



Migrants and the challenge of decent work in Malta

LOS MIGRANTES Y EL DESAFÍO DEL TRABAJO DECENTE EN MALTA

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ABSTRACT

This paper investigates the challenges faced by migrants in their quest for decent work in the context of the small country of Malta. The country witnessed an extraordinary growth of migrant workers in recent years. While some laws promote migrants' decent employment, others act as barriers. The Maltese population has traditionally resisted foreign workers and multiculturalism. However, such attitudes started improving especially among social partners who are increasingly supporting migrant workers and trying to improve their working conditions. Research indicates a range of difficulties faced by migrant workers in Malta, including: barriers to accessing employment; underemployment and lack of job mobility; insufficient training opportunities; higher risk of poverty despite working long hours; greater health and safety risks especially among those in undeclared work; complex relationships with superiors, colleagues and clients; and low unionisation. The Covid-19 pandemic increased the vulnerability of migrants and reversed some of the progress that had been accomplished in recent years, especially in terms of social attitudes.

RESUMEN

Este documento investiga los desafíos que enfrentan los migrantes en su búsqueda de un trabajo decente en el contexto del pequeño país de Malta. El país fue testigo de un crecimiento extraordinario de trabajadores migrantes en los últimos años. Si bien algunas leyes promueven el empleo decente de los migrantes, otras actúan como barreras. La población maltesa ha resistido tradicionalmente a los trabajadores extranjeros y al multiculturalismo. Sin embargo, estas actitudes empezaron a mejorar, especialmente entre los interlocutores sociales, que apoyan cada vez más a los trabajadores migrantes y tratan de mejorar sus condiciones de trabajo. Las investigaciones indican una serie de dificultades a las que se enfrentan los trabajadores migrantes en Malta, que incluyen: barreras para acceder al empleo; subempleo y falta de movilidad laboral; oportunidades de formación insuficientes; mayor riesgo de pobreza a pesar de trabajar muchas horas; mayores riesgos para la salud y la seguridad, especialmente entre quienes tienen trabajo no

KEYWORDS

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declarado; relaciones complejas con superiores, colegas y clientes; y baja sindicalización. La pandemia de Covid-19 aumentó la vulnerabilidad de los migrantes y revirtió algunos de los avances que se habían logrado en los últimos años, especialmente en términos de actitudes sociales.

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I. INTRODUCTION

Despite its central role in society, work has long been recognised as a potential “source of oppression”¹. The International Labour Organisation (ILO) was founded in 1919 to set and promote international labour standards as a means of advancing social and economic justice. The concept of decent work became the formal objective of ILO in 1999 when the then Director-General presented a report to the International Labour Conference stating that “the primary goal of the ILO today is to promote opportunities for women and men to obtain decent and productive work, in conditions of freedom, equity, security and human dignity”². The concept of decent work is multifaceted and includes a variety of elements relating to “full and productive employment, rights at work, social protection and the promotion of social dialogue”³.

1. Erby, W.; Smith, C.; Blustein, D.; Davila, A.: “Chapter 1 – Racism and the future of work”, *Career Planning and Adult Development Journal*, vol. 36, n. 2, 2021, p. 168.

2. International Labour Organization: *Decent Work. Report of the Director-General at 87th Session of International Labour Conference*, International Labour Office, Geneva, 1999, p. 3. Accessible in: [http://www.ilo.org/public/libdoc/ilo/P/09605/09605\(1999-87\).pdf](http://www.ilo.org/public/libdoc/ilo/P/09605/09605(1999-87).pdf)

3. International Labour Organization: *Decent work indicators: Guidelines for producers and users of statistical and legal framework indicators*, International Labour Office, Geneva, 2013. Accessible in: www.ilo.org/wcmsp5/groups/public/---dgreports/---stat/documents/publication/wcms_223121.pdf

Migrants experience greater challenges than citizens in their quest for decent work. Such challenges may vary according to the situation in which work takes place. This paper investigates the work experiences of migrants in the specific context of the small country of Malta. An examination of existing literature will reveal common challenges shared by migrant workers in Malta and abroad, but also peculiarities of the working conditions of migrants in Malta.

This paper sets the Maltese context in which the migrants' work experiences take shape. The exponential growth of migrant workers is examined. A brief look is given to the legislative framework that makes this possible, followed by a review of the attitudes of the Maltese population towards migrants. A number of important labour market challenges are then discussed. The paper concludes with some reflections on the effects of the Covid-19 pandemic on migrants in their quest for decent work.

II. THE MALTESE CONTEXT

Malta is a small archipelago of islands in the middle of the Mediterranean Sea. With a surface area of 316 square kilometres and a population of around 450,000 persons, Malta is one of the most densely populated countries in the world. Lack of space is an important theme that affects the Maltese mentality in relation to migrants.

Due to its insularity, small size and scarce natural resources, Malta has traditionally been a country of emigration. At the time of Malta's independence from the British Empire, the United Nations "recommended mass emigration as the only feasible solution for the long-economic development of Malta"⁴. Indeed, for a period of time, the state financially assisted the migration of Maltese citizens. However, the trend reversed and "since 1974, the country has welcomed more immigrants than it has sent off to other countries"⁵. The rate of incoming migration accelerated over the last two decades. Joining the European Union in 2004 "sent strong signals of stability"⁶ and facilitated the movement of workers from Europe to Malta. Another boost to inward migration took place after Malta's quick and strong emergence from the international recession of 2008⁷. The country's economy expanded at a fast rate, averaging an annual real GDP growth of 6.5% between 2015 and 2019⁸.

The limiting factor of human resources for the Maltese economy has never been felt more acutely than over the last decade, when the services sector grew at a rapid rate, fuelled by government policies that attracted foreign direct investment. A study carried out in 2017 indicated that more than 30% of companies in Malta had labour

4. Commissioner for Technical Assistance, 1964, in Grech, A. G.: "Did Malta's accession to the EU raise its potential growth? A focus on the foreign workforce", *Journal of Economic Integration*, vol. 32, n. 4, 2017, p. 875.

5. Baldacchino, G.: "Malta and the 'new normal': the labour importing economy", in Borg, A. (Ed.): *Centre of Labour Studies Biennial Report 2015-2016*, University of Malta, Malta, 2017, p. 13. Accessible in: <https://www.um.edu.mt/library/oar/handle/123456789/35386>.

6. Ibid.

7. Ibid., pp. 11-18.

8. Central Bank of Malta: *Fifty-third Annual Report and Statement of Accounts 2020*, 2020.

shortages constraining their business, with the most striking difficulties in services subsectors such as healthcare, finance and ICT⁹.

Employers' associations were particularly vociferous about the insufficient labour supply. Two main reasons contributed to the high unfulfilled demand of labour, namely the skills gap and the limitation of local supply¹⁰. The growth in skills and qualifications among the Maltese population not did not keep up with the ever increasing demand for specialised skills. Despite substantial improvements over the last years, Malta still has a high early school leaving rate and relatively low qualification levels among the general population¹¹. The second reason for unfulfilled demand of labour was that the Maltese population is small in size and the country has been more or less in full-employment in recent years. Admittedly, Malta traditionally had a very high female inactivity rate, but this has been shrinking steadily. Besides, the government also embarked on policies promoting active aging in a bid to increase the local labour supply.

Labour became so scarce that the public sector was accused of "draining human resources from the private sector"¹². On the other hand, government institutions started losing high skilled and experienced personnel to the better paying private sector, thus jeopardising their operations¹³. During the last years preceding the pandemic, the country "reached a situation where any major new investment starting operations in Malta... [had to] seriously consider its recruitment strategy", which could include poaching from other employers in Malta or recruiting workers from abroad¹⁴.

