

**122. L-Onor. Ivan Castillo, l-Onor. Graziella Attard Previ u l-Onor. Darren Carabott, jipponu:**

L-Ewwel Qari ta' Abbozz ta' Ligi msejjaħ "Att tal-2023 li jemenda l-Att dwar l-Impjegi u r-Relazzjonijiet Industrijali."

08.03.2023

## ABBOZZ TA' LIĠI

### Msejjaħ

*ATT biex jemenda l-Att Dwar l-Impjiegi u r-Relazzjonijiet Industrijali, Kap 452.*

IL-PRESIDENT bil-parir u l-kunsens tal-Kamra tad-Deputati, imlaqqgħa f' dan il-Parlament, u bl-awtorità tal-istess, ħareġ b'liġi dan li ġej:

1. It-titolu fil-qosor ta' dan l-Att hu l-Att tal-2023 sabiex jemenda l-Att Dwar l-Impjiegi u Relazzjonijiet Industrijali, dan l-Att għandu jinqara u jinftiehem ħaġa waħda mal-Att Dwar l-Impjiegi u Relazzjonijiet Industrijali, hawn iżjed 'il quddiem imsejjaħ "Att".
2. Minnufih wara l-artikolu 29 tal-Att għandu jiżdied dan l-artikolu ġdid b' dan li ġej:

**"29A.** (1) Bla ħsara għad-dispożizzjonijiet tal-artikolu 29, kull prinċipal li jimpjega aktar minn disgħa u erbghin persuna għandu jkollu fis-seħħ dokument li jiġbor fih il-politika kontra l-fastidju sesswali fuq il-post tax-xogħol.

(2) Kull prinċipal għandu jagħti kopja tad-dokument li jiġbor fih il-politika kontra l-fastidju sesswali fuq il-post tax-xogħol lil kull impjegat mill-bidu tal-impjieg u kull meta d-dokument jiġi mibdul jew aġġornat, u kif ukoll kull meta l-impjegat jagħmel talba għal dan id-dokument lill-prinċipal.

(3) Kull prinċipal għandu jibgħat lid-Direttur kopja tad-dokument li jiġbor fih il-politika kontra l-fastidju sesswali fuq il-post tax-xogħol fi żmien sitt xhur mid-dhul fis-seħħ ta' dan l-Att jew minn meta prinċipal ikun qed jimpjega aktar minn disgħa u erbghin persuna, skont kif ikun il-każ.

(4) Kull prinċipal għandu jinforma bil-miktub lid-Direttur dwar kwalunkwe tibdil jew aġġornament tad-dokument li jiġbor fih il-politika kontra l-fastidju sesswali fuq il-post tax-xogħol fi żmien xahar minn meta jbiddu jew jaġġornah.

(5) Id-dokument kontra l-fastidju sesswali fuq il-post tax-xogħol għandu jsir bil-miktub, bil-Malti u bl-Ingliż, għandu jkun konformi mad-dispożizzjonijiet ta' dan l-Att u kif ukoll tal-Att dwar l-Ugwaljanza għall-Irġiel u n-Nisa u għandu jinkludu sezzjonijiet li jindirizzaw ir-rekwiziti li ġejjin:-

(a) l-għan;

(b) definizzjoni ta' x'jikkostitwixxi fastidju sesswali fuq il-post tax-xogħol skont dan l-artikolu;

(c) il-proċedura dwar kif jista' jsir rapport ta' fastidju sesswali fuq il-post tax-xogħol; u

(d) miżuri dixxiplinarji f'każijiet ta' fastidju sesswali fuq il-post tax-xogħol.

(6) Il-Ministru jista' jippreskrivi mudell ta' dokument bil-Malti u bl-Ingliż, li jiġbor fih il-politika kontra l-fastidju sesswali fuq il-post tax-xogħol, li jista' jintuża minn kull prinċipal li jimpjega persuna oħra.”.

3. Immedjatament wara l-artikolu 32 tal-Att għandu jiżdied dan l-artikolu ġdid b'dan li ġej:

“**32A.** Kull min jikser id-dispożizzjonijiet tal-artikolu 29A ikun ħati ta' reat u jeħel, meta jinstab ħati, multa ta' mhux inqas minn mitejn u ħamsin ewro (€250) u mhux aktar minn ħamest elef ewro (€5,000).”.

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### **Għanijiet u Raġunijiet**

L-Għan ta' dan l-Abbozz ta' Ligi huwa sabiex jemenda d-dispożizzjonijiet tal-Att Dwar l-Impjiegi u Relazzjonijiet Industrijali billi jintroduċi l-obbligu tal-prinċipal li jkollu dokument li jiġbor fih il-politika kontra l-fastidju sesswali fuq il-post tax-xogħol u li jipprovdi kopja tad-dokument lil kull impjegat bil-għan li kull persuna tifhem id-drittijiet tagħha u l-proċeduri li tista' ssegwi f'każ ta' fastidju sesswali fuq il-post tax-xogħol.

## **A BILL**

### **entitled**

*AN ACT to amend the Employment and Industrial Relations Act, Cap. 152.*

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:-

1. The short title of this Act is the Act of 2023 amending the Employment and Industrial Relations Act, this Act must be read and understood as one with the Employment and Industrial Relations Act, here further on it says "Act".
2. Immediately after article 29 of the Act there shall be added the following new article:

**"29A.** (1) Saving the provisions of article 29, every employer who employs more than forty-nine employees, shall have in place a document which embodies an anti-sexual harassment policy at the place of work.

(2) Every employer shall provide a copy of the document which embodies an anti-sexual harassment policy at the place of work to each of his employees at the start of his employment and whenever the document is changed or updated and whenever an employee requests a copy of the document from the employer.

(3) Every employer shall send a copy of the document which embodies an anti-sexual harassment policy at the place of work to the Director within six months from the entry into force of this Act or from when he employs more than forty-nine employees as the case may be.

(4) Every employer shall inform the Director in writing of any changes or updates to the document which embodies an anti-sexual harassment policy at the place of work within one month from the said changes or updates.

(5) The document which embodies an anti-sexual harassment policy shall be in writing, in Maltese and English, shall conform with the provisions of the this Act and the Equality for Men and Women Act and shall include sections which address the following requirements:-

(a) the scope;

(b) the definition of what constitutes sexual harassment at the place of work in terms of this article;

(c) the procedure to be followed for the reporting of sexual harassment at the place of work; and

(d) disciplinary measures in case of sexual harassment at the place of work.

(6) The Minister may prescribe a model document which embodies an anti-sexual harassment policy at the place of work, in Maltese and in English, that may be used by any employer who employs another person.”.

3. Immediately after article 32 of the Act there shall be added the following new article:

“**32A.** Any person who contravenes the provisions of article 29A shall be guilty of an offence and shall, on conviction, be liable to a fine (*multa*) of not less than two hundred and fifty euro (€250) but not more than five thousand euro (€5,000).”.

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### **Objectives and Reasons**

The objects and reasons of this Bill are to introduce an obligation on the employer to have in place a document which embodies an anti-sexual harassment policy at the place of work u to provide a copy of the document to every employee in order for every persoun to be informed about her rights and the procedures which may be followed in case of sexual harassment at the place of work.