



E-Handbook on Cross-border Enforcement

OSH for Mobile Workers

MALTA

Republic of Malta

Committee of Senior Labour Inspectors (SLIC)

Last version adopted at the 83rd SLIC Plenary in Stockholm, 10 May 2023

TABLE OF CONTENTS

FOREWORD	4
DIRECTORY	5
NATIONAL REPORT: MALTA	9
1. THE LABOUR INSPECTORATE	9
1.1. ORGANISATION OF THE LABOUR INSPECTORATE.....	9
1.2. NATIONAL LEGISLATION AND ILO CONVENTIONS RATIFIED ON LABOUR INSPECTION	10
1.3. COMPETENCES OF LABOUR INSPECTORS	10
1.3.1. Occupational Safety and Health (OSH)	10
1.3.2. OSH or Labour Law Matters	12
1.3.3. Labour Law	12
1.3.4. Social Security	12
1.4. INSPECTORS' POWERS	13
1.5. MECHANISMS OF COOPERATION AND EXCHANGE OF INFORMATION WITH OTHER NATIONAL PUBLIC BODIES	13
2. POSTING OF WORKERS	15
2.1. NATIONAL LEGISLATION	15
2.2. ADMINISTRATIVE REQUIREMENTS AND CONTROL MEASURES	15
2.2.1. Deadline to submit the declaration.....	15
2.2.2. Content of the declaration of posting.....	15
2.3. SOCIAL SECURITY PROCEDURES.....	16
2.4. WORK RELATED ACCIDENTS / OCCUPATIONAL DISEASES OF POSTED WORKERS	17
2.5. NATIONAL AUTHORITIES INVOLVED IN POSTING OF WORKERS.....	17
3. COOPERATION AND MUTUAL ASSISTANCE	18
3.1. LEGISLATION ON MUTUAL ASSISTANCE.....	18
3.2. BILATERAL AND MULTILATERAL AGREEMENTS ON LABOUR INSPECTION ..	18
3.3. REQUEST AND RECEPTION OF INFORMATION FROM OTHER INSPECTORATES	18
3.4. TOOLS FOR EXCHANGING INFORMATION.....	19
3.4.1. IMI (Internal Market Information System) for Posting of workers...19	
3.4.2. KSS (Knowledge Sharing System)	19
3.5. FINES AND EXECUTION OF FINES PROPOSED OR IMPOSED BY THE LABOUR INSPECTORATE	19
ANNEX E-HANDBOOK (UPDATING 2023)	21
1. About the Directive (EU) 2020/1057 of the European Parliament and of the Council of 15 July 2020 laying down specific rules with respect to Directive 96/71/EC and Directive 2014/67/EU for posting drivers in the	

road transport sector and amending Directive 2006/22/EC as regards enforcement requirements and Regulation (EU) No 1024/2012	21
1.1. Transposition to National Legislation	21
1.2. Competences of the SLIC Member on road transport	21
2. About Article 20.2.c) of Directive 2014/36/EU of the European Parliament and of the Council of 26 February 2014 on the conditions of entry and stay of third-country nationals for the purpose of employment as seasonal workers regarding health and safety conditions of workers' accommodation.....	22
2.1. Transposition to National Legislation	22
2.2. Competences of the SLIC Member on health and safety conditions on workers' accommodation	22
3. About Directive 2009/52/EC of the European Parliament and of the Council of 18 June 2009 providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals.....	22
3.1. Transposition in National Legislation	22
3.2. Competences of the SLIC Member on sanctions and measures provided in this Directive	23
4. JOINT AND CONCERTED INSPECTIONS ON OSH MATTERS	23
4.1 Is it allowed to organise concerted and joint inspections on OSH matters with other inspectorates?	23
5. NATIONAL INFORMATION AND INITIATIVES FOR MOBILE WORKERS	23
5.1. Please describe the initiatives you have implemented (e.g.: website, flyers, documents...)	23
6. COOPERATION WITH ELA	23
6.1. Do you regularly collaborate with the national liaison officer?	23
6.2. Could you provide any useful information regarding your participation in working groups, campaigns, training, etc. ?	23

FOREWORD

The first version of the E-Handbook on Cross-border Enforcement was published in 2016 and updated in 2019. The last version was published in 2021 in the [Library of the SLIC public site](#) on the EU collaborative platform CIRCABC.

