

Suppliment tal-Gazzetta tal-Gvern ta' Malta, Nru. 19,957, 6 ta' Marzu, 2018

Taqsim A

MALTA

ATT Nru III tal-2018

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

ATT sabiex jiġi regolat it-Tagħlim ibbażat fuq ix-Xogħol u l-Apprendistati fil-kuntest ta' Programm ta' Edukazzjoni u Tahriġ Vokazzjonali.

ACT No. III of 2018

AN ACT enacted by the Parliament of Malta.

AN ACT to regulate Work-Based Learning and Apprenticeships within the context of a Vocational Educational and Training Programme.

Nagħti l-kunsens tiegħi.

(L.S.)

**MARIE-LOUISE
COLEIRO PRECA
President**

6 ta' Marzu, 2018

ATT Nru III tal-2018

ATT sabiex jiġi regolat it-Tagħlim ibbażat fuq ix-Xogħol u l-Apprendistati fil-kuntest ta' Programm ta' Edukazzjoni u Tahriġ Vokazzjonali.

IL-PRESIDENT, bil-parir u l-kunsens tal-Kamra tad-Deputati, imlaqqgħa 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-2018 dwar Titolu fil-qosor. Tagħlim ibbażat fuq ix-Xogħol u l-Apprendistat.

2. F'dan l-Att sakemm ir-rabta tal-kliem ma teħtieġx Tifsir. xort'oħra:

"apprendistati" tfisser programm li fih apprendisti huma ingaġġati fi programmi kongunti ta' tagħlim ibbażat fuq skola ma' provditur ta' VET liċenzjat, u tagħlim ibbażat fuq ix-xogħol ma' sponser registrat, li jwassal għal kwalifika jew rikonoxximent vokazzjonali rikonoxxut kif imfisser fl-Iskeda 1;

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"apprendisti" tfisser persuni li qed jitgħallmu li huma ingaġġati fi programmi ta' taħriġ skont dan l-Att;

"Edukazzjoni u Taħriġ Vokazzjonali (VET)" tfisser edukazzjoni u taħriġ li jimmiraw li jagħtu lil persuni li qed jitgħallmu edukazzjoni vokazzjonali, taġġir, ħiliet u kompetenzi meħtieġa għal okkupazzjonijiet speċifiċi;

Kap. 327.

"età obligatorja għall-iskola" tfisser l-età kif imfissra fl-Att dwar l-Edukazzjoni;

"eżitu tat-tagħlim" tfisser it-tagħrif, ħiliet, aġir u attitudini meħtieġa biex jiġu żviluppjati l-kompetenzi vokazzjonali neċessarji biex tiġi mwettqa okkupazzjoni ta' ħila u teknika;

"ftehim ta' taħriġ" tfisser il-ftehim li jkunu parti fih il-provditur tal-VET, l-isponser u l-persuna li qed titgħallem fir-rigward ta' programm ta' taħriġ;

"ġenitur" jew "kustodju" tfisser kull persuna li għandha l-kura u l-kustodja legali ta' persuna li għadha ma għalqitx it-tmintax-il sena;

"Gvern" tfisser il-Gvern ta' Malta;

"interns" tfisser persuni li qed jitgħallmu ingaġġati fi programmi ta' taħriġ għal *internships* skont dan l-Att;

"*internships*" tfisser *interns* li huma ingaġġati fi programm kongunt ta' tagħlim ibbażat fuq skola ma' provditur ta' VET liċenzjat, u tagħlim ibbażat fuq ix-xogħol ma' sponser reġistrat, kif imfisser fl-Iskeda 1;

"karta tal-ħiliet" tfisser karta maħruġa lil persuna li qed titgħallem meta tispicċa b'suċċess programm ta' taħriġ li tindika l-livell ta' kompetenza miksuba f'okkupazzjoni rikonoxxuta;

"kompetenzi vokazzjonali" huma t-tagħrif, ħiliet, aġir u attitudni meħtieġa sabiex titwettaq okkupazzjoni ta' ħila u teknika, u li huma konformi mal-*istandards* okkupazzjonali;

Kap. 452.

"kondizzjonijiet tal-impieg" għandha l-istess tifsira bħalma nġhatat lilha fl-artikolu 2 tal-Att dwar Impiegi u Relazzjonijiet Industrijali;

Kap. 327.

"Kummissjoni Nazzjonali għal Edukazzjoni Avanzata u Oġġla" hi l-awtorità li takkredita Provdituri ta' Edukazzjoni u Taħriġ Vokazzjonali u l-programmi tagħhom kif stabbilita bis-saħħa tal-artikolu 64 tal-Att dwar l-Edukazzjoni;

"kwalifika" tfisser il-ksib ta' livell ta' taħrif u ħila li jagħmlu persuna adatta biex twettaq impieg jew attività partikolari u għandha tosserva l-kondizzjonijiet tal-Qafas Malti tal-Kwalifiki, jew ta' strutturi internazzjonali ta' kwalifiki rikonoxxuti mill-industrija;

"*logbook* tat-taħriġ" tfisser *logbook* riflettiv ibbażat fuq ix-xogħol, li jippreżenta rapport sistematiku tal-attivitajiet li jkunu twettqu matul il-perjodi ta' taħlim ibbażat fuq ix-xogħol skont il-kompetenzi vokazzjonali u, jew l-eżitu tat-taħlim tal-programm;

"Ministru" tfisser il-Ministru responsabbli għall-edukazzjoni jew korp kompetenti simili, u tinkludi, sal-limitu ta' kull awtorità mogħtija, kull persuna li hi awtorizzata speċifikament mill-Ministru għal xi għan wiehed jew aktar ta' dan l-Att, u "Ministeru" għandha tinftiehem skont hekk;

"okkupazzjonijiet ta' ħila u tekniċi" tfisser ħiliet, xogħol, snajja', jew okkupazzjoni oħra jew taqsima tagħha meħtieġa biex tiġi żviluppata l-forza nazzjonali tax-xogħol;

"pjan tal-programm ta' taħriġ" tfisser id-definizzjoni tal-ħtigiet speċifiċi ta' programm ta' taħriġ stabbilit minn provditur tal-VET, li jipprovdi informazzjoni dettaljata dwar eżiti tat-taħlim, kemm idum, *timetables*, eżamijiet, krediti, ċertifikazzjoni, ekwivalenza u rikonoxximent;

"*placements* ta' xogħol" tfisser l-ingaġġar ta' persuni li qed jitgħallmu ma' sponser registrat biex jiksbu esperjenza bażika ta' xogħol u ħiliet li jwasslu għal kwalifika vokazzjonali jew rikonoxximent kif imfisser fl-Iskeda 1;

"programm ta' taħriġ" tfisser programm ta' taħlim akkreditat għal edukazzjoni wara dik obligatorja, amministrat minn provditur tal-VET ibbażat fuq l-eżiti tat-taħlim li għandu jindirizza ħila waħda jew aktar u okkupazzjoni teknika billi jgħaqqad perjodi sistematiki u strutturati biex jalternaw ta' taħlim ibbażat fuq ix-xogħol mogħti mill-isponser u taħlim ibbażat fuq skola mogħti minn provditur tal-VET;

"provditur tal-VET" tfisser individwu jew korp magħqud li jkun l-amministratur ta' *placements* ta' xogħol, apprendistati u *internships*, li jipprovdi programmi edukattivi vokazzjonali f'edukazzjoni avvanzata u oġhla, u li jkun liċenzjat mill-Kummissjoni Nazzjonali għal Edukazzjoni Avvanzata u Oġhla skont l-Att dwar l-Edukazzjoni, jew ikun approvat minn strutturi internazzjonali ta' kwalifiki rikonoxxuti mill-industrija;

Kap. 327.

"Qafas Ewropew tal-Kwalifiki" tfisser l-ġhodda ta' traduzzjoni

li tgħin fil-komunikazzjoni u l-paraguni bejn sistemi ta' kwalifiki fl-Ewropa fir-rigward tal-eżitu tat-tagħlim;

"Qafas Ewropew ta' Referenza għall-Assigurazzjoni ta' Kwalità" tfisser l-għodda biex jiġu rikonoxxuti kwalifiki u rikonoxximenti miksuba minn persuni li qed jitgħallmu mal-firxa ta' pajjiżi jew ambjenti differenti ta' tagħlim, biex b'hekk issir promozzjoni għall-modernizzazzjoni, fiduċja reċiproka u mobilità fl-edukazzjoni u t-taħriġ vokazzjonali;

Kap. 327.

"Qafas Malti tal-Kwalifiki" tfisser il-qafas għal tagħlim tul il-ħajja u għandha l-istess tifsira bħalma tingħata fl-artikolu 63 tal-Att dwar l-Edukazzjoni;

"rikonoxximent" tirreferi għat-titolu ta' ċertifikazzjoni ta' tagħlim miksub permezz ta' korsijiet, li m'għandhomx in-numru meħtieġ ta' krediti fil-Livell tal-Qafas Malti tal-Kwalifiki, jew ta' strutturi internazzjonali ta' kwalifiki rikonoxxuti mill-industrija, biex jiġi kkunsidrat bħala kwalifika;

"sena akkademika" għall-finijiet ta' dan l-Att tfisser dak il-perjodu determinat bħala s-sena akkademika minn provdituri tal-VET;

"sena finanzjarja" tfisser il-perjodu ta' tnax-il xahar li jintemm fil-31 ta' Diċembru ta' xi sena;

"Sistema Ewropea ta' Krediti għal Edukazzjoni u Taħriġ Vokazzjonali (ECVET)" tfisser is-sistema li tippermetti li krediti akkwistati għal tagħrif u ħiliet miksuba f'sistemi u pajjiżi differenti, jiġu validati, rikonoxxuti u mgħaqqda biex jgħoddu għal kwalifiki jew rikonoxximenti;

"Sistema Ewropea ta' Trasferiment u Akkumulazzjoni ta' Krediti (ECTS)" tfisser il-mekkanizmu *standard* biex wieħed jipparaguna l-kisbiet ta' studju u ta' prestazzjoni ta' studenti ta' edukazzjoni oghla mal-firxa tal-Unjoni Ewropea u pajjiżi Ewropej oħra li jikkollaboraw;

"sponsors" tfisser l-organizzazzjonijiet jew l-individwi li huma approvati minn provdituri tal-VET biex jagħtu l-komponent tat-tagħlim ibbażat fuq ix-xogħol, jew li jieħdu ż-żewġ irwoli u d-drittijiet u l-obbligi kemm tal-isponsors u kif ukoll tal-provdituri tal-VET skont dan l-Att, meta jagħtu kemm it-taħriġ ibbażat fuq ix-xogħol kif ukoll it-taħriġ ibbażat fuq l-iskola, fi programm li jwassal għal kwalifika jew rikonoxximent, li jkun parti mill-Qafas Malti tal-Kwalifiki jew minn strutturi internazzjonali ta' kwalifiki rikonoxxuti mill-industrija;

"standards okkupazzjonali" tfisser l-istandards, kif stabbiliti mill-Kummissjoni Nazzjonali għal Edukazzjoni Avanzata u Oghla kif stipulati fir-Regolamenti dwar il-Validazzjoni ta' Tagħlim Mhux Formali u Informali; L.S. 327.432

"tagħlim ibbażat fuq skola" tfisser perjodu li matulu persuni li qed jitgħallmu jattendu għal perjodu ta' istruzzjoni f'ambjent ta' edukazzjoni u taħriġ vokazzjonali fi hdan ambjent ta' edukazzjoni wara dik obligatorja bħala parti minn programm ta' taħriġ;

"tagħlim ibbażat fuq ix-xogħol" tfisser approċċ edukattiv li jipprovdi lill-istudenti esperjenzi ta' xogħol fejn jistgħu japplikaw ħiliet akkademici u tekniċi u jiżviluppaw il-potenzjal tagħhom li jiġu impjegati. Huwa perjodu li matulu persuni li qed jitgħallmu jattendu għal perjodu ta' istruzzjoni u taħriġ fi hdan post tax-xogħol industrijali, kummerċjali jew li joffri servizzi bħala parti mit-taħriġ fuq il-post tax-xogħol jew programm edukattiv;

"trainer" tfisser il-persuna magħzula mill-isponser biex tissorvelja fuq il-persuna li qed titgħallem, taht is-superviżjoni tat-trainer prinċipali, matul il-perjodu ta' tagħlim ibbażat fuq ix-xogħol tal-programm ta' taħriġ;

"trainer prinċipali" tfisser il-persuna magħzula mill-isponser biex tkun il-punt ta' riferenza prinċipali tal-persuna li qed titgħallem u biex tikkordina t-trainers l-oħra jekk jingħazel aktar minn trainer wiehed għall-persuna li qed titgħallem matul il-perjodu ta' tagħlim ibbażat fuq ix-xogħol ta' programm ta' taħriġ;

"vakanzi fil-programm ta' taħriġ" tfisser il-vakanzi fl-apprendistat offerti fl-entitajiet li jisponsorizzaw, bħala parti tal-pjan tal-programm ta' taħriġ fir-rigward tal-iżvilupp ta' kompetenzi vokazzjonali;

"żgħażaġh" għandu jkollha l-istess tifsira bħal dik mogħtija fir-regolament 2 tar-Regolamenti dwar l-Impieg ta' Żgħażaġh. L.S. 452.92

3. Bla ħsara għall-proviso ta' dan l-artikolu, dan l-Att għandu jirregola provdituri ta' edukazzjoni u sponsers li jamministraw programmi tal-VET skont id-dispożizzjonijiet ta' dan l-Att. Ghan.

4. (1) Persuni li għalqu l-età ta' meta jhallu l-iskola kif imfisser fl-Att dwar l-Edukazzjoni huma eliġibbli li jiskrivu ruħhom għal *placements* ta' xogħol, apprendistati u *internships* skont dan l-Att. Eligibilità. Kap. 327.

(2) Il-provdituri tal-VET huma responsabbli biex jistabbilixxu l-htigiet għad dhul fil-programmi ta' taħriġ rispettivi.

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Akkreditazzjoni tal-programm ta' taħriġ.

5. Il-programm ta' taħriġ ikun soġġett għall-proċessi ta' akkreditazzjoni mill-Kummissjoni Nazzjonali għal Edukazzjoni Avanzata u Oghla kif preskritt fl-Att applikabbli, u f'konformità mal-Qafas Malti tal-Kwalifiki u kull leġislazzjoni rilevanti oħra jew ma' strutturi internazzjonali ta' kwalifiki rikonoxxuti mill-industrija.

Kwalifiki u rikonoxximenti.

6. (1) Persuna li qed titgħallem tkun eliġibbli għall-kisba ta' Grad jew Diploma jew Ċertifikat jew Rikonoxximent jew simili wara li l-kondizzjonijiet kollha rilevanti għal dik il-kwalifika jew rikonoxximent ikunu ġew osservati u sakemm il-kondizzjonijiet u r-responsabbiltajiet l-oħra kollha tal-persuna li qed titgħallem ikunu ġew osservati.

(2) Il-provditur tal-VET għandu jistabbilixxi t-titolu tal-kwalifika jew rikonoxximent, il-livell tal-Qafas Malti tal-Kwalifiki jew ta' strutturi internazzjonali ta' kwalifiki rikonoxxuti mill-industrija, il-kredti ECVET u ECTS jew simili, kemm iddum, u l-proporzjon ta' taġġim ibbażat fuq xogħol u dak ibbażat fuq skola għal programm ta' taħriġ kif imfisser b'dan l-Att.

Karti ta' ħiliet.

