworker is also expected to regularly check the e-mail. Under normal circumstances the employee is not expected to be available before and after the specified core hours with the exception of those employees whose job responsibilities require them to be contactable after normal working hours. The teleworking employee has no right to refund of any telephone expenses (whether on fixed lines or mobile phones), made in connection with teleworking.

10.0 Training

Teleworkers have the same access to training, career development opportunities and promotions as the office-based workers at the employer's premises and are subject to the same appraisal policies as these other workers. Core areas may include:

- Job-related skills - those specific to the particular requirements on the job;
- Generic Skills - including competence in IT and the use of new communications methods (for example use of modems, e-mail, on-line discussion, and the use of any special software required to complete the tasks), report-writing skills and effective telephone communication skills; and
- Self-management skills, including training in time management.

Training is to be organised for the teleworker prior to engaging in teleworking in order to ensure that the employee possesses all the skills and knowledge necessary to telework successfully. The necessary skills would include time management and basic ICT competencies, which would permit the teleworker to conduct his/her, job efficiently.

Teleworking, particularly when it involves prolonged spells away from the office necessitates specific training to ensure that employees are working efficiently and safely. Supervisors and departmental heads, who normally have difficulty in managing subordinates at the office, would find it even more difficult to manage them at a distance. Information and training sessions targeted at management are

thus to be organised to ensure that managers are able to adapt to new modes of interaction with teleworkers and more importantly to exercise the same level of management effectiveness as when the teleworker is carrying out his/her duties at the office.

11.0 Job and Employee Suitability

Job Suitability - Jobs suitable for telework include those involving a high degree of information processing that also have clear objectives, measurable outputs and minimal requirements for supervision. Some jobs that are not suitable in their entirety may be broken down into separate tasks and performed partly through telework. It is the responsibility of the Head of Department to ensure that the tasks to be performed as telework are substantial enough to occupy the teleworker for a minimum of two days per week for at least the next six months. If it is estimated that the tasks to be performed amount to less than this workload, the request for teleworking should be declined. This minimum threshold is necessary to ensure that expenses related to the hardware installation are 'recuperated', which may not be possible within the short-term. Other teleworking arrangements are possible on an *ad hoc* basis in order to accommodate temporary cases of teleworking such as project-based telework as described in section 3.

Jobs that require employee's ongoing physical presence and jobs which require face-to-face contact with the public and / or other staff members are not suitable for telework.

Security and / or confidentiality issues and requirements of access to material that cannot be moved from the office environment will prevent the job from being accomplished at an alternative worksite.

Jobs that are suitable for teleworking must have the following minimum characteristics:

- require mostly thinking and writing rather than acting
- heavy on information / data processing
- are clearly defined
- have clear objectives and measurable outputs
- have minimal requirements for supervision

Few examples of jobs that can be potentially performed through telework include: Data inputters, Computer programmers and other employees whose job consists mainly of desk-based research.

Employee's Suitability - In order for an employee to conduct telework successfully, the employee must possess all of the following traits and skills:

Ability to work independently and without constant supervision - Employees engaged in telework are not working in the immediate proximity of their superiors and are less likely to benefit from face-to-face and prompt advice, clarifications and supervision. Teleworkers should therefore, exercise sufficient independence when performing their work in locations other than the normal office environment.

Competence in time management skills - Time management skills are key to achieving set goals in a timely manner and to attaining a reasonable balance between work and life commitments without compromising work productivity. Thus, teleworkers who have consistently proved to have poor time management skills are not suitable for telework.

Ability to work on own initiative - The voluntary adoption of telework should motivate employees to work on their own initiative with minimum supervision. A teleworker is expected to think proactively and suggest new work methodologies, which shall lead to an improvement in the overall performance of his/her teleworking experience. Such innovative ideas or initiatives, if effective, should be reflected in the Performance Management Programme (PMP), and where applicable, disseminated as an example of 'good practice' to other teleworkers.

ICT literate - The employee must possess sufficient ICT literacy to conduct teleworking effectively. As a minimum a teleworker should be able to use basic office applications, Internet and E-mail.

Track record of past performance to meet deadlines and deliverables – Workers on a teleworking arrangement should ideally have a proven track record of good performance and sustained productivity. The employee must have not received any suspension or demotion due to misconduct or poor performance within the two years prior to the start of telework.

