

**Directive 12 – Transformation of Definite Positions within the Public Sector into
Positions of an Indefinite Nature**

**Office of the
Principal Permanent Secretary**

Directive 12

**TRANSFORMATION OF DEFINITE POSITIONS WITHIN THE PUBLIC SECTOR INTO
POSITIONS OF AN INDEFINITE NATURE**

Issued on the 18th April 2017 by the Principal Permanent Secretary in terms of the Public Administration Act.

1. Applicability

- 1.1 This Directive applies to all government agencies and government entities as defined in article 2 of the Public Administration Act (herein referred to as “Public Sector entities”).

2. Transformation of Definite Positions without Objective Reason to Indefinite Positions

- 2.1 In recent years, it has become customary that around every five years the Public Sector carries out what appears to be a one off process wherein definite contracts are converted into indefinite status. Henceforth, there will be no such processes as the system is being changed indefinitely and for good reasons. The objective of this Directive is to continue to improve the conditions of employment of Public Sector employees compared to other sectors of employment.
- 2.2 Presently, and despite various previous commitments to the contrary, certain positions in Public Sector entities are issued on a definite contract and successful applicants can only attain an indefinite status by the fourth year in employment. Essentially, this means that holders of positions in Public Sector entities have a probationary period corresponding to the definite duration of the contract of employment while employees in other sectors benefit from a probationary period as prescribed by law, which does not exceed twelve months.

3. Implementation

- 3.1 Henceforth, 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 Government 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. 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.
- 3.2 Public Sector employees who currently occupy such a definite position without objective reason, as stated in sub para 3.1 above, are to have their position converted from a definite to an indefinite one with effect from the date of this Directive. This shall be without prejudice to the probationary period applying to that position, unless such period has already been successfully completed.
- 3.3 To this effect, Public Sector entities are, within **10 working days** from the date of this Directive, to transform the employment of employees concerned from definite to indefinite, in the same designation, in accordance with the provisions stipulated in this Directive.
- 3.4 The Manual for Public Sector Entities: Delegation of Authority to effect Recruitment and Promotions is being updated accordingly and will be communicated in the very near future.
- 3.5 The contents of this Directive are to be scrupulously adhered to and the People & Standards Division shall retain its assigned regulatory, monitoring and auditing role with a view to ensure strict compliance.
- 3.6 Public Sector entities, to which this Directive applies, which fail to abide with this Directive may have the delegated authority withdrawn in their regard, if and as applicable.

3.7 This Directive shall come into force on 18th April 2017, and is indefinitely applicable unless otherwise withdrawn.

3.8 This Directive is in addition to Directives 7/7.1.

Mario Cutajar
Principal Permanent Secretary