VERŻJONI ELETTRONIKA

Suppliment tal-Gazzetta tal-Gvern ta' Malta, Nru. 21,595, 3 ta' Marzu, 2026
Taqsima C

Nru 166

03. 03. 2026

MALTA

KAMRA TAD-DEPUTATI

ABBOZZ ta' Liġi mressaq mill-Onorevoli Jonathan Attard, M.P., Ministru għall-Ġustizzja u r-Riforma tas-Settur tal-Kostruzzjoni f'isem il-Prim Ministru, u moqri għall-Ewwel darba fis-Seduta tat-23 ta' Frar 2026.

ATT sabiex ikompli jemenda l-Att dwar l-Impiegi u r-Relazzjonijiet Industrijali, Kap. 452.

ELEANOR SCERRI
Skrivan tal-Kamra tad-Deputati

HOUSE OF REPRESENTATIVES

A BILL introduced by the Honourable Jonathan Attard, M.P., Minister for Justice and Reform of the Construction Sector on behalf of the Prime Minister, and read the First time at the Sitting of the 23rd February 2026.

AN ACT to further amend the Employment and Industrial Relations Act, Cap. 452.

ELEANOR SCERRI
Clerk of the House of Representatives

ABBOZZ TA' LIĠI
msejjaħ

ATT sabiex ikompli jemenda l-Att Dwar l-Impiegi u r-Relazzjonijiet Industrijali, Kap 452.

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

1. It-titolu fil-qosor ta' dan l-Att hu l-Att tal-2026 li jemenda l-Att dwar l-Impiegi u r-Relazzjonijiet Industrijali u dan l-Att għandu jinqara u jinftiehem ħaġa waħda mal-Att dwar l-Impiegi u r-Relazzjonijiet Industrijali, hawn aktar 'il quddiem imsejjaħ l-"Att prinċipali". Titolu fil-qosor. Kap. 452.

2. Fl-artikolu 29 tal-Att prinċipali, in-nota marġinali "Għoti ta' fastidju." għandha tiġi sostitwita bin-nota marġinali ġdida li ġejja: Emenda tal-artikolu 29 tal-Att prinċipali.

"Fastidju sesswali.".

3. Minnufih wara l-artikolu 29 tal-Att prinċipali, kif emendat, għandu jiġi miżjud l-artikolu ġdid li ġej: Żieda ta' artikolu ġdid fl-Att prinċipali.

"Il-vjolenza u l-fastidju. 29A. (1) Il-vjolenza u l-fastidju f'ambjent ta' xogħol huma pprojbiti. Impjegati u prinċipali għandhom jagħmlu ħilithom sabiex jirrispettaw id-dritt ta' xulxin fl-ambjent ta' xogħol ħieles mill-vjolenza u l-fastidju.

(2) Għall-finijiet ta' dan l-artikolu, it-terminu:

(a) "impjegat" tfisser:

(i) impjegat f'post ta' xogħol;

(ii) persuna li qiegħda titħarreġ, inkluż interns, trainee u apprendisti, irrispettivament minn jekk ix-xogħol huwiex regolat minn kuntratt, jew il-persuna tithallas jew ma titħallasx;

(iii) persuna li l-impjieg tagħha ġie terminat;

(iv) voluntier skont l-artikolu 2(1) tal-Att dwar l-Organizzazzjonijiet Volontarji wkoll meta tali xogħol jew servizz ma jkunx regolat minn kuntratt speċifiku ta' servizz;

Kap. 492.

(v) persuna li hija impjegat prospettiv abbażi li qiegħda tfittex impjieg;

(vi) persuna li hija impjegat prospettiv abbażi li hija applikant għal impjieg;

(vii) persuna li hija impjegat prospettiv abbażi tal-fatt li hija kandidat għal impjieg;

(b) "ambjent dinja ta' xogħol" tfisser:

(i) kwalunkwe post ta' xogħol, inkluż kwalunkwe spazju fejn jitwettqu d-dmirijiet ta' xogħol, irrispettivament min-natura tiegħu u jekk huwiex pubbliku jew privat;

(ii) kwalunkwe post fejn il-ħaddiem jitħallas, jieħu waqfa ta' mistrieħ jew ikel, jew jagħmel użu minn faċilitajiet sanitarji, ta' ħasil u tibdil;

(iii) kwalunkwe vjaġġ, vjaġġar, taħriġ, avvenimenti jew attivitajiet soċjali relatati max-xogħol;

(iv) kwalunkwe komunikazzjoni relatata max-xogħol, inklużi dawk mwettqa minn teknoloġiji ta' informazzjoni u komunikazzjoni;

(v) kwalunkwe akkomodazzjoni provduta mill-prinċipal;

(vi) kwalunkwe vjaġġ meta persuna tivvjaġġa lejn u mix-xogħol;

