

Suppliment tal-Gazzetta tal-Gvern ta' Malta Nru. 18,848, 30 ta' Diċembru, 2011

Taqsimha B

A.L. 503 tal-2011

**ATT DWAR L-IMPIEGI U R-RELAZZJONIJIET
INDUSTRIJALI
(KAP. 452)**

**Regolamenti ta' l-2011 li jemendaw ir-Regolamenti dwar il-
Harsien tal-Maternità (Impieg) (Emenda Nru. 2)**

BIS-SAHHA tas-setgħat mogħtija bl-artikoli 10 u 48 (2) tal-Att dwar l-Impieg u r-Relazzjonijiet Industrijali, il-Prim Ministru għamel dawn ir-regolamenti li ġejjin-

1. It-titolu ta' dawn ir-regolamenti huwa Regolamenti tal-2011 li jemendaw ir-Regolamenti dwar il-Harsien tal-Maternità (Impieg) (Emenda Nru. 2) u għandhom jinqraw u jiftiehmu haġa waħda mar-Regolamenti tal-2003 dwar il-Harsien tal-Maternità (Impieg), hawn iżjed 'il quddiem imsejha "ir-regolamenti prinċipali".

Titolu.

A.L. 439 tal-2003.

2. Minflok is-subregolament (1) tar-regolament 6 tar-regolamenti prinċipali għandu jidhol dan li ġej;

Jemenda regolament 6 tar-regolamenti prinċipali.

"6. (1) Impjegata tqila tista' tapplika għal-*leave* tal-maternità għal perjodu mhux interrott ta' erbatax-il ġimgħa jekk tavża lill-prinċipal tagħha skont ir-regolament 8 ta' dawn ir-regolamenti u dan il-perjodu mhux interrott għandu jizdied għal 16 –il ġimgħa mill-1 ta' Jannar 2012 u għal 18 –il ġimgħa mill-1 ta' Jannar 2013 'il quddiem.

Izda l-impjegati li jkunu bil-*leave* tal-maternità fl-1 ta' Jannar 2012, għandhom ikunu awtomatikament intitolati li jgawdu l-*leave* tal-maternità għal perjodu mhux interrott ta' 16 –il ġimgħa, anke jekk l-istess *leave* tal-maternità beda qabel l-1 ta' Jannar 2012:

Izda wkoll illi l-impjegati li jkunu fil-*leave* tal-maternità fl-1 ta' Jannar 2013, għandhom ikunu awtomatikament intitolati li jgawdu l-*leave* tal-maternità għal perjodu mhux interrott ta' 18 –il ġimgħa, anke jekk l-istess *leave* tal-maternità beda qabel l-1 ta' Jannar 2013."

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Jemenda regolament
7 tar-regolamenti
prinċipali.

3. Minflok ir-regolament 7 tar-regolamenti prinċipali għandu jidhol dan li ġej;

“7. Impjegata li qiegħda fuq *leave* tal-maternità għandha tkun intitolata għall-ewwel 14-il ġimgħa ta' *leave* tal-maternità b'paga sħiħa iżda jekk l-impjegata tagħzel li tagħmel użu minn xi *leave* tal-maternità addizzjonali li jkun aktar minn 14-il ġimgħa skont is-subregolament (1) tar-regolament 6, il-prinċipal m'għandux ikun obligat li jhallas paga għal daww il-ġimgħat ta' *leave* tal-maternità li jkunu aktar mill-imsemmija 14-il ġimgħa, mingħajr preġudizzju għal kull benefiċċju relevanti fir-rigward ta' xi perjodu ta' *leave* tal-maternità li jkun aktar minn 14-il ġimgħa skont l-Att tas-Sigurtà Soċjali li l-impjegata tista' tkun intitolata għalih jekk tagħzel li tagħmel użu mil-*leave* tal-maternità li jkun aktar mill-14-il ġimgħa imħallsin.”.

Iżid regolament 9A
għid mar-regolamenti
prinċipali.

4. Minnufih wara r-regolament 9 tar-regolamenti prinċipali, għandu jidhol dan ir-regolament għdid li ġej;

“Overtime. 9A. Minkejja kull dispożizzjoni kontrarja f'xi liġi oħra, regolament, ordni, ftehim kollettiv jew f'xi kuntratt ta' servizz, impjegati ma jistgħux jiġu mgħiegħla jaħdmu sahra:

(a) matul tqala;

(b) għal perjodu ta' 12-il xahar mit-twelid tal-wild tiegħu jew tagħha jew mid-data effettiva tal-adozzjoni tat-tifel jew tifla tiegħu jew tagħha:-.

Izda d-dritt mogħti minn dan ir-regolament ma għandux ikun trasferibbli.”.

L.N. 503 of 2011

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

**Protection of Maternity (Employment) (Amendment) (No. 2)
Regulations, 2011**

IN exercise of the powers conferred by articles 10 and 48(2) of the Employment and Industrial Relations Act, the Prime Minister has made the following regulations –

1. The title of these regulations is the Protection of Maternity (Employment) (Amendment) (No. 2) Regulations, 2011 and they shall be read and construed as one with the Protection of Maternity (Employment) Regulations, 2003, hereinafter referred to as “the principal regulations”.

Title.

L.N. 439 of 2003.

2. For sub-regulation (1) of regulation 6 of the principal regulations there shall be substituted the following;

Amends regulation 6 of the principal regulations.

“6. (1) A pregnant employee may apply for maternity leave for an uninterrupted period of fourteen weeks if she notifies her employer in accordance with regulation 8 of these regulations and this uninterrupted period shall increase to 16 weeks as from 1st January 2012 and to 18 weeks as from 1st January 2013 onwards:

Provided that employees who shall be on maternity leave on 1st January 2012 shall be automatically entitled to enjoy maternity leave for an uninterrupted period of 16 weeks, even where such maternity leave commenced before 1st January 2012:

Provided further that employees who shall be on maternity leave on 1st January 2013 shall be automatically entitled to enjoy maternity leave for an uninterrupted period of 18 weeks, even where such maternity leave commenced before 1st January 2013.”.

3. For regulation 7 of the principal regulations there shall be substituted the following;

Amends regulation 7 of the principal regulations.

“7. An employee on maternity leave shall be entitled to the first 14 weeks of maternity leave with full wages but if the employee chooses to avail herself of any additional maternity leave

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beyond the 14 weeks in terms of sub-regulation 6(1) above, the employer shall not be obliged to pay any wages for those weeks of maternity leave which go beyond the aforementioned 14 weeks, without prejudice to any relevant benefit in respect of any period of maternity leave which goes beyond 14 weeks in terms of the Social Security Act to which the employee may be entitled if she chooses to avail herself of maternity leave beyond the paid 14 weeks.”.

Adds new regulation 9A to the principal regulations.

4. Immediately after regulation 9 of the principal regulations, there shall be added the following new regulation:

“Overtime. 9A. Notwithstanding anything stated to the contrary in any other law, regulation, order, collective agreement or in any contract of service, employees shall not be obliged to work overtime:

(a) during pregnancy;

(b) for a period of 12 months from either the birth of his or her child or from the effective date of the adoption of a child:-

Provided that the right granted in this regulation shall be a non transferable right.”.

