

**Postal Sector – Minimum Standards for Protecting the Integrity of
Mail**
Decision Notice

8th June 2006

Contents

	Pages
Executive Summary	3
1. Introduction	5
2. Recruitment	8
3. Training	10
4. Security of Mail	11
5. Disciplinary Procedures	13
6. Agents and Subcontractors	15
7. Information Requirements	16
8. Enforcement	18
9. Changes to the Minimum Requirements	20
Appendix	
Appendix A	Responses to Consultation
Appendix B	Minimum Standards for Protecting the Integrity of Mail

Executive Summary

Postal services provide vital infrastructural support for the various economic and social activities that take place. Measures put in place by postal operators to ensure the integrity of the mail constitutes a key element in ensuring consumer confidence in the market. Customers need to have an assurance that the mail they entrust to any postal operator will arrive at its destination and not be interfered with, lost, damaged or stolen.

In addition to the physical infrastructure, mail integrity refers to issues relating to the security of mail that need to be in place to ensure, as far as possible, that mail sent by a customer reaches its intended recipient. Postal operators should have in place appropriate policies, procedures and measures to ensure that the integrity of mail is protected.

Risks to mail integrity may emanate from the people who have access to that mail, whether authorised or otherwise. These people may damage mail, delay it, interfere with it, or steal it. Other events that can result in the destruction of mail, the closure of postal facilities and cause physical harm to employees or consumers may also occur by way of natural disasters (such as floods and earthquakes), accidents (for example vehicle accidents which may expose mail to security hazards) and by the transmission of dangerous and prohibited goods such as weapons of mass destruction (for example chemical, biological and radiological threats).

In February 2006, the Malta Communications Authority (MCA) published a consultation document seeking the views of interested parties with regard to the minimum standards to be achieved for the protection of the integrity of mail by all postal operators.¹ This consultation document covered the minimum standards for all postal operators which would ensure, as far as possible, that items in the post are handled safely and securely.

This document explains the basis of the decision made by the MCA on the minimum standards which all postal operators must meet - taking into consideration the different circumstances depending on the nature and size of operations of postal operators - for the:

- o prevention of unauthorised access to the mail;
- o management of authorised access to the mail; and the
- o prevention and management of damage and/or injuries resulting from natural disasters, accidents and the transmission of dangerous and prohibited goods.

The MCA's intention is not to tell postal operators how to run their business, but rather to establish minimum standards. The MCA will monitor compliance with these standards by taking a risk-based approach.

¹ Refer to Consultation Document at <http://www.mca.org.mt/library/channel.asp?lc=2&ch=48&t=0>.

The MCA has given careful consideration to the sole representation received on its February consultation document and is grateful for the response received. The consultation confirmed that the proposed minimum standards covered all the key issues with respect to protecting the integrity of mail.

In order to provide postal operators with enough time to modify and implement their policies, procedures and measures to meet the minimum standards, the minimum standards for protecting the integrity of mail **as depicted in Appendix B will take effect from 1st August 2006.**

Moreover, Maltapost plc (hereinafter referred to as Maltapost) - as the Universal Service Provider (USP) - will be required to make available to the MCA its detailed internal policies and procedures for protecting the integrity of mail that reflect the established minimum standards **by not later than 1st August 2006.**

To ensure Maltapost's compliance with the minimum standards for protecting the integrity of mail, the MCA (or a competent organisation acting on behalf of the MCA) will audit the policies and procedures adopted by Maltapost and assess compliance with the established minimum standards within **three months (3)** from the publication of this decision notice.

1. Introduction

The MCA is the national regulatory authority responsible for the regulation of postal services in Malta as stipulated in the Malta Communications Authority Act (Cap 418)² and the Postal Services Act (Cap 254).³ The latter came into force on 1st June 2003 and transposes EU Postal Directive 97/67/EC as amended by 2002/39/EC.⁴

In October 2005 the Minister for Competitiveness and Communications brought into force the Postal Services (General) Regulations, 2005.⁵ These regulations, amongst others, set up an individual licensing regime for postal operators whose activities are deemed as falling within the scope of the universal service and a general authorisation regime for postal operators within the so-called competitive area.

1.1 Mail Integrity Obligations

In December 2004, the Government modified Maltapost's licence⁶ in order to bring it in line with the provisions of the Postal Services Act. Amongst others, the modified licence stipulated that within six (6) months of the grant of the (modified) licence, Maltapost, as the **licensed universal service provider**, was required to submit to the MCA, for its approval, its procedures for protecting the integrity of mail.

Licensed operators operating within the universal service area are also required to forward their proposed mail integrity procedures to the MCA, for approval, within one month from the grant of a licence.

