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L.N. 173 of 2026

**EMPLOYMENT AND INDUSTRIAL RELATIONS ACT
(CAP. 452)**

Equal Pay (Transparency and Reporting) Regulations, 2026

IN EXERCISE of the powers conferred by articles 31 and 48(2) of the Employment and Industrial Relations Act, the Prime Minister and the Minister responsible for employment and industrial relations, after consultation with the Employment Relations Board, have made the following regulations:-

Citation, scope
and
applicability.

1. (1) The title of these regulations is the Equal Pay (Transparency and Reporting) Regulations, 2026.

(2) The scope of these regulations is to transpose Directive (EU) 2023/970 of the European Parliament and of the Council of 10 May 2023 to strengthen the application of the principle of equal pay for equal work or work of equal value between men and women through pay transparency and enforcement mechanisms, and to make provisions relating to equal pay for equal work or work of equal value in accordance with such Directive.

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(3) These regulations shall apply to employers in public and private sectors and to all workers who have an employment relationship as defined in the Employment and Industrial Relations Act:

Provided that regulation 4 shall apply to applicants for employment.

Interpretation.

2. In these regulations, unless the context otherwise requires:

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"Act" means the Employment and Industrial Relations Act;

"category of workers" means workers performing the same work or work of equal value grouped in a non-arbitrary manner based on the non-discriminatory and objective gender-neutral criteria referred to in regulation 3, by the employer and, where applicable, in cooperation with the employees' representatives in accordance with the provisions of any law in force in Malta;

"collective agreement" shall have the same meaning as assigned to it in article 2 of the Act;

"direct discrimination" means the situation in which a

person is treated less favourably on grounds of sex than another person is, has been or would be treated in a comparable situation;

"Directive (EU) 2023/970" means the Directive (EU) 2023/970 of the European Parliament and of the Council of 10 May 2023 to strengthen the application of the principle of equal pay for equal work or work of equal value between men and women through pay transparency and enforcement mechanisms;

"Director" shall have the same meaning as assigned to it in article 2 of the Act;

"discriminatory treatment" means any distinction, exclusion, restriction or difference in treatment, whether direct or indirect, and includes:

- (a) harassment and sexual harassment, as well as any less favourable treatment based on a person's rejection of, or submission to such conduct, when such harassment or treatment relates to, or results from the exercise of the rights provided for in these regulations;

- (b) any instruction to discriminate against persons on grounds of sex;

- (c) any less favourable treatment of a woman related to pregnancy or maternity leave within the meaning of Council Directive 92/85/EEC of 19 October 1992 on the introduction of measures to encourage improvements in the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding (tenth individual Directive within the meaning of Article 16 (1) of Directive 89/391/EEC);

- (d) any less favourable treatment, within the meaning of Directive (EU) 2019/1158 of the European Parliament and of the Council of 20 June 2019 on work-life balance for parents and carers and repealing Council Directive 2010/18/EU based on sex, including with regard to paternity leave, parental leave or carers' leave;

- (e) intersectional discrimination;

"employees' representative" means:

- (a) any employees' representative as defined in article 2 of the Act;

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(b) any trade union representative recognised under the Act;

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(c) any representative elected or appointed in accordance with the Employee (Information and Consultation) Regulations; or

(d) any other representative acting on behalf of a worker in defence of that worker's interests, including for avoidance of doubt a trade union;

"employer" shall have the same meaning as assigned to it in article 2 of the Act;

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"Equality Body" means the National Commission for the Promotion of Equality established in accordance with the Equality for Men and Women Act, or such other entity assuming the responsibilities of the National Commission for the Promotion of Equality for Men and Women in accordance with the law;

"gender pay gap" means the difference in average pay levels between female and male workers of an employer expressed as a percentage of the average pay level of male workers;

"indirect discrimination" means the situation in which an apparently neutral provision, criterion or practice would put persons of one sex at a particular disadvantage compared with persons of the other sex, unless that provision, criterion or practice is objectively justified on the basis of a legitimate aim, and the means of achieving that aim are appropriate and necessary;

