

# **INFORM**

*THE OFFICIAL VOICE OF THE MALTA POLICE UNION*



ISSUE 03



# **Moving Forward**

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# Editorial

This issue will focus more on the work being done by the Union. Sometimes it is not always possible to make what is going on public due to nature of the topic itself and sometimes, issues are too personal to divulge.

The subject chosen, MOVING FORWARD derives from one of our meetings where when we asked for the topics to be discussed, moving forward was the reply. This is exactly what our Union has been doing for the past years, moving forward and try to get the Malta Police Force living the truth and not having a scenario which looks 'nice' on paper but not exactly reflecting the reality.

Our aim is not to complain on every issue, but to be part of a real and genuine consultation process that We, as Your representatives, have to be included to give our suggestions.

The term 'Exigencies of the Service' cannot be used anymore to cover mismanagement and a total lack of planning. Although some issues have improved, we are still far away from what we should really be.

We hope that also in the next Sectoral Agreement, further improvements are done and current anomalies be eradicated like the Discretion the Commissioner has to grant allowances. Why do we have provisions in the Sectoral Agreement when this is at the discretion of someone. It does not make sense and must change.

 Neville Mercieca

# Content

## CONTRIBUTORS

Send your interest on [newsletter@mpu.mt](mailto:newsletter@mpu.mt)



## What is Gender Equality and its context in workplaces?

A dissertation by 2 S/M Isabella Camilleri.

Gender equality is a term used to explain how men and women should be equal on all levels even though their gender is different. Furthermore, this term refers to the understanding that men and women alike have access to equal rights, responsibilities and opportunities, including workplaces. According to the European Institute for Gender Equality (EIGE), men and women are not the same nor will they become a copy of each other, but access to their rights and opportunities must be equal and should not differ depending on their sex. Besides outlining that equality is a primary human right that indicates the sustainability of "people-centred development, it also states that this must not be "a women's issue but should concern and fully engage men as well," (E.I.G.E. Europa, 2021). Gender equality is one of the 20 principles of the European Pillars of Social Rights that was chosen as part of the European Union (EU) action plan targeted to be reached by 2030. This pillar states that EU countries must work in favour of both men and women allowing them to have the same opportunities and access to the labour market. This pillar states that there should be equity in the treatment and opportunities offered to both women and men. These must be ensured and fostered in all areas including full participation in the labour market together with the "terms and conditions of employment and career progression" (European Commission, 2021). According to the Organisation for Economic Co-operation and Development, gender equality must be present in all areas of "social and economic life" in all countries and describes it as an "uphill battle" (O.E.C.D., 2007). Women must be at par with men in areas of education, employment, income, as well as political and social cultural development. In the pursuit of reaching gender equality more women must be entrepreneurial, gender pay

gap must be eradicated and women must occupy more higher managerial roles and political positions (O.E.C.D., 2017). Where gender equality exists and is really observed, it can prevent any "significant and harmful form of social exclusion" whilst encouraging an unbiased and respectable advancement for both men and women alike (O.E.C.D., 2007). Gender inequality is somewhat associated with women and by eliminating it, women could be more empowered, and equilibriums are created. The World Economic Forum (2019) (WEF) affirms that all over the world only six countries have almost reached gender equality at workplaces, these being Belgium, Denmark, France, Latvia, Luxembourg and Sweden. Furthermore, the WEF insists that there are various positive outcomes for gender equal workplaces such as productivity improvement, increased growth and innovation, enjoyment of a diversity of views, whilst retaining a stable workforce. Consequently, all employees will be happier, enjoy a better quality of life, and family friendly measures will be availed of by all genders because they will not be seen as measures that are only applicable for women. In 2002, Chapter 452 Employment and Industrial Relations Act was billed, and then amended in 2004, wherein Article 26, that focused on the protection against discrimination related to employment, started to address gender equality in general. Since its accession in the EU, Malta has billed and ratified new laws whilst amending old ones. It even set up a commission that safeguards and works in favour of gender equality, the National Commission for the Promotion of Equality (NCPE). In 2014 an amendment to Chapter 452 was realised producing Subsidiary Legislation 452.95 for Equal Treatment in Employment regulations that reinforced the mentioned chapter.

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## What Do People Say and Think about the Police?

