

L.N. 232 of 2021

**EMPLOYMENT AND INDUSTRIAL RELATIONS ACT
(CAP. 452)**

Posting of Workers in Malta (Amendment) Regulations, 2021

IN EXERCISE of the powers conferred by article 48 of the Employment and Industrial Relations Act, the Minister within the Office of the Prime Minister as Minister responsible for employment and industrial relations, has made the following regulations:-

1. The title of these regulations is Posting of Workers in Malta (Amendment) Regulations, 2021 and they shall be read and construed as one with the Posting of Workers in Malta Regulations, hereinafter referred to as "the principal regulations".

Citation.
S.L. 452.82.

2. Regulation 2 of the principal regulations shall be amended as follows:

Amends
regulation 2 of
the principal
regulations.

(a) the definition "foreign service provider" shall be substituted by the following:

" "sending party" means a service provider which is established in a different Member State other than Malta;" and any reference to the words "foreign service provider" therein shall be substituted by the words "sending party";

(b) the definition "posted employee" shall be substituted by the following:

" "posted worker" means a worker who, for a limited period, carries out his work in the territory of a Member State other than the State in which he normally works"; and any reference to the words "posted employee" therein shall be substituted by the words "posted worker".

3. Regulation 10 of the principal regulations shall be substituted as follows:

Amends
regulation 10 of
the principal
regulations.

"10. In any civil proceedings instituted by the posted worker where there is a subcontracting chain, when the direct subcontractor is the employer of a posted worker, the contractor and the direct subcontractor are jointly and severally liable to the posted worker with respect to the set of rights granted by regulation 5:

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Provided that the liability shall be limited to the posted worker's rights acquired under the contractual relationship between the contractor and direct subcontractor."

Amends
regulation 12 of
the principal
regulations.

4. Paragraph (a) of regulation 12 of the principal regulations shall be substituted with the following:

"(a) having failed to pay the posted worker in terms of regulation 5(1)(c);".
