



Notice to Members

NEW PAY TRANSPARENCY RULES

Equal Pay (Transparency and Reporting) Regulations, 2026

Introduction

The Chamber of Advocates wishes to draw members' attention to the introduction of the Equal Pay (Transparency and Reporting) Regulations, 2026 (Legal Notice 173 of 2026), which transpose Directive (EU) 2023/970 on pay transparency and equal pay into Maltese law.

The Regulations came into force on 5 June 2026 and apply to employers in both the public and private sectors. They are therefore relevant both to law firms in their capacity as employers and to practitioners advising employers and employees.

The Regulations strengthen the principle of equal pay for equal work or work of equal value and introduce important transparency, information and reporting obligations.

1. Recruitment and salary information

Job applicants are entitled to receive information concerning the initial pay or pay range applicable to the position, based on objective and gender-neutral criteria, in sufficient time to allow an informed and transparent negotiation on pay.

Employers may not ask applicants about their current or previous pay history.

Job vacancy notices and job titles must be gender-neutral and recruitment processes must be conducted in a non-discriminatory manner.

2. Pay structures and progression

Employers must ensure that remuneration structures allow an assessment of whether employees are performing the same work or work of equal value on the basis of objective and gender-neutral criteria, including skills, effort, responsibility and working conditions.

Employers are generally required to maintain written policies or criteria establishing how pay, pay levels and pay progression are determined and to make these accessible to workers.

Employers with fewer than 50 workers are exempt from the written-policy requirement insofar as it relates to pay progression. Employers with between 25 and 49 workers must nevertheless internally document the criteria used. Employers with fewer than 25 workers remain subject to the fundamental obligation of equal pay for equal work or work of equal value.

3. Employees' right to pay information

Workers have the right to request information concerning their individual pay level and the average pay levels, broken down by sex, for categories of workers performing the same work or work of equal value.

Employers must provide the requested information in writing within eight days.

Employers must also inform workers annually of their right to obtain this information and of the procedure through which that right may be exercised.

4. Pay confidentiality

Workers may not be prevented from disclosing their pay to the relevant authorities or employee representatives for the purpose of enforcing the principle of equal pay.

Existing employment contracts, staff handbooks and confidentiality provisions should therefore be reviewed to ensure compliance with the new rules.

5. Gender pay-gap reporting

Employers with 100 workers or more are subject to additional gender pay-gap reporting obligations.

250 workers or more: first report by 7 June 2027, covering the 2026 calendar year, and annually thereafter.

150–249 workers: first report by 7 June 2027, covering the 2026 calendar year, and every three years thereafter.

100–149 workers: first report by 7 June 2031, covering the 2030 calendar year, and every three years thereafter.

Employers with fewer than 100 workers may report voluntarily.

Where a Pay Gap Report reveals an average pay difference of at least 5% in any category of workers, which cannot be justified by objective and gender-neutral criteria and is not remedied within six months, the employer will be required to conduct a joint pay assessment in consultation with employee representatives.

What should employers be doing now?

1. Review job advertisements and recruitment procedures, including salary or salary-range information and the removal of requests for previous salary information.
2. Review employment contracts and staff handbooks, particularly provisions concerning salary confidentiality.
3. Review salary structures to ensure that differences in remuneration can be explained by objective and gender-neutral criteria.
4. Prepare or update pay and progression policies, including written criteria where required.
5. Establish procedures for employee information requests, particularly in view of the eight-day response period and the annual notification obligation.
6. Ensure appropriate systems are in place to collect and analyse gender pay-gap data where the reporting thresholds apply.

Importance for practitioners

The Regulations are significant not only from an employment compliance perspective but also from a litigation perspective. They provide employees with greater access to information concerning remuneration and strengthen the mechanisms through which the principle of equal pay may be enforced.

Members practising in employment law are therefore encouraged to familiarise themselves with the Regulations and to consider bringing the new requirements to the attention of employer clients.

Chamber of Advocates

September 2026

Publication note

This notice is intended as a general overview of the Equal Pay (Transparency and Reporting) Regulations, 2026 (L.N. 173 of 2026). It is not a substitute for the text of the Regulations or for legal advice in any individual matter.