

ombudsman

Nicholas Grech <[REDACTED]>

Wed 8/13/2014 9:47 AM

To: Nicholas Grech <[REDACTED]>

Nicholas Grech  
43, Glormu Cassar Street,  
Mosta MST 4117.  
Date: 16<sup>th</sup> August 2014.

Dear Ombudsman,

I am filing my case against Enemalta Corporation on grounds of discrimination and abuse in the way severe disciplinary actions were taken against me for my only one small wrong doing I ever made since my employment with the Corporation way back on August 2000.

Up to Tuesday 4th March I worked as engineer in the Operations Section at Delimara Power Station. On Saturday 1st March was off duty, yet on my own initiative was working from home without pay and out of dedication for the Corporation when I sent an internal email outside the Corporation by mistake to a friend and in so doing was accused of infringing Clause 11.3 of the Collective Agreement regarding Confidential Matters. This happened when on Tuesday 4th March at about 15:00 was called for questioning by the CEO Fredrick Azzopardi and was given a transfer outright on same day to another section, Procurement Section, where in fact had to report the following day, and in so doing had my salary reduced by almost 40% due to loss of benefits associated with Shift Roster. I was not even given the 5 days time to reply as stipulates the Collective Agreement.

For me such drastic action was too much severe considering it was my first and only wrong doing I had ever made as already said. I also think such action against me was politically motivated because the mentioned email ended on Daphne Caruana Galizia's blog and I was blamed for it although I only sent it by mistake to a friend and not to the mentioned blog which could have been done by anyone with a little more intuition via a simple copy and paste without being detected by the system (someone who wanted to do damage would have been more careful for sure). The email in question contained nothing crucial or detrimental, and what was asked in the email (general cleaning) was done by none other than myself to avoid confrontation with my subordinates who were reluctant to do work not within their specifications.

But above all I consider it discriminatory, and this because others who did by far more serious abuses involving stealing money in benefits from the Corporation were just given a warning in an email dated 31<sup>st</sup> January 2014 (just a month before my incident) and not even a verbal warning or confronted or questioned by the CEO as I was subjected to. Attached you can find the email (referred to as Email2) in question sent by Ruben Briffa and Cced/forwarded to Ismail D'Amato, both handpicked and appointed as acting managers by the same CEO Fredrick Azzopardi in his first week of appointment as CEO of Enemalta way back on 1<sup>st</sup> January 2014. The problem is not only that Briffa and D'Amato as managers did not take any action against those referred as taking "extra pay for which you are not entitled" let alone try to recuperate the stolen money in benefits, but even more because this fraud was known only to those engineers in the operations section who participated in this abuse in the past (I myself did not know about it) and no one is that fool to go inform his superiors. So it is most likely Briffa and D'Amato knew about it because they themselves have participated in this abuse while still working as engineers in the Operations Section prior to their appointment as acting managers, and now that in their new role can no longer benefit from this abuse, just played it safe as if they want to do something good for the Corporation. To make the matter more obvious, one can easily come to the conclusion they don't want to investigate, not because it is in the interest of Enemalta, but because it is in the interest of those involved in this fraud to take no action, to keep what they have stolen in benefits and not compromise their new role as managers. This fraud is described as follows:

Case 1	Mon	Tue	Wed	Thur	Fri	Sat	Sun
Night	D	C	C	B	B	A	A
Day	B	B	A	A	D	D	C
Evening	A	A	D	D	C	C	B

Public/National Holiday

Case 2	Mon	Tue	Wed	Thur	Fri	Sat	Sun
Night	D	C	C	B	B	A	A
Day	B	B	A	A	D	D	C
Evening	A	A	D	D	C	C	B

Public/National Holiday

A day used to be made of 3 shifts: Night shift (from 9pm of previous day till 7am), Day shift (from 7am till 3pm) and Evening shift (from 3pm till 9pm). Consider Case 1 where Wednesday is a public/national holiday, so all those marked, namely A, B, C and D are remunerated at double time. Now consider Case 2 where Thursday is a public/national holiday, here only A, B and D are remunerated at double time and B only gets paid to a public/national holiday once. So C would maliciously arrange with B to make a change shift, C entering Night instead of B, while B enters Evening instead of C and in so doing C also gets remunerated at double time and taking the "extra pay for which you are not entitled" as referred in the email, a fraud resulting in more than €100 of benefits taken abusively and considering that for C entering the Night shift is not bothersome at all (he even gets paid Night Allowance) but more of benefit because of normally less work during a night shift (almost no maintenance work) and hence time for a nap, and also having the remainder of the day free (C goes out from work at 7am). In summary this abuse:

- involves public money, frauding and stealing money in benefits from the Corporation, taking "extra pay for which you are not entitled," incurring extra expenses on the Corporation,
- abuse of shift roster/change of shift to take benefits abusively,
- giving bad example to subordinates,
- doing something abusively when they were in a position to prevent in their sub-managerial role as engineers, which abuse should have been reported as states the Collective Agreement (Appendix A, Clause 3).

In this light, I consider myself to have been discriminated by being given a transfer, while those involved repetitively in this severe fraud were given nothing at all even if it was a fraud concerning the shift roster and involved stealing money in benefits. As such I ask

- my transfer to be reversed and return to work at Delimara Power Station Operations Section as I used to work prior to the transfer,
- to be compensated in shift allowances and overtime I lost because of this vindictive transfer politically motivated,
- to be compensated for unjustly and discriminately was given a transfer for a small infringement while others involved in the mentioned fraud were given nothing at all, with 2 of them even promoted to managers as mentioned previously.