"intersectional discrimination" means discrimination based on a combination of sex and any other ground or grounds of discrimination protected under Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin, or Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation;

"median gender pay gap" means the difference between the median pay level of female and median pay level of male workers of an employer expressed as a percentage of the median pay level of male workers;

"median pay level" means the pay level at which half of the workers of an employer earn more and half of them earn less;

"Minister" shall have the same meaning as assigned to it in the Act;

"Monitoring Body" means the Department for Industrial and Employment Relations:

Provided that for the purposes of public officers appointed within the public service by the Public Service Commission, the duties of the Monitoring Body under these regulations shall be carried out by the People and Standards Division within the office of the Prime Minister, or such other entity assuming the responsibilities of the People and Standards Division;

"pay" means the ordinary basic or minimum wage or salary and any other consideration, whether in cash or in kind, including complementary or variable components, which a worker receives directly or indirectly in respect of his or her employment from his or her employer;

"Pay Gap Report" means a report prepared by an employer employing at least one hundred (100) employees, on the pay gap between female and male workers which includes the information stipulated in regulation 9;

"pay level" means gross annual pay and the corresponding gross hourly pay;

"pay progression" means the process of how workers move to a higher pay level;

"quartile pay band" means each of four equal groups of workers into which they are divided according to their pay levels, from the lowest to the highest;

"trade union" shall have the same meaning as assigned to it in article 2 of the Act;

"Tribunal" shall have the same meaning as assigned to it in article 2 of the Act;

"work of equal value" means work that is determined to be of equal value in accordance with the non-discriminatory and objective gender-neutral criteria referred to in regulation 3.

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Part I
Equal Pay for Equal Work
or Work of Equal Value

Equal pay for
equal work or
work of equal
value.

3. (1) All employers shall ensure that they have pay structures that ensure equal pay for equal work or work of equal value:

Provided that nothing shall preclude an employer and a worker or a union of workers as a result of negotiations for a collective agreement, to agree amongst others on different salary scales, brackets or steps, annual increments and other conditions of employment that are different for those workers who are employed at different times, where such salary scales have a maximum that is achieved within a specified period of time:

Provided further and without prejudice to these regulations, that any distinction between categories of employment based on discriminatory treatment as defined in these regulations or in the Act, otherwise than in accordance with the provisions of the Act or any other law shall be null and of no effect.

(2) Employers are not precluded from paying workers performing the same work or work of equal value differently or from setting pay progressions, on the basis of objective, gender-neutral and bias-free criteria including but not limited to performance and competence.

(3) Pay structures shall be such as to enable the assessment of whether workers are in a comparable situation with regard to the value of work on the basis of objective, gender-neutral criteria agreed with employees' representatives where such representatives exist:

Provided that such criteria shall not be based directly or indirectly on workers' sex and shall include skills, effort, responsibility and working conditions and, if appropriate, any other factors which are relevant to the specific job or position:

Provided further that such criteria shall be applied in an objective gender-neutral manner, excluding any direct or indirect discrimination based on sex, and taking into account any soft skills.

Part II
Pay Transparency

Pay
transparency
prior to
employment.

4. (1) Applicants for employment shall have the right to receive, from a prospective employer, information about:

(a) the initial pay or its range, based on objective,

gender-neutral criteria, to be attributed for the position concerned; and

(b) the relevant provisions of the collective agreement applied by the employer in relation to a particular position, where applicable:

Provided that such information shall be provided in a manner such as to ensure an informed and transparent negotiation on pay, prior to the conclusion of the recruitment process.

(2) Employers shall not ask applicants for employment about their pay history during their current or previous employment relationships.

(3) Employers shall ensure that job vacancy notices and job titles are gender-neutral and that recruitment processes are led in a non-discriminatory manner, in order not to undermine the right to equal pay for equal work or work of equal value.