Core Categories - For the purpose of these guidelines jobs that are deemed suitable for telework are categorised in two broad groups; 1) Work of support functions based on contact times and 2) Knowledge-based work based on deliverables

Workers in the first category, normally carry out supporting roles in office environments including customer care, filing of documents, photocopying, visual scanning of newspapers, making basic use of computer applications and keeping records. Therefore, whilst the suitability of a job for telework remains situation-specific it is safe to assume that many workers in this category perform a mixture of tasks, of which only a portion can be effectively performed as telework. Furthermore, in any given working day, an employee is likely to perform multiple jobs, some of which are teleworkable whereas others are not. This occurs because no particular task is probably substantial enough to require a whole working-day. Hence, a reorganisation of tasks may be required to allow individuals to provide this supporting role through telework. Normally, the productivity of these employees can be measured in quantitative terms.

Workers in the second category have deliverables that generally require more thinking and writing and are rather heavy on information, analysis and interpretation of data. Such workers are likely to be in the professional and managerial grades and may include architects, accountants, IT specialists and project managers amongst other professionals. The completion of some projects will require the inputs of other employees hence effective voice and other types of communication are of particular importance for workers in this category. Security issues related to the accessibility of sensitive information should also be taken into consideration. These workers, most often, have pre-defined deliverables.

12.0 Administration

12.1 Telework Application Procedure

In order to accept an application from an employee to telework, it is essential that the required work assignments can be achieved with limited guidance and are of the same quality as when the employee is working within the office environment. An application form (Appendix 2.13.C) is to be filled in by the employee and forwarded to his/her immediate supervisor. Each request is evaluated on a case-by-case basis on the criteria laid down in the application form.

12.2 Steps to be taken when an employee applies for telework.

i) The employee, together with the immediate supervisor, fills in Section 1 of the ‘Application for Telework’ Form (Appendix 2.13.C).

ii) The Head of Department is to separately complete Section 2 of the application (Job and Employee suitability.)

iii) Section 1 of the Application form, duly signed by both applicant and supervisor (where applicable) is to be despatched to the Department Head. After having reviewed Section 1 and filled in Section 2 of the application the Head of Department will approve or reject an application. An unsuccessful application will not progress any further and the applicant is informed accordingly. Approved applications are then sent to the Human Resources Manager / Director, Corporate Services.

iv) On receipt of application, the HR Manager will review the application and note the recommendation of the Head of Department. Should any clarifications be required these are to be made in writing. Once the application is reviewed by HR Manager and signed, it will be passed to the Permanent Secretary for his/her final endorsement and signature. When the application is duly signed by all concerned an e-mail is sent to the applicant and copied to his/her supervisor and the Head of Department, and HR Manager / Director, Corporate Services, informing them of the approval.

v) Following the approval stage of the application, an assessment of the employee’s requirements (including technical training) is to be carried out.

12.3 Letter of Agreement

A letter of Agreement should be signed by the employer and the employee so that both parties understand the rights and responsibilities of telework and the specific terms under which the teleworker will operate. A specimen ‘Telework Agreement’ may be found in Appendix 2.13.D.

The days and times during which the teleworker will be working from the alternate workplace are to be specified in the Letter of Agreement. Should the need arise for *ad hoc* changes to this schedule, for example due to meetings where the employee is expected to be present, a notice of two working days should be given to the teleworker prior to the meeting.

Cost-Estimates of Technology required by different Teleworking models.

Tier 1

| Connectivity requirements : | | Functional requirements : | |
|-----------------------------|--------|---------------------------|---------------|
| Internet Connection | | Internet, E-Mail | |
| Item | € | Lm | Frequency |
| Cable/DSL | 549.73 | 236 | Annual |
| Connectivity fee | 221.29 | 95 | One time cost |

Tier 2 / Tier 3

| Connectivity requirements : | | Functional requirements : | |
|-----------------------------|--------|--|---------------|
| Internet Connection + VPN | | Internet, E-Mail and access to specific applications | |
| Item | € | Lm | Frequency |
| Cable/DSL | 549.73 | 236 | Annual |
| Connectivity fee | 221.29 | 95 | One time cost |
| VPN fee | 55.90 | 24 | One time cost |
| VPN Teleworker’s fee | 200.33 | 86 | Annual |

Appendix 2.13.C

Application for Telework

Section 1

(To be completed by the employee)

Applicant's Details:

Surname: _____ Name: _____

Ministry / Entity _____ Department: _____

Grade / Position: _____ Office Tel: _____

E-Mail Address: _____ ID card No.: _____

Hardware

(Tick the one applicable)

| | | |
|--|--------------------------|--------------------------|
| | Yes | No |
| At work, do you use a desktop or a laptop? | <input type="checkbox"/> | <input type="checkbox"/> |

Software

Please list specific software / services / applications you need access to:

I need access to the standard Office Automation software only.

