



**The new work-life balance
entitlements enforced through
L.N. 201 of 2022 FAQ's**

Department For Industrial and Employment Relations

What are the new work-life balance entitlements enforced through L.N. 201 of 2022?

These new rights aim to increase the quality of life of workers and families. These are paternity leave, parental leave, carers' leave and the right to request flexible working arrangements for caring purposes. These regulations will be effective as from 2 August 2022.

At present, Maltese law provides for a maximum of two days paid for paternity leave for private sector employees, which varies by sector, and five days for public service employees. Under these new rights fathers or equivalent second parent as recognised by national law are granted a total of 10 paid days of paternity leave to be taken immediately after the birth or adoption of the child.

Parental leave is an individual right granted to each parent on the grounds of the birth or adoption of a child to enable them to take care of the child for a period of 4 months until the child is 8 years old. Under the new regulations, an employee may benefit from two paid months out of the entitlement of four months at the same rate established for the sickness benefit entitlement under the Social Security Act.

Carers' leave is a new right of five days of unpaid annual leave per worker to take care of relatives in need of personal support or persons living in the same household with the worker for medical reasons.

Moreover, the new regulations stipulate that employees with children up to the age of eight (8) years, and carers, have the right to request flexible working arrangements for caring purposes.

What is Paternity Leave?

Paternity leave is defined as leave from work for fathers or equivalent second parents, due to the birth or the adoption of a child to provide care for the child, irrespective of the worker's marital or family status.

Is an employee (father or equivalent second parent) entitled to paid paternal leave immediately as from date of commencement of employment?

Yes, employees have the right to 10 paid days of paternity leave to be taken immediately after the birth or adoption of the child.

Is Paternity leave granted per birth or per child?

Paternity leave is granted per birth, and not per child. Therefore, in the event of the birth of twins, the second parent shall be granted 10 days of paternity leave irrespectively.

Can an employee (father or equivalent second parent) of a child born last year benefit from these benefits?

No, such benefit shall not be retroactive. Therefore, the entitlement to 10 paid days of paternity leave as provided by L.N. 452.125 is only applicable upon the birth or adoption of a child which occurs on or after the 2nd August 2022.

Are employees (fathers or equivalent second parents) entitled to paternity leave in addition to birth leave?

No, by virtue of these Regulations, birth leave has been replaced by paternity leave. Hence, upon the implementation of the Regulations on 2nd August 2022, fathers and second parents are only entitled to paternity leave due to the birth or the adoption of a child.

Can an employer refuse fathers or equivalent second parents from taking 10 paid days of paternity leave?

No, paternity leave shall be granted irrespectively of the marital status or the family status of the worker and shall not be subject to the qualification of a period of work or of length of service.

What is parental leave?

Parental leave is an individual right granted to each parent on the grounds of the birth or adoption of a child to enable them to take care of the child for a period of 4 months until the child is 8 years old.

Who is entitled to parental leave?

Parental leave is granted to every parent in employment, whether full-time, part-time and whether employed on an indefinite or a fixed-term contract, provided that the worker has been in the same employment for a continuous period of at least 12 months.

Do adoptive parents benefit from these entitlements?

Yes, every adoptive parent to parental leave for each child adopted.

Do foster parents benefit from these entitlements?

Yes, foster parents are entitled to parental leave, however foster parents are entitled to 4 months in total per parent, and not per child fostered.

Are parents of a child born or adopted prior to the 2 August 2022 entitled to paid parental leave since the child is still under 8 years of age?

No, L.N. 452.125 defines "parental leave" as leave from work for parents on the grounds of the birth or adoption of a child effective from 2nd August 2022. Thus, the entitlement to paid parental leave as provided by such regulations is only applicable upon the birth or adoption of a child which occurs on or after the 2nd August 2022.

If an employee is already making use of their parental leave prior to the 2nd of August, will their entitlement change, or will alternative arrangements need to be sought after the 2nd of August?

If an employee is benefitting from parental leave prior to the 2nd August 2022, this means that the birth occurred before the 2 August 2022, and thus the 4 months unpaid will apply. New parental leave entitlements will come in effect from births/adoption occurring from the 2nd August 2022.

Is the employee entitled to avail himself/herself of parental leave immediately as from date of commencement of employment?

An employee must be in employment with the same employer for a continuous period of at least twelve (12) months prior to be able to avail himself/herself of parental.

Can parental leave be transferred from one parent to another?

Out of the four months parental leave, the two months unpaid parental leave can be transferred from one parent to the other parent.

How can parental leave be availed of and what portion of it is paid?

Two out of the 4 months of parental leave are paid at the same rate established for the sickness benefit entitlement under the Social Security Act and must be taken in a staggered approach as follows:

The 4 months of parental leave can be taken all at once, however:

-If the child is between 0 and 4 years old, only 4 weeks of the entitlement will be paid at the applicable rate;

-If the child is between 4 and 6 years old, only 2 weeks of the entitlement will be paid at the applicable rate

-If the child is between 6 and 8 years old, only 2 weeks of the entitlement will be paid at the applicable rate.

Can an employee take all four months at once? For example, an employee wishes to take all his/her entitlement during the first bracket (0 years to 4 years).

Yes, however only 1 month will be paid at the applicable rate, and the remaining shall be unpaid.

What is Carers' Leave?

Carers' leave means leave from work for workers in order to provide personal care or support to a relative, or to a person who lives in the same household as the worker, and who is in need of care or support for a serious medical reason. Every worker is entitled to 5 days of unpaid carers' leave per year.

What are Flexible Working Arrangements?

Flexible Working Arrangements allow workers to work flexibly according to their personal needs for caring purposes. As provided by these regulations flexible working arrangements may include but are not limited to, remote working, work on reduced hours, and flexitime.



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