

**SECOND SUPPLEMENT TO THE GIBRALTAR
GAZETTE**

No. 3925 of 26 April, 2012

LEGAL NOTICE NO. 65 OF 2012.

INTERPRETATION AND GENERAL CLAUSES ACT

**EMPLOYMENT ACT
(AMENDMENT) REGULATIONS 2012**

In exercise of the powers conferred upon it by section 23(g)(ii) of the Interpretation and General Clauses Act, and in order to partly transpose into the law of Gibraltar Directive 2008/104/EC of the European Parliament and of the Council of 19 November 2008 on temporary agency work, the Government has made the following Regulations–

Title and commencement.

1. These Regulations may be cited as the Employment Act (Amendment) Regulations 2012 and come into operation on the day of publication.

Amendment of Act.

2. The Employment Act is amended in accordance with the provisions of these Regulations.

Amendment of section 78A.

3. In section 78A of the Act, immediately preceding the definition “assigned” insert the definition–

““agency worker” has the same meaning as in regulation 3 of the Agency Workers Regulations 2012;”.

Amendment of section 78K.

4. After section 78K(2) insert the following subsection–

“(2A) Where the information is to be supplied under subsection (2) by an employer–

- (a) this must include suitable information relating to the use of agency workers (if any) by that employer; and
- (b) “suitable information relating to the use of agency workers” means–
 - (i) the number of agency workers working temporarily for and under the supervision and direction of the employer;
 - (ii) the parts of the employer’s undertaking in which those agency workers are working; and
 - (iii) the type of work those agency workers are carrying out.”.

Dated 26th April, 2012.

J J BOSSANO,
For the Government .

EXPLANATORY MEMORANDUM

These Regulations amend the Employment Act in order to make provisions for agency workers as required by Directive 2008/104/EC of the European Parliament and of the Council of 19 November 2008 on temporary agency work.

