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MALTA

KAMRA TAD-DEPUTATI

HOUSE OF REPRESENTATIVES

ABBOZZ ta' Ligi mressaq mill-Onorevoli Louis Galea, M.P., Ministru tal-Politika Soċjali, u moqri għall-Ewwel darba fis-Seduta tat-2 ta' Mejju, 1990.

A BILL introduced by the Honourable Louis Galea, M.P., Minister for Social Policy, and read the First time at the Sitting of the 2nd May, 1990.

ATT biex jipprovdi għal Awtorità Nazzjonali tax-Xogħol, għat-twaqqif ta' Korporazzjoni tax-Xogħol u Tahriġ u biex jirregola servizzi ta' impieg u ta' tahriġ u hwejjeġ konnessi u anċillari għalhekk.

AN ACT to provide for a National Employment Authority, for the establishment of an Employment and Training Corporation and for the regulation of employment and training services, and for matters connected therewith or ancillary thereto.

P. MUSCAT TERRIBILE
Skrivan tal-Kamra tad-Deputati

P. MUSCAT TERRIBILE
Clerk to the House of Representatives

ATT TA' L-1990 DWAR IS-SERVIZZI TA' IMPIEG U TAHRIG**ARRANGAMENT TA' L-ARTIKOLI****TAQSIMA I: PRELIMINARI**

1. Titolu fil-qosor u bidu fis-sehh
2. Tifsir

TAQSIMA II: L-AWTORITÀ NAZZJONALI TAX-XOGHOL

3. Awtorità Nazzjonali tax-Xoghol
4. Funzjonijiet ta' l-Awtorità

TAQSIMA III: KORPORAZZJONI TA' XOGHOL U TAHRIG

5. Twaqqif ta' Korporazzjoni
6. Tmexxija tax-xoghol tal-Korporazzjoni
7. Skwalifika mill-hatra, tnehhija u riżenja ta' Diretturi
8. Laqghat tal-Bord tad-Diretturi
9. Status tal-Korporazzjoni
10. Funzjonijiet tal-Korporazzjoni dwar is-servizz ta' l-impieg
11. Regjistru ta' persuni li jkunu qeghdin ifittxu impieg
12. Registrazzjoni għal impieg
13. Riferiment ta' persuni għal impieg
14. Avviż dwar vakanzi u l-mili tagħhom
15. Dhul ta' impjegati mal-Gvern u ma' korpi u kumpanniji tal-Gvern jew kontrollati minnu
16. Funzjonijiet tal-Korporazzjoni dwar it-tahrig
17. Setghat tal-Korporazzjoni dwar it-tahrig

TAQSIMA IV: DISPOŻIZZJONIJIET AMMINISTRATTIVI U FINANZJARJI DWAR IL-KORPORAZZJONI

18. Impjegati tal-Korporazzjoni
19. Kapital u dhul tal-Korporazzjoni
20. Kontijiet u verifika
21. Rapport Annwali
22. Setgha li tissellef kapital
23. Eżenzjoni minn ċerti taxxi u dazji

TAQSIMA V: AĠENZJI TA' L-IMPIEG

24. Liċenza għal aġenziji u negozji ta' l-impieg
25. Sottomissjonijiet li jsiru mar-rifjut jew revoka ta' liċenza
26. Tmexxija ta' aġenziji u negozji ta' l-impieg

TAQSIMA VI: DOKUMENTAZZJONI DWAR HADDIEMA

27. Kotba tax-Xoghol u dokumenti ohra
28. Taghrif dwar persuni li johorġu mill-iskola
29. Taghrif dwar impiegi u xoghol ieħor

TAQSIMA VII: APPRENDISTI U TRAINEES

30. Tifsir għall-finijiet tat-Taqsima VII
31. Permess għall-impieg ta' apprendisti jew *trainees*
32. Ftehim bil-miktub
33. Registrazzjoni ta' ftehim
34. Trasferiment ta' ftehim
35. Temm jew taħsir ta' ftehim
36. Żmien ta' prova
37. Dokumentazzjoni li l-prinċipali għandhom iżommu
38. Għemil ta' skemi
39. Setgħa tal-Korporazzjoni li tiżgura taħriġ xieraq
40. Self tas-servizzi ta' apprendisti jew *trainees*
41. Bordijiet ta' Eżamijiet fis-Snajja', u ċertifikar
42. Regolamenti dwar livelli, ċertifikazzjoni, eċċ.
43. Deċiżjoni dwar kwistjonijiet
44. Hlas għal taħriġ
45. Regolamenti dwar apprendisti u *trainees*
46. Jeddijiet ċivili ta' apprendist jew *trainee* u ta' prinċipal

TAQSIMA VIII: TWETTIQ, REATI U PIENI

47. Twettiq
48. Indhil mhux xieraq
49. Tagħrif falz, eċċ.
50. Reati relattivi għall-apprendistat jew *traineeship*
51. Reati kontra l-artikoli 15 u 48
52. Piena ġenerali
53. Riżerva dwar il-Kodiċi Kriminali
54. Preskrizzjoni

TAQSIMA IX: MIXELLANJI

55. Regolamenti
56. Konflitt ta' interessi
57. Thassir ta' l-Att dwar is-Servizz ta' l-Impiegi u ta' l-Att dwar it-Tagħlim fl-Industrija

SKEDA

ABBOZZ TA' LIĠI

msejjaħ

ATT biex jipprovdi għal Awtorità Nazzjonali tax-Xogħol, għat-twaqqif ta' Korporazzjoni tax-Xogħol u Tahriġ u biex jirregola servizzi ta' impieg u ta' tahriġ u hwejjeġ konnessi u anċillari għalhekk.

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

TAQSIMA I

Preliminari

1. (1) Dan l-Att jista' jissejjaħ l-Att ta' l-1990 dwar is-Servizzi Titolu fil-qosor u bidu fis-seħh. ta' Impieg u Tahriġ.

(2) Dan l-Att għandu jibda jseħħ f'dik id-data li l-Ministru jista' jistabbilixxi b'avviż fil-Gazzetta, u dati differenti jistghu jiġu hekk stabbiliti għal dispożizzjonijiet differenti jew għal għanijiet differenti ta' dan l-Att.

2. F'dan l-Att, kemm-il darba r-rabta tal-kliem ma tfissirx Tifsir. xort'ohra —

“agenzija ta' l-impieg” jew “negozju ta' l-impieg” tfisser kull attività imwettqa f'Malta għar-reklutaġġ ta' persuni fl-impieg f'Malta jew barra minn Malta;

“Awtorità” tfisser l-Awtorità Nazzjonali tax-Xogħol imwaqqfa bl-artikolu 3 ta' dan l-Att;

“Bord” tfisser il-Berd tal-Korporazzjoni;

“dipendenti” tfisser individwi dipendenti għall-manteniment tagħhom, għal kollox jew fil-biċċa l-kbira, minn individwu u li tkun rigward dak l-individwu —

(i) jekk miżżewġ jew miżżewġa — martu, żewġha, uliedu jew uliedha, jew ulied martu jew żewġha minn żwieġ ieħor, ulied uliedu jew ulied uliedha jekk il-ġenituri tagħhom ikunu mejta;

(ii) jekk ma jkunx miżżewġ jew ma tkunx miżżewġa — uliedu jew uliedha, missieru jew missierha, jew ommu jew ommha, hutu jew hutha li ma jkunx miżżewġin;

(iii) jekk ikun armel jew tkun armla — uliedu jew uliedha, ulied uliedu jew ulied uliedha jew ulied martu jew żewġha minn żwieġ ieħor, jekk il-ġenituri tagħhom ikunu mejta;

“Direttur” tfisser id-Direttur tax-Xogħol u tinkludi kull uffiċjal tad-Dipartiment tax-Xogħol li jkun awtorizzat mid-Direttur li jaġixxi f’ismu;

“Korporazzjoni” tfisser il-Korporazzjoni ta’ Xogħol u Tahriġ imwaqqfa bl-artikolu 5 ta’ dan l-Att u sa fejn ikun hekk awtorizzat tinkludi kull uffiċjal tal-korporazzjoni awtorizzat minnha għal dan il-ghan;

“Ministru” tfisser il-Ministru responsabbli għax-xogħol u tinkludi, sal-limitu ta’ l-awtorità mogħtija, kull persuna awtorizzata mill-imsemmi Ministru għal hekk għal xi għan ta’ dan l-Att;

“persuna” tinkludi korp ta’ persuni u kull korp magħqud stabbilit b’liġi;

“Registru” tfisser ir-Registru msemmi fl-artikolu 11 ta’ dan l-Att;

“sena finanzjarja” tfisser il-perijodu ta’ tnax-il xahar li jagħlaq fit-tletin ta’ Settembru ta’ kull sena:

Iżda l-ewwel sena finanzjarja tal-Korporazzjoni għandha tibda mal-bidu fis-sehh ta’ dan l-Att u għandha tagħlaq fit-tletin ta’ Settembru tas-sena ta’ wara;

“tistabilixxi” tfisser tistabilixxi b’regolamenti magħmulin bis-saħħa ta’ dan l-Att.

TAQSIMA II

L-Awtorità Nazzjonali tax-Xoghol

Awtorità
Nazzjonali
tax-Xoghol.

3. (1) Il-President ta' Malta ghandu jahtar Awtorità Nazzjonali tax-Xoghol li tkun maghmula minn tliet persuni indipendenti, tnejn ohra li fil-fehma tal-President jirrapprezentaw l-interessi tal-principali u tnejn ohra li fil-fehma tal-President jirrapprezentaw l-interessi ta' l-impjegati. F'dan l-artikolu il-kliem "persuni indipendenti" ifissru persuni li la huma mpjegati tal-Gvern u l-anqas ufficjali ta' xi organizzazzjoni li tirrapprezenta principali jew impjegati.

(2) Il-President ghandu jahtar ukoll Segretarju ghal din l-Awtorità.

(3) Wiehed mill-membri indipendenti ta' l-Awtorità ghandu jigi mahtur mill-President bhala *Chairman* u iehor bhala *Deputy Chairman*.

(4) Qabel ma jibda d-dmirijiet tieghu, kull membru tal-Bord ghandu jiehu gurnament tal-kariga quddiem l-Avukat Ġenerali fil-forma kif tinstab fl-Iskeda li hawn ma' dan l-Att.

(5) Kull membru ta' l-Awtorità ghandu jibqa' fil-kariga ghall-perijodu ta' sentejn u jekk ikun hekk kwalifikat jista' jerga' jigi mahtur mill-gdid fi tmiem il-perijodu tal-kariga tieghu.

(6) Il-President jista' jiffissa l-kumpens li ghandu jithallas lill-membri tal-Bord.

(7) Ebda membru ta' l-Awtorità ma jista' jigi mnehhi qabel ma jispiċċa t-terminu tal-hatra tieghu hlief mill-President fuq riżoluzzjoni tal-Kamra tad-Deputati li titlob din it-tnehhija minhabba mgieba hazina ppruvata jew inabilita ppruvata fil-qadi tal-funzjonijiet ta' l-ufficċju tieghu:

Izda jekk il-Kamra tad-Deputati tkun xolta jew prorogata jew agġornata ghal aktar minn erbatax-il gurnata, il-President ikun jista' jissospendi kull membru mill-kariga minhabba mgieba hazina jew inabilita fil-qadi tal-funzjonijiet ta' l-ufficċju tieghu, izda b'dana li dik s-sospensjoni ma ghandhiex tissokta aktar mill-ewwel tliet seduti tal-Kamra tad-Deputati minnufih wara d-data ta' dik is-sospensjoni.

(8) Il-*quorum* ta' l-Awtorità ikun ta' tliet membri, li wiehed minnhom ikun iċ-*Chairman* jew id-*Deputy Chairman*.

(9) Bla hsara ghad-dispożizzjonijiet tas-subartikolu (8) ta' dan l-artikolu, l-Awtorità ma tkunx skwalifikata mit-tmexxija tax-xoghol minhabba xi vakanza fost il-membri tagħha.

(10) Sew id-Direttur u/jew kull persuna floku jkollhom il-jedd li jkunu prezenti fis-seduti kollha ta' l-Awtorità u li jkunu mismughin fuq kull kwistjoni.

(11) Il-proċeduri ta' l-Awtorità jistgħu jsiru *in camera* jekk l-Awtorità jidhrilha xieraq.

(12) Id-deċiżjonijiet ta' l-Awtorità għandhom jittiehdu b'maġġoranza ta' voti tal-membri preżenti. Iċ-*Chairman* jew, fl-assenza tiegħu, id-*Deputy Chairman*, għandu jkollu vot deċiżiv biss.

(13) Bla hsara għad-dispożizzjonijiet ta' dan l-Att u ta' kull regolamenti li jsiru bis-saħħa tiegħu, l-Awtorità tirregola l-proċedimenti tagħha.

Kap. 9.

(14) Għall-finijiet tad-dispożizzjonijiet li ġejjin tal-Kodiċi Kriminali, jiġifieri l-artikolu 91, l-artikoli 115, 119 u 120, l-artikoli 124 u 125, l-artikolu 133 u l-artikolu 138, il-membri ta' l-Awtorità għandhom jitqiesu uffiċjali pubbliċi.

Funzjonijiet ta' l-Awtorità.

4. (1) Il-funzjonijiet ta' l-Awtorità jkunu:

(a) li tissorvelja l-impieg u tinvestiga u taġġudika, b'dak il-mod li tista' tiddetermina, kull ilment li kull parti interessata tista' iġġib quddiemha dwar servizzi ta' impiegi u taħriġ provduti mill-Korporazzjoni;

(b) li tisma' appelli kif provdut f'dan l-Att;

(ċ) li tagħti parir lil Ministru fuq kull haġa' li għandha x'taqsam ma' l-impieg u taħriġ ta' haddiemha, kemm fuq talba tal-Ministru jew fuq inizzjattiva tagħha, inkluż li tagħmel propositi għal regolamenti għal dawk l-ghanijiet u f'dawk iċ-ċirkostanzi li fil-fehma tal-Ministru jew ta' l-Awtorità jkun meħtieġ jew espedjenti li jsiru provvedimenti b'regolamenti;

(d) li tagħmel regoli bla hsara għal provvedimenti ta' dan l-Att:

(i) dwar iċ-ċirkostanzi li fihom persuna registrata għall-impieg tista' tiflel il-priorità biex tiġi riferita għax-xogħol; u

(ii) li jipprovdu biex tiġi mogħtija konsiderazzjoni speċjali lill-klassijiet determinati ta' applikanti li jkunu applikanti b'dipendenti, applikanti li huma handikappati, morda jew inkapaċitati jew applikanti li jinhtieġu rijabilitazzjoni fiżika jew soċjali.

(e) dawk il-funzjonijiet l-oħra li huma jew jistgħu jiġu assenjati lilha jew b'dan l-Att jew kull liġi oħra jew li jistgħu jiġu assenjati lilha mill-Ministru.

(2) Meta l-Awtorità taġixxi bhala tribunal biex tisma' appelli kif provdut fil-paragrafu (b) tas-subartikolu preċedenti, il-provvedimenti li ġejjin għandhom, bla hsara għal provvedimenti ta' kull regolamenti magħmula taht l-artikolu 55 ta' dan l-Att, japplikaw:

(a) L-Awtorità għandha tiċhad kull appell li ma jkunx gie magħmul bil-miktub fiż-żmien speċifikat fid-dispożizzjoni ta' dan l-Att li jipprovi għal dan l-appell;

(b) Iċ-*Chairman* ta' l-Awtorità jew fl-assenza tiegħu id-*Deputy Chairman* ikollu s-setgħa li jharrek xhieda u li jagħti ġurament lil kull xhud u li jordnal u jixhed jew iġib kotba jew dokumenti oħra quddiem l-Awtorità;

(c) Tahrikiet għad-dehra ta' xhieda għandhom ikunu ffirmati miċ-*Chairman* jew, fl-assenza tiegħu, mid-*Deputy Chairman*, u jistgħu jiġu notifikati tant personalment kemm bil-posta registrata, u f'dan l-aħhar każ, għall-prova tan-notifika jkun biżżejjed tipprova illi t-tahrika kienet indirizzata tajjeb u impostata;

(d) Kull min ikun imharrek biex jidher u jixhed f'xi seduta ta' l-Awtorità għandu jobdi t-tahrika notifikata lillu, u kull min jirrifjuta jew jonqos bla raġuni suffiċjenti li jidher fil-jum, hin u post imsemmijin fit-tahrika lillu notifikata jew li jwieġeb, mill-aħjar li jaf, il-mistoqsijiet li jsirulu mill-Awtorità jew bil-kunsens ta' l-Awtorità, jew li jġib kotba jew dokumenti oħra mitluba mill-Awtorità biex jinġiebu quddiemu, ikun hati ta' reat kontra dan l-Att:

Iżda ebda persuna li tixhed quddiem l-Awtorità ma tista' tkun mgħiegħla li tinkrimina ruhha u din il-persuna jkollha, dwar xiehda mogħtija minnha quddiem l-Awtorità, il-jedd għall-privileġġi kollha illi xhud li jixhed quddiem qorti għandu dwar xiehda mogħtija minnu quddiem dik il-qorti.

(e) Id-deċiżjonijiet ta' l-Awtorità dwar kull appell magħmul taht dan l-Att ikunu finali.

(3) L-Awtorità għandha f'Jannar ta' kull sena tagħmel rapport tax-xogħol tagħha lill-Ministru u dan għandu jqiegħdu fuq il-Mejda tal-Kamra tad-Deputati mhux aktar tard mill-ewwel seduta li ssir wara tletin jum minn dakinhar li jkun irċevih.

TAQSIMA III

Korporazzjoni ta' Xogħol u Tahriġ

5. (1) Għandu jkun hemm Korporazzjoni ta' Xogħol u Tahriġ. Twaqqif tal-Korporazzjoni.

(2) Il-Korporazzjoni għandha tkun korp magħqud li jkollu personalità ġuridika distinta u li jkun jista' jidhol għal kuntratti, jakkwista, iżomm u jiddisponi minn kull proprjetà għall-finijiet tal-funzjonijiet tiegħu taht dan l-Att, iharrek u jġi mharrek, u li jagħmel dawk il-hwejjeġ kollha u jidhol għal dawk it-transazzjonijiet kollha li huma inċidentali jew li jwasslu għall-eżerċizzju jew qadi ta' xi funzjonijiet tiegħu taht dan l-Att.

Tmexxija tax-
xogħol tal-
Korporazzjoni.

6. (1) Il-hwejjeg u xogħol tal-Korporazzjoni li jkunu r-responsabbiltà ta' u jitmexxew minn bord tad-diretturi li għandu jkun magħruf bħala "il-Bord". Ir-rappreżentanza ġuridika tal-Korporazzjoni tkun vestita fiċ-*Chairman* jew f'kull direttur ieħor li l-Bord jista' jahtar b'riżoluzzjoni. Kull riżoluzzjoni bħal dik għandha tiġi pubblikata fil-Gazzetta tal-Gvern kemm jista' jkun minnufih wara l-approvazzjoni tagħha u ma għandhiex issehh qabel ma tiġi hekk pubblikata.

(2) Il-Bord għandu jkun magħmul minn dak in-numru ta' diretturi, li ma jkunx inqas minn sebgha, kif il-Ministru jista' minn żmien għal żmien jahtar. Tlieta mill-membri tal-Bord għandhom ikunu mahtura wara konsultazzjoni xierqa mal-ministri konċernati, minn fost dawk il-persuni li l-aħjar jirrappreżentaw il-ministeri responsabbli għax-xogħol, edukazzjoni u għall-industrija.

(3) Iċ-*Chairman* tal-Bord u l-viċi *Chairman* għandhom jinhatru mill-Ministru minn fost il-membri tal-Bord.

(4) Meta iċ-*Chairman* ikun assenti minn Malta jew mod ieħor għal xi żmien inkapaċi milli jwettaq il-funzjonijiet tal-kariga tiegħu, jew meta l-kariga ta' *Chairman* tkun għal xi żmien vakanti, il-viċi *Chairman* jaġixxi ta' *Chairman*.

(5) Iċ-*Chairman* u d-diretturi l-oħrajn jinhatru ta' kull sena u joqogħdu fil-kariga b'dawk it-termini u kondizzjonijiet li l-Ministru jista' jqis li jkunu xierqa; u huma jkunu eliġibbli għall-hatra mill-ġdid.

(6) Bla hsara għad-dispożizzjonijiet kollha ta' dan l-Att u għal kull direttiva tal-Bord it-tmexxija eżekuttiva u l-amministrazzjoni u l-organizzazzjoni tal-Korporazzjoni, u l-kontroll amministrattiv ta' l-uffiċjali u impjegati tagħha, ikun responsabbli għalihom iċ-*Chief Executive* tal-Korporazzjoni li jkollu wkoll kull setgħa oħra li tista' minn żmien għal żmien tiġi lill-delegata mill-Bord. Iċ-*Chief Executive* ikollu d-dritt li jattendi l-laqqgħat kollha tal-Bord u li jsemma' lehn u fihom. Iżda huwa ma jkunx jista' jivvota u anqas ma jitqies għall-finijiet ta' *quorum*.

