



# **Manual for Public Sector Entities:**

## **Delegation of Authority to effect Recruitment, Promotions and Industrial Relations**

**Version 7.1  
June 2020**

**Manual for  
Public Sector Entities:  
Delegation of Authority to effect  
Recruitment, Promotions and Industrial Relations**

The first version of this manual was developed by  
the Management Efficiency Unit (MEU) in January 2014.  
Further updates shall be carried out by the People & Standards Division.

**Should you have any comments or queries kindly contact People & Standards Division.**

## Table of Contents

|   |    |
|---|----|
| Table of Contents .....   | i  |
| Definitions and Acronyms .....  | ii |
| 1. Introduction.....  | 1  |
| 2. Scope of the Manual .....  | 2  |
| 3. Use of the Manual .....  | 3  |
| 3.1 To which entities is the Manual applicable?.....  | 3  |
| 3.2 Positions in Public Sector Entities filled on Indefinite Basis.....                     | 4  |
| 3.3 Recruitment from outside a Public Entity .....  | 4  |
| 3.4 Internal Restructuring and Promotions .....   | 5  |
| 3.5 Creation of Position-Designations subject to the Industrial Relations Unit .....        | 5  |
| 3.6 Concurrent Issue of Internal and External Calls .....                                   | 5  |
| 3.7 Instances when the Manual is not applicable .....                                       | 6  |
| 4. Legislation .....  | 8  |
| 4.1 Horizontal Legislation .....  | 8  |
| 4.2 Other Legislation .....   | 9  |
| 4.3 Manual on Resourcing Policies and Procedures .....                                      | 9  |
| 5. The Recruitment Procedure .....  | 10 |
| 5.1 The Role of the Permanent Secretary .....   | 10 |
| 5.2 The Role of People & Standards Division.....  | 11 |
| 5.3 The Role of Industrial Relations Unit .....   | 12 |
| 5.4 The Role of the Coordinating Committee.....   | 13 |
| 5.5 The Role of RSSL and ERL .....  | 14 |
| 6. The Revised Procedure .....  | 15 |
| 7. Conclusion.....  | 19 |
| Appendix 1 – Form to be utilised when the Entity is resorting to External Recruitment ..... | 20 |
| Appendix 2 – HR Plan Template.....  | 24 |
| Appendix 3 – Eligibility Requirements.....  | 25 |

## Definitions and Acronyms

|                      |  |
|----------------------|--|
| CEO                  | Chief Executive Officer  |
| EIRA                 | Employment and Industrial Relations Act  |
| ERL                  | Engineering Resources Limited  |
| ETS                  | Employment and Training Services   |
| FDRS                 | Financial Data Reporting System  |
| HoE                  | Head of Entity   |
| HR                   | Human Resources  |
| HRM                  | Human Resources Management   |
| Manual               | Manual for Public Sector Entities: Delegation of Authority to effect Recruitment, Promotions and Industrial Relations Unit   |
| MFIN                 | Ministry for Finance   |
| OECD                 | Organisation for Economic Co-operation and Development Countries   |
| OPM                  | Office of the Prime Minister   |
| PS                   | Permanent Secretary  |
| PSC                  | Public Service Commission  |
| P&SD                 | People & Standards Division  |
| Public Sector entity | For the purpose of the Manual, a Public Sector entity refers to an organisation, whereby the recruitment and promotions are carried out in terms of article 110 (6) of the Constitution and in adherence with the Employment and Training Services Act (CAP. 594). |
| RSSL                 | Resource Support and Services Limited  |
| Remuneration Package | Remuneration package includes the entire financial package paid to an employee, including the salary, allowances and fringe benefits.  |
| Top Management       | For the purpose of this Manual, top management refers to Head of Entity (such as the Executive Chairperson or Chief Executive Officer) and the next level within the Organisation Structure.   |

## 1. Introduction

Human resources (HR) are critical resources for any organisation, and the Public Administration is no exception to this. The way HR is managed (HRM) determines the performance of the Public Administration and thus its effectiveness. Moreover, the Public Administration workforce constitutes a significant percentage of Malta's total workforce. Recruitment is thus an inevitable HR function.

Public Sector entities, together with the Public Service, are key organisations in the administration of Government and are entrusted with important functions including the provision of essential services and acting as regulators.

Chairpersons, Chief Executive Officers (CEOs) and members of Boards are expected to maintain good governance in running these entities in the most effective and efficient manner whilst giving good value for money for the public funds.

It is in this spirit that Office of the Prime Minister through Directive 7 delegates certain powers of recruitment to Public Sector entities and their Permanent Secretaries. Transferring resources and competencies nearer to the points of service delivery, and consequently HR decentralisation, is a major trend in Public Administration modernisation.

## 2. Scope of the Manual

The scope of this Manual is to guide Public Sector entities, when they are recruiting under the delegation given to them by virtue of Directive 7.

It is not the intention of the Manual to give detailed information on the whole recruitment procedure and on all types of recruitments, but solely on the processes that are impacted by the delegation. This is explained further in **Section 03** of the Manual which describes in detail which entities fall under the scope of the Manual and thus will follow the revised procedures under the devolved scenarios as presented in **Section 06**.

It is neither the intention of the Manual to override the employment laws and regulations in force in Malta or the laws and regulations by which certain public entities are regulated. An overview of such laws and regulations is provided in **Section 04** of the Manual.

Although the Manual is mainly intended for the Public Sector entities specified in **Section 03**, in **Section 05**, the role of the key entities involved in the recruitment procedure is elaborated further. Thus, **Section 05** may be useful to both the Public Sector entities and the other key players.

## 3. Use of the Manual

### 3.1 To which entities is the Manual applicable?

1. All Public Sector Entities set up by Government, with the exception of 3.1.1 below;
2. Entities regulated by a Collective Agreement and/or Grading and Salary Structure approved by the Industrial Relations Unit (inclusive of top management and all designations and relative salaries and benefits/allowances); and
3. Entities that have their HR Plan for the respective year approved by the Coordinating Committee, as delineated in section 5.4.

