

MALTA

ATT Nru. XVIII ta' l-1987

ACT No. XVIII of 1987

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

AN ACT enacted by the Parliament of Malta.

**ATT biex ikompli jemenda l-Att ta' l-1955
dwar is-Servizz ta' l-Impiegi.**

AN ACT further to amend the Employment Service Act, 1955.

Naghti l-kunsens tiegħi.

(L.S.)

PAUL XUEREB
Agent President

21 ta' Awissu, 1987

ATT Nru. XVIII ta' l-1987

ATT biex ikompli jemenda l-Att ta' l-1955 dwar is-Servizz ta' l-Impiegi.

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

1. Dan l-Att jista' jissejjah l-Att ta' l-1987 li jemenda l-Att dwar is-Ser-
vizz ta' l-Impiegi, u għandu jinqara u jiftiehem haġa waħda ma' l-Att ta' l-1955
dwar is-Servizz ta' l-Impiegi, hawnhekk iżjed 'il quddiem imsejjah "l-Att prin-
cipali".

Titolu
fil-qosor.
Att XIV
ta' l-1955.

2. L-artikolu 2 ta' l-Att prinċipali għandu jiġi emendat kif ġejj:

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

(a) minnufih wara l-kliem "f'dan l-Att, kemm-il darba r-rabta tal-
kliem ma tfissirx xort'ohra —" għandha tidhol din it-tifsira li ġejja:

“ “haddiem awżiljarju” tfisser persuna li tkun taħdem fl-
Iskema;”; u

(b) minnufih wara t-tifsira ta' "ordni" għandha tidhol it-tifsira li
ġejja:

“ “l-Iskema” tfisser l-Iskema dwar Haddiema Awżiljarji u t-
Tahriġ Tagħhom imwaqqfa skond l-artikolu 13A ta' dan l-Att;”.

3. Minnufih wara l-artikolu 5 ta' l-Att prinċipali, għandu jidhol dan
il-proviso li ġejj:

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

“Izda l-haddiema awżiljarji għandhom hekk kif jiddaħhlu jkunu reġis-
trati taħt it-Tieni Taqsima tar-Registru ta' l-Applikanti għall-Impieg bħala
persuni temporanjament jaħdmu f'attività produttiva u f'tahriġ u li jkunu
qegħdin ifittxu impieg xieraq.”.

4. Fl-artikolu 9 ta' l-Att prinċipali, l-aħhar żewġ provisos tiegħu għan-
dhom jithassru.

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

Zieda ta' l-artikolu 9A ġdid ma' l-Att prinċipali.

5. Minnufih wara l-artikolu 9 ta' l-Att prinċipali, għandu jiżded dan l-artikolu l-ġdid li ġej:

"9A. (1) Minkejja d-dispożizzjonijiet ta' l-artikolu 9 ta' dan l-Att, fl-għażla ta' applikanti sabiex jintbagħtu għand il-prinċipali, minbarra dawk imsemmija fis-subartikolu (2) ta' dan l-artikolu, id-Direttur jista' jibgħat lill-haddiema awżiljarji biex jimlew il-postijiet vakanti indikati lilu, u meta tiġi stabbilita l-prijorità għall-għażla fost haddiema awżiljarji dik il-prijorità għandha tiġi determinata fuq il-bażi li ġejja:

(a) id-data tad-dhul fl-Iskema;

(b) għar-rigward tal-prijorità bejn haddiema awżiljarji li qegħdin fl-Iskema fl-istess data, ir-registrazzjoni tagħhom fl-Ewwel Taqsima tar-Registru qabel id-dhul tagħhom fl-Iskema, iżda kull persuna li qabel id-dhul tagħha fl-Iskema kienet taħdem f'dipartiment tal-Gvern, mad-Dejma jew ma' korp jew kumpanija msemmija fl-artikolu 13A ta' dan l-Att, dik il-persuna għandha titqies għall-finijiet ta' dan il-paragrafu li tkun żammet l-istess il-prijorità li kien ikollha l-jedd għaliha fid-data li fiha bdiet hekk taħdem ma' dak id-Dipartiment, Dejma, korp jew kumpanija;

(ċ) fejn qabel id-dhul fl-Iskema u qabel id-dhul tagħha f'dipartiment tal-Gvern, korp jew kumpanija msemmija fl-artikolu 13A ta' dan l-Att, persuna ma kenitx qegħda tirreġistra kif imsemmi, dik il-persuna għandha titqies li hija hekk reġistrata fid-data tad-dhul tagħha ma' dipartiment tal-Gvern, id-Dejma, jew kull korp jew kumpanija msemmija fl-artikolu 13A ta' l-Att.

