

FREQUENTLY ASKED QUESTIONS RELATED TO JOBSPLUS AND EMPLOYMENT.



The information provided in the answers should serve only as guidance and does not have any legal force.

For online live FAQs updates refer [here](#)

WHAT IS THE SCOPE OF THE ENGAGEMENT AND TERMINATION FORMS?

All remunerated employment performed on Maltese Territory must be registered with Jobsplus.

The collection and updating of employment records is stipulated in the Legal Notice 110 of 1993 and Act No. XXVII Employment Training Services - Jobsplus Act.

The main aim of collecting and processing of employment data is: to provide official employment related documents to the general public and employers (such as employment histories or employees lists); to reply to official requests from public entities and authorities; and to publish statistics regarding the Maltese labour market.

HOW CAN ONE SUBMIT THE ENGAGEMENT AND TERMINATION FORMS?

The employer has the legal responsibility to fill and submit the engagement and termination forms within the stipulated legal timeframes, i.e. on the first day of employment in case of engagements and within four days after termination of employment.

Submission of forms can be done through the following methods:

- **Employer's online service on Jobsplus' website** – Employer can submit electronically the Engagement and Termination forms after opening an account (employer profile) with Jobsplus - <https://jobsplus.gov.mt/register>
- **By email** – Employer/Self-Employed person can submit the [Engagement and Termination forms](#) by means of an email addressed to hriu.jobsplus@gov.mt
- **By post** – Employer/Self Employed person can submit the [Engagement and Termination forms](#) by post to **Jobsplus Gozo, Sir Arturo Mercieca Street, Victoria, Gozo VCT 2024.**
- **By hand** – Employer/Self Employed person and employee(s) can submit personally their [Engagement and Termination forms](#) to the nearest Jobsplus outpost. (Please click the following link <https://jobsplus.gov.mt/contact/office-locations> for location and opening hours)

HOW DO I REGISTER AN EMPLOYEE WITH ME OR MY ORGANISATION?

The employer, whether as a self-employed person, household employer or an organisation (*i.e. a company, partnership, or non-commercial entity*) is legally obliged to submit an engagement form titled "[Engagement Form – Employee](#)" for each recruited person, together with the following documents:

- In case of a European Union (EU) National – *who is joining the Maltese labour market for the first time (i.e. first time in Malta)* – a photocopy of the Maltese Residence Card¹ or photocopy of the Passport and the National Insurance Number. If an EU National (*excluding those who are subject to transitional arrangement*) working in Malta opts to pay National Insurance abroad, then the A1 Certificate² needs to be submitted together with the Engagement Form.
- In case of Third Country Nationals (TCNs) – a photocopy of the Maltese Residence Card or the Application (Blue paper) with the *Temporary Authorisation to Work* sticker (issued by Identity Malta) which will authorise them to work in Malta until the actual Residence Card is issued. For more information on recruiting TCNs, kindly visit: <https://jobsplus.gov.mt/employers-mt-MT-en-GB/employing-persons/third-country-nationals>
- In case of Third Country Nationals (TCNs) who are dependent on an EU or Maltese National – Photocopies of the TCN's Maltese Residence Card and their partner's Maltese Residence Card (for EU nationals) or a Maltese Identity Card (for Maltese nationals).
- In case of Maltese Nationals – one needs to fill in the Engagement Form for those persons who are over 16 years of age or who have already finished their compulsory school age.
- In case of School Leavers –
 - In case of employment of a minor who is still within the compulsory school age, the parent/s or legal guardian/s of the minor need apply for permission with the National School Support Services. If the [application](#) is approved, it is forwarded to the Department of Industrial and Employment Relations (DIER) for their approval. The DIER forwards an email with the approval or refusal letter attached, to the employer and to the parents or the legal guardian/s of the minor. The Parent/s or legal guardian/s of the minor who have received the approval can obtain the Social Security number and the employer submits the [Engagement Form](#).
 - Minors who are not in compulsory school age but below the age of 16 may obtain the Social Security number and submit the [Engagement Form](#) attaching his/her school leaving certificate or the "Completion of Form 5" form to prove that he/she has finished compulsory schooling.
 - Minors above the age of 16 get the Social Security number and submit the [Engagement Form](#).

