



THE MALTA CHAMBER

Code of Good Practice for private Employment Agencies operating in Malta

Employment Agencies Business Section

GENERAL PRINCIPLES

This Code of Good Practice sets out a framework for self-regulation for those engaged in employment services which include:

- Keeping an Employment Register
- Operate job boards
- Recruitment Consultancy Services
- Temping Services
- Recruitment Services for employment outside Malta for persons resident in Malta
- Recruitment Services for employment in Malta for persons not resident in Malta
- Other Services such as the advertising for candidates when there is no specific vacancy in view.

It seeks to promote high standards of ethical behaviour, specify the rights of candidates and employers, and reinforce public confidence in employment services.

This Code is to be applied in the spirit in which it was written as well as to its letter and is to be read and interpreted in conjunction with relevant legislation, namely Employment Agencies Regulations 1996 and the explanatory information provided on the website of the Department of Industrial and Employment Relations. Adherence to the Code demonstrates commitment to professional employment services.

Employment Agencies will observe the highest principles of ethics, equity, integrity, professional conduct and fair practice in dealing with others and will conduct their business in a manner designed to enhance the operation, image and reputation of employment services. Employment Agencies and their staff will act in good faith towards candidates, employers, NGO's, public authorities and other stakeholders.



THE MALTA CHAMBER

Membership of The Malta Chamber Employment Agencies Business Section means commitment to the principles and requirements outlined in this document.

This Code of Good Practice is built on the following nine principles:

Principle 1 – Respect for legislation

Principle 2 – Respect for honesty and transparency

Principle 3 – Respect for work relationships

Principle 4 – Respect for diversity

Principle 5 – Respect for safety

Principle 6 – Respect for professional knowledge

Principle 7 – Respect for good employment practices

Principle 8 – Respect for ethical international recruitment

Principle 9 – Respect for confidentiality and privacy

Principle 1 – Respect for Legislation

Employment Agencies and their employees and suppliers must comply with all relevant legislation and statutory requirements.

Principle 2 – Respect for Honesty and Transparency

Members will act honestly in all dealings with candidates, employers, public authorities, Non-Governmental Organisations (NGOs) and other stakeholders. Employment Agencies must not do anything that might unjustifiably damage the reputation of employment services or lead to a loss of public confidence in them.

While representing a candidate or an employer, an Employment Agency shall not knowingly make false or inaccurate statements, fail to disclose relevant facts, or make representations which are not based on facts.

Employment Agencies must only advertise positions through any medium for which they have documented approval to do so. If an Employment Agency is advertising to attract candidates, it must



THE MALTA CHAMBER

be transparent about its objective in its communication while always incorporating its Employment Agency number, making this visible in any form of advertisement.

The relationship between an Employment Agency and an employer is to be governed by a signed contract which will specify all fees, charges and services. The contract is to be signed prior to the start of any assignment.

The relationship between an Employment Agency and a candidate is to be governed by a signed contract which will specify the rights and obligations of both parties. Candidates are not to be charged any fees whatsoever under any form, for services provided to them by Employment Agencies. Employment agencies and any of their partners, associates or agents, whether in Malta or abroad, are responsible to ensure that candidates do not suffer any harm as a direct result of the services they provide to employers.

Employment Agencies should document all key stages of the recruitment process in line with relevant legislation and good practice. Employment Agencies are to keep employers and candidates informed throughout the process and are to ensure clarity about each subsequent stage of the process.

Principle 3 – Respect for Work Relationships and Healthy Competition

Employment Agencies shall not undertake actions that may jeopardise a candidate's employment.

Employment Agencies understand that exclusivity arrangements are uncompetitive. They shall not enter any exclusivity arrangement with candidates.

In the eventuality of conflict between two or more Employment Agencies involving an employer or a candidate, the agencies are to do their best endeavours to resolve the conflict between them and not involve the employer and the candidate.

It is good practice that, if two or more Employment Agencies submit the same candidate for the same job, the Employment Agency who submitted the candidate first to the employer is entitled to the



THE MALTA CHAMBER

placement fee, provided that the candidate was clearly informed of who the employer was and what the job was, with proof of consent by the candidate.

Employment agencies must not unjustifiably criticise other Employment Agencies.

Employment Agencies must conform to the generally accepted principles of fair competition.

Principle 4 – Respect for Diversity

Employment Agencies shall adhere to the spirit of all applicable legislation and statutes which safeguard against discrimination and shall treat candidates and employers without prejudice or bias.

Employment Agencies must not act on an instruction from an employer or a candidate which is discriminatory in nature and should provide guidance to employers and candidates on good diversity practices.

Employment Agencies and their staff shall treat all candidates and employers with dignity and respect and shall aim to provide equity of employment opportunities based on objective business-related criteria.

Employment Agencies must establish working practices that safeguard against discrimination in the operation of their business.

Principle 5 – Respect for Safety

Employment Agencies shall act diligently in their work in assessing risks to candidates and employers and shall not knowingly put at risk candidates and employers.

Employment Agencies shall inform candidates whenever they have reason to believe that a job may be a cause of risk to their health and safety.

Principle 6 – Respect for Professional Knowledge



THE MALTA CHAMBER

Employment Agencies shall develop and maintain a satisfactory level of relevant and current professional knowledge. Employment Agencies are to ensure that their staff are adequately trained and skilled to undertake their responsibilities.

Employment Agencies must not make false or otherwise misleading statements about their skills, experience or activities, or about those of their organisation.

Principle 7 – Respect for Good Employment Practices

Employment Agencies should provide guidance to employers on good employment practices, namely that each employment is to be governed by an employment contract which will include full details of the responsibilities of the job, conditions of employment, rates of pay, method and frequency of payment and pay arrangements in accordance with the requirements of current legislation. Employment Agencies are to provide guidance to employers on the principles of equal pay for equal work.

Employment Agencies providing temping services are to ensure that contracted employees are given the same remuneration for equal work as the employees of the employer. Such Employment Agencies are to abide by current employment, social security, tax and other legislation in their relations with contracted employees.

Principle 8 – Respect for Ethical International Recruitment

This Code of Practice applies equally to all Employment Agencies which handle candidates not resident in Malta. Employment Agencies must observe the highest principles of social responsibility in their dealings with all candidates not resident in Malta.

Employment Agencies are to supply any information which may be requested by such candidates. All information must be provided at no cost to the candidate.



THE MALTA CHAMBER

Employment Agencies must ensure that in relation to overseas recruitment, they abide by all relevant legislation, Maltese, EU and the country of residence of candidates.

Employment Agencies recruiting from outside Malta must not use overseas agents who charge candidates placement fees.

Principle 9 – Respect for Confidentiality and Privacy

Employment Agencies must maintain the confidentiality and privacy of candidates' and employers' information. Employment Agencies must take all reasonable precautions to ensure that personal data is held securely. It must be protected against risks such as loss, unauthorised access, destruction, misuse, manipulation or disclosure.

Employment Agencies must obtain specific written consent per client and per role from a candidate before submitting their name to an employer. Acting on generic consent is not good practice.

Employers are therefore encouraged to make use of employment agencies who subscribe to this Code of Practice.