(2) Meta jintbagħtu applikanti għal impieg ma' dipartiment tal-Gvern jew xi soċjetà jew korp iehor imsemmija fl-artikolu 110 tal-Kostituzzjoni l-prijorità għandha tiġi stabbilita skond il-prijorità ta' reġistrazzjoni fl-Ewwel Taqsima tar-Registru u għall-finijiet ta' dan is-subartikolu haddiema awżiljarji għandhom jitqiesu li żammew l-istess priyorità tagħhom ta' reġistrazzjoni li kellhom fl-Ewwel Taqsima tar-Registru qabel id-dhul tagħhom fl-Iskema u dwar kull haddiem awżiljarju li ma kienx hekk reġistrat minnufih qabel id-dhul tiegħu fl-Iskema, dak il-haddiem awżiljarju għandu jitqies li ġie hekk reġistrat fid-data tad-dhul tiegħu mad-dipartiment tal-Gvern, Dejma jew kull korp jew kumpanija msemmija fl-artikolu 13A ta' dan l-Att u kull priyorità li jista' jkollu f'dik id-data għandha tinżamm."

Zieda ta' l-artikolu 13A ġdid ma' l-Att prinċipali.

6. Minnufih wara l-artikolu 13 ta' l-att prinċipali għandu jiżded dan l-artikolu ġdid li ġej:

"Skema 13A. (1) Għandha titwaqqaf Skema magħrufa bħala
dwar Skema dwar Haddiema Awżiljarji u t-Taħriġ Tagħhom
Haddiema Awżiljarji li tipprovd i xogħol temporanju produttiv u taħriġ għal dawk il-per-
u t-Taħriġ suni fost dawk imsemmijin f'dan is-subartikolu hekk kif il-Ministru
Tagħhom. jista' jistabilixxi permezz ta' regolamenti —

(a) persuni li jkunu jirreġistraw taht l-Ewwel Taqsima tar-Registru ta' l-Applikanti għall-Impieg;

(b) persuni li qabel l-14 ta' Mejju, 1987 kienu jaħdmu ma' xi dipartiment tal-Gvern, jew ma' xi korp imsemmi fis-subartikolu (6) ta' l-artikolu 110 tal-Kostituzzjoni, bi ksur tad-dispożizzjonijiet ta' l-artikolu 110 tal-Kostituzzjoni jew tad-dispożizzjonijiet ta' dan l-Att;

(c) persuni li kienu jaħdmu ma' xi korp imsemmi fis-sub-artikolu (6) ta' l-artikolu 110 tal-Kostituzzjoni b'eċċess għall-htigijiet ta' dak il-korp;

(d) persuni li kienu jaħdmu ma' General Construction Limited jew ma' Land Sea Civil Engineering Co. Ltd.;

(e) persuni li kienu qegħdin iservu fid-Dejma fid-9 ta' Mejju, 1987.

(2) Id-dhul ta' persuni fl-Iskema għandu jkun għal perjodi li ma jkunux jaqbu s-sena jew sakemm jiġi offrut impieg xieraq lil dawk il-persuni taħt id-dispożizzjonijiet ta' dan l-Att, skond liema jkun l-iqsar żmien.

(3) Kull persuna bħal dik li meta tiġi offruta impieg skond id-dispożizzjonijiet tas-subartikolu ta' qabel dan tirrifjuta jew tonqos milli tagħmel tagħha dak l-impieg għandha ma' dan titef postha fl-Iskema u tista' fuq il-bażi biss li l-impieg offrut lilha ma jkunx wiehed xieraq, tressaq ilment fuq dan b'appell lill-Board skond is-subartikolu (2) ta' l-artikolu 11 ta' dan l-Att u d-deċiżjoni tal-Board fuq dan tkun finali.

(4) Il-Ministru jista' wkoll jagħmel regolamenti sabiex jagħti seħh lid-dispożizzjonijiet ta' dan l-artikolu u jista' b'mod partikulari, iżda bla ħsara għall-ġeneralità ta' dak imsemmi qabel, jistabilixxi permezz ta' regolamenti dawk it-termini u kundizzjonijiet ta' dhul ta' haddiema awżiljarji.”.

Mghoddi mill-Kamra tad-Deputati fis-Seduta Nru. 21 tat-12 ta' Awissu, 1987.

P. MUSCAT TERRIBILE
Agent Scrivan tal-Kamra tad-Deputati.

JIMMY FARRUGIA
Speaker

I assent.

(L.S.)

PAUL XUEREB
Acting President

21st August, 1987

ACT No. XVIII of 1987

AN ACT further to amend the Employment Service Act, 1955.

