



# Department of Employment

HM Government of Gibraltar

## Notification of Temporary Employment of a Detached Worker

(Under Regulation 15A, Employment Regulations, 1994)

### DETAILS OF CONTRACTING-OUT EMPLOYER (Other Member State Registered Employer)

Company Name: \_\_\_\_\_ Tax Ref.: \_\_\_\_\_

Address: \_\_\_\_\_ Tel No.: \_\_\_\_\_

\_\_\_\_\_ Fax No.: \_\_\_\_\_

Email: \_\_\_\_\_ Registration No.: \_\_\_\_\_

(From Member State where Company is Registered)

### EMPLOYEE DETAILS

Employee Name: \_\_\_\_\_ D.O.B \_\_\_\_\_

Address: \_\_\_\_\_ Gender \_\_\_\_\_

\_\_\_\_\_ Nationality: \_\_\_\_\_

Passport No.: \_\_\_\_\_ Hours of Work: \_\_\_\_\_

Employed As: \_\_\_\_\_ Salary: \_\_\_\_\_

Temporary Period of work: From: \_\_\_\_\_ To: \_\_\_\_\_

Detailed description of works: \*

\* Use separate sheet if necessary

### DETAILS OF CONTRACTING-IN GIBRALTAR REGISTERED EMPLOYER

Company Name: \_\_\_\_\_ Tel No.: \_\_\_\_\_

Address: \_\_\_\_\_ Fax No.: \_\_\_\_\_

\_\_\_\_\_

Email: \_\_\_\_\_ Registration No.: \_\_\_\_\_

(Under Business, Trades & Professions (Registration) Act, 1989)

Please see notes overleaf

## **Extract from Employment Regulations, 1994. Regulation 15A**

Application of regulation to detached workers.

- 15A. (1) Where a detached worker is an entitled "worker"–
- (a) by virtue of falling within one of the paragraphs of regulation 6(4); or
  - (b) because his employer is an employer who, by virtue of the application of the law of the European Union or of the European Economic Area is entitled to provide services in Gibraltar,
- the employer shall notify the Director no later than five working days before it is proposed that the detached worker commence temporary employment in Gibraltar.
- (2) A notification under sub-regulation (1) shall be accompanied by the prescribed fee, and shall be in writing and shall include sufficient details of the employer and the detached worker to enable the Director to satisfy himself that the detached worker in respect of whom the notification is made, is employed by the employer in the State of establishment of the employer and has the benefit of the relevant provisions in that State in respect of industrial injury insurance and medical expenses.
  - (3) Where the Director is satisfied that the detached worker in respect of whom notification has been made is employed in the State of establishment of the employer and has the benefit specified in sub-regulation (2), the Director shall so advise the employer in writing.
  - (4) An employer who causes a detached worker to perform work in Gibraltar prior to receiving the written notification specified in sub-regulation (3) and the person to whom that employer is providing a service (except where that person is a private householder) shall be guilty of an offence punishable on summary conviction by a fine on level 3 on the standard scale.
  - (5) Where the detached worker is an entitled worker regulations 4, 5, 6 (except sub-regulation (4)) 7, 8, 9, 10, 11, 12, 13 and 15 shall not apply.
  - (6) Regulation 14 shall apply subject to the variation that the reference shall be to regulation 15A in place of regulation 11.
  - (7) Where an employer proposes to use a detached worker in Gibraltar and that detached worker is not an entitled worker, the provisions of regulation 7 shall apply as if references in that regulation to a proposal to engage a worker were references to proposals to use a detached worker.
  - (8) The provisions of these regulations shall apply to a person to whom sub-regulation (7) applies subject to such variations as are necessary to substitute for references to a worker references to a detached worker.

**The application must be completed IN FULL in conjunction with the documentation listed below and submitted to the Department of Employment not later than 5 working days before the start date of employment.**

1. A1 form\* in respect of the detached worker  
*\*Available to the contracting-out employer through the Social Security Services the employer is established*
2. Employee's Passport/ID (Original or Certified True Copy)
3. Employee's Tax Code from the Income Tax Office
4. Copy of Contract between contracting-out employer and employee  
*(in English and to include hours worked and salary)*
5. A fee payable of £69.00 (payable on completion of this form)

We hereby understand that until the documents listed above are submitted and confirmation of the acceptance of the application received in writing the employee shall **NOT** commence temporary employment in Gibraltar.

Full Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Position in Organisation: \_\_\_\_\_

Date: \_\_\_\_\_

### **Data Protection Act**

Under the Data Protection Act 2004, the Department of Employment reserves the right to collect, store and process personal data for the purpose of providing you with the service(s) that you have requested. This data will remain on file/computer records for as long as administratively necessary and will be destroyed. Personal information about you or your application is private and confidential and will not be disclosed connected with the provision of this service unless you consent, or the law permits or requires it. If you want to see your records please write to the Data Protection Officer, Department of Employment, Unit 75 Harbours Walk, Rosia Road, Gibraltar providing us with your full name and current and previous address.