5. (1) An employer shall adopt and maintain written policies or criteria establishing the objective and gender-neutral criteria used to determine workers' pay, pay levels and pay progression in accordance with principles established in regulation 3. Such written policies or criteria shall be accessible to workers at all times.

Transparency of pay setting and pay progression policy.

(2) Without prejudice to an employer's obligation to comply with the terms established in the Act and these regulations, employers employing fewer than fifty (50) workers shall be exempt from the requirements established in sub-regulation (1) insofar as such requirements relate to pay progression. Notwithstanding such exemption, such employers employing twenty (25) or more workers shall remain obliged to internally document at employer level, the criteria used to determine workers' pay, pay levels and pay progression. For the avoidance of any doubt, employers employing fewer than twenty-five (25) workers shall, in all cases, remain bound by the principles relating to equal pay for equal work or work of equal value as established under these regulations.

6. (1) Workers shall have the right to request and receive information in writing, in accordance with sub-regulations (2) and (3), on their individual pay level and the average levels broken down by sex, for categories of workers performing the same work as them or work of equal value to theirs:

Right to information.

Provided that when requests for information in accordance with sub-regulation (1) are made in the year 2026, the information to

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be provided shall only relate to pay relative to the year 2026.

(2) Upon receipt of a request made in accordance with sub-regulation (1), the employer shall provide the requested information to the worker in writing within eight (8) days.

(3) Where the employer fails to provide the information within the time frame stipulated in sub-regulation (2):

(a) in such case where an employees' representative is appointed, such representative may, within twelve (12) days from the expiry of the period referred to in sub-regulation (2), submit a request for the same information on behalf of the worker, provided that, where a worker chooses to be represented by a trade union, such trade union shall be deemed to constitute the employees' representative for the purposes of this sub-regulation and may act on behalf of the worker accordingly;

(b) if the employer fails to respond to a request within the stipulated time frames in sub-regulations (2) and 3(a) in cases where an employees' representative is appointed, or a trade union where the worker has chosen it to act on their behalf, the worker may request and receive the information through the Equality Body upon a request to such effect being made by the worker and, or an employees' representative.

(4) If the information received is inaccurate or incomplete, workers shall have the right to request, personally or through their employees' representatives or through the chosen union, additional and reasonable clarifications and details regarding any of the data provided and to receive a substantiated reply.

(5) If the information is not provided to a worker, or is otherwise inaccurate or incomplete, either directly, through the employees' representative, or through the Equality Body, within forty-five (45) days from the date on which the request is first made by the worker, such failure shall be considered to be an offence against the Act and the Director may initiate proceedings against the employer in accordance with the Act.

(6) Employers shall inform all workers, on an annual basis, of their right to receive the information referred to in sub-regulation (1) and of the steps that the worker is to undertake to exercise that right.

(7) Workers shall not be prevented from disclosing their pay to the relevant authorities or to the employees' representatives or the chosen union for the purpose of the enforcement of this regulation.

(8) Notwithstanding anything contained in any other law, an employer shall be required to retain any information or data in this regard for a period of not less than five (5) years.

(9) Employers may require workers who have obtained information in accordance with this regulation, other than information concerning their own pay or pay level, not to use that information for any purpose other than to exercise their right to equal pay.

7. Employers shall ensure that any information provided to workers or applicants for employment in accordance with regulations 4, 5 and 6 is made available in a format that is accessible to persons with disabilities having due regard to their particular needs.

Accessibility of information.

8. (1) When assessing whether female and male workers are carrying out equal work or work of equal value, the assessment of whether workers are in a comparable situation shall not be limited to situations in which female and male workers work for the same employer but shall be extended to a single source establishing the pay conditions, when such single source exists.

Proof of equal work or work of equal value.

(2) A single source shall exist where there is one source that determines the elements of pay relevant for the comparison of workers. For the purposes of these regulations, a single source shall be deemed to exist only where the undertakings concerned are controlled by the same persons and their economic activity is essentially of the same nature.