(7) Id-dispożizzjonijiet tas-subartikolu (14) ta' l-artikolu 3 ta' dan l-Att għandhom *mutatis mutandis* japplikaw għall-Korporazzjoni, iċ-*Chief Executive* u mpjegati oħra tal-Korporazzjoni.

Skwalifika mill-
hatra, tnehhija u
riżenja ta'
Diretturi.

7. (1) Persuna ma tkunx kwalifikata li tinhatar, jew li tokkupa l-kariga ta' membru tal-Bord jekk —

(a) tkun membru tal-Kamra tad-Deputati;

(b) tkun legalment inkapaċitata; jew

(c) tkun giet dikjarata falluta jew tkun għamlet kompożizzjoni jew ftehim mal-kredituri tagħha; jew

(d) tkun instabet hatja ta' reat li għandu x'jasam mal-fiduċja pubblika jew serq jew frodi jew riċettazzjoni ta' oġġetti miksubin b'serq jew bi frodi.

(2) Membru tal-Bord jista' jitneħħa mill-kariga tiegħu mill-Ministru għar-raġuni li jkun inkapaċi li jwettaq il-funzjonijiet tal-kariga tiegħu, sew jekk minhabba f' debulizza tal-moħħ jew tal-ġisem, jew għal kull raġuni oħra, jew minhabba fi mġieba hażina.

(3) Membru tal-Bord jista' jirriżenja mill-kariga tiegħu permezz ta' ittra lill-Ministru.

8. (1) Il-Bord għandu jiltaqa' daqstant drabi kemm ikun meħtieġ jew spedjenti, iżda f'ebda każ inqas minn darba kull tliet xhur. Il-laqgħat jissejġu miċ-*Chairman* jew fuq inizjattiva personali tiegħu jew wara li ssirlu talba minn tnejn mill-membri l-oħra.

Laqgħat tal-Bord tad-Diretturi.

(2) Il-Bord ma għandux jiffunzjona hliet meta jkun hemm preżenti *quorum* ta' mhux inqas minn nofs in-numru ta' membri.

(3) Il-laqgħat tal-Bord għandhom jiġu preseduti miċ-*Chairman* jew, fin-nuqqas tiegħu mill-viċi *Chairman*.

(4) Id-deċiżjonijiet tal-Bord għandhom jittieħdu b'maġġoranza tal-voti tal-membri preżenti u votanti; u fil-każ li l-voti jiġu indaqs iċ-*Chairman*, jew fl-assenza tiegħu l-viċi *Chairman*, ikollu dritt jerga' jivvota għat-tieni darba.

(5) Kull vakanza fost il-membri tal-Bord u kull parteċipazzjoni fil-Bord minn xi persuna li ma tkunx intitolata għalhekk ma għandhomx jinvalidaw il-proċedimenti ta' l-imsemmi Bord.

(6) Bla ħsara għad-dispożizzjonijiet ta' qabel ta' dan l-artikolu l-Bord jista' jirregola l-proċeduri tiegħu stess.

9. (1) Il-Korporazzjoni għandu jkollha dawk il-funzjonijiet kif stabbiliti b'dan l-Att u dawk il-funzjonijiet oħra li jistgħu jiddevolvu fuqha taht kull liġi oħra, jew kif jista' jiġi assenjat lilha mill-Ministru.

Status tal-Korporazzjoni.

(2) Il-Korporazzjoni għandha tikkonsidra kull haġa li għandha x'taqsam mat-tfassil ta' *policy* ġenerali nazzjonali dwar xogħol u taħriġ u kull haġa li għandha x'taqsam ma' xi waħda mill-funzjonijiet tagħha taht dan l-Att, u l-Korporazzjoni tista' wkoll tagħti pariri lil kull dipartiment tal-Gvern fuq dawn il-hwejjeġ.

(3) Il-Korporazzjoni għandha tagħti lil Ministru dawk il-faċilitajiet meħtieġa biex jikseb taħrif dwar il-proprjetà u l-hidma tal-Korporazzjoni, u tfornih bil-prospetti, kontijiet u taħrif iehor dwar l-istess, u tagħtih dawk il-faċilitajiet meħtieġa għall-verifika tat-taħrif mogħti b'dak il-mod, u f'dawk iż-żminijiet li jista' jeħtieġ.

(4) Il-Ministru jista', wara li jikkonsulta mal-Korporazzjoni, jagħti lill-Korporazzjoni dawk id-direttivi bil-miktub li jista' jqis xieraq, li jkunu direttivi ta' natura ġenerali mhux inkonsistenti mad-dispożizzjonijiet ta' dan l-Att, u l-Korporazzjoni għandha tikkonforma ruħha ma' dawk id-direttivi.

(5) Fit-twettiq tal-funzjonijiet taghha taht dan l-Att, jew fi kwalunkwe haġa jew hidma, il-Korporazzjoni ghandha tikkonforma l-policies u l-hidma taghha ma' l-iskopijiet u objettivi ta' l-ippjanar ekonomiku nazzjonali li jkun fis-sehh minn zmien ghal zmien.

(6) Il-Korporazzjoni tista', bl-approvazzjoni tal-Ministru, teżercita l-funzjonijiet taghha taht dan l-Att permezz ta' l-aġenzija ta' persuni ohra, u tista' taġixxi bhala aġent jew xort'ohra f'isem persuni ohra.

Funzjonijiet tal-Korporazzjoni dwar servizz ta' l-impiegi.

10. Dwar l-impiegi, il-Korporazzjoni ghandu jkollha dawn il-funzjonijiet:

(a) ġeneralment biex tippovdi u thaddem servizz ta' l-impiegi, biex tgħin persuni biex impiegi xierqa u biex tgħin lill prinċipali biex isibu mpjegati xierqa; u

(b) partikolarment —

(i) biex tirreġistra persuni li jkunu qeghdin ifittxu impieg fir-Registru, u tiehu notament tal-kwalifiki, esperjenza, kapacitajiet, dispożizzjonijiet u xewqat taghhom, flimkien ma' kull dettall iehor li jista' jitqies mehtieg jew spedjenti;

(ii) biex tintervista lil dawk il-persuni u tistma, jekk mehtieg, il-kapaċità taghhom fizika u dwar ix-xorta ta' l-impieg;

(iii) biex tgħin persuni li jkunu qeghdin ifittxu impieg billi meta jkun xieraq, tiggwida u taghti pariri dwar l-ghażla ta' impieg, u t-taħriġ mill-ġdid li jista' jinhtieg;

(iv) biex tikseb minghand il-prinċipali taghrif dwar postijiet battala u dwar il-kwalitajiet li jinhtieg ikollhom l-impjegati li jkunu jridu;

(v) biex tirriferi persuni li jkollhom il-kapaċitajiet, id-dispożizzjonijiet u s-sahha fizika mehtieġa għall-impieg li jkun hemm;

(vi) biex tiġbor u tifli bir-reqqa taghrif dwar is-sitwazzjoni ġenerali tax-xoghol u kif aktarx titbiddel.

Registru ta' persuni li jkunu qeghdin ifittxu impieg.

11. (1) Il-Korporazzjoni ghandha żzomm Registru ta' dawk il-persuni li jkunu qeghdin ifittxu impieg.

(2) Ir-Registru ghandu jkun jikkonsisti fi tliet taqsimiet separati: l-Ewwel Taqsima, ghar-registrazzjoni ta' persuni disokkupati; it-Tieni Taqsima, ghar-registrazzjoni ta' persuni li, minghajr raġuni tajba u sufficjenti, jitterminaw l-impieg jew jichdu opportunità ta' impieg; u t-Tielet Taqsima ghal persuni li jkunu qeghdin jahdmu bi

qliegħ u jkunu qegħdin ifittxu impieg alternattiv kif ukoll għal kull kategorija oħra ta' persuni u għanijiet li jistgħu jiġu stabbiliti wara li tiġi konsultata l-Awtorità.

(3) Għalbiex jiġi stabbilit it-tul ta' registrazzjoni f'wahda mit-taqsimiet tar-Registru, ebda każ ma għandu jittiehed dwar il-perijodu ta' registrazzjoni fit-taqsimi l-oħra.

(4) Kull minn jikkwalifika biex jiġi registrat jista' jmur biex jiġi rreġistrat taht it-taqsimi xierqa tar-Registru.

12. (1) Bla hsara tad-dispożizzjonijiet ta' dan l-Att u ta' kull ^{Registrazzjoni} regolament magħmul bis-saħħa tiegħu, ir-registrazzjoni ta' persuni li ^{għal impieg.} jkunu qed ifittxu impieg għandha ssir b'dak il-mod u skond dawk il-formalitajiet u kondizzjonijiet li l-Korporazzjoni tista' tiddeċiedi.

(2) Fiż-żmien ta' l-ewwel registrazzjoni għall-impieg u f'kull żmien waqt il-perijodu ta' validità tar-registrazzjoni, il-Korporazzjoni tista' titlob lill-persuna li tkun qed tfitteix ix-xogħol biex tagħti tagħrif jew tipproduċi dokumenti fil-pussess jew kontroll tagħha dwar id-data tat-twelid tagħha, impiegi li kellha qabel, dipendenti, esperjenza, kwalifiki u hwejjeg oħra rilevanti għar-registrazzjoni tagħha.

(3) Jekk persuna tonqos milli tagħti xi tagħrif mehtieg minnha taht is-subartikolu (2) ta' dan l-artikolu, dik il-persuna għandha titlef id-dritt ta' registrazzjoni tagħha taht dan l-artikolu jew li tiġi riferita għall-impieg taht l-artikolu 13 ta' dan l-Att u għandha tiġi notifikata b'dan bil-miktub.

(4) Kull persuna li thossha aggravata b'deċizzjoni tal-Korporazzjoni taht dan l-artikolu tista', fi żmien hmistax-il jum min-notifika ta' dik id-deċizzjoni, tappella lill-Awtorità.

13. (1) Minghajr preġudizzju għad-dispożizzjonijiet l-oħra ta' ^{Riferiment} dan l-Att, u bla hsara għal kull regolamenti magħmulin bis-saħħa ^{ta' persuni} tiegħu, fl-għażla ta' persuni biex jiġu riferiti lill-principali, il- ^{għal impieg.} Korporazzjoni għandha tkun immexxija mill-principji li ġejjin, jiġifieri:

(a) meta jinhtiegu mpjegati b'ebda kapaċità, tagħlim jew esperjenza speċjali, għandu jittiehed każ ta' —

(i) il-htigijiet tal-principali dwar l-età, l-impieg ta' qabel u fatturi oħra rilevanti għall-kwalità ta' impieg mehtieg;

(ii) tul tar-registrazzjoni għall-impieg;

(b) meta jinhtiegu impjegati b'kapaċità, tagħlim, esperjenza jew kwalifiki speċjali, għandu jittiehed każ ta' —

(i) il-persuni li jaqdu l-ahjar il-htigijiet tal-principali;

(ii) fost persuni illi huma kunsidrati tajbin xorta wahda fost l-ahjar li jistgħu jintbagħtu, it-tul ta' registrazzjoni għall-impieg;

Iżda meta tirreferi persuna għal impieg, il-Korporazzjoni għandha tagħti preferenza lill-persuni reġistrati fl-Ewwel Taqsima fuq dawk reġistrati fit-Tieni Taqsima u fit-Tielet Taqsima tar-Reġistru.

(2) Meta persuna li tkun reġistrata għal impieg tirrifjuta, minghajr raġuni tajba u biżżejjed, li tilqa' xi opportunità xierqa ta' impieg li tkun offerta lilha mill-Korporazzjoni, hija tiflew il-preċedenza tagħha għal riferiment għal impieg u tiġi avżata b'dan bil-miktub.

(3) Kull persuna li tħossha aggravata b'deċiżjoni tal-Korporazzjoni taht dan l-artikolu, tista', fi żmien hmistax-il jum min-notifika ta' dik id-deċiżjoni, tappella lil-Awtorità.

Avviż dwar
vakanzi u l-mili
tagħhom.

14. (1) Meta jagħmel talba lill-Korporazzjoni biex jiġu riferuti impjegati, il-prinċipal għandu jispeċifika l-kapaċità, l-esperjenza u kwalifiki oħra, jekk ikun hemm, ta' l-impjegati li jkollu bżonn, il-kondizzjonijiet ta' impieg li joffri u n-numru ta' persuni li għandhom jiġu riferiti lill-biex possibilment jiġu impjegati, iżda b'mod li l-prinċipal ma jkollu ebda jedd li jsemmi persuni ndividwali meta jagħmel it-talba tiegħu lill-Korporazzjoni.

(2) Fir-riferiment ta' persuni għall-impieg, il-Korporazzjoni għandha tfittex li taqdi l-htigijiet tal-prinċipal kemm jista' jkun minghajr dewmien, il-prinċipal ikollu l-jedd li jirrifjuta kull applikant mibgħut mill-Korporazzjoni.

Dhul ta' impjegati
mal-Gvern u ma'
korpi u
kumpanniji tal-
Gvern jew
kontrollati minnu.

15. (1) L-impjegati kollha meħtieġa mill-Gvern ta' Malta li ma jkunux fis-servizz tiegħu jew minn xi korp magħqud jew soċjetà msemmin fis-subartikolu (6) ta' l-artikolu 110 tal-Kostituzzjoni, salv dak li hemm provdut fil-Kostituzzjoni u fis-subartikoli (2) u (3) ta' dan l-artikolu, għandhom jiġu rekrutati permezz tas-servizz ta' l-impiegi provdut mill-Korporazzjoni.

(2) Meta r-reklutaġġ ta' impjegati mill-Gvern jew minn xi prinċipal ieħor li għalihom jirreferi s-subartikolu (1) ta' dan l-artikolu jkollu x'jaqsam ma' l-impieg ta' —

(i) persuni li jkunu meħtieġa biex jimlew postijiet li jirrikjedu xi fiduċja speċjali jew li jirrikjedu kwalifiki akkademiċi jew professjonali, jew

(ii) persuni impjegati minn barra minn Malta,

il-Korporazzjoni tista' tagħmel jew tawtorizza r-reklutaġġ ta' impjegati jew billi jsir riferiment minnha, jew b'mod ieħor taht dawk il-kundizzjonijiet jew b'dak il-mod kif il-Korporazzjoni tista' tqis li jkun xieraq.

(3) Taht dawk iċ-ċirkostanzi u dwar dawk il-vakanzi, li jistgħu jiġu stabbiliti, il-Korporazzjoni għandha tirreferi għall-impieg ma' xi prinċipal kif hemm imsemmi fis-subartikolu (1) ta' dan l-artikolu, bi preferenza ta' xi persuna oħra, persuni li, fi żmien it-tliet xhur li jiġu minnufih qabel dak ir-riferiment, ikunu intbagħtu bħala żejda minn dak l-impieg kif jista' jiġi stabbilit.

(4) Jekk wara talba għall-impjegati magħmula lill-Korporazzjoni minn dipartiment tal-Gvern jew minn kull prinċipal iehor kif hemm imsemmi fis-subartikolu (1) ta' dan l-artikolu, il-Korporazzjoni ma tistax tibghat applikanti xierqa, id-dipartiment jew il-prinċipal l-iehor jistgħu jirreklutaw l-impjegati meħtieġa bis-saħħa ta' dawk l-arranġamenti oħra li l-Korporazzjoni tista' f'kull każ jew klassi ta' każijiet.

(5) Dipartiment tal-Gvern jew prinċipal iehor kif hemm imsemmi fis-subartikolu (1) ta' dan l-artikolu, li jirrifjutaw applikant mibgħut mill-Korporazzjoni għandhom jispeċifikaw bil-miktub ir-raġuni tar-rifjut tagħhom. Meta, f'xi każ il-Korporazzjoni, wara l-investigazzjonijiet meħtieġa, tkun sodisfatta li dipartiment jew prinċipal ikunu rrifjutaw applikant mingħajr kawża ġusta, hija tista' tordna lil dak id-dipartiment jew prinċipal partikolari li jagħtu impieg lill-istess applikant f'dak il-post li għalih ikun originarjament intbagħat mill-Korporazzjoni.

(6) Kull persuna li —

(a) tikser xi wiehed mid-dispożizzjonijiet ta' qabel ta' dan l-artikolu; jew

(b) tagħmel preferenzi favur xi persuna, jew tiddiskrimina kontriha, għall-impieg tagħha ma' xi prinċipal imsemmi fis-subartikolu (1) ta' dan l-artikolu minhabba fir-razza, kulur, sess, twemmin jew minhabba il-fehmiet jew assoċjazzjonijiet oħra tagħha politici jew ta' partit;

tkun hatja ta' reat kontra dan l-Att.

16. (1) Dwar it-taħriġ, il-Korporazzjoni għandu jkollha dawn il-funzjonijiet li ġejjin:

Funzjonijiet
tal-Korporazzjoni
dwar it-taħriġ.

(a) li tipprovdi korsijiet ta' taħriġ jew skemi oħra biex tgħin persuni li jixtiequ jhejju ruhhom sewwa għal hidma bi qliegh, jew li jixtiequ jtejjbu jew jaġġornaw ix-xorta tat-tagħrif u tas-sengħa tagħhom għall-istess skop;

(b) li tikseb tagħrif minghand il-prinċipali dwar in-numru, il-livell edukattiv, is-snaġġa' u l-hila ta' persuni li huma jistgħu jeħtieġu għall-impieg fi żmien qasir kif ukoll fi żmien iktar twil;

(ċ) li tasal f'arranġamenti mal-prinċipali msemmijin, jew ma' kull persuna oħra, sabiex tapprovalu l-korsijiet ta' taħriġ jew skemi oħra maħsubin b'dan l-artikolu.

(2) Ir-riferenza f'dan l-artikolu dwar il-provvediment ta' korsijiet ta' taħriġ jew skemi oħra għandha tiftiehem li tinkludi riferenza għal hlasijiet lil min jattendi xi kors jew skema bhal dawn, f'Malta jew

barra minn Malta, dwar spejjeż għall-ivvjaġġar, għall-provvediment lil dawn il-persuni ta' akkomodazzjoni residenzjali u għall-provvediment ta' kull faċilità jew servizz iehor li għandu x'jaqsam maz dan kollu.

Setgħat tal-Korporazzjoni dwar it-taħriġ.

17. (1) Bil-għan li jiġi nkorraġit taħriġ xieraq permezz ta' korsijiet jew skemi oħra maħsubin bl-artikolu 16 ta' dan l-Att, il-Korporazzjoni tista' —

(a) tipprovdi jew tassigura l-provvediment ta' dawk il-korsijiet jew skemi oħra skond ma tista' tqis xieraq, filwaqt li tagħti każ ta' kull kors jew skema oħra li jkunu disponibbli;

(b) tapprova dawk il-korsijiet u skemi provduti minn persuni oħra;

(ċ) minn żmien għal żmien tikkunsidra dawk l-impiegi li jidhru li jeħtieġu konsiderazzjoni u tippubblika rakkomandazzjonijiet dwar ix-xorta u t-tul ta' taħriġ għal kull impieg bħal dak, kull tagħlim iehor li jista' jinħtieġ flimkien mat-taħriġ, il-persuni minn min, u lil min, it-taħriġ għandu jinghata, il-livelli li għandhom jinkisbu b'riżultat tat-taħriġ u l-metodi ta' aċċertament dwar il-ksib ta' dawk il-livelli;

(d) tagħmel arrangamenti biex isiru eżamijiet għall-għażla u eżamijiet jew metodi oħra għall-aċċertament ta' ksib ta' livelli rakkomandati minnha u tista' tagħti ċertifikati dwar il-ksib ta' dawk il-livelli;

(e) tassisti kull persuna fit-tfittxija ta' faċilitajiet għat-taħriġ tagħha meta hi ma tkunx tista' tipprovdi dak it-taħriġ;

(f) twettaq jew tassisti persuni oħra li jagħmlu rċerka f'kull haġa li għandha x'taqsam mat-taħriġ.

(2) Il-Korporazzjoni tista' tagħmel kuntratti ta' servizz jew apprendistat ma' kull persuna li tkun bi ħsiebha tattendi korsijiet jew tivvantaġġa ruhha minn xi skema oħra provduta mill-Korporazzjoni.