In view of this ever increasing challenge of labour shortage, the new Labour government in 2013 embarked on a strategy to promote and facilitate inward migration. The influx of foreign workers "has been instrumental in mitigating labour market shortages thereby enabling strong expansion in firms' activities"¹⁵. Through government strategy, not only were skill shortages at the top end of the labour market alleviated, thus assisting the expansion of new high value sectors of employment such as online gaming and aviation services, but there was also a counterbalance in the shortage of Maltese willing to work in industries such as construction and tourism¹⁶.

9. Jobsplus and the National Commission for Further and Higher Education: *National employee skills survey*, 2017. Accessible in: <https://ncfhe.gov.mt/en/research/Documents/Employee%20Skills%20Survey/Employee%20Skills%20Survey%20report.pdf>.

10. Times of Malta: "Question time: Demand for foreign workers", *Times of Malta*, 14 October 2017. Accessible in: <https://timesofmalta.com/articles/view/Question-time-The-ideal-workforce.660344>.

11. Eurostat: "Database", 2021a. Accessible in: <https://ec.europa.eu/eurostat/web/main/data/database>.

12. Malta Employers' Association: *Facilitating the employment of foreign employees in Malta - Recommendations by MEA*, 2016, p. 14. Accessible in: <http://maltaemployers.com/wp-content/uploads/Employing-foreign-workers.pdf>.

13. Baldacchino, G.: "Malta and the 'new normal': The labour importing economy", ob. cit.

14. Ibid., p. 16.

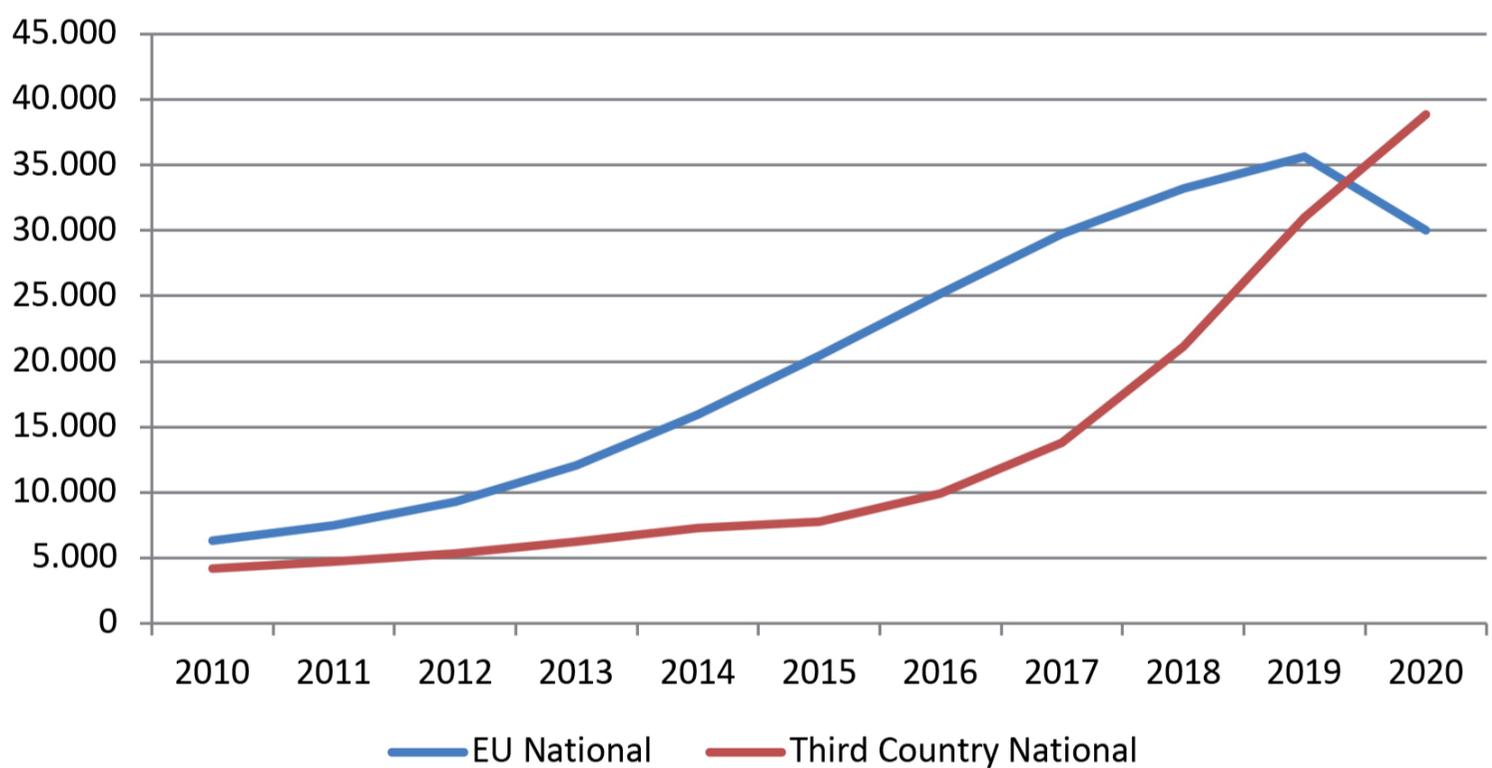
15. Borg, I.: *The length of stay of foreign workers in Malta*, Central Bank of Malta, January 2019. Accessible in: <https://www.centralbankmalta.org/file.aspx?f=72312>.

16. Grech, A. G.: "Did Malta's accession to the EU raise its potential growth? A focus on the foreign workforce", cit.

III. TRENDS AND DISTRIBUTION OF MIGRANTS

Since 2013, Malta witnessed an extraordinary growth of migrant workers. Indeed, by 2019, the country had by far the highest immigration rate in the EU¹⁷. In line with the government's drive and the preferences of the private sector, the ever increasing annual growth rate of foreign workers was principally fuelled by EU citizens¹⁸. But this was not enough to satisfy the increasing need of human resources, and so, more and more migrants from outside the EU (known as Third Country Nationals, TCNs) started to be attracted to work in this country too. As can be seen from Figure 1, while the slope of EU nationals working in Malta between 2010 and 2020 started to ease in recent years, there was an inverse trend among TCNs.

Figure 1. Trend of employed EU migrants and TCNs in Malta (Dec 2010-20).



* The drastic drop in the EU migrants in 2020 and the consequent increase in TCNs was mainly caused by the reclassification of UK citizens from EU migrants to TCNs. Source: Jobsplus (2021)

By the end of 2020, there were 70,402 foreign nationals working legally in Malta, from around 10,687 in 2010¹⁹. Foreigners represented around 6% of the working population in this country in 2010, when compared to about 27% in 2020. Out of these foreign workers, 43% were EU migrants, 1% migrated from the European Free Trade Association (EFTA) countries, while 55% were TCNs (who migrated from countries

17. Eurostat: "Migration and migrant population statistics", 2021c. Accessible in: https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Migration_and_migrant_population_statistics.

18. Grech, A. G.: "Did Malta's accession to the EU raise its potential growth? A focus on the foreign workforce", cit., p. 3.

19. Jobsplus: "Foreign nationals employment trends", 2021. Accessible in: <https://jobsplus.gov.mt/resources/publication-statistics-mt-mt-en-gb/labour-market-information/foreigners-data>

outside the EU and EFTA)²⁰. The percentage of TCNs was boosted in 2020 due to the reclassification of UK migrants from EU nationals to TCNs.

Most migrant workers (64%) originated from Europe, 27% from Asia, 6% from Africa, and only 2% from the Americas²¹. The most common nationality of migrants is Italian, followed by Filipino, British and Indian. Out of all EU migrants, 59% are male while 41% female. On the other hand, out of all TCNs, 65% are males and 35% females. The large majority of migrant workers (92%) are in full-time employment, while 8% work part-time. The percentage of full-time employment rises to 95% among TCNs. The length of stay of foreign workers in the Maltese labour market tends to be short. Indeed, between in 2017, the average length of stay of foreign workers in Malta was 3.5 years²². Whereas 25% of foreigners exited the Maltese labour market within the same year, 45% exited after 1 to 2 years, while only 30% remained for more than 6 years²³.