(3) For the purposes of sub-regulation (2), bodies falling within the public service and namely any ministries and government departments appointed as the employer of public officers within the public service by the Public Service Commission, shall be treated as one single source. Other public sector entities, authorities, corporations, agencies or other bodies shall each individually constitute a separate single source notwithstanding that such entities fall within the remit of the Government of Malta or are subject to coordination, policy direction or oversight by a central authority or body of the Government of Malta.

(4) The assessment of whether workers are in a comparable situation shall not be limited to workers who are employed at the same time as the worker concerned.

(5) Where no real comparator can be established, any other evidence may be used to prove alleged pay discrimination, including statistics or a comparison of how a worker would be treated in a comparable situation.

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Part III Reporting

Reporting on
pay gap between
female and male
workers.

9. (1) Employers employing at least one hundred (100) workers shall prepare a Pay Gap Report containing the following information:

(a) the gender pay gap;

(b) the gender pay gap in complementary or variable components;

(c) the median gender pay gap;

(d) the median gender pay gap in complementary or variable components;

(e) the proportion of female and male workers receiving complementary or variable components;

(f) the proportion of female and male workers in each quartile pay band; and

(g) the gender pay gap between workers by categories of workers, broken down by ordinary basic wage or salary and complementary or variable components.

(2) Employers employing two hundred and fifty (250) workers or more shall, by 7 June 2027 and every year thereafter, provide the information established in sub-regulation (1) in respect of the preceding calendar year. For the avoidance of any doubt, the first report shall relate to the period between the 1st January 2026 to the 31st December 2026, the second report shall relate to the period from the 1st January 2027 to the 31st December 2027, and annually thereafter.

(3) Employers employing between one hundred and fifty (150) and two hundred and forty-nine (249) workers shall, by 7 June 2027 and every three (3) years thereafter, provide the information established in sub-regulation (1) relating to the previous year. For the avoidance of any doubt, the first report shall relate to the period from the 1st January 2026 to the 31st December 2026, the second report shall relate to the period from the 1st January 2029 to the 31st December 2029 and every three (3) years thereafter.

(4) Employers employing between one hundred (100) and one hundred and forty-nine (149) workers shall, by 7 June 2031 and every three (3) years thereafter, provide the information established in sub-

regulation (1) relating to the previous calendar year. For the avoidance of any doubt, the first report shall relate to the period from the 1st January 2030 to the 31st December 2030, the second report shall relate to the period from the 1st January 2033 to the 31st December 2033 and every three (3) years thereafter.

(5) All employers shall submit the relevant reports within fourteen (14) working days from the end of a relevant yearly period.

(6) Employers employing fewer than one hundred (100) workers may provide the information established in sub-regulation (1) on a voluntary basis.

(7) The accuracy of the information contained in the Pay Gap Report shall be confirmed by the employer's management following consultation with the employees' representatives. Employees' representatives shall have access to the methodologies applied by the employer in compiling the report.

(8) The Pay Gap Report containing the information referred to in sub-regulation (1)(a) to (g) shall be communicated to the Monitoring Body in such format as may be prescribed from time to time by the said Body. The employer may publish the information referred to in sub-regulation (1)(a) to (f) of these regulations on its website or otherwise make it publicly available.

(9) Employers shall provide the information referred to in sub-regulation 1(g), to all their workers and to employees' representatives. Employers shall provide such information to the Monitoring Body and to the Equality Body upon request. The information from the previous four (4) years, where available, shall also be provided upon request.

(10) Workers, employees' representatives, the Monitoring Body or the Equality Body, as the case may be in accordance with sub-regulation (9), shall have the right to request the employers for additional clarifications and details regarding any of the data provided, including explanations concerning any gender pay differences. Employers shall respond to such requests within a reasonable time by providing a substantiated reply. Where gender pay differences are not justified on the basis of objective and gender-neutral criteria in accordance with regulation 3, employers shall remedy the situation within a reasonable period of time in consultation with the Monitoring Body which for such purposes shall consult the employees' representatives and the Equality Body if required.

10. (1) Employers who are subject to the Pay Gap Report in accordance with regulation 9 shall conduct, in consultation with their Joint pay assessment.

