

MALTA

ATT Nru. XXVI ta' l-1995

ATT mahruġ b'ligi mill-Parlament ta' Malta.

ATT biex jemenda l-Att dwar l-Impieg ta' Persuni Inkapaċitati, Kap. 210.

ACT No. XXVI of 1995

AN ACT enacted by the Parliament of Malta.

AN ACT to amend the Disabled Persons (Employment) Act, Cap. 210.

Naghti l-kunsens tieghi.

(L.S.)

UGO MIFSUD BONNICI
President

17 ta' Ottubru, 1995

ATT Nru. XXVI ta' l-1995

ATT biex jemenda l-Att dwar l-Impieg ta' Persuni Inkapaċitati, Kap. 210.

IL-PRESIDENT, bil-parir u l-kunsens tal-Kamra tad-Deputati, imlaqqgħa f'dan il-Parlament, u bl-awtorità ta' l-istess, hareġ b'ligi dan li ġej: —

1. (1) Dan l-Att jista' jissejjah l-Att ta' l-1995 li jemenda l-Att dwar l-Impieg ta' Persuni Inkapaċitati, u għandu jinqara u jinftiehem bhala haġa waħda ma' l-Att dwar l-Impieg ta' Persuni Inkapaċitati, li minn issa 'l quddiem u għall-finijiet ta' dan l-Att u għal kull effett u skop ta' din u ta' kull ligi oħra, għandu jissejjah bhala l-Att dwar l-Impieg ta' Persuni b'Diżabilità, hawnhekk iżjed 'il quddiem imsejjah "l-Att prinċipali".

Titolu fil-qosor u bidu fis-sehh.

Kap. 210.

(2) Dan l-Att għandu jibda' jsehh f'dik id-data li l-Ministru responsabbli għax-xogħol jista' b'avviż fil-Gazzetta jistabilixxi, u jistgħu jiġu hekk stabbiliti dati differenti għal għanijiet differenti ta' dan l-Att.

2. Minflok il-kliem "persuna inkapaċitata" u "persuni inkapaċitati" kull fejn dawn jinsabu fit-titolu u fid-diversi artikoli ta' l-Att prinċipali għandhom jidhlu l-kliem "persuna b'diżabilità" u "persuni b'diżabilità" rispettivament.

Emenda tat-titolu u ta' diversi artikoli ta' l-Att prinċipali.

Emenda ta' l-artikolu 1 ta' l-Att prinċipali.

3. Fl-artikolu 1 ta' l-Att prinċipali, minflok il-kliem "l-Att dwar l-Impieg ta' Persuni Inkapaċitati" ghandhom jidhlu l-kliem "l-Att dwar l-Impieg ta' Persuni b'Dizabilità".

Emenda ta' l-artikolu 2 ta' l-Att prinċipali.

4. L-artikolu 2 ta' l-Att prinċipali ghandu jiġi emendat kif ġej:

(a) il-frazzjiet "il-Bord", "Dipartiment", "Direttur" u "il-Kumitat" ghandhom jithassru;

(b) minnufih qabel il-frazi "età ta' skola obbligatorja" ghandu jiżdied dan li ġej:

Kap. 343.

“l-Awtorità” tfisser l-Awtorità Nazzjonali tax-Xoghol imwaqqfa bl-artikolu 3 ta' l-Att dwar is-Servizzi ta' Impieg u Tahriġ;”;

(c) minnufih wara l-frazi "impieg xieraq" ghandu jiżdied dan li ġej:

“il-Korporazzjoni” tfisser il-Korporazzjoni ta' Xoghol u Tahriġ imwaqqfa bl-artikolu 5 ta' l-Att dwar is-Servizzi ta' Impieg u Tahriġ;” u

(d) minflok il-frazi "uffiċjal mediku dwar pjazzament" ghandu jidhol dan li ġej:

“uffiċjal mediku dwar pjazzament” tfisser kull uffiċjal mediku bi kwalifiki adattati awtorizzati bil-miktub mill-Ministru;”.

