

MALTA

**ATT Nru XXXIX tal-2018**

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

**ATT biex jipprovdi għat-twaqqif ta' Jobsplus u biex jirregola s-servizzi tal-impjieg u t-taħriġ, u għal materji marbutin ma' dan jew ancillari għalih, u għal Awtorità Nazzjonali tax-Xogħol.**

**ACT No. XXXIX of 2018**

AN ACT enacted by the Parliament of Malta.

**AN ACT to provide for the establishment of Jobsplus and for the regulation of employment and training services, and for matters connected therewith or ancillary to, and for a National Employment Authority.**



Nagħti l-kunsens tiegħi.

(L.S.)

**DOLORES CRISTINA**  
**Aġent President**

20 ta' Novembru, 2018

**ATT Nru XXXIX tal-2018**

*ATT biex jipprovdi għat-twaqqif ta' Jobsplus u biex jirregola s-servizzi tal-impjieg u t-taħriġ, u għal materji marbutin ma' dan jew anċillari għalih, u għal Awtorità Nazzjonali tax-Xogħol.*

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

TAQSIMA I

Preliminari

**1.** (1) It-titolu fil-qosor ta' dan l-Att huwa l-Att tal-2018 dwar is-Servizzi ta' Impjieg u Taħriġ. Titolu fil-qosor u bidu fis-sehħ.

(2) Dan l-Att għandu jidhol fis-sehħ f'dik id-data li l-Ministru jista' permezz ta' avviż fil-Gazzetta jistabbilixxi, u jistgħu jiġu hekk stabbiliti dati differenti għal dispożizzjonijiet differenti jew għanijiet differenti ta' dan l-Att.

**2.** F'dan l-Att, sakemm il-kuntest ma jitlobx mod ieħor - Tifsir.

"Awtorità" tfisser l-Awtorità Nazzjonali tax-Xogħol stabbilita permezz tal-artikolu 3;

"Bord" tfisser il-Bord ta' Jobsplus;

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"Bord għall-Ittestjar ta' Snajja" tfisser bord kostitwit kif jidher fl-artikolu 26;

"dipendenti" tfisser individwi li jiddependu għal kollox jew aktarx għal kollox għall-manteniment tagħhom fuq individwu u li jinsabu f'relazżjoni ma' dan l-individwu -

(a) il-konjuġi, it-tfal jew ulied minn żwieġ ieħor, jew ulied uliedu jekk il-ġenituri jkunu mejtin;

(b) jekk mhux miżżewweġ/a - l-ulied, il-ġenituri, jew aħwa mhux miżżewġin;

(c) jekk ikun armel/a - uliedu jew ulied minn żwieġ ta' qabel u ulied uliedu jekk il-ġenituri jkunu mejtin;

"diżabilità" tfisser nuqqas fiżiku, mentali, intellettuali jew sensorju fit-tul li f'interazzjoni ma' barrieri varji jista' jkun ta' xkiel għal partecipazzjoni sħiħa u effettiva ta' dik il-persuna fis-socjetà fuq bażi ugwali ma' oħrajn;

"edukazzjoni avanzata u oġhla" tfisser kull taġħlim formali, mhux formali u informali li mhux obligatorju li jservi biex wieħed jakkwista kwalifika nazzjonali kklassifikata sa u li tinkludi livell 5 tal-Qafas Malti għall-Kwalifiki, jew kwalifika barranija f'livell komparabbli;

"ġenitur" tfisser il-missier jew l-omm u tinkludi kull persuna li jkollha l-harsien u l-kustodja, kemm jekk legali kif ukoll jekk attwali, ta' wild taħt it-tmintax-il sena;

"istituzzjonijiet edukattivi u ta' taħriġ" tfisser kull skola jew istituzzjoni jew entità oħra liċenzjata li toffri servizzi edukattivi fuq livell sekondarju, post-sekondarju jew terzjarju u li tinkludi wkoll istituzzjonijiet edukattivi aktar avanzati jew oġhla, istituzzjonijiet li joffru taġħlim formali u mhux formali, u edukazzjoni vokazzjonali;

"jippreskrivi" tfisser jippreskrivi b'regolamenti magħmula taħt dan l-Att;

"Jobsplus" tfisser il-Korporazzjoni Jobsplus stabbilita permezz tal-artikolu 5 u, fil-limitu tal-awtorità mogħtija, tinkludi kull uffiċjal ta' Jobsplus awtorizzat minnha biex jaġixxi f'isimha;

"kandidat" tfisser persuna li tapplika għat-Test ta' Snajja;

"Ministru" tfisser il-Ministru responsabbli għall-impjiegi u tinkludi, fil-limitu tal-awtorità mogħtija, kull persuna awtorizzata

mill-imsemmi Ministru f'dik ir-responsabbiltà għal kull għan ta' dan l-Att;

"persuna" tinkludi korp ta' persuni jew xi korporazzjoni stabbiliti bil-liġi;

"Registru" tfisser ir-Registru li hemm referenza għalih fl-artikolu 11;

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

"skema" tfisser skema ta' post tax-xogħol taħt dan l-Att;

"*trainee*" tfisser persuna, li qabżet l-età ta' skola obbligatorja u li tkun qed tattendi taħriġ formali fil-Jobsplus jew korsijiet oħrajn mogħtija minn persuna oħra approvata minn Jobsplus jew persuna li tkun qed tattendi xi skema.

## TAQSIMA II

### L-Awtorità Nazzjonali tax-Xogħol

3. (1) Il-President ta' Malta għandu s-setgħa li jaħtar Awtorità Nazzjonali tax-Xogħol magħmula minn tliet persuni indipendenti, żewġ persuni oħra li fil-fehma tal-President ikunu jirrappreżentaw l-interessi ta' prinċipali u żewġ persuni oħra li fil-fehma tal-President jkunu jirrappreżentaw l-interessi tal-impjegati. F'dan l-artikolu "persuni indipendenti" tfisser persuni li la jkunu impjegati tal-Gvern u lanqas uffiċjali ta' xi organizzazzjoni li tirrappreżenta lill-prinċipali jew lill-impjegati.

Awtorità  
Nazzjonali tax-  
Xogħol.

(2) Wieħed mill-membri indipendenti tal-Awtorità għandu jiġi maħtur mill-President bħala *chairperson* u ieħor bħala viċi *chairperson*.

(3) Il-President għandu wkoll jaħtar segretarju għall-Awtorità.

(4) Kull membru tal-Awtorità għandu, qabel ma jidhrol għall-kariga, jieħu ġurament tal-ħatra quddiem l-Avukat Ġenerali fil-forma li tidher fl-Iskeda.

(5) Kull membru tal-Awtorità jibqa' fil-ħatra għal terminu ta' sentejn u jekk ikun jikkwalifika mod ieħor, jista' jiġi appuntat mill-ġdid fi tmiem it-terminu tal-kariga tiegħu.

(6) Il-President jista' jiffissa r-rimunerazzjoni li għandha tiħallas lill-membri tal-Awtorità.

(7) L-ebda membru tal-Awtorità ma jista' jitneħħa mill-kariga qabel tmiem il-ħatra tiegħu ħlief mill-President wara rizzoluzzjoni tal-Kamra li titlob għal din it-tneħħija minħabba imġiba ħażina bil-provi jew nuqqas ta' ħila fil-qadi tal-funzjonijiet marbuta mal-kariga tiegħu:

Iżda meta l-Kamra tkun xolta jew rinvjata jew aġġornata għal aktar minn erbatax-il gurnata, il-President jista' legalment jissospendi membru mill-kariga tiegħu minħabba imġiba ħażina jew minħabba nuqqas ta' ħila fil-qadi tal-funzjonijiet marbuta mal-kariga tiegħu, hekk iżda li dawn is-sospensjonijiet ma jaqbzux l-ewwel tliet seduti tal-Kamra minnufih wara d-data ta' dawn is-sospensjonijiet.

(8) Il-*quorum* tal-Awtorità għandu jkun ta' tliet membri, b'wieħed minnhom ikun iċ-*chairperson* jew il-viċi *chairperson*.

(9) Bla ħsara għad-dispożizzjonijiet tas-subartikolu (8), l-Awtorità ma tkunx skwalifikata milli twettaq ix-xogħol tagħha minħabba xi vakanza fost il-membri tagħha.

(10) Id-Direttur u, jew xi persuna li tkun qed tirrappreżentah għandu jkollu d-dritt li jkun preżenti f'kull laqgħa tal-Awtorità u li jiġi mismuġħ fuq kull materja.

(11) Il-proċeduri tal-Awtorità jistgħu, jekk l-Awtorità tqis li jkun prattiku, isiru fil-maġhluq.

(12) Deċiżjonijiet tal-Awtorità għandhom jittieħdu b'maġġoranza tal-voti tal-membri preżenti. Iċ-*chairperson*, jew, fl-assenza tiegħu, il-viċi *chairperson*, għandu jkollu biss vot deċiżiv.

(13) Bla ħsara għad-dispożizzjonijiet ta' dan l-Att u ta' xi regolamenti maġmulin taħtu, l-Awtorità tista' tirregola l-proċedimenti tagħha stess.

Kap. 9.

(14) Għall-finijiet tal-artikoli li ġejjin tal-Kodiċi Kriminali, jiġifieri l-artikolu 91, l-artikoli 115, 119, u 120, l-artikoli 124 u 125, l-artikolu 133 u l-artikolu 138, il-membri tal-Awtorità għandhom jitqiesu li huma uffiċjali pubbliċi.

Funzjonijiet tal-Awtorità.

4. (1) Il-funzjonijiet tal-Awtorità għandhom ikunu:

(a) li tinvestiga u tiġġudika, b'dak il-mod kif tista' tiddetermina, kull ilment li xi parti interessata tista' tressaq quddiemha rigward servizzi ta' impjiegi u taħriġ ipprovduti minn Jobsplus;

(b) li tisma' appelli kif previst f'dan l-Att;

(ċ) li twettaq kull funzjoni oħra li tkun jew tista' tkun assenjata lilha permezz ta' dan l-Att jew xi liġi oħra.

(2) Fejn l-Awtorità taġixxi bħala tribunal biex tisma' appelli kif previst fis-subartikolu (1)(b), id-dispożizzjonijiet li ġejjin għandhom, mingħajr preġudizzju għad-dispożizzjonijiet ta' xi regolamenti magħmula taħt l-artikolu 47, japplikaw:

(a) l-Awtorità għandha tiċhad kull appell li ma jkunx sar bil-kitba fi żmien speċifikat fid-dispożizzjonijiet ta' dan l-Att li jipprovdu għal dak l-appell;

(b) iċ-*chairperson* tal-Awtorità, jew fl-assenza tiegħu il-viċi *chairperson*, għandu jkollu s-setgħa li jharrek xhieda u jagħti ġurament lil kull xhud u li jitolbu li jixhed jew jipproduċi kotba jew dokumenti oħra quddiemu;

(ċ) taħrikiet għall-attendenza ta' xhieda għandhom jiġu ffirmati miċ-*chairperson*, jew, fl-assenza tiegħu, mill-viċi *chairperson*, u għandhom jiġu notifikati jew personalment jew permezz ta' posta registrata, u f'dan l-aħħar każ, biex tingħata prova tan-notifika, ikun biżżejjed li tingħata prova li t-taħrika kienet indirizzata kif xieraq u impustata;

(d) il-persuni kollha mharrka biex jattendu u jagħtu xhieda f'xi seduta tal-Awtorità jkunu marbuta li jwieġbu għat-taħrika li tkun ġiet notifikata lilhom; u kull persuna li tirrifjuta jew tonqos mingħajr raġuni valida milli tattendi fil-jum, hin jew post imsemmijin fit-taħrika li tkun ġiet notifikata lilha jew li twieġeb, skont kif taf u temmen, għall-mistoqsijiet kollha li jsirulha minn jew bi qbil mal-Awtorità, jew li tipproduċi kotba jew xi dokumenti oħra li titlob l-Awtorità li jingiebu quddiemha, tkun haġja ta' reat kontra dan l-Att:

Iżda l-ebda persuna li tkun qed tixhed quddiem l-Awtorità m'għandha tkun imġieghla li tinkrimina ruħha u kull persuna tali għandha, rigward kull xhieda mogħtija minnha quddiem l-Awtorità, tkun intitolata għall-privileġġi kollha li persuna li tixhed f'qorti tal-ġustizzja tkun intitolata għalihom fir-rigward tal-evidenza mogħtija minnha quddiem dik il-qorti.

(3) L- Awtorità għandha, f'Jannar ta' kull sena, tissottometti rapport tal-attivitajiet tagħha lill-Ministru li min-naħa tiegħu jqiegħdu fuq il-Mejda tal-Kamra mhux aktar tard mill-ewwel seduta li jkun hemm wara tletin jum minn meta jirċevih.

Jobsplus

Jobsplus.

5. Għandu jkun hemm korp, li jkun magħruf bħala Jobsplus, li jkun korp magħqud li jkollu personalità legali distinta u jkun jista' jidhol għal kuntratti, li jakkwista, iżomm u jiddisponi minn kull proprjetà għall-għan tal-funzjonijiet tiegħu taht dan l-Att, li jharrek jew jigi mharrek, u li jagħmel dawk l-affarijiet kollha u jidhol għal transazzjonijiet bħal dawn li jkunu inċidentali jew li jwasslu għat-twettiq jew qadi tal-funzjonijiet tiegħu li jaqgħu taht dan l-Att.

Tmexxija tal-attivitajiet u xogħol ta' Jobsplus.

6. (1) L-attivitajiet u x-xogħol tal-Jobsplus għandhom ikunu r-responsabilità ta' u jkunu mmexxija minn bord ta' diretturi li għandu jkun magħruf bħala "il-Bord". Ir-rappreżentanza legali ta' Jobsplus għandha tkun vestita fiċ-*chairperson* jew f'xi direttur ieħor li l-Bord jista' jiddelega permezz ta' riżoluzzjoni. Kull riżoluzzjoni bħal din għandha tiġi ppubblikata fil-Gazzetta kemm jista' jkun malajr wara li tiġi approvata u ma tidholx fis-seħh qabel ma tiġi hekk ippubblikata.

(2) Il-Bord għandu jikkonsisti minn dak l-għadd ta' diretturi, li ma jkunux inqas minn tmienja, kif il-Ministru minn żmien għal żmien jista' jahtar. Tlieta mill-membri tal-Bord jinhatru, wara konsultazzjoni xierqa mal-ministri kkonċernati, minn fost dawk il-persuni li l-aħjar jirrapreżentaw lill-ministeri responsabbli għax-xogħol, għall-edukazzjoni u għall-industrija. Wiehed mill-membri tal-Bord għandu jkun persuna b'diżabilità.

(3) Iċ-*chairperson* tal-Bord u l-viċi *chairperson* għandhom jinhatru mill-Ministru minn fost il-membri tal-Bord.

(4) Meta iċ-*chairperson* ikun assenti minn Malta jew għal xi raġuni oħra ma jkunx jista' temporanjament jaqdi l-funzjonijiet tal-kariga tiegħu, jew fejn il-post ta' *chairperson* ikun temporanjament vakanti, il-viċi *chairperson* għandu jagħmilha ta' *chairperson*.

(5) Iċ-*chairperson* u d-diretturi l-oħra għandhom jinhatru kull sena u jibqgħu fil-kariga taht dawk il-pattijiet u kondizzjonijiet li l-Ministru jqis li jkunu xierqa; u jistgħu jerġgħu jinhatru mill-gdid.

(6) Bla ħsara għad-dispożizzjonijiet ta' dan l-Att u għal kull direttiva tal-Bord, it-tmexxija eżekuttiva ta' Jobsplus, l-amministrazzjoni u l-organizzazzjoni tagħha, u l-kontroll amministrattiv tal-uffiċjali u l-impjegati tagħha għandhom ikunu r-responsabbiltà tal-uffiċjal eżekuttiv ewlieni ta' Jobsplus li wkoll ikollu dawk is-setgħat oħrajn li minn żmien għal żmien jistgħu jiġu delegati lil mill-Bord. L-uffiċjal eżekuttiv ewlieni għandu jkollu d-dritt li jattendi u jigi mismugh fil-laqgħat kollha tal-Bord. Madankollu, ma jkollux vot u ma jiġix magħdud biex jigi fformat

*quorum*.

(7) Id-dispożizzjonijiet tal-artikolu 3(14) għandhom japplikaw *mutatis mutandis* għal Jobsplus, l-uffiċjal eżekuttiv ewlieni u impjegati oħrajn ta' Jobsplus.