#### *IMPORTANT*

*Under the above circumstances, and subject to the required approval from the respective Permanent Secretaries, this delegation is applicable even in cases where this would result in an increase in the headcount of the entity, provided that this is in line with the headcount allocation approved by the Coordinating Committee for the respective year.*

*In all cases, entities should fill vacancies, in accordance with the approved HR Plan and the Collective Agreement and/or the Grading and Salary Structure approved by the Industrial Relations Unit. Moreover, financial packages, including allowances and/or other benefits not stipulated in the Collective Agreement and/or in the Grading and Salary Structure approved by the Industrial Relations Unit cannot be offered unless prior special permission is granted from Industrial Relations Unit.*

#### **3.1.1. This Manual is not applicable to the entities of which the recruitment process is already decentralised, as listed below:**

- Central Bank of Malta;
- Malta Stock Exchange;
- University of Malta [academics and non-academics];
- MCAST [academic staff only];
- Institute of Tourism Studies [academic staff only];
- Office of the Ombudsman;
- Office of the Commissioner for Data Protection;
- Broadcasting Authority;
- National Audit Office;
- Local Councils;
- Office of the Arbiter for Financial Services;
- Malta Fiscal Advisory Council;
- Parliamentary Service;
- Malta Financial Services Authority;
- Air Malta plc; and
- Malta Air Travel Ltd (Malta Med Air)

### 3.2 Positions in Public Sector Entities filled on Indefinite Basis

Positions in Public Sector entities, which are issued publicly either through Jobsplus or by public notice, or internal positions, which are not at a senior management level – that is, comparable to salary scale 5 level of responsibility (Assistant Director/Senior Manager) and higher in the Public Service – and where no objective reason exists in terms of S.L.452.81, will be filled on an indefinite basis in conformity with Directive 12. Only the applicable probationary period tied to the particular position will determine whether an officer will be confirmed in the position, thus attaining indefinite status. Positions carrying an objective reason will still be filled on a definite basis. Public notices/Expressions of Interest and internal calls for applications are to be issued accordingly.

### 3.3 Recruitment from outside a Public Entity

Recruitment is to be effected by Public Sector entities (mentioned under article 3.1), through an external call, for:

1. an EXISTING\* position to replace someone in the same position and with the same conditions (i.e. there is no increase in headcount and expenditure);
2. an EXISTING\* position (not a replacement), even if this constitutes an increase in headcount; or
3. an EXISTING position (not a replacement) not entirely regulated by a Collective Agreement and/or by the Grading and Salary Structure approved by the Industrial Relations Unit but for which *ad hoc* approval has already been obtained from Industrial Relations Unit for the financial package attached to such position, even if this constitutes an increase in headcount.

\*Existing to mean positions included in the Collective Agreement and/or in the Grading and Salary Structure approved by the Industrial Relations Unit.

In the above cases, approval of the Permanent Secretary is required as per **Process 03**.

In the case of **EU funded positions** it is important to note that although these have now also been delegated, and thus do not require approval from People & Standards Division, **the entity is to directly seek the endorsement of the Ministry responsible for EU Affairs by forwarding the relative Vacancy Form, duly endorsed by the Permanent Secretary responsible for the entity, together with any relative documentation.**



### 3.4 Internal Restructuring and Promotions

Internal restructuring and promotions, subject to 3.1 above, are hereby being totally decentralised and left completely at the discretion of the top management of the Public Sector entity as long as the overall parameters included in the Collective Agreement and/or within the Grading and Salary Structure approved by the Industrial Relations Unit for the particular position are followed and the budget is available.

This implies that the Public Sector entity, in case of internal restructuring and promotions which consist of existent positions, and that therefore are already included in the Collective Agreement and/or within the Grading and Salary Structure approved by the Industrial Relations Unit (and which will not result in an increase in headcount), does not need to obtain approval from the Permanent Secretary. However, in such cases, the Permanent Secretary is to be informed immediately at the outset of promotion exercises.

#### *IMPORTANT*

*Internal restructuring and promotions have to be in line with Entities' approved HR Plan. Also, internal restructuring and promotions are to be effected following an internal call for application.*

### 3.5 Creation of Position-Designations subject to the Industrial Relations Unit

In respect of recruitment (as per Section 3.3) and internal restructuring and promotions (as per Section 3.4), in no case are Public Sector entities to create position-designations **which are not covered by the Collective Agreement and/or by the Grading and Salary Structure approved by the Industrial Relations Unit with the prior approval of the Permanent Secretary.**

### 3.6 Concurrent Issue of Internal and External Calls

Concurrent internal and external calls are possible, as per current situation.

Concurrent initiation of external (as per Process 03) and internal (as per Section 3.4) selection processes is possible subject:

- (i) To no breach of any pertinent Collective Agreement; and
- (ii) If recourse to issue an Expression of Interest and/or Public Notice (following Jobsplus procedure as per ETS Act) is eventually taken, mention is made that available vacancies are filled on the basis of the internal call result and, when exhausted, through the Expression of Interest and/or through Jobsplus procedures, as applicable.

## IMPORTANT

*The validity period of a selection process shall be one year from the date when the Selection Board endorses the result. The result of the interview will serve to fill vacancies recurring in that particular position during the validity period. If, within the validity period of the result, a fresh call for applications is issued for the same position, any remaining candidates on the initial pass list who are not yet appointed will, during the validity period of the first call, take precedence over successful candidates from the second call.*

### **3.7 Instances when the Manual is not applicable**

1. When the entity has not budgeted correctly or not at all for the recruitment and thereby additional funds have to be approved by the Permanent Secretary and, if this is forthcoming, by MFIN. In such cases, the Public Sector entity is to primarily seek financial approval for the required funds, and proceed by following Section 3.4 – Internal Restructuring and Promotions and/or Process 03 – Procedure for Public Sector Recruitment, as applicable.
2. When the vacancy in question has attached to it the payment of *ad hoc* allowances not covered by the Collective Agreement and/or by the Grading and Salary Structure approved by the Industrial Relations Unit. In such instances, the Public Sector entity is to seek Industrial Relations Unit's approval for the required *ad hoc* allowances, and if approval is granted, the Entities are to proceed by following Section 3.4 – Internal Restructuring and Promotions and/or Process 03 – Procedure for Public Sector Recruitment, as applicable.
3. Where a position is being filled externally/internally, in anticipation of, and/or in replacement to a vacated position arising as a consequence of the secondment of a Public Sector employee with the Public Service; unless otherwise sanctioned by OPM. In this case, the centralised procedure will remain applicable, such that the approval of the People & Standards Division is sought for a replacement through external/internal recruitment.
4. Where a position is being filled externally/internally, in anticipation of, and/or in replacement to a vacated position arising as a consequence of the revocation of detailing of a public officer with a Public Sector entity; unless otherwise sanctioned by OPM. In this case, the centralised procedure will remain applicable, such that the approval of the People & Standards Division is sought for a replacement through external/internal recruitment.
5. Where a position is being filled externally/internally, in anticipation of, and/or in replacement to a vacated position arising as a consequence of an on loan arrangement or the redeployment of a Public Sector employee in terms of Article 16 of the Employment and Training Services (ETS) Act (when an employee moves from a Public Sector entity to another); unless otherwise sanctioned by OPM. In this case, the centralised procedure will remain applicable, such that the approval of the People & Standards Division is sought for a replacement through external/internal recruitment.

With respect to the last three (3) circumstances more information on the current procedure can be found in Section 5 of the *Manual on Resourcing Policies and Procedures*, which can be viewed on

[http://publicservice.gov.mt/en/Documents/Public%20Service%20Management%20Code/PSMC%20Manuals/Manual\\_on\\_Resourcing\\_Policies\\_and\\_Procedures.PDF](http://publicservice.gov.mt/en/Documents/Public%20Service%20Management%20Code/PSMC%20Manuals/Manual_on_Resourcing_Policies_and_Procedures.PDF).