HOW CAN I REGISTER AS SELF-EMPLOYED PERSON?

- A self-employed person who has the intention of recruiting employees with him/her, must first fill the "[Engagement Form – Self Employed](#)" to register him/herself. One must be in possession already of a VAT Number and a PE Number (once the first employee is recruited).
- In case of sole owner of a registered Company, the Company has a separate legal status than that of the owner and therefore the person must submit an engagement form as an employee of the Company. The designation of the employee should be that of a Managing Director or Director of the said company. On the engagement form, the Company Number (from MFSA), VAT Number and PE Number (in case of having employees) should be included.

HOW CAN I REGISTER A COMPANY WITH JOBSPLUS?

A company can be registered with Jobsplus by means of sending official documentation by email to hriu.jobsplus@gov.mt or by post to **Jobsplus Gozo, Sir Arturo Mercieca Street, Victoria, Gozo VCT 2024** with the following details:

- Name of Company
- Registered Address of Company
- Company Number – including MFSA Certificate and Memorandum of Articles
- PE Number
- VAT Number
- Main Activity

IF I RENT RESIDENTIAL PREMISES, DO I NEED TO FILL IN THE SELF-EMPLOYED ENGAGEMENT FORM?

Renting of residential property is to be considered as an income or revenue and not as an employment. As a matter of fact, such income or revenue should be declared at the end of the year to the Inland Revenue Department. Considering that renting of property is generating income not from an employment activity, then this does not constitute an employment and so no engagement form is required.

Nevertheless, if the landlord specifically wants to declare such activity as his/her main source of income (*for income tax and national insurance purposes*), then an “[Engagement Form – Self Employed](#)” needs to be submitted to Jobsplus.

DO I NEED TO FILL AN ENGAGEMENT FORM AS A DIRECTOR OF A COMPANY?

An Engagement Form is required for directors (on a full- or part-time basis) who receive a **salary or wage** from the company like managing/executive directors.

However, when a director does not receive a salary but rather a **remuneration or honoraria**, then no engagement form needs to be presented. The same applies in case of company’s secretaries.

WE ARE GOING TO BE PARTNERS IN BUSINESS. WHICH ENGAGEMENT FORMS NEED TO BE FILLED?

Individuals who are partners in business need to be registered as Self Employed under a **common name** and so need to fill the “[Engagement Form – Self Employed](#)” and tick the “Partnership” type box.

In case partners were already registered separately as self-employment with Jobsplus, they need to terminate that employment and open everything under the new partnership name.

The new partners also need to:

- produce the **Partnership Certification** (as *Partnership En Nom Collectif* or *Partnership En Commandite*) if registered under the Malta Financial Services

Authority (MFSA); or the **civil partnership agreement** that is registered with the Public Registry;

- have a common VAT Number; and
- in case of recruiting more employees with the partnership, a PE number from the Inland Revenue Department needs to be acquired.
- **I am a Household Employer. Which forms do I need to fill?**
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- A **Household Employer** is defined as someone who pays an individual to perform duties in or around their home. Household employees include nannies, senior care workers, and private nurses.
- Household employers have the obligations of an employer and thus need to have a PE number and a VAT number like any other employer. The only difference is that s/he does not need to fill in an engagement form for oneself but has the obligation to fill in the [engagement form](#) of his/her employees that will be working in the household. These employees are recruited for personal assistance and help around the house and not for commercial purposes, temping or sub-contracting.

CAN A FAMILY MEMBER HELP OR ASSIST ME IN MY BUSINESS? IF YES, WHAT DO I NEED TO DO ?

Family members need to be registered when operating in a family business by having their [engagement form](#) submitted to Jobsplus. According to Article 5 of Jobsplus' Legal Notice 110 of 1993, "*Any person performing work in a factory, office, shop or other of place of work shall be deemed for the purposes of these regulations to be in employment or self-employed.*" Voluntary workers can only offer their services to registered voluntary organisations or charitable institutions.

DOES A FOREIGN COMPANY REGISTERED LOCATED OR OPERATING ABROAD EMPLOYING MALTESE OR EU NATIONALS ABROAD NEEDS TO SUBMIT ANY ENGAGEMENT FORMS?