7. Il-provditur tal-VET jista' wkoll jiddeċiedi li joħroġ karta ta' ħiliet mal-kwalifika jew rikonoxximent, biex jipprovi lill-persuna li qed titgħallem xhieda li wieħed jista' jgħorr miegħu tal-livell ta' kompetenza miksuba f'okkupazzjoni rikonoxxuta; il-karta ta' ħiliet għandha tinkludi l-isem tad-detentur tal-kwalifika, identifikazzjoni, it-titolu tal-okkupazzjoni rikonoxxuta, it-titolu tal-programm ta' taħriġ, il-livell tal-kwalifika jew rikonoxximent, id-data meta jkun inkiseb, in-numru tas-serje u l-isem tal-provditur tal-VET li jagħti l-kwalifika jew ir-ikonoxximent.

Pjan tal-programm ta' taħriġ għal placements ta' xogħol, apprendistati u internships.

8. Għandu jkun hemm pjan ta' programm ta' taħriġ li jiffirma parti mill-ftehim ta' taħriġ kif deskritt f'dan l-Att, u li jkun fih l-informazzjoni li ġejja:

- (a) it-titolu tal-programm ta' taħriġ;
- (b) okkupazzjoni ta' ħila u teknika rilevanti;
- (ċ) eliġibilità u htigiet għad-dhul;

(d) dati tal-kalendarju u sığhat u fejn wieħed għandu jattendi għat-tagħlim ibbażat fuq skola u għat-tagħlim ibbażat fuq ix-xogħol inkluż in-numru ta' sığhat jew ġranet tax-xogħol kull ġimgħa tas-sena kalendarja meta persuna li qed titgħallem tkun ingaġġata f'taġġim ibbażat fuq ix-xogħol mal-isponsors u ingaġġata f'taġġim ibbażat fuq skola mal-provditur tal-VET;

- (e) l-eżiti tat-tagħlim u kredti għal taġġim ibbażat fuq

skola u tagħlim ibbażat fuq ix-xogħol, li jfissru t-tagħrif, ħiliet, aġir u attitudini li għandhom jinkisbu;

(f) il-metodoloġija ta' valutazzjonijiet li tipprovdi t-tipi ta' valutazzjonijiet, id-dati, kemm idumu, is-sit tal-isponser u l-bini tal-provdituri tal-VET;

(g) il-livell ta' kwalifika jew rikonoxximent miksub fuq il-Qafas Malti tal-Kwalifiki u l-Qafas Ewropew ta' Kwalifiki ekwivalenti jew ta' strutturi internazzjonali ta' kwalifiki rikonoxxuti mill-industrija meta jintemm b'suċċess il-programm ta' tagħlim kollu;

(h) progressjoni għal programmi ta' taħriġ oħra;

(i) id-data dovuta ta' reviżjoni tal-kontenut edukattiv tal-programm ta' taħriġ mill-provditur tal-VET.

9. (1) Provdituri tal-VET għandhom jaġixxu bħala l-amministraturi tal-programmi ta' taħriġ u jkunu responsabbli għall-iżvilupp, koordinazzjoni, kontroll, valutazzjoni u ċertifikazzjoni tal-programmi ta' taħriġ, kif ukoll għall-forniment tal-komponent tat-tagħlim ibbażat fuq skola u għandhom daww il-funzjonijiet stabbiliti b'dan l-Att u l-funzjonijiet l-oħra li jistgħu jiddevolvu fuqhom taħt xi liġi oħra jew li jistgħu jiġu assenjati lilhom mill-Ministru taħt dan l-Att.

Drittijiet u obbligi tal-provditur tal-VET.

(2) Fir-rigward ta' programmi ta' taħriġ provdituri tal-VET għandhom:

(a) jiżviluppaw programmi ta' taħriġ għal ħiliet li huma rikjesti jew x'aktarx ikunu rikjesti fil-futur, skont rapporti nazzjonali ta' riċerka u htigiet nazzjonali għal okkupazzjonijiet ta' ħila u tekniċi;

(b) jidentifikaw sponser potenzjali u vakanzi fil-programmi ta' taħriġ għal persuni li qed jitgħallmu;

(ċ) jiżviluppaw programmi ta' taħriġ wara konsultazzjoni mal-isponsors;

(d) jirrevedu u jaġġornaw il-programmi ta' taħriġ perjodikament għall-inqas kull tliet snin;

(e) iwettqu verifiki interni ta' kwalità fuq programmi ta' taħriġ u l-proċessi ta' appoġġ amministrattiv tagħhom;

(f) jiżviluppaw regolamenti interni dwar programmi ta'

tahriġ fuq hwejjeg edukattivi u operattivi tal-programmi rispettivi;

(g) iwaqqfu Bord Operattiv dwar Tagħlim ibbażat fuq ix-Xogħol, kif stipulat f'dan l-Att, sabiex jiżviluppa, jamministra, jikkontrolla u jtejjeb il-proċessi kollha li jappartjenu għall-programmi ta' tahriġ fir-rigward ta' *placements* ta' xogħol, apprendistati u *internships*;

(h) jagħtu tagħlim ibbażat fuq skola bħala parti mill-programm ta' tahriġ;

(i) iwettqu verifiki tal-ħiliet miksuba minn persuni li qed jitgħallmu permezz ta' tagħlim ibbażat fuq ix-xogħol u tagħlim ibbażat fuq skola, ibbażati fuq l-eżiti tat-tagħlim speċifikati fil-pjan ta' programm ta' tahriġ;

(j) jiddeterminaw it-trasferiment ta' krediti fi programm ta' tahriġ għal ieħor, meta jitqiesu l-eżiti tat-tagħlim miksuba fil-kors ta' dak it-tahriġ preċedenti;

(k) jikkompilaw pjan tal-programm ta' tahriġ kif speċifikat f'dan l-Att;

(l) jiżviluppaw pjan tal-programm ta' tahriġ sabiex isigħat ta' xogħol u tahriġ ikunu, kemm jista' jkun, raġonevolment possibbli, flessibbli biex ikunu iktar aċċessibbli għal persuni li qed jitgħallmu li għandhom dipendenti;

(m) jiżguraw li programmi ta' tahriġ, sistemi u proċessi jirriflettu l-istrateġija nazzjonali għall-inklużjoni soċjali fl-edukazzjoni.

(3) Provdituri tal-VET għandhom jiżguraw li tingħata konsiderazzjoni għall-ħtiġiet speċjali fil-programm ta' tahriġ għal persuni b'diżabilità u li t-tahriġ ta' persuni b'diżabilità jkun koordinat ma' miżuri oħra biex jippromwovu l-partecipazzjoni tagħhom fil-ħajja tax-xogħol.

(4) Fir-rigward ta' kwalifiki u rikonnoxximenti, provditur tal-VET għandu dmir li:

(a) jippubblika l-kwalifika jew ir-rikonnoxximent għal kull programm ta' tahriġ skont il-Qafas Malti tal-Kwalifiki jew skont strutturi internazzjonali ta' kwalifiki rikonnoxxuti mill-industrija;

(b) jeżerċita l-għażla volontarja li joħroġ karta ta' ħiliet

kif speċifikat f'dan l-Att, lill-persuna li qed titgħallem meta jiġi kompletat b'suċċess il-programm ta' taħriġ;

(ċ) joħroġ is-Suppliment taċ-Certifikat/Diploma EUROPASS jew simili lil persuni li qed jitgħallmu meta jiġi kompletat b'suċċess il-programm ta' taħriġ.

(5) Fir-rigward ta' ftehim ta' taħriġ provditur tal-VET għandu d-dmir li:

(a) jiżgura li l-kontenut tal-ftehim ta' taħriġ iffirmit mill-persuni li qed jitgħallmu, l-isponser u l-provditur tal-VET hu konformi mad-dispożizzjonijiet ta' dan l-Att;

(b) jiżgura li l-pjan tal-programm ta' taħriġ fejn jirrigwarda l-bilanċ bejn it-tagħlim ibbażat fuq ix-xogħol u t-tagħlim ibbażat fuq skola hu konformi mad-dispożizzjonijiet ta' dan l-Att;

(ċ) iżomm Reġistru ta' Ftehim ta' Taħriġ.

(6) Fir-rigward ta' sponsers, *trainers* u persuni li qed jitgħallmu, provditur tal-VET ikollu l-funzjoni li:

(a) jissorvelja l-adattibilità ta' sponsers u *trainers* prinċipali appuntati;

(b) jissorvelja l-adattibilità tal-bini fejn jinżamm it-tagħlim ibbażat fuq ix-xogħol;

(ċ) jiżgura li l-persuni li qed jitgħallmu għandhom *trainer* prinċipali magħżul fil-post tax-xogħol għall-perjodu kollu tal-programm ta' taħriġ;

(d) jiddetermina n-numru massimu ta' persuni li qed jitgħallmu li l-isponsors jistgħu jingagġaw, skont ir-riżorsi rispettivi tagħhom għal taħriġ u tagħlim;

(e) iżomm kuntatt regolari, komunikazzjoni u kooperazzjoni mal-isponsors fuq l-aspetti kollha tal-programm ta' taħriġ;

(f) jipprovdi informazzjoni u aċċess għal persuni li qed jitgħallmu rigward offeriti għal *placement* ta' xogħol, apprendistat, u, jew opportunitajiet ta' *internship* minn sponsers;

(g) iqabbel persuni li qed jitgħallmu ma' vakanzi fil-

programm ta' taħriġ għas-selezzjoni finali mill-isponser;

(h) jipprovdi servizzi ta' konsulenza u gwida lil persuni li qed jitgħallmu;

(i) jieħu dawk il-passi neċessarji sabiex jiġi mħares il-benesseri tal-persuni li qed jitgħallmu waqt il-*placement* ta' xogħol, apprendistat u, jew opportunitajiet ta' *internship* provduti minn sponser;

(j) iwettaq medjazzjoni fuq kwistjonijiet li jirrigwardaw tagħlim ibbażat fuq ix-xogħol u taħriġ li jistgħu jinholqu bejn il-persuna li qed titgħallem u l-isponser;

(k) jimmaniġġa t-trasferiment ta' persuni li qed jitgħallmu minn sponser għal iehor meta jkun hemm il-bżonn u jekk it-trasferiment ikun meħtieġ min-natura tal-programm ta' taħriġ;

(l) jiżgura li l-ħtiġiet għad-dhul u s-selezzjoni ta' persuni li qed jitgħallmu huma ekwi u ma teżisti ebda diskriminazzjoni bbażata fuq: età, twemmin, u, jew reliġjon, kulur, oriġini etnika u, jew razza, diżabilità, responsabbiltajiet domestiċi u, jew tqala, familja u, jew status ċivili, espressjoni tal-ġeneru u, jew identità tal-ġeneru, karatteristiċi ġenetiċi, status tas-saħħa, opinjoni politika, sess u, jew karatteristiċi tas-sess, u orjentazzjoni sesswali.

Post fejn
jinzamm it-
tagħlim ibbażat
fuq ix-xogħol.

10. Il-komponent tat-tagħlim ibbażat fuq ix-xogħol għandu jiġi provdut:

(a) f'kumpaniji li jwettqu attività ekonomika; jew

(b) f'organizzazzjonijiet li ma jwettqux attività ekonomika, bħalma huma dawk fis-servizz pubbliku u fi stabbilimenti ta' membri tal-professjonijiet indipendenti; jew

(ċ) f'bini li mhux kumpanija f'faċilitajiet adatti barra mill-bini fejn isir it-taħriġ, jekk u sal-limitu neċessarju, għall-finijiet tat-taħriġ inkluż taħriġ f'kumpaniji differenti, u istruzzjoni kongunta parzjali għand provditur tal-VET; jew

(d) f'faċilitajiet ta' taħriġ vokazzjonali barra mis-sistema ta' taħriġ ibbażat fuq skola u tagħlim ibbażat fuq ix-xogħol u taħriġ (taħriġ mhux ma' kumpanija); jew

(e) parzjalment barra minn Malta f'pajjiżi li joffru ħiliet kompatibbli, sistemi ta' appoġġ vokazzjonali u oqfsa ta'

kwalifiki, bħala parti mill-iskambju internazzjonali li fih jippartecipaw il-provditur tal-VET, il-kumpanija jew il-pajjiż:

Iżda għall-finijiet ta' dan l-Att, programmi ta' taħriġ m'għandhomx japplikaw għal programmi ta' taħriġ vokazzjonali li jitmexxew fit-totalità tagħhom jew fi skejjel vokazzjonali, jew f'ambjenti simulati li bihom proċessi u sistemi ta' xogħol huma replikati f'ambjent artifiċjali.

11. (1) Il-provditur tal-VET għandu jidentifika u jissorvelja fuq kemm sponsors u trainers li jingagġaw persuni li qed jitgħallmu għall-finijiet ta' dan l-Att ikunu xierqa, liema sponsors u *trainers* għandu jkollhom l-esperjenza teknika suffiċjenti, il-kwalifiki tekniċi u l-kompetenzi personali:

Kemm sponsors u *trainers* ikunu xierqa.

Iżda sponsors li, fl-opinjoni tal-provditur tal-VET, m'għandhomx il-kwalifiki tekniċi neċessarji jistgħu jingħataw permess mill-provditur tal-VET li jingagġaw persuni li qed jitgħallmu biss wara li jaħtru *trainers* bl-esperjenza teknika neċessarja, il-kwalifiki tekniċi u l-kompetenzi personali biex jagħtu direttament it-taħriġ essenzjali b'mod responsabbli fil-bini fejn isir it-taħriġ:

Iżda wkoll persuni jitqiesu li jkollhom l-esperjenza teknika neċessarja jekk għandhom l-għarfien vokazzjonali u hiliet meħtieġa mill-programm ta' taħriġ u jkunu ilhom impjegati f'kapacità prattika għal perjodu ta' hames snin fl-okkupazzjoni tagħhom stess.

(2) Il-provditur tal-VET għandu jqis li persuna għandha l-kwalifiki tekniċi neċessarji jekk tkun kisbet ċertifikazzjoni rikonoxxuta mill-Qafas Malti tal-Kwalifiki jew minn strutturi internazzjonali ta' kwalifiki rikonoxxuti mill-industrija f'kamp tekniku li jikkorrispondi għal okkupazzjoni ta' hila u teknika:

Iżda l-provditur tal-VET jista' xorta waħda jirrikonoxxi persuni bħala *trainers* għalkemm ma jkollhomx kwalifiki tekniċi wara li jipproduċu xhieda li jkunu akkwistaw permezz tal-esperjenza l-kompetenzi neċessarji sabiex jgħallmu persuni li qed jitgħallmu;

(3) Kull persuna oħra, li għandha t-tagħrif, hiliet, aġir, attitudini u l-kompetenzi personali neċessarji li jwasslu għall-eżiti tat-tagħlim imfissra fil-pjan tal-programm ta' taħriġ, tista', taħt ir-responsabbiltà tat-*trainer* prinċipali, tippartecipa fl-għoti ta' tagħlim ibbażat fuq ix-xogħol u l-proċessi ta' taħriġ:

Iżda persuna ma titqiesx li jkollha l-kompetenzi personali neċessarji jekk tkun instabet haġta ta' ksur ripetut u serju ta' dan l-Att jew tad-dispożizzjonijiet maħruġa u regolamenti magħmula skont dan l-Att.

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Sorveljanza fuq persuni li qed jitgħallmu.

12. (1) Il-provditur tal-VET għandu jipprovdi monitoraġġ regolari fuq il-persuni li qed jitgħallmu matul il-perjodu bbażat fuq ix-xogħol mal-isponser. Il-viżti lil persuni li qed jitgħallmu għandhom ikunu għall-inqas tnejn kull sena akkademika, liema viżti jistgħu jkunu parti mill-viżti li jappartjenu għall-valutazzjonijiet *interim* u finali.

