SUBSIDIARY LEGISLATION 452.51

SEAMEN WAGES COUNCIL WAGE REGULATION ORDER*

8th August, 1977

LEGAL NOTICE 100 of 1977, as amended by Legal Notices 118 of 1978, 113 of 1990, 427 of 2007, 135 of 2010, 362 of 2012, 334, 444 of 2013, 482 of 2014, 5 of 2016, 97 and 383 of 2017, 104 and 351 of 2019, 469 of 2020, 464 of 2021, 335 of 2022, 286 of 2023, 341 of 2024 and 288 of 2025.

Title.

1. The title of this Order is Seamen Wages Council Wage Regulation Order.

Field of operation of Wages Council.

2. The provisions set out in the Schedule to this Order shall apply to all employees in respect of whom the Seamen Wages Council operates.

SCHEDULE

Amended by:
L.N. 118 of 1978;
L.N. 113 of 1990;
L.N. 427 of 2007;
L.N. 135 of 2010;
L.N. 334 of 2013;
L.N. 444 of 2013;
L.N. 482 of 2014;
L.N. 97 of 2017;
L.N. 383 of 2017;
L.N. 104 of 2019;
L.N. 351 of 2019;
L.N. 464 of 2021;
L.N. 335 of 2022;
L.N. 286 of 2023;
L.N. 341 of 2024.

1. (1) In this Schedule unless the context otherwise requires -

"boatswain" means an employee who takes charge of the deck crews and performs other duties in accordance with instructions of the ship's officers;

"captain/master" means an employee who takes complete charge of a vessel, safeguards passengers, crew, ship and cargo, controls the speed and directs the course of the vessel, supervises the work of the crew and ensures the maintenance and cleanliness and directs subordinate officers in the performance of their duties;

"coxswain" means an employee who steers and controls the speed of vessels and who may be in charge of small craft;

"customary holidays" means the days (other than Sundays) declared for the time being to be public holidays by or under the National Holidays and other Public Holidays Act:

Cap. 252.

Provided that an employee shall not be entitled to an extra holiday if the customary holiday falls on a non-working day;

"employee in Category A" means any whole-time employee wholly or mainly engaged on board light duty tugs or lighters;

"employee in Category B" means any whole-time employee wholly or mainly employed on board heavy duty tugs;

"employee in Category C" means any whole-time employee wholly or mainly employed on board any *luzzu*;

"employee in Category D'' means any whole-time employee wholly or mainly employed on board a Gozo ferry;

---

*This Order has been repealed by Legal Notice 132 of 2026.

"employee in Category E" means any whole-time employee wholly or mainly employed on board yachts or pleasure boats and includes any other whole-time employee (not being an employee in any of the Categories A, B, C and D) to whom the Seamen Wages Council Order applies;

S.L.452.28

"engineer" means an employee who is fully qualified to operate, maintain and repair engines, motor pumps, condensers and other mechanical and/or electrical equipment;

"engine driver" means an employee who mainly operates and maintains engines and other mechanical equipment;

"Gozo ferry" means any ship or vessel engaged wholly or mainly in the transport of passengers and/or cargo on a regular schedule between Malta, Gozo and Comino;

"heavy duty tug" means any tug employed in assisting ships within the harbours and territorial waters;

"hourly rate" means the result of the division of the weekly wage of an employee by the number of hours to which that employee is conditioned;

"hours of work" means the time on any day during which employees are at the disposal of the employer, exclusive of intervals allowed for meals and rest;

"learner" means a person other than an apprentice who is over the age of fourteen years and under the age of eighteen years and who is receiving training in any calling to which this Order applies, and in respect of whom the employer holds a permit issued in terms of the Employment and Training Services Act;

Cap. 594.

"*luzzu*" means any vessel including Gozo boats but excluding the Gozo ferry, engaged wholly or mainly on the transport of cargo between any of the Maltese Islands;

"night shift" means any period of employment that includes any hours from 10.00p.m. of any one day to 6.00a.m. of the next following day;

"part-time employee" means an employee whose normal hours of work, calculated on a weekly basis or on average over a period of employment of up to one year, are less than the normal hours of work of a comparable whole-time employee and who is not a whole-time employee with reduced hours;

"period of employment" means the time on any one day during which employees are at the disposal of the employer, inclusive of the intervals allowed for meals and rest;

"shift employee" means an employee who is regularly engaged on alternate day and night shift work on a regular cycle basis;

"territorial waters" means territorial waters as defined by the laws of Malta;

"time and a half" and "double time" mean respectively one and a half times and twice the actual time rate applicable to the employee;

"vacation leave" means leave on full pay;

"week" means a calendar week;

"weekly day of rest" means a period of twenty-four consecutive hours in a week commencing at the time at which the employee would normally commence his turn of duty, during which the employee is entitled to rest;

"whole-time employee" means an employee who is deemed to be a whole-time employee in terms of any recognized conditions of employment;

"watchman" means an employee who guards his employer's property against fire, theft, illegal entry and other related contingencies.