2/SM Joseph Borg

It was a mud man. It appears in several mythologies in this way, including the book of Genesis. Apart from acting morally to advance, man occasionally fails in his obligations, his respect for other people, and other areas due to unchecked greed, specific wants, and extra goals, envy that even led to retaliation, and other factors. As a result, over time, certain laws known as social laws were developed as a result of undesirable behavior practices. These laws came together through time and served as the Court of Justice's founding principles. We discover that as time passes, the laws also alter. Although they are applied differently, justice itself never changes.

As you can see from the previous paragraph, I began by looking into what people think and say about the police. I did this so that I could contextualize some key ideas and help people understand why the police are crucial to our society's ability to administer justice.

The phrase "the Police cast a heavy shadow" is one of the Maltese idioms that, in my opinion, has been used and uttered in the Maltese language for a very long time. No single interpretation can fully capture the intention of whoever had the original idea. You may be sure that there is a ton more to say! I made a conventional introduction to get things going. I tried to explain how this innate human frailty stems from a predetermined destiny that cannot be altered in any way and ensures that the metaphorical mud stays the same mud, formed from the ground dust.

The Constable, who has the appearance of a man who is a little tall and lanky, with a beret tilted to one side, a somewhat disheveled uniform, and with that a look with a veil that gives you the impression that nothing escapes him, is one of the strange but sympathetic characters in the traditional children's stories. With a pencil in one hand to jot down the names of mischievous kids and a tiny book in the other.

Children assume and believe that the police will pursue those who commit crimes by knowing intuitively (or instinctively), through some gift given to them solely by authority, or through some kind of magic until they reach a particular age. Unfortunately, I worry occasionally that this isn't only something kids think and believe. A

police officer is likely also required to develop a certain level of remarkable skills, enabling him to enter the criminal's head after apprehending him and discover what is concealed there.

When you contrast the sensitive role of the police with that of the priest and the doctor, it's an additional interesting theory to understand. Another common theme of the historical accounts of the police, his infallibility, also emerges from this. Others may make errors, but he never does. The police expect him to wear the cap of perfection so that he can run comfortably since he is the pure being, just like a priest who must practice his speech before giving it.

It may seem like an insurmountable task, but society is accustomed to creating the models it wants and then demolishing them when the moment is right, according to its preferences, and with the direction of the wind. We advise, "Doctor, heal yourself." True, but as we all know, the doctor needs a different doctor to heal him, just as he does, and why not if that is the nature of humanity.

However, this inherent weakness does not show up in children's literature and even less in the more mature adult detective fiction; instead, these works tend to focus on the public or private detective, who is almost certainly above suspicion, upholds morality in all of his deeds, and takes on every risky situation because he is a person of justice.

The policeman collects the virtues and vices of the society in himself, just like any other public figure does. If there is truth, evil, and harmony, then he succeeds; if there is deceit, chaos, and evil, then he fails...!

The threat that the police will come for them if they don't keep quiet or the use of a policeman with a sack filled with misbehaving kids who locks them in a room with lots of mice made this type of police, which is somewhat of an old model compared to some hero characters in children's films, comfortable for mothers when

their children rebel. The empty sack remained, and the sack police never showed up. But it's more likely than not that the kids had already persuaded themselves that it would be proper to raise some wisdom and submit to their parents. Go frighten the youngsters today! Unless it works against you.

The same as the constables in so many old tales, this is what ought to have happened to the tools of justice. It became yet another artifact in the collection of folkloric narratives that transitioned from irony to fear and then, in one particular stanza, to parody. It was positioned directly on uncomfortably awkward theatrical pedestals; in front of him, Platea played one relaxed part and another that was either concerned, passive, or unresponsive. Even while we also know that he frequently makes jokes about objects and attire

that are meant to terrify him, such as death. The policeman who makes you giggle and jump out of your skin represents good and is here because of evil; he protects the weak by pursuing the strong.

The police have a large obligation in relation to social evil, and their challenge increases in proportion to the expansion of the organization of deception. Another Maltese proverb that I'll mention in this regard is, "with whom I saw you, I compared you," which comes from Christ himself, who, as the Prime Saint, did not desire the company of the saints. However, it may be a little inaccurate or unjust. There is the in-law who, while it is merely true, counts the doctor as yet another sick person and the watchman of justice among the unjust.

## Normal Hours of Work

Department of Industrial and Employment Relations (DIER)

The normal hours of work for full-time employees and the maximum hours for part-time employees differ depending on the industry. These are established in Wage Regulation Orders, which regulate such sectors based on their work activity.

Normal working hours (excluding overtime) are usually based on 40 hours per week. However, in certain cases, as defined by law, normal working hours may be extended, but not beyond a maximum of 48 hours per week spread over a reference period of 17 weeks. In some industries, such as manufacturing and tourism, the reference period is one year.

