

# MIA NOTE REGARDING EMPLOYMENT AGENCIES REGULATIONS, 2023



Effective April 1, 2024, Subsidiary Legislation 452.130 'Employment Agencies Regulations, 2023', available [here](#), requires that any natural or legal person who is acting as an employment agency by providing specific services to user undertakings, obtains a licence issued by the Department of Industrial and Employment Relations. These services include the recruitment of persons for employment in Malta or abroad, services as a temporary work agency, and services as an outsourcing agency.

A licence is mandatory for any entity conducting the business of an employment agency. However, Schedule Two of the above-mentioned subsidiary legislation, which mentions certain categories of outsourcing agencies which are exclusively providing certain services are exempt from this requirement. These exempt services include professional services offered by individuals with a warrant or equivalent qualification, such as advocates, auditors, or certified public accountants; technical services involving technical knowledge, experience, skill, know-how, or processes, particularly those related to the installation, maintenance, and repair of equipment and machinery; and surveying services related to machinery and vessels. This exemption also applies if these services are rendered by employees at the premises of the user undertaking where they are outsourced.

Outsourcing agencies that provide services which are both exempt and non-exempt from the requirement of the licence, must obtain a licence and are not exempt from this requirement.

It is important to note that even if a natural person acting as an employment agency is a warranted professional, if the services provided extend beyond outsourcing warranted professionals, the employment agency will require a licence.

For more information on the requirements please refer to Subsidiary Legislation referred to above, and to submit an application for a licence please visit the dedicated licence application website [here](#).