

Written Contribution – Malta

United Nations General Assembly Resolution A/RES/69/167 on the Protection of Migrants

Maltese labour law applies to all employees employed in Malta, irrespective of nationality. Thus, apart from Maltese nationals and citizens of European Union Member States, the law also applies to migrants, third country nationals, etc and such workers are entitled to all the rights and entitlements which emanate from Maltese legislation, irrespective whether they are regularly or irregularly employed. Of course, this applies also to women workers , care workers and domestic workers.

Besides the fact that the law does not make any distinction whatsoever, the Department of Industrial and Employment Relations also takes a proactive approach as regards the employment of migrants. From time to time, information leaflets concerning employment rights are sent to the NGO's which work closely with migrants. From time to time, inspectors of the Department visit open centres and deliver lectures on employment rights to migrants and reply to queries on employment conditions which such workers might have.

If such workers feel that their employment rights have been breached , they can contact the Customer Care of the Department of Industrial and Employment Relations to submit queries or even lodge complaints. In case of a complaint or report such a case is taken up by the Inspectorate Section where the case is investigated by the Department's inspectors. If need be, such inspectors visit the place of work and talk separately with the employer and employees. If a breach is detected, the inspectors advice the employer to rectify the situation. Failure to rectify the situation leads the inspectors to start proceedings before the criminal court against the employer.

The Department also has an Enforcement Section where, in cases where the employer fails to pay the employee the wages due or does not observe employment legislation, the employee can also lodge a complaint with the officers of the Department who will then take the necessary steps to investigate the circumstances. If the officers deem that the law has been breached, the employer concerned is contacted and the Department follows the issue accordingly. In case that the employer persists in breaching the law, criminal proceedings against the employer are initiated before the Court of Magistrates as a Court of Criminal Judicature. The employee as a private individual has the right to institute a civil action as well.

Human Trafficking

Detecting abuses in the sector of human trafficking for labour exploitation may present particular challenges. Nevertheless, Government still seeks to curb this abuse in order to eradicate impunity for those who commit such acts whilst providing effective remedy to victims.

Government adopts related international legal instruments and is continually updating legislation. In addition Government takes further effective measures by implementing its plan of action in this sphere with a view to increase awareness and to improving capacity for the identification of this crime. In particular, action against trafficking for labour exploitation is incorporated in the National Action Plan against Human Trafficking (January 2015-December 2016). During this period experts from the International Organisation for Migration (IOM) shall deliver training to front-line professionals and mentor community service providers in relation to the identification and provision of assistance to victims of trafficking for labour exploitation. Diplomatic and Consular Personnel shall also be taking up an information session delivered by IOM international experts, concerning the detection and awareness of human trafficking for those third country nationals wishing to come to work in Malta. Ongoing fostering of awareness among stakeholders and potential victims shall include the distribution of information material relating to human trafficking during the mentioned period.

With a view to strengthening international cooperation in responding to this phenomenon on a multilateral level, the Ministry for Home Affairs and National Security shall join the Netherlands as partners, together with the Slovak Republic, in their THB project for the Presidency of the Council of the European Union- TeamWork! Furthermore assuring support during the course of Malta's Presidency of the Council of the European Union in this area in order for this project to have a lasting effect on the fight against THB for labour exploitation in the European Union.