

**A.L. 440 ta' l-2003****ATT DWAR L-IMPIEGI U R-RELAZZJONIJIET  
INDUSTRIJALI  
(ATT NRU. XXII TA' L-2002)****Regolamenti ta' l-2003 dwar l-Impieg ta' Żgħażaġh.**

BIS-SAHHA tas-setgħat mogħtija mill-artikolu 6 ta' l-Att ta' l-2002 dwar l-Impieg u r-Relazzjonijiet Industrijali, il-Viċi Prim Ministru u Ministru għall-Politika Soċjali għamel ir-regolamenti li ġejjin:-

1. (1) It-titolu ta' dawn ir-regolamenti hu Regolamenti ta' l-2003 dwar l-Impieg ta' Żgħażaġh. Titolu, skop u bidu fis-sehh.

(2) L-iskop ta' dawn ir-regolamenti hu li:

(a) jipprojbixxu xogħol tat-tfal;

(b) jistabilixxu li l-età minima tax-xogħol ma tistax tkun aktar baxxa mill-età minima li fiha tispicċa l-iskola *full-time* obbligatorja;

(ċ) jirregolaw xogħol magħmul minn adolexxenti u żgħażaġh; u

(d) jiżguraw li prinċipali jiggarrantixxu li żgħażaġh ikollhom kondizzjonijiet ta' xogħol adatti għall-età tagħhom u li jkunu mharsa kontra esplojtazzjoni ekonomika u kontra kull xogħol li x'aktarx jista' jkun ta' ħsara għas-sigurtà, is-saħħa jew l-iżvilupp fiżiku, mentali, morali jew soċjali tagħhom jew li jkun jippreġudika l-edukazzjoni tagħhom.

(3) Dawn ir-regolamenti għandhom japplikaw għal kull persuna taħt it-18-il sena li għandha kuntratt ta' xogħol jew xi forma ta' relazzjoni ta' impieg ma' prinċipal.

(4) Dawn ir-regolamenti ma għandhomx japplikaw għal xogħol okkażjonali jew għal xogħol li jsir tul medda qasira ta' żmien li jinvolvi –

(a) servizz domestiku f'dar privata jew

(b) xoghol f' intrapriża tal-familja;

Iżda, f' kull każ, ix-xoghol li ghandu jsir ma jistax jitqies bhala ta' hsara jew perikoluż għal żaghżugh.

(5) Dawn ir-regolamenti għandhom jidhlu fis-sehh fil-5 ta' April, 2004.

Interpretazzjoni.

**2. (1) F' dawn ir-regolamenti:**

Kap.327.

“adolexxent” tfisser kull żaghżugh li jkun lahaq is-sittax-il sena, jew xi età oħra li minn żmien għal żmien tista' tkun stabbilita bhala l-età meta pesuna titlaq mill-iskola bis-sahha ta' l-Att dwar l-Edukazzjoni, imma li tkun inqas minn 18-il sena;

“l-Att” tfisser l-Att ta' l-2002 dwar l-Impiegi u r-Relazzjonijiet Industrijali;

Kap.424.

“Awtorità dwar is-Sahha u s-Sigurtà fuq il-Post tax-Xoghol” tfisser l-Awtorità stabbilita bis-sahha ta' l-Att dwar Awtorità dwar is-Sahha u s-Sigurtà fuq il-Post tax-Xoghol;

“Direttur” ghandu jkollha l-istess tifsira moghtija lilha bl-artikolu 2 ta' l-Att;

Kap.327.

“Direttur ta' l-Edukazzjoni” ghandha l-istess tifsira moghtija lilha bl-artikolu 2 ta' l-Att dwar l-Edukazzjoni;

“ġenitur” tinkludi kull persuna li ghandha l-kura jew kustodja legali ta' persuna żaghżugħa;

“hin tax-xoghol” tfisser kull perjodu li tulu persuna żaghżugħa tkun qed taħdem, lesta skond ma jkun irid il-principjal, u li tkun qed taqdi l-attività jew id-dmirijiet tiegħu;

“perjodu ta' mistrieh” tfisser kull perjodu li mhux hin tax-xoghol;

“persuna żaghżugħa” tfisser kull persuna li ma tkunx għalqet 18-il sena;

“tifel” tfisser kull persuna, sew tifel sew tifla, li hija taht is-16-il sena, jew taht xi età oħra li minn żmien għal żmien tista'

tkun stabbilita bhala l-età meta persuna titlaq mill-iskola bis-sahha ta' l-Att dwar l-Edukazzjoni;

Kap.327.

“xoghol” tinkludi kull dmir, attività, xoghol jew servizz li jipproduci prodott jew rizultat, u li jkun qed isir ghal hlas jew b' xejn jew bi skambju ghal oġġetti, servizzi, profitt jew xi benefiċċju;

“xoghol hafif” tfisser kull xoghol li, minhabba n-natura inerenti tax-xoghlijiet li jinvolvi u l-kondizzjonijiet partikolari li tahtom ix-xoghlijiet isiru:

(i) ikun ntwera minn valutazzjoni tar-riskju, skond ir-Regolamenti dwar Disposizzjonijiet Ġenerali dwar is-Sahha u s-Sigurtà fuq il-Post tax-Xoghol, u kull leġislazzjoni rilevanti ohra dwar sahha u sigurtà li tista' tkun fis-sehħ minn żmien ghal żmien, maghmula mill-prinċipal ghas-sodisfazzjon ta' l-Awtorità dwar is-Sahha u s-Sigurtà fuq il-Post tax-Xoghol, li jkun xoghol li x' aktarx ma jkunx ta' hsara ghas-sigurtà, is-sahha jew l-iżvilupp ta' tfal; u

A.L. 36 ta' l-2003.