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employees' representatives, a joint pay assessment where all the following conditions are met:

(a) the Pay Gap Report demonstrates a difference in the average pay level between female and male workers of at least five per cent (5%) in any category of workers;

(b) the employer has not satisfactorily justified such a difference in the average pay level on the basis of objective and gender-neutral criteria; and

(c) the employer has not remedied such an unjustified difference in the average pay level within six (6) months from the date of submission of the pay reporting.

(2) The joint pay assessment shall be carried out in order to identify, remedy and prevent differences in pay between female and male workers which are not justified on the basis of objective and gender-neutral criteria. The joint pay assessment shall include the following:

(a) an analysis of the proportion of female and male workers in each category of workers;

(b) information on average female and male workers' pay levels and complementary or variable components for each category of workers;

(c) any differences in average pay levels between female and male workers in each category of workers;

(d) the reasons for such differences in average pay levels, on the basis of objective and gender-neutral criteria, if any, as established jointly by the employees' representatives and the employer;

(e) the proportion of female and male workers who benefitted from any improvement in pay following their return from maternity or paternity leave, parental leave or carers' leave, if such improvement occurred in the relevant category of workers during the period in which the leave was taken;

(f) measures to address differences in pay if they are not justified on the basis of objective and gender-neutral criteria;

(g) an evaluation of the effectiveness of measures from previous joint pay assessments.

(3) Employers shall make the joint pay assessment available to workers and employees' representatives. Within ten (10) working days of completing the joint pay assessment, employers shall communicate it to the Monitoring Body. Following such communication, the employer shall make the joint pay assessment immediately available to the Equality Body upon request.

(4) When implementing the measures arising from the joint pay assessment, the employer shall remedy the unjustified differences in pay within such time as determined with the employees' representative. The implementation of the measures shall include an analysis of the existing gender-neutral job evaluation and classification systems or the establishment of such systems, to ensure that any direct or indirect pay discrimination on the grounds of sex is excluded.

(5) In case of disagreement as to the conduct of the joint pay assessment or otherwise the implementation of measures following such assessment, an employer or the employees' representative or the chosen union may request the Monitoring Body to attend a conciliation meeting between the employer and the employees' representative and failing final agreement following such conciliation meeting, the matter shall be referred to the Tribunal for determination within the time frames prescribed in Article 30(1) of the Act.

(6) Any party to a decision delivered by the Tribunal who feels aggrieved by a decision of the said Tribunal in accordance with this regulation may appeal to the Court of Appeal as provided in the Act.

(7) Any processing or publication of information in accordance with regulations 9 and 10 shall comply with applicable data protection legislation, in accordance with Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation).

Part IV

Monitoring and Coordination

11. (1) The Monitoring Body shall be responsible for monitoring and supporting the implementation of national measures adopted under these regulations.

Functions of the
Monitoring
Body.

(2) Without prejudice to other duties under these regulations, the Monitoring Body shall:

(a) raise awareness of the right to equal pay and pay transparency among public and private undertakings, workers'

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organisations, social partners and the public, including with regard to intersectional discrimination in relation to equal pay for equal work or work of equal value;

(b) analyse the causes of the gender pay gap, and develop tools to assist in assessing pay inequalities;

(c) collect and publish in a user-friendly and easily accessible manner the information received from employers pursuant to regulation 9, specifically that referred to in points (a) to (f) of regulation 9, ensuring that such data permits comparisons between employers, sectors and regions in Malta and includes the previous four (4) years' data where available;

(d) collect and review Pay Gap Reports and joint pay assessments submitted by employers in accordance with regulation 9 and 10 respectively;

(e) aggregate data on the number and type of pay discrimination complaints and legal actions brought before the Tribunal, or the Courts relating to pay discrimination in accordance with these regulations;

(f) monitor employer compliance with pay transparency obligations in accordance with these regulations;

(g) exercise powers of inspection and requesting of information from employers.

