

IN SEARCH OF SUSTAINABILITY

EEN ONDERZOEK NAAR DE TOEGANG TOT WERK VOOR MIGRANTEN OP MALTA



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In search of sustainability

Een onderzoek naar de toegang tot werk voor migranten op Malta

Voorwoord

Voor u ligt het afstudeeronderzoek 'In search of sustainability'. Dit onderzoek is gedaan in het kader van ons afstuderen aan de opleidingen Maatschappelijk werk en dienstverlening en Sociaal pedagogisch hulpverlening aan Hogeschool Viaa in Zwolle. De opdrachtgever van dit onderzoek is de Maltese organisatie Kopin.

In de periode van oktober 2016 tot mei 2017 zijn wij bezig geweest met dit onderzoek. De uitvoering van het onderzoek heeft plaatsgevonden op Malta. Daar hebben we een hele fijne samenwerking gehad met de opdrachtgever. De directeur W. Grech en de andere medewerkers waren bereid om mee te denken en ons te ondersteunen. Hartelijk bedankt hiervoor.

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Wij wensen u veel leesplezier toe.

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Samenvatting

In de afgelopen jaren zijn er verschillende rapporten verschenen over migranten op de Maltese arbeidsmarkt. De Maltese organisatie Kopin komt op voor mensenrechten en signaleert dat migranten op Malta worden blootgesteld aan misbruik op de arbeidsmarkt. Uit de zojuist genoemde rapporten blijkt dat migranten vaak illegaal werken, zonder contract, zonder sociale verzekeringen en met lonen onder het minimum.

Het doel van het onderzoek is om een meer holistisch beeld te verkrijgen over de wijze waarop de toegang tot werk voor migranten wettelijk geregeld is en hoe dit per beroepsgroep overeenkomt met de praktijk. Hiervoor is de volgende onderzoeksvraag opgesteld: Wat is het beleid van de Maltese overheid ten aanzien van de toegang van migranten tot de arbeidsmarkt en in hoeverre zijn de gemaakte afspraken binnen het beleid geïntegreerd in de praktijk? Om informatie te verzamelen is er kwalitatief onderzoek gedaan, door middel van literatuuronderzoek en interviews. Voor het literatuuronderzoek zijn de relevante wetten en regels voor werkgevers onderzocht. Hiervoor is de Maltese wet geraadpleegd. Tevens zijn er interviews gedaan met werkgevers en andere betrokken organisaties. Hieruit bleek dat de procedure voor werkgevers om migranten zonder verblijfsstatus op legale wijze in dienst te nemen een ingewikkeld en langdurig proces is. Daarnaast bleek dat er weinig controle is op het illegaal te werk stellen van migranten. Tevens zijn er lage boetes en weinig controles. In de interviews werd bevestigd dat er veel sprake is van illegaal werk, vooral in de sectoren bouw, landbouw en facilitaire dienstverlening. Dit betekent dus dat er wordt gediscrimineerd op de arbeidsmarkt als migranten illegaal te werk gesteld worden, wat volgens de wet verboden is.

Deze verworven informatie heeft geleid tot enkele aanbevelingen voor Kopin. De aanbevelingen die gedaan zijn richting de opdrachtgever zijn erop gericht om enerzijds de procedure voor werkgevers om iemand zonder verblijfsstatus aan te nemen, te vergemakkelijken. Anderzijds zou de controle op het illegaal te werk stellen van migranten strenger moeten zijn.

Hoofdstuk 1. Inleiding

1.1 Aanleiding van het onderzoek

1.1.1 Over de opdrachtgever

De opdrachtgever van dit onderzoek is Kopin, een niet gouvernementele organisatie (ngo) die vijftien jaar geleden werd opgericht. Kopin is één van de ngo's die zich bezig houdt met mensenrechten in Malta. De organisatie ondersteunt gemeenschappen aan de rand van de samenleving op een duurzame manier. Dit houdt in dat Kopin niet eenmalig, maar langdurig ondersteuning biedt. Kopin is partner van meer dan 100 organisaties in Europa en Afrika. Dit varieert van ngo's tot ministeries, lokale overheden, universiteiten en internationale organisaties.

Kopin streeft naar een samenleving waarin alle burgers gelijkwaardig kunnen bijdragen aan een wereld die vrij is van armoede en elke andere vorm van onrecht. De missie van Kopin is bij te dragen aan de vermindering van de wereldwijde armoede en sociale ongerechtigheid. Kopin gebruikt een op mensenrechten gebaseerde aanpak, wisselt ideeën en ervaringen uit met lokale, Europese en wereldwijde partners en probeert innovatief te zijn in het onderkennen van verwaarloosde gebieden van zorg.

Op Malta is Kopin sinds 2010 vooral gericht op het verstrekken van sociale en educatieve diensten aan asielzoekende kinderen en vrouwen. De kwaliteiten van mensen worden door Kopin beschouwd als belangrijk middel voor sociale verandering en vooruitgang. Kopin heeft daarom als visie dat diensten gericht moeten zijn op de kwaliteiten van mensen (Kopin, z.d.).

1.1.2 Knelpunt

Er zijn volgens Kopin incomplete rapporten en nieuwsberichten over misbruik op de arbeidsmarkt. Volgens de rapporten zijn er werkgevers die migranten op een illegale manier voor hen laten werken. De rapporten melden gevallen van werkgevers die weigeren dagloners een eerlijk loon uit te betalen, geen belasting over het loon af te dragen en niet bijdragen aan de verzekeringen van migranten die bij hen werken. Kopin heeft aangegeven dat op een aantal plekken migranten aan de kant van de weg wachten op een aanbod van werkzaamheden, op dagelijkse basis of op lange termijn. Dit gebeurt met name rondom het opvangcentrum in Marsa (Grech, 2016).

Uit de administratie van Employment and Training Corporation (ETC) bleek dat er in 2014, 1296 migranten aan het werk waren op Malta (Ministry for Education and Employment, 2016). Er waren echter 3877 migranten met een werkvergunning. Dit betekent dat 2581 migranten volgens ETC niet zouden werken. In het voorstel werd hierover het volgende gezegd:

“It is highly likely that most of these migrants are working in the informal economy. In addition, it is very probable that there are other migrants who are working even though they have not applied for an employment license.”

Toegang tot werk en de mogelijkheden om werk te behouden zijn volgens Kopin fundamentele elementen voor de integratie van migranten. Kopin gaf aan dat een overheid die dit niet tegemoetkomt met een goed uitvoerend beleid, sociale en economische druk uitoefent op een kwetsbare groep. Tevens verliest zij een kans om de waarde die migranten kunnen bieden aan de economie optimaal te benutten. Een ander negatief gevolg is dat in de Maltese maatschappij het beeld ontstaat dat migranten de voorkeur geven aan zwart werken (Grech, 2016).

De vermoedens van incomplete rapporten en nieuwsberichten vroegen om verduidelijking van de precieze situatie, zodat Kopin zo nodig de belangen van migranten meer zou kunnen behartigen door te lobbyen en publicaties te schrijven over deze misstanden.

Met de term migranten worden in het bovenstaande stuk de volgende mensen bedoeld: vluchtelingen met een verblijfsstatus, asielzoekers en afgewezen asielzoekers. In 1.3 zal het onderscheid tussen deze groepen uitgewerkt worden.

1.1.3 Geschiedenis van het knelpunt

In de afgelopen jaren is het aantal migranten op Malta toegenomen. Dit blijkt uit statistieken van UNHCR over asielaanvragen en het totale aantal verleende bescherming (UNHCR, 2016). Uit andere statistieken blijkt dat er sinds 2012 een daling is van het aantal Maltese werknemers die zwart werken, tegenover een toename van buitenlandse werknemers die zwart werken (Martin, 2016).

In 2014 heeft de overheid van Malta een nieuw *Employment Policy* geïntroduceerd. In dit wetvoorstel benoemt het *Ministry for Education and Employment* belang te hebben bij het inzetten van migranten voor openstaande vacatures. Deze openstaande vacatures zijn ontstaan door de vergrijzing van de Maltese bevolking. Echter, volgens het rapport is de huidige situatie dusdanig dat het grootste deel van de migranten zwart werkt, voornamelijk in de bouw. Dit leidt ertoe dat werkzoekenden op de formele arbeidsmarkt in een nadelige positie komen. Er zijn volgens het rapport verschillende initiatieven voor trainingen en onderwijs aan migranten, zodat migranten zich op de formele arbeidsmarkt gaan begeven (Government of Malta, 2014).

In april 2016 verscheen een artikel in de *Times of Malta* waarin beschreven werd dat de Minister van Onderwijs, Evarist Bartolo, een voorstel heeft ingediend om zwart werken door migranten aan te pakken. Dichtbij twee grote *open centers* waar migranten wonen, zouden uitzendbureaus geopend kunnen worden die werkgevers en werknemers zouden kunnen koppelen. Ook zou hier met een beloningssysteem gewerkt worden (Martin, 2016).

1.1.4 Voorlopige vraagstelling

Kopin wilde dat er onderzoek gedaan werd naar hoe de toegang tot werkgelegenheid voor migranten wettelijk bepaald is en hoe dit in de praktijk vorm krijgt. Ze wilden informatie krijgen over *irregular work* per beroepsgroep en informatie over de maatregel voor zowel werkgever als werknemer op *irregular work*. Met *irregular work* wordt zwart werken bedoeld. Dit zijn ongeregistreerde werkzaamheden, waar geen loonbelasting over afgedragen wordt en waarbij de werknemer geen rechten en plichten heeft, zoals een verzekering.

De voorlopige vraagstelling werd daarom:

Hoe is de toegang tot werkgelegenheid voor migranten wettelijk bepaald en hoe krijgt dit in de praktijk vorm per beroepsgroep?

1.2 Probleemstelling en deelvragen

1.2.1 Probleemomschrijving en doelstelling

Probleemomschrijving

Kopin signaleert dat er sprake is van misbruik op de arbeidsmarkt met betrekking tot migranten. Werkgevers laten migranten op een illegale manier voor hen werken, waardoor migranten geen rechten en plichten op de arbeidsmarkt hebben. Daarnaast signaleert Koping dat er incomplete rapporten zijn met betrekking tot het misbruik op de arbeidsmarkt, waardoor de werkelijkheid op een onjuiste manier wordt weergegeven.

Doelstelling

De doelstelling van het onderzoek was het bereiken van een meer holistisch beeld over de wijze waarop de toegang tot werk voor migranten wettelijk geregeld is en hoe dit per beroepsgroep overeenkomt met de praktijk. Kopin kan het resultaat van het onderzoek mogelijk gebruiken ter aanvulling van de incomplete rapporten. Dit dient mogelijk als hulpmiddel om een oplossing te kunnen vinden voor het gesignaleerde probleem.

1.2.2 Centrale vraagstelling

Wat is het beleid van de Maltese overheid ten aanzien van de toegang van migranten tot de arbeidsmarkt en in hoeverre zijn de gemaakte afspraken binnen het beleid geïntegreerd in de praktijk?

1.2.3 Deelvragen

Om antwoord te krijgen op de hoofdvraag zijn er verschillende deelvragen opgesteld. Deze deelvragen zijn opgedeeld in twee onderwerpen: migranten en werkgevers.

Migranten

1. Wat zijn de relevante wetten en regels voor migranten met betrekking tot werk?

Door het beantwoorden van deze deelvraag, is er een duidelijk beeld geschetst van de wetgeving omtrent de toegang tot werk voor migranten. Daarmee kon worden bekeken in hoeverre datgene wat in de beleidsdocumenten staat overeenkomt met de praktijk. Deze deelvraag is beantwoord door literatuuronderzoek.

2. Welke stappen worden genomen door migranten om aan werk te komen?

Met deze deelvraag wordt duidelijkheid geschept over de manier waarop migranten aan werk komen. Dit is per beroepsgroep geanalyseerd. Deze deelvraag is onderzocht door zowel observatie als gesprekken met migranten. Via Kopin zijn er contactgegevens beschikbaar, waarvan gebruik is gemaakt om in contact te komen met migranten. Bij gesprekken met migranten is duidelijk geworden in welke beroepsgroep zij aan het werk zijn.

3. Wat geven migranten als motieven om legaal ofwel illegaal werk te doen?

Deze deelvraag had als doel het verkrijgen van een holistisch beeld van de aspecten die meespelen bij de instandhouding van legaal ofwel illegaal werk. Er werd daarom onderzocht wat de migranten als motieven gaven, zodat duidelijk werd waarom zij legaal ofwel illegaal werken. Als de motieven bekend zijn, kan hier ook op geïntervenieerd worden met mogelijke oplossingen voor illegaal werk. Deze motieven zijn onderzocht door gesprekken met migranten en organisaties te voeren.

4. Wat zijn in de praktijk consequenties voor migranten wanneer zij illegaal werken?

Hier is onderzocht wat in de praktijk de positieve en negatieve gevolgen zijn voor migranten als zij illegaal werken. Dit werd beroepsgroep geanalyseerd. Zo werd inzichtelijk welke risico's migranten nemen door zwart te werken en welke voor- en nadelen hieraan vast zitten. De informatie die dit opleverde was van belang om te onderzoeken in hoeverre de wetgeving, zoals onderzocht bij deelvraag 1, wordt geïntegreerd in de praktijk. Dit is onderzocht door gesprekken met migranten en organisaties te voeren.

Werkgevers

1. Wat zijn relevante wetten en regels voor werkgevers die migranten voor zich laten werken?

De onderzoeksgroep wilde een duidelijk beeld krijgen van de wetgeving omtrent de werkverschaffing door werkgevers. Er werd gekeken naar wetten omtrent zwart werk, maar ook legaal werk, zodat deze twee met elkaar vergeleken konden worden. Deze deelvraag is beantwoord door literatuuronderzoek.

2. Wat is de werkwijze van werkgevers bij het werven van migranten om voor hen te werken?

Met deze deelvraag wordt duidelijkheid geschept over de manier waarop werkgevers migranten werven om voor hen te werken. Dit werd per beroepsgroep geanalyseerd. Deze deelvraag is onderzocht door als gesprekken met werkgevers en organisaties te voeren. Via Kopin waren er contactgegevens van werkgevers en organisaties beschikbaar, die geraadpleegd zijn om werkgevers naar hun werkwijze te vragen.

3. Welke motieven worden aangegeven door werkgevers om legaal ofwel illegaal werk aan te bieden aan migranten?

Deze deelvraag had als doel om een holistisch beeld te verkrijgen van de aspecten die meespelen bij de instandhouding van illegaal werk. Als de motieven bekend zijn, kan hier op geïntervenieerd worden met mogelijke oplossingen voor illegaal werk. Dit werd onderzocht door gesprekken met werkgevers en andere betrokkenen te voeren. Belangrijk hierbij was het waarborgen van de anonimiteit van de werkgevers en betrokkenen.

4. Wat zijn in de praktijk de consequenties voor werkgevers als ze migranten voor hen laten werken op een illegale basis?

Hier is onderzocht wat de positieve en negatieve consequenties zijn voor werkgevers als zij migranten op een legale en illegale wijze voor hen laten werken. Zo werd inzichtelijk welke risico's de werkgever heeft en welke voor- en nadelen hieraan vast zitten. Dit werd per beroepsgroep geanalyseerd. Hierbij werd er gekeken of de consequenties voor werkgevers overeenkomen met de wetgeving en of er sprake is van consequenties die niet overstemmen met de wetgeving. Dit werd onderzocht door gesprekken met werkgevers en organisaties te voeren.

1.3 Begripsafbakening

Arbeidsmarkt

Met het begrip arbeidsmarkt worden de plekken bedoeld waar migranten mogelijk aan het werk zijn, op zowel legale als illegale wijze. Dit zijn onder andere de sectoren van de grootste werkgevers van Malta. Dit zijn de volgende sectoren: handel, transport en opslag, horeca, faciliteiten, overheidsinstanties en industrie (National Statistic Office Malta, 2016). Er zal in het bijzonder gekeken worden naar de sectoren waar volgens 'Het mondiaal nieuws' vaak racisme en discriminatie voorkomt. Dit zijn de sectoren landbouw, bouw en horeca (Ruelens, 2016).

Consequenties

Hiermee worden zowel de positieve als negatieve gevolgen bedoeld.

Zwartwerken

Betaald werk verrichten zonder daar belasting of sociale premie over te betalen, of betaald werken bij een uitkering (Woorden, 2016).

Migranten

Met het begrip migranten wordt in dit onderzoek vluchtelingen bedoeld die op Malta verblijven. Een vluchteling is een "persoon die zich buiten zijn land van herkomst bevindt, die de bescherming van het land niet meer kan of wil inroepen omdat hij een gegronde vrees voor vervolging koestert omwille van zijn ras, religie, nationaliteit, politieke overtuiging of zijn behoren tot een sociale groep" (Encyclo, 2013).

Hieronder vallen illegale immigranten, asielzoekers en immigranten met een verblijfstatus.

Illegale migranten

Dit zijn uitgeprocedeerde immigranten die geen verblijfstatus hebben gekregen en immigranten die op Malta verblijven zonder aanvraag voor asiel.

Asielzoekers

Deze immigranten hebben asiel aangevraagd maar nog geen verblijfstatus toegewezen gekregen.

Migranten met verblijfsstatus

Dit zijn immigranten die niet meer in de asielprocedure zitten en een verblijfstatus toegewezen hebben gekregen. Dit kan zowel een tijdelijke als vaste verblijfstatus zijn.

Malta

De republiek Malta bestaat uit een groep eilanden waarvan Malta de grootste is, opgevolgd door Gozo, Comino en een aantal kleinere eilanden. De eilanden liggen in de Middellandse zee, 80 kilometer ten zuiden van Sicilië en 333 kilometer ten noorden van Libië, met een populatie van ongeveer 450.000 inwoners in een gebied van 316km² (Cassar, 2013).

1.4 Theoretische inleiding

In deze theoretische inleiding wordt het knelpunt vanuit verschillende niveaus belicht, namelijk op micro-, meso- en macroniveau. Er werd hiervoor gebruik gemaakt van verschillende bronnen, zoals onderzoeken, relevante documenten van organisaties die te maken hebben met vluchtelingen op Malta en nieuwsberichten over vluchtelingenproblematiek op Malta.

1.4.1 Factoren op microniveau

In dit onderzoek was er sprake van een aantal betrokkenen die wellicht invloed konden hebben op het knelpunt. De betrokkenen zijn globaal te noemen in de volgende categorieën: migranten en werkgevers. Deze categorieën worden in deze paragraaf uitgewerkt.

Migranten

Een migrant is iemand die naar een andere streek of ander land verhuist (Van Dale, z.d.). Het onderzoek is met name gericht op een bepaald type migrant, namelijk de vluchteling die zijn verblijf zoekt op Malta.