Instead disciplinary actions should be taken against all those who participated in the mentioned fraud and it is those who merit a transfer for abusing the shift system to their advantage or dismissed and Court action taken against them as happened with those who installed tampered smart meters and those who stole fuel from the petroleum section years before. The latter 2 cases together with those mentioned engineers in the Operations Section who took "extra pay for which you are not entitled" are just the tip of the iceberg: Enemalta is full of corrupt practices, abuses, and favouritisms. Another fraud by some engineers in the Operations Section to which one of the previously mentioned

managers is said to have participated, was to work 2 Sundays per week (enter the Night shift from Sunday to Monday and entering a Day or Evening Shift on the following Sunday), instead of just 1 Sunday per week when working as Relievers (a sort of extra engineer rotating once every fortnight mainly to cover vacation leave and sick leave of other engineers). Another fraud involved customers contacting directly the tradesman responsible for electricity meters instead of making a request via customer care, wait in the waiting list after others, and pay necessary charges – the now CEO Fredrick Azzopardi has some 3 years ago contacted a certain Richard Gauci, now under arrest for his involvement with tampered smart meters to have a relocation of supply (had a new meter installed a distance from original position) and in so doing avoided a charge of €160 for the work done, as well as avoided waiting in the queue, with the usual excuse listed down as “burnt tails” (namely the insulation on wire ends at meter corroded/damaged). Because of all this involvement, it is useless to use Enemalta’s whistleblower whose email address is none other than:

[ceowhistleblower.emc@enemalta.com.mt](mailto:ceowhistleblower.emc@enemalta.com.mt).

Irregularities in the way disciplinary actions were issued against me:

- a) the transfer was outright: Tuesday 4<sup>th</sup> March 2014 was the day I was called for questioning by the CEO, was also the day dated on the letter in which I was reported to have passed information outside the Corporation and also the day dated on the letter in which the Corporation gave me the transfer to the Procurement Section. This goes against the Collective Agreement which gives 5 days to the offender “to forward his justification” after which the Corporation can “take disciplinary measures which s/he deems necessary” (See Collective Agreement, Appendix A, Clause 4.1).
- b) this was my first offence and the email in question contained nothing crucial or detrimental to the Corporation, and as such should have merited “a verbal warning” (See Collective Agreement Clause 4.1). The Corporation in so doing infringed its Code of Discipline Procedure as outlined in Collective Agreement, Appendix A, Clause 4.1.
- c) Had the offence been as severe as they tried to picture it, it should have been put forward and handled by a Disciplinary Committee (Appendix A, Clause 5.2). In so doing the CEO Fredrick Azzopardi in an act of bullying not only abused his power and interfered in matters not his competence, but acted in biased way without giving me chance for a fair hearing and defence.
- d) I was severely disciplined for a small infringement, others who participated in fraud taking “extra pay for which you are not entitled” were let go. By not taking action against them they created a precedent, whereby if disciplinary actions are not applicable to them, neither should to me for a small infringement which bears into insignificance compared to fraud / stealing money in benefits.
- e) The transfer given was a result of a severe vindictive disciplinary action taken against me and not because of Enemalta exigencies as is uncovered by the letter attached dated 11<sup>th</sup> March 2014. Had they really cared for Enemalta exigencies they would have taken action against those referred as taking “extra pay for which you are not entitled,” recuperate the money stolen in benefits via that fraud and give those involved a transfer from the shift roster system which they have abused.

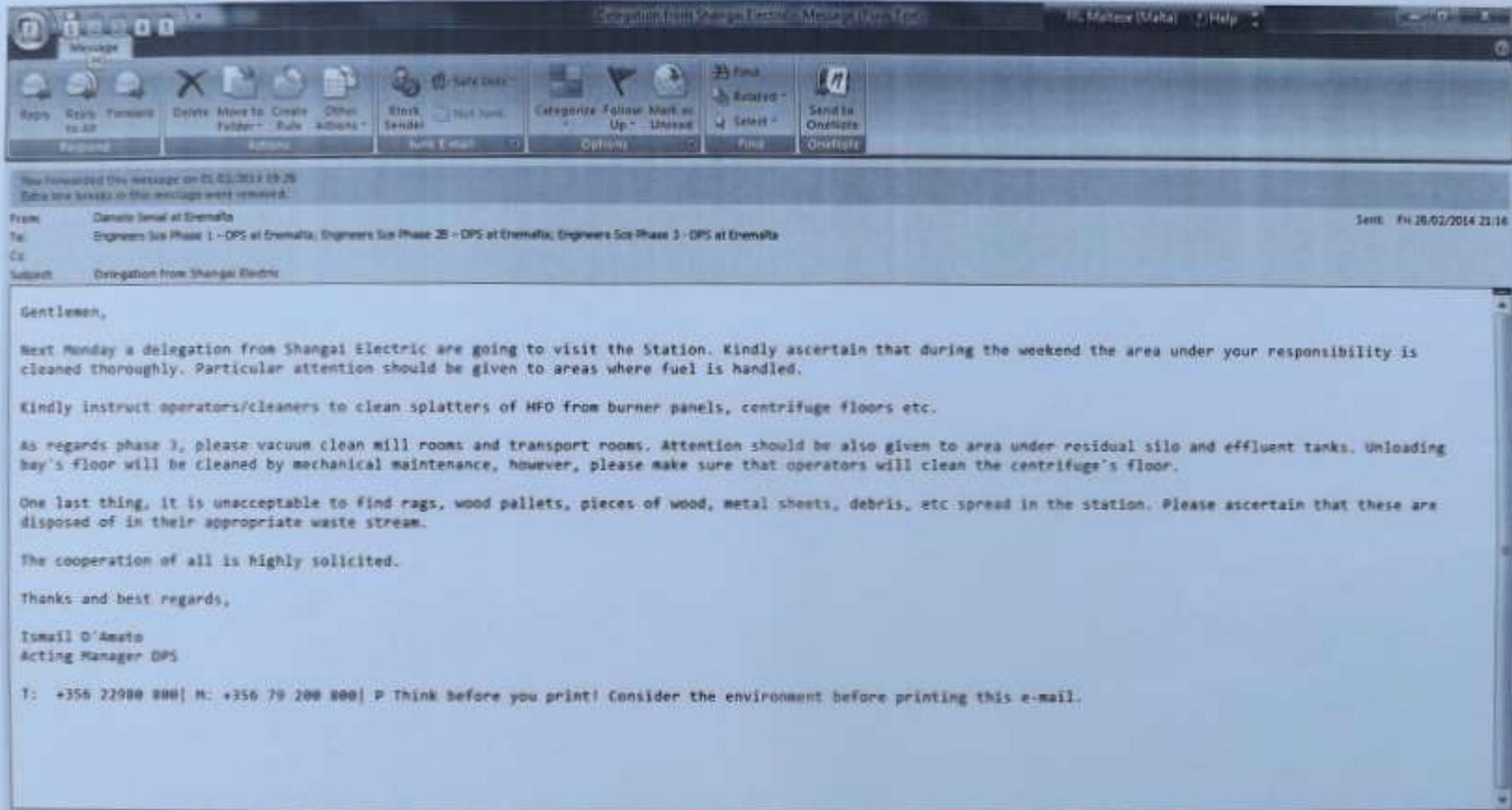
Abuses which are in the public interest to be investigated:

- To know who participated in the fraud by making a change shift to take “extra pay for which you are not entitled” is very easy by simply checking the punch clock records for a particular change shift on a public/national holiday.
- But there is even an easier way by implementing a scheme similar to that offered to those who had tampered smart meters installed: those who admit voluntarily to this fraud will be given the choice to pay back all benefits received from public holidays (both got lawfully and unlawfully) otherwise be suspended/dismissed and face criminal proceedings if when checked will be found to have participated in this abuse. This will help Enemalta recuperate thousands of Euros.

---

Nicholas Grech (ID no: [REDACTED]M)

(Email: [REDACTED])



The email I forwarded by mistake to which severe disciplinary actions were issued against me

Microsoft Outlook Web A x

https://mail.gov.mt/Exchange/

Apps The Free Dictionary Suggested Sites Windfinder Times of Malta Google Google Translate Web Slice Gallery Ex IE Events Stocks Downloads Online Buy

Outlook Web Access

Inbox Junk E-mail Calendar Contacts Tasks Folders Public Folders Options Log Off

Reply Reply to all Forward Close Help

From: Briffa Ruben at Enemalta Sent: Fri 1/31/2014 2:29 PM  
To: Engineers Sce Phase 1 - DPS at Enemalta; Engineers Sce Phase 2B - DPS at Enemalta; Engineers Sce Phase 3 - DPS at Enemalta  
Cc: Damato Ismail at Enemalta  
Subject: change shift  
Attachments:

[View As Web Page](#)

Gentleman!

It has been brought to the attention of this office that there were cases of abuse as regards the change of shift! While it is acknowledged that for a shift engineer the facility to change the shift is essential, please ensure that those shift changes do not lead to extra pay for which you are not entitled.

Thanks for your collaboration.

regards

*Corrupt practices, fraud and abuses in Enemalta are rampant as is uncovered by this email were those involved were blessed with what they managed to steal in benefits and comforted by the fact no action will be taken against them because the managers who issued the email, Rube Briffa and Ismail D'Amato, both have participated in the abuse in the past while working as engineers in the operations section and for sure don't want to compromise their new role as managers by doing an investigation. Similarly the current CEO Fredrick Azzopardi doesn't want to compromise his position by being seen as one who has appointed 2 implicated in this abuse as managers in his 1st week as CEO.*

The email sent by Briffa on 31-Jan-2014 regarding that fraud where some, including himself, used to take “extra pay for which you are not entitled.”

## Time Card Report

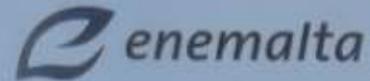
Selected Employee: **Grech Nicholas**

From : 01-Mar-2014 To : 14-Mar-2014

Date	Working Period	Actual Timings	T&A Rectified Timings
SAT 01-Mar-2014	15:00 - 22:00	09:34 Out	09:34 Out
SUN 02-Mar-2014	15:00 - 22:00		
MON 03-Mar-2014	08:00 - 15:00	15:00 In	15:00 In
			08:08 Out
			11:00 In
		08:08 Out	15:00 Out
TUE 04-Mar-2014	08:00 - 15:00	10:32 In	15:00 In
		16:53 Out	17:00 Out
			17:00 In Hours VL
			22:00 Out
WED 05-Mar-2014	22:00 - 08:00		07:00 In Early In by Arrangement
			15:00 Out <i>Out 16:15 was corrected</i>
THU 06-Mar-2014	22:00 - 08:00	06:59 In	06:59 In
		16:16 Out	16:16 Out
FRI 07-Mar-2014	-	07:00 In	07:00 In
		16:18 Out	16:18 Out
SAT 08-Mar-2014	-		
SUN 09-Mar-2014	15:00 - 22:00		07:00 In Hours VL
			12:00 Out Hours VL
MON 10-Mar-2014	07:00 - 16:15	11:23 In	12:00 In
		16:19 Out	16:19 Out
			16:19 In Re-Deployed
			16:20 Out
			07:00 In VL
TUE 11-Mar-2014	07:00 - 16:15		12:00 Out
			12:30 In VL
			16:15 Out
WED 12-Mar-2014	07:00 - 15:00	06:57 In	06:57 In
		15:02 Out	15:02 Out
			06:58 In
THU 13-Mar-2014	07:00 - 15:00	06:58 In	13:37 Out
		13:37 Out	13:37 In Others
			15:00 Out
FRI 14-Mar-2014	07:00 - 15:00	06:57 In	06:57 In

As can be noted from this Time card / Punch clock record printed on 14-Mar-14, as from 5-Mar-14, after having been called for questioning by Frederick Azzopardi the day before, I was vindictively given a politically motivated transfer to the Procurement Section straight away to the point that as from this date had to work days only from 7:00 till 15:00 in this new section.

