



General Workers' Union  
Proposals for the  
Malta Labour Migration Policy

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## Introduction: The Importance of Migrant Workers

Migrant workers play a pivotal role in Malta's economic and social fabric. Their contributions span across various sectors, including healthcare, construction, hospitality, and manufacturing, where they help address labour shortages and drive economic growth. Beyond their economic impact, migrant workers enrich Maltese society with cultural diversity, fostering a more inclusive and dynamic community.

The economic value of migrant workers cannot be overstated. By filling essential roles that are often difficult to staff, they help maintain the sustainability of key industries and support Malta's continued development. Furthermore, their participation in the workforce generates demand for goods and services, creating a positive multiplier effect on the broader economy.

Equally important is the social value that migrant workers bring. Their diverse backgrounds contribute to a richer cultural environment and promote mutual understanding and collaboration within the workplace and the community at large. Ensuring that migrant workers are treated with dignity and respect is fundamental to nurturing social cohesion and preventing divisions.

Migrant workers must be provided with decent work and proper working conditions. Decent work entails fair wages, safe and healthy workplaces, and protection from discrimination and exploitation. Unfortunately, migrant workers are often more vulnerable to abuse due to their precarious legal status or lack of local support networks. Therefore, robust policies are required to guarantee their rights and well-being.

Through this policy, we must address and eradicate the abuse and exploitation of migrant workers. This involves strengthening labour inspection mechanisms, enhancing legal protections, and promoting awareness among both employers and employees about their rights and obligations. By doing so, we can create a fairer labour market where all workers are treated with respect.

Our submissions will be based on the principles of social justice, decent work, and fair working conditions. We believe that ensuring stability and opportunities for all workers, regardless of their origin, is crucial for sustainable economic and social development. These principles will guide our recommendations as we strive to foster a labour market that upholds human dignity and offers equitable opportunities for all.

In conclusion, migrant workers are an indispensable part of Malta's workforce and society. Protecting their rights and ensuring decent work is not only a moral obligation but also a strategic necessity for Malta's continued progress. By adopting policies that promote social justice and eradicate exploitation, we can build a more inclusive and prosperous future for everyone.

## The Economic and Social Impact of Migrant Workers

Several recent studies analysed the role and contributions both economic and social of Third Country Nationals (TCNs) in Malta, advocating for a holistic approach to well-being and inclusivity beyond traditional economic metrics. TCNs constitute about a third of Malta's total workforce, playing a vital role in key sectors such as construction, administration, retail, and hospitality. Despite their contributions, TCNs are predominantly concentrated in low-wage, low-productivity sectors, with salaries averaging 17% lower than the local market. Challenges faced by TCNs include precarious contracts, job insecurity, and power imbalances, leaving them vulnerable to exploitation. Rising rental costs and exploitative landlord practices further strain their living conditions, as 74% of registered renters in Malta are foreign workers. Additionally, the single-work permit process is complex and delayed, creating legal vulnerabilities and instability.

Demographically, TCNs help counterbalance Malta's ageing population and address labour shortages in industries abandoned by local workers. Their contributions to national insurance—over €1 billion between 2012 and 2023—support Malta's social welfare system but highlight structural reliance on low-cost foreign labour. However, many TCNs leave Malta within two years, citing economic, social, and structural challenges, which creates instability for workers and employers alike. While everyone acknowledges that TCNs are essential to Malta's economic growth, this reliance has created systemic pressures, including rising rental costs, strained infrastructure, and public discontent over migration.

The Malta Labour Migration policy is positively a step in the right direction in treating labour migrants not merely as economic assets but as stable workers with the opportunity to advance in their careers and have a stable decent job with fair pay. A document which prioritizes inclusivity, social equity, and well-being, to ensure long-term sustainability and stability in Malta's social and economic fabric.

## THE GENERAL WORKERS' UNION PROPOSALS

### MALTA LABOUR MIGRATION POLICY

Ensuring that TCNs have access to the same labour rights as local workers, including **protection against unfair dismissal, wage exploitation, and unsafe working conditions.**



#### The Guiding Principles of the General Workers' Union Proposals

Malta's labour migration policy plays a central role in shaping the economy and the labour market. The General Workers' Union while welcoming the new policy needs to put forward several proposals to ensure that it balances economic development with the protection of workers' rights, decent jobs and fair treatment of migrant workers, and the sustainability of the local workforce.

Malta's labour migration policy is heavily driven by the need to sustain economic growth, particularly by addressing labour shortages in low-wage and essential sectors such as health, construction, hospitality, and retail. While this strategy has contributed to Malta's GDP growth, now is the right time to address the recruitment process, the application process, transforming jobs to careers, abuse and exploitation, decent and fair wages and not to create unnecessary pressure on wages and salaries.

The over-reliance on Third Country Nationals (TCNs) needs to be addressed as this often leads to precarious work conditions, where workers are tied to single-work permits that limit mobility and leave them vulnerable to exploitation. The influx of low-cost labour can suppress wages in certain sectors, leading to a "race to the bottom" in terms of pay and working conditions, which impacts both local and migrant workers. Also, the turnover of 3<sup>rd</sup> country employees in certain companies is a clear sign of exploitation of the system.

The new policy must prioritize fair wages and working conditions for all workers, irrespective of nationality. Migrant workers should be granted the freedom to switch employers and negotiate fair terms without fear of termination and deportation.

The new labour migration policy must take a strong focus on integrating migrant workers into the social and economic fabric of Malta. Economic migrant workers are sometimes offered substandard and undocumented jobs in the black economy, poor living conditions, and limited access to social and health services.

The policy must include measures to promote collective bargaining and workers' representation. It must also include access to education and training institutions and community programs.

We applaud the Government for addressing the appeal time frames, something that the GWU has been advocating for many years. The ten-day period was not enough to find a new job with the consequence that 3<sup>rd</sup> country nationals were pushed into the black economy.

The consultation policy is primarily designed to address abuse and exploitation, reform certain aspects of the single work permit, address shortages in our labour market with stable and decent jobs and address long-term sustainability.

The reliance on TCNs in low-productivity sectors risks creating an unsustainable economic model. Many TCNs are overqualified for their roles but face structural barriers that prevent upward mobility. This issue is addressed in the new policy.

High turnover rates among TCNs, with many being constrained to leave Malta within two years. Apart from the blatant and clear abuse, this issue is undermining workforce stability and imposing additional costs on migrant employees.

The policy also addresses the issue of lack of skills and mismatch of skills by proposing investing in skills development for local and migrant workers. Training programs and career progression opportunities should be accessible to all, ensuring that workers can transition to higher-paying, higher-productivity roles.

From a trade union perspective, the absence of robust mechanisms for collective representation of migrant workers is a critical gap in the current policy. Automatic enrolment of all migrant workers will ensure that none are exploited, they receive at least the basic as per law, that employers don't abuse or exploit these workers, and that they

are covered by a collective agreement. Apart from the language barriers, fear of retaliation, and legal constraints discourage many TCNs from joining unions or participating in collective bargaining. The policy should actively support the inclusion of migrant workers in trade unions, ensuring their participation in social dialogue and collective agreements.

The policy should also align with international labour standards, including those set by the International Labour Organization (ILO) and EU Charter of Human Rights. Currently, gaps remain in areas such as decent work principles as many TCNs face conditions that fall short of ILO standards for decent work, including job security, adequate pay, and safe working environments.