(3) Il-Korporazzjoni tista' —

(a) fuq talba ta' l-Awtorità tagħti kull parir iehor, u tipprovdi dawk il-korsijiet u skemi għal taħriġ oħra, kif ikun hemm imsemmi fit-talba;

(b) fuq talba tal-prinċipal tagħti parir dwar taħriġ li għandu x'jaqsam ma' l-attivitajiet tiegħu;

(ċ) tagħmel kull ftehim ma' prinċipali dwar il-ħlasijiet li jsiru minnhom lill-Korporazzjoni dwar it-twettiq ta' xi wahda mill-funzjonijiet ta' l-istess Korporazzjoni.

(4) Il-Korporazzjoni tista' —

(a) tagħmel għotjiet jew tagħti self lil persuni li jipprovdu korsijiet jew skemi oħra approvati mill-Korporazzjoni;

(b) thallas drittijiet lil persuni li jipprovdu tagħlim ulterjuri lil dawk il-persuni li jibqgħu jitgħallmu filwaqt li jitharrġu f'korsijiet jew skemi oħra provduti jew approvati mill-Korporazzjoni;

(c) thallas lil persuni in konnessjoni ma' arrangamenti li bihom sew huma sew l-impjegati tagħhom ikunu jistgħu jidhlu għal korsijiet jew skemi oħra provduti jew approvati mill-Korporazzjoni.

TAQSIMA IV

Dispożizzjonijiet Amministrattivi u Finanzjarji Dwar il-Korporazzjoni

18. (1) Bla hsara għad-dispożizzjonijiet tal-Kostituzzjoni ta' Malta u ta' kull liġi oħra li tapplika għal dan, magħdud dan l-Att, il-Korporazzjoni, bi ftehim mal-Ministru, tista' tahtar dawk l-uffiċjali u impjegati oħra taht dawk it-termini u l-kundizzjonijiet ta' impieg li l-Korporazzjoni tista', minn żmien għal żmien tiddetermina.

Impjegati tal-Korporazzjoni.

(2) Uffiċjali pubbliċi li jkunu sekondati sabiex jaqdu dmirijiet mal-Korporazzjoni għandhom jaqgħu taht l-awtorità amministrattiva u l-kontroll tal-Korporazzjoni, iżda għandhom għal kull fini u għan ieħor jibqgħu u jitqiesu u jiġu trattati bħala uffiċjali pubbliċi.

19. (1) Il-Korporazzjoni għandha tiġi mogħtija kapital inizjali ta' mitejn u hamsin elf lira li għandu jithallas mill-Gvern mill-Fond Konsolidat, bla hteġa ta' ebda approprjazzjoni oħra hlief dan l-Att, b'ordni maħruġ taht il-firma tal-Ministru responsabbli għall-finanzi li jawtorizza lill-*Accountant General* li jagħmel dak il-hlas.

Kapital u dhul tal-Korporazzjoni.

(2) Wara dan il-Korporazzjoni għandha tithallas mill-Fond Konsolidat dawk l-ammonti li l-Kamra tista' tapprova kif hawn provdut aktar 'il quddiem:

Izda għar-rigward tal-funzjonijiet tagħha, hlief dawk li għandhom x'jaqsmu mal-funzjoni tagħha bħala servizz ta' impiegi għall-finijiet ta' l-artikolu 110 tal-Kostituzzjoni, xejn f'dan l-Att ma għandu jwaqqaf lil Korporazzjoni milli tidhol għal arrangamenti biex iġġib parti mill-fondi tagħha minn sorsi li ma jkunux fondi pubbliċi.

(3) Il-Korporazzjoni ghandha tiehu hsieb thejji kull sena finanzjarja, u ghandha mhux iktar tard minn sitt gimghat wara li tghaddi kull sena bhal dik tadotta, estimi tad-dhul u nfieq tal-Korporazzjoni ghas-sena finanzjarja li taħbat minnufih wara.

(4) L-estimi ghandhom isiru f'dik il-forma u ghandu jkun fihom dak it-taghrif u dawk il-paraguni mas-snin ta' qabel kif il-Ministru jista' jordna.

(5) Kopja ta' l-estimi tal-Korporazzjoni ghandha, malli jiggu addottati mill-Bord, tintbaghat minnufih lill-Ministru.

(6) Il-Ministru ghandu, ma' l-ewwel opportunita, izda mhux iktar tard minn tmien gimghat wara li jkun ircieva kopja ta' l-estimi tal-Korporazzjoni jew, jekk f'dak iz-żmien il-Kamra ma tkunx qed tiltaqa', fi żmien tmien gimghat mill-bidu tas-sessjoni li tigi minnufih wara, jiehu hsieb li dawk l-estimi jitqieghdu quddiem il-Kamra flimkien ma' mozzjoni li l-Kamra tapprova l-imsemmija estimi. Ghandha tinghata mhux anqas minn seduta wahda biex il-Kamra tiddiskuti dik il-mozzjoni; u kemm dik il-mozzjoni kif ukoll l-approvazzjoni ta' l-estimi mill-Kamra jistghu jkunu b'emendi għall-estimi jew minghajr emendi.

(7) Ma jista' jsir ebda nfieq mill-Korporazzjoni kemm-il darba ma jkunux approvati mill-Kamra:

Izda —

(a) sakemm ighaddu sitt xhur mill-bidu ta' sena finanzjarja jew sakemm ikun hemm l-approvazzjoni ta' l-estimi għal dik is-sena, il-Korporazzjoni tista' tagħmel infieq biex taqdi l-funzjonijiet tagħha skond dan l-Att ta' mhux iktar b'kollox minn nofs l-ammont approvat mill-Kamra għas-sena finanzjarja ta' qabel;

(b) infieq approvat dwar kap jew sotto-kap ta' l-estimi jista', bl-approvazzjoni tal-Ministru, isir dwar kap jew sotto-kap iehor ta' l-estimi;

(ċ) jekk dwar xi sena finanzjarja jinsab li l-ammont approvat mill-Kamra ma jkunx biżżejjed jew tinqala' l-htieġa għal infieq li ma jkunx provdut għalih fl-estimi, il-Korporazzjoni tista' taddotta estimi supplimentari għall-approvazzjoni tal-Kamra u, sakemm tinghata dik l-approvazzjoni izda bil-kondizzjoni li din tinghata, il-Korporazzjoni tista' f'ċirkostanzi speċjali u bl-approvazzjoni tal-Ministru tagħmel l-infieq relattiv u d-dispożizzjonijiet ta' dan l-Att applikabbli għall-estimi għandhom sa fejn ikun prattikabbli japplikaw għal estimi supplimentari:

Izda wkoll li għar-rigward ta' l-ewwel sena finanzjarja tal-Korporazzjoni, dan l-artikolu għandu japplika daqslikieku kien jehtieġ li l-Korporazzjoni taddotta estimi għal dik is-sena mhux aktar tard minn tnax-il gimgha wara l-bidu fis-sehh ta' dan l-

artikolu u daqslikieku l-infieq li jista' jsir mill-Korporazzjoni qabel l-approvazzjoni ta' l-estimi mill-Kamra ma ghandhomx jeċċedu nofs l-ammont muri f' dawk l-estimi.

(8) L-estimi u l-estimi supplimentari kollha ta' l-Awtorità mill-Kamra ghandhom, malajr kemm jista' jkun, jiġu pubblikati fil-Gazzetta.

20. (1) Il-Korporazzjoni ghandha tiehu hsieb li żżomm kontijiet xierqa u *records* ohra dwar ix-xogħol tagħha, u ghandha tiehu hsieb li thejji prospett ta' kontijiet dwar kull sena finanzjarja. Kontijiet u verifika.

(2) Il-kontijiet tal-Korporazzjoni ghandhom jiġu verifikati minn uditur jew udituri nominati minnha u approvati mill-Ministru:

Izda l-Ministru responsabbli għall-finanzi jista' jehtieg li l-kotba u l-kontijiet tal-Korporazzjoni jiġu verifikati jew ezaminati mid-Direttur tal-Verifika li għal dan il-għan ikollu s-setgħa li jagħmel kull verifika fiżika u l-verifiki l-ohra li jidhirlu mehtieġa.

(3) Wara li tispicċa kull sena finanzjarja, u mhux iktar tard mid-data li fiha l-estimi tal-Korporazzjoni jintbagħtu lill-Ministru skond l-artikolu 19 ta' dan l-Att, il-Korporazzjoni ghandha tiehu hsieb li kopja tal-prospett tal-kontijiet verifikati kif imiss tintbagħat lill-Ministru flimkien ma' kopja ta' kull rapport magħmul mill-udituri fuq dak il-prospett jew il-kontijiet tal-Korporazzjoni.

(4) Il-Ministru ghandu jiehu hsieb li kopja ta' kull prospett u rapport bhal dawk jitqiegħdu quddiem il-Kamra tad-Deputati flimkien mal-mozzjoni mqieghda quddiem il-Kamra skond l-artikolu 19 ta' dan l-Att.

21. (1) Il-Korporazzjoni ghandha, mhux aktar tard minn meta tintemm kull sena finanzjarja, tagħmel u tibgħat lill-Ministru rapport dwar l-attivitajiet tagħha matul dik is-sena li jkun fih dak it-tagħrif dwar il-funzjonijiet u attivitajiet tal-Korporazzjoni kif il-Ministru jista' minn żmien għal żmien jordna. Rapport Annwali.

(2) Il-Ministru ghandu jara li kopja ta' kull rapport bhal dak li tiġi mqegħda fuq il-Mejda tal-Kamra tad-Deputati malli dan ikun prattikabbli.

22. (1) Il-Korporazzjoni tista', bl-approvazzjoni bil-miktub tal-Ministru mogħtija wara li jkun ikkonsulta mal-Ministru responsabbli għal finanzzi, jissellef flus b'dak il-mod, minn dik il-persuna, korp jew awtorità, taht dawk il-pattijiet u kundizzjonijiet u b'dik il-garanzija li tista' tqis xierqa, għal xi wiehed jew aktar mill-għanijiet li ġejjin — Setgħa li tissellef kapital.

(a) it-twettiq tal-funzjonijiet tal-Korporazzjoni taht dan l-Att;

(b) il-fidi ta' kull *debentures*, *debenture stock* jew obbligazzjoni ohra li l-Korporazzjoni tista' jew ghandha tifti;

(c) kull infieq iehor li jista' jigi addebitat lil kont kapitali.

(2) Il-Korporazzjoni tista' wkoll minn zmien ghal iehor, tissellef permezz ta' *overdraft* jew b'mod iehor, ghal perijodi li ma jeccedux tnax-il xahar, dawk l-ammonti li tista' tintiegi biex twettaq il-funzjonijiet taghha skond dan l-Att:

Izda tkun mehtiegi l-approvazzjoni bil-miktub tal-Ministru ghal kull ammont li jeccedi l-mitejn elf lira.

(3) Meta jkun mehtieg li l-Korporazzjoni tiehu b'self minghand il-Gvern xi ammonti li jkollha bzonn biex twettaq il-funzjonijiet taghha taht dan l-Att, il-Ministru responsabbli ghal finanzi jista', wara li jikkonsulta mal-Ministru, b'ordni taht il-firma tieghu u bla htiegi ta' ebda approvazzjoni ohra hlief dan l-Att, jawtorizza lil *Accountant General* li jsellef lill-Korporazzjoni jew minn xi self miftiehem jew maghmul ghal dak l-ghan jew mill-Fond Konsolidat, u dak is-self ghandu jsir taht dawk il-pattijiet u kundizzjonijiet li l-Ministru responsabbli ghal finanzi jista' jordna.

(4) Il-Ministru responsabbli ghal finanzi jista', ghal kull htiegi tal-Korporazzjoni ta' natura kapitali, jissellef flus, jew jidhol f'obbligi, ghal dak iz-zmien u taht dawk il-pattijiet u kundizzjonijiet kif hu jista' jidhirlu xierqa; u kull ammont dovut dwar jew in konnessjoni ma' kull self jew obbligu bhal dan ikun piz fuq il-Fond Konsolidat.

(5) Avviz dwar self jew obbligi li jkunu maghmula jew li l-Korporazzjoni tkun dahlet ghalihom skond id-dispozizzjonijiet ta' qabel ta' dan l-artikolu, ghandu jinghata mill-Ministru lill-Kamra tad-Deputati malajr kemm jista' jkun.

Eżenzjoni
minn ċerti
taxxi u dazji.

23. Il-Korporazzjoni ghandha tkun eżenti minn kull responsabbilità għall-hlas ta' taxxa fuq *l-income*, taxxa fuq dokumenti u dazju tas-sisa taht kull ligi li fiż-zmien tkun fis-sehh.

TAQSIMA V

Aġenziji ta' l-Impieg

Liċenza
għal aġenziji
u negozji
ta' l-impieg.

24. (1) Minghajr preġudizzju għad-dispozizzjonijiet tat-Taqsima III ta' dan l-Att, hadd ma jista' jmexxi aġenzija ta' l-impieg jew negozju ta' l-impieg hlief jekk ikollu liċenza valida maħruġa lilu mid-Direttur bis-sahha ta' dan l-artikolu li tkun tawtorizzata li jmexxi dik l-aġenzija jew dak in-negozju f'dak il-fond li jigi hekk speċifikat fil-liċenza.

(2) Min japplika għal liċenza taħt dan l-artikolu għandu, mhux inqas minn wieħed u għoxrin jum qabel ma japplika —

(i) juri avviż ta' l-applikazzjoni tiegħu f'imkien fejn ikun jista' jinqara konvenjentement mill-pubbliku fi jew hdejn il-fond fejn l-aġenzija jew in-negozju ta' l-impieg ikun qiegħed jitmexxa jew ikun ser jitmexxa, u jadotta dawk il-miżuri li jista' raġonevolment jadotta sabiex iżomm dak l-avviż hekk muri għal perijodu ta' wieħed u għoxrin jum; u

(ii) jirreklama avviż ta' l-applikazzjoni tiegħu f'żewġ ġurnali ta' kuljum.

(3) Avviż maħruġ taħt is-subartikolu (2) ta' dan l-artikolu —

(i) għandu juri l-isem u l-indirizz ta' min japplika u meta dan ikun kumpannija jew xi korp ieħor ta' persuni, l-isem u l-indirizz tad-diretturi kollha jew uffiċjali ta' kariga simili ta' dik il-kumpannija jew korp ta' persuni; u

(ii) għandu juri l-indirizz tal-fond li fih l-aġenzija jew in-negozju ta' l-impieg ikun qiegħed, jew sejjer jitmexxa minn, u l-klassi ta' negozju mmexxija jew li tkun ser titmexxa f'dak il-fond.

(4) Ma tittiehed konsiderazzjoni mid-Direttur ta' ebda applikazzjoni għal liċenza taħt dan l-artikolu sakemm din ma jkollhiex mehmuż magħha ċertifikat, li jkun iffirmit minn min japplika jew f'ismu, li jkun jiddikjara li min applika jkun ikkonforma ruħu mad-dispożizzjonijiet tas-subartikolu (2), kif ukoll kopja tal-ġurnali li jkun fihom l-avviż ta' l-applikazzjoni.

(5) Applikazzjoni għal liċenza dwar aġenzija jew negozju ta' l-impieg tista' tiġi rifjutata mid-Direttur għal xi waħda minn dawn ir-raġunijiet, jiġifieri —

(a) li min japplika ma jkunx għalaq il-hamsa u għoxrin sena;

(b) li min japplika jkun persuna li minhabba fi mġieba hażina jew għal kull raġuni suffiċjenti oħra ma tkunx idonea li jkollha liċenza dwar aġenzija jew negozju tal-klassi mitluba;

(ċ) li xi persuna (li ma tkunx min japplika) li għandha x'taqsam, jew ikun ser ikollha x'taqsam, mat-tmexxija ta' l-aġenzija jew negozju ta' l-impieg, tkun persuna li minhabba fi mġieba hażina jew għal kull raġuni suffiċjenti oħra, ma tkunx idonea li tissieheb ma' aġenzija jew negozju tal-klassi mitluba;

(d) li l-fond li fih l-aġenzija jew in-negozju ta' l-impieg ikun qiegħed, jew sejjer jitmexxa ma jkunx xieraq għal aġenzija jew negozju tal-klassi mitluba;

(e) li l-aġenzija jew in-negozju ta' l-impieg kienet jew qegħda titmexxa b'mod mhux sewwa.

(6) Ebda aġenzija ta' l-impieg jew negozju ta' l-impieg ma tista' titlob minghand applikant għal impieg xi hlas b'kumpens għal dak l-impieg jew b'kumpens sabiex huwa jiġi registrat għal dak l-impieg.

(7) Id-Direttur jista' jirrevoka liċenza għal xi wahda mir-raġunijiet imsemmijin fil-paragrafi (a) sa (e) tas-subartikolu (5) jew għal ksur tad-dispożizzjonijiet tas-subartikolu (6) ta' dan l-artikolu.

(8) Hlief fil-każ meta liċenza tiġi revokata, liċenza għandha tibqa' ssehh għal sena (jew dak il-perijodu itwal, li ma jkunx ta' iktar minn hames snin, li d-Direttur jista' jistabbilixxi f'xi każ partikulari) li tkun mid-data speċifikata fil-liċenza bħala l-jum tal-bidu fis-sehh tagħha:

Iżda meta d-detentur ta' liċenza jkun applika kif imiss qabel l-iskadenza tagħha sabiex tinhariġlu liċenza oħra, l-ewwel liċenza ma tiskadix sal-bidu fis-sehh tat-tieni liċenza jew, jekk l-applikazzjoni tiegħu tiġi rifjutata, sa meta jinghatalu avviż ta' dan ir-rifjut mid-Direttur.

(9) Fil-każ tal-mewt ta' detentur ta' liċenza, il-liċenza għandha titqies bħala li tkun ġiet trasferita mal-mewt tiegħu, jekk huwa kien l-uniku detentur, lill-eredi tiegħu, u jekk kien detentur flimkien ma' oħrajn, lill-eredi tiegħu u lid-detentur jew detenturi li baqgħu hajjin, b'dana illi ebda trasferiment bħal dak ma għandu jsir hlief jekk il-persuna jew persuni jekk aktar minn wahda li lilhom isir dak it-trasferiment ikunu persuni li jikkwalifikaw biex ikunu detenturi ta' liċenza bis-saħħa ta' dan l-artikolu.

(10) Ikun id-dmir tad-detentur ta' liċenza taht dan l-artikolu, fi żmien xahar minn xi tibdil fil-partikolaritajiet ta' l-applikazzjoni għal dik il-liċenza taht is-subartikolu (1), li jagħti lid-Direttur avviż bil-miktub tat-tibdil:

Iżda ebda haġa f'dan is-subartikolu ma għandha tittiehed bħala li tagħti jedd lid-detentur ta' liċenza li jmexxi xi negozju li ma jkunx skond id-dispożizzjonijiet tal-liċenza.

(11) Kull liċenza mahruġa taht dan l-artikolu għandu jkollha avviż fuq in-naħa ta' wara tagħha dwar x'jimplika s-subartikolu (10) ta' dan l-artikolu.

(12) Id-detentur ta' liċenza taht dan l-artikolu għandu jzomm muri, dwar kull aġenzija jew negozju ta' l-impieg, fil-fond li dwaru tirreferi l-liċenza f'tali pożizzjoni li jistgħu jinqraw minn persuni li jidhlu f'dak il-fond —

(a) il-liċenza; u

(b) kopja ta' kull regolamenti li jsiru bis-saħħa ta' dan l-Att li japplikaw għal aġenziji jew negozju ta' impieg.

(13) Kull persuna li tikser xi wahda mid-dispożizzjonijiet tas-subartikoli (1), (6) u (10) ta' dan l-artikolu tkun hatja ta' reat kontra dan l-Att.

(14) Dan l-artikolu ma japplikax għall-forniment ta' haddiema tal-port skond l-Ordinanza dwar il-Haddiema tal-Port, u jkun minghajr preġudizzju għad-dispożizzjonijiet ta' l-Att dwar il-Bastimenti Merkantili.

Kap. 171.

Kap. 234.

25. (1) Fejn id-Direttur ikollu intenzjoni li johroġ, jew li jittrasferixxi liċenza jew li jirrevoka l-istess taht l-artikolu 24 ta' dan l-Att, huwa għandu jinnotifika lill-applikant għal jew detentur tal-liċenza jew il-persuni li lilha jntalab li jsir it-trasferiment bl-intenzjoni u r-raġuni għaliha.

Sottomissjonijiet li jsiru mar-rifjut jew revoka ta' liċenza.

(2) Kull min jiġi notifikat bl-intenzjoni tad-Direttur kif imsemmi fis-subartikolu (1) ta' dan l-artikolu jista' jagħmel sottomissjonijiet bil-miktub dwar dan lid-Direttur fi żmien għaxart ijiem minn meta jkun irċieva dik in-notifikazzjoni.