Emenda ta' l-artikolu 3 ta' l-Att prinċipali.

5. Fis-subartikolu (1) ta' l-artikolu 3 ta' l-Att prinċipali minnufih wara l-kliem "minn xi dipartiment tal-Gvern" ghandhom jidhlu l-kliem "jew mill-Korporazzjoni".

Emenda ta' l-artikolu 5 ta' l-Att prinċipali.

6. Minflok is-subartikolu (1) ta' l-artikolu 5 ta' l-Att prinċipali ghandu jidhol dan li ġej:

“(1) Il-Korporazzjoni ghandha taghmel u żżomm Reġistru ta' Persuni b'Dizabilità.”.

Emenda ta' l-artikolu 8 ta' l-Att prinċipali.

7. Fis-subartikolu (2) ta' l-artikolu 8 ta' l-Att prinċipali, minnufih wara l-kliem "tal-Ministru" ghandhom jiżdiedu l-kliem "bil-parir ta' l-Awtorità".

8. Fl-artikolu 9 ta' l-Att prinċipali, fit-test Malti tieghu, fis-subartikolu (1) tieghu minflok il-kliem "id-Direttur għandu, wara li jiżgura ruhu" għandhom jidhlu l-kliem "il-Korporazzjoni għandha, wara li tiżgura ruhha" u minflok il-kelma "jibgħat" għandha tidhol il-kelma "tibgħat", u fis-subartikolu (2) tieghu minflok il-kliem "lid-Direttur" għandhom jidhlu l-kliem "lill-Korporazzjoni" u minflok il-kliem "u d-Direttur għandu jara" għandhom jidhlu l-kliem "u l-Korporazzjoni għandha tara".

Emenda ta'
l-artikolu 9 ta'
l-Att prinċipali.

9. Fis-subartikolu (2) ta' l-artikolu 10 ta' l-Att prinċipali, minflok il-kliem "d-Direttur ikun tal-fehma" għandhom jidhlu l-kliem "il-Korporazzjoni tkun tal-fehma", minflok il-kliem "id-Direttur għandu jnehhi" għandhom jidhlu l-kliem "il-Korporazzjoni għandha tnehhi", u fil-proviso minflok il-kliem "id-Direttur għandu, qabel ma jnehhi l-isem ta' dik il-persuna mir-reġistru, jirriferrixxi" għandhom jidhlu l-kliem "il-Korporazzjoni għandha, qabel ma tnehhi l-isem ta' dik il-persuna mir-reġistru, tirriferrixxi" u minflok il-kliem "u għandu jimxi" għandhom jidhlu l-kliem "u għandha timxi".

Emenda ta'
l-artikolu 10 ta'
l-Att prinċipali.

10. Fl-artikolu 12 ta' l-Att prinċipali, minflok il-kliem "mid-Direttur" u "tal-Bord" għandhom jidhlu l-kliem "mill-Korporazzjoni" u "ta' l-Awtorità" rispettivament.

Emenda ta'
l-artikolu 12 ta'
l-Att prinċipali.

11. L-artikolu 13 ta' l-Att prinċipali għandu jiġi emendat kif ġej:

Emenda ta'
l-artikolu 13 ta'
l-Att prinċipali.

(a) fis-subartikolu (1) tieghu, minflok il-kliem "mid-Direttur" għandhom jidhlu l-kliem "mill-Korporazzjoni";

(b) fis-subartikolu (2) tieghu, minflok il-kliem "tal-Bord" u "lill-Bord" għandhom jidhlu l-kliem "ta' l-Awtorità" u "lill-Awtorità" rispettivament;

(ċ) fis-subartikolu (3) tieghu, minflok il-kliem minn "tal-Bord)" sa "minnu." għandhom jidhlu l-kliem "ta' l-Awtorità) għandha tiġi riveduta mill-Awtorità, huwa għandu javża lill-Korporazzjoni dwar hekk u l-Korporazzjoni għandha tirriferrixxi l-kwistjoni lill-Awtorità għall-konsiderazzjoni minnha.";