(ii) id-Direttur ta' l-Edukazzjoni ma jkollux oġġezzjoni li jsir dan ix-xoghol minhabba f'li dan ix-xoghol ikun ta' dannu ghall-attendenza l-iskola, il-partecipazzjoni fi programmi ta' gwida vokazzjonali jew tahriġ approvati mill-Ministru responsabbli ghall-edukazzjoni jew minn tali persuna ohra debitament awtorizzata minn dak il-Ministru biex taġixxi f'ismu, jew ghall-kapaċità li jkollhom li jibbenefikaw mill-istruzzjoni li jinghataw.

(2) Bla hsara ghad-disposizzjonijiet tas-subregolament (1) ta' dan ir-regolament, frażijiet u espressjonijiet użati f'dawn ir-regolamenti ghandhom, sakemm il-kuntest ma jkunx jehtieg mod iehor, ikollhom it-tifsira moghtija lilhom fl-Att.

**3.** (1) Bla hsara ghas-subregolamenti (2) u (3) ta' dan ir-regolament, ebda persuna ma ghandha timpjega xi tifel jekk it-tifel ma jkunux inghata permess bil-miktub skond l-artikolu 43(2) ta' l-Att dwar l-Edukazzjoni.

Xoghol mit-tfal.

Kap.327.

(2) Kull prinċipal ghandu japplika lid-Direttur ghal awtorizzazzjoni bil-miktub biex jimpjega xi tifel ghal attivitajiet kulturali, artistici, sportivi jew ta' riklamar, u d-Direttur jista' johrog din l-awtorizzazzjoni, f'każi individwali, ghall-impieg ta' tifel f'dawn l-attivitajiet:

Iżda:

(a) il-prinċipal ghandu jaghmel valutazzjoni tar-riskju, skond ir-Regolamenti dwar id-Disposizzjonijiet Generali dwar is-Sahha u s-Sigurtà fuq il-Post tax-Xogħol, u kull leġislazzjoni rilevanti oħra dwar saħha u sigurtà li tista' tkun fis-seħh minn żmien għal żmien, għas-sodisfazzjon ta' l-Awtorità dwar is-Sahha u s-Sigurtà fuq il-Post tax-Xogħol, li tkun turi li dawn l-attivitajiet x'aktarx ma jkunux ta' hsara għas-sigurtà, is-saħha jew l-iżvilupp tat-tifel; u

(b) id-Direttur ta' l-Edukazzjoni ma jkollux oġġezzjoni li jsir dan ix-xogħol għaliex dan ix-xogħol x'aktarx li mhux se jkollu effett hażin fuq l-attenzenza tat-tifel l-iskola, jew fuq il-partecipazzjoni relattiva fi programmi ta' gwida vokazzjonali jew ta' tahrig approvati mill-Ministru responsabbli għall-edukazzjoni jew minn tali persuna oħra debitament awtorizzata mill-Ministru msemmi biex taġixxi f'ismu, jew għall-kapaċità li jkollhom li jibbenefikaw mill-istruzzjoni li jinghataw.

(3) Is-subregolament (1) ta' dan ir-regolament ma għandux japplika fir-rigward ta' l-impieg ta' tfal li mill-inqas ikollhom:

(a) 13-il sena u meta l-impieg ikun għall-iskop li jieħdu parti f'attivitajiet kulturali, artistici, sportivi, ta' riklamar jew edukattivi approvati mill-Ministru responsabbli għall-edukazzjoni:

Iżda l-prinċipal ghandu jippreżenta avviż bil-miktub lid-Direttur qabel ma jimpjega dawn it-tfal u għandu jimxi skond id-disposizzjonijiet tas-subregolament (4) ta' dan ir-regolament;

jew li jkollhom:

(b) 14-il sena, jekk ikunu:

(i) qeghdin jahdmu taht skema li tlaqqa' xogħol u tahrig jew skema ta' esperjenza ta' xogħol f'impjant approvati mill-Ministru responsabbli għall-edukazzjoni:

Iżda l-prinċipal ghandu jippreżenta avviż bil-miktub lid-Direttur qabel ma jimpjega lil dawk it-tfal; jew

(ii) qeghdin jaghmlu xogħol hafif minbarra dak kopert mis-subregolamenti (2) u (3)(a) ta' dan ir-regolament:

Iżda l-prinċipal ghandu jikseb awtorizzazzjoni bil-miktub minghand id-Direttur qabel ma jimpjega lil dawk it-tfal.