N/E



Central Administration Offices  
Church Wharf, Marsa wat 1000 / Malta  
Tel. +356 2122 3400  
email: info@enemalta.com.mt  
www.enemalta.com.mt

E/E/200/22/2000

4 ta' Marzu 2014

Nicholas Grech  
Pin No 7001

Skond l-esigenzi tal-korporazzjoni b'effett minn nhar it-  
Tnejn 10 ta' Marzu 2014 is-servizzi tieghek huma mehtiega  
l-Procurement Section minflok l-Operations Section  
Delimara Power Station.

Roberto Cristiano  
Divisional Manager HR and IR

cc Executive Head Generation  
Acting Manager DPS  
Executive Head Finance

Although this letter by Robert Cristiano gives the date of Monday 10<sup>th</sup> March 2014 when I was supposed to be transferred to the Procurement Section as if to play it they gave me the 5 days time to give my reply as states the Collective Agreement, in fact I was transferred from 5-Mar-14 as outlined in the previous image showing my punch clock record. The incompetent Cristiano himself got caught in all this mess up when by mistake he dated the letter "4 ta' Marzu 2014," – 4-Mar-14, the same day I was called for questioning by Frederick Azzopardi – the transfer was so outright it was issued impressively the same day before questioning – in fact this letter was handed over to me by Frederick himself at the end of the questioning, while telling me "as from tomorrow, you at Procurement" / "minn ghada int ghall-Procurement."



Central Administration Offices  
Church Wharf, Marsa MRS 1000 - Malta  
Tel: +356 2122 3601  
email: info@enemalta.com.mt

www.enemalta.com.mt

DISC/ENE/ELEC 200/22/00

11 ta' Marzu 2014

Ing. Nicholas Grech  
PIN 7001  
Professional Executive  
Delimara Power Station  
Korporazzjoni Enemalta

Nirreferi għall-ittra datata 4 ta' Marzu 2014 dwar li inti għaddejt informazzjoni 'l barra mill-Korporazzjoni liema informazzjoni qatt ma kellha tingħadda u ssir pubblika.

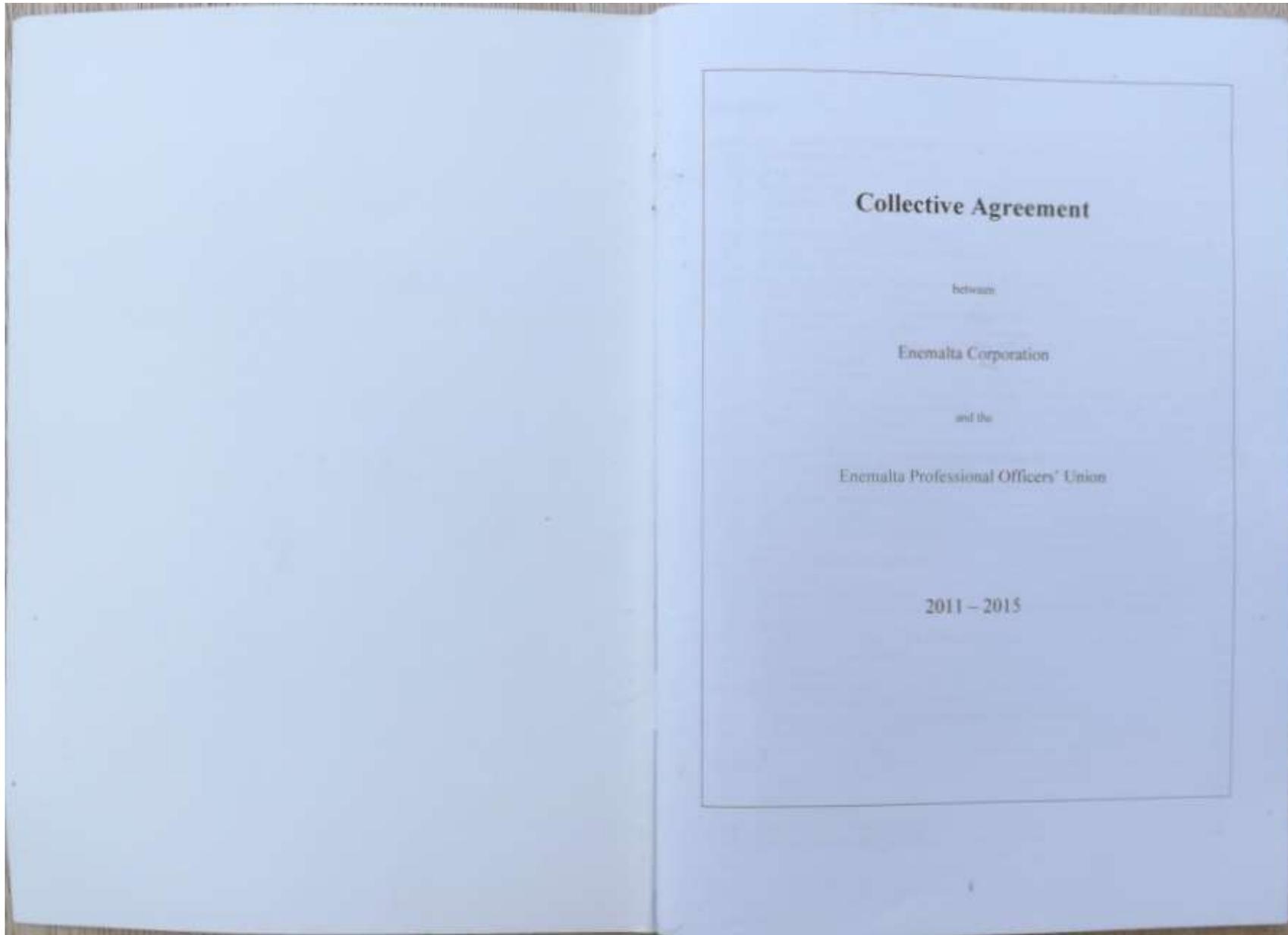
Peress li dan l-aġir imur kontra Klawsola 11.3 tal-Ftehim Kollettiv kif ukoll kontra l-Confidentiality Policy tal-Korporazzjoni u dan seta' jwassal sabiex inti titlef il-post tax-xogħol tiegħek, gie deciz li minbarra li tiġi trasferit għal sezzjoni oħra skont l-eżiġenzi tal-Korporazzjoni, inti tingħata twissija severa bil-premessa li ma terġax.