(2) Il-provditur tal-VET jista' jwettaq spezzjoni u jitlob informazzjoni mill-isponser kif jidhirlu meħtieġ biex jaċċerta ruħu li l-persuna li qed titgħallem qed tircievi taħriġ adegwat fir-rigward tal-eżiti tat-tagħlim miftiehma:

Izda jekk il-provditur tal-VET jidhirlu li l-persuna li qed titgħallem mhux qed tircievi taħriġ adegwat, hu għandu jordna lill-isponser biex jirrimedja s-sitwazzjoni u jekk l-isponser jonqos milli josserva dan l-ordni, il-persuna li qed titgħallem tista' tiġi mneħħija mill-*isponsorship*.

Kemm il-bini jkun xieraq.

13. (1) Il-provditur tal-VET għandu jaċċerta ruħu li l-bini tal-isponsors hu xieraq skont id-dispożizzjonijiet ta' dan l-Att.

(2) Il-provditur tal-VET għandu jivverifika li l-ambjent u t-tagħmir f'dak il-bini huma xierqa għall-objettivi tat-tagħlim tal-programm ta' taħriġ u li l-paragun ta' persuni li qed jitgħallmu u l-facilitajiet ta' taħriġ jew ta' persunal b'ħiliet hu xieraq biex jiżgura t-twettiq ta' kompetenzi vokazzjonali bbażati fuq ix-xogħol għat-tagħlim meħtieġ ibbażat fuq ix-xogħol:

Izda bini fejn isir it-taħriġ li fih ma jistgħux jingħataw l-għarfien vokazzjonali neċessarju, il-ħiliet u l-kompetenzi fit-totalità tagħhom, jiġi meqjus adegwat, biss jekk dawk il-kompetenzi jistgħu jingħataw permezz ta' tagħlim ibbażat fuq ix-xogħol f'bini alternattiv ta' taħriġ approvat mill-provditur tal-VET.

Drittijiet u obbligi tal-isponser.

14. (1) L-isponser ikollu d-dritt li:

(a) jagħzel persuni li qed jitgħallmu prospettivi li japplikaw għal vakanzi fil-programm ta' taħriġ;

(b) jagħmel reklami dwar tagħlim ibbażat fuq ix-xogħol u vakanzi fil-programmi ta' taħriġ permezz tal-provdituri tal-VET jew indipendentement.

(2) L-isponsors jistgħu jkunu eliġibbli għal incentivi tat-taxxa għall-infiq biex jingāggaw persuna li qed titgħallem fuq programm ta' taħriġ.

(3) L-isponser ikollu l-obbligu li:

(a) iħallas rimunerazzjoni lill-persuna li qed titgħallem skont ir-rata stabbilita bil-legiżlazzjoni rilevanti, għall-ħin kollu li l-persuna li qed titgħallem tqatta' fuq il-post tax-xogħol bħala parti mill-komponent tat-tagħlim ibbażat fuq ix-xogħol, kif definit minn qabel fil-pjan tal-programm ta' taħriġ;

(b) jiżgura li persuni li qed jitgħallmu jingħataw l-ambjent xieraq biex jiksbu l-eżiti tat-tagħlim kif imfissra fil-pjan tal-programm ta' taħriġ;

(ċ) imexxi b'mod sistematiku l-proċess ta' taħriġ ibbażat fuq ix-xogħol, skont il-pjan tal-programm ta' taħriġ, is-sillabu u t-*timetable*, f'forma xierqa sabiex it-taħriġ jingħata fi żmien il-perjodu speċifikat;

(d) jippermetti li persuni li qed jitgħallmu jattendu sessjonijiet ta' tagħlim ibbażat fuq skola, verifiki jew impenji oħra, li għandhom x'jaqsmu mal-pjan tal-programm ta' taħriġ, kif speċifikat fil-pjan tal-programm ta' taħriġ;

(e) jippermetti li persuni li qed jitgħallmu jipparteċipaw fi skambji internazzjonali li għandhom x'jaqsmu mat-tagħlim ibbażat fuq ix-xogħol u li jipprovdu għall-iżvilupp ta' kompetenzi vokazzjonali bħala parti mill-pjan tal-programm ta' taħriġ;

(f) jidentifika individwi li għandhom it-tagħrif tekniku, l-esperjenza u l-kompetenza personali biex jaġixxu bħala *trainers* prinċipali skont dan l-Att;

(g) jiżgura li persuni li qed jitgħallmu għandhom *trainer* prinċipali magħżul fuq il-post tax-xogħol għall-perjodu sħiħ tal-programm ta' taħriġ;

(h) jafda t-taħriġ ibbażat fuq ix-xogħol f'idejn it-*trainers* prinċipali jew f'idejn persuni kompetenti xierqa kif miftiehem mal-provditur tal-VET għall-perjodu sħiħ tal-programm ta' taħriġ, u lil *trainers* oħra li jibqgħu taħt id-direzzjoni tat-*trainer* prinċipali;

(i) jiżgura li t-*trainer* prinċipali jkun disponibbli l-ħin kollu biex jissorvelja fuq il-persuna li qed titgħallem u jiżgura li l-persuna li qed titgħallem tkun qed tircievi taħriġ adegwat;

(j) jipprovdi l-faċilitajiet u t-taħriġ neċessarji sabiex il-persuna li qed titgħallem tikseb l-eżiti tat-tagħlim meħtieġa għat-temm b'suċċess tal-valutazzjoni *interim* u finali tal-

programm ta' taħriġ, amministrata mill-provditur tal-VET;

(k) jipprovi l-bini u jgħammar il-persuni li qed jitgħallmu bl-għodda u l-provvisti neċessarji għat-temm b'suċċess tal-programm ta' taħriġ u s-suċċess tal-valutazzjonijiet tagħhom *interim* u finali, amministrati mill-provditur tal-VET, ukoll jekk dawn il-valutazzjonijiet isiru minnufih wara t-tmiem tal-perjodu bbażat fuq ix-xogħol;

(l) jippermetti li persuni li qed jitgħallmu jattendu f'post tax-xogħol iehor għal perjodu speċifikat biex jirċievu taħriġ essenzjali li ma jistax jingħata fi hdan l-istabbiliment tagħhom kif speċifikat fil-pjan tal-programm ta' taħriġ:

Izda din l-għażla tkun possibbli biss bi ftehim minn qabel mal-isponser qabel il-bidu tal-programm ta' tagħlim kif speċifikat fil-ftehim ta' taħriġ;

(m) jobbliga li persuni li qed jitgħallmu jzommu *logbook* tat-taħriġ bil-miktub u aġġornat, u jispezzjona *r-records* sa fejn tali *records* huma meħtieġa bħala parti mill-*placement* ta' xogħol, apprendistat jew *internship*;

Kap. 424.

(n) jipprovi tagħmir u faċilitajiet ta' saħħa u sigurtà l-aktar xierqa f'konformità mal-Att dwar l-Awtorità għas-Saħħa u s-Sigurtà fuq il-Post tax-Xogħol;

(o) jiżgura li persuni li qed jitgħallmu huma koperti bl-assikurazzjoni kontra responsabbiltà pubblika u assikurazzjoni fuq vetturi tal-isponser, fejn dan ikun xieraq;

(p) jiżgura li persuni li qed jitgħallmu jingħataw kompiti li jwasslu għall-għan meħtieġ għall-iżvilupp ta', u huma proporzjonati ma', l-abbiltajiet fiżiċi;

(q) jiżgura li l-benesseri ta' persuni li qed jitgħallmu hu salvagwardjat u li huma jingħataw it-taħriġ f'ambjent li fih ma hemm l-ebda diskriminazzjoni, *bullying* fuq il-post tax-xogħol jew fastidju;

(r) jippreżenta ftehim ta' taħriġ li għandhom jiddaħhlu fir-Registru li jinżamm mill-provditur tal-VET hekk kif jiġu stabbiliti l-ftehim. L-istess għandu japplika għal emendi għall-istipulazzjonijiet essenzjali ta' ftehim;

(s) iżomm *records* tal-ftehim ta' taħriġ u *record* tal-progress tal-persuna li qed titgħallem skont l-attivitajiet tat-tagħlim ibbażat fuq ix-xogħol. Ir-*records* għandhom jinżammu

għal perjodu ta' tliet snin wara t-tmiem tal-programm ta' taħriġ. L-isponser għandu jgħaddi *r-records* lill-provditur tal-VET meta jkun hekk mitlub matul il-perjodu tal-programm ta' taħriġ u t-tliet snin sussegwenti;

(t) minnufih jinforma lill-provditur tal-VET dwar nuqqasijiet ta' xi persuna li qed titgħallem sabiex tittiehed l-azzjoni neċessarja;

(u) jippermetti aċċess għal għanijiet ta' monitoraġġ lir-rappreżentanti uffiċjali tal-provditur tal-VET u lil kull uffiċjal ieħor li jkun awtorizzat mill-provditur tal-VET.

15. (1) Persuni li qed jitgħallmu għandhom dawn id-drittijiet:

Drittijiet u obbligi tal-persuni li qed jitgħallmu.

(a) jistgħu jkunu eliġibbli li jibbenefikaw minn għotjiet ta' manteniment għal studenti skont ir-Regolamenti dwar Għotjiet ta' Manteniment għal Studenti;

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(b) persuni li qed jitgħallmu fuq programmi ta' apprendistat għandhom id-dritt għal *income* ekwivalenti għall-paga minima nazzjonali għal kull siegħa fuq il-post tax-xogħol kif stipulat fil-pjan tal-programm ta' taħriġ. L-*income* kull siegħa hu kkalkolat bħala l-*income* li jinkiseb mingħand l-isponser u mill-għotja ta' manteniment għal studenti.

(2) Persuni li qed jitgħallmu jkollhom l-obbligi li ġejjin:

(a) iwettqu l-kompiti fdati lilhom bħala parti mit-taħriġ tagħhom ibbażat fuq ix-xogħol;

(b) joqogħdu għal edukazzjoni vokazzjonali u eżamijiet kif speċifikat fil-pjan tal-programm ta' taħriġ stabbilit mill-provditur tal-VET;

(ċ) jobdu l-istruzzjonijiet mogħtija lilhom fi hdan il-qafas tat-taħriġ ibbażat fuq ix-xogħol mill-isponser, *trainers* jew persuni oħra li huma intitolati jagħtuhom dawk l-istruzzjonijiet;

(d) jattendu għall-komponent tat-tagħlim ibbażat fuq ix-xogħol skont il-pjan tal-programm ta' taħriġ stabbilit minn qabel u stabbilit mill-provditur tal-VET;

(e) jattendu għat-tagħlim ibbażat fuq skola kif previst mill-provditur tal-VET jew xi provditur ieħor ta' servizzi skont il-htigiet, mingħajr ma jkunu assenti għal raġunijiet mhux

gustifikabbli;

(f) jaġġornaw il-*logbook* tat-taħriġ fuq bażi regolari kif stabbilit mill-provditur tal-VET skont il-htigiet tal-programm ta' taħriġ;

(g) jinfurmaw lill-provditur tal-VET jekk l-isponser ma jkunx qed josserva l-kondizzjonijiet stabbiliti fil-ftehim ta' taħriġ;

(h) josservaw ir-regoli dwar l-aġir kif stabbiliti mill-isponser u l-provditur tal-VET.

Ftehim ta'
taħriġ.

16. (1) Għandu jkun hemm ftehim ta' taħriġ għal *placements* ta' xogħol, *apprendistati* u *internships* kif imfisser fl-Iskeda 2, liema ftehim għandhom jiġu ffirmati qabel il-bidu tal-programmi ta' taħriġ mill-isponser, mill-persuna li qed titgħallem u mill-provditur tal-VET:

Iżda jekk il-persuna li qed titgħallem tkun żaġġżuġ il-ġenituri jew il-kustodji legali tal-persuna li qed titgħallem għandhom jiffirmaw il-ftehim dwar it-taħriġ qabel il-bidu tal-programm ta' taħriġ.

(2) L-isponser għandu jaġti lil kull min jiffirma kopja tal-kuntratt iffirmit fid-data meta jiġi ffirmat.

(3) Ftehim ta' taħriġ hu vinkolanti jekk ikun ġie reġistrat ma' provditur tal-VET skont id-dispożizzjonijiet ta' dan l-Att.

(4) Ftehim ta' taħriġ hu vinkolanti matul il-perjodu li l-programm ikun fis-seħh.

(5) Kull ftehim li ma josservax id-dispożizzjonijiet ta' dan l-Att għad-detriment tal-persuna li qed titgħallem ikun null u bla effett.

(6) Xejn f'dan l-Att ma jaffettwa xi dritt li l-isponser jista' jkollu biex jibda proċeduri ċivili kontra persuna li qed titgħallem fir-rigward ta' ksur jew nuqqas ta' osservanza tad-dispożizzjonijiet tal-ftehim ta' taħriġ jew xi kondizzjoni li tinsab fih.

(7) Xejn f'dan l-Att ma jaffettwa xi dritt li persuna li qed titgħallem jista' jkollha biex tibda proċeduri ċivili kontra l-isponser tagħha fir-rigward ta' ksur jew nuqqas ta' osservanza tad-dispożizzjonijiet tal-ftehim ta' taħriġ jew xi kondizzjoni li tinsab fih.

17. (1) Il-programm ta' taħriġ għandu jintemm malli jiskadi l-perjodu ta' taħriġ u mat-temm b'suċċess mill-persuna li qed titgħallem tal-programm ta' taħriġ kif stabbilit fil-ftehim ta' taħriġ: Temm tal-placements ta' xogħol, apprendistati u internships.

Iżda jekk meta jiskadi l-perjodu ta' taħriġ il-persuna li qed titgħallem tonqos milli ttejjem b'suċċess il-programm ta' taħriġ, il-persuna li qed titgħallem tista' titlob estensjoni sal-okkażjoni possibbli li jmiss sabiex ittejjem b'suċċess il-programm ta' taħriġ liema perjodu ma jistax jiġi estiż għal aktar minn sena.

(2) Il-komponent ibbażat fuq ix-xogħol tal-programm ta' taħriġ jista' jintemm skont il-leġiżlazzjoni rilevanti li tirregola l-perjodu ta' *probation*.

(3) Meta l-persuna li qed titgħallem tissottometti r-riżenja tagħha minn programm ta' taħriġ din ir-riżenja għandha tiġi kontrofirmata mill-isponser billi jiffirma l-*'Formula ta' Riżenja'* u mill-provditur tal-VET. Riżenja twassal għat-terminazzjoni tal-ftehim ta' taħriġ u t-terminazzjoni tal-programm ta' taħriġ.

18. Persuna li qed titgħallem li ma tkompli l-perjodu ibbażat fuq ix-xogħol qabel iż-żmien speċifikat fil-ftehim ta' taħriġ ma jkollhiex thallas lill-isponser xi ammont kemm fir-rigward tat-taħriġ mogħti lilha matul dak iż-żmien magħmul fuq ix-xogħol kif ukoll għall-bqija taż-żmien miftiehem speċifikament għall-perjodu bbażat fuq ix-xogħol. Avviz.

19. (1) Provdituri tal-VET għandhom id-dmir li jistabbilixxu u jzommu reġistru għall-programmi ta' taħriġ li huma jamministraw. Reġistru ta' Ftehim ta' Taħriġ.

