L.N. 205 of 2011

EMPLOYMENT AND INDUSTRIAL RELATIONS ACT (CAP. 452)

Posting of Workers in Malta (Amendment) Regulations, 2011

IN exercise of the powers conferred by articles 31 and 48 (2) of the Employment and Industrial Relations Act, the Prime Minister has made the following regulations –

Title.

1. The title of these regulations is the Posting of Workers in Malta (Amendment) Regulations, 2011, and they shall be read and construed as one with the Posting of Workers in Malta Regulations, 2002, hereinafter referred to as "the principal regulations".

L.N. 430 of 2002.

Amends regulation 2 of the principal regulations.

2. In regulation 2 of the principal regulations;

(a) for the definition "foreign undertaking" there shall be substituted the following:

" "foreign undertaking" means an undertaking which is established in a Member State other than Malta;"; and

(b) for the definition "Member State" there shall be substituted the following;

" "Member State" means a Member State of the European Union or of the European Economic Area and the European Free Trade Area;".

Amendment of regulation 4 of the principal regulations.

3. In regulation 4 of the principal regulations:

(a) in sub-regulation (1) thereof, for the words "who are authorised to work in Malta" there shall be substituted the words "who have notified their intention to work in Malta", and for the words "or any other legislation or by virtue of a collective agreement regulating the class of employment of the posted employee in the same place of work", there shall be substituted the words "or by virtue of any other legislation regulating the class of employment of the posted employee in the same place of work".

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(b) in sub-regulation (3) thereof, for the words "include:" there shall be substituted the words "consist of:"; and

(c) immediately after subregulation (4) thereof, there shall be added the following new sub-regulation:

"(5) Undertakings established in a non-Member State shall not be given more favourable treatment than undertakings established in a Member State.".

Amends regulation 5 of the principal regulations.

4. Subregulation (1) of regulation 5 of the principal regulations shall be amended as follows:

(a) in paragraph (c) thereof, for the words "to be carried out," there shall be substituted the words "to be carried out, and";

(b) in paragraph (d) thereof, for the words "to be posted," there shall be substituted the words "to be posted."; and

(c) paragraph (e) thereof shall be deleted.

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