(2) For the purpose of this Schedule any person who is employed to carry out any duties the exercise of which requires a licence in accordance with the Mechanically Driven Boats (Passengers and Cargo) Regulations should be considered to be employed as such only if he holds the relative licence required by such employment.

S.L. 10.23.

Hours of work.

2. The minimum weekly wages of employees in Categories A, B, C, D and E shall be related to a week of five days, to be fixed by the employer, of not more than -

(*a*) forty hours of work in the case of whole-time employees other than watchmen, or

(*b*) forty-eight hours of work in the case of watchmen.

Minimum wages of whole-time employees.
Amended by:
L.N. 362 of 2012;
L.N. 97 of 2017;
L.N. 383 of 2017;
L.N. 351 of 2019;
L.N. 469 of 2020;
L.N. 464 of 2021;
L.N. 335 of 2022;
L.N. 286 of 2023;
L.N. 341 of 2024;
L.N. 288 of 2025.

3. Whole-time employees who perform wholly or mainly the duties ordinarily pertaining to the calling specified in any category in the following table shall be entitled to the relative minimum weekly wage specified hereunder:

Provided that -

(*a*) whole-time employees under the age of eighteen years shall be entitled to the relative minimum weekly wage less -

(i) €1.16 per week in the case of employees of the age of seventeen years, or

(ii) €2.33 per week in the case of employees of the age of sixteen years or under; and

(*b*) any hours worked on a regular night shift basis shall be compensated at the rate of one and one-fifth the hourly rate applicable to that employee.

Table of Minimum Wages

CATEGORY A

(Light duty tugs or lighters)

Coxswain	€235.85
Engine Driver	€234.68
Pumpman	€232.93
Watchman	€230.61

Seaman or other calling	€232.35

CATEGORY B

(Heavy duty tugs)

Master	€244.00
Engineer	€240.51
Boatswain	€233.52
Greaser	€233.52
Watchman	€230.61
Seaman or other calling	€232.93

CATEGORY C

(Luzzus)

Master	€244.00
Coxswain	€235.85
Engineer	€240.51
Engine Driver	€230.61
Watchman	€234.68
Seaman or other calling	€232.35

CATEGORY D

(Gozo Ferry)

Captain	€253.83
Coxswain	€238.18
Boatswain	€235.85
First Engineer	€247.54
Second Engineer	€242.83
Third Engineer/Engine Driver	€237.01
Seaman/Deckhand	€232.35
Watchman	€230.61
Other calling	€232.35

CATEGORY E

(Yachts, pleasure boats, etc.)

Skipper/Captain	€245.16
Engineer	€240.51
Engine Driver	€235.26
Coxswain	€235.85
Boatswain/Mate	€233.52
Seaman/Deckhand	€231.19
Watchman	€230.61.

Minimum overtime rates.

4. (1) Whole-time employees other than watchmen shall be paid minimum rates of overtime as follows:

A. Monday to Saturday

(i) Hours worked in excess of eight hours on any one day ..... time and a half;

(ii) Hours worked on the day of rest ..... time and a half.

B. Sundays

All hours worked ..... double time.

C. Customary holidays

(i) All hours worked during the usual hours of work had the day been an ordinary working day ..... time and a half;

(ii) All other hours worked on such days ..... double time.

(2) Watchmen shall be paid minimum rates of overtime as follows:

(i) for any hours worked in excess of forty-eight hours in any one week ..... time and a half;

(ii) for any hours of work on the day of rest which is neither Sunday nor the one instead of Sunday .....time and a half;

(iii) for any hours of work on the day of rest which is either Sunday or the one instead of Sunday ..... double time.

Vacation leave.

5. (1) In addition to the minimum weekly rest to which whole-time employees may be entitled under paragraph 9, whole-time employees shall be entitled to the National Holidays and to all public holidays with full pay, and to the following vacation leave not being less than -

(*a*) four working weeks and one working day during the calendar years 1988 and 1989;

(*b*) four working weeks and two working days during the calendar year 1990;

(c) four working weeks and three working days during the calendar year 1991;

(*d*) four working weeks and four working days during the calendar year 1992 and during any calendar year thereafter:

Provided that when a whole-time employee is in employment for less than twelve months during any calendar year, he shall be entitled to such part of the said vacation leave as is in proportion to the number of months in employment.

(2) For the purpose of this paragraph "vacation leave" means leave with pay which may be availed of on days agreed upon between the employer and the employee, provided that one day vacation leave during 1988 and 1989, two days vacation leave

during 1990, three days vacation leave during 1991 and four days vacation leave during 1992 and during any calendar year thereafter shall not form part of any shut-down and shall be granted by the employer as optional leave in addition to any optional leave the employee may have been entitled to on the 9th November, 1988.

Sick leave.