As specified in Maltapost's licence and that of postal operators operating within the universal service area, the MCA is required to verify that their mail integrity policies and procedures reflect and conform to all legal requirements. In addition, the MCA may require a postal operator to amend its procedures to ensure that all the elements for protecting the integrity of mail are provided for. Licensed postal operators are to use all reasonable endeavours to apply their mail integrity protection procedures and are required to allow the MCA to verify the application of such procedures and any related physical facilities. The MCA may review postal operators' mail integrity procedures at least once every two years.

The MCA may also issue directives to a postal operator providing postal services which fall within the scope of the universal services to ensure the protection of the integrity of mail, provided that, before issuing any such directives the MCA may consult with such interested parties as it deems appropriate in the circumstances.

² Refer to http://docs.justice.gov.mt/lom/legislation/english/leg/vol_13/chapt418.pdf.

³ Refer to http://docs.justice.gov.mt/lom/legislation/english/leg/vol_6/chapt254.pdf.

⁴ Refer to http://europa.eu.int/comm/internal_market/post/framework_en.htm.

⁵ Refer to <http://docs.justice.gov.mt/lom/legislation/english/subleg/254/01.pdf>.

⁶ Refer to <http://www.mca.org.mt/library/channel.asp?lc=2&ch=112&t=0>.

Postal undertakings operating under a general authorisation are required to provide details of their mail integrity procedures within two months from date of commencement of the relative activity and thereafter maintain and operate adequate mail integrity procedures.

1.2 Mail Integrity Objectives

The obligations relating to mail integrity aim at **minimising the exposure of postal articles conveyed by postal operators to the risk of loss, theft, damage and/or interference, as well as minimising the risk of offences under Part XI of the Postal Services Act.**⁷

In order for a postal operator to achieve the above-mentioned mail integrity objectives, it should implement policies and procedures that address the following elements:

Recruitment	Procedures related to the selection and vetting of prospective employees.
Training	Procedures related to the initial and ongoing training to be given to employees.
Security of Mail	Details of the measures put in place and actions taken to: prevent problems occurring with the security of mail in premises, vehicles and equipment used to handle and deliver mail; and to prevent damage and/or injuries to people from dangerous and prohibited goods, accidents and natural disasters.
Disciplinary Procedures	Details of the standard of conduct expected of each employee.
Agents and Sub-contractors	Procedures for dealing with agents or subcontractors.
Information and Reporting Requirements	Procedures for recording and reporting information, and dealing with mail integrity problems.

1.3 Establishment of Minimum Standards

The establishment of minimum standards, on the one hand, benefit postal operators by facilitating the establishment of clear and consistent written policies and procedures together with any physical measures that may be required in order to achieve these standards.

On the other hand, they provide customers confidence in the sector which, in turn, benefits postal operators. The minimum standards are common to all postal operators and customers will know that these standards apply irrespective of the postal operator's size or position in the market place or the customer's purchasing power.

⁷ Refer to Articles 66 to 76 of Part XI and Article 77 of Part XII of the Postal Services Act.

The MCA recognises that there is a balance to be struck between setting minimum standards for mail integrity to protect the interests of the consumer and maintaining a ‘light touch’ regulatory regime where licensing and general authorisation conditions are not unnecessarily intrusive and act as an operational hurdle. The MCA is also aware of the need to avoid taking a prescriptive approach which sets out the operational procedures that postal operators should put in place.

The requirements for protecting the integrity of mail have been established in such a way as to give postal operators the freedom to develop their own individual business models and operate their business effectively, providing they meet the required standards. It is up to the postal operator to consider what written policies, procedures and monitoring mechanisms they wish to put in place to meet, or exceed, those standards. The MCA believes that the established minimum standards to be achieved for protecting the integrity of mail across the postal sector are an acceptable minimum for the benefit of users of postal services. Postal operators are able to build upon the minimum standards by factoring in ‘added value’ to their mail integrity protection procedures over and above the established minimum standards.

1.4 Scope

The minimum standards are not in any way linked to the postal operator’s size, structure or classification in that the integrity of all mail dealt with by all postal operators ought to be protected. To this effect, the MCA notes that the provisions under Part XI of the Postal Services Act cover all postal articles and draws no distinction between mail inside and outside the licensed area. Hence, the minimum standards cover all postal operators as defined in the Postal Services Act.

These minimum standards apply to the universal service provider, the providers operating within the universal service area (i.e. subject to a postal licence) and those operating outside the universal area (referred to as the competitive area and subject to a general authorisation).⁸ In view of the fact that the minimum standards are based on the establishment of policies and procedures, postal operators should tailor such policies and procedures to their own circumstances, including the size, and structure of their organisation.

