

L.N. 437 of 2007

**PORT WORKERS ORDINANCE
(CAP. 171)**

Port Workers (Amendment) (No. 2) Regulations, 2007

IN exercise of the powers conferred by article 17 of the Port Workers Ordinance, the Minister for Competitiveness and Communications, in consultation with the Malta Maritime Authority, has made the following regulations:-

Citation and
commencement.

L.N. 90 of 1993.

1. (1) The title of these regulations is the Port Workers (Amendment) (No. 2) Regulations, 2007 and they shall be read and construed as one with the Port Workers Regulations, 1993 hereinafter referred to as the “principal regulations”.

(2) These regulations shall come into force on the 1st January, 2008.

Amends regulation
6 of the principal
regulations.

2. Regulation 6 of the principal regulations shall be amended as follows:

(a) in sub-regulation (2) thereof, in paragraph (c) for the words “licensed.” there shall be substituted the words “licensed;” and immediately thereafter there shall be added the following new paragraph:

“(d) is below the statutory pension age; and in the case of a person who did not hold a licence on the 30th December 2007 is in possession of a valid certificate of competence in the provision of foremen duties issued by a training institution approved by the Authority.”; and

(b) immediately after sub-regulation (3) thereof, there shall be added the following new sub-regulations:

“(4) The complement of foremen shall be as established from time to time by the Director taking into consideration the requirements of employers of port workers.

(5) In this regulation ‘statutory pension age’ means that age at which a person becomes eligible to receive a mandatory social security retirement pension in terms of the Social Security Act”.

3. Regulation 7 of the principal regulations shall be substituted by the following:

Substitutes regulation 7 of the principal regulations.

“7. The foremen and the employers of port workers shall enter into a Service Level Agreement which may, amongst other matters include, the following:

- (a) a description of the services to be provided, including the resources to be made available and the service performance levels to be met by the parties to the agreement;
- (b) the services that are required to be provided by foremen;
- (c) the mechanisms for dispute resolution in case of disagreement between the parties;
- (d) the hours of work, including shift systems allocation;
- (e) the ordering procedure;
- (f) the disciplinary procedures that may be taken including, but not limited to, the non-attainment of agreed minimum service performance:

Provided that disciplinary measures provided for in a Service Level Agreement shall be limited in scope to minor offences involving breaches of administrative measures:

Provided further that notwithstanding the other provisions of this regulation, disciplinary measures that may lead to the suspension or cancellation of a licence shall be regulated by the Director in terms of the Ordinance.”.

4. Regulation 24 of the principal regulations shall be substituted by the following :

Substitutes regulation 24 of the principal regulations.

“24. Foremen shall be paid in accordance with the tariffs of fees and the rates thereto set in the First Schedule to these regulations:

Provided that fees and rates for transhipment cargo may be as negotiated between foremen and employers of port workers. In the case of a dispute between the foremen and the employers of port workers about the fees payable to foremen, the Authority shall determine fair and reasonable transhipment fees and rates which shall be binding on both parties.”.