

- Pagi li ma tħallsux għandhom jiġu mħallsa sal-ewwel data tal-ħlas tal-pagi li tiġi wara t-tmiem tal-impieg.
- Min iħaddem hu obbligat jerġa' jimpjega lill-impjegat li kien għadu kif keċċa minħabba sensja jekk fi żmien sena l-prinċipal jerġa' jiġi bżonn l-istess pożizzjoni. Jekk min iħaddem jikser dan l-obbligu legali, l-impjegat ikun jista' jibda proċeduri quddiem it-Tribunal Industrijali fi żmien erba' xhur minn meta nkiser dan l-obbligu.

#### Flas ta' pagi pendenti

Impjegat li ma jitħallasx tax-xogħol li jkun għamel, għandu jiġbed minnufiħ l-attenzjoni ta' min qed iħaddmu. Jekk il-prinċipal jibqa' ma joħroġx il-paga l-impjegat jista' jirrapporta dan in-nuqqas lid-Dipartiment tar-Relazzjonijiet Industrijali u tal-Impieg biex b'hekk jieħu azzjoni minnufiħ. Meta jiġi biex jagħmel rapport, wieħed għandu jiġib miegħu l-kuntratt tax-xogħol, il-formoli tal-ingaġġ u ta' Temm ta' Servizz maħruġa mill-ETC, il-formola tal-FS3, *slips* tal-pagi u l-karta tal-identita'.

#### Ċertifikat ta' Temm ta' Impieg

Meta jiġi tterminat kuntratt li jkun ilu fis-seħħ għal aktar minn xahar, l-impjegat jista' jitolb ċertifikat mingħand il-prinċipal li juri kemm kien ilu fl-impieg u n-natura tax-xogħol jew servizz li kien jagħti. Ir-raġuni tat-tmiem tal-impieg u r-rata ta' ħlas għandhom jiġu inklużi jekk l-impjegat ikun iridhom jidhru. Jekk l-impieg ikun qed jiġi tterminat fiż-żmien ta' prova, l-prinċipal jista' jiddeċiedi li ma jagħtix ir-raġuni għalfejn ittermina l-impieg.

- When terminating on grounds of redundancy, the employer has to follow the last-in first-out principle applied independently for the category effected by the redundancy.
- All outstanding wages should be settled by the next pay date following the termination.
- The employer is under a legal obligation to re-engage an employee previously dismissed on the basis of redundancy if the post formerly occupied by him/her becomes available within one year from the date of dismissal. If the employer breaches this legal obligation, the employee can initiate proceedings before the Industrial Tribunal within four months from the said breach.

#### Settlement of outstanding dues

An employee who is not paid for his/her work or does not receive his/her wage on time must first bring this to the attention of his employer. If the employer persists in not issuing the payment due, the employee can report the matter to the Department of Industrial and Employment Relations for action from its end. Documents required when lodging such a report should include: contract of employment, engagement and termination forms issued by the ETC; FS3 form; payslips and the identity card.

#### Certificate of Termination of Employment

When terminating a contract of employment which exceeds one month, the employee may request a certificate from his/her employer showing the duration of employment and the nature of the work or services performed. The reason for termination and the rate of wages paid should only be included in the certificate at the employee's request. However, if the employment is terminated during probation, the employer may decide



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# T M I E M tal-Impieg

# TERMINATION of Employment

#### Disclaimer:

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## Avviż ta’ Tmiem tal-Impieg

Meta kwalunkwe tip ta’ kuntratt ta’ xogħol jiġi mitmum waqt iż-żmien ta’ prova, għandu jingħata avviż ta’ ġimgħa. Dan japplika jekk iż-żmien fl-impieg kien ta’ aktar minn xahar.

Waqt iż-żmien ta’ prova, l-impieg jista’ jiġi terminat minn kull parti mingħajr ma tingħata l-ebda raġuni. Izda, meta impjegata li tkun tqila tiġi mwaqqfa mix-xogħol waqt iż-żmien ta’ prova, il-prinċipal għandu jagħtiha raġuni bil-miktub għalfejn se jwaqqafha u r-raġuni ma tridx tkun relatata mal-kundizzjoni tagħha.

