

L.N. 431 of 2002

**EMPLOYMENT AND INDUSTRIAL RELATIONS ACT, 2002
(ACT NO. XXII OF 2002)**

Information to Employees Regulations, 2002

IN exercise of the powers conferred by article 35 of the Employment and Industrial Relations Act, 2002, the Deputy Prime Minister and Minister for Social Policy has made the following Regulations:-

1. The title of these regulations is the Information to Employees Regulations, 2002. Title.
2. These regulations shall apply to every paid employee of every employer as defined in the Employment and Industrial Relations Act, 2002 hereinafter referred to as the Act, but shall not apply to: Applicability.
 - (a) employees who are engaged by an employer for a total duration which does not exceed one month, or
 - (b) employees who are engaged by an employer for a working week which does not exceed a total of eight hours; or
 - (c) employees who have been employed to perform a specific defined task, on condition that the non application is justified by objective considerations.
3. In those cases where a written contract of employment has been signed between the employer and the employee, the employer shall be bound to deliver to the employee a signed copy of the agreement by not later than eight working days from the date of the contract. Written Contracts.
4. In those cases where no written contract of employment has been signed between the employer and the employee, and, or in those cases where the written contract does not cover all or some of the information required to be notified to the employee by these Regulations, the employer shall be bound to give or send to the employee a letter of engagement or a signed statement, by not later than eight working days from the commencement of employment and which shall include the following information: Information to be provided to the employee.

(a) the name, registration number and registered place of business of the employer and the identity card number, sex and address of the employee and the place of work;

Provided that in the absence of a fixed place of work it should be stated that the employee will be employed at various places together with the registered place of business;

Provided further that if there is no registered place of business, the domicile of the employer is to be stated;

(b) the date of commencement of employment;

(c) the period of probation;

(d) normal rates of wages payable;

(e) the overtime rates of wages payable;

(f) the normal hours of work;

(g) the periodicity of wage payments;

(h) in the case of a fixed term contract of employment, the expected or agreed duration of the contract period;

(i) the paid holidays, and the vacation, sick and other leave to which the employee is entitled;

(j) the conditions under which fines may be imposed by the employer;

(k) the title, grade, nature or category of the work for which the employee is employed;

(l) the notice periods to be observed by the employer and the employee should it be the case;

(m) the collective agreement, if any, governing the employee's conditions of work; and

(n) any other relevant or applicable condition of employment;

Provided that if any of the above information is regulated by any law, regulation, national standard order, sectoral regulation order or

collective agreement, the information may, where appropriate, be given in the form of a reference to the laws, regulations, orders or collective agreements governing that same information:

Provided further that where an employer engages a person under a contract for service as an outworker for an undertaking, he shall provide the employee with a signed statement showing: -

- (a) the name, registration number and registered place of business of the employer and the identity card number and address of the employee; and
- (b) the rate to be paid for the work; and
- (c) any special conditions regulating the contract.

5. In the case of an employee required to work in a country other than Malta for a period exceeding one month, the documents referred to in regulations 3 and 4 of these regulations shall be in the employee's possession before departure from Malta and shall include the following additional information:

Employees required to work outside Malta.

- (a) the duration of the employment abroad;
- (b) the currency to be used for the payment of remuneration;
- (c) where appropriate, the benefits in cash or kind attendant on the employment abroad; and
- (d) where appropriate, the conditions governing the employee's repatriation.

6. (1) Without prejudice to the provisions of the Act, if, after the commencement of employment, the details or the conditions of employment listed in regulations 4, or 5 of these regulations are amended or modified, the employer shall be bound to notify the employee of the changes by means of a signed statement which must be delivered to the employee by not later than eight working days from the date when the changes come into effect.

Changes in details or conditions.

(2) The employer shall not be obliged to notify the employee in accordance with subregulation (1) of this regulation, if the amendment or modification of the conditions of employment are the result of a change in laws, regulations or a collective agreement regulating the place of work.

Employees who are already in employment.

7. All those employees who are already in employment on the date of coming into force of these regulations, and who are not in possession of the information specified in regulations 4 or 5 of these regulations, shall be entitled to demand such information and the employer shall be obliged to provide such information by not later than two months after the demand made by the employee.

Copy of contracts of service or of declarations.

8. A copy of any written contract of service or statement or letter of engagement, as is referred to in these regulations, shall be kept by the employer.

Records to be held by employer.

9. (1) Every employer shall keep a register or registers showing, in respect of each employee:

(a) the name, address, sex, identity card number and date of birth of the employee;

(b) the occupation of the employee;

(c) the date of commencement of employment;

(d) the nature of the contract of employment namely whether the contract is of an indefinite or of a fixed duration and in the case of fixed term contracts of employment the date of termination of such contract;

(e) the time, paid for at ordinary time rates, during which the employee is employed;

(f) the time, paid for overtime or higher rates, during which the employee is employed;

(g) the periods of daily and weekly rest accorded to the employee;

(h) the total wages paid to the employee each week; and

(i) any change or update in the conditions of the employee's occupational status.

(2) In the case of employees who are outworkers, or whose wages consist of a share in the profits or of a commission on sales or payments made or received by the employer, employers or the persons giving out work to the outworker, as the case may be, shall keep a register or registers showing:

(a) the name, address, sex, identity card number and date of birth;

(b) the date of commencement of the agreement;

(c) the nature of the work;

(d) the rate of wages;

(e) the total amount of wages paid to the employee;

(f) the place or places where the employee ordinarily works if such place is not under the control and management of the employer; and

(g) the hours of work and daily and weekly rest awarded to the employees in so far as the employer is by law required to observe any such conditions of employment.

(3) It shall be the duty of the employer to furnish the Director for Employment and Industrial Relations with any information which the Director may request in connection with the conditions of employment of the employees including but not limited to:—

(a) the name, sex, identity card number and address;

(b) the occupation;

(c) the date of birth;

(d) the wages paid;

(e) the hours of work;

(f) the date of engagement;

(g) a copy of the registers or part thereof, kept in accordance with the provisions of these regulations; and

(h) any other information which the Director may request in connection with the conditions of employment of the employees.

10. Any person contravening the provisions of these regulations shall be guilty of an offence and shall be liable on conviction to a fine of not less than fifty liri and not more than five hundred liri.