1.5 Purpose of this Document

This document considers the response received to the consultation on the introduction of the minimum standards for protecting the integrity of mail, including the requirements of information and the enforcement and monitoring measures, with respect to each of the above-mentioned three (3) categories of postal operators and sets out the MCA’s decision on the subject.

⁸ Refer to the explanatory note that provides information pertaining to the provision of postal services in Malta <http://www.mca.org.mt/library/channel.asp?lc=2&ch=89&t=0>.

2. Recruitment

This section sets out the proposals the MCA made on the recruitment of employees, considers the response received to the consultation and outlines the decision the MCA has taken.

MCA's Proposals

The MCA proposed that if a postal operator employs or uses (or intends to employ or use) employees, the postal operator must:

- establish, maintain and adhere to a recruitment policy in relation to the employment or utilisation of employees designed to facilitate the achievement of the mail integrity objectives; and
- allocate responsibility to specific personnel within its organisation for the implementation, compliance and monitoring of that recruitment policy.

The MCA proposed that the policies and procedures for recruitment should include:

- a description of the various different jobs, roles and responsibilities;
- the information about a prospective employee that the postal operator requires;
- the steps which the postal operator needs to take to satisfy itself of the identity of the prospective employee;
- the steps which the postal operator needs to take in order to confirm a prospective employee's work history;
- a requirement for prospective employees to declare any criminal convictions or any cautions or conditional discharges for offences relating to postal articles or dishonest conduct generally, and guidelines on how any such convictions, cautions or conditional discharges declared by prospective employees will be taken into consideration in deciding whether or not to employ the prospective employee; and
- the ongoing overall monitoring of employees.

Respondent's Views

Maltapost is supportive of the MCA's proposals. Maltapost raised a concern that the 'Oath of Office' as specified in Article 30 of the Postal Services Act should be a compulsory requirement for all postal operators. Maltapost also commented that mail is of a confidential matter and hence no information with respect to postal articles passing through the post must be disclosed unless authorised by law. Maltapost pointed out that the Postal Services Act contemplates penalties that include fines and even imprisonment in breach of such an oath.

MCA's Decision

The MCA notes the importance of Maltapost's comment regarding the compulsory requirement of Article 30 of the Postal Services Act. Although this is already catered for in the provisions of the Postal Services Act and is thus mandatory for all postal operators the MCA acknowledges its importance in meeting the mail integrity objectives.

Having considered the response received to the MCA's proposals related to recruitment, the MCA has concluded that this section of the minimum standards should remain as drafted and include the requirement to ensure that a prospective employee shall not enter upon the duties of an officer of a postal operator unless he / she has first taken the 'Oath of Office' as specified in the Postal Services Act.

3. Training

This section sets out the MCA's proposals on training, considers the response received to the consultation and outlines the decision the MCA has taken.

MCA's Proposals

The MCA proposed that if a postal operator employs or uses employees, the postal operator must:

- establish, maintain and adhere to a training policy that provides for employees to receive initial and ongoing training (tailored to their job specific needs) so as to facilitate achievement of the mail integrity objectives;
- allocate responsibility to specific personnel within its organisation for the implementation, monitoring and compliance with that training policy;
- ensure that all employees are appropriately informed of the provisions of Part XI of the Postal Services Act and made aware of the seriousness of the offences detailed in those sections; and
- postal operators must monitor, regularly review the training policy and, where necessary, update or amend the policy to ensure that it continues to meet the mail integrity objectives.

The MCA proposed that the training policies and procedures should set out:

- the levels of training required to meet the mail integrity objectives, including the minimum level of training;
- the levels of training required taking into account the responsibilities of and work undertaken by the respective employees in relation to mail;
- an explanation of how the training will be provided;
- the frequency with which the training should be provided; and
- details of how the training is delivered, recorded and monitored.

Respondent's Views

Maltapost agrees with the proposed minimum standards in relation to training.

MCA's Decision

Having considered the response received to the MCA's proposals related to training, the MCA has concluded that this section of the minimum standards should remain as drafted.

4. Security of Mail

This section sets out the MCA's proposals on the security of mail, considers the response received to the consultation and outlines the decision the MCA has taken.

MCA's Proposal

The MCA proposed that postal operators must establish, maintain and adhere to policies and procedures as may reasonably be necessary to facilitate the achievement of the mail integrity objectives, in particular in relation to the security of relevant premises, the use of vehicles and equipment in the collection, conveyance or delivery of postal articles, natural disasters, transmission of dangerous and prohibited goods⁹ and bomb scares.