Volgens de statistieken van de UNHCR (United Nations High Commissioner for Refugees) zijn er tussen 2004-2016 in totaal 19256 asielaanvragen geweest in Malta. In het jaar 2016 waren dit 1733 asielaanvragen. Afbeelding 1 laat zien welke vormen van bescherming zijn toegekend aan migranten in 2016, in Malta (UNHCR, 2016).

Uitleg bij percentages van de *Protection Status*:

- *Closed*

Een asielaanvraag wordt gesloten, wanneer een asielzoeker bijvoorbeeld niet verschijnt voor geplande interviews, overlijdt, zich terugtrekt van de asielaanvraag of wanneer de aanvraag afgewezen wordt om andere formele redenen. In sommige gevallen zijn asielzoekers verhuisd naar een ander land waardoor hun verzoek wordt afgesloten (Basran, z.d.). Hiervan waren 195 gevallen in 2016 (UNHCR, 2016).

- *Refugee status*

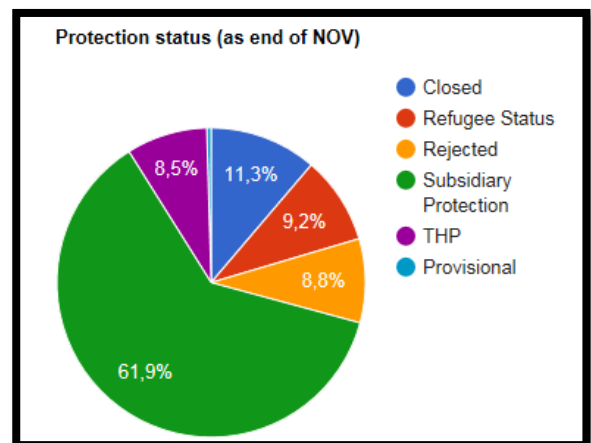
Een vluchteling met een vluchtelingenstatus heeft recht op een verblijfsvergunning voor een periode van 3 jaar, die nader verlengd kan worden. Daarnaast heeft hij/zij recht op een *Travel Convection Document*, wat hem het recht geeft Malta te verlaten en terug te keren, zonder de noodzaak van een visum. Daarnaast komt hij/zij in aanmerking voor toegang tot de arbeidsmarkt, sociale welvaart, passende huisvesting, inburgering, openbaar onderwijs, opleidingen en medische zorg (UNHCR, 2010). In 2016 is dit 159 keer toegewezen (UNHCR, 2016).

- *Rejected*

Dit zijn afgewezen asielzoekers. Hiervan waren 152 gevallen in 2016 (UNHCR, 2016).

- *Subsidiary Protection*

Een vluchteling die onder de *subsidiary protection* valt heeft recht op een verblijfsvergunning voor een periode van één jaar, die verlengd kan worden. Daarnaast heeft hij/zij recht om te reizen, vooral wanneer hij volgens ernstige humanitaire redenen verwacht wordt in een ander land aanwezig te zijn. Daarnaast heeft hij/zij recht op toegang tot de arbeidsmarkt, sociale uitkeringen, passende



Afbeelding 1, Verdeling per status in 2016

huisvesting, inburgering, onderwijs, opleidingen en medische zorg (UNHCR, 2010). In 2016 is dit 1072 keer toegewezen (UNHCR, 2016).

- *THP (Temporary Humanitarian Protection)*

Wanneer een asielaanvrager volgens de procedurele normen niet in aanmerking komt voor de vluchtelingenstatus of subsidiaire bescherming, kan de vluchtelingen commissaris toch besluiten om een tijdelijke verblijfstatus te geven. THP kan worden verleend in de volgende gevallen: wanneer het om een minderjarige gaat, vanwege medische achtergronden of vanwege humanitaire redenen. Ook wanneer iemand verzoekt om niet teruggestuurd te worden vanwege juridische redenen, waarvan diegene geen schuld heeft, kan diegene in aanmerking komen voor THP. Dit zal per geval worden bekeken, omdat hij/zij volgens de procedurele normen niet in aanmerking komt voor een verblijfstatus. Bij toekenning krijgt de persoon een verblijfsvergunning van één jaar, dat kan worden verlengd. De persoon heeft daarbij onder andere toegang tot de arbeidsmarkt en medische zorg (UNHCR, 2011). In 2016 is dit 147 keer toegewezen (UNHCR, 2016).

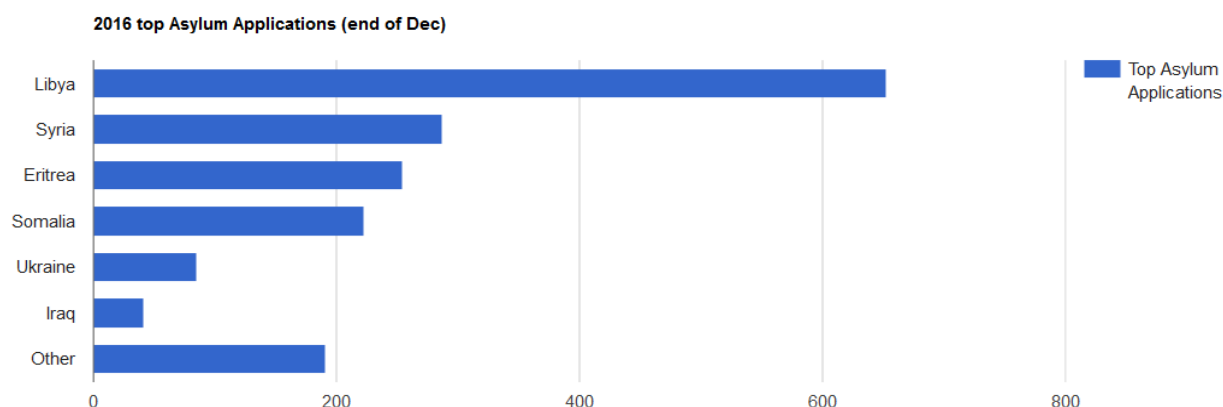
Volgens de *Times of Malta* van 19 november 2016, zal de vluchtelingen commissaris geen nieuwe *Temporary Humanitarian Protection* status meer verlenen aan uitgeprocedeerde asielzoekers. De huidige houders van deze status, die nog steeds aan de criteria voldoen, hebben tot 31 oktober 2017 de tijd om een nieuwe status te verkrijgen (Times of Malta, 2016).

- *Provisional*

Deze beschermingsstatus is een vorm van een voorlopige verblijfsstatus. De asielzoekers met een voorlopige verblijfstatus zijn nog in afwachting van een uiteindelijke beslissing over hun aanvraag. In de afgelopen jaren werd deze status gebruikt in het geval van massale toestroom of een plotselinge toename van bepaalde groepen asielzoekers. Deze beschermingsstatus is niet opgenomen in de wet. Er is dan ook veel onduidelijkheid over de rechten en plichten, horende bij deze status (Aditus & JRS, 2017). Deze status is 8 keer toegewezen in 2016 (UNHCR, 2016).

Land van herkomst

Van de asielzoekers die in 2016 asiel aangevraagd hebben, kwamen de meeste asielzoekers uit Libië. Verder kwamen er ook asielzoekers uit de landen Syrië, Eritrea, Somalië, Oekraïne en Irak. Ongeveer 11% komt uit overige landen. Afbeelding 2 geeft weer hoeveel asiel aangevraagd is per land (UNHCR, 2016).



Afbeelding 2, Asielaanvragen in Malta per land, 2016

Sekse

Volgens de statistieken van Aida (*Asylum Information Database*) van 2015, was van de asielaanvragen 68,5% man, 14% vrouw en 17,5% kind. Er zijn dus meer asielaanvragen van mannen dan van vrouwen en kinderen geweest in het jaar 2015 (Aditus & JRS, 2015).

Leefomstandigheden

Volgens de *Times of Malta* leeft maar liefst 80 procent van de asielzoekers in risico op armoede. Dit is vijf keer meer dan de algemene bevolking. Dit is onderzocht door JRS (*Jesuit Refugee Service*) en Aditus Foundation (Ganado, 80% of asylum seekers living in poverty, 2017).

Werkvelden migranten

Volgens Ruelens werken veel migranten in de bouwsector, op het veld of als bordenwassers in restaurants en hotels (Ruelens, 2016). In de *Times of Malta* werd gesteld dat veel mannelijke migranten buiten de bouwsector geen werk kunnen vinden (Martin, 2015).

Werkgevers en werknemers

Aangezien Malta is aangesloten bij de Europese Unie hebben werkgevers en werknemers vastgelegde rechten en plichten die zijn opgenomen in het arbeidsrecht van de EU (Europese Commissie, z.d.). Volgens het *National Statistics Office* is het grootste gedeelte van de werknemers in Malta werkzaam in de groot- en detailhandel, transport en opslag, faciliteiten en horeca, namelijk 29,2%. Vervolgens is een kwart van de bevolking (26,6%) werkzaam bij overheidsinstanties, gezondheidszorg, onderwijs en sociaal werk. De industrie is met 14,1% de derde grootste sector (National Statistic Office Malta, 2016).

1.4.2 Methode

Het werk van Kopin bestaat in grote lijnen uit drie projecten: *Fighting Poverty in Ethiopia*, *Supporting Refugee Women and Children in Malta* en *Education* (Kopin, z.d.). In deze projecten stelt Kopin de cliënt centraal in zijn of haar eigen leerproces, door ervaringsgericht en doelgericht leren aan te bieden. Kopin beschouwt de mens zelf als sleutel voor verandering en ontwikkeling.

Vrijwilligers worden vanuit Kopin begeleid door middel van de methode EVC: Erkenning van Verworven Competenties. “EVC heeft als doel inzicht te krijgen in en erkenning krijgen voor de competenties die vrijwilligers zelf in allerlei omgevingen hebben opgedaan. Dit leidt tot meer zelfvertrouwen en stimuleert de verdere ontwikkeling van de vrijwilligers. De methode is gericht op vrijwilligers die zich verder willen ontplooiën” (Brink, 2010).

1.4.3 Teamsamenstelling Kopin

Het team van Kopin bestaat uit twee onderdelen. Het bestuur en het uitvoerende team. William Grech, directeur van Kopin bestuurt het bedrijf met vier andere mensen. Het uitvoerende team bestaat uit 7 medewerkers en ongeveer 20 vrijwilligers. Het team bestaat uit professionals met verschillende achtergronden zoals projectleiders, onderzoekers, veldwerkers, culturele bemiddelaars, trainers en bestuurders. Hiermee streeft Kopin ernaar een uitgebreid pakket aan kennis en vaardigheden aan te kunnen bieden.

1.4.4 De organisatie

Kopin (z.d.) is een non-profit organisatie. Kopin kan bestaan door financiële steun van de overheid, de EU, de VN en door particuliere sponsors.

Daarnaast is Kopin een ngo die zich bezighoudt met de mensenrechten in Malta. Van Dale (z.d.) geeft de volgende definitie van een ngo: “Niet van een overheid uitgaande organisatie, vaak een

ontwikkelings-, milieu- of mensenrechtenorganisatie, afkorting van: niet- of non-gouvernementele organisatie.”

In het onderzoek van Van der Meijden (2015) worden enkele kritische punten aangedragen over de invloed van ngo's op de positie van migranten op Malta. Van der Meijden benoemt in haar thesis dat ngo's het als morele noodzaak zien om menselijk lijden waar dan ook te verlichten. *Regime of care* wordt dit genoemd. Binnen dit systeem is er een focus op de slachtoffer rol van migranten. Zij noemt dat migranten door campagnes en berichtgeving neer worden gezet als kwetsbare en hulpeloze migranten. Zij geeft aan dat ngo's een verandering in beeldvorming moeten maken. De focus moet worden verlegd van kwetsbaarheid en afhankelijkheid naar de potenties die migranten hebben om bij te dragen aan sociale en economische ontwikkeling. Het onderzoek van Van der Meijden is echter niet gericht geweest op Kopin, maar op vier andere ngo's op Malta.

1.4.5 Samenwerking met organisaties

Kopin werkt samen met een aantal lokale en internationale organisaties. Kopin wordt ondersteund en werkt veel samen met de *Terre des Hommes International Federation*. Terre des Hommes is een organisatie die zich inzet voor de kwetsbare mensen zoals kinderen die zich in uitbuitingssituaties bevinden en wil kinderuitbuiting structureel de wereld uit helpen (Terres des Hommes, z.d.).

Met financiële steun van Terre des Hommes in Nederland, was Kopin in staat om een project op te zetten voor het bieden van diensten en trainingen aan vluchtelingen in Malta. In Italië bestond dit project al, FARO (vertaald vanuit het Italiaans, betekent dit vuurtoren). Dit is een eerste hulpproject van Terre des Hommes met het doel om psychosociale en geestelijke gezondheidszorg te bieden aan de meest kwetsbare categorieën van migranten en gezinnen met baby's. Dit project is opgezet in samenwerking met een aantal andere organisaties op Malta, namelijk: Student Services (SSD) en het ministerie van onderwijs en werkgelegenheid (MEDE) (Terres des Hommes, z.d.).

Kopin werkt verder ook samen met partners zoals UNHCR, de politie van Malta, Agenzia Appogg en AWAS die zich inzetten in de strijd tegen preventie van kinderhandel. Kopin verstrekt trainingen en handvatten aan werknemers voor het tegengaan van mensenhandel. Daarnaast biedt Kopin ook diensten aan potentiële en feitelijke slachtoffers van kinderhandel. Kopin maakt deel uit van de *Destination Unknown Campaign*; een wereldwijde samenwerking van maatschappelijke organisaties die zich voor de rechten van kinderen inzetten.

Kopin is actief lid van het informele netwerk waarin alle ondersteunende vluchtelingenorganisaties van Malta zich bevinden. Kopin is hiernaast ook nog partner van de Internationale organisatie voor migratie, het IOM (Kopin, z.d.).

Het IOM is in 1951 opgericht. Het IOM is de leidende intergouvernementele organisatie op het gebied van migratie en werkt nauw samen met de overheid, intergouvernementele en niet-gouvernementele partners (zoals Kopin). Het IOM helpt te zorgen voor een ordelijke en humane beheer van migratie, bevordert de internationale samenwerking op migratiekwesties, helpt bij het zoeken naar praktische oplossingen voor migratieproblemen en biedt humanitaire hulp aan migranten in nood (IOM, 2013).

1.4.6 Beroepsethiek en visie op hulpverlening

Visie op de hulpverlening in het algemeen

Malta lijkt veel waarde te hechten aan de kwaliteit van het sociaal werk. Dit blijkt bijvoorbeeld uit de wet *The Profession Act* die mede door het werk van *The Maltese Association* is opgesteld (Justiceservices, 2004). Deze worden nader beschreven. Ook zijn er diverse opleidingen aan de *University of Malta*, die opleiden tot sociaal werker (University of Malta, 2014).

In 1993 is er in Malta een vereniging voor maatschappelijk werkers opgezet, namelijk *The Maltese Association of Social Workers* (MASW, z.d.). Sindsdien heeft de MASW er naar gestreefd om de voortdurende professionalisering van het sociaal werk in Malta te vergemakkelijken. In 1996 hebben zij een ethische code opgesteld als richtlijn voor sociaal werkers (MASW, z.d.).

De volgende basisprincipes van beroepsethiek worden onder andere genoemd:

- elk mens heeft een unieke waarde (ongeacht afkomst),
- elk individu heeft recht op zelfbeschikking,
- professionele sociaal werkers zijn er om sociale omstandigheden actief te beïnvloeden en het maximale uit ieders leven te halen,
- de professional heeft een verantwoordelijkheid om objectief te blijven door middel van kennis en vaardigheden en
- de professionele sociaal werker heeft een primaire plicht om het doel van de hulpverlening boven zijn eigen belang, doelen en visie te zetten.

Verder wordt nader ingegaan op ethische normen over de cliënt, professie, collega's, eigen organisatie en dat van anderen (MASW, z.d.). In november 2003 is *The Profession Act* aangenomen door het Europees parlement. Deze wet is aangenomen om te voorzien in de regulering van de professie in het sociale werkveld.

Wanneer men in Malta het beroep sociaal werk wil uitoefenen heeft men zich te houden aan *The Social Work Profession Act*. *The Profession Act* zegt dat niemand zichzelf een professioneel sociaal werker mag noemen of betaald sociaal werk mag verrichten, zonder een accreditatie van de Raad van het beroep sociaal werk. De leden van deze raad worden aangewezen door de minister van *Family and Social Solidarity* (MASW, z.d.).

Om een accreditatie te krijgen moet de persoon:

- Maltees burger zijn of toestemming hebben om te werken op Malta,
- een verklaring hebben van goed gedrag,
- zijn of haar naam hebben staan in het register van maatschappelijk werkers,
- in het bezit zijn van een erkende graad in het sociaal werk,
- voldoende ervaring hebben in het beroep sociaal werk. Dit houdt in meer dan twee jaar ervaring, minder dan 6 jaar onder toezicht van een sociaal werker of in het bezit zijn van gekwalificeerde titels (MASW, z.d.).

Visie op hulpverlening aan vluchtelingen

Er zijn verschillende organisaties in Malta die het belangrijk vinden dat de vluchtelingen en asielzoekers goed beschermd worden en dat hun leefsituatie voldoet aan de rechten van de mens. In het artikel van de krant *Malta Today* staat bijvoorbeeld dat er verschillende ngo's rechtstreeks werken met vluchtelingen en asielzoekers (Camilleri, 2015). Zoals eerder beschreven is Kopin één van deze organisaties. Daarnaast benoemt het artikel dat er organisaties actief zijn in het bepleiten bij autoriteiten voor een betere bescherming van de rechten van vluchtelingen.

Onder andere de organisatie *The People for Change Foundation* zet zich in voor de belangen van vluchtelingen. *The People for Change Foundation* doet onderzoek naar het sociale beleid, wetenschap en vergelijkt de uitkomsten met de praktijk. "The Foundation operates at the intersection between law, policy and social science, delivering analysis that is practical in input and pragmatic in outcome" (The People for Change Foundation, 2016).

Ethische problemen met betrekking tot het integreren van vluchtelingen:

Uit onderzoek van het *European Network Against Racism* (ENAR) blijkt dat migranten in Malta te maken hebben met uitbuiting en discriminatie op de arbeidsmarkt (Attard, Cassar, & Gauci, 2013). Het onderzoek geeft aan dat er dringend behoefte is aan meer gedetailleerde en geordende verzameling van data met betrekking tot discriminatie op grond van ras en etniciteit. De onderzoekers van ENAR stellen daarbij dat er al positieve ontwikkelingen zijn, doordat er een groeiend besef van discriminatie is op Malta en de wettelijke kaders op het gebied van discriminatie zijn verbeterd. Ze geven echter ook aan dat er is nog veel te doen is om de raciale gelijkheid te bevorderen en daarop eindigt het onderzoek met aanbevelingen voor de overheid.