An employer may require an employee to work more than 48 hours per week on average. However, in such a case, the employee must provide written consent. If an employee refuses to give his or her consent, the employer cannot force or victimize that employee as a result of his or her refusal.

If the employee has not agreed to work more than 48 hours per week on average, the maximum working hours including overtime shall not exceed such an average when calculated over a reference period, usually of 17 weeks. It is important to note that if an employee who normally works a 40-hour week is asked to work overtime, such overtime may be more than 8 hours in a given week, as long as the provisions of the law are followed.



**The Malta Police Union is an inclusive Union which aims at defending the rights of everyone, especially minorities and works together all stakeholders to ensure the wellbeing of its members.**



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## Gender Equality in the Malta Police Force and Foreign Police Forces

A gender equal police force can be considered so if it is an organisation where male and female officers enjoy all the same benefits, starting from same wages, same opportunities to be able to work in all sections and branches, have the same opportunities to advance further in their careers and enjoy all those family friendly measures that are given to other employees at different workplaces. Gender equality also means that the numbers of male and female officers employed must be equal or almost, eliminating any discrepancies. This counts as well for the number of lower and higher managerial posts within a force's hierarchical ladder. Though equal or close numbers might not mean equality where high discrepancies exist, gender inequality finds its way and sets prejudices and discrimination. According to statistical data acquired from the HR office of the MPF, as at April 2020, the female gender made up 21% of the police force, whilst males stood at 79%. However, a 2020 EuroStat report shows that females in police forces in EU countries had an average of 17%. The above numbers contrast 12 significantly with what the table below shows, that the average of Maltese employed men stood at 67%, whilst 50% were women (NSO, 2020). The MPF has a lesser percentage of females employed than that of the Maltese labour market in general.

Around the world many police forces have realised that by having gender equal police forces, their organisation will gain more beneficial values. Having a larger female representation in a police force will show the world outside how highly the female gender is regarded, and the female population will be more confident to approach any police force

when in need. Although Statista (2020) illustrates that the female presence in various police forces both in the EU and around the world is increasing, such as in the United Kingdom (UK) and the United States, third world countries are still struggling to onboard more females and consequently they cannot target gender equality. In 2017, both the Austrian police force and the UK Metropolitan Police had their first female chief officers.

The United Nations (UN) police force gives high importance to the presence of female officers and notes that a wider representation of the female gender in police forces will be able to help in the "promotion of the rule of law" as well in "intelligence, planning, leadership, investigations, public order management and capacity-building" issues (U.N., 2009). In fact, in 2009 the UN promoted a programme to increase female police officers. This saw a notable increase by 2016. The UN also considers the female gender to be promoters for gender equality and hence would be able to inspire more girls and women to support their rights and pursue employment and careers in law enforcement agencies. In her 2020 report for the Geneva Centre for Security Sector Governance, Denney (2020) states that gender equal police forces besides offering their society rule of law, can make "policing more effective". Denney (2020) also explains that having a larger female presence, police forces' services can be more diverse, offer a better organisational culture, allow management to better value diversity and promote an equal and inclusive image to the public, thus eliminating the masculine only model.

## Paternity Leave

Paternity leave from work is allowed to all employees who are equivalent second parents, on the occasion of the birth or the adoption of a child for the purposes of providing care.

The paternity leave is of ten (10) working days, to be taken immediately after the birth or the adoption of the child, without loss of wages. The right to paternity leave shall not be subject to a period of work qualification or to a length of service qualification.

This entitlement is regulated by: The Work-Life Balance for Parents and Carers Regulations, 2022



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## How the European Directive on Transparent and Predictable Working Conditions affects our members?

*EuroCOP has joined forces with EPSU and EUROMIL to report on trade union rights as a response to the 2019 European Directive on Transparent and Predictable Working Conditions and how this affects our members in different countries.*

EPSU, EuroCOP and EUROMIL are three European trade union federations that represent millions of public service workers, including civil servants of all kinds, workers in health and social services, public administration, police and military personnel. The protection and extension of the basic trade union rights to organise, negotiate and take collective action are central concerns for all three federations and, in recent years, have led to joint initiatives. Currently, the three federations are co-operating in a two-year, European Commission-funded project on trade union rights.

The specific impulse for this project was the 2019 European Directive on Transparent and Predictable Working Conditions which includes an article that allows EU member states to exclude public service workers from some of its key provisions.

