



GOVERNMENT
OF MALTA



ACCESS TO EMPLOYMENT (A2E) SCHEME 2021 – 2027



Scheme FAQs – 01/10/2024

1. Can an employer change the conditions of work of his/her employee participating in the A2E Scheme (mainly reducing the number of hours – from 40 hours to 20 hours weekly)?

In such circumstances the employer should inform the A2E Unit immediately and well before affecting any changes to the work conditions, by submitting the change request online. Link: <https://form.jotform.com/231032287496054>.

Copy of any correspondence between the employer and the Director of Employment and Industrial Relations may also be required. The A2E Unit will assess the request on a case-by-case basis and will inform the employer accordingly. If such request is approved a corrigendum to the original A2E Grant Agreement is issued whilst the employer has the legal responsibility to fill and submit the engagement and termination forms within the stipulated legal time frames, i.e. on the first day of employment in case of engagements (as per Articles 36 and 37 of the Employment and Training Service Act No. XXXIX of 2018) and within four days after termination of employment (as per Article 40 of the Employment and Training Service Act No. XXXIX of 2018). The minimum hours of the new employment contract cannot be less than 20 hours weekly.

2. Can an employer reduce the hours of a part-time employee (less than 20 hours per week)?

In case of part-time employment, the participant may work a minimum of 20 hours per week or more. In case the employee is working less than 20 hours the A2E subsidy will be forfeited. The A2E Scheme cannot provide subsidy for less than 20 hours per week.

3. Can an employer benefit again from the scheme if they had to apply for the same A2E participants which were terminated due to redundancies?

The applicant can only benefit once for a participant irrelevant of the termination reason. Article 2.2.2 (h) of the A2E Guidance Notes – “An employer can apply only once for the same participant under the Access to Employment Scheme 2021-2027 with the same Undertaking.”

4. Are all type of employment contracts eligible for the A2E Scheme?

For the Access to Employment Scheme the following type of employment contracts are eligible:

- Indefinite Employment Contract
- Definite Employment Contract (such contract needs to cover both the subsidy and retention period) (see FAQ 5)

While the following are **not** eligible:

- Casual Worker (working less than 20 hours per week)
- Seasonal Worker

5. What period should be included in the Contract of Employment / Statement by the Employer submitted at Grant Stage?

In the case of a Definite Contract of Employment / Statement by the Employer, the duration period must cover the whole Grant Implementation Period i.e. the subsidy period and the retention period. Contract of Employment / Statement by the Employer which do not cover such period will not be accepted and the Grant Agreement will be cancelled by Jobsplus.

6. How can an employer submit an A2E application and the claim for reimbursement?

Prospective applicants and beneficiaries are to note that, only electronic application forms will be accepted; no hard copy of applications or claims for reimbursement, whether submitted by mail, by hand or any other means, will be accepted.

Likewise, no pen-drives, cd's etc. will be accepted. This applies to submissions of any A2E documents at Hal Far and other Jobsplus Offices in Malta and Gozo.

Only applications and claims for reimbursement that successfully reach Jobsplus electronic system by the close of the applicable deadline, will be considered. It remains the responsibility of the applicant to ensure that the application and claim for reimbursement was successfully delivered.

All documents need to be endorsed electronically.

7. My firm was established in the last 12 months. Can I apply for the A2E Scheme if through such new recruitment there is a net increase in the number of employees?

The condition in paragraph (3) of Article 32 is meant to ensure that no employees are made redundant with the objective of re-hire of disadvantaged workers in order to benefit from the State aid. If the company is in existence for less than 12 months, the average number of workers shall be calculated over the period for which the company was in existence. The firm may thus acquire grants for the recruitment of disadvantaged workers if there is a net increase in the number of employees.

8. Why do I need to register a net increase in the number of employees?

Article 32 (3) and Article 33 (3) of the GBER regulation intend to clarify in what circumstances the recruitment or wage costs of newly employed personnel shall be eligible for support, even in case of no net increase in the number of total employees of the undertaking (and without prejudice to the net increase in another establishment of that undertaking).

Therefore, as the beneficiary of the aid will be the undertaking, the conditions concerning the net increase should apply at the level of the undertaking.

9. In case an employer is not forking out any salary but keeps the A2E employee as part of his/her workforce, will the employer be reimbursed from the A2E Scheme?

No, the A2E Employer will not be eligible for any subsidy from the A2E Scheme since as per GBER 'wage cost' means the total amount payable by the beneficiary of the aid in respect of the employment concerned.