Een artikel van MO, mondiaal nieuws, spreekt over uitbuiting en discriminatie op de arbeidsmarkt (Ruelens, 2016). In het artikel spreken vluchtelingen over uitbuiting en misbruik op de Maltese arbeidsmarkt. William uit Nigeria zegt:

“Vaak verliest iemand een vinger of breekt een been. Zulke accidenten zijn niet ongewoon, en meer dan eens lopen ze fataal af. Maar daar moet je niet aan denken. Werken is wat telt.”

Hamidou uit Ghana werkte eerder op een boerderij in Calabrië. Hij kreeg een contract van 56 dagen. Deze werd niet verlengt, maar hij mocht er wel blijven werken.

“Zes maanden, twaalf uur per dag, zwoegen op het veld, zonder één dag rust, geen zondagen, geen feestdagen, voor 30 euro per dag. We werkten als ezels.”

Nu werkt Hamidou parttime in een fastfood restaurant. Ook hier krijgt hij geen contract. Per uur wordt hij vier euro betaald, terwijl de Maltezen die er werken er volgens Hamidou minstens het dubbele krijgen (Ruelens, 2016).

Wanneer er gekeken wordt naar de normen en waarden waar werkgevers op Malta aan moeten voldoen, dan blijkt dat dit niet overeenkomt met wat wordt vermeldt in wetten van Malta, die verder worden uitgewerkt in 1.4.7, zoals het verbod van discriminatie (art. 26 IVBPR, 1976) (art. 21 HGEU, 2000) en het recht op behoorlijke arbeidsvoorwaarden en -omstandigheden (art. 6 en 7 IVESCR, 1976)(art. 31 HGEU, 2000).

1.4.7 Knelpunt in breder perspectief

In deze paragraaf wordt het knelpunt in breder perspectief gezet, door verschillende factoren te beschrijven die hierbij een rol spelen.

Culturele factoren en ontwikkelingen

De republiek Malta bestaat uit een groep eilanden waarvan Malta de grootste is, opgevolgd door Gozo, Comino en een aantal kleinere eilanden. De eilanden liggen in de Middellandse zee, 80 kilometer ten zuiden van Sicilië en 333 kilometer ten noorden van Libië, met een populatie van ongeveer 450.000 inwoners in een gebied van 316km². Het is de dichtstbevolkte lidstaat van de EU.

Het weer is er typisch mediterraan, met hete zomers en milde, maar natte winters. De meeste mensen arriveren op Malta dan ook in de zomer (The People For Change Foundation, 2013). Van de Maltese bevolking is 95% op Malta geboren. Malta heeft twee officiële talen, het Maltees en het Engels. De meerderheid van de bevolking spreekt beide talen. Alle wetten zijn in beide talen geschreven. Van de inwoners is 98% Rooms-Katholiek. De invloeden daarvan zijn zichtbaar in de Maltese cultuur. Een groot deel van de bevolking gaat regelmatig naar de kerk en de feestdagen worden uitbundig gevierd (Nederlandse Ambassade, 2016).

Vluchtelingenstroom

Er sprake is van een vluchtelingenstroom naar Europa, waarvan ook Malta de gevolgen ondervindt. Een van deze gevolgen is de moeizame participatie van migranten op Malta, door onder andere de negatieve houding van de Maltese bevolking ten opzichte van migranten (Meijden, 2015). Migrant^{en} staan wel in de samenleving, maar ze zijn er geen onderdeel van, ze zijn als het ware *betwixt and between* waardoor ze zich bevinden in een tussenpositie (Turner, in Meijden, 2015). Door veel Maltezers wordt de toestroom van migranten vaak ervaren als een bedreiging van de lokale culturele waarden en tradities (Meijden, 2015).

Werksector verdeling

Het grootste deel van de bevolking, 29,2 procent werkt in de handel, de transport en opslag en voorzieningen voor voedsel en onderdak. Ook werken er veel mensen, 26,6 procent, bij overheidsinstanties, zoals defensie, onderwijs, gezondheidszorg en sociaal werk. Slechts 1,2 procent van de bevolking werkt in de landbouw en visserij (National Statistic Office Malta, 2016).

Asielaanvraag

Na verzoek tot asiel moeten migranten binnen 12 maanden toegang hebben tot de arbeidsmarkt. Binnen het Europees Parlement is recentelijk besproken om deze termijn terug te brengen tot 9 maanden. Asielzoekers kunnen een werkvergunning krijgen die 6 maanden duurt, deze kan worden vernieuwd (Aditus & JRS, 2016).

Scholing

Een aantal beroepsopleiding-cursussen zijn beschikbaar voor asielzoekers, maar niet specifiek voor hen georganiseerd. Toelatingsvoorwaarden variëren per cursus en komen in het algemeen overeen met criteria voor Maltese burgers (Aditus & JRS, 2016).

Wetgeving

Op Malta betreft het minimumloon, voor volwassenen vanaf 23 jaar, €728,04 per maand (FedEE Global, 2015). Malta maakt deel uit van Internationale wetgeving op gebied discriminatie, arbeid, mensenhandel en levensstandaard, namelijk het:

- Verbod van discriminatie (art. 26 IVBPR, 1976) (art. 21 HGEU, 2000);
- Recht op behoorlijke arbeidsvoorwaarden en -omstandigheden. Dat houdt onder meer in: gelijk loon voor gelijk werk, het recht op veilige en gezonde arbeidsomstandigheden, het recht op redelijke werktijden en het recht op doorbetaalde vakantiedagen (art. 6 en 7 IVESCR, 1976)(art. 31 HGEU, 2000);
- Recht op een adequate levensstandaard, waaronder behoorlijk voedsel, kleding en woonruimte (art. 11. lid 1 IVESCR, 1976);
- Verbod van mensenhandel (art. 8 IVBPR, 1976)(art. 5 HGEU, 2000) (College voor de rechten van de mens, z.d.).

Politiek

Malta is een parlementaire republiek. Er zijn twee politieke partijen in Malta: de centrumrechtse christendemocratische Nationale Partij (PartitNazjonalista) en de centrumlinkse sociaaldemocratische Labour Partij (PartitLaburista, Arbeiderspartij) (Europa Nu, 2016).

Malta was tot 1964 een Britse kolonie. In 1964 werd Malta onafhankelijk. Tot 1974 was de Britse vorstin echter nog wel het staatshoofd van Malta. Sinds 1974 is Malta een parlementaire republiek met een president als staatshoofd. Dit is president Marie-Louise ColeiroPreca (Europa Nu, 2016). De premier wordt voor vijf jaar gekozen door het parlement. Op dit moment is Joseph Muscat de premier. In 2013 wonnen de socialisten de parlementsverkiezingen, waarbij Muscat de leiding had.

De leider van de winnende partij is ook de premier. Samen met de kabinetsleden vormt hij het parlement. Het parlement bestaat uit één kamer, namelijk de Kamer van Volksvertegenwoordigers (Europa Nu, 2016).

In 2003 werd een referendum gehouden over toetreding tot de Europese Unie in Malta. Met 53,6 procent van de stemmen voor de deelname aan de EU, was het maar net een overwinning voor de voorstanders (Mesters, 2003). In 2004 trad Malta toe aan de Europese Unie. Het kiesstelsel in Malta ziet er als volgt uit:

“Het kiesstelsel is een mengvorm van evenredige vertegenwoordiging en de *single transferable vote*, waarbij kiezers kandidaten naar voorkeur rangschikken en ook de tweede, derde en volgende voorkeuren medebepalen wie er worden gekozen. Er zijn dertien districten, waar per district vijf parlementsleden worden gekozen” (Europa Nu, 2016).

Aanvulling van het aantal parlementszetels vindt plaats om de electorale sterkte van een partij in overeenstemming te brengen met het aantal afgevaardigden in het parlement. Als een partij meer dan vijftig procent van de stemmen haalt, maar geen parlementaire meerderheid, dan krijgt zij extra zetels om die meerderheid alsnog te bewerkstellingen.

Trends

Daling migranten

Een opvallende trend is de daling van het aantal migranten wat op Malta aankomt, terwijl het aantal migranten dat de oversteek maakt naar Europa juist toeneemt. Sinds het begin van 2015 zijn er naar schatting 137.000 migranten die de oversteek van de Middellandse Zee hebben gemaakt. Dit zijn er meer dan ooit tevoren (Meijden, 2015). Ook Blasic (2015) vertelt in zijn artikel over een mogelijke migrantendeal met Italië. Dit zou een verklaring kunnen zijn voor de daling van het aantal migranten dat aankomt op Malta. Hij noemt verder dat de Italiaanse minister van Binnenlandse Zaken Carmelo Abela heeft gezegd dat er een informele samenwerking tussen beide landen bestaat, waarbij alle migranten die gered worden in het centraal-Mediterrane gebied naar Italië worden gebracht. Dit wordt ontkend door de Maltese premier Joseph Muscat (Blasic, 2015).

Uitzendbureaus

Een andere trend is het voorstel van de regering van Malta in oktober 2015 om uitzendbureaus (Job Brokerage Offices letterlijk vertaald: werk makelaarskantoren) op te zetten om het probleem van zwart werken en de uitbuiting van werkers tegen te gaan. Er wordt aangenomen dat ongeregelde vormen van werk leiden tot onzekere omstandigheden voor vluchtelingen, personen onder internationale bescherming en afgewezen asielzoekers. Dit geldt ook voor de Maltese, Europese en werknemers uit derdewereldlanden, waarbij de regering zich verplicht voelt om dit aan te pakken. Met de introductie van deze bureaus heeft de regering als doel om de trend waarbij mensen langs de weg hangen, wachtend op (zwart) werk, verleden tijd te maken (ETC, Job Brokerage Offices: Consultation Document, 2016).

Internationale factoren en ontwikkelingen

Begin 2016 is er Europees platform opgericht om zwart werken binnen de Europese Unie tegen te gaan (Europa Nu, 2016). Het is de bedoeling dat er in de toekomst de EU-lidstaten gezamenlijk controles houden bij grensoverschrijdende arbeid. Op dit moment hebben de lidstaten zelf de verantwoordelijkheid voor het bestrijden van werkgevers die geen sociale premies afdragen (Rechtennieuws.nl, 2016).

Vluchtelingen crisis

In Europa is sprake van een vluchtelingen crisis, die zijn oorsprong heeft in de Arabische Lente en het

huidige geweld wat daaruit voortvloeit. Mensen zijn op de vlucht voor het geweld en hopen veiligheid in Europa te vinden. Relatief gezien zoeken de meeste vluchtelingen veiligheid in de eigen regio. In Turkije zitten 1,62 miljoen vluchtelingen, van wie er 1,5 miljoen uit Syrië komen. In Pakistan worden ongeveer 1,6 miljoen vluchtelingen opgevangen. De verwachting is dat er in 2016 1,4 miljoen mensen naar Europa zullen vluchten (UNHCR, 2016).

Naar aanleiding van de vluchtelingenstroom naar Europa heeft de EU verschillende maatregelen genomen. Zo is er in een Dublin-akkoord afgesproken dat het eerste Europese land wat een vluchteling aandoet, het land is waar hij zijn asielaanvraag moet doen. In geval van Malta zou dat dus betekenen dat alle vluchtelingen die via Malta Europa in willen trekken ook hun asielaanvraag op Malta moeten doen. Malta zou daarmee verantwoordelijk zijn voor de asielaanvraag van een relatief grote groep vluchtelingen (UNHCR, 2016).

Verder dragen alle EU-lidstaten deel aan de missies Triton en Poseidon, waarbij patrouilleschepen worden ingezet als hoofdtak de grens te bewaken, maar ook om boten met vluchtelingen te onderscheppen en hulp te bieden waar nodig. Er is ook hulp gevraagd van het agentschap Frontex en de Europese commissie heeft in maart 2016 gezegd bij te willen dragen met extra bijstand aan Griekenland, waar groot deel van de vluchtelingen aankomt. Verder zijn er afspraken over de aanpak van mensensmokkel, samenwerking met Turkije, noodhulp en opvang in eigen regio van vluchtelingen (Europa Nu, 2016).

De vluchtelingenstroom naar Europa is in 2016 afgenomen. "Het totale aantal migranten en vluchtelingen over zee daalde van ruim een miljoen in 2015 naar ruim 350.000 tot nu toe, dit jaar" (Heck, 2016). Toch is er een stijging van het aantal doden. In 2016 stierven er 4.715 migranten, tegen 3.771 in 2015 aldus de Verenigde Naties. Het is de vraag of er daadwerkelijk een stijging in dodental is. Er is steeds meer toezicht door schepen van de marine en ngo's, hierdoor worden er meer ongevallen gesignaleerd dan in 2015. Er hoeft dus niet persé een stijging te zijn, er wordt misschien slechts meer gesignaleerd (Heck, 2016).

Hoofdstuk 2. Methode

2.1 Onderzoeksgroep

Populatie

De populatie waarover een uitspraak gedaan is: werkgevers op Malta die legaal ofwel illegaal migranten voor zich laten werken in de sectoren:

- landbouw;
- horeca;
- bouw;
- facilitaire dienstverlening.

Steekproef

De eerste deelvraag betrof het doen van een literatuuronderzoek over een specifiek onderwerp. Wij verzamelden de gegevens die nodig waren voor het beantwoorden van de deelvraag. Dat is in dit geval de wet en regelgeving die slaan op werkgevers die migranten voor hen laten werken. Voor het doen van dit literatuuronderzoek was dus geen steekproef nodig.

De methode voor het beantwoorden van deelvraag 2 waren interviews met verschillende partijen, namelijk de *Malta Chambers of Commerce*, ngo's die ondersteuning bieden aan migranten en bij bedrijven in het geval zij bereid zijn mee te werken. Ook werd gebruik gemaakt van literatuuronderzoek. Bij deze 3 onderzoeksmethodes werd gebruik gemaakt van een selecte steekproef, namelijk een doelgerichte steekproef, om de informatie te halen daar waar het zit.

De derde en vierde deelvraag werden beantwoord middels interviews met verschillende partijen, namelijk de *Malta Chambers of Commerce*, ngo's die ondersteuning bieden aan migranten en bij bedrijven die bereid waren mee te werken. Bij de vierde deelvraag werd ook de Maltese arbeidsinspectie geïnterviewd. Ook werd er gebruik gemaakt van literatuuronderzoek. Bij alle onderzoeksmethodes werd gebruik gemaakt van een selecte steekproef, namelijk een doelgerichte steekproef, om de informatie te halen daar waar het zit.

Procedures

De onderzoeksgroep kreeg via Kopin contact met de *Chambers of Commerce*. Verder kwam de groep in contact met verschillende partijen zoals ngo's, bedrijven en de arbeidsinspectiedienst. Omdat het qua tijd niet mogelijk was om de werkgevers individueel op te zoeken en te benaderen, is er voor gekozen om volgens bovengenoemde procedure te handelen. Daarnaast was het niet mogelijk om de werkgevers te bereiken, werkgevers die migranten illegaal voor zich laten werken waren niet bereid om mee te werken.

Respons

Via Kopin werden de eerste contacten tussen de onderzoeksgroep en de respondenten tot stand gebracht. Vervolgens heeft de onderzoeksgroep het contact met deze partijen onderhouden. Om te zorgen dat de respons zo hoog mogelijk was, werd het belang van het onderzoek benadrukt vanaf het eerste contact. Er werd daarom uitgelegd wat het doel van het onderzoek was, namelijk het verkrijgen van informatie over de toegang tot werk voor migranten, naar aanleiding van incomplete rapporten en nieuwsberichten. De te benaderen partijen werden gevraagd of zij mee wilden werken aan het verstrekken van informatie, waarbij benoemd wordt dat hun anonimiteit gewaarborgd wordt.

Representativiteit

Bij de eerste deelvraag is de representativiteit gewaarborgd omdat de juiste info gevonden werd. Het betrof namelijk een onderzoek naar wetten en regels die voor de hele populatie gelden.

Bij de tweede, derde en vierde deelvraag werden geen uitspraken gedaan die te generaliseren zijn voor de gehele populatie. Er werden onderzoeksvragen opgesteld waarbij per eenheid werd gekeken wat het antwoord is.

Beperkingen in het afbakenen van populatie en steekproef

Een beperking waar rekening mee gehouden werd is dat werkgevers niet persoonlijk benaderd kunnen worden, omdat er dan hoogstwaarschijnlijk weinig respons zal zijn. Dit heeft ermee te maken dat het onderwerp gevoelig ligt omdat het gaat over het mogelijke wetsovertreding door werkgevers.

2.2 Meetinstrumenten

Bij het literatuuronderzoek werd gebruik gemaakt van secundaire literatuur en grijze literatuur. Secundaire literatuur zijn bijvoorbeeld bestaande onderzoeken, grijze literatuur zijn bijvoorbeeld beleidsstukken en wetten. Er werd bepaald welke kenmerken van de literatuur werden onderzocht en welke categorieën van deze kenmerken werden gebruikt. De kwaliteit van de resultaten werd gewaarborgd door te overleggen met collega-onderzoekers.

Een techniek die ingezet werd bij de interviews was een topiclijst. De topiclijst werden gemaakt aan de hand van de deelvragen en de hoofdvraag. Er werden opnames gemaakt van de interviews zodat de interviews later teruggeluisterd konden worden. Ook werd er tijdens de interviews goed doorgevraagd.

In dit onderzoek werd gebruikgemaakt van triangulair onderzoek. Hierdoor is de betrouwbaarheid vergroot. Ook zal er gebruik gemaakt worden van peer examination. Tevens zorgde de onderzoeksgroep voor rapportage en verantwoording door het bijhouden van een logboek, waarin keuzes, vorderingen en leermomenten beschreven werden.

2.3 Onderzoeksprocedure(s)

Voor het onderzoek zijn interviews afgenomen met organisaties en werkgevers. In deze paragraaf zullen de ervaringen rondom deze interviews beschreven worden.

2.3.1 Ervaringen rondom in contact komen met respondenten

In totaal zijn er negen interviews met organisaties afgenomen. Dit betreffen interviews met vakbonden, overheidsinstanties met betrekking tot werkgelegenheid en arbeidsinspectie en organisaties die met vluchtelingen werken. Het eerste contact met deze organisaties is in zeven van de negen gevallen opgezet door de opdrachtgever Kopin, W. Grech. Vervolgens stuurde de onderzoeksgroep een e-mail. In het geval dat hier niet op gereageerd werd, is er nog telefonisch contact geweest, tot er een afspraak voor een interview vaststond. In de andere twee gevallen is het contact met de organisaties ontstaan via andere organisaties. Een van deze organisaties heeft middels e-mail de vragenlijst beantwoord.

