Suppliment tal-Gazzetta tal-Gvern ta' Malta Nru. 18,763, 10 ta' Ġunju, 2011
Taqsima B

A.L. 218 tal-2011

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

Regolamenti tal-2011 li jemendaw ir-Regolamenti dwar il-Kunsill Ewropew tax-Xogħol

BIS-SAĦĦA tas-setgħat mogħtija bl-artikolu 48 tal-Att dwar l-Impiegi u r-Relazzjonijiet Industrijali, il-Prim Ministru għamel dawn ir-regolamenti li ġejjin:-

1. (1) It-titolu ta' dawn ir-regolamenti hu Regolamenti tal-2011 li jemendaw ir-Regolamenti dwar il-Kunsill Ewropew tax-Xogħol u għandhom jinqraw u jiftiehmu ħaġa waħda mar-Regolamenti tal-2004 dwar il-Kunsill Ewropew tax-Xogħol, hawn iżjed 'il quddiem imsejħa "ir-regolamenti prinċipali". Titolu u dħul fis-seħħ. A.L. 324 tal-2004.

(2) Dawn ir-regolamenti għandhom jidħlu fis-seħħ fis-6 ta' Ġunju, 2011.

2. Fir-regolament 1 tar-regolamenti prinċipali, minnufih wara s-subregolament (2) tiegħu, għandhom jidħlu dawn is-subregolamenti ġodda li ġejjin: Jemenda regolament 1 tar-regolamenti prinċipali.

"(3) Dawn ir-regolamenti għandhom japplikaw biss għal:

(a) intrapriżi ta' skala Komunitarja u gruppi ta' intrapriżi ta' skala Komunitarja li, fit-22 ta' Settembru 1996 diġà kien jeżisti ftehim li jkopri l-forza tax-xogħol fit-totalità tagħha, li jkun jipprovdi għall-informazzjoni u l-konsultazzjoni transnazzjonali tal-impjegati, jew meta ftehim ta' din ix-xorta jiġu aġġustati minħabba tibdiliet fl-istruttura tal-intrapriżi jew ta' gruppi ta' intrapriżi; u

(b) ftehim konklużi skont ir-regolament 7 ta' dawn ir-regolamenti, li ġew iffirmati jew riveduti bejn il-5 ta' Ġunju 2009 u l-5 ta' Ġunju 2011:

Iżda sa fejn ikollu x’jaqsam il-paragrafu (b), il-liġi nazzjonali applikabbli meta l-ftehim jiġi ffirmat jew rivedut għandha tkompli tapplika għall-intrapriżi jew gruppi ta’ intrapriżi involuti:

Iżda wkoll li fil-każ tal-ftehim imsemmija fil-paragrafi (a) u (b), meta jiskadu l-ftehim imsemmija, il-partijiet f’dawn il-ftehim jistgħu jiddeċiedu b’mod konġunt li jġeddu jew jirrevedu dawn il-ftehim u dawn ir-regolamenti għandhom japplikaw. Fil-każ li l-ftehim ma jiġux imġedda u lanqas riveduti, id-dispożizzjonijiet tar-Regolamenti tal-2011 dwar il-Kunsill tax-Xogħlijiet Ewropew (Dispożizzjonijiet Ulterjuri), għandhom awtomatikament japplikaw.

(4) Mingħajr preġudizzju għal dak li jingħad fis-subregolament (3) hawn qabel, ir-Regolamenti tal-2011 dwar il-Kunsill tax-Xogħlijiet Ewropew (Dispożizzjonijiet Ulterjuri) għandhom japplikaw għall-arranġamenti kollha li jkunu jimmiraw li jwaqqfu Kunsill tax-Xogħlijiet Ewropew jew xi proċedura oħra għall-informazzjoni u l-konsultazzjoni tal-impjegati f’intrapriżi ta’ skala Komunitarja jew ta’ gruppi ta’ intrapriżi ta’ skala Komunitarja kif provdut f’dawk ir-regolamenti, li jidħlu fis-seħħ għall-ewwel darba fis-6 ta’ Ġunju, 2011 u wara s-6 ta’ Ġunju, 2011.”

L.N. 218 of 2011

EMPLOYMENT AND INDUSTRIAL RELATIONS ACT (CAP. 452)

European Works Council (Amendment) Regulations, 2011

IN exercise of the powers conferred by article 48 of the Employment and Industrial Relations Act, the Prime Minister has made the following regulations:–

Title and coming into force.

L.N. 324 of 2004.

1. (1) The title of these regulations is the European Works Council (Amendment) Regulations, 2011 and they shall be read and construed as one with the European Works Council Regulations, 2004, hereinafter referred to as "the principal regulations".

(2) These regulations shall come into force on the 6th of June 2011.

Amends regulation 1 of the principal regulations.

2. In regulation 1 of the principal regulations, immediately after sub-regulation (2) thereof, there shall be added the following sub-regulations:-

"(3) These regulations shall only apply to:

(a) community-scale undertakings or community-scale groups of undertakings in which, on the 22nd September 1996, there had already been an agreement covering the entire workforce, providing for the transnational information and consultation of employees, or where such agreements are adjusted because of changes in the structure of the undertakings or groups of undertakings; and

(b) agreements concluded pursuant to regulation 7 of these regulations which have been signed or revised between the 5th of June 2009 and the 5th of June 2011:

Provided that in so far as paragraph (b) is concerned, the national law applicable when the agreement is signed or revised shall continue to apply to the undertakings or groups of undertakings concerned:

Provided further that in the case of the agreements mentioned in both paragraphs (a) and (b), upon the

expiry of the said agreements, the parties to those agreements may decide jointly to renew or revise such agreements and these regulations shall apply. In the case that these agreements are neither renewed or revised, the provisions of the European Works Council (Further Provisions) Regulations, 2011, shall automatically apply.

(4) Without prejudice to what is stated in sub-regulation (3) hereof, the European Works Council (Further Provisions) Regulations, 2011, shall be the applicable law for all arrangements aiming to set up a European Works Council or any procedure for the information and consultation of employees in Community-scale undertakings or Community-scale groups of undertakings, as provided for by those regulations, which are effected for the first time on the 6th of June, 2011 and after the 6th of June, 2011.".

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