

Which other laws cover equal pay and pay transparency?

The Constitution of Malta:

Article 14: ... the State shall in particular aim at ensuring that women workers enjoy equal rights and the same wages for the same work as men.

The Equality for Men and Women Act:

Article 4(1): It shall be unlawful for employers to discriminate, directly or indirectly, against a person... in the terms and conditions on which the employment is offered...

The Employment and Industrial Relations Act:

Article 27: Employees in the same class of employment are entitled to the same rate of remuneration for work of equal value

Transparency & Predictable Working Conditions Regulations:

Regulation 5A. (2) Workers shall have the right to request from the employer at any time during their employment their individual pay level and the pay levels for categories of workers performing the same work as them



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PAY TRANSPARENCY

Equal pay, equal opportunities, fair workplaces



Women and men have the right to receive equal pay for the same work or for work of equal value.

Pay transparency helps make workplaces fairer by providing greater clarity about pay and helping identify and address unjustified pay differences.

The Equal Pay (Transparency & Reporting) Regulations state that:

Applicants for employment

- Have the right to receive information on pay or its range prior to employment
- Cannot be asked on their pay history

Workers

- Have the right to request and receive information on their individual pay level and the average levels broken down by sex, for categories of workers performing the same work as them or work of equal value to theirs

Employers

- Must have pay structures that ensure equal pay for equal work or work of equal value
- Ensure that vacancy notices, job titles are gender-neutral and that recruitment processes are carried out in a non-discriminatory manner
- Adopt and maintain written policies or criteria with objective and gender-neutral criteria to determine workers' pay, pay levels, and pay progression
- Employers employing at least one hundred workers, shall prepare a Pay Gap Report
- Draft a joint pay assessment in cases of a gender pay difference of at least 5% not justified on objective and gender-neutral criteria, and not remedied within 6 months



The NCPE

What the NCPE can do As an equality body



Request information about individual and average pay levels on behalf of workers, if the employer fails to reply to an employee's request within the stipulated time frames



Have the right to request employers, employing at least 100 workers, information about the gender pay gap between workers, including explanations concerning any gender pay differences



Request access to joint pay assessments from employers



Share all the required information with the Department for Industrial and Employment Relations (DIER), as the appointed Monitoring Body



Act on behalf of, or in support of, the worker in any permitted judicial or administrative procedure



Access information on individual pay, average pay or the gender pay gap when the employer would not be able to disclose such information to the individual workers directly, not to risk revealing the pay of another identifiable worker. In such cases, the NCPE can access the information and advise workers without disclosing the actual pay levels of individual workers

Investigative function

Alternatively, employees who believe they are being paid less than a colleague for work of equal value, on the basis of their sex, may lodge a complaint with the NCPE.

This since, under Chapter 456 of the Laws of Malta (the Equality for Men and Women Act), the NCPE is empowered to investigate allegations of discrimination on the basis of sex, family responsibilities, sexual orientation, age, religion or belief, racial or ethnic origin, gender identity, gender expression, or sex characteristics, and may issue a formal opinion and recommendations to the employer.