(ċ) "vjolenza u fastidju" tfisser imġiba, prattiċi u ommissjonijiet inaċċettabbli, jew theddid tagħhom, kemm jekk hija okkorrenza waħda jew ripetuta, li timmira lejn, tirriżulta fi, jew x'aktarx tirriżulta fi ħsara jew tbatija fiżika, psikoloġika, sesswali jew ekonomika, u tinkludi vjolenza u fastidju abbażi tal-ġeneru;

(d) "vjolenza u fastidju abbażi tal-ġeneru" tfisser vjolenza u fastidju ta' persuna minħabba s-sess jew il-ġeneru tagħha, jew li jaffettwaw b'mod sproporzjonat persuni ta' sess jew ġeneru partikolari, u għandha tinkludi l-fastidju sesswali kif deskritt fl-artikolu 29, u "ġeneru" għandu jkollha l-istess tifsira kif mogħti lilha fl-artikolu 2 tal-Att dwar il-Vjolenza Abbażi ta' Ġeneru u Vjolenza Domestika.

Kap. 581.

(3) L-ebda prinċipal jew impjegat ma għandu jaġixxi ma' impjegat, prinċipal jew impjegat ieħor, jew ma' impjegat prospettiv b'mod li hu ekwivalenti għal vjolenza u fastidju f'ambjent ta' xogħol. Tali azzjonijiet jistgħu jieħdu kwalunkwe forma, inkluż iżda mhux limitat għal talbiet, kondotta, imġiba jew interazzjoni, kemm jekk ikunu fiżiċi, remoti jew online, bil-fomm, bil-miktub, jew fi kwalunkwe mod ieħor, jew fi stampi jew kwalunkwe materjal ieħor.

(4) L-ebda prinċipal jew impjegat ma għandu jagħti lok għal ċirkostanza jew joħloq ambjent li jippermetti jew jista' jippermetti vjolenza u fastidju f'ambjent ta' xogħol jew iwassal impjegat, prinċipal, impjegat ieħor jew impjegat prospettiv sabiex iħossuhom skomdi jew intimidati jew f'atmosfera offensiva jew abbużiva jew li d-dritt tagħhom f'ambjent ta' xogħol ħieles mill-vjolenza u l-fastidju jkun qed jinkiser.".

4. L-artikolu 30 tal-Att prinċipali għandu jiġi emendat kif ġej:

Emenda tal-artikolu 30 tal-Att prinċipali.

(a) fis-subartikolu (1) tiegħu l-kliem "artikoli 26, 27, 28 jew 29 tista'," għandhom jiġu sostitwiti bil-kliem "artikoli 26, 27, 28, 29 jew 29A tista',";

(b) fis-subartikolu (3) tiegħu l-kliem "vittimizzazzjoni

jew għoti ta’ fastidju, it-Tribunal Industrijali" għandhom jiġu sostitwiti bil-kliem "vittimizzazzjoni, fastidju sesswali jew vjolenza u fastidju, it-Tribunal Industrijali".

Emenda tal-artikolu 31 tal-Att prinċipali.

5. Fl-artikolu 31 tal-Att prinċipali l-kliem "fl-artikoli 26, 27, 28 u 29 u" għandhom jiġu sostitwiti bil-kliem "fl-artikoli 26, 27, 28, 29 u 29A u" u l-kliem "vittimizzazzjoni jew għoti ta’ fastidju" għandhom jiġu sostitwiti bil-kliem "vittimizzazzjoni, fastidju sesswali jew vjolenza u fastidju".

Emenda tal-artikolu 32 tal-Att prinċipali.

6. Fl-artikolu 32 tal-Att prinċipali l-kliem "tal-artikoli 28 u 29 ikun" għandhom jiġu sostitwiti bil-kliem "tal-artikoli 28, 29 u 29A għandu jkun".

Emenda tal-artikolu 81 tal-Att prinċipali.

7. Is-subartikolu (2) tal-artikolu 81 tal-Att prinċipali għandu jiġi emendat kif gej:

(a) fil-paragrafu (b) tiegħu l-kliem "tal-artikoli 26, 27, 28 jew 29, it-Tribunal" għandhom jiġu sostitwiti bil-kliem "tal-artikoli 26, 27, 28, 29 jew 29A, it-Tribunal";

(b) fil-paragrafu (ċ) tiegħu l-kliem "tal-artikoli 26, 27, 28 jew 29 għandhom" għandhom jiġu sostitwiti bil-kliem "tal-artikoli 26, 27, 28, 29 jew 29A għandhom".

Għanijiet u Raġunijiet

L-għanijiet u r-raġunijiet ta’ dan l-Abbozz ta’ Liġi huwa sabiex jiġi inkluż id-dritt tal-impjegati, il-prinċipali jew impjegati prospettivi għal ambjent ta’ xogħol ħieles mill-vjolenza u l-fastidju, kif previst mill-Violence and Harassment Convention, 2019 Nru 190 (C190) tal-Organizzazzjoni Internazzjonali tax-Xogħol.