In addition to the standard Office Automation software, I need access to the following:

CONNECTIVITY REQUIREMENTS

(Tick the one applicable)

Tier 1: Internet, E-mail

Tier 2: Internet, E-mail, VPN

Tier 3: VPN

Location Details:

Please specify the address from where you will be e-Working and where you need the e-Work facilities installed:

Functions to be performed through Teleworking

List all the tasks that are to be performed remotely from the office.

Teleworking Schedule Proposed by Employee¹

| | AM | PM |
|--|--------------------------|--------------------------|
| Please tick boxes when e-Work is preferred: Monday | <input type="checkbox"/> | <input type="checkbox"/> |
| <i>N.B. A minimum of 10 % of the total working time is to be performed from the Ministry's/Entity's Premises, unless otherwise agreed (vide article 9 at Appendix 2.13.B).</i> Tuesday | <input type="checkbox"/> | <input type="checkbox"/> |
| Wednesday | <input type="checkbox"/> | <input type="checkbox"/> |
| Thursday | <input type="checkbox"/> | <input type="checkbox"/> |
| Friday | <input type="checkbox"/> | <input type="checkbox"/> |

Other Information

(The information provided below is not mandatory, however where a choice has to be made between applicants due to limited e-Work opportunities, the information may influence the decision to grant e-Work facilities to those who will benefit most if all other factors are equal)

| | YES | NO |
|-------------------------------|--------------------------|--------------------------|
| I am a working parent | <input type="checkbox"/> | <input type="checkbox"/> |
| I am a single parent | <input type="checkbox"/> | <input type="checkbox"/> |
| I take care of ageing parents | <input type="checkbox"/> | <input type="checkbox"/> |

Employee's Full Name: _____ Signature: _____

Supervisor's Full Name: _____ Signature: _____

¹Head of Department may propose a different Teleworking schedule, in which case, it prevails.

Section 2
(TO BE COMPLETED BY THE HEAD OF DEPARTMENT)
Selection Criteria Questionnaire

| Job's Suitability* | YES | NO |
|--|--------------------------|--------------------------|
| Employee can perform job without a high degree of interaction with clients | <input type="checkbox"/> | <input type="checkbox"/> |
| Employee can perform job without a high degree of interaction with colleagues | <input type="checkbox"/> | <input type="checkbox"/> |
| Employee can perform job without need to access secure files or documents that cannot be removed from the workplace | <input type="checkbox"/> | <input type="checkbox"/> |
| Job can be performed at a remote location | <input type="checkbox"/> | <input type="checkbox"/> |
| Job can be split up into different tasks, some of which can be performed remotely and collectively amount to a minimum of two days of teleworking per week | <input type="checkbox"/> | <input type="checkbox"/> |
| Employee's Suitability* | | |
| Employee is able to work without constant supervision | <input type="checkbox"/> | <input type="checkbox"/> |
| Employee is competent in time management skills | <input type="checkbox"/> | <input type="checkbox"/> |
| Employee is able to work on own initiative | <input type="checkbox"/> | <input type="checkbox"/> |
| Employee is ICT literate | <input type="checkbox"/> | <input type="checkbox"/> |
| Employee must have at least one year's service | <input type="checkbox"/> | <input type="checkbox"/> |
| Employee has a proven track record of past performance with proven ability to meet deadlines and deliverables | <input type="checkbox"/> | <input type="checkbox"/> |
| Employee is reliable with respect to security of data | <input type="checkbox"/> | <input type="checkbox"/> |
| Final Teleworking schedule as agreed with the Head of Department | | |
| | AM | PM |
| Monday | <input type="checkbox"/> | <input type="checkbox"/> |
| Tuesday | <input type="checkbox"/> | <input type="checkbox"/> |
| Wednesday | <input type="checkbox"/> | <input type="checkbox"/> |
| Thursday | <input type="checkbox"/> | <input type="checkbox"/> |
| Friday | <input type="checkbox"/> | <input type="checkbox"/> |

* One negative marking makes this application unsuccessful.