(3) By the 7th June 2028 and every two (2) years thereafter, the Monitoring Body, shall in a single (1) submission provide the European Commission with the data referred to in sub-regulation 2 (c), (d) and (e).

(4) The Monitoring Body shall prepare and publish annual reports evaluating pay transparency implementation, identifying systemic risks and making recommendations to the Minister.

Coordination
between the
Monitoring
Body and the
Equality Body.

12. For the purposes of ensuring the effective implementation of the rights and obligations stipulated in Directive (EU) 2023/970, the Monitoring Body and the Equality Body shall cooperate, and shall as may be required from time to time, mutually transmit all information as may be required in order to achieve the aims and objectives of the Directive (EU) 2023/970 in the manner established in these regulations.

Part V
Miscellaneous Provisions

13. It shall not be lawful to victimise any worker and employees' representative for having exercised their rights in accordance with these regulations or for having participated in proceedings for redress on grounds of the alleged breach of the provisions of these regulations.

Victimisation
and protection
against less
favourable
treatment.

14. (1) Without prejudice to any criminal proceedings brought in relation to any offence committed against these regulations and without prejudice to any conciliation or mediation proceedings initiated with a view to the rectification of any possible breach of these regulations, any person who has sustained any loss in pay as a result of a breach of any right or obligation relating to the principle of equal pay for equal work or work of equal value may refer the matter to the Industrial Tribunal for redress as provided in article 30 of the Act, and shall be entitled to claim and obtain full payment of any lost pay together with compensation in accordance with this regulation. In such circumstances, the timelines established in accordance with article 30 of the Act shall not apply, and those established in regulation 16(1) shall apply.

Right to lost pay
and
compensation.

(2) For the purpose of this regulation, payment of lost pay includes full recovery of back pay and related bonuses or payments in kind.

(3) For the purposes of this regulation, the compensation for damages referred to in sub-regulation (1) shall constitute real and effective compensation for the damages sustained, in a dissuasive and proportionate manner and shall include compensation for lost opportunities, non-material damage, and any damage caused by other relevant factors which may include intersectional discrimination. Such compensation shall be over and above any reparation for loss of pay.

(4) In awarding compensation, the Industrial Tribunal shall take into consideration all relevant circumstances of the case, including the cooperation of the employer, the duration of any breach, whether the actions of the employer were manifestly unintentional and of a minor character and whether the actions of the employer were motivated by vexatious reasons amongst others.

(5) Damages in excess of an amount equivalent to that provided for by way of payment of lost pay shall be awarded only where the discrimination was carried out wilfully and for vexatious reasons.

(6) The payment of lost pay shall place the worker who has

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sustained such loss in the position in which that person would have been if there had been no breach of any of the rights or obligations relating to the principle of equal pay, or if such person had not been discriminated against based on sex.

(7) Where a claim is brought before the Tribunal and no categorisation of workers has been carried out, the Tribunal shall appoint an expert as suggested by the parties to such proceedings for the purposes of such categorisation. If the parties fail to agree on such expert, the Tribunal shall appoint such expert itself.

(8) Any party to a decision delivered by the Tribunal who feels aggrieved by a decision of the said Tribunal relating to the principle of equal pay for equal work or work of equal value, may appeal to the Court of Appeal as provided in article 82 the Act.

Shift of burden
of proof.

15. (1) In all proceedings, other than criminal proceedings, and in any mediation or conciliation procedures concerning alleged direct or indirect discrimination resulting from a breach of the principle of equal pay for equal work or work of equal value, and where the plaintiff establishes facts from which it may be presumed that there has been direct or indirect discrimination, the employer shall be obliged to prove that there has been no direct or indirect discrimination in relation to pay.

(2) In pursuing a claim or any action in accordance with sub-regulation (1), any plaintiff, as the case may be, shall notwithstanding the principles established in this regulation, bring initial proof of any breach of the principle of equal pay for equal work or work of equal value by reference to tangible and established facts.