It should also be emphasised that employers who abuse in areas such as recruitment, non-discrimination, equal pay, and freedom of movement within the labour market will be criminally prosecuted, banned from recruiting new employees and named and shamed.

The enforcement of the policy is crucial to ensure that its guiding principles are translated into tangible benefits for both workers and the economy. Effective enforcement safeguards against exploitation guarantee fair working conditions and ensure compliance with international labour standards. It also promotes social cohesion by addressing systemic challenges such as wage suppression, precarious employment, and housing inequalities. Without robust enforcement, policies risk becoming ineffective, perpetuating vulnerabilities for migrant workers and undermining the long-term sustainability of Malta's labour market. Ensuring accountability through regular inspections, penalties for non-compliance, and support for workers' rights is essential to achieving a fair and inclusive labour system.

We must ensure that the policy upholds the following principles:

Ensure that TCNs have access to the same labour rights as local workers, including protection against unfair dismissal, wage exploitation, and unsafe working conditions.

Ensure social and economic integration, such as affordable housing, language training, and access to public services.

Ensure that migrant workers have access to upskilling programs and training so they can reach the full potential of their abilities and capabilities. This will lead to stability, motivation and an increase in productivity.

Ensure automatic enrolment of all migrant workers in a trade union of their choice. This proposal will give a voice to the thousands of migrant workers in collective bargaining and social dialogue.

Malta's labour migration policy should also be an integral part of the Malta Vision 2050, as it addresses critical challenges related to economic growth, demographic



sustainability, and social cohesion. By embedding this policy within the long-term vision, Malta can ensure a strategic approach to managing labour market needs while promoting inclusivity and fairness. A well-integrated policy will support the development of a resilient workforce, balance the demand for skills with opportunities for both local and migrant workers, and contribute to a sustainable economy that aligns with Malta's broader goals for innovation, equity, and quality of life by 2050.

## Recommendation 1: Minimum termination rates allowed before application

Malta's business landscape is heavily dominated by micro-enterprises, which make up most active businesses. As of recent statistics for 2022, micro-enterprises (employing 0-9 persons) constituted approximately 95% of all businesses, reflecting the country's reliance on small-scale operations. Small enterprises (10-49 employees) accounted for around 4%, while medium-sized enterprises (50-249 employees) represented approximately 0.8% of all businesses. Large enterprises (250+ employees) made up the smallest share, at around 0.2%, but they play a significant role in driving employment growth and economic output. This distribution underscores the importance of micro and small enterprises to Malta's economy while highlighting the growing contribution of medium and large businesses, particularly in sectors like manufacturing, finance, and ICT.

While we agree with this recommendation, we are proposing that it applies to all companies. The current recommendation excludes 95% of all companies. We also acknowledge that this recommendation prioritizes fair, social and sustainable working conditions while addressing the abuse of high termination rates. The only exceptions to the minimum termination rate threshold should be allowed in cases of extraordinary circumstances, such as a pandemic scenario or an industry-specific catastrophe. This will ensure fairness and avoid penalizing businesses for factors beyond their control. Moreover, employers who exceed the termination rate threshold should be mandated to engage in structured employee retention programs monitored by Jobsplus or Identita. These programs should focus on improving workplace conditions, investing in employee training, and enhancing benefits, ultimately fostering job security and satisfaction.

The policy should also address the issue of seasonality, such as hospitality and entertainment industry. Employment agencies should be permitted to transfer employees from one economic sector to another. Tailored measures for these sectors can strike a balance between encouraging stability and acknowledging industry-specific challenges. To better understand the causes of high termination rates, National Authorities should implement regular employee feedback mechanisms, such as surveys or interviews, which can help eradicate abuse and exploitation. Additionally, incentivizing employers with consistently low termination rates, through grants or tax credits for

additional training, can promote best practices and encourage a culture of retention and development.

Periodic reviews of the termination thresholds are essential to ensure the policy remains relevant to evolving labour market conditions and sectoral needs. Enhanced monitoring of termination rates, coupled with mandatory reporting and explanations for terminations, will ensure greater transparency and accountability, distinguishing between preventable and unavoidable causes. Government support for training programs in high-turnover sectors will also be vital, focusing on upskilling workers and offering career progression opportunities, thereby addressing the systemic causes of instability.

In addition, when the employees are organised in a trade union and covered by collective bargaining, this should also be given due attention and not just the turnover rate.

Also, we must ensure that employment regulations address the issue of Maltese nationals being terminated and replaced by third-country nationals (TCNs), a practice some employers prefer for various reasons. It is crucial to monitor employers' hiring and firing patterns, and if a high turnover rate of Maltese nationals is observed, appropriate actions should be taken against such employers. This approach aligns with other policy measures aimed at promoting employee retention and discouraging exploitative practices. Implementing similar monitoring and regulatory measures for the turnover of Maltese nationals can help ensure fair employment practices and protect the local workforce.

Lastly, awareness campaigns to educate employers on the importance of workforce stability and strategies to reduce turnover will be critical in promoting compliance and a shared understanding of the policy's objectives. By focusing on these measures, Recommendation 1 can better protect workers' rights, promote job security, and encourage sustainable workforce practices, ensuring that the policy aligns with the broader goals of social equity and economic stability.

## Recommendation 2: Redundancies

In Malta, redundancies can be declared by an employer when there are valid and sufficient reasons like loss of business. Any reason declared must be aligned with the requirements outlined in Maltese employment law, specifically under the Employment and Industrial Relations Act (EIRA). Of course, redundancy is performed on a last-in-first-out basis.

This recommendation is already enshrined in our labour legislation. Chapter 452 – Employment and Industrial Relations Act Clause 36 states that *“Provided that any employee whose employment is terminated on grounds of redundancy shall be entitled*

*to re-employment if the post formerly occupied by him is again available within one year from the date of termination of employment”.*

It is also to be noted that in most cases these employees have a definite contract of employment (as per the single work permit). If they are made redundant during the employment contract these employees should be compensated as per the same legislation. The same legislation states that *“An employer who terminates the contract of service of an employee before the expiration of the time specified by a contract of service, shall pay to the employee a sum equal to one-half of the full wages that would have accrued to the employee in respect of the remainder of the time specifically agreed upon”.*

Also as already mentioned during our meeting, these employees are always given a definite contract of employment due to the single work permit procedure. In all cases, the employer states that they cannot give an indefinite employment contract because it all depends on the permit.

Thus, we are proposing that employees should be given an indefinite employment contract to give more stability. This applies if the 3<sup>rd</sup> country national is directly employed by a company (not an employment agency). Furthermore, to enforce the current labour legislation (redundancy and termination of definite contract of employment) all employment contracts are submitted to the Department of Industrial and Employment Relations to ensure that termination or redundancies are performed according to law and if there are monies due, they are paid to the employee.

### **Recommendation 3 Renewal period up from one to two years**

This recommendation marks a significant and decisive step forward. To enhance the proposal and encourage the retention of Third Country Nationals (TCNs), it is essential to broaden access to affordable and accessible training opportunities for low-skilled workers (ISCO 5-9). The government should collaborate with employers, trade unions, and educational institutions to design training programs aligned with the current and future demands of the Maltese labour market. Workers who complete accredited training should receive certifications recognized by employers, which would improve their career prospects and link their skills development to tangible benefits, such as priority in permit renewals and career progression. Further simplifying and digitizing the renewal process would also reduce administrative delays and improve compliance. The three years should also be extended to any Third Country National.