(2) L-isponser għandu d-dmir li mal-bidu tal-ftehim ta' taħriġ jirreġistra l-ftehim ta' taħriġ mal-provditur tal-VET. Jekk ftehim ta' taħriġ jiġi emendat, l-isponser għandu jirreġistra, mill-aktar fis possibbli, dak il-ftehim emendat ta' taħriġ mal-provditur tal-VET.

(3) Id-data tar-reġistrazzjoni tal-ftehim ta' taħriġ ma taffettwax id-data tal-bidu tal-ftehim, iżda r-rifjut ta' xi parti li tirreġistra l-ftehim tirrendi l-ftehim null u bla effett mid-data tar-rifjut. Id-data tal-bidu ta' ftehim tkun id-data tal-firma tal-partijiet kollha jew dik id-data li tista' tiġi stipulata fil-ftehim.

(4) Il-provditur tal-VET għandu d-dmir li jzomm u jaġġorna r-Reġistru tal-Ftehim ta' Taħriġ biex jinkludi informazzjoni dwar it-temm b'suċċess jew it-terminazzjoni bikrija ta' programmi.

(5) Il-provditur tal-VET ikun responsabbli li jissottometti rapport annwali lill-Kummissjoni Nazzjonali għal Edukazzjoni

Avvanzata u Oġhla, *inter alia* dwar dan li ġejj:

- (a) programmi ta' taħriġ għaddejjin skont l-okkupazzjoni, ġeneru, nazzjonalità u livell ta' ċertifikazzjoni;
- (b) programmi ta' taħriġ mitmuma dik is-sena, skont l-okkupazzjoni, il-ġeneru, in-nazzjonalità u l-livell ta' ċertifikazzjoni;
- (ċ) programmi ta' taħriġ li ser jintemmu s-sena ta' wara skont l-okkupazzjoni, il-ġeneru, in-nazzjonalità u l-livell ta' ċertifikazzjoni:

Izda l-Kummissjoni Nazzjonali għal Edukazzjoni Avvanzata u Oġhla jkollha d-dritt titlob għal aktar informazzjoni kif jidhrilha xieraq u l-provditur tal-VET ikun obligat li jipprovi tali informazzjoni li tista' tiġi mitluba.

Valutazzjoni u
ċertifikazzjoni.

20. (1) Il-provditur tal-VET għandu d-dmir li jamministra valutazzjonijiet *interim* u valutazzjonijiet finali bbażati fuq l-eżiti tat-tagħlim fil-pjan tal-programm ta' taħriġ.

(2) Valutazzjonijiet *interim* isiru darba kull sitt xhur matul il-programm ta' taħriġ.

(3) Valutazzjonijiet *interim* jistgħu jsiru fuq il-post tax-xogħol jew fil-bini tal-provditur tal-VET u f'xi bini ieħor, li jista' jintgħażel mill-provditur tal-VET. L-għan tal-valutazzjoni finali għandu jkun biex jiġi determinat jekk persuni li qed jitgħallmu kisbux l-eżiti tat-tagħlim imfissra fil-pjan tal-programm ta' taħriġ kemm għall-komponenti bbażati fuq skola kif ukoll dawk ibbażati fuq ix-xogħol. Il-valutazzjoni finali għandha turi li persuni li qed jitgħallmu akkwistaw it-tagħrif, hiliet, aġir, attitudini neċessarji u kompetenzi vokazzjonali meħtieġa biex titwettaq okkupazzjoni ta' hila u teknika.

(4) L-isponser jista' jirtira mill-ftehim ta' taħriġ mal-provditur tal-VET u mal-persuna li qed titgħallmu jekk il-persuna li qed titgħallmu tehel fil-valutazzjoni finali.

(5) Persuni li qed jitgħallmu jiġu ammessi għall-valutazzjoni finali basta li:

- (a) il-persuna li qed titgħallmu tkun ikkompletat il-perjodu sħiħ ta' tagħlim ibbażat fuq skola u t-tagħlim ibbażat fuq ix-xogħol kongunti skont il-pjan tal-programm ta' taħriġ jew jekk il-perjodu ser jispicċa mhux aktar tard minn xahrejn mid-data stabbilita għall-valutazzjoni; u

(b) il-persuna li qed titgħallem qagħdet għal, u għaddiet minn, il-valutazzjonijiet *interim* preskritti.

(6) Id-deċiżjoni dwar l-ammissjoni għall-valutazzjoni finali għandha tittiehed mill-provditur tal-VET. Jekk jidhirlu li l-kondizzjonijiet għad-dhul ma gewx osservati, għandha tittiehed deċiżjoni mill-Bord tal-Eżaminaturi.

(7) Fil-każ ta' nuqqas ta' suċċess fil-valutazzjonijiet *interim* u finali, il-valutazzjonijiet jistgħu jiġu ripetuti soġġetti għar-regolamenti stabbiliti mill-provditur tal-VET.

21. (1) Il-provditur tal-VET għandu jistabbilixxi Bord Operattiv dwar Tagħlim ibbażat fuq ix-Xogħol li jkun magħmul minn għall-inqas tliet membri, li wiehed minnhom iservi bħala *Chairperson* li jkollu kompetenza u tagħrif suffiċjenti fil-materja u jkun impjegat tal-provditur tal-VET:

Bord Operattiv
dwar Tagħlim
ibbażat fuq ix-
Xogħol.

Iżda l-ebda membru mahtur fuq il-Bord Operattiv dwar Tagħlim ibbażat fuq ix-Xogħol ma għandu jkun sponser tal-istess programm waqt li qiegħed iservi fuq dan il-Bord.

(2) Il-Bord Operattiv dwar Tagħlim ibbażat fuq ix-Xogħol ikollu dawk il-funzjonijiet kif stabbiliti f'dan l-Att u b'mod partikolari li:

(a) jaddatta fejn ikun possibbli *curricula* fi programmi ta' taħriġ inkluż komponent ta' tagħlim ibbażat fuq ix-xogħol;

(b) jirrevedi programmi ta' taħriġ;

(c) jistabbilixxi Bord tal-Eżaminaturi għal kull programm ta' taħriġ;

(d) jistabbilixxi regolamenti u politika għall-Bord tal-Eżaminaturi li jinkludu l-ammissjoni ta' persuni li qed jitgħallmu għall-valutazzjoni, l-istruttura tal-valutazzjoni u l-kriterji tal-valutazzjoni;

(e) jissorvelja l-operat tal-Bordijiet tal-Eżaminaturi;

(f) jistabbilixxi regolamenti għall-valutazzjoni ta' programmi ta' taħriġ.

22. (1) Il-Bord Operattiv dwar Tagħlim ibbażat fuq ix-Xogħol għandu jistabbilixxi tali Bordijiet tal-Eżaminaturi biex jamministraw valutazzjonijiet għal kull programm ta' taħriġ.

Bord tal-
Eżaminaturi.

(2) Il-Bord tal-Eżaminaturi għandu jieħu deċiżjonijiet rigward il-grad li għandhom jingħataw għall-prestazzjoni fil-valutazzjoni f'oqsma differenti u għall-prestazzjoni fil-valutazzjoni sħiħa kif ukoll deċiżjonijiet li jirrigwardaw jekk wieħed jgħaddix jew le fil-valutazzjoni finali.

(3) Il-Bord tal-Eżaminaturi jkun magħmul minn għall-inqas tliet membri, li jkollhom kompetenza u tagħrif suffiċjenti fil-materja.

(4) Il-Bord tal-Eżaminaturi għandu jinkludi fih membru tal-amministrazzjoni tal-provditur tal-VET u membru li jirrappreżenta l-industrija rilevanti.

(5) Il-Bord Operattiv dwar Tagħlim ibbażat fuq ix-Xogħol għandu jaħtar membri tal-Bord tal-Eżaminaturi għal perjodu ta' sentejn li jiġgedded sa mhux iżjed minn erba' snin.

(6) Il-*quorum* għall-Bord tal-Eżaminaturi jkun ta' żewġ terzi tal-membri:

Iżda għandhom ikunu preżenti għall-inqas tliet membri biex jiġi fformat *quorum*.

(7) Il-Bord tal-Eżaminaturi għandu jieħu deċiżjonijiet b'maġġoranza tal-voti iżda jista' jiġi mhejji rapport tal-minoranza jekk il-vot ma jkunx unanimu.

Trasferiment ta' persuni li qed jitgħallmu.

23. (1) Id-drittijiet u l-obbligi ta' xi sponser taħt xi ftehim ta' taħriġ jistgħu, bil-kunsens tal-partijiet kollha, jiġu trasferiti lil sponser ieħor.

(2) L-ebda tali trasferiment ma jitqies bħala kompletat sakemm ma jiġix registrat fir-Registru ta' Ftehim ta' Taħriġ:

Iżda provditur tal-VET m'għandux jirreġistra trasferiment jekk dak it-trasferiment ma jkunx fl-interess tal-persuna li qed titgħallem jew jekk jikser id-dritt tal-isponser ta' qabel.

(3) Il-provditur tal-VET jista', wara talba mill-isponser, jew mill-persuna li qed titgħallem, jew mit-tnejn, jew fid-diskrezzjoni tiegħu stess, jidtermina l-ftehim billi jagħti avviż bil-miktub dwar din id-deċiżjoni liż-żewġ partijiet, u jittrasferixxi lill-persuna li qed titgħallem biex tkompli l-programm ta' taħriġ ma' sponser ieħor fl-eventwalità li:

(a) jew l-isponser jew il-persuna li qed titgħallem ma jistgħux josservaw il-kondizzjonijiet tal-ftehim ta' taħriġ; jew

(b) jew l-isponser jew il-persuna li qed titgħallem ma josservawx xi kondizzjoni ta' dan il-ftehim; jew

(ċ) tqum xi differenza jew nuqqas ta' qbil bejn l-isponser u l-persuna li qed titgħallem; jew

(d) jew l-isponser jew il-persuna li qed titgħallem jistabu hatja ta' reat kriminali serju.

24. (1) L-isponser mhux obligat li jżomm il-persuna li qed titgħallem meta jintemm il-perjodu tal-programm ta' taħriġ. Impieg wara l-apprendistat.

(2) Jekk persuni li qed jitgħallmu jkomplu jaħdmu mal-isponser tagħhom wara li jkun intemm il-programm tagħhom ta' taħriġ jitqies li tkun giet stabbilita relazzjoni ta' impieg.

25. (1) Meta, waqt il-perjodu ta' taħriġ, tqum xi tilwima bejn sponser u persuna li qed titgħallem, l-isponser ikollu d-dritt, mid-data meta ċ-ċirkostanzi jiġu rrapportati lill-provditur tal-VET, jissospendi lill-persuna li qed titgħallem mix-xogħol, bla ħsara għad-dritt tal-persuna li qed titgħallem li tiġi impjegata mill-ġdid kompletament jekk id-deċiżjoni finali tkun favur il-persuna li qed titgħallem. Tilwim.

(2) Tilwima bejn il-persuna li qed titgħallem u l-provditur tal-VET għandha tiġi indirizzata permezz tas-sistema interna ta' riżoluzzjoni ta' tilwim tal-provditur tal-VET, regolata bil-kondizzjonijiet ta' akkreditazzjoni ta' istituzzjonijiet edukattivi.

(3) Għandu jkun hemm Bord tal-Appelli dwar Tagħlim ibbażat fuq ix-Xogħol, hawn iżjed 'il quddiem imsejjaħ il-Bord tal-Appelli, li quddiemu kull parti li tħoss ruħha aggravata b' deċiżjoni tal-provditur tal-VET tista' tappella.

(4) Appelli previsti fis-subartikolu (3) għandhom jiġu pprezentati fir-Registru tal-Bord tal-Appelli fi żmien ħmistax-il ġurnata mid-data meta d-deċiżjoni tal-provditur tal-VET tiġi kkomunikata lil dik il-parti.

(5) Fil-każ ta' tilwima bejn l-isponser u l-provditur tal-VET, kull waħda mill-partijiet tista' ġġib il-kwistjoni għall-konjizzjoni tal-Bord tal-Appelli.

(6) Il-Bord tal-Appelli għandu jkun magħmul minn *chairperson* indipendenti u żewġ membri indipendenti maħtura mill-Ministru minn fost persuni ta' integrità magħrufa li fl-opinjoni tiegħu jidhru li huma kwalifikati minħabba fl-esperjenza u l-ħila fi hwejjeġ meqjusa xierqa għal dak il-ghan.

(7) Membru tal-Bord tal-Appelli għandu jastjeni u jista' jiġi rikuzat f'dawk iċ-ċirkostanzi li jiskwalifikaw imhalled skont is-Sub-Titolu II tat-Titolu II tat-Tielet Ktieb tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili u f'kull każ bhal dan il-membru għandu jiġi sostitwit minn persuna oħra mahtura mill-Ministru għal dan il-għan.

(8) Il-membri tal-Bord tal-Appelli jibqgħu fil-kariga għal perjodu ta' tliet snin, u jkunu eliġibbli biex jerġgħu jiġu mahtura mill-gdid.

(9) Membru tal-Bord tal-Appelli jista' jitneħħa mill-kariga mill-Ministru għal raġunijiet ta' negliġenza serja, konflitt ta' interess, inkompetenza, jew att jew ommissjoni li ma tixraqx lil membru tal-Bord tal-Appelli.

26. (1) Il-Ministru jista', bla ħsara għad-dispożizzjonijiet ta' dan l-Att, jagħmel regolamenti biex jagħti effett lil xi waħda jew aktar mid-dispożizzjonijiet ta' dan l-Att jew biex jirregola jew mod ieħor jipprovi dwar kull haġa fir-rigward tal-funzjonijiet u attivitajiet li jaffettwaw tagħlim ibbażat fuq ix-xogħol skont dan l-Att.

(2) Il-Ministru jista', waqt li jaġixxi skont id-dispożizzjonijiet ta' dan l-Att, jagħmel regolamenti għall-aħjar twettiq tad-dispożizzjonijiet ta' dan l-Att u jista' jahtar xi persuna jew korp biex ikun l-awtorità magħżula għall-finijiet tat-twettiq ta' kull dmir jew obbligu li l-gvern għandu taħt dan l-Att.

(3) Mingħajr preġudizzju għas-setgħat tiegħu taħt id-dispożizzjonijiet ta' dan l-Att, il-Ministru jista' jordna lil kull persuna jew kull dipartiment, aġenzija, korporazzjoni jew awtorità stabbilita bil-liġi biex twettaq xi funzjoni jew dmir skont dan l-Att jew skont xi regolamenti magħmula taħt dan l-Att, u, jew biex jiżgura l-implimentazzjoni xierqa ta' dan l-Att jew ta' xi regolamenti magħmula taħt dan l-Att, u l-Ministru jista' permezz ta' regolamenti jippreskrivi u jirregola l-proċeduri u l-metodi li għandhom jiġu adottati minn dik il-persuna, dipartiment, aġenzija, korporazzjoni jew awtorità fit-twettiq ta' dawk il-funzjonijiet.

(4) Il-Ministru jista', minn żmien għal żmien, jagħti lil xi waħda jew aktar mill-entitajiet jew lil xi wieħed jew aktar mill-uffiċjali jew impjegati tagħhom dawk id-direttivi u ordnijiet, li ma jkunux inkonsistenti mad-dispożizzjonijiet ta' dan l-Att, kif il-Ministru jista' jidhirlu opportun fir-rigward tal-politika li għandha tiġi segwita minnhom u tal-operat u l-implimentazzjoni tal-funzjonijiet tagħhom, u fuq kull haġ oħra li l-Ministru jidhirlu li hi konnessa ma' tagħlim ibbażat fuq ix-xogħol, u l-entità, uffiċjal jew

impjegat ikkonċernati għandhom, sa fejn hu possibbli, minnufih josservaw u jaġixxu f'konformità ma' dawn id-direttivi u ordnijiet u għandhom iwettqu il-funzjonament tagħhom skont dawn il-prinċipji.