Foreign workers are heterogeneous in terms of their occupational profile and their working conditions. They often work at either the higher end of the labour market where there are insufficient skills, or at the lower end where jobs are not attractive to Maltese workers²⁴. This division is frequently reflected in the nationality of migrants. EU migrants tend to occupy high skilled jobs for which there are insufficient trained Maltese people. Indeed, while the largest group of EU migrants works as clerks and support workers (21%), there are also large groups of EU migrants working as professionals (17%), technicians (15%) and managers (13%). On the other hand, non-EU nationals are more likely to occupy lower level jobs. The largest group of TCNs work in elementary occupations (29%), followed by services and sales workers (21%). Few work in managerial (6%), professional (10%), or technical occupations (9%)²⁵.

There also exists an interesting link between country of origin and type of job or sector in which migrants work. For example, Filipinos and Indians often work as care givers, British and Polish in online betting companies, Bulgarian or Serbians are often found in construction, Eritrean or Somalis often work in waste sector, and Italians in restaurants²⁶. Such situation is reflected in and perpetuated by “an underlying assumption that migrants’ capabilities are limited to certain jobs”²⁷.

20. Ibid.

21. Ibid.

22. Borg, I.: “The length of stay of foreign workers in Malta”, cit.

23. Ibid.

24. Grech, A. G.: “Assessing the economic impact of foreign workers in Malta”, *Central Bank of Malta Quarterly Review*, num. 1, 2016, pp. 39-44. Accessible in: <https://www.centralbankmalta.org/file.aspx?f=31399>.

25. Jobsplus: “Foreign nationals employment trends”, cit.

26. Baldacchino, G.: “Malta and the ‘new normal’: The labour importing economy”, cit.

27. Attard, S.; Cassar, C.; Gauci, J. P.: *ENAR shadow report 2012-2103: Racism and related discriminatory practices in employment in Malta*, European Network against Racism, Brussels, 2013, p. 21. Accessible in: <http://www.pfcmalta.org/uploads/1/2/1/7/12174934/enar-sr2012-2013.pdf>.

IV. CHALLENGES OF LEGISLATION AND BUREAUCRACY

Migrants' working conditions are greatly affected by the country's laws and their enforcement. Malta's EU accession process and its subsequent membership in 2004 has visibly shaped the country's legal framework. Indeed, "European Union standards are a key element of, and influence on Malta's migration and integration law, policies and practices"²⁸. "Malta has a strong equality law framework that prohibits direct and indirect discrimination, as well as harassment and victimisation"²⁹. And it is beyond doubt that the improvement of such legal framework has been helpful in reducing discrimination against migrants. For example, the Equal Treatment in Employment Regulations enacted in 2004, requires that all workers receive the same treatment and are not discriminated against on the basis of several criteria including race. While there was considerable opposition to this law from Maltese people who opposed the idea of receiving similar wages as foreigners, eventually it served to reduce the wage gap between Maltese and foreigners³⁰.

Nevertheless, "migrant workers continue to face discrimination both in accessing employment and within employment"³¹. The rift between laws and practice contributes to this. The Maltese government has been accused, especially in recent years, over lack of enforcement in various spheres such as financial services, construction, occupational health and safety, and the environment. Agencies responsible for enforcing employment law tend to be under-resourced. It has been noted that "most racist comments made on-line, including comments to news articles, go unpunished"³².

I would also like to highlight a different challenge faced by TCNs in relation to Malta's laws. While EU migrants in Malta benefit from the principle of "freedom of movement" which greatly facilitates the mobility of workforce from one EU country to another, TCNs are treated differently. Andrew Cauchi compellingly argues that the Maltese legal framework does not give TCNs equal treatment to Maltese nationals as a general rule, but limits equality to areas as specified by law³³. It appears that this state of affairs was developed purposefully in line with the government's aim to maintain a demand-driven immigration system that only accepts TCNs if the country requires them. In such pursuit, the Maltese "legislator was extra cautious and sought to restrict TCN's

28. The People for Change Foundation (PfC): *Assess. Integration of Vulnerable Migrant Groups. Review of existing monitoring mechanisms for the integration of migrants in Malta*, Assessing Integration Measures for Vulnerable Migrant Groups, 2014, p. 21. Accessible in: https://www.pfcmalta.org/uploads/1/2/1/7/12174934/national_report.pdf.

29. Attard, S.; Cassar, C.; Gauci, J. P.: *ENAR shadow report 2012-2103: Racism and related discriminatory practices in employment in Malta*, ob. cit., p. 2.

30. Grech, K.: "The multiple impacts of foreign workers in Malta", Bachelor's dissertation, University of Malta, 2019. Accessible in: <https://www.um.edu.mt/library/oar/handle/123456789/49551>.

31. Attard, S.; Cassar, C.; Gauci, J. P.: *ENAR shadow report 2012-2103: Racism and related discriminatory practices in employment in Malta*, ob. cit., p. 2.

32. European Commission against Racism and Intolerance: *ECRI Report on Malta (Fourth monitoring cycle)*, Council of Europe, Strasbourg, 2013, p. 7. Accessible in: <https://rm.coe.int/fourth-report-on-malta/16808b5929>.

33. Cauchi, A.: "Labour immigration of third-country nationals to Malta: A critical appraisal of the current regulatory framework", Master's dissertation, University of Malta, 2018. Accessible in: <https://www.um.edu.mt/library/oar/handle/123456789/38712>.

access to employment as much as possible³⁴. Based on a restrictive and protectionist rationale, the “Maltese labour immigration law imposes numerous obstacles and barriers to labour immigration of third-country nationals which consequently hamper and restrict both their admission and stay in Malta³⁵. For example, Maltese legislation puts TCNs at the mercy of their employers, since they face deportation if they lose their job and do not find another one within 10 days³⁶.

The challenges created by Malta’s migration law are compounded by an administrative system that has been accused of suffocating TCNs by upholding “opaque, dilatory and discretionary procedures for obtaining and renewing work permits and for recognising TCNs’ qualifications³⁷. The institutional difficulties experienced by TCNs increasingly affected employers when the migration inflow from the EU became insufficient to meet their growth needs. This prompted the Malta Employers’ Association to publish a position paper recommending the facilitation of administrative processes in the employment of TCNs³⁸.

V. ATTITUDES TOWARDS MIGRANTS

Due to its particular geographic location, Malta has historically been at the intersection of different cultures and civilizations. The complexion of the Maltese population and their culture, including their language and even their names, reflect a rich heritage of influences especially from Europe and North Africa. Despite such exposure, the Maltese have a surprisingly homogenous identity that has shown to be quite aversive to foreigners and multiculturalism. “There is a fear of invasion that plagues the Maltese historical memory³⁹. Besides, the islanders’ identification as Christian Europeans created negative stigmas towards Africans that have existed for centuries⁴⁰. Apprehension towards foreign people and cultures endures, despite the fact that the country relies heavily on tourism and many Maltese regularly interact with foreigners.

34. Ibid., p. 97.

35. Ibid., p. ii.

36. See: Bonnici, J.: “10 days or you’re out: Non-EU workers are being kicked out of Malta over slight delays in finding new work”, *Lovin Mata*, 26 June 2021. Accessible in: <https://lovinmalta.com/news/10-days-or-youre-out-non-eu-workers-are-being-kicked-out-of-malta-over-slight-delays-in-finding-new-work/>; Cauchi, A.: “Labour immigration of third-country nationals to Malta: A critical appraisal of the current regulatory framework”, cit.