De onderzoeksgroep heeft verschillende mogelijkheden geprobeerd om verschillende personen te interviewen. De onderzoeksgroep heeft in de sectoren bouw-, horeca, landbouw en schoonmaaksector, gezocht naar werkgevers. Zo is er een dag voor uitgetrokken om hotels en restaurants persoonlijk te benaderen. Bij twaalf van deze hotels en restaurants is er via e-mail contact opgenomen voor het maken van een afspraak voor een interview. Hier zijn twee face-to-face interviews uit voortgekomen. Daarnaast is er telefonisch contact opgenomen met drie

bouwbedrijven. Twee keer mocht er een e-mail gestuurd worden met de topiclist, maar uiteindelijk kwam hier geen respons. Voor de landbouw is er contact opgenomen met een Manikata Rural Cooperative, een belangenorganisatie voor boeren op Malta. De reactie hierbij was dat, voor zover bekend was bij de contactpersoon, geen van de leden migranten in dienst had. Bij een bijeenkomst die W. Grech hield voor docenten, over migratie, kwam de onderzoeksgroep in contact met een vrouw. Haar vader ondernemer in de landbouw en heeft een migrant illegaal in dienst. Er is haar gevraagd naar een interview met haar vader, maar deze was niet bereid om in gesprek te gaan omdat hij bang was dat zijn gegevens in verkeerde handen zouden komen. Via een vakbond en de kamer van koophandel is er ook nog een poging gedaan om in contact te komen met werkgevers, maar er werd niet gereageerd op de e-mails.

2.3.2 Ervaringen rondom afname

Tijdens alle interviews is er gevraagd of er een opname gemaakt mocht worden van het interview. In één geval is hier geen toestemming voor gegeven. De interviews werden door twee groepsleden afgenomen, in drie gevallen is een interview afgenomen samen met onderzoeksgroep B, namelijk de interviews met organisaties die met vluchtelingen werken.

Een week voordat het interview plaats vond, werd de topiclist opgestuurd naar de respondenten, zodat zij zich ook konden voorbereiden op het interview. Bij enkele organisaties werd er voor gekozen om bepaalde topics weg te laten, zoals bij de DIER, de arbeidsinspectie. Zij hadden aangegeven geen informatie te hebben over de toegang tot werk, omdat zij pas in beeld komen als er daadwerkelijk een contract is. Ook werd niet altijd dezelfde volgorde van de topiclist aangehouden, omdat tijdens het doorvragen op antwoorden topics die later in de topiclijst voorkwamen al aan bod waren gekomen.

Er is gekozen om de interviews face-to-face af te nemen. Er waren echter enkele respondenten die wegens tijdgebrek geen tijd hadden voor een face-to-face interview. Daarom is er een vragenlijst waarin alle topics behandeld werden opgesteld, die gestuurd is naar deze respondenten.

2.3.3 Non-respons

Zoals aangegeven bij de ervaringen rondom het in contact komen met respondenten, kwam er weinig respons van de werkgevers, ondanks de pogingen die de onderzoeksgroep gedaan heeft. Alleen de eerdergenoemde vader van de docente (sector: landbouw) gaf een reden voor non-respons. Hij was niet bereid om in gesprek te gaan omdat hij bang was dat zijn gegevens in verkeerde handen zouden komen.

De geïnterviewde organisaties gaven aan dat er bij de bouwsector veel sprake is van illegaal werk, het is daarom mogelijk dat zij om dezelfde reden als de boer niet mee zouden willen werken aan het interview. De twee werkgevers die wel geïnterviewd zijn, zijn twee hotels die niet in aanraking waren met illegaal werk. Ondanks dat de onderzoeksgroep graag met meer werkgevers had willen spreken, geeft ook de non-respons informatie die van belang kunnen zijn voor de conclusie. Aangezien statische generaliseerbaarheid niet de doelstelling is van dit onderzoek, is de grote non-respons van werkgevers geen reden dat de doelstelling niet gehaald kon worden. Daarnaast is er via de organisaties wel veel informatie verkregen over de praktijk, waarin er sprake is van veel overlap.

2.4 Analysemethoden

In deze paragraaf wordt beschreven hoe de verzamelde informatie, die door literatuuronderzoek en het kwalitatieve onderzoek zijn verkregen, geanalyseerd zijn.

2.4.1 Literatuuronderzoek

Voor het literatuuronderzoek zijn verschillende Maltese wetten onderzocht. Hierbij werd specifiek gezocht naar wetten en regels die gelden voor werkgevers wanneer zij werknemers willen aannemen. Ook is er informatie verzameld over de consequenties voor werkgevers, wanneer zij niet volgens de wet handelen. Door Maltese wetten te scannen en te lezen, werd de relevante informatie verzameld. Deze informatie werd bestudeerd en samengevat. Op deze manier kon er antwoord gegeven worden op deelgraaf 1.

2.4.2 Interviews

Er is zowel gesproken met werkgevers als met organisaties. De interviews zijn altijd in tweetallen uitgevoerd. Met toestemming van de respondenten zijn de interviews opgenomen en getranscribeerd. Tijdens de interviews werd erop gelet dat er goed doorgevraagd werd zodat alle informatie die nodig was verkregen werd.

De analyse is gedaan met behulp van het 5 stappenmodel voor kwalitatieve analyse van Verhoeven (Verhoeven, 2011). Er is begonnen met het transcriberen van de interviews. Deze transcripties zijn opgedeeld in relevante fragmenten. Vervolgens zijn de transcripties open gecodeerd. Uiteindelijk is er gekozen voor de volgende hoofdthema's:

- *Procedure for recruiting*
- *Work permit*
- *Monitoring*
- *Consequences*
- *Legislations*
- *Shortage of the Maltese labour market*
- *Marsa*
- *Recruitment agency*
- *Job Brokerage Offices*
- *Illegal work*
- *Ageing*
- *Employment policy*
- *Discrimination*
- *Private sector*

Vervolgens zijn de relevante fragmenten met de kernwoorden binnen de labels op waarde gesorteerd. Tenslotte is deze informatie vertaald naar een antwoord op de deelvragen.

Hoofdstuk 3. Resultaten

Deelvraag 1: Wat zijn relevante wetten en regels voor werkgevers die migranten voor zich laten werken?

Procedure voor het aannemen van migranten

De procedure om personeel aan te nemen is vastgelegd in de Maltese wet. Dit is de officiële weg die gevolgd moet worden voor werkgevers om mensen in dienst te nemen. In deze deelvraag wordt er met name gekeken naar hoe het aannemen van migranten is vastgesteld.

De migrant, de *Third Country National* heeft een vergunning nodig om te kunnen werken. Dit is een overeenkomst tussen de werkgever en werknemer. Dit wordt beschreven in de *Immigration Act*, artikel 11:

(1) It shall be an implied condition of any leave granted to any person under article 6(1)(a) or, saving the provisions of Part III, of a residence permit issued to any person under article 7(1) that such person shall not in Malta exercise any profession or occupation or hold any appointment or be employed by any other person or engage in business without a licence from the Minister.

(2) It shall be an implied condition of any leave granted to any person under article 6(1)(b) or extended under paragraph (c), that such person shall not in Malta exercise any profession or occupation or hold any appointment or be employed by any other person without a licence from the Minister.

(3) The Minister may grant a licence for any of the purposes mentioned in sub-article (1) or (2) for such period and under such conditions as he shall think fit and may at any time cancel or vary the conditions of any such licence (Justiceservices, 2015).

Met *Third Country National* (TCN) wordt de groep mensen aangeduid die geen burger is van de Europese Unie.

"third-country national" means any person who is not a citizen of the European Union within the meaning of Article 20(1) of the Treaty on the Functioning of the European Union;

"third-country worker" means a third-country national admitted to Malta and who is legally residing and is allowed to work in the context of a paid relationship and is protected as an employee Under the Employment and Industrial Relations Act and in accordance with national practice (Justiceservices, Subsidiary Legislation 217.17, 2014).

De vergunning, die de migrant nodig heeft om te kunnen werken, moet aangevraagd worden door de werkgever. De voorwaarden voor een werkgever om een aanvraag te doen zijn:

- Rechtvaardiging van de noodzaak van deze vacature.
- Bewijs van het mislukken van de inspanning om een Maltese of EU-burger aan te nemen.
- Ondersteunende documentatie, zoals contracten.

De aanvraag om migranten aan te nemen wordt toegekend onder de voorwaarde dat:

- De inspanningen om Maltese of EU-burgers aan te nemen mislukt zijn.
- Er een tekort is aan lokale werknemers binnen een bepaalde sector (IdentityMalta, 2016).

Er bestaan Single Work permits en Employment Licences in Malta. Identity Malta beoordeelt de aanvragen voor *Single Work permits*. Deze aanvragen worden door de werknemer zelf gedaan, maar

moeten altijd door een werkgever worden onderschreven. Naast *Identity Malta* beoordeelt ook de *Police Immigration Office* en *Jobsplus* deze aanvraag. De aanvraag mag door de werkgever gedaan worden als de werknemer, de aanvrager, zich nog in het buitenland bevindt. De geldigheidsduur van de werkvergunning is gebaseerd op de aard van de werkgelegenheid en het contract tussen de werkgever en werknemer (*IdentityMalta*, z.d.).

In de checklist voor migranten, om een aanvraag te doen voor een *Single Work Permit*, komen enkele eisen naar voren. Bijvoorbeeld een begeleidende brief waarin de noodzaak van de vacature beschreven wordt, contracten worden toegevoegd samen met een positiebeschrijving en ondertekening door de werknemer. Ook moet de werkgever bewijzen dat de pogingen om Maltese of EU-burgers aan te nemen mislukt zijn, door aan te tonen minstens twee advertenties geplaatst te hebben bij kranten of op internet zonder resultaat. Dit alles moet ingediend worden door de werkgever (*IdentityMalta*, z.d.).

Naast de *Single Work Permit* is er ook de *Employment Licence*, die door *Jobsplus* afgegeven wordt. De aanvraag voor de *Employment Licence* moet gedaan worden door de werkgever zelf. Deze aanvraag wordt gedaan bij de *Employment Licences Unit* van *Jobsplus*.

In de *Employment Licences Unit Guidelines for Clients* staan de volgende documenten die ingediend dienen te worden door de werkgever:

- a. *“Application form*
- b. *Curriculum vitae*
- c. *Position description*
- d. *References/testimonials*
- e. *One passport photo*
- f. *Copy of travel document*
- g. *Copy of valid visa (if Third Country National is in Malta)*
- h. *Copy of qualification certificates and accreditation/recognition*
- i. *Covering letter by employer indicating site of work (why this position is necessary and why it cannot be filled by an EEA/Swiss/Maltese national)*
- j. *The fee*
- k. *Evidence of search for EEA/Swiss/Maltese nationals through a detailed vacancy report**
 - *Advertise the Job with the Jobsplus and*
 - *Advertise the Job, at least twice, in the appropriate local media specifying*
 - i. *Job title*
 - ii. *Main Duties and Responsibilities*
 - iii. *Salary package or range*
 - iv. *Necessary skills, qualifications and experience*

Or

- a. *Advertise the job through a Private Recruitment Agency.*
 - i. *In this case all the above specifications need to be specified.*
 - ii. *The Private Recruitment Agency may use any of its normal recruitment methods.*

The following documents must also be supplied, depending on the case as indicated:

- l. *A valid police certificate (if the foreign national is an asylum seeker or a person enjoying Subsidiary Protection/Temporary Humanitarian Protection Status and Refugee Status.*
- m. *Valid certificate issued by the Refugee Commissioner in the case of THP5 s/SPs, Refugees and Asylum Seekers*
- n. *Proof of long-term residence status, or of relation to long-term resident, where applicable*

- o. *Birth certificates of children, if not born in Malta, if application is for nanny**
- p. *Proof of relationship to diplomat, if application is for family member of diplomat*
- q. *Approval of the regulatory body, in the case of applications for third country nationals to perform a regulated profession**
- r. *Health clearance form in the case of third country nationals already in Malta**
- s. *Proof of relationship with EEA/Swiss national in the case of TCN dependent on EEA/Swiss national"* (Jobsplus, 2016).

Jobsplus schrijft dat een aanvraag meer kans heeft om goedgekeurd te worden als het omschreven loon het gemiddelde loon weerspiegelt in de betreffende sector (Jobsplus, 2016).

Voor enkele beroepen is het niet vereist om eerst bewijs te leveren dat er op de Maltese arbeidsmarkt geen werknemer te vinden is voor de vacature. Dit betreft hogeschoolde beroepen in de sectoren gezondheidszorg, bouwkunde en in de IT. (Jobsplus, Malta Vacancy Exemption List, 2015). De reden hiervoor is dat de overheid een bepaalde noodzaak ziet in deze beroepen binnen de Maltese arbeidsmarkt. De exclusie lijst zorgt er voor om goed te kunnen voorzien in de juiste expertise. (ETC, 2015)

Verskil in het aannemen van migranten met verschillende statussen

De werkzaamheden die een werkgever moet verzetten om een migrant aan te nemen, verschilt per status van de migrant. Tijdens het interview met de *Chamber of Commerce* kreeg de onderzoeksgroep een overzicht van de verschillende statussen. Dit overzicht is te vinden in bijlage III. Migranten met de status *refugee*, *subsidiary protection* en *temporary humanitarian protection* hebben het recht om te werken in Malta. Zij krijgen een *Employment Licence* voor een jaar, op hun eigen naam. Deze *Employment Licences* zijn voor een jaar geldig en vernieuwbaar. *Failed asylum seekers* en *asylum Seekers* kunnen daarentegen alleen een *Employment Licence* krijgen voor een bepaalde werkgever en een bepaalde baan. Deze vergunning is drie maanden geldig en vernieuwbaar.

Rechten en plichten van de werkgever

Bij het aannemen van werknemers, heeft de werkgever rechten en plichten ten opzichte van de werknemer, waarbij in dit onderzoek de migrant wordt bedoeld. De rechten en plichten zijn voor elke werknemer hetzelfde. In de *Subsidiary Legislation 217.17* staat beschreven dat de migrant op dezelfde manier behandeld dient te worden als Maltese inwoners, met betrekking tot arbeidsvoorwaarden, zoals salaris, ontslag en veilige arbeidsomstandigheden (Justiceservices, 2014). Deze rechten en plichten zijn onder andere beschreven in de *Employment and Industrial Relation Act* (Justiceservices, 2016). Het gaat hier over goede werkcondities, eerlijke lonen, bescherming tegen discriminatie, contracten en handhaving van het niet naleven van deze wet.

Er wordt met name gekeken naar de rechten en plichten met betrekking tot de toegang tot werk voor migranten. De wet en regelgeving in de *Employment and Industrial Relation Act* is vooral van toepassing op situaties waarin er sprake is van een contract tussen werkgever en werknemer. Er is daarom voor gekozen om enkel informatie te beschrijven die betrekking heeft tot de toegang tot werk.

Bij het aannemen van werknemers, mag de werkgever niet discrimineren, zoals beschreven staat in artikel 452.26:

"It shall not be lawful for any person - when advertising or offering employment or when advertising opportunities for employment or when selecting applicants for employment, to

subject any applicants for employment or any class of applicants for employment to discriminatory treatment" (Justiceservices, 2016).

De wet noemt een vorm van discriminatie als de werkgever onderscheid maakt tussen betalings- en arbeidsomstandigheden tussen werknemers.

Consequenties niet navolgen van de wetgeving omtrent aannemen van migranten

In artikel 45 van de *Employment and Industrial Relation Act* staat dat een werkgever die niet voldoet aan deze wet, andere voorschriften, regelgeving of de cao, gestraft wordt met een boete van niet minder dan 232,94 euro en niet meer dan 2.329,37 euro, tenzij er een andere boete bepaald is voor een specifiek misdrijf (Justiceservices, 2016).

De verantwoordelijkheid voor de handhaving ligt in de handen van nationale autoriteiten. Dit is in de Europese wetgeving vastgesteld (Justiceservices, 2017).

Mr. Caruana van de *JobsPlus* heeft in een interview met *The Independent* gezegd dat werkgevers die migranten voor zich laten werken zonder dat zij een werkvergunning hebben, een boete moeten betalen van 58 euro. *JobsPlus* wil deze boete verhogen naar 500 euro (Schembri, 2016).

De boete voor een werkgever die iemand voor zich laat werken die illegaal in Malta verblijft, kan oplopen tot 2500 euro.

Deelvraag 2. Wat is de werkwijze van werkgevers bij het werven van migranten om voor hen te werken?

Procedure voor het aannemen van personeel.

Alle (legale) werknemers op Malta zijn geregistreerd bij Jobsplus. Jobsplus is de overheidsinstelling op Malta die zich bezighoudt met de werkgelegenheid in de publieke sector. De respondent van GWU, General Workers Union, geeft aan dat er een verschil is in de procedure voor de publieke sector en de private sector. De publieke sector is volgens deze respondent verplicht mensen aan te nemen via Jobsplus. Pas als dit niet lukt kunnen er buiten Jobsplus om vacatures worden uitgezet en mensen worden aangenomen. De private sector is vrij om op hun eigen manier vacature op te vullen, zolang zij de wet respecteren. Een respondent van de GWU zegt hierover:

“..apart from the public sector that has to make use of it, they must, you know there is level 3 and they must go through it. Other employers, they don't find through their own recruitment, Jobsplus will help them. So many times they would register work, they can give them the list of people and all. So many times they would advertise it on newspapers and everything, but it they don't find to Jobsplus to these agencies.”

Werkgevers binnen de private sector zetten gewoonlijk vacatures uit, intern en/of extern. Ze gebruiken hiervoor bijvoorbeeld de (sociale) media, Jobsplus, Job Centers en Mcast. Vervolgens kunnen ze de kandidaten uitnodigen voor een interview. Een respondent van de GRTU, General Retailers and Traders Union, zegt hierover:

Een “Each candidate is assessed according to his or her experience, knowledge, skills and competencies within that field. The employer also takes note of the candidate's personal traits to fit the job proposed. The interviewer may call some candidates for the second interview.”