The potential exclusion is very broad and unlike any seen in previous EU social legislation. A key aim of the project was to monitor the national transposition of the Directive and to respond to any attempt by a member state to use the exclusion. The workers concerned are those who have been, and continue to be, in the front line to fight the Covid-19 pandemic, they deserve the same rights as any other workers. More broadly the project has allowed the three federations to run a series of online regional meetings to exchange information on both positive and negative developments in trade union rights in the public services, to discuss strategies for future work in this area and implications for the EU sectoral social dialogue, which is currently under review by the EU Commission. Stefan Clauwaert, Senior Legal and Human Rights Advisor at the ETUC has made an important contribution to the project and suggested that the three federations submit a report to the ECSR in order to highlight the problems facing many of our affiliates and to initiate an exchange with the Committee on common issues and trends across Europe.

The project funding from the European Commission allowed us to commission research work from a team of experts led by Alexander de Becker of the University of Ghent and, following Stefan's suggestion, re-focused some of their work so that they could put this report together. We would like to underline our commitment to a joint approach to trade union rights across the public services. All three federations want to see the broadest possible rights afforded across all public services and are concerned that any unjustifiable limits on those rights pose a threat to all our unions and professional associations. The denial of trade union rights to large numbers of public service workers – particularly uniformed workers – sets a dangerous precedent that can be used to restrict rights where they already exist or deny rights where they might be claimed.

We think that the report helps identify where some major problems persist and expose the inconsistency of approach between countries. If civil servants and public service workers in the Nordic countries, Belgium, the Netherlands, for example, can organise, negotiate (including on pay) and take collective action, why not in countries such as the Baltic states, Hungary, Poland, Bulgaria or Turkey?

If all the police services in Scandinavia can organise, negotiate and take (restricted) collective action, then why not in Ireland and Malta, for example?

And if military personnel in the Nordic countries, the Netherlands, Belgium and even Hungary, among others, can organise, negotiate and take (restricted) collective action, why not in the Baltic states, Bulgaria, Romania, Italy, Spain and Portugal, for example. We would also stress that our three federations are determined to support their affiliates in securing the effective exercise of these rights which means challenging those governments that are happy to demonstrate that the rights exist on paper, but less happy to allow for their application in practice.

[www.eurocop.org](http://www.eurocop.org)

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## Defending and Strengthening Trade Union rights in Public Services, Military & Police Forces

Alexander Schembri

During the last week of September 2022, Mr. Alexander Schembri and Mr. Marlon Hili, President and Vice-President of the Union were in Skopje (North Macedonia) to participate, together with other EuroCOP colleagues, a conference with the main topic on the Rights of Trade Unions in the Public Sector and Collective Bargaining and Action.

The EU Funded Conference was organised by three federations across Europe – EPSU (European Public Service Union), Euromil (European Organisation of Military Associations & Trade Unions) and EuroCOP (European Confederation of Police) in which MPU is an active member.

During the Conference, participants discussed and put forward suggestions about the way forward to defend and strengthen their rights as Unions in their specific sector within the Public Services, Military and Police. Throughout the discussion, it transpired that almost all Unions and Associations around Europe have their own difficulties on how to defend their member, mostly on how to put forward pleas to their respective Administration and Governments, including during Collective Bargaining.



As part of the project, these three federations had to choose two European Countries to focus on and elaborate on the actual rights that Unions have in these Countries. MPU is proud to announce that after having seen its ongoing work and commitment towards its members, EuroCOP chose Malta together with Ireland to explain the actual situation.



It was highlighted that as from 2015, Police officers in Malta were able to join a trade Union of their choice which also led that in 2018, the first Sectoral Agreement was signed where both Police Unions negotiated together with the Police Administration and the Central Government, where although there is much to improve, this gave a boost and tackled some of the issues faced at that time.

It was also explained that although in Malta, Police Officers were given the right to join a Trade Union, these do not have the right for Action and therefore Collective Bargaining may become Collective Begging if there is an impasse. The Malta Police Union received praise and sincere congratulations for standing up for its members and filed a constitutional case against the State Advocate and the Commissioner of Police, in a bid to be granted the right to strike, which is still ongoing.