(3) Jekk id-Direttur jirċievi s-sottomissjonijiet fiż-żmien speċifikat fis-subartikolu (2) ta' dan l-artikolu, huwa għandu jikkunsidrahom u —

(a) jekk jiddeċiedi li ma jkomplix bl-intenzjoni tiegħu u għalhekk jiddeċiedi li johroġ jew li ma jirrevokax jew li jittrasferixxi l-liċenza, huwa għandu javża lil applikant jew lid-detentur bid-deċiżjoni tiegħu;

(b) f'kull każ ieħor, id-Direttur għandu javża b'dan lill-applikant jew lid-detentur u dan minn naħa tiegħu jista' fi żmien hmistax-il jum minn dik in-notifika jappella lill-Awtorità.

26. Il-Ministru jista' jagħmel regolamenti sabiex jassigura t-tmexxija sew ta' aġenziji u negozji ta' l-impieg u sabiex iħares l-interessi ta' min jagħmel użu mis-servizzi ta' dawk l-aġenziji sew bħala persuni li jkunu qegħdin ifittxu x-xogħol jew bħala prinċipali, u dawk ir-regolamenti jistgħu minghajr preġudizzju għall-ġeneralità ta' dak imsemmi qabel b'mod partikolari jipprovdu sabiex —

Tmexxija ta' aġenziji u negozji ta' l-impieg.

(a) jinhtieġu lil persuni li jkunu qegħdin imexxu dawk l-aġenziji u negozji li jzommu dokumenti hekk kif jista' jiġi stabbilit;

(b) jistabbilixxu l-kwalifiki meħtieġa għal persuni li jkunu qegħdin imexxu dawk l-aġenziji u negozji;

(c) jirregolaw ir-reklamar li jsir minn persuni li jkunu qegħdin imexxu dawk l-aġenziji u negozji;

(d) jirregolaw il-provvediment ta' servizzi minn persuni li jkunu qegħdin imexxu dawk l-aġenziji u negozji dwar persuni li jfittxu impieg barra minn Malta.

TAQSIMA VI

Dokumentazzjoni dwar Haddiema

Kotba tax-xoghol
u dokumenti ohra.

27. (1) Il-Ministru jista' jagħmel regolamenti taħt dan l-artikolu li bihom jistabbilixxi r-reġistrazzjoni u d-dokumentazzjoni ta' persuni li jaħdmu bi qliegħ jew ta' persuni li jkunu qeghdin ifittxu x-xoghol sew permezz ta' kotba tax-xoghol, ta' dokumenti ta' l-identità jew permezz ta' sistemi elettronici ta' reġistrazzjoni ta' informazzjoni u l-irkupru tagħha, jew dokumenti ohra. Dawn ir-regolamenti jistgħu b'mod partikolari jipprovdu:

(a) dwar l-użu ta' kotba tax-xoghol jew dokumenti ta' l-identità jew dokumenti ohra għal xi klassi jew aktar ta' dawk il-persuni;

(b) dwar il-metodu ta' hrug u ta' kontroll ta' dawk id-dokumenti;

(c) dwar id-drittijiet li għandhom jithallsu għall-hrug u s-sostituzzjoni ta' dawk id-dokumenti;

(d) dwar il-kundizzjonijiet li taħthom jistgħu jinħarġu dawk id-dokumenti;

(e) min jista' jkun responsabbli għaż-żamma ta' dawk id-dokumenti; u

(f) il-partikolaritajiet li għandhom jidhru fuq, jew jiddaħhlu f'dawk id-dokumenti jew reġistrazzjonijiet.

(2) Kull regolament bħal dak jista' jipprovdi wkoll dwar dik id-dokumentazzjoni li tista' tiġi stabbilita għall-finijiet ta' reġistrazzjonijiet għal impieg jew għal taħriġ dwar impieg.

(3) Il-Ministru jista' wkoll jagħmel regolamenti li jipprovdu għar-restrizzjoni ta' kxif ta' kull tagħrif mogħti skond regolamenti magħmula taħt dan l-artikolu, jew skond l-artikolu 28 ta' dan l-Att, li jippreskrivu l-kondizzjonijiet li taħthom dokumentazzjoni ta' dak it-tagħrif jista' jinżamm u li jehtieġu li dik id-dokumentazzjoni tiġi distrutta wara dak iż-żmien li jista' jiġi preskritt.

(4) Il-Ministru jista' jiddelega kull setgħa mogħtija lilu b'dan l-artikolu lill-Korporazzjoni.

Tagħrif dwar
persuni li johorġu
mill-iskola.

28. (1) Il-Korporazzjoni tista' minn żmien għal żmien teħtieġ lil kull min ikollu taħt ir-responsabbiltà tiegħu xi skola li jipprovdiha b'dak il-mod li tista' teħtieġ u fi żmien raġonevoli b'dawk il-partikolaritajiet li l-Korporazzjoni tista' teħtieġ dwar skulari li johorġu mill-iskola jew li, waqt li jkunu għadhom l-iskola, jilhq u xi età partikolari.

(2) Minghajr hsara għal ġeneralità tas-setgħa mogħtija bis-subartikolu (1) ta' dan l-artikolu, it-tagħrif li jista' jintalab għandu jinkludi dak it-tagħrif dwar l-età, is-sess, il-kapaċità, grad ta' edukazzjoni u partikolaritajiet oħra ta' persuni li għalihom jirreferixxu kif jidher lill-Korporazzjoni li jkun meħtieġ jew xieraq biex ikun jista' jingħata parir sewwa fuq prospetti ta' impieg u biex jithejjew pjanijiet ta' taħriġ għalihom skond id-dispożizzjonijiet ta' dan l-Att.

(3) Kull persuna li tonqos milli tagħmel dak li jista' jintalab minnha skond dan l-artikolu tkun hatja ta' reat kontra dan l-Att.

29. (1) Il-Korporazzjoni tista', minn żmien għal żmien, titlob lil kull prinċipal jew lil kull persuna li tkun qegħda taħdem bi qliegħ li tipprovdiha, fi żmien raġonevoli, b'dak it-tagħrif li l-Korporazzjoni tista' titlob dwar l-impiegi u xogħol iehor.

(2) Kull talba bħal din tista' tkun sew waħda ġenerika, jew dwar xi klassi jew klassijiet ta' prinċipali, jew dwar prinċipal jew prinċipali partikolari, jew dwar xi klassi jew klassijiet ta' persuni li jaħdmu bi qliegħ.

(3) Meta dik it-talba tkun waħda ġenerika, jew dwar xi klassi jew klassijiet ta' prinċipali, jew dwar klassi jew klassijiet ta' persuni li jaħdmu bi qliegħ, din għandha ssir permezz ta' avviz li jiġi pubblikat fil-Gazzetta.

(4) Kull persuna li ma tikkonformax ma' xi talba li ssirilha skond dan l-artikolu tkun hatja ta' reat kontra dan l-Att.

TAQSIMA VII

Apprendisti u *Trainees*

30. F'din it-Taqsima, kemm-il darba r-rabta tal-kliem ma teħtieġx xort'oħra — Tifsir għall-finijiet tat-Taqsima VII.

“apprendist” tfisser persuna li tkun għalqet hmistax-il sena li tkun marbuta bi ftehim bil-miktub li taqdi prinċipal matul żmien miftiehem sabiex tikseb tagħrif, magħduda t-teorija u l-prattika, f'sengħa li l-prinċipal minn naha tiegħu jkun marbut li jgħallem lil dik il-persuna; u “apprendistat” għandha tinftiehem skond hekk:

“Bord ta' l-Eżamijiet fis-Snajja' ” tfisser Bord imwaqqaf kif jingħad fl-artikolu 41 ta' dan l-Att;

“ġenitur” minbarra t-tifsira tagħha tas-soltu, tfisser ukoll kull persuna li, skond il-liġi, għandha l-kura jew il-harsien, jew li fil-fatt għandha l-kura jew il-harsien, ta' persuna oħra li ma tkunx għalqet it-tmintax-il sena;

“kondizzjonijiet ta’ l-impieg” ghandha l-istess tifsir kif moghti lilha fl-artikolu 2 ta’ l-Att li Jirregola l-Kondizzjonijiet ta’ l-Impieg;

“lavrant” tfisser persuna li tkun ghamlet iż-żmien ta’ apprendistat u tkun għaddiet minn Bord ta’ l-Eżamijiet fis-Snajja’, għal dik li hi hila tagħha f’sengħa;

“preskritt” tfisser preskritt bi skema jew b’regolamenti taht din it-Taqsima;

“sengħa” tfisser kull hila, sengħa, hidma, jew xogħol iehor, jew fergħa minnu, stabbilit minn żmien għal żmien, fi skema jew mill-Ministru b’avviż fil-Gazzetta;

“skema” tfisser skema taht din it-Taqsima;

“*trainee*” tfisser persuna li ma tkunx apprendist, li ma tkunx ta’ l-età obligatorja għall-iskola u li tkun qegħda tiehu taħriġ bis-saħħa ta’ ftehim bil-miktub f’sengħa jew parti minnha f’imkien li ma jkunx stabbiliment edukattiv rikonoxxut, b’dana illi *trainee* jista’ jinhtieg jattendi fi stabbiliment edukattiv rikonoxxut bhala parti minn dak it-taħriġ, u “*traineeship*” ghandha tiftiehem skond hekk.

Permess
għall-impieg
ta’ apprendisti
jew *trainees*.

31. (1) Hadd ma jista’ jimpjega apprendist jew *trainee* mingħajr il-permess bil-miktub tal-Korporazzjoni fejn ghandu jkun hemm imsemmi l-oghla numru ta’ apprendisti jew *trainees* li jistgħu jkunu impjegati:

Iżda ebda permess bhal dan ma jingħata taht dan l-artikolu għall-impieg ta’ apprendisti jew *trainees* hlief jekk abbozz ta’ skema jew ftehim li jinkludi provvedimenti dwar il-kwalifiki, taħriġ u kondizzjonijiet ta’ impieg ta’ apprendist jew *trainees* ikun ġie magħmul qabel mill-persuna li tapplika għall-permess u approvat mill-Ministru bil-parir tal-Korporazzjoni u hlief jekk dik il-persuna turi għas-sodisfazzjon tal-Korporazzjoni illi l-istabbiliment tagħha joffri opportunitajiet xierqa għat-taħriġ tajjeb tan-numru ta’ l-apprendisti jew *trainees* li bi hsiebha timpjega fih.

(2) Kull persuna li tikser xi dispożizzjoni tas-subartikolu (1) ta’ dan l-artikolu tkun hatja ta’ reat kontra dan l-Att.

Ftehim bil-miktub.

32. (1) Prinċipal meta jimpjega apprendist jew *trainee* għandu jagħmel ftehim bil-miktub miegħu.

(2) Jekk apprendist jew *trainee* ikun minorenni, huwa ma jstax hekk jintrabat hlief bil-permess tal-ġenitur jew, jekk m’hemmx ġenitur, bil-kunsens tad-Direttur.

(3) Minorenni li jintrabat bhala apprendist jew *trainee* kif hemm fis-subartikolu (2), ikun marbut bil-ftehim għaž-żmien kollu li jibqa’ jgħodd ukoll jekk, matul dan iż-żmien, ikun għalaq it-tmintax-il sena.

33. (1) Ebda ftehim ta' apprendistat f'sengha jew *traineeship* ^{Registrazzjoni} ma ghandu jorbot sakemm u jekk ma jkunx registrat mal-Korporazzjoni ^{ta' ftehim.} skond id-dispożizzjonijiet ta' dan l-Att.

(2) Meta l-Korporazzjoni tkun qeghda tirreġistra dak il-ftehim, hija ghandha tassigura illi:

(a) dak il-ftehim ikun konformi mad-dispożizzjonijiet ta' l-iskema ta' apprendistat jew *traineeship* li tkun tapplika ghas-sengha partikolari;

(b) il-prinċipal u l-apprendist jew it-*trainee* ikunu persuni xierqa li jagħmlu dak il-ftehim;

(c) l-apprendist jew it-*trainee* ikun wera lill-prinċipal certifikat mediku li jkun juri li jista' jitharreġ f'xi sengha partikolari;

(d) l-apprendist jew it-*trainee* ikollu l-livelli ta' edukazzjoni mehtieġa stabbiliti bl-Iskema.

(3) Il-Korporazzjoni ghandha żżomm Regjistru ta' Apprendisti u Regjistru ta' *Trainees* fejn ikun registrat kull ftehim.

(4) Id-data ta' registrazzjoni ma ghandhiex tolqot id-data ta' bidu fis-sehh ta' ftehim, iżda r-rifjut li jiġi registrat ftehim jagħmel dak il-ftehim null u bla effett mid-data tar-rifjut tiegħu. Id-data tal-bidu fis-sehh ta' ftehim tkun id-data ta' l-iffirmar mill-partijiet kollha jew dik id-data l-oħra li tista' tissemma fil-ftehim.

(5) Parti li thoss ruhha aggravata b'deċiżjoni tal-Korporazzjoni taht dan l-artikolu tista' fi żmien hmistax-il jum mid-data meta tiġi notifikata bil-miktub dwar dik id-deċiżjoni, tressaq appell quddiem l-Awtorità.

34. (1) Il-jeddijiet u dmirijiet ta' kull prinċipal taht xi ftehim ta' apprendist jew *traineeship* jistgħu, bil-kunsens tal-Korporazzjoni, jiddawru fuq prinċipal ieħor. ^{Trasferiment ta' ftehim.}

(2) Bla ħsara tad-dispożizzjonijiet tas-subartikolu (1) ta' dan l-artikolu ebda trasferiment ta' dawn il-jeddijiet u dmirijiet ma jkun komplut sakemm ma jkunx registrat mal-Korporazzjoni.

(3) Il-Korporazzjoni tista' tirrifjuta li tirreġistra kull trasferiment illi fil-fehma tagħha ma jaqbilx għall-apprendist jew għat-*trainee*.

(4) Jekk persuna tiġi mpjegata bħala apprendist jew *trainee* minn soċjetà, il-ftehim tiegħu ma jintemmx minħabba li xi soċju jmut jew jirtira, jekk in-negożju tas-soċjetà jissokta minn xi persuna oħra jew soċjetà oħra; u l-jeddijiet u dmirijiet tal-prinċipal taht il-ftehim għandhom jitqiesu li ġew mghoddija lill-persuna jew soċjetà li tissokta n-negożju.

Temm jew tahsir ta' ftehim.

35. (1) Bla hsara ghad-dispożizzjonijiet ta' l-artikoli 36 u 42, ftehim ta' apprendistat jew *traineeship* jista' jithassar biss mill-Korporazzjoni fuq talba bil-miktub mill-partijiet tal-ftehim wara prova ta' kawża tajba u xierqa.

(2) Appell mid-deċiżjoni tal-Korporazzjoni taht dan l-artikolu jista' jsir lill-Awtorità fi żmien hmistax-il jum min-notifika tad-deċiżjoni.

Żmien ta' prova.

36. (1) L-ewwel tliet xhur ta' ftehim ta' apprendistat jew ta' *traineeship* għandhom ikunu żmien ta' prova li tulu l-ftehim jista' jithassar minn parti jew mill-oħra wara li jinghata avviż bil-miktub ta' tlett ijiem, u kull ftehim kuntrarju, sew jekk espress jew impliċitu, ma jkunx jiswa u jkun bla seħħ iżda minghajr hsara tas-siwi ta' kull parti oħra mill-ftehim li jinsab fih.

(2) Ebda apprendistat jew *trainee* li jkun spiċċa żmien ta' prova tiegħu ma għandu jattendi għal xi intervista, prova jew eżami ta' selezzjoni, u ebda persuna ma tista' tintervista, tagħmel prova lil jew teżamina xi apprendistat jew *trainee* bħal dak, bil-hsieb ta' impieg alternattiv, kemm-il darba dak l-apprendistat jew *trainee* ma jkunx ġie hekk awtorizzat mill-prinċipal tiegħu u l-Korporazzjoni ma tkunx tat l-approvazzjoni tagħha; u kull persuna li tikser xi provvediment ta' dan is-subbartikolu tkun hatja ta' reat kontra dan l-Att.

Dokumentazzjoni li l-prinċipali għandhom iżommu.

37. (1) Kull prinċipal li jkun marbut bi ftehim ta' apprendistat jew *traineeship* għandu f'kull żmien iżomm, dwar kull apprendistat jew *trainee*, dik id-dokumentazzjoni li tista' tiġi preskritta.

(2) Kull persuna li hija jew kienet prinċipal kif qabel imsemmi għandu jżomm kull dokumentazzjoni magħmul skond is-subbartikolu ta' qabel dan għal żmien tliet snin wara d-data tad-dokumentazzjoni, u għandha fuq kull talba tal-Korporazzjoni magħmula f'kull żmien matul l-imsemmi żmien ta' tliet snin, juri dik id-dokumentazzjoni.

(3) Kull persuna li tikser xi wahda mid-dispożizzjonijiet ta' qabel ta' dan l-artikolu, jew li ma tikkonformax ma' xi talba li ssirilha tahtu, tkun hatja ta' reat kontra dan l-Att.

Ghemil ta' skemi.

38. (1) Il-Ministru jista', wara li jikkonsulta ruhu mal-Korporazzjoni, b'regolamenti magħmulin taht din it-Taqsima jagħmel skema wahda jew iżjed għall-kontroll tal-kondizzjonijiet ta' impieg u taħriġ ta' apprendisti jew *trainees*. Kull skema bħal din tista' b'mod speċjali, tippreskrivi —

(a) il-kwalifiki, fosthom l-età u l-grad ta' edukazzjoni, mehtieġa għall-apprendisti u t-*trainees*;

(b) iż-żmien ta' apprendistat jew *traineeship*, it-tibdil f'dan iż-żmien li jista' jkun permess, u ċ-ċirkostanzi li tahtom dak it-tibdil jista' jkun permess;

(ç) ir-rati li bihom apprendisti jew *trainees* jithallsu, iċ-ċirkostanzi li taħthom dak il-hlas jista' jitnaqqas jew jiżdied, u l-estenzjoni ta' dak it-tnaqqis jew żieda:

Iżda ma għandu jkun preskritt ebda hlas meqjus fuq ix-xogħol li jsir hliet fl-aħħar sena ta' apprendistat jew *traineeship*;

(d) il-klassijiet ta' tagħlim li apprendisti jew *trainees* għandhom imorru għalihom u l-għadd ta' sigħat fil-ġimgħa, sew jekk matul jew barra l-hinijiet ordinarji tagħhom tax-xogħol, u ż-żmien li tulu huma għandhom imorru għal dawk il-klassijiet;

(e) it-taħriġ Prattiku illi l-principali għandhom jipprovdu għal apprendisti jew *trainees* fl-impieg tagħhom;

(f) il-provi ta' hila jew eżamijiet illi, minn żmien għal żmien, l-apprendisti jew *trainees* għandhom joqogħdu għalihom;

(g) l-oghla għadd ta' sigħat ordinarji tax-xogħol illi apprendisti jew *trainees* jistgħu jiġu meħtieġa jew imħollija jahdmu fil-ġimgħa jew fil-jum, u l-ġranet li fihom, u l-hinijiet f'jum li qabilhom jew warajhom u l-intervalli li tulhom ebda apprendist jew *trainee* ma jkun jista' jiġi meħtieġ jew imħolli, jahdem;

(h) l-itwal żmien ta' sahra illi apprendisti jew *trainees* jistgħu jinħtieġu jew jithallew jahdmu matul żmien stabbilit u r-rati li bihom jithallsu għas-sahra;

(i) l-għadd ta' btajjel imħallsa li jingħataw lill-apprendisti jew *trainees* matul kull sena ta' apprendistat jew *traineeship* u r-rati li bihom jithallsu għal dawk il-btajjel;

(j) iċ-ċirkostanzi li fihom principal għandu jagħti hlas addizzjonali lil xi apprendist jew *trainee* impjegat miegħu u l-ammont ta' dak il-hlas addizzjonali jew il-mod li bih ikun ikkalkolat;

(k) il-hlas u l-kondizzjonijiet l-oħra ta' apprendistat jew *traineeship* dwar xi żmien li tulu apprendist jew *trainee* ma jkunx jista', minhabba xi kondizzjoni ta' apprendistat jew *traineeship* jew minhabba ċirkostanzi oħra stabbiliti, li jagħti s-servizz tiegħu lill-principali tiegħu matul il-hinijiet ordinarji tax-xogħol.

(2) Skema tista' taħseb għall-għemil ta' ordnijiet biex jingħata seħħ lill-iskopijiet ta' l-iskema.

(3) Skema tista' tkun emendata jew imħassra bi skema li toħroġ wara, jew b'ordni mahruġ mill-Ministru, wara li jikkonsulta ruhu mal-Korporazzjoni.