(d) fis-subartikolu (4) tieghu, minflok il-kliem "Il-Bord jista', fid-determinazzjoni tieghu" għandhom jidhlu l-kliem "L-Awtorità tista', fid-determinazzjoni tagħha", u minflok il-kliem "jikkonferma, iħassar jew jibdel," għandhom jidhlu l-kliem "tikkonferma, thassar jew tibdel,"; u

(e) fin-nota marginali ta' l-artikolu minflok il-kliem "mid-Direttur" għandhom jidhlu l-kliem "mill-Korporazzjoni".

Emenda ta'
l-artikolu 14 ta'
l-Att prinċipali.

12. Fl-artikolu 14 ta' l-Att prinċipali, minflok il-kliem "lid-Direttur" għandhom jidhlu l-kliem "lill-Korporazzjoni".

Emenda ta'
l-artikolu 15 ta'
l-Att prinċipali.

13. L-artikolu 15 ta' l-Att prinċipali għandu jiġi emendat kif ġej:

(a) fis-subartikolu (6) tiegħu, fil-paragrafu (a), minflok il-kliem "lill-Bord" għandhom jidhlu l-kliem "lill-Awtorità", fil-paragrafu (b), minflok il-kliem minn "il-Bord", sa "jagħtiha opportunità" għandhom jidhlu l-kliem "l-awtorità, qabel ma tikkonsidra l-kwistjoni, tkun avżat lil dik il-persuna hekk illi tagħtiha opportunità" u minflok il-kliem "lill-Bord" għandhom jidhlu l-kliem "lill-Awtorità", u minflok il-paragrafu (ċ) għandhom jidhlu l-kliem "(ċ) l-Awtorità tkun għamlet rapport lill-Korporazzjoni."; u

(b) fis-subartikolu 7 tiegħu, minflok il-kliem "tal-Bord" għandhom jidhlu l-kliem "ta' l-Awtorità".

Emenda ta'
l-artikolu 16 ta'
l-Att prinċipali.

14. Fis-subartikoli (2) u (6) ta' l-artikolu 16 ta' l-Att prinċipali, minflok il-kliem "mal-Kumitat" għandhom jidhlu l-kliem "mal-Korporazzjoni".

Emenda ta'
l-artikolu 17 ta'
l-Att prinċipali.

15. Fl-artikolu 17 ta' l-Att prinċipali, minflok il-kliem "persuna għamja jew persuna truxa u muta" għandhom jidhlu l-kliem "persuna b'diżabilità gravi kif tiġi ċertifikata minn uffiċjal mediku dwar pjazzament", u n-nota marginali ta' l-artikolu 17 tal-liġi prinċipali għandha tithassar u minflokha tidhol "Persuni b'diżabilità gravi".

Emenda ta'
l-artikolu 18 ta'
l-Att prinċipali.

16. Fis-subartikolu (3) ta' l-artikolu 18 ta' l-Att prinċipali, minflok il-kliem "lill-Kumitat għar-rakkomandazzjonijiet tiegħu" għandhom jidhlu l-kliem "lill-Korporazzjoni għar-rakkomandazzjonijiet tagħha".

Emenda ta'
l-artikolu 19 ta'
l-Att prinċipali.

17. Fis-subartikolu (1) ta' l-artikolu 19 ta' l-Att prinċipali, minflok il-kliem "mal-Kumitat" għandhom jidhlu l-kliem "mal-Korporazzjoni".

Emenda ta'
l-artikolu 20 ta'
l-Att prinċipali.

18. Fis-subartikolu (3) ta' l-artikolu 20 ta' l-Att prinċipali, minflok il-kliem "lid-Direttur" għandhom jidhlu l-kliem "lill-Korporazzjoni".

