

◇ tal-anqas tliet sigħat mill-hin tax-xogħol ta' gurnata bħala fidma normali matul il-lejl (bejn l-10pm u s-6am).

- Is-sigħat normali li impjegat ta' bil-lejl jista' jaħdem m'għandhomx ikunu aktar minn 8 sigħat f'perjodu ta' 24 siegħa. Din il-medja għandha tiġi kkalkulata fuq perjodu ta' referenza ta' 17-il ġimgħa jew kif ikun spjegat f'xi ftehim kollettiv applikabbli.
- Jekk il-kalkoli tar-riskji li l-prinċipal hu obbligat li jagħmel juru perikli speċjali, minbarra l-miżuri neċessarji biex jassigura li l-impjegat ikkonċernat jgħaddi minn eżami li jiddetermina l-istat ta' saħħa tiegħu, is-sigħat ta' xogħol tal-impjegat inkluż is-sigħat ta' bil-lejl, m'għandhomx jaqbu 8 sigħat ta' xogħol f'perjodu ta' 24 siegħa.
- Jekk persuna medika rreġistrata tinforma lill-prinċipal li l-impjegat qed ibati minn xi kundizzjoni ta' saħħa konnessa max-xogħol ta' bil-lejl, il-prinċipal għandu, safejn hu possibbli, jittrasferixxi lill-impjegat għal xogħol aktar adattat matul il-gurnata.
- F'każijiet fejn ix-xogħol ta' bil-lejl huwa regolari, min iħaddem hu obbligat li jzomm rekords relatati max-xogħol ta' bil-lejl.

◇ at least three hours of the daily working time as a normal course during night time (between 22.00hrs and 06.00hrs).

- A night worker's normal hours of work shall not exceed an average of eight hours in any 24-hour period. Such average should be calculated over a reference period of 17 weeks or as specified in an applicable collective agreement.
- If a risk assessment, which the employer is obliged to carry out, reveals special hazards, apart from the employer being obliged to take the necessary measures to ensure that the worker concerned undergoes a suitable health assessment to determine the worker's health status, the working hours of the employee, including night hours, should not exceed 8 hours of work in any period of 24 hours.
- If a registered medical practitioner informs the employer that the employee is suffering from a health condition which is connected to night work, the employer should, if possible, transfer the employee to more suitable work during daytime.
- In cases where night work is regular, the employer is obliged to keep records related to night work.



Department of Industrial and Employment Relations

121,
Trijq Melita,
Valletta, VLT 2000
URL: www.industrialrelations.gov.mt

Tel: 21 220497
21 224245

Fax: 21 243177

Email: ind.emp.relations@gov.mt



SIGĦAT tax-Xogħol

HOURS of Work

Disclaimer:

All information in this publication is correct as on the date of publication. Although due care has been taken to ensure the correctness of published information, this does not rule out mistakes. It is advisable to use this publication for general information purposes only and before taking any decisions or interpreting any published information you consult the Department of Industrial and Employment Relations. For further information including recent updates on the subject contact the Department of Industrial and Employment Relations.

Ref: I-EM04-2.1.3

Published on: June 2012

Sighat tax-Xogħol

Is-sighat tax-xogħol huma l-ħinijiet li matulhom il-ħaddiem ikun disponibbli biex jagħti servizz lill-prinċipal. Dawn is-sighat ma jinkludux il-waqfiet għall-ikel u l-mistrieħ. Kull taħriġ jew attivitajiet relatati mal-impjieg mitluba mill-prinċipal huma meqjusa bħala sighat tax-xogħol ukoll.

Sighat normali tax-xogħol

- Is-sighat normali tax-xogħol f'impieg *full-time* normalment jiġu stabbiliti fil-kuntratt tax-xogħol u ma jistgħux jaqbzu l-limitu kif stabbilit fl-Ordinament li Jirregolaw il-Pagi li jirregolaw dawn is-setturi skont l-attività tax-xogħol. Sighat normali ta' xogħol ma jinkludux sighat maħduma bħala *overtime*.
- Is-sighat normali ta' xogħol f'impieg *part-time* normalment jiġu stabbiliti fil-kuntratt tax-xogħol u jridu ikunu inqas mis-sighat normali ta' xogħol ta' impjegat *full-time* komparabbli, meta kkalkulati fuq bażi ta' ġimgħa jew fuq medja ta' perjodu ta' impieg sa sena.
- Is-sighat tax-xogħol ta' kuljum huwa l-ħin (mill-bidu tax-xogħol sa ma jispiċċa, esklużi l-waqfiet għall-mistrieħ) li jiffurmaw l-iskeda normali ta' ġimgħa xogħol, eskluż l-*overtime*.

Xogħol li jaqbeż il-medja ta' 48 siegħa fil-ġimgħa.

