L.N. 110 of 1993

EMPLOYMENT AND TRAINING SERVICES ACT (CAP. 343)

Manpower Records (Commencement or Termination of Employment) Regulations, 1993

IN exercise of the powers vested in him by section 26 of the Employment and Training Services Act, the Minister of Education and Human Resources has made the following regulations:—

Citation and commencement.

1. (1) These regulations may be cited as the Manpower Records (Commencement or Termination of Employment) Regulations, 1993.

(2) These regulations shall come into force on the 1st October, 1993.

Interpretation.

2. In these regulations words and phrases shall have the same meaning as is assigned to them under the Employment and Training Services Act.

Corporation to be notified about employment.

3. (a) Any person, hereinafter referred to as an employer, who employs another person whole-time, part-time or otherwise under a definite or indefinite contract or on probation, shall notify the Corporation of such employment as herein determined.

(b) 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 the Corporation of such occupation as herein determined.

(c) In addition to the duty of an employer under paragraph (a) of this section, any person who, while registering with the Corporation as a person seeking employment and is registered as such with the Corporation under Part I or Part II of the Register, 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, such person shall inform the Corporation of such occupation as herein determined.

Engagement form and its notification.

4. The notification referred to in the preceding regulation shall be made not later than the same day of the commencement of employment or self-employment on the engagement form as specified in the First Schedule, and the Corporation shall issue an acknowledgement therefor as early as possible.

Presumption of gainful occupation.

5. Any person performing work in a factory, office, shop or other place of work shall be deemed for the purposes of these regulations to be in employment or self-employed.

6. (1) No person shall employ a minor of compulsory school age except:— Restricted employment of minors of compulsory school age.

(i) where the Minister responsible for education grants written permission to employ such minor of compulsory school age in terms of subsections (1) and (2) of section 43 of the Education Act; or Cap. 327.

(ii) under an apprenticeship indenture or training scheme approved by the Minister responsible for education in virtue of subsection (3) of section 43 of the Education Act:

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

(2) Any employer who fails to comply with any of the provisions of this regulation shall be guilty of an offence and shall on conviction be liable to a fine (*multa*) of not less than one hundred Maltese liri and not exceeding one thousand Maltese liri, and the Court may, at the request of the prosecution and in addition to such punishment, order the suspension or cancellation of any licence held by the offender and relating to trade or business, or relating to any business premises where the persons are employed. The provisions of the Probation of Offenders Act shall not be applicable in respect of such offence. Cap. 152.

7. Any employer who employs any person who is not a citizen of Malta, other than such person as may be in possession of a work permit, shall be guilty of an offence and shall be liable, on conviction, to a fine (*multa*) of not less than five hundred Maltese liri and not exceeding one thousand Maltese liri, and the Court shall, at the request of the prosecution and in addition to such punishment, order the suspension or cancellation of any licence held by the offender and relating to trade or business, or relating to any business premises where such person is employed. The provisions of the Probation of Offenders Act shall not be applicable in respect of such offence. Prohibited employment. Cap. 152.

8. (a) When a contract of employment is terminated the employer shall, within four days from the date of termination, notify the Corporation by means of the termination form as specified in the Schedule to these regulations, duly signed, of the date of termination. The Corporation shall then issue an acknowledgement therefor as soon as possible. Termination of employment to be notified to Corporation.

(b) The provisions of paragraph (a) of this regulation shall apply *mutatis mutandis* to a self-employed person, when such person ceases to be engaged in a gainful occupation as is referred to in paragraph (b) of regulation 3 of these regulations.

9. Every employer shall submit to the Corporation a list of employees who were in his employ at any given time as required by the Corporation. List of employees.

Penalties.

10. Any person who contravenes or fails to comply with any of the provisions of regulations 3, 4, 8 and 9 of these regulations shall be guilty of an offence and shall be liable on conviction to a fine (*multa*) of not less than fifty Maltese liri and not exceeding five hundred Maltese liri, and the Court may in addition to such punishment, order the suspension or cancellation of any licence held by the offender and relating to trade or business, or relating to any business premises where the persons are employed. The provisions of the Probation of Offenders Act shall not be applicable in respect of such offence:

Cap. 152.

