No. 586

MINISTRY FOR EUROPEAN FUNDS, EQUALITY, REFORMS AND SOCIAL DIALOGUE

Explanatory Notes

1. Introduction

Title of Regulations	Employment Agencies (Amendment) Regulations, 2024
Activity to be regulated	Employment Agencies, including recruitment agencies, temporary work agencies and outsourcing agencies.
Responsible entity	Department for Industrial and Employment Relations

2. Summary and background

2.1 Aims & Objectives of the legislation

In November 2023 the Employment Agencies Regulations were published. These regulations provide a comprehensive framework for the oversight and operation of employment agencies and businesses in Malta, including those involved in recruitment for both domestic and international employment, temporary work, and outsourcing agencies. These regulations emphasize strict requirements for licensing, operational conduct, and penalties for non-compliance.

These regulations came into effect on April 1, 2024. After a discussion on these regulations in Parliament, it was agreed to effect the following amendments.

2.2 Importance of the regulations

These amendments are deemed necessary for optimal application of these regulations.

2.3 Public Consultation

The amendments include changes that were discussed in Parliament.

3. Overview of the structure of the instrument

The regulations consist of four regulations as follows:

1. Title.

2. Amends regulation 2 of the principal regulations.

3. Amends regulation 3 of the principal regulations.

4. Amends regulation 9 of the principal regulations.

4. Commentary on parts and regulations.

4.1 Amendment of regulation 2 of the principal regulations

The definition of "advertisement" was amended to include online advertisements.

4.2 Amendment of regulation 3 of the principal regulations

The age limit for natural persons to qualify for a license was lowered from 25 years to 18 years. The requirement to publish a notice of application in two daily local newspapers was amended to specify that one of the notices must be published in a Maltese newspaper and the other in an English newspaper. A new provision was included to exclude the need for a license for any entity, organization, agency, foundation or any other structure over which the Government of Malta has control.

4.3 Amendment of regulation 9 of the principal regulations

This regulation was amended to enable the Director to refuse an application or renewal of the application or to revoke a license if he has knowledge or evidence that the applicant or license holder, as the case may be, has knowingly continued his business with any third party who has demanded any fee or payment from applicants in exchange for employment.

5. Concluding section

These regulations shall come into force upon their publication in the Government Gazette.

NB. This Explanatory Note is not intended to be an exhaustive description of the instrument nor a substitute thereof or a legislative supplement to it. This Note does not purport to be an authoritative ruling on the interpretation of the legislation.

7th May, 2024

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MINISTERU GĦALL-EKONOMIJA, L-INTRAPRIŻA U PROĠETTI STRATEĠIĊI

Ordni għal Eżenzjoni mill-Applikazzjoni tal-Proviso tal-Artikolu 3(2)(b) tal-Att dwar l-Intrapriżi ż-Żgħar

BIS-SAĦĦA tas-setgħat mogħtija permezz tal-artikolu 18(1) tal-Att dwar l-Intrapriżi ż-Żgħar (Kap. 512), il-Ministru għall-Ekonomija, l-Intrapriża u Proġetti Strateġiċi għamel dan l-ordni li ġej:

Ir-Regolamenti tal-2024 li jemendaw ir-Regolamenti dwar Aġenziji tal-Impjieg u r- Regolamenti tal-2024 li jemendaw ir-Regolamenti dwar Aġenziji tal-Impjieg (Emenda Nru. 2) huma b'dan eżenti mill-applikazzjoni tal-artikolu 3(2)(b) tal-Att dwar l-Intrapriżi ż-Żgħar peress li l-miżuri previsti fil-leġiżlazzjoni msemmija huma meħtieġa b'mod urġenti sabiex jipprovdu ċertezza legali fir-rigward ta' operaturi liċenzjati u l-ħtiġijiet tas-settur.

Is-7 ta' Mejju, 2024

No. 587

MINISTRY FOR FOR THE ECONOMY, ENTERPRISE AND STRATEGIC PROJECTS

Application of the Proviso to Article 3(2)(b) of the Small Business Act (Exemption) Order

IN exercise of the powers conferred by article 18(1) of the Small Business Act (Cap. 512), the Minister for the Economy, Enterprise and Strategic Projects has made the following order:

Employment Agencies (Amendment) Regulations, 2024 and Employment Agencies (Amendment No. 2) Regulations, 2024 are hereby exempt from the application of article 3(2)(b) of the Small Business Act for the reason that the measures established in the mentioned legislation are urgently required to provide legal certainty with regard to licenced operators and the requirements of the sector.

7th May, 2024