Given that the Maltese or EU national employee is permanently residing and working outside Maltese territory, there is no need of submitting an engagement form to Jobsplus.

DOES A MALTESE OR FOREIGN COMPANY REGISTERED, LOCATED OR OPERATING FROM MALTA EMPLOYING MALTESE OR EU NATIONALS ABROAD, NEEDS TO SUBMIT THE ENGAGEMENT FORMS?

Considering that the Maltese or EU national employee is permanently residing and working outside Maltese territory, then there is no need of submitting an engagement form to Jobsplus.

DOES A FOREIGN COMPANY REGISTERED, LOCATED OR OPERATING ABROAD EMPLOYING MALTESE OR EU NATIONALS WORKING IN MALTA NEED TO SUBMIT THE ENGAGEMENT FORM?

A Foreign company registered, located or operating abroad needs to first acquire a **PE Number** issued by the Inland Revenue Department in order to be able to employ Maltese or EU Nationals in Malta. Once the PE number is issued, then [engagement forms](#) for recruited employees need to be submitted to Jobsplus.

IF I NEED THE SERVICE OF A POSTED WORKER, DO I NEED TO FILL IN AN ENGAGEMENT FORM?

A **posted worker** is defined as 'a person who, for a limited period of time, carries out his or her work in the territory of an EU Member State other than the state in which he or she normally works' (Council Directive 96/71/EC)

Considering that the person is not an employee of the employer or organisation assigned to, then one does not need to fill in an engagement form. However, the employer in Malta - to whom the posted worker is assigned to - must notify the Department of Industrial and Employment Relations (DIER) of his/its intention to post a worker in Malta. Registration with the DIER needs to be affected within twenty four (24) hours of commencement of work. The employer can contact the DIER on telephone number (+356) 21224245/6 or through an e-mail: ind.emp.relations@gov.mt.

If the posted worker is a third country national (TCN) who is employed and posted by an undertaking that is established in an EU/EEA country, then there is no need to go through the [employment licence procedure](#) in Malta unless such posted worker already holds an employment licence issued in the country where the posting undertaking is established.

If the foreign national, who is posted in Malta, is recruited by an undertaking established outside an EU/EEA country, then an employment licence is required needs to be issued by the Jobsplus' Employment Licence Unit (ELU) if such posting is for less than 2 years. In case the employment period is expected to exceed the 2 years, then a single permit is required to be issued through Identity Malta.

DO I NEED TO INFORM JOBSPLUS HRIU IN CASE MY ORGANISATION UNDERGOES ANY OF THE FOLLOWING SITUATIONS: TRANSFER OF BUSINESS / MERGER / BUY-OUT / OR CHANGE IN COMPANY NAME?

Yes. However, documentation required might vary depending on the case under review.

- If the organisation undergoes a **Transfer of Business, Merger or Buy Out**, Jobsplus needs to be provided with:
 - A **signed and stamped declaration** by Company A (the recipient organisation) stating and confirming that there has been the transfer of employees on a particular date (**transfer date** to be listed) from Company B (sending organisation) to Company A (recipient organisation). In this declaration, the new employer (Company A) must also state that:
 - all employees will retain the same conditions and benefits as enjoyed by the previous employer (Company B);
 - a reference is made to the continuation of employment vis-à-vis the employees. In other words, the Employer's declaration should confirm that the movement from one Company to another should not be considered as a new employment, but merely a continuation of the previous employment.^[4]
 - A current **List of Employees** including the *designation* of each employee, the *type of contract* and whether the employment is on *full-time or part-time* basis.

Employers can make use of the following sample declaration letter: [Transfer of Business Template](#)

- In case of a **change in the name of the company**, the organisation must submit the following documents:
 - o An *amended* MFSA Certificate of Registration
 - o Current List of Employees including the *designation* of the employee, the *type of contract* and whether the employment is on *full-time or part-time* basis.
 - o Declaration Letter signed by the Director/s of the organisation, confirming that the name of company has been changed from A to B with effect from a particular date (state the *date* of the change).