## 4. Legislation

### 4.1 Horizontal Legislation

Recruitment with public entities is regulated by the following provisions:

- a. The Constitution of Malta Article 110 (6):

*“Recruitment for employment with any body established by the Constitution or by or under any other law, or with any partnership or other body in which the Government of Malta, or any such body as aforesaid, have a controlling interest or over which they have effective control, shall, unless such recruitment is made after a public examination duly advertised, be made through an employment service as provided in sub-article (2) of this article”.*

- b. The Employment and Training Services (ETS) Act (CAP 594) Article 15 (1):

*“All employees required by the Government of Malta from outside its service or by any body corporate or company referred to in article 110(6) of the Constitution whether these are, in each case, employed on a contract for a specified time or for an indefinite period, shall, save as provided in the Constitution and in sub-articles (2) and (3), be recruited through the employment service provided by Jobsplus.”*

- c. In case of recruitment of foreigners, ETS Act Article 15 (2) applies:

*“Where the recruitment of employees by the Government or any other employer to which sub-article (1) refers is in connection with the employment of ...persons engaged from outside Malta ... Jobsplus may cause or authorise recruitment, whether through referral by it or otherwise, under such conditions or in such manner as Jobsplus may deem appropriate”*

- d. The Employment and Industrial Relations Act (EIRA) (CAP 452):

As a general rule, employees in both the Private and Public Sector are covered by the provisions of the EIRA (CAP 452). Moreover, national standard orders and sectoral regulations orders, as issued by government are applicable to all employees both in the private and public organisations.

## 4.2 Other Legislation

In most cases recruitment by entities is regulated by the Act setting them up which also determines the functions and powers of the entity. For example, the Malta Enterprise Act (CAP 463) Article 18 (1) stipulates that:

*“The Corporation may employ, on such terms and conditions as the Board may determine, such number of persons to be members of staff of the Corporation, as it may consider necessary for the proper performance of its functions...”*

Similarly, the Water Services Corporation Act (CAP 355) Article 36 states that:

*“The Corporation shall appoint and employ... such officers and other employees as may from time to time be necessary for the due and efficient discharge of its functions...”*

The Authority for Transport in Malta Act (CAP 499) Article 17 (1) stipulates that:

*“Subject to the provisions of the Constitution, any other enactment applicable thereto, and without prejudice to the other provisions of this Act, the employment and appointment of officials and other employees of the Authority shall be made by the Authority and the terms and conditions of their employment and appointment shall be established by the Authority with the concurrence of the Minister.”*

## 4.3 Manual on Resourcing Policies and Procedures

The regulations concerning the employment of Public Service employees are governed by the *Manual on Resourcing Policies and Procedures*. Notwithstanding, there are certain provisions which are also applicable to Public Sector entities such as Section 5 entitled *Public Sector Resourcing*, which has been referred to earlier on in this Manual and Section 1.13.7 related to *Extension of Service Beyond Retirement Age*. The *Manual on Resourcing Policies and Procedures* may be accessed through the following link: [http://publicservice.gov.mt/en/Documents/Public%20Service%20Management%20Code/PSMC%20Manuals/Manual\\_on\\_Resourcing\\_Policies\\_and\\_Procedures.PDF](http://publicservice.gov.mt/en/Documents/Public%20Service%20Management%20Code/PSMC%20Manuals/Manual_on_Resourcing_Policies_and_Procedures.PDF).

## 5. The Recruitment Procedure

Many OECD countries are now moving towards a model of HRM whereby major decisions regarding HR are delegated from a central HRM body to Line Ministries and departments, although due to financial pressures, the general management of the overall pay systems remains centralised in the majority of countries. As HRM authority is delegated, the role of the central HRM authority, is also changing to one of setting minimum standards and formulating HRM policies and strategies rather than implementing them.<sup>1</sup> The revised procedure presented in **Section 06** follows this model. Below, the role of the main players under this devolved scenario is explained further.

### 5.1 The Role of the Permanent Secretary

Since Permanent Secretaries are charged with the day to day running of a Ministry and are responsible for the overall coordination of the activities of the respective line departments, agencies and entities that fall within their portfolio, they play an instrumental part in this holistic exercise; first by evaluating and prioritising the requests received from the core Public Service departments and units, as well as the Public Sector entities that fall within their remit. Their approval for employment has therefore to be sought by Public Sector entities prior to engaging in the external recruitment process.

Public Sector entities, through their Permanent Secretary, should before deciding whether to seek a new position with the Permanent Secretary and the Industrial Relations Unit's approval or replace employees who retire, resign, or avail themselves of family friendly measures, consider all the options.

External recruitment may at times be avoided by implementing re-structuring/re-organisation of work or by re-engineering work processes, or internally by giving underutilised existing human resources re-training/re-skilling programmes to maximise their potential.

The national target of maximising the human resources at the disposal of Ministries is achievable so long as one critically evaluates the current resource allocation, ensures further synergy of processes, eliminates duplication, shares logistical support, intra- as well as inter-Ministry, furthers consolidation of back-office work in Gozo, monitors sick leave, improves discipline, together with a myriad of other small steps that, when taken as a whole, can make a substantial difference.

Thus, after that the Public Sector entity ascertains that the filling of the vacancy through internal recruitment (in line with Section 3.4); and, as per Process 03, redeployment of staff from RSSL/ERL; recruitment from other sectors of the Ministry and through a sector wide call for an Expression of Interest (which issue requires the prior approval of the People & Standards Division) would or proved futile, it is to send the duly filled in Vacancy

---

<sup>1</sup> *Government at a Glance 2011 – OECD*

Form I together with the Job Description to the Permanent Secretary for consideration. Upon receiving the request from the Public Sector entity, the Permanent Secretary decides on whether to grant approval to the Public Sector Entity to go for a Public Call through Jobsplus. If in the affirmative, the Permanent Secretary will endorse and send the Vacancy Form I to the Public Sector entity, so that it may proceed with contacting Jobsplus as described in Step 5 of Process 03.

#### *IMPORTANT*

Permanent Secretaries are invariably to act in strict conformity with the approved HR Plan, the Collective Agreement and/or IRU approved Grading and Salary Structure in force, the approved headcount allocation and any applicable standing parameters.

## **5.2 The Role of People & Standards Division**

In line with the model presented earlier on, in this section and with the Public Administration Act (PAA), whereby it is stated that People & Standards Division's function is "to provide a framework that enables ministries and departments to manage their human resources in the most effective manner", under the devolved scenario People & Standards Division will assume a role of a more strategic nature. Moreover, in light of OPM Circular 20/2015, the People & Standards Division's operational responsibility includes the monitoring and auditing of the delegated resourcing functions under Directive 7. **For the purpose of such monitoring and auditing, Public Sector entities falling within the scope of this Manual are bound to provide the following information:**

1. On a bi-annual basis, each Public Sector entity is to issue a compiled HRS2 form entitled Employment Movements Information Sheet to the Research and Personnel Systems Directorate within the People & Standards Division at [employment-returns.opm@gov.mt](mailto:employment-returns.opm@gov.mt), copying the Public Sector Office – People and Resourcing Compliance Directorate, People & Standards Division at [publicsector.opm@gov.mt](mailto:publicsector.opm@gov.mt). The HRS2 form may be obtained by sending an email to [employment-returns.opm@gov.mt](mailto:employment-returns.opm@gov.mt).
2. The HR Plans as indicated in Section 5.4 and in Process 01 of this Manual.
3. A copy of each and every Vacancy Form endorsed by the respective Permanent Secretary, as indicated in Step 5 of Process 03 and the details of the candidate/s selected, as indicated in Step 7 of Process 03.