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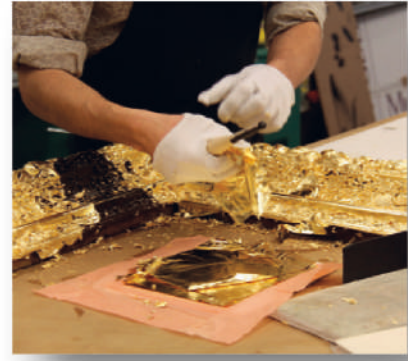
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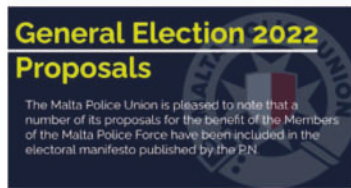
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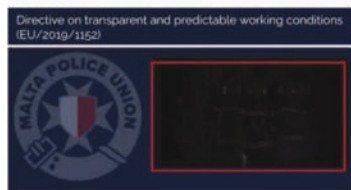
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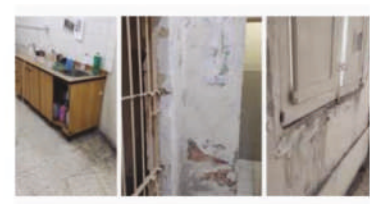
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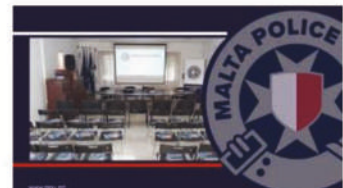
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Among 28 proposals made, Malta Police ...



Malta Police Union calls for ...



Malta Police Union - Union ...



cont. from page 16...

It is not uncommon to hear persons saying that the Union is there for nothing and they do nothing except going abroad and attend parties. These statements stop at the moment the officers needs the assistance of the Union. Then everything that has been said is forgotten and the Union has to stop its operations and focus only on this officer, something that we still try to do even though the Executive Committee is made up of volunteers and like all our members, have their duties withing the Police Force.

Another matter which is worrying is that some expect others to become members and follow directives as they will also gain from any benefits. If no one forms part of Unions and no one follows directives, nothing will come, for no one.

A simple visit to our website, social media or a google search will enlighten you with the daily work the Union does.

Since the last issue of this Magazine, the Union held four (4) Executive Committee Meetings and attended four (4) meetings with the Commissioner of Police and another three (3) meetings concernig Committees of the Malta Police Force.

On a daily basis, correspondance is exchanged with the Administration which relate to personal issues such as Vacation Leave, Extra Duty, Overtime and other matters which have an impact on individual members.

During this period, we also have been working with the Administration to resolve the pending disputes the Union has in the best way possible.

The **Free Legal Advice** is the most used service used by our members. This service covers disciplinary sittings, Public Service Commission (PSC) cases and Parte-Civile in the case where an officer is the injured party in any Criminal Cases against a third party.

To be able to offer this service, we need have appropriate forms which must be filled in properly. The Union needs to have a proper database, and a control on the situation, which with just a phone call or a message on Social media would not do. This is needed further in case there will be an appeal or where we have to resort to the Courts.

All data processed by the Malta Police Union is only divulged to the lawyer who will be assigned the case and will be kept for a period of 2 years.

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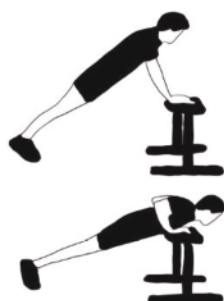
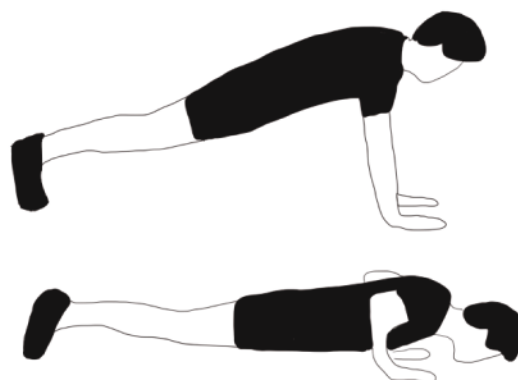


# Fitness Corner; The Pushup

Darren Bezzina

The pushup is an exercise that is found in almost every training programme. This is because it is easy to perform, and requires no equipment. The pushups target mainly the pectoralis major, however, it also works other important muscles such as the shoulders, core, and triceps muscles.

