

I assent.

(L.S.)

PAUL XUEREB
Acting President

21st August, 1987

ACT No. XVIII of 1987

AN ACT further to amend the Employment Service Act, 1955.

BE IT ENACTED by the President, by and with the advice and consent of the House of Representatives, in this present Parliament assembled, and by the authority of the same, as follows:—

Short
Title.
Act XIV
of 1955.
Amendment
of section
2 of the
principal
Act.

1. This Act may be cited as the Employment Service (Amendment) Act, 1987, and it shall be read and construed as one with the Employment Service Act, 1955, hereinafter referred to as “the principal Act”.

2. Section 2 of the principal act shall be amended as follows:

(a) immediately after the words “in this Act, unless the context otherwise requires —” there shall be inserted the following definition:

““auxiliary worker” means a person engaged in the Scheme;”;
and

(b) immediately after the definition of “order” there shall be inserted the definition:

““the Scheme” means the Auxiliary Workers and Training Scheme established by section 13A of this Act;”.

Amendment
of section
5 of the
principal
Act.

3. Immediately after section 5 of the principal Act, there shall be added the following proviso:

“Provided that auxiliary workers shall on engagement be registered under Part Two of the Register of Applicants for Employment as persons temporarily engaged in productive activity and training and who are seeking suitable employment.”.

Amendment
of section
9 of the
principal Act.

4. In section 9 of the principal Act, the last two provisos thereto shall be deleted.

5. Immediately after section 9 of the principal Act, there shall be added the following new section:

Addition
of new
section 9A
to the
principal
Act.

“9A. (1) Notwithstanding the provisions of section 9 of this Act, in selecting applicants for submission to employers, other than those referred to in subsection (2) of this section, it shall be lawful for the Director to submit auxiliary workers to fill the vacancies notified to him, and in establishing priority for selection among auxiliary workers such priority shall be determined on the following basis:

(a) the date of engagement in the Scheme;

(b) as between auxiliary workers engaged in the Scheme on the same date, their registration in Part One of the Register prior to their engagement in the Scheme, but any person who prior to his engagement in the Scheme had been engaged in a Government department, the Dejma or any body or company referred to in section 13A of this Act, such person shall be deemed for purposes of this paragraph to have retained the same priority to which he would have been entitled on the date on which he was so engaged with such Department, Dejma, body or company;

(c) where prior to engagement in the Scheme and prior to his engagement in a Government department, body or company referred to in section 13A of this Act, a person had not been registering as aforesaid, such person shall be deemed to be so registered on the date of his engagement with a Government department, the Dejma, or any body or company referred to in section 13A of the Act.

(2) In submitting applicants for employment with a Government department or any partnership or other body referred to in section 110 of the Constitution priority shall be established on the basis of priority of registration in Part One of the Register and for the purposes of this subsection auxiliary workers shall be deemed to have retained the same priority of registration in Part One of the Register they had immediately before their engagement in the Scheme, and in respect of any auxiliary worker who had not been so registered immediately before his engagement in the Scheme such auxiliary worker shall be deemed to have been so registered on the date of engagement with the Government department, the Dejma or any body or company referred to in section 13A of this Act and any priority he may have on that date shall be retained.”.

6. Immediately after section 13 of the principal Act there shall be added the following new section:

Addition
of new section
13A to the
principal
Act.

“Auxiliary
Workers
and
Training
Scheme.

13A. (1) There shall be a Scheme to be known as the Auxiliary Workers and Training Scheme for the purpose of providing temporary productive work and training for such persons amongst those referred to in this subsection as the Minister may by regulations determine —

(a) persons registering under Part One of the Register of Applicants for Employment;

(b) persons who before the 14th May, 1987 were engaged by any Government department, or by any body referred to in subsection (6) of section 110 of the Constitution, in breach of the provisions of section 110 of the Constitution or of the provisions of this Act;

(c) persons who were engaged by any body referred to in subsection (6) of section 110 of the Constitution in excess of the requirements of such body;

(d) persons who were engaged by General Construction Limited or by Land Sea Civil Engineering Co. Ltd.;

(e) persons who were serving in the Dejma on the 9th May, 1987.

(2) The engagement of persons in the Scheme shall be for periods not exceeding one year or until suitable employment is offered to such persons under the provisions of this Act, whichever is the shorter time.

(3) Any such person who on being offered employment in terms of the preceding subsection refuses or fails to avail himself of that employment shall thereupon lose his placing within the Scheme and he may only on the ground of unsuitability of the employment offered make a complaint thereon by way of appeal to the Board in terms of subsection (2) of section 11 of this Act and the decision of the Board thereon shall be final.

(4) The Minister may also make regulations for giving effect to the provisions of this section and may in particular, but without prejudice to the generality of the foregoing, by regulations determine the terms and conditions of engagement of auxiliary workers.”.

Passed by the House of Representatives at Sitting No. 21 of the 12th August, 1987.

JIMMY FARRUGIA
Speaker

P. MUSCAT TERRIBILE
Acting Clerk to the House of Representatives.