

European
Employment
Insights

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How Holiday
employment
varies across
different regions?

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Andersen Global

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Andersen Global Chairman and Andersen CEO
Mark L. Vorsatz, Andersen (U.S.)

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Our platform allows us to objectively serve as our client's advocate; the only advice and solutions we offer are those that are in the best interest of our client.

Introduction



You may also be interested in: **European Employment Insights**

Our monthly newsletter provides an overview from over 20 European countries of recent legal developments, tips for navigating complex legal issues, and staying up to date on notable cases.



September 2023



October 2023



November 2023



European Guide to Support Employers *Employment of Managing Directors*

This comprehensive guide provides a detailed overview of regulations and conditions surrounding the employment and appointment of managing directors within limited liability companies (LLCs) in over 30 European countries.

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European Guide to Support Employers *Remote Work in Europe*

This guide seeks to shed greater light on the legal landscape of telework in 29 European countries, covering its types, implementation procedures, employer obligations, employee rights, and liability aspects.

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Context

Welcome to the December Edition of Andersen European Employment Insights!

As we bid farewell to the year and welcome the festive season, we are delighted to present the December edition of the Andersen European Employment Insights with a twinkle in our eye. This month, we dive into the holiday-themed aspects of employment law across Europe, offering you a playful perspective on public holidays, overtime and remote work during the holiday season.

In this edition, we provide a detailed comparative overview of public holidays in December and January across various European countries. We explore both traditional and statutory holidays, including unique holiday traditions and exceptions. Our tables and analyses offer a clear perspective on how these holidays are observed differently across Europe, from store closures to variations in employee work obligations.

Moreover, we take a look at the earnings of those who bring joy to the holiday season – Santa Claus and his helpers respecting the minimum wages. Our exploration into this aspect of the holiday season sheds light on the varied range of the fees these modern-day holiday icons can earn and the priceless role they play in keeping the magic of the season alive. Under the heading "Did you know", each country also provides a brief insight into special features of labor law and curiosities in connection with Christmas.

As we share these insights, we also extend our warmest wishes to you and your loved ones. Merry Christmas and a Happy New Year! May this festive season bring you joy, peace, and prosperity. We hope our newsletter provides valuable insights and guidance as you navigate the nuances of employment law during this special time of the year.

Thank you for your continued trust in Andersen European Employment Insights. Here's to a prosperous New Year filled with health, happiness, and success!



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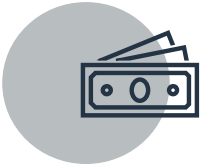


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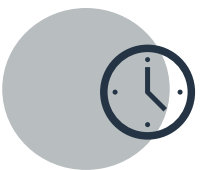
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Malta



Vacation pay and bonuses

Temporary workers in Malta are entitled to the equivalent of leave in hours of 4 weeks and 4 days based on a 40-hour working week and 8-hour working day. In the case of whole-time employees, when public holidays fall on a weekly day of rest to which such employee is entitled, such employee shall be entitled to an additional day of vacation leave during the calendar year when such public holiday so falls. While companies may opt to add further leave entitlements, the law itself does not provide for the entitlement of extra paid Christmas leave. In this sense, temporary employment is regulated by the same laws applicable to whole-time employment.

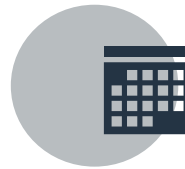


Overtime and working hours

Most sectors have their minimum overtime rates regulated by specific Wage Regulation Orders (WROs) which regulate their activity of work. Overtime rates and conditions may otherwise be agreed upon, in separate employment contracts, as far as such are more beneficiary than those stipulated in the law.

Individuals working in catering and hospitality, for instance, may have to work extra hours during the festive period if they consent in writing to do so. Employers in key industries may enforce a stop-leave directive on their employees. Such a decision would need to be previously agreed to by the employees, and would further be subject to a number of conditions as stipulated in the employment contract itself.

The overtime payment rates for casual workers during the Christmas period is the same as the general overtime payment rate for normal whole-time workers.



Remote work and flexible schedules

Remote working and flexible schedules during the holiday season ensure a better work-life balance and higher productivity. Having said that however, having many employees working from home makes the office quieter, impacting the Christmas spirit at work.

It is also noteworthy that many key employees during the festive period do not have the opportunity to work from home and/or flexible schedules. While employees working within the public transport sector, for example, have time off on Christmas Day and New Year's Day to spend time with their loved ones, festive workers might not get such benefits at all.

Flexible schedules and remote working makes it easier for employees to distribute

work accordingly while savoring the Christmas spirit, without the additional stress brought about by commuting, etc.



Did you know...?

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In Malta, while there are no specific laws governing company-sponsored holiday events, the overarching Health and Safety law plays a crucial role. This law essentially holds employers accountable for any injuries that occur in the workplace or during work-related events. Despite the lack of specific legal rules for holiday events, many companies establish their own policies to ensure safety and prevent injuries during such occasions. Common practices include conducting risk assessments by employers and Health & Safety Officers before selecting a venue, and providing staff with relevant guidelines and precautions.

Although these procedures are not explicitly regulated by law, nor are there any standard legal recommendations for them, the existing Health and Safety law mandates that employers take all necessary precautions, placing the liability for employee injuries during work events squarely on them.



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