Additionally, upon arrival, integration programs should incorporate language training, cultural orientation, transversal skills and community-building initiatives to help TCNs integrate more effectively into Maltese society and foster a sense of belonging, increasing their likelihood of long-term retention. These courses can be given at local councils to further enhance integration. Employers should be incentivized to offer longer-term

contracts, such as three years to workers who demonstrate commitment and complete training programs. Providing employers with benefits, such as reduced administrative fees for permit renewals or access to training facilities, can further support this approach. For high-skilled workers under the KEI, SEI, Blue Card, and Skilled Occupation List, the automatic three-year renewal is positive but could be enhanced by offering pathways to permanent residency for those who contribute consistently to the labour market and integrate well into society.

Moreover, a robust system to monitor and evaluate the outcomes of the policy should be established to assess the retention rates of TCNs, their participation in training programs, and overall satisfaction among workers, trade unions and employers. Feedback from stakeholders should be actively used to adapt and improve the program over time. Addressing potential barriers, such as time constraints and industry-specific challenges, will also be critical, ensuring that low-skilled workers have adequate support to enrol in training while managing their work responsibilities. These measures will not only promote TCN retention but also contribute to a more skilled, stable, and integrated workforce, aligning with Malta's long-term economic and social objectives.

In Malta, employment contracts can be either fixed-term or indefinite. According to Maltese employment law, employers can renew fixed-term contracts for up to four years. After this period, if the employment relationship continues, the contract is typically converted into an indefinite one. Since most TCNs have a definite contract of employment, what will happen after the four years? In many cases, employers state that they cannot give an indefinite contract because of the single work permit. Therefore, after the second two-year renewal, if TCNs are given an indefinite contract, it will enhance their rights and protection under Maltese law.

## Recommendation 4 - Higher fees for first-time permits, lower fees for renewals

Again, this proposal marks a significant and decisive step in the right direction. Increasing the fee for new single permit applications and decreasing renewal fees offers a more balanced approach to incentivize retention and promote careful consideration by employers. However, to enhance its effectiveness, a tiered fee structure could be introduced to reflect the skill level or sector of the foreign workforce. For example, lower fees could be applied to high-demand or critical sectors, such as healthcare or construction, to address labour shortages effectively. Additionally, introducing a further discounted tier for longer renewals for employers who consistently retain workers for longer periods (e.g., three or more years) could further encourage long-term retention.

Employers who offer training or upskilling opportunities to foreign workers could also qualify for reduced fees as an incentive to invest in workforce development. These

enhancements would not only support retention but also align the fee structure with Malta's broader goals of building a stable and skilled labour force.

## Recommendation 5 - Enhancing direct access to TCN recruitment

The General Workers' Union (GWU) agrees with the proposed initiatives and recommends additional measures to support the recruitment of Third-Country Nationals (TCNs) by Maltese firms. National authorities, particularly Jobsplus, should actively assist firms in recruiting TCNs directly by facilitating their application processes. To enhance efficiency, firms opting for direct recruitment should be granted a faster path to onboarding employees. Furthermore, information sessions and specialised training programs should be organised to equip employers with the necessary knowledge and tools to manage the recruitment of TCNs independently.

This proposal also addresses the current scenario where in every workplace you will find four or five employers. This economic model is eroding collective bargaining coverage and demotivating employees. If there is an increase in direct employment, these TCNs will be covered by collective agreements.

## Recommendation 6 - Desk investigations and possible disqualifications

The General Workers' Union (GWU) strongly supports the proposed policy aimed at strengthening the regulatory oversight of work and residence permit issuance, as it aligns with our core mission of safeguarding employees' rights and protections. The GWU exists to ensure fairness, accountability, and dignity in the workplace, and this initiative is a vital step towards creating a more robust and equitable employment ecosystem for Third-Country Nationals (TCNs). The proposed framework enhances enforcement mechanisms by introducing administrative penalties and a disqualification mechanism for employers who fail to comply with established laws and regulations. These measures are essential to promoting accountability and ensuring adherence to legal requirements.

The proposal includes several key recommendations that the GWU put forward during the initial stages of the consultation. Employers should immediately submit engagement forms for TCNs with work permits. Time and time again we have faced situations that employers do not submit the necessary applications. The same excuse was "we were going to". We are also proposing that the same procedure applies to termination forms. Non-compliance must result in higher administrative penalties, refusal of further applications for TCNs and banning of further applications for 12 months (new applications). Additionally, the prohibition of financial compensation by employers from employees about hiring or termination is a critical step forward. This must be enforced through necessary legal amendments, ensuring the protection of vulnerable workers.

This requirement also applies to employers who apply very late for the renewal of the single work permit.

We believe that alongside disqualification, a penalty should also be imposed on non-compliant employers. This ensures accountability and serves as a deterrent against repeated violations. Employers who fail to adhere to regulations should face financial and legal consequences proportionate to the severity of their misconduct. This approach reinforces the importance of fair employment practices and protects workers from exploitation.

It is also highly applauded that employers must follow and comply with the Persons with Disability (Employment) Act (CAP 210), which mandates that at least 2% of an employer's workforce consists of persons with disabilities or requires an annual contribution. Employers who fail to comply will face disqualification from applying for TCNs until the issue is resolved. Furthermore, employers breaching any conditions of employment outlined in Maltese law or employment-related regulations will be disqualified from applying for TCNs for up to 12 months. Non-compliance with legal obligations, such as taxation and social security, will also result in disqualification until the situation is remedied. Employers who don't comply must also be disqualified from applying for Government tenders or EU/Government financed projects.

This framework is a necessary step to ensure that employers meet their obligations and respect workers' rights. The GWU believes these measures will foster a fair and accountable employment environment while protecting TCNs from exploitation. This policy reflects our unwavering commitment to defending employees and advocating for stronger regulatory mechanisms that uphold justice and equality in the workplace.

## Recommendation 7 - Consistent compliance with existing LMNT policies

The General Workers' Union (GWU) is in full agreement with the proposed recommendation and strongly emphasizes the need for enhanced protection of employees. The authorities must ensure workers receive the wages and working conditions agreed upon in their employment contracts. Any attempt by employers to circumvent the conditions that led to the approval of their applications must be met with decisive action including disqualification from submitting further applications for 12 months.

To facilitate compliance, the GWU supports the creation of a comprehensive database of third-country nationals' job postings. This database will serve as a critical tool for verifying that the roles assigned to TCNs align precisely with the terms outlined in their original work contracts. Such a mechanism will ensure greater transparency, accountability, and fairness, protecting both employees and the integrity of the

employment process. The GWU remains committed to advocating for policies that uphold workers' rights and promote a just and equitable work environment.