Furthermore the MCA proposed that postal operators must allocate responsibility to specific personnel within their organisations for the implementation of and compliance with these policies and procedures. Postal operators must regularly review the policies and procedures and, where necessary, update or amend those policies and procedures to ensure that they continue to meet mail integrity objectives.

The MCA proposed that the policies and procedures put in place should cover:

- regular security risk assessments;
- the maintenance of records detailing, as far as reasonably practicable, which employees in each case were responsible for the conveyance, receipt, collection, sorting, delivery or handling of specific postal articles;
- measures taken to prevent or detect loss or theft of, damage or interference to mail by third parties or unauthorised third party access to the mail;
- measures taken to prevent the exposure of mail to security hazards due to natural disasters, terrorism attacks (such as threats related to weapons of mass destruction, mail bombs and bomb threats);
- measures taken to be in a position to identify the transmission of postal articles which are prohibited;
- measures taken to prevent damage and/or injuries to people due to dangerous and prohibited goods in the mail;
- measures to be taken, including monitoring, to prevent or detect loss or theft of, damage to, or interference with, postal articles from or at premises, vehicles or equipment; and
- provisions for monitoring places where mail is handled or conveyed.

⁹ Refer to Article 47 and 48 of the Postal Services Act).

Respondent's Views

Maltapost agrees with the proposed minimum standards in relation to the security of mail.

MCA's Decision

Having considered the response received to the MCA's proposals related to the security of mail, the MCA has concluded that this section of the minimum standards should remain as drafted.

5. Disciplinary Procedures

This section sets out the MCA's proposals on disciplinary procedures, considers the response received to the consultation and outlines the decision the MCA has taken.

MCA's Proposal

The MCA proposed the following minimum requirements:

- postal operators should make employees aware of the standards of conduct expected of them, with these standards facilitating achievement of the mail integrity objectives;
- postal operators should have a written disciplinary policy in place which sets out the action to be taken if an employee fails to adhere to the standard of conduct expected of him or her and should act in accordance with this;
- postal operators should nominate someone who is responsible for making employees aware of the standard of conduct expected of them and implementing and ensuring compliance with the discipline policy;
- postal operators should monitor implementation of and compliance with the standards of conduct and the discipline policy, and
- postal operators should regularly review the standards of conduct and the discipline policy to ensure that they remain 'fit for the purpose'.

The MCA proposed that the discipline policy and procedures should set out:

- what constitutes a failure to meet the required standards of conduct and what action will be taken in the event of such a failure;
- how a postal operator will ensure that all employees understand that a breach of the standards of conduct may sometimes be a criminal offence and how this will be dealt with;
- the records that will be kept on action taken under the discipline policy; and
- a process to identify consistent failure to meet the standards of conduct and take action.

Respondent's Views

Maltapost agrees with the proposed minimum standards related to disciplinary procedures. Moreover, it pointed out that in the absence of a collective agreement, which in itself outlines the 'Code of Discipline' on all employees, a postal operator should bind employees under a form of written disciplinary policy irrespective of size of the workforce.

MCA's Decision

The MCA notes that the minimum standards are intended to regulate a postal operator with respect to its mail integrity obligations and are not intended to direct postal operators whether or not they should bind employees under a form of written disciplinary policies.

The minimum standards require postal operators to determine what, if any, action to take should an individual act in a way which compromises the integrity of the mail. This is consistent with the MCA's aim of leaving the postal operators free to determine how to meet the minimum standards in a way which meets the needs of their business.

Having considered the response received to the MCA's proposals related to disciplinary procedures, the MCA has concluded that this section of the minimum standards should remain as drafted.

6. Agents and Subcontractors

This section sets out MCA's proposals on agents and subcontractors, considers the response received to the consultation and outlines the decision the MCA has taken.

MCA's Proposal

The MCA proposed the following requirements:

- postal operators should take all reasonable steps to ensure that all agents or sub-contractors involved in handling or conveying mail on their behalf comply with the standards relating to mail integrity as though they apply to them directly; and
- postal operators should take all reasonable steps to ensure that agents or sub-contractors providing the postal operators with employees comply with these mail integrity standards as though these standards applied to the agents or sub-contractors directly.

Respondent's Views

Maltapost agrees with the proposed minimum standards related to agents and sub-contractors.

MCA's Decision

Having considered the response received to the MCA's proposals related to agents and subcontractors, the MCA has concluded that this section of the minimum standards should remain as drafted.

7. Information Requirements

This section sets out the MCA's proposals on information and reporting requirements, considers the response received to the consultation and outlines the decision the MCA has taken.