SKEDA 1

(Artikolu 2)

Placements ta' Xogħol, Apprendistati u Internships

<p>Qafas Malti tal-Kwalifiki Livelli 1- 4 jew simili</p>	<p><i>Placements ta' xogħol</i></p> <ul style="list-style-type: none"> • Allokazzjoni ta' persuna li qed titgħallem ma' sponser reġistrat biex takkwista esperjenza u ħiliet bażiċi ta' xogħol. • <i>Placements ta' xogħol</i> iwasslu għal kwalifika vokazzjonali jew rikonoxximent fil-Qafas Malti tal-Kwalifiki Livell 1 sa Livell 4 jew simili. • Il-persuna li qed titgħallem tingħaqad ma' sponser bi ftehim ta' taħriġ għal <i>placements ta' xogħol</i> imhejji mill-provditur tal-VET u l-isponser. • Il-persuna li qed titgħallem tista' tircievi jew ma tirceviz rimunerazzjoni għall-parti tal-<i>placement ta' xogħol</i> tat-tagħlim ibbażat fuq ix-xogħol. • Kredti ECVET jew simili huma allokati minn provditur tal-VET għal eżiti tat-tagħlim miksuba matul il-perjodu ta' xogħol u vvalutati bħala parti mill-programm ta' <i>placements ta' xogħol</i>. • Programmi ta' taħriġ f'dawn il-livelli jistgħu wkoll jieħdu l-forma ta' Apprendistat skont dan l-Att.
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<p>Qafas Malti tal-Kwalifiki Livelli 3 - 4 jew simili</p>	<p>Apprendistat</p> <ul style="list-style-type: none"> • Allokazzjoni ta' apprendist fi programm kongunt ta' tagħlim ibbażat fuq skola ma' provditur tal-VET u tagħlim ibbażat fuq ix-xogħol ma' sponser registrat. • Apprendistati jwasslu għal kwalifika jew rikonoxximent vokazzjonali rikonoxxut fil-Qafas Malti tal-Kwalifiki Livell 3 u Livell 4 jew simili. • L-apprendist jingħaqad ma' sponser bi ftehim ta' taħriġ għal apprendistati mhejji mill-provditur tal-VET u l-isponser. • L-apprendist jirċievi rimunerazzjoni għall-parti tal-apprendistat li tirrigwarda t-tagħlim ibbażat fuq ix-xogħol. • Kredti ECVET jew simili huma allokati minn provditur tal-VET għal eżiti tat-tagħlim miksuba matul il-perjodu ta' xogħol u vvalutati bħala parti mill-programm ta' apprendistat.
<p>Qafas Malti tal-Kwalifiki Livelli 5 u oghla jew simili</p>	<p><i>Internships</i></p> <ul style="list-style-type: none"> • Allokazzjoni ta' <i>intern</i> fi programm kongunt ta' tagħlim ibbażat fuq skola ma' provditur tal-VET akkreditat u tagħlim ibbażat fuq ix-xogħol ma' sponser registrat. • <i>Internships</i> iwasslu għal kwalifika jew rikonoxximent vokazzjonali rikonoxxut fil-Qafas Malti tal-Kwalifiki Livell 5 u oghla jew simili. • L-<i>intern</i> jingħaqad ma' sponser bi ftehim ta' taħriġ għal <i>internships</i> imhejji mill-provditur tal-VET u l-isponser. • L-<i>intern</i> jista' jirċievi jew ma jirċevix rimunerazzjoni għall-parti tal-<i>internship</i> tat-tagħlim ibbażat fuq ix-xogħol. • Kredti ECVET u ECTS jew simili huma allokati minn provditur tal-VET għal eżiti tat-tagħlim miksuba matul il-perjodu ta' xogħol u vvalutati bħala parti mill-programm ta' <i>internship</i>. • Programmi ta' taħriġ f'dawn il-livelli jistgħu wkoll jieħdu l-forma ta' Apprendistat skont dan l-Att.

SKEDA 2

(Artikolu 16)

Programmi ta' Taħriġ

A. Ftehim ta' Taħriġ fi *Placements* ta' Xogħol

(1) *Placement* ta' xogħol ma' sponser reġistrat li jippermetti li persuna li tkun qed titgħallem takkwista esperjenza u ħiliet bażiċi ta' xogħol li jwasslu għal kwalifika jew rikonossiment vokazzjonali rikonossut jista' jkun rimunerat jew le;

(2) Ftehim ta' xogħol għal *placements* ta' xogħol li għalihom ma tingħatax rimunerazzjoni għandu jkun fih, taħt piena ta' nullità, il-kondizzjonijiet li ġejjin:

(a) identifikazzjoni ta' okkupazzjoni rikonossuta ta' ħila u teknika li għaliha jitmexxa t-tagħlim ibbażat fuq ix-xogħol;

(b) identifikazzjoni tal-provditur tal-VET li jkun qed jaġixxi bħala superviżur tal-programm ta' taħriġ;

(c) identifikazzjoni tal-isponser u tat-*trainer* prinċipali fi ħdan l-organizzazzjoni li jaġixxi bħala *t-trainer* prinċipali għall-persuna li qed titgħallem matul il-programm ta' taħriġ;

(d) bidu, data tat-tmiem, kemm idum, u s-sigħat speċifiċi tal-komponent ibbażat fuq ix-xogħol tal-programm ta' taħriġ;

(e) pjan tal-programm ta' taħriġ maħruġ mill-provditur tal-VET skont id-dispożizzjonijiet ta' dan l-Att;

(f) indikazzjoni tal-bini għat-tagħlim ibbażat fuq ix-xogħol.

(3) Ftehim ta' taħriġ għal *placements* ta' xogħol li għalihom tingħata rimunerazzjoni għandu jkun fih, taħt piena ta' nullità, il-kondizzjonijiet li ġejjin:

(a) identifikazzjoni tal-okkupazzjoni rikonossuta ta' ħila u teknika li għaliha jitmexxa l-programm ta' taħriġ;

(b) identifikazzjoni tal-provditur tal-VET li jkun qed jaġixxi bħala superviżur tal-programm ta' taħriġ;

(c) identifikazzjoni tal-isponser u tat-*trainer* principali fi hdan l-organizzazzjoni matul il-programm ta' taħriġ;

(d) bidu, data tat-tmiem, kemm idum, u s-sigħat tal-perjodu bbażat fuq xogħol;

(e) attivitajiet li jsiru barra mill-bini tat-taħriġ;

(f) sigħat ta' taħlim ibbażat fuq ix-xogħol;

(g) sigħat tal-perjodu mhux imħallas ta' osservazzjonijiet;

(h) perjodu tal-*probation*;

(i) hlas tal-paga u r-rata li għandha tiġi applikata;

(j) hlas tal-għotja tal-manteniment u r-rata li għandha tiġi applikata;

(k) hlas ta' sahra u r-rata li għandha tiġi applikata;

(l) hlas ta' *bonuses*;

(m) hlas ta' assigurazzjoni nazzjonali għall-finijiet tas-sigurtà soċjali, u kull assigurazzjoni oħra;

(n) hin liberu allokati għall-għan ta' taħlim ibbażat fuq skola, inkluża valutazzjoni mal-provditur tal-VET;

(o) *leave* għal btala u *leave* għal mard skont il-leġislazzjoni nazzjonali;

(p) kondizzjonijiet li taħthom il-ftehim ta' taħriġ jista' jiġi tterminat;

(q) referenza għal ftehim kollettivi, ftehim dwar l-impjant jew ftehim dwar servizzi applikabbli għar-relazzjoni tat-taħriġ u indikazzjonijiet fejn hemm aċċess għad-dokumenti;

(r) pjan tal-programm ta' taħriġ maħruġ mill-provditur tal-VET skont id-dispożizzjonijiet ta' dan l-Att;

(s) fejn jinsab il-bini li fih jingħata t-taħlim ibbażat fuq ix-xogħol;

(t) identifikazzjoni tal-isponser u tat-*trainer* principali responsabbli għall-apprendist.

(4) Meta l-persuna li qed titgħallem hi żagħżuġh dik il-persuna li qed titgħallem tibqa' tiġi regolata skont ir-Regolamenti dwar l-Impieg ta' Żgħażaġh (L.S. 452.92) matul il-perjodu ta' taħriġ.

(5) Matul il-btajjel tal-Milied, tal-Għid u tas-sajf tal-provditur tal-VET, persuni li qed jitgħallmu jistgħu jattendu għall-komponent tat-tagħlim ibbażat fuq ix-xogħol tal-programm ta' taħriġ kif miftiehem mal-isponser fil-pjan tal-programm ta' taħriġ.

(6) Persuni li qed jitgħallmu fuq programm ta' taħriġ għal *placements* ta' xogħol, kemm jekk bi hlas u kemm jekk le, ikomplu jirċievu kull benefiċċju soċjali dovut lilhom fil-forma ta', iżda mhux limitat għal, benefiċċji għal diżabilità u ta' ġenitur wiehed.

B. Ftehim ta' Taħriġ għal Apprendistat

(1) Tiġi stabbilita relazzjoni ta' taħriġ meta jiġi ffirmat il-ftehim ta' taħriġ bejn il-provditur tal-VET, l-isponser u l-apprendist.

(2) Bosta persuni naturali u entitajiet legali jistgħu jikkooperaw fi hdan il-qafas ta' inizjattiva kollaborattiva ta' taħriġ sabiex iwettqu l-obbligi kuntrattwali tal-isponser sakemm tiġi żgurata r-responsabbiltà għall-istadji ta' taħriġ u għall-perjodu ta' taħriġ fl-intier tagħhom.

(3) Apprendisti jiġu regolati skont l-Att dwar l-Impiegi u r-Relazzjonijiet Industrijali (Kap. 452), ir-Regolamenti dwar l-Impieg ta' Żgħażaġh (L.S. 452.92), jekk ikunu applikabbli, u l-Att dwar is-Sigurtà Soċjali (Kap. 318) għal dak li jirrigwarda u mhux limitat għal:

- (a) perjodu tal-*probation*;
- (b) sigħat għat-tagħlim ibbażat fuq ix-xogħol;
- (c) sahra;
- (d) żidiet għall-gholi tal-ħajja;
- (e) saħħa u sigurtà fuq il-post tax-xogħol;
- (f) *leave* għal btala u *leave* għal mard;
- (g) *leave* għal maternità, *leave* għal ġenitur u *leave* għal raġunijiet familjari urgenti;
- (h) btajjel pubbliċi li jaqgħu f'gurnata ta' mistrieħ fil-ġimgħa;

- (i) pagi li għandhom jithallsu f'intervalli regolari;
- (j) hlas ta' *bonuses* statutorji;
- (k) drittijiet għal benefiċċji ta' sigurtà soċjali;

(l) sigħat li persuna li qed titgħallem tgħaddi għand l-isponser jiġu kkunsidrati bħala sigħat mghoddija fuq il-komponent tat-tagħlim ibbażat fuq ix-xogħol tal-programm ta' taħriġ kif imfisser fil-pjan tal-programm ta' taħriġ.

(4) Il-ftehim ta' taħriġ għandu wkoll jistabbilixxi l-eligibilità tal-apprendist biex jaħdem is-sahra sakemm l-isponser ikun kiseb il-kunsens neċessarju bil-miktub mill-provditur tal-VET.

(5) Apprendisti huma intitolati li jagħmlu użu minn sa erbat ijiem ta' *leave* mingħajr hlas għall-istudju kull sena akkademika li jintużaw matul il-perjodi ta' valutazzjonijiet meta jipprezentaw *timetables* uffiċjali mill-provditur tal-VET.

(6) Matul il-btajjel tal-Milied, tal-Għid u tas-sajf tal-provditur tal-VET, persuni li qed jitgħallmu għandhom jattendu għall-komponent tat-tagħlim ibbażat fuq ix-xogħol tal-programm ta' taħriġ kif miftiehem mal-isponser fil-pjan tal-programm ta' taħriġ, u soġġett għall-għadd minimu ta' sigħat meħtieġ għall-komponent tat-tagħlim ibbażat fuq ix-xogħol kif meħtieġ b'dan l-Att.

(7) L-isponser m'għandux jagħti *leave* f'xi ġurnata li fiha l-persuna li qed titgħallem tkun meħtieġa tattendi għal tagħlim ibbażat fuq skola bħala parti mill-programm ta' taħriġ.

(8) Persuni li qed jitgħallmu għandhom jithallsu bl-*income* stipulat sa massimu ta' sitt ġimgħat jekk huma:

(a) disponibbli għall-programm, iżda t-tagħlim ibbażat fuq ix-xogħol u taħriġ mhuwiex provdut;

(b) ostakolati għal xi raġuni personali oħra lil hinn mill-kontroll tagħhom milli jwettqu l-obbligi tagħhom skont il-ftehim ta' taħriġ.

(9) Il-ftehim ta' taħriġ għandu jkun fih, taħt piena ta' nullità, dan li ġej:

(a) identifikazzjoni tal-okkupazzjoni rikonoxxuta ta' hila u teknika li għaliha jitmexxa l-programm ta' taħriġ;

(b) identifikazzjoni tal-provditur tal-VET li jaġixxi

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bħala supervizur fuq il-programm ta' taħriġ;

(c) identifikazzjoni tal-isponser u tat-*trainer* prinċipali fi ħdan l-organizzazzjoni matul il-programm ta' taħriġ;

(d) bidu, data tat-tmiem, kemm idum, u s-sigħat tal-perjodu bbażat fuq xogħol;

(e) attivitajiet li jsiru barra mill-bini tat-taħriġ;

(f) sigħat ta' taġġim ibbażat fuq ix-xogħol;

(g) sigħat tal-perjodu mhux imħallas ta' osservazzjonijiet;

(h) perjodu tal-*probation*;

(i) ħlas tal-paga u r-rata li għandha tiġi applikata;

(j) ħlas tal-ġhotja tal-manteniment u r-rata li għandha tiġi applikata;

(k) ħlas għal sahra u r-rata li għandha tiġi applikata;

(l) ħlas ta' *bonuses*;

(m) ħlas ta' assigurazzjoni nazzjonali għall-finijiet tas-sigurtà soċjali, u kull assigurazzjoni oħra;

(n) ħin liberu allokat għall-ġħan ta' taġġim ibbażat fuq skola, inkluża valutazzjoni mal-provditur tal-VET;

(o) *leave* għal btala u *leave* għal mard skont il-leġislazzjoni nazzjonali;

(p) kondizzjonijiet li taħthom jista' jiġi tterminat il-ftehim ta' taħriġ;

(q) referenza għal ftehim kollettivi, ftehim dwar l-impjant jew ftehim dwar servizzi applikabbli għar-relazzjoni tat-taħriġ u indikazzjonijiet fejn hemm aċċess għad-dokumenti;

(r) pjan tal-programm ta' taħriġ maħruġ mill-provditur tal-VET skont id-dispożizzjonijiet ta' dan l-Att;

(s) fejn jinsab il-bini li fih jingħata t-taġġim ibbażat fuq ix-xogħol;

(t) identifikazzjoni tal-isponser u tat-*trainer* prinċipali

responsabbli għall-apprendist.