This last version had a format that enhances a better public disclosure of the organisation of the bodies and entities dealing with the inspection of occupational safety and health in EU Member States, as well as in Norway and Switzerland. The purpose of that E-Handbook was to provide labour inspectorates with informative tools to facilitate cooperation and mutual assistance with competent bodies from other countries.

The new working group on Mobile Workers on OSH matters, which replaced the previous working group dedicated to cross-border enforcement, was mandated to update the content of the E-Handbook for several reasons.

First, it was necessary to add new regulations such as the new Directive (EU) 2020/1057 laying down specific rules for posting of drivers in the road transport, a sector which moreover includes aspects related to the enforcement of working time under Directive 2006/22/EC, a matter that is considered a part of OSH legislation in many Member States.

Secondly, it was necessary to enlarge the content of that handbook following the new scope of the working group dedicated to mobile workers. A mobile worker is someone who works in more than one Member State or travels to other Member States as part of his job (posted workers, cross-border workers, seasonal workers, temporary workers, migrant workers...).

Therefore, the handbook should include information on the competence of SLIC Members on legislation about Third Country National workers. This includes Directive 2014/36 on seasonal workers in aspects related to the health and safety conditions such as workers' accommodation and Directive 2009/52 on sanctions. These directives have been explicitly mentioned in the current EU strategic framework on health and safety at work 2021-2027 in a changing world of work.

Moreover, it was necessary to complement some aspects related to the practice of concerted and joint inspections on OSH matters regarding the legal possibility to carry them out in each Member State.

Lastly, the SLIC working group considered that the easiest way to update the existing E-Handbook was to maintain its structure, with the updated information provided by Member States, and to complete it with new items gathered in a specific annex.

Finally, the handbook needed a new title reflecting its purpose and also support to gain more visibility among labour inspectors on the field.

We hope that this document will be a useful tool for national labour inspectorates and beyond, for all organisations involved in OSH matters for mobile workers.

This new updated version was announced to SLIC members at the 82nd Plenary session of 12 October 2022, held under the Czech Presidency.

DIRECTORY

Austria	<p>ARBEITSINSPEKTION</p> <p>Favoritenstraße 7 A-1040 Wien</p> <p>https://www.arbeitsinspektion.gv.at/inspektorat</p>
Belgium	<p>SURVEILLANCE ON WELL-BEING AT WORK and SURVEILLANCE ON SOCIAL LAW</p> <p>Blerotstraat/rue Blerot 1 B-1070 Brussels</p> <p>http://www.employment.belgium.be In Dutch: www.werk.belgie.be In French: www.emploi.belgique.be</p>
Bulgaria	<p>GLI EA (General Labour Inspectorate Executive Agency)</p> <p>http://www.gli.government.bg/en</p>
Croatia	<p>STATE INSPECTORATE</p> <p>Šubićeva 29, 10 000 Zagreb</p> <p>https://dirh.gov.hr/</p>
Cyprus	<p>DEPARTMENT OF LABOUR INSPECTION (DLI) http://www.mlsi.gov.cy/mlsi/dli/dliup.nsf/index_en/index_en?OpenDocument</p> <p>DEPARTMENT OF LABOUR (DL) https://www.mlsi.gov.cy/mlsi/dl/dl.nsf/index_en/index_en?OpenDocument</p> <p>DEPARTMENT OF LABOUR RELATIONS (DLR) https://www.mlsi.gov.cy/mlsi/dlr/dlr.nsf/home_en/home_en?openform</p>
Czech Republic	<p>STATE LABOUR INSPECTION OFFICE OF THE CZECH REPUBLIC</p> <p>Kolářská 13 746 01 Opava</p> <p>Email: opava@suip.cz https://www.suip.cz/web/en</p>
Denmark	<p>ARBEJDSTILSYNET</p> <p>Landskronagade 33 2100 København Ø</p> <p>Email: at@at.dk http://engelsk.arbejdstilsynet.dk/en/</p>
Estonia	<p>TÖÖINSPEKTSIOON</p> <p>Mäealuse 2/3, 12618 Tallinn Estonia</p>