(4) Meta johroġ l-awtorizzazzjoni msemmija fis-subregolament (2), u fil-każi msemmija fis-subregolament (3)(a) ta' dan ir-regolament, id-Direttur jista', fid-diskrezzjoni tiegħu, jagħmel dawk il-kondizzjonijiet skond ma d-Direttur jidhirlu adatti fuq kull materja relatata mal-kondizzjonijiet ta' impieg ta' tfal, inkluż fuq il-hin tax-xogħol, xogħol billejl, perjodi ta' mistrieħ u waqfiet mix-xogħol, u ghandu jkun id-dmir ta' kull prinċipal ta' dawk it-tfal li jikkonforma ruħu għalkollox ma' dawk il-kondizzjonijiet:

Iżda taht ebda ċirkostanza ma għandhom dawk il-kondizzjonijiet ikunu inqas favorevoli mill-kondizzjonijiet ta' xogħol applikabbli għal tfal imsemmija fis-subregolament (3)(b) ta' dan ir-regolament.

(5) L-awtorizzazzjoni mogħtija mid-Direttur imsemmija fis-subregolament (2) u fis-subregolament (4) ta' dan ir-regolament tista' tiġi irtirata f'kull hin, u kull deċiżjoni mehuda mid-Direttur fuq kull materja relatata ma' l-impieg ta' tfal u relatata mal-kondizzjonijiet ta' l-impieg f'dan ir-rigward għandha tkun wahda finali.

**4.** (1) Il-hin tax-xogħol għal xi tifel li hu awtorizzat li Hin tax-xogħol. jahdem skond ir-regolament 3(3)(b) ma għandux jaqbeż dak li jidher fi Skeda 1.

(2) Il-hin tax-xogħol għal adolexxenti ma għandux jaqbeż tmien sigħat kull jum u 40 siegħa kull ġimgħa.

(3) Kull hin mghoddi f'tahriġ minn persuna żagħżugħa li tkun qed taħdem taht skema teoretika u, jew Prattika ta' tahlita ta' xogħol u tahriġ jew skema ta' esperjenza fix-xogħol f'impjant, għandu jgħodd bhala hin tax-xogħol.

(4) (a) Meta persuna żagħżugħa tkun impjegata ma' aktar minn prinċipal wiehed, il-ġranet tax-xogħol u hin tax-xogħol għandhom ikunu kumulattivi u ma għandhomx jaqbzu l-ġranet tax-xogħol u l-hin tax-xogħol stabbiliti minn dawn ir-regolamenti.

(b) Għandu jkun id-dmir tal-prinċipal li jikkontrolla jekk persuna żagħżugħa tkunx qed tagħmel xogħol għal prinċipal iehor u li jikkontrolla l-hin tax-xogħol f'xi impieg iehor.

(ċ) Jekk persuna żagħżugħa ikollha aktar minn impieg wiehed, għandu jkun ukoll id-dmir tal-ġenitur, f'każ ta' impieg ta' tifel,

jew, fil-każ ta' l-impieg ta' adolexxent, id-dmir ta' l-adolexxent, li jinforma lill-prinċipal bis-siġhat ta' xogħol li jkun qed jagħmel għal prinċipal iehor.

(d) Prinċipal ma għandux jippermetti persuna żaġġżuġha li tagħmel xi xorta ta' xogħol f' xi ġurnata li fiha dik il-persuna żaġġżuġha tkun għamlet xi xorta ta' xogħol għal xi prinċipal iehor, sakemm il-hin tax-xogħol aggregat ma' aktar minn prinċipal wiehed f' dik il-ġurnata ma jaqbiżx il-hin totali li dik il-persuna żaġġżuġha tista' taħdem skond il-liġi għal prinċipal wiehed f' dik il-ġurnata skond dawn ir-regolamenti.

(5) Kull meta prinċipal jimpjega persuna żaġġżuġha bi ksur tas-sub-regolament preċedenti, il-prinċipal ikun hati ta' reat u l-persuna żaġġżuġha, jekk tkun adolexxenti, jew il-ġenitur fil-każ ta' tifel, tkun ukoll hati ta' reat.

(6) Meta jinbdew proċedimenti kriminali kontra prinċipal għal reat taħt dan ir-regolament, huwa jista' jgħib prova:

(i) li ma kienx jaf, u ma setgħax, lanqas li kieku indaga b'mod raġonevoli, jkun jaf li l-impjegat kien għamel xogħol għal xi prinċipal iehor f'dik il-ġurnata li fir-rigward tagħha jkunu saru l-proċeduri; jew

(ii) li ma kienx jaf, u ma setgħax, lanqas li kieku ndaga b'mod raġonevoli, ikun jaf, li l-aggregat tal-perjodi li l-impjegat hadem dik il-ġurnata qabzu l-perjodu li l-impjegat seta' skond il-liġi jaħdem f'dik il-ġurnata.

Xogħol ta' billejl.

**5.** (1) Ebda tifel impjegat skond ma hemm fir-regolament 3(3)(b) ma għandu jaħdem bejn it- 8 p.m. ta' xi ġurnata u s-6 a.m. tal-ġurnata ta' wara.

(2) Bla ħsara għad-disposizzjonijiet tas-subregolamenti (3) u (4) ta' dan ir-regolament, ebda adolexxent ma għandu jaħdem bejn l-10 p.m. ta' xi ġurnata u s-6 a.m. tal-ġurnata ta' wara.

