

Links to the legislation referred to in this leaflet.

Employment Act: www.gibraltarlaws.gov.gi/articles/1932-16o.pdf

Employment Regulations, 1994:
www.gibraltarlaws.gov.gi/articles/1994s023.pdf

Employment Regulations (Offences) Act:
www.gibraltarlaws.gov.gi/articles/1999-13o.pdf

Employment (Annual and Public Holidays) Order:
www.gibraltarlaws.gov.gi/articles/1968.12.17.pdf

Employment Sick Pay Order:
www.gibraltarlaws.gov.gi/articles/1974s004.pdf

Employment (Maternity and Parental Leave, and Health and Safety) Regulations: www.gibraltarlaws.gov.gi/articles/1996s014.pdf

Conditions of Employment (Redundancy Pay) Order:
www.gibraltarlaws.gov.gi/articles/2001s064.pdf

Conditions of Employment (Standard Minimum Wage) Order:
www.gibraltarlaws.gov.gi/articles/2001s065.pdf

Business Trades & Professions Registration Act:
www.gibraltarlaws.gov.gi/articles/1989-05o.pdf

Gibraltar Development Corporation (Employer's Insolvency) Regulations 1991: www.gibraltarlaws.gov.gi/articles/1991s168.pdf

Gibraltar Development Corporation (Employer's Insolvency Fund) Rules 1991: www.gibraltarlaws.gov.gi/articles/1991s169.pdf

For more information please visit our website:
www.gibraltar.gov.gi/new/department-employment

At a glance quick reference guide

Annual Leave Entitlement			
Period of Employment	Working Week		
	5 days	5½ - 6 days	7 days
Under 3 years	15	18	21
Under 5 years	20	24	28
Under 8 years	22	26	31
Over 8 years	25	30	35

Sick Leave Entitlement
Must have been employed for a Minimum of 3 months before being entitled. 2 weeks FULL pay & 4 weeks Half Pay in any period of 12 Months.

Period of Notice to be given by Employer	
When wages are paid either weekly or fortnightly	
Less than 2 years	1 week
From 2 to 5 years	2 weeks
From 5 to 8 years	4 weeks
From 8 to 10 years	8 weeks
10 years or more	13 weeks

When wages are paid monthly	
Under 8 years	1 month
From 8 to 10 years	2 months
10 years or more	3 months

Period of Notice to be given by Employee	
Weekly or fortnightly paid	1 week
Monthly paid	1 month

Redundancy Pay	
For each of the first 5 completed years	2 weeks
For each of the next 5 completed years	3 weeks
Each additional completed year thereafter	4 weeks
Each completed year after the age of 40	2 weeks

The total amount of redundancy pay shall not exceed the equivalent of 1 years pay and no payment will be made to an employee who has not completed 1 year of service.

Disclaimer

While every care has been exercised in compiling and publishing the data contained in this leaflet we accept no responsibility for errors, omissions or changes to information which may have been issued in the Act(s).



Department of Employment
HM Government of Gibraltar

Are you thinking of setting up as a business, trade or profession in Gibraltar?



We are here to help!!

Please find guidelines on your legal obligations.



This leaflet is for information purposes only.

Should you require clarification on any of the information provided please contact the

Labour Inspectorate on

Tel: 20011038

Mobile: 58740000 & 57329000

Or visit our offices at

75 - 77 New Harbours, Rosia Road

This leaflet is for information purposes only.

The information contained is an extract of the Business, Trades and Professions (Registration) Act, Employment Act and the Gibraltar Development Corporation (Employer's Insolvency) Act.

Registration of Business, Trades or Professions



The Business Trades and Professions (Registration) Act requires that every person who has a place of business in Gibraltar or who carries out business in Gibraltar to register with the Department of Employment.

Company Registration

Requirements to register a company:

- Completed 'Application for Registration of Business, Trade or Profession' form;
- Certificate of Incorporation (*Companies House*);
- Particulars of Directors (*either: (i) company profile from Companies House; or (ii) a register of directors certified by an accountant, lawyer or company secretary*); and
- Completed Notice of Terms of Engagement for "working" Directors.

* Definition of worker under the Employment Act is any person, whether or not in receipt of a salary, wage or remuneration and includes directors or a principal of that company.

Business Registration

Requirements to register a business:

- Completed 'Application for Registration of Business, Trade or Profession' form;
- Tax/DSS approval. *Verified internally and so should register with the Income Tax Office first*;
- Certificate of Registration of a Business Name (*Companies House*);
- Completed 'Self-Employed Persons Personal Details' form; and
- Gibraltar trading address (*recent proof of address required*).

Self-Employed Person's Registration

Requirements to register as a Self-Employed person:

- Tax/DSS approval. *Verified internally and so should register with the Income Tax Office first*;
- Self-Employed Persons' Personal Details form;
- Application for Registration of Business, Trade or Profession.



Vacancies

A Notification of Vacancy form must be completed and **All** vacancies must be registered with the Department of Employment **before** seeking to engage a person as a worker.

- Vacancies must be registered with the Department of Employment at least 10 days prior to the commencement date of that worker.
- Fees:
 - Notification of Vacancies made in accordance with Regulation 4(1) £18.50
 - Vacancies registered in or within 10 working days of the start date of the worker an additional penalty of £15.00
 - Vacancies registered after the commencement date of the worker an additional penalty of £30.00

Employment

A Notice of Terms of Engagement must be completed and submitted to the Department of Employment for **ALL** workers.



- The employer is required to apply for a work permit should they wish to engage a Non-EU National prior to their commencement date.
- The first week of ANY employment

under contract of service is deemed to be probationary period and can be terminated at the end of such week by either party without notice.

- Remuneration CANNOT be less than the Minimum Wage as set out in the Conditions of Employment (Standard Minimum Wage) Order.
- Employers shall, at each payment of wages, furnish the employee with a wage slip.



Termination of Employment

A 'Termination of Employment' form must be submitted to the Department of Employment in respect of workers who have their employment terminated.

- 'Termination of Employment' forms must be submitted no later than 7 days after the termination date.
- On termination of a contract all remuneration due must be paid by the end of the next pay date.



Detached Workers

Detached workers are persons who are in employment in another EU-Member state and are required, by their employers, to perform work in Gibraltar for a temporary period.

- The 'Notification of Temporary Employment of a Detached Worker' form must be completed by the Gibraltar registered company.
- The following documentation must be submitted no later than 5 working days before the proposed commencement date: -
 - Notification of Temporary Employment of a Detached Worker form;
 - A1 form in respect of the Employee;
 - Employee's original or Certified True Copy of Passport/ID Card;
 - Tax Code issued by the Income Tax Office to the Employee; and
 - Certified True Copy of the contract between employee and their employer.

IMPORTANT

Failure to comply with the registration of a business, vacancy or employee could result with a fine of £3,000. Non-submission of a Termination of Employment could result with a fine of £750.