#### *IMPORTANT*

*If the People and Standards Division observes an irregularity, the immediate attention of the respective Permanent Secretary will be drawn.*

***Any Public Sector entity, to which this Directive applies, which fails to abide with the recruitment procedure outlined in the Manual may have the delegated authority withdrawn in its regard, by the People and Standards Division, with the authority of the Principal Permanent Secretary.***

### **5.3 The Role of Industrial Relations Unit**

Although the recruitment process is delegated to Public Sector entities, collective bargaining will be delegated whilst the regulatory body will remain centralised and the current role of Industrial Relations Unit (IRU) will remain unchanged.

Unless otherwise included in an existing Collective Agreement and/or in the Grading and Salary Structure approved by the IRU (including top management posts, i.e. Head of Entity [such as Executive Chairperson or CEO] and the next level below), the approval of positions should be invariably referred to Industrial Relations Unit for prior approval.

The IRU's approval should be sought in respect of the organisational and salary structures including the full remuneration package (salaries, allowances and fringe benefits). IRU's approval, which is valid for the period as specified in the respective approval, will be communicated to the Head of Entity, through the respective Permanent Secretary.

The IRU is to be informed, at the very initial stages, of any negotiation processes to be undertaken with employees' representatives, through the respective Permanent Secretary. Heads of Entities may decide to engage the IRU in negotiations undertaken with employees' representatives through their respective Permanent Secretary and after consulting the latter. The Head of Entity and IRU will then agree on an official position and the IRU will help the Head of Entity throughout the negotiating process. The responsibility of the outcome will hence still remain that of the Head of Entity through the respective Permanent Secretary.

In cases where the Head of Entity decides otherwise, the responsibility of the outcome of the negotiations rests with the respective Head of Entity. Where the IRU is not to be involved, the respective Head of Entity after consulting the Permanent Secretary is to propose and seek approval from the IRU on a negotiation position. The IRU is to inform the respective Head of Entity and the Permanent Secretary on whether in its opinion the intended negotiating position conforms with central policies adopted across the Public Administration and informs the Ministry for Finance accordingly. The respective Permanent Secretary is obliged to monitor that the process is concluded within the parameters established by the IRU.

On completion of the negotiating process and in the absence of IRU's direct involvement in the negotiating process, the Head of Entity concerned, through its respective Permanent Secretary needs to report the outcome



of the negotiating process back to IRU. The IRU shall then and confirm its position and will inform the Ministry for Finance accordingly.

IRU sanctioning is invariably binding, even in cases where IRU are directly involved in negotiations by the Head of Entity after consulting the respective Permanent Secretary. The Ministry for Finance will be informed of any position taken by IRU. The responsibility to ensure availability of funds rests with the respective Head of Entity.

#### **5.4 The Role of the Coordinating Committee**

Directive 10.1 establishes that the primary function of the Coordinating Committee will be the scrutiny and approval of three-year HR plans in respect of Line Ministries, in accordance with the set budgetary provisions allocated in the Financial Estimates and the capacity requirements entailed for the efficient implementation of projects and programmes undertaken. Directive 7 extends the responsibility of the Coordinating Committee to scrutinize and approve HR Plans in respect of Public Sector entities.

The Coordinating Committee shall have the authority to make the necessary consultations with the competent authorities in order to be in a position to assess and approve these plans.

The Coordinating Committee's direction is binding and shall be strictly respected. No Public Sector entity shall process any vacancy, update or amend its three-year plan prior to attaining the necessary approvals from the Coordinating Committee. Public Sector entities which opt to by-pass this Committee and refer directly to the Ministry for Finance for any financial approval or otherwise will be acting in breach of Directive 7.

On a yearly basis, by April of each year, all Public Sector entities are to submit their HR Plan for the following three-year period. Upon confirmation of the headcount allocation, an updated HR Plan will be submitted to the Coordinating Committee, by not later than end of November of each year. The final submission should be strictly contained within the approved budgetary allocation stipulated in the latest financial estimates using the template provided in Appendix 2 of this Manual. In both instances, the HR Plan is to be submitted by each entity to the respective Line Ministry. Each Line Ministry will forward the consolidated feedback (which shall include all of the Entities' HR Plans, approved by the respective Permanent Secretary) to the Public Sector Office within the People and Resourcing Compliance Directorate, People & Standards Division at publicsector.opm@gov.mt. HR Plans should conform to the provisions of the Collective Agreement and/or IRU approved Grading and Salary Structure. Entities are to strictly abide by the yearly HR Plan, as approved by the Coordinating Committee.

Public Sector entities should include within the yearly HR Plan only existent nomenclatures found within their Collective Agreement and/or within the Grading and Salary Structure approved by the Industrial Relations Unit. When preparing the yearly HR Plan, Public Sector entities should keep in view that the information issued under 'Positions' (first column of template in Appendix 2) includes the entire staff complement. The entire staff complement consists of the staff already in place, proposed recruitments, promotions, progressions, envisaged

renewal of contracts, top management positions and persons of trust. In their HR Plan for the following three-year period, Public Sector entities are to provide the details of existing staff in place that will be required to be replaced in view of retirements, resignations, terminations, etc.

Irrespective of the time of the year when expenditure is going to take effect, in the yearly HR Plan, Public Sector entities are always to allot the amount of projected spend that would cover the whole financial year, that is from 1 January until 31 December. Entities are to ensure that in the HR Plan include only the basic salary and any additional allowances (which in the HR Plan are to be quoted separately) in line with the Collective Agreement and/or the Grading and Salary Structure approved by the Industrial Relations Unit. To this effect, it is important that the salary quoted does not include NI Contribution, Income Supplements and Government Bonuses.

### **5.5 The Role of RSSL and ERL**

A main function regulating the setting up and the role of RSSL and ERL as companies is to absorb workers made redundant following the closure of such organisations as Malta Shipbuilding, Malta Shipyards, Malta Drydocks, MDC, Sea Malta, IPSE, METCO Kalaxlokk Co. Ltd and Enemalta Ltd. Therefore, on a quarterly basis, RSSL and ERL will distribute an expression of interest to all RSSL and ERL staff respectively, to check whether anyone is interested in any vacancies arising with other entities within the Public Administration. RSSL and ERL will inform Permanent Secretaries accordingly.