De private sector kan dus volgens de respondent van GRTU buiten Jobsplus om, mensen aannemen. Dit gaat echter niet op als zij werknemers willen aannemen die niet uit Europa komen; *Third Country Nationals*. Werkgevers moeten dan dezelfde procedure door als werkgevers binnen de publieke sector, namelijk hun vacatures uitzetten via Jobsplus. Pas als hieruit blijkt dat er geen kandidaten zijn, kunnen zij een *work permit* aanvragen voor een *Third Country National*. De respondent van Jobsplus legt dit uit:

“We make sure that employers first exhaust an potential native worker and that's only thereafter, especially an employ job seekers, and its only thereafter that they can go for open labour market or for foreigners. Sort of giving preference first to local job seekers.” - Jobsplus

Ook de respondent van Chamber of Commerce vertelt hierover. Een werkgever moet, als hij een *Third Country National* wil aannemen een zogenoemde *labour market test* doen. Deze test bewijst het feit dat er op geen enkele wijze een Maltese werknemer gevonden kan worden en om deze reden kan een werkgever dan een *Third Country National* aannemen:

“So that includes, prove that a company has registered the vacancy on a number of vacancy websites, including Jobsplus, which has an vacancy website. It includes advertising the position in newspapers, it includes those two, so it's advertising the position on websites and on the newspaper. And then, yes and then it is proving that the CV's that the companies has received are not in fact in line with the requirement the asks for, either the skills are not there or for example the language requirements aren't there.”

Als de werkgever bewezen heeft dat hij de Maltese *labour market* heeft uitgeput is het aan de migrant om een kopie van het contract, ondertekend door de werkgever, aan te leveren bij Jobsplus. De werkgever moet op dit contract garanderen de minimumeisen te leveren, zoals loon en uitkering.

De respondent van Jobsplus geeft aan dat dit een bureaucratische procedure is die minstens 6 weken duurt. De procedure kan niet sneller verlopen. Jobsplus heeft volgens de respondent tijd nodig om zeker te zijn van de bedreiging die schuilt achter het aannemen van migranten, onder andere mensenhandel:

"I mean when you have such an huge influx of people especially in this day and time, you have to be sure that the people are coming in, they are coming in to do the job, and they're not coming in just to go somewhere else in Europe. Basically we want to avoid human trafficking."

In het Hilton Hotel let men met de wervingsprocedure op de ervaring van de gegadigden en sluit hierbij geen migranten uit. Wanneer ze snel iemand nodig hebben, hebben degenen die het snelst kunnen beginnen wel voorrang. Dat zijn dan de kandidaten van wie de documenten al op orde zijn.

AMAM heeft een *Skills Register* waarmee de organisatie werkgevers en migranten met elkaar in contact brengt. Dit is opgezet voor migranten, omdat er volgens hen meer persoonlijk contact nodig is voor migranten om hen aan een baan te helpen waar zij ook passen. De respondenten van AMAM zeggen te zien dat migranten vaak bepaalde banen krijgen, zoals vuilnisman of schoonmaker. Zij vinden het belangrijk om op zoek te gaan naar de *skills* van migranten en hen op die manier te koppelen met werkgevers. Dit doen zij omdat zij vinden dat migranten een persoonlijke benadering nodig hebben, die zij missen bij Jobsplus:

"There isn't anything similar, because you have the official structure, which is Jobsplus and then you have on the other side, you have these illegal jobs, in these loitering places, which are Marsa roundabout and other places, so the idea of creating this migrants skills register is to facilitate, to do a sort of intermediation in between the employers and the migrants employees."

Beroepssectoren

De procedure voor het aannemen van personeel is gelijk voor alle sectoren, volgens de respondent van Jobsplus. Ook de respondent van GRTU zegt dit, hoewel zij wel zien dat rond de banen van gespecialiseerde werknemers minder bureaucratisch gaat. Zij zegt hierover het volgende:

"No there is no difference over all. Yet, employment of specialised high value employees is a less bureaucratic process. This is found across sectors."

Hoewel de procedure voor het aannemen van personeel gelijk is voor alle sectoren, komt in bepaalde sectoren het meest illegaal werk voor. Bij navraag bevestigt de respondent van UHM dat er binnen de bouw vaker illegaal gewerkt wordt, net als in de schoonmaaksector en landbouw. De respondent van UHM noemt als reden dat dit werk is waar moeilijk werknemers voor te vinden zijn.

Ook de respondent van de Chamber of Commerce geeft aan dat de bouwsector een van sectoren is waar veel illegaal gewerkt wordt. De respondent geeft aan dat dit een reden is waarom zij weigeren om samen te werken met de bouwsector.

"And obviously I am mentioning that most of the employers that do risk employing illegally are in the construction sector. Most illegal employment is in the construction sector . It is one of the main reasons that the Chamber refuses to represents the constructions sector."

De respondenten van AMAM zeggen te denken dat binnen de sectoren bouw en landbouw het meeste illegaal werk voorkomt. Ze geven aan dat er veel gebouwd wordt op Malta en dat hier veel mensen voor nodig zijn. Daarnaast denken zij dat illegaal werk in de landbouw voorkomt, omdat daar seizoenswerk gedaan wordt en hier weinig vaardigheden voor gevraagd worden.

Status van de migrant

Zoals net is benoemd, moet een werkgever een *labour market test* doen om een migrant aan te nemen. Dit geldt echter niet voor alle migranten, het verschilt per status. De respondent van het Hilton Hotel zegt dat het daarom belangrijk is om de status van de migrant te achterhalen.

“We have to identify which status they have in Malta because then, if we are going to recruit the person we would need to see if they have the adequate documents; so they have a residence permit in Malta and if they have the licence to work in Malta.”

Voor een migrant met de status *refugee*, geldt dat, als zij een *Employment Licence* hebben, dezelfde rechten hebben om te werken in Malta als de Maltese bevolking en de EU-burgers in Malta. Voor migranten met de status *subsidiary protection* en *temporary humanitarian protection* geldt dit ook. De respondent van de Chamber of Commerce geeft aan dat de *labour market test* gedaan moet worden door werkgevers, als zij een *failed asylum seeker* willen aannemen. Dit betekent dat de werkgever zelf een werknemer moet vinden die hij wil aannemen. De respondent van de Chamber of Commerce zegt hierover het volgende:

“When it comes to failed asylum seekers, the employment licence is only issued once an employer identifies the person as someone he wants to employ and the employer on behalf of the employee request the employment licence. So a refugee would have it in his hand and basically look for a job anywhere, whereas a failed asylum seeker sort of have to be first identified by the employer and then the employer have to take on the administrative burden himself.”

Naast dat dit voor de *failed asylum seeker* geldt, moet volgens Jobsplus ook voor de *asylum seeker* de *labour market test* gedaan worden.

Job centers

Het Hilton Hotel en Corinthia Hotel maken gebruik van *Keep me posted*. Dit is volgens de respondent van het Corinthia Hotel niet een uitzendbureau, maar een intermediare website. Zij zenden vacatures naar deze organisatie en zij zorgen dat deze vacature terecht komt bij beschikbare arbeidskrachten die geschikt zijn voor deze vacature.

“It’s a company where we send them the adverts and they will then send a main shot to the candidates who are in their database obviously who are relevant for that vacancy. So if I had to register, I would take like I’m interested in human resources vacancies. If a company advertises an vacancy in human resources I would receive that advert.”

De respondent geeft verder aan dat er in het Hilton Hotel gebruik wordt gemaakt van *recruitment agencies* wanneer het niet lukt iemand te vinden door eigen inspanningen. Deze *agencies* hebben zelf een selectieprocedure en sturen geschikte kandidaten door naar het Hilton Hotel.

“Then we go to our recruitment agencies who we will ask for help through our recruitment agency. Because they have candidates in their database they would do the first interview because they would know what we are looking for and then they would send us the candidates which they think they will fit our.”

De respondent van het Corinthia Hotel zegt alleen gebruik te maken van uitzendbureaus die Maltese mensen in hun bestand hebben staan, omdat het veel tijd en geld kost om een werkvergunning voor werknemers te regelen:

“We maken eigenlijk alleen gebruik van uitzendbureaus voor mensen die niet van de EU komen. Mensen die van de EU komen hebben we de werkvergunning nodig, dus dat is de residence in Malta; zo’n pasje. Maar wij vragen zelf geen werkvergunning aan omdat dat echt heel veel werk is en kost veel geld.”

Overheidsbeleid

In 1.4 is beschreven dat de Maltese overheid in 2014 een beleid heeft opgesteld om meer migranten op de arbeidsmarkt te brengen. De respondent van het Hilton Hotel geeft aan niet op de hoogte te zijn van dit beleid, maar wel iets gehoord te hebben over het inzetten van migranten ten aanzien verbeteren van de economie.

Door de respondent van GRTU wordt het belang van het overheidsbeleid ingezien, omdat er een gebrek is aan arbeidskrachten.

“Lack of human resources in Malta is a serious problem. The support of government in this sphere is necessary to tackle this issue through this policy, precisely the policy action to recruit migrant workers.”

In praktijk blijkt dat deze *Employment Policy* nog niet gestart is. De respondent van Jobsplus geeft aan dat het een voorstel was, dat er offertes geopend zijn, maar dat er nog steeds discussies over zijn.

“So far it hasn’t started yet. Because we had tenders open and we are still at the evaluation stage. So it is still not on yet. It was a proposal. There was discussion about it. Then we opened tenders for private interest, tenders were submitted, we are at the evaluation state.”

Er is 1.4.7. geschreven over de Job Brokerage Offices, een voorstel van de overheid. In de interviews is er gevraagd naar de huidige stand van zaken in dit voorstel. De respondent van Jobsplus vertelt dat deze offices bedoeld zijn voor de werkgevers die graag iemand willen aannemen voor een korte periode, bijvoorbeeld een paar uur. De respondent van JRS, een vluchtelingenorganisatie, geeft aan dat de Job Brokerage Offices met een vouchersysteem zullen gaan werken, voor de werkgevers die een werknemer nodig hebben voor minder dan 600 uur per jaar.

De Job Brokerage Offices komen in twee open centers in Malta, namelijk in Marsa en in Halfar. De respondent van AWAS geeft aan dat er twee Job Brokerage Offices komen, in de open centers.

Tijdens het interview met een medewerker van de Chamber of Commerce komt naar voren dat er eind februari een persconferentie is geweest over de Job Brokerage Offices. In het krantenartikel *‘Migrant jobs scheme will help clamp down on worker abuse, minister insist’* wordt duidelijk dat de Job Brokerage Offices eind maart 2017 gelanceerd zullen worden (Diacono, 2017). Uit dit artikel blijkt dat het vouchersysteem, na overzet van sociale partners, die het niet eens waren met een het vastgesteld loon, namelijk het minimumloon. In plaats daarvan zullen werkgevers nu enkel een formulier in moeten vullen met de naam van de migrant, de data en uren en het loon dat de werkgever zal uitbetalen aan de migrant. Als de migrant onderbetaald wordt, zal hij zelf een zaak moeten aanspannen bij de DIER (*Department of Industrial Relations*) (Diacono, 2017).

Uit het interview met AMAM, bleek dat zij gedeeltelijk op de hoogte waren van deze informatie, maar stellen zij ook dat met de Job Brokerage Offices het probleem niet opgelost is. Deze Job

Brokerage Offices zijn namelijk voor migranten in Malta, maar er zijn ook veel migranten die uit Italië komen en naar Malta komen om te werken. Zij hebben niet het recht om te werken in Malta en zullen ook niet geregistreerd willen worden in Malta.

"I think they made a proposal for companies to run this. But the companies didn't want to. Because the margin is very very very short. So they don't think it is a very profitable business. That's what I heard. And then there is something happening too... most of these migrants that are in the roundabout, they come from Italy. So they don't have any interest to be registered anywhere. Because if they are registered, they will be send back to Italy, where they have no job. So they have no interest to be legalized."

Ook de respondent van Jobsplus geeft aan dat er een groot aantal Italiaanse migranten in Malta wil en komt werken, wegens de lage werkgelegenheid in Italië. Zij zijn echter met de boot aangekomen in Italië, en vallen daarom, volgens de Dublin verordening, onder de verantwoordelijkheid van Italië (Europa Nu, 2014). Zij hebben niet het recht om in Malta te werken.

Marsa

Deze Italiaanse migranten staan onder andere bij Marsa, de plek waar veel migranten wachten op werk, vlak bij een open center. In de interviews waren alle respondenten op de hoogte van de situatie dat migranten in Marsa langs de kant van de weg wachten op een aanbod van werk en hen daar werk voor een paar uur of een paar dagen aangeboden wordt. De respondent van AWAS vertelt dat de plek in Marsa zich vlakbij een *open center* bevindt. De migranten worden door de medewerkers van AWAS geadviseerd daar niet te wachten op werk. Er staan echter ook migranten die niet in de open centers verblijven, dit zijn migranten uit Italië.

"Basically, it's familiar because it is close to one of our open centres, so, and it was on the news pretty much, often, so I'd be lying if you tell you were not familiar about it. What I can tell you though is that we never recommended residence to stay there. But unfortunately, we have people telling us that most of those residence, not residence, but migrants, waiting around, are coming from Italy."

Ook respondenten van het Hilton Hotel en van UHM, benoemen dat in Marsa veel Italiaanse migranten staan te wachten op werk. Zij hebben niet het recht om te werken in Malta, wegens de Dublin verordening (Europa Nu, 2014).

"Most of the migrant loitering in Marsa do not have the right to work in Malta. As the refugee's status is recognized in Italy and not in Malta. The right to work can only be exercised if the Maltese government assumes responsibility for the refugee status." - UHM

De respondent van het Hilton Hotel noemt dat er naast Italianen ook Spanjaarden, Hongaren en Serviërs naar Malta komen. Ook geeft deze respondent aan dat zij verwacht dat er geen werkgevers uit de horecasector naar Marsa gaan, maar dat zij dat meer verwacht van werkgevers in de bouwsector. De respondent van GWU geeft aan dat hij boeren kent die naar Marsa gaan om migranten op te halen om voor hen te werken op het veld.

De respondent van GRTU zegt dat de situatie in Marsa laat zien dat er in Malta een gebrek is aan arbeidskrachten:

"It is not something we like to see but its shows the necessity for employers to employ migrant workers in the light of lack of human resources."

Deelvraag 3: Welke motieven worden aangegeven door werkgevers om legaal ofwel illegaal werk aan te bieden aan migranten?

De beantwoording van deze vraag kan opgedeeld worden in twee delen namelijk: Welke motieven worden aangegeven door werkgevers om legaal werk aan te bieden aan migranten? En: welke motieven worden aangegeven door werkgevers om illegaal werk aan te bieden aan migranten?

Motivatie werkgevers voor het aanbieden van legaal werk

Het te werk stellen van migranten, op zowel legale als illegale wijze, heeft financiële voordelen in vergelijking met het aannemen van een lokale Maltees. Dit werd bevestigd in verschillende antwoorden van de respondenten. De reden hiervoor is dat migranten een lager loon accepteren. Migrantengaan sneller akkoord met voorstellen voor arbeidsomstandigheden van de werkgever dan lokale Maltezers. De respondent van de Chamber of Commerce zei hierover het volgende:

“The financial interest, I would say there is two sides of the coin. There is a financial interest in this sense that once a migrant would be desperate for work, then they would except lower salary. So, obviously, it is a good way for an employer to get the work done for a cheaper cost then if the employee is someone from Malta.”

Ook het feit dat migranten niet bij een vakbond horen, is volgens de respondent van UHM een reden dat ze minder sterk zijn in het stellen van eisen aan een baan:

“Secondly is that these migrant workers, most of them are not unionised. And that means they do not have good bargaining power. For example, of bargaining power. I’ve you’re doing interviews and you have worker “a” and worker “b”. worker “a” is educated, local person you know? “b” is uneducated, not local person. Most probably the educated local has more power when it comes to bargaining. To do the bargain on how much you’re going to pay him, the conditions of work. He knows wat people offer in the country so he can’t be miss leaded about that.”

Maar uit verder onderzoek blijkt dat de werkgevers vaak geen keus hebben. Dan is er geen andere keus meer dan het aannemen van een migrant. De reden hiervoor is dat er geen lokale mensen worden gevonden voor de baan of deze lokale mensen zijn simpelweg niet meer te vinden voor de in te vullen vacature. De respondent van UHM zei hierover:

“Well. I think this is what motives employers. To offer migrant work. Basically, in some situations they are not finding locals so they have to go for migrants. So, it not a question of motivating them, they do not have a choice in some situations.”

Dit werd beaamd door de respondent van AMAM:

“I want to think that they want to hire migrants, because of the lack of work forces here”

Dat er geen lokale mensen meer te vinden zijn, komt volgens de respondent van UHM voort uit het feit dat de lokale bron aan arbeidskracht zo goed als uitgeput is:

“In the current context of the labour market if you may now, we have a situation whereby we have full employment. Unemployment is historically low, literally the employers are going mad to find people”

Dat de bron aan lokale mensen uitgeput is wordt duidelijk na het interview bij de Chamber of Commerce. De economie in Malta zit volgens de respondent in de lift en heeft daardoor een tekort aan arbeidskracht:

“As I explained, it is mostly the economic clamp here in Malta where we have very large growth at the moment and very low unemployment, so there is such a huge need for human resources. That is basically it, it is very blunt, but it is very true.”

Voornamelijk in de private sector is er een gemis aan lokale mankracht. De publieke sector biedt meer zekerheid en is daarmee aantrekkelijker voor arbeiders waardoor er meer migranten in de privésector terecht komen, volgens de respondent van UHM:

“So basically there is demand in each and every sector. Of course the Maltese prefer to work more in the public sector, no? Because it is more causing about external shocks. And then most of the other vacancies with the private sector are filled in with foreigners”

Dit zijn enkele redenen om mensen op een legale wijze aan te nemen. Zowel migranten als lokale bevolking spelen hierin een rol. De respondent van GRTU noemt als motief om mensen legaal aan te nemen dat er in de wet staat genoteerd personeel het gerechte loon en rechten te geven:

“He or she is also obligated to abide by law with regards to giving the right wage and rights to employees on place of work”

Het aannemen van migranten op legale wijze heeft ook een effect op macro niveau. Door een uitgeputte bron van arbeidskrachten is er kans op een looninflatie. Wordt er een nieuwe bron aan arbeidskrachten ingezet (bijvoorbeeld migranten), dan zal er voorkomen worden dat de lonen stijgen. Of alle werkgevers zich hier bewust van zijn viel buiten de grenzen van dit onderzoek. Dit werd er door de respondent van GRTU over gezegd:

“Full employment creates wage inflation and then employment becomes more expensive therefore employing migrant works might prevail”

Motivatie werkgevers voor het aanbieden van werk op illegale basis

Voor de meeste werkgevers staat ook bij het aannemen van mensen op illegale basis het financiële motief voorop. Werkgevers zijn verplicht om belasting en sociale bijdrage te betalen. Dit wordt niet gedaan als mensen niet op de loonlijst komen, maar zwart worden uitbetaald. De respondent van het Hilton Hotel zei hierover:

“..from the employers side, yes, most probably they do it so that they won't have to contribute, registered paying contributions, they're all these if you register you have the government want. So they're not pay all these thing, they pay just for the job. It's easier and cheaper.”