Approved: Rejected:

Date: _____

Reason/s:

Signed by:

Head of Dept.: Full Name: _____ Signature: _____

H.R. Manager /
Director, Corporate Services: Full Name: _____ Signature: _____

Permanent Secretary: Full Name: _____ Signature: _____

Appendix 2.13.D

Telework Agreement

Agreement entered into on < date > between < Name of employee > with ID card number < ID Card Number > and residing at < insert employee address > referred to as the employee; and < Name > in the capacity of < position > on behalf of < Department or Entity > referred to as the employer.

1. This agreement is valid for 12 months from date of agreement and thereafter is subject to renewal every 12 months.
2. The purpose of this agreement is to define the terms under which telework will be implemented for the employee. The terms of agreement are based on the policy principles outlined in the "Teleworking Policy in Public Administration" and the "Guidelines on the Implementation of Teleworking by Public Employees" which documents have been made available to the employee who confirms understanding thereof.

Teleworking is based on a voluntary agreement between the individual and the Ministry / Entity. It is neither the right of an individual nor an obligation that can be imposed by the employer. Termination of this agreement can be instigated at any time by either party by giving thirty (30) working days' notice in writing. The teleworker's failure to meet the agreed standards and workload entails immediate termination of telework.

3. The employee must be contactable by phone during normal office hours and available at their place of telework during the agreed core hours, which are between < specify core hours >.
4. Telephone number, where the teleworker can be contacted during normal office hours: _____; in the event that the telephone number becomes unavailable or if the telephone number is changed the employee is obliged to inform the employer as soon as possible and in any

event by not later than one (1) working day from the number becoming unavailable or being changed.

5. The schedule by which the employee will work on telework is < specify days / time >.
6. The teleworker is subject to the same working conditions in terms of responsibilities, liabilities, policies, employment conditions and all other legislation, regulations, determinations and code of conduct, etc. that are applicable at the central workplace. Employee and Head of Department / Manager are to agree in advance on the deliverables as happens with employees working at base.
7. The employer shall ensure that initial installation of equipment, which shall be of such safety standards as are applicable if the equipment were to be installed at an "on-site" work-place, shall be carried out in such a manner as to ensure safe operation. Given the nature of the equipment and the area in which it shall be operated, due consideration being given to family and social factors in the said area. The employee is properly instructed in the safe use of the equipment.
8. The employer shall carry out periodic, pre-announced visits to the work-place to examine the equipment and work-place and shall direct modifications or repairs as may be required to the workstation. This shall be at the expense of the employee, including modification to the placement or positioning of the equipment, subject to the employee's consent thereto. In the event that the employee does not consent to visits or modification or repair, the employer shall have no liability whatsoever in the event of injury or incapacity caused by the equipment or the work-process occurring since installation or the last visit performed as the case may be. The employer shall at his complete discretion be entitled to terminate the teleworking arrangement in the event that circumstances so require.
9. The employee should attend compulsory training session/s provided by the Government on the design of effective and risk-free workstations. Following the successful completion of this training the employee is

required to conduct a risk assessment of the workstation, from where s/he is intended to perform telework.

10. The employee shall take reasonable care of the equipment and examine same from time to time with a view to ensuring that it remains functional and safe for him/herself and other family members or visitors. Furthermore, the employee shall not make any modification to the equipment or the placement thereof within the operating area and shall not attach thereto any other equipment other than with the consent and under the supervision of the employer.
11. The teleworker is and remains a regular employee, and shall be eligible to participate in all activities and enjoy the same benefits as any other employee not on Teleworking. In the same manner a teleworker is and remains bound by the policies, rules and regulations of the employer and is liable to these in the same manner as any other employee.
12. All equipment provided by the employer shall remain the property of the employer and the employee is bound by all policies and regulations related to such matters as applied in the central workplace. Any security arrangements for equipment and assets and all procedures for securing the confidentiality and protection of information and intellectual property therein are to be in accordance with organisational policy or practice if a policy is not in place and it shall be the responsibility of the employee to take such measures as would be taken in a non-teleworking environment, including the physical securing of equipment and assets, to protect the interests of the employer.
13. The teleworker is bound by regulations governing use of ICT in Government. All relevant policies are to be observed irrespective of where the teleworker is working and whether the equipment being used for teleworking has been provided by the employer or is the employee's own.
14. The equipment used for teleworking will be used according to standards and security measures conformant to Government policies and recommendations, and may be subject to keystroke or call listening/recording. The employee by entering into this Teleworking Agreement is consenting to all reasonable methods of surveillance by the

employer to ensure the proper performance by the employee of the duties of employment.

