

minn pajjiż fl-UE/ŻEE, b'kopja eżistenti tal-liċenzja tax-xogħol tiegħu wkoll, trid tasal id-Dipartiment tar-Relazzjonijiet Industrijali u ta' l-Impieg qabel il-bidu tal-istazzjonar. L-ażjenda li tagħmel użu mis-servizzi tal-impjegat stazzjonat hija obbligata biex iżzomm kopja tat-tali Formola ta' Notifika fuq il-post tax-xogħol għal skop ta' monitoraġġ mill-ispetturi tad-DIER.

### Ksur ta' Drittijiet ta' Haddiem Stazzjonat

Meta impjegat stazzjonat jallega li għe ttrattat b'mod li jkser xi dritt mogħti lilu b'dawn ir-regolamenti, dak l-impjegat jista' jippreżenta lill-prinċipal talba bil-miktub biex jagħtih dikjarazzjoni bil-miktub li jkun fiha elenkati r-raġunijiet, jekk ikun hemm, għal xi differenza fit-trattament, u dik id-dikjarazzjoni għandha tingħata mill-prinċipal fi żmien għaxart ijiem minn meta ssir it-talba.

### Bidu ta' Proċeduri

Mingħajr ebda preġudizzju għal kull dritt ieħor li jinbdew proċeduri fi stat ieħor, haddiem stazzjonat għandu d-dritt jibda proċeduri fil-qrati ta' Malta sabiex jissalvagwardja xi dritt mogħti lilu bis-saħħa ta' dawn ir-regolamenti.

*\*Sakemm ma jkunx indikat mod ieħor kull riferenza għall-ġeneru maskili tinkludi kemm l-irġiel kif ukoll in-nisa.*

from an EU/EEA country, also with a copy of his existing working licence, should reach Department of Industrial and Employment Relations prior to the commencement of the posting. The undertaking making use of the services of the posted worker is obliged to keep a copy of such Notification Form at the place of work for monitoring purposes by the inspectors of the DIER.

### Infringement of Posted Employee's rights

When a posted employee alleges that he has been treated in a manner which infringes any right conferred on him by the Posting of Workers in Malta regulations, such employee may submit a written request to the employer to provide him with a written statement in which shall be listed the reasons, if any, for any difference in treatment and such statement shall be provided by the employer within ten days from the date of the request.

### Institution of proceedings

Without prejudice to any other right regarding the institution of proceedings in another state, a posted worker has the right to institute proceedings in the courts of Malta to safeguard any right granted to him by virtue of the Posting of Workers in Malta Regulations.

*\*Unless otherwise stated, whenever the masculine gender is used, both men and women are included.*



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# POSTING of workers in Malta

## IMPJEGATI stazzjonati f'Malta

#### Disclaimer:

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## Min hu ikkunsidrat bhala Impjegat Stazzjonat f'Malta?

Impjegat Stazzjonat f'Malta huwa impjegat ta' azjenda barranija li normalment ma jkunx jaħdem f'Malta imma li għal perjodu ta' żmien limitat jintbagħat minn azjenda barranija biex jaħdem Malta.

L-istazzjonar ta' impjegati f'Malta huwa regolat bl-Avviz Legali 430 tal-2002 - Regolamenti dwar Impjegati Stazzjonati f'Malta. Dawn ir-regolamenti japplikaw għall-azjendi barranin li:

- jibagħtu impjegati stazzjonati f'Malta biex jagħmlu xogħol tagħhom u taħt id-direzzjoni tagħhom, bis-saħħa ta' kuntratt magħmul bejn l-azjenda li tistazzjona u l-parti l-oħra li s-servizzi huma maħsuba għaliha, sakemm ikun hemm relazzjoni ta' impieg bejn l-azjenda li tistazzjona u l-ħaddiem tul il-perjodu tal-istazzjonar; jew
- jibagħtu impjegati stazzjonati fi stabbiliment jew f'azjenda f'Malta li tkun proprjeta ta' azjenda barranija, sakemm ikun hemm relazzjoni ta' impieg bejn l-azjenda li tistazzjona u l-ħaddiem tul il-perjodu tal-istazzjonar; jew
- peress li jkunu azjendi li joffru impieg temporanju jew aġenziji li jsibu x-xogħol, jikru ħaddiem lil azjenda stabbilita li tużah jew li tkun topera f'Malta, sakemm ikun hemm relazzjoni ta' impieg bejn l-azjenda li toffri l-impieg temporanju, jew l-aġenzija li ssib ix-xogħol, u l-ħaddiem tul il-perjodu ta' l-istazzjonar.

## Who is to be considered a Posted Worker in Malta?

A Posted Worker in Malta is an employee of a foreign undertaking who does not normally work in Malta but who for a limited period of time is sent by the foreign undertaking to work in Malta.

Posting of Workers in Malta is regulated by Legal Notice 430 of 2002 – Posting of Workers in Malta Regulations. These regulations apply to foreign undertakings which :

- send posted employees in Malta on their account and under their direction, under a contract concluded between the undertaking making the posting and the party for whom the services are intended, provided there is an employment relationship between the undertaking making the posting and the worker during the period of posting; or
- send posted employees to an establishment or to an undertaking in Malta which is owned by the foreign undertaking, provided there is an employment relationship between the undertaking making the posting and the worker during the period of posting; or
- being temporary employment undertakings or placement agencies, hire out a worker to a user undertaking established or operating in Malta, provided there is an employment relationship between the temporary employment undertaking, or placement agency, and the worker during the period of posting.

## Trattamento Uguali

L-impjegati stazzjonati kollha għandhom id-dritt jirċievu trattament uguali daqs impjegati komparabbli u b'mod partikolari għandu jkollhom aċċess uguali għal drittijiet dwar l-impieg u drittijiet dwar is-saħħa u s-sigurtà taħt il-liġi ta' Malta.

