L.N. 181 of 1991

EMPLOYMENT AND TRAINING SERVICES ACT, 1990 (ACT NO. XXVIII OF 1990)

Employment Card Regulations, 1991

IN exercise of the powers vested in him by section 26 of the Employment and Training Services Act, 1990, the Minister for Social Policy has made the following regulations:

Citation and commencement.

1. (1) These regulations may be cited as the Employment Card Regulations, 1991.

(2) These regulations shall come into force on the 2nd December, 1991.

Interpretation.

2. Words and phrases shall have the same meaning as is assigned to them under the Employment and Training Services Act, 1990.

Persons to have Employment Card.

3. Every person who is gainfully occupied or who is seeking a gainful occupation shall have an Employment Card issued by the Corporation.

Issuing of Employment Card.

4. (1) Such Employment Card shall be issued on application free of charge and shall remain the property of the Corporation.

(2) Any person who wilfully alters any material particular to the Employment Card issued by the Corporation shall be guilty of an offence against these regulations.

(3) Any person who is required by the Corporation to return an Employment Card and who refuses or fails to comply, shall be guilty of an offence against these regulations.

Possession of Employment Card.

5. (1) No person may acquire or keep more than one Employment Card at the same time unless authorised by the Corporation and no person may make use of an Employment Card issued in the name of any other person.

(2) A person shall carry his Employment Card on his person at all times during working hours.

Replacement of Employment Card.

6. When the Corporation is satisfied that an Employment Card has been lost, destroyed or defaced it shall issue another Employment Card against the payment of a fee of two Maltese liri (Lm2) on an application in writing by the person in whose name such Employment Card was issued.

Corporation to be informed about employment.

7. (a) Any person, hereinafter referred to as an employer, who is going to employ another person whole-time or part-time shall inform the Corporation of such employment in such manner and subject to such formalities as the Corporation may determine.

(b) Any person who takes up a gainful occupation whole-time or part-time, other than in a contract of employment with an employer, hereinafter referred to as a self-employed person, shall inform the Corporation of such occupation in such manner and subject to such formalities as the Corporation may determine.

Engagement form.

8. No person shall employ another person whole-time or part-time unless the prospective employer fills in an engagement form and sends it to the Corporation which will then issue an acknowledgement therefor.

Restricted employment of minors of compulsory school age.

9. (1) No Employment Card shall be issued to a minor of compulsory school age except:

(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 41 of the Education Act, 1988: or

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(ii) if the said minor is engaged by apprenticeship indentures or training schemes approved by the Minister responsible for education by virtue of subsection (3) of section 41 of the Education Act, 1988.

(2) Where written permission to employ a minor of compulsory school age is granted by the Minister responsible for education in terms of subsection (2) of section 41 of the Education Act, 1988 or if such a minor is engaged by apprenticeship indentures and training schemes approved by the Minister responsible for education by virtue of subsection (3) of section 41 of the said Education Act:

(i) the Employment Card issued to the minor who is to be so employed or engaged, as the case may be, shall be issued subject to any conditions that may be laid down in the written permission granted by the Minister responsible for education according to subsection (2) of section 41 of the Education Act, 1988: and

(ii) the prospective employer shall be bound to ensure that an Employment Card is issued to the minor who is to be employed or engaged by him, as the case may be, and that the conditions, if any, laid down in the mentioned written permission are complied with.

(3) Any employer who fails to comply with the provisions of this regulation, or who employs a minor of compulsory school age without an Employment Card, 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 five hundred 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 the persons are employed. The provisions of the Probation of Offenders Act shall not be applicable in respect of such offence.

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Employment of person on urgent work.

10. When the service of a person are urgently required on any day other than a normal working day of the Corporation, such person may be engaged provided that before noon on the first following working day of such Corporation, the employer shall inform the Corporation of such employment in accordance with regulation 7 of these regulations.

Termination of employment to be notified to Corporation.

11. (a) When an employment relationship is terminated the employer shall, within four days from the date of termination, notify the Corporation by means of a termination form, duly signed, of the date of termination.

(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 7 of these regulations.

Corporation to acknowledge employment or termination thereof.

12. On taking a gainful occupation, or on having his employment terminated, a person shall immediately produce an engagement or termination form, as appropriate, to his employer who will inform the Corporation in writing to this effect and the latter shall duly acknowledge such receipt.

Penalties.

13. Any person who contravenes or fails to comply with any of the provisions of regulations 3, 4, 5, 6, 7, 8, 10, 11 and 12 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 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 persons are employed. The provisions of the Probation of Offenders Act shall not be applicable in respect of such offence:

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Provided that no proceedings shall be taken against any person who, after receiving an intimation by the Corporation for the payment of a penalty not exceeding fifteen 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.

List of employees.

14. Every employer shall submit to the Corporation by the 31st January of each year a list of employees who were in his employ on the 31st December of the immediately preceding year, in such manner as the Corporation may determine.

Transitory provision.

L.N. 110 of 1974.

15. Until such time as the Minister responsible for labour may appoint by notice published in the Government Gazette, the regulations under the Work Book Order, 1974, are to continue to have effect in so far as they are not inconsistent with these regulations.

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