No. 514

OFFICE OF THE PRIME MINISTER
(EQUALITY, REFORMS AND SOCIAL DIALOGUE)

Explanatory Notes[1]

1. Introduction

Title of the Act	An Act to extend protection from violence and harassment to all individuals in the world of work
Activity to be regulated	Violence and Harassment in the world of work
Responsible entity	Department for Industrial and Employment Relations

2. Summary and background

The International Labour Organization (ILO) Convention No. 190 of June 2019, titled "Violence and Harassment Convention," is a landmark international labour standard that addresses the critical issue of violence and harassment in the world of work.

The Convention marks an important step towards ensuring dignity, respect, and safety for all workers. It applies widely, covering every type of job and workplace, in both the formal and informal economy. It recognises that violence and harassment can occur in any setting and can affect anyone, regardless of their role or employment status. Its purpose is to establish a strong and consistent framework that protects workers across all contexts.

The Convention defines "violence and harassment" as any behaviour, practice, or threat that causes, or could cause, physical, psychological, sexual, or economic harm. It also acknowledges that such acts can be gender-based and stresses the need to consider how different forms of discrimination and inequality can make certain individuals more vulnerable.

Consultations were held with the Employment Relations Board, a tripartite Board comprising representatives of trade unions, employers' associations, and the government, as stipulated under the Act.

3. Overview of the Structure of the Instrument

The amendments within the Bill shall become part of the Employment and Industrial Relations Act (CAP 452) once enacted. The Bill amends various articles of the principal Act by either amending existing article of the law to better define and clarify them; whilst it also introduces new articles of the law, namely article 29A of the principal Act on violence and sexual harassment at the workplace.

4. Commentary

Article 1
This Article provides the short title of the Act and states that it shall be read and construed with the principal Employment and Industrial Relations Act.

Article 2
This Article amends the marginal note of Article 29 of the principal Act so that it now reads "Sexual harassment".

[1]TTese Explanatory Notes are in accordance with and for the purpose of article 3(2)(c) of the Small Business Act (Chapter 512 of the Laws of Malta).

Article 3

This Article introduces a new Article 29A in the principal Act. The new article establishes a general prohibition of violence and harassment in the world of work. It explains who is protected, what behaviour is prohibited, and where this protection applies. It also makes it unlawful for employers or employees to engage in, permit, or allow violence or harassment at work. This amendment gives effect to Malta's obligations under international standards relating to safe and dignified working environments.

Article 4

This Article amends Article 30 of the principal Act so that complaints relating to violence and harassment under the new Article 29A may be brought before the Industrial Tribunal.

Article 5

This Article amends Article 31 of the principal Act to ensure that its protections and remedies also apply to cases of sexual harassment and to violence and harassment under the new Article 29A.

Article 6

This Article amends Article 32 of the principal Act so that the offences and enforcement mechanisms it provides for also apply to cases falling under the new Article 29A.

Article 7

This article amends Article 81(2) of the principal Act so that the Industrial Tribunal's jurisdiction and powers also cover cases of violence and harassment introduced by Article 29A.

5. Concluding Section

These amendments aim to provide clearer definitions and guidance on how violence and harassment at work should be addressed. They help ensure that the law is applied consistently across different types of work and offer practical protections for all workers. Overall, the updated framework supports a safer and more respectful work environment.

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

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N.B. These Explanatory Notes are not intended to be an exhaustive description of the instrument nor a substitute thereof or a legislative supplement to it. These Explanatory Notes do not purport to be an authoritative ruling on the interpretation of the legislation.

2nd April, 2026