	<p>Email: ti@ti.ee www.ti.ee</p>
Finland	<p>TYÖSUOJELUHALLINTO</p> <p>Email: tyosuojelu.viestinta@avi.fi https://www.tyosuojelu.fi/web/en</p>
France	<p>DIRECTION GÉNÉRALE DU TRAVAIL</p> <p>39-43 quai André Citroën 75902 Paris Cedex 15</p> <p>Email: dgt.dir@travail.gouv.fr https://travail-emploi.gouv.fr/ministere/organisation/article/dgt-direction-generale-du-travail</p>
Germany	<p>LASI Länderausschuss für Arbeitsschutz und Sicherheitstechnik (Gremium der Länder) LASI Vorsitz (bis 2024): Ministerium für Wirtschaft, Arbeit und Tourismus Baden-Württemberg;</p> <p>Theodor-Heuss-Straße 4, 70174 Stuttgart</p> <p>https://lasi-info.com</p>
Greece	<p>LABOUR INSPECTORATE</p> <p>8, Dragatsaniou str, 10110 Athens,</p> <p>Email: dpseaye@hli.gov.gr https://www.hli.gov.gr/</p>
Hungary	<p>MINISTRY OF ECONOMIC DEVELOPMENT, STATE SECRETARY OF EMPLOYMENT POLICY</p> <p>Kálmán Imre utca 2. Budapest, 1054-Hungary</p> <p>Email: munkavedelmi-foo@gfm.gov.hu http://www.mvff.munka.hu</p>
Ireland	<p>HEALTH AND SAFETY AUTHORITY</p> <p>The Metropolitan Building James Joyce Street Dublin 1</p> <p>Email: contactus@hsa.ie https://www.hsa.ie/eng</p>
Italy	<p>ISPETTORATO NAZIONALE DEL LAVORO</p> <p>Piazza della Repubblica, 59 00185 Roma</p> <p>https://www.ispettorato.gov.it</p>

Latvia	<p>VALSTS DARBA INSPEKCIJA (VDI)</p> <p>38 k-1, Kr.Valdemara Street Riga LV –1010</p> <p>Email: vdi@vdi.gov.lv https://www.vdi.gov.lv</p>
Lithuania	<p>STATE LABOUR INSPECTORATE OF THE REPUBLIC OF LITHUANIA (SLI)</p> <p>19 Algirdo str. LT-03607 Vilnius Lithuania</p> <p>Email: info@vdi.lt https://www.vdi.lt</p>
Luxembourg	<p>INSPECTION DU TRAVAIL ET DES MINES</p> <p>3 Rue des Primeurs, 2361 Strassen, Luxembourg</p> <p>www.itm.public.lu</p>
Malta	<p>OCCUPATIONAL HEALTH AND SAFETY AUTHORITY</p> <p>17, Triq Edgar Ferro, Pietà PTA 1533 Malta</p> <p>Email: ohsa@ohsa.mt http://www.ohsa.mt/</p>
Norway	<p>ARBEIDSTILSYNET</p> <p>Arbeidstilsynet Postboks 4720 Torgarden 7468 Trondheim</p> <p>Email: post@arbeidstilsynet.no https://www.arbeidstilsynet.no/en/</p>
Poland	<p>PAŃSTWOWA INSPEKCJA PRACY (PIP)</p> <p>28/30, Barska St., 02-315 Warsaw</p> <p>Email: kancelaria@gip.pip.gov.pl https://www.pip.gov.pl/en</p>
Portugal	<p>AUTORIDADES PARA AS CONDIÇÕES DE TRABALHO</p> <p>Praça de Alvalade, 1 1749-073 Lisboa</p> <p>Email: dir.mail@act.gov.pt http://www.act.gov.pt</p>