## Recommendation 8 - Salary Payment method for newly engaged TCNs

The General Workers' Union (GWU) fully supports this proposal, as it aligns with our long-standing advocacy for the introduction of electronic wage payment measures in the private sector. The Government has already implemented similar requirements during the tendering process for service, mandating that wages and salaries be paid electronically. Several years ago, the GWU conducted an in-depth study on this matter. While the two largest banks claimed to provide access to accounts, in practice, they imposed significant barriers. In contrast, smaller banks proved to be more accessible. To address these challenges, we even signed an agreement with Maltapost, enabling workers to open accounts through their branches. This initiative was further supported by organizing onsite visits by personnel to companies on designated days to facilitate the process.

Furthermore, the EU Payment Accounts Directive (2014/92/EU) guarantees that all EU citizens and residents, including Third-Country Nationals, have access to basic banking services. This directive obliges banks to offer a basic payment account, enabling individuals to perform essential financial transactions such as receiving wages and making payments. It ensures that no one is unjustifiably denied access to an account based on their financial situation and requires that accounts be available with low or no fees for those who cannot afford higher charges. Despite this, practical barriers still exist in some cases, making continued advocacy for easier access to essential banking services critical.

This recommendation should be applicable to all, new and current employees. We propose that a time frame is proposed till when all TCNs must have an account. The GWU remains committed to supporting initiatives that safeguard workers' rights and promote fair and transparent employment practices.

## THE GENERAL WORKERS' UNION PROPOSALS

### MALTA LABOUR MIGRATION POLICY

Ensuring that the grace period extension for TCNs whose employment has been terminated provides them with sufficient time to find alternative work. This extension will also help prevent them from being unfairly classified as illegally residing in Malta during this time. It will play a crucial role in eliminating exploitation and abuse.



#### Recommendation 9 - Extension of grace period for TCNs whose employment has been terminated

The General Workers' Union (GWU) fully and strongly agrees with the proposed amendment to our national legislation, as it will play a crucial role in eliminating the exploitation and abuse of Third-Country Nationals (TCNs). Under the current system, many TCNs are forced into the black economy due to the limited 10-day period they must find alternative employment, after which they are residing illegally in Malta. On some occasions, employers inform the TCN that they will not renew their permit at the very last moment when it is practically impossible to find new employment and restart the whole application process. This lack of time has often left them with no choice but to accept substandard work conditions. The proposed amendment to Subsidiary Legislation 217.17, which grants TCNs 30 days following the termination of their employment to



legally remain in Malta while they search for new employment, addresses this issue by providing more flexibility. Additionally, we agree with the extension of this period by another 30 days, bringing the total to 60 days, provided the TCN can demonstrate they have sufficient financial resources to support themselves without relying on social assistance.

This change would not only ensure TCNs are given adequate time to find alternative work but would also prevent them from being unfairly categorized as illegally residing in Malta during this period. The GWU firmly believes that this amendment will help retain skilled workers already in Malta and reduce the administrative burden of processing new employment applications. It is a step forward in promoting fairness, and social justice and protecting workers' rights. It is also a more humane approach to give TCN a chance to find alternative employment.

## Recommendation 10 - Amendment to restrict single permit applications for non-work visa holders

The General Workers' Union agrees with this recommendation but wishes to put forward a proposal to improve it further. We propose that instead of automatically rejecting single permit applications from TCNs on non-employment visas (e.g. tourist visas), the amendment should incorporate an independent review process. This process would fairly assess each case, ensuring that workers who have been misinformed or coerced are not unduly penalized. Additionally, a remedial pathway should be established to allow those affected to regularize their status with the support of legal aid. We also advocate for stricter sanctions on employers who facilitate irregular applications, reinforcing ethical recruitment practices and protecting the rights of both local and migrant workers.

Apart from the above proposals, the GWU is proposing that the government launches a scheme applicable to all those third-country nationals who entered Malta legally and became illegal to regularize their position. This scheme can be monitored by social partners and national authorities. This coordinated effort can help eradicate abuse and precarious employment, regularize regular employment, and increase the revenue for the employees and the state.

## Recommendation 11 - Interim permits for TCNs from visa-waiver countries

After reviewing the proposal, we find that its nuanced approach aligns well with our commitment to social justice and the protection of workers' rights. The measure, which grants interim permits to TCNs from visa waiver countries applying within 60 days of entering the EU while requiring those applying between 61 and 90 days to await the outcome from outside the EU, successfully prioritizes genuine applicants and prevents irregular stays. As the largest trade union in Malta dedicated to safeguarding workers'

rights, we agree with this approach and believe it appropriately balances the need for controlled labour migration with the imperative to protect both foreign and local workers.

## Recommendation 12 - Partners and families

We agree with this proposal because it allows for improving the quality of life for these TCNs but also strengthens our labour force without increasing the overall number of TCNs. These individuals are already well integrated into our society, and by granting special consideration to partners of Maltese nationals and parents of Maltese nationals under 23, we ensure they can participate fully in the labour market. The proposal enhances the access to employment for TCN partners and families through residence permits that explicitly confirm their right to work and exempt them from the standard single permit process typically required for labour migrants.

In addition, to promote greater integration and stability for couples comprising a Maltese national and a third-country national (TCN), financial institutions must assess the combined income of both partners when evaluating home loan applications. This inclusive approach would facilitate these couples in establishing permanent residences in Malta. Furthermore, extending eligibility for first-time buyer schemes to such couples would provide additional financial support, thereby encouraging homeownership and long-term commitment to the country. Ensuring that couples with TCN partners can access similar benefits would promote equitable opportunities and foster deeper integration within Maltese society.

## Recommendation 13 - Establishing a high-risk country list for employment applications

While in general, we agree with this proposal, we are proposing that the high-risk country list be developed using transparent, evidence-based criteria formulated in consultation with independent experts, government agencies, and worker representatives, including union voices. This would ensure that the list is regularly reviewed and updated in line with evolving security, public policy, and public health data. Additionally, we suggest that nationals coming from high-risk countries who are already residing in the EU or EEA country and already showed integration and respect for our same values and culture be considered as well. This process would allow applicants to submit mitigating evidence such as proof of legal residence in another EU or EEA country and demonstrated integration to challenge a categorically negative decision.

Implementing an annual feedback mechanism from landlords regarding third-country nationals (TCNs) who come from high-risk countries can serve as a valuable tool to ensure harmonious community relations and uphold rental standards. Such a system would allow landlords to report any issues related to the tenant's behaviour or property maintenance, thereby providing authorities with insights into potential problems within

localities. This proactive approach aligns with existing landlord obligations under Maltese law, which emphasize maintaining property standards and ensuring tenant compliance with lease agreements. By systematically gathering landlord feedback, authorities can identify and address concerns promptly, fostering a more cohesive community environment. We agree that these need to be handled on a case-by-case basis.

## Recommendation 14 - A study on skilled occupation salaries

We agree with this recommendation and the NSO should be the ideal public entity to do this study, which we believe should be done regularly. We also propose that the study be expanded beyond simply determining current market wages to include an assessment of living wage requirements, cost-of-living factors, and input from worker representatives. This enhanced approach would ensure that occupation-specific salary thresholds not only reflect market conditions but also uphold fair remuneration standards that protect both TCNs and the local domestic workforce. Moreover, we recommend establishing a dynamic framework for these thresholds—one that is periodically reviewed and adjusted for inflation and economic changes.