37. Suban, R.; Zammit, D. E.: “Promoting the integration of third-country nationals through the labour market: combating discrimination in employment: the case of third-country nationals in Malta”, *Mediterranean Human Rights Review*, vol. 1, 2019, p. 98.

38. Malta Employers’ Association: *Facilitating the employment of foreign employees in Malta – Recommendations by MEA*, cit.

39. Holicza, P.; Stone, A. M.: “Beyond the headlines: Economic realities of migration and the labour market in Malta”, *Journal of International Studies*, vol. 9, n. 3, 2016, p. 96.

40. Van Hooren, D.: “Outsiders as invaders: On the attitudes of Maltese citizens toward irregular immigrants”, in Muller, T. (Ed.): *Contributions from European symbolic interactionists: Conflict and cooperation*, Emerald Group Publishing Limited, Bingley (UK), 2015, pp. 75-97.

A. Resistance to migrants and multiculturalism

During the first decade of this millennium, the topic of migration in Malta was mainly mentioned in national and international media in view of the high influx of asylum seekers and refugees arriving by boat from North Africa⁴¹. The numbers of such irregular immigrants were high enough to strain the country's asylum system and detention centres, and contributed to social tension between the Maltese and the migrant communities. "The public reaction to the arrival of migrants has been increasingly negative, with xenophobic discourse all too often taking the mainstream stage"⁴². This attitude was reflected in and amplified by political discourse. As recent as 2020, the Maltese Prime Minister declared that Malta was "full up" for irregular migrants⁴³. Over the past years, the government has consistently tried to stop such arrival of irregular migrants, and relocate those who arrive in Malta to other countries.

While the arrivals of irregular migrants fluctuated over the past twenty years, the number of regular migrants grew exponentially, bringing with them a variety of cultures⁴⁴. Despite the changing reality on the ground, the country's transition to a multicultural society appears to be slow and difficult. The Maltese population's negative attitudes towards migrants have been well documented. The majority of respondents (63%) in a Eurobarometer survey published in 2017 believe that immigration from outside the EU is more of a problem than an opportunity for Malta⁴⁵. If one delves deeper into such attitudes towards migrants, one realizes that they tend to be "selective and utilitarian, with most respondents viewing foreigners either as a source of investment especially in property, or as an invisible army of labour which takes those jobs which are not wanted by Maltese"⁴⁶. Thus, 84% of the Eurobarometer's survey respondents believe that migrants "help to fill jobs for which it's hard to find workers"⁴⁷. At the same time, surveys commonly find that the Maltese believe that migrants take jobs away from nationals⁴⁸. Social partners have criticized such perceptions⁴⁹. According to the

41. Grech, A. G.: "Did Malta's accession to the EU raise its potential growth? A focus on the foreign workforce", cit.

42. Attard, S.; Cassar, C.; Gauci, J. P.: *ENAR shadow report 2012-2103: Racism and related discriminatory practices in employment in Malta*, cit., p. 18.

43. Diacono, T.: "Watch: Robert Abela says Malta 'full up' to irregular migrants but not regular ones", Lovin Malta. 7 October 2020. Accessible in: <https://lovinmalta.com/news/news-politics/watch-robert-abela-says-malta-full-up-to-irregular-migrants-but-not-regular-ones/>.

44. Suban, R.; Zammit, D. E.: "Promoting the integration of third-country nationals through the labour market: combating discrimination in employment: the case of third-country nationals in Malta", cit.

45. European Commission: *Special Eurobarometer 469 – Integration of immigrants in the European Union – Malta*, 2017. Accessible in: <https://europa.eu/eurobarometer/api/deliverable/download/file?deliverableId=65434>.

46. MediaToday: *Perceptions about third country nationals and immigration in Malta*, MediaToday, Malta, 2015, p. 6. Accessible in: <https://ec.europa.eu/migrant-integration/index.cfm?action=media.download&uid=6A3A5754-C2AE-F658-E42268696E71D46D>.

47. European Commission: *Special Eurobarometer 469 – Integration of immigrants in the European Union – Malta*, cit., p. 2.

48. See: Ibid.; Media Today: *Perceptions about third country nationals and immigration in Malta*, ob. cit.; Hoisaeter, J.: *What do you think? A report on public perception about refugees and migrants in Malta*, United Nations High Commissioner for Refugees 2012. https://www.unhcr.org/mt/wp-content/uploads/sites/54/2018/04/5_what_do_you_think_ppr_2012_unhcr_.pdf.

49. See: Grech, K.: "The multiple impacts of foreign workers in Malta", ob. cit.; Malta Employers' Association: *Facilitating the employment of foreign employees in Malta – Recommendations by MEA*, cit.

Malta Employers' Association, "in the vast majority of cases, labour shortages abound in areas where there are no Maltese job seekers"⁵⁰. Opinions towards TCNs appear to be worse than those towards EU migrants. In line with the utilitarian perspective mentioned earlier, Maltese people distinguish "between asylum seekers and richer foreigners"⁵¹.

Surveys carried out over the last decade point out that the Maltese population hardly appreciates the cultures that foreigners bring with them. Only 28% of the respondents of a recent Eurobarometer believe that immigrants enrich Malta's cultural life⁵². In another survey carried out by the United Nations High Commissioner for Refugees, the majority (57.6%) of 400 Maltese respondents disagree that "a mixture of different lifestyles and cultures such as those brought about by refugees and migrants makes Malta a more attractive place to live"⁵³. Besides, most respondents (58%) think that "people coming to Malta should change their ways to be more like other Maltese citizens"⁵⁴.

There is a common feeling among the population that Malta is too small to accommodate and cater for migrants⁵⁵. Back in 2012, about half of a group of surveyed respondents already believed that that they were too many migrants and refugees arriving in their locality⁵⁶. The earlier-mentioned "full-up" comment by the Prime Minister echoes this sentiment. In line with this perception, many Maltese people believe that migrants burden the country's welfare system and worsen crime problems⁵⁷.

B. Social partners' changing mentality

Maltese employers traditionally tended to share the population's negative sentiments against migrants⁵⁸. In the past, employers would not employ irregular migrants, especially in jobs in contact with clients, in order not to attract bad publicity to their organisation⁵⁹. Such practices contributed to confine migrants to jobs that were dirty, dangerous and degrading, in specific industries such as construction, waste removal, and cleaning. "Lack of awareness and training in managing diversity" might have also influenced employers to "adopt practices and policies which make it more difficult for workers from diverse countries to integrate into the workforce"⁶⁰. However, a utilitarian

50. Ibid., p. 4.

51. MediaToday: Perceptions about third country nationals and immigration in Malta", cit., p. 6.

52. European Commission: *Special Eurobarometer 469 – Integration of immigrants in the European Union – Malta*, cit.

53. Hoisaeter, J.: *What do you think? A report on public perception about refugees and migrants in Malta*, cit. p. 12.

54. Ibid.

55. See: MediaToday: *Perceptions about third country nationals and immigration in Malta*, cit.; Hoisaeter, J.: *What do you think? A report on public perception about refugees and migrants in Malta*, cit.

56. Ibid.

57. European Commission: *Special Eurobarometer 469 – Integration of immigrants in the European Union – Malta*, cit.

58. Debono, M.: "Malta: The occupational promotion of migrant workers", 2009. <https://www.eurofound.europa.eu/publications/report/2009/malta-the-occupational-promotion-of-migrant-workers>.

59. Suban, 2012, in Attard, S.; Cassar, C.; Gauci, J. P.: *ENAR shadow report 2012-2103: Racism and related discriminatory practices in employment in Malta*, cit.

60. Suban, R.; Zammit, D. E.: "Promoting the integration of third-country nationals through the labour market:

logic encouraged employers to start undergoing a change in mentality that is more open to accepting migrant workers, even irregular ones⁶¹. Employers' associations such as the Malta Employers' Association have been instrumental in pushing forward the idea that migrants should be considered as an "opportunity to help tackle labour shortages, rather than a social problem"⁶².