Jekk jinstab li kien hemm kazijiet oħra li inti hriġt xi informazzjoni oħra tax-xogħol barra l-Korporazzjoni, il-Korporazzjoni ttrisserva d-dritt li jittiehdu passi ulterjuri.

Roberto Cristiano  
Divisional Manager HR & IR  
Korporazzjoni Enemalta

Kopja: Ing. Ismail D'Amato  
Acting Manager DPS  
Korporazzjoni Enemalta

What this letter vilely left out was who decided that I be so vindictively transferred (i.e. "gie deciz" *minn min?*). It was abusively that Frederick Azzopardi in his role of CEO. Instead my offence OUGHT TO HAVE BEEN HANDLED AND DECIDED by a Disciplinary Committee (see further below, extracts from the Collective Agreement).



The Collective Agreement covering years 2011-2015.

## APPENDIX A

### CODE OF DISCIPLINE AND DISCIPLINARY PROCEDURE

The fundamental concepts on which the Code of Discipline is based are:

- Standard rules and regulations, particularly those established by Enemalta;
- Expected output and level of workmanship and productivity set by the Divisional Managers.

#### 1.0 PRELIMINARY

##### 1.1 Title Application and Commencement

This Code of Discipline and Disciplinary Procedure applies to all the officers of Enemalta Corporation including officers who, from time to time, may be seconded, transferred or loaned to the Corporation, but does not apply to public officers detailed for duty with the Corporation in terms of Section 30 of the Enemalta Act 1977.

##### 1.2 In this Code, unless the context otherwise requires:

"Board" means the Board of Directors appointed in terms of Section 5 of the Enemalta Act 1977;

"Chairman" means the Chairman of the Corporation appointed in terms of Section 4 (2) of the Enemalta Act 1977 or his delegated representatives;

"Committee" means the Disciplinary Committee appointed as provided in paragraph 5.0 of this Code;

"Officer" means any professional officer.

"Manager" means the person responsible for the respective Division within the Corporation or his/her appointed designate;

"Officer" shall have the same meaning as the words "Officials and other officers" in Section 11 of the Enemalta Act 1977;

"Salary" means basic salary or, as the case may require, basic wage, and shall be deemed to include any allowance where such allowance is paid as part of the salary or wage;

"Service" means service with Enemalta Corporation in any capacity within the meaning of the Enemalta Act 1977.

"Working days" for the purpose of this code shall mean any day between Monday and Friday both days inclusive.

"Breach of Discipline" means any action that goes against the rules, procedures and standards set out by the Corporation.

#### 2.0 Degrees of offences

Offences will be dealt in three ways:

- minor offences will be dealt with by the Manager of the respective Division;
- serious offences shall be referred to and dealt by the Committee of Discipline; and
- Criminal offences.

#### 3.0 Offences to be reported without delay

Responsible officers shall report in writing to their Manager, by not later than five working days after they become aware of the offence but in any case not later than one month from the date in which the offence has been committed, any misconduct or breach of discipline committed by an officer of whom they are in charge. Should an offence be committed and the responsible officer for any reason fails to report this offence s/he shall be liable to disciplinary measures.

The Manager shall establish whether the offence may be dealt with summarily or should be put forward to the Committee. In the latter case s/he shall report the offence to the Chairman who shall then decide whether the issue should be referred to by the Disciplinary Committee or is to be dealt by the Manager. In the case of a criminal offence the Chairman shall decide whether such offence should be reported to the Police for further investigation and subsequent prosecution. In all cases disciplinary proceedings are to commence without delay in time frames specified according to this code of discipline.

#### 4.0 Discipline by the Manager

The Manager shall have the capacity to administer summarily discipline in cases of minor offences by officers under his/her charge. Such a procedure is to start within ten working days from when the offence is brought to his/her attention.

Offences that fall under the category of minor offences and therefore shall be dealt with by the Manager are as follows:

- (i) Unsatisfactory work output, productivity;
- (ii) Unsatisfactory quality of work, workmanship;
- (iii) Infringement of the conditions of employment as stipulated in the collective agreement that governs such conditions;
- (iv) Infringement of the minor regulations of the Corporation.