19. Fis-subartikolu (1) ta' l-artikolu 21 ta' l-Att prinċipali, minnufih wara l-kliem "minn xi dipartiment tal-Gvern jew" ghandhom jiżdiedu l-kliem "mill-Korporazzjoni jew".

Emenda ta' l-artikolu 21 ta' l-Att prinċipali.

20. Minflok l-artikolu 22 ta' l-Att prinċipali ghandu jidhol dan li ġej:

Sostituzzjoni ta' l-artikolu 22 ta' l-Att prinċipali.

"Preferenza fost il-persuni reġistrati.

22. Meta jissottometti lil xi persuna li għaliha japplika l-artikolu 15 ta' dan l-Att l-ismijiet ta' persuni reġistrati għall-impieg, il-Korporazzjoni għandha tagħti preferenza lill-persuni b'diżabilità gravi kif jiġu ċertifikati minn uffiċjal mediku dwar pjazzament:

Izda ebda haġa f'dan l-artikolu ma għandha titqies li tfisser li l-prinċipal, meta jiehu fl-impieg tiegħu persuna b'diżabilità għall-iskop tat-tarjati tad-dispożizzjonijiet ta' dan l-Att, ikun marbut li jimpjega persuna sottomessa lilu mill-Korporazzjoni skond dan l-artikolu."

21. L-artikolu 23 ta' l-Att prinċipali ghandu jithassar.

Thassir ta' l-artikolu 23 ta' l-Att prinċipali.

22. Fl-artikolu 24 ta' l-Att prinċipali, minflok il-kliem "tal-Kumitat" fin-nota marginali tiegħu għandhom jidhlu l-kliem "tal-Korporazzjoni", minflok il-kliem "tal-Kumitat li jagħti pariri u jgħin" għandhom jidhlu l-kliem "tal-Korporazzjoni li tagħti pariri u tghin", minflok il-kelma "jaqdi" għandha tidhol il-kelma "taqdi", minflok il-kliem "mill-Kumitat" għandhom jidhlu l-kliem "mill-Korporazzjoni", u minflok il-kelma "jinkoraġġixxi" għandha tidhol il-kelma "tinkoraġġixxi".

Emenda ta' l-artikolu 24 ta' l-Att prinċipali.

23. Minflok l-artikolu 25 ta' l-Att prinċipali ghandu jidhol dan li ġej:

Sostituzzjoni ta' l-artikolu 25 ta' l-Att prinċipali.

"Uffiċjal għar-Ristabbiliment ta' Persuni b'diżabilità.

25. (1) Għandu jkun hemm uffiċjal fid-Dipartiment tax-Xogħol li jissejjah l-Uffiċjal għar-Ristabbiliment ta' Persuni b'Diżabilità.

(2) Ikun id-dmir ta' dak l-uffiċjal li generalment jissorvelja l-kundizzjonijiet ta' l-impieg u l-ambjent tax-xogħol li fih persuni b'diżabilità jkunu qegħdin jahdmu bi qliegh. Huwa mistenni li fit-tweqqif ta' dawk id-dmirijiet, l-Uffiċjal għar-Ristabbiliment ta' Persuni b'Diżabilità —

(a) jinvestiga kull ilment li jista' jirċievi dwar il-kundizzjonijiet ta' l-impieg li tahtom tkun tinsab

impjegata persuna b' dizabilità, wara li jqis xi tkun id-dizabilità fiżika jew mentali ta' dik il-persuna b' dizabilità, u

(b) jagħmel rapport lid-Direttur tax-Xogħol u liċ-*Chief Executive* tal-Korporazzjoni dwar dak li jirriżultalu mill-investigazzjonijiet li jkun għamel.

(3) Fit-twettiq ta' l-investigazzjonijiet tiegħu l-Uffiċjal għar-Ristabiliment ta' Persuni b' dizabilità għandu jkollu setgħa li jara kull dokumentazzjoni ta' reġistrazzjoni ta' persuni b' dizabilità u jista' jikseb il-parir ta' l-uffiċjali mediċi dwar pjazzament jew ta' kull uffiċjal mediku iehor kif jidhirlu li jkun xieraq.