De respondent van GWU gaf een andere reden aan om migranten op een illegale basis aan te nemen. Binnen de agrarische sector wordt er niet altijd gehandeld naar de wet. De boeren vinden geen Maltees personeel om te laten werken op de boerderij of het veld. In plaats daarvan rijdt de boer naar Marsa waar migranten staan te wachten op een aanbod voor werk. Hoewel dit illegaal is, betalen zij volgens deze respondent wel een redelijk bedrag aan loon uit aan de migranten, boven het minimumloon.

“I know of people that they have fields, they require some help, I mean he is just a farmer, so he wouldn't advertise and everything, he usually searches in his own village, and all, he will not find and he'll go to Marsa and pick up someone and pays him 18 euro an hour or something, which is good money, So I know people do, especially farmers who can't find someone they go there, these people are willing to work and they take it from there. And many times, farmers pay them even more than the minimum wage, at times. I know, that

is is not because of financial reasons, it's just because there are people available to work there. So I think those are the two reasons, employers could go there."

Naast het feit dat migranten aannemen goedkoper kan zijn, is er nog een belangrijke reden om een migrant niet via de officiële weg aan te nemen. De volledige procedure om een migrant zonder verblijfstatus aan te nemen kost veel tijd. Ook moet de werkgever in dat geval betalen voor de werklicentie die hij moet aanvragen voor de migrant. De respondent van JRS kwam met de volgende beredenering:

"So, obviously, it also has to be an employer who really wants to do it this way and to do it legal. Because it takes time, it takes resources and it takes money. The employer pays for the work permit. So, if I'm an employer and I'm employing a person with a rejected status I have to pay for the work permit. So, you know, it has to be someone who is very willing to, and there are, we do have"

De respondent van GRTU zei hierover het volgende:

"Unfortunately due to HR requirements, the company resorts to this. Moreover it is also difficult to obtain working permit and the company carries risk of recruiting migrants illegally"

Hoewel sommige migranten wel op deze wijze worden aangenomen, nemen andere werkgevers niet de moeite om al het papierwerk te vervullen. De werkgever heeft behoefte aan personeel wat kort inzetbaar is. Dit past niet bij hoe het systeem in elkaar zit. De werkgever zal daarom het systeem omzeilen en de migrant voor een aantal uren illegaal in dienst nemen. De respondent van Jobsplus zei dat dit sneller en goedkoper is:

"I would say they would have just jobs that entire only a couple of hours, and they would resort migrants. Rather than taking the hassle of finding someone else, cheaper."

Het illegaal in dienst hebben van een migrant scheelt de werkgever maar weinig zei de respondent van Jobsplus. De kosten die de werkgever maakt zijn nihil. Zwartwerk komt ook niet voor binnen de beroepen die hogere scholing nodig hebben. Daarnaast zijn de mensen die zwart werken vaak non-EU-migranten uit Italië. Deze mensen hebben niet het recht om officieel aangenomen te worden in Malta. De respondent van Jobsplus zei het hierover het volgende:

"well I mean to be honest with you, the cost of employing someone in Malta is very low, actually the lowest in Europe. Social security in Malta is just 10 percent of the wage, it is the lowest in Europe if I'm not mistaken. So it doesn't take that much, so why is it that employers and the employee accepts to be working in the black economy without any right papers. Perhaps to avoid taxation no? So even though it is low, paying nothing is better than something. But of course this works in the lower tiers of the economy. You wouldn't find a professional working in the black economy. But I mean when we find people working illegal as I was saying. Most of them are Italians, EU citizens. Not migrants, every now or then a migrant."

Deelvraag 4: Wat zijn in de praktijk de consequenties voor werkgevers als ze migranten voor zich laten werken op een illegale basis?

Kennis van consequenties illegaal werk

De vakbond, GWU, gaf aan dat elke werkgever zich bewust moest zijn van de wetten en regels omtrent het aannemen van personeel. De respondent van GWU stelde ook dat het onbekend zijn met deze wetten en regels geen excuus mag zijn om mensen op een illegale wijze voor je te laten werken.

“You should know you’re rights and obligations, that’s it, if you’re going to court that is what they (...) so. I abide by the law.”

Een HR-manager van het Hilton hotel vertelt ook dat ze dit geen geldig excuus vindt. Ook wordt uitgelegd dat er genoeg mogelijkheden zijn om als werkgever op de hoogte te blijven van de consequenties:

“There are many ways how to update yourself, because for example if a company is registered with the Malta Employers Association the Association sends regular updates of what is going on in the employers legislation.”

Volgens de respondent van het Hilton hotel is er de Malta Employers Association die alle updates doorgeeft aan werkgevers, zodat ze op de hoogte blijven van nieuwe regelgeving rondom het aannemen van werknemers. In gesprek met de respondent van de Chambers of Commerce wordt ook genoemd dat elke werkgever zich bewust is van de consequenties. Ook legt deze respondent uit dat Maltese mensen een oogje dicht knijpen als een werkgever migranten illegaal voor zich laat werken. De sociale controle blijft volgens hem uit en dit is dus geen consequentie voor een werkgever.

“And everyone knows of these consequences, but unfortunately illegal work by Maltese people is quite rampant, in the sense that and that most people close an eye..” – Chamber of Commerce

Sancties illegaal werk

Uit meerdere interviews komt naar voren dat Jobsplus de organisatie is die verantwoordelijk is voor de controle of er illegaal gewerkt wordt. Bij Jobsplus dien je je als werkgever te registreren. Ook registreert een werkgever zijn werknemers bij Jobsplus. De respondent van het Hilton hotel zei hierover het volgende:

“Jobsplus is the entity which regulates the employment in Malta so when you have, so it’s the entity who is making sure that all the people in the industry working, they are registered to Jobsplus.”

Jobsplus heeft inspecteurs in dienst die werkgevers een bezoek brengen om onder andere te controleren of alle werknemers geregistreerd staan en dus niet illegaal werken. De inspecteurs gaan naar een werkplek en vragen hier de verantwoordelijke persoon om details en documenten over zijn werknemers. Mocht er illegaal gewerkt worden dan wordt de werkgever beboet, vertelde de respondent van Jobsplus

“yes and they ask for the details. So you have four people over here: ‘can I have the documents so I can check that they are all registered?’, and then if there is someone not registered he is fined for not being registered. The employer is fined... “

Over de frequentie van de checks zegt de respondent van Jobsplus dat ze de *spot-checks* op dagelijkse basis uitvoeren, dit zijn controles ter plaatse. De *hit rate* van het geven van een boete is vijftig procent. In het jaar 2016 werden er 3000 boetes gegeven door Jobsplus:

"Daily basis we have the spot-check. Last year if I'm not mistaken we had about three thousand. Which ofcourse means we have more visits. Because we have approximately about 50 percent hit rate. That is out of every two that you visit in one of them you will find someone without the necessary papers."

De respondent van de Chamber of Commerce vertelt hoeveel werkgevers en werknemers er zijn, zodat dit vergeleken kan worden met het aantal bezoeken/boetes.

"There is maybe 200.000 people that work, and maybe I would say, business man, there are maybe 20.000."

De respondent van de Chamber of Commerce trekt de conclusie dat er te weinig spot-checks uitgevoerd worden door Jobsplus. Zij zouden niet genoeg inspecteurs in dienst hebben om elke werkgever vaak genoeg te controleren:

"In this case it would be Jobsplus. It does have inspectors, but not enough"

De respondent van Jobsplus vertelt echter dat ze hun best doen om zoveel mogelijk spot-checks te doen. Ook geeft deze respondent aan dat de politie in combinatie met Interpol controleert op criminaliteit en andere gevaren voor personen, in dit geval werknemers:

"We will try to do as many checks as possibly at the same time we do them in a short period of time. And then of course there is also the police who lays with Interpol to make sure that there are no such things as criminality and other threats that may ... to the person."

Volgens de respondent van UHM is er een tegenstrijdigheid in het controlebeleid van Malta als het gaat om illegaal werk. De organisatie legt uit dat Jobsplus twee taken heeft. De eerste is dat werkgevers zich dienen te registreren bij Jobsplus, evenals dat zij hun werknemers dienen te registreren. De tweede is dat Jobsplus de controles uitvoert op het illegaal werken, dus of werknemers geregistreerd staan of niet. Een organisatie kan volgens de respondent van UHM niet beide taken tegelijk doen:

"Imagine: you are doing social worker and being drug addict. And you are being the enforcer to drug related crimes. Because you are building trust with the client you have to help and always being in a helpful position you cannot go to the enforcement authority. And that is what the enforcement, what the jobs+ was doing, it was trying to do both jobs. And that doesn't help. In a democracy I believe the government should see that he is there to enforce, to facilitate and enforce the policy. Not more than that."

De respondent van UHM vertelt dat de gevolgen van dit controlebeleid onder andere zijn dat migranten aan de weg bij Marsa wachten om (illegaal) te werken. Verder zegt deze respondent ook dat de hoogte van de boete een werkgever niet zal doen afschrikken; uiteindelijk zullen de werkgevers nog genoeg winst maken met het feit dat zij een werknemer illegaal voor zich laten werken:

"The penalties are not that tremendous to the employer. For example, I have a person here working with irregular conditions and I am saving a 5000 a year. And then the inspector comes in and I would give me a fine of 100 euro/200 euro. You pay the fine. "sorry mister inspector sorry, we pay the fine". Because at the end of the year I will save 4,500 euro's." –

Verder zegt de respondent van GWU dat als je geld hebt, je met alles weg komt, hoe hoog de boete ook zal zijn. Een consequentie in de vorm van een geldboete zou volgens de respondent van GWU dus niet veel gevolgen hebben voor een werkgever die over genoeg geld beschikt.

“But whatever happens in the world, people with money can do whatever, they can get away with murder.”

Financiële gevolgen

Allereerst worden er door verschillende respondenten genoemd dat het simpelweg goedkoper is om migranten illegaal voor je te laten werken. De respondent van de Chambers of Commerce noemt dat migranten heel graag werk willen, waardoor werkgevers in de salarisonderhandelingen een voordeel hebben en uiteindelijk minder salaris hoeven te betalen.

“There is a financial interest in this sense that once a migrant would be desperate for work, then they would except lower salary.”

De respondent van UHM vertelt dat als er legaal gewerkt wordt, zowel werkgever als werknemer elk tien procent van het loon aan de verzekering af moeten staan. Als werkgevers ervoor kiezen om migranten illegaal voor zich te laten werken hoeven ze uiteraard deze tien procent niet te betalen en wordt er dus meer winst overgehouden.

“There might be some financial motivations in that because we pay 10 % of his income on national insurances. And the employer pays another 10 %. So, I’ve you’re not paying your 10% as an employee or I am not making my employees to pay that 10 %. Then I would be avoiding my 10% as well.”

Ook de respondent van het Hilton Hotel bevestigt dat er geen contributies betaald hoeven te worden als men werknemers illegaal voor zich laat werken. Het zou volgens deze respondent makkelijker en goedkoper zijn, omdat er niets geregistreerd hoeft te worden en er ook geen geld af gestaan hoeft te worden aan de overheid of verzekeringen.

“from the employers side yes most probably they do it so that they won’t have to contribute, registered paying contributions, they’re all these if you register you have the government want. So they’re not pay all these thing, they pay just for the job. It’s easier and cheaper.”

De respondent van Jobsplus noemt in het interview een bedrag van 58 euro als boete en willen aan de overheid van Malta voorstellen dit te verhogen om zo illegaal werk tegen te gaan. Deze respondent ziet ook dat 58 euro hedendaags te weinig is om een werknemer af te schrikken om migranten illegaal in dienst te nemen. Een negatieve financieel gevolg voor een werkgever is dus deze boete van 58 euro, als hij betrapt wordt.

“the risk now is 58 euro’s. we are going to increase that to 500. it has been there for 25 years. Without being revised”

Bieden van sociale verzekeringen

Een werkgever heeft altijd de plicht om zijn werknemers volgens de veiligheidsvoorschriften te behandelen. Zo is het de verantwoordelijkheid van de werkgever dat zijn werknemers veiligheidsschoenen dragen, een opvallend jacket en een helm. Als de werkgever zich hier niet aan houdt kan hij volgens de respondent van de Chamber of Commerce zelfs in de gevangenis terecht komen:

“for example a lot of illegal migrants, migrants that are working illegally, would be found in the construction sector and if an employer offer and above them employ illegally, does not

give them a hard hat, safety shoes, high visibility jacket for example and the rights ... and whatever and the person is injured or dies at the place of work, then there is the risk of imprisoned for the employer."

Ook de respondent van UHM stelt dat de werkgever problemen kan krijgen doordat hij niet voorziet in de ziektekostenverzekering van zijn werknemer. Zo kan een werknemer ziek worden of gewond raken. Er worden dan volgens deze respondent vragen gesteld aan deze persoon over hoe dit gekomen is. Uiteindelijk kan de werkgever hierdoor in de problemen terechtkomen:

"There comes a day that he gets himself into trouble. Or medical for example he is sick and need medical help, he gets in trouble with the police, he does something and this will crop up. And as an employer you will be in problems."

De werkgever zou dus volgens de respondenten van de Chambers of Commerce en UHM in de problemen terecht kunnen komen. De respondent van AMAM laat echter een andere kant van het verhaal zien. De respondent zegt namelijk dat een werknemer helemaal niets kan beginnen als hij gewond raakt of ziek wordt door het werk. Hij werkt namelijk illegaal, als hij zich zou melden bij de politie staat hij niet sterk, want dan weten zij ook direct dat hij illegaal gewerkt heeft. Kortom, de werkgever heeft niets te vrezen van het niet nakomen van de cao:

"So the consequences for them are not being paid and being hurt and not being taken care of if an accident happened. They have to deal with that. The consequences are only for them actually. Employers don't have anything to fear about."

Ook de respondent van GWU zegt dat een werknemer niet veel negatieve gevolgen zal ervaren om dezelfde reden als de respondent van AMAM noemt. Hoe kan een werknemer die illegaal werkt bij de autoriteiten aankloppen om te melden dat hij gewond is geraakt tijdens zijn werkzaamheden?

"Because construction we know people can get hurt quit easily and it's easier to have someone that is not registered and all and say Oh it was his first time here, .. he started today and got hurt. How can I proof it otherwise?"

Maltese mensen nemen bepaalde banen niet aan

In bijna alle interviews komt naar voren dat er in Malta een tekort aan werknemers is. Er is gezegd *full employment*. Doordat er meer vraag naar werknemers is, dan dat er werknemers zijn, stijgen de lonen. Migranten voor je laten werken zou dus een goede oplossing zijn volgens de respondent van GRTU:

"Full employment creates wage inflation and then employment becomes more expensive therefore employing migrant works might prevail"

Volgens de respondent van GRTU betekent dit dat het voordeliger is om migranten aan het werk te hebben omdat deze minder loon uitbetaald krijgen. Doordat er *full employment* is, zijn er haast geen Maltese mensen die werk zoeken. Logischerwijs, zo verteld de respondent van UHM, wordt er een beroep gedaan op de migranten:

"Well. I think this is what motives employers. To offer migrant work. Basically, in some situations they are not finding locals so they have to go for migrants. So, it not a question of motivating them, they do not have a choice in some situations."

Een gevolg voor de werkgever kan zijn dat hij weer genoeg mensen heeft om de werkzaamheden uit te voeren. Het gaat volgens de respondent van Chamber of Commerce dan vaak om laaggeschoolde banen, die de Maltese mensen niet uit willen voeren:

"I mean, especially when it comes to very low skilled jobs than you would find mostly migrants for example...because as I mentioned, no Maltese want to do these jobs"

De respondenten van UHM en Jobsplus bevestigen dat Maltese mensen weigeren bepaalde werkzaamheden te doen. Het zou gaan om de schoonmaaksector, bouwsector en agrarische sector. Migranten zijn volgens de respondenten van Chamber of Commerce, Jobsplus en UHM nodig om de openstaande vacatures op te vullen en zo de Maltese economische groei te stimuleren. De respondent van UHM zei hierover het volgende:

"Because now we have this situation that the Maltese people don't want to do work in the industry. Building industry/construction."

Ook de respondent van Jobsplus benoemd dit:

"I mean migrants mainly you find them in cleaning construction, labours work. Farming yes, that kind of work. That no one else want to do. I would say very simple, Maltese people are not willing to do certain jobs. Forgetter to find Maltese people who are willing to work in construction or in cleaning."

De respondent van het Corinthia Hotel noemt dat andere bedrijven zichzelf in een positief daglicht zouden kunnen willen stellen, door migranten in dienst te nemen. Zelf noemt deze respondent dat ze vindt dat dit voor het Corinthia Hotel geen toegevoegde waarde heeft, het is voor hen niet winstgevend, ondanks dat ze wel ziet dat migranten een hoge arbeidsethos hebben.

"Kijk, het hotel heeft gasten. En het gaat niet meer gasten krijgen als ze zeggen kijk we hebben migranten in dienst. Dat is bij andere bedrijven wellicht anders. Het is voor ons niet winstgevend en heeft geen toegevoegde waarde. Niemand kijkt er naar om. Ze zijn sowieso goedkoop, en hebben een hoge arbeidsethos. Dus willen veel uren maken en werken hard."

Hoofdstuk 4. Conclusies, aanbevelingen en discussie

Inleiding

Terug naar de aanleiding van het onderzoek. Kopin heeft gesignaleerd dat het krijgen van een baan en het vasthouden hiervan voor migranten een erg lastige situatie is. Voor deze doelgroep is juist het krijgen van een baan een essentieel aspect voor het integreren in het land. Lukt het vinden van een baan niet, komt er extra sociale en economische druk op deze al kwetsbare doelgroep. Dit heeft Kopin laten weten in een projectverzoek. Hierin werd ook omschreven dat er omtrent dit maatschappelijke vraagstuk incomplete rapporten zijn en dat nieuwsartikelen vertellen dat er misbruik plaatsvindt op de arbeidsmarkt. Migrantten worden op illegale wijze aangenomen, worden onderbetaald en hebben geen recht op sociale verzekeringen. Naar aanleiding van dit projectverzoek heeft de onderzoeksgroep de volgende centrale probleemstelling opgesteld.