7. (1) Persuna ma tikkwalifikax biex tinħatar jew li tokkupa l-kariga ta' membru tal-Bord jekk dik il-persuna:

Skwalifikazzjoni għall-hatra, it-tnehhija u r-riżenja ta' diretturi.

(a) tkun membru tal-Kamra; jew

(b) tkun legalment inkapaċitata; jew

(ċ) tkun giet iddikjarata falluta jew tkun għamlet kompożizzjoni jew ftehim mal-kredituri tagħha; jew

(d) tkun instabet hatja ta' reat li għandu x'jaqsam mal-fiduċja pubblika jew serq jew frodi jew riċettazzjoni ta' oġġetti miksubin b'serq jew bi frodi.

(2) Membru tal-Bord jista' jitneħħa mill-kariga tiegħu mill-Ministru għar-raġuni li jkun inkapaċi li jwettaq il-funzjonijiet tal-kariga tiegħu, sew jekk minħabba f'mard tal-moħħ jew tal-ġisem, jew għal kull raġuni oħra, jew minħabba fi mgħiba hażina.

(3) Membru tal-Bord jista' jirriżenja mill-kariga tiegħu permezz ta' ittra lill-Ministru.

8. (1) Il-Bord għandu jiltaqa' daqstant drabi kemm ikun meħtieġ jew spedjenti, iżda f'ebda każ inqas minn darba kull tliet xhur. Il-laqgħat jissejnhu miċ-*chairperson* jew fuq inizjattiva personali tiegħu jew wara li ssirlu talba minn tnejn mill-membri l-oħra.

Laqgħat tal-Bord.

(2) Il-Bord ma għandux jiffunzjona hlief meta jkun hemm preżenti *quorum* ta' mhux inqas minn nofs in-numru ta' membri.

(3) Il-laqgħat tal-Bord għandhom jiġu preseduti miċ-*chairperson* jew, fl-assenza tiegħu, mill-viċi *chairperson*.

(4) Id-deċiżjonijiet tal-Bord għandhom jittieħdu b'maġġoranza tal-voti tal-membri preżenti u votanti; u fil-każ li l-voti jiġu ndaqs iċ-*chairperson*, jew fl-assenza tiegħu l-viċi *chairperson*, ikollu dritt jerga' jivvota għat-tieni darba jew vot deċiżiv.

(5) Kull vakanza fost il-membri tal-Bord u kull parteċipazzjoni fil-Bord minn xi persuna li ma tkunx intitolata għal hekk ma għandhomx jinvalidaw il-proċedimenti tal-imsemmi Bord.

(6) Bla ħsara għad-dispożizzjonijiet ta' dan l-Att, il-Bord jista'

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jirregola l-proċeduri tiegħu stess.

Status ta' Jobsplus.

**9.** (1) Jobsplus għandu jkollha dawk il-funzjonijiet kif stabbiliti b'dan l-Att u dawk il-funzjonijiet oħra li jistgħu jiddevolvu fuqha taħt kull liġi oħra, jew kif jista' jiġi assenjat lilha mill-Ministru.

(2) Jobsplus għandha tikkonsidra kull haġa li għandha x'taqsam mat-tfassil ta' *policy* ġenerali nazzjonali dwar xogħol u taħriġ u kull haġa li għandha x'taqsam ma' xi waħda mill-funzjonijiet tagħha taħt dan l-Att, jew dawk il-funzjonijiet oħra li huma jew jistgħu jiġu assenjati lilha taħt kull liġi oħra. Jobsplus għandha wkoll tagħti pariri lill-Ministru jew xi dipartiment tal-Gvern dwar kull materja relatata mal-impjiegi jew taħriġ ta' haddiema jew lis-suq tax-xogħol b'mod ġenerali, jew meta mitluba tagħmel hekk mill-Ministru jew fuq inizzjattiva tagħha stess.

(3) Jobsplus għandha tagħti lill-Ministru dawk il-faċilitajiet meħtieġa biex jikseb tagħrif dwar il-proprjetà u l-hidma ta' Jobsplus, u tfornih bil-prospetti, kontijiet u tagħrif ieħor dwar l-istess, u tagħtih dawk il-faċilitajiet meħtieġa għall-verifika tat-tagħrif mogħti b'dak il-mod, u f'dawk iż-żminijiet li jista' jeħtieġ.

(4) Il-Ministru jista', wara li jikkonsulta ma' Jobsplus, jagħti lil Jobsplus dawk id-direttivi bil-miktub li jista' jqis xieraq, li jkunu direttivi ta' natura ġenerali mhux inkonsistenti mad-dispożizzjonijiet ta' dan l-Att, u Jobsplus għandha tikkonforma ruħha ma' dawk id-direttivi.

(5) Fit-twettiq tal-funzjonijiet tagħha taħt dan l-Att, jew fi kwalunkwe haġa jew hidma oħra, Jobsplus għandha tikkonforma l-*policies* u l-hidma tagħha mal-iskopijiet u objettivi tal-ippjanar ekonomiku nazzjonali li jkun fis-seħħ minn żmien għal żmien.

(6) Jobsplus tista', bl-approvazzjoni tal-Ministru, teżercita l-funzjonijiet tagħha taħt dan l-Att permezz tal-aġenzija ta' persuni oħra, u tista' tagħxi bħala aġent jew xort'oħra f'isem persuni oħra.

Funzjonijiet ta' Jobsplus dwar servizzi tal-impjiegi.

**10.** Dwar l-impjiegi, Jobsplus għandu jkollha dawn il-funzjonijiet:

(a) b'mod ġenerali li tipprovdi u thaddem servizz tal-impjiegi, biex tgħin persuni biex isibu impjiegi xierqa u biex tgħin lill-principali biex isibu impjegati xierqa;

(b) b'mod partikolari -

(i) li tirreġistra persuni li jkunu qegħdin ifittxu impjeg fir-Registru;

(ii) li tintervista lil dawk il-persuni u tistma, jekk meħtieġ, il-kapaċità taġħhom fiżika vokazzjonali;

(iii) li tgħin persuni li jkunu qeġħdin ifittxu impjieg billi tiggwida u taġhti pariri dwar l-għażla ta' impjieg, u t-taħriġ u taħriġ mill-ġdid li jista' jinħtieġ;

(iv) li tikseb mingħand il-prinċipali taġhrif dwar postijiet battala u dwar il-kwalitajiet li jinħtieġ ikollhom l-impjegati li jkunu jridu;

(v) li tirreferi persuni li jkollhom il-kapaċitajiet, id-dispożizzjonijiet u s-saħħa fiżika meħtieġa għall-impjieg li jkun hemm;

(vi) li tiġbor u tifli bir-reqqa taġhrif dwar is-sitwazzjoni ġenerali tax-xogħol u kif aktarx tinbidel; u

(ċ) li taġhti parir lill-Ministru dwar kull materja relatata max-xogħol jew taħriġ ta' ħaddiema, jew fuq talba mill-Ministru jew fuq inizzjattiva taġħha, inklużi proposti għal regolamenti għal dawk l-għanijiet jew f'dawk iċ-ċirkostanzi li fl-opinjoni tal-Ministru jkunu meħtieġa jew għax hekk ikun jaqbel biex isir provvedimenti għalihom permezz ta' regolamentazzjoni.

**11.** (1) Jobsplus għandha żżomm Regjistru ta' dawk il-persuni li jkunu qeġħdin ifittxu impjieg.

Regjistru ta' persuni li jkunu qeġħdin ifittxu impjieg.

(2) Kull persuna li tikkwalifika biex tiġi reġistrata tista' titlob biex tiġi reġistrata skont ir-regolamenti li jistgħu jiġu preskritti minn żmien għal żmien. Dawn ir-regolamenti għandu jkun fihom tifsiriet dwar min jikkwalifika għal reġistrazzjoni u dawk it-Taqsimiet tar-Regjistru li jistgħu jiġu stabbiliti u l-azzjoni li għandha tiġi adottata minn Jobsplus fir-rigward ta' riferenza ta' persuni għal impjieg.

(3) L-ebda persuna li tkun ta' età obbligatorja tal-iskola m'għandha tiġi rreġistrata sakemm dik il-persuna ma tkunx qabżet l-età tal-edukazzjoni obbligatorja skont id-dispożizzjonijiet tal-Att dwar l-Edukazzjoni.

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**12.** (1) Bla ħsara għad-dispożizzjonijiet ta' dan l-Att u ta' kull regolament magħmul bis-saħħa tiegħu, ir-reġistrazzjoni ta' persuni li jkunu qed ifittxu impjieg għandha ssir b'dak il-mod u skont dawk il-formalitajiet u kundizzjonijiet li Jobsplus tista' tiddeċiedi.

Reġistrazzjoni għal impjieg.

(2) Fiż-żmien tal-ewwel reġistrazzjoni għal impjieg u f'kull żmien waqt il-perjodu ta' validità tar-reġistrazzjoni, Jobsplus tista'

titlob lill-persuna li tkun qed tfitteix ix-xogħol biex tagħti tagħrif jew tipproduci dokumenti fil-pussess jew kontroll tagħha dwar id-data tat-twelid tagħha, impjegi li kellha qabel, dipendenti, esperjenza ta' xogħol, hiliet, kompetenzi, kwalifiki u hwejjeg ohra rilevanti għar-registrazzjoni tagħha.

(3) Jekk persuna tonqos milli tagħti xi tagħrif meħtieġ minnha taħt is-subartikolu (2), dik il-persuna għandha tiflew id-dritt ta' registrazzjoni tagħha taħt dan l-artikolu jew li tiġi riferita għall-impjieg taħt l-artikolu 13, u għandha tiġi notifikata b'dan bil-miktub.

(4) Kull persuna li tħossha aggravata b'deċiżjoni ta' Jobsplus taħt dan l-artikolu tista', fi żmien hmistax-il jum min-notifika ta' dik id-deċiżjoni, tappella lill-Awtorità.

Riferiment ta' persuni għal impjieg.

**13.** (1) Mingħajr preġudizzju għad-dispożizzjonijiet l-oħra ta' dan l-Att, u bla hsara għal kull regolament magħmul bis-saħħa tiegħu, fl-għażla ta' persuni biex jiġu riferiti lill-principali, Jobsplus għandha tikkonsidra l-persuni li l-aktar jissodisfaw il-htigiet ta' principal fuq bażi ta' kwalifiki, hiliet u, jew kompetenzi u, jew esperjenza ta' xogħol skont kif ikun il-każ.

(2) (a) Meta persuna li tkun registrata għal impjieg tirrifjuta li tilqa' xi opportunità xierqa ta' impjieg, dik il-persuna żzomm id-dritt li tkompli tirregistra għax-xogħol, tul l-ewwel tliet (3) xhur mid-data tar-registrazzjoni. Madankollu, dan ma japplikax meta l-persuna li tirregistra tirrifjuta mingħajr raġuni tajba u sufficjenti, xi taħriġ jew għajjnuna ohra offruta lilha minn Jobsplus.

(b) F'każ li xi persuna li tkun tirregistra għal xogħol għal perjodu ta' aktar minn tliet (3) xhur mid-data tar-registrazzjoni tirrifjuta, mingħajr raġuni tajba jew sufficjenti, li tieħu opportunità xierqa ta' xogħol jew taħriġ jew ta' xi assistenza jew servizz ieħor offrut lilha minn Jobsplus, dik il-persuna tinqata' mir-registru b'effett immedjat għal perjodu ta' sitt (6) xhur.

(c) Kull persuna li ma tikkonfermax li rċeviet xi komunikazzjoni b'xi mod jew ieħor kif minn żmien għal żmien jiġi ddeterminat minn Jobsplus, rigward opportunità xierqa ta' xogħol jew taħriġ jew ta' xi assistenza jew servizz ieħor offrut lilha minn Jobsplus tinqata' mir-Registru b'effett immedjat għal perjodu ta' sitt (6) xhur.

(d) Il-persuna li tkun qed tirregistra għal xogħol tista' jkollha xogħol f'xi attivita' ta' xogħol ta' darba kull tant li jkun jikkonsisti fi ftit sigħat u f'kull każ mhux aktar minn hames (5) sigħat f'gimgha u li ma jaqbzux l-ammont ta' mitejn u erbgħin (240) siegħa

fis-sena, waqt li żżomm id-dritt tagħha li tibqa' fuq ir-Registru, sakemm takkwista l-approvazzjoni ta' Jobsplus dwar dan l-arranġament, minn qabel. F'ċirkostanzi normali, din l-approvazzjoni għandha tintalab mill-anqas gimgħa bil-quddiem. Jekk min jirreġistra jonqos li jinforma lil Jobsplus u jinqabad jaħdem waqt li jkun qed jirreġistra, jinqata' mir-Registru b'effett immedjat għal perjodu ta' sitt (6) xhur.

(3) Kull persuna li, filwaqt li tkun qed tirreġistra għal impjieg, tkun qiegħda taħdem bi qligħ jew li, mingħajr il-permess mogħti minn qabel minn Jobsplus, tkun qiegħda taħdem f'xogħol li jikkonsisti fl-għoti lil xi persuna ta' servizzi li normalment isir hlas għalihom, tiflef id-dritt tagħha għar-registrazzjoni taħt l-artikolu 12 jew għal riferiment għal impjieg taħt dan l-artikolu.

(4) Kull persuna li tiflef id-dritt li jkollha għar-registrazzjoni jew għal riferiment taħt l-artikolu 12 jew dan l-artikolu ma jkollhiex jedd li tkun reġistrata għal impjieg jew għal riferiment għal impjieg kemm-il darba dik il-persuna ma gġibx prova għas-sodisfazzjon ta' Jobsplus li wara li tkun tilfet dawk id-drittijiet kif hawn qabel imsemmi, hija kienet qiegħda taħdem bi qligħ għal perjodu kontinwu ta' sitt (6) xhur u li kienet temmet milli tibqa' taħdem bi qligħ għal raġunijiet li jitqiesu bħala tajbin u suffiċjenti.

(5) Kull persuna li tħossha aggravata b'deċiżjoni ta' Jobsplus taħt dan l-artikolu, tista', fi żmien hmistax-il jum tax-xogħol min-notifika ta' dik id-deċiżjoni, tappella lill-Awtorità.

**14.** (1) Meta jagħmel talba lil Jobsplus biex jiġu riferuti impjegati, prinċipal għandu jispeċifika l-kwalifiki, hiliet u kompetenzi u, jew l-esperjenza fix-xogħol tal-impjegati li jkollu bżonn, il-kundizzjonijiet ta' impjieg li joffri u n-numru ta' persuni li għandhom jiġu riferiti lil Jobsplus biex possibilmment jiġu impjegati, iżda b'mod li l-prinċipal ma jkollu ebda jedd li jindika persuni individwali meta jagħmel it-talba tiegħu lil Jobsplus.

Avviż dwar il-mili ta' vakanzi.

(2) Fir-riferiment ta' persuni għall-impjieg, Jobsplus għandha tfittex li taqdi l-ħtiġijiet tal-prinċipal kemm jista' jkun mingħajr dewmien. Il-prinċipal ikollu l-jedd li jirrifjuta kull applikant mibgħut minn Jobsplus.

**15.** (1) L-impjegati kollha meħtieġa mill-Gvern ta' Malta li ma jkunux fis-servizz tiegħu jew minn xi enti morali jew kumpannija msemmin fil-artikolu 110(6) tal-Kostituzzjoni, kemm jekk ikunu, f'kull każ, impjegati b'kuntratt għal żmien speċifikat jew għal żmien mhux speċifikat, salv dak li hemm previst fil-Kostituzzjoni u fis-subartikoli (2) u (3), għandhom jiġu rekrutati permezz tas-servizz tal-

Ingaġġ ta' impjegati mal-Gvern u ma' korpi u kumpanniji tal-Gvern jew kontrollati minnu.

impjegati provdut minn Jobsplus.

(2) Meta r-reklutaġġ ta' impjegati mill-Gvern jew minn xi prinċipal ieħor li għalihom jirreferi s-subartikolu (1) ikollu x'jaqsam mal-impjieg ta' -

(a) persuni li jkunu meħtieġa biex jimlew postijiet, fuq bażi ta' kuntratt għal żmien speċifikat li jirrikjedu xi fiduċja speċjali jew postijiet li jirrikjedu kwalifiki akkademiċi jew professjonali; jew

(b) persuni impjegati minn barra minn Malta,

Jobsplus tista' tagħmel jew tawtorizza r-reklutaġġ ta' impjegati jew billi jsir riferiment minnha, jew b'mod ieħor taht dawk il-kundizzjonijiet jew b'dak il-mod kif Jobsplus tista' tqis li jkun xieraq:

Iżda impjegat li jkun impjegat mill-Gvern ta' Malta jew minn xi korp magħqud jew kumpanija msemmin fl-artikolu 110(6) tal-Kostituzzjoni minn fost persuni li diġà jkunu uffiċjali pubbliċi jew li jkunu impjegati ta' xi korp magħqud ieħor jew kumpanija oħra msemmin fl-artikolu 110(6) tal-Kostituzzjoni, allura dak l-impjegat għandu jitqies bhala li kien impjegat permezz tas-servizz tar-reklutaġġ provdut minn Jobsplus.