(4) Għandha tintbagħat kopja tar-rapport li jagħmel l-Uffiċjal għar-Ristabiliment ta' Persuni d' Dizabilità lill-Awtorità Nazzjonali tax-Xogħol u lill-persuna li tkun ressqet l-ilment.”.

Mghoddi mill-Kamra tad-Deputati fis-Seduta Nru. 456 tad-9 ta' Ottubru, 1995.

LAWRENCE GONZI
Speaker

RICHARD J. CAUCHI
Skrivan tal-Kamra tad-Deputati

I assent.

(L.S.)

UGO MIFSUD BONNICI
President

17th October, 1995

ACT No. XXVI of 1995

*AN ACT to amend the Disabled Persons (Employment) Act,
Cap. 210.*

BE IT ENACTED by the President, by and with the advice and consent of the House of Representatives, in this present Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the Disabled Persons (Employment) (Amendment) Act, 1995 and shall be read and construed as one with the Disabled Persons (Employment) Act, which shall henceforth and for the purposes of this Act and for all effects and purposes of this and any other law be known as the Persons with Disability (Employment) Act, hereinafter referred to as “the principal Act”. Short title and commencement.
Cap. 210.

(2) This Act shall come into force on such date as the Minister responsible for labour may by notice in the Gazette appoint, and different dates may be so appointed for different purposes of this Act.

2. For the words “disabled person” and “disabled persons” wherever these occur in the title and in several sections of the principal Act there shall be substituted the words “person with disability” and “persons with disability” respectively. Amendment of title and several sections of the principal Act.

Amendment
of section 1
of the
principal Act.

3. In section 1 of the principal Act, for the words "Disabled Persons (Employment) Act" there shall be substituted the words "Persons with Disability (Employment) Act".

Amendment
of section 2
of the
principal Act.

4. Section 2 of the principal Act shall be amended as follows:

(a) the expressions "the Board", "the Committee", "Department" and "Director" shall be deleted;

(b) immediately after the expression "association of persons" there shall be added the following:

" "the Authority" means the National Employment Authority established by section 3 of the Employment and Training Services Act;";

Cap. 343.

(c) immediately after the expression "compulsory school age" there shall be added the following:

"the Corporation" means the Employment and Training Corporation established by section 5 of the Employment and Training Service Act;"; and

(d) for the expression "placement medical officer" there shall be substituted the following:

" "placement medical officer" means any suitably qualified medical officer authorised in writing by the Minister;".

Amendment
of section 3
of the
principal Act.

5. In subsection (1) of section 3 of the principal Act, immediately after the words "by any government department" there shall be added the words "or the Corporation".

Amendment
of section 5
of the
principal Act.

6. For subsection (1) of section 5 of the principal Act, there shall be substituted the following:

"(1) The Corporation shall set up and maintain a Register of Persons with Disability."

Amendment
of section 8
of the
principal Act.

7. In subsection (2) of section 8 of the principal Act, immediately after the words "of the Minister" there shall be added the words "on the advice of the Authority".

8. In section 9 of the principal Act, for the word "Director" wherever it occurs there shall be substituted the word "Corporation".

Amendment
of section 9
of the
principal Act.

9. In subsection (2) of section 10 of the principal Act, for the word "Director" wherever it occurs there shall be substituted the word "Corporation".

Amendment
of section 10
of the
principal Act.

10. In section 12 of the principal Act, for the words "Director" and "Board" there shall respectively be substituted the words "Corporation" and "Authority".

Amendment
of section 12
of the
principal Act.

11. Section 13 of the principal Act shall be amended as follows:—

Amendment
of section 13
of the
principal Act.