As can be seen, had my offence been that serious as they tried to figure it, the Collective Agreement states that it should have been dealt by a Committee of Discipline, not abusively by the CEO Frederick himself. Regarding that Change Shift fraud to take "extra pay for which you are not entitled" IT SHOULD HAVE BEEN "reported to the Police for further investigation" by that incompetent and fraudster newly appointed Acting Assistant Manager Briffa himself, not had to be me to report to Enemalta's whistle blower months later, to no avail with Frederick as CEO.

#### 4.1 Institution of disciplinary proceedings

Whenever the Manager considers it necessary to institute disciplinary proceedings against an officer on grounds of alleged misconduct or breach of discipline, the following procedure shall apply:

- (a) The Manager shall, as expeditiously as practicable but not later than ten (10) working days and after making such preliminary investigations s/he considers necessary, (communicate) submit to the officer concerned the report, in writing, with a statement of the charge or charges against the said officer together with a copy of the original report. The officer shall forward his/her justification, if any, in writing by not later than five (5) working days from the receipt of the charge.
- (b) Where the officer refuses to accept the letter, delivered as provided in this sub-article, the officer shall be considered to have renounced his/her right to reply to the charge/charges issued against him/her and the Manager shall have the right to decide upon the charge as s/he deems fit.

If the officer does not furnish a reply within the period specified, or does not, in the opinion of the Manager exculpate himself, the Manager shall within five (5) days from the date on which such a reply was due or from the receipt of the reply, take the disciplinary measure which s/he deems necessary.

Should the officer submits adequate reasons that merit further investigations, the Manager may convene a meeting within four (4) weeks with the officer concerned to decide the case. For the purpose of making his defence the officer charged may be assisted by a person of trust or a representative of the Union of which the officers are members.

The first offence shall merit a verbal warning, which shall be given in the presence of the officer's immediate superior; a note shall be inserted in the individual's personal file. The second offence shall merit a written warning whereas with the third offence the officer shall be admonished by means of a second written warning.

Furthermore the Manager may impose a fine not exceeding one-week's salary or wage; or defer/postpone one increment of the officer (for three months) (this is to be qualified in relation to seniority).

Further offences made by an officer shall be referred to the Chairman in order to be put forward to the Committee of Discipline.

#### 5.0 Disciplinary Committee

The Disciplinary Committee shall handle cases of serious offences referred to it by the respective Manager.

In the case of a serious offence the Manager shall report such an offence to the Chairman, who shall decide whether this offence merits to be dealt with by the Disciplinary Committee.

In the case of a serious offence which merits indefinite suspension, the Chairman may (shall, concurrently with referring the case to the Committee), consider whether or not the officer be suspended from exercising the powers and functions of his/her post pending the final decision of the Committee.

A decision ordering or authorizing the suspension of an officer shall be communicated forthwith by the Chairman to the Manager and to the officer concerned.

An officer who is suspended shall receive half his/her salary until the Committee decides his/her case.

If the disciplinary proceedings do not (amount to) result in the dismissal or other punishment of the officers concerned, they shall be entitled to the full amount of salary which they would have received had they not been suspended. If the punishment is other than dismissal they may be refunded such proportion of the salary withheld as a result of their suspension as the Committee may think fit.

#### 5.1 Functions and Proceedings of the Disciplinary Committee

The Committee of Discipline shall handle cases of serious offences that are referred to it by the Chairman. Such serious offences shall be as:

- i. Theft and misappropriation of Corporation property;
- ii. Forgery of any Corporation document;
- iii. Wilful insubordination;
- iv. Gross negligence in performing one's duties;
- v. Repeated episodes of misconduct;
- vi. Repeated unauthorised absence from place of work;
- vii. Physical violence;
- viii. Wilful damage to the Corporation's property;
- ix. Continuous bad performance;
- x. Divulgence of Corporation information without authorisation.

#### 5.2 Appointment and Composition of Disciplinary Committee.

The Committee shall consist of a chairman and two members appointed as follows:

The Chairman of the Committee shall be selected by the Board from a panel of persons enjoying the trust of the Union.

The other two Members shall be appointed by the Chairman of the Corporation and by the Union respectively.

The appointment of a person to serve on the panel as Chairman shall be made on a yearly basis; it may be renewable but shall not exceed three (3) years.

Whenever practicable officers appointed as members of the Committee shall be not less than one grade above the officer charged.

As can be seen, having been accused with "divulgence of Corporation information w/o authorization," such offence merited TO BE DEALT by the Disciplinary Committee, and not by the CEO, and as it was my first offence, most probably just merited "a verbal warning" or "a fine not exceeding one-week's salary or wage."

The Committee shall have a secretary who is appointed by the Corporation and who the meetings.

### 5.3 Functions of the Committee and exercise thereof

It shall be the function of the Committee to investigate cases of discipline referred to it under these regulations.

In exercising its functions under these regulations, the Committee, shall endeavour to afford a fair opportunity to both sides to present their case, but shall dispense with all undue formalities and ensure that justice is done expeditiously and according to the substantive merits of the case. The Committee shall reach its findings and communicate them to the Chairman of the Corporation and the officer charged, and in no case later than five weeks from the date on which the case is referred to it.

The Union or other officials representing the Corporation's officers before the Disciplinary Committee are to state in advance the names of the officers they are defending or representing.

### 5.4 Power of the Committee

The Committee may seek independent expert advice whenever it considers such advice to be necessary or expedient and to summon any person to appear before it and give evidence or to produce any document.

### 5.5 Representation and assistance before the Committee

The Manager who is accusing the officer may be assisted as required while the officer charged may be represented or assisted by an officer in the service of the Corporation or by a trusted person or by a representative of the Union to which the officer belongs.

