

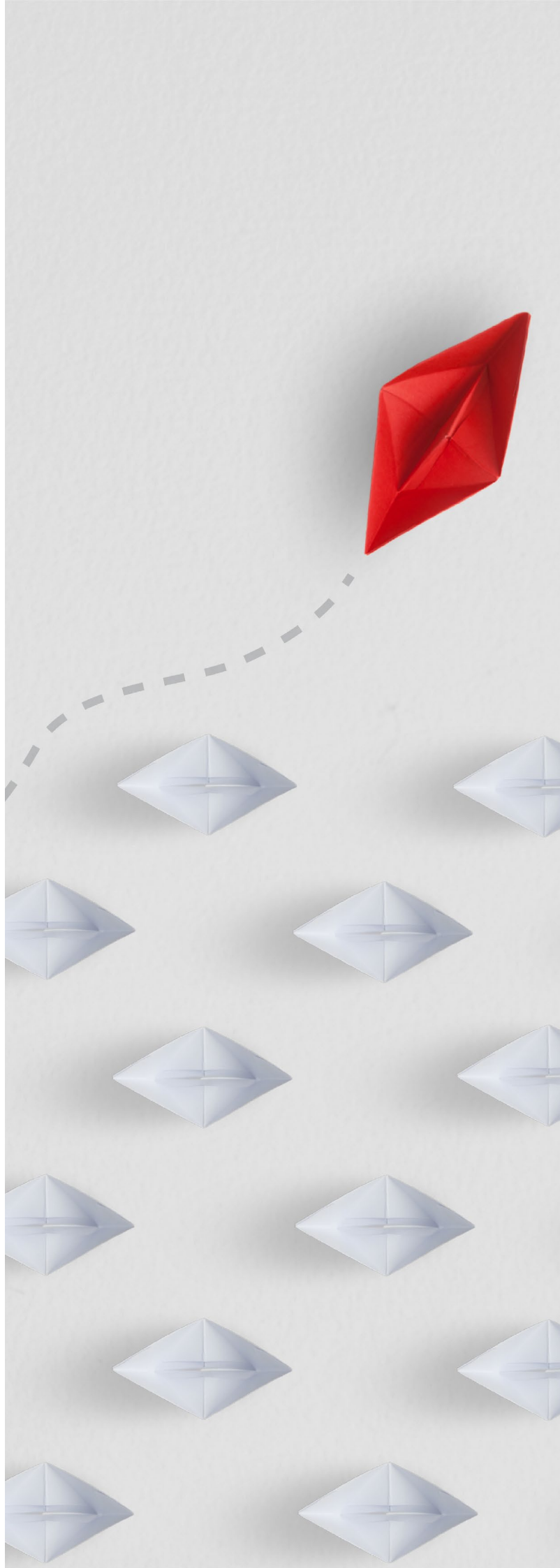
European
Employment
Insights

“

It is now possible to impose a sanction of prohibition of business activity for up to two years for permitting illegal work.

”

03
24



Andersen Global

Andersen Global® was established in 2013 as the international entity surrounding the development of a seamless professional services model providing best-in-class tax and legal services around the world.

Andersen Global Chairman and Andersen CEO
Mark L. Vorsatz, Andersen (U.S.)

Andersen Global is an association of legally separate, independent member firms, comprised of more than 15,000 professionals worldwide, over 2,000 global partners and a presence in more than 425 locations worldwide. Our growth is a by-product of the outstanding client service delivered by our people, the best professionals in the industry. Our objective is not to be the biggest firm, it is to provide best-in-class client service in seamless fashion across the globe. Each and every one of the professionals and member firms that are a part of Andersen Global share our core values. Our professionals share a common background and vision and are selected based on quality, like-mindedness, and commitment to client service. Outstanding client service has and will continue to be our top priority.

Core values



Best-in-class

We aim to be the benchmark for quality in our industry and the standard by which other firms are measured.



Stewardship

We hire the best and the brightest and we invest in our people to ensure that legacy.



Transparency

We value open communication, information sharing and inclusive decision making.



Seamless

Our firm is constructed as a global firm. We share an interest in providing the highest level of client service regardless of location.



Independence

Our platform allows us to objectively serve as our client's advocate; the only advice and solutions we offer are those that are in the best interest of our client.

Introduction



European Guide to Support Employers *Employment of Managing Directors*

This comprehensive guide provides a detailed overview of regulations and conditions surrounding the employment and appointment of managing directors within limited liability companies (LLCs) in over 30 European countries.

[Read More](#)
.....



You may also be interested in: European Employment Insights

The guide provides an overview from over 20 European countries of recent legal developments, tips for navigating complex legal issues, and staying up to date on notable cases.