(a) in subsection (1) thereof, for the word "Director" there shall be substituted the word "Corporation";

(b) in subsection (2) thereof, for the word "Board" wherever it occurs there shall be substituted the word "Authority";

(c) in subsection (3) thereof, for the words "Board" and "Director" wherever these occur there shall be substituted the words "Authority" and "Corporation";

(d) in subsection (4) thereof, for the word "Board" there shall be substituted the word "Authority"; and

(e) in the marginal note thereof, for the word "Director" there shall be substituted the word "Corporation".

12. In section 14 of the principal Act, for the word "Director" there shall be substituted the word "Corporation".

Amendment
of section 14
of the
principal Act.

13. Section 15 of the principal Act shall be amended as follows:—

Amendment
of section 15
of the
principal Act.

(a) in subsection (6) thereof, for the words "Board" and "Director" wherever these occur there shall be substituted the words "Authority" and "Corporation"; and

(b) in subsection (7) thereof, for the word "Board" there shall be substituted the word "Authority".

14. In subsections (2) and (6) of section 16 of the principal Act, for the word "Committee" wherever it occurs there shall be substituted the word "Corporation".

Amendment
of section 16
of the
principal Act.

Amendment
of section 17
of the
principal Act.

15. In section 17 of the principal Act, for the words “blind person or a deaf person without speech” there shall be substituted the words “severely disabled person as certified by a placement medical officer”, and the marginal note to section 17 of the principal Act shall be deleted and substituted with “Severely disabled persons.”.

Amendment
of section 18
of the
principal Act.

16. In subsection (3) of section 18 of the principal Act, for the word “Committee” there shall be substituted the word “Corporation”.

Amendment
of section 19
of the
principal Act.

17. In subsection (1) of section 19 of the principal Act, for the word “Committee” there shall be substituted the word “Corporation”.

Amendment
of section 20
of the
principal Act.

18. In subsection (3) of section 20 of the principal Act, for the word “Director” there shall be substituted the word “Corporation”.

Amendment
of section 21
of the
principal Act.

19. In subsection (1) of section 21 of the principal Act, immediately after the words “any government department or” there shall be added the words “the Corporation or”.

Substitution
of section 22
of the
principal Act.

20. For section 22 of the principal Act there shall be substituted the following:

“Preference
among
registered
persons.

22. In submitting to any person to whom section 15 of this Act applies the names of registered persons for employment, the Corporation shall give preference to persons with severe disability as certified by a placement medical officer:

Provided that nothing in this section shall be deemed to imply that the employer, in taking into his employment a person with disability for the purpose of complying with the provisions of this Act, shall be bound to engage a person submitted to him by the Corporation under this section.”.

Deletion
of section 23
of the
principal Act.

21. Section 23 of the principal Act shall be deleted.

Amendment
of section 24
of the
principal Act.

22. In section 24 of the principal Act, for the word “Committee” wherever it occurs and in the marginal note thereof there shall be substituted the word “Corporation”.

Substitution
of section 25
of the
principal Act.

23. For section 25 of the principal Act there shall be substituted the following:

"Disable-
ment
Resettle-
ment
Officer.

25. (1) There shall be an official of the Department of Labour to be styled Disablement Resettlement Officer.

(2) It shall be the duty of such officer to monitor generally the conditions of employment and the work environment in which persons with disability are gainfully employed. In carrying out such duties the Disablement Resettlement Officer shall be expected to –

(a) investigate any complaints he may receive regarding the conditions of employment under which any person with disability is employed, taking into account the physical or mental disability of the person with disability, and

(b) report to the Director of Labour and the Chief Executive of the Corporation the results of his investigations.

(3) In carrying out his investigations the Disablement Resettlement Officer shall have access to the registration records of persons with disability and he may seek the advice of placement medical officers or any other medical officer as may be appropriate.

(4) A copy of the report of the Disablement Resettlement Officer shall be sent to the National Employment Authority and to the person who has submitted the complaint."

Passed by the House of Representatives at Sitting No. 456 of the 9th October, 1995.

LAWRENCE GONZI
Speaker

RICHARD J. CAUCHI
Clerk to the House of Representatives.