Provided that no proceedings shall be taken against any person who, after receiving an intimation by the Corporation for the ayment of a penalty not exceeding twenty-five Maltese liri for having contravened the provisions of these regulations, complies with the provisions of these regulations and pays such penalty to the Corporation in either case within fifteen days from the date of the receipt by him of such intimation.

Revocation of L.N. 110 of 1974 and L.N. 181 of 1991.

11. The Work Book Order, 1974 and the Employment Card Regulations, 1991 are hereby being revoked on the date of the coming into force of these regulations without prejudice to anything that was done or omitted to be done in terms of the same order or regulations.

SCHEDULE

EMPLOYMENT & TRAINING CORPORATION

Head Office, Hal Far, ZRQ 06, Malta.
Head Office Tel: 681945/9 Fax: 683396
Employment Services Tel: 684040/4 Fax: 684951
Employment Training Tel: 684945 Fax: 684936

Document No.

Declaration of Commencement / Termination of Employment

I, whose particulars appear in Part II of this form, in my own name or as duly authorised, declare that I have employed / ceased to employ the person whose particulars appear in Part I . I certify that I have read the notes overleaf and that the details given in this form are true and correct.
(Write in block letters and delete where not applicable (*).

PART I

(Shaded boxes are for office use only)

Identity Card No. OR OPM authority (if non-nationals)

Surname

Name (s)

Address

Code Town / Village Post Code

Social Security No. Date of Birth Day Month Year

Father 's name

Maiden Surname

Husband 's name

Code Sex : Male / Female * Code Marital Status : Married , Separated , Divorced , Annulled , Widow / er , Bachelor / Spinster *

Date of commencement / cessation of employment * Day Month Year Trade or Profession

Code Designation (if any)

Code Employed / Self – employed * Code Type of work
(full time, part time, outworker, trainee, contract, auxiliary, others)

Code Next position after termination of employment
(Ex. change of employer, retired, death etc.)

PART II

Employer No. Surname and Name of employer

Name of firm

P.E. No.

Business Address

Code Town / Village Post Code

Code Main Business Activity

Code Sector: Parastatal / Governmental / Private Industry / Entity * Telephone / Fax No.

Code Type : Self-employed (no employees) / Self-employed (with employees) / Company / Partnership *

Identity Card No. Designation Date

Signature of Employer Signature of Employee

ETC / EC / 1

All correspondence to be addressed to The Chief Executive

NOTES FOR EMPLOYERS
Act. No. XXVIII of 1990

1. In every case the form, duly completed, is to be sent to this Corporation on the same day of commencement or cessation of employment.

2. If the person you are now taking in employment **is a Maltese national and has never been gainfully occupied in Malta prior to this date**, he should provide you with:

   a. an informal birth certificate from the Public registry (if under the age of 21)
   b. Identity Card
   c. forms N.I. 3 and N.I. 5 from the Department of Social Security or, if applicable, **in the case of non–Maltese nationals**, a certificate from the same department regarding exemption from Social Security contributions.

3. Children who have not attained the age of 16 or who attained the age of 16 between the 15 th September of the year immediately preceeding the current year and the 14 th of July of the current year, should provide you with a school exemption certificate obtainable from the Welfare Section of the Education Dept. The Mall, Floriana. To obtain this certificate the applicant must present the Dept. with :

   a. an informal birth certificate from the Public Registry
   b. a declaration from the applicant's intending employer and
   c. a certificate from the school last attended

   This also applies to persons of compulsory school age who intend to work during the Summer months only.

4. A person born outside Malta who has not yet reached the age of 21 and who holds dual nationality (Maltese and that of another country), requires a certificate regarding employability from the Office of the Prime Minister.

5. A non–Maltese national requires an Employment Licence obtainable from the Office of the Prime Minister before being employed.

   In case of doubt, please phone the Corporation before you take the person into employment.

6. The certificate indicated in paragraph 2(a) and, if applicable, the certificates indicated in paragraph (3), (4), and (5) are to be sent to this Corporation together with this form. In case of non–Maltese nationals this Corporation should also be provided with one recent passport size photograph of the individual.

Ippubblikat mid-Dipartiment ta' l-Informazzjoni – Kastilja — *Published by the Department of Information – Castille*
Mitbugh fl-Istamperija tal-Gvern — *Printed at the Government Printing Press*

Prezz 5c — *Price 5c*