6. (1) After six months of continuous service, a whole-time employee shall in every calendar year be entitled to the equivalent in hours of fifteen days sick leave on full pay, less an amount equal to the sum set for sickness benefit entitlement at the rate established under the Social Security Act, and part time employees shall have a *pro rata* entitlement to sick leave in hours on full pay, less an amount equal to the sum set for sickness benefit entitlement at the rate established under the Social Security Act, which amount is also to be calculated on a *pro rata* basis:

Cap. 318.

Provided that -

(*a*) the first three days of any claim for sick leave shall be paid in full by the employer;

(*b*) a medical certificate covering the period of absence is produced to the employer on the day of return to work or, if such period of absence is longer than seven days, within seven days of the onset of sick leave absence;

(*c*) employees in receipt of a social security pension in respect of retirement or widowhood in terms of the Social Security Act shall, for the purpose of calculating the sick leave pay due, be deemed to have received an amount equal to the sum set for sickness benefit entitlement at the rate established under the Social Security Act.

Cap. 318.

(2) After six months of continuous service, a whole-time employee shall in every calendar year be entitled to the equivalent in hours of a further period of fifteen days sick leave on half pay, less an amount equal to half the sum set for sickness benefit entitlement at the rate established under the Social Security Act, and part time employees shall have a *pro rata* entitlement to sick leave in hours on half pay, less an amount equal to half the sum set for sickness benefit entitlement at the rate established under the Social Security Act, which amount is also to be calculated on a *pro rata* basis:

Cap. 318.

Provided that -

(*a*) the first three days of any claim for sick leave shall be paid at half pay by the employer;

(*b*) a medical certificate covering the period of absence is produced to the employer on the day of return to work or, if such period of absence is longer than seven days, within seven days of the onset of sick leave absence;

(*c*) employees in receipt of a social security pension in respect of retirement or widowhood in terms of the Social Security Act shall, for the purpose of calculating the sick leave pay due, be deemed to have received an amount equal to half the sum set for

Cap. 318.

sickness benefit entitlement at the rate established under the Social Security Act.

(3) The employer may require a medical certificate by his own physician to certify incapacity for work during the period of absence.

(4) For the purpose of this paragraph, an interruption of employment of not more than two months shall not be deemed to break the continuity of service.

(5) The sick leave entitlement granted by virtue of this paragraph shall be calculated on the basis provided for annual leave as specified in regulation 8(1) of the Organisation of Working Time Regulations. S.L. 452.87.

Minimum weekly rest.

7. All whole-time employees, other than watchmen, shall be allowed adequate intervals for meals and rest of one hour in the aggregate on any day on which the hours of work exceed six and a half.

Minimum weekly rest.

8. All whole-time employees, other than watchmen, shall be allowed Sundays as a day of rest in every week.

Bereavement leave.

9. All whole-time employees shall be allowed two days paid on the occasion of the death of any of the following relatives: the wife, husband, father, mother (or the person who at the time was in fact acting as the father or mother), son, daughter, brother, sister, of the employee.

Special leave.

10. (*a*) A whole-time employee shall be allowed three days leave on full pay on the occasion of his marriage, and two days leave on full pay on the birth of a child to his wife.

(*b*) A whole-time employee shall be entitled to up to ten days study leave in any one year on full pay to obtain a certificate in his trade:

Provided that study leave will be approved subject to the production of the necessary information about the certificate in question by the employee and that he will be bound to work for at least three months with the company after the results are published. Such study leave is not to be availed of more than twice for the same certificate:

Provided further that if the employee opts to terminate his employment before three months have elapsed, the employee is bound to pay to his employer the sum of money equal to the wages that have been paid to him in respect of the number of days availed of as study leave.

Jury service leave.

11. A whole-time employee shall, if called upon to serve as juror, be allowed time off as necessary, without any deduction from pay to which he would otherwise have been entitled, so as to enable him to attend to his duties at the Courts.

Injury leave.

12. A whole-time employee shall be entitled to one year injury leave on full pay, less the full amount of any injury benefit to which such employee may be entitled under the Social Security Act in respect of any injury suffered by him during the actual discharge of his duty but not due to any contributory negligence on his part.

Cap. 318.

Waiting time.

13. An employee shall be entitled to the payment of the minimum wages applicable to him for all time during which he is present on the vessel or ship of his employer or elsewhere unless he is present thereon in any of the following circumstances:

(*a*) without the employers' consent, expressed or implied;

(*b*) for some purpose unconnected with his work and other than that of waiting for work to be given to him to perform;

(*c*) by reason only of the fact that he is resident thereon.

Retiring age.

14. In cases where the retiring age of a male employee is expected at the age of sixty years, such employee shall be given the opportunity by his employer to retain his employment beyond this age at least until the age of sixty-one years, provided that the employee in question shall still be allowed, if he so wishes, to retire at the age of sixty years.

EXPLANATORY NOTE

(This note is not part of the Order but is intended to indicate its applicability).

The above provisions apply to all employees on board ships regularly operating within the territorial waters of Malta, but do not apply to employees working on board fishing vessels or foreign going ships.