15. It is to be ensured that work deliverables are monitored and it is the responsibility of the teleworker to adhere to all the reporting mechanisms which may be laid down by the employer.
16. The employer is responsible for the provision and maintenance of equipment if this is deemed necessary. An agreed list of equipment is to be attached to this Agreement and signed by the employee and the Head of Department / Manager. Any changes to this list shall be made in writing and signed by both parties.
17. The employee is responsible to take reasonable care of all equipment given to him or her and is liable for any damage arising due to negligence. Further, the employee should periodically examine the equipment to ensure that it remains functional and safe and refrains from modifying or adding any equipment without the consent of the employer.
18. In order to ensure work continuity, whenever any equipment requires repairs, the employee should accept any temporary arrangement provided by the Head of Department. This arrangement shall remain in force until such time as the equipment's functionality is fully restored
19. Teleworking arrangements are subject to review every 3 months during the six-month trial period. Reviews will then be reduced to every six months for the period during which the employee is teleworking.
20. The location, type of work, results measurements, contact and working arrangements are to be agreed to between the employee and his / her manager. The employer / Director through the respective Human Resources Manager / Director of Corporate Services, should endorse any other proposed changes to the conditions of employment. In case of disagreement, the changes should be endorsed by the respective Permanent Secretary. These arrangements should be documented, signed by both the manager and the teleworker and attached to this agreement. Any changes to these arrangements should be agreed to and signed by both

parties. A copy of the agreement is to be kept by the employee with another copy inserted in the employee's personal file.

I have read and understood the arrangements detailed in the Agreement and I accept such arrangements.

Employee

Permanent Secretary

Date: _____

2.14. Unpaid Leave - General Conditions

Date issued: 18.11.92

Date revised: 15.06.05

Purpose To summarise the general provisions currently in force, covering applications for and the grant of unpaid leave, outlined in this manual.

Policy Employees are allowed to utilise unpaid leave for various reasons, many of which have been dealt with in this manual.

Eligibility Officers with one year service, unless otherwise specified.

Computation In computing special unpaid leave every day of absence is to be counted. Saturdays, Sundays and Public Holidays falling at the beginning or at the end of such leave are, however, to be excluded. This provision does not apply in respect of those categories of staff for whom Saturdays and Sundays are normal working days.

Unpaid leave entitlements may be followed by each other, subject to an overall maximum of eight years unpaid leave, whether the unpaid leave is taken at a stretch or broken up by periods of resumption of duty. This provision also applies to paid or unpaid leave for development work abroad.

Before utilizing unpaid leave, staff must utilise their vacation leave, which must be computed pro-rata to the period of service actually worked during the calendar year prior to commencement of the unpaid leave.

Procedure Applications for unpaid leave and for renewal of unpaid leave are to be submitted in good time, not later than one month in advance of the commencement of the unpaid leave. When officers opt to follow one type of leave with another, they are required to apply at least three months in advance (the same as

for parental leave) to allow management to plan for a substitute, if necessary.

Approvals of special leave without pay are to be notified to Management and Personnel Office and the Treasury for record purposes. All unpaid leave should also be recorded in the officer's Personal Record Sheet (GP 51) and the Service and Leave Record Form (GP 47).

Clarifications

Officers in teaching grades who avail themselves of unpaid leave are allowed to resume duty by the end of February, or in September, at the end of the scholastic year, including the summer holidays. This is intended to minimise as much as possible the disruption of classes.

If officers resume duty after unpaid leave on the summer time-table, they should be paid for the hours worked, unless they opt to compensate for the shortfall in hours by working longer hours on the winter time-table.

Officers who benefit from unpaid leave as a family-friendly measure, as in the case of responsibility leave, parental leave, leave to foster children and leave to accompany spouse abroad are precluded from performing private work for the duration of this leave, even after official hours. However, work after official hours in government employment may be allowed, subject to the recommendation of the Permanent Secretary concerned.

When officers on special leave fail to resume duty without justification, on the expiration of their authorized leave, action is to be taken in terms of Regulation 36 of the PSC Disciplinary Procedure Regulations, 1999.