Il-kundizzjonijiet tax-xogħol li jingħataw lil impjegati stazzjonati waqt li jaħdmu f'Malta m'għandhomx ikunu inqas mill-kundizzjonijiet tax-xogħol minimi li huma ġeneralment applikabbli bis-saħħa tal-liġi, ta' impjegat komparabbli fl-istess post tax-xogħol.

Dawn il-kundizzjonijiet minimi jinkludu:

- Perjodi massimi ta' xogħol u perjodi minimi ta' mistrieħ kif applikati għal diversi klassijiet ta' impjegati
- Vaganzi annwali bi ħlas minimu kif applikati għal diversi klassijiet ta' impjegati
- Rati ta' paga minima, inkluzi rati tas-sahra kif applikati għal diversi klassijiet ta' impjegati
- Trattament ugwali bejn irġiel u nisa u dispożizzjonijiet oħra dwar l-aspett ta' non-diskriminazzjoni konformi mal-liġijiet ta' Malta
- Miżuri protettivi konformi mal-liġijiet ta' Malta fir-rigward ta' pattijiet u kundizzjonijiet ta' impieg li jħarsu lil nisa tqal jew nisa li jkunu welldu ftit żmien qabel
- Miżuri protettivi konformi mal-liġijiet ta' Malta fir-rigward ta' pattijiet u kundizzjonijiet ta' impieg li jħarsu tfal u żgħażaġħ

## Equality of Treatment

All posted employees are entitled to receive equality of treatment as the comparable employees and have equal access to employment rights and health and safety rights under Maltese law.

The conditions of work which are given to posted employees while working in Malta shall not be less than the minimum conditions of work that are generally applicable by virtue of the law, to a comparable employee employed in the same place of work.

Such minimum conditions include:

- Maximum work periods and minimum rest periods as applied to various classes of employees;
- Minimum paid annual holidays as applied to various classes of employees;
- minimum rates of pay, including overtime rates as applied to various classes of employees;
- Equality of treatment between men and women and other provisions of non-discrimination in accordance with the laws of Malta;
- Protective measures with regards to terms and conditions of employment protecting pregnant women or women who have given birth a short while before;
- Protective measures in accordance with the laws of Malta with regards to terms and conditions of employment protecting children and young people;

- Miżuri konformi mal-liġijiet ta' Malta fir-rigward ta' saħħa, sigurtà u igjene fuq il post tax-xogħol.
- Il-kundizzjonijiet ta' kiri tal-ħaddiema, b'mod partikolari l-provvista ta' ħaddiema permezz t'azjendi ta' impieg temporanju

## Notifika

Waqt il-qadi tax-xogħol tiegħu f'Malta, impjegat li jkun qiegħed jiġi stazzjonat minn pajjiż tal-UE/ŻEE mhux meħtieġ japplika għal liċenzja tax-xogħol f'Malta.

F'każ ta' cittadin ta' pajjiż terz (ĊPT) li jkun impjegat u se jiġi stazzjonat minn azjenda stabbilita f'pajjiż tal-UE/ŻEE, mhux meħtieġ li jgħaddi mill-proċess ta' liċenzja tax-xogħol f'Malta jekk it-tali impjegat stazzjonat diġa' jkollu liċenzja tax-xogħol maħruġa fil-pajjiż fejn l-azjenda msemminja hija stabbilita.

Għal kull cittadin barrani li jkun stazzjonat f'Malta minn azjenda stabbilita f'pajjiż barra l-UE/ŻEE, tkun meħtieġa liċenzja tax-xogħol li trid tinħareġ mill-Korporazzjoni għall-Impiegi u taħriġ [www.etc.gov.mt](http://www.etc.gov.mt)

F'kull każ ta' stazzjonar f'Malta, l-azjenda li tistazzjona l-impjegat f'Malta hija obbligata li tinnotifika lid-Direttur tal-Impiegi u r-Relazzjonijiet Industrijali bl-intenzjoni tagħha li tistazzjona impjegat f'Malta. Formola preparata apposta ta' 'Notifika ta' Impjegat Stazzjonat f'Malta', tista' tinkiseb minn [www.industrialrelations.gov.mt](http://www.industrialrelations.gov.mt). il-Formola ta' Notifika akkumpanjata b'kopja tal-kuntratt tax-xogħol tal-impjegat stazzjonat (mal-azjenda li tkun qed tistazzjona) u, fil-każ ta' impjegat ta' pajjiż terz stazzjonat

- Measures in accordance with the laws of Malta relating to health, safety and hygiene at work;
- The conditions of hiring out of workers, in particular the supply of workers by temporary employment undertakings

## Notification

While carrying out work in Malta an employee being posted from an EU/EEA country is not required to apply for a working licence in Malta.

In the case of a third country national (TCN) employee who is employed by a posting undertaking that is established in an EU/EEA country, there is no need to go through a working licence procedure in Malta if such posted worker already holds a working licence issued in the country where the posting undertaking is established.

For any foreign national who is posted in Malta by an undertaking established outside an EU/EEA country, a working licence is required to be issued by the Employment and Training Corporation [www.etc.gov.mt](http://www.etc.gov.mt).

In any case of a posting in Malta, the undertaking posting the worker to Malta is obliged to notify the Director of Industrial and Employment Relations (DIER) of its intention to post a worker to Malta. A 'Notification of a Posted Worker to Malta' form, prepared for such purpose, can be accessed from [www.industrialrelations.gov.mt](http://www.industrialrelations.gov.mt). The Notification Form accompanied with a copy of the posted worker's employment contract (with the posting undertaking) and, in the case of a TCN posted employee