(10) Ftehim ta' taħriġ li jirregola l-apprendistat ikun null u bla effett jekk:

(a) jobbliga lill-persuni li qed jitgħallmu li jhallsu għall-programm ta' taħriġ;

(b) jimponi pieni fuq il-persuna li qed titgħallem li ma jkunux il-pieni regolati bl-Att dwar l-Impiegi u r-Relazzjonijiet Industrijali (Kap. 452);

(ċ) jeskludi jew jillimita l-pretensjonijiet għal kumpens għal danni, u, jew jiddetermina r-rata ta' kumpens għal danni bħala somma shiħa.

(11) Persuni li qed jitgħallmu fuq programm ta' taħriġ ta' apprendistat ikomplu jirċievu kull benefiċċju soċjali dovut lilhom fil-forma ta', iżda mhux limitat għal, benefiċċji għal dizabilità u ta' ġenitur wieħed.

Ċ. Ftehim ta' Taħriġ għal *Internships*

(1) Ftehim ta' taħriġ għal *internships* għandu jiġi konkluz qabel ma jibda l-programm ta' taħriġ u għandu jiġi ffirmat mill-provditur tal-VET, l-isponser u l-*intern*.

(2) Jista' jsir hłas għal *internship* jew le.

(3) Ftehim għal taħriġ għal *internships* li għalihom ma tingħatax rimunerazzjoni għandu jkun fih, taħt piena ta' nullità, il-kondizzjonijiet li ġejjin:

(a) identifikazzjoni tal-okkupazzjoni rikonoxxuta ta' hila u teknika li għaliha jitmexxa t-tagħlim ibbażat fuq ix-xogħol;

(b) identifikazzjoni tal-provditur tal-VET li jaġixxi bħala s-supervizur tal-programm ta' taħriġ;

(ċ) identifikazzjoni tal-isponser u tat-*trainer* prinċipali fi hdan l-organizzazzjoni li għandu jaġixxi bħala *trainer* prinċipali għall-persuna li qed titgħallem matul il-programm ta' taħriġ;

(d) bidu, data tat-tmiem, kemm idum, u sigħat speċifiċi tal-komponent ibbażat fuq ix-xogħol tal-programm ta' taħriġ;

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(e) pjan tal-programm ta' taħriġ maħruġ mill-provditur tal-VET skont id-dispożizzjonijiet ta' dan l-Att;

(f) indikazzjoni tal-bini għat-tagħlim ibbażat fuq ix-xogħol.

(4) Ftehim ta' taħriġ għal *internships* li għalihom tingħata rimunerazzjoni għandu jkun fih, taħt piena ta' nullità, il-kondizzjonijiet li ġejjin:

(a) identifikazzjoni tal-okkupazzjoni rikonossuta ta' ħila u teknika li għaliha jitmexxa l-programm ta' taħriġ;

(b) identifikazzjoni tal-provditur tal-VET li jaġixxi bħala s-superviżur tal-programm ta' taħriġ;

(ċ) identifikazzjoni tal-isponser u tat-*trainer* prinċipali fi hdan l-organizzazzjoni matul il-programm ta' taħriġ;

(d) bidu, data tat-tmiem, kemm idum, u s-siġhat tal-perjodu bbażat fuq xogħol;

(e) attivitajiet li jsiru barra mill-bini tat-taħriġ;

(f) siġhat ta' tagħlim ibbażat fuq ix-xogħol;

(g) siġhat tal-perjodu mhux imħallas ta' osservazzjonijiet;

(h) perjodu tal-*probation*;

(i) ħlas tal-paga u r-rata li għandha tiġi applikata;

(j) ħlas tal-għotja tal-manteniment u r-rata li għandha tiġi applikata;

(k) ħlas għal sahra u r-rata li għandha tiġi applikata;

(l) ħlas ta' *bonuses*;

(m) ħlas ta' assigurazzjoni nazzjonali għall-finijiet tas-sigurtà soċjali, u kull assigurazzjoni oħra;

(n) ħin liberu allokat għall-għan ta' tagħlim ibbażat fuq skola, inkluża valutazzjoni mal-provditur tal-VET;

(o) *leave* għal btala u *leave* għal mard skont il-leġiżlazzjoni nazzjonali;

(p) kondizzjonijiet li taħthom jista' jiġi tterminat il-ftehim ta' taħriġ;

(q) referenza għal ftehim kollettivi, ftehim dwar l-impjant jew ftehim dwar servizzi applikabbli għar-relazzjoni tat-taħriġ u indikazzjonijiet fejn hemm aċċess għad-dokumenti;

(r) pjan tal-programm ta' taħriġ maħruġ mill-provditur tal-VET skont id-dispożizzjonijiet ta' dan l-Att;

(s) indikazzjoni tal-bini għat-tagħlim ibbażat fuq ix-xogħol;

(t) identifikazzjoni tal-isponser u tat-*trainer* prinċipali responsabbli għall-apprendist.

(5) Meta l-persuna li qed titgħallem hi żaġżuġ dik il-persuna li qed titgħallem tibqa' tiġi regolata skont ir-Regolamenti dwar l-Impieg ta' Żgħażaġh (L.S. 452.92) matul il-perjodu ta' taħriġ.

(6) Matul il-btajjel tal-Milied, tal-Għid u tas-sajf tal-provditur tal-VET, persuni li qed jitgħallmu jistgħu jattendu għall-komponent tat-tagħlim ibbażat fuq ix-xogħol tal-programm ta' taħriġ kif miftiehem mal-isponser fil-pjan tal-programm ta' taħriġ.

(7) Persuni li qed jitgħallmu fuq programm ta' taħriġ għal *interns*, kemm jekk imhallas jew le, ikomplu jirċievu kull benefiċċju soċjali dovut lilhom fil-forma ta', iżda mhux limitat għal, benefiċċji għal diżabilità u ta' ġenitur wiehed.

Mgħoddi mill-Kamra tad-Deputati fis-Seduta Nru 88 tat-28 ta' Frar, 2018.

ANĠLU FARRUGIA
Speaker

RAYMOND SCICLUNA
Skrivan tal-Kamra tad-Deputati

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I assent.

(L.S.)

**MARIE-LOUISE
COLEIRO PRECA
President**

6th March, 2018

ACT No. III of 2018

AN ACT to regulate Work-Based Learning and Apprenticeships within the context of a Vocational Educational and Training Programme.

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. **1.** The short title of this Act is the Work-Based Learning and Apprenticeship Act, 2018.

Interpretation. **2.** In this Act unless the context otherwise requires:

"academic year" for the purpose of this Act means that period determined as the academic year by VET providers;

"apprentices" means learners engaged in training programmes for apprenticeships in accordance with this Act;

"apprenticeships" means the programme in which apprentices are engaged on joint programmes of school-based learning at a licensed VET provider, and work-based learning with a registered

sponsor, leading to a recognised vocational qualification or award as outlined in Schedule 1;

"award" refers to the title of certification of learning achieved through courses, which do not have the required number of credits at the specific Malta Qualifications Framework Level or of international qualification structures recognised by industry to be considered as a qualification;

"compulsory school age" means the age as defined in the Education Act; Cap. 327.

"conditions of employment" has the same meaning as assigned to it in article 2 of the Employment and Industrial Relations Act; Cap. 452.

"European Credit System for Vocational Education and Training (ECVET)" means the system that allows credits earned for knowledge and skills acquired in different systems and countries, to be validated, recognized and aggregated to count towards qualifications or awards;

"European Credit Transfer and Accumulation System (ECTS)" means the standard mechanism for comparing the study attainment and performance of students of higher education across the European Union and other collaborating European countries;

"European Qualifications Framework" means the translation tool that helps communication and comparison between qualifications systems in Europe regarding learning outcomes;

"European Quality Assurance Reference Framework" means the tool to recognise qualifications and awards received by learners across different countries or learning environments, thereby promoting modernisation, mutual trust and mobility in vocational education and training;

"financial year" means the period of twelve months ending on 31 December of any year;

"Government" means the Government of Malta;

"interns" means learners engaged in training programmes for internships in accordance with this Act;

"internships" means interns who are engaged in a joint programme of school-based learning at a licensed VET provider, and work-based learning with a registered sponsor, leading to a recognised vocational or professional qualification or award as outlined in Schedule 1;

"learning outcomes" means the knowledge, skills, behaviours and attitudes required to develop the vocational competences necessary to carry out a skilled and technical occupation;

"lead trainer" means the person designated by the sponsor to be the main reference point of the learner and to coordinate other trainers if more than one trainer is designated to the learner during the work-based learning period of a training programme;

Cap. 327. "Malta Qualifications Framework" means the framework for lifelong learning and has the same meaning assigned to it by article 63 of the Education Act;

"Minister" means the Minister responsible for education or similar competent body, and includes, within the limits of any given authority, any person who is specifically authorised by the Minister for any of the purposes of this Act, and "Ministry" shall be construed accordingly;

Cap. 327. "National Commission for Further and Higher Education" is the authority that accredits Vocational Education and Training Providers and their programmes as established by virtue of article 64 of the Education Act;

S.L. 327.432 "occupational standards" means the standards, as set by the National Commission for Further and Higher Education as stipulated in the Validation of Non-Formal and Informal Learning Regulations;

"parent" or "guardian" means any person who has the legal care or custody or the care or custody of a person who has not attained the age of eighteen years;

"qualification" means the attainment of a level of knowledge and skill that makes a person suitable to do a particular employment or activity and must meet the conditions of the Malta Qualifications Framework, or of international qualification structures recognised by industry;

"school-based learning" means a period during which learners attend a period of instruction within a vocational education and training environment within post compulsory education setting as part of a training programme;

"skilled and technical occupations" means skills, trades, crafts, or other occupation or section thereof required to develop the national work force;

"skills card" means a card issued to a learner upon successful

completion of a training programme indicating the level of competence attained in a recognised occupation;

"sponsors" means the organisations or individuals which are approved by VET providers to deliver the work-based learning component, or which would take the dual role and the rights and obligations of both the sponsors and the VET providers as stipulated in this Act, when delivering both the work-based and school-based training programme, leading to a qualification or award forming part of the Malta Qualifications Framework or of international qualification structures recognised by industry;

"trainer" means the person designated by the sponsor to train the learner, under the supervision of the lead trainer, during the work-based learning period of a training programme;

"training agreement" means the agreement entered into by the VET provider, the sponsor and the learner with respect to a training programme;

"training logbook" means a reflective work-based logbook, which presents a systematic report of activities conducted during the periods of work-based learning in accordance to the vocational competences and, or the programme learning outcomes;

"training programme" means an accredited learning programme for post-compulsory education, administered by a VET provider based on learning outcomes which shall address the needs of one or more skills and technical occupation by combining systematic, structured alternating periods of work-based learning delivered by the sponsor and school-based learning delivered by a VET provider;

"training programme plan" means the definition of the specific requirements of a training programme set by the VET provider, which provides detailed information on learning outcomes, duration, timetables, examinations, credits, certification, equivalence and recognition;

"training programme vacancies" means the apprenticeship vacancies offered by sponsoring entities, as part of the training programme plan in relation to the development of vocational competences;

"VET provider" means an individual or body corporate which acts as the administrator of work placements, apprenticeships and internships there by providing vocational educational programmes at further education or higher levels, and which is licensed by the National Commission for Further and Higher Education in accordance

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with the Education Act, or approved by international qualification structures recognised by industry;

"vocational competences" are the knowledge, skills, behaviours and attitude required to carry out a skilled and technical occupation, and conform to the occupational standards;

"Vocational Education and Training (VET)" means education and training which aims to equip learners with vocational education, knowledge, skills and competences required for specific occupations;

"work-based learning" means an educational approach that provides students with work experiences where they can apply academic and technical skills and develop their employability. It is a period during which learners attend a period of instruction and training within an industrial, commercial or service workplace as part of on-the-job training or an education programme;

"work placements" means the engagement of learners with a registered sponsor to gain basic work experience and skills leading to a vocational qualification or an award as outlined in Schedule 1;

S.L. 452.92 "young persons" shall have the same meaning as assigned to it in regulation 2 of the Young Persons (Employment) Regulations.

Objective. **3.** Subject to the proviso hereto, this Act shall regulate education providers and sponsors that administer VET programmes in terms of the provisions of this Act.

Eligibility. **4.** (1) Persons who have attained school leaving age as defined by the Education Act shall be eligible to enrol for work placements, apprenticeships and internships in accordance with this Act.

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(2) It shall be the responsibility for the VET providers to set the entry requirements for respective training programmes.

Training programme accreditation.

5. The training programme shall be subject to the accreditation processes by the National Commission for Further and Higher Education as prescribed in the applicable Act and in compliance with the Malta Qualifications Framework and any other relevant legislation or of international qualification structures recognised by industry.

Qualifications and awards.

6. (1) A learner shall be eligible for the award of a Degree or Diploma or Certificate or Award or similar after all conditions relevant to that qualification or recognition have been fulfilled and insofar as all the other obligations and responsibilities of the learner

have been fulfilled.

(2) The VET provider shall establish the title of the qualification or award, the level on the Malta Qualifications Framework or on international qualification structures recognised by industry, ECVET and ECTS credits or similar, duration, and ratio of work-based and school-based learning for a training programme as defined by this Act.

7. The VET provider may also decide to issue a skills card with the qualification or award, to provide the learner with portable evidence of the level of competence attained in a recognised occupation; the skills card shall include the name of the qualification holder, identification, title of the recognised occupation, title of the training programme, level of qualification or award, date of attainment, serial number and name of the awarding VET provider. Skills cards.

8. There shall be a training programme plan that shall be part of the training agreement as described in this Act, and shall contain the following information: Training programme plan for work-placements, apprenticeships and internships.

- (a) training programme title;
- (b) relevant skilled and technical occupation;
- (c) eligibility and entry requirements;

(d) calendar dates and hours to be spent at the school-based and work-based learning locations including number of hours or working days for each week of the calendar year when a learner will be engaged in work-based learning with the sponsors and engaged in school-based learning with the VET provider;

(e) learning outcomes and credits for school-based and work-based learning, defining the knowledge, skills behaviours and attitudes to be gained;

(f) assessments methodology providing the types of assessments, dates, duration, location at the sponsor and the VET providers premises;

(g) qualification or award level obtained on the Malta Qualifications Framework and the equivalent European Qualifications Framework or on international qualification structures recognised by industry on successful completion of the full learning programme;

(h) progression to further training programmes;

(i) due date of review of the educational content of the training programme by the VET provider.

Rights and obligations of the VET provider.

9. (1) VET providers shall act as the administrators of the training programmes and shall be responsible for the development, coordination, control, assessment and certification of the training programmes, as well as the provision of the school-based learning component and have such functions as set out in this Act and such other functions as may devolve upon them under any other law or as may be assigned by the Minister under this Act.

(2) With respect to training programmes it shall be the duty of VET providers to:

(a) develop training programmes for skills that are in demand or are expected to be in demand in the future, based on national research reports and national requirements for skilled and technical occupations;

(b) identify potential sponsor and training programme vacancies for learners;

(c) develop training programmes in consultation with sponsors;

(d) review and update the training programmes periodically at least every three years;

(e) conduct internal quality audits on training programmes and their support administrative processes;

(f) develop internal training programme regulations on educational and operational matters of the respective programmes;

(g) set up of a Work-Based Learning Operational Board, as stipulated in this Act, intended to develop, administer, control and improve all processes pertaining to the training programmes in relation to work-placements, apprenticeships and internships;

(h) deliver school-based learning as part of the training programme;

(i) conduct assessments of the skills gained by learners through work-based learning and school-based learning, based on learning outcomes specified in the training programme plan;

(j) determine the transfer of credits earned in a training programme to another, taking into account the learning outcomes acquired in the course of such previous training;

(k) compile a training programme plan as specified in this Act;

(l) develop a training programme plan so that working and training hours shall be, as reasonably possible, flexible in order to make them more accessible to learners with dependents;

(m) ensure that training programmes, systems and processes reflect the national strategy for social inclusion in education.