Important Notice: In all of the above cases, before the transfer or change is affected, it is important that the employer notifies Jobsplus of:

- any employees not yet registered with the Sending Organisation (Company B) must have their **engagement form** submitted to Jobsplus prior to the actual transfer date; and
- any employees who were no longer employed with the Sending Organisation (Company B) but are still shown as active, need to be terminated (by submitting a **termination form**) prior to the actual transfer date.

WHICH FORMS DO I NEED TO SUBMIT TO CHANGE THE EMPLOYMENT STATUS (FULL/PART TIME) OF MY EMPLOYEE?

The employer, who changes the **employment status** of his/her employee, must:

- Fill a [Termination Form](#) to close the first employment status. The reason of termination for this transaction should be selected from the section “*Changes within the Organisation*” category list, depending to the case.
- Register the new *employment status* by filling a new [Engagement Form](#) for the employee.

IF A DEFINITE CONTRACT IS EXTENDED, DO I NEED TO SUBMIT A TERMINATION FORM AND THEN AN ENGAGEMENT FORM?

There is no need to inform Jobsplus of the extension of an employee contract provided that the conditions of work remain the same. Once the contract is no longer extended, then a [termination form](#) needs to be submitted.

IF I NEED TO USE THE SERVICES OF AN INTERN WITH MY ORGANISATION, WHAT KIND OF INFORMATION DO I NEED TO SUBMIT TO JOBSPLUS?

Internships and/or Traineeships, are understood to consist of a limited period of work practice spent at businesses, public bodies or non-profit institutions (referred to as the ‘receiving

organisation') by students or persons that recently completed their studies, in order to gain valuable hands-on work experience ahead of taking up regular employment.

Internships/Traineeships can be described as a form of work practice which includes a training component. Interns are allowed to document practical work experience as part of their individual CV, to gain work practice for the purpose of facilitating the transition from education and training to the labour market and/or as required in educational curricula.

They are predominantly short- to middle-term in duration with most internships ranging from just a few weeks up to 6 months, with a maximum duration of 12 months. Internships/traineeships within education can be an optional or mandatory part of the curriculum of the graduation procedure.

The intern/trainee or receiving organisation is requested to contact the **Jobs Advisory Services** by email on internships.jobsplus@gov.mt at least two weeks prior to the start of the Internship/Traineeship. A number of documents need to be filled prior to authorisation being given by Jobsplus to acquire the services of an intern, which include: the *Internship/Traineeship Notification Form* (LCU13), together with a signed agreement between the sending education institution, the receiving organisation and the intern/trainee.

Following receipt of all documentation, Jobsplus will verify the information, request any clarifications and eventually confirm or otherwise the internship/traineeship through a confirmation/rejection letter.

Accepted internships/traineeships are not deemed to constitute an employment relationship and as such hosting organisations should not submit an Engagement Form. However, in those instances where the Interns/trainees are third country nationals, the receiving organisation needs to apply for an Employment Licence.

IF I HAVE TO MAKE MODIFICATIONS OR CORRECTIONS TO THE ENGAGEMENT OR TERMINATION FORMS I HAVE ALREADY SUBMITTED TO JOBSPLUS, WHAT SHALL I DO?

Requests for amendments and updates can only be made through the HRIU. Thus, request for amendments must be forwarded to HRIU either by means of email to hriu.jobsplus@gov.mt or by post to **Jobsplus Gozo, Sir Arturo Mercieca Street, Victoria, Gozo VCT 2024**.

CAN THE COMMENCEMENT AND/OR TERMINATION DATES, OR TERMINATION REASON BE MODIFIED?

Modifications to commencement date, termination date or termination reasons can only be made if a request for modification is submitted to Jobsplus' HRIU **within 10 working days** from the receipt date of **Jobsplus' Acknowledgement** letter received by the employee/employer/self-employed.