Officers on unpaid leave are not entitled to any paid benefits before they resume duty.

Approval

Head of Department or Management and Personnel Office, as specified in the details given for each type of unpaid leave.

Authority

OPM Circular 117/92
MPO Circular 31/05

Inquiries

Human Resources Manager of the respective department.

2.15. Urgent Family Leave

Date issued: 04.02.04

| | |
|-----------------------|---|
| Purpose | To allow time-off from work to officers, for urgent family reasons, in cases of sickness and accident, which require the immediate presence of the employee. |
| Policy | Urgent Family Leave is granted in the circumstances mentioned below, when the immediate family of the employee is involved: <ul style="list-style-type: none"> a) accidents; b) sudden illness or sickness requiring assistance or presence of the employee; and c) presence during births and deaths. |
| Procedure | <p>No advance notification need be given to utilise Urgent Family Leave, except in cases where it is possible for the employee to give at least 24 hours notice.</p> <p>However, before leaving their place of work, employees are bound to inform their superior officer.</p> <p>The Head of Department has the right to demand evidence that confirms the reason for utilising Urgent Family Leave.</p> |
| Duration | 16 hours to be taken in not more than 4 sessions, are allowed to all employees, each calendar year. |
| Clarifications | Immediate family is taken to mean husband, wife, children, mother, father, brother, and sister. |

Vacation leave used for the purpose of Urgent Family Leave is deducted from the employees' annual vacation leave entitlement.

| | |
|------------------|---|
| Approval | Head of Department concerned. |
| Authority | MPO Circular No 9/2004 |
| Inquiries | Human Resources Manager of the respective department. |

3 MEASURES RELATED TO THE FAMILY-FRIENDLY REGIME

3.1. Equality of Opportunity

Date issued: 02.04.90

- Purpose** To eliminate discrimination on the grounds of sex and marriage and to promote equality of opportunity in employment.
- Policy** To promote the equal status of women in the field of recruitment and training by adhering to the guidelines listed below; in the composition of interviewing boards and in setting the criteria for selection, training and promotion in employment. By following these guidelines interviews will be more objective and equality of opportunity in employment is ensured.
- Guidelines**
- a) Interviewing boards should be composed of male and female individuals. More women should be chosen to sit on selection boards.
 - b) Applications from men and women should be processed in exactly the same way.
 - c) Records and interviews should be kept, where practicable, showing why applicants were or were not appointed.
 - d) A person should be assessed according to his or her personal capability to carry out a given job. It is therefore discriminatory to assess a person on the grounds of sex or marriage.
 - e) Questions asked during interviews should relate to the requirements of the job. Questions about marriage plans or family intentions should not be asked as they could be construed as showing bias against women.

f) It should not be assumed that men only or women only are able to perform certain kinds of work.

g) In the case of promotion, when general ability and personal qualities are the main requirements for promotion to a post, care should be taken to consider favourably candidates of both sexes with differing career patterns and general experience.

Authority OPM Circular No. 37/90

Inquiries Head of Department concerned.

3.2. Experience for the purpose of Appointment, Promotion or Progression

Date issued: 03.01.2002

Purpose To ensure a consistent interpretation and equity of treatment in computing experience for the purpose of appointment, promotion or progression, taking into account family, social and health circumstances.

Policy Several classification and grading agreements stipulate that for appointment, promotion or progression purposes, officers should have a number of years experience in a particular field. Experience, as distinct from service in the grade, must be directly related to the duties of the post.

Clarifications Any break in these duties does not count towards experience, with the exception of the following:

- a) maternity leave;
- b) sick leave on full pay or half pay; and
- c) other paid or unpaid leave whether on grounds of public policy or otherwise.

The exceptions above are allowed provided that:

- a) not more than one year is allowed as reckonable experience in respect of the above absences taken together; and
- b) in total, the above absences do not exceed 10% of the period of experience required.

All other periods of authorised leave or absences are not reckonable as experience but are considered as bridging the periods of experience.

Authority OPM Circular No. 2/2002
Inquiries HR Manager of the respective department.

3.3. Flexibility in Work Schedules

Date issued: 09.06.06

Purpose To introduce the concept of flexibility in work schedules, in line with the Collective Agreement for Employees in the Public Service, 2005 - 2010.

Benefit The need for flexibility in work schedules is recognised by both the Government as employer and the employees.

