

A 398

I assent.

(L.S.)

MYRIAM SPITERI DEBONO
President

2nd April, 2026

ACT No. XI of 2026

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 authority of the same, as follows:-

Short title. **1.** The short title of this Act is the Employment and Industrial Relations (Amendment) Act, 2026 and this Act shall be read and construed as one with the Employment and Industrial Relations Act, hereinafter referred to as the "principal Act".

Cap. 452.

Amendment of article 29 of the principal Act. **2.** The marginal note of article 29 of the principal Act shall be substituted by the following new marginal note:

"Sexual harassment."

Addition of new article to the principal Act. **3.** Immediately after article 29 of the principal Act, as amended, there shall be added the following new article:

"Violence and harassment.

29A. (1) Violence and harassment in a work environment shall be prohibited. Employees and employers shall endeavour to respect each other's right to a work environment free from violence and harassment.

(2) For the purposes of this article, the term:

(a) "employee" means:

(i) an employee;

(ii) a person in training, including interns, trainees, and apprentices, irrespective of whether the work is regulated by a contract, or the person is paid or unpaid;

(iii) a person whose employment has been terminated;

(iv) a volunteer in terms of article 2(1) of the Voluntary Organisations Act, even when such work or service is not regulated by a specific contract of service;

(v) a person who is a prospective employee on the basis that he is seeking employment;

(vi) a person who is a prospective employee on the basis that he is an applicant for employment;

(vii) a person who is a prospective employee on the basis that he is a candidate for employment;

(b) "work environment" means:

(i) any workplace, including any space where work duties are performed, irrespective of its nature and whether it is public or private;

(ii) any place where the worker is paid, takes a rest break or a meal, or makes use of sanitary, washing and changing facilities;

(iii) any work-related trip, travel, training, events or social activities;

(iv) through work-related communications, including those carried out using information and communication technologies;

(v) any accommodation provided by the employer;

(vi) any trip when a person commutes to and from work;

(c) "violence and harassment" means unacceptable behaviour, practices and omissions, or threats thereof, whether a single occurrence or repeated, that target, result in, or are likely to result in, physical, psychological, sexual or economic harm or suffering, and includes gender-based violence and harassment;

(d) "gender-based violence and harassment" means violence and harassment of a person by reason of their sex or gender, or which disproportionately affects persons of a particular sex or gender, and shall include "sexual harassment" as described in article 29, and "gender" shall have the same meaning as assigned to it by article 2 of the Gender-Based Violence and Domestic Violence Act.

Cap. 581.

(3) It shall not be lawful for an employer or an employee to act towards an employee, the employer, another employee or a prospective employee in a manner that is equivalent to violence and harassment in a work environment. Such actions may take any form, including but not limited to, requests, conduct, behaviour or interactions, whether physical, remote or online, and whether expressed orally, in writing, through images or by any other means or materials.

(4) It shall not be lawful for an employer or an employee to give rise to a circumstance or create an environment that permits or could permit violence or harassment in a work environment, or that may cause an employee, the employer, another employee or a prospective employee to feel uncomfortable or intimidated, or to be subjected to an offensive or abusive atmosphere, or that breaches their right to a work environment free from violence and harassment."

Amendment of article 30 of the principal Act.

4. Article 30 of the principal Act shall be amended as follows:

(a) in sub-article (1) thereof the words "articles 26, 27, 28 or 29, may" shall be substituted by the words "articles 26, 27,

28, 29 or 29A, may";

(b) in sub-article (3) thereof the words "victimisation or harassment, the Industrial Tribunal" shall be substituted by the words "victimisation, sexual harassment or violence and harassment, the Industrial Tribunal".

5. In article 31 of the principal Act the words "articles 26, 27, 28 and 29 and" shall be substituted by the words "articles 26, 27, 28, 29 and 29A and" and the words "victimisation or harassment" shall be substituted by the words "victimisation, sexual harassment or violence and harassment".

Amendment of article 31 of the principal Act.

6. In article 32 of the principal Act the words "articles 28 and 29 shall" shall be substituted by the words "articles 28, 29 and 29A shall".

Amendment of article 32 of the principal Act.

7. Sub-article (2) of article 81 of the principal Act shall be amended as follows:

Amendment of article 81 of the principal Act.

(a) in paragraph (b) thereof the words "articles 26, 27, 28 or 29, the Tribunal" shall be substituted by the words "articles 26, 27, 28, 29 or 29A, the Tribunal";

(b) in paragraph (c) thereof the words "articles 26, 27, 28 or 29 the provisions" shall be substituted by the words "articles 26, 27, 28, 29 or 29A the provisions".

Passed by the House of Representatives at Sitting No. 451 of the 30th March, 2026.

ANĠLU FARRUGIA
Speaker

ELEANOR SCERRI
Clerk of the House of Representatives