(3) VET providers shall ensure that consideration is given to the special training programme requirements of disabled persons and that training of disabled persons is coordinated with other measures to promote their participation in working life.

(4) With respect to qualifications and awards, it shall be the duty of the VET provider to:

(a) issue the qualification or award for each training programme in accordance with the Malta Qualifications Framework or on international qualification structures recognised by industry;

(b) exercise the voluntary option to issue a skills card as specified in this Act, to the learner on the successful completion of the training programme;

(c) issue the EUROPASS Certificate/Diploma Supplement or similar to learners on the successful completion of the training programme.

(5) With respect to training agreements it shall be the duty of the VET provider to:

(a) ensure that the content of the training agreement signed by the learners, the sponsor and the VET provider is compliant to the terms of this Act;

(b) ensure that the training programme plan pertaining to the balance of work-based learning and school-based learning is compliant in terms of this Act;

(c) maintain a Register of Training Agreements.

(6) It shall be the function of the VET provider with regards to the sponsors, trainers and learners to:

(a) supervise the suitability of sponsors and appointed lead trainers;

(b) supervise the suitability of the premises where work-based learning is held;

(c) ensure that the learners have a designated lead trainer on the work premises for the whole period of the training programme;

(d) determine the maximum number of learners that sponsors can engage, based on their respective resources for training and learning;

(e) maintain regular contact, communication and co-operation with the sponsors on all aspects of the training programme;

(f) provide information and access for learners regarding offers of work-placement, apprenticeship, and, or internship opportunities by sponsors;

(g) match learners with training programme vacancies for final selection by the sponsor;

(h) provide counselling and guidance services to learners;

(i) take all necessary action to ensure the wellbeing of learners during the work-placement, apprenticeship and, or internship opportunities provided by sponsors;

(j) mediate on issues relating to work-based learning and training which may arise between the learner and sponsor;

(k) manage the transfer of learners from one sponsor to another when the need arises and if the transfer is required by the nature of the training programme;

(l) ensure that entry requirements and the selection of learners are equitable and free from discrimination on the grounds of: age, belief, creed and, or religion, colour, ethnic origin and, or race, disability, family responsibilities and, or

pregnancy, family and, or civil status, gender expression and, or gender identity, genetic features, health status, political opinion, sex and, or sex characteristics, and sexual orientation.

- 10.** The work-based learning component shall be provided in:
- Location of work-based learning.
- (a) companies engaged in economic activity; or
 - (b) organisations not engaged in economic activity, such as those of the public service and in establishments of members of the independent professions; or
 - (c) non-company premises in suitable facilities outside the main training premises, if and to the extent necessary, for the purposes of training including training in different companies, and partial joint instruction at a VET provider; or
 - (d) vocational training facilities outside the system of school-based and work-based learning and training (non-company training); or
 - (e) partly abroad in countries offering compatible skills, vocational support systems and qualifications frameworks, as part of an international exchange of which the VET provider, company or the country is a participant:

Provided that for the purpose of this Act, training programmes shall not apply to vocational training programmes that are conducted in their entirety either in vocational schools, or in simulated environments whereby work processes and systems are replicated in an artificial environment.

- 11.** (1) The VET provider shall identify and supervise the suitability of sponsors and trainers who engage learners for the purposes of this Act, which sponsors and trainers must have the sufficient technical experience, technical qualifications and personal competences:
- Suitability of sponsors and trainers.

Provided that sponsors who do not, in the opinion of the VET provider, possess the necessary technical qualifications may only be permitted by the VET provider to engage learners after appointing trainers with the necessary technical experience, technical qualifications and personal competences to directly impart the essential training in a responsible manner on the training premises:

Provided further that persons shall be deemed to have the necessary technical experience if they possess the vocational knowledge and skills required by the training programme and have

been employed in a practical capacity for a period of five years in their own occupation.

(2) The VET provider shall deem that a person possesses the necessary technical qualifications if they have obtained a certification recognised by the Malta Qualifications Framework or by international qualification structures recognised by industry in a technical field corresponding to the skilled and technical occupation:

Provided that the VET provider may still recognise persons as trainers without having the technical qualifications after having produced evidence that they have acquired through experience the technical competences necessary to tutor learners;

(3) Any other person, who possesses the knowledge, skills, behaviours, attitudes and the personal competences necessary to deliver the learning outcomes defined in the training programme plan, may, under the responsibility of the lead trainer, participate in the provision of work-based learning and training processes:

Provided that a person shall not be deemed to have the necessary personal competences if he has been found guilty of repeated or serious contraventions of this Act or of the provisions issued and regulations made according to this Act.

Supervision of learners.

12. (1) The VET provider shall provide regular monitoring of the learners during the work-based period with the sponsor. Visits to learners should be at least twice per academic year, which can be part of visits pertaining to interim and final assessments.

(2) The VET provider may conduct any inspection and request information from the sponsor as it may deem necessary to ascertain that the learner is receiving adequate training in relation to the agreed learning outcomes:

Provided that if the VET provider deems that the learner is not receiving adequate training, it shall order the sponsor to remedy the situation and in the event that the sponsor fails to comply, the learner may be withdrawn from the sponsorship.

Suitability of premises.

13. (1) The VET provider shall ascertain that the premises of the sponsors are suitable in accordance with the provisions of this Act.

(2) The VET provider shall verify that the environment and the equipment at such premises are suitable for the learning objectives of the training programme and that the ratio of learners and the training facilities or of skilled staff is adequate to ensure the

achievement of work-based vocational competences for the required work-based learning:

Provided that training premises where the necessary vocational knowledge, skills and competences cannot be imparted in their entirety, shall be deemed suitable, only if those competences can be imparted through work-based learning at alternative training premises approved by the VET provider.

14. (1) It shall be the right of the sponsor to:

Rights and obligations of sponsor.

(a) select prospective learners who apply for training programme vacancies;

(b) advertise work-based learning and training programme vacancies through the VET providers or independently.

(2) sponsors may be eligible for tax incentives for the cost incurred to engage a Learner on a training programme.

(3) It shall be the obligation of the sponsor to:

(a) pay a remuneration to the learner in accordance with the rate established by the relevant legislation, for the duration of the time the learner spends at the place of work as part of the work-based learning component, as predefined in the training programme plan;

(b) ensure that learners are provided with the environment to achieve the learning outcomes as defined in the training programme plan;

(c) run the work-based training process systematically, in accordance with the training programme plan, syllabus and timetable, in an appropriate form so that the training is achieved within the specified period;

(d) allow learners to attend school-based learning sessions, assessments or any other commitments, which are related to the training programme, as specified in the training programme plan;

(e) allow learners to participate in international exchanges which are related to work-based learning and which provide for the development of vocational competences as part of the training programme plan;

(f) identify individuals who possess technical knowledge, experience and personal competence to act as lead trainers in terms of this Act;

(g) ensure that learners have a designated lead trainer on the work premises for the whole period of the training programme;

(h) entrust work-based training to the lead trainers or to suitable competent persons as agreed with the VET provider for the whole period of the training programme, and to other trainers who shall remain under the direction of the lead trainer;

(i) ensure that the lead trainer is available at all times to monitor the learner and ensure that the learner is receiving adequate training;

(j) provide the facilities and training necessary for the learner to achieve the learning outcomes necessary for the successful completion of the training programme's interim and final assessment, administered by the VET provider;

(k) provide the premises and equip learners with the tools and supplies necessary for the successful completion of the training programme and the passing of their interim and final assessments, administered by the VET provider, even if such assessments take place right after the end of the work-based period;

(l) allow learners to attend at another workplace for a specified period of time to receive essential training that cannot be delivered within their establishment as specified in the training programme plan:

Provided that such allowance shall only be possible by prior agreement with the sponsor before the commencement of the learning programme as specified in the training agreement;

(m) oblige learners to keep a written training logbook record up to date, and to inspect the records insofar as such records are required as part of the work placement, apprenticeship or internship;

(n) provide proper health and safety equipment and facilities in accordance with the Occupational Health and Safety Authority Act;

(o) ensure that learners are covered by the sponsor's public liability insurance and vehicle insurance, where appropriate;

(p) ensure that learners are entrusted with tasks that serve the purpose required for the development of, and are commensurate with, the physical abilities;

(q) ensure that the learners' wellbeing is safeguarded and that they are trained in an environment that is free from discrimination, work place bullying or harassment;

(r) present training agreements to be entered in the Register maintained by the VET provider as soon as the agreements are established. The same shall apply to amendments to the essential stipulations of an agreement;

(s) retain records of the training agreements and a record of progress of the learner in terms of work-based learning activities. Records shall be retained for a period of three years after the termination of the training programme. The sponsor shall pass on the records to the VET provider on demand within the period of the training programme and the subsequent three years;

(t) immediately inform the VET provider of any learner's shortcomings in order for necessary action to be taken;

(u) allow access for monitoring purposes by the VET provider's official representatives and any other official who is authorised by the VET provider.

15. (1) Learners shall have the following rights:

Rights and obligations of learners.

(a) learners may be eligible to benefit from student's maintenance grant in terms of the Student Maintenance Grant Regulations;

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(b) learners on apprenticeship programmes have the right to an income equivalent to the national minimum wage per hour for the hours spent at the workplace as stipulated in the training programme plan. The income per hour is calculated as the income derived from the sponsor and from the student maintenance grant.

(2) Learners shall have the following obligations:

(a) perform tasks entrusted to them as part of their

work-based training;

(b) undergo vocational education and examinations as outlined in the training programme plan set by the VET provider;

(c) abide by the instructions given to them within the framework of their work-based training by the sponsor, trainers or any other persons entitled to give them such instructions;

(d) attend for work-based learning component in accordance to the pre-established training programme plan set by the VET provider;

(e) attend for any school-based learning as provided by the VET provider or any other service provider according to the needs, without absenting themselves for unjustified reasons;

(f) update the training logbook on a regular basis as established by the VET provider in accordance to the requirements of the training programme;

(g) notify the VET provider if the sponsor is not adhering to the conditions established in the training agreement;

(h) abide by the rules of behaviour as established by the sponsor and the VET provider.

Training
agreements.

16. (1) There shall be a training agreement for work placements, apprenticeships and internships as outlined in Schedule 2, which agreements have to be signed before the commencement of the training programmes by the sponsor, the learner and the VET provider:

Provided that if the learner is a young person, the learner's parents or legal guardians shall sign the training agreement before the commencement of the training programme.

(2) The sponsor shall provide all signatories with a copy of the signed contract on the date of signing.

(3) A training agreement is binding if it has been registered with a VET provider in accordance with the provisions of this Act.

(4) A training agreement is binding throughout the duration of the programme.

(5) Any agreement departing from the provisions of this Act to

the detriment of the learner shall be null and void.

(6) Nothing contained in this Act shall affect any right that a sponsor may have to institute civil proceedings against a learner in respect of any contravention of or failure to comply with the provisions of the training agreement or any condition thereof.

(7) Nothing contained in this Act shall affect any right that a learner may have to institute civil proceedings against his sponsor in respect of any contravention of or failure to comply with any provision of the training agreement or any condition thereof.

17. (1) The training programme shall end upon the expiration of the period of training and upon successful completion by the learner of the training programme as established in the training agreement: Termination of work placements, apprenticeships and internships.

Provided that if upon expiration of the term of training the learner fails to successfully complete the training programme the learner may request an extension until the next possible occasion for successful completion of the training programme which period shall not be extended for more than one year.

(2) The work-based component of the training programme can be terminated in accordance with the relevant legislation regulating the probationary period.

(3) Where the learner submits his resignation from a training programme such shall be endorsed by the sponsor by signing the 'Resignation Form' and by the VET provider. Resignation shall lead to a termination of the training agreement and termination of the training programme.

18. A learner who discontinues the work-based period before the time specified by the training agreement shall not be liable to pay the sponsor any amount in respect of the training received during the time spent at work as well as for the remainder of time specifically agreed upon for the work-based period. Notice.

19. (1) It shall be the duty of the VET providers to set up and maintain a register for the training programmes that they administer. Register of Training Agreements.

(2) It shall be the duty of the sponsor upon the commencement of the training agreement to register the training agreement with the VET provider. If a training agreement is amended, the sponsor shall register, as soon as practicable, such amended training agreement with the VET provider.

(3) The date of registration of the training agreement shall not affect the date of commencement of the agreement, but a refusal by any party to register the agreement shall cause the agreement to be null and void from the date of refusal. The date of commencement of an agreement shall be the date of signing by all the parties or such date as may be stipulated therein.

(4) It shall be the duty of the VET provider to maintain and update the Register of Training Agreements to include information on the successful completion or early termination of programmes.

(5) The VET provider shall be responsible to submit an annual report to the National Commission for Further and Higher Education, *inter alia* on the following:

(a) training programmes in progress by occupation, gender, nationality and level of certification;

(b) training programmes concluded that year by occupation, gender, nationality and level of certification;

(c) training programmes to be concluded in the forthcoming year by occupation, gender, nationality and level of certification:

Provided that the National Commission for Further and Higher Education shall have the right to request any further information as it may deem fit and the VET provider shall be obliged to provide any such information as may be requested.

Assessment and certification.

20. (1) It shall be the duty of the VET provider to administer interim assessments and final assessments based on the learning outcomes in the training programme plan.

(2) Interim assessments shall occur at least once every six months during the training programme.

(3) Interim assessments can take place at the place of work or at the premises of the VET provider or any other premises, which may be designated by the VET provider. The object of the final assessment shall be to determine whether learners have achieved the learning outcomes defined in the training programme plan for both the school-based and work-based components. The final assessment shall demonstrate that Learners have mastered the necessary knowledge, skills, behaviours, attitudes and vocational competences required to carry out a skilled and technical occupation.

(4) The sponsor may withdraw from the training agreement

with the VET provider and the learner if the learner fails the final assessment.

(5) Learners shall be admitted to the final assessment provided that:

(a) the Learner completed the full period of combined school-based and work-based learning in accordance with the training programme plan or if the period is due to end no later than two months from the date set for the assessment; and

(b) the learner conducted and passed the prescribed interim assessments.

(6) The decision on admission to the final assessment shall be taken by the VET provider. If it deems that the conditions for admission have not been fulfilled, a decision shall be taken by the Board of Examiners.

(7) In the event of failure to pass interim or final assessments, the assessments may be repeated subject to the regulations established by the VET provider.

21. (1) The VET Provider shall establish a Work-Based Learning Operational Board which shall consist of at least three members one of whom shall serve as Chairperson who shall have sufficient expertise and knowledge on the subject matter and shall be an employee of the VET provider:

Work-Based
Learning
Operational
Board

Provided that no member appointed to serve on the Work-Based Learning Operational Board may concurrently be a sponsor of the same programme.

(2) The Work-Based Learning Operational Board shall have such functions as set out in this Act and in particular to:

(a) adapt where possible existing curricula into training programmes including a work-based learning component;

(b) review training programmes;

(c) set up a Board of Examiners for each training programme;

(d) establish regulations and policies for the Board of Examiners which shall include admission of learners for the assessment, the structure of the assessment and the criteria for assessment;

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(e) oversee the operation of the Boards of Examiners;

(f) establish regulations for the assessment of training programmes.

Board of Examiners.

22. (1) The Work-Based Learning Operational Board shall establish such Board of Examiners to administer assessments for each training programme.

(2) The Board of Examiners shall take decisions with regard to the grades to be given for assessment performance in individual areas and for the overall assessment performance as well as decisions concerning the passing or failing of the final assessment.