Flexible work schedules strengthen the service offered to external and internal clients, while decreasing to a minimum the need to adhere to rigid timetables, which as a rule helps employees to achieve a better work-life balance. The organisation and the employees can jointly establish a 'best fit' model to achieve the set objectives, in the best interest of all stakeholders.

Procedure To introduce flexibility, departments are encouraged to adopt alternative timetables during the summer months, so that their department offers an uninterrupted service in the months of July and September.

After the summer months, Permanent Secretaries are required to submit an objective and critical analysis of the outcome, benefits and shortcomings of the flexible work schedules adopted in their respective Ministry.

Clarifications This project is being carried out as an experiment, to facilitate discussions before implementing flexibility.

It is stressed that employees' participation in this project should be strictly on a voluntary basis.

| | |
|------------------|--|
| Approval | The alternative timetables proposed by each department for the summer months, are to be approved by the respective Permanent Secretary. Alternative time-tables proposed by departments which are not limited to the summer months, should be submitted to the Management and Personnel Office for consideration. |
| Authority | OPM Circular No 21/2006 |
| Inquiries | Director, Corporate Services of the respective Ministry Management and Personnel Office |

3.4. Increments to temporary and part-time employees not engaged through the Public Service Commission (PSC)

Date issued: 16.01.03

| | | | | | | | | | | | | | |
|-----------------------------|---|-----------------------------|---|-----------|------------------------|---|---------|----------------------|---|--------|---------------------------|---|-----------|
| Purpose | To regulate the award of earned increments to part-time and temporary staff. | | | | | | | | | | | | |
| Policy | <p>Increments are awarded in respect of diligent and regular service rendered throughout the previous twelve months.</p> <p>In order to qualify for the award of an increment, part-time/temporary employees would have to have worked a minimum of 1040 hours over the previous twelve months.</p> <p>Earned increments shall be awarded on the four incremental quarterly dates when increments to permanent staff are awarded, as given below:</p> <p>Increment due between:</p> <table> <tr> <td>16 November and 15 February</td> <td>-</td> <td>1 January</td> </tr> <tr> <td>16 February and 15 May</td> <td>-</td> <td>1 April</td> </tr> <tr> <td>16 May and 15 August</td> <td>-</td> <td>1 July</td> </tr> <tr> <td>16 August and 15 November</td> <td>-</td> <td>1 October</td> </tr> </table> | 16 November and 15 February | - | 1 January | 16 February and 15 May | - | 1 April | 16 May and 15 August | - | 1 July | 16 August and 15 November | - | 1 October |
| 16 November and 15 February | - | 1 January | | | | | | | | | | | |
| 16 February and 15 May | - | 1 April | | | | | | | | | | | |
| 16 May and 15 August | - | 1 July | | | | | | | | | | | |
| 16 August and 15 November | - | 1 October | | | | | | | | | | | |
| Clarification | Where the 1040 hour limit is not achieved, and the employees are considered by the Head of Department to have justifiable grounds for their absence from work, the twelve months eligibility period may be extended, and the increment correspondingly retarded until the set limit is achieved. | | | | | | | | | | | | |
| Authority | MF Circular No 1/2003 | | | | | | | | | | | | |
| Inquiries | HR Manager of the respective department. | | | | | | | | | | | | |

3.5. Thirty days unpaid leave for special reasons

Date issued: 18.11.92

| | |
|-----------------------|--|
| Purpose | To allow 30 days unpaid leave in a period of 12 months, for any good reason. |
| Benefit | If officers need to absent themselves from work beyond their vacation leave entitlement, 30 days unpaid leave may be granted. This will help officers to manage their work and family commitments better. This unpaid leave may also be utilised for the purpose of finding alternative employment in the public or private sector. |
| Procedure | <p>Requests for 30 days unpaid leave are to be submitted to the respective Head of Department. Copies of approvals should be forwarded to the Director Corporate Services for the keeping of records.</p> <p>If officers fail to resume duty when the unpaid leave expires, heads of Department should take necessary action in terms of Regulation 36 of the PSC Disciplinary Procedure Regulations 1999.</p> |
| Clarifications | When officers avail themselves of unpaid leave, vacation leave is granted pro-rata for the period actually worked. |
| Approval | The respective Head of Department. |
| Authority | OPM Circular No 117/92 |
| Inquiries | Head of Department or HR Manager concerned. |