## Recommendation 15 - Victims of human trafficking

We fully support this proposal as it further enhances protection for third-country nationals identified as victims of human trafficking. We further agree with the extension of the six months to one year. In addition, by exempting victims from application fees and extending the initial residence permit validity to one year, with renewals throughout court proceedings, we strengthen their legal standing and provide much-needed stability during recovery and legal processes. This approach aligns to offer further protection to victims of human trafficking, ensuring they receive the support and security necessary to rebuild their lives.

## Recommendation 16 - Strengthening the vacancy requirement

The General Workers' Union always argued that apart from satisfying the market needs we also need to ensure that Third Country national workers have decent jobs with fair pay. Apart from enhancing the quality of their job and life, it also creates a balance between the market needs and the labour force in general. Also, create a balance so as not to put pressure on wages and salaries with an excess of employees both local/EU and foreign. To further enhance this proposal and ensure that employers prioritize the recruitment of individuals already within the domestic workforce, we recommend the following measures:

1. **Enhanced Monitoring and Enforcement:** Implement a robust system to monitor and enforce compliance with the advertising requirements. This could include random audits and strict penalties for non-compliance to ensure that employers genuinely seek to hire from the local labour force before considering TCNs.

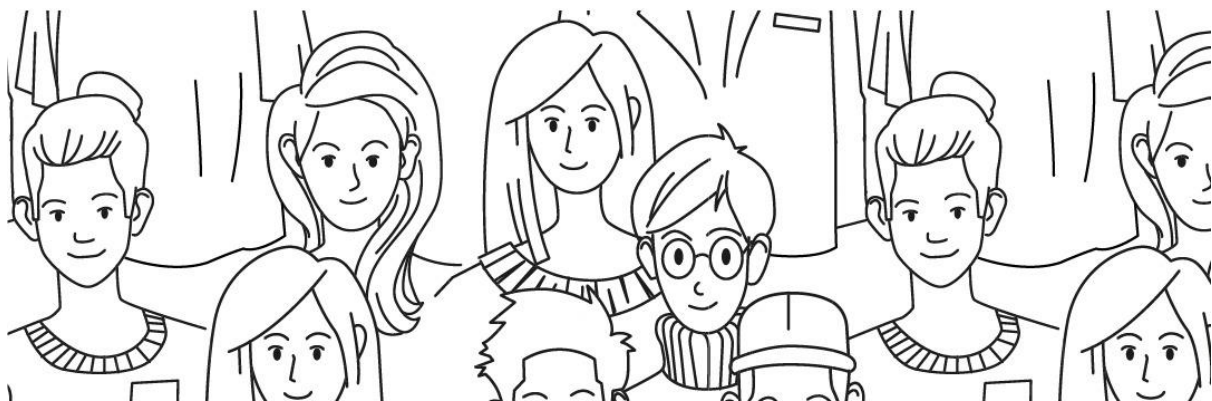
2. **Transparent Rejection Documentation:** Require employers to provide detailed and standardized documentation for rejecting applications from Maltese, EEA, or Swiss nationals. This documentation should be reviewed by Jobsplus to ensure that rejections are based on valid and non-discriminatory reasons.
3. **Expanded Exemption Criteria:** Consider expanding the list of exemptions to include sectors experiencing acute labour shortages, as identified through regular labour market analyses. This would allow for a more dynamic response to evolving economic needs.
4. **Employer Support Programs:** Develop programs to assist employers in attracting and retaining local talent. This could include training subsidies, recruitment assistance, and initiatives to improve working conditions, thereby reducing reliance on TCNs.
5. **Regular Policy Review:** Establish a framework for the regular review of these policies to assess their effectiveness and adjust based on labour market trends and stakeholder feedback.

By implementing these measures, we can further strengthen the commitment to prioritizing the domestic workforce while maintaining flexibility to address genuine labour shortages.

## THE GENERAL WORKERS' UNION PROPOSALS

### MALTA LABOUR MIGRATION POLICY

Ensuring automatic enrolment of all migrant workers in a trade union of their choice. This proposal will **give a voice to the thousands of migrant workers in collective bargaining and social dialogue.**



#### Recommendation 17 - Suitability check

We agree with this proposal and the requested documentation, so the applicant is not making a fraudulent application. In addition, we further propose the following:

**Inclusive Language Proficiency Assessment:** Recognize that language proficiency can be demonstrated through various means beyond standardized tests. Accept alternative evidence such as prior work experience in English or Maltese-speaking environments, completion of relevant training programs, or community involvement that indicates language use. This approach acknowledges diverse backgrounds and reduces potential barriers for qualified TCNs.

**Transparent and Fair Suitability Assessments:** Jobsplus must ensure that the independent suitability checks conducted are based on objective criteria, clear guidelines outlining the assessment process, and provide applicants with detailed

feedback in cases of refusal. This transparency promotes fairness and allows applicants to understand and address any deficiencies in their applications.

**Supportive Measures for Skill Recognition:** Facilitate the recognition of qualifications obtained from lesser-known academic institutions by providing support services to assist TCNs in obtaining the necessary accreditation from the Malta Qualifications Recognition and Information Centre (MQRIC). This could include offering guidance on the application process, assisting with document translation, and providing information on any required supplementary courses or assessments. Also, it is not clear if the candidate is required to obtain certification/confirmation within their first few months in Malta or get Maltese accreditation while still abroad.

Conducting a thorough verification of certifications presented by new employees is essential to ensure their authenticity and relevance. Implementing induction courses before the commencement of employment can serve as an effective measure to monitor and validate these credentials. Such induction training not only familiarizes new hires with company policies and procedures but also provides an opportunity to assess their qualifications and readiness for the role.

**Language Support Programs:** The Human Rights Directorate (HRD) operates under the Parliamentary Secretary for Reforms and Equality, focusing on civil liberties, equality, non-discrimination, and migrant integration. Its mandate includes ensuring that initiatives uphold fundamental human rights as enshrined in Maltese and international law, aiming to foster an equal and just society.

A key initiative of the HRD is the 'I Belong' Programme, managed by the Intercultural and Anti-Racism Unit. This program assists migrants residing in Malta on their path to integration by offering courses in Maltese and English languages, as well as cultural orientation. The program is structured in two stages; participants engage in basic language courses and societal orientation and the second stage focuses on advancing language proficiency and deepening understanding of Maltese culture. The successful completion of both stages fulfils the requirements for long-term residence status in Malta. Through these efforts, the HRD aims to promote inclusivity and support the integration of migrants into Maltese society.

We propose an increase in the financial budget and human resources or collaboration with the private education institutions to increase the frequency and roll out of their integration courses. Enhancing social, integrating and language skills will not only help TCNs meet job requirements but also facilitate their integration into the community.

**Automatic Enrolment of Migrant Workers** We propose that all migrant workers are enrolled with a trade union of their choice. Trade unions play a pivotal role in safeguarding workers' rights, ensuring adherence to labour laws, and providing a platform for collective bargaining. Membership can facilitate the integration process, leading to improved quality of life, access to decent jobs, fair compensation, and the eradication of abuse and exploitation. Given that enforcement agencies may lack the

capacity to ensure full compliance with labour laws, trade unions can serve as essential partners in upholding legal standards and protecting workers' rights.

By implementing these proposals, we can create a more inclusive and supportive framework that upholds the rights of TCNs while ensuring they are well-suited for their prospective roles.