Until a few years ago, trade unions tended to be reluctant to assist in the integration of migrants. Over the last two decades, there have been some prominent instances of union leaders airing their views against migrants⁶³. Besides, for a period of time, "when speaking against racism, Maltese unions tend[ed] to be most vocal about the fact that refugees' lower wages are undercutting the Maltese worker"⁶⁴. But the general attitudes of unions appear to have developed considerably in recent years and there is now a growing push to improve the working conditions of migrants. Despite the challenges that trade unions experience to represent the interests of migrant workers, unions are focusing more on outreach initiatives to improve the integration and promote the equal treatment of such workers⁶⁵.

VI. LABOUR MARKET CONDITIONS OF MIGRANTS

After having examined the social context in which migrants work, this section discusses some research findings relating to their working conditions, highlighting a number of challenges they face in achieving decent work.

A. Barriers to accessing employment

Migrants in general encounter greater difficulties to access Malta's labour market than nationals. Migrants' access to employment is often hindered by their lack of social capital, a challenge that is magnified due to the small size of most companies in Malta "which often recruit informally without going through official channels"⁶⁶. A recent survey confirmed that the preferred manner of recruitment by employers in Malta is still by word of mouth⁶⁷.

While EU migrants might suffer from lack of social capital, at least they are not legally disadvantaged like TCNs. It has been argued that the barriers imposed by Malta's labour immigration law to block TCNs from coming to Malta when they are not

combating discrimination in employment: the case of third-country nationals in Malta", cit., p. 109.

61. Suban, 2012, in Attard, S.; Cassar, C.; Gauci, J. P.: *ENAR shadow report 2012-2103: Racism and related discriminatory practices in employment in Malta*, cit.

62. Debono, M.: "Malta: The occupational promotion of migrant workers", cit.

63. Ibid.

64. Ibid.

65. Farrugia, M.: "The rise of foreign workers in Malta: Trade unions' perspectives", Bachelor's dissertation, University of Malta, 2019. <https://www.um.edu.mt/library/oar/handle/123456789/55845>.

66. Attard, S.; Cassar, C.; Gauci, J. P.: *ENAR shadow report 2012-2103: Racism and related discriminatory practices in employment in Malta*, cit., p. 21.

67. Jobsplus and the National Commission for Further and Higher Education: "National employee skills survey", cit.

needed, also makes it very difficult for them to be admitted when they are needed⁶⁸. Just to mention one barrier, for TCNs to migrate for work to Malta, they first need to have secured a job offer, something which is very difficult when they are unable to meet physically their potential employers⁶⁹. One should here note that Maltese law tends to provide highly qualified TCNs with privileged treatment⁷⁰.

Surveys among TCNs also commonly report their inability to find employment due to discrimination not only on the basis of their ethnicity and nationality, but also on the basis of other aspects such as age and religion⁷¹. Some migrants such as Sub-Saharan African females have low participation rates in the labour market due to gendered obstacles including accessible childcare support⁷². Female asylum seekers also experience other obstacles to access employment such as lack of local work experience, language barriers, lack of job interview skills, lack of local references, lack of qualifications, or problems with the recognition of their foreign qualifications⁷³.

In a survey carried out in 2012, about 80% of Maltese respondents admitted that refugees and migrants are not treated fairly when looking for jobs⁷⁴. On the other hand, a Eurobarometer survey published in 2015 reported that about half (48%) of the respondents believed that during recruitment processes in Malta, the candidates' skin colour or ethnic origin may put them at a disadvantage⁷⁵. The situation might be improving, at least with regards to public perceptions, as a lower 29% of the respondents in a 2019 Eurobarometer believed that the candidates' ethnic origin may put them at a disadvantage, while 36% believed skin colour may put candidates at a disadvantage⁷⁶.

Language barriers are regularly mentioned by employers as a major challenge when recruiting foreign workers, especially low-skilled ones⁷⁷. Insufficient communication skills may be a major reason for employers to shy away from recruiting irregular

68. Cauchi, M. G.: "The employment of low skilled foreign workers in the Maltese labour market", Master's dissertation, University of Malta, 2017. <https://www.um.edu.mt/library/oar//handle/123456789/24229>.

69. Ibid.

70. Ibid.

71. See: Attard, S.; Cassar, C.; Gauci, J. P.: *ENAR shadow report 2012-2103: Racism and related discriminatory practices in employment in Malta*, ob. cit.; Migrant Women Association Malta: "Stepping up - An investigation of female asylum seekers and employment in Malta", 2017. Accessible in: <https://migrantwomenmalta.org/wp-content/uploads/2021/02/Res-1.pdf>.

72. Attard, S.; Cassar, C.; Gauci, J. P.: *ENAR shadow report 2012-2103: Racism and related discriminatory practices in employment in Malta*, cit.

73. Migrant Women Association Malta: "Stepping up - An investigation of female asylum seekers and employment in Malta", cit.

74. United Nations High Commissioner for Refugees: "What do you think? A report on public perception about refugees and migrants in Malta", cit.

75. European Commission: *Special Eurobarometer 437. Discrimination in the EU in 2015*, 2015. Accessible in: <https://europa.eu/eurobarometer/api/deliverable/download/file?deliverableId=51311>.

76. European Commission: *Special Eurobarometer 493 - Discrimination in the European Union - Malta*, 2019. Accessible in: <https://europa.eu/eurobarometer/api/deliverable/download/file?deliverableId=71163>.

77. See: Abdilla, A.: "Establishing a framework for managing migrant construction workers in the Maltese islands", Master's dissertation, University of Malta, 2017. Accessible in: <https://www.um.edu.mt/library/oar/handle/123456789/77922>; Curmi, N.: "The impact of foreign workers on productivity: Employers' perspectives of Maltese firms", Master's dissertation, University of Malta, 2019. Accessible in: <https://www.um.edu.mt/library/oar/handle/123456789/57157>.

migrants⁷⁸. Some interesting nuances were revealed in a qualitative study carried out in the health care sector. Foreign nurses' ability to speak English was sometimes insufficient to work with patients, especially elderly ones who only spoke Maltese⁷⁹. "To address this problem, hospital management tried to balance the teams of nurses on different shifts. This has created more workload for Maltese nurses and managers, resulting though in favourable outcomes"⁸⁰.

B. High qualifications, underemployment, and lack of job mobility

In general, migrants have a higher level of education than the Maltese population⁸¹. Indeed, the proportion of migrants (18-64 years old) with a tertiary level of education is nearly double that of the Maltese (42.7% and 24.6% respectively)⁸². This situation derives from both the relatively low qualification levels of the Maltese population, as well as the country's policies and laws that favour the attraction of the more highly qualified foreign workers⁸³. As among the Maltese population, female migrants have a higher level of education than their male counterparts. EU27 migrants are on their part considerably more qualified than non-EU27 migrants.

An ad-hoc module on migration and the labour market forming part of a 2014 Labour Force Survey indicated that about a fourth (25.4%) of the total employed migrants in Malta felt overqualified for their work, when compared to a considerably lower 19% of the Maltese⁸⁴. The situation might be considerably worse among TCNs. A survey among 317 Filipino workers revealed that while most of them had post-secondary or tertiary qualifications, they often had low skilled jobs⁸⁵. Besides, 40% of the Filipino respondents stated that they worked below their skill levels when compared to about 21.8% of the Maltese⁸⁶. A study among 91 female asylum seekers similarly found that they are "moderately dissatisfied with the opportunities their jobs offered to use their skills"⁸⁷. Institutional barriers in having their foreign qualification recognised are a major factor leading foreign workers to underemployment⁸⁸.