(3) Taht dawk iċ-ċirkostanzi u dwar dawk il-vakanzi, li jistgħu jiġu preskritti, Jobsplus għandha tirreferi għall-impjieg ma' xi prinċipal kif hemm imsemmi fis-subartikolu (1), bi preferenza ta' xi persuna oħra, persuni li, fi żmien it-tliet (3) xhur li jiġu minnufih qabel dak ir-riferiment, ikunu intbagħtu bhala żejda minn dak l-impjieg kif jista' jiġi preskrit.

(4) Jekk wara talba għal impjegati magħmula lil Jobsplus minn dipartiment tal-Gvern jew minn kull prinċipal ieħor kif hemm imsemmi fis-subartikolu (1), Jobsplus ma tistax tibgħat applikanti xierqa, id-dipartiment jew il-prinċipal l-ieħor jistgħu jirreklutaw l-impjegati meħtieġa bis-saħħa ta' dawk l-arranġamenti oħra li Jobsplus tista' tawtorizza għal kull każ jew klassi ta' każijiet.

(5) Dipartiment tal-Gvern jew prinċipal ieħor kif hemm imsemmi fis-subartikolu (1), li jirrifjutaw applikant mibgħut minn Jobsplus għandhom jispeċifikaw bil-miktub ir-raġuni tar-rifjut tagħhom. Meta f'xi każ, Jobsplus, wara l-investigazzjonijiet meħtieġa, tkun sodisfatta li d-dipartiment jew prinċipal ikunu rrifjutaw applikant mingħajr kawża ġusta, hija tista' tordna lil dak id-dipartiment jew prinċipal partikolari li jagħtu impjieg lill-istess applikant f'dak il-post li għalih ikun oriġinarjament intbagħat minn

Jobsplus.

(6) Kull persuna li -

(a) tikser xi wahda mid-dispożizzjonijiet ta' qabel ta' dan l-artikolu; jew

(b) tagħmel preferenzi favur xi persuna, jew tiddiskrimina kontriha, għall-impjieg tagħha ma' xi prinċipal imsemmi fis-subartikolu (1) minhabba fis-sess, religjon jew twemmin, mezzi ekonomiċi, razza jew oriġini etnika, fehma politika, diżabilità, kultur, orjentazzjoni sesswali jew identità tal-generu,

tkun hatja ta' reat kontra dan l-Att.

**16.** (1) Meta l-Prim Ministru jkun tal-parir li xi impjegat, ta' korp jew soċjetà msemmija fl-artikolu 110(6) tal-Kostituzzjoni li minhabba f'riorganizzazzjoni jew ristrutturar ta' xi korp jew soċjetà minn dawk imsemmijin ikun jista' jitlef l-impjieg jew ikun sar xort'oħra żejjed, ikun jista' jiġi skjerat mill-ġdid fis-settur pubbliku f'xi impjieg ieħor ma' xi korp ieħor jew soċjetà oħra kif fuq imsemmija, huwa jista' johroġ ordni li tkun tordna dak l-iskjerament mill-ġdid u dik l-ordni għandu jkollha l-effett u għall-iskop ta' dak l-iskjerament mill-ġdid ir-reklutaġġ skont servizz tal-impjieg provdut minn Jobsplus għandu jsir skont dik l-ordni.

Skjerament mill-ġdid ta' impjegati fis-settur pubbliku.

(2) Ordni li tinhareġ taħt is-subartikolu (1) tista' tkun tinkludi dawk il-pattijiet, kondizzjonijiet, modalitajiet u termini ta' żmien skont ma l-Prim Ministru jista' jqis li jkun adatt li jinkludi bil-għan li jiġi regolat dak l-iskjerament mill-ġdid jew bil-għan li jiġi evitat kull piż mhux dovut, anomalija jew tbatija fuq il-prinċipal jew fuq l-impjegat jew fuq impjegati oħra tal-korp jew soċjetà fejn dak l-impjegat ikun gie jew ikun ser jiġi skjerat mill-ġdid.

**17.** (1) Dwar it-taħriġ, Jobsplus għandu jkollha dawn il-funzjonijiet li ġejjin:

Funzjonijiet ta' Jobsplus fir-rigward ta' taħriġ.

(a) li tipprovdi korsijiet ta' taħriġ jew skemi oħra biex tgħin persuni li jixtiequ jhejju ruħhom sewwa għal hidma bi qligħ, jew li jixtiequ jtejbu jew jaġġornaw ix-xorta tat-tagħrif u tal-ħiliet tagħhom għall-istess skop;

(b) li tikseb tagħrif minghand il-prinċipali dwar in-numru, il-livell edukattiv, is-snajja' u l-ħila ta' persuni li huma jistgħu jeħtiegu għall-impjieg fi żmien qasir kif ukoll fi żmien iktar twil;

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(c) li tasal f'arrangamenti mal-principali msemmin, jew ma' kull persuna oħra, sabiex tapprovalu l-korsijiet ta' taħriġ jew skemi oħra maħsubin b'dan l-artikolu;

(d) li tippovdi għajnuna lill-Bordijiet għall-Ittestjar ta' Snajja' fit-tfassil u l-organizzar ta' assessjar biex jassiguraw il-proficijenzi jew kompetenzi ta' persuna f'impjeg partikolari.

(2) Ir-riferenza f'dan l-artikolu dwar il-provvediment ta' korsijiet ta' taħriġ jew skemi oħra għandha tinftiehem li tinkludi riferenza għal hlasijiet lil min jattendi xi kors jew skema bħal dawn, f'Malta jew barra minn Malta, dwar spejjeż għall-ivvjaġġar, għall-provvediment lil dawn il-persuni ta' akkomodazzjoni residenzjali u għall-provvediment ta' kull faċilità jew servizz ieħor li għandu x'jaqsam ma' dan kollu.

Setgħat ta'  
Jobsplus dwar  
it-taħriġ.

**18.** (1) Bil-għan li jiġi nkoragġit taħriġ xieraq permezz ta' korsijiet jew skemi oħra maħsubin bl-artikolu 17, Jobsplus tista' -

(a) tippovdi jew tassigura l-provvediment ta' dawk il-korsijiet jew skemi oħra skont ma tista' tqis xieraq, filwaqt li tagħti każ ta' kull kors jew skema oħra li jkun disponibbli;

(b) tapprova dawk il-korsijiet u skemi provduti minn persuni oħra;

(c) tagħmel arrangamenti biex isiru eżamijiet għall-għażla u eżamijiet jew metodi oħra għall-aċcertament ta' ksib ta' livelli rakkomandati minnha u tista' tagħti ċertifikati dwar il-ksib ta' dawk il-livelli;

(d) tassisti kull persuna fit-tfittxija ta' faċilitajiet għat-taħriġ tagħha meta hi ma tkunx tista' tippovdi dak it-taħriġ;

(e) twettaq jew tassisti persuni oħra li jagħmlu riċerka f'kull haġa li għandha x'taqsam mas-servizzi ta' taħriġ li toffri Jobsplus.

(2) Jobsplus tista' tagħmel kuntratti ta' servizz ma' kull persuna li tkun bihsiebha tattendi korsijiet jew tivvantagġja ruħha minn xi skema oħra provduta minnha.

(3) Jobsplus tista' -

(a) fuq talba ta' xi prinċipal tagħti kull parir dwar it-taħriġ li hu konness mal-attivitajiet tiegħu;

(b) tagħmel kull ftehim ma' prinċipali dwar il-ħlasijiet li jsiru minnhom lil Jobsplus dwar it-twettiq ta' xi wahda mill-funzjonijiet ta' Jobsplus.

(4) Jobsplus tista' -

(a) tagħmel għotjiet jew tagħti self lil persuni li jipprovdu korsijiet jew skemi oħra approvati minn Jobsplus;

(b) tħallas *allowances* lil persuni li jipprovdu tagħlim ulterjuri lil dawk il-persuni li jibqgħu jitgħallmu filwaqt li jitharrġu f'korsijiet jew skemi oħra provduti jew approvati minn Jobsplus;

(c) tħallas lil persuni f'konnessjoni ma' arrangamenti li bihom huma jew l-impjegati tagħhom ikunu jistgħu jidhlu għal korsijiet jew skemi oħra provduti jew approvati minn Jobsplus.

**19.** (1) Hadd ma jista' jimpjega *trainee* mingħajr il-permess bil-miktub ta' Jobsplus fejn għandu jkun hemm imsemmi l-ogħla numru ta' *trainees* li jistgħu jkunu impjegati: Skemi.

Izda ebda permess bħal dan ma jingħata taht dan l-artikolu għall-impjieg ta' *trainees* ħlief jekk abbozz ta' skema jew ftehim li jinkludi dispożizzjonijiet dwar il-taħriġ u kondizzjonijiet ta' impjieg ta' *trainee* ikun gie magħmul qabel mill-persuna li tapplika għall-permess u approvat minn Jobsplus u ħlief jekk dik il-persuna turi għas-sodisfazzjon ta' Jobsplus li l-istabbiliment tagħha joffri opportunitajiet xierqa għat-taħriġ tajjeb tan-numru ta' *trainees* li bi hsiebha timpjega fih.

(2) Kull persuna li tikser xi dispożizzjoni tas-subartikolu (1) tkun hatja ta' reat kontra dan l-Att.

**20.** (1) Meta jimpjega *trainee*, prinċipal għandu jagħmel ftehim bil-miktub miegħu. Ftehim bil-miktub.

(2) Jekk dak it-*trainee* ikun minorenni, huwa ma jistax hekk jintrabat ħlief bil-permess tal-ġenitur tiegħu jew, jekk m'hemmx ġenitur, bil-kunsens tal-persuna li jkollha l-ħarsien legali tagħha.

(3) Minorenni li jintrabat bħala *trainee* kif hemm fis-subartikolu (2), ikun marbut bil-ftehim għaž-żmien kollu li jibqa' jgħodd ukoll jekk, matul dan iż-żmien, ikun għalaq it-tmintax-il sena.

**21.** (1) Ebda ftehim ta' *traineeship* jew skema oħra ma għandu jorbot sakemm u jekk ma jkunx registrat ma' Jobsplus skont id-dispożizzjonijiet ta' dan l-Att. *Traineeship.*

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(2) Meta Jobsplus tkun qiegħda tirreġistra dak il-ftehim, hija għandha tiżgura li:

(a) dak il-ftehim ikun konformi mad-dispożizzjonijiet tal-iskema ta' *traineeship* jew skema oħra li tkun tapplika f'dak iż-żmien;

(b) il-prinċipal u t-*trainee* ikunu persuni xierqa li jidhlu għal dak il-ftehim.

(3) Il-ftehim għandu jkollu l-informazzjoni li ġejja kif ukoll xi informazzjoni oħra ddeterminata minn Jobsplus minn żmien għal żmien:

(a) id-dettalji ta' prinċipal, tat-*trainee* u tal-impjeg;

(b) it-tul ta' żmien li jkopri l-ftehim;

(c) id-drittijiet u l-obbligi tat-*trainees* u ta' prinċipal matul l-iskema;

(d) id-drittijiet u l-obbligi ta' Jobsplus matul l-iskema;

(e) il-kondizzjonijiet tax-xogħol offruti lit-*trainees*; u

(f) il-kalkolu tal-*allowance* għat-taħriġ tat-*trainee*.

(4) Jobsplus għandha żżomm Reġistru ta' *Trainees* u kull ftehim ikun reġistrat fih.

(5) Id-data ta' reġistrazzjoni ma għandhiex tolqot id-data ta' bidu fis-sehħ ta' ftehim, iżda r-rifjut li jiġi reġistrat ftehim jagħmel dak il-ftehim null u bla effett mid-data tar-rifjut tiegħu. Id-data tal-bidu fis-sehħ ta' ftehim tkun id-data tal-iffirmar mill-partijiet kollha jew dik id-data l-oħra li tista' tissemma fil-ftehim.

(6) Parti li tħoss ruħha aggravata b'deċiżjoni ta' Jobsplus taħt dan l-artikolu tista', fi żmien ħmistax-il jum tax-xogħol mid-data meta tiġi notifikata bil-miktub dwar dik id-deċiżjoni, tressaq appell quddiem l-Awtorità.

Trasferiment ta' ftehim.

**22.** (1) Il-jeddijiet u dmirijiet ta' kull prinċipal taħt xi ftehim jistgħu, bil-kunsens ta' Jobsplus, jiġu trasferiti fuq prinċipal ieħor.

(2) Bla ħsara għad-dispożizzjonijiet tas-subartikolu (4), ebda tali trasferiment ma jkun komplut sakemm ma jkunx reġistrat ma' Jobsplus.

(3) Jobsplus tista' tirrifjuta li tirreġistra kull trasferiment illi fil-fehma tagħha mhuwiex fl-interess tat-*trainee*.

(4) Jekk persuna tiġi impjegata bħala *trainee* minn soċjetà, il-ftehim tagħha ma jintemmx minhabba li xi soċju jmut jew jirtira, jekk in-negozju tas-soċjetà jissokta minn xi persuna oħra jew soċjetà oħra; u l-jeddijiet u dmirijiet tal-prinċipal taħt il-ftehim għandhom jitqiesu li ġew mgħoddija lill-persuna jew soċjetà li tissokta n-negozju.

23. Waqt il-perjodu ta' xi tilwim bejn prinċipal u t-*trainee*, il-prinċipal hu intitolat li, mid-data li fiha jirrapporta ċ-ċirkostanzi lill Jobsplus, jissospendi lit-*trainee* mix-xogħol.

Tilwim bejn prinċipal u *trainee*.

24. Ebda haġa li tinsab f'dan l-Att ma għandha tolgot -

Jeddijiet ta' prinċipal u ta' *trainee*.

(a) xi jedd li *trainee* jista' jkollu biex jibda proċedimenti ċivili kontra l-prinċipal tiegħu dwar xi ksur jew nuqqas ta' tharis ta' xi dispożizzjoni ta' ftehim jew xi kondizzjoni li tinsab fih;

(b) kull jedd li prinċipal jista' jkollu biex jibda proċedimenti ċivili kontra *trainee* dwar xi ksur tal-pattijiet jew xi nuqqas ta' tharis tad-dispożizzjonijiet tal-ftehim jew ta' xi kondizzjoni li tinsab fih.

25. (1) Jobsplus ikollha s-setgħa li tagħmel dik l-ispezzjoni u dak l-istharrig li jkunu meħtieġa sabiex tiżgura li *trainees* qegħdin jitharrġu kif jixraq.

Setgħa ta' Jobsplus li tiżgura taħriġ xieraq.

(2) Jekk fil-fehma ta' Jobsplus xi *trainee* ma jkunx qed jieħu taħriġ xieraq, Jobsplus tista' tordna lill-prinċipal tat-*trainee* sabiex jieħu dik l-azzjoni, imsemmija fl-ordni, li Jobsplus jidhrilha meħtieġa biex tiżgura li t-*trainee* ikollu taħriġ xieraq, u tista' tirtira jew tibdel kull ordni bħal dik.

(3) F'kull ordni bħal dik, Jobsplus tista', bla ħsara għad-dispożizzjonijiet ta' xi skema li tgħodd għall-każ, tispeċifika x-xorta ta' xogħol li fih it-*trainee* għandu jitharreġ, il-perjodi li fihom, kull kemm żmien jew id-dati li bejnhom huwa għandu hekk jitharreġ, il-kondizzjonijiet dwar sorveljanza, il-metodu jew il-post tax-xogħol, u kull haġa jew kondizzjoni oħra dwar it-taħriġ.

26. Il-Ministru jista', wara konsultazzjoni ma' Jobsplus, jaħtar dawk il-Bordijiet għall-Ittestjar ta' Snajja' li jistgħu jidhrulu meħtieġa sabiex imexxu l-eżamijiet ta' kandidati bil-ħsieb li tiġi stabbilita l-proficjenza tagħhom f'xi sengħa, li tkun giet miksuba permezz ta' tagħlim mhux formali u informali.

Ittestjar ta' snajja'.

A 2044

*Standards*  
Okkupazzjonali  
Nazżjonali.

