



# “Job brokerage scheme” for migrants and refugees seeking jobs

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*A new initiative will do away with the current widespread practice, whereby migrants and refugees loiter at roundabouts in the hope of landing a job for a day. Once it is implemented, migrants will be given a more accessible/effective opportunity to register for work, and recruitment will be handled through a dedicated job brokerage office. This Job Brokerage Scheme should ensure that payment rates and work conditions will be according to the law.*

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## Description

The *Job Brokerage Scheme* is intended to radically change the current practice, whereby migrants living in the Open Centres congregate around specific points in Malta, hoping that somebody will pass by and offer them a day's work. Open Centres are state-run housing complexes where migrants and refugees who are not in detention are housed. Malta's Immigration Act provides for mandatory detention of all persons who have been issued a removal order. According to article 14(2), a person against whom such an order is made, shall be detained in custody until he/she is removed from Malta (see “Further reading”). Assessment is made by the Immigration Police of non-vulnerable persons. If not detained, migrants are offered hospitality in the Open Centres. Malta's Open Centres have a total capacity of 2,200 places. As of January 2017, because of the steady decline in the numbers of arrivals, 631 persons were accommodated in the various Open Centres.

An applicant for asylum can only enter employment or carry on business with the consent of the Minister. Thus, currently, migrants are only able to be unofficially “employed” for very short periods, often on a day-to-day basis. This practice is most common in the construction and cleaning sectors. Frequently the pay these short term employees receive is below current rates, thus exposing them to

continuous abuse and exploitation. Their rights to proper insurance coverage and to workers' association are denied.

In order to avoid this, it was first announced in 2015 that the Foundation for Shelter and Support to Migrants (FSM) was to open a special office, as an extension of its training services, whereby migrants and refugees could find jobs in a regular way after being registered there. This initiative was also announced in the Budget for 2016 but was never implemented, although a public consultation document was published in the first half of the year. This scheme will be available to all migrants who are not in detention, irrespective of their varying legal status.

In the budget for the 2017 fiscal year, the government made a commitment to implement the scheme, to be known as the Job Brokerage Scheme. Through it, migrants and refugees will have the right and opportunity to work under the right conditions, and subject to all the legal provisions covering employment in Malta. According to the consultation document referred to above, the scheme will be run by the public employment service, officially now called Jobsplus. This agency is the government agency responsible for employment and training, and until 2016 it was known as the Employment and Training Corporation (ETC).

On 12 January 2017 Prime Minister Joseph Muscat declared that a public

tender was going to be issued (see "Further reading"), but no date as to when it is going to start functioning has yet been announced. To date, the tender is still being adjudicated.

## Outlook & Commentary

This step has long been necessary. Although the waves of incoming migrants to Malta have become increasingly less frequent, there are still migrants living in the Open Centres. Their involvement has so far been generally in the black economy, thus they were being denied basic rights, and employers could easily exploit them. Through this initiative these persons would

have the possibility of formally registering for work, and be employed with an assurance they will be paid the going rates. This is more so since the Maltese Constitution specifically states that the Republic of Malta is based on work.

It is hoped that this project, which has been left pending for unknown reasons, will now be implemented. It is also hoped that once it is set up, it will function efficiently and give dignity to these workers who will, in turn, feel more welcome and hopefully better disposed to adapt themselves to the local customs and way of life. Only through this kind of initiative can integration be really brought about.

## Further reading

TVM-Current Affairs. Foundation to open Marsa office for migrants to find legal employment 6 October, 2015:

<http://www.tvmm.com/en/news/foundation-to-open-marsa-office-for-migrants-to-find-legal-employment/>

Malta Government. Budget for 2016. Malta Government: [https://mfim.gov.mt/en/The-Budget/Documents/The\\_Budget\\_2016/Budget\\_Speech\\_2016\\_en.pdf](https://mfim.gov.mt/en/The-Budget/Documents/The_Budget_2016/Budget_Speech_2016_en.pdf)

Ministry of Education & Employment. Job Brokerage Offices Consultation Document. 2016. Full document available at: <https://jobsplus.gov.mt/resources/publication-statistics-mt-mt-en-gb/fileprovider.aspx?fileId=1729>

"Migrants won't need to resort to the streets to find work, risk abuse", The Times, October 31, 2015: <http://www.timesofmalta.com/articles/view/20151031/local/migrants-wont-need-to-resort-to-the-streets-to-find-work-risk-abuse.590292>. Accessed 12 January 2017

"Tender for migrant job brokerage office to be issued in the coming days", The Times, January 12, 2017: <http://www.timesofmalta.com/articles/view/20170112/local/tender-for-migrants-job-brokerage-office-to-be-issued-in-the-coming.636352> Accessed 12 January 2017

Laws of Malta. Chapter 217. Immigration Act: <http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=imm&itemid=8722&l=1>

Laws of Malta. Chapter 430.07. Legal Notice 416 of 2015. Subsidiary Legislation. Procedural standards in examining application for refugee status regulations: <http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=imm&itemid=10663&l=1>

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