B 1372

L.N. 132 of 2026

EMPLOYMENT AND INDUSTRIAL RELATIONS ACT (CAP. 452)

Seamen (Conditions of Work) Regulation Order, 2026

IN EXERCISE of the powers conferred by article 4(1) of the Employment and Industrial Relations Act, the Minister responsible for employment and industrial relations has made the following order:-

Citation, commencement and applicability.

1. (1) The title of this Order is the Seamen (Conditions of Work) Regulation Order, 2026.

(2) This order shall come into force within two (2) months from its date of publication in the Government Gazette.

Applicability.

(3) The provisions established in this order shall apply to all employees employed on board ships regularly operating within the territorial waters of Malta but excluding persons employed on board fishing vessels or on foreign going ships:

Provided that in the event that there is a collective agreement applicable to the class of employees covered by this order, the most favourable conditions in such agreement or in this order shall prevail.

(4) For the purpose of this order, any person who is employed to carry out any duties the exercise of which requires a licence in accordance with the Commercial Vessels Regulations should be considered to be employed as such only if he holds the relative licence required by such employment.

S.L. 499.23.

Interpretation.

2. In this order unless the context otherwise requires:

Cap. 452.

"Act" means the Employment and Industrial Relations Act;

"boatswain" means an employee responsible for supervising deck crew and performing such other duties as may be instructed by the ship’s officers;

"captain" or "master" means an employee who has command of a vessel, is responsible for the safety of passengers, crew, vessel and cargo, controls the speed and directs the course of the vessel, supervises the work of the crew, ensures maintenance and cleanliness, and directs subordinate officers in the performance of their duties;

"collective agreement" shall have the same meaning as assigned to it in the Act;

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

"double time" means twice the actual time rate applicable to the employee;

"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;

"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 this order applies;

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

"engineer" means an employee who is fully qualified to operate, maintain and repair engines, motor pumps, condensers and other mechanical and, or electrical 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 tugs" means any tug employed in assisting

vessels 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 engaged to work;

"hours of work" shall have the same meaning as assigned to it in the Act;

"learner" means a person other than an apprentice, who is over the age of fourteen (14) years and under the age of eighteen (18) years, who is receiving training in any calling to which this order applies, and in respect of whom the employer holds a permit issued in accordance with 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 one day to 6.00a.m. of the next following day;

"part-time employee" shall have the same meaning as assigned to it in the Act;

"period of employment" shall have the same meaning as assigned to it in the Act;

"rest period" shall have the same meaning as assigned to it in the Organisation of Working Time Regulations ;

S.L. 452.87.

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

"territorial waters" means the territorial waters of Malta as determined in accordance with the Constitution;

"time and a half" means one and a half times the actual time rate applicable to the employee;

"week" means a calendar week;

"whole-time employee" shall have the same meaning as assigned to it in the Act;

Hours of work.

3. The minimum weekly wages of employees in Categories A, B, C, D and E shall be related to a five (5) day week, to be determined

by the employer, of not more than:

(a) forty (40) hours of work in the case of whole-time employees other than watchpersons; or

(b) forty-eight (48) hours of work in the case of watchpersons.

Minimum wages of whole-time employees.

4. 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 any hours worked on a regular night shift basis shall be compensated at the rate of one and one-fifth (1 1/5) the hourly rate applicable to such employee.

Table of Minimum Wages

CATEGORY A
(Light duty tugs or lighters)

Coxswain	€235.85
Engine Driver	€234.68
Pumpman	€232.93
Watchperson	€275.33
Seaman or other calling	€232.35

CATEGORY B
(Heavy duty tugs)

Master	€244.00
Engineer	€240.51
Boatswain	€233.52
Greaser	€233.52
Watchperson	€275.33
Seaman or other calling	€232.93

CATEGORY C
(Luzzus)

Master	€244.00
Coxswain	€235.85
Engineer	€240.51
Engine Driver	€230.61
Watchperson	€275.33

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
Watchperson	€275.33
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
Watchperson	€275.33

Uniform allowance.