(4) Kondizzjonijiet differenti ta' apprendistat jew *traineeship* jistgħu jkunu preskritti taht is-subartikolu (1) dwar klassijiet differenti ta' principali jew ta' apprendisti jew *trainees*, u ta' xorta ta' snajja' differenti stabbiliti, u, meta jippreskrivi dawn il-kondizzjonijiet

differenti l-Ministru jista' japplika kull metodu ta' differenzazzjoni li huma jidhrilhom xierqa.

(5) Il-Ministru jista', bi skema mahruġa taht is-subartikolu (1), jiddisponi illi l-kondizzjonijiet ta' apprendistat jew *traineeship* preskritti fl-iskema jew dawk fost il-kondizzjonijiet li jiġu stabbiliti fiha għandhom japplikaw minn data msemmija fl-iskema, dwar apprendisti jew *trainees* li jkunu daħlu fi ftehim ta' apprendistat jew *traineeship* fid-data jew wara d-data li fiha s-sengħa in kwistjoni giet stabbilita u qabel id-data li fiha l-imsemmija kondizzjonijiet ikunu bdew isehħu, u ebda ftehim bħal dak ma jieqaf milli jorbot lill-partijiet fih għar-raġuni illi minhabba l-iskema, tbiddu kondizzjonijiet ta' apprendistat jew *traineeship* li kienu jghoddu dwar dawk l-apprendisti jew *trainees*.

Setgħa
tal-Korporazzjoni
li tiżgura
taħriġ xieraq.

39. (1) Il-Korporazzjoni jkollha s-setgħa li tagħmel dik l-ispezzjoni u dak l-istharrig li jkunu meħtieġa sabiex tiżgura illi apprendisti u *trainees* qegħdin jitharrġu kif jixraq.

(2) Jekk fil-fehma tal-Korporazzjoni xi apprendist jew *trainee* ma jkunx qed jieħu taħriġ biżżejjed, il-Korporazzjoni tista' tordna lill-prinċipal ta' l-apprendist jew tat-*trainee* sabiex jieħu dik l-azzjoni msemmija fl-ordni, illi l-Korporazzjoni jidhrilha meħtieġa biex tiżgura illi l-apprendist jew it-*trainee* ikollhom taħriġ biżżejjed, u tista' tirtira jew tbiddel kull ordni bħal dik.

(3) F'kull ordni bħal dik, il-Korporazzjoni tista', bla hsara tad-dispożizzjonijiet ta' xi skema li tgħodd għall-każ, issemmi x-xorta ta' xogħol li fih l-apprendist jew it-*trainee* għandu jitharreġ, il-perijodi li fihom, kull kemm żmien jew id-dati li bejnhom huwa għandu hekk jitharreġ, il-kondizzjonijiet dwar sorveljanza, il-metodu jew il-post tax-xogħol, u kull haġa jew kondizzjoni oħra dwar it-taħriġ ta' l-apprendist jew *trainee*.

Self tas-servizzi
ta' apprendisti
jew *trainees*.

40. (1) Il-Korporazzjoni tista', fuq talba tal-prinċipal, tawtorizza bil-miktub, għal dak iż-żmien u taht dawk il-kondizzjonijiet li tista' tiddetermina, għas-self tas-servizz ta' apprendist jew *trainee* lil prinċipal ieħor, jekk, fil-fehma tagħha jaqbel għall-gid ta' l-apprendist jew *trainee* li jsir hekk.

(2) Ebda self tas-servizz ta' apprendist jew *trainee* lil prinċipal ieħor, awtorizzat taht is-subartikolu (1), ma jehles lil min huwa l-prinċipal skond il-ftehim ta' apprendistat jew *traineeship* minn xi dmir taht il-ftehim.

Bordijiet ta'
Eżamijiet
fis-Snajja', u
Ċertifkar.

41. (1) Il-Ministru jista', in konsultazzjoni mal-Korporazzjoni, jahtar dawk il-Bordijiet ta' Eżamijiet fis-Snajja' li jistgħu jidhrulu meħtieġa sabiex imexxu l-eżamijiet ta' apprendisti jew *trainees* bil-hsieb li tiġi stabbilita l-profiċjenza jew il-kapaċità tagħhom f'xi sengħa.

(2) Il-Korporazzjoni għandha tohroġ lil kull apprendist jew *trainee* li jkun għalaq iż-żmien tiegħu ta' apprendistat jew *traineeship* ċertifikat ta' lavrant jew ċertifikat ta' kompetenza skond il-każ jekk l-apprendist jew *trainee* ikun wera lill-Bord ta' l-Eżamijiet fis-Snajja' li huwa lahaq il-grad ta' profiċjenza jew kapaċità meħtieġa:

Iżda l-Korporazzjoni tista', bi ftehim mal-Ministru, tohroġ dawk iċ-ċertifikati mingħajr ma tirreferi lill-Bord ta' l-Eżamijiet fis-Snajja', jekk hija tkun sodisfatta li jeżistu arrangamenti xierqa fi hdan xi industrija jew intrapriża, sew jekk din tkun proprjetà tal-Gvern sew jekk le, għall-evalwazzjoni ta' apprendisti jew *trainees* dwar il-kisba minnhom tal-livell meħtieġ ta' profiċjenza jew kapaċità fis-sengħa partikolari.

42. Il-Ministru responsabbli għall-edukazzjoni jista', bil-parir tal-Korporazzjoni, jagħmel regolamenti biex jistabbilixxi livelli ta' profiċjenza jew kapaċità fis-snajja' diversi u dwar iċ-ċertifikar ta' persuni li jkun kisu dawk il-livelli. Regolamenti dwar livelli, ċertifikazzjoni, eċċ.

43. (1) Jekk tinqala' xi kwistjoni bejn prinċipal u apprendist jew *trainee* jew jekk il-Korporazzjoni jidhrilha illi jew il-prinċipal jew l-apprendist jew *trainee* ma jstax jaqdi xi kundizzjoni minn dawk li jkun hemm fil-ftehim ta' apprendistat jew *traineeship* jew jekk wieħed minnhom jonqos milli jħares ir-rabtiet li daħal għalihom bil-ftehim jew jekk xi hadd minnhom jinstab hati ta' delitt serju, il-Korporazzjoni għandha, fuq talba ta' xi wahda mill-partijiet jew taż-żewġ partijiet, jew minn rajha, tqis iċ-ċirkostanzi kollha tal-każ u jkollha setgħa li tiddeċiedi fuq dawn il-hwejjeġ kollha u tkun tista' wkoll tordna l-kancellament tal-ftehim jew it-trasferiment ta' l-apprendist jew *trainee*. Ikun jista' jitressaq appell quddiem l-Awtorità minn kull deċiżjoni bħal dik mogħtija mill-Korporazzjoni fi żmien hmistax-il jum minn notifika ta' dik id-deċiżjoni u d-deċiżjoni ta' l-Awtorità tkun finali. Deċiżjoni dwar kwistjonijiet.

(2) Sakemm iddum il-kwistjoni bejn il-prinċipal u l-apprendist jew it-*trainee*, il-prinċipal ikollu d-dritt, mid-data li dan jirrapporta iċ-ċirkostanzi lill-Korporazzjoni, jissospendi mix-xogħol lill-apprendist jew *trainee* mingħajr paga, b'dan li l-apprendist jew *trainee* ikollu dritt jerga' jidhol għax-xogħol u jiehu l-paga li tkun inżammitlu jekk id-deċiżjoni finali tkun favur tiegħu.

44. (1) Hadd ma għandu, direttament jew indirettament, jitlob jew iħalli li xi hadd, għajr il-Gvern jew il-Korporazzjoni, iħallas jew jagħti xi kumpens biex jiġi mpjegat apprendist jew *trainee* f'sengħa, jew jiehu xi kumpens bħal dak mingħand xi haddieħor, għajr il-Gvern jew il-Korporazzjoni; u kull persuna li tikser id-dispożizzjoni ta' qabel ta' dan is-subartikolu tkun hatja ta' reat kontra dan l-Att. Hlas għal tahrig.

(2) Kull min, bi ksur tad-dispożizzjonijiet tas-subartikolu (1), ikun ħallas jew ta kumpens bħal dak, jista' jfittex f'qorti biex jiehu lura dak il-kumpens, u kull qorti, jekk tkun sabet lil xi hadd hati ta' ksur ta' l-imsemmi subartikolu, tista', fuq prova ta' l-ammont indebitament meħud, tordna lil min hekk misjub hati biex irodd dak l-ammont, u kull ordni bħal dan ikollu l-istess saħħa daqslikieku ngħata f'kawża ċivili magħmula kif imiss f'dik il-qorti bejn dik il-persuna u l-persuna li ħallset jew tat il-kumpens:

Iżda l-ebda talba ma tista' ssir għaliex jinkiseb lura l-ammont meħud indebitament, wara sena minn meta jagħlaq iż-żmien ta' l-apprendistat jew tat-*traineeship*.

Regolamenti
dwar apprendisti
u *trainees*.

45. (1) Il-Ministru jista', in konsultazzjoni mal-Korporazzjoni, jagħmel regolamenti li jippreskrivu —

(a) iċ-ċertifikati tat-twelid u dwar il-livell ta' edukazzjoni, li jistgħu jinħtiegu u l-eżami mediku li jista' jiġi meħtieġ għar-registrazzjoni ta' ftehim ta' apprendistat jew *traineeship*, il-formoli li fuqhom ftehim bħal dak u ċ-ċertifikar mediku ta' apprendisti u *trainees* għandhom isiru;

(b) ix-xorta ta' rapporti illi prinċipali jistgħu jinħtiegu jagħtu, minn żmien għal ieħor, u ż-żmien li fih dawk ir-rapporti għandhom hekk jingħataw;

(ċ) iċ-ċirkostanzi li fihom u l-mod li bih jista' jsir xi tibdil fi ftehim ta' apprendistat jew *traineeship*;

(d) il-ħwejjeg kollha illi, b'din it-Taqsima, ikunu meħtieġa jew permessi li jkunu preskritti;

(e) ġeneralment dwar kull haġa li jidhirlu li jinħtieġ jew li jaqbel li jippreskrivi sabiex jintlaħqu l-iskopijiet ta' din it-Taqsima.

(2) Jistgħu jsiru regolamenti differenti bis-saħħa tas-subartikolu (1) dwar klassijiet differenti ta' prinċipali jew ta' apprendisti jew *trainees* u ta' snajja' differenti, u meta jagħmel dawk ir-regolamenti, il-Ministru jista' japplika kull metodu ta' differenzazzjoni li jidhirlu xieraq.

Jeddijiet ċivili
ta' apprendist
jew *trainee* u
ta' prinċipal.

46. Ebda haġa li tinsab f'dan l-Att ma għandha tolgot —

(a) xi jedd li apprendist jew *trainee* jista' jkollu biex jibda proċedimenti ċivili kontra l-prinċipal tiegħu dwar xi ksur jew nuqqas ta' tħaris ta' xi patt jew xi kundizzjoni fi ftehim ta' apprendistat jew *traineeship*;

(b) kull jedd illi prinċipal jista' jkollu biex jibda proċedimenti ċivili kontra apprendist jew *trainee* dwar xi ksur tal-pattijiet jew xi kundizzjoni fi ftehim ta' apprendistat jew *traineeship*.

TAQSIMA VIII

Twettiq, Reati u Pieni

Twettiq.

47. (1) Il-Ministru jista' bil-miktub jinnomina lil dawk l-uffiċjali tad-Dipartiment tax-Xogħol jew tal-Korporazzjoni li hu jispeċifika, biex ikunu spetturi għall-iskopijiet ta' dan l-Att.

(2) Spetturi taht dan l-Att ikollhom dawk il-funzjonijiet u d-dmirijiet li jkunu preskritti.

(3) Spetturi hekk nominati kif imsemmi hawn qabel ikollhom is-setgħa —

(a) li jidhlu bla tfixkil u minghajr ma qabel javżaw f'kull hin xieraq f'kull fond jew post sugġett għall-ispezzjoni taht dan l-Att;

(b) li jagħmlu f'kull fond jew post bħal dan kull eżami, test jew sħarriġ li huma jidhrilhom meħtieġa sabiex jaraw jekk id-dispożizzjonijiet ta' dan l-Att jew ta' xi regolamenti jew ordnijiet tahtu kif ukoll kull kondizzjoni ta' impieg magħrufa humiex qegħdin jigu mharsin, u l-iktar —

(i) li jagħmlu mistoqsijiet, weħidhom jew quddiem ix-xhieda, lill-prinċipal jew lill-impjegati jew lil apprendist jew *trainee* fuq kull haġa minn dawk imsemmijin;

(ii) li jordnaw li juruhom kotba, registri jew dokumenti oħra li skond dan l-Att jew xi ordni maħruġ tahtu għandhom jinżammu u li jikkopjaw dawk id-dokumenti jew jieħdu estratti minnhom.

(4) Fl-okkażjoni ta' żjara ta' spezzjoni, spettur għandu jgħarraf lill-prinċipal jew lir-rappreżentant tiegħu bil-preżenza tiegħu, kemm-il darba huwa ma jidhirlux illi dik it-tagħrif tista' tkun ta' hsara għall-qadi ta' dmirijietu.

(5) Il-fondi u postijiet sugġetti għall-ispezzjoni taht dan l-Att huma kull fond jew post li dwaru jgħoddu xi dispożizzjonijiet ta' dan l-Att jew ta' xi regolament jew ordni tahtu jew xi kondizzjonijiet ta' impieg magħrufa jew kull fond jew post li dwaru spettur ikollu għalfejn jaħseb illi jgħoddu d-dispożizzjonijiet ta' dan l-Att jew regolamenti jew ordnijiet tahtu jew kondizzjonijiet ta' impieg magħrufa.

48. (1) Hadd ma għandu jindaħal jew jittanta jindaħal b'mod Indhbil mhux xieraq. xieraq. direttament jew indirettament għalih innifsu jew għal xi haddiehor jew oħrajn, fix-xogħol ta' l-Awtorità, tal-Korporazzjoni, jew tal-membri tagħhom, jew diretturi jew persuni mpjegati minnhom, fit-twettiq tal-funzjonijiet tagħhom taht dan l-Att.

(2) Kull persuna li tikser xi waħda mid-dispożizzjonijiet ta' qabel ta' dan l-artikolu tkun haġta ta' reat kontra dan l-Att.

49. Kull persuna li, dwar xi haġa taht dan l-Att —

Tagħrif falz, eċċ.

(a) tagħti xi tagħrif li tkun taf li huwa falz f'xi punt importanti, jew bi traskuraġni kbira tagħti xi tagħrif li jkun falz f'xi punt importanti; jew

(b) bil-hsieb li tinganna, tipproduci, tagħti, tibgħat jew xort'oħra tagħmel użu minn xi dokument li jkun falz f'xi punt importanti; jew

(ċ) għax trid, tirrifjuta li tagħti jew minghajr raġuni legittima (li l-prova tagħha tkun għall-karigu tagħha) ma tagħtix, xi tagħrif importanti;

tkun hatja ta' reat skond dan l-Att u tehel, meta tinsab hatja, multa ta' mhux inqas minn hamsin lira Maltija iżda mhux iżjed minn hames mitt lira Maltija jew prigunerija għal perijodu ta' mhux aktar minn sena, jew għal dik il-multa u prigunerija flimkien.

Reati relattivi
għall-apprendistat
jew *traineeship*.

50. (1) Kull min —

(a) jikser jew jonqos milli joqgħod għal xi patt tal-ftehim ta' apprendistat jew *traineeship* jew xi provvediment ta' skema li biha jkun marbut; jew

(b) jikser jew jonqos milli joqgħod għad-dispożizzjonijiet ta' l-artikolu 31, is-subartikolu (2) ta' l-artikolu 36, l-artikolu 37, is-subartikolu (1) ta' l-artikolu 44; jew

(ċ) xjentement jew b'negligenza kbira jagħmel xi dikjarazzjoni li mhix minnha jew inizzel notament mhux minnu f'xi ktieb jew rapport miżmum jew mogħti bis-saħħa ta' din it-Taqsima jew ta' regolamenti magħmulin bis-saħħa tagħha; jew

(d) jirrifjuta jew jonqos li jwieġeb mill-aħjar li jaf għal kull mistoqsija illi d-Direttur jew rappreżentant tiegħu, uffiċjal tal-Korporazzjoni jew spettur ikun għamillu fil-qadi tal-hidma taht din it-Taqsima; jew

(e) jirrifjuta jew jonqos li joqgħod, mill-aħjar li jista', għal kull ma jkun mehtieg minnu kif debitament provdut dwaru taht dan l-Att; jew

(f) ifixkel lill-Korporazzjoni jew lid-Direttur jew lir-rappreżentanti tagħhom jew spettur fix-xogħol tagħhom taht dan l-Att;

ikun hati ta' reat kontra dan l-Att.

(2) Meta kontravvenzjoni taht it-Taqsima VII ta' dan l-Att jew taht kull regolamenti magħmulin bis-saħħa tiegħu ssir minn persuna li tkun taht is-setgħa, il-kontroll jew il-kustodja ta' persuna oħra, ir-responsabbiltà għaliha tkun mhux biss fuq il-persuna li tkun għamlet il-kontravvenzjoni iżda wkoll fuq dik il-persuna l-oħra jekk din il-persuna setgħet, kieku hadet hsieb, ma thallix li l-kontravvenzjoni ssir.

Reati kontra
l-artikoli 15 u 48.

51. Kull persuna li tkun hatja ta' reat kontra dan l-Att taht l-artikolu 15 jew l-artikolu 48 tiegħu, tehel, meta tinsab hatja, multa ta' mhux inqas minn hames mitt lira Maltija iżda mhux iżjed minn hamest elef lira Maltija.

Piena generali.

52. (1) Kull min ikun hati ta' reat kontra dan l-Att jew jonqos li jikkonforma ruhu ma' xi dispożizzjoni ta' xi regolamenti jew ordnijiet li

jsiru bis-saħħa tiegħu, jeħel, jekk ikun hemm provdut piena partikolari għal dak ir-reat f'dan l-Att jew fir-regolamenti jew l-ordni, jekk jinstab hati, multa ta' mhux anqas minn għoxrin lira Maltija u mhux iżjed minn erba' mitt lira Maltija.

(2) Ebda proċedimenti ma għandhom jittieħdu kontra xi persuna għal xi reat kontra dan l-Att li ma jkunx reat kontra l-artikoli 15 u 48 tiegħu, jekk dik il-persuna, wara li tkun irċeviet ittra mingħand id-Direttur għall-ħlas ta' penali ta' ħmistax-il lira Maltija talli tkun kisret id-dispożizzjonijiet imsemmija ta' dan l-Att jew ta' kull regolamenti jew ordnijiet magħmulin bis-saħħa tiegħu, tikkonforma ruhha ma' dawk id-dispożizzjonijiet u thallas dik il-penali lid-Direttur, f'kull każ, fi żmien ħmistax-il jum minn meta dik il-persuna tkun irċeviet l-ittra tad-Direttur.

53. Il-pieni msemmijin f'dan l-Att għandhom japplikaw hlief jekk il-fatt jikkostitwixxi reat aktar gravi taħt il-Kodiċi Kriminali jew kull liġi oħra, f'liema każ dak il-Kodiċi jew liġi oħra għandhom japplikaw.

Riserva dwar
il-Kodiċi
Kriminali.
Kap. 9

54. Minkejja kull liġi oħra, il-proċedimenti għal reat taħt dan l-Att jistgħu jinbdew f'kull żmien għeluq sitt snin mill-għemil tar-reat.

Preskrizzjoni.

TAQSIMA IX

Mixellanji

55. (1) Il-Ministru jista' jagħmel regolamenti b'mod ġenerali sabiex jagħti seħħ lid-dispożizzjonijiet ta' dan l-Att u għat-twettiq tagħhom, u b'mod partikolari, iżda mingħajr preġudizzju għall-ġeneralità ta' dak imsemmi qabel —

Regolamenti.

(a) sabiex jipprovdi dwar kull haġa li hi meħtieġa jew awtorizzata b'dan l-Att li tiġi stabbilita;

(b) sabiex jippreskrivi s-setgħat u l-proċeduri ta' l-Awtorità fis-smieġh u deċiżjoni ta' appelli taħt dan l-Att.

(2) Is-setgħa tal-Ministru li jagħmel regolamenti taħt xi dispożizzjoni ta' dan l-Att għandha tinkludi s-setgħa li jistabbilixxi l-pieni dwar xi ksur jew kontravvenzjoni tagħhom jew xi nuqqas ta' tharis tagħhom:

Iżda dawk il-pieni ma jistgħux ikunu aktar minn multa ta' elf lira jew priġunerija għal aktar minn tliet xhur.

Konflitt
ta' interessi.