**27.** Fl-assenza ta' *Standards* Okkupazzjonali Nazżjonali, il-Ministru responsabbli għall-edukazzjoni jista', b'konsultazzjoni ma' Jobsplus, jagħmel regolamenti għat-twaqqif ta' *standards* ta' kompetenza f'xogħlijiet differenti u ċ-ċertifikazzjoni ta' persuni li jkunu laħqu dawn l-*istandards*.

Ċertifikat ta'  
Kompetenza.

**28.** (1) Biex jingħata Ċertifikat ta' Kompetenza, kandidat irid ikun għadda b'suċċess mill-komponenti kollha.

(2) Kandidati li jfallu l-assessjar f'xi parti jew fil-partijiet kollha jingħataw il-possibbiltà li japplikaw biex joqogħdu għall-assessjar mill-ġdid.

Miżata  
amministrattiva.

**29.** (1) Kandidati li japplikaw għall-assessjar għandhom iħallsu għal miżata amministrattiva, li jistgħu jiġu riveduti minn żmien għal żmien minn Jobsplus.

(2) Kandidati li japplikaw għal Test ta' Snajja' għandu jkollhom mill-inqas sena waħda esperjenza fix-xogħol li japplikaw għalih.

L.S. 327.432

(3) Meta jsir Ittestjar ta' Snajja' taħt ir-regolamenti li jagħmlu validu tagħlim mhux formali u informali, il-kriterju ta' eliġibiltà applikabbli għall-kandidati li japplikaw għall-assessjar għandu jkun konformi mar-Regolamenti dwar il-Validazzjoni ta' Tagħlim Mhux Formali u Informali.

(4) Kandidati bla impjeg ikunu eżentati milli jħallsu l-miżata amministrattiva.

#### TAQSIMA IV

##### Dispożizzjonijiet Amministrattivi u Finanzjarji dwar Jobsplus

Impjegati ta'  
Jobsplus.

**30.** (1) Bla ħsara għad-dispożizzjonijiet tal-Kostituzzjoni ta' Malta u ta' kull liġi oħra li tapplika għal dan, magħdud dan l-Att, Jobsplus, bi ftehim mal-Ministru, tista' taħtar dawk l-uffiċjali u impjegati oħra taħt dawk il-pattijiet u l-kundizzjonijiet ta' impjeg li Jobsplus tista', minn żmien għal żmien, tiddetermina.

(2) Uffiċjali pubbliċi li jkunu ssekondati sabiex jaqdu dmirijiet ma' Jobsplus għandhom jaqgħu taħt l-awtorità amministrattiva u l-kontroll ta' Jobsplus, iżda għandhom għal kull fini u għan ieħor jibqgħu u jitqiesu u jiġu trattati bħala uffiċjali pubbliċi.

Dhul kapitali ta'  
Jobsplus.

**31.** (1) Jobsplus għandha tithallas mill-Fond Konsolidat dawk l-ammonti li l-Kamra tista' tapprova kif hawn provdut fid-dispożizzjonijiet li ġejjin:

Iżda għar-rigward tal-funzjonijiet tagħha, hliet dawk li għandhom x'jaqsmu mal-funzjoni tagħha bħala servizz ta' impjeggi għall-finijiet tal-artikolu 110 tal-Kostituzzjoni, xejn f'dan l-Att ma għandu jwaqqaf lil Jobsplus milli tidhol għal arrangamenti biex iġġib parti mill-fondi tagħha minn sorsi li ma jkunux fondi pubbliċi.

(2) Jobsplus għandha tiegħu hsiieb ttejjji kull sena finanzjarja, u għandha mhux iktar tard minn sitt ġimgħat qabel ma tgħaddi kull sena bħal dik tadotta, estimi tad-dhul u nfiq ta' Jobsplus għas-sena finanzjarja li tahbat minnufih wara.

(3) L-estimi għandhom isiru f'dik il-forma u għandu jkun fihom dak it-tagħrif u dawk il-paraguni ma' estimi ta' qabel kif il-Ministru jista' jordna.

(4) Jobsplus għandha, fi żmien l-ewwel tliet xhur tas-sena finanzjarja, ttejjji rapport dwar l-attivitajiet tagħha matul is-sena ta' qabel, li jkun fih dak it-tagħrif dwar il-funzjonijiet u attivitajiet ta' Jobsplus kif il-Ministru jista' minn żmien għal żmien jehtieg.

(5) Kopja tal-estimi ta' Jobsplus, flimkien ma' kopja tar-rapport, għandha, malli l-estimi jigu adottati mill-Bord, tintbagħat lill-Ministru minnufih.

(6) Il-Ministru għandu, mal-ewwel opportunità, iżda mhux iktar tard minn erba' ġimgħat wara li jkun irċieva kopja tal-estimi u tar-rapport ta' Jobsplus jew, jekk f'dak iż-żmien il-Kamra ma tkunx qed tiltaqa', fi żmien erba' ġimgħat mill-bidu tas-sessjoni li tiġi minnufih wara, jiegħu hsiieb li dawk l-estimi u dak ir-rapport jitqiegħdu quddiem il-Kamra flimkien ma' mozzjoni li l-Kamra tapprova l-imsemmija estimi. Għandha tingħata mhux anqas minn seduta waħda biex il-Kamra tiddiskuti dik il-mozzjoni; u kemm dik il-mozzjoni kif ukoll l-approvazzjoni tal-estimi mill-Kamra jistgħu jkunu b'emendi għall-estimi jew mingħajr emendi.

(7) Ma jista' jsir ebda nfiq minn Jobsplus kemm-il darba ma jkunx approvat mill-Kamra:

Iżda -

(a) sakemm jgħaddu sitt xhur mill-bidu ta' sena finanzjarja jew sakemm ikun hemm l-approvazzjoni tal-estimi għal dik is-sena, Jobsplus tista' tagħmel jew tidhol għal infiq biex taqdi l-funzjonijiet tagħha skont dan l-Att ta' mhux iktar b'kollox minn nofs l-ammont approvat mill-Kamra għas-sena finanzjarja ta' qabel;

(b) infiq approvat dwar kap jew sottokap tal-estimi jista', bl-approvazzjoni tal-Ministru, isir dwar kap jew sottokap ieħor tal-estimi;

(c) jekk dwar xi sena finanzjarja jinstab li l-ammont approvat mill-Kamra ma jkunx biżżejjed jew tinqala' l-ħtieġa għal infiq li ma jkunx provdut għalih fl-estimi, Jobsplus tista' tadotta estimi supplimentari għall-approvazzjoni tal-Kamra u, sakemm tingħata dik l-approvazzjoni iżda bil-kundizzjoni li din tingħata, Jobsplus tista' f'ċirkostanzi speċjali u bl-approvazzjoni tal-Ministru tagħmel l-infiq relattiv; u d-dispożizzjonijiet ta' dan l-Att applikabbli għall-estimi għandhom, sa fejn ikun prattikabbli, japplikaw għal estimi supplimentari.

(8) L-estimi u l-estimi supplimentari kollha approvati mill-Kamra għandhom, malajr kemm jista' jkun, jiġu pubblikati fil-Gazzetta.

Kontijiet u verifika.

**32.** (1) Jobsplus għandha tieħu ħsieb li żżomm kontijiet xierqa u *records* oħra dwar ix-xogħol tagħha, u għandha tieħu ħsieb li tfejji prospett ta' kontijiet dwar kull sena finanzjarja.

(2) Il-kontijiet ta' Jobsplus għandhom jiġu verifikati minn awditur jew awdituri nominati minnha u approvati mill-Ministru:

Iżda l-Ministru responsabbli għall-finanzi jista' jeħtieġ li l-kotba u l-kontijiet ta' Jobsplus jiġu verifikati jew eżaminati mill-Awditur Ġenerali li għal dan il-għan ikollu s-setgħa li jagħmel kull verifika fiżika u l-verifiki l-oħra, u jista' jitlob dik l-informazzjoni, li jidhirlu meħtieġa.

(3) Wara li tispicċa kull sena finanzjarja, u fl-istess żmien li fih kopja tal-estimi ta' Jobsplus tintbagħat lill-Ministru skont l-artikolu 31, Jobsplus għandha tieħu ħsieb li kopja tal-prospett tal-kontijiet verifikati kif imiss tintbagħat lill-Ministru flimkien ma' kopja ta' kull rapport magħmul mill-awditur jew mill-awdituri fuq dak il-prospett jew il-kontijiet ta' Jobsplus.

(4) Il-Ministru għandu jieħu ħsieb li kopja ta' kull prospett u rapport bħal dawk jitqiegħdu fuq il-Mejda tal-Kamra flimkien mal-mozzjoni mqiegħda fuq il-Mejda tal-Kamra skont l-artikolu 31.

Setgħa li tissellef kapital.

**33.** (1) Jobsplus tista', bl-approvazzjoni bil-miktub tal-Ministru mogħtija wara li jkun ikkonsulta mal-Ministru responsabbli għall-finanzi, tissellef jew tigbor flus b'dak il-mod, minn dik il-persuna, korp jew awtorità, taħt dawk il-pattijiet u kundizzjonijiet u b'dik il-garanzija li tista' tqis xierqa, għal xi wieħed jew aktar mill-

għanjiet li ġejjin:

- (a) it-tweqqiq tal-funzjonijiet ta' Jobsplus taht dan l-Att;
- (b) kull infiq ieħor li jista' jiġi addebitat lill-kont kapitali.

(2) Jobsplus tista' wkoll minn żmien għal ieħor, tissellef permezz ta' *overdraft* jew b'mod ieħor, għal perjodi li ma jeċċedux tnaħ-il xahar, dawk l-ammonti li tista' tinħtieġ biex twettaq il-funzjonijiet tagħha skont dan l-Att:

Iżda tkun meħtieġa l-approvazzjoni bil-miktub tal-Ministru għal kull ammont li jeċċedi erba' mija u ħamsin elf euro (€450,000).

(3) Meta jkun meħtieġ li Jobsplus tieħu b'self mingħand il-Gvern xi ammonti li jkollha bżonn biex twettaq il-funzjonijiet tagħha taht dan l-Att, il-Ministru responsabbli għall-finanzi jista', wara li jikkonsulta mal-Ministru, b'ordni taht il-firma tiegħu u bla ħtieġa ta' ebda approprjazzjoni oħra ħlief dan l-Att, jawtorizza lill-*Accountant General* li jsellef lil Jobsplus jew minn xi self miftiehem jew magħmul għal dak l-għan jew mill-Fond Konsolidat; u dak is-self għandu jsir taht dawk il-pattijiet u kundizzjonijiet li l-Ministru responsabbli għall-finanzi jista' jordna.

(4) Il-Ministru responsabbli għall-finanzi jista', għal kull ħtieġa ta' Jobsplus ta' natura kapitali, jikkuntratta jew jissellef flus, jew jidħol f'obbligi, għal dak iż-żmien u taht dawk il-pattijiet u kundizzjonijiet kif hu jista' jidhirlu xierqa; u kull ammont dovut dwar jew konness ma' kull self jew obbligu bħal dan ikun piż fuq il-Fond Konsolidat.

(5) Avviż dwar self, obbligi finanzjarji jew avvanzi li jkunu magħmula jew li Jobsplus tkun daħlet għalihom skont id-dispożizzjonijiet ta' qabel ta' dan l-artikolu, għandu jingħata mill-Ministru lill-Kamra malajr kemm jista' jkun.

**34.** Jobsplus għandha tkun eżentata minn kull responsabbiltà għall-ħlas ta' taxxa fuq l-*income* u taxxa fuq dokumenti taht kull liġi li fiż-żmien tkun fis-seħħ.

Eżenzjoni minn ċerti taxxi u dazji.

## TAQSIMA V

*Records* ta' Impjiegi

A 2048

Reġistrazzjoni ta' persuni impjegati jew ta' persuni li jkunu qegħdin ifittxu impjieg.

**35.** (1) Jobsplus tista' tagħmel dispożizzjonijiet amministrattivi kif ikunu approvati mill-Bord taħt dan l-artikolu li jippreskrivu r-reġistrazzjoni u ż-żamma ta' *records* ta' persuni impjegati jew persuni li jkunu qegħdin ifittxu impjieg f'Malta.

(2) Mingħajr preġudizzju għad-dispożizzjonijiet ta' xi liġi oħra applikabbli, Jobsplus tista' tagħmel ukoll dispożizzjonijiet għall-iżvelar ta' xi dettalji mogħtija skont dan l-artikolu, jew skont l-artikolu 46, biex tippreskrivi l-kondizzjonijiet li taħthom *records* ta' dettalji bħal dawn jistgħu jinżammu u biex tesiġi li *records* bħal dawn jinqerdu wara perjodu kif jista' jkun preskritt.

Avviż mill-prinċipali.

**36.** Kull prinċipal, li jimpjega persuna oħra *whole-time, part-time* jew b'xi mod ieħor b'kuntratt definit jew indefinit jew fuq *probation* għandu javża lil Jobsplus dwar dan l-impjieg b'mezzi li jistgħu jiġu stabbiliti minn Jobsplus minn żmien għal żmien.

Persuni li jahdmu għal rashom.

**37.** Kull persuna, minn hawn 'il quddiem imsejha "persuna li taħdem għal rasha", li tidhol f'impjieg bi qligħ *whole-time, part-time* jew b'xi mod ieħor, hliet f'kuntratt ta' xogħol ma' persuna li timpjega nies, għandha tavża lil Jobsplus dwar dan l-impjieg b'mezzi stabbiliti minn Jobsplus minn żmien għal żmien.

Avviż dwar impjieg waqt li persuna tkun tirreġistra għal xogħol.

**38.** Kull persuna li, waqt li tirreġistra ma' Jobsplus bhala persuna li qed tfittex impjieg tkun impjegata ma' xi persuna oħra, jekk *whole-time, part-time* jew b'xi mod ieħor, u kemm jekk b'kuntratt definit jew indefinit jew fuq *probation*, għandha tavża lil Jobsplus dwar dan l-impjieg b'mezzi stabbiliti minn Jobsplus minn żmien għal żmien.

Tifsir ta' "tkun qed taħdem".

**39.** Għall-finijiet ta' dan l-Att, persuna li tkun qed taħdem f'xi post tax-xogħol titqies li tkun impjegata jew taħdem għal rasha.

Tmiem tal-kuntratt ta' impjieg.

**40.** (1) Meta kuntratt ta' xogħol jitwaqqaf il-prinċipal għandu, fi żmien erbat ijiem mid-data ta' tmiem tal-impjieg, javża lil Jobsplus b'mezzi kif minn żmien għal żmien ikunu stabbiliti, bid-data tat-tmiem tal-kuntratt. Jobsplus imbagħad għandha tibgħat dikjarazzjoni ta' għarfien dwar dan kmieni kemm jista' jkun.

(2) Id-dispożizzjonijiet tas-subartikolu (1) għandhom japplikaw *mutatis mutandis* għal kull persuna li taħdem għal rasha, meta dik il-persuna tiegħ minn xogħol bi qligħ.

*Records* rigward *traineeship*.

**41.** (1) Kull prinċipal li jkun marbut bi ftehim rigward *traineeship* kif imfisser bil-liġi għandu f'kull hin iżomm dawk ir-*records* ta' kull *trainee* li jistgħu jkunu determinati minn Jobsplus.

(2) Kull persuna li tkun qiegħda jew kienet prinċipal li hemm referenza għaliha hawn qabel għandha iżomm *records* magħmulin

skont is-subartikolu preċedenti għal perjodu ta' tliet snin sussegwenti għad-data tar-*record*, u għandha, fuq talba ta' Jobsplus magħmula fil-perjodu msemmi ta' tliet snin, tipproduċi dawn ir-*records* għal skrutinju.

(3) Kull persuna li tikser xi waħda mid-dispożizzjonijiet ta' dan l-artikolu msemmijin qabel, jew li tonqos milli tagħmel dak mitlub minnha li jaqa' taħt dan l-artikolu, tkun haġja ta' reat kontra dan l-Att.

**42.** (1) L-ebda persuna ma tista' timpjega minorenni ta' età ta' skola obbligatorja ħlief: Minorenni.

(a) fejn il-Ministru responsabbli għall-edukazzjoni jagħti permess bil-miktub li tħaddem dak il-minorenni skont id-dispożizzjonijiet tal-Att dwar l-Edukazzjoni; jew Kap. 327.

(b) taħt xi skema ta' taħriġ approvata mill-Ministru responsabbli għall-edukazzjoni skont id-dispożizzjonijiet tal-Att dwar l-Edukazzjoni jew kif ikun previst dwar dan f'kull liġi oħra: Kap. 327.

