L.N. 102 of 2026

EMPLOYMENT AND INDUSTRIAL RELATIONS ACT (CAP. 452)

Work-Life Balance for Parents and Carers (Amendment) Regulations, 2026

IN EXERCISE of the powers conferred by article 48 of the Employment and Industrial Relations Act, the Minister responsible for employment and industrial relations, has made the following regulations:-

Citation and commencement.

S.L. 452.125.

1. (1) The title of these regulations is the Work-Life Balance for Parents and Carers (Amendment) Regulations, 2026 and these regulations shall be read and construed as one with the Work-Life Balance for Parents and Carers Regulations, hereinafter referred to as the "principal regulations".

(2) These regulations shall come into force within two (2) months from their publication in the Gazette.

Adds a new regulation to the principal regulations.

2. Immediately after regulation 5 of the principal regulations there shall be added the following new regulation:

"Leave for recognised parents of children born outside Malta.

5A. (1) Every whole-time or part-time worker, employed on an indefinite or fixed-term contract, who is recognised as a parent in the act of birth of a child born in a foreign country, which act is drawn up or registered by the competent authority in that country and is subsequently registered in Malta in accordance with the provisions of article 244 of the Civil Code, shall be entitled to an uninterrupted period of eighteen (18) weeks of leave, that shall commence to run either on the date of the birth of the child or up to two (2) weeks prior to the expected date of birth of the child, as the worker may decide:

Cap. 16.

Provided that where a worker is on any other leave provided for under the Act or under any order or regulations issued thereunder, the leave established by this regulation shall be postponed until the expiry of such other leave:

Provided further that a worker who avails himself of the leave established by this regulation shall not be entitled to paternity leave.

(2) The leave established by these regulations shall apply to those workers who are recognised as parents of children born outside Malta, where neither person indicated as a parent on the act of birth would have given birth to the child:

Provided that this leave shall not apply in cases of adoption.

(3) Any worker who intends to avail himself of leave in terms of these regulations shall notify the employer in writing of the expected date of the birth of the child. The notification shall:

(a) include an official document, translated in the Maltese or the English language which translation shall be apostilled, issued by a clinic, healthcare institution or competent authority, which document shall expressly indicate that the worker is involved in the pregnancy as an eventual parent of the child; and

(b) be given to the employer at least four (4) weeks before the expected date of the birth of the child, insofar as is reasonably practicable.

(4) A worker who avails himself of the leave established by this regulation shall, by not later than two (2) calendar months from his return to work, provide the employer with an authenticated copy of the act of birth of the child registered in Malta in accordance with the provisions of article 244 of the Civil Code, which act recognises the worker as a parent. In the absence thereof, the worker shall be liable, without prejudice to any other liability under the Act, to pay the employer a sum equivalent to the basic wages he received during such leave.

Cap. 16.

(5) Without prejudice to sub-regulation (6), a worker who avails himself of leave established by this regulation shall be entitled to full wages for the first fourteen (14) weeks of such leave but if the worker chooses to avail himself of any additional leave exceeding fourteen (14) weeks, the employer shall not be obliged to pay any wages for such additional period beyond the said fourteen (14) weeks, without prejudice to any relevant benefit to which the worker may be entitled in respect of any period of leave which exceeds fourteen (14) weeks in accordance with the Social Security Act to which the worker may be entitled if he chooses to avail himself of leave exceeding the paid fourteen (14) weeks.

Cap. 318.

(6) The leave in terms of this regulation shall in the case of:

(a) a single parent, be enjoyed by such parent; or

(b) more than one (1) parent:

(i) if only one (1) parent is in employment on the date of commencement of the leave, such leave shall be enjoyed by that parent; or

(ii) where both parents are in employment, whether with the same or different employers, on the date of commencement of the leave, each parent shall be entitled to such part of the leave as they may agree between them by means of an agreement in writing:

Provided that in the absence of such an agreement, each parent shall be entitled to nine (9) weeks of leave.

(7) A worker who is requesting leave in accordance with this regulation, where there is more than one (1) parent, shall provide proof to the employer that:

(a) the other parent of the child is not in employment; or

(b) there is an agreement in writing between the parents specifying which part of the leave shall be enjoyed by each parent:

Provided that in the absence of such an agreement, such worker shall be entitled to nine (9) weeks of leave.

(8) When a worker is on leave established by this regulation, the worker shall be deemed to remain in the employment of the employer and during such absence, he shall be entitled to all rights and benefits accruing to other workers of the same class or category of employment at the same place of work, including the right to apply for promotion opportunities at such place of work.

(9) During leave established by this regulation, a worker shall not be entitled to any bonus or allowance related to performance or production.

(10) Where a worker intends to avail himself of the leave established by this regulation during his probationary period, such probationary period shall be suspended from the day of commencement of the leave and shall resume when the worker returns to work after the leave.

(11) The worker shall, upon the termination of leave established by this regulation, be entitled to resume work in the post he occupied at the commencement of the leave or, where that post is no longer available, in an analogous post.

(12) Where a worker avails himself of the leave established by this regulation and provides the employer with an authenticated copy of the act of birth of the child registered in Malta, as referred to in sub-regulation (4), but fails to resume work as provided in sub-regulation (11) or, after having so resumed work, abandons employment without good and sufficient cause within two (2) calendar months from the date of such resumption, the worker shall be liable, without prejudice to any other liability under the Act, to pay the employer a sum equivalent to the basic wages he received during the leave. Where the worker works for only part of the said two (2) calendar month period, such sum shall be reduced proportionately, and the period during which the worker worked shall be taken into account.

(13) Where a worker avails himself of leave established by this regulation but does not provide the employer with an authenticated copy of the act of birth of the child registered in Malta, as referred to in sub-regulation (4), and fails to resume work as provided in sub-regulation (11), or after having so resumed work, abandons his employment without good and sufficient cause within two (2) calendar months from the date of such resumption, the worker shall be liable, without prejudice to any other liability under the Act, to pay the employer a sum equivalent to the basic wages he received during the leave.

(14) A worker on a fixed-term contract shall, for the duration of that contract, have the same rights conferred by this regulation but shall not be liable to pay the employer a sum equivalent to the wages he received during the leave established by this regulation if his contract of employment is not extended at the employer's discretion for a period of time which is sufficient for him to fulfil the obligations pursuant to sub-regulations (12) and (13).

(15) Notwithstanding any provision to the contrary in any other law, regulation, order, collective agreement or contract of service, an employee shall not be required by the employer to work overtime for a period of twelve (12) months from the date of the birth of his or her child:

Provided that the right conferred by this regulation shall be personal to the employee and shall not be transferable.

(16) Without prejudice to and saving the cases which fall under the provisions of article 36(4) and (14) of the Act, from the date on which the worker notifies the employer in accordance with sub-regulation (3) until the end of the leave established by this regulation, the employer shall not dismiss a worker, even during the probationary period, by reason of the worker's intention to avail himself of the leave, or of actual availing himself of such leave:

Provided that in cases where there is good and sufficient cause to dismiss the worker, the employer shall:

(a) provide duly substantiated grounds for the dismissal of the worker in writing in a notice of termination; and

(b) send a copy of such notice to the Director General responsible for Employment and Industrial Relations.

(17) An employee who is dismissed shall, for the purposes of these regulations, be deemed to have been unfairly dismissed if the reason, or where more than one, the principal reason, for the dismissal is that the employee:

(a) refused, or proposed to refuse to comply with a requirement imposed, or proposed to be imposed, by the employer in contravention of these regulations; or

(b) refused, or proposed to refuse, to forgo any right conferred on the employee by these regulations.

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