## 6. The Revised Procedure

Prior to 2005, Public Sector entities had complete authority on the recruitment processes. However, in 2005, new procedures were introduced, the aim of which was curtailing and reducing the size of the Public Sector through the better rationalisation of available resources and more control on the number of persons being employed in the Public Sector and the pay packages that they were being offered. Research has indicated that this aim was fulfilled and therefore it was decided that Public Sector entities be delegated authority to recruit and effect promotions exercises subject to set parameters.

However, Government's aim to curtail Public Sector employment still prevails and therefore certain conditions such as engaging staff on RSSL/ERL's books and endeavouring to redeploy persons that might be underutilised elsewhere in the Ministry (or elsewhere in the Public Sector) will still prevail.

The new modus operandi in this devolved scenario is further developed in this section of the Manual.

## Process 01. Obtaining Approval from the Coordinating Committee

### Overview of process & remarks

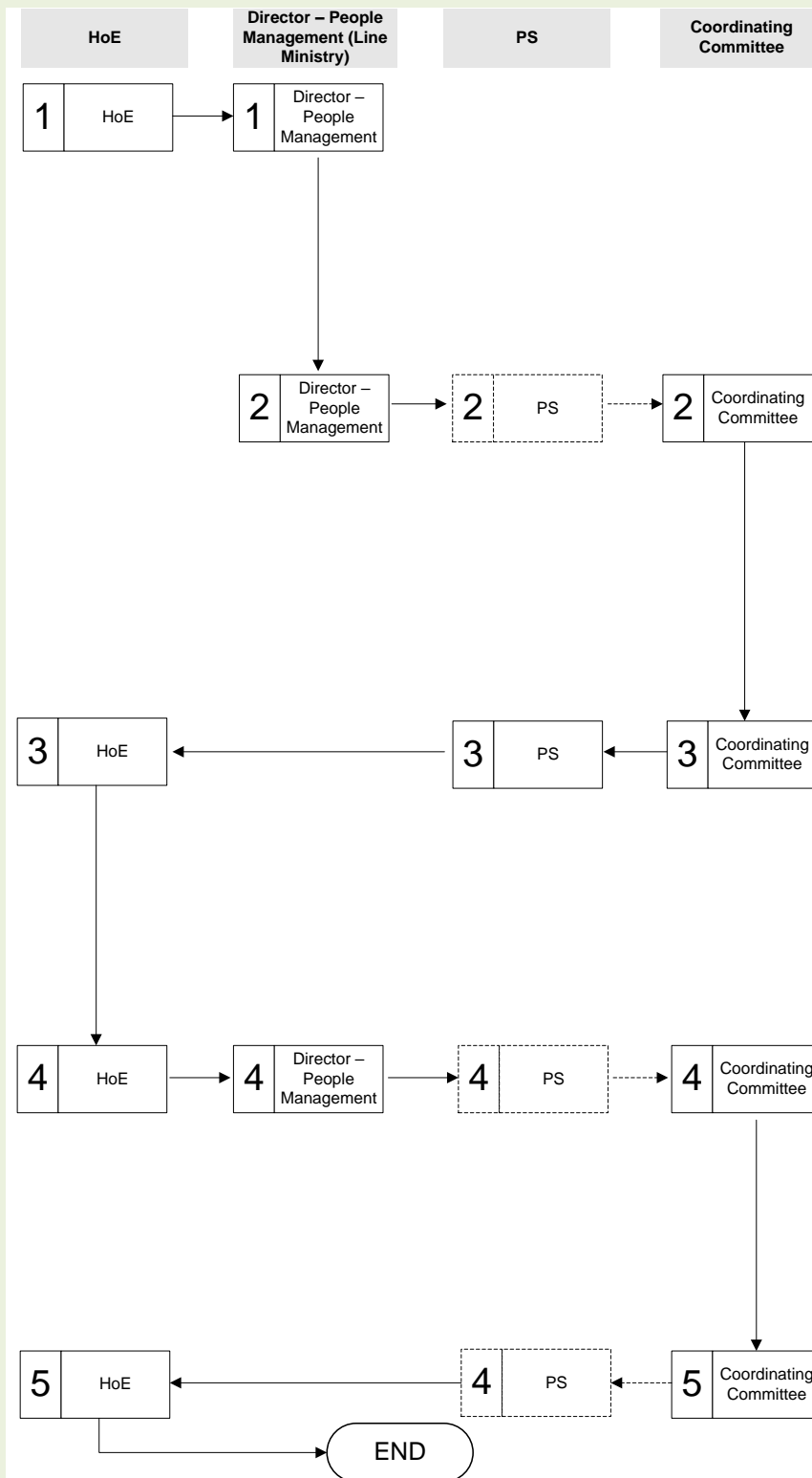
**Step 1:** The Head of Entity (HoE) responds to the letter circular issued by the Coordinating Committee on a yearly basis, whereby Entities are requested to submit the HR Plans in respect of the following three-year period, for the consideration of the Coordinating Committee. The HoE is to compile the HR Plan in accordance to the template provided in Appendix 2 of this Manual. Moreover, the HoE is to ensure that the HR Plan is filled in line with the Entity's Collective Agreement (CA) and/or Grading and Salary Structure and the instructions provided in Section 5.4 of this Manual. Once completed, the HoE is to submit the HR plan to the respective Line Ministry, for the attention of the Director responsible for People Management.

**Step 2:** The Director responsible for People Management within the Line Ministry has to oversee that the HR Plan has been duly vetted by the Head of Entity. Subsequently, the Director is to submit the HR Plans of all Entities under the Line Ministry's remit to the respective Permanent Secretary, for consideration. Once all of the Entities' HR Plans are approved by the Permanent Secretary, the Director responsible for People Management is to submit, in a consolidated reply, all of the Entities' HR Plans to the People and Standards Division (P&SD) on the email address publicsector.opm@gov.mt, **by not later than April of each year.**

**Step 3:** The Coordinating Committee evaluates the submitted HR Plans. Upon such evaluation, the Coordinating Committee will agree on the new external headcount to be allocated in respect of those Entities which have submitted their HR Plans. These Entities' headcount allocation will be communicated to the respective Permanent Secretary. Consequently, Public Sector entities are to submit their revised HR Plans **by not later than the end of November of each year.**

**Step 4:** The HoE is to submit the revised HR Plans to the Director responsible for People Management of the respective Line Ministry, for the consideration of the Permanent Secretary. Once approved by the relative Permanent Secretary, the Director responsible for People Management is to submit the revised HR Plans in respect of all entities within the Ministry's remit, in a consolidated reply, to the Coordinating Committee on the email address publicsector.opm@gov.mt.

**Step 5:** The Coordinating Committee evaluates the revised HR Plans and will grant its final approval, provided that the HR Plans are in line with the allocated new external headcount.



### General Note

(1) Throughout the year, Public Sector entities are to operate within the approved HR Plan. Any updates or amendments to the three-year plan necessitate the prior approval of the Coordinating Committee.