L-avviż ta’ tmiem tal-impieg jingħata f’każ ta’ kuntratti indefiniti li jkunu għaddew iż-żmien ta’ prova. Dan l-avviż irid jingħata jew mill-impjegat, jekk ikun ser itemm l-impieg, jew mill-prinċipal f’każ ta’ sensja. Il-perjodu tal-avviż jibda japplika mill-ġurnata tax-xogħol li jkun imiss wara li jingħata l-avviż u jiġi kkalkolat skont kemm l-impjegat kien ilu jaħdem mal-prinċipal b’mod kontinwu :

Mhux aktar minn xahar .....	Ma hemmx għalfejn avviż
Aktar minn xahar sa sitt xhur .....	Ġimgħa
Aktar minn sitt xhur sa sentejn.....	Ġimgħatejn
Aktar minn sentejn sa erba’ snin.....	Erba’ ġimgħat
Aktar minn erba’ snin sa seba’ snin .....	Tmien ġimgħat
Aktar minn seba’ snin sa tmien snin .....	Disa’ ġimgħat
Aktar minn tmien snin sa disa’ snin .....	Għaxar ġimgħat
Aktar minn disa’ snin sa għaxar snin .....	Ħdax-il ġimgħa
Aktar minn għaxar snin .....	Tnax-il ġimgħa

## Notice Periods

When terminating any employment contract during a probationary period, a one week notice applies if the length of service is longer than one month.

During probation the employment may be terminated by either party without stating any reason. However, when dismissing a pregnant employee during her probation, the employer is bound to give the reason/s in writing regarding the employee’s dismissal and such reason/s cannot be related to the employee’s condition.

After probation, notice only applies for indefinite contracts and is to be given either by the employee, when terminating employment or by the employer in cases of redundancy. Notice starts from the next working day following the day the notice is given and is calculated on the employee’s continuous length of service, as follows :

Not more than one (1) month.....	no notice
More than one month and up to six months .....	one week
More than six months and up to two years .....	two weeks
More than two years and up to four years .....	four weeks
More than four years and up to seven years .....	eight weeks
More than seven years and up to eight years ..	nine weeks
More than eight years and up to nine years .....	ten weeks
More than nine years and up to ten years .....	eleven weeks
More than ten years .....	twelve weeks

F’każ ta’ impiegi tekniċi, amministrattivi, eżekuttivi u maniġerjali, perjodi itwal ta’ avviż jistgħu jiġu miftehmin bejn min iħaddem u l-impjegat.

L-Avviż ta’ tmiem tal-impieg ma jstax jingħata waqt *maternity leave* jew matul il-ħames ġimgħat wara li jgħaddi l-*maternity leave*, jekk l-impjegata ma tkunx tajba għax-xogħol minħabba kundizzjoni patoloġika li tirriżulta minħabba l-ħlas. F’każ ta’ sensji, l-avviż, jibda jgħodd minn wara li jgħaddi l-*maternity leave* (inkluż il-perjodu applikabbli li fih ma tkunx tajba għax-xogħol minħabba kundizzjoni patoloġika)

### Ittra tar-Riżenja mill-Impjegat

Min iħaddem jista’ jiddeċiedi li :

- Iħalli l-impjegat jaħdem iż-żmien kollu sakemm jiskadi l-perjodu tal-avviż; jew
- Iħallas lil impjegat somma ekwivalenti għall-paga li kien jirċievi l-impjegat kieku l-perjodu tal-avviż, jew il-parti li fadal minnu, inħadem.

Jekk l-impjegat ma jagħti l-ebda avviż li se jtemm is-servizz tiegħu, jew wara li jkun ta l-avviż jagħżel li ma jibqax jaħdem dan il-perjodu, l-impjegat ikun obbligat li jħallas lill-prinċipal somma ekwivalenti għal nofs il-paga li kien fadal tinħadem mill-impjegat.

### Ittra tar-Riżenja minn min qed iħaddem

L-impjegat jista’ jiddeċiedi li:

- Ikompli jaħdem iż-żmien kollu tal-avviż sakemm dan jiskadi ; jew
- Fi kwalunkwe żmien matul il-perjodu tal-avviż tat-tmiem tal-impieg, jittlob lill-prinċipal iħallsu (lill-impjegat) somma ekwivalenti għal nofs il-paga li jkun għad fadal

Longer periods may be agreed by the employer and employee in cases of technical, administrative, executive or managerial posts.