56. (1) Direttur, uffiċjal, impjegat, aġent jew konsulent tal-Korporazzjoni li jkun b'xi mod direttament jew indirettament interessat f'kuntratt magħmul jew maħsub li jintgħamel mill-Korporazzjoni jew f'xi attività jew servizz li għandhom jiġu provduti għall-Korporazzjoni jew minnha, għandu, kemm jista' jkun malajr wara li ċ-ċirkostanzi relattivi jiġu għal konjizzjoni tiegħu, juri x-xorta ta' l-interess tiegħu lill-Bord tal-Korporazzjoni.

(2) Kull wiri magħmul skond is-subartikolu (1) ta' dan il-paragrafu minn direttur għandu jiġi registrat fil-minuti tal-laqgħa li jsir fiha, u d-direttur —

(a) għandu, wara l-wiri, jirtira mis-seduta waqt li dik il-ħaġa qed tiġi diskussa jew deċiża mill-Bord; u

(b) ma għandux jittiehed kont tiegħu dwar il-kostituzzjoni ta' *quorum* tal-Bord għal xi diskussjoni jew deċiżjoni tali.

(3) Il-Korporazzjoni għandha mingħajr dewmien tinforma lill-Ministru b'kull wiri magħmul taht dan l-artikolu.

Thassir ta' l-Att
dwar is-Servizz ta'
l-Impiegi u ta'
l-Att dwar
it-Tagħlim
fl-Industrija.

Kap. 141.
Kap. 134.

57. (1) Bla ħsara għad-dispożizzjonijiet ta' dawk is-subartikoli li ġejjin ta' dan l-artikolu, l-Att dwar is-Servizz ta' l-Impiegi u l-Att dwar it-Tagħlim fl-Industrija huma b'dan imħassrin.

(2) Sa meta jiġu revokati, jithassru jew jiġu sostitwiti, kull skema magħmula, permess jew eżenzjoni mogħtija, kull ftehim magħmul u kull regolament jew ordni magħmul, taht jew bis-saħħa ta' l-Att dwar is-Servizz ta' l-Impiegi u l-Att dwar it-Tagħlim fl-Industrija għandhom, minkejja t-thassir ta' dawk l-Att, ikomplu fis-seħħ u għandhom jitqiesu li saru taht u bis-saħħa ta' dan l-Att.

(3) Id-dispożizzjonijiet ta' l-Att dwar is-Servizz ta' Impiegi dwar l-Iskema tal-Haddiema Awżiljari u Tahriġ, u dwar haddiema ingaġġati fiha għandhom ikomplu japplikaw sa dak iż-żmien li l-Ministru jista' b'Ordni jiddetermina.

(4) Kull persuna rreġistrata għal impieg taht l-Att dwar is-Servizz ta' Impiegi għandu jkompli jgawdi l-istess priorità dwar riferiment għal impieg taht dan l-Att, li għaliha kienu intitolati qabel il-bidu fis-seħħ ta' dan l-Att.

(5) Kull riferenza f'kull liġi oħra għall-Att dwar is-Servizz ta' Impiegi u għall-Att dwar it-Tagħlim fl-Industrija għandha titqies li tkun riferenza għad-dispożizzjonijiet relattivi ta' dan l-Att.

SKEDA

(Artikolu 3)

FORMA TAL-ĠURAMENT LI GHANDU JITTIEHED
MILL-MEMBRI TA' L-AWTORITÀ

Jien li ġejt maħtur Membru ta' l-Awtorità Nazzjonali tax-Xogħol kostitwita taħt l-Att ta' l-1990 dwar is-Servizzi ta' Impiegi u ta' Tahriġ, b'dan nahlef illi jiena bil-fedeltà kollha u b'imparzjalità u mill-aħjar li nista' naqdi d-dmirijiet u x-xogħol li jmiss lili f'din il-kariga.

Hekk Alla jghini.

.....

Għanijiet u Raġunijiet

L-Abbozz, b'mod ġenerali, jahseb għat-twaqqif u tmexxija ta' servizzi ta' impieg u tahriġ għall-haddiema u dawk li jahdmu għal rashom sew fil-qasam industrijali kif ukoll f'dak terzjarju.

B'mod partikolari, l-Abbozz jipprovdi għat-twaqqif ta' struttura indipendenti li tkun maghrufa bhala l-Awtorità Nazzjonali tax-Xogħol; għall-holqien ta' Korporazzjoni ta' Xogħol u Tahriġ li, minn naħa 'l waħda, taqdi l-funzjoni tas-servizz ta' l-impieg minn fondi pubbliċi li l-Kostituzzjoni trid li jkun hemm u, minn naħa l-oħra, li tassigura servizzi ta' tahriġ u tahriġ mill-ġdid, ta' apprendistat u ta' *traineeship* meħtieġa f'diversi oqsma biex il-haddiema u dawk li jahdmu għal rashom jġgu mghejjuna jiksbu, jiżviluppaw, itejjbu jew jaġġornaw il-hiliet u l-kompetenza fix-xogħol kif ukoll li tagħti għajjnuna lil min ikun ifittex ix-xogħol.

L-Abbozz jahseb ukoll biex jirregola aġenziji ta' l-impieg; it-tagħrif, statistika u dokumentazzjoni li għandhom x'jaqsmu mas-suq tax-xogħol; id-dispożizzjonijiet amministrattivi u finanzjarji dwar il-Korporazzjoni; il-poter ta' għemil ta' regolamenti u r-reati u pieni dwar nuqqas ta' osservanza tal-provvedimenti relattivi ta' dan l-Abbozz.

EMPLOYMENT AND TRAINING SERVICES ACT, 1990

ARRANGEMENT OF SECTIONS

PART I: PRELIMINARY

1. Short title and commencement.
2. Interpretation.

PART II: THE NATIONAL EMPLOYMENT AUTHORITY

3. National Employment Authority.
4. Functions of the Authority.

PART III: THE EMPLOYMENT AND TRAINING CORPORATION

5. Establishment of the Corporation.
6. Conduct of affairs of the Corporation.
7. Disqualification for appointment, removal and resignation of Directors.
8. Meetings of the Board of Directors.
9. Status of the Corporation.
10. Functions of the Corporation in relation to the employment service .
11. Register of persons seeking employment.
12. Registration for employment.
13. Referral of persons for employment.
14. Notification and filling of vacancies.
15. Engagement of employees by Government and Government owned or controlled bodies and companies.
16. Functions of the Corporation in relation to training.
17. Powers of the Corporation in relation to training.

PART IV: ADMINISTRATIVE AND FINANCIAL PROVISIONS RELATING TO THE CORPORATION

18. Personnel of the Corporation.
19. Capital and revenue of the Corporation.
20. Accounts and audit.
21. Annual report.
22. Power to borrow capital.
23. Exemption from certain taxes and duties.

PART V: EMPLOYMENT AGENCIES

24. Employment agencies and businesses to be licensed.
25. Representations on refusal or revocation of a licence.
26. Conduct of employment agencies and businesses.

PART VI: MANPOWER RECORDS

27. Work Books and other documents.
28. Particulars concerning persons leaving school.
29. Information as to employment and other occupations.

PART VII: APPRENTICES AND TRAINEES

30. Interpretation for the purposes of Part VII.
31. Permit to employ apprentices or trainees.
32. Written Agreement.
33. Registration of Agreement.
34. Transfer of Agreement.
35. Termination or rescission of agreement.
36. Probationary period.
37. Records to be kept by employers.
38. Making of Schemes.
39. Power of Corporation to ascertain adequate training.
40. Loan of services of apprentices or trainees.
41. Trade Testing Boards and Certification.
42. Regulations with respect to standards, certification, etc.
43. Settlement of differences.
44. Acceptance of premiums.
45. Regulations with respect to apprentices or trainees.
46. Civil rights of apprentice or trainee and employer.

PART VIII: ENFORCEMENT, OFFENCES AND PENALTIES

47. Enforcement.
48. Improper influence.
49. False information etc.
50. Offences in respect of apprenticeship or traineeship.
51. Offences against sections 15 and 48.
52. General penalty.
53. Saving for Criminal Code.
54. Prescription.

PART IX: MISCELLANEOUS

55. Regulations.
56. Conflict of interest.
57. Repeal of Employment Service Act and Industrial Training Act.

SCHEDULE

**A BILL
entitled**

AN ACT to provide for a National Employment Authority, for the establishment of an Employment and Training Corporation and for the regulation of employment and training services, and for matters connected therewith or ancillary thereto.

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:—

PART I

Preliminary

Short title
and
commencement.

1. (1) This Act may be cited as the Employment and Training Services Act, 1990.

(2) This Act shall come into force on such date as the Minister may by notice in the Gazette appoint, and different dates may be so appointed for different provisions or different purposes of this Act.

Interpretation.

2. In this Act unless the context otherwise requires —

“Authority” means the National Employment Authority established by section 3 of this Act;

“Board” means the Board of the Corporation;

“Corporation” means the Employment and Training Corporation established by section 5 of this Act and, to the extent of the authority given includes any officer of the Corporation duly authorised by it in that behalf;

“dependants” means individuals wholly or mainly dependent for their maintenance on an individual and being in relation to such individual —

(i) if married — his wife, her husband, his or her children or stepchildren, his or her grandchildren if the parents are dead;

(ii) if unmarried — his or her children, his father or her father or mother, his or her unmarried brothers or sisters;

(iii) if a widower or widow — his or her children or stepchildren, his or her grandchildren, if their parents are dead;

“Director” means the Director of Labour and includes any officer of the Department of Labour who is authorised by the Director to act on his behalf;

“employment agency” or “employment business” means any activity carried out in Malta for the recruitment of persons for employment in Malta or outside Malta;

“financial year” means the period of twelve months ending on the thirtieth of September of any year:

Provided that the first financial year of the Corporation shall commence on the date of the coming into force of this Act and shall end on the thirtieth day of September of the following year.

“Minister” means the Minister responsible for labour and includes, to the extent of the authority given, any person authorised by the said Minister in that behalf for any purpose of this Act;

“person” includes a body of persons and any body corporate established by law;

“prescribe” means prescribe by regulations made under this Act;

“Register” means the Register referred to in section 11 of this Act.

PART II

The National Employment Authority

3. (1) The President of Malta shall appoint a National Employment Authority composed of three independent persons, two other persons appearing to the President to represent the interests of employers and two other persons appearing to the President to represent the interests of employees. In this section “independent

National
Employment
Authority.

persons" means persons who are neither Government employees nor officials of any organization representing employers or employees.

(2) The President shall also appoint a Secretary to the Authority.

(3) One of the independent members of the Authority shall be appointed by the President to be Chairman and another Deputy Chairman.

(4) Every member of the Authority shall, before entering upon his duties, take an oath of office before the Attorney General in the form set out in the Schedule to this Act.

(5) Every member of the Authority shall hold office for a term of two years and if otherwise qualified may be re-appointed at the end of his term of office.

(6) The President may determine the remuneration payable to the members of the Authority.

(7) No member of the Authority may be removed from office before the expiration of his appointment except by the President upon a resolution of the House of Representatives praying for such removal on the ground of misbehaviour or inability to perform the functions of his office:

Provided that if the House of Representatives stands dissolved or prorogued or adjourned for more than fourteen days, it shall be lawful for the President to suspend any member from his office on the ground of misbehaviour or inability to perform the functions of his office, so however, that such suspensions shall not extend beyond the first three sittings of the House of Representatives immediately following the date of such suspensions.

(8) The quorum of the Authority shall be of three members, one of whom shall be the Chairman or the Deputy Chairman.

(9) Subject to the provisions of subsection (8) of this section, the Authority shall not be disqualified from the transaction of business on account of any vacancy among its members.

(10) The Director or any person deputed by him shall have the right to be present at all meetings of the Authority and to be heard on any matter.

(11) The proceedings of the Authority may, if the Authority so considers expedient, be conducted in camera.

(12) Decisions of the Authority shall be taken by majority of the votes of the members present. The Chairman or, in his absence, the Deputy Chairman, shall have only a casting vote.

(13) Subject to the provisions of this Act and of any regulations made thereunder, the Authority may regulate its own proceedings.

(14) For the purposes of the following sections of the Criminal Code that is to say, section 91, sections 115, 119 and 120, sections 124 and 125, section 133 and section 138, the members of the Authority shall be deemed to be public officers. (Cap. 9)

4. (1) The functions of the Authority shall be :

Functions of
the Authority.

(a) To monitor employment and to investigate and adjudicate, in such manner as it may determine, any complaints which any interested party may bring before it regarding employment and training services provided by the Corporation;

(b) to hear appeals as provided for in this Act;

(c) to tender advice to the Minister on any matter relating to the employment or training of workers, either at the request of the Minister or on its own initiative, including proposals for regulations for such purposes or in such circumstances as in the opinion of the Minister or of the Authority it is necessary or expedient to make provision by regulation;

(d) to make rules subject to the provisions of this Act:

(i) regarding the circumstances under which a person registered for employment may lose his priority for refusal for employment; and

(ii) providing for special consideration to be given to determinate classes of applicants being applicants with dependants, applicants who are disabled, infirm or incapacitated or applicants requiring physical or social rehabilitation.

(e) such other functions as are or may be assigned to it by this Act or any other law or which may be assigned to it by the Minister.

(2) Where the Authority acts as a Tribunal to hear appeals as provided in paragraph (b) of the foregoing subsection, the following provisions shall, without prejudice to the provisions of any regulations made under section 55 of this Act, apply:

(a) The Authority shall reject any appeal which is not made in writing within the time specified in the provision of this Act allowing such appeal;

(b) The Chairman of the Authority or in his absence the Deputy Chairman shall have the powers to summon witnesses and to administer an oath to any witness and to require him to give evidence or to produce books or other documents before it;

(c) Summons for attendance of witnesses shall be signed by the Chairman or, in his absence, the Deputy Chairman, and may be served either personally or by registered post, and in the latter case, in proving service, it shall be sufficient to prove that the summons was properly addressed and posted;

(d) All persons summoned to attend and give evidence at any sitting of the Authority shall be bound to obey the summons served on them; and any person refusing or omitting without sufficient cause to attend at the day, time and place mentioned in the summons served on him or to answer, to the best of his knowledge and belief, all questions put to him by or with the concurrence of the Authority, or to produce books or other documents required by the Authority to be produced before it, shall be guilty of an offence against this Act:

Provided that no person giving evidence before the Authority shall be compelled to incriminate himself and every such person shall, in respect of any evidence given by him before the Authority, be entitled to all the privileges to which a person giving evidence before a court of law is entitled in respect of evidence given by him before such court.

(e) The decisions of the Authority on any appeal made under this Act shall be final.

(3) The Authority shall, in January of each year, submit a report of its activities to the Minister who shall lay the same on the Table of the House of Representatives not later than the sitting first occurring after thirty days from its receipt.

PART III

The Employment and Training Corporation

Establishment
of the
Corporation.

5. (1) There shall be an Employment and Training Corporation.

(2) The Corporation shall be a body corporate having a distinct legal personality and shall be capable of entering into contracts, of acquiring, holding and disposing of any property for the purpose of its functions under this Act, of suing and of being sued, and of doing all such things and entering into all such transactions as are incidental or conducive to the exercise or performance of its functions under this Act.

Conduct
of affairs
of the
Corporation.

6. (1) The affairs and business of the Corporation shall be the responsibility of and shall be conducted by a board of directors, which shall be known as "the Board". The legal representation of the Corporation shall be vested in the Chairman or in any other director as the Board may by resolution designate. Any such resolution shall be published in the Gazette as soon as may be after its approval and shall not have effect until it is so published.

(2) The Board shall consist of such number of directors, being not less than seven, as the Minister may from time to time appoint. Three of the members of the Board shall be appointed, after due consultation with the Ministers concerned, from amongst such persons as best represent the Ministries responsible for labour, for education and for industry.

(3) The Chairman of the Board and a Deputy Chairman shall be appointed by the Minister from amongst members of the Board.

(4) Where the Chairman is absent from Malta or is otherwise temporarily unable to perform the functions of his office, or where the post of Chairman is temporarily vacant, the Deputy Chairman shall act as Chairman.

(5) The Chairman and the other directors shall be appointed yearly and shall hold office under such terms and conditions as the Minister may deem proper; and they shall be eligible for re-appointment.

(6) Subject to the provisions of this Act and to any directions of the Board, the executive conduct of the Corporation, its administration and organisation, and the administrative control of its officers and servants shall be the responsibility of the Chief Executive of the Corporation who shall also have such other powers as may from time to time be delegated to him by the Board. The Chief Executive shall have the right to attend and be heard at all meetings of the Board. He shall not, however, have a vote or be counted for the purpose of constituting a quorum.

(7) The provisions of subsection (14) of section 3 of this Act shall *mutatis mutandis* apply to the Corporation, the Chief Executive and other employees of the Corporation.

7. (1) A person shall not be qualified to be appointed, or to hold office as a member of the Board if he —

(a) is a member of the House of Representatives; or

(b) is legally incapacitated; or

(c) has been declared bankrupt or has made a composition or arrangement with his creditors; or

(d) has been convicted of a crime affecting public trust or theft or fraud or of knowingly receiving property obtained by theft or fraud.

(2) A member of the Board may be relieved of office by the Minister on the ground of inability to perform the functions of his office, whether due to infirmity of mind or of body, or to any other cause, or on the ground of misbehaviour.

(3) A member of the Board may resign his office by means of a letter to the Minister.

Disqualification for appointment, removal and resignation of Directors.

Meetings
of the Board
of Directors.

8. (1) The Board shall meet as often as may be necessary or expedient, but in no case less frequently than once every three months. Meetings shall be called by the Chairman either on his own initiative or at the request of any two of the other members.

(2) The Board shall not act unless a quorum consisting of not less than half the number of members is present.

(3) The meetings of the Board shall be chaired by the Chairman or, in his absence, by the Deputy Chairman.

(4) The decisions of the Board shall be taken by a majority of the votes of the members present and voting; and in the case of an equality of votes the Chairman, or in his absence the Deputy Chairman, shall have and exercise a second or casting vote.

(5) Any vacancy among the members of the Board, and any participation therein by a person not entitled so to do, shall not invalidate the proceedings of the said Board.

(6) Subject to the provisions of this Act, the Board may regulate its own proceedings.

Status of the
Corporation.

9. (1) The Corporation shall have such functions as are set out in this Act and such other functions as may devolve upon it under any other law, or as may be assigned to it by the Minister.

(2) The Corporation shall consider any matter relating to the formulation of an overall national policy for employment and training, and all matters relating to any of its functions under this Act, and the Corporation may also advise any department of Government on such matters.

(3) The Corporation shall afford the Minister the necessary facilities for obtaining information with respect to the property and activities of the Corporation, and furnish him with returns, accounts and other information with respect thereto, and afford him the necessary facilities for the verification of the information furnished in such manner and at such time as he may require.

(4) The Minister may, after consultation with the Corporation, give to the Corporation such directives in writing as he may deem appropriate, being directives of a general character not inconsistent with the provisions of this Act and the Corporation shall comply with such directives.

(5) In carrying out any of its functions under this Act, or in any other thing or activity, the Corporation shall conform its policies and activities with the aims and objectives of national economic planning from time to time in force.

(6) The Corporation may, with the approval of the Minister, exercise its functions under this Act through the agency of other persons, and may act as agent or otherwise on behalf of other persons.

Functions of the
Corporation in
relation
to the
employment
service.

10. In relation to employment, the Corporation shall have the following functions:—

(a) in general to provide and maintain an employment service to assist persons to find suitable employment and to assist employers to find suitable employees; and

(b) in particular —

(i) to register persons seeking employment in the Register, taking note of their qualifications, experience, skills, aptitudes, desires and such other details as may be deemed necessary or expedient;

(ii) to interview such persons and evaluate, if necessary, their physical and vocational capacity;

(iii) to assist persons seeking employment by guidance and advice on the choice of employment, and the training and retraining which may be necessary;

(iv) to obtain from employers information on vacancies and on requirements to be met by the employees they require;

(v) to refer to available employment persons with suitable skills, aptitudes and physical capacity;

(vi) to collect and analyse information about the situation of the labour market and probable changes.

11. (1) The Corporation shall maintain a Register of persons seeking employment. Register of persons seeking employment.

(2) The Register shall consist of three separate parts: Part One, for the registration of persons who are unemployed; Part Two, for the registration of persons who, without a good and sufficient cause, terminate employment or reject an opportunity of employment; and Part Three for persons in gainful occupation who are seeking alternative employment and such other category of persons and purposes as may be prescribed after consultation with the Authority.

(3) For the purpose of determining the length of registration in one part of the Register, no account shall be taken of the period of registration in the other part.

(4) Any person who qualifies to be registered may seek to be registered under the appropriate part of the Register.

12. (1) Subject to the provisions of this Act and to any regulation made thereunder, the registration of persons seeking employment shall be made in such manner and shall be subject to such formalities and conditions as the Corporation may deem fit. Registration for employment.