(3) Id-Direttur jista', fid-diskrezzjoni tiegħu, u jekk ikun hemm ċirkostanzi eċċezzjonali li jolqtu fergħa partikolari ta' attività jew zona partikolari ta' xogħol, jagħti awtorizzazzjoni li xogħol isir minn adolexxenti f'żoni ta' attività speċifiċi waqt il-perjodi li matulhom hu pprojbit xogħol ta' billejl:

Izda f' dawk il-każijiet:

(i) l-adolexxent ghandu jkun taht is-supervizjoni ta' persuna adulta meta valutazzjoni tar-riskju maghmula mill-principjal, ghas-sodisfazzjon ta' l-Awtorità tas-Sahha u s-Sigurtà fuq il-Post tax-Xoghol, tkun uriet li dan hu mehtieġ ghal raġunijiet ta' sahha u sigurtà; u

(ii) f' kull każ, ebda xoghol ma jista' jsir bejn nofs il-lejl u l-4 a.m.:

Izda wkoll adolexxent li jkun qed jattendi istituzzjoni edukattiva approvata taht l-Att dwar l-Edukazzjoni ma ghandu jinghata ebda xoghol bejn nofs il-lejl u s-6 a.m. f' xi ġurnata tal-ġimgħa matul il-perjodu li fih l-adolexxent ikun mistenni li jattendi dik l-istituzzjoni edukattiva. Kap. 327.

(4) Id-disposizzjonijiet tas-subregolament (2) ta' dan ir-regolament li jipprojbixxu xoghol billejl ma ghandhomx japplikaw ghal xoghol magħmul fis-setturi li ġejjin, jekk ikun hemm raġunijiet oġġettivi biex dan ix-xoghol isir billejl u sakemm jinghata mistrieh adatt li jkun jikkumpensa u jitharsu l-principji stipulati fir-regolament 1(2):

- (a) setturi tat-tbahhir jew tas-sajd;
- (b) sptarijiet jew istituzzjonijiet simili;
- (ċ) attivitajiet kulturali, artističi, sportivi jew ta' riklamar.

**6.** (1) Tfal impjegati skond ma hemm fir-regolament 3(3)(b) ghandhom ikunu intitolati ghal: Perjodi ta' mistrieh kull jum u fil-ġimgħa.

(a) perjodu ta' mistrieh minimu kull jum ta' 14-il siegħa konsekuttivi ghal kull perijodu ta' 24 siegħa; u

(b) perjodu ta' mistrieh minimu fil-ġimgħa ta' jumejn konsekuttivi f' ġimgħa kalendarja, li ġurnata minnhom tkun il-Hadd.

(2) L-adolexxenti ghandhom ikunu intitolati ghal:

(a) perjodu ta' mistrieh minimu kull jum ta' 12-il siegħa konsekuttivi ghal kull perijodu ta' 24 siegħa; u

(b) perjodu ta' mistrieh minimu fil-ġimgħa ta' jumejn f'ġimgħa kalendarja, li possibilment ikunu konsekuttivi, u li fil-prinċipju jkunu jinkludu l-Hadd.

(3) Il-prinċipal jista', f'ċirkostanzi eċċezzjonali u meta jkun hekk ġustifikat minn raġunijiet tekniċi jew organizzattivi, jippreżenta talba bil-miktub lid-Direttur għal awtorizzazzjoni biex inaqqas il-perjodu ta' mistrieh minimu fil-ġimgħa msemmi fis-subregolamenti (1) u (2) ta' dan ir-regolament, iżda dan ma jista' jkun f'ebda ċirkostanza inqas minn 36 siegħa konsekuttivi. Din l-awtorizzazzjoni mid-Direttur għandha tingħata bil-miktub:

Iżda l-prinċipal għandu jagħti r-raġunijiet għaliex ikun qiegħed jagħmel dik it-talba u jżomm kopja ta' l-awtorizzazzjoni.

(4) Il-perjodi ta' mistrieh minimi msemmija f'dan ir-regolament jistgħu jinqasmu fil-każ ta' attivitajiet li jinvolvu perjodi ta' xogħol separati mifruxin fuq ġurnata waħda jew li ma jkunux twal.

(5) Bla hsara għal raġunijiet oġġettivi, id-disposizzjonijiet tas-subregolament (2) ta' dan ir-regolament ma għandhomx ikunu japplikaw għal xogħol magħmul f'dawn is-setturi li ġejjin:

- (a) tbahhir jew sajd;
- (b) sptarijiet u stabbilimenti simili;
- (ċ) biedja;
- (d) l-industrija tat-turiżmu, tal-lukandi u tal-catering;
- (e) attivitajiet li jinvolvu perjodi ta' xogħol maqsumin fuq ġurnata waħda:

Iżda l-impjegat għandu jingħata hin ta' mistrieh adatt li jkun jikkumpensa, u għandhom jitharsu l-finijiet ta' dawn ir-regolamenti mnizzlin fir-regolament 1(2).

Mistrieh ta' kull sena.

**7.** Tifel impjegat skond ma hemm fir-regolament 3 (3) (b) għandu jkollu minimu aggregat ta' 21 ġurnata hielsa mix-xogħol tul il-vaganzi ta' l-iskola tiegħu.

Waqfiet.