## Recommendation 18 - Workforce application limits

The GWU agrees with this recommendation intended to eliminate abuse and exploitation. We further propose that when checking an employer's eligibility for hiring third-country nationals (TCNs), the Authority should incorporate workforce stability metrics, such as employee retention rates and turnover statistics, into the assessment criteria. Employers must demonstrate a commitment to stable employment practices, decent jobs and fair pay. Additionally, recognizing that labour demands vary across industries, sector-specific adjustments to TCN employment quotas should be considered, particularly in sectors experiencing labour shortages or those critical to the national economy. Encouraging employer-led training and development initiatives aimed at upskilling the local workforce can also balance the development of local talent with the integration of foreign workers; employers investing in such programs could be rewarded with tax incentives. Establishing a transparent process for employers seeking exemptions or adjustments to their TCN employment quotas is essential, ensuring that decisions are fair and well-founded. Finally, committing to periodic policy reviews and engaging with key stakeholders, including employer associations, trade unions, and industry experts, will allow for data-driven adjustments to the policy framework, ensuring its effectiveness and relevance. By implementing these enhancements, the policy can achieve a more balanced approach, aligning the recruitment of TCNs with labour market needs while promoting fair employment practices and economic growth.

We are also proposing that Employers who provide a service under the Universal Service Obligation are exempted from quotas. These should be treated as health services since their service is considered essential. Safeguards should be adopted to ensure that such exemptions are not abused. In addition, when the Authority proposes an exemption to a workplace, the employee's representative should be consulted before the issue/implementation of the exemption.

## Recommendation 19 - Newly-registered businesses

We support the proposal to remove the exemption that currently excludes newly registered businesses from labour market testing. This change ensures that all employers, regardless of their establishment date, contribute to the local labour market by prioritizing the employment of Maltese, EU nationals, or long-term residents.

Furthermore, preventing newly registered businesses that lack such ownership from applying for third-country nationals (TCNs) supports the goal of safeguarding the domestic workforce.

However, we recognize the importance of attracting Foreign Direct Investment (FDI) to Malta's economy. Therefore, we propose that authorities consider temporary deviations from this condition for businesses involved in FDI. Such deviations should be based on a thorough evaluation of the business's plans and growth projections, with input from Malta Enterprise. This approach ensures that the policy remains flexible and responsive to the needs of the economy, facilitating productive investment while safeguarding the interests of the local labour market.

While the General Workers' Union applauds the government for the introduction of the new legislation on equal pay for work of equal value, much more can be done to curb the abuse and exploitation. In the private sector, many vacancies are being filled by subcontracting employees. In every working organisation, you will find more than four types of employers – subcontracting companies provide administrative, cleaning, clerical, security, and operational services. We must ensure that all employees can benefit from the success of every working organisation.

If we want a resolute, loyal workforce in decent jobs we must ensure that all employees are treated fairly and equally. Access to decent jobs is a fundamental human right. As such if we want to create careers and not just jobs, we must ensure that every employee can develop his/her full potential. We are proposing that the government should legislate that only 20% of the workforce in every organisation should be outsourced. This will cover any flexibility in human resources to cover seasonal economic trends in specific sectors.

## Recommendation 20 - First Employment

The General Workers' Union (GWU) supports the proposal to prioritize the employment of Maltese, EU nationals, or third-country nationals (TCNs) with equal treatment rights before hiring other foreign workers. This approach aims to ensure that employers actively recruit from the local workforce, thereby promoting fair wages and working conditions.

To further strengthen this policy, the GWU proposes the following enhancements:

Employers should be obliged to provide evidence that they hired several Maltese, EU nationals, or TCNs with equal treatment rights before applying for TCNs.

Jobsplus should implement a stricter monitoring mechanism to ensure compliance with these employment requirements.

Employers found violating these conditions should face significant penalties, including fines and restrictions on future TCN applications.



Employers should be financially assisted to invest in training and development programs for the local workforce, thereby reducing the need for TCNs and fostering a more sustainable labour market.

Increasing financial assistance from both the private sector and the government in innovation, research and development (R&D) can significantly reduce the need to hire third-country nationals (TCNs) by fostering the creation of high-value-added jobs. Investments in innovation and R&D, enhance productivity and competitiveness leading to the development of new products and services that can stimulate economic growth and employment opportunities. For instance, a study by the Joint Research Centre indicates that R&D expenditures can have a positive effect on job creation, particularly in high-tech sectors.

Moreover, innovation-driven industries often require a skilled workforce, which can be sourced from the local labour market through targeted training and education programs. This approach not only reduces reliance on migrant workers but also contributes to the upskilling of the local workforce, aligning with the needs of a modern economy. The World Economic Forum highlights that increased technology adoption and the green transition may lead to job displacement and reallocation, requiring support for workers and investment in good quality jobs. By prioritizing innovation and R&D, both the private sector and the government can create a more resilient and self-sustaining labour market.

By implementing these measures, the GWU aims to protect the rights of TCNs, prevent exploitation, and ensure that the recruitment of foreign workers aligns with the needs of the local labour market. This approach seeks to balance the protection of domestic workers with the legitimate needs of employers, fostering a fair and equitable labour market in Malta.

## **Recommendation 21 - Minimum number of MT/EU nationals before application for TCNs**

The General Workers' Union (GWU) concurs with the recommendation to prioritize the employment of local workers, EU nationals, as well as third-country nationals (TCNs) who enjoy equal treatment, before considering the recruitment of additional migrant workers. This approach aims to ensure that employers make concerted efforts to hire local workers, thereby enhancing wages and working conditions to attract workers, subsequently improving the quality of life for all employees.

## **Recommendation 22 - Renewal verification**

We concur with this recommendation. Ensuring that employers adhere to the required labour laws is critical and crucial for protecting third-country nationals (TCNs) from

potential exploitation. Exploitation of TCN apart from humiliating an individual and depriving the individual of any dignity and basic human rights, has a direct impact on the local employees. By requiring employers to provide bank statements and tax declarations for TCNs during the renewal process, Jobsplus can effectively verify compliance with agreed-upon working conditions. This approach not only safeguards workers' rights but also promotes transparency and accountability within the employment sector. Furthermore, addressing compliance issues during the renewal phase serves as a deterrent against potential abuses, thereby fostering a fair and equitable labour market for all.

This proposal should be in conjunction with recommendation number 8 of these proposals – that is the transfer of wages and salaries through electronic transfer.

### **Recommendation 23 - Assessment of shortages and surpluses with the possibility of introducing quotas or moratoriums on surplus occupations.**

We concur with this proposal, as it ensures that third-country nationals (TCNs) are employed in Malta only, when necessary, thereby safeguarding their rights and ensuring they receive fair working conditions. By adopting evidence-based methodologies, Jobsplus can effectively analyse the labour market to identify both overall and sector-specific shortages and surpluses. In response to imbalances in the labour market, it is essential to address these issues immediately. We cannot let what happened in the food/services delivery courier sector, where the conditions of employment deteriorated due to the number of employees engaged in the economic sector. Measures such as a total ban, introducing quotas or temporary moratoria on the hiring of TCNs for occupations with an excess of labour supply should be part of the continued monitoring process of the labour market. This approach aligns the recruitment of TCNs with the actual needs of the labour market, preventing oversupply and ensuring that TCNs are employed in areas where their skills are genuinely required. Additionally, this strategy helps maintain fair wages and working conditions for all workers, contributing to a more balanced and equitable labour market.

