I assent.

(L.S.) **GEORGE VELLA**
President

20th December, 2022

ACT No. XX of 2022

AN ACT to amend the Employment and Industrial Relations Act, Cap. 452.

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 and scope.

Cap. 452.

1. (1) The short title of this Act is the Employment and Industrial Relations (Amendment) Act, 2022, and this Act shall be read and construed as one with the Employment and Industrial Relations Act, hereinafter referred to as "the principal Act".

(2) The scope of this Act is to partially transpose Directive (EU) 2019/1152 of the European Parliament and of the Council of 20 June 2019 on transparent and predictable working conditions in the European Union.

Amendment of article 2 of the principal Act.

2. In sub-article (1) of article 2 of the principal Act, immediately after the definition "employment" there shall be added the following new definition:

""employment relationship" means any "contract of service" or "contract of employment" as defined in this Act;".

3. Article 36 of the principal Act shall be amended as follows: Amendment of article 36 of the principal Act.

(1) sub-article (1) thereof shall be substituted by the following new sub-article:

"Notice of and compensation for termination of contracts of service.

(1) Saving the provisions of sub-article (16), when an employment relationship is subject to a probationary period, that period shall be of six (6) months.";

(2) immediately after sub-article (1) thereof there shall be added the following new sub-articles:

"Obligation of proportionality of probationary period.

(1a) In the case of fixed-term employment relationships, the length of such a probationary period shall be proportionate to the expected duration of the contract and the nature of the work. In the case of the renewal of a contract for the same function and tasks, the employment relationship shall not be subject to a new probationary period:

Provided that no fixed term contract shall be shorter than six (6) months unless a shorter period is justified by objective reasons based on precise and concrete circumstances characterising a given activity. Whenever an employer intends to enter into a contract of service for a fixed term with a prospective employee for a period shorter than six (6) months, the employer shall list in writing in that contract the objective reasons for which the contract is entered into for less than six (6) months:

Provided further that for a fixed term contract of between six (6) months and fifteen (15) months duration, the probationary period shall be calculated on the basis of two (2) months probationary period per six (6) months contract duration; and if, in terms of the preceding proviso, the fixed term contract is shorter than six (6) months, the probationary period shall be one-third of the duration of the same fixed term contract:

Provided further that for a fixed term contract exceeding fifteen (15) months duration, the probationary period shall be of six (6) months.

Probationary period of twelve months.

(1b) Notwithstanding the provisions of sub-article (1a), workers holding technical, executive, administrative or managerial positions and whose wages are at least double the national minimum wage established that year shall be on probation for a period of twelve (12) months.

Suspension of probationary period.

(1c) In any case, the probationary period may, by agreement between the parties, be shorter than the respective periods stipulated in sub-articles (1a) to (1c) and, the probationary period shall be suspended in the case of any two (2) weeks or more of approved leave, whereupon the probationary period shall be extended to a corresponding duration of the leave. It shall be unlawful for an employer to dismiss a worker during the period of suspension of probation.".

Amendment of article 45 of the principal Act.

4. Article 45 of the principal Act shall be amended as follows:

(a) in the marginal note thereof, the word "Penalties." shall be substituted by the word "Punishments."; and

(b) in sub-article (1) thereof, the words "unless a different penalty is established" shall be substituted by the words "unless a different punishment is established".

Amendment of article 73 of the principal Act.

5. In sub-article (4) of article 73 of the principal Act, the words "covered by article 75(1)(b)" shall be substituted by the words "covered by article 75(1)(c)".

Amendment of article 82 of the principal Act.

6. In sub-article (3) of article 82 of the principal Act, the words "in accordance with article 75(1)(a) and (b)" shall be substituted by the words "in accordance with article 75(1)(a), (b) and (c)".

Passed by the House of Representatives at Sitting No. 70 of the 14th December, 2022.

ANĠLU FARRUGIA
Speaker

RAYMOND SCICLUNA
Clerk of the House of Representatives

Ippubblikat mid-Dipartiment tal-Informazzjoni (doi.gov.mt) — Valletta — *Published by the Department of Information (doi.gov.mt) — Valletta*
Mitbugħ fl-Istamperija tal-Gvern fuq karta FSC — *Printed at the Government Printing Press on FSC certified paper*

Prezz/*Price*
€0.36