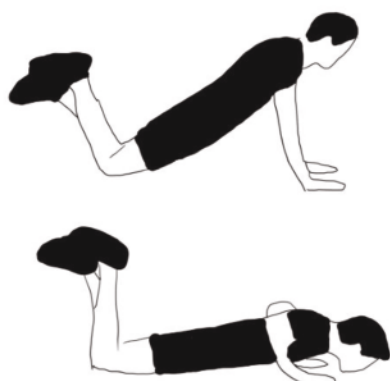
To perform a good pushup, start on your hands and feet on the floor. The feet should be together with the legs straight with the weight on your toes and the hands should be slightly wider and in line with the shoulders, with the arms straight. Lower your chest towards the floor by tucking the elbows. The elbows should form a 45-degree angle with the body when the chest is at the lowest position close to the floor. At the bottom, pause slightly, and then push yourself back up to starting position as quickly as possible.



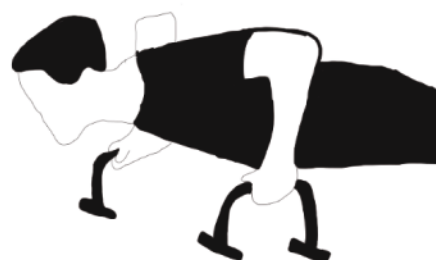
The body should be in a straight from head to heels during the whole movement. To keep the body straight, the core and glutes should be contracted to keep your body stable. If your technique breaks down at any point, stop the exercise immediately and close the set.

If you cannot perform a pushup at first, try putting your hands on a bench, box, or stair and perform the same movement. The higher the surface, the less bodyweight you have to lift and the easier it becomes. Alternately, you can start performing the pushup on your knees, with the ankles crossed behind you.

If the pushup is easy, place your feet on a higher surface. This puts more pressure on the shoulders and increases the amount of bodyweight you have to lift.



Tip: If your wrists hurt during the push-up use a pair of push-up handles. These helps keep the wrist straight until you get used to the exercise.



# Malta

With over 7,000 years of history, Malta is the ultimate holiday destination for any history buff! Home to some of the oldest free-standing temples in the World, the Islands have also played host to the Phoenicians, the Romans, the Knights of St. John, Napoleon and the British Empire. A jaunt to its phenomenal fortifications, and an open-mouthed gape at its truly awe-inspiring architecture is a must.

No trip to Malta is complete without going on a journey through time, from the prehistoric times to modern day.

With so many rich and colourful traditions which have withstood the test of time, the amount of pride the Maltese have for their culture is highly understandable. With elaborate fireworks displays, rowdy village *festas*, and outstanding hospitality, not to mention the mind-blowingly delicious food, the sheer magnetism of Maltese culture is apparent everywhere you go, making it almost impossible not to be drawn in.

Being home to an abundance of outstanding produce, a sea brimming with delicious seafood, and recipes dating back centuries, food and drink are the very essence of Maltese Culture. Hence, it's hardly surprising that the Islands have some of the most spectacular cuisine in the World. Whatever type of dining experience you're craving, be it a quick snack, a culinary extravaganza at a Michelin-starred restaurant, or a hearty dig into some awesome local cuisine, there's always something to sink your teeth into in Malta.





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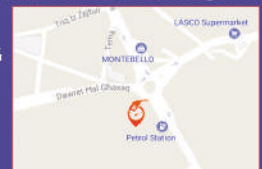
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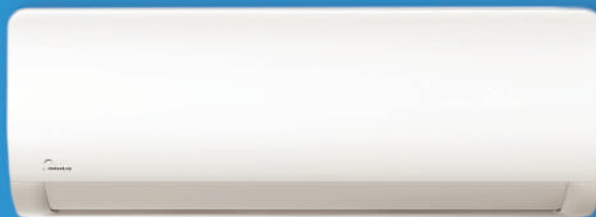
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# INTERNATIONAL POLICE ASSOCIATION MALTA SECTION

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# Malta Police Union registers trade dispute over non-payment of certain allowances