78. Cauchi, M. G.: "The employment of low skilled foreign workers in the Maltese labour market", cit.

79. Buttigieg, S. C.; Agius, K.; Pace, A.; Cassar, M.: "The integration of immigrant nurses at the workplace in Malta: a case study", *International Journal of Migration, Health and Social Care*, vol. 14, n. 3, 2018, pp. 269-289.

80. Ibid., p. 281.

81. Eurostat: "Migrant integration", 2021b. <https://ec.europa.eu/eurostat/web/migration-asylum/migrant-integration/database>.

82. Ibid.

83. Cauchi, M. G.: "The employment of low skilled foreign workers in the Maltese labour market", cit.

84. Eurostat: "Migrant integration", cit.

85. Debono, M.; Vassallo, M. T.: "An analysis of the working conditions of Filipinos in Malta", *European Scientific Journal*, vol. 15, n. 26, 2019, pp. 64-88.

86. Ibid.

87. Migrant Women Association Malta: "Stepping up - An investigation of female asylum seekers and employment in Malta", cit., p. 6.

88. See: Attard, S.; Cassar, C.; Gauci, J. P.: *ENAR shadow report 2012-2103: Racism and related discriminatory practices in employment in Malta*, cit.; Debono, M.; Vassallo, M. T.: "An analysis of the working conditions of Filipinos in Malta", cit.

As has been discussed earlier, most foreign workers tend to remain in Malta for short periods of time. During such time, “very few foreign workers ever change their job or improve their employment occupation”⁸⁹. The short stay of foreigners might discourage employers from investing in their training. It has been argued that migrants at the lower levels of the labour market “often face a glass ceiling, finding it virtually impossible to move up from the ‘dirty, dangerous and degrading’ job levels despite their skills and experience”⁹⁰. There is also some indication of the difficulties of career progression among migrants in specific professions. For example, in a qualitative study carried out in the health sector, migrant nurses contended that “they have less opportunity to advance in their career” than their Maltese counterparts⁹¹.

C. Insufficient training opportunities

Adult foreigners living in Malta are less likely to take part in education and training than the Maltese population (11.2% and 17.3% respectively)⁹². Between 2011 and 2020, EU27 migrants were slightly more likely to have accessed education and training than non-EU27 migrants in Malta⁹³. Besides, as in the case of Maltese citizens, female foreigners living in Malta are more likely to take part in education and training than their male counterparts⁹⁴.

These general findings are reflected in other studies carried out with particular groups of migrants. For example, in study among 101 TCNs, 60% of the respondents did not attend any training on employment conditions over the previous five years⁹⁵. On the other hand, while Filipino workers were found to be less likely to receive on-the-job training or training paid for or provided by their employer when compared to nationals, they were more likely to have engaged in training paid for by themselves⁹⁶. The latter findings indicate that low levels of training may (at least sometimes) not depend on the migrants’ motivation but on the barriers they encounter. Indeed, other research shows that a significant number of TCNs would like to have more training opportunities⁹⁷. Most migrants are employed in the private sector which traditionally is less likely to facilitate employee training than the public sector. The small size of the majority of companies in Malta reduces their ability to afford training⁹⁸. Besides, the short stay of foreign workers in Malta also acts as a disincentive for employers to invest in their training.

89. Borg, I.: “The length of stay of foreign workers in Malta”, cit., p. 4.

90. Attard, S.; Cassar, C.; Gauci, J. P.: *ENAR shadow report 2012-2103: Racism and related discriminatory practices in employment in Malta*, cit., p. 23.

91. Buttigieg, S. C.; Agius, K.; Pace, A.; Cassar, M.: “The integration of immigrant nurses at the workplace in Malta: a case study”, cit., p. 284.

92. Eurostat: “Migrant integration”, cit.

93. Ibid.

94. Ibid.

95. Department of Industrial and Employment Relations: “The conditions and employment and the level of integration of third country nationals at their place of work”, 2014. Accessible in: <https://dier.gov.mt/en/Pages/home.aspx>.

96. Debono, M.; Vassallo, M. T.: “An analysis of the working conditions of Filipinos in Malta”, cit.

97. Department of Industrial and Employment Relations: “The conditions and employment and the level of integration of third country nationals at their place of work”, cit.

98. Grech, K.: “The multiple impacts of foreign workers in Malta”, cit.

D. Higher at-risk-of-poverty rates despite long working hours

As stated earlier, migrants in Malta are often at the extremes of the labour market. Thus, the highly qualified (often EU migrants) who work in high-tech and high value-added sectors such as iGaming, ICT, and financial services tend to earn higher than average wages. However, these are a minority when compared to the migrants at the other end of the scale who are more likely to be TCNs.

Migrant workers in Malta are much more at risk of poverty than Maltese workers (14.5% and 6% respectively)⁹⁹. Besides, while the rate of Maltese workers at risk of poverty remained largely unchanged between 2011 and 2019, this nearly doubled among foreigners over the same period. Male foreign workers are considerably more at risk of poverty than their female counterparts¹⁰⁰. This finding is related to the earlier-mentioned gender difference in qualifications. Besides, TCN are much more at risk of poverty than EU migrants¹⁰¹. In a study commissioned by the Department of Industrial and Employment Relations, about three fourths of a sample of TCNs observed that their wage is lower than that paid to their Maltese counterparts¹⁰². When asked what they would like to have more at their workplace, nearly all respondents (94.7%) said “a better wage”. At the same time, they seemed to be aware of the improbability of this, as over half of the respondents believed lower wages/leave were the main reason why Maltese employers employed TCNs¹⁰³.

While the unfairness of and dissatisfaction with wages is commonly reported among migrants in Malta¹⁰⁴, this appears not to be always the case, even among the lower paid groups of TCNs. For example, only 18.5% of surveyed Filipino workers believed that they were paid inappropriately for their work considering their efforts and achievements, a lower percentage than that among Maltese nationals¹⁰⁵. The reasons for this finding are unclear; they could be related to the respondents’ culture, to their lack of awareness of the conditions of Maltese workers, or/and to the fact that their income was still much higher than what they would have been able to earn back in their country.

Migrants are at greater risk of poverty despite often working long hours¹⁰⁶. Their extended hours of work might at times be due to their own choice, in order to make as

99. Eurostat: “Migrant integration”, cit.

100. Ibid.

101. Ibid.

102. Department of Industrial and Employment Relations: “The conditions and employment and the level of integration of third country nationals at their place of work”, cit.

103. Ibid.

104. See: Buttigieg, S. C.; Agius, K.; Pace, A.; Cassar, M.: “The integration of immigrant nurses at the workplace in Malta: a case study”, cit.; Department of Industrial and Employment Relations: “The conditions and employment and the level of integration of third country nationals at their place of work”, ob. cit.; Migrant Women Association Malta: “Stepping up - An investigation of female asylum seekers and employment in Malta”, cit.

105. Debono, M., Vassallo, M. T.: “An analysis of the working conditions of Filipinos in Malta”, cit.

106. See: Ibid.; Collantes, S.; Soler, A.; Klorek, N.: *Access to healthcare and living conditions of asylum seekers and undocumented migrants in Cyprus, Malta, Poland and Romania*, HUMA Network, 2011. Accessible in: https://mdmeuroblog.files.wordpress.com/2014/01/huma_report-cyprus-malta-poland-and-romania.pdf.

much money as possible during their limited stay in Malta. Indeed, in a study among TCNs, “when asked their reasons for working (other than earning money), most of the TCNs (85.3%) responded that their only reason for working was to make money”¹⁰⁷. However, migrants might also be obliged by their employer to work long hours. Only 61% of TCNs were found to utilise vacation leave, as in many cases, employers simply did not give respondents such leave¹⁰⁸. Some types of employment relations that are common among migrant workers, by their very nature, make it harder for workers to detach themselves from work and enjoy their free time. For example, in a qualitative study among Filipinas working as live-in care workers, interviewees spoke about their difficulty in separating their work from their personal life¹⁰⁹. “Psychological obligations” might make them feel guilty taking a day off and leave their client unattended¹¹⁰.