“Wat is het beleid van de Maltese overheid met betrekking tot immigranten op de arbeidsmarkt en hoe wordt hier in de praktijk mee omgegaan door zowel werkgevers als werknemers?” Om de vraagstelling te kunnen beantwoorden is er gekozen om het onderzoek op te splitsen in twee delen: onderzoek naar de werkgever en onderzoek naar migranten. Beide onderzoeken hebben een geheel eigen opzet. Dit onderzoek is toegespitst op de werkgevers. Er is gekozen voor een triangulaire aanpak. Er is theoretisch onderzoek gedaan naar de regel- en wetgeving met betrekking tot de centrale vraagstelling. Daarnaast is er kwalitatief onderzoek gedaan door middel van interviews met werkgevers en belangenorganisaties die dicht bij het onderwerp staan. Deze middelen zijn ingezet om een viertal deelvragen te beantwoorden.

1. Wat zijn relevante wetten en regels voor werkgevers die immigranten in dienst nemen?
2. Wat zijn de consequenties voor werkgevers als ze immigranten in dienst nemen op zowel een legale als een illegale manier?
3. Wat is de werkwijze van werkgevers bij het aannemen van nieuwe werknemers?
4. Welke motieven worden aangegeven door werkgevers voor hun werkwijze bij het aannemen van nieuwe werknemers?

In het komende hoofdstuk worden de conclusies van deze deelvragen beschreven.

4.1 Conclusies

4.1.1. Wat zijn relevante wetten en regels voor werkgevers die migranten in dienst nemen?

Werkgevers dienen aan te tonen dat zij geen Maltese of EU-burgers voor vacatures kunnen vinden, alvorens zij migranten in dienst mogen nemen. De werkgever dient aan te tonen dat hij de advertentie met de vacature heeft geplaatst bij Jobsplus en minstens twee advertenties met de vacature via de Maltese media heeft verspreid. Hierbij is het van belang om te weten dat migranten met een verblijfstatus dezelfde rechten hebben als Maltese burgers en EU-burgers.

Wanneer ook de documenten die beschreven zijn in de *Employment Licences Unit Guidelines for Clients* (Jobsplus, 2016), beschreven in hoofdstuk 3, zijn verzameld en goedgekeurd, kan de werkgever de werkvergunning aanvragen. Bij een *Single (Work) Permit* wordt de aanvraag door de werknemer gedaan en beoordeeld door Jobsplus, Identity Malta en Police Immigration Office. De werkgever moet echter ook in dit geval bewijs aanleveren dat hij niet een Maltese of EU-burger voor de vacature heeft kunnen vinden. De aanvraag van een *Employment License* wordt door de werkgever aangevraagd en door Jobs Plus beoordeeld. Een aanvraag heeft meer kans om goedgekeurd te worden als het omschreven loon het gemiddelde loon weerspiegelt.

De werkgever moet iedere werknemer, ongeacht afkomst en status, gelijk behandelen. De *Employment and Industrial relation Act* en de *Subsidiary Legislation* zijn hierin bepalend. De werkgever mag niet discrimineren in het aannemen van personeel, ook niet in onderscheid maken tussen betalings- en arbeidsomstandigheden. Er zijn boetes voor werkgevers die zich niet houden aan wetten omtrent arbeid. Handhaving van deze wetten is de verantwoordelijkheid van nationale autoriteiten. Dit is in Europese wetgeving vastgesteld. In het geval van Malta, is Jobsplus de verantwoordelijke autoriteit.

In artikel 452 van de *Employment and Industrial Relation Act* staat dat een werkgever die niet voldoet aan deze wet, andere voorschriften, regelgeving of de cao, gestraft wordt met een boete van niet minder dan 232,94 euro en niet meer dan 2.329,37 euro, tenzij er een andere boete bepaald is voor een specifiek misdrijf (Justiceservices, 2016).

Werkgevers die migranten zonder werkvergunning voor zich laten werken riskeren een boete van 58 euro. Blijkbaar is er in dit geval afgeweken van de bovenstaande bedragen, omdat voor dit specifieke misdrijf een andere boete is bepaald.

4.1.2. Wat is de werkwijze van werkgevers bij het werven van migranten om voor hen te werken?

Uit de interviews blijkt er verschil te zijn tussen de publieke en private sector in de werkwijze van het werven van werknemers. De publieke sector moet werknemers altijd via Jobsplus aannemen. De private sector moet werknemers alleen via Jobsplus aan te nemen, wanneer zij *Third Country Nationals* willen aannemen. Onder Third Country Nationals vallen *asylumseekers*, *failed asylumseekers* en inwoners van landen van buiten de EU. Voor het aannemen van *Third Country Nationals* moet de werkgever een *Labour Market test* doen. Dit omvat het verzamelen van documenten die beschreven zijn in 4.2.1. Het beoordelen van de *Labour Market test* duurt minstens 6 weken, volgens de respondent van Jobsplus. Deze respondent stelt dat dit een bureaucratisch proces is, dat niet sneller kan verlopen. Werkgevers geven aan dat het volledige proces, inclusief het verzamelen van de juiste documenten 9 maanden of langer kan duren. Het verzamelen van de formulieren neemt namelijk veel tijd in beslag.

Er is op Malta meer vraag naar werknemers, dan aanbod. Om deze reden worden op Malta veel vacatures ingevuld door migranten. Daaronder vallen ook *asylumseekers* en *failed asylumseekers*.

Het aannemen van deze specifieke groep migranten kost, zoals beschreven, veel tijd en moeite. Daarom kiezen werkgevers er vaak voor deze migranten illegaal te werk te stellen. Een manier waarop dit plaatsvindt is door migranten in Marsa op te pikken. Migranten staan daar langs de kant van de weg te wachten op een aanbod van werkgevers. In de sectoren bouw, landbouw en facilitaire dienstverlening vindt het illegaal te werk stellen van migranten vaker plaats.

Er is in 1.4.7. geschreven over de Job Brokerage Offices, een voorstel van de overheid. In de interviews is er gevraagd naar de huidige stand van zaken in dit voorstel. De respondent van Jobsplus vertelde dat deze *offices* bedoeld zijn voor de werkgevers die graag iemand willen aannemen voor een korte periode, voor minder dan 600 uur per jaar. De Job Brokerage Offices komen in twee open centers in Malta, namelijk in Marsa en in Halfar. Tijdens het interview met de Chamber of Commerce komt naar voren dat er eind februari een persconferentie is geweest over de Job Brokerage Offices. In het krantenartikel '*Migrant jobs scheme will help clamp down on worker abuse, minister insist*' wordt duidelijk dat de Job Brokerage Offices eind maart 2017 gelanceerd zullen worden. Uit dit artikel blijkt dat het vouchersysteem niet meer zal worden gebruikt. Dit is besloten na overleg met sociale partners, die het niet eens waren met een vastgesteld loon, namelijk het minimumloon. In plaats daarvan zullen werkgevers nu enkel een formulier in moeten vullen met de naam van de migrant, de data en uren en het loon dat de werkgever zal uitbetalen aan de migrant. Als de migrant onderbetaald wordt, zal hij zelf een zaak moeten aanspannen bij de Department of Industrial Relations, de DIER (Diacono, 2017).

Uit het interview met AMAM bleek dat zij gedeeltelijk op de hoogte waren van deze informatie, maar stelden zij ook aan de kaart dat met de *Job Brokerage Offices* het probleem niet opgelost is. Deze *Job Brokerage Offices* zijn namelijk voor migranten in Malta, maar er zijn ook veel migranten die uit Italië komen en naar Malta komen om te werken. Zij hebben niet het recht om te werken in Malta, volgens de Dublin-verordening en zullen ook niet geregistreerd willen worden in Malta. Verder bleek uit de discussie, tijdens de presentatie, dat de medewerkers van Kopin ook geen oplossing zien in de *Job Brokerage Offices*. Zij gaven aan dat het probleem in stand wordt gehouden, ook al wordt er wel een vouchersysteem gebruikt. Terwijl eerder een werkgever nog beboet kon worden wanneer de documenten niet in orde waren, is dit nu niet meer het geval. Werkgevers stellen migranten te werk via de *Job Brokerage Offices* en zijn niet meer verplicht bureaucratische procedures te volgen. Vervolgens kunnen zij misbruik voortzetten door migranten meer te laten werken dan zij via vouchersysteem krijgen uitbetaald.

4.1.3. Welke motieven worden aangegeven door werkgevers om legaal ofwel illegaal werk aan te bieden aan migranten?

Migranten staan minder sterk in de onderhandelingen met werkgevers op Malta, waardoor het voor werkgevers goedkoper kan zijn om een migrant aan te nemen. Dit is een motief om migranten legaal ofwel illegaal werk aan te bieden. Een ander motief is dat voor sommige banen geen Maltese werknemers te vinden zijn. Dit vindt vooral plaats in de private sector.

Een specifiek motief voor het illegaal te werken stellen van migranten is de bureaucratische procedure om een migrant zonder verblijfstatus aan te nemen. Daarnaast moet de werkgever betalen voor een werkvergunning. Het is daarom aantrekkelijk voor een werkgever, zeker in het geval dat hij iemand voor een korte periode wil inzetten, om een migrant op een illegale basis voor zich te laten werken. Een volgend motief om werk om werk op illegale wijze aan te bieden is dat de werkgever geen belastingen hoeft te betalen.

Een motief om migranten slechts legaal te werk te stellen is vanuit een principieel oogpunt of om een positief imago te bewaren.

4.1.4. Wat zijn in de praktijk de consequenties voor werkgevers als ze migranten voor hen laten werken op een illegale basis?

Vakbonden en de werkgevers geven in interviews aan dat werkgevers voldoende op de hoogte kunnen zijn van wet- en regelgeving omtrent het te werk stellen van migranten. Wel is er sprake van weinig controle.

Jobsplus is verantwoordelijk voor de handhaving van de wet- en regelgeving omtrent het te werk stellen van migranten. Er zijn in 2016 volgens de respondent van Jobsplus 3.000 boetes gegeven. Hij gaf daarnaast aan dat de *hit rate* van het geven van een boete vijftig procent is. Dit zou betekenen dat er 6.000 *spot-checks* uitgevoerd zijn in 2016. Dit zou kunnen betekenen dat ongeveer twee derde van de werkgevers in 2016 niet bezocht is door Jobsplus, aangezien er ongeveer 20.000 werkgevers zijn in Malta.

Volgens de respondent van UHM is er een tegenstrijdigheid in het controlebeleid van Malta als het gaat om illegaal werk. De organisatie legt uit dat Jobsplus twee taken heeft. De eerste is dat werkgevers zich dienen te registreren bij Jobsplus, evenals dat zij hun werknemers dienen te registreren. De tweede is dat Jobsplus de controles uitvoert op het illegaal werken, dus of werknemers geregistreerd staan of niet. Een organisatie kan volgens de respondent van UHM niet beide taken tegelijk doen. Daarnaast schrikt het controlebeleid werkgevers niet af om werk op illegale basis aan te bieden.

Een negatieve consequentie van het illegaal te werk stellen van migranten, kan zijn wanneer de werkgever bij een controle door de overheid 'betrapt' wordt. De boete hiervoor is 58 euro. Deze boete wil Jobsplus verhogen naar 500 euro. Daarnaast kan de overheid beslissen werkgevers uit te sluiten van grote opdrachten, subsidies en dergelijke.

Positieve financiële gevolgen zijn een consequentie voor werkgevers. Werkgevers hebben een voordeel in de salarisonderhandelingen met migranten, waardoor zij minder salaris zouden kunnen uit betalen. Daarnaast hoeven zij, als zij op een illegale basis werk aanbieden, geen sociale verzekering af te staan, namelijk 10% van het loon.

In het geval dat er een ongeluk plaats vindt op de werkvloer bij het illegaal te werkstellen, wordt in de interviews enerzijds benoemd dat de werknemer sterk staat, omdat de werkgever dan betrapt wordt. Anderzijds wordt juist genoemd dat de werkgever niets te vrezen heeft, omdat de werknemer nergens heen kan als hij op illegale basis gewerkt heeft.

4.1.5. Centrale vraagstelling

Wat is het beleid van de Maltese overheid, met betrekking tot migranten op de arbeidsmarkt en in hoeverre zijn de gemaakte afspraken binnen het beleid geïntegreerd in de praktijk per beroepsgroep?

Maltese werkgevers die migranten in dienst willen nemen hebben te maken met verschillende wetten en regels. Zo moet er een werkvergunning aangevraagd. In sommige gevallen is de werkgever daarvoor verantwoordelijk, in andere gevallen de migrant. Hierin verschillen de wetten en regels per status van de migranten. Zo het is het voor werkgevers gemakkelijker om migranten met een verblijfsstatus aan te nemen, dan migranten met een *asylum seeker* of *failed asylum seeker* status.

Voor werkgevers die migranten willen aannemen die geen verblijfsstatus hebben of krijgen, is het een moeizaam proces om deze migranten te werk te stellen. Er moet door de werkgever bewezen worden dat er door het bedrijf geen EU -of Maltese burgers gevonden zijn die voldoen aan de

functieomschrijving. Met name wanneer werkgevers migranten voor een korte periode nodig hebben, is het praktisch gezien onmogelijk gemaakt om migranten aan te nemen.

Zoals benoemd in eerdere hoofdstukken van dit onderzoek zijn er op Malta werkgevers die migranten illegaal voor hen laten werken. Uit de interviews blijkt dat de moeizame procedure om migranten in dienst te nemen een reden kan zijn. Daarnaast zijn er door de respondenten nog twee andere hoofdredenen genoemd. Ten eerste wordt het gebrek aan Maltese arbeidskrachten genoemd en ten tweede het feit dat illegaal te werk stellen van migranten goedkoper is. De werkgever heeft dan namelijk geen kosten aan het betalen van de wettelijke verplichtingen zoals sociale verzekeringen, belasting en ziekteverzuim. Daarnaast kunnen werkgevers makkelijk lagere lonen uitbetalen aan de migranten, omdat migranten minder sterk in de onderhandelingen staan.

Illegaal werk vindt volgens de respondenten het meeste plaats in de sectoren landbouw, bouw en de facilitaire dienstverlening. Verder is het opvallend om te noemen dat migranten vaak de lagere functies invullen.

De handhaving van de wetten en regels omtrent het te werk stellen van migranten is de verantwoordelijkheid van Jobsplus. Uit de interviews is gebleken dat er in verhouding te weinig gecontroleerd wordt op illegaal werk door Jobsplus. Daarnaast zijn de boetes voor illegaal werk erg laag. Er verscheen onlangs een krantenartikel waarin de directeur van Jobsplus zegt dat hierop een nieuw beleid zal worden gevoerd. Het aantal controleurs zal worden verdubbeld en de boete zal worden verhoogd van 58 euro naar 500 euro.

Er is in de interviews ook gesproken over Job Brokerage Offices, welke ook genoemd zijn in eerdere hoofdstukken van dit onderzoek. Deze Job Brokerage Offices worden door verschillende organisaties benoemd als het tegengaan van illegaal werk. Andere respondenten stellen dat het oprichten hiervan niet helpend zal zijn. Zij geven hiervoor als reden dat er veel illegaal gewerkt wordt door migranten uit Italië, die geen recht hebben om te werken in Malta. Zij zullen dan ook geen gebruik kunnen maken van de Job Brokerage Offices. Er is bepaald dat werkgevers die gebruik maken van de Job Brokerage Offices niet per se het minimumloon hoeven uit te betalen, migranten die onderbetaald worden, zullen hiervoor zelf via de DIER een klacht moeten indienen. Daarnaast kunnen werkgevers migranten vragen meer uren te werken dan zij uitbetaald krijgen. Deze situatie is moeilijk te controleren. Het is daarom de vraag of deze Job Brokerage Offices in het voordeel van migranten zullen werken op de arbeidsmarkt, of dat het probleem op deze manier in stand wordt gehouden, maar dan op legale wijze. De voordelen van Job Brokerage Offices zijn dat migranten recht hebben verzekeringen en ziekteverzuim. Daarnaast kunnen migranten gemakkelijker aan een baan komen. Ze hoeven niet meer aan de kant van de straat te staan, maar kunnen terecht bij de *offices*, die geplaatst zijn in de *open centers*.

In de wet staat dat je niet mag discrimineren. Dit wordt wel gedaan door werkgevers. Het bleek uit interviews dat migranten worden uitgesloten van bepaalde banen. Zo werd er binnen een van de hotels een beleid gevoerd waarbij migranten wel als schoonmaker mochten werken, op de achtergrond, maar niet als ober of baliemedewerker, op de voorgrond. Daarnaast wordt er misbruik gemaakt van de zwakkere onderhandelingspositie, waardoor migranten soms minder krijgen uitbetaald dan Maltese werknemers.

4.2 Aanbevelingen

4.2.1 Aanbevelingen voor de organisatie

Op basis van het onderzoek zijn er conclusies getrokken, zoals beschreven in het vorige hoofdstuk. Voortvloeiend uit deze conclusies zijn er aanbevelingen opgesteld voor Kopin. De aanbevelingen worden beschreven door een constatering te benoemen. Vervolgens geeft de onderzoeksgroep met haar visie een aanbeveling hoe te handelen.

Aannemen van migranten zonder verblijfsvergunning

Er is sprake van een gebrek aan Maltese arbeidskrachten. Hierdoor is er vraag naar migranten. Zoals blijkt uit de conclusie worden migranten vaak op illegale wijze te werk gesteld. Een reden hiervoor is de moeizame procedure om migranten zonder verblijfsstatus aan te nemen. Als een werkgever voor een korte periode een werknemer wil aannemen, wat vaak voorkomt in bijvoorbeeld de sector bouw, is dit praktisch gezien niet haalbaar. In de sector landbouw is de kans op het vinden van Maltees personeel nihil. De moeizame procedure om migranten zonder verblijfsstatus aan te nemen maakt dat er gekozen wordt voor de illegale manier. De procedure kost voornamelijk veel tijd omdat de werkgever moet aantonen dat hij/zij geen Maltese of EU-burger kan vinden. De vacature moet bij Jobsplus én bij minimaal twee media gepubliceerd worden. Pas dan kan de migrant aangenomen worden.

De aanbeveling aan de hand van de constatering is:

- De Maltese arbeidsmarkt is verzadigd, zo is uit het onderzoek gebleken. Het lijkt daarom achterhaald dat werkgevers nog verplicht worden aan te tonen dat er geen Maltese of EU-burger gevonden kan worden. Kopin zou daarom bij de overheid kunnen pleiten voor een versoepeling van de wet- en regelgeving om de tijdsduur van de procedure te verkorten. De versoepeling zou bijvoorbeeld kunnen inhouden dat werkgevers alleen verplicht worden de vacature bekend te maken bij Jobsplus, alvorens zij migranten zonder verblijfsvergunning mogen aannemen. Er wordt vanuit gegaan dat mensen die graag willen werken, geregistreerd zijn bij Jobsplus. Deze mensen zouden bijvoorbeeld twee weken de kans kunnen krijgen om als eerste te reageren op de vacature. Hierna zijn werkgevers vrij om migranten zonder verblijfsvergunning aan te nemen.