### 5.6 Notice of time and place of hearing

Reasonable notice by the committee shall be given of the time and place of the hearing to the Manager and to the officer charged. Every notice shall be signed by the Chairman of the Committee, or his delegated representative, and served by registered post or by hand.

If an officer does not attend the hearing without giving notice of a valid justification, s/he shall be admitting his/her guilt, and the Committee shall proceed with the hearing.

### 5.7 Communication of findings

On the conclusion of the proceedings, the Committee shall communicate its findings to the Chairman of the Corporation and the officer charged. (The Chairman of the Corporation

shall communicate to the officer the findings of the Committee and the penalties contemplated there from). The Chairman may, at his discretion, relay any information on the findings of the Committee to the Board.

The findings of the Committee shall include:

- (i) Statement whether in the Committee's opinion the accused officer has or has not committed the offence or offences charged with and a brief statement of the reasons for that opinion;
- (ii) Details of any matters which in the Committee's opinion aggravate or mitigate the gravity of the case.

### 5.8 Procedure following findings of the Committee

Both the Manager as prosecutor and the officer charged may, within ten days from the date on which the findings are communicated to them, make representations in writing to the Chairman with respect to such findings. A copy of any representation so made shall be communicated to the other side by the Chairman.

The Chairman shall consider the findings of the Committee, the recommendations of the Committee and any such representation made within the time specified in sub-paragraph 5.3 and shall decide upon the guilt or otherwise of the officer charged and what punishment, if any.

If the Chairman decides that the offence has been proved and that a punishment other than dismissal is warranted the Chairman shall decide upon the punishment to be imposed.

If the Chairman decides that the offence has been proved and that dismissal is warranted the matter shall be referred to the Board for consideration and decision. Within a reasonable time of such referral the Board shall consider the case and shall give an opportunity to the officer charged to make oral representations. After considering the facts of the case, the findings of the Committee, the decision of the Chairman and any representations made to it, the Board, shall decide whether to confirm the decision to dismiss the officer or to inflict some lesser punishment.

### 6.0 Criminal Offences

#### 6.1 Proceedings in the case of criminal offences committed at the work place

If the Manager reports to the Chairman that an officer has allegedly committed (a serious offence which is also) a criminal offence, the Chairman may decide whether to forward the case to the Disciplinary Committee and/or to the Police for investigation and subsequent prosecution.

If it is considered to be in the Corporation's interest that an officer who has allegedly committed a criminal offence should cease forthwith to exercise the powers and functions of his/her post the Chairman may suspend the officer from the exercise of these powers and

As can be seen, I should have been given a reasonable notice by the Committee. Instead what happened was that on 4-Mar-14, I finished from work at 8:08am (listed under date of 3-Mar-14 in punch clock record above) and when after doing some shopping had arrived near Attard Parish church at about 9:15am by cycling, I received a call from Frederick's secretary telling me not to report to work at DPS but to attend an appointment with Frederick the CEO later that day.

## 1.7 DUTIES AND BEHAVIOUR OF OFFICERS

### 1.7.1 Job Descriptions

All job descriptions which were used prior to the signing of this collective agreement will be replaced with new job descriptions as agreed between the Management and the EPOU. The agreed job descriptions are as follows:

- (S.)P.E. – Administration
- (S.)P.E. – Accountant
- (S.)P.E. – Architect and Civil Engineer
- (S.)P.E. – Corporate Services
- (S.)P.E. – Electrical Engineer
- (S.)P.E. – I.C.T.
- (S.)P.E. – Industrial Chemist
- (S.)P.E. – Mechanical Engineer
- (S.)P.E. – Project Executive
- (S.)P.E. – Public Relations
- (S.)P.E. – Revenue Protection

In the eventuality that for an existent post, the job description is not listed above, the job description that was signed between the officer and the corporation on the day of appointment will still apply.

### 1.7.2 An Ethical Statement and Value System for the Corporation and its Officers

Both parties recognise that the Corporation as well as its Officers should abide to an ethical code of behaviour and a value system.

Both parties agree that within twelve months of the signing of this Agreement, a Statement of Corporation Ethics and a Value system will be introduced to establish the ethical and value aspirations of both the Corporation and its officers.

The Corporation will undertake this exercise by consulting bottom up amongst its officers to determine the ethical and value aspirations of both the Corporation and its officers.

### 1.7.3 The Corporation as a Model Employer

The Corporation will strive to its utmost to act as a Model Employer. To underpin this statement the Corporation will initiate the process to secure the Investment In People international benchmark – the hallmark of any organisation that seeks to be credited as a Model Employer.

### 1.7.4 Adhering to the Ethical Statement and Value System

The Corporation will do its utmost to ensure that its behaviour with its officers is consistent at all times with the Ethical Statement and Value System and expects its officers to behave accordingly.

1.7.5 Enemalta aims to maintain high standards in all its dealings. It is essential that the appearance and behaviour of staff, as representatives of the Corporation, reflect a proper image of the Corporation. Officers are therefore expected to dress suitably and their manner of conduct becoming of the Corporation they represent. Officers are expected to be properly dressed at all times when carrying out duties inside the Office and outside work. Moreover the Corporation and the Union shall jointly determine the suitability of attire and/or uniforms which will be provided by the Corporation to specified groups of officers who will then be expected to wear them when on duty.

1.7.6 All Enemalta officers shall work diligently and to the best of their ability during their whole working hours, and should perform the duties assigned to them in the most efficient manner. They should comply with all legitimate rules and orders made by the Corporation or by their superior officers. They should show due respect for their superior officers, for other officers and for the public.