Izda prinċipal ikun marbut li jiżgura li l-kondizzjonijiet, jekk ikun hemm, imniżżlin fl-imsemmi permess bil-miktub jew skema ta' taħriġ ikunu rispettatti.

(2) Kull persuna li ma tosservax xi dispożizzjoni ta' dan l-artikolu tkun haġja ta' reat kontra dan l-Att.

**43.** Kull prinċipal li jimpjega xi persuna li ma tkunx ċittadina ta' Malta, ħlief fir-rigward ta' persuna li jkollha permess waħdieni jew liċenza ta' impjieg, ikun haġi ta' reat. Impjieg ta' persuni li mhumiex ċittadini ta' Malta.

**44.** Kull prinċipal għandu jissottometti lil Jobsplus lista ta' impjegati u, jew *trainees*, li kienu impjegati miegħu f'xi żmien kif mitlub minn Jobsplus. Lista ta' impjegati u *trainees*.

**45.** Kull persuna li ma tosservax xi dispożizzjoni ta' din it-Taqsima tkun haġja ta' reat kontra dan l-Att. Reati kontra d-dispożizzjonijiet ta' din it-Taqsima.

TAQSIMA VI

Infurzar, Reati u Pieni

Infurzar.

**46.** (1) Il-Ministru jista' bil-miktub jinnomina ufficjali ta' Jobsplus jew lil kull persuna oħra li hu jispeċifika, biex ikunu spetturi għall-għanijiet ta' dan l-Att.

(2) Spetturi taħt dan l-Att ikollhom dawk il-funzjonijiet u d-dmirijiet li jistgħu jkunu preskritti.

(3) Spetturi hekk nominati kif imsemmi hawn qabel ikollhom is-setgħa -

(a) li jidhlu bla tfixkil u mingħajr ma qabel javżaw f'kull hin xieraq f'kull fond jew post sugġett għall-ispezzjoni taħt dan l-Att;

(b) li jagħmlu f'kull fond jew post bħal dan kull eżami, test jew stħarriġ li huma jidhrihom meħtieġa sabiex jaraw jekk id-dispożizzjonijiet ta' dan l-Att jew ta' xi regolamenti jew ordnijiet taħtu kif ukoll kull kondizzjoni ta' impjieg magħrufa humiex qegħdin jigu mharsa, u b'mod partikolari -

(i) li jagħmlu mistoqsijiet, weħidhom jew quddiem ix-xhieda, lill-prinċipal jew lill-impjegati jew *lit-trainees* fuq kull haġa minn dawk imsemmijin;

(ii) li jordnaw li juruhom kotba, registri jew dokumenti oħra li skont dan l-Att jew xi ordni maħruġ taħtu għandhom jinżammu u li jikkopjaw dawk id-dokumenti jew jieħdu estratti minnhom;

(iii) li jsejġu lil prinċipali u, jew persuni li jaħdmu għal rashom u impjegati biex imorru fl-Uffiċċju Ewlieni ta' Jobsplus, biex jersqu quddiem spettur fi żmien raġonevoli biex iwieġbu mistoqsijiet, jew jagħtu informazzjoni, relatati ma' impjieg.

(4) Fl-okkażjoni ta' żjara ta' spezzjoni, spettur għandu jgħarraf lill-prinċipal jew lir-rappreżentant tiegħu bil-preżenza tiegħu, kemm-il darba huwa ma jidhirlux illi dik it-tagħrif ta' tista' tkun ta' ħsara għall-qadi ta' dmirijietu.

(5) Il-fondi u postijiet sugġetti għall-ispezzjoni taħt dan l-Att huma kull fond jew post li dwaru jgħoddu xi dispożizzjonijiet ta' dan l-Att jew ta' xi regolament jew ordni taħtu jew xi kondizzjonijiet ta' impjieg magħrufa jew kull fond jew post li dwaru spettur ikollu

għalfejn jaħseb li jgħoddu d-dispożizzjonijiet ta' dan l-Att jew regolamenti jew ordnijiet taħtu jew kondizzjonijiet ta' impjeg maghrufa.

47. (1) Hadd ma għandu jindaħal jew jittanta jindaħal b'mod mhux xieraq direttament jew indirettament għalih innifsu jew għal xi haddiehor, fix-xogħol tal-Awtorità, Jobsplus, jew tal-membri jew diretturi tagħhom, jew persuni impjegati minnhom, fit-twettiq tal-funzjonijiet tagħhom taħt dan l-Att.

Indhil mhux xieraq.

(2) Kull persuna li tikser xi waħda mid-dispożizzjonijiet ta' qabel ta' dan l-artikolu tkun haġja ta' reat kontra dan l-Att.

48. Kull persuna li, dwar xi haġja taħt dan l-Att -

Tagħrif falz, eċċ.

(a) tagħti xi tagħrif li tkun taf li huwa falz f'xi punt importanti, jew mingħajr ma jimpurtaha tagħti xi tagħrif li jkun falz f'xi punt importanti; jew

(b) bil-ħsieb li tinganna, tipproduci, tagħti, tibgħat jew xort'ohra tagħmel użu minn xi dokument li jkun falz f'xi punt importanti; jew

(c) xjentement tirrifjuta li tagħti jew mingħajr raġuni legittima (li l-prova tagħha tkun għall-karigu tagħha) ma tagħtix, xi tagħrif importanti,

tkun haġja ta' reat skont dan l-Att u tehel, meta tinstab haġja, multa ta' mhux inqas minn ħames mitt euro (€500) iżda mhux iżjed minn elfejn u ħames mitt euro (€2,500) jew prigunerija għal perjodu ta' mhux aktar minn sena, jew għal dik il-multu u prigunerija flimkien.

49. Kull min -

Reati dwar traineeship.

(a) jikser jew jonqos milli josserva d-dispożizzjonijiet tal-artikolu 41; jew

(b) xjentement jew mingħajr ma jimpurtah jagħmel xi dikjarazzjoni mhux korretta jew iniżżel notament mhux korrett f'xi ktieb jew rapport miżmum jew mogħti bis-saħħa tat-Taqsima V jew ta' regolamenti magħmulin bis-saħħa tagħha; jew

(c) jirrifjuta jew jonqos li jwieġeb mill-aħjar li jaf għal kull mistoqsija li uffiċjal ta' Jobsplus jew spettur ikun għamillu fil-qadi tal-funzjonijiet tiegħu taħt it-Taqsima V; jew

(d) jirrifjuta jew jonqos li josserva xi htigiet debitament

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previsti taħt dan l-Att; jew

(e) ifixkel lil Jobsplus jew lir-rappreżentanti tagħha jew spettur fil-qadi tal-funzjonijiet tagħhom taħt dan l-Att,

ikun ħati ta' reat kontra dan l-Att.

Reati kontra l-artikoli 15 jew 40.

**50.** Kull persuna li tkun ħatja ta' reat kontra dan l-Att taħt l-artikoli 15 jew 40 teħel, meta tinstab ħatja, multa ta' mhux inqas minn elfejn u ħames mitt euro (€2,500) iżda mhux iżjed minn ħmistax-il elf euro (€15,000).

Reati kontra l-artikolu 42.

**51.** Kull persuna li tikser id-dispożizzjonijiet tal-artikolu 42 teħel, meta tinstab ħatja, multa ta' mhux inqas minn elf euro (€1,000) u mhux iżjed minn ħamest elef euro (€5,000).

Reati kontra l-artikolu 43.

**52.** Kull persuna li tikser id-dispożizzjonijiet tal-artikolu 43 teħel, meta tinstab ħatja, multa ta' mhux inqas minn elfejn u ħames mitt euro (€2,500) u mhux iżjed minn ħamest elef euro (€5,000) kif ukoll is-sospensjoni tal-liċenzja applikabbli għan-negozju jew kummerċ.

Penali amministrattiva.

**53.** (a) L-ebda proċeduri m'għandhom jittieħdu kontra xi persuna għal xi reat bi ksur tal-artikoli, 36, 37, 38 u 40 fejn dik il-persuna, wara li tkun irċeviet notifika minn Jobsplus għal ħlas ta' penali ta' ħames mitt euro (€500) minhabba ksur ta' dawn l-artikoli, toqgħod għal dawn il-provvedimenti u tħallas dik il-penali lil Jobsplus f'kull każ fi żmien ħmistax-il ġurnata minn meta tkun irċeviet dik l-ittra ta' notifika.

(b) Fil-każ li dik il-penali ma tithallasx skont kif hemm imnizzel fil-paragrafu (a), dik il-persuna tkun soġġetta għal multa ta' mhux inqas minn ħames mitt euro (€500) u mhux aktar minn elfejn u ħames mitt euro (€2,500).

Piena generali.

**54.** (1) Kull min ikun ħati ta' reat kontra dan l-Att jew jonqos li jikkonforma ruħu ma' xi dispożizzjoni ta' xi regolamenti jew ordnijiet li jsiru bis-saħħa tiegħu, jehel, jekk ma jkunx hemm prevista piena partikolari għal dak ir-reat f'dan l-Att jew fir-regolamenti jew fl-ordni, meta jinstab ħati, multa ta' mhux anqas minn mitt euro (€100) u mhux iżjed minn elfejn euro (€2,000).

(2) Ebda proċedimenti ma għandhom jittieħdu kontra xi persuna għal xi reat kontra dan l-Att li ma jkunx reat kontra l-artikoli 15 u 40 tiegħu, jekk dik il-persuna, wara li tkun irċeviet ittra mingħand Jobsplus għall-ħlas ta' penali ta' mitt euro (€100) talli tkun kisret id-dispożizzjonijiet imsemmija ta' dan l-Att jew ta' xi regolamenti jew ordnijiet magħmulin bis-saħħa tiegħu, tikkonforma

ruhha ma' dawk id-dispożizzjonijiet u tħallas dik il-penali lil Jobsplus, f'kull każ, fi żmien hmistax-il jum minn meta dik il-persuna tkun irċeviet l-ittra ta' notifika.

**55.** Il-pieni msemmijin f'dan l-Att għandhom japplikaw hlief jekk il-fatt jikkostitwixxi reat aktar gravi taħt il-Kodiċi Kriminali jew kull liġi oħra, f'liema każ dak il-Kodiċi jew liġi oħra għandhom japplikaw.

Riżerva dwar il-Kodiċi Kriminali. Kap. 9.

**56.** Minkejja kull liġi oħra, il-proċedimenti għal reat taħt dan l-Att jew taħt xi regolamenti jew ordnijiet magħmulin taħtu jistgħu jinbdew f'kull żmien għeluq sitt snin mill-għemil tar-reat.

Preskrizzjoni.

## TAQSIMA VII

### Mixxellanji

**57.** (1) Mingħajr preġudizzju għall-Att dwar il-Protezzjoni u l-Privatezza tad-*Data*, minn żmien għal żmien Jobsplus tista' titlob:

Applikabbiltà tal-Att dwar il-Protezzjoni u l-Privatezza tad-*Data*. Kap. 440.

(a) kull persuna li tmexxi skola jew istituzzjonijiet oħra edukattivi jew ta' taħriġ, kif dawn it-termini huma mfissra fir-Regolamenti dwar l-Ipproċessar ta' *Data* Personali fis-Settur tal-Edukazzjoni, biex tipprovdi, b'dak il-mod kif tista' tintalab tagħmel fi żmien raġonevoli, dawk id-dettalji li Jobsplus tkun teħtieġ fir-rigward ta' studenti li jkunu qabżu l-età ta' skola obbligatorja skont id-dispożizzjonijiet rilevanti tal-Att dwar l-Edukazzjoni;

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Kap. 327.

(b) kull persuna responsabbli għall-implimentazzjoni ta' politiki dwar is-suq tax-xogħol biex tipprovdi, b'dak il-mod kif tista' tintalab tagħmel fi żmien raġonevoli, dawk id-dettalji li Jobsplus tkun teħtieġ fir-rigward ta' studenti li jkunu qabżu l-età ta' skola obbligatorja skont id-dispożizzjonijiet rilevanti tal-Att dwar l-Edukazzjoni;

Kap. 327.

(ċ) kull prinċipal u kull persuna, fi żmien raġonevoli, tipprovdi dik l-informazzjoni marbuta ma' impjiegi u materji relatati li Jobsplus tista' teħtieġ;

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Kap. 413.

(d) lill-Kummissjoni għad-Drittijiet ta' Persuni b'Diżabilità, imwaqqfa bis-saħħa tal-Att dwar Opportunitajiet Indaqs (Persuni b'Diżabilità), li tipprovd, b'kull mod li tintalab u fi żmien raġonevoli, dawk id-dettalji li Jobsplus tkun teħtieġ dwar persuni ta' bejn l-età ta' sittax-il sena u ħamsa u s-sittin sena rreġistrati f'reġistri mfasslin u miżmumin mill-Kummissjoni, biex jgħinu fit-twettiq tal-obbligi legali ta' Jobsplus sabiex din tkun tista' twettaq il-funzjonijiet tagħha li jinsabu fl-Att dwar l-Impjieġ ta' Persuni b'Diżabilità.

Kap. 210.

(2) Kull persuna li tonqos milli tissodisfa xi talba li taqa' taħt dan l-artikolu tkun haġta ta' reat taħt dan l-Att.

Dettalji li jistgħu jkunu meħtieġa.

**58.** (1) Mingħajr preġudizzju għall-ġeneralità tas-setgħat mogħtija fl-artikolu 57, id-dettalji li jistgħu jkunu meħtieġa għandhom jinkludu dawk id-dettalji relatati ma' età, ġeneru, abbiltà, kisbiet edukattivi u dettalji oħra tal-persuni li għandhom x'jaqsmu magħhom skont kif għal Jobsplus jidhru li jkunu neċessarji jew spedjenti biex jingħata parir f'waqtu dwar prospetti ta' xogħol, biex jitfasslu politiki dwar impjieġi u taħriġ, biex jitfasslu politiki rigward is-suq tax-xogħol li jkunu jistgħu jlaħħqu mal-ħtiġijiet tas-suq tax-xogħol u biex jiġi analizzat l-impatt ta' politiki u inizjattivi attivi tas-suq tax-xogħol:

Izda meta l-ipproċessar ta' *data* jkun meħtieġ għal għanijiet ta' riċerka u ta' statistika, kull *data* identifikabbli għandha tinzamm anonima, ħlief jekk, fil-każ tar-riċerka, l-identifikazzjoni tas-sugġett tad-*data* tkun meħtieġa biex l-għanijiet ta' dik ir-riċerka jintlaħqu.

(2) Fejn, għall-finijiet ta' tfassil ta' politiki dwar xogħol, taħriġ u suq tax-xogħol, ir-riċerka li tkun qed issir tkun tinħtieġ id-dettalji ta' identifikazzjoni ta' persuni, Jobsplus għandha tipproċessa *data* bħal din billi tibdel *data* ta' identifikazzjoni personali ma' *data* psewdonima, u fl-aħħarnett tillimita biss l-identifikazzjoni mill-ġdid ta' persuni għal dawk il-każijiet li speċifikament jaqgħu fil-parametri tal-politika tagħha.

(3) Meta, għall-finijiet tas-subartikoli preċedenti, *data* psewdonima tiġi pproċessata, Jobsplus għandha tiżgura li:

(a) *data* personali ma tiġix pproċessata għal xi għan ieħor li ma jkunx kompattibbli mal-għan speċifiku tal-politika tagħha;

(b) *data* li tgħin fl-attribuzzjoni ta' informazzjoni għal sugġett ta' *data* identifikat jew li jista' jiġi identifikat tinzamm separatament mid-*data* l-oħra;

(è) *data* personali ma tinzammx għal perjodu ta' żmien iktar milli jkun neċessarju u d-dettalji kollha identifikabbli għandhom isiru anonimi, imħassrin, jew meqrudin, wara t-temm tal-politika u, jew, l-implimentazzjoni tal-inizjattiva.

**59.** (1) Il-Ministru jista' jagħmel regolamenti b'mod ġenerali sabiex jagħti seħħ lid-dispożizzjonijiet ta' dan l-Att u għall-infurzar tagħhom, u b'mod partikolari, iżda minghajr preġudizzju għall-ġeneralità ta' dak imsemmi qabel - Regolamenti.

(a) sabiex jipprovdni dwar kull haġa li hi meħtieġa jew awtorizzata b'dan l-Att li tiġi preskritta;

(b) sabiex jippreskrivi s-setgħat u l-proċeduri tal-Awtorità fis-smiġħ u deċiżjoni ta' appelli taħt dan l-Att.