### **Recommendation 24 - Skilled-occupation list**

We concur with the establishment of the Skilled Occupation List (SOL) as a strategic tool to attract highly qualified individuals to Malta. To enhance transparency and foster collaborative engagement, we propose that social partners be granted access to this list. This access would enable stakeholders to align their training and development programs with the identified skills needs, ensuring a more responsive and effective labour market. Additionally, it would facilitate informed discussions on labour market dynamics and support the development of policies that address both current and future workforce

requirements. By involving social partners in this process, we can collectively work towards a more robust and adaptable economy.

## Recommendation 25 - Reviewing the salary benchmarks for the KEI and SEI

We agree with this proposal and further recommend that the review of salary benchmarks for the Key Employment Initiative (KEI) and Specialist Employment Initiative (SEI) be regularly monitored and updated in line with economic trends. This approach ensures that the salary benchmarks remain relevant and competitive, effectively attracting highly qualified individuals to Malta. The KEI and SEI are key programmes aimed at attracting high-net-worth individuals by streamlining the application processes for individuals within these categories.

## Recommendation 26 - Integration courses before arrival in Malta

As already stated above we agree with any initiative that facilitates the integration of migrant workers in our workplaces and society.

This proposal should be in conjunction with recommendation 17. To address integration challenges and promote societal cohesion, we suggest mandating pre-departure integration courses through a restructured 'I Belong' programme. Under this framework, Identità Malta would issue an approval in principle only after the TCN provides documented evidence of completing the mandatory integration courses.

These courses would be in line with the goals of the 'I Belong' program and cover essential information to facilitate the TCNs transition into Maltese society, including legal rights, cultural norms, and available opportunities. Additionally, TCNs should demonstrate proficiency in either Maltese or English to ensure effective communication and integration.

By implementing this enhanced pre-departure integration program, we can better prepare TCNs for their new environment, fostering smoother integration into the labour market and Maltese society at large and ensuring a more stable labour force.

## THE GENERAL WORKERS' UNION PROPOSALS

### MALTA LABOUR MIGRATION POLICY

Ensuring that migrant workers have access to **upskilling programs and training** so they can reach the full potential of their abilities and capabilities. This will lead to **stability, motivation and increase in productivity.**



#### Recommendation 27 - Upskilling and integrating the foreign workforce.

In today's dynamic global economy, the upskilling and integration of the foreign workforce are not only essential for individual development but also for ensuring long-term economic growth and social cohesion. As countries increasingly rely on foreign talent to fill skill gaps in critical sectors, it becomes imperative to equip local and foreign workers with the necessary skills and knowledge to thrive in a modern labour market. Upskilling initiatives for foreign workers, such as targeted vocational training, language

enhancement, and professional certification programs, can significantly improve productivity, elevate wage standards, and foster innovation within industries. Simultaneously, robust integration programs that facilitate cultural orientation and social inclusion enable foreign workers to better understand local values, norms and practices, thereby promoting fair treatment and safeguarding their rights. This comprehensive approach ultimately contributes to a more resilient and competitive economy, where both local and foreign workers are empowered to contribute meaningfully to society.

The recommendation outlines a comprehensive strategy to address the labour market challenges associated with a significant presence of foreign workers in low-skilled roles. It emphasizes that collaborative investment in workforce development—through strategic training initiatives is crucial for enhancing productivity, boosting employee retention, and mitigating labour and skills shortages. Central to this proposal is Malta’s “I Belong” programme, which currently offers non-EU nationals comprehensive language and cultural orientation courses. The recommendation suggests expanding on this foundation by developing additional training schemes in partnership with private educational institutions and employers, supported by targeted government funding mechanisms such as tax credits. Key components include language and literacy training, vocational training with certification, integration courses on cultural orientation and workplace norms, and bridging programmes to recognize prior learning and foreign qualifications. Moreover, the proposal highlights inconsistencies in the current legislation and proposes to rectify them by amending the relevant legislation to reflect the enduring value of integration efforts.

While we agree with the overall direction of this recommendation, we believe further enhancements are necessary to ensure its effectiveness and fairness. As workers’ representatives with direct access and in touch with large workplaces, we propose that training initiatives be developed in close consultation with worker representatives to ensure that they address the real challenges faced by foreign workers and reflect the needs of both the labour market and employees. This could include dedicated funding for training programs, regular monitoring and evaluation to adjust curricula in line with evolving economic trends, and robust mechanisms to ensure that the benefits of upskilling are equitably shared.

Additionally, while we support the removal of the arbitrary time constraints on integration certifications, we caution against a completely hands-off approach as we believe some employers might abuse the system. In other words, although we favour a flexible, continuous review process that adapts to economic trends, we insist that strong accountability measures be maintained to protect workers from exploitation and ensure that integration initiatives genuinely contribute to a more skilled and cohesive workforce.

## Recommendation 28 - Lowering fees for occupations within the health and care of persons with disability and the elderly

We agree with this recommendation. The measure to lower fees for first-time single permit applications in sensitive and essential sectors is a welcome initiative that prioritizes essential services. While the standard fee for first-time applications is set to increase as it should be, reducing the fee for these key sectors helps ensure that recruitment in critical areas remains cost-effective and attractive. With the renewal fee maintained at €150 and other fees unchanged, this approach not only supports the sustainability of vital services but also promotes fair labour market conditions for sectors fundamental to Maltese society. This recommendation should also be extended, if need be, to other sectors according to our economic and social needs.

Apart from these Sectors, we are also proposing that lower fees are applied to tradespersons whose skills are highly sought by Maltese employers like welders, carpenters and mechanical fitters. One example is maritime trades, including electricians, fitters and engine fitters. These roles require highly specialized skills and in Malta, there is a noticeable shortage of local tradesmen in these fields.

## Recommendation 29 - Skills card expansion

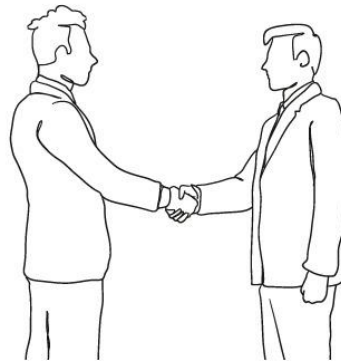
We strongly support this recommendation and emphasize that the expansion of the Skills Card must be fast-tracked and implemented immediately. For many years, we have advocated for the establishment of a Skills Card or passport to validate and certify the skills and qualifications of workers across various sectors. Our successful pilot project with Hungary demonstrated the benefits of such a system, which not only improves retention by ensuring workers have recognized, market-relevant skills but also drives economic growth by boosting productivity and competitiveness.

Building on the recent introduction of the Skills Card for Hospitality and Catering, extending this initiative to other critical sectors starting with construction, will ensure that employees in these fields possess the necessary competencies, ultimately fostering a more robust and skilled labour force. A priority should be given to Customer Service Agents & Shop Assistance. How many times do we go shopping and the cashier/shop assistant will not understand English because of the language barrier? This will also ensure adherence to labour, safety and health legislation. As a result, this will empower employers to make well-informed hiring choices, promote the ongoing development of the workforce, and enhance the long-term economic resilience of Malta.