MCA's Proposal

The MCA proposed that the information and reporting requirements should include:

- that postal operators record all mail integrity incidents;
- that mail integrity incident records should include information on the:
 - date, time and place of the incident;
 - the number of (or where the precise number is not known, a reasonable estimate of the number of) items involved;
 - as far as reasonably practicable, the employee(s) involved in the conveyance of the items involved in the incident;
 - the circumstances pertaining to the incident; and
 - any other information in relation to the incident which a postal operator may require.
- the postal operators' review of the information recorded with respect to incidents with a view to assessing trends, risks and mitigation;
- a report, on the part of postal operators, to the MCA on a quarterly basis regarding incidents relating to mail integrity;
- the provision to the MCA, on the part of postal operators, of an annual statement of the measures that they intend to take to remedy any failures or patterns of failure to achieve the mail integrity objectives and to reduce the numbers of postal articles lost, stolen, damaged or interfered with;
- information to customers when mail is stolen, dumped or wilfully delayed so that customers can take action accordingly; and
- the nomination, by the respective postal operators, of a member(s) of staff to take responsibility for the recording and reporting responsibilities.

Respondent's Views

Maltapost agrees with the proposed minimum requirements related to the dissemination of information with the exception of the need for quarterly reports relating to mail integrity incidents to be submitted to MCA. Maltapost is of the opinion

that once a postal operator has to submit a yearly report on the measures taken to remedy any failures, a six monthly report on such matters is considered sufficient.

MCA's Decision

The MCA does not concur with Maltapost's views with regard to the quarterly reporting requirement of mail integrity incidents to the MCA.

The MCA's view is that it should be informed about mail integrity incidents on a quarterly basis so that the necessary action can be taken if there are issues that need to be followed up (e.g. the need for a monitoring site visit or audit) and so that the MCA can consider the effectiveness of the minimum standards.

The MCA believes that such a reporting requirement will not create an increase in the administrative burden on postal operators and will keep the MCA adequately informed of all mail integrity incidents.

Having considered Maltapost's response, the MCA has concluded that no changes are necessary to the MCA's proposals on the information and reporting requirements and this section of the minimum standards should remain as drafted.

8. Enforcement

This section sets out the MCA's proposals on enforcement, considers the responses received to the consultation and outlines the decision the MCA has taken.

MCA's Proposals

The MCA proposed that the enforcement of the minimum standards for the protection of the integrity of mail will be carried out through the:

- licensing / general authorisation process, and the
- monitoring of the licensees / authorised undertakings.

Licensing / General Authorisation Process

The MCA will ensure that the mail integrity procedures forwarded to the MCA, for approval, comply with the minimum standards and the MCA will take those steps it deems necessary to satisfy itself that a postal operator complies with these standards. A failure to demonstrate an ability to satisfy the minimum standards may constitute a breach of the licence or authorisation and lead to the MCA taking enforcement action in accordance with the provisions set out in the Postal Services Act.¹⁰

The MCA may also undertake site visits for every licensee or authorised undertaking. The MCA recognises the importance of site visits and will consider how and when to undertake these following the submission by postal operators of their mail integrity procedures, taking a risk-based approach. Following any site visit, the MCA may request the postal operator to improve certain procedures, where appropriate, within a specified period of time.

Monitoring Postal Operators

Postal operators will be periodically monitored in order to ensure that they comply with the mail integrity standards. Postal operators are encouraged to regularly audit their mail integrity policies and procedures and assess compliance with the established minimum standards and identify needed improvements. The MCA (or a competent external entity acting on behalf of the MCA) will audit the policies and procedures adopted by postal operators and assess compliance with the established minimum standards as deemed necessary.

¹⁰ Refer to Article 11 (in case of non-compliance with conditions of general authorisations) and Article 12 (in case of non-compliance with conditions of individual licences) of the Postal Services Act.

The MCA will base the frequency of audits and/or monitoring visits by applying a risk-based assessment. The determining factors would be the size of the postal operator, whether the postal operator is the universal service provider or is operating within the universal services area or outside the scope of the universal service, any independent mail integrity audits carried out by the postal operator and whether it has had any compliance issues in the past. In addition, the MCA will utilise the postal operator's quarterly and annual reports on mail integrity submitted to the MCA as part of its risk-based assessment.

The monitoring visits, audits and reviews of information received will either confirm that a postal operator's activities present no cause for concern, or will bring to light issues that need to be followed up. The MCA expects that any follow up action will be low-key initially, but enforcement action is clearly a possibility. A breach of the proposed minimum standards would constitute a breach to the conditions of the licence or general authorisation and the MCA will assess the appropriate action to take in accordance with the provisions set out in the Postal Services Act.

Respondent's Views

Maltapost agrees with the proposed enforcement and monitoring mechanisms.