(2) Is-setgħa tal-Ministru li jagħmel regolamenti taħt xi dispożizzjoni ta' dan l-Att għandha tinkludi s-setgħa li jistabbilixxi l-pieni dwar xi ksur jew kontravvenzjoni tagħhom jew xi nuqqas ta' tharis tagħhom:

Iżda dawk il-pieni ma jistgħux ikunu aktar minn multa ta' hmistax-il elf euro (€15,000) jew prigunerija għal aktar minn tliet xhur.

**60.** (1) Direttur, ufficjal, impjegat, aġent jew konsulent ta' Jobsplus li jkun b'xi mod direttament jew indirettament interessat f'xi kuntratt magħmul jew maħsub li jsir minn Jobsplus jew f'xi attività jew servizz li għandhom jiġu provduti għal Jobsplus jew minnha, għandu, kemm jista' jkun malajr wara li è-ċirkostanzi relattivi jiġu għall-konjizzjoni tiegħu, juri x-xorta tal-interess tiegħu lill-Bord ta' Jobsplus. Kunflitt ta' interessi.

(2) Kull żvelar magħmul skont is-subartikolu (1) minn direttur għandu jiġi registrat fil-minuti tal-laqgħa li fiha jsir, u d-direttur -

(a) għandu, wara l-iżvelar, jirtira mis-seduta waqt li dik il-haġa qed tiġi diskussa jew deċiża mill-Bord; u

(b) ma għandux jittiehed kont tiegħu dwar il-kostituzzjoni ta' *quorum* tal-Bord għal xi diskussjoni jew deċiżjoni tali.

(3) Jobsplus għandha minghajr dewmien tinforma lill-Ministru b'kull żvelar magħmul taħt dan l-artikolu.

**61.** (1) Bla ħsara għad-dispożizzjonijiet tas-subartikoli li ġejjin, l-Att tal-1990 dwar is-Servizzi ta' Impieg u Tahriġ, hawn iżjed Thassir u Riżerva. Kap. 343.

'il quddiem imsejjah "l-Att imħassar", huwa b'dan imħassar.

(2) Sa meta jiġu revokati, jiħassru jew jiġu sostitwiti, kull skema magħmula, permess jew eżenzjoni mogħtija, kull ftehim magħmul u kull regolament jew ordni magħmul jew miżmum fis-seħħ, taħt u bis-saħħa tal-Att imħassar għandhom, minkejja t-ħassir ta' dak l-Att, ikomplu fis-seħħ u għandhom jitqiesu li saru taħt u bis-saħħa ta' dan l-Att.

(3) Kull persuna rreġistrata għal impjieg taħt l-Att imħassar għandha tkompli tgawdi l-istess prijorità dwar riferiment għal impjieg taħt dan l-Att, li għaliha kienet intitolata qabel il-bidu fis-seħħ ta' dan l-Att.

(4) Kull riferenza f'kull liġi oħra għall-Att imħassar għandha titqies li tkun riferenza għad-dispożizzjonijiet relattivi ta' dan l-Att.

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SKEDA

[Artikolu 3]

FORMA TAL-ĠURAMENT LI GĦANDU JITTIEHED  
MILL-MEMBRI TAL-AWTORITÀ

Jien ..... li ġejt maħtur Membru tal-Awtorità Nazzjonali tax-Xogħol kostitwita taħt l-Att dwar is-Servizzi ta' Impjieg u Tahriġ, b'dan naħlef illi jiena bil-fedeltà kollha u b'imparzjalità u mill-aħjar li nista' naqdi d-dmirijiet u x-xogħol li jmiss lili f'din il-kariga.

*Hekk Alla jgħini.*

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Mghoddi mill-Kamra tad-Deputati fis-Seduta Nru 168 tal-14 ta' Novembru, 2018.

ANĠLU FARRUGIA  
*Speaker*

RAYMOND SCICLUNA  
*Skrivan tal-Kamra tad-Deputati*

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I assent.

(L.S.)

**DOLORES CRISTINA**  
**Acting President**

20th November, 2018

**ACT No. XXXIX of 2018**

*AN ACT to provide for the establishment of Jobsplus and for the regulation of employment and training services, and for matters connected therewith or ancillary to, and for a National Employment Authority.*

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:-

PART I

Preliminary

Short title and commencement.

**1.** (1) The short title of this Act is the Employment and Training Services Act, 2018.

(2) This Act shall come into force on such date as the Minister may by notice in the Gazette establish, and different dates may be so established for different provisions or different purposes of this Act.

Interpretation.

**2.** In this Act unless the context otherwise requires -

"Authority" means the National Employment Authority established by article 3;

"Board" means the Board of Jobsplus;

"candidate" means a person applying for the Trade Test;

"dependants" means individuals wholly or mainly dependant for their maintenance on an individual and being in relation to such individual -

(a) the spouse, the children or stepchildren, or grandchildren if the parents are dead;

(b) if unmarried - the children, the parents, or the unmarried siblings;

(c) if a widower - the children or stepchildren and grandchildren if parents are dead;

"disability" means a long-term physical, mental, intellectual or sensory impairment which in interaction with various barriers may hinder one's full and effective participation in society on an equal basis with others;

"educational or training institutions" means any licensed school or other institution or entity offering educational services, secondary, post-secondary or tertiary level and also includes further and higher educational institutions, institutions offering formal and non-formal learning, and vocational education;

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

"further and higher education" means all non-compulsory formal, non-formal and informal learning which serves to obtain a national qualification classified up to and including level 5 of the Malta Qualifications Framework, or a foreign qualification at a comparable level;

"Jobsplus" means the Jobsplus Corporation established by article 5 and, to the extent of the authority given, includes any officer of Jobsplus duly authorised to act on its behalf;

"Minister" means the Minister responsible for employment and includes, to the extent of the authority given, any person authorised by the said Minister in that behalf for any purpose of this Act;

"parent" means the father or the mother and includes any person who has the care and custody, whether legal or actual, of a child under the age of eighteen years;

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"person" includes a body of persons and any body corporate established by law;

"prescribe" means prescribe by regulations made under this Act;

"Register" means the Register referred to in article 11;

"scheme" means a work placement scheme under this Act;

"Trade Testing Board" means a board constituted as in article 26;

"trainee" means a person, who is not of compulsory school age and who is attending formal training at Jobsplus or other courses delivered by another person approved by Jobsplus or a person attending a scheme.

## PART II

### The National Employment Authority

National  
Employment  
Authority.

**3.** (1) The President of Malta shall appoint a National Employment Authority composed of three independent persons, two other persons appearing to the President to represent the interests of employers and two other persons appearing to the President to represent the interests of employees. In this article "independent persons" means persons who are neither Government employees nor officials of any organization representing employers or employees.

(2) One of the independent members of the Authority shall be appointed by the President to be chairperson and another to be deputy chairperson.

(3) The President shall also appoint a secretary to the Authority.

(4) Every member of the Authority shall, before entering upon his duties, take an oath of office before the Attorney General in the form set out in the Schedule.

(5) Every member of the Authority shall hold office for a term of two years and if otherwise qualified may be re-appointed at the end of his term of office.

(6) The President may determine the remuneration payable to the members of the Authority.

(7) No member of the Authority may be removed from office

before the expiration of his appointment except by the President upon a resolution of the House praying for such removal on the ground of proven misbehaviour or inability to perform the functions of his office:

Provided that if the House stands dissolved or prorogued or adjourned for more than fourteen days, it shall be lawful for the President to suspend any member from his office on the ground of misbehaviour or inability to perform the functions of his office, so however, that such suspensions shall not extend beyond the first three sittings of the House immediately following the date of such suspensions.

(8) The quorum of the Authority shall be of three members, one of whom shall be the chairperson or the deputy chairperson.

(9) Subject to the provisions of sub-article (8), the Authority shall not be disqualified from the transaction of business on account of any vacancy among its members.

(10) The Director and, or any person deputed by him shall have the right to be present at all meetings of the Authority and to be heard on any matter.

(11) The proceedings of the Authority may, if the Authority so considers expedient, be conducted *in camera*.

(12) Decisions of the Authority shall be taken by majority of the votes of the members present. The chairperson or, in his absence, the deputy chairperson, shall have only a casting vote.

(13) Subject to the provisions of this Act and of any regulations made thereunder, the Authority may regulate its own proceedings.

(14) For the purposes of the following articles of the Criminal Code, that is to say, article 91, articles 115, 119 and 120, articles 124 and 125, article 133 and article 138, the members of the Authority shall be deemed to be public officers. Cap. 9.

**4.** (1) The functions of the Authority shall be:

Functions of the  
Authority.

(a) to investigate and adjudicate, in such manner as it may determine, any complaints which any interested party may bring before it regarding employment and training services provided by Jobsplus;

(b) to hear appeals as provided for in this Act;

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(c) such other functions as are or may be assigned to it by this Act or any other law.

(2) Where the Authority acts as a tribunal to hear appeals as provided in sub-article (1)(b), the following provisions shall, without prejudice to the provisions of any regulations made under article 47, apply:

(a) the Authority shall reject any appeal which is not made in writing within the time specified in the provisions of this Act allowing such appeal;

(b) the chairperson of the Authority or, in his absence, the deputy chairperson shall have the powers to summon witnesses and to administer an oath to any witness and to require him to give evidence or to produce books or other documents before it;

(c) summons for attendance of witnesses shall be signed by the chairperson or, in his absence, the deputy chairperson, and may be served either personally or by registered post, and in the latter case, in proving service, it shall be sufficient to prove that the summons was properly addressed and posted;

(d) all persons summoned to attend and give evidence at any sitting of the Authority shall be bound to obey the summons served on them; and any person refusing or omitting without sufficient cause to attend at the day, time and place mentioned in the summons served on him or to answer, to the best of his knowledge and belief, all questions put to him by or with the concurrence of the Authority, or to produce books or other documents required by the Authority to be produced before it, shall be guilty of an offence against this Act:

Provided that no person giving evidence before the Authority shall be compelled to incriminate himself and every such person shall, in respect of any evidence given by him before the Authority, be entitled to all the privileges to which a person giving evidence before a court of law is entitled in respect of evidence given by him before such court.

(3) The Authority shall, in January of each year, submit a report of its activities to the Minister who shall lay the same on the Table of the House not later than the sitting first occurring after thirty days from its receipt.

## PART III

## Jobsplus

5. There shall be a body, to be known as Jobsplus, which shall be a body corporate having a distinct legal personality and shall be capable of entering into contracts, of acquiring, holding and disposing of any property for the purpose of its functions under this Act, of suing and of being sued, and of doing all such things and entering into all such transactions as are incidental or conducive to the exercise or performance of its functions under this Act.

6. (1) The affairs and business of Jobsplus shall be the responsibility of and shall be conducted by a board of directors, which shall be known as "the Board". The legal representation of Jobsplus shall be vested in the chairperson or in any other director as the Board may by resolution designate. Any such resolution shall be published in the Gazette as soon as may be after its approval and shall not have effect until it is so published.

Jobsplus.

Conduct of  
affairs and  
business of  
Jobsplus.

(2) The Board shall consist of such number of directors, being not less than eight, as the Minister may from time to time appoint. Three of the members of the Board shall be appointed, after due consultation with the ministers concerned, from amongst such persons as best represent the ministries responsible for labour, for education and for industry. One of the members of the Board shall be a person with disability.

(3) The chairperson of the Board and a deputy chairperson shall be appointed by the Minister from amongst members of the Board.

(4) Where the chairperson is absent from Malta or is otherwise temporarily unable to perform the functions of his office, or where the post of chairperson is temporarily vacant, the deputy chairperson shall act as chairperson.

(5) The chairperson and the other directors shall be appointed yearly and shall hold office under such terms and conditions as the Minister may deem proper; and they shall be eligible for reappointment.

(6) Subject to the provisions of this Act and to any directions of the Board, the executive conduct of Jobsplus, its administration and organisation, and the administrative control of its officers and servants shall be the responsibility of the chief executive of Jobsplus

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who shall also have such other powers as may from time to time be delegated to him by the Board. The chief executive shall have the right to attend and be heard at all meetings of the Board. He shall not, however, have a vote or be counted for the purpose of constituting a quorum.

(7) The provisions of article 3(14) shall *mutatis mutandis* apply to Jobsplus, the chief executive and other employees of Jobsplus.

Disqualification for appointment, removal and resignation of directors.

7. (1) A person shall not be qualified to be appointed, or to hold office as a member of the Board if he:

(a) is a member of the House; or

(b) is legally incapacitated; or

(c) has been declared bankrupt or has made a composition or arrangement with his creditors; or

(d) has been convicted of a crime affecting public trust or theft or fraud or of knowingly receiving property obtained by theft or fraud.

(2) A member of the Board may be relieved of office by the Minister on the ground of inability to perform the functions of his office, whether due to infirmity of mind or of body, or to any other cause, or on the ground of misbehaviour.

(3) A member of the Board may resign his office by means of a letter to the Minister.

Meetings of the Board.

8. (1) The Board shall meet as often as may be necessary or expedient, but in no case less frequently than once every three months. Meetings shall be called by the chairperson either on his own initiative or at the request of any two of the other members.

(2) The Board shall not act unless a quorum consisting of not less than half the number of members is present.

(3) The meetings of the Board shall be chaired by the chairperson or, in his absence, by the deputy chairperson.

(4) The decisions of the Board shall be taken by a majority of the votes of the members present and voting; and in the case of an equality of votes the chairperson, or in his absence the deputy chairperson, shall have and exercise a second or casting vote.

(5) Any vacancy among the members of the Board, and any participation therein by a person not entitled so to do, shall not invalidate the proceedings of the said Board.

(6) Subject to the provisions of this Act, the Board may regulate its own proceedings.

**9.** (1) Jobsplus shall have such functions as are set out in this Act and such other functions as may devolve upon it under any other law, or as may be assigned to it by the Minister. Status of Jobsplus.

(2) Jobsplus shall consider any matter relating to the formulation of an overall national policy for employment and training falling within its remit, and all matters relating to any of its functions under this Act, or such other functions as are or may be assigned to it by any other law. Jobsplus shall also tender advice to the Minister or any department of the Government on any matter relating to employment or training of workers or to the labour market in general, either at the request of the Minister or on its own initiative.

(3) Jobsplus shall afford the Minister the necessary facilities for obtaining information with respect to the property and activities of Jobsplus, and furnish him with returns, accounts and other information with respect thereto, and afford him the necessary facilities for the verification of the information furnished in such manner and at such time as he may require.

(4) The Minister may, after consultation with Jobsplus, give to Jobsplus such directives in writing as he may deem appropriate, being directives of a general character not inconsistent with the provisions of this Act and Jobsplus shall comply with such directives.

(5) In carrying out any of its functions under this Act, or in any other thing or activity, Jobsplus shall conform its policies and activities with the aims and objectives of national economic planning from time to time in force.

(6) Jobsplus may, with the approval of the Minister, exercise its functions under this Act through the agency of other persons, and may act as agent or otherwise on behalf of other persons.

**10.** In relation to employment, Jobsplus shall have the following functions: Functions of Jobsplus in relation to the employment service.

(a) in general to provide and maintain an employment service to assist persons to find suitable employment and to assist employers to find suitable employees;

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(b) in particular -

(i) to register persons seeking employment in the Register;

(ii) to interview such persons and evaluate, if necessary, their physical and vocational capacity;

(iii) to assist persons seeking employment by guidance and advice on the choice of employment, and the training and retraining which may be necessary;

(iv) to obtain from employers information on vacancies and on requirements to be met by the employees they require;

(v) to refer to available employment persons with suitable skills, aptitudes and physical capacity;

(vi) to collect and analyse information about the situation of the labour market and probable changes; and

(c) to tender advice to the Minister on any matter relating to the employment or training of workers, either at the request of the Minister or on its own initiative, including proposals for regulations for such purposes or in such circumstances as in the opinion of the Minister it is necessary or expedient to make provision by regulation.

Register of persons seeking employment.

**11. (1)** Jobsplus shall maintain a Register of persons seeking employment.

(2) Any person who qualifies to be registered may seek to be registered in accordance with regulations that may be prescribed from time to time. Such regulations shall include definitions of who qualifies for registration and any Parts of the Register that may be established and the course of action to be adopted by Jobsplus in relation to the referral of persons for employment.

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(3) No person of compulsory school age shall qualify to be registered unless that person has completed his compulsory education in terms of the Education Act.

Registration for employment.

**12. (1)** Subject to the provisions of this Act and to any regulation made thereunder, the registration of persons seeking employment shall be made in such manner and shall be subject to

such formalities and conditions as Jobsplus may deem fit.

(2) At the time of first registration for employment and at any time during the period of validity of registration, Jobsplus may require the person seeking employment to furnish information or produce documents in his possession or control relating to his date of birth, previous employment, dependants, work experience, skills, competences, qualifications and other matters relevant to his registration.