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:—

Short
Title.
Act XIV
of 1955.
Amendment
of section
2 of the
principal
Act.

1. This Act may be cited as the Employment Service (Amendment) Act, 1987, and it shall be read and construed as one with the Employment Service Act, 1955, hereinafter referred to as “the principal Act”.

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

(a) immediately after the words “in this Act, unless the context otherwise requires —” there shall be inserted the following definition:

““auxiliary worker” means a person engaged in the Scheme;”;
and

(b) immediately after the definition of “order” there shall be inserted the definition:

““the Scheme” means the Auxiliary Workers and Training Scheme established by section 13A of this Act;”.

Amendment
of section
5 of the
principal
Act.

3. Immediately after section 5 of the principal Act, there shall be added the following proviso:

“Provided that auxiliary workers shall on engagement be registered under Part Two of the Register of Applicants for Employment as persons temporarily engaged in productive activity and training and who are seeking suitable employment.”.

Amendment
of section
9 of the
principal Act.

4. In section 9 of the principal Act, the last two provisos thereto shall be deleted.

5. Immediately after section 9 of the principal Act, there shall be added the following new section:

“9A. (1) Notwithstanding the provisions of section 9 of this Act, in selecting applicants for submission to employers, other than those referred to in subsection (2) of this section, it shall be lawful for the Director to submit auxiliary workers to fill the vacancies notified to him, and in establishing priority for selection among auxiliary workers such priority shall be determined on the following basis:

(a) the date of engagement in the Scheme;

(b) as between auxiliary workers engaged in the Scheme on the same date, their registration in Part One of the Register prior to their engagement in the Scheme, but any person who prior to his engagement in the Scheme had been engaged in a Government department, the Dejma or any body or company referred to in section 13A of this Act, such person shall be deemed for purposes of this paragraph to have retained the same priority to which he would have been entitled on the date on which he was so engaged with such Department, Dejma, body or company;

(c) where prior to engagement in the Scheme and prior to his engagement in a Government department, body or company referred to in section 13A of this Act, a person had not been registering as aforesaid, such person shall be deemed to be so registered on the date of his engagement with a Government department, the Dejma, or any body or company referred to in section 13A of the Act.

(2) In submitting applicants for employment with a Government department or any partnership or other body referred to in section 110 of the Constitution priority shall be established on the basis of priority of registration in Part One of the Register and for the purposes of this subsection auxiliary workers shall be deemed to have retained the same priority of registration in Part One of the Register they had immediately before their engagement in the Scheme, and in respect of any auxiliary worker who had not been so registered immediately before his engagement in the Scheme such auxiliary worker shall be deemed to have been so registered on the date of engagement with the Government department, the Dejma or any body or company referred to in section 13A of this Act and any priority he may have on that date shall be retained.”.

6. Immediately after section 13 of the principal Act there shall be added the following new section:

“Auxiliary
Workers
and
Training
Scheme.

13A. (1) There shall be a Scheme to be known as the Auxiliary Workers and Training Scheme for the purpose of providing temporary productive work and training for such persons amongst those referred to in this subsection as the Minister may by regulations determine —

(a) persons registering under Part One of the Register of Applicants for Employment;

(b) persons who before the 14th May, 1987 were engaged by any Government department, or by any body referred to in subsection (6) of section 110 of the Constitution, in breach of the provisions of section 110 of the Constitution or of the provisions of this Act;

(c) persons who were engaged by any body referred to in subsection (6) of section 110 of the Constitution in excess of the requirements of such body;

Addition
of new
section 9A
to the
principal
Act.

Addition
of new section
13A to the
principal
Act.

(d) persons who were engaged by General Construction Limited or by Land Sea Civil Engineering Co. Ltd.;

(e) persons who were serving in the Dejma on the 9th May, 1987.

(2) The engagement of persons in the Scheme shall be for periods not exceeding one year or until suitable employment is offered to such persons under the provisions of this Act, whichever is the shorter time.

(3) Any such person who on being offered employment in terms of the preceding subsection refuses or fails to avail himself of that employment shall thereupon lose his placing within the Scheme and he may only on the ground of unsuitability of the employment offered make a complaint thereon by way of appeal to the Board in terms of subsection (2) of section 11 of this Act and the decision of the Board thereon shall be final.

(4) The Minister may also make regulations for giving effect to the provisions of this section and may in particular, but without prejudice to the generality of the foregoing, by regulations determine the terms and conditions of engagement of auxiliary workers.”.

Passed by the House of Representatives at Sitting No. 21 of the 12th August, 1987.

JIMMY FARRUGIA
Speaker

P. MUSCAT TERRIBILE
Acting Clerk to the House of Representatives.