1.7.7 Officers shall not act in a way to damage the reputation of the Corporation, nor derive personal benefit from their position with the Corporation.

1.7.8 Severe disciplinary action, including dismissal shall be taken against officers who receive money or gifts from third parties for influencing their duties. Officers are required to report any such offer by third parties to their superiors, who should forward them to the Chairman through normal channels.

1.7.9 If an officer is not assigned any work, or has completed the work assigned to him, he is to inform his superior officer immediately.

1.7.10 All officers are required, after sufficient training, to undertake the full range of duties of their grade.

## 1.8 WHISTLE BLOWING

In order to secure corporate governance the Corporation will accept whistle blowing on fraud related matters submitted both anonymously or in person.

A person will provide the whistle blow report to the Chief Executive Officer on a secure dedicated e-mail account titled [ceo@whistleblower.emc@enemalta.com.mt](mailto:ceo@whistleblower.emc@enemalta.com.mt) or in person. The person may, if he or she so wishes, request the Union's presence when physically submitting the whistle blow report to the Chief Executive Officer.

The Corporation will provide full protection to a person who submits a whistle blow report. The Corporation will investigate any report to the full extent of the law. An officer who provides a non genuine report may be liable to disciplinary action.

As can be seen Enemalta's Whistle blowing email is [ceo@whistleblower.emc@enemalta.com.mt](mailto:ceo@whistleblower.emc@enemalta.com.mt), the responsibility of the "CEO" himself.

8 ta' Jannar 2014

Ċirkulari Nru: 07/2014

Lill-impjegati kollha tal-Korporazzjoni

### **Tishih fit-tmexxija tal-Korporazzjoni**

Il-Korporazzjoni tixtieq tavza li b'effett mit-3 ta' Frar 2014, l-Ing. Jesmond Drago (Manager Generation Delimara), l-Ing. Eugenio Borg (Manager II Generation) u l-Ing. John Chircop (Manager II DPS) ser jibdedw jaqdu rwollijiet godda fis-sezzjonijiet tal-Projects, Distribution u Estate Management rispettivament.

Dawn il-pożizzjonijiet godda kienu meħtieġa biex dawn it-tliet uffiċċjali jkollhom sehem attiv f'għadd ta' proġetti godda li l-Korporazzjoni qed tnedi, kif ukoll biex isir użu aktar effettiv tar-riżorsi umani tal-Enemalta. L-amministrazzjoni tal-Korporazzjoni tinsab ċerta li bl-esperjenza u l-hiliet tagħhom, dawn l-inginiera se jkunu strumentali biex il-Korporazzjoni tilhaq il-miri strateġiċi tagħha, waqt li tkompli tavanza 'l quddiem fis-snin li ġejjin.

L-Ing. Jesmond Drago ser ikun assenjat f'diversi proġetti strateġiċi relatati mal-ikkummissjunar tal-interconnector bejn Malta u Sqallija kif ukoll għall-għeluq tal-Marsa Power Station u Delimara Phase 1. L-Ing. John Chircop ser jkun assenjat fil-proġett tad-distribuzzjoni relatat mat-tibdil ta' diversi switchgears li huma installati f'diversi substations f'Malta u Ghawdex. L-Ing. Eugenio Borg ser jaħdem fi hdan is-sezzjoni tal-Corporate Services sabiex isir it-titjib meħtieġ fl-operat u l-effiċċjenza tal-Estate Management Department.

Sabiex dawn it-tliet uffiċċjali jkunu jistgħu jibdedw il-hidmiet fil-pożizzjonijiet godda tagħhom, l-Enemalta hatret tliet inginiera oħra impjegati tal-Enemalta biex jimlew il-karigi li preżentament jokkupaw l-inginiera msemmija hawn fuq. Dawn il-hatriet qed isiru fuq bażi ta' 'acting assignment' b'effett mit-8 ta' Jannar 2014, sakemm jiġu appuntati kandidati fuq bażi permanenti, wara li tinhareġ sejha għall-applikazzjonijiet interna.

L-Ing. Ismail D' Amato (Professional Executive - Electrical) ser jinghata acting assignment fil-pożizzjoni ta' Manager Generation Delimara, l-Ing. Ruben Briffa (Senior Professional Executive - Mechanical) ser jinghata acting assignment fil-pożizzjoni ta' Manager II Generation, waqt li l-Ing. Johann Zammit (Professional Executive - Mechanical) ser jinghata acting assignment fil-pożizzjoni ta' Manager II DPS.

Sabiex ikun hemm bidla faċli kemm jista' jkun, l-Ing. Drago, l-Ing. Borg u l-Ing. Chircop ser jaħdmu flimkien ('handover') mal-Ing. D'Amato, l-Ing. Briffa u l-Ing. Zammit rispettivament fil-gimghat li ġejjin.

Il-Korporazzjoni tixtieq tiehu din l-oportunita sabiex tawgura kull suċċess lil dawn is-sitt inginiera fl-irwoli godda tagħhom. Fl-istess waqt, thegħeġ lill-impjegati kollha sabiex jappoġġjaw lil dawn l-uffiċċjali, halli jkunu jistgħu jwettqu l-hidmiet godda tagħhom bl-aħjar mod, u jiksbu r-riżultati mixtieqa.

Grazzi

Ing. Fredrick Azzopardi  
Kap Eżekuttiv u Direttur

Frederick Azzopardi was appointed CEO in Januray 2014. His fist task was to get rid of DPS managers and appoint the above mentioned 3 puppets as managers instead, 2 of them fraudsters involved in that change shift abuse, taking "extra pay for which you are not entitled." It was really a good start with Frederick at the helm of Enemalta and a predicament of what was yet to come.