(3) If any person fails to provide any information requested from him under sub-article (2), such person shall forfeit his right to registration under this article or to referral for employment under article 13, and shall be notified accordingly in writing.

(4) Any person aggrieved by a decision of the Jobsplus under this article may, within fifteen working days from the notification of such decision, appeal to the Authority.

**13.** (1) Without prejudice to the other provisions of this Act, and subject to any regulations made thereunder, in selecting persons for referral to employers, Jobsplus shall consider the persons who best satisfy the requirements of the employer on the grounds of qualifications, skills and, or competences and, or work experience as the case may be.

Referral of  
persons for  
employment.

(2) (a) In the event that any person who is registering for employment refuses to avail himself of any suitable opportunity for employment, such person shall retain his right to continue registering for employment, during the first (3) months from date of registration. However, this does not apply where the registrant refuses, without a good and sufficient reason, any training or any other assistance or service offered to him by Jobsplus.

(b) In the event that any person who has been registering for employment for a period exceeding three (3) months from the date of registration refuses, without a good and sufficient cause, to avail himself of any suitable opportunity for employment or training or of any other assistance or service offered to him by Jobsplus such person shall be struck off the register with immediate effect for a period of six (6) months.

(c) Any person who fails to acknowledge any communication by any means as may be determined by Jobsplus from time to time, with respect to any suitable opportunity for employment or training or any other assistance or service offered to him by Jobsplus shall be struck off the register with immediate effect for a

period of six (6) months.

(d) The person registering for employment may engage in a one-off work activity, consisting of a few hours and in any case not more than five (5) hours in any one week and not to exceed the amount of two hundred and forty (240) hours per annum, whilst retaining his right to remain on the Register, so long as he obtains approval beforehand, from Jobsplus, of such engagement. Under normal circumstances, this approval should be sought at least one week in advance. Should the registrant fail to inform Jobsplus and is caught working while registering, he shall be struck off the Register with immediate effect for a period of six (6) months.

(3) Any person who, whilst registering for employment, is engaged in a gainful occupation or who, without the prior permission of Jobsplus, is engaged in any occupation consisting in the provision to any person of services that are normally remunerated, shall forfeit his right to registration under article 12 or to referral for employment under this article.

(4) Any person who forfeits his right to registration or to referral under article 12 or this article shall not be entitled to be registered for employment or to referral for employment unless such person proves to the satisfaction of Jobsplus that after having forfeited such rights as aforesaid he had been gainfully occupied for a continuous period of six (6) months and has ceased to be gainfully occupied for reasons that are deemed to be good and sufficient.

(5) Any person aggrieved by a decision of Jobsplus under this article may, within fifteen working days from the notification of such decision, appeal to the Authority.

Notification of  
filling of  
vacancies.

**14.** (1) In making a request to Jobsplus for the referral of employees, an employer shall specify the qualifications, skills and competences and, or work experience of the employees he requires, the conditions of employment he offers and the number of persons to be referred to him for possible employment, so however that the employer shall have no right to indicate individual persons when making his request to Jobsplus.

(2) In referring persons for employment, Jobsplus shall seek to satisfy the needs of the employer as expeditiously as possible. The employer shall be entitled to reject any person submitted by Jobsplus.

15. (1) All employees required by the Government of Malta from outside its service or by any body corporate or company referred to in article 110(6) of the Constitution whether these are, in each case, employed on a contract for a specified time or for an indefinite period, shall, save as provided in the Constitution and in sub-articles (2) and (3), be recruited through the employment service provided by Jobsplus.

Engagement of employees by Government and Government owned or controlled bodies and companies.

(2) Where the recruitment of employees by the Government or any other employer to which sub-article (1) refers is in connection with the employment of -

(a) persons required to fill posts, on the basis of a contract for a definite time requiring a special trust or posts for which academic or professional qualifications are necessary; or

(b) persons engaged from outside Malta,

Jobsplus may cause or authorise recruitment, whether through referral by it or otherwise, under such conditions or in such manner as Jobsplus may deem appropriate:

Provided that any employee who is employed by the Government of Malta or by any body corporate or company referred to in article 110(6) of the Constitution from amongst persons who already are public officers or are employees of any other body corporate or company referred to in article 110(6) of the Constitution, then such employee shall be deemed to have been employed through the recruitment service provided by Jobsplus.

(3) Under such circumstances, and in respect of such vacancies, as may be prescribed, Jobsplus shall refer for employment with any employer as is referred to in sub-article (1), in preference to any other person, persons who, within the three (3) months immediately preceding such referral, have been discharged as redundant from such employment as may be prescribed.

(4) If upon a request for employees made to Jobsplus by a Government department or any other employer as is referred to in sub-article (1), Jobsplus is unable to submit suitable applicants, the department or other employer may recruit the employees required in virtue of such other arrangements as Jobsplus may authorise in any case or class of cases.

(5) A Government department or other employer as is referred to in sub-article (1), rejecting an applicant submitted by Jobsplus shall specify in writing the reasons for rejection. Where in any case Jobsplus, after due investigation, is satisfied that the department or

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employer has rejected an applicant without just cause, it may order the department or employer concerned to give employment to the applicant concerned in the occupation for which he was originally submitted by Jobsplus.

(6) Any person who -

(a) contravenes any of the foregoing provisions of this article; or

(b) shows favour to, or uses discrimination against, any person for employment with any employer referred to in sub-article (1) on the grounds of sex, religion or belief, economic means, race or ethnic origin, political opinion, disability, colour, sexual orientation or gender identity,

shall be guilty of an offence against this Act.

Redeployment  
of employees  
within the  
public sector.

**16. (1)** Where the Prime Minister considers that an employee, of a body or partnership referred to in article 110(6) of the Constitution who by reason of the reorganisation or restructuring of any said body or partnership may lose his employment or who has otherwise become redundant, may be redeployed in the public sector in another employment with another body or partnership as above mentioned, he may issue an order which shall order such redeployment and such order shall have effect and for the purpose of the said redeployment any employment made by the employment service provided by Jobsplus shall be made in accordance with the said order.

(2) An order issued under sub-article (1) may include such terms, conditions, provisions and time limits as the Prime Minister may consider it appropriate to include for the purpose of regulating the said redeployment or for the purpose of avoiding any undue burden, anomaly and hardship upon the employer or upon the employee or upon other employees of the body or partnership where the said employee shall have been or shall be about to be redeployed.

Functions of  
Jobsplus in  
relation to  
training.

**17. (1)** In relation to training, Jobsplus shall have the following functions:

(a) to provide training courses or other schemes for the purpose of assisting persons desiring to fit themselves for gainful occupation, or desiring to improve or update the quality of their knowledge and skills for the same purpose;

(b) to obtain information from employers regarding the number, educational level, skills and aptitudes of persons they

may require for employment both in the short term and in the long term;

(c) to enter into arrangements with the said employers, or any other person, for the provision of training courses or other schemes contemplated by this article;

(d) to provide support to Trade Testing Boards in designing and conducting assessments to ascertain a person's proficiency or competences in a particular occupation.

(2) The reference in this article to the provision of training courses or other schemes shall be construed as including a reference to the making of payments to persons who attend any such course or scheme, locally or abroad in respect of their travelling expenses, the provision of residential accommodation and to the provision of any other facility or service incidental thereto.

**18.** (1) For the purpose of encouraging adequate training through courses or other schemes contemplated in article 17, Jobsplus may -

Powers of Jobsplus in relation to training.

(a) provide or secure the provision of such courses and other schemes as it may consider adequate, having regard to any courses or schemes otherwise available;

(b) approve such courses and schemes provided by other persons;

(c) make arrangements for the application of selection assessments and of assessments or other methods for ascertaining the attainment of any standards recommended by it and may award certificates of the attainment of those standards;

(d) assist any person in finding facilities for being trained where it cannot provide such training;

(e) carry on or assist other persons in carrying on research into any matter relating to training services offered by Jobsplus.

(2) Jobsplus may enter into contracts of service with any person who intends to attend courses or avail himself of any other scheme it has provided.

(3) Jobsplus may -

(a) at the request of any employer provide advice about

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training connected with his activities;

(b) enter into agreements with employers relative to payments by them to Jobsplus in respect of the exercise by Jobsplus of any of its functions.

(4) Jobsplus may -

(a) make grants or loans to persons providing courses or other schemes approved by Jobsplus;

(b) pay allowances to persons providing further and higher education in respect of persons who receive such education in association with their training in courses or other schemes provided or approved by Jobsplus;

(c) make payments to persons in connection with arrangements under which they or their employees make use of courses or other schemes provided or approved by Jobsplus.

Schemes.

**19.** (1) No person may enrol a trainee without a written permit from Jobsplus which shall specify the maximum number of trainees that may be employed:

Provided that no such permit shall be given under this article for the enrolment of trainees unless a draft scheme or agreement which includes provisions respecting the training and conditions of employment of a trainee has been previously drawn up by the person applying therefor and approved by Jobsplus and unless such a person shows to the satisfaction of Jobsplus that his establishment offers reasonable opportunities for the proper training of the number of trainees proposed to be employed therein.

(2) Any person who contravenes any of the provisions of sub-article (1) shall be guilty of an offence against this Act.

Written agreement.

**20.** (1) An employer on engaging a trainee shall enter into a written agreement with him.

(2) If such trainee is a minor he shall not so bind himself except with the consent of his parent, or if there is no parent, with the consent of his legal guardian.

(3) A minor who binds himself as a trainee as provided in sub-article (2), shall be bound by the agreement throughout its currency notwithstanding that he may have in the meantime attained the age of eighteen years.

**21.** (1) No traineeship or other scheme agreement shall be binding unless and until it has been registered with Jobsplus in accordance with the provisions of this Act. Traineeship.

(2) When registering such agreement, Jobsplus shall ensure that:

(a) such agreement complies with the provisions of the traineeship scheme or other scheme applicable at the time;

(b) the employer and the trainee are fit and proper persons to enter into such agreement.

(3) The agreement is to contain the following information as well as other information determined by Jobsplus from time to time:

(a) details of employer, trainee and placement;

(b) agreement duration;

(c) trainees' and employers' rights and obligations during the scheme;

(d) Jobsplus' rights and obligations during the scheme;

(e) the working conditions offered to trainees; and

(f) the calculation of trainees' training allowance.

(4) Jobsplus shall keep a Register of Trainees and all agreements shall be registered therein.

(5) The date of registration shall not affect the date of commencement of the agreement, but a refusal 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.

(6) Any party aggrieved by a decision of Jobsplus under this article may within fifteen working days from the date of notification in writing of such decision appeal to the Authority.

**22.** (1) The rights and obligations of any employer under an agreement may, with the consent of Jobsplus, be transferred to another employer. Transfer of agreement.

(2) Subject to the provisions of sub-article (4) no such transfer shall be complete until it has been registered with Jobsplus.

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(3) Jobsplus may refuse to register any transfer which, in its opinion, is not in the interest of the trainee.

(4) If any person is engaged as a trainee by a partnership, his agreement shall not be terminated by reason of the death or retirement of any partner, if the business of the partnership is continued by another person or partnership; and the rights and obligations of the employer under the agreement shall be deemed to be transferred to the person or partnership continuing the business.

Dispute between an employer and a trainee.

**23.** During the period of any dispute between an employer and a trainee, the employer shall be entitled, as from the date of reporting the circumstances to Jobsplus, to suspend the trainee from work.

Rights of employer and of trainee.

**24.** Nothing contained in this Act shall affect -

(a) any right which a trainee may have to institute civil proceedings against his employer in respect of any contravention of or failure to comply with any provision of an agreement or any condition thereof;

(b) any right which an employer may have to institute civil proceedings against a trainee in respect of any contravention of or failure to comply with the provisions of the agreement or any condition thereof.

Power of Jobsplus to ascertain adequate training.

**25.** (1) Jobsplus shall have power to make inspection and enquiry as may be necessary for the purpose of ascertaining that trainees are receiving adequate training.

(2) If in the opinion of Jobsplus any trainee is not receiving adequate training, Jobsplus may order the employer of the trainee to take such action, specified in the order, as Jobsplus deems necessary to ensure that the trainee will receive adequate training, and may withdraw or vary any such order.

(3) In any such order Jobsplus may, subject to the provisions of any scheme applicable in the case, specify the areas of work on which the trainee is to be trained, the periods during which, the intervals at which or the dates between which he shall be so trained, the conditions relating to supervision, the method or place of work, and any other matters or conditions relating to the training.

Trade Testing.

**26.** The Minister may, in consultation with Jobsplus, appoint such Trade Testing Boards as he may deem necessary for the purpose of conducting the examination of candidates designed to ascertain their competence in a given occupation acquired through non-formal and informal learning.

**27.** In the absence of National Occupational Standards, the Minister responsible for education may, in consultation with Jobsplus, make regulations for the setting up of standards of competence in various occupations and the certification of persons who shall have obtained such standards.

National Occupational Standards.

**28.** (1) To be awarded a Certificate of Competence, a candidate must successfully pass from all components.

Certificate of Competence.

(2) Candidates who fail the assessment in part or in full shall be granted the possibility to apply for a resit.

**29.** (1) Candidates who apply for the assessment must pay an administration fee, which can be revised from time to time by Jobsplus.

Administration fee.

(2) Candidates who apply for the Trade Test must have at least one year work experience in the occupation applied for.

(3) When Trade Testing takes places under the regulations that validate non-formal and informal learning, the eligibility criterion applicable for candidates applying for the assessment must be in line with the Validation of Non-Formal and Informal Learning Regulations.

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(4) Unemployed candidates shall be exempt from paying the administrative fee.

#### PART IV

##### Administrative and Financial Provisions relating to Jobsplus

**30.** (1) Subject to the provisions of the Constitution of Malta and of any other enactment applicable thereto, including this Act, Jobsplus, acting with the concurrence of the Minister, may appoint such officials and other employees on such terms and conditions of employment as Jobsplus may, from time to time, determine.

Personnel of Jobsplus.

(2) Public officers seconded for duty with Jobsplus shall be under the administrative authority and control of Jobsplus, but shall for all other intents and purposes remain and be considered and treated as public officers.

**31.** (1) Jobsplus shall be paid out of the Consolidated Fund such sums as the House may approve in accordance with the following provisions:

Capital revenue of Jobsplus.

Provided that, in relation to its functions, other than those

in connection with its function as an employment service for the purposes of article 110 of the Constitution, nothing in this Act shall prevent Jobsplus from entering into arrangements for securing part of its funds from sources other than the public revenue.

(2) Jobsplus shall cause to be prepared in every financial year, and shall not later than six weeks before the end of each financial year adopt, estimates of the income and expenditure of Jobsplus for the next following financial year.

(3) The estimates shall be made in such form and shall contain such information and such comparisons with previous estimates as the Minister may direct.

(4) Jobsplus shall, within the first three months of the financial year, make a report of its activities during the previous financial year containing such information relating to the functions and activities of Jobsplus as the Minister may from time to time require.

(5) A copy of the estimates of Jobsplus, together with a copy of the report, shall, upon their adoption by the Board, be sent forthwith to the Minister.

(6) The Minister shall, at the earliest opportunity and not later than four weeks after he has received a copy of the estimates and of the report of Jobsplus, or, if at any time the House is not in session, within four weeks from the beginning of the next following session, cause such estimates and such report to be laid before the House together with a motion that the House approve the said estimates. Not less than one sitting shall be allotted for the debate in the House on such motion; and both the motion and the approval of the estimates by the House may be with or without amendment to the estimates.

(7) No expenditure shall be incurred by Jobsplus that has not been approved by the House:

Provided that -

(a) until the expiration of six months from the beginning of a financial year or until the approval of the estimates for that year, Jobsplus may make or incur expenditure for carrying out its functions under this Act not exceeding in the aggregate one half of the amount approved for the preceding financial year;

(b) expenditure approved in respect of a head or sub-

head of the estimates may, with the approval of the Minister, be incurred in respect of another head or sub-head of the estimates;

(c) if in respect of any financial year it is found that the amount approved by the House is not sufficient, or if a need has arisen for expenditure for a purpose not provided for in the estimates, Jobsplus may adopt supplementary estimates for approval by the House and, pending such approval, but subject to it being given, Jobsplus may in special circumstances and with the approval of the Minister, incur the relative expenditure; and the provisions of this Act applicable to the estimates shall, as near as practicable, apply to the supplementary estimates.

(8) All estimates and supplementary estimates approved by the House shall, as soon as practicable, be published in the Gazette.

**32.** (1) Jobsplus shall cause to be kept proper books of accounts and other records in respect of its operations and shall cause to be prepared a statement of accounts in respect of each financial year. Accounts and audit.

