No. 991

DEPARTMENT FOR INDUSTRIAL AND EMPLOYMENT RELATIONS

Explanatory Notes[1]

1. Introduction

Title of regulations	Transparent and Predictable Working Conditions (Amendment) Regulations, 2025 (hereinafter referred to as the "amending regulations")
Activity to be regulated	Pay transparency
Responsible entity	Department for Industrial and Employment Relations

2. Summary and Background

2.1 Purpose and objectives of the amending Act

These amending regulations amend the Transparent and Predictable Working Conditions Regulations (S.L. 452.126, hereinafter referred to as the "principal regulations") under the Employment and Industrial Relations Act (Cap. 452). The amendments aim to improve transparency and fairness in pay practices before and during employment.

2.2 Objectives

The amending regulations seek to:

- provide job applicants with clear information about the pay levels or ranges for specific positions before employment.

- ensure employees have the right to have access to detailed information about their individual pay levels and the pay levels for workers performing the same work.

2.3 Importance of regulations

These measures promote equitable pay practices, enhance transparency in working conditions, and uphold principles of equality as enshrined in the Employment and Industrial Relations Act. By requiring employers to disclose pay information, these amending regulations support workers' rights to fair treatment and help eliminate unjustified pay gaps.

2.4 Public Consultation

Consultations were held with the Employment Relations Board, a tripartite Board comprising representatives of trade unions, employers' associations, and the Government.

[1]These Explanatory Notes are in accordance with and for the purpose of article 3(2)(c) of the Small Business Act (Chapter 512 of the Laws of Malta).

3. Overview of the structure of the instrument

The amending regulations consist of three (3) regulations as follows:

Regulation 1: Citation and commencement

Regulation 2: Amends regulation 2 of the principal regulations

Regulation 3: Amends regulation 3 of the principal regulations

Regulation 4: Adds new regulation to the principal regulations

4. Commentary

Regulation 2 deletes sub-regulation (2) of regulation 2 of the principal regulations.

Regulation 3 adds two new definitions, that of "applicant for employment" and "pay level".

Regulation 4 introduces a new regulation to the principal regulations whereby employers must disclose the initial pay or its range, for a position, as well as relevant provisions from collective agreements (if applicable), before the commencement of employment. Furthermore, employees may request information about their pay levels and the pay levels for comparable categories of work and such information is to be provided by the employer within two months of receiving a written request.

5. Concluding sections

The amending regulations shall come into force within two (2) months from their publication in the Government Gazette in accordance with article 3(2)(b) of the Small Business Act (Chapter 512 of the Laws of Malta).

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27th June, 2025