## Process 02. Obtaining Approval from Industrial Relations Unit

### Overview of process & remarks

**Note:** The Industrial Relations Unit (IRU) is to be informed, at the very initial stages, of any negotiation processes to be undertaken with employees' representatives, through the respective Permanent Secretary (PS). Heads of Entities (HoE) have to decide on whether or not to engage the IRU in negotiations undertaken with employees' representatives, through their respective PS, and after consulting the latter. In instances where HoE decide to involve the IRU during the negotiations stages, Process 02, as explained in this Manual, will have to be followed. In those situations where HoE decide not to involve the IRU in negotiation processes undertaken with employees' representatives, HoE are to abide by Section 5.3 of this Manual.

**Step 1:** The HoE, with the prior approval of the PS responsible for the Public Sector Entity, submits by email a request for the approval of the Grading and Salary Structure.

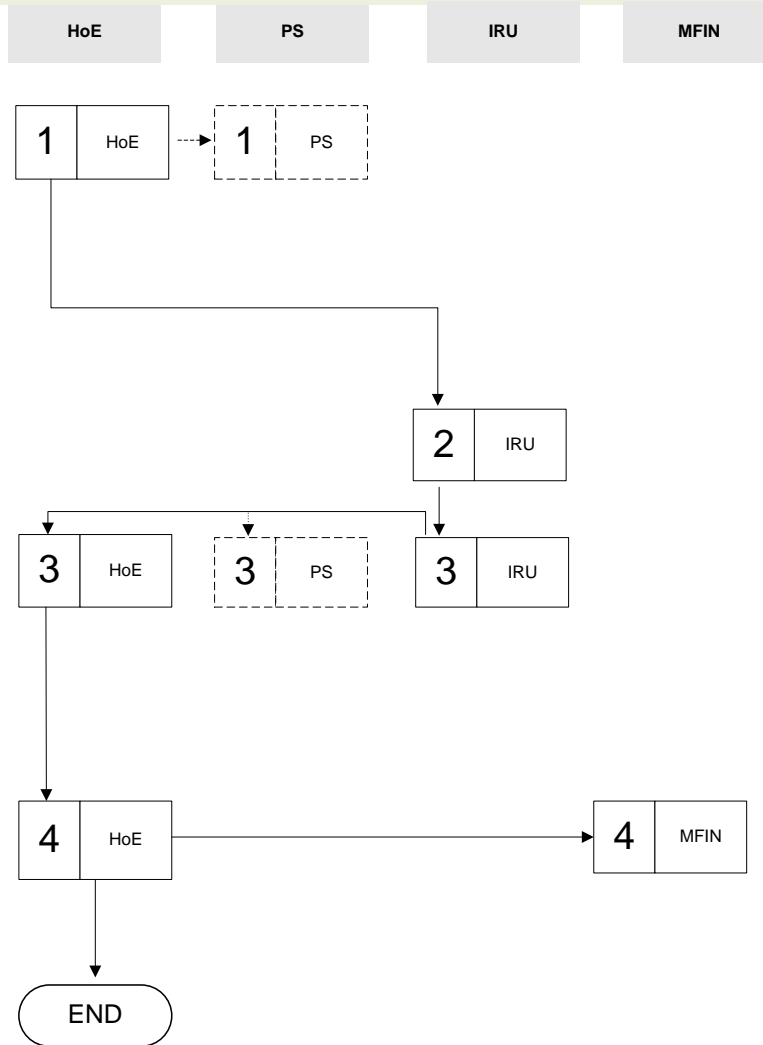
**Note:** The email is to be addressed to Head Industrial Relations Unit, copying in the PS. The HoE is to attach all the required documentation including an organisation chart and job descriptions.

**Step 2:** IRU reviews the request for approval.

**Step 3:** IRU communicates its decision to HoE, through the PS, with respect to the Grading and Salary Structure. Any changes therefrom warrant fresh IRU approval.

**Note:** The approval is valid for the period as specified in the respective approval unless there is a change in the Grading and Salary Structure.

**Step 4:** Once the HoE, through the PS, receives the approval for the Grading and Salary Structure, the Entity is to seek budgetary approval from the Ministry for Finance.



### General Note

This process is to be followed by Public Sector entities:

- (1) that have a signed Collective Agreement in place but such agreement does not cover all of the positions within the said entity. In this case, positions not covered by the Collective Agreement should be endorsed by the Industrial Relations Unit (IRU); or
- (2) that do not have a signed Collective Agreement in place but have a Grading and Salary Structure (including top management positions) together with a structured salary package, approved by the IRU.

### Process 03. Procedure for Public Sector Recruitment

#### Overview of process & remarks

**Step 1:** The Head of Entity (HoE) should ensure if there is any suitable candidate to fill the vacancy from RSSL/ERL. In the event that a suitable candidate is found and redeployment is required, the normal process through People & Standards Division (P&SD) is to be followed.

**Step 2:** If no suitable candidate is found from RSSL/ERL, HoE is to liaise with the Director responsible for the HR of the Ministry, to check if the vacancy could be filled from within the Ministry or through an Expression of Interest across the Public Administration (Public Service & Public Sector) which issue requires the prior approval of the P&SD. In the event that detailing, deployment or redeployment is required the normal process through P&SD is to be followed.