## THE GENERAL WORKERS' UNION PROPOSALS

### MALTA LABOUR MIGRATION POLICY

Malta's labour migration policy should also be an integral part of the Malta Vision 2050, as it **addresses critical challenges related to economic growth, demographic sustainability, and social cohesion.**



#### Recommendation 30 - Align labour migration policy to the national skills strategy

We agree with this proposal and further assert that such a strategy must be fully aligned with both the Malta Employment Policy 2021–2030 and the long-term strategic framework of Malta Vision 2050. The National Skills Council is the most equipped to identify both vertical and horizontal skills gaps, the methodologies used to assess labour market needs must be continuously refined through collaboration with key stakeholders. The National Skills Strategy should serve as an integral input in updating the Skilled Occupation List and in identifying saturated occupations, thereby ensuring that our overall approach effectively upskill the workforce. This alignment will not only enhance productivity and competitiveness across sectors but also support the long-term economic resilience of Malta.

## Recommendation 31 - Strategic Partnerships

Initially, the Employment and Training Council (ETC) was established to provide strategic guidance on workforce development. Its primary role was to align vocational training, education, and skills development with the evolving demands of Malta's labour market, ensuring that both employers and employees had access to a well-trained, adaptable workforce. Later, Jobsplus was introduced as Malta's Public Employment Service, taking over the day-to-day functions of job matching, administering the Labour Market Needs Test (LMNT) for recruiting foreign workers, and enforcing employment regulations. Together, these institutions have formed a complementary system: the ETC focusing on long-term strategic workforce planning and development, and Jobsplus managing immediate employment services and regulatory compliance.

These strategic partnerships with international organizations, educational institutions, and specialized recruitment agencies to enhance job matching and ensure that candidates possess the required skills, will help to ensure fair treatment at the recruitment level. These alliances would promote the sharing of best practices and facilitate targeted training initiatives, ultimately contributing to a more skilled and competitive workforce. By integrating these partnerships with our broader agenda of upskilling and fair employment, we can ensure that recruitment processes support both economic growth and the protection of workers' rights, while also creating a transparent, dynamic labour market responsive to evolving needs. These partnerships need to be in line with our foreign policy and with the involvement of the Ministry of Foreign Affairs and our Ambassadors.

International pathways should be developed with National Governments to facilitate the recruitment of migrant workers. In parallel, Jobsplus should also collaborate with other National Employment Entities in other European member states to increase awareness and highlight job vacancies in the Maltese economy. It also needs to embark on a strategic campaign within all member states especially those with high unemployment. This partnership could be part of the EURES project.

## Recommendation 32 - Register of exemplary employers – longer renewal periods

We agree with this proposal and further recommend that it be integrated with the legislative initiative recently discussed and agreed upon at the Employment and Relations Board. This discussion and agreed proposed legislative tool include a pathway for naming and shaming employers who repeatedly breach employment law, ensuring that only those who adhere to legal standards and invest in workforce development, are recognized.



The establishment of a register of exemplary employers, which would streamline the labour market testing process and reward ethical practices with extended renewal periods for TCNs, is essential. Such a measure would not only promote continuous upskilling and retention of the foreign workforce but also serve as a powerful incentive for employers to comply with both national legislation and higher labour standards, ultimately contributing to a more efficient and equitable labour market.

## Other General Workers' Union – Recommendations

### Maritime Sector

Integrating seafarers into Malta's single work permit process is essential to address prevalent abuses within the maritime sector. Seafarers often face hazardous working conditions and are vulnerable to exploitation due to the complex interplay of international and national laws governing their employment. By including seafarers in the single permit system, Malta can ensure that these workers are afforded the same legal protections as other employees, thereby promoting fair treatment and compliance with labour standards. This inclusion would not only uphold the rights and dignity of seafarers but also enhance the integrity of Malta's maritime industry.

Also, seafarers who work on commercially certified vessels/non-convention vessels should be also integrated with the single work process and have their employment registered with the local National authorities to enjoy better working conditions and better protection of their rights as cited in the Maltese S.L. 452,51.

### Impact of Migrant Employees on Maltese Society

The Government should periodically publish a comprehensive report on the contributions of migrants to the Maltese economic and social fabric. Our society and policymakers need to know and understand the impact of migrant workers and the consequential impact if they leave Malta. Such a report should detail migrants' contributions through social and cultural contributions, taxes and social security payments, housing and rents, criminal activity as well as the costs associated with social services, health infrastructure and other essential infrastructure they utilize. This analysis would provide a clear picture of the net social/fiscal impact of migration.

In December 2013, foreign workers stood at just under 19,000, representing 10% of the workforce. Over the following six years, this number rose significantly, driven by an influx of both TCNs and EU nationals. The number of foreign workers reached around 68,000 by the end of 2019, equivalent to a quarter of the total workforce. While growth slowed during 2020 and 2021 due to the pandemic, the number of foreign workers rose sharply in 2022 and 2023, exceeding 115,000 by December 2023, accounting for 36% of all registered employees.

Like developments in the working-age population, EU nationals were initially the drivers of growth in employment levels, which were then taken over by a subsequent rise in TCNs from 2019. By 2023, the TCN workforce stood at around 25% of the total workforce in Malta. Without this influx, the working-age population would have declined instead of experiencing a 3% rise since EU accession.

Additionally, a 2019 study examined the impact of foreign workers on Malta's macroeconomic variables, highlighting the significant role migrants play in sectors such as tourism, which is a major economic driver for the country. By quantifying both the contributions and costs associated with migration, policymakers can develop strategies to maximize the benefits of migration while addressing any challenges. This approach ensures that the economic advantages of migration are harnessed effectively, contributing to Malta's sustainable economic growth.

## Qualifications & Experience

Since the General Workers' Union is involved in all economic sectors, various employers complain that when they try to hire foreign skilled workers, like Electricians or Masonries, they are asked for a Maltese Electrician License or the Maltese Masonry License before they can arrive in Malta. These employers stated that they were not even allowed to get these employees to sit for an exam. We propose that employers be allowed to verify foreign workers' credentials before arriving in Malta. Subsequently, these workers can obtain local certificates/licenses within six months of arrival or upon completion of the course.

### Enforcement

Enforcing new policies and regulations is crucial to ensure they are effective and impactful. Without proper enforcement, these policies remain mere formalities, failing to bring about the intended improvements. Consistent enforcement ensures that all stakeholders adhere to the established guidelines, promoting fairness and accountability. Moreover, it helps organizations comply with relevant laws and regulations, reducing the risk of legal issues. By actively enforcing policies, organizations can create a culture of compliance, leading to more efficient and effective operations.

## Ultimate Beneficial Owner

Malta's Labour Migration Policy aims to ensure that businesses operating within its jurisdiction adhere to legal and ethical standards, particularly regarding the licensing of companies involved in employment practices. As part of this framework, there is a focus on the role of the Ultimate Beneficial Owner (UBO), who is identified as the primary individual responsible for a company's actions and compliance with local regulations. To prevent circumvention of the law, particularly in cases where a company has faced a breach of compliance, it is proposed that UBOs should not be permitted to simply

establish a new company under a different name to evade sanctions. This measure would enhance accountability, ensuring that individuals cannot exploit loopholes in the system and that past infractions carry weight in future business endeavours, ultimately promoting a fairer and more transparent labour market in Malta.