<p>Romania</p>	<p>INSPECTIA MUNCII Str. Matei Voievod, Nr. 14 Sector 2, București Email: comunicare@inspectiamuncii.ro www.inspectiamuncii.ro</p>
<p>Slovakia</p>	<p>NÁRODNÝ INŠPEKTORÁT PRÁCE Masarykova 10 040 01, Košice Email: nip@ip.gov.sk https://www.ip.gov.sk/home/</p>
<p>Slovenia</p>	<p>LABOUR INSPECTORATE OF THE REPUBLIC OF SLOVENIA (LIRS) Štukljeva cesta 44 SI-1000 Ljubljana http://www.id.gov.si/en/</p>
<p>Spain</p>	<p>ORGANISMO ESTATAL INSPECCION DE TRABAJO Y SEGURIDAD SOCIAL (OEITSS) Paseo de la Castellana 63 28046 Madrid https://www.mites.gob.es/itss/web/index.html</p>
<p>Sweden</p>	<p>THE SWEDISH WORK ENVIRONMENT AUTHORITY Svetsarvägen 12 SE 171 41 Solna Email: arbetsmiljoverket@av.se https://www.av.se/en/</p>
<p>Switzerland</p>	<p>STATE SECRETARIAT FOR ECONOMIC AFFAIRS (SECO) WORKING CONDITIONS – FEDERAL LABOUR INSPECTION Holzikofenweg 36 CH-3003 Bern Email: abea@seco.admin.ch www.seco.admin.ch/seco/de/home/Arbeit/Arbeitsbedingungen/Arbeitnehmerschutz.html</p>
<p>The Netherlands</p>	<p>NETHERLANDS LABOUR AUTHORITY PO Box 90801 2509 LV Den Haag https://www.nl labourauthority.nl/</p>

NATIONAL REPORT: MALTA

LABOUR INSPECTORATE	<ul style="list-style-type: none"> • DEPARTMENT OF INDUSTRIAL AND EMPLOYMENT RELATIONS • OCCUPATIONAL HEALTH AND SAFETY AUTHORITY
OTHER COMPETENT AUTHORITIES	<ul style="list-style-type: none"> • Transport Malta • Department of Agriculture and Fisheries • Commission for the Protection from Ionising and Non-Ionising Radiation • Malta Competition and Consumer Affairs Authority • Explosives Committee

1. THE LABOUR INSPECTORATE

1.1. ORGANISATION OF THE LABOUR INSPECTORATE

The Occupational Health and Safety Authority (OHSA-MT), established by virtue of Chapter 424 of the Laws of Malta, is the national entity responsible to ensure that the physical, psychological and social well-being of all workers in all workplaces are promoted and to ensure that they are safeguarded by whoever is so obliged to do.

As required by law, OHSA-MT appointed a number of Labour Inspectors (referred to as 'OHS Officers' under Cap. 424), to verify the levels of OHS at places of work. OHS Officers are only responsible to ensure OHS (not conditions of employment, working time, contracts etc). Art. 15 of Chapter 424 stipulates the powers of these Officers (such as to enter freely places of work to conduct inspections or investigations, may issue orders to safeguard OHS, power to interrogate workers, stop works etc).

As of 2022, the Inspectorate Section of OHSA-MT is made up as follows:

- (a) A Head Technical Operations,
- (b) 6 Specialists (Occupational Health Physician, 2 Mechanical Engineers, Electrical Engineer, Architect & Civil Engineer and a specialist in Chemistry / Biology).
- (c) 9 generalist OHS Officers.

All OHS Officers operate from one premises, with no regional offices.

1.2. NATIONAL LEGISLATION AND ILO CONVENTIONS RATIFIED ON LABOUR INSPECTION

The Occupational Health and Safety Authority Act (Chapter 424 of the Laws of Malta) is the main OHS law and was published on the 17th November 2000 and fully brought into force on the 29th January 2002¹.

A number of Legal Notices have been published by virtue of this Act, in addition to the ones published under the previous Act but saved by Cap. 424².

The Act also establishes the Occupational Health and Safety Authority (OHSA-MT), which is responsible to ensure that the physical, psychological and social wellbeing of all workers in all workplaces are promoted and to ensure that they are safeguarded by whoever is so obliged to do.

Figure N° 1: International Conventions on Labour Inspection ratified

CONVENTION	RATIFIED	NOT RATIFIED
ILO Convention 81 on Labour Inspection in Industry and Commerce	X ³	
ILO Convention 129 on Labour Inspection in Agriculture	X	
Maritime Labour Convention 2006	X	
ILO Convention 187 on Promotional Framework for Occupational Safety and Health		X

1.3. COMPETENCES OF LABOUR INSPECTORS

1.3.1. Occupational Safety and Health (OSH)

The Occupational Health and Safety Authority (OHSA-MT) is the national competent body on occupational safety and health with the exceptions listed below:

Figure N° 2: Map of competence on Occupational Safety and Health

MATTERS	COMPETENCE OF THE LABOUR INSPECTORATE	OTHER PUBLIC BODIES WITH COMPETENCE
OSH, in general terms	Yes	
Occupational Safety, in	Yes	