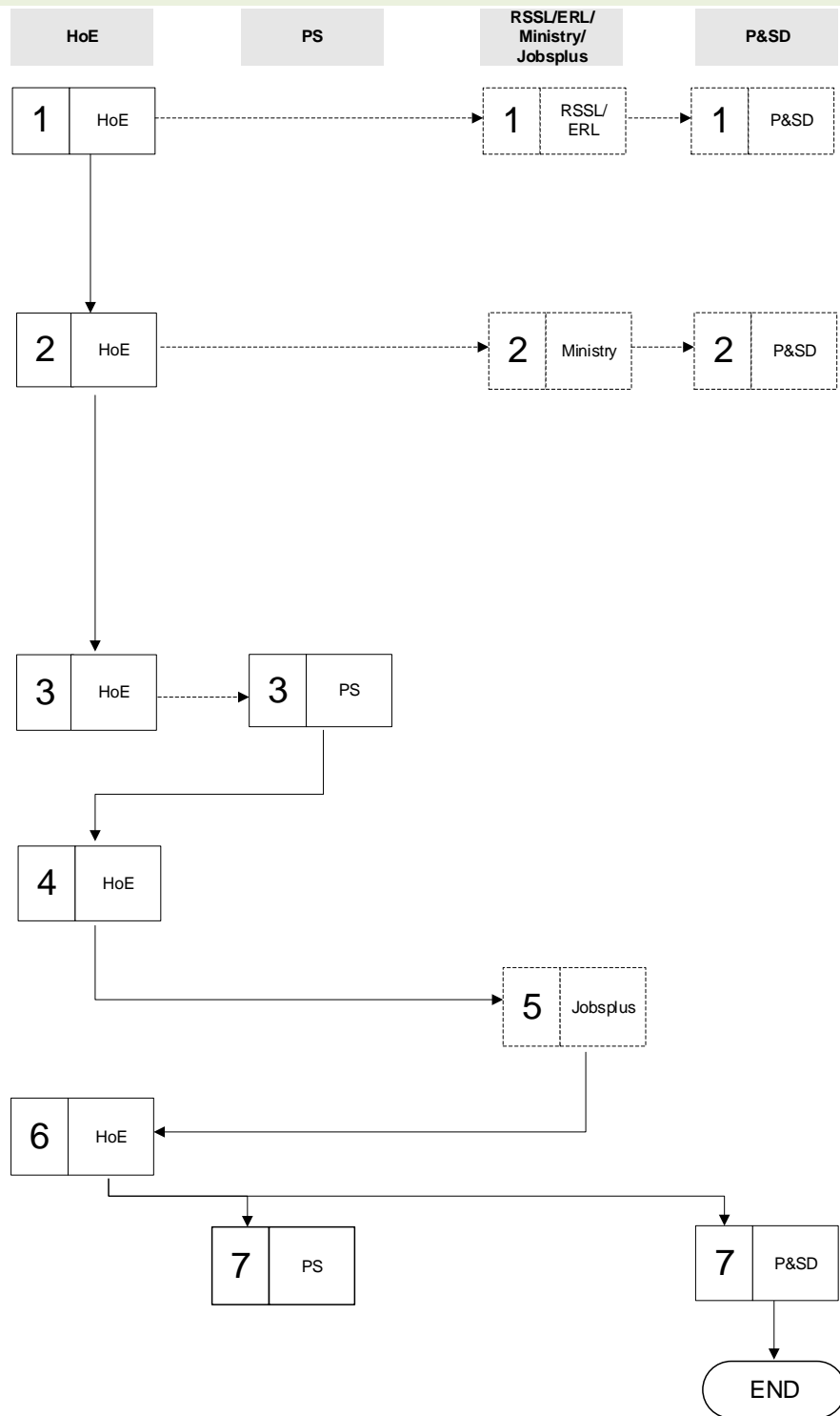
**Step 3:** If all the above possibilities have been explored to no avail, the HoE submits the request by filling in 'Vacancy Form I – Public Call', which must be conformant with the Collective Agreement and/or Grading and Salary Structure approved by Industrial Relations Unit and the approved applicable HR Plan, and sends it by email together with the Job Description to the Permanent Secretary (PS).

**Step 4:** The PS replies to the HoE's email and considers whether to grant approval to the HoE to go for a public call through Jobsplus.

**Step 5:** Subject to PS' approval, the HoE sends an email to Jobsplus, copying in the P&SD on publicsector.opm@gov.mt, with the necessary details on the vacancy including the Job Description and the PS approval.

**Step 6:** If no one suitable is found from Parts 1, 2 or 3, Jobsplus issues a permit number and the HoE can proceed to issue a public call.

**Step 7:** Once the vacancy is filled, the HoE informs PS and P&SD accordingly. The HoE is to include the following information in the email: scanned copy of Vacancy Form I endorsed by PS, Job Description, name of employee, position, qualifications and experience, remuneration package and method of recruitment.



#### General Notes

- (1) This process is to be followed when recruitment is going to take place for an EXISTING position irrespective whether it is a replacement or not.
- (2) The entity is to make sure that the position to be filled is reflected in the approved HR Plan.
- (3) In the case that the entity resorts to fill the vacancy through redeployment as indicated in step 1, the request will be processed in accordance to existing procedures, whereby the employee will be redeployed according to the basic salary held at the releasing entity. The receiving entity shall match this basic salary according to the existing approved Grading and Salary Structure approved by the Industrial Relations Unit or the endorsed Collective Agreement.

## 7. Conclusion

Although we appreciate that all the parties involved have very busy schedules, the importance of timeliness cannot be stressed enough.

Time is of the essence in the recruitment and selection process. Tardiness and delay causes additional work for staff covering the vacancy which might lead to de-motivation and other HR problems. It also creates a poor image of the public sector.

It is to this effect that the approval of recruitment and promotions was delegated to the Permanent Secretaries and Heads of Entity respectively and thus devolved from the central authority to Line Ministries in accordance with the principle of subsidiarity.

## Appendix 1 – Form to be utilised when the Entity is resorting to External Recruitment

| <b>VACANCY FORM I</b>   |  |
|---|--|
| <p><b><u>IMPORTANT</u></b></p> <ul style="list-style-type: none"> <li>This Vacancy Form is to be submitted to the Permanent Secretary subject that the request is <u>conformant with the Collective Agreement and/or Grading and Salary Structure approved by the Industrial Relations Unit and the applicable HR Plan and Headcount Allocation as approved by the Coordinating Committee.</u></li> <li>Please attach a copy of the Job Description with this Vacancy Form.</li> <li>Kindly fill in all points (1-17) and ensure that all information submitted is accurate and precise. (Tick where applicable)</li> </ul> |  |

|                |                  |                             |
|----------------|------------------|-----------------------------|
| <b>1. Date</b> | <b>2. Entity</b> | <b>2a. Entity Reference</b> |
|                |                  |                             |

|                    |   |
|--------------------|---|
| <b>3. Position</b> | <b>4. No. of vacancies to be filled</b> |
|                    |   |

**5. Scope**

|                                      |                                |
|--------------------------------------|--------------------------------|
| <input type="checkbox"/> Replacement | <i>Insert no. of vacancies</i> |
| <input type="checkbox"/> New Vacancy | <i>Insert no. of vacancies</i> |

**6. Reason**

| If scope is Replacement:                                   |   | If scope is New Vacancy:                                   |                        |
|--|---|--|------------------------|
| <input type="checkbox"/> Retirement                        | <i>Insert name, surname, ID, post and date of retirement of employee</i>  | <input type="checkbox"/> New Function                      | <i>Insert no. post</i> |
| <input type="checkbox"/> Termination                       | <i>Insert name, surname, ID, post and date of termination of employee</i> | <input type="checkbox"/> Increase in Demand/Output         | <i>Insert no. post</i> |
| <input type="checkbox"/> Resignation                       | <i>Insert name, surname, ID, post and date of resignation of employee</i> | <input type="checkbox"/> Other (Insert comments in Section | <i>Insert no. post</i> |
| <input type="checkbox"/> As a Consequence of a Promotion   | <i>Insert name, surname, ID, post and date of promoted employee</i>       |  |                        |
| <input type="checkbox"/> Other (Insert comments in Section | <i>Insert no. positions</i>   |  |                        |



**7. Contract**

|   |                              |                             |                            |
|---|------------------------------|-----------------------------|----------------------------|
| <input type="checkbox"/> Indefinite   |                              |                             |                            |
| <input type="checkbox"/> Definite   |                              |                             |                            |
| If Definite, indicate if contract includes the objective reason clause in line with S.L.452.81: | <input type="checkbox"/> Yes | <input type="checkbox"/> No | If Definite, state period: |

**8. Employment Type**

|                                    |  |                                       |
|------------------------------------|--|---------------------------------------|
| <input type="checkbox"/> Full Time | <input type="checkbox"/> Part Time/Reduced | <input type="checkbox"/> Back-to-Back |
|------------------------------------|--|---------------------------------------|