Wednesday, 1 December 2021, 11:27

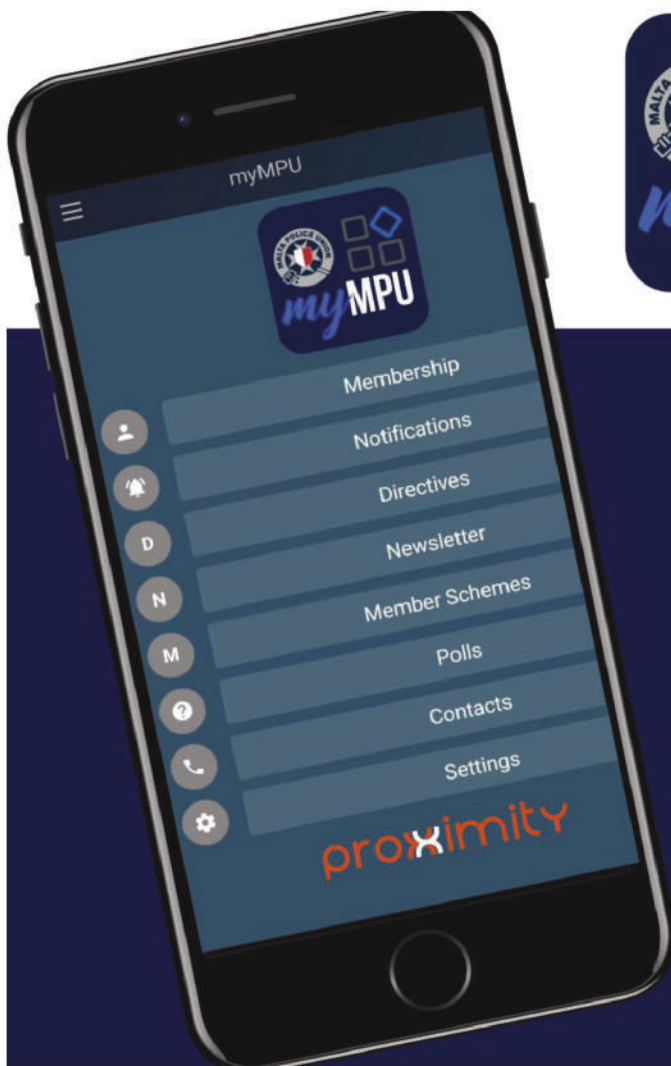
Last update: about 10 months ago



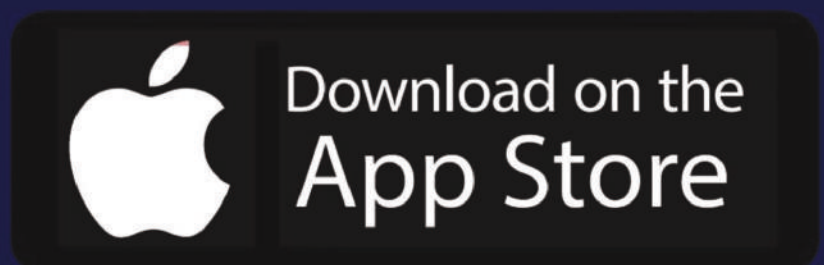
The Executive Committee of the Malta Police Union registered a Dispute against the Commissioner of Police due to terms and conditions of employment by not effecting the payments of the pro-rata Shift and SDA allowances to Reserved Police Constables (RPC's) as agreed on the 24th September 2021 and subsequent promises that these will be paid with the October or November pay.

Seems that after several meeting with the Permanent Secretary and the Police Administration, this should be resolved and payments of these allowances, including arrears are affected with Pay 11/22.

The Union will remain at the forefront to obtain benefits for its members.



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## Ingredients

- 1 Cup (225g) cottage cheese
- 1 Cup (80g) rolled oats
- 5 eggs
- 2 tsp. Cinnamon
- 1 tbsp. maple syrup
- 2 tbsp. coconut oil

## Prep Time

- Serves: 4
- Prep: 5 mins
- Cook: 15 mins

## Nutrition per Serving

- 298 Kcal
- 17g Fats
- 20g Carbs
- 17g Protein

# Protein Pancakes

## Procedure

Place all ingredients into a blender or food processor and blitz together until smooth.

Heat 1/4 of the coconut oil in a large frying pan over low-medium heat, pour about 1/4 cup of the batter per pancake, and repeat until the pan is filled.

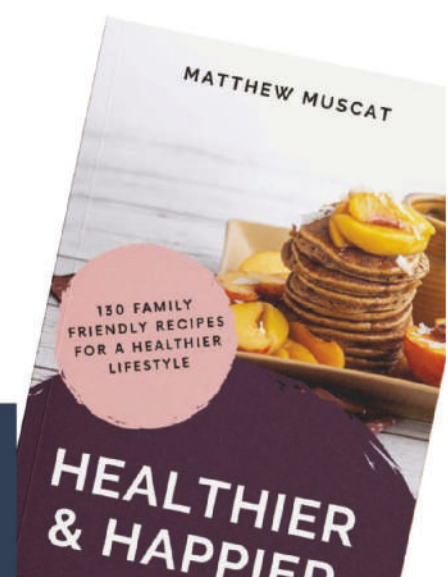
Cook until you start to see bubbles form on the surface of the pancakes, about 1-2 minutes. Then flip and cook for another minute or until golden brown on both sides.