MCA's Decision

The MCA believes that postal operators should be responsible to regularly audit their mail integrity policies and procedures and assess compliance with the established minimum standards and identify any needed improvements.

The MCA will use the above-mentioned enforcement and monitoring measures to ensure that postal operators comply with the established minimum standards for protecting the integrity of mail. In addition, the MCA reserves the right to request a postal operator to enter into a contract with a competent, experienced and reputable independent organisation having no links with the postal operator to carry out an audit to ensure compliance with the established minimum standards as deemed necessary. This will be done following a risk-based assessment as mentioned above.

Such audits should be looked upon as a key element for postal operators to be actively involved in the process of identifying and understanding any issues related to the integrity of mail and what they can do to address them.

9. Changes to the Minimum Requirements

The minimum standards for protecting the integrity of mail as depicted in **Appendix B** will take effect from 1st August 2006.

The MCA recognises that the established minimum standards may have to be amended over time as the postal market environment changes. The MCA will introduce such changes to the minimum standards by seeking the views of all stakeholders.

All requests by postal operators for changes to the existing requirements should be referred to the MCA. Prior to reviewing any proposed changes, the MCA will ensure that such changes will better facilitate the achievement of the mail integrity objectives.

All proposals that appear consistent with the mail integrity objectives may be subject to public consultation. The MCA will take the views of the responses received to the consultation into account in reaching its final decision on the request for change. Nevertheless, the MCA will review the minimum standards at least once every two years.

Appendix A – Responses to Consultation



Postal Sector - Protecting the Integrity of Mail Consultation Paper

Comments

Maltapost plc

March 2006

1.0 Recruitment

Comments

Maltapost agrees with all the proposed minimum requirements related to the recruitment process of employees.

In actual fact, Maltapost is adhering to all requirements by MCA as to recruitment.

What we wish to add is that the “Oath of Office” as specified in Article 30, Schedule 1 of The Postal Services Act (Chap 254) should be a compulsory requirement. One has to bear in mind that mail is of a confidential matter and hence no information respecting postal articles passing through the post must be disclosed unless authorized by law. Moreover, the Postal Services Act contemplates penalties that include fines and even imprisonment in breach of such oath (Refer to clauses 73, 74 and 75 of the Act)

2.0 Training

Comments

Maltapost agrees with the proposed minimum requirements in relation to all training related to the integrity of mail. Nothing to add further.

3.0 Security of Mail

Comments

Maltapost agrees with the proposed minimum requirements in relation to the security of mail.

4.0 Disciplinary Procedures

Comments

Maltapost agrees with the proposed minimum requirements related to disciplinary procedures. Moreover, we wish to point out that even in the absence of a collective agreement which in itself outlines the Code of Discipline on all employees, the operator should bind employees under a form of written disciplinary policy irrespective of size of the workforce.

5.0 Agents and Sub-contractors

Comments

Maltapost agrees with the proposed minimum requirements related to agents and sub-contractors.

6.0 Information Requirements

Comments

Maltapost agrees with the proposed minimum requirements related to the dissemination of information with the exception of quarterly reports relating to mail integrity incidents to be submitted to MCA. Once that the operator has to submit a yearly report on the measures taken to remedy any failures etc., Maltapost consider that a six monthly report on such matters is enough.

7.0 Enforcement

Comments

Maltapost agrees with the proposed minimum requirements related to enforcement.

Appendix B – Minimum Standards for Protecting the Integrity of Mail

Minimum Standards for Protecting the Integrity of Mail

1. Introduction

- 1.1 The purpose of establishing minimum standards is for postal operators¹¹ to be in a position to achieve their mail integrity objectives depicted in Section 1.2 below.
- 1.2 The mail integrity objectives are to minimise the exposure of postal articles¹² conveyed by postal operators to the risk of loss, theft, damage and/or interference and to minimise the risk of offences under Part XI of the Postal Services Act (Cap 254).
- 1.3 These minimum standards set out the requirements to be followed in order to satisfy the mail integrity objectives mentioned in Section 1.2 above.
- 1.4 The minimum standards apply to all postal operators and postal articles conveyed, received, collected, sorted, delivered or otherwise handled by postal operators.
- 1.5 Postal operators should allocate responsibility to specific personnel within their organisations for the implementation of and compliance with these minimum standards.
- 1.6 In meeting their obligations with respect to the integrity of mail postal operators should have due regard to the size and nature of their organisation and operations.
- 1.7 Where the minimum standards require the establishment of a policy and procedures, the said policy and procedures must be clearly documented, kept under document control, and available to those specific members of staff within the postal operator's organisation who are responsible for the implementation of and compliance with the said policy and procedures.
- 1.8 Reference to employee(s)¹³ means permanent, temporary, casual or part-time employees or workers (including those under a contract for service), who are (or may be) involved in conveying, receiving, collecting, sorting, delivering or otherwise handling postal articles or who are reasonably likely to have access to postal articles in the course of their work.

