

Report on Case No UT 0030

The complaint

Complainants are encharged with the running of specialised Schools [omissis]. They claim that their duties are similar in all effects to those of a Head of School, but they are listed as ‘Centre Co-Ordinators’ and are consequently being deprived of the pay, allowances and infrastructural support which are the entitlement of Grade 5 Heads of Schools, whilst the population of their schools vary between 500 and 1300 students. They also claim that they carry out their duties outside normal working hours, since these centres cater for part-time students. They submitted four distinct claims which they felt would rectify their position, namely:

- (1) that they be placed in scale 5 which includes allowances applicable to Heads of Schools;
- (2) that they be granted a ‘disturbance allowance’ since they operate outside normal working hours, which includes evenings and Saturdays;
- (3) that their conditions of work be streamlined with those enjoyed by Heads of Schools, especially with regard to leave of absence; and
- (4) That their establishments be granted a staff structure similar to those of other schools, which includes Assistant Heads and Heads of Department.

Investigation and findings

The Commissioner met with the complainants and the President of the Malta Union of Teachers on 17 September 2019 and it was established that their claims were based on fact. It was also clear that the Union had not used the sectoral agreement covering the years 2018-2022 to settle their anomaly.

The Ministry for Education and Employment (MEDE) replied only once, on 27 August 2019, with a letter from the Permanent Secretary, MEDE, which simply acknowledged the status quo of complainants as Centre Co-Ordinators (not Heads) and informed the Commissioner that their allowance was being raised from 10% to 15% per annum.

The Commissioner replied on 30 September 2019, intimating to the Permanent Secretary that he was not at all happy with the attitude displayed by MEDE in regard to complainants who, he felt, were not being given their due as a result of an unorthodox label given to them (Centre Co-Ordinators), and that this, in view of their responsibilities, working conditions and human resources, constituted discrimination resulting in injustice.

The Commissioner pointed out that Colleges consisted of Schools managed by Heads and directed by a Principal, and that these special schools formed part of Colleges without being called schools; he pointed out, moreover, that the ‘Centre-Co-Ordinators’ received, like Heads of Schools, their annual bonus after endorsement by the Principal, and that this further sustained their argument and exacerbated the anomalous condition of the complainants.

The only reply from MEDE after the date of this letter came on 2 October 2019 through a message sent by MEDE’s Liaison Office which asked the

Commissioner to bear with the Ministry/Department with regard to replies to this and seven other cases. No reason was given for this accumulation. Although MEDE were sent several reminders, with the Commissioner's patience being severely tested, no further reply to date was received. The Commissioner, seeing no headway or goodwill on the part of MEDE to even discuss the matter to any meaningful depth, has therefore decided to issue his Final Opinion and Recommendations.

Final Opinion and recommendations

No establishment which operates to educate people in whatever subjects is to be considered as not being a school on account of the age of its students or the hours of the day in which instruction is imparted. By extension, and as a result of this premise, State educational establishments should be identical in all aspects, be they with regard to equipment, human resources, facilities or conditions of work of the employees.

It was established by the Commissioner that the educational establishments which are 'co-ordinated' by the complainants are schools in all the morphemic features which define schools, but differ in the nomenclature ascribed to the persons in charge, their conditions of work, and last but not least in the servicing infrastructure of the establishments. They are also unorthodox in their operational hours, but, as has been premised, this cannot be taken to indicate that they are not schools but 'Centres'.

State Schools in Malta are satellites of Colleges. Each School has a Head, Assistant Heads and clerical staff, and each College has a Principal with his own supporting staff. Any entity which gives service within a College is to be

deemed a School, and nothing else. There do exist entities which have a physical presence within a School which belongs to a College (like the NCFHE) but, since they do not impart learning, they cannot be termed Schools. The word ‘Centre’ is more appropriate to entities which give a service to the community, in the form of assistance or advice.

The replacing of the word School by the word Centre in the case of the entities administered by the complainants gave MEDE the chance to reap advantages which it has to renounce, in the names of equity and fairness. Such a change of appellation, whilst accommodating MEDE, inflicted hardship on the complainants, by making them carry out the duties which pertain to Heads of Schools without giving them their due, whilst receiving a lower remuneration for this work. The labourer is worthy of his hire, and complainants are not children of a lesser God.

The last place where one would expect to meet with cheap Labour is a Ministry or a Government Department, and the situation prevailing in the case of the three complainants amounts to the exploitation which marks out cheap labour.

The Commissioner cannot but point out the failing on the part the Teachers’ Union in defending their claims. Only people actively engaged in the teaching profession should be accepted as members by such a Union, and Centre-Directors clearly are not educationalists in the traditional sense. By accepting them as members, the Union recognised their true status in spite of their misleading title and demanded an annual membership fee in return for safeguarding their interests. The fact that the Union missed the opportunity to rectify a glaring injustice on the negotiating table during the last Sectoral Agreement is certainly not something it should boast about.

The Commissioner is therefore concluding the case by upholding the complainants' request with regard to claims 1), 3) and 4) as described in the section entitled 'Nature of Complaint', above, whilst not upholding claim number 2) concerning allowances for disturbance, etc because such disturbance and associated effects issue from the very nature of the school which the complainants opted to direct, given the awareness on their part that they were not being asked to head a school, but a Special School.

The Commissioner recommends that (1) the name 'Centre' be replaced by the word 'School' in every instance where it is used, (2) that the complainants be placed in Grade 5 with other Heads of Schools, enjoying all the benefits and carrying out all the duties of such Heads whilst benefitting of all material and human resources of any other school and (3) that this be carried out forthwith whilst making allowance for any delays accruing from the legal and technical constraints of this operation, with the reservation that the financial benefits resulting from regrading be enjoyed by the complaints from the date of this letter.

Charles Caruana Carabez
Commissioner for Education

6 January 2020