The A2E Scheme will only subsidise those employers who have issued a salary to their employee/s. It is to be noted that only remunerated employment performed on Maltese Territory must be registered with Jobsplus. The collection and updating of employment records is stipulated in Articles 35-45 (Part V) of the Employment and Training Service Act No. XXXIX of 2018 (Chapter 594) - Jobsplus Act.

10. All types of entities are eligible for the A2E Scheme?

Eligible applicants include all employers, regardless of their legal form, with the following exceptions:

- Local councils
- Public entities
- Government departments
- Entities where the Government holds a majority (over 50%) shareholding.

For applicants who declare that they do not engage in economic activity, additional documentation may be requested at any time for verification purposes.

Failure to provide the relevant documents within the stipulated timeframe may result in the rejection of the application.

11. Premature Termination Cases

Upon premature termination of the grant agreement, both the Employer and the Participant must fill in and submit the Jobsplus termination Form within four days after termination of employment (as per Article 40 of the Employment and Training Service Act No. XXXIX of 2018). The below scenarios mentioned to guide the Employer and/or participant on how to proceed in particular circumstances.

There may, of course be different scenarios:

a. Case 1: Termination during Probation Period:

If the employment is terminated during probation, the Employer will be entitled to claim the subsidy due for the actual employment period within the grant period of the participant.

b. Case 2: Participant terminated or resigned during the grant subsidy period or retention period:

In line with Article 32 para 5 of the General Block Exemption Regulation COMMISSION REGULATION (EU) No 651/2014 of 17 June 2014 declaring certain categories of aid compatible with the internal market in application of Articles 107 and 108 of the Treaty if the period of employment is shorter than 12 months, or 24 months in the case of severely disadvantaged workers, the aid shall be reduced prorata accordingly. In this regard the IB will retain the prerogative to reimburse the undertaking only for the weeks completed in full on the A2E scheme in case the grant period or the retention period is not respected.

In case of workers with disabilities, according to Article 33 para 2 the eligible costs shall be the wage costs over any given period during which the worker with disabilities is employed.

The above is without prejudice to any other conditions laid down in the grant agreement.

c. Case 3: Participant's employment terminated during the grant subsidy period or grant retention.

Period of the A2E Scheme due to pensionable age:

In the case that the employer terminates the employment of the participant due to pensionable age, reimbursement will be due.

d. Case 4: Participant made redundant during the grant subsidy period or grant retention period of the A2E Scheme:

In case of a participant is made redundant, no reimbursement will be due.

As indicated in article 14.1 and article 14.2 of the Grant Agreement, when an employee is terminated due to redundancy during the subsidy period or during the grant retention period, the employer will forfeit this right to receive any funds through A2E.

In case part or full payments are already processed, the Employer will be requested to refund back the public funds received. Late payment interest may also apply.

e. Case 5: The Employee is dismissed during the grant subsidy period or retention period:

If, after the lapse of the probationary period, the employee has been dismissed, the Employer must within three (3) days from termination of employment, submit a written warning or a declaration to Jobsplus containing the reasons justifying the termination of employment. In absence of such written warnings or declarations, then the employee shall be deemed to have been unfairly dismissed. If within one (1) week from dismissal the employee gives notice to the IB that he/she intends to take action against the Employer before the Industrial Tribunal, the IB shall await the final decision of the Industrial Tribunal or Court of Appeal as the case may be, before deciding on the matter. If such notice is not given, the IB may affect payment of any aid to the Employer subject to the right to claim back from the Employer any aid paid if the Industrial Tribunal or Court of Appeal finds that the employee was unfairly dismissed by the Employer.

f. Case 6: The employee is terminated due to health reasons during the grant subsidy period or retention period:

If the termination reason on the Jobsplus Termination Form is 'Health Reason', the employer will be requested to provide to Jobsplus with a scanned copy of a medical certificate / note from a doctor which has been presented from the employee stating the reason why such employee is no longer fit to perform that specific work.

12. Non-EU Participants

In case of Non- EU Participants who is eligible for the A2E Scheme?

Non-EU nationals who hold one of the below statuses are eligible for the A2E scheme:

- a. Freedom of Movement by Marriage
- b. TCN Family/EU Dependent
- c. Long Term Residents
- d. Individuals holding an international protection:
 - i. Subsidiary Protection
 - ii. Specific Residence Authorisation
 - iii. Refugee

iv. Temp. Humanitarian Protection

UK nationals who were residing in Malta till 31st December 2020 are eligible for the A2E scheme on condition that they are in possession of a card issued under the basis of the withdrawal agreement.

13. Required evidence for foreign participants applying under target groups 1,6 and 7.

In case of foreign participants what evidence is required for target groups 1,6 and 7?