- Jekk ħaddiem li normalment jaħdem 40 siegħa fil-ġimgħa jiġi msejjaħ biex jagħmel l-*overtime*, dan l-*overtime* jista' jkun ta' aktar min 8 siegħat f'ġimgħa partikolari, sakemm il-ħinijiet u l-ġranet ta' mistrieħ hekk kif stabbilit fil-liġi jiġu osservati.
- Il-prinċipal jista' jistaqsi lill-impjegat biex jaħdem aktar mill-medja ta' 48 siegħa fil-ġimgħa, sakemm l-impjegat ikkonċernat jiddikjara bil-miktub li jaqbel. Din il-medja tiġi kkalkulata fuq perjodu ta' referenza ta' 17-il ġimgħa. F'ċertu setturi, bħas-settur tal-manifattura u t-turiżmu, il-perjodu ta' referenza hu ta' 52 ġimgħa.
- Il-prinċipal irid jaċċerta ruħu li l-impjegat jingħata l-mistrieħ meħtieġ kif inhu stabbilit bil-liġi.
- L-impjegat jista' jwaqqaf il-kunsens li jkun ta lill-prinċipal billi jagħti pre-avviż permezz ta' ittra bil-miktub. L-ittra għandha tingħata mhux inqas minn sebgħat ijiem qabel it-tmiem tal-kunsens, jew f'każ ta' perjodi itwal li ma jeċċedux tliet xhur, skont ma jista' jiġi miftiehem bejn iż-żewġ partijiet.
- Il-prinċipal ma jistax jisforza jew jivvitimizza impjegat li jirrifjuta li jagħti dan il-kunsens.

- Min iħaddem għandu jzomm rekord tas-sighat li ħadem l-impjegat tiegħu.

Xogħol fuq bażi ta' Sighat Imnaqqsa

- Impjieg *full-time* b'sighat imnaqqsa huwa impjieg li fir-rigward tiegħu kontribuzzjonijiet tas-sigurtà soċjali huma pagabbli u meta impjegat jiftiehem qabel ma' min qed iħaddmu biex jaħdem sighat anqas minn dawk maħduma minn impjegat *full-time* komparabbli.
- Il-paga u intitolamenti oħra jridu jingħataw fuq bażi pro-rata,
- Qabel ma wieħed jiftiehem li jaħdem b'sighat imnaqqsa, wieħed irid jistabbilixxi minn qabel il-kundizzjonijiet tax-xogħol applikabbli f'impjieg *full-time*. Dan ifisser li l-kuntratt oriġinali tax-xogħol għandu jkun ibbażat fuq impjieg *full-time* skond il-kundizzjonijiet tax-xogħol stabbiliti. Il-pro-rata tista' tiġi kkalkulata biss jekk ikun jeżisti bażi *full-time*.

Xogħol ta' bil-lejl

- Xogħol ta' bil-lejl huwa ħin tax-xogħol li jinkludi:
 - ◊ aktar minn 50% (jew proporzjon anqas kif inhu provdut fil-Ftehim Kollettiv) tal-ħin tax-xogħol annwali bejn l-10pm u s-6am, jew

Hours of Work

Hours of work is the time during which the worker is available for service to the employer, excluding any intervals for meals and rest. Any compulsory relevant training and any other activities related to the contract of employment and assigned by the employer, are also considered as hours of work.

Normal Hours of Work

- The normal hours of work for full-time employment are normally established in the contract of employment and should not exceed the limit as established in Wage Regulation Orders (WROs) that regulate sectors according to their activity of work. Normal hours of work do not include hours worked as overtime.
- The normal hours of work for part-time employment are normally established in the contract of employment and should be less than the normal hours of work of a comparable full-time employee, when calculated on a weekly basis or on average over a period of one year .
- The normal daily hours of work is the time (commencement of duty until end of duty, excluding rest breaks) that forms part of the normal weekly schedule of work, excluding overtime.

Work exceeding an average of 48 hours per week.

- If an employee who normally works on a 40 hour week is asked to perform overtime, such overtime may be of more than 8 hours in a particular week, provided that the provisions at law regarding daily rest and weekly rest periods are observed.
- An employer can ask an employee to work more than an average of 48 hours per week, given that the employee concerned gives his written consent. Such average is calculated over a reference period of 17 weeks. In certain sectors, as the manufacturing and tourism sectors, the reference period is of 52 weeks.
- The employer has to ensure that the employee is given the daily rest and weekly rest periods due as established by law.
- The employee can withdraw his consent so long as a written notice is given to the employer. Notice must be given at least seven days before the withdrawal of the consent or at such longer periods, not exceeding three months, as may be agreed between the parties.
- The employer can neither force nor victimize any particular employee who refuses to give his/her consent.

- The employer should keep the necessary records of hours worked by the employees.

Work on the basis of Reduced Hours

- Full-time employment with reduced hours is employment in respect of which social security contributions are payable and when the employee agrees with his/her employer to work less hours than those worked by a comparable full-timer.
- The wage and other entitlements shall be granted on a pro-rata basis.
- Before agreeing to work on reduced hours, the conditions of work applicable for full-time work must have been previously established. Hence, the original contract of employment has to be based on full-time conditions of employment. Pro-rata can only be calculated if there exists a basis of full-time work.

Night Work

- Night work is working time that includes:
 - ◊ more than 50% (or a lower proportion as provided for in collective agreement) of the annual working time between 22.00hrs and 06.00hrs, or