(2) At the time of first registration for employment and at any time during the period of validity of registration, the Corporation may require the person seeking employment to furnish information or produce documents in his possession or control relating to his date of birth, previous employment, dependants, experience, qualifications and other matters relevant to his registration.

(3) If any person fails to provide any information requested from him under subsection (2) of this section, such person shall forfeit his right to registration under this section or to referral for employment under section 13 of this Act, and shall be notified accordingly in writing.

(4) Any person aggrieved by a decision of the Corporation under this section may, within fifteen days from the notification of such decision, appeal to the Authority.

Referral of
persons for
employment.

13. (1) Without prejudice to the other provisions of this Act, and subject to any regulations made thereunder, in selecting persons for referral to employers, the Corporation shall be guided by the following principles, namely;

(a) where employees with no special skill, knowledge or experience are required, regard shall be had to —

(i) the employer's requirements as to age, former employment and other factors relevant to the type of employment offered;

(ii) the length of registration for employment;

(b) where employees with special skill, knowledge, experience or qualifications are required, regard shall be had to —

(i) the persons who best satisfy the requirements of the employer;

(ii) as between persons who are equally considered to be the best available, length of registration for employment:

Provided that, in referring any person for employment, the Corporation shall give preference to persons registered in Part One over those registered in Part Two and Three of the Register.

(2) When a person who is registered for employment refuses, without a good and sufficient cause, to avail himself of any suitable opportunity for employment or training offered to him by the Corporation, he shall lose his priority for referral for employment and shall be notified accordingly in writing.

(3) Any person aggrieved by a decision of the Corporation under this section may, within fifteen days from the notification of such decision, appeal to the Authority.

14. (1) In making a request to the Corporation for the referral of employees, an employer shall specify the skill, experience and other qualifications, if any, of the employees he requires, the conditions of employment he offers and the number of persons to be referred to him for possible employment, so however that the employer shall have no right to indicate individual persons when making his request to the Corporation.

Notification and filling of vacancies.

(2) In referring persons for employment, the Corporation shall seek to satisfy the needs of the employer as expeditiously as possible. The employer shall be entitled to reject any person submitted by the Corporation.

15. (1) All employees required by the Government of Malta from outside its service or by any body corporate or company referred to in subsection (6) of section 110 of the Constitution shall, save as provided in the Constitution and in subsections (2) and (3) of this section, be recruited through the employment service provided by the Corporation.

Engagement of employees by Government and Government owned or controlled bodies and companies.

(2) Where the recruitment of employees by the Government or any other employer to which subsection (1) of this section refers is in connection with the employment of:

- (i) persons required to fill posts requiring a special trust or for which academic or professional qualifications are necessary; or
- (ii) persons engaged from outside Malta;

the Corporation may cause or authorise recruitment, whether through referral by it or otherwise, under such conditions or in such manner as the Corporation may deem appropriate.

(3) Under such circumstances, and in respect of such vacancies, as may be prescribed, the Corporation shall refer for employment with any employer as is referred to in subsection (1) of this section, in preference to any other person, persons who, within the three months immediately preceding such referral, have been discharged as redundant from such employment as may be prescribed.

(4) If upon a request for employees made to the Corporation by a Government department or any other employer as is referred to in subsection (1) of this section, the Corporation is unable to submit suitable applicants, the department or other employer may recruit the employees required in virtue of such other arrangements as the Corporation may authorise in any case or class of cases.

(5) A Government department or other employer as is referred to in subsection (1) of this section, rejecting an applicant submitted by the Corporation shall specify in writing the reasons for rejection. Where in any case the Corporation, after due investigation, is satisfied that the department or employer has rejected an applicant

without just cause, it may order the department or employer concerned to give employment to the applicant concerned in the occupation for which he was originally submitted by the Corporation.

(6) Any person who —

(a) contravenes any of the foregoing provisions of this section; or

(b) shows favour to, or uses discrimination against, any person for employment with any employer referred to in subsection (1) hereof on the grounds of race, colour, sex, creed or on the grounds of his party or other political beliefs or associations;

shall be guilty of an offence against this Act.

Functions of the Corporation in relation to training.

16. (1) In relation to training, the Corporation shall have the following functions:

(a) to provide training courses or other schemes for the purpose of assisting persons desiring to fit themselves for gainful occupation, or desiring to improve or update the quality of their knowledge and skills for the same purpose;

(b) to obtain information from employers regarding the number, educational level, skills and aptitudes of persons they may require for employment both in the short term and in the long term;

(c) to enter into arrangements with the said employers, or any other person, for the provision of training courses or other schemes contemplated by this section.

(2) The reference in this section to the provision of training courses or other schemes shall be construed as including a reference to the making of payments to persons who attend any such course or scheme, locally or abroad in respect of their travelling expenses, the provision of residential accommodation and to the provision of any other facility or service incidental thereto.

Powers of the Corporation in relation to training.

17. (1) For the purpose of encouraging adequate training through courses or other schemes contemplated by section 16 of this Act, the Corporation may —

(a) provide or secure the provision of such courses and other schemes as it may consider adequate, having regard to any courses or schemes otherwise available;

(b) approve such courses and schemes provided by other persons;

(c) from time to time consider such employments as appear to require consideration and publish recommendations with regard to the nature and length of the training for any such employment, the further education to be required with the training, the persons by and to whom the training ought to be given, the standards to be attained as a result of the training and the methods of ascertaining whether those standards have been attained;

(d) make arrangements for the application of selection tests and of tests or other methods for ascertaining the attainment of any standards recommended by it and may award certificates of the attainment of those standards;

(e) assist any person in finding facilities for being trained where it cannot provide such training;

(f) carry on or assist other persons in carrying on research into any matter relating to training.

(2) The Corporation may enter into contracts of service or of apprenticeship with any person who intends to attend courses or avail himself of any other scheme it has provided.

(3) The Corporation may —

(a) at the request of the Authority provide such other advice, and such other courses and schemes for training, as are mentioned in the request;

(b) at the request of any employer provide advice about training connected with his activities;

(c) enter into agreements with employers relative to payments by them to the Corporation in respect of the exercise by the Corporation of any of its functions.

(4) The Corporation may —

(a) make grants or loans to persons providing courses or other schemes approved by the Corporation;

(b) pay fees to persons providing further education in respect of persons who receive it in association with their training in courses or other schemes provided or approved by the Corporation;

(c) make payments to persons in connection with arrangements under which they or their employees make use of courses or other schemes provided or approved by the Corporation.

PART IV

Administrative and Financial Provisions Relating to the Corporation

Personnel
of the
Corporation.

18. (1) Subject to the provisions of the Constitution of Malta and of any other enactment applicable thereto, including this Act, the Corporation, acting with the concurrence of the Minister, may appoint such officials and other employees on such terms and conditions of employment as the Corporation may, from time to time determine.

(2) Public officers seconded for duty with the Corporation shall be under the administrative authority and control of the Corporation, but shall for all other intents and purposes remain and be considered and treated as public officers.

Capital and
revenue of the
Corporation.

19. (1) The Corporation shall be endowed with an initial capital of two hundred and fifty thousand liri which shall be paid by the Government out of the Consolidated Fund, without further appropriation other than this Act, by warrant under the hand of the Minister responsible for finance authorising the Accountant General to make the payment.

(2) Thereafter the Corporation shall be paid out of the Consolidated Fund such sums as the House may approve in accordance with the following sections:

Provided that in relation to its function, other than those in connection with its function as an employment service for the purposes of section 110 of the Constitution, nothing in this Act shall prevent the Corporation from entering into arrangements for securing part of its funds from sources other than the public revenue.

(3) The Corporation shall cause to be prepared in every financial year, and shall not later than six weeks after the end of each financial year adopt, estimates of the income and expenditure of the Corporation for the next following financial year.

(4) The estimates shall be made in such form and shall contain such information and such comparisons with previous estimates as the Minister may direct.

(5) A copy of the estimates of the Corporation shall, upon their adoption by the Board, be sent forthwith to the Minister.

(6) The Minister shall, at the earliest opportunity and not later than eight weeks after he has received a copy of the estimates of the Corporation, or, if at any time the House is not in session, within eight weeks from the beginning of the next following session, cause such estimates to be laid before the House together with a motion that the House approve the said estimates. Not less than one sitting shall be allotted for the debate in the House on such motion; and both the motion and the approval of the estimates by the House may be with or without amendment to the estimates.

(7) No expenditure shall be incurred by the Corporation that has not been approved by the House:

Provided that —

(a) until the expiration of six months from the beginning of a financial year or until the approval of the estimates for that year, the Corporation may make or incur expenditure for carrying out its functions under this Act not exceeding in the aggregate one half of the amount approved for the preceding financial year;

(b) expenditure approved in respect of a head or sub-head of the estimates may, with the approval of the Minister, be incurred in respect of another head or sub-head of the estimates;

(c) if in respect of any financial year it is found that the amount approved by the House is not sufficient, or if a need has arisen for expenditure for a purpose not provided for in the estimates, the Corporation may adopt supplementary estimates for approval by the House and, pending such approval, but subject to its being given, the Corporation may in special circumstances and with the approval of the Minister, incur the relative expenditure; and the provisions of this Act applicable to the estimates shall, as near as practicable, apply to the supplementary estimates;

Provided further that in respect of the first financial year of the Corporation, this section shall apply as if it required the Corporation to adopt estimates for that year not later than twelve weeks from the coming into force of this section and as if the total expenditure that may be made or incurred by the Corporation until the approval of the estimates for that year by the House may not exceed one half of the amount shown in such estimates.

(8) All estimates and supplementary estimates approved by the House shall, as soon as practicable, be published in the Gazette.

Accounts and
audit.

20. (1) The Corporation shall cause to be kept proper books of accounts and other records in respect of its operations and shall cause to be prepared a statement of accounts in respect of each financial year.

(2) The accounts of the corporation shall be audited by an auditor or auditors to be appointed by it and approved by the Minister:

Provided that the Minister responsible for finance may require the books and other records of the Corporation to be audited or examined by the Director of Audit who shall for this purpose have power to carry out such physical checking and other verifications, and may require such information, as he may deem necessary.

(3) After the end of each financial year, at the same time as a copy of the estimates of the Corporation is forwarded to the Minister under section 19 of this Act, the Corporation shall cause a copy of the statement of accounts duly audited to be transmitted to the Minister together with a copy of any report made by the auditor or auditors on that statement or on the accounts of the Corporation.

(4) The Minister shall cause a copy of every such statement and report to be laid before the House of Representatives together with the motion laid before the House under section 19 of this Act.

Annual Report.

21. (1) The Corporation shall, not later than six months after the end of each financial year, make and transmit to the Minister a report of its activities during that year containing such information relating to the functions and activities of the Corporation as the Minister may from time to time require.

(2) The Minister shall cause a copy of every such report to be laid on the table of the House of Representatives as soon as practicable.

Power to
borrow capital.

22. (1) The Corporation may, with the approval in writing of the Minister given after consultation with the Minister responsible for finance, borrow or raise money in such manner, from such person, body or authority, under such terms and conditions and against such security as it may deem appropriate, for any one or more of the following purposes —

(a) the carrying out of functions of the Corporation under this Act;

(b) the redemption of any debentures, debenture stock or other security that the Corporation may or is required to redeem;

(c) any other expenditure properly chargeable to capital account.

(2) The Corporation may also from time to time borrow, by way of overdraft or otherwise, for periods not exceeding twelve months, such sums as it may require for carrying out its functions under this Act:

Provided that for any amount in excess of two hundred thousand liri, there shall be required the approval of the Minister in writing.

(3) Whenever it may be necessary for the Corporation to borrow by way of advances from the Government any sums required by it to carry out any of its functions under this Act, the Minister responsible for finance may, after consultation with the Minister, by warrant under his hand and without further appropriation other than this Act, authorise the Accountant General to make advances to the Corporation either out of the proceeds of any loan contracted or raised for the purpose or out of the Consolidated Fund; and such advances shall be made on such terms and conditions as the Minister responsible for finance may direct.

(4) The Minister responsible for finance may, for any requirements of the Corporation of a capital nature, contract or raise money, or incur liabilities, for such periods and on such terms and conditions as he may deem appropriate; and any sums due in respect of or in connection with any such loan or liability shall be a charge on the Consolidated Fund.

(5) Notice of any loans, liabilities or advances made or incurred under the foregoing provisions of this section shall be given by the Minister to the House of Representatives as soon as practicable.

23. The Corporation shall be exempt from any liability for the payment of income tax, duty on documents and customs duty under any law for the time being in force.

Exemption from certain taxes and duties.

PART V

Employment Agencies

24. (1) Without prejudice to the provisions of Part III of this Act, no person shall carry on an employment agency or an employment business unless he is the holder of a current licence granted by the Director under this section authorising him to carry on such an agency or business in premises specified in the licence.

Employment agencies and businesses to be licensed.

(2) An applicant for a licence under this section shall, not less than twenty-one days before making his application —

(i) display notice of the application in a place where it can conveniently be read by the public on or near the premises at which the employment agency or employment business is or is to be carried on and take such steps as he reasonably can to keep that notice so displayed for a period of twenty-one days; and

(ii) advertise notice of the application in two daily newspapers.

(3) A notice under subsection (2) hereof —

(i) shall state the name and address of the applicant and where the applicant is a company or other body of persons the name and addresses of all the directors or like officers of the company or body of persons; and

(ii) shall state the situation of the premises at which the employment agency or employment business is or is to be carried on and the class of business carried on or to be carried on at those premises.

(4) No application for a licence under this section shall be entertained by the Director unless it is accompanied by a certificate, signed by or on behalf of the applicant, stating that he has complied with the provisions of subsection (2) and a copy of the newspaper containing notice of the application.

(5) An application for a licence in respect of an employment agency or an employment business may be refused by the Director on any of the following grounds, that is to say —

(a) that the applicant is an individual under the age of twenty-five;

(b) that the applicant is a person who on account of misconduct or for any other sufficient reason is unsuitable to hold a licence in respect of an agency or business of the class in question;

(c) that any person (other than the applicant) who is or is to be concerned with the carrying on of the employment agency or employment business is a person who on account of misconduct or for any other sufficient reason is unsuitable to be associated with an agency or business of the class in question;

(d) that the premises at which the employment agency or employment business is or is to be carried on are unsuitable in respect of an agency or business of the class in question;

(e) that the employment agency or employment business has been or is being improperly conducted.

(6) No employment agency or employment business may levy any charge on any applicant for employment in consideration of such employment or in consideration of registration therefor.

(7) A licence may be revoked by the Director on any of the grounds specified in paragraphs (a) to (e) of subsection (5) or for a breach of the provisions of subsection (6) of this section.

(8) Unless revoked, a licence shall continue in force for one year (or such longer period, not exceeding five years, as the Director may specify in any particular case) beginning with the date specified therein for its commencement:

Provided that where the holder of a licence has duly applied before its expiry for a further licence, the previous licence shall not expire until the commencement of the further licence or, if the application is refused, until the refusal is notified to him by the Director.

(9) Where the holder of a licence dies, the licence shall be deemed to have been transferred on his death, if he was the sole holder, to his heirs, and if he was a joint holder, to his heirs and the surviving

holder or holders, so however that no such transfer shall be made unless the transferee, or transferees if more than one, are persons qualified to hold a licence under this section.

(10) It shall be the duty of the holder of a licence under this section, within one month of any change in the particulars accompanying the application for that licence under subsection (1), to give to the Director notice in writing of the change:

Provided that nothing in this subsection shall be taken as authorising the holder of a licence to carry on any business otherwise than in accordance with the provisions of the licence.

(11) Every licence granted under this section shall be endorsed with notice of the effect of subsection (10) of this section.

(12) The holder of a licence under this section in respect of any employment agency or employment business shall keep displayed on the premises to which the licence relates in such a position that it can be readily seen by persons resorting to those premises —

(a) the licence; and

(b) a copy of any regulations under this Act which apply to the employment agency or employment business.

(13) Any person who contravenes any of the provisions of subsections (1), (6) and (10) of this section shall be guilty of an offence against this Act.

(14) This section shall not apply to the supply of port workers in accordance with the Port Workers Ordinance, and shall be without prejudice to the provisions of the Merchant Shipping Act.

Cap. 171.

Cap. 234.

25. (1) Where the Director intends to refuse to grant or transfer a licence, or to revoke the same under section 24 of this Act, he shall notify the applicant for, or the holder of, the licence or the person to whom it is requested that the licence be transferred, of his intention and the reasons therefor.

Representations
on refusal or
revocation of a
licence.

(2) A person who receives a notification of the intention of the Director as is mentioned in subsection (1) of this section may make written representations thereon to the Director within 30 days of the receipt of such notification.

(3) If the Director receives such representations within the time specified in subsection (2) of this section, he shall consider them and —

(a) if he decides not to proceed with his intentions and accordingly decides to grant or not to revoke or transfer the licence, he shall notify the applicant or holder of his decision;

(b) in any other case, the Director shall notify the applicant or holder accordingly, and the latter may, within fifteen days from such notification, appeal to the Authority.

Conduct of
employment
agencies and
businesses.

26. The Minister may make regulations to secure the proper conduct of employment agencies and businesses and to protect the interests of persons availing themselves of the services of such agencies whether as persons seeking employment or employers, and such regulations may without prejudice to the generality of the foregoing in particular make provision —

(a) requiring persons running such agencies and businesses to keep records as may be prescribed;

(b) prescribing the qualifications required for persons running such agencies and businesses;

(c) regulating advertising by persons running such agencies and businesses;

(d) regulating the provision of services by persons running such agencies and businesses in respect of persons who seek employment outside Malta.

PART VI

Manpower Records

Work Books and
other documents.

27. (1) The Minister may make regulations under this section prescribing the registration and recording of gainfully occupied persons or persons seeking employment whether by means of work books, identity cards, by means of electronic-related data recording and recovery systems or other documents. Such regulations may in particular provide:

(a) for the use of work or identity cards or other documents for all or any one or more classes of such persons;

(b) the method of issue and control of such documents;

(c) for the fees to be paid for the issue and replacement thereof;

(d) for the conditions under which such documents may be issued;

(e) who the persons responsible for the custody of such documents may be; and

(f) the particulars to be shown or entered in such documents or records.

(2) Any such regulations may also provide for such documentation as may be prescribed for purposes of registrations for employment or employment training.

(3) The Minister may also make regulations providing for the restriction of the disclosure of any particulars furnished in accordance with regulations under this section, or in accordance with section 28 of this Act, for prescribing the conditions under which records of any such particulars may be kept and for requiring such records to be destroyed after such period as may be prescribed.

(4) The Minister may delegate any power vested in him by this section to the Corporation.

28. (1) The Corporation may from time to time require any person in charge of a school to furnish in such manner as may be requested and within a reasonable time such particulars as the Corporation may require with respect to pupils leaving school or who, while attending school, attain a stated age.

Particulars concerning persons leaving school.

(2) Without prejudice to the generality of the power conferred in subsection (1) of this section, the particulars which may be required shall include such particulars, relating to age, sex, ability, educational attainments and other particulars of the persons to whom they relate as appear to the Corporation to be necessary or expedient to enable adequate advice to be given on employment prospects and to prepare plans for their training pursuant to the provisions of this Act.

(3) Any person who fails to comply with any request made under this section shall be guilty of an offence against this Act.

29. (1) The Corporation may, from time to time, request any employer or any gainfully occupied person to furnish, within a reasonable time such information as the Corporation may require in connection with employment and other occupations.

Information as to employment and other occupations.

(2) Any such request may be either general or with respect to a class or classes of employers, or to a particular employer or employers, or to a class or classes of gainfully occupied persons.

(3) Where any such request is general or with respect to a class or classes of employers or to a class or classes of gainfully occupied persons, it shall be made by notice published in the Gazette.

(4) Any person who fails to comply with any request made under this section shall be guilty of an offence against this Act.

PART VII

Apprentices and Trainees

30. In this Part, unless the context otherwise requires —

“apprentice” means a person over the age of fifteen years who is bound by a written agreement to serve an employer for a determined period with a view to acquiring knowledge, including theory

Interpretation for the purposes of Part VII.

and practice, of a calling in which the employer is reciprocally bound to instruct that person and "apprenticeship" shall be construed accordingly.

"calling" means any skill, trade, craft, or other occupation or section thereof, designated from time to time by a scheme or by the Minister by notice in the Gazette;

Cap. 135.

"conditions of employment" has the same meaning as assigned to it in Section 2 of the Conditions of Employment (Regulation) Act;

"journeyman" means a person who has served his apprenticeship and has satisfied a Trade Testing Board as to his proficiency in a calling;

"parent" in addition to its ordinary meaning includes any person who has the legal care or custody or the care or custody in fact of another person who has not attained the age of eighteen years;

"prescribed" means prescribed by a scheme or by regulations under this part;

"scheme" means a scheme under this part;

"Trade Testing Board" means a board constituted as in section 41 of this Act.

