

SECOND SUPPLEMENT TO THE GIBRALTAR GAZETTE

No. 4748 GIBRALTAR Thursday 6th August 2020

LEGAL NOTICE NO. 274 OF 2020

INTERPRETATION AND GENERAL CLAUSES ACT

EMPLOYMENT (RIGHTS OF DETACHED WORKERS) (AMENDMENT) REGULATIONS 2020

In exercise of the powers conferred on him by section 86 of the Employment Act as read with section 23(g)(i) of the Interpretation and General Clauses Act, and all other enabling powers, and in order to transpose into the Law of Gibraltar Directive (EU) 2018/957 of the European Parliament and of the Council of 28th June 2018 amending Directive 96/71/EC concerning the posting of workers in the framework of the provision of services, the Minister has made these Regulations-

Title.

1. These Regulations may be cited as the Employment (Rights of Detached Workers) (Amendment) Regulations 2020.

Commencement.

2. These Regulations come into operation on the 30th July 2020.

Amendment of the Employment (Rights of Detached Workers) Regulations 2016.

3. The Employment (Rights of Detached Workers) Regulations 2016 are amended in accordance with the provisions of these Regulations.

Amendment of Regulation 7.

4. In Regulation 7 –

- (a) in subregulation (1), in paragraph (b) the word “holidays” is replaced with the word “leave”;
- (b) in subregulation (1), in paragraph (c) the words “the minimum rates of pay” are replaced with the words “remuneration”;
- (c) in subregulation (1), in paragraph (g) the “.” Is replaced with “;”;
- (d) in subregulation (1), the following new paragraphs are inserted immediately after paragraph (g)-

“(h) the condition of workers’ accommodation where provided by the employer to workers away from their regular place of work;

(i) allowances or reimbursement of expenditure to cover travel, board and lodging expenses for workers away from home for professional reasons.”;

(e) the following new subregulation is inserted immediately after subregulation (1) and before subregulation (2)-

“(1A) Paragraph (i) of subsection (1) shall only apply to travel, board and lodging expenditure incurred by detached workers where they are required to travel to and from their regular place of work, or where they are temporarily sent by their employer from that regular place of work to another place of work.”;

(f) In subsection (4), “,(1a)” is inserted between “Article 3(1)” and “(8)”.

Dated: 6th August 2020

G H LICUDI QC,
Minister with responsibility for Employment,
for the Government.

EXPLANATORY MEMORANDUM

The Employment (Rights of Detached Workers) Regulations 2016 (“the 2016 Regulations”) implement Directive 2014/67/EU of the European Parliament and of the Council of 15 May 2014 on the enforcement of Directive 96/71/EC (the “96 Directive”) concerning the posting of workers in the framework of the provision of services and amending Regulation (EU) No 1024/2012 on administrative cooperation through the Internal Market Information System.

These Regulations amend the 2016 Regulations to implement the amendments made to the 96 Directive by Directive (EU) 2018/957 of the European Parliament and of the Council of 28 June 2018.