

325. L-Onor. Ivan Castillo, l-Onor. Graziella Attard Previ u l-Onor. Ian Vassallo jipproponu:

L-Ewwel Qari ta' Abbozz ta' Ligi msejjaħ "L-Att tal-2024 li jemenda l-Att Dwar l-Impjiegi u r-Relazzjonijiet Industrijali, Kap. 452".

11.12.2024

ABBOZZ TA' LIĠI

Msejjah

ATT sabiex jemenda l-Att Dwar l-Impjiegi u r-Relazzjonijiet Industrijali, Kap. 452, billi jintroduci l-obbligu tal-principali li jkollu dokument ta' politika kontra l-ibbuljar fuq il-post tax-xogħol.

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

1. It-titolu fil-qosor ta' dan l-Att hu l-Att tal-2024 sabiex jemenda l-Att Dwar l-Impjiegi u Relazzjonijiet Industrijali, dan l-Att għandu jinqara u jinftiehem haġa waħda mal-Att Dwar l-Impjiegi u Relazzjonijiet Industrijali, hawn iżjed 'il quddiem imsejha "Att".

2. Minnufih wara l-artikolu 29 tal-Att għandu jiżdied dan l-artikolu ġdid li ġej:

"29A. (1) Kull prinċipal li jimpjega aktar minn disgħa u erbgħin (49) persuna għandu jkollu fis-seħħ dokument li jiġbor fih il-politika kontra l-ibbuljar fuq il-post tax-xogħol.

(2) Għall-finijiet ta' dan l-artikolu "ibbuljar" tfisser kull imġieba repetuta u abbużiva, li tinkludi iżda mhux limitata għal dik l-imġieba verbali, fiżika u psikoloġika, kif ukoll kull forma ta' fastidju u mġieba li teskludi.

(3) Kull prinċipal għandu jiżgura illi kopja tad-dokument li jiġbor fih il-politika kontra l-ibbuljar fuq il-post tax-xogħol tingħata lil kull impjegat:

- (a) fil-bidu tal-impjieg;
- (b) kull meta d-dokument jiġi aġġornat; u
- (c) kull meta l-impjegat jitlob kopja tiegħu.

(4) Kull prinċipal għandu jibgħat lid-Direttur kopja tad-dokument li jiġbor fih il-politika kontra l-ibbuljar fuq il-post tax-xogħol fi żmien sitt (6) xhur minn meta l-prinċipal ikun impjega aktar minn disgħa u erbgħin (49) persuna.

(5) Kull prinċipal għandu jinforma bil-miktub lid-Direttur dwar kwalunkwe tibdil jew aġġornament tad-dokument li jiġbor fih il-politika kontra l-ibbuljar fuq il-post tax-xogħol fi żmien xahar minn meta jkun għamel it-tibdil jew aġġornament tad-dokument.

(6) Kull prinċipal illi fid-data tad-dħul fis-seħħ ta' dan l-artikolu jkun diġà jimpjega aktar minn disgħa u erbgħin (49) persuna, għandu

jibgħat lid-Direttur kopja tad-dokument li jiġbor fih il-politika kontra l-ibbuljar fi żmien sitt (6) xhur mid-dhul fis-sehħ ta' dan l-artikolu.

(7) Id-dokument kontra l-ibbuljar fuq il-post tax-xogħol għandu jkun bil-miktub, bil-Malti u bl-Ingliż, għandu jkun konformi mad-dispożizzjonijiet ta' dan l-Att u kif ukoll tad-dispożizzjonijiet tal-Att dwar l-Ugwaljanza għall-Irġiel u n-Nisa u għandu jinkludu sezzjonijiet dwar dawn ir-rekwiziti:

- (a) l-għan tad-dokument;
- (b) il-proċedura dwar kif jista' jsir rapport ta' ibbuljar fuq il-post tax-xogħol;
- (c) id-definizzjoni ta' x'jikkostitwixxi ibbuljar fuq il-post tax-xogħol skont dan l-artikolu; u
- (d) il-miżuri dixxiplinarji f'każijiet ta' ibbuljar fuq il-post tax-xogħol.

(4) Il-Ministru għandu jagħmel regolamenti sabiex jippreskrivi mudell ta' dokument li jiġbor fih il-politika kontra l-ibbuljar fuq il-post tax-xogħol li għandu jkun bil-Malti u bl-Ingliż, li jista' jintuża minn kull prinċipal.”.

3. Minnufih wara l-artikolu 32 tal-Att għandu jiżdied dan l-artikolu ġdid li ġej:

“**32A.** Kull min jikser id-dispożizzjonijiet tal-artikolu 29A ikun ħati ta' reat u jeħel, meta jinstab ħati, multa ta' mhux inqas minn mitejn u ħamsin euro (€250) u mhux aktar minn ħamest elef euro (€5,000).”.

Għanijiet u Raġunijiet

L-Għan ta' dan l-Abbozz ta' Ligi huwa sabiex jemenda d-dispożizzjonijiet tal-Att Dwar l-Impjiegi u Relazzjonijiet Industrijali billi jintroduċi l-obbligu tal-prinċipal li jkollu dokument li jiġbor fih il-politika kontra l-ibbuljar fuq il-post tax-xogħol.

BILL

Titled:

An Act to amend the Employment and Industrial Relations Act, Chapter 452, by introducing the obligation for employers to have an anti-bullying policy document in places of work.

The PRESIDENT, with the advice and consent of the House of Representatives, convened in this Parliament, and by the authority of the same, enacts the following law:

1. The short title of this Act is the 2024 Employment and Industrial Relations Amednment Act, 2024 and this act shall be read and construed as one with the Employment and Industrial Relations Act, hereinafter referred to as the "Act."
2. Immediately after article 29 of the Act, the following new article shall be added:

“29A. (1) Every employer with more than forty-nine (49) persons shall have in place a written anti-bullying policy for the place of work.

(2) For the purposes of this article, “bullying” means any repeated and abusive behaviour, including but not limited to verbal, physical, psychological actions, as well as harassment and exclusionary behaviours.

(3) Every employer shall ensure that a copy of the anti-bullying policy document is provided to each employee:

- (a) at the commencement of employment;
- (b) whenever the document is updated; and
- (c) whenever the employee requests a copy of it.

(4) Every employer shall submit a copy of the anti-bullying policy document to the Director within six (6) months of employing more than forty-nine (49) persons.

(5) Every employer shall notify the Director in writing of any changes or updates to the anti-bullying policy document within one (1) month of such changes or updates to the document.

(6) Every employer who already employs more than forty-nine (49) persons on the day this article comes into force, must submit the anti-bullying policy document to the Director within six (6) months from the day this article comes into force.

(7) The anti-bullying policy document shall be written in both Maltese and English, shall comply with the provisions of the Equality for Men and Women Act and shall include sections detailing:

- (a) the purpose of the document;
- (b) the procedures for reporting workplace bullying;
- (c) a definition of bullying at the place of work in accordance with this article; and
- (d) the disciplinary measures for cases of bullying at the place of work.

(8) The Minister shall issue regulations prescribing a template anti-bullying policy document, in both Maltese and English, which employers may use.

3. Immediately following article 32 of the Act, there shall be added the following new article:

“**32A.** Any person contravening the provisions of article 29A shall be guilty of an offence and shall be liable on conviction to a fine (multa) of not less than two hundred and fifty euro (€250) and not more than five thousand euro (€5,000).”.

Objectives and Reasons

The purpose of this Bill is to amend the provisions of the Employment and Industrial Relations Act by introducing the duty for employers to have an anti-bullying policy document in places of work.