(3) In proceedings relating to alleged direct or indirect discrimination in pay, where the employer has not implemented the pay transparency obligations as provided for in regulations 4, 5, 6, 9 and 10, the employer shall be obliged to prove that there has been no such discrimination:

Provided that sub-regulation (3) shall not apply when the employer proves that the breach of the obligations established in regulations 4, 5, 6, 9 and 10 was manifestly unintentional and of a minor character.

Prescription
periods.

16. (1) Without prejudice to any prescription periods established in accordance with the Act in relation to any criminal proceedings brought in accordance with these regulations, any action or proceedings for a claim for loss of pay and compensation in terms of regulation 14 may be brought within a period of three (3) years.

(2) The prescription period referred to in sub-regulation (1) shall commence to run on the date on which the claimant knew or could reasonably be expected to have known of the breach.

(3) The prescription period for a claim arising from a breach of the principle of equal pay for equal work or work of equal value shall be suspended or interrupted in accordance with the rules on suspension and interruption of prescription in accordance with the Civil Code. In addition to the methods of interruption or suspension of prescription in accordance with the Civil Code, the prescription period shall be interrupted or suspended when: Cap. 16.

(a) the claimant has submitted a complaint to the employer;

(b) the claimant has initiated proceedings before the Tribunal in accordance with these regulations and particularly regulation 14.

(4) The provisions of this regulation shall apply without prejudice to any more favourable prescription periods provided under any other law.

17. (1) Workers who consider themselves wronged by a failure to comply with the principle of equal pay for equal work or work of equal value, shall have the right to pursue their claims by application before the Tribunal in accordance with these regulations. Defence of rights and procedures on behalf or in support of workers.

(2) Such right shall be available even after the termination of the employment relationship in which the alleged breach occurred.

(3) Nothing shall prevent any association, the Equality Body, employees' representatives or other legal entity having a legitimate interest in ensuring that these regulations are complied with, to engage itself either on behalf of, or in support of the worker, with his approval, in any judicial or administrative procedure which is provided for the enforcement of obligations under these regulations.

(4) The Monitoring Body shall not participate on behalf of any worker in any judicial proceedings, without prejudice however to its right to conduct any investigation, entertain mediation or conciliation proceedings and, where it carries out an investigation, to take appropriate action in accordance with its powers, including making findings and recommendations or referring matters to the competent authorities, particularly in cases involving alleged loss of pay, in line with the provisions of the Act.

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Dissemination
of information.

18. It shall be the duty of the employer or any person or organisation to whom these regulations apply, to use appropriate means to bring the provisions of these regulations as well as of any measure taken to further the aim of these regulations to the attention of his workers, or of the organisation's members, as the case may be, or to any other persons who may be affected by the actions of the employer or the organisation concerned.

Data protection.

19. (1) To the extent that any information provided in accordance with regulations 6, 9 and 10 involves the processing of personal data, this shall be provided in accordance with Regulation (EU) 2016/679 of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data.

(2) Any personal data processed in accordance with regulations 6, 9, and 10 shall not be used for any purpose other than to apply the equal pay for equal work or work of equal value.

(3) Where the disclosure of information in accordance with regulations 6, 9, and 10 would lead to the disclosure, directly or indirectly, of the pay of an identifiable worker, only the workers' representatives, the Equality Body and the Monitoring Body shall have access to such information. The employees' representatives and the Equality Body shall advise workers on a possible claim under this Act without disclosing the actual pay levels of individual workers who perform the same work or work of equal value. For the purposes of monitoring in accordance with regulation 11, the information shall be made available without any restriction.

Offences and
penalties.

20. (1) Any person contravening the provisions of these regulations shall be guilty of an offence and shall be liable on conviction to a fine (*multa*) of not less than two thousand five hundred euro (€2,500) and not more than five thousand euro (€5,000).

(2) Where the offence consists of, or is connected with a breach of the principle of equal pay for equal work or work of equal value on the basis of gender and intersectional discrimination, the offender shall be liable on conviction to a higher punishment than those established in sub-regulation (1), consisting of fine (*multa*) of not less than five thousand euro (€5,000) and not more than seven thousand euro (€7,000).