E. Greater health and safety risks, especially among those in undeclared work

According to the country's Occupational Health and Safety Authority (OHSA) CEO, “in Malta, 22% of all fatal accidents and 37% of all construction fatalities involve foreign workers”¹¹¹. A sharp increase has been observed between 2014 and 2018 in accidents involving foreigners, especially non-EU nationals¹¹². While accidents involving nationals and EU nationals mostly occur in the manufacturing and retail trade industry, accidents involving TCNs tend to be in the construction sector¹¹³. According to the OHSA CEO, “the main risks emanate from a lack of training and supervision. Foreign workers are often assigned tasks which are beyond their abilities and competences, and which are often compounded by a lack of suitable communication skills”¹¹⁴. The CEO also stated that “such workers are not aware of their rights (let alone their responsibilities) so that it is often difficult for them to approach the state agencies which are empowered to help them”¹¹⁵. In a study focusing on the living conditions and access to healthcare of asylum seekers or undocumented migrants living outside detention or open centres, “45% of the workers interviewed believed their work could adversely affect their health or put them at risk of an accident in the workplace”¹¹⁶. Similarly, in another quantitative

107. Department of Industrial and Employment Relations: “The conditions and employment and the level of integration of third country nationals at their place of work”, cit.

108. Ibid.

109. Vassallo, M. T.; Debono, M.: “Labouring behind closed doors: The working and living conditions of Filipino live-in care workers in Malta”, in Ozen, E. and Grima S. (eds.): *Emerald studies in finance, insurance and risk management Vol 1 – Uncertainty and challenges in contemporary economic behaviour*, Emerald Group Publishing, Bingley, 2020, pp. 195-215.

110. Ibid.

111. “OHSA issues guidance document for migrant workers in various languages”, *The Malta Independent*, 9 November 2020. Accessible in: <https://www.independent.com.mt/articles/2020-11-09/local-news/OHSA-issues-guidance-document-for-migrant-workers-in-various-language-6736228515>.

112. Calleja, C.: “Foreign workers more likely to die on the job”, *Times of Malta*, 29 August 2019. Accessible in: <https://timesofmalta.com/articles/view/foreign-workers-more-likely-to-die-on-the-job.730735>.

113. Ibid.

114. Ibid.

115. Ibid.

116. Collantes, S.; Soler, A.; Klorek, N: *Access to healthcare and living conditions of asylum seekers and undocumented migrants in Cyprus, Malta, Poland and Romania*, cit., p. 78.

study among Filipino workers, nearly half of the respondents felt that their health or safety was at risk because of their work¹¹⁷.

A number of factors, including the cumbersome government system to employ TCNs¹¹⁸, may be forcing migrant workers into the informal economy. Such work results in higher levels of exploitation and discrimination, including greater health and safety risks, wages below the national minimum wage, and lack of other basic rights granted by law such as leave, sick leave, and notice periods¹¹⁹. Certain industries such as construction and hospitality appear to be particularly prone to attract migrants in the informal economy.

Despite the fact that the phenomenon of informal work exists among all groups of migrant workers, employment precariousness in Malta has become synonymous with irregular migrants from Sub-Saharan Africa who are over-represented in the informal economy, especially in casual employment. “Many migrants have found that the most effective way of finding work is by waiting on the side of a roundabout in the hope of being picked up for one off jobs... However, this practice creates an environment which is highly conducive to exploitation, and stories have been recounted of people being refused payment outright, or being given extremely low pay for long hours of work”¹²⁰. One should note that Jobsplus, Malta’s public employment services organisation, set up a Job Brokerage Office in 2017 with the objective of tackling this specific phenomenon. “The service facilitates short-term employment placements between employers and interested migrants”¹²¹. The service has been used by many migrants and there are success stories of migrants making use of such service who are eventually offered full-time employment¹²². But it is far off from eliminating the phenomenon of Sub-Saharan migrants in informal casual work.

F. Complex relationships with superiors, colleagues, and clients

Some evidence from quantitative surveys indicates that migrant workers in Malta might be generally satisfied with their relationship with their superiors and colleagues at work. But a minority experience difficulties. In the previously mentioned quantitative study among Filipino migrants, a third of the respondents claimed not to be treated fairly at work¹²³. Similarly, 30% received insufficient help and support from managers and/or

117. Debono, M.; Vassallo, M. T.: “An analysis of the working conditions of Filipinos in Malta”, cit.

118. Malta Employers’ Association: *Facilitating the employment of foreign employees in Malta – Recommendations by MEA*, cit.

119. Attard, S.; Cassar, C.; Gauci, J. P.: *ENAR shadow report 2012-2103: Racism and related discriminatory practices in employment in Malta*, cit.

120. Ibid., p. 20.

121. Jobsplus: “Annual report 2017”, 2017, p. 34. Accessible in: <https://jobsplus.gov.mt/resources/publication-statistics-mt-mt-en-gb/publications/fileprovider.aspx?fileId=2954>.

122. See: Jobsplus: “Annual report 2018”, 2018. Accessible in: <https://jobsplus.gov.mt/resources/publication-statistics-mt-mt-en-gb/publications/fileprovider.aspx?fileId=3803>; Jobsplus, “Annual report 2019”, 2019. Accessible in: <https://jobsplus.gov.mt/resources/publication-statistics-mt-mt-en-gb/publications/fileprovider.aspx?fileId=8541>.

123. Debono, M.; Vassallo, M. T.: “An analysis of the working conditions of Filipinos in Malta”, cit.

colleagues¹²⁴. On the other hand, a survey published by the EU Agency for Fundamental Rights found that 27% of the sampled African workers suffered from unfair treatment at their workplace on the basis of their ethnicity/immigrant background¹²⁵. The Department of Industrial and Employment Relations reported more positive findings among its sample of TCNs, as only 5.3% stated that they did not usually find assistance from other work colleagues, while 12.7% reported not feeling part of the team at their workplace¹²⁶. Discrimination based on skin colour may be more common than that based on ethnic origin¹²⁷. For example, a qualitative study involving nurses and nursing managers found that patients were mainly discriminatory towards non-white nurses¹²⁸.

Workplace relationships between migrants and Maltese workers are complex. Despite the above-mentioned unfairness and discrimination, sometimes even among different groups of migrants themselves¹²⁹, it also appears that “many migrant workers integrate well with their colleagues and friends. Indeed such evidence highlights employment as a key way in which migrants integrate into Maltese society”¹³⁰. The longer time they had to build relations with employers and co-workers has been offered as a reason why older Filipino workers tended to have better work outcomes including fairer treatment and less discrimination than younger ones¹³¹. The European Network Against Racism aptly described this type of situation through the words of a migrant who said that “when I started my job I felt that my Maltese workmates were quite racist and were not friendly with me. But as time passed things improved a lot and now we became friends and they treat me with respect. However, whenever a new migrant starts working with us [,] my Maltese workmates would still have a hostile attitude towards him”¹³².

G. Low unionisation

There are no representative statistics on the level of unionisation among migrant workers, though the perception is that this is very low. A study carried out among 101 TCNs found that 98.9% of the respondents were not in a trade union, and 77.4% did

124. Ibid.

125. European Union Agency for Fundamental Rights: *EU-MIDIS: European Union minorities and discrimination survey. Main results report*, Publications Office of the European Union, Luxembourg, 2010. Accessible in: https://fra.europa.eu/sites/default/files/fra_uploads/663-fra-2011_eu_midis_en.pdf.

126. Department of Industrial and Employment Relations: “The conditions and employment and the level of integration of third country nationals at their place of work”, cit.