¹¹ Postal Operator has the meaning given in the Postal Services Act (Cap 254).

¹² Postal Articles has the meaning given in the Postal Services Act (Cap 254).

¹³ Employee has the meaning of 'officer of a postal operator' as defined in the Postal Services Act (Cap 254).

2. Recruitment

2.1 If a postal operator employs or uses the services of (or intends to employ or use) employees, the postal operator must:

- i) establish, maintain and adhere to a recruitment policy in relation to the employment or utilisation of employees designed to facilitate the achievement of the mail integrity objectives;
- ii) allocate responsibility to specific personnel within its organisation for the implementation, compliance and monitoring of that recruitment policy; and must
- iii) ensure that an prospective employee shall not enter upon the duties of an officer of a postal operator unless he / she has first made on oath, the declaration contained in the First Schedule of the Postal Services Act

2.2 The recruitment policy and procedures should include:

- i) a description of the various different jobs, roles and responsibilities in respect of which the recruitment policy should apply;
- ii) the information about a prospective employee that the postal operator requires;
- iii) the steps which the postal operator needs to take to satisfy itself of the identity of the prospective employee;
- iv) the steps which the postal operator needs to take in order to confirm a prospective employee's work history;
- v) a requirement for prospective employees to declare any criminal convictions or any cautions or conditional discharges for offences relating to postal articles or dishonest conduct generally and guidelines on how any such convictions, cautions or conditional discharges declared by prospective employees will be taken into consideration in deciding whether or not to employ the prospective employee; and
- vi) the ongoing monitoring of employees.

2.3 Postal operators must regularly monitor implementation of and compliance with the recruitment policy.

2.4 Postal operators must regularly review the recruitment policy and, where necessary, update or amend the policy to ensure that it continues to meet the mail integrity objectives.

3. Training

3.1 If a postal operator employs or contracts the services of employees, the postal operator must:

- i) establish, maintain and adhere to a training policy that provides for employees to receive initial and ongoing training (tailored to their job specific needs) so as to facilitate achievement of the mail integrity objectives;
- ii) allocate responsibility to specific personnel within its organisation for the implementation of and compliance with that policy; and
- iii) ensure that all employees are informed of the provisions of Part XI of the Postal Services Act and be made aware of the seriousness of the offences detailed in those sections.

3.2 The training policy and procedures should include:

- i) the levels of training required to meet the mail integrity objectives, including the minimum level of training;
- ii) the levels of training required taking into account the responsibilities of and work undertaken by employees in relation to postal articles;
- iii) an explanation of how the training will be provided;
- iv) the frequency with which training should be provided; and
- v) details of how training is delivered, recorded and monitored.

3.3 Postal operators must monitor on a regular basis the implementation of and compliance with the training policy.

3.4 Postal operators must review on a regular basis the training policy and, where necessary, update or amend the policy to ensure that it continues to meet the mail integrity objectives.

4. Disciplinary Procedures

4.1 If a postal operator employs or contracts the services of employees, the postal operator must:

- i) make employees aware of the standards of conduct expected of them, with these standards facilitating the achievement of the mail integrity objectives; and

- ii) establish, maintain and adhere to a disciplinary policy (code of behaviour) in relation to the action to be taken if an employee fails to adhere to the standard of conduct expected of him or her and should act in accordance with this.
- 4.2 The standards of conduct and disciplinary policy should be such as to facilitate achievement of the mail integrity objectives.
- 4.3 Postal operators must allocate responsibility to specific personnel within their organisations for:
 - i) making employees aware of the standards of conduct expected of them; and
 - ii) the implementation of and compliance with the disciplinary policy.
- 4.4 The disciplinary policy and procedures should include:
 - i) an explanation of what constitutes a failure to meet the required standards of conduct and what action will be taken in the event of such a failure;
 - ii) an explanation of how the postal operator ensures that all employees understand when a failure to meet the standards of conduct might also constitute a criminal offence and how this will be dealt with;
 - iii) a provision for appropriate records to be maintained detailing any action taken against employees for failure to meet the standards of conduct; and
 - iv) a process to identify consistent failure to meet the relevant standards of conduct and the taking of appropriate remedial action.
- 4.5 Postal operators must monitor on a regular basis the implementation of and compliance with the standards of conduct and disciplinary policy.
- 4.6 Postal operators must review on a regular basis the standards of conduct and disciplinary policy and, where necessary, update or amend the standards of conduct or disciplinary policy, as the case may be, to ensure that they continue to meet the mail integrity objectives.