¹ <https://legislation.mt/eli/cap/424/eng/pdf>

² <https://www.ohsa.mt/legislation>

³ Excluding Part II (Labour Inspection in Commerce)

general terms		
Occupational Health, in general terms	Yes	
Work-related accidents	Yes	
Trade of Machines and Equipments	No	Malta Competition and Consumers Affairs Authority (MCCAA)
Radiations	No	Commission for the Protection from Ionising and Non-Ionising Radiation
Explosives	No	Fireworks manufacture, storage and handling come under the responsibility of the Explosives Committee
Mines	Not applicable ⁴	
Vessels	No	Department of Agriculture and Fisheries, and Transport Malta
Retail sector	Yes	
Horecca	Yes	
Agriculture	Yes	
Construction industry	Yes	
Aviation	No	Civil Aviation Directorate within Transport Malta
Railway	Not applicable ⁵	
Road Transport	In part	Road traffic safety and dangerous goods transport fall under the responsibility of the Land Transport Directorate of Transport Malta
REACH	No	Malta Competition and Consumer Affairs Authority (MCCAA)
Self Employed	Yes	
Police	Yes	
Civil Servants	Yes	
Military personnel and	Yes	

⁴ No mines in Malta

⁵ No railways in Malta

premises		
Penitentiaries	Yes	
Customs	Yes	

1.3.2. OSH or Labour Law Matters

Figure N° 3: Map of competences in matters which could be considered within OSH or Labour Law

MATTERS	Yes	No
Working hours		X
Bullying and harassment		X
Third Party Violence		X

The Department of Industrial and Employment Relations is competent in these matters.

1.3.3. Labour Law

Figure N° 4: Map of competences on Labour Law matters

MATTERS	Yes	No	COMMENTS
Salaries		X	The Department of Industrial and Employment Relations (DIER) is competent in these matters
Equal Treatment		X	
Labour rights		X	
Foreign workers		X	
Others			

1.3.4. Social Security

Figure N° 5 Map of competences on Social Security Matters

MATTERS	Yes	No	COMMENTS
Affiliation of workers (REGISTER)		X	The Direction of Industrial and Employment Relations (DIER) is competent in this matter
Contributions to Social Security System		X	The Department of Social Security is competent in these matters
Social Security benefits		X	
Private pension funds		X	
Others			

1.4. INSPECTORS' POWERS

The powers of the OSHA-MT inspectors are the following:

Figure N° 6: Map of Inspectors' powers

POWERS	Yes	No	COMMENTS
Visit workplaces	X		
Request for documents	X		
Summon employers to the Inspection Office		X	
Recommendations / Assistance	X		
Injunction / Improvement notice	X		
Initiate an administrative punishment procedure	X		
Initiate a judicial punishment procedure	X		
Imposing fines	X		Administrative fines
Stoppage / Prohibition Notice	X		
Notify offences to the Public Prosecutor or the Judge	X		
Others			

1.5. MECHANISMS OF COOPERATION AND EXCHANGE OF INFORMATION WITH OTHER NATIONAL PUBLIC BODIES

Figure N° 7: Cooperation mechanisms with other national public bodies

BODIES	Yes	No	COMMENTS
Tax Authorities		X	
Social Security		X	

bodies			
Police	X		
Public Prosecutor	X		
Others	All other public entities which are in possession of relevant OSH-related information.		

2. POSTING OF WORKERS

2.1. NATIONAL LEGISLATION

The legal disposition which transposes Directive 96/71/EC, of the European Parliament and of the Council, of 16 December 1996, concerning the posting of workers in the framework of the provision of services, is the Posting of Workers in Malta Regulations S.L. 452.82 amended in 2016 to transpose the Directive 2014/67.

Figure N° 8: EU Directives on posting of workers implemented

DIRECTIVE	Yes	No	DATE
Directive 96/71	X		
Directive 2014/67	X		10 June 2016
Directive 2018/957	X		26 June 2020

2.2. ADMINISTRATIVE REQUIREMENTS AND CONTROL MEASURES

The undertaking making the posting has to notify the Director of Industrial and Employment Relations of the intention to post a worker in Malta. There is an e-form to this effect available on DIER website – dier.gov.mt.