A BILL
entitled

AN ACT to further amend the Employment and Industrial Relations Act, Cap. 452.

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 authority of the same, as follows:-

1. The short title of this Act is the Employment and Industrial Relations (Amendment) Act, 2026 and this Act shall be read and construed as one with the Employment and Industrial Relations Act, hereinafter referred to as the "principal Act". Short title. Cap. 452.

2. The marginal note of article 29 of the principal Act shall be substituted by the following new marginal note: Amendment of article 29 of the principal Act.

"Sexual harassment".

3. Immediately after article 29 of the principal Act, as amended, there shall be added the following new article: Addition of new article to the principal Act.

"Violence and harassment. 29A. (1) Violence and harassment in a work environment shall be prohibited. Employees and employers shall endeavour to respect each other's right to a work environment free from violence and harassment.

(2) For the purposes of this article, the term:

(a) "employee" means:

(i) an employee;

(ii) a person in training, including interns, trainees, and apprentices, irrespective of whether the work is regulated by a contract, or the person is paid or unpaid;

(iii) a person whose employment has been terminated;

(iv) a volunteer in terms of article 2(1) of the Voluntary Organisations Act, even when such work or service is not regulated by a specific contract of service;

Cap. 492.

(v) a person who is a prospective employee on the basis that he is seeking employment;

(vi) a person who is a prospective employee on the basis that he is an applicant for employment;

(vii) a person who is a prospective employee on the basis that he is a candidate for employment;

(b) "work environment" means:

(i) any workplace, including any space where work duties are performed, irrespective of its nature and whether it is public or private;

(ii) any place where the worker is paid, takes a rest break or a meal, or makes use of sanitary, washing and changing facilities;

(iii) any work-related trip, travel, training, events or social activities;

(iv) through work-related communications, including those carried out using information and communication technologies;

(v) any accommodation provided by the employer;

(vi) any trip when a person commutes to and from work;

(c) "violence and harassment" means unacceptable behaviour, practices and omissions, or threats thereof, whether a single occurrence or repeated, that target, result in, or are likely to result in, physical, psychological, sexual or economic harm or suffering, and includes gender-based violence and harassment;

(d) "gender-based violence and harassment" means violence and harassment of a person by reason of their sex or gender, or which disproportionately affects persons of a particular sex or gender, and shall include "sexual harassment" as described in article 29, and "gender" shall have the same meaning as assigned to it by article 2 of the Gender-Based Violence and Domestic Violence Act.

Cap. 581.

(3) It shall not be lawful for an employer or an employee to act towards an employee, the employer, another employee or a prospective employee in a manner that is equivalent to violence and harassment in a work environment. Such actions may take any form, including but not limited to, requests, conduct, behaviour or interactions, whether physical, remote or online, and whether expressed orally, in writing, through images or by any other means or materials.

(4) It shall not be lawful for an employer or an employee to give rise to a circumstance or create an environment that permits or could permit violence or harassment in a work environment, or that may cause an employee, the employer, another employee or a prospective employee to feel uncomfortable or intimated, or to be subjected to an offensive or abusive atmosphere, or that breaches their right to a work environment free from violence and harassment.".

4. Article 30 of the principal Act shall be amended as follows:

Amendment of article 30 of the principal Act.

(a) in sub-article (1) thereof the words "articles 26, 27, 28 or 29, may" shall be substituted by the words "articles 26, 27, 28, 29 or 29A, may";

(b) in sub-article (3) thereof the words "victimisation or harassment, the Industrial Tribunal" shall be substituted by the words "victimisation, sexual harassment or violence and

harassment, the Industrial Tribunal".

Amendment of article 31 of the principal Act.

5. In article 31 of the principal Act the words "articles 26, 27, 28 and 29 and" shall be substituted by the words "articles 26, 27, 28, 29 and 29A and" and the words "victimisation or harassment" shall be substituted by the words "victimisation, sexual harassment or violence and harassment".

Amendment of article 32 of the principal Act.

6. In article 32 of the principal Act the words "articles 28 and 29 shall" shall be substituted by the words "articles 28, 29 and 29A shall".

Amendment of article 81 of the principal Act.

7. Sub-article (2) of article 81 of the principal Act shall be amended as follows:

(a) in paragraph (b) thereof the words "articles 26, 27, 28 or 29, the Tribunal" shall be substituted by the words "articles 26, 27, 28, 29 or 29A, the Tribunal";

(b) in paragraph (c) thereof the words "articles 26, 27, 28 or 29 the provisions" shall be substituted by the words "articles 26, 27, 28, 29 or 29A the provisions".

Objects and Reasons

The objects and reasons of this Bill are to enshrine the right of employees, employers and prospective employees to a work environment free from violence and harassment, as envisaged by the Violence and Harassment Convention, 2019 No 190 (C190) of the International Labour Organisation.

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