(2) The accounts of Jobsplus shall be audited by an auditor or auditors to be appointed by it and approved by the Minister:

Provided that the Minister responsible for finance may require the books and other records of Jobsplus to be audited or examined by the Auditor General who shall for this purpose have power to carry out such physical checking and other verifications, and may require such information, as he may deem necessary.

(3) After the end of each financial year, at the same time as a copy of the estimates of Jobsplus is forwarded to the Minister under article 31, Jobsplus shall cause a copy of the statement of accounts duly audited to be transmitted to the Minister together with a copy of any report made by the auditor or auditors on that statement or on the accounts of Jobsplus.

(4) The Minister shall cause a copy of every such statement and report to be laid before the House together with the motion laid before the House under article 31.

**33.** (1) Jobsplus may, with the approval in writing of the Minister given after consultation with the Minister responsible for finance, borrow or raise money in such manner, from such person, body or authority, under such terms and conditions and against such security as it may deem appropriate, for any one or more of the following purposes: Power to borrow capital.

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(a) the carrying out of functions of Jobsplus under this Act;

(b) any other expenditure properly chargeable to capital account.

(2) Jobsplus may also from time to time borrow, by way of overdraft or otherwise, for periods not exceeding twelve months, such sums as it may require for carrying out its functions under this Act:

Provided that for any amount in excess of four hundred and fifty thousand euro (€450,000), there shall be required the approval of the Minister in writing.

(3) Whenever it may be necessary for Jobsplus to borrow by way of advances from the Government any sums required by it to carry out any of its functions under this Act, the Minister responsible for finance may, after consultation with the Minister, by warrant under his hand and without further appropriation other than this Act, authorise the Accountant General to make advances to Jobsplus either out of the proceeds of any loan contracted or raised for the purpose or out of the Consolidated Fund; and such advances shall be made on such terms and conditions as the Minister responsible for finance may direct.

(4) The Minister responsible for finance may, for any requirements of Jobsplus of a capital nature, contract or raise money, or incur liabilities, for such periods and on such terms and conditions as he may deem appropriate; and any sums due in respect of or in connection with any such loan or liability shall be a charge on the Consolidated Fund.

(5) Notice of any loans, liabilities or advances made or incurred under the foregoing provisions of this article shall be given by the Minister to the House as soon as practicable.

Exemption from certain taxes and duties.

**34.** Jobsplus shall be exempt from any liability for the payment of income tax and duty on documents under any law for the time being in force.

## PART V

### Employment Records

Registration of employed persons or of persons seeking employment.

**35.** (1) Jobsplus may make administrative provisions as approved by the Board under this article prescribing the registration and recording of employed persons or persons seeking employment in Malta.

(2) Without prejudice to the provisions of any other applicable law, Jobsplus may also make provisions providing for the disclosure of any particulars furnished in accordance with this article, or in accordance with article 46, for prescribing the conditions under which records of any such particulars may be kept and for requiring such records to be destroyed after such period as may be prescribed.

**36.** Any employer, who employs another person whole-time, part-time or otherwise under a definite or indefinite contract or on probation shall notify Jobsplus of such employment by any means which may be established by Jobsplus from time to time.

Notification by employers.

**37.** Any person, hereinafter referred to as "a self-employed person", who takes up a gainful occupation whole-time, part-time or otherwise, other than in a contract of employment with an employer, shall notify Jobsplus of such occupation by any means established by Jobsplus from time to time.

Self-employed persons.

**38.** Any person who, whilst registering with Jobsplus as a person seeking employment is employed by another person, whether whole-time, part-time or otherwise, and whether under a definite or under an indefinite contract or on probation, shall inform Jobsplus of such employment by any means established by Jobsplus from time to time.

Notification of employment while registering for work.

**39.** For the purposes of this Act, a person performing work in any place of work shall be deemed to be employed or self-employed.

Interpretation of "performing work".

**40.** (1) When a contract of employment is terminated the employer shall, within four days from the date of termination, notify Jobsplus by any means as may be established from time to time, of the date of termination. Jobsplus shall then issue an acknowledgement therefor as soon as possible.

Termination of contract of employment.

(2) The provisions of sub-article (1) shall apply *mutatis mutandis* to a self-employed person, when such person ceases to be engaged in a gainful occupation.

**41.** (1) Every employer upon whom an agreement of traineeship as defined by law is binding, shall at all times keep in respect of every trainee such records as may be determined by Jobsplus.

Records regarding traineeship.

(2) Every person who is or has been an employer referred to above shall retain any record made in terms of the preceding sub-article for a period of three years subsequent to the date of the record, and shall on demand by Jobsplus made at any time during the said period of three years produce the said records for inspection.

A 2080

(3) Any person acting in contravention of any of the foregoing provisions of this article, or failing to comply with any demand made thereunder, shall be guilty of an offence against this Act.

Minors. **42.** (1) No person shall employ a minor of compulsory school age except:

Cap. 327. (a) where the Minister responsible for education grants written permission to employ such minor in terms of the Education Act; or

Cap. 327. (b) under any training scheme approved by the Minister responsible for education in terms of the Education Act or as provided for in any other law:

Provided that the employer shall be bound to ensure that the conditions, if any, laid down in the mentioned written permission or training scheme are complied with.

(2) Any person who fails to comply with any provision of this article shall be guilty of an offence against this Act.

Employment of persons who are not citizens of Malta. **43.** Any employer who employs any person who is not a citizen of Malta, other than such person as may be in possession of a single permit or employment licence, shall be guilty of an offence.

List of employees and trainees. **44.** Every employer shall submit to Jobsplus a list of employees and, or trainees, who were in his employ at any time as required by Jobsplus.

Offences against the provisions of this Part. **45.** Any person who fails to comply with any provision of this Part shall be guilty of an offence against this Act.

## PART VI

### Enforcement, Offences and Penalties

Enforcement. **46.** (1) The Minister may designate in writing specified officers of Jobsplus or any other person to be inspectors for the purposes of this Act.

(2) Inspectors under this Act shall have such functions and duties as may be prescribed.

(3) Inspectors designated as aforesaid shall be empowered -

(a) to enter freely and without previous notice at all reasonable times any premises or place liable to inspection under this Act;

(b) to carry out in any such premises or place any examination, test or inquiry which they may consider necessary in order to satisfy themselves that the provisions of this Act or of any regulations or orders thereunder as well as any recognised conditions of employment are being observed, and in particular -

(i) to interrogate, alone or in the presence of witnesses, the employer or the employees or the trainees on any of the said matters;

(ii) to require the production of any books, registers or other documents the keeping of which is prescribed by this Act or by any order issued under this Act and to copy such documents or make extracts therefrom;

(iii) to call in employers and, or self-employed persons and employees at Jobsplus Head Office, to attend before an inspector at a reasonable time to answer such questions, or to supply such information, related to employment.

(4) On the occasion of an inspection visit, an inspector shall notify the employer or his representative of his presence, unless he considers that such a notification may be prejudicial to the performance of his duties.

(5) The premises and places liable to inspection under this Act are any premises or places in respect of which any provisions of this Act or of any regulation or order thereunder or any recognised conditions of employment apply or any premises or places in respect of which an inspector has reasonable cause to believe that this Act or any regulations or orders thereunder or any recognised conditions of employment apply.

47. (1) No person shall improperly influence or attempt to influence directly or indirectly on behalf of himself or on behalf of any other person, the Authority, Jobsplus or their members or directors, or persons employed by them, in the exercise of their functions under this Act. Improper influence.

(2) Any person who contravenes any of the foregoing provisions of this article shall be guilty of an offence against this Act.

48. Any person who, in connection with any matter under this Act - False information, etc.

A 2082

(a) furnishes any information which he knows to be false in a material particular, or recklessly furnishes any information which is false in a material particular; or

(b) with intent to deceive produces, furnishes, sends or otherwise makes use of any document which is false in a material particular; or

(c) wilfully refuses or without lawful excuse (the proof whereof shall lie on him) withholds any material information,

shall be guilty of an offence against this Act and shall on conviction be liable to a fine (*multa*) of not less than five hundred euro (€500) but not exceeding two thousand and five hundred euro (€2,500), or to imprisonment for a period not exceeding one year, or to both such fine and imprisonment.

Offences in respect of traineeship.

**49.** Any person who -

(a) contravenes or fails to comply with the provisions of article 41; or

(b) knowingly or recklessly makes any incorrect statement or entry in any record or return kept or furnished under Part V or any regulations made thereunder; or

(c) refuses or fails to answer to the best of his knowledge any question which an officer of Jobsplus or an inspector has put to him in the exercise of his functions under Part V; or

(d) refuses or fails to comply with any requirements duly provided for under this Act; or

(e) hinders Jobsplus or its representatives or an inspector in the performance of their functions under this Act,

shall be guilty of an offence against this Act.

Offences against articles 15 or 40.

**50.** Any person guilty of an offence against this Act under articles 15 or 40 shall be liable, on conviction, to a fine (*multa*) of not less than two thousand and five hundred euro (€2,500) but not exceeding fifteen thousand euro (€15,000).

Offences against article 42.

**51.** Any person who contravenes the provisions of article 42 shall be liable, on conviction, to a fine (*multa*) of not less than one thousand euro (€1,000) and not more than five thousand euro (€5,000).

**52.** Any person who contravenes the provisions of article 43 shall, on conviction, be liable to a fine of not less than two thousand five hundred euro (€2,500) and not more than five thousand euro (€5,000) as well as a suspension of the applicable business or trade licence.

Offences against article 43.

**53. (a)** No proceedings shall be taken against any person for any offence in contravention of articles 36, 37, 38 and 40 where such person, having received an intimation by Jobsplus for the payment of a penalty of five hundred euro (€500) for having contravened these articles, complies with such provisions and pays such penalty to Jobsplus in all cases within fifteen days from the receipt by him of such intimation.

Administrative penalty.

**(b)** In the event that such penalty is not paid in accordance with paragraph (a), such person shall be liable to a fine (*multa*) of not less than five hundred euro (€500) and not more than two thousand five hundred euro (€2,500).

**54. (1)** Any person guilty of an offence against this Act or who fails to comply with any of the provisions of any regulations or orders made thereunder, shall, unless a particular penalty is provided therefor in this Act or in any such regulation or order, be liable, on conviction, to a fine (*multa*) of not less than one hundred euro (€100) and not more than two thousand euro (€2,000).

General penalty.

**(2)** No proceedings shall be taken against any person for any offence against this Act other than an offence against articles 15 and 40 thereof, where such person, having received an intimation by Jobsplus for the payment of a penalty of one hundred euro (€100) for having contravened the provisions aforesaid of this Act or of any regulations or orders made thereunder, complies with such provisions and pays such penalty to Jobsplus in either case within fifteen days from the receipt by him of such intimation.

**55.** The punishments provided in this Act shall apply unless the fact constitutes a more serious offence under the Criminal Code or any other law, in which case such Code or other law shall apply.

Saving for Criminal Code. Cap. 9.

**56.** Notwithstanding any other law, proceedings for an offence under this Act or of any regulations or orders made thereunder may be commenced at any time within six years from the commission of the offence.

Prescription.

PART VII

Miscellaneous

Applicability of  
the Data  
Protection Act.  
Cap. 440.

**57. (1)** Without prejudice to the Data Protection Act, Jobsplus may from time to time require:

S.L. 440.09

(a) any person in charge of a school or other educational or training institutions, as the terms are defined in the Processing of Personal Data (Education Sector) Regulations, to furnish in such manner as may be requested and within a reasonable time, such particulars as Jobsplus may require with respect to students who are not of compulsory school age in accordance with the relevant provisions of the Education Act;

Cap. 327.

(b) any person responsible for the implementation of labour market policies to furnish in such manner as may be requested and within a reasonable time such particulars as Jobsplus may require with respect to persons who are not of compulsory school age in accordance with the relevant provisions of the Education Act;

Cap. 327.

(c) any employer and any person to furnish, within a reasonable time such information as it may require in connection with employment and related matters;

Cap. 413.

(d) the Commission for the Rights of Persons with Disability, set up by virtue of the Equal Opportunities (Persons with Disability) Act, to furnish in any manner as may be requested and within a reasonable time such particulars as Jobsplus may require with respect to persons between the ages of sixteen and sixty-five years registered on any such register established and maintained by the Commission, to satisfy the legal obligations of Jobsplus to carry out its functions under the Persons with Disability (Employment) Act.

Cap. 210.

(2) Any person who fails to comply with any request made under this article shall be guilty of an offence under this Act.

Particulars  
which may be  
required.

**58. (1)** Without prejudice to the generality of the powers conferred in article 57, the particulars which may be required shall include such particulars relating to age, gender, ability, educational attainments and other particulars of the persons to whom they relate as appear to Jobsplus to be necessary or expedient to enable adequate

advice to be given on employment prospects, to design employment and training policies, to design active labour market policies which meet labour market needs and to analyse the impact of labour market policies and initiatives:

Provided that when processing of data is required for research and statistics purposes, all identifiable data shall be rendered anonymous, unless in the case of research, the identification of the data subject is required to fulfil the purposes of such research.

(2) Where, for the purposes of designing employment, training and labour market policies, the research being conducted would require the identification details of persons, Jobsplus shall process such data by replacing personal identification data with pseudonymous data, and eventually limiting the re-identification of persons only to those cases which specifically fall within the parameters of the policy.

(3) When, for the purposes of the preceding sub-articles, pseudonymous data are processed, Jobsplus shall ensure that:

(a) personal data is not processed for any other purpose that is incompatible with the specific purpose of the policy;

(b) data enabling the attribution of information to an identified or identifiable data subject is kept separately from the other data;

(c) personal data shall not be retained for a period which is longer than necessary and all identifiable details shall be rendered anonymous, deleted, or destroyed, following the completion of the policy and, or initiative implementation.

**59.** (1) The Minister may make regulations generally for giving effect to the provisions of this Act, and the enforcement thereof, and in particular, but without prejudice to the generality of the foregoing - Regulations.

(a) for providing for any matter which is required or authorised by this Act to be prescribed;

(b) for prescribing the powers and procedures of the Authority in the hearing and disposal of appeals under this Act.

(2) The powers of the Minister to make regulations under any of the provisions of this Act shall include the power to establish the punishments in respect of any violation or contravention thereof, or failure to comply therewith:

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Provided that such punishments shall not exceed a fine (*multa*) of fifteen thousand euro (€15,000) or imprisonment exceeding three months.

Conflict of interest.

**60.** (1) A director, officer, employee, agent or consultant of Jobsplus who is in any way directly or indirectly interested in any contract made or proposed to be made by Jobsplus or in any activity or service to be provided for or by Jobsplus, shall as soon as possible after the relevant circumstances shall have come to his knowledge, disclose the nature of his interest to the Board of Jobsplus.

(2) Any disclosure made under sub-article (1) by a director shall be recorded in the minutes of the meeting at which it is made, and the director -

(a) shall, after the disclosure, withdraw from the meeting while that matter is being discussed or decided by the Board; and

(b) shall be disregarded for the purpose of constituting a quorum of the Board for any such discussion or decision.

(3) Jobsplus shall without delay inform the Minister of any disclosure made under this article.

Repeal and Saving. Cap. 343.

**61.** (1) Subject to the provisions of the following sub-articles, the Employment and Training Services Act, 1990, hereinafter referred to as "the repealed Act", is hereby repealed.

(2) Until such time as they are revoked, repealed or replaced, any scheme made, permit or exemption granted, any agreement entered into and any regulation or order made or kept in force, under and in virtue of the repealed Act shall, notwithstanding the repeal of the said Act, continue in force and shall be deemed to have been made under and in virtue of this Act.

(3) Any person registered for employment under the repealed Act shall continue to enjoy the same priority for referral for employment under this Act, to which he was entitled immediately before the coming into force of this Act.

(4) Any reference in any other law to the repealed Act shall be deemed to be a reference to the relative provisions of this Act.

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SCHEDULE

[Article 3]

FORM OF OATH TO BE TAKEN BY MEMBERS  
OF THE AUTHORITY

I, ..... having been appointed to be Member of the National Employment Authority constituted under the Employment and Training Services Act, do hereby swear that I will faithfully, fully, impartially and to the best of my ability discharge the trust and perform the duties devolving upon me by virtue of the said appointment.

*So help me God.*

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Passed by the House of Representatives at Sitting No. 168 of the 14th November, 2018.

ANĠLU FARRUGIA  
*Speaker*

RAYMOND SCICLUNA  
*Clerk of the House of Representatives*

# VERZJONI ELEKTRONIKA