(3) The Board of Examiners shall consist of at least three members who shall have sufficient expertise and knowledge on the subject matter.

(4) The Board of Examiners shall include a member of the VET provider's administration and a member representing the relevant industry.

(5) The Work-Based Learning Operational Board shall appoint members on the Board of Examiners for a period of two years which can be renewed to a maximum of four years.

(6) The quorum for the Board of Examiners shall be of two-thirds of the members:

Provided that at least three members are present to form a quorum.

(7) The Board of Examiners shall take decisions by a majority of votes provided that if the vote is not unanimous a minority report may be drawn up.

Transfer of learners.

23. (1) The rights and obligations of any sponsor under any training agreement may, with the consent of all parties, be transferred to another sponsor.

(2) No such transfer shall be deemed to be complete until it has been registered in the Register of Training Agreements:

Provided that the VET provider shall not register a transfer if such transfer is not in the interest of the learner or if it infringes the right of the previous sponsor.

(3) The VET provider may, upon the request of the sponsor, or

learner, or both, or upon its own discretion, terminate the agreement by giving written notice of such decision to both parties, and transfer the learner to complete the training programme with another sponsor in the eventuality that:

(a) either the sponsor or the learner is unable to fulfil the conditions of the training agreement; or

(b) either the sponsor or the learner fails to observe any of the conditions of this agreement; or

(c) any difference or disagreement arises between the sponsor and the learner; or

(d) either the sponsor or the learner is convicted of a serious criminal offence.

24. (1) The sponsor is not obliged to retain the learner beyond the period of the training programme. Employment following apprenticeship.

(2) If learners continue to work for their sponsor after their training programme has ended an employment relationship is deemed to have been established.

25. (1) Where, during the period of training, any dispute arises between a sponsor and a learner, the sponsor shall be entitled, as from the date of reporting the circumstances to the VET provider, to suspend the learner from work, saving the right of the learner for full reinstatement if the final decision is in the learner's favour. Disputes.

(2) Disputes between the learner and the VET provider shall be addressed through the VET provider's internal dispute resolution system, regulated by the conditions of accreditation of educational institutions.

(3) There shall be a Work-Based Learning Appeals Board, hereinafter referred to as the Appeals Board, to which any party may appeal if aggrieved by a decision of the VET provider.

(4) Appeals provided for in sub-article (3) shall be filed in the Registry of the Appeals Board within fifteen working days from the date when the decision of the VET provider is communicated to the party.

(5) In the event of a dispute between the sponsor and the VET provider, either party can raise the issue to the Appeals Board.

(6) The Appeals Board shall consist of an independent

chairperson and two independent members appointed by the Minister from among persons of known integrity who appear to him to be qualified by reason of experience of and capacity in matters deemed appropriate for such purpose.

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(7) A member of the Appeals Board shall abstain and may be challenged in such circumstances as would disqualify a judge in terms of Sub-Title II of Title II of Book Third of the Code of Organization and Civil Procedure and in any such case the member shall be substituted by another person appointed for such purpose by the Minister.

(8) The members of the Appeals Board shall hold office for a period of three years, and shall be eligible for re-appointment.

(9) A member of the Appeals Board may be removed from office by the Minister on grounds of gross negligence, conflict of interest, incompetence, or act or omissions unbecoming a member of the Appeals Board.

Power to make regulations.

26. (1) The Minister may, subject to the provisions of this Act, make regulations to give effect to any of the provisions of this Act or to regulate or otherwise provide about any matter in respect of the functions and activities which affect work-based learning in accordance with this Act.

(2) The Minister may, acting in accordance with the provisions of this Act, make regulations for the better carrying out of the provisions of this Act and may appoint any person or body to be the designated authority for the purposes of exercising any duties or obligations which the government has under this Act.

(3) Without prejudice to his powers under the provisions of this Act, the Minister may direct any person or any department, agency, corporation or authority established by law to carry out any functions or duties in terms of this Act or of any regulations made in terms of this Act, and, or to ensure the proper implementation of this Act or of any regulations made in terms of this Act, and the Minister may by regulations prescribe and regulate the procedures and methods to be adopted by such person or department, agency, corporation or authority in exercise of such functions.

(4) The Minister may, from time to time, give to any of the entities or to any of its officers or employees such directives and orders, not being inconsistent with the provisions of this Act, as the Minister may deem opportune with regard to the policy that has to be followed by them and to the operation and implementation of their functions, and on any other matter which appears to the Minister to be

connected with work-based learning, and the entity, officer or employee concerned shall, as much as possible, without delay comply with and act in accordance with these directives and orders and shall conduct their functioning in accordance with these principles.

SCHEDULE 1

(Article 2)

Work-Placements, Apprenticeships and Internships

<p>Malta Qualifications Framework Levels 1-4 or similar</p>	<p>Work-Placement</p> <ul style="list-style-type: none"> • Allocation of a learner with a registered sponsor to gain basic work experience and skills. • Work-placements lead to a vocational qualification or an award at Malta Qualifications Framework Level 1 to Level 4 or similar. • The learner is linked to the sponsor with a training agreement for work-placements compiled by the VET provider and the sponsor. • The learner may or may not receive remuneration for the work-based learning portion of the work-placement. • ECVET credits or similar are allocated by a VET provider for learning outcomes achieved during the work period and assessed as part of the work-placement programme. • Training programmes at these levels may also take the form of Apprenticeships as described in this Act.
<p>Malta Qualifications Framework Levels 3-4 or similar</p>	<p>Apprenticeship</p> <ul style="list-style-type: none"> • Allocation of an apprentice in a joint programme of school-based learning at an accredited VET provider and work-based learning with a registered sponsor. • Apprenticeships lead to a recognised vocational qualification or award at Malta Qualifications Framework Level 3 and Level 4 or similar. • The apprentice is linked to the sponsor with a training agreement for apprenticeships compiled by the VET provider and the sponsor. • The apprentice receives remuneration for the work-based learning portion of the apprenticeship. • ECVET credits or similar are allocated by a VET provider for learning outcomes achieved during the work period and assessed as part of the apprenticeship programme.

Malta Qualifications Framework Levels 5 and above or similar	Internship <ul style="list-style-type: none">• Allocation of an intern in a joint programme of school-based learning at an accredited VET provider, and work-based learning with a registered sponsor.• Internships lead to a recognised vocational or professional qualification or award at Malta Qualifications Framework Level 5 and above or similar.• The intern is linked to the sponsor with a training agreement for internships compiled by the VET provider and the sponsor.• The intern may or may not receive remuneration for the work-based learning portion of the internship.• ECVET and ECTS credits or similar are allocated by a VET provider to learning outcomes achieved during the work period and assessed as part of the internship programme.• Training programmes at these levels may also take the form of apprenticeships as described in this Act.
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SCHEDULE 2

(Article 16)

Training Programmes

A. Training Agreements for Work-Placements

(1) Work placement with a registered sponsor which enables the learner to gain basic work experience and skill leading to a vocational qualification or award may be either remunerated or not;

(2) A training agreement for work-placements that are not remunerated shall under pain of nullity contain the following conditions:

(a) identification of the recognised skilled and technical occupation for which the work-based learning is conducted;

(b) identification of the VET provider who is acting as the overseer of the training programme;

(c) identification of the sponsor and the lead trainer within the organisation who would act as the lead trainer for the learner throughout the training programme;

(d) start, end date, duration, and the specific hours of the work-based component of the training programme;

(e) training programme plan issued by the VET provider in accordance with the provisions of this Act;

(f) indication of the premises for the work-based learning.

(3) A training agreement for work-placements that are remunerated shall under pain of nullity contain the following conditions:

(a) identification of the recognised skilled and technical occupation for which the training programme is conducted;

(b) identification of the VET provider that is acting as the overseer of the training programme;

(c) identification of the sponsor and the lead trainer within the organisation throughout the training programme;

- (d) start, end date, duration and hours of the work-based period;
 - (e) activities taking place outside the training premises;
 - (f) hours of work-based learning;
 - (g) hours of unpaid observations period;
 - (h) probationary period;
 - (i) payment of wage and the rate to be applied;
 - (j) payment of maintenance grant and the rate to be applied;
 - (k) payment of overtime and the rate to be applied;
 - (l) payment of bonuses;
 - (m) payment of national insurance for the purpose of social security, and any other insurance;
 - (n) time off allocated for the purpose of school-based learning, including assessment with the VET provider;
 - (o) holiday leave and sick leave in accordance to national legislation;
 - (p) conditions under which the training agreement may be terminated;
 - (q) reference to collective agreements, plant agreements or service agreements applicable to the training relationship and indications where the documents can be accessed;
 - (r) training programme plan issued by the VET provider in accordance with the provisions of this Act;
 - (s) location of the premises where the work-based learning shall be provided;
 - (t) identification of the sponsor and the lead trainer responsible for the apprentice.
- (4) Where the learner is a young person such learner shall still be regulated in terms of the Young Persons (Employment) Regulations (S.L. 452.92) throughout the training period.

(5) During the VET providers' Christmas, Easter and summer breaks, learners may attend the work-based learning component of the training programme as agreed with the sponsor in the training programme plan.

(6) Learners on a training programme for work placements, whether paid or unpaid, continue to receive any social benefits due to them in the form of, but not limited to, disability and single parent benefits.

B. Training Agreements for Apprenticeship

(1) A training relationship shall be established upon the signing of the training agreement between the VET provider, sponsor and the apprentice.

(2) Several natural persons or legal entities may cooperate within the framework of a collaborative training venture to discharge the contractual obligations of the sponsor as long as responsibility for the stages of training and for the period of training as a whole are ensured.

(3) Apprentices shall be regulated in terms of the Employment and Industrial Relations Act (Cap. 452), the Young Persons (Employment) Regulations (S.L. 452.92), if applicable, and the Social Security Act (Cap. 318) with regards and not limited to:

- (a) probation period;
- (b) work-based learning hours;
- (c) overtime;
- (d) cost of living increases;
- (e) occupational health and safety;
- (f) vacation leave and sick leave;
- (g) maternity leave, parental leave and leave for urgent family reasons;
- (h) public holidays falling on weekly day of rest;
- (i) wages to be paid at regular intervals;
- (j) payment of statutory bonuses;

(k) rights to social security benefits;

(l) hours a learner spends with the sponsor shall be considered as the hours spent on the work-based learning component of the training programme as defined in the training programme plan.

(4) The training agreement shall also establish the apprentice's eligibility to work overtime provided that the sponsor has obtained the necessary written consent from the VET provider.

(5) Apprentices are entitled to avail themselves of up to four days of unpaid study leave per academic year to be used during assessment periods upon presentation of official timetables from the VET provider.

(6) During the VET providers' Christmas, Easter and summer breaks, learners are to attend the work-based learning component of the training programme as agreed with the sponsor in the training programme plan, and subject to the minimum hours required for the work-based learning component as required by this Act.

(7) The sponsor shall not grant any leave on any day during which the learner shall be required to attend school-based learning as part of the training programme.

(8) Learners shall be remunerated by the stipulated income for up to a maximum of six weeks if they are:

(a) available for the programme, but work-based learning and training is not provided;

(b) prevented for any other personal reason beyond their control from discharging their obligations under the training agreement.

(9) The training agreement shall, under pain of nullity, contain the following:

(a) identification of the recognised skilled and technical occupation for which the training programme is conducted;

(b) identification of the VET provider that is acting as the overseer of the training programme;

(c) identification of the sponsor and the lead trainer within the organisation throughout the training programme;

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- (d) start, end date, duration and hours of the work-based period;
- (e) activities taking place outside the training premises;
- (f) hours of work-based learning;
- (g) hours of unpaid observations period;
- (h) probationary period;
- (i) payment of wage and the rate to be applied;
- (j) payment of maintenance grant and the rate to be applied;
- (k) payment of overtime and the rate to be applied;
- (l) payment of bonuses;
- (m) payment of national insurance for the purpose of social security, and any other insurance;
- (n) time off allocated for the purpose of school-based learning, including assessment with the VET provider;
- (o) holiday leave and sick leave in accordance to national legislation;
- (p) conditions under which the training agreement may be terminated;
- (q) reference to collective agreements, plant agreements or service agreements applicable to the training relationship and indications where the documents can be accessed;
- (r) training programme plan issued by the VET provider in accordance with the provisions of this Act;
- (s) location of the premises where the work-based learning shall be provided;
- (t) identification of the sponsor and the lead trainer responsible for the apprentice.

(10) A training agreement regulating apprenticeship shall be null and void if it:

- (a) obliges learners to pay for their training programme;

(b) imposes penalties on the learner other than penalties regulated by the Employment and Industrial Relations Act (Cap. 452);

(c) excludes or limits claims to compensation for damages, and, or determines the rate of compensation for damages as a lump sum.

(11) Learners on a training programme of apprenticeship continue to receive any social benefits due to them in the form of, but not limited to, disability and single parent benefits.

C. Training Agreement for Internships

(1) A training agreement for internships shall be concluded before the commencement of a training programme and shall be signed by the VET provider, sponsor and the intern.

(2) Internship may be either remunerated or not remunerated.

(3) A training agreement for internships that are not remunerated shall, under pain of nullity, contain the following conditions:

(a) identification of the recognised skilled and technical occupation for which the work-based learning is conducted;

(b) identification of the VET provider who is acting as the overseer of the training programme;

(c) identification of the sponsor and the lead trainer within the organisation who shall act as the lead trainer for the learner throughout the training programme;

(d) start, end date, duration, and the specific hours of the work-based component of the training programme;

(e) training programme plan issued by the VET provider in accordance with the provisions of this Act;

(f) indication of the premises for the work-based learning.

(4) A training agreement for internships that are remunerated shall, under pain of nullity, contain the following conditions:

(a) identification of the recognised skilled and technical occupation for which the training programme is conducted;

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- (b) identification of the VET provider that is acting as the overseer of the training programme;
- (c) identification of the sponsor and the lead trainer within the organisation throughout the training programme;
- (d) start, end date, duration and hours of the work-based period;
- (e) activities taking place outside the training premises;
- (f) hours of work-based learning;
- (g) hours of unpaid observations period;
- (h) probationary period;
- (i) payment of wage and the rate to be applied;
- (j) payment of maintenance grant and the rate to be applied;
- (k) payment of overtime and the rate to be applied;
- (l) payment of bonuses;
- (m) payment of national insurance for the purpose of social security, and any other insurance;
- (n) time off allocated for the purpose of school-based learning, including assessment with the VET provider;
- (o) holiday leave and sick leave in accordance to national legislation;
- (p) conditions under which the training agreement may be terminated;
- (q) reference to collective agreements, plant agreements or service agreements applicable to the training relationship and indications where the documents can be accessed;
- (r) training programme plan issued by the VET provider in accordance with the provisions of this Act;
- (s) location of the premises where the work-based learning shall be provided;
- (t) identification of the sponsor and the lead trainer

responsible for the apprentice.

(5) Where the learner is a young person, such learner shall still be regulated in terms of the Young Persons (Employment) Regulations (S.L. 452.92) throughout the training period.

(6) During the VET providers' Christmas, Easter and summer breaks, learners may attend the work-based learning component of the training programme as agreed with the sponsor in the training programme plan.

(7) Learners on a training programme for interns, whether paid or unpaid, continue to receive any social benefits due to them in the form of, but not limited to, disability and single parent benefits.

Passed by the House of Representatives at Sitting No. 88 of the 28th February, 2018.

ANĠLU FARRUGIA
Speaker

RAYMOND SCICLUNA
Clerk of the House of Representatives