(3) In determining the punishment under this regulation, the Court shall take into consideration whether the offence constitutes a repeated infringement, and where it so finds, it shall impose a more severe punishment within the limits established herein.

(4) Any contravention of the terms of article 3A of the Equal Treatment in Employment Regulations shall not be prosecuted under such regulations. Prosecution for any contravention of the terms of such article shall be made solely in terms of these Regulations in as far as a breach of these regulations has occurred. Any recourse for loss of pay and compensation shall be regulated solely by these regulations. S.L. 452.95.

21. (1) Without prejudice to any other remedy available under these regulations, a worker or any interested party, who establishes *prima facie* evidence of a breach of the principle of equal pay for equal work or work of equal value on the basis of gender may request the Tribunal to issue an *interim* order. Other remedies.

(2) Upon such request the Tribunal may, where it considers it appropriate, issue an *interim* order that:

- (a) requires the cessation of any alleged infringement; and, or
- (b) orders the adoption of specific measures necessary to ensure compliance with the principle of equal pay for equal work or work of equal value.

(3) Prior to issuing of any *interim* order, the Tribunal shall appoint a date for the hearing of the case within fifteen (15) days from the filing of the request and shall determine the request for an *interim* order within twenty (20) working days from such filing.

(4) Any decision of the Tribunal under this regulation shall be subject to appeal before the Court of Appeal as provided in article 82 of the Act.

22. All rights and remedies granted by these regulations shall apply in relation to any breach of the principle of equal pay for equal work or work of equal value, as established in these regulations, arising on, or after the date of coming into force of these regulations. Rights and remedies.

23. (1) Notwithstanding any other provision of these regulations, where a worker has been seconded or supplied to a parastatal entity or a Government entity consequent to the closure of any other parastatal or Government entity, and where a collective agreement applicable to such worker remains in force as at the date of the coming into force of these regulations, such worker shall not be entitled to institute any proceedings of whatsoever nature under these regulations in relation to any difference in pay for equal work or work of equal value, solely in relation to the parastatal entity or a Government entity to which such worker was seconded or supplied, for such period during which the said collective agreement remains in Transitional provisions.

force under the conditions established in such collective agreement, which shall include, for avoidance of any doubt, any transitory clauses extending the terms of such collective agreement until a new collective agreement is entered into.

(2) The provisions of sub-regulation (1) shall apply, *mutatis mutandis*, to any other worker employed by an entity to which a worker has been seconded or supplied in the manner specified in sub-regulation (1), in relation to any difference in pay for equal work or work of equal value, solely in relation to employees who have been seconded or supplied with such entities.

(3) The provisions of sub-regulations (1) and (2) shall constitute temporary transitional measures for the purpose of regulating collective agreements between employers and workers which are in force as at the date of the coming into force of these regulations.

(4) Upon the expiry of a collective agreement referred to in regulation 22(1), a seconded or supplied worker, shall be entitled to the same pay and benefits as those applicable to employees of the entity to which he is seconded or supplied.

(5) In the case of parastatal entities or a Government entities, a seconded or supplied worker who enjoys pay or conditions of service which are more favourable than those applicable to employees of the entity to which he is placed with shall only be entitled to receive such pay or conditions of service where such worker performs duties which are dissimilar to, or additional to, the duties performed by employees of the said entity based on objective criteria.

(6) The terms of any collective agreement in force at the time of the coming into force of these regulations, in accordance with the conditions established in such collective agreement, which shall include, for the avoidance of any doubt, any transitory clauses extending the terms of such collective agreement until a new collective agreement is entered into, shall be considered to be valid and compliant with the terms of these regulations. During such period, no recourse shall lie against an employer in so far as such recourse relates to any possible breach of the terms of this regulation arising as a result of any terms agreed in such collective agreement. For the avoidance of doubt any action pursuant to any difference in pay for equal work or work of equal value, resulting from the breach of such collective agreement shall be permissible.