



MALTA POLICE ASSOCIATION

YOUR INDEPENDENT UNION



Document: Working Time Directive | Supplementary Duty

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A. Introduction;

This document has been prepared by the Malta Police Association as a dispute to Warning on page 17 published in SOP-HRP version 1.5 of the Malta Police Force.



WARNING

ALLOCATION OF VOLUNTARY SUPPLEMENTARY DUTY **SHALL NOT** EXCEED THE ESTABLISHED LIMIT OF **150 HOURS**, PER INDIVIDUAL, PER MONTH. THIS MUST ALSO FACTOR IN SECTIONAL OVERTIME DUTY, BUT IT SHALL NOT BE DEDUCTED IN CASES OF VACATION LEAVE AND VICES AVOIDED IN ORDER TO PERFORM EXTRA DUTY.

THEY **CANNOT** BE WAIVED, EVEN WITH THE EMPLOYEE'S OWN CONSENT, UNLESS IN EXCEPTIONAL CIRCUMSTANCES IN WHICH CASE THEY MUST STILL RESPECT AVERAGES OVER A 'REFERENCE' PERIOD OF 17 WEEKS.

The Malta Police Association is contesting the 150 hours as a limit per individual per month when taken on a 17-week average.

It is also to be stated that the Malta Police Association takes note and appreciates the fact that the Malta Police Force is seeing the need to ensure the health and safety of its workers. However, since the legislation being quoted provides for mechanisms and established a set of hours as the rest periods.

Therefore, a legislation cannot be quoted, but then not adhered to fully.

B. Legislation;

Based on the premise that the Police Force is not regulated by a Wage Regulation Order, then the general principles of law and the Organization of Working Time Regulations (SL452.87) will generally apply.

Based on these regulations and given the necessary and relative safeguards, there is no reason for an agreement regarding the maximum number of overtime hours, within the framework of the law.

The scope and aim of the regulations are that of providing the necessary rest periods for the employee, whilst safeguarding the employer against possible claims. Furthermore, it is important to state that the regulations lay emphasis on the health and safety of the employee – so that whereas long hours of work may, in certain circumstances, be allowed at law, the protection of the Health and Safety of the employee is still safeguarded.

Hence, whereas a normal working time in terms of our legislation is a 40 hours week, and whereas a maximum of 8 hours per week of overtime is regularly acceptable, the law does make exceptions to the rule and that is perfectly valid as long as the necessary and relative precautions are taken.

That said, in terms of the same regulations above mentioned, the police force members fall within the group named “civil protection services” – and to this effect, certain rules are applicable.

The below provisions must be adhered to. Although Regulation 15(C) (iii) provides for an exemption for ‘Civil Protection services’, these must be taken in the context of the provision of same Regulation 15(C) and are to be taken in relation to activities involving the need for continuity of service or production, as may be the case.

Supplementary duty at the request of private parties, as described in the PSMC is not to be considered as a need for continuity of service, and therefore the exemption does not apply.

However, proper workings must be conducted to established the real maximum number of hours which may be worked, on a 17-week average beyond the established 40-hour week, excluding vacation leave.

5.(1) Every worker shall be entitled to a rest break where the working day is longer than six hours.

(2) The rest break to which a worker shall be entitled, including its duration and the terms on which it is granted, shall be in accordance with any provisions laid down in collective agreements or any other agreement entered into between employers and employees.

(3) Subject to the provisions of any applicable collective agreement in accordance with regulation 3

(4), the rest break provided for in sub-regulation (1) shall be for an uninterrupted period of not less than fifteen minutes, and the worker shall be entitled to spend it away from his workstation, if he has one.

6.(1) Subject to the provisions of sub-regulations (2) and (3), every worker shall be entitled to a minimum uninterrupted weekly rest period of twenty-four hours, in addition to the daily rest period of eleven hours referred to in regulation 4, for each seven-day period during which the worker works for the employer:

Provided that, if the employer proves to the Director that technical or work organisation conditions so require, then a minimum rest period of twenty-four hours for each seven-day period shall be applied so as to resolve the technical or work organisation conditions:

Provided further that if the employer fails to prove to the Director that technical or work organisation conditions so require, the Director shall have the power to oblige the employer to allow the worker a weekly rest period as provided in the first paragraph of this sub-regulation.

(2) Notwithstanding the provisions of sub-regulation (1), the weekly rest period may be calculated over a fourteen-day reference period if the employer so determines, and in such cases, a worker shall be entitled to either;

(a) two uninterrupted rest periods each of not less than twenty-four hours, each preceded by a daily rest period, in each fourteen-day period during which the worker works for the employer; or

(b) one uninterrupted rest period of not less than forty-eight hours, preceded by a daily rest period, in each such fourteen-day period during which the worker works for the employer.

C. Working Hours;

An assessment has been made to establish the maximum overtime hours which may be worked by an employee, while still respecting the established rest periods.

This has been made by establishing the total amount of day hours, the total amount of working hours and the total amount of rest hours in a 17-week period. The remaining amount is the maximum number of Overtime which can be worked above the 40-hour working week to adhere to the provisions of current legislation.

This maximum number of hours is of 196 per 4-week period (*worked on 833 total hours per 17 weeks*).

[illegible]