In case of foreign participants applying under target groups 1,6 and 7 the following evidence is required:

- Ownership Agreement of the place the participant is residing. If the participant is residing with the property owner, a declaration from the owner is also required.
(Such agreement or declaration provided need to cover the period specified in the target group)
OR
- Rental Agreement of the place the participant is living at. If the participant is residing with someone else a declaration from the tenant and the landlord are also needed.
(Such agreement or declaration provided need to cover the period specified in the target group)
OR
- The Insurance Record SED U002 from the International Relations Unit – Social Security Department

14. When is a participant considered unemployed?

A participant is considered unemployed if they are not employed both **on the date of the A2E application** and **on the date of employment with the applicant**.

Scenarios:

Scenario 1:

- *Engagement date with applicant: 1st September 2024*
- *Employment with another entity (not part of the undertaking): 4th September 2024*
- *Application date: 5th September 2024*

Outcome:

The participant is not eligible since on the application acknowledgment date (5th September 2024), the participant was already employed elsewhere.

Scenario 2:

- *Engagement date with applicant: 1st September 2024*
- *Employment with another entity (not part of the undertaking): 1st September 2024*
- *Application date: 1st August 2024*

Outcome:

The participant is not eligible since on the engagement date (1st September 2024), they were not unemployed.

Scenario 3:

- *Engagement date with applicant: 1st September 2024*
- *Employment with another entity (not part of the undertaking): 2nd September 2024*
- *Application date: 1st August 2024*

Outcome:

The participant is eligible since they were unemployed on both the application date (1st August 2024) and the engagement date (1st September 2024).

15. What happens when an on-the-spot monitoring visit is conducted, and the participant is not at the place of work.

- i. If the participant is on **vacation leave** during the on-the-spot check, the A2E Monitoring Vacation Leave Confirmation note is filled and signed by the employer. This form will be kept by the Monitoring Officer who will finalize it with the participant during the follow-up on-the-spot check.
- ii. If the participant is on **sick leave** during the on-the-spot check, a copy of the sick certificate will be scanned and sent to the monitoring officer or gathered during the follow-up visit.
- iii. In both instances a follow-up on-the-spot check is conducted.

16. What is the procedure during a monitoring visit, if the person signing the monitoring checklist on behalf of the employer is not the contact person nor a delegated person?

- i. An email/letter is sent to the Contact Person to notify him/her who signed in his/her stead.
- ii. If it transpires that the signatory is not an employee, an email/letter is also sent to the employer to confirm whether what was stated in the Employer Section of the Monitoring checklist is correct or not.

17. Do I need to inform Jobsplus when there is a change in the place of employment of the A2E Employee?

Yes, it is the employer's responsibility to inform Jobsplus (the Monitoring Unit) when there is a change in the place of employment of the A2E employee. Such notifications need be sent via email to eumonitoring.jobplus@gov.mt.

18. Do I need to inform Jobsplus when there are changes to the fixed working schedule or work arrangements of the A2E employee?

Yes, it is the employer's responsibility to inform Jobsplus when there is a change to the fixed working schedule or work arrangements of the A2E employee. Such notifications may be sent via email to eumonitoring.jobplus@gov.mt.

19. It is possible to choose the most favourable criteria among the ones of Article 2(18) of the GBER, or one must consider an undertaking to be in difficulty once at least one of the criteria is met?

According to Article 2(18) of the GBER, an "undertaking in difficulty" means an undertaking in respect of which at least one (emphasis added) of the circumstances described in points (a) – (e) occurs. Therefore, it is not possible to choose an assessment criterion. As soon as a firm fulfils at least one of the criteria of Article 2(18) of the GBER, it must be considered as being in difficulty and thus, pursuant to Article 1(4) c), the undertaking is not eligible for the categories of aid covered by the GBER, with the exception of aid schemes to make good the damage caused by certain natural disasters.

20. When and Why are Monitoring Visits conducted?

Jobsplus monitoring officers will conduct monitoring visits during physical implementation to ensure that the respective employment parameters are being met by the Employer. Such monitoring visits will be conducted on all Grant Agreements signed.

During each monitoring visit separate interviews with both the participant and the employer/employer representative will be conducted. Each visit will be documented by a monitoring report and photographic evidence (the latter may be used for publicity purposes).

Unannounced monitoring visits will be conducted at the sole discretion of Jobsplus.

In the absence of successful monitoring visit Jobsplus reserves the right to cancel the grant and recover any funding paid.

21. Retention visits

On expiration of a Grant agreement, a retention visit is affected where both applicant/ participants are interviewed about the benefits of the A2E Scheme.

Not all applicants will have such visits, instead a sample method is used for the selection process.



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