**8.** (1) Prinċipal ma għandux jitlob jew jippermetti persuna żaġżuġha li taħdem għal xi perjodu li jaqbeż erba' sigħat u nofs bla waqfien mhux interrott ta' mill-inqas 30 minuta.

(2) Persuna żaġżuġha ma ghandhiex tkun intitolata għal hlas fir-rigward tal-waqfien speċifikat fis-subregolament (1) ta' dan ir-regolament.

**9.** Prinċipal jista' f' ċirkostanzi mhux tas-soltu u mhux prevedibbli lil hinn mill-kontroll tal-prinċipal, jew riżultat ta' avvenimenti eċċezzjonali li l-konsegwenzi tagħhom ma setgħux ikunu evitati minkejja l-eżerċizzju ta' kull attenzjoni dovuta, jippermetti lil adolexxenti jaġhmlu xogħol u jkunu eżenti mid-disposizzjonijiet tar-regolamenti 4(2), 5(2), 6(2)(a) u 8:

Xogħol minn adolexxenti fil-każ ta' forza maġġuri.

Iżda:

(i) dan ix-xogħol għandu jkun ta' natura temporanja u għandu jsir immedjatament;

(ii) ma għandux ikun hemm haddiema adulti biex jiehdu post l-adolexxenti; u

(iii) l-adolexxenti jistgħu jingħataw hin ta' mistrieħ ekwivalenti b' kumpens matul it-tliet ġimgħat li jiġu wara.

**10.** (1) Prinċipal li jimpjega persuna żaġżuġha għandu:

Dmirijiet ohra tal-prinċipal.

(a) qabel ma jimpjega lill-persuna żaġżuġha, jitlob li jingieb iċ-ċertifikat tat-twelid, jew kull prova sodisfaċenti ohra li turi l-età tal-persuna żaġżuġha;

(b) qabel ma jimpjega persuna żaġżuġha, jikseb il-permess bil-miktub ta' ġenitur tal-persuna żaġżuġha; u

(ċ) iżomm reġistru, jew *record* sodisfaċenti iehor, li jkun jinkludi, fir-rigward ta' kull persuna żaġżuġha impjegata, id-dettalji li ġejjin:

(i) l-isem shih;

(ii) id-data tat-twelid;

(iii) il-hin li l-persuna żaġżuġha tkun tibda u tispicċa x-xogħol kull jum;

(iv) kull rata ta' paga jew salarju dovuta lill-persuna żaġżuġha għas-siġhat ta' xogħol normali tiegħu jew tagħha kull jum, ġimgħa, xahar jew sena, skond il-każ; u

(v) L-ammont totali attwalment imhallas lil kull persuna żaghżugha bhala paga jew salarju.

(2) Kull prinċipal ghandu jżomm, fil-post fejn persuna żaghżugha tkun impjegata, dawk ir-records li jkunu mehtieġa biex juri li d-disposizzjonijiet ta' dawn ir-regolamenti jkunu qeghdin jitharsu. Dawn ir-records ghandhom jinżammu mill-prinċipal għal mill-inqas tliet snin.

(3) Meta:

(a) jkun hemm kwistjoni bejn prinċipal u impjegat, jew

(b) ikun hemm tahrika l-qorti għal reat taht dawn ir-regolamenti,

u r-records mehtieġa li jinżammu minn prinċipal ma jkunux disponibbli, minbarra li jkun hati ta' reat skond id-disposizzjonijiet ta' subregolamenti (1) u (2) ta' dan ir-regolament, id-dmir li tingieb prova li jkunu tharsu d-disposizzjonijiet ta' xi regolament iehor ikun fuq il-prinċipal.

Reati.

**11.** (1) Meta prinċipal jikser jew jonqos milli jhares xi waħda mid-disposizzjonijiet ta' dawn ir-regolamenti ghandu jinsab hati ta' reat kontra l-Att.

(2) Meta ġenitur ta' persuna żaghżugha li jghin jew ihajjar prinċipal biex jikser xi disposizzjoni ta' dawn ir-regolamenti, huwa jkun hati ta' reat kontra l-Att.

(3) Persuna hatja ta' reat taht dawn ir-regolamenti tista', meta tinsab hatja, tehel multa ta' mhux inqas minn mitejn u hamsin lira (Lm250) u multa ohra ta' mhux inqas minn hamsin lira (Lm50) għal kull ġurnata li matulha jkompli r-reat wara li pesuna tkun insabet hatja:

Iżda reat taht dan ir-regolament ghandu jitqies li qed ikompli sakemm il-hati jkun hares u kkonforma ruhu mad-disposizzjonijiet ta' dawn ir-regolamenti li huwa jkun kiser.

Tahsir ta'  
disposizzjonijiet  
inqas favorevoli.

**12.** Dawn ir-regolamenti jieħdu post kull disposizzjoni rilevanti inqas favorevoli f'kull regolament, ordni jew leġislazzjoni sussidjarja ohra magħmulin jew miżmumin fis-seħh taht l-Att, u kull tali disposizzjoni rilevanti hija b' dan imhassra.