127. European Commission: *Special Eurobarometer 493 –Discrimination in the European Union – Malta*, cit.

128. Buttigieg, S. C.; Agius, K.; Pace, A.; Cassar, M.: “The integration of immigrant nurses at the workplace in Malta: a case study”, cit.

129. Grech, K.: “The multiple impacts of foreign workers in Malta”, cit.

130. Attard, S.; Cassar, C.; Gauci, J. P.: *ENAR shadow report 2012-2103: Racism and related discriminatory practices in employment in Malta*, cit., p. 23.

131. Debono, M.; Vassallo, M.T.: “Predictors of employment outcomes among Filipino workers in Malta”, *Xjenza Online*, vol. 8, n. 1, 2020, pp. 16-31.

132. Attard, S.; Cassar, C.; Gauci, J. P.: *ENAR shadow report 2012-2103: Racism and related discriminatory practices in employment in Malta*, cit., p. 23.

not have a collective agreement with recognised trade unions¹³³. While only a third (30.9%) of the same group of respondents stated that they wish to become a member in a trade union, a much larger 59.6% stated not to have a desire to do so, and another 9.6% were unsure¹³⁴.

Godfrey Baldacchino provides a pertinent summary of the main barriers that prevent migrants from becoming unionised. First of all, they tend to work in either the top or the bottom locations of the labour market hierarchy “the two labour market segments that are least disposed towards trade union consciousness and affiliation”¹³⁵. They tend to work in the private sector, which in general is much less unionised than the public sector. Workers at the higher locations of the labour market (e.g. in iGaming) tend to prefer to engage in direct bargaining with their employers, while those at the lower levels of the labour market (e.g. in construction, catering, and personal care) feel unable to refute what the employer offers due to their lack of options¹³⁶. This is especially so if their work is undeclared. As migrants often exit quickly the Maltese labour market, they may not have integrated in this society enough to appreciate the role of trade unions¹³⁷.

VII. CONCLUSION

This paper documented the increasingly popular utilitarian logic of accepting migrants for their contribution to the economy. However, it has also shown that such acceptance does not necessarily translate into providing migrant workers with decent work and integrating them respectfully in workplaces and in society. A MediaToday survey found that less than half of the Maltese respondents were clearly in favour of the government promoting “a process of dialogue to help foreign communities participate and contribute to Maltese society”¹³⁸. In view of all this, it comes as no surprise that the Maltese have developed a reputation to be resistant to integrating both EU and TCN migrants¹³⁹.

While this paper focused on the challenges faced by migrant workers, it is important to note that strides in the right direction have been made by government, social partners and civil society to improve the employment and living situation of migrants. Malta scored average on the recent Migrant Integration Policy Index (MIPEX), but the latter noted the progress made by the country and praised the major improvements in migrants’ integration between 2014 and 2019¹⁴⁰. MIPEX stated that Malta “started to

133. Department of Industrial and Employment Relations: “The conditions and employment and the level of integration of third country nationals at their place of work”, cit.

134. Ibid.

135. Baldacchino, G.: “Malta and the ‘new normal’: The labour importing economy”, cit., p. 16.

136. Ibid.

137. See: Ibid.; Debono, M.; Vassallo, M.T.: “Predictors of employment outcomes among Filipino workers in Malta”, cit.

138. MediaToday: “Perceptions about third country nationals and immigration in Malta”, cit., p. 6.

139. Holicza, P.; Stone, A. M.: “Beyond the headlines: Economic realities of migration and the labour market in Malta”, cit.

140. Migrant Integration Policy Index: “Key findings – Malta, 2019”, 2020. Accessible in: <https://www.mipex.eu/malta>.

address its main weakness on equal opportunities and security for immigrants across different areas of life, from the labour market to education and political participation”¹⁴¹.

Unfortunately, the pandemic has hit hard the lives of migrant workers, especially TCNs. Robert Reich, an American politician and academic proposed the emergence of four “classes” of people during the pandemic, including “the forgotten” who were more exposed to the virus and did not get what they required to deal with the crisis due to the marginalised space they occupy in society¹⁴². Many migrants in Malta, especially TCNs fall in this category¹⁴³. As an example, one can mention the exploitative and potentially illegal working situation of hundreds of migrants in the courier industry, which grew exponentially during the pandemic. It has been reported that not only do the “couriers start their journey in considerable debt, paying up to €7,000 for the fleet agencies to get them a work permit in Malta”¹⁴⁴, but “almost all workers, are working up to 80 hours to earn just 50% of the expected monthly salary”¹⁴⁵.

Migrants, especially those working in undeclared jobs and on zero-hours contracts were the first to be made redundant during the pandemic. Those who lost their job hardly found any institutional support at all. In the first months of the pandemic, a minister notoriously stated in Parliament that foreigners who lose their jobs would risk deportation if they do not return to their home country immediately. After all, he said, “charity begins at home”¹⁴⁶. Indeed, government’s pandemic measures were biased against migrants. For example, organisations which terminated the employment of employees were barred from offering such employment to TCNs. Several thousands of migrants were assisted by government to return to their countries of origin, while many others returned on their own. Interestingly enough, despite such mass exodus, the number of foreign workers in Malta in 2020 remained roughly the same as in the previous year. Government confirmed that this was due to the fact that most of those who left the country were working illegally and did not feature in statistics¹⁴⁷.

In summary, the pandemic increased the vulnerability of migrants, especially TCNs, and reversed some of the progress that had been accomplished in recent years, in particular in terms of social attitudes. Back in 2016, it was claimed that “political

141. Ibid.

142. Reich, R.: “Covid-19 pandemic shines a light on a new kind of class divide and its inequalities”, *The Guardian*, 2020, April 26. <https://www.theguardian.com/commentisfree/2020/apr/25/covid-19-pandemic-shines-a-light-on-a-new-kind-of-class-divide-and-its-inequalities>.

143. Debono, M.: “Covid-19: The great disruptor of working lives”, in Debono, M. and Baldacchino, G. (eds.): *Working life and the transformation of Malta 1960-2020*, Malta University Press, Malta, 2021, pp. 311-329.

144. Bonnici, J.: “Food couriers are still losing half their salaries with agencies targeting foreign workers on the rise”, *Lovin Malta*, 17 July 2021. Accessible in: <https://lovinmalta.com/news/food-couriers-malta-salary-issues-continue/>.

145. Calleja, L.: “Ministers told of 1,200 workers in ‘illegal’ food delivery and taxi jobs”, *MaltaToday*, 16 February 2021. Accessible in: https://www.maltatoday.com.mt/news/national/107743/ministers_told_of_1200_workers_in_illegal_food_delivery_and_taxi_jobs#.YTCcl9-xW70.

146. The People for Change Foundation: *Coronavirus COVID-19 outbreak in the EU - Fundamental Rights Implications*, 2020, March 23, p. 3. Accessible in: https://fra.europa.eu/sites/default/files/fra_uploads/malta-report-covid-19-april-2020_en.pdf.

147. Farrugia, C.: “Number of foreign workers stalls for first time in over a decade”, *Times of Malta*, 1 February 2021. Accessible in: <https://timesofmalta.com/articles/view/finance-minister-admits-influx-of-foreign-workers-brought-challenges.847524>.

discourse, social tensions and the government's slow response addressing the needs of increasingly diverse constituency have proven that Malta is still an island in transition"¹⁴⁸. Such picture still remains an apt reflection of the situation in Malta in 2021.

This paper highlighted some important work-related challenges faced by groups of migrants within the particular context of Malta. It showed the complexity of their experiences, varying among others, according to their country of origin. It is hoped that the discussion within this paper informs and sensitizes policy makers and other stake holders who may influence the experiences of migrant workers in Malta and in other countries. It is also hoped that this paper encourages further research into the field of migrants and decent work.

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