**9. Hours per Week**

|  |
|--|
|  |
|--|

**10. Salary Information**

|                         | Comments | Amount in Euro (€) |
|-------------------------|----------|--------------------|
| <b>S1</b> Basic Salary: |          |                    |
| Increments (if any):    |          |                    |
| Maximum Salary:         |          |                    |

**10a. Benefits/Allowances (if any)**

|   | Comments | Amount in Euro (€) |
|---|----------|--------------------|
| Performance:  |          |                    |
| Vehicle Related:  |          |                    |
| Telephone/Mobile:   |          |                    |
| Internet Related:   |          |                    |
| Health Related:   |          |                    |
| Others:   |          |                    |
| <b>B1</b> Total Benefits  |          |                    |
| Current Year Recurrent Expenditure (add <b>S1</b> and <b>B1</b> ) |          |                    |

**11. Qualifications & Experience Required:**

|   |                    |  |
|---|--------------------|--|
|   |                    |  |
| Indicate the Qualification Level as set by the National Qualifications Framework. For assistance enter the following link:<br><a href="https://ncfhe.gov.mt/en/Pages/MQF.aspx">https://ncfhe.gov.mt/en/Pages/MQF.aspx</a> | MQF Level (1 to 8) |  |

**12. Competencies:**

|   |
|---|
|   |
| Insert competencies' codes within this field. To access the Occupational Competencies 2016 Manual, kindly enter the following link: <a href="https://jobsplus.gov.mt/resources/fileprovider.aspx?fileId=1761">https://jobsplus.gov.mt/resources/fileprovider.aspx?fileId=1761</a> |

**13. Conditions bound by a Collective Agreement and/or Industrial Relations Unit Approval:**

|   |  |
|---|--|
| Indicate Collective Agreement or Industrial Relations Unit Approval's expiry date |  |
|---|--|

**14. Distinct Legal Personality:**

|   |  |
|---|--|
| Indicate the chapter and article number that gives the entity the authority to recruit and enter into contracts |  |
|---|--|

**15. Appendices enclosed:**

|  |         |
|--|---------|
| <input type="checkbox"/> Job Description | Others: |
|--|---------|

**16. Others/Comments. Here you may provide any comments relevant to the request such as the reason and nature of the request:**

|  |
|--|
|  |
|--|

**17. Approvals:**

|                        | <b>HR Manager*</b> | <b>Financial Authorisation<br/>Officer **</b> | <b>Head of Entity</b> |
|------------------------|--------------------|---|-----------------------|
| <b>Signature:</b>      |                    |   |                       |
| <b>Name:</b>           |                    |   |                       |
| <b>Post:</b>           |                    |   |                       |
| <b>Entity:</b>         |                    |   |                       |
| <b>E-mail Address:</b> |                    |   |                       |
| <b>Telephone No:</b>   |                    |   |                       |
| <b>Date:</b>           |                    |   |                       |

|   |                                 |
|---|---------------------------------|
| <b>I declare that:</b>  |                                 |
| <p>* I have submitted this request after having ascertained that, in line Process 03, it is justified in all its aspects: an internal call within the entity proved/would prove futile, redeployment of existing staff from RSSL/ERL and from other sectors of the Ministry is not possible and a service wide call for an expression of interest is not possible/proved futile and that funds have been budgeted for and available through this year's approved headcount allocation/HR Plan and that the position is approved by the Industrial Relations Unit, I approve external recruitment through the Jobsplus services in terms of the ETS Act.</p> |                                 |
| <p>** I confirm that funds are available for this recruitment.</p>  |                                 |
| <p>_____</p> <p><b>Permanent Secretary</b></p>  | <p>_____</p> <p><b>Date</b></p> |

**Appendix 2 – HR Plan Template**

|                                   |  |
|-----------------------------------|--|
| Name of the Public Sector Entity: |  |
| Name of Respective Ministry:      |  |
| HR Plan Compiled on:              |  |

| HR Plan for the year: <i>(insert year)</i>  |                         |                 |   |             |   |                 |             |  |             |                 |             |
|---|-------------------------|-----------------|---|-------------|---|-----------------|-------------|--|-------------|-----------------|-------------|
| Posts<br><i>(To include nomenclatures which are in line with Entity's Collective Agreement and/or Industrial Relations Unit Grading &amp; Salary Structure)</i> | Existing Staff in-place |                 | Number of Posts Required to be filled by the Entity<br><i>(To indicate the number of posts to be filled under the respective columns provided hereunder, as applicable)</i> |             | Quarter of Issue of Call<br><i>(To indicate if Q1/Q2/Q3/Q4)</i> | Internal        |             | Public Administration (Public Sector Expression of Interest) |             | External        |             |
|   | No.                     | Salary Package* | New   | Replacement |   | New             | Replacement | New  | Replacement | New             | Replacement |
|   |                         | €               |   |             |   | Salary Package* | €           | Salary Package*  | €           | Salary Package* | €           |
|   |                         |                 |   |             |   |                 |             |  |             |                 |             |
|   |                         |                 |   |             |   |                 |             |  |             |                 |             |
|   |                         |                 |   |             |   |                 |             |  |             |                 |             |
|   |                         |                 |   |             |   |                 |             |  |             |                 |             |
|   |                         |                 |   |             |   |                 |             |  |             |                 |             |
|   |                         |                 |   |             |   |                 |             |  |             |                 |             |
|   |                         |                 |   |             |   |                 |             |  |             |                 |             |
|   |                         |                 |   |             |   |                 |             |  |             |                 |             |
|   |                         |                 |   |             |   |                 |             |  |             |                 |             |
|   |                         |                 |   |             |   |                 |             |  |             |                 |             |
| <b>Total</b>  |                         |                 |   |             |   |                 |             |  |             |                 |             |

*\* Amounts quoted under the Salary Package columns should include the basic salary and any additional allowances, which are to be quoted separately, in line with the Entity's Collective Agreement and/or Industrial Relations Unit's Grading and Salary Structure. The amounts should exclude NI Contributions, Income Supplements and Government Bonuses.*

## Appendix 3 – Eligibility Requirements

Entities which require to establish their own eligibility criteria (ex. qualifications required) may use as **guidelines** the eligibility criteria used by the Public Service. The link where the Public Service's eligibility criteria may be accessed is: <https://publicservice.gov.mt/en/people/Documents/People-Resourcing-Compliance/Forms-Templates/Other-templates/Eligibility-Benchmarks-for-Positions.pdf>. Public Sector entities are reminded that they are **not obliged** to follow these criteria.

This manual is to be used as a helpful tool, however if you require further information kindly contact:

**Mailing Address:**

People & Standards Division,  
Office of the Prime Minister,  
3, Castille Place,  
Valletta, VLT 1062  
Malta.

**Tel:** (356) 22 001 338/ 22 001 325

**Email:** [publicsector.opm@gov.mt](mailto:publicsector.opm@gov.mt) / [prc.opm@gov.mt](mailto:prc.opm@gov.mt)