November Issue

December Issue

February Issue

Context

Andersen Employment and Labor Service Line is your go-to partner for navigating the complexities of local and international labor laws and customs. We help you steer clear of employee-related issues while staying competitive in the global economy.

Our team comprises specialist lawyers and tax advisors who proactively guide both domestic and international companies of all sizes, spanning various industries. With a presence in more than 400 locations worldwide, Andersen offers top-notch advice through local experts. We stand by your side throughout the entire employment relationship, from its establishment to termination, making us your trusted partner in all employment-related matters.

We invite you to read in-depth employment information in our monthly **Andersen Employment Insights** newsletter. This newsletter provides an overview of the latest developments in employment law, guidelines, case law and collective agreements from various countries.

Stay well informed and maintain your competitive edge with Andersen.



Cord Vernunft

European Employment and Labor Law Coordinator

cord.vernunft@de.andersen.com



Magdalena Patryas

European Employment and Labor Law Sub-coordinator

magdalena.patryas@pl.andersen.com

Malta



LAW New Employment Agencies Regulations

The new Employment Agencies Regulations will come into force on April 1, 2024 and aim to regulate the labor market and protect the rights of employees in Malta. These Regulations apply to recruitment agencies which recruit persons for employment in or outside of Malta, temporary work agencies and outsourcing agencies. For such agencies to continue operating, the Regulations stipulate that a valid license needs to be acquired until June 2024.

The Regulations also require the agency involved in temporary or outsourcing activities, to provide a bank guarantee, the amount of which depends on the number of employees. Once a license is acquired, this is valid for a period of 1 year and can be renewed every year, for a period not exceeding 2 years. Companies who recruit employees to work for their own business are not affected by these Regulations.

The Regulations also list down the reasons upon which the Director of Employment and Industrial Relations may refuse or revoke a license. These include, amongst others, instances where the agency goes against regulations or license requirements,

whenever its actions are contrary to its objectives, or when it neglects to notify the director of any changes to its operations.

Failure to comply with the provisions of these Regulations can lead to the imposition of fines, the amounts of which range from EUR 5,000 to EUR 30,000.

Read More

For employment agencies to continue operating, the regulations require that a valid license be obtained by June 2024.



COURT Right to a fair hearing in cases of dismissal

In *Farrugia vs Schembri*, the Industrial Tribunal compared the notion of unfair dismissal with one of the most prominent fundamental principles of natural justice. The Tribunal explained that the right to a fair hearing is to be central in any dispute, ensuring that constitutional rights are adhered to on every level.

In its consideration, the Tribunal delved into the vitality of advising employees prior to initiating disciplinary action against them. It explained that any employer has the duty to inform his employee, by writing, of any misconduct, and give him the opportunity to defend himself from any allegations made in his regard. It continued by insisting that no employee should be put in a position

where he is not able to defend his position appropriately.

The Tribunal stated that the process of dismissing an employee should start with the notification of a charge, in writing, listing any wrong doings, as well as the date and time of the hearing of the disciplinary board. The employee should further be given the opportunity to bring witnesses and be assisted by a person of his choice.

Consequently, the Tribunal decided that the plaintiff's termination was unjust and illegal, based on the fact that her employment was suddenly terminated without her being given the opportunity to present her case, breaching her fundamental right to a fair hearing.

Every employer is required to give an employee written notice of any misconduct and an opportunity to defend himself or herself against any allegations made.



Dr Luana Cuschieri, Senior Associate
Chetcuti Cauchi Advocates

Member firm of Andersen Global
luana.cuschieri@ccmalta.com



This newsletter provides an overview, compiled by the member and collaborating firms of Andersen Global.

Andersen Global is a Swiss verein comprised of legally separate, independent member firms located throughout the world providing services under their own names. Andersen Global does not provide any services and has no responsibility for any actions of the Member Firms or collaborating firms. No warranty or representation, express or implied, is made by Andersen Global, its Member Firms or collaborating firms, nor do they accept any liability with respect to the information set forth herein. Distribution hereof does not constitute legal, tax, accounting, investment or other professional advice.

The opinions and analyses contained herein are general in nature and provide a high-level overview of the measures that local governments. The information herein does not take into account an individual's or entity's specific circumstances or applicable governing law, which may vary from jurisdiction to jurisdiction and be subject to change at any time. The Member Firms and collaborating firms of Andersen Global have used best efforts to compile this information from reliable sources. However, information and the applicable regulatory environment is evolving at a fast pace as governments respond. Recipients should consult their professional advisors prior to acting on the information set forth herein.