5. (1) When the employee is required to wear a uniform in the performance of the employee's duties, such uniform shall be provided by the employer free of charge.

S.L. 626.13

(2) Personal protective equipment according to the Minimum Requirements for the use of Personal Protective Equipment at Work Regulations shall also be provided by the employer free of charge.

Minimum overtime rates.

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

A. Monday to Saturday

(i) for hours worked in excess of eight (8) hours on any one day	time and a half;
(ii) for hours worked on the day of rest	time and a half.

B. Sundays

for all hours worked	double time.

C. Customary holidays

(i) for all hours worked during the usual hours of work which would have applied had the day been an ordinary working day	time and a half;
(ii) for all other hours worked on such days	double time.

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

(i) for any hours worked in excess of forty-eight (48) hours in any one (1) week	time and a half;
(ii) for any hours worked on a day of rest which is neither Sunday nor a day substituted for Sunday	time and a half;
(iii) for any hours of work on the day of rest which is either Sunday or a day substituted for Sunday	double time.

7. The employee shall be entitled to annual leave in accordance with the Organisation of Working Time Regulations. Vacation leave. S.L. 452.87.

8. (1) A whole-time employee shall in every calendar year be entitled to the equivalent in hours of fifteen (15) days sick leave on full pay, less an amount equal to the sum established for sickness benefit entitlement at the rate determined in accordance with 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 established for sickness benefit entitlement at the rate determined in accordance with the Social Security Act, which amount shall also be calculated on a *pro rata* basis: Sick leave. Cap. 318.

Provided that:

(a) the first three (3) 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 exceeds seven (7) days, within seven (7) days of the commencement of such absence due to sick leave;

(c) employees receiving a social security pension in respect of retirement or widowhood in accordance with the Social Security Act shall, for the purpose of calculating the sick leave payment due, be deemed to have received an amount equal to the sum established for sickness benefit entitlement at the rate determined in accordance with the Social Security Act.

Cap. 318.

(2) A whole-time employee shall in every calendar year be entitled to the equivalent in hours of a further fifteen (15) days sick leave on half pay, less an amount equal to half the sum established for sickness benefit entitlement at the rate determined in accordance with 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 established for sickness benefit entitlement at the rate determined in accordance with the Social Security Act, which amount shall also be calculated on a *pro rata basis*:

Cap. 318.

Provided that:

(a) the first three (3) 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 exceeds seven (7) days, within seven (7) days of the commencement of such absence due to sick leave;

(c) employees receiving a social security pension in respect of retirement or widowhood in accordance with the Social Security Act shall, for the purpose of calculating the sick leave payment due, be deemed to have received an amount equal to half the sum established for sickness benefit entitlement at the rate determined in accordance with the Social Security Act.

Cap. 318.

(3) Sick leave entitlements shall apply from the first (1) day of employment:

Provided that the said entitlement shall be calculated *pro rata* in accordance with the date of employment in the relative calendar year.

(4) The employer may require a medical certificate by a physician of his choice to certify that the employee was unfit for work during the period of absence due to sick leave.

(5) For the purpose of this article, a break in employment of not more than two (2) months shall not interrupt the continuity of service.

(6) The sick leave entitlement 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.

9. All whole-time employees, other than watchpersons, 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 (6 ½) hours. Minimum daily rest.

10. All employees shall be entitled to a rest period in accordance with the Organisation of Working Time Regulations. Minimum weekly rest. S.L. 452.87.

11. 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: Waiting time.

(a) without the employer's express or implied consent;

(b) for some purpose unrelated with his work, other than that of waiting for work to be assigned to him;

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

12. Employees under this order shall be entitled to the national holidays and to all public holidays with full pay, to all forms of leave according to the Minimum Special Leave Entitlement Regulations and all other forms of leave that may, from time to time, be stipulated in the National Standard Orders or any regulations made under the Act. Other forms of leave. S.L. 452.101.

13. The Seamen Wages Council Order and the Seamen Wages Council Wage Regulation Order are hereby repealed without prejudice to anything done or omitted to be done thereunder. Repeal and saving. S.L. 452.28. S.L. 452.51.

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