5. Security of Mail

- 5.1 Postal operators must establish, maintain and adhere to such other policies and procedures as may reasonably be necessary to facilitate the achievement of the mail integrity objectives in relation to the security of relevant premises, the use of vehicles and equipment for the collection, conveyance or delivery of postal articles and risks related to accidents, natural disasters and from risks related to the transmission of dangerous and prohibited goods.

- 5.2 Postal operators must allocate responsibility to specific personnel within their organisation for the implementation of and compliance with the policies and procedures specified in Section 5.1 above.
- 5.3 Postal operators must regularly review the policies and procedures and, where necessary, update or amend those policies and procedures to ensure that they continue to meet the mail integrity objectives.
- 5.4 The policies and procedures should include:
- i) a process for undertaking regular risk assessments;
 - ii) the maintenance of records detailing, as far as reasonably practicable, which employees in each case were responsible for the conveyance, receipt, collection, sorting, delivery or handling of specific postal articles;
 - iii) measures taken to prevent or detect loss or theft of, damage or interference to mail by third parties or unauthorised third party access to the mail;
 - iv) measures taken to prevent the exposure of mail to security hazards due to natural disasters and terrorism attacks;
 - v) measures taken to prevent, and respond to threats related to weapons of mass destruction, mail bombs and bomb threats;
 - vi) measures taken to identify the transmission of postal articles which are prohibited;
 - vii) measures taken to prevent damage and/or injuries to people due to dangerous and prohibited goods in the mail;
 - viii) measures to be taken, including monitoring, to prevent or detect loss or theft of, damage to, or interference with, postal articles from or at premises, vehicles or equipment; and
 - ix) provisions for monitoring places where mail is handled or conveyed.

6. Agents and Sub-Contractors

- 6.1 Each postal operator shall take all reasonable steps to ensure that all of its agents or sub-contractors who are involved in the conveyance, receipt, collection, sorting, delivery or handling of postal articles, comply with these standards as though these standards applied to the agent or sub-contractor.

- 6.2 Each postal operator shall take all reasonable steps to ensure that all of its agents or sub-contractors who are responsible for providing it with employees shall comply with these standards as though these standards applied to the agent or sub-contractor.
- 6.3 Where the agent or sub-contractor is a postal operator, it shall be sufficient for the postal operator which appoints the agent or engages the sub-contractor, as the case may be, to rely on the direct application of mail integrity procedures to that postal operator in fulfilment of its obligations.

7. Information and Reporting Requirements

- 7.1 All incidents of loss or theft of, damage to, or interference with postal articles must be recorded in reasonable detail.
- 7.2 Information to be recorded includes:
 - i) the date, time and place of the incident;
 - ii) the number of (or where the precise number is not known, a reasonable estimate of the number of) postal articles;
 - iii) the subject of the incident;
 - iv) as far as is reasonably practicable the employees involved in the conveyance, receipt, collection, sorting, delivery or handling, as the case may be, of the postal articles in question;
 - v) the circumstances pertaining to the incident; and
 - vi) any other particulars relating to the incident which the postal operators may require.
- 7.3 If a postal operator decides to instigate a prosecution in relation to any incident, it shall notify the MCA immediately and provide such information in relation to the relevant incident and prosecution that the MCA may require.
- 7.4 Postal operators must review on a regular basis the information recorded as specified above with a view to identifying any trends, patterns or other notable features.
- 7.5 Postal operators must submit to the MCA reports regarding incidents relating to mail integrity by not later than twenty (20) working days from the end of each quarter to which those reports relate, which include:
 - i) the number of (or where precise numbers are not known, reasonable estimates of the numbers of) postal articles during the relevant quarter

which were lost, stolen, damaged and/or interfered with; and

- ii) details of any trends, patterns, or other notable features (such as above average incident levels at certain locations) in relation to the incidence of loss or theft of, damage to, or interference with, postal articles.

- 7.6 Postal operators must also submit to the MCA on an annual basis and not later than twenty (20) working days from the end of each financial year, a statement of the measures that the postal operator took or intends to take to remedy any failures or patterns of failure to achieve the mail integrity objectives and to reduce the numbers of postal articles lost, stolen, damaged and/or interfered with.
- 7.7 Postal operators should inform customers when mail is stolen, dumped or wilfully delayed so that customers can take action accordingly.
- 7.8 Postal operators must allocate responsibility to specific personnel within their organisation for meeting the recording, reporting and other requirements with respect to information and reporting requirements.