## Skeda 1

## Regolament 4 (1): Hin ta' xoghol ghal tifel

Deskrizzjoni tax-xoghol	Età (snin)	Hin ta' xoghol
(a) Subregolament 3(3)(b)(i): xoghol magħmul taht skema kombinata ta' xoghol u, jew tahriġ, jew skema ta' esperjenza ta' xoghol fl-impjant innifsu:	14-16	tmien sigħat kull jum u 40 siegħa fil-ġimgħa;
(b) Subregolament 3(3)(b)(ii): xoghol hafif magħmul matul iż-żmien ta' l-iskola barra mill-hinijiet fissi ta' l-iskola:  Izda l-hin ta' xoghol ta' kuljum massimu għandu jkun:	14-16  14- sa 15 fuq 15-16	sagħtejn f'gurnata ta' l-iskola u 12-il siegħa fil-ġimgħa;  (a) seba' sigħat kull jum; (b) tmien sigħat kull jum;
(ċ) Subregolament 3(3)(b)(ii): xoghol hafif magħmul matul perjodu ta' mill-inqas ġimgħa matul il-vaganzi ta' l-iskola:	14-sa 15  fuq 15-16	seba' sigħat kull jum u 35 siegħa f'ġimgħa *; tmien sigħat kull jum u 40 siegħa f'ġimgħa*.

\* Il-hin tax-xoghol speċifikat għandu jkun mingħajr ebda preġudizzju għad-disposizzjonijiet ta' dawn ir-regolamenti.

**L.N. 440 of 2003**

**EMPLOYMENT AND INDUSTRIAL RELATIONS ACT  
(ACT NO. XXII OF 2002)**

**Young Persons (Employment) Regulations, 2003**

IN exercise of the powers conferred by article 6 of the Employment and Industrial Relations Act, 2002, the Deputy Prime Minister and Minister for Social Policy, has made the following regulations :-

Title, scope and commencement.

**1.** (1) The title of these regulations is the Young Persons (Employment) Regulations, 2003.

(2) The purpose of these regulations is to:

(a) prohibit work by children;

(b) establish that the minimum employment age shall not be lower than the minimum age at which compulsory full-time schooling ends;

(c) regulate work by adolescents and young persons; and

(d) ensure that employers guarantee that young people have working conditions which suit their age and are protected against economic exploitation and against any work likely to harm their safety, health or physical, mental, moral or social development or to jeopardise their education.

(3) These regulations shall apply to any person under 18 years of age having a contract of employment or any form of employment relationship with an employer.

(4) These regulations shall not apply to occasional work or short-term work involving -

(a) domestic service in a private household or

(b) work in a family undertaking;

Provided that, in either case, the work to be performed cannot be regarded as being harmful, damaging or dangerous to a young person.

(5) These regulations shall come into force on the 5th April, 2004.

2. (1) In these regulations:

Interpretation.

“the Act” means the Employment and Industrial Relations Act, 2002;

“adolescent” means any young person who has reached 16 years of age, or any other age which may from time to time be established as the school leaving age by virtue of the Education Act, but is less than 18 years of age; Cap.327.

“child” means any young person, of either sex, who is under 16 years of age, or any other age which may from time to time be established as the school leaving age by virtue of the Education Act; Cap.327.

“Director” shall have the same meaning assigned to it by article 2 of the Act;

“Director of Education” has the same meaning assigned to it by article 2 of the Education Act; Cap.327.

“light work” means all work which, on account of the inherent nature of the tasks which it involves and the particular conditions under which the tasks are performed:

(i) has been shown by a risk assessment, in terms of the General Provisions for Health and Safety at Workplaces Regulations, and any other relevant health and safety legislation which may be in force from time to time, carried out by the employer to the satisfaction of the Occupational Health and Safety Authority, to be work which is not likely to be harmful to the safety, health or development of children; and L.N. 36 of 2003.

(ii) the Director of Education has no objection to the carrying out of such work on the grounds that such work is harmful to their attendance at school, their participation in vocational guidance or training programmes approved by the Minister responsible for education or by such other person duly authorised by the said Minister to act on his behalf, or their capacity to benefit from the instruction received;

Cap.424.

“Occupational Health and Safety Authority” means the Authority established by virtue of the Health and Safety Authority Act;

“parent” includes any person having the legal care or custody of a young person;

“rest period” means any period which is not working time;

“working time” means any period during which the young person is at work, at the employer’s disposal and carrying out his activity or duties;

“work” includes any duty, activity, task or service producing a product or result, and being performed for payment or for free or in exchange for goods, for services, for profit or for benefit;

“young person” means any person under 18 years of age.

(2) Subject to the provisions of sub-regulation (1) of this regulation, terms and expressions used in these regulations shall, unless the context otherwise requires, have the meaning assigned to them in the Act.

Work by children.

**3.** (1) Subject to sub-regulation (2) and (3) of this regulation, no person shall employ a child unless the child has been granted written permission in terms of the provisions of section 43(2) of the Education Act.

Cap.327.

(2) An employer shall apply to the Director for written authorisation to employ a child in cultural, artistic, sports or advertising activities, and the Director may issue such authorisation, in individual cases, for the employment of a child in such activities:

Provided that:

L.N. 36 of 2003.