2.2.1. Deadline to submit the declaration

The notification has to be sent prior to the date of posting.

2.2.2. Content of the declaration of posting

Figure N° 9: Content of the posting declaration

COMPANY DATA		
	YES	NO
Identity of Service Provider	X	
Representative of the company in your country	X	
A person designated for acting as a representative into collective bargaining within the host Member State	X	
Activity	X	
Authorization in the sending MS		X
If it is a Temporary Work Agency or not	X	
Identity Tax Number		X

WORKERS DATA		
	YES	NO
Number of workers	X	
Name of workers	X	
Nationality	X	
Age	X	
Role	X	

POSTING DATA		
	YES	NO
Envisaged beginning	X ⁶	
End date of the posting	X ⁷	
Anticipated Duration		X
Address(es) of the workplace	X	
Nature of the services justifying the posting	X	
Contractor	X	

LABOUR CONDITIONS		
	YES	NO
Working hours	X	
Salaries	X	
Collective accommodation	X	
Use of dangerous agents		X
Prevention services		X

2.3. SOCIAL SECURITY PROCEDURES

A1 forms and information on the relevant social security legislation are delivered by the Department of Social Security

Figure N° 10: Position of the Labour Inspectorate with regard to A1 forms

	Yes	No
Access to A1 forms delivered by national authorities		X
The Labour Inspectorate is consulted about the approval of A1 forms by competent institutions		X
Access to A1 forms delivered by other Member States		X

⁶ Commencement of Posting

⁷ Termination of Posting

2.4. WORK RELATED ACCIDENTS / OCCUPATIONAL DISEASES OF POSTED WORKERS

The obligation to notify work related injuries arises from the requirements of S.L. 424.09.

2.5. NATIONAL AUTHORITIES INVOLVED IN POSTING OF WORKERS

Figure N° 11: Authorities involved in posting of workers

	Yes	No
Labour authorities	X	
OSH authorities	X	
Customs authorities		X
Tax authorities	X	
Social Security Institutions	X	
Others		

OSH Authorities are only competent on enforcement of OHS of the posted workers.

3. COOPERATION AND MUTUAL ASSISTANCE

3.1. LEGISLATION ON MUTUAL ASSISTANCE

Figure N° 12: Legislation and International Conventions signed and ratified

	RATIFIED / IMPLEMENTED	APPLICABLE TO L.I.	COMMENTS
Legislation on Mutual Assistance implementing Dir. 96/71 and Dir. 2014/67	Yes	Yes	Posting of Workers in Malta Regulations S.L. 452.82 Articles 5 (5) and 7
European Convention in Criminal Matters	Yes	No	
Convention 094 Council of Europe	No		
Others			

3.2. BILATERAL AND MULTILATERAL AGREEMENTS ON LABOUR INSPECTION

Malta has not signed specific bilateral agreements on Labour Inspection with other countries.

3.3. REQUEST AND RECEPTION OF INFORMATION FROM OTHER INSPECTORATES

Figure N° 14: Exchange of information from other Labour Inspectorates

MATTERS	YES	YES But subjected to previous Protection Data Authorities supervision or approval	NO
Does current regulation in your country allow providing information directly to other Labour Inspectorates?	X		
Does current regulation in your country allow receiving	X		

information directly from other Labour Inspectorates?			
---	--	--	--

3.4. TOOLS FOR EXCHANGING INFORMATION

3.4.1. IMI (Internal Market Information System) for Posting of workers

Figure N° 15: Liaison office of the Labour Inspectorate in IMI

	Yes	No
Use of IMI by the Labour Inspectorate	X	
In affirmative case, specify the liaison offices	Central Office info.dier@gov.mt	

3.4.2. KSS (Knowledge Sharing System)

OHSA-MT participates in the KSS System exchanges.