Notice may not be given during maternity leave or during the five week period following the end of maternity leave if the employee is incapable for work due to pathological conditions arising out of confinement. In cases of redundancy, the notice starts after all maternity leave (including the applicable period of incapacity) is availed of.

### Notice given by the employee

The employer can decide either to:

- allow the employee to work the notice period until its expiry date; or
- pay the employee a sum equal to the full wages that would have been payable had the notice period, or remaining part thereof, been worked.

If an employee does not give notice, or after giving notice fails to work part of the notice period, s/he will be obliged to pay his/her employer a sum equal to half the wages that would have been payable in respect of the amount of notice not worked.

### Notice given by the employer

The employee can decide either:

- To continue working during the notice period until its expiry date; or
- At any time during the period of notice, to ask the employer not to work the notice period and the employer shall pay the employee a sum equal to half the wages

x’tiħallas għall-perjodu tal-avviż tat-tmiem tal-impieg. Jekk min iħaddem iċaħħad lill-ħaddiem mill-possibbiltà li jaħdem dan il-perjodu jew parti minn dan iż-żmien, il-prinċipal ikun obbligat li jħallas lill-impjegat is-somma sħiħa ekwivalenti għall-perjodu tal-avviż jew iż-żmien li jkun fadal minnu.

### Tmiem ta’ kuntratt definit

Fejn m’hemmx raġuni valida biex tittermina kuntratt definit, wara l-iskadenza tal-perjodu ta’ prova, il-parti li tikser il-kuntratt hija obbligata tħallas lill-parti l-oħra somma ekwivalenti għal nofs il-pagi li kienet titħallas kieku l-kumplament tal-kuntratt inħadem kollu.

### Drittijiet u Obbligi li jirriżultaw mit-tmiem tal-Impieg

- F’każ li hemm raġuni valida u suffiċjenti, kuntratt indefinit jista’ jiġi terminat mingħajr avviż jew obbligu li jikkompensa għall-avviż, filwaqt li kuntratt definit jista’ jiġi terminat mingħajr l-obbligu ta’ ħlas għall-perjodu tal-kuntratt li ma nħadimx.
- Impjegat li jallega tkeċċija inġusta jista’ jressaq protest quddiem it-Tribunal Industrijali. Dan irid isir fi żmien erba’ xhur minn meta jintemm l-impieg mill-prinċipal mingħajr raġuni ġusta u suffiċjenti.
- Mingħajr ebda preġudizzju għal dak li hu stabbilit fil-liġi rigward l-avviż ta’ tmiem tal-impieg, il-ħaddiem hu ntitolat għal ħlas ta’ dak kollu dovut lilu, fuq bażi proporzjonali skont kemm kien għamel żmien jaħdem. Il-ħlas jinkludi wkoll: pagi, sahra, *leave*, bonus, eċċ, dovuti lilu/lilha minn dak inhar li ntemm l-impieg.
- F’każ ta’ sensji, il-prinċipal għandu jtemm l-impieg ta’ dik il-persuna li tkun impjegata l-aħħar fil-kategorija tal-impieg li tkun milquta (*Last-in First-out*)

payable had the notice period, or remaining balance, been worked. On the other hand, if the employer does not allow the employee to work the notice period, or part of it, the employer would be liable to pay the employee a sum equal to the full wages that would have been payable had the notice period, or remaining balance, been worked.

### Terminating a fixed term contract

Where there is no justified reason to terminate a definite contract of employment after the probation period, the party breaching the contract is liable to pay the other party a sum equal to half the full wages payable had the contract remained in force.

### Rights and Obligation arising from Termination of Employment

- If there is a good and sufficient cause, indefinite employment can be terminated without notice or obligation to compensate for notice, while definite employment can be terminated without any liability to make payment in lieu of the unexpired period of the contract.
- An employee who alleges unfair dismissal can lodge a complaint to the Industrial Tribunal within four months from the termination of employment.
- Without prejudice to what may be due under the law relating to notice, the employee is entitled to be paid for all entitlements, on a proportional basis according to the period of employment, including: wages, overtime, leave, bonuses etc, due to him/her as at date of termination.