(a) the employer carries out a risk assessment, in terms of the General Provisions for Health and Safety at Workplaces Regulations, and any other relevant health and safety legislation which may be in force from time to time, to the satisfaction of the Occupational Health and Safety Authority, which shows that such activities are not likely to be harmful to the safety, health or development of the child; and

(b) the Director of Education has no objection to the carrying out of such activities on the grounds that such work is not likely to

have an adverse effect on the child's attendance at school, or on his participation in vocational guidance or training programmes approved by the Minister responsible for education or by such other person duly authorised by the said Minister to act on his behalf, or on the capacity to benefit from the instruction received.

(3) Sub-regulation (1) of this regulation shall not apply in respect of the employment of children who are at least:

(a) 13 years of age and the employment is for the purposes of taking part in cultural, artistic, sports, advertising or educational activities, approved by the Minister responsible for education:

Provided that the employer shall submit a written notification to the Director prior to employing such children and shall abide with the provisions of sub-regulation (4) of this regulation;

or who are:

(b) 14 years of age, if they are:

(i) working under a combined work/training scheme or an in-plant work-experience scheme approved by the Minister responsible for education:

Provided that the employer shall submit written notification to the Director prior to employing such children;  
or

(ii) performing light work other than that covered by sub-regulations (2) and (3)(a) of this regulation:

Provided that the employer shall seek written authorisation from the Director prior to employing such children.

(4) In issuing the authorisation referred to in sub-regulation (2), and in the cases referred to in sub-regulation (3)(a) of this regulation, the Director may, at his discretion, attach such conditions as the Director deems fit on any issue relating to the conditions of employment of children, including on working time, night work, rest periods, and breaks, and it shall be the duty of an employer of such a child to comply fully with these conditions:

Provided that under no circumstance shall these conditions be less favourable than the conditions of work applicable to children referred to in sub-regulation (3)(b) of this regulation.

(5) The authorisation granted by the Director referred to in sub-regulation (2) and sub-regulation (4) of this regulation may be withdrawn at any time, and any decision taken by the Director on any issue related to the employment of children and relating to the conditions of employment in this regard shall be final.

Working time.

4. (1) The working time for a child who is authorised to work in terms of regulation 3(3)(b) shall not exceed that shown in Schedule 1.

(2) The working time for adolescents shall not exceed eight hours a day and 40 hours a week.

(3) Any time spent on training by a young person working under a theoretical and, or practical combined work, training scheme or an in-plant work-experience scheme shall be counted as working time.

(4) (a) Where a young person is employed by more than one employer, working days and working time shall be cumulative and shall not exceed the working days and working times established by these regulations.

(b) It shall be the duty of the employer to ascertain whether a young person is performing work for another employer and to ascertain the working time in any other employment.

(c) If a young person has more than one employment, it shall also be the duty of the parent, in the case of employment of a child, or in the case of the employment of an adolescent, the duty of the adolescent, to inform the employer of the hours of work carried out for another employer.

(d) An employer shall not permit a young person to carry out any form of work on any day on which that young person has done any form of work for any other employer, unless the aggregate working time with more than one employer on that day does not exceed the total time for which such a young person may lawfully work for one employer on that day according to these regulations.

(5) Whenever an employer employs a young person in contravention of the preceding sub-regulation, the employer shall be

guilty of an offence and the young person, if he or she is an adolescent, or the parent in the case of a child, shall also be guilty of an offence.

(6) Whenever an employer is prosecuted for an offence under this regulation, it shall be a defence for him to prove:

(i) that he did not know, and could not by reasonable enquiry have known, that the employee had carried out work for any other employer on the day in respect of which the prosecution is brought; or

(ii) that he did not know, or could not by reasonable enquiry have known, that the aggregate of the periods for which the employee worked on that day exceeded the period for which the employee could lawfully work for one employer on that day.

**5.** (1) No child employed in terms of regulation 3(3)(b) shall perform work between 8 p.m. on any one day and 6 a.m. of the following day. Night work.

(2) Subject to the provisions of sub-regulations (3) and (4) of this regulation, no adolescent shall perform work between 10 p.m. on any one day and 6 a.m. of the following day.

(3) The Director may, at his discretion, and if there are exceptional circumstances affecting a particular branch of activity or a particular area of work, grant authorisation for work to be performed by adolescents in specific areas of activity during the period in which night work is prohibited:

Provided that in such cases:

(i) the adolescent shall be supervised by an adult where a risk assessment performed by the employer, to the satisfaction of the Occupational Health and Safety Authority, has shown that this is necessary on grounds of health and safety; and

(ii) in any case, no work shall be carried out between midnight and 4 a.m.:

Provided further that an adolescent attending an educational institution approved under the Education Act shall not be assigned any work between midnight and 6 a.m. on any weekday during the period the adolescent is expected to attend such educational institution. Cap. 327.

(4) The provisions of sub-regulation (2) of this regulation prohibiting night work shall not apply for work performed in the following sectors, if there are objective grounds for such work to be carried out at night and provided that suitable compensatory rest is allowed and that the principles set out in regulation 1(2) are safeguarded:

- (a) shipping or fisheries sectors;
- (b) hospitals or similar establishments;
- (c) cultural, artistic, sports or advertising activities.

Daily and weekly rest periods.