"trainee" means a person other than an apprentice, who is not of compulsory school age and who is receiving training under an agreement in writing in a calling or part of a calling otherwise than at a recognised educational establishment, provided that a trainee may be required to attend a recognised educational establishment as part of such training and traineeship shall be construed accordingly.

Permit to employ apprentices or trainees.

31. (1) No person may employ an apprentice or trainee without a written permit from the Corporation which shall specify the maximum number of apprentices or trainees that may be employed:

Provided that no such permit shall be given under this section for the employment of apprentices or trainees unless a draft scheme or agreement which includes provisions respecting the qualifications, training and conditions of employment of an apprentice or trainee has been previously drawn up by the person applying therefor and approved by the Minister on the advice of the Corporation and unless such a person shows to the satisfaction of the Corporation that his establishment offers reasonable opportunities for the proper training of the number of apprentices or trainees proposed to be employed therein.

(2) Any person who contravenes any of the provisions of subsection (1) of this section shall be guilty of an offence against this Act.

32. (1) An employer on engaging an apprentice or trainee shall enter into a written agreement with him. Written Agreement.

(2) If such apprentice or trainee is a minor he shall not so bind himself except with the consent of his parent, or if there is no parent, with the consent of the Director.

(3) A minor who binds himself as an apprentice or trainee as provided in subsection (2), shall be bound by the agreement throughout its currency notwithstanding that he may have in the meantime attained the age of eighteen years.

33. (1) No agreement of apprenticeship in a calling or traineeship shall be binding unless and until it has been registered with the Corporation in accordance with the provisions of this Act. Registration of Agreement.

(2) When registering such agreement, the Corporation shall ensure that:

(a) such agreement complies with the provisions of the apprenticeship or traineeship scheme applicable to the trade or calling;

(b) the employer and the apprentice or trainee are fit and proper persons to enter into such agreement;

(c) the apprentice or trainee has produced to the employer a medical certificate certifying his capability to undertake training in the calling;

(d) the apprentice or trainee has the necessary standards of education prescribed by the Scheme.

(3) The Corporation shall keep a Register of Apprentices and a Register of Trainees and all agreements shall be registered therein.

(4) The date of registration shall not affect the date of commencement of the agreement, but a refusal to register the agreement shall cause the agreement to be null and void from the date of refusal. The date of commencement of an agreement shall be the date of signing by all the parties or such date as may be stipulated therein.

(5) Any party aggrieved by a decision of the Corporation under this section may within fifteen days from the date of notification in writing of such decision appeal to the Authority.

34. (1) The rights and obligations of any employer under any agreement of apprenticeship or traineeship may, with the consent of the Corporation, be transferred to another employer. Transfer of Agreement.

(2) Subject to the provisions of subsection (4) of this section no such transfer shall be complete until it has been registered with the Corporation.

(3) The Corporation may refuse to register any transfer which, in its opinion, is not in the interest of the apprentice or trainee.

(4) If any person is engaged as an apprentice or trainee by a partnership, his agreement shall not be terminated by reason of the death or retirement of any partner, if the business of the partnership is continued by another person or partnership; and the rights and obligations of the employer under the agreement shall be deemed to be transferred to the person or partnership continuing the business.

Termination or
Rescission of
Agreement.

35. (1) Subject to the provisions of sections 36 and 42, an agreement of apprenticeship or traineeship may only be rescinded by the Corporation at the written request of the parties thereto on proof of good and sufficient cause.

(2) An appeal from a decision of the Corporation under this section may be made to the Authority within fifteen days from the notification in writing of the decision.

Probationary
Period.

36. (1) The first three months of an agreement of apprenticeship or traineeship shall be a period of probation during which the agreement may be terminated by either party on three days notice in writing being given, and any agreement to the contrary, whether expressed or implied, shall be null and void without however affecting the validity of any other part of the agreement of which it forms part.

(2) No apprentice or trainee who has completed his probationary period shall attend to any selective interviews, test or examination and no person may interview, test or examine any such apprentice or trainee, with a view of alternative employment, unless such apprentice or trainee has been so authorised by his employer and the Corporation has given its approval; and any person acting in contravention of any of the provisions of this subsection shall be guilty of an offence against this Act.

Records to be
kept by employers.

37. (1) Every employer upon whom an agreement of apprenticeship or traineeship is binding, shall at all times keep in respect of every apprentice or trainee such records as may be prescribed.

(2) Every person who is or has been an employer referred to above shall retain any record made in terms of the preceding subsection for a period of three years subsequent to the date of the record, and shall on demand by the Corporation made at any time during the said period of three years produce the said records for inspection.

(3) Any person acting in contravention of any of the foregoing provisions of this section, or failing to comply with any demand made thereunder, shall be guilty of an offence against this Act.

Making of
Schemes.

38. (1) The Minister may, after consulting the Corporation, by regulations under this part make a scheme or schemes for regulating the conditions of employment and training of apprentices and trainees. Every such scheme may in particular prescribe —

(a) the qualifications, including age and educational standard, required for apprentices or for trainees;

(b) the period of apprenticeship or traineeship, the variations in such period which may be allowed, and the circumstances under which those variations may be allowed;

(c) the rates according to which apprentices and trainees shall be remunerated, the circumstances under which those rates may be reduced or shall be increased, and the extent of the reduction or increase:

Provided that no rate based upon the quantity of work done shall be prescribed except in the last year of apprenticeship or traineeship;

(d) the classes of instruction which apprentices or trainees shall attend and the number of hours per week, whether within or outside their ordinary working hours, and the period during which they shall attend such classes;

(e) the practical training which employers shall provide for apprentices and trainees in their employ;

(f) the proficiency tests or examinations which apprentices or trainees shall undergo from time to time;

(g) the maximum number of ordinary working hours which apprentices or trainees may be required or permitted to work during any week or on any day, and the days on which, the hours on any day before or after which and the intervals during which no apprentice or trainee may be required or permitted to work;

(h) the maximum period of overtime which apprentices or trainees may be required or permitted to work during any specified period, and the rates according to which they shall be remunerated in respect of overtime;

(i) the number of paid holidays to be allowed to apprentices or trainees during any year of apprenticeship or traineeship and the rates according to which they shall be remunerated in respect of such holidays;

(j) the circumstances under which an employer shall pay additional remuneration to any apprentice or trainee in his employment and the amount of the additional remuneration or the manner in which it shall be calculated;

(k) the remuneration and the other conditions of apprenticeship or traineeship in respect of any period during which an apprentice or trainee is unable by reason of any condition of apprenticeship or traineeship or other specified circumstance to render service to his employer during ordinary working hours.

(2) A scheme may provide for the making of orders for giving effect to the purpose of the scheme.

(3) A scheme may be amended or revoked by a subsequent scheme or by an order made by the Minister, after consultation with the Corporation.

(4) Different conditions of apprenticeship or traineeship may be prescribed under subsection (1) in respect of different classes of employers or apprentices or trainees, and different designated callings, and in prescribing such different conditions the Minister may apply any method of differentiation he may deem advisable.

(5) The Minister may, in any scheme published under subsection (1) provide that the conditions of apprenticeship or traineeship therein prescribed or such of the said conditions as may be specified therein shall, as from a date so specified, apply in respect of apprentices or trainees who have entered into an agreement of apprenticeship or traineeship upon or after the date on which the calling concerned was designated and before the date upon which the said conditions come into operation, and no such agreement shall cease to be binding upon the parties thereto by reason of the fact that as a result of the scheme, the conditions of apprenticeship or traineeship applicable in respect of those apprentices or trainees have changed.

Power of Corporation to ascertain adequate training.

39. (1) The Corporation shall have power to make such inspection and enquiry as may be necessary for the purpose of ascertaining that apprentices and trainees are receiving adequate training.

(2) If in the opinion of the Corporation any apprentice or trainee is not receiving adequate training, the Corporation may order the employer of the apprentice or trainee to take such action, specified in the order, as the Corporation deems necessary to ensure that the apprentice or trainee will receive adequate training, and may withdraw or vary any such order.

(3) In any such order the Corporation may, subject to the provisions of any scheme applicable in the case, specify the classes of work on which the apprentice or trainee is to be trained, the periods during which, the intervals at which or the dates between which he shall be so trained, the conditions relating to supervision, the method or place of work, and any other matters or conditions relating to the training of the apprentice or trainee.

Loan of Services of apprentices or trainees.

40. (1) The Corporation may, on an application from the employer, authorise in writing, for such period and subject to such conditions as it may determine, the loan of the services of an apprentice or trainee to another employer, if in its opinion it is in the interest of the apprentice or trainee to do so.

(2) No loan of the services of an apprentice or trainee to another employer authorized under subsection (1) shall release the person who is the employer in terms of the agreement of apprenticeship or traineeship from any obligation under the agreement.

41. (1) The Minister may, in consultation with the Corporation, appoint such Trade Testing Boards as he may deem necessary for the purpose of conducting the examination of apprentices or trainees designed to ascertain their proficiency or competence in a calling.

Trade Testing
Boards and
Certification.

(2) The Corporation shall issue to each apprentice or trainee who has completed his term of apprenticeship or traineeship a journeyman's certificate or a certificate of competence as the case may be, if the apprentice or trainee has satisfied a Trade Testing Board that he has attained the required standard of proficiency or competence:

Provided that the Corporation may with the concurrence of the Minister issue such certificates without reference to a Trade Testing Board if it is satisfied that suitable arrangements exist within any industry or undertaking, whether belonging to Government or not, for the assessment of apprentices or trainees as regards attainment of the required standard of proficiency or competence in the particular calling.

42. The Minister responsible for Education may, in consultation with the Corporation, make regulations for the setting up of standards of proficiency or competence in the various callings and the certification of persons who shall have obtained such standards.

Regulations with
respect to
standards,
certification, etc.

43. (1) If any difference arises between an employer and an apprentice or trainee, or if it appears to the Corporation that either the employer or the apprentice or trainee is unable to fulfil any of the conditions of the agreement of apprenticeship or traineeship, or if either fails to observe the covenants thereof or if either is convicted of a serious criminal offence, the Corporation shall, at the request of either party or both, or of its own motion, consider all the circumstances of the case and it shall have power to determine all matters relative thereto including the cancellation of the agreement or the transfer of the apprentice or trainee. An appeal from any such decision of the Corporation may be made within fifteen days from the notification of such decision to the Authority whose decision shall be final.

Settlement of
Differences.

(2) During the period of any dispute between an employer and an apprentice or trainee, the employer shall be entitled as from the date of reporting the circumstances to the Corporation, to suspend the apprentice or trainee from work without pay, saving the right of the apprentice or trainee to full reinstatement with back-pay if the final decision is in his favour.

44. (1) No person shall, directly or indirectly, require or permit any person, other than the Government or the Corporation, to pay or give any consideration in order to employ an apprentice or trainee in a calling or receive any such consideration from any person other than the Government or the Corporation; and any person acting in contravention of the foregoing provisions of this subsection shall be guilty of an offence against this Act.

Acceptance of
Premiums.

(2) Any person who has, in contravention of the provisions of subsection (1), paid or given any such consideration, may recover the same in a court of law and any court, before which any person is proved to have committed a contravention of the said subsection, may on proof of the amount improperly received, order such person, to refund the same and any such order shall be of the same force and effect and be executable in the same manner as if it had been given in a civil action duly instituted in that court between such person and the person who paid or gave the consideration:

Provided that any such claim for the refund of the money improperly received shall be barred by the lapse of two years from the termination of the apprenticeship or traineeship.

Regulations with respect to apprentices or trainees

45. (1) The Minister may, in consultation with the Corporation, make regulations prescribing —

(a) the certificates, in respect of birth and educational standard, which may be demanded and medical examination which may be required in connection with the registration of an agreement of apprenticeship or traineeship, the forms on which such an agreement and medical certification of apprentices and trainees is to be made:

(b) the nature of returns which employers may from time to time be required to furnish and the period within which those returns shall be so furnished;

(c) the circumstances and manner in which any amendment may be made in an agreement of apprenticeship or traineeship;

(d) all matters which by this Part are required or permitted to be prescribed;

(e) generally all matters which he considers necessary or expedient to prescribe in order that the purposes of this Part may be achieved.

(2) Different regulations may be made under subsection (1) in respect of different classes of employers or apprentices or trainees and of different callings, and in making such regulations the Minister may apply any method of differentiation he may deem advisable.

Civil rights of apprentice or trainee and employer

46. Nothing contained in this Act shall effect —

(a) any right which an apprentice or trainee may have to institute civil proceedings against his employer in respect of any contravention of or failure to comply with any provision of an agreement of apprenticeship or traineeship or any condition thereof;

(b) any right which an employer may have to institute civil proceedings against an apprentice or trainee in respect of any contravention of or failure to comply with the provisions of the agreement of apprenticeship or traineeship or any condition thereof.

PART VIII

Enforcement, Offences and Penalties

47. (1) The Minister may designate in writing specified officers of the Department of Labour or of the Corporation to be inspectors for the purposes of this Act. Enforcement.

(2) Inspectors under this Act shall have such functions and duties as may be prescribed.

(3) Inspectors designated as aforesaid shall be empowered—

(a) to enter freely and without previous notice at all reasonable times any premises or place liable to inspection under this Act;

(b) to carry out in any such premises or place any examination, test or inquiry which they may consider necessary in order to satisfy themselves that the provisions of this Act or of any regulations or orders thereunder as well as any recognised conditions of employment are being observed, and in particular—

(i) to interrogate, alone or in the presence of witnesses, the employer or the employees or the apprentices or trainees on any of the said matters;

(ii) to require the production of any books, registers or other documents the keeping of which is prescribed by this Act or by any order issued under this Act and to copy such documents or make extracts therefrom.

(4) On the occasion of an inspection visit, an inspector shall notify the employer or his representative of his presence, unless he considers that such a notification may be prejudicial to the performance of his duties.

(5) The premises and places liable to inspection under this Act are any premises or places in respect of which any provisions of this Act or of any regulation or order thereunder or any recognised conditions of employment apply or any premises or places in respect of which an inspector has reasonable cause to believe that this Act or any regulations or orders thereunder or any recognised conditions of employment apply.

48. (1) No person shall improperly influence or attempt to influence directly or indirectly on behalf of himself or on behalf of any other person, the Authority, the Corporation or their members or directors, or persons employed by them, in the exercise of their functions under this Act. Improper influence.

(2) Any person who contravenes any of the foregoing provisions of this section shall be guilty of an offence against this Act.

False information, etc.

49. Any person who, in connection with any matter under this Act —

(a) furnishes any information which he knows to be false in a material particular, or recklessly furnishes any information which is false in a material particular; or

(b) with intent to deceive produces, furnishes, sends or otherwise makes use of any document which is false in a material particular; or

(c) wilfully refuses or without lawful excuse (the proof whereof shall lie on him) withholds any material information;

shall be guilty of an offence against this Act and shall on conviction be liable, to a fine (*multa*) of not less than fifty liri but not exceeding five hundred liri, or to imprisonment for a period not exceeding one year, or to both such fine and imprisonment.

Offences in respect of apprenticeship or traineeship.

50. (1) Any person who —

(a) contravenes or fails to comply with any provision of an agreement of apprenticeship or traineeship or any provision of a scheme which is binding upon him; or

(b) contravenes or fails to comply with the provisions of section 31, subsection (2) of section 36, section 37, subsection (1) of section 44; or

(c) knowingly or recklessly makes any incorrect statement or entry in any record or return kept or furnished under this part or any regulations made thereunder; or

(d) refuses or fails to answer to the best of his knowledge any question which the Director or his representative, an officer of the Corporation or an inspector has put to him in the exercise of his functions under this part; or

(e) refuses or fails to comply with any requirement duly provided for under this Act; or

(f) hinders the Corporation or the Director or their representatives or an inspector in the performance of their functions under this Act;

shall be guilty of an offence against this Act.

(2) Where any contravention against Part VII of this Act or any regulations made thereunder is committed by a person who is under the authority, control or charge of another person, liability therefore shall be contracted not only by the person committing the contravention but also by such other person if the contravention could have been prevented by the exercise of diligence on the part of such other person.

51. Any person guilty of an offence against this Act under section 15 or section 48 thereof shall be liable, on conviction, to a fine (*multa*) of not less than five hundred liri but not exceeding five thousand liri.

Offences against
Sections
15 and 48.

52. (1) Any person guilty of an offence against this Act or who fails to comply with any of the provisions of any regulations or orders made thereunder, shall, unless a particular penalty is provided therefor in this Act or in any such regulation or order, be liable, on conviction, to a fine (*multa*) of not less than twenty liri and not more than four hundred liri.

General
penalty.

(2) No proceedings shall be taken against any person for any offence against this Act other than an offence against sections 15 and 48 thereof, where such person, having received an intimation by the Director for the payment of a penalty of fifteen liri for having contravened the provisions aforesaid of this Act or of any regulations or orders made thereunder, complies with such provisions and pays such penalty to the Director in either case within fifteen days from the receipt by him of such intimation.

53. The punishments provided in this Act shall apply unless the fact constitutes a more serious offence under the Criminal Code or any other law, in which case such Code or other law shall apply.

Saving for
Criminal Code.
Cap. 9.

54. Notwithstanding any other law, proceedings for an offence under this Act may be commenced at any time within six years from the commission of the offence.

Prescription.

PART IX

Miscellaneous

55. (1) The Minister may make regulations generally for giving effect to the provisions of this Act, and the enforcement thereof, and in particular, but without prejudice to the generality of the foregoing —

Regulations.

(a) for providing for any matter which is required or authorised by this Act to be prescribed;

(b) for prescribing the powers and procedures of the Authority in the hearing and disposal of appeals under this Act.

(2) The powers of the Minister to make regulations under any of the provisions of this Act shall include the power to establish the punishments in respect of any violation or contravention thereof, or failure to comply therewith:

Provided that such punishments shall not exceed a fine (*multa*) of one thousand liri or imprisonment exceeding three months.

Conflict of interest.

56. (1) A director, officer, employee, agent or consultant of the Corporation who is in any way directly or indirectly interested in any contract made or proposed to be made by the Corporation or in any activity or service to be provided for or by the Corporation, shall as soon as possible after the relevant circumstances shall have come to his knowledge, disclose the nature of his interest to the Board of the Corporation.

(2) Any disclosure made under subsection (1) of this section by a director shall be recorded in the minutes of the meeting at which it is made, and the director —

(a) shall, after the disclosure, withdraw from the meeting while that matter is being discussed or decided by the Board; and

(b) shall be disregarded for the purpose of constituting a quorum of the Board for any such discussion or decision.

(3) the Corporation shall without delay inform the Minister of any disclosure made under this section.

Repeal of the Employment Service Act and the Industrial Training Act.

Cap. 141.
Cap. 134.

57. (1) Subject to the provisions of the following subsections of this section, the Employment Service Act and the Industrial Training Act are hereby repealed.

(2) Until such time as they are revoked, repealed or replaced any scheme made, permit or exemption granted, any agreement entered into and any regulation or order made, under or in virtue of the Employment Service Act and the Industrial Training Act shall, notwithstanding the repeal of those Acts, continue in force and shall be deemed to have been made under and in virtue of this Act.

(3) The provision of the Employment Services Act relating to the Auxiliary Workers and Training Scheme, and to workers engaged therein, shall continue to apply until such time as the Minister may by Order determine.

(4) Any person registered for Employment under the Employment Services Act shall continue to enjoy the same priority for referral for employment under this Act, to which he was entitled immediately before the coming into force of this Act.

(5) Any reference in any other law to the Employment Services Act or to the Industrial Training Act shall be deemed to be a reference to the relative provisions of this Act.

SCHEDULE

(Section 3)

FORM OF OATH TO BE TAKEN
BY MEMBERS OF THE AUTHORITY

I, have
appointed to be Member of the National Employment Authority constituted t

Employment and Training Services Act, 1990, do hereby swear that I will faithfully, fully, impartially and to the best of my ability discharge the trust and perform the duties devolving upon me by virtue of the said appointment.

So help me God.

.....

Objects and Reasons

In general, the Bill provides for the establishment and management of employment and training services for workers and self-employed in both the industrial and tertiary sectors.

In particular, the Bill provides for: the establishment of an independent structure to be known as the National Employment Authority; the creation of an Employment and Training Corporation that, on the one hand, is intended to fulfil the Constitutional provision for an employment service out of public funds and, on the other hand to ensure training, re-training, apprenticeship and traineeship schemes and services needed in many fields to enable workers and self-employed to obtain, develop, ameliorate or update skills and competence in work, as well as to assist those seeking employment.

The Bill also provides for: the regulation of employment agencies; labour market information, statistics and documentation; the Corporation's administrative and financial dispositions, the enabling power to make regulations and for offences and penalties for the non-observance of the relative provisions of this Bill.