The local KSS coordinator's email is: kss.coordinator@ohsa.mt

3.5. FINES AND EXECUTION OF FINES PROPOSED OR IMPOSED BY THE LABOUR INSPECTORATE

Figure N° 16: Nature of fines

	Yes	No
Penal or criminal fines	X	
Administrative fines	X	
Others		

Figure N° 17: Execution time of fines

	Yes	No
After the first judgement of the courts	X	
After the final judgement of the courts	X	
After the first administrative decision		X
After the binding administrative decision		X
Others		

Figure N° 18: Nature of Courts where fines can be appealed

	Yes	No
Penal/Criminal courts	X	
Labour/Civil courts		X
Courts for administrative affairs		X
Others		

Figure N° 19: Authorities with competence to collect fines

	Yes	No
Labour Inspection Authorities		X
Labour/ Government Authorities	X	
Tax/Customs Authorities		X
Courts	X	
Others		

Figure N° 20: Legal framework to collect fines imposed by authorities from other Member States

	YES	IF YES, is it applicable to Labour Inspectorate proceedings?	NO Authorities supervision or approval	COMMENTS
Framework Decision 2005/214	X	No		NOT APPLICABLE TO L.I. Subsidiary Legislation 9.14 (Financial Penalties, execution in the European union, regulations)
Directive 2014/67 on administrative fines	X	Yes		SUBSIDIARY LEGISLATION 452.82 POSTING OF WORKERS IN MALTA REGULATIONS 10th June, 2016
International or Bilateral Conventions			X	
Other National Rules				

ANNEX E-HANDBOOK (UPDATING 2023)

SLIC MEMBER: M. Mark GAUCI / alternate: Mr Vincent ATTARD
MEMBER STATE: MALTA

- 1. About the Directive (EU) 2020/1057 of the European Parliament and of the Council of 15 July 2020 laying down specific rules with respect to Directive 96/71/EC and Directive 2014/67/EU for posting drivers in the road transport sector and amending Directive 2006/22/EC as regards enforcement requirements and Regulation (EU) No 1024/2012**

1.1. Transposition to National Legislation

Transposition		National Law or Regulations	Date
	No		Transposition measures soon to be issued

1.2. Competences of the SLIC Member on road transport

LEGISLATION	COMPETENCE		COMMENTS
Regulations 1071/09, 1072/09 and 1073/09 on road transport activity		No	
Regulation 561/06 on driving time		No	
Directive 2006/22 on social legislation in road transport		No	
Article 1 of Directive 2020/1057 on posting of workers on road transport		No	

2. About Article 20.2.c) of Directive 2014/36/EU of the European Parliament and of the Council of 26 February 2014 on the conditions of entry and stay of third-country nationals for the purpose of employment as seasonal workers regarding health and safety conditions of workers' accommodation

2.1. Transposition to National Legislation

Transposition		National Law, Regulations or Collective Agreements	Date
Yes		Conditions of Entry and Stay of Third Country Nationals for the Purpose of Employment as Seasonal Workers Regulations (SL 217.20)	2017

2.2. Competences of the SLIC Member on health and safety conditions on workers' accommodation

COMPETENCE	COMMENTS
No	

3. About Directive 2009/52/EC of the European Parliament and of the Council of 18 June 2009 providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals

3.1. Transposition in National Legislation

Transposition		National Law or Regulations	Date
Yes		Minimum Standards on Sanctions and Measures against Employers of Illegally Staying Third-Country Nationals Regulations (SL 217.14)	2011

3.2. Competences of the SLIC Member on sanctions and measures provided in this Directive

COMPETENCE	COMMENTS
No	

4. JOINT AND CONCERTED INSPECTIONS ON OSH MATTERS

4.1 Is it allowed to organise concerted and joint inspections on OSH matters with other inspectorates?

Yes, by legal rules	
Yes, by bilateral agreements	<input checked="" type="checkbox"/>
No	

5. NATIONAL INFORMATION AND INITIATIVES FOR MOBILE WORKERS

5.1. Please describe the initiatives you have implemented (e.g.: website, flyers, documents...)

Partnering with the UNHCR, OHSa-MT prepared OSH information for workers in various languages to reach out a wide range of foreign workers employed on these Islands.

This document was translated from English into six languages namely Arabic, Bangla, French, Somali, Tigrinya, Shqip, German and Italian.

6. COOPERATION WITH ELA

6.1. Do you regularly collaborate with the national liaison officer?

The Department for Industrial and Employment Relations is in continuous contact with the Maltese national liaison officer.

6.2. Could you provide any useful information regarding your participation in working groups, campaigns, training, etc. ?

Officers of the Department for Industrial and Employment Relations participate in the Information Working Group, Inspection Working Group and Mediation Working Group. Officers have also participated in training provided by the ELA.