Repeat this process until all the batter has been used. Top the pancakes with your favourite toppings using any of the following suggestions.

Suggestions:

Fruit: banana, strawberries, raspberries, pear, fig, cherries, pineapple, watermelon.  
Nuts: almond, hazelnuts, walnuts.  
Sweeteners: powdered sugar, maple syrup, honey.

Enjoy!



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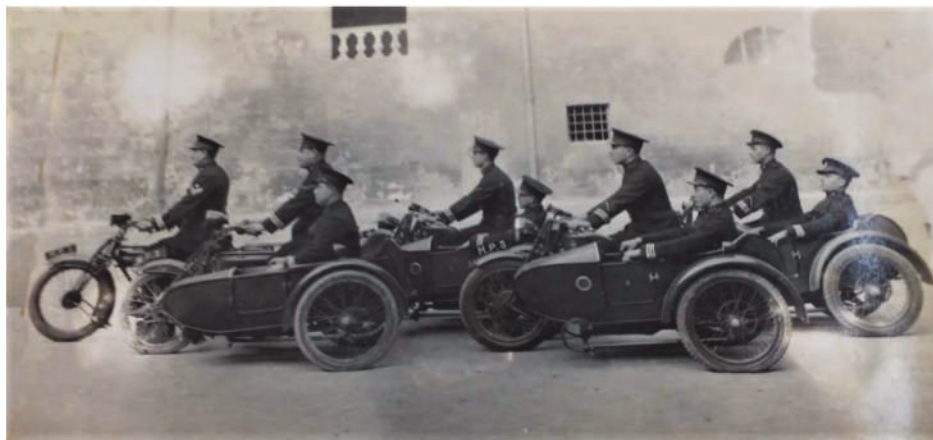
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## Blast from the Past

Joseph Borda

The first Police motorcycles with sidecars were issued for the police way back in 1928. These Motorcycles were there to take care of the traffic. It is to be noted that between 1927-1928 there were 922 licenced vehicles and 329 other vehicles for hire. Persons who were in possession of a driving licence amounted to 1682 and 459 licenced to drive a hire car.



## Donation

On the 13<sup>th</sup> September 2022, the President of the Union, Mr. Alexander Schembri presented a laptop to the President of the International Police Association – Malta Section Mr. Joseph Borda as a gesture of support from the Union to this Association which provides an excellent service to its members, a number of whom are also members of the Malta Police Union.



Donation by the  
Malta Police Union  
to the  
International Police Association  
Malta Section

# Consent

## Guidelines by the Officer of the Information & Data Protection Commissioner

Consent is one of the legal basis for processing personal data under article 6 GDPR. The consideration of what would be the appropriate lawful ground for the envisaged processing activity has to be a decision by the controller.

Having said that, against general perception, consent must not be seen as the best or only legal ground on which to legitimise a processing operation. Certainly, where valid consent a difficult to obtain, they are other alternatives in terms of lawful grounds that could be considered and used.

The basic requirements for the effectiveness of a valid legal consent are defined in Article 7 GDPR and specified further in recital 32 thereof. In a nutshell, the controller must be able to demonstrate that the data subject has consented according to certain basic requirements and ensure that consent is freely given, specific, informed and unambiguous.

### Freely given consent

In order to obtain freely given consent, it must be given on a voluntary basis and provide a real choice to the data subject. In those cases where there is no real choice and the data subject feels compelled to consent or otherwise endure negative consequences, consent will not be considered as valid under the GDPR.

*Example: there is a natural imbalance of power in the employment context which makes the EDPB deems it problematic for employers to process personal data of current or future employees on the basis of consent as it is unlikely to be freely given, nor without negative consequences.*

Furthermore, controllers must avoid "bundling" consent with acceptance of terms or conditions, or "tying" the provision of a contract or a service to a request for consent, where the processing is not needed for the performance of a contract or a service.

### Unambiguous consent

Finally, consent must also be unambiguous, which means that it requires either a statement or a clear affirmative act. Although there is no form requirement on how to obtain consent, written consent is the recommended approach to demonstrate compliance with the GDPR in line with the accountability principle. Indeed, pre-ticked boxes, silence or inactivity should not constitute valid consent.

The EDPB has endorsed guidelines that were adopted by the Article 29 Working Party specifically on consent and which you may access to gain further insight and information in order to ensure that when relying in the lawful ground of consent, all the requirements set out by the GDPR are ticked.

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