**6.** (1) Children employed in terms of regulation 3(3)(b) shall be entitled to:

- (a) a minimum daily rest period of 14 consecutive hours for each 24-hour period; and
- (b) a minimum weekly rest period of two consecutive days in any calendar week, one day of which shall be a Sunday.

(2) Adolescents shall be entitled to:

- (a) a minimum daily rest period of 12 consecutive hours for each 24-hour period; and
- (b) a minimum weekly rest period of two days in any calendar week, which shall if possible be consecutive and which in principle, shall include Sunday.

(3) The employer may, in exceptional circumstances and where justified by technical or organisation reasons, submit a written request to the Director for authorisation to reduce the minimum weekly rest period referred to in sub-regulation (1) and (2) of this regulation, but this may in no circumstance be less than 36 consecutive hours. Such authorisation by the Director shall be given in writing:

Provided that the employer shall give the reasons for his request and keep a copy of the authorisation.

(4) The minimum rest periods referred to in this regulation may be split up in the case of activities involving separate periods of work spread over the day or are of short duration.

(5) Subject to objective reasons, the provisions of sub-regulation (2) of this regulation shall not apply for work performed in the following sectors:

- (a) shipping or fisheries;
- (b) hospitals or similar establishments;
- (c) agriculture;
- (d) tourism industry, hotels and catering;
- (e) activities involving periods of work split up over the day:

Provided that the employee is granted appropriate compensatory rest time and that the purposes of these regulations set out in regulation 1(2) are safeguarded.

**7.** A child employed in terms of regulation 3(3)(b) shall have an aggregate minimum of 21 days free of any work during the child's school holidays. Annual rest.

**8.** (1) An employer shall not require or permit a young person to work for any period exceeding four and a half hours without an uninterrupted break of at least 30 minutes. Breaks.

(2) A young person shall not be entitled to be paid in respect of the break specified in sub-regulation (1) of this regulation.

**9.** An employer may, in unusual and unforeseeable circumstances beyond the employer's control, or as a result of exceptional events the consequences of which could not have been avoided despite the exercise of all due care, allow adolescents to carry out work and be exempted from the provisions of regulations 4(2), 5(2), 6(2)(a) and 8: Work by adolescents in the event of *force majeure*.

Provided that:

- (i) such work is of a temporary nature and has to be performed immediately;
- (ii) that adult workers are not available to replace the adolescents; and
- (iii) that the adolescents are allowed equivalent compensatory rest time within the following three weeks.

**10.** (1) An employer who employs a young person shall:

(a) before employing the young person, require the production of a birth certificate, or other satisfactory evidence attesting to the age of the young person;

(b) before employing a young person, obtain the written permission of a parent of the young person; and

(c) maintain a register, or other satisfactory record, including, in relation to every young person employed, the following particulars:

(i) full name;

(ii) date of birth;

(iii) the time the young person commences and finishes work each day;

(iv) the rate of wages or salary due to the young person for his or her normal working hours each day, week, month or year, as the case may be; and

(v) the total amount actually paid to each young person by way of wages or salary.

(2) An employer shall keep, at the place where a young person is employed, such records as are necessary to show that the provisions of these regulations are being complied with. Such records shall be retained by the employer for at least three years.

(3) Where:

(a) there is a dispute between an employer and employee,  
or

(b) there is a prosecution for an offence under these regulations,

and the records required to be kept by an employer under the preceding paragraphs are not available, apart from being guilty of an offence in terms of the provisions of sub-regulations (1) and (2) of this regulation, the onus of proof that the provisions of any other regulation has been complied with shall lie on the employer.

**11.** (1) An employer who contravenes or fails to comply with any of the provisions of these regulations shall be guilty of an offence against the Act. Offences.

(2) The parent of a young person who aids or abets an employer in contravening any provision of these regulations shall be guilty of an offence against the Act.

(3) A person guilty of an offence under these regulations shall be liable, on conviction, to a fine (*multa*) of not less than two hundred and fifty liri (Lm250) and to a further fine (*multa*) of not less than fifty liri (Lm50) for every day during which the offence continues after conviction:

Provided that an offence under this regulation shall continue to subsist until the offender shall have conformed and complied with the infringed provisions of these regulations.

**12.** These regulations supersede any less favourable relevant provisions in any regulations, orders or other subsidiary legislation made under or kept in force under the Act, and any such relevant provisions are hereby being revoked. Repeals less favourable provisions.

**Schedule 1****Regulation 4 (1): Working time for a child**

<b>Description of work</b>	<b>Age (years)</b>	<b>Working time</b>
(a) Sub-regulation 3(3)(b)(i): work performed under a combined work and, or training scheme, or an in-plant work-experience scheme:	14-16	eight hours a day and 40 hours a week;
(b) Sub-regulation 3(3)(b)(ii): light work performed during school term-time outside the fixed school hours:  Provided that the maximum daily working time shall be:	14-16  14- up to 15 over 15-16	two hours on a school day and 12 hours a week;  (a) seven hours per day; (b) eight hours per day;
(c) Sub-regulation 3(3)(b)(ii): light work performed during a period of at least a week during school holidays:	14- up to 15  over 15-16	seven hours a day and 35 hours a week*; eight hours a day and 40 hours a week*.

\* The specified working time shall be without prejudice to the provisions of these regulations