Self-employed persons or Employers claiming to have made a mistake during the compilation of an engagement or termination form of their ex-employees, and who wish to make modifications in the commencement/termination dates or termination reason, can only do so if the following conditions are satisfied:

- An official request to HRIU through a **letter or declaration** by the employer, whereby the reason for requesting the modification is clearly stated; and
- A fresh Engagement and/or Termination Form (**as a hard copy**) has to be submitted to Jobsplus, whereby the new dates have to be written and/or the proper reason for termination has to be selected. For this particular case, **the new forms must be signed by both the employer and the employee.**

If the request in writing for modification does not reach Jobsplus' HRIU within 10 working days, then the employee/employer/self-employed will be asked to present their case and make their appeal for consideration by the **National Employment Authority (NEA)**. The NEA contact information includes:

- National Employment Authority, Block C, Beltissebħ, Floriana
- Contact person: Mr Joe Gauci, NEA Secretary (joe.gauci@gov.mt)
- Contact phone: 25982981/2

WHAT NEEDS TO BE DONE IF I NEED TO MAKE A CHANGE IN THE OCCUPATION DESCRIPTION OR DESIGNATION, INCLUDE A PROMOTION OR MAKE A LATERAL TRANSFER WITHIN MY ORGANISATION?

In cases of a change in designation, promotion or lateral transfer, the employer must send an **Official Declaration** with the following information:

- Name, Surname and Identification number of the employee in question;
- The title of the previous Designation (From)
- The title of the new Designation (To)
- The Effective date of the New Designation

The Official Declaration needs to be signed by both the employer and employee. Consequently, there is no need to fill up any Engagement or Termination Form when notifying Jobsplus with such changes within the organisation.

In case of **an addition of a new designation** on-top of the present designation, the employer must send an Official Declaration with the following information (*similar to a promotion*):

- Name, Surname and Identification number of the employee in question;
- The title of the previous Designation (From)
- The title of the new added Designation (To)
- The Effective date of the New Added Designation

WHAT TYPE OF INFORMATION CAN AN EMPLOYER REQUEST REGARDING HIS REGISTERED EMPLOYEES AND HOW CAN THIS BE PROVIDED?

Jobsplus' HRIU can issue two documents to employers:

- The Employees' List – this is a document containing a list of all active employees with a specific employer at a particular point in time (specific date).
- The Employees' Turnover – this is a list that shows all persons that are in employment or that have been terminated by a particular employer within a specific date range.

The employer may request an unofficial version of the above documents, free of charge, by means of an email to hriu.jobsplus@gov.mt or by post to **Jobsplus Gozo, Sir Arturo Mercieca Street, Victoria, Gozo VCT 2024**.

If an official Employees List is requested, the employer (or an authorised representative) can obtain such list from any Jobsplus outpost against an administrative charge of €23.

An employer choosing to send a representative to collect documents on his/her behalf from one of Jobsplus' offices, must present a signed "[Application for Information Form](#)" together with the Identification cards of both the employer and the person collecting the information.

If the employer is a registered company, and the one making the request is not registered with the said company (not listed as a director or owner for one reason or other), then the Memorandum of Articles must be presented in addition to the above mentioned documents in order to confirm ownership or directorship.

IF AS AN EMPLOYEE, I NEED TO UPDATE OR EMEND MY EMPLOYMENT HISTORY, HOW CAN I DO THAT?

In order to modify one's Employment History, one needs first to identify which employment needs updating or modification. Once the employment is identified, then the employer related to that employment transaction needs also to be identified.

If the employer in question is still active (in operation), then you (as an ex-employee) need to contact this employer in order to acquire the desired employment form(s) or promotion notification and submit it to Jobsplus for eventual update.

However, if the employer is no longer in operation (i.e. employer closed down, has passed away or no longer exists), then:

- If the modification required relates to a missing termination form, then the ex-employee needs to submit to Jobsplus his/her latest FS3 (Tax) Document or an NI Contributions Document, together with a Declaration letter stating his/her Termination Date as well as the Termination Reason. If the ex-employee cannot provide either an FS3 Document or an NI Contributions Document, the s/he must take an Affidavit indicating clearly the termination date and the reason of termination. The reason of termination needs to be restricted to the ones listed in the [Termination Form](#).
- If the modification required relates to a promotion, then ex-employee needs to submit any *available official documentation* s/he might have from his/her ex-employer in order to create such promotion. Without any evidence, the employment history cannot be updated (even if an Affidavit is taken).