Discriminatie

In de Maltese wet staat geschreven dat een werkgever niet mag discrimineren bij het aannemen van werknemers. Daarnaast moeten werkomstandigheden voor een ieder gelijk te zijn. Migrant die illegaal werken, krijgen echter nog vaak minder loon dan het minimumloon en/of hebben geen verzekering voor het werk wat gedaan wordt. Daarnaast worden ze vaak uitgesloten van bepaalde banen.

De aanbeveling aan de hand van de constatering is:

- Door de strengere handhaving wordt het werven van migranten op een illegale manier moeilijker. Deze situatie is een kans om werkgevers te motiveren zich te laten voorlichten over een duurzame en effectieve manier om migranten te werk te stellen. Kopin zou dit kunnen doen door middel van een training voor werkgevers over dit onderwerp. De training is gebaseerd op de visie dat migranten en werkgevers elkaars positie op de arbeidsmarkt op een positieve wijze kunnen versterken. Deze twee groepen hebben elkaar namelijk nodig. Migrant willen werk en werkgevers hebben behoefte aan werknemers.

Job Brokerage Offices

Er is in de interviews gesproken over Job Brokerage Offices. Deze Job Brokerage Offices worden door verschillende organisaties benoemd als een mogelijke oplossing voor het tegengaan van zwart werk door migranten in Malta. Er zijn echter respondenten die stellen dat het oprichten hiervan niet helpend zal zijn. Zij geven hiervoor als reden dat er veel illegaal gewerkt wordt door migranten uit Italië, die geen recht hebben om te werken in Malta. Deze migranten zullen dan ook geen gebruik kunnen maken van de Job Brokerage Offices. Er is bepaald dat werkgevers die gebruik maken van de Job Brokerage Offices niet per se het minimumloon hoeven uit te betalen. Migrant die onderbetaald worden, zullen hiervoor zelf via de DIER een klacht moeten indienen. Het is daarom de vraag of deze Job Brokerage Offices in het voordeel van migranten zullen werken op de arbeidsmarkt, of dat het probleem op deze manier in stand wordt gehouden, maar dan op legale wijze. Tijdens de discussie na de presentatie van de resultaten kwam naar voren dat deze *offices* juist kunnen bijdragen aan meer illegaal werk. Door een vouchersysteem te gebruiken, komen de werkgever en werknemer weliswaar met elkaar in contact op legale wijze, de kans bestaat echter dat een werknemer niet het juiste aantal uren invult op de voucher. De migrant werkt dan dus deels legaal, maar misschien wel voor het grootste deel illegaal. De werknemer staat vervolgens in een zwakke positie om dit te verdedigen.

De aanbeveling aan de hand van de constatering is:

Kopin zou als ngo kunnen aanklaarten bij de overheid dat de Job Brokerage Offices niet voldoende zijn in het streven naar rechtvaardige behandeling van migranten, op gebied van loon, arbeidsvoorwaarden en discriminatie. Kopin zou de eigen kennis en mogelijkheden kunnen aanwenden in het opstellen van een beleidsplan met een ander voorstel omtrent dit onderwerp.

Handhaving en boetes

De handhaving van de wetten en regels omtrent het te werk stellen van migranten is de verantwoordelijkheid van Jobsplus. Uit de interviews is gebleken dat er in verhouding te weinig gecontroleerd wordt op illegaal werk door Jobsplus. Daarnaast zijn de boetes voor illegaal werk erg laag. Er verscheen onlangs een krantenartikel waarin de directeur van Jobsplus zegt dat hierop een nieuw beleid zal worden gevoerd. Het aantal controleurs zal worden verdubbeld van 6 naar 18 controleurs en de boete zal worden verhoogd van 58 euro naar 500 euro.

De aanbeveling aan de hand van de constatering is:

Kopin kan het belang van handhaving en boetes in laten zien bij de overheid. Hierbij kan aangegeven worden dat 16 controleurs nog steeds erg weinig zijn. De respondent, die namens Jobsplus een interview heeft gegeven, dacht dat er ongeveer 20.000 werkgevers zijn op Malta. De minister van Financiën, Edward Scicluna heeft in 2015 in een interview met de Maltatoday gezegd dat het aantal geregistreerde bedrijven het aantal van 70.000 is gepasseerd (Maltatoday, 2015). Het precieze aantal werkgevers is onduidelijk, maar als het aantal inderdaad rond de 20.000 ligt, zullen controleurs pas na 3125 dagen alle werkgevers bezocht hebben. Het aantal ligt echter waarschijnlijk nog hoger, uitgaande van de minister van financiën, dus de bezoekfrequentie zal dan nog veel lager liggen. Dit maakt dat 16 controleurs niet voldoende zal bijdragen aan een strengere handhaving. Ook de boete verhoging is een stap, maar waarschijnlijk niet genoeg om werkgevers echt te laten stoppen met het illegaal aanbieden van werk. Strenge handhaving is van belang, omdat het voor werkgevers een reden kan zijn om migranten minder snel illegaal voor zich te laten werken.

4.2.2 Aanbevelingen voor toekomstig onderzoek

Functioneren Job Brokerage Offices

Er zou vervolgonderzoek gedaan moeten worden naar het functioneren van de Job Brokerage Offices, die de overheid wil opzetten. Er zou volgens de onderzoeksgroep een systeem moeten zijn waarbinnen het aantrekkelijk is voor werkgevers om migranten, ook zonder verblijfsvergunning, legaal aan te nemen. Tevens zouden goede arbeidsvoorwaarden voor migranten binnen dit systeem gewaarborgd moeten worden. Op dit moment leven er vragen bij Kopin of de huidige opzet van Job Brokerage Offices illegaal werk tegengaat. Om deze reden is zou er vervolgonderzoek moeten gedaan worden.

Visie over migratie onder de Maltese bevolking

Er zou onderzoek gedaan kunnen worden naar de visie van Maltese bevolking over migranten op de Maltese arbeidsmarkt. Uit het huidige onderzoek is namelijk gebleken dat er sprake is van discriminatie op de arbeidsmarkt. Door deze visie goed in kaart te brengen, kunnen er vervolgens aanbevelingen op gedaan worden met de bedoeling discriminatie te verminderen. Tevens kan dit bijdragen aan het verbeteren van de positie van migranten op de arbeidsmarkt in Malta.

4.3 Discussie

Er is onderzocht hoe de toegang tot werk voor migranten geregeld is in Malta. Vanuit de nieuwsartikelen die we ter voorbereiding van het onderzoek hebben gelezen, bleek dat er sprake is van een situatie waarbij werkgevers handelen, buiten de wet en regelgeving om. Voor ons als onderzoeksgroep was de vraag om te onderzoeken wat de wetten, motieven en consequenties voor werkgevers zijn rondom het te werk stellen van migranten. Er zijn hiervoor interviews gedaan met voornamelijk vakbonden en organisaties. Helaas zijn er weinig werkgevers bereid gevonden om mee te werken aan het onderzoek.

Uit het onderzoek is gebleken dat de procedure om migranten zonder verblijfsstatus in Malta aan te nemen ingewikkeld is. Daarnaast zijn er lage boetes voor werkgevers die migranten op een illegale manier te werk stellen, en zijn er relatief weinig inspecteurs zijn om zwart werk te controleren.

Wat ons opviel tijdens het doen van de literatuurstudie, waren de ontwikkelingen rondom de Job Brokerage Offices. Zo zou er eerst gewerkt worden met een vouchersysteem, maar is er na protest door werkgevers gekozen voor een vrijer systeem waarbij werkgevers zelf het loon mogen beslissen. Als er sprake is van onderbetaling zou de migrant zelf voor zijn rechten moeten strijden bij de DIER. Beide systemen laten een discriminatie zien van migranten. Het vouchersysteem zorgt dan wel dat migranten deels legaal werken, maar het is de vraag of dit een eerlijk loon is in vergelijking met wat Maltese arbeiders verdienen. Werkgevers kunnen namelijk zelf de hoogte van het loon bepalen. Migrantten zijn zelf verantwoordelijk voor het melden van te lage lonen. Daarnaast kan een werkgever migranten langer voor zich laten werken dan aangegeven op de voucher.

Tijdens de interviews bleek dat migranten vooral worden ingezet om in de sectoren schoonmaak, bouw en landbouw te werken. Migrantten gaan sneller akkoord met een lager loon, voor deze banen en klussen werden vaak lage lonen uitbetaald.

Een uitspraak van een van de respondenten is ons bijgebleven. Deze vertelde dat migranten werkzaam in de horeca vrijwel niet in de bediening te vinden zijn, maar in de klusjes zoals afwas en schoonmaak. Blijkbaar willen restaurants en hotels niet dat migranten hen 'vertegenwoordigen'. Ook een andere respondent, werkend bij een hotel, gaf aan dat zij in het algemeen geen donkere mensen in dienst nemen. Een vergelijkbaar feit is ook te vinden in een recent krantenartikel van de Times of Malta. Hierin wordt beschreven dat uit onderzoek blijkt dat migranten nog steeds gediscrimineerd worden. 38 procent van de Maltese mensen zouden het niet accepteren om met *a black colleague* te werken (Ganado, 2017).

We vinden het schrijnend te zien dat er nog op zo'n wijze gediscrimineerd wordt. Als sociaal werkers vragen we ons af wat de Maltezen nodig hebben om hun beeld bij te stellen en migranten anders te behandelen. Dit is echter niet een nieuw probleem, maar een kwestie die al jarenlang speelt. Daarnaast is dit ook een kwestie die in Nederland speelt. Onze visie is echter dat iedereen gelijk is, ongeacht kleur en afkomst en zo willen we als hulpverleners ook elke cliënt gelijk te behandelen.

Een nieuw aspect waar we mee te maken kregen, wat we niet van tevoren verwacht hadden, is dat veel migranten die op een illegale manier te werk gesteld worden, uit Sicilië komen. Dit betekent dat zij een verblijfsstatus in Italië hebben. De meeste migranten die in Marsa langs de weg staan te wachten op een *day job*, zijn Italiaanse migranten. Zij hebben wettelijk niet het recht om te werken in Malta, tenzij de wetgeving hierover veranderd. Deze migranten hebben drie maanden toestemming om te reizen en komen naar Malta omdat zij horen dat hier werk te vinden is (Pisani, 2016). Dat dit vooral Italiaanse migranten zijn, geeft een nieuwe blik op het onderwerp. Malta is

enerzijds niet verantwoordelijk voor deze migranten, toch heeft zij zeker met hen te maken, omdat de migranten in Malta zoeken naar werk.

We hebben ontdekt dat de Maltese arbeidsmarkt verzadigd is, bijna alle werknemers die willen werken zijn aan het werk. Nog steeds is er vraag naar werknemers. Migrantenvrij zijn daarom voor de Maltese economie ook waardevol. Echter is er uit de interviews ook gebleken dat juist de laaggeschoolde banen door migranten gedaan worden. Hierbij krijgen zij dus niet altijd werk op hun niveau. Voor ons in Europa is het een belangrijke waarde om tot ons recht te komen, onder andere in ons werk. Voor de migranten is ons inziens minder de mogelijkheid om zich te ontplooiën in Europa. Migrantenvrij hebben in hun thuisland mogelijk ook studies gevolgd, waar zij in Europa niet meer op terug kunnen grijpen, omdat deze diploma's niet geldig zijn in Europa. Uit het interview met AMAM bleek dat veel migranten in Malta komen met de ambitie om te leren, maar doordat er een taalbarrière is en er tevens geld verdiend moet worden voor het thuisfront, gebeurt dit in praktijk bijna niet.

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Bijlagen

Bijlage I Introductiebrief

Dear sir/madam,

In this e-mail we would like to introduce ourselves to you. We are four Social Work students from the Netherlands. We are doing research about access to work for migrants by order to Kopin. Director William Grech has been contacting you about this.

We would appreciate it a lot if we could arrange an appointment with you. During this appointment we would like to interview you about the way employers recruit migrants, their motives to offer migrants work, and consequences for them when they let migrants work for them in an irregular way. The topics of the interview we can provide to you in advance. In case you have statistics and research-rapports about these topics, we would like to know if you could provide this to us, to use this for the research.

Your anonymity will be guaranteed, by not using your name in the rapport. With your permission, we would like to record the interview, to transcribe it afterwards. These record will be destroyed once we have transcribed the interview.

Our proposal is to meet each other for this interview in week 10 of 2017. We are able to meet you in this week from Monday to Thursday between 10:00 a.m. and 4.00 p.m. Could you please let us know, by e-mail, which day and time you could meet us?

We look forward to hearing from you soon.

Yours sincerely,

Jettie Kooistra
Lydia Kreuger
Henk Schoon
Niels Jansen

Bijlage II Topiclijst

Topic list research group employers

1. Legal procedure to hire staff
2. Difference in legal procedure to hire staff, regarding to the status of migrants
3. Effects of disobeying rules on providing migrant work
4. Policy of the government on providing migrants work
5. Use of Job Centers
6. Migrants on the roads in Marsa.
7. Knowledge of consequences offering irregular work
8. Motives employers to offer migrants work
9. Financial interests employers by offering migrants work
10. Ageing Maltese labor market
11. Rejecting jobs by locals
12. Social insurances labor market
13. Vary by profession, regarding the topics above.

Bijlage III: Verschillende status migranten

Bron: N. Mifsud, Chambers of Commerce, 7 maart 2017

REFUGEES – migrants who are given the status of Refugees by the Refugee Commissioner are entitled to work in Malta. On application, Jobsplus issues them with an Employment Licence, forgoing the need for a Labour Market Test. Although Employment Licences normally refer to one particular employer and one particular occupation, in the Case of Refugees, Employment Licences are issued for periods of one year renewable and in their own name, meaning that a Refugee can work with any employer and in any occupation.

SUBSIDIARY PROTECTION – migrants who do not meet the criteria for the status of Refugee may be afforded the status of Subsidiary Protection. Persons with Subsidiary Protection enjoy less rights than Refugees, however when it comes to Employment Licences, Jobsplus treats them exactly like Refugees.

TEMPORARY HUMANITARIAN PROTECTION – some migrants do not meet the criteria for the above two categories, however for one reason or another they are given the status of Temporary Humanitarian Protection. Normally this category of migrants include unaccompanied children, persons with disability etc. However if there are migrants with Temporary Humanitarian Protection, who are able and want to work, Jobsplus also treats them exactly like Refugees with the procedure cited above.

FAILED ASYLUM SEEKERS – After assessing their applications, the Refugee Commissioner may find that a number of migrants do not meet the internationally established criteria and cannot be given any sort of protection. These are called Failed Asylum Seekers. Although very often this easier said than done, technically these migrants could be repatriated at any time. On its part Jobsplus decided to allow this category of migrants to work while they are still here. In their case, if they find an employer who is willing to employ them, Jobsplus will issue them with an employment Licence foregoing the need of a Labour Market Test. The difference in procedure here is that Employment Licences are issued in respect of a particular employer to perform a particular occupation and for a duration of three months renewable. One has to bear in mind here that these migrants were not eligible to any form of protection and their stay here will always be considered as ‘Temporary’.

ASYLUM SEEKERS – this category of migrants include all those whose application for Asylum is still being considered by the Refugee Commissioner. Although this is a temporary period, Jobsplus allows these migrants to find employment and Employment Licences are issued according to the Failed Asylum Seekers criteria. If they are afforded a status by the Refugee Commissioner, then their Employment Licence conditions are changed accordingly. If they fail eligibility, existing conditions remain.

Jobsplus does not have the data of all the migrants in Malta. It only has the data of migrants who apply for an employment licences. The question is the nature of their status. You will appreciate that it is not the Employment Licence or Jobsplus who determines their status, but the Refugee Commissioner. Jobsplus issues Employment Licences according to the status or otherwise given by the Refugee Commissioner.

Bijlage IV: Interview AMAM – 16 maart 2017

I: Shall we begin to introduce?

R1: Yes, you are the leaders.

I: Okay, I'm Manon Schouten and Lydia and we are students from Holland, from an university in Holland, and we are doing research for Kopin about the labour market and migrants, the participation of migrants on the labour market, and we are with two groups, one group is focusing on the migrants one groups is focusing on the employers..

R1: So on two sides you were saying, the employers and employees

I: Yes

R1: And on which side are you?

I: I'm on the employers and she on the employees side, and yes, that's it.

R1: Okay, you want to know about us?

R2: Yes, we are us, you know me by David give you a little preview on our association and NGO quite new, we started with African Median Association, which was funded because they saw so many Somalia's arrive in Malta and they want that to keep on walking, so David, who was also working as a NGO speaker, managed to having funding for this. Unfortunately the funding was just for one year and it couldn't be renewed. So because of that start, he followed up and created the migrants register which is also part of the African Media, so the migrants to register in the database it's like a job agency, where we provide opportunity to migrants to have a job that match their skills, so that's the idea of the project, we are now, we have *naam*, whose's the head projector of the database, who can tell you more about it.

R1: So, well, I joined the project in October, I've been living here in Malta since August '15 and my background is HR, so I joined the project to set up the process that we need to match the skills we have in this database and the requirement of the market, okay? So, what I can say, we started with, I mean we are moving on the go, because we first of all we decided that this would be a pilot experience because we are a small NGO, we are waiting for funding, so we have funding until January and then we had to apply for more funding, so we have limited resources, a good team, but we want to do a very costless work, in a sense of, as long, as far as we know, there is no other model of this, I mean.

R2: Not in this island

R1: There isn't anything similar, because you have the official structure, which is JobsPlus and then you have on the other side, you have these illegal jobs, in these logering places, which are Marsa round about and other places, so the idea of creating this migrants skills register is to facilitate, to do a sort of intermediation in between the employers and the migrants employees, who usually don't, they don't really.. We have different profiles, I mean, what we, we are, we have about 100 profiles, we don't really want to grow too much, because it would be difficult for us to manage and, so what we did, first of all, did you see our website? We can show it. It was created by a young guy, a young volunteer, who was, I think he's kind of nineteen, not more than that, and he created this website, where the migrants can register some information, this website has some registers that have been changed a little bit throughout the time, because we needed to adapted to the possible requirements of the employers, okay? So this is the website. So it is mend to be used by migrants and by employers. So, you have the possibility to register for both sides, you have here submit interview,

which is the part for the migrant and you have this form, there are a number of compulsory registers to be filled.

I: And how do migrants find this website?

R2: Well, we voice to voice we tell them and call to ask them, at the beginning at least because any way David with his background walking with migrants for one year with African Media, he already had any way of a network. Yes a network.

R1: Very, I mean, how to say, do you say in English word to mouth or is it on the other side?

R2: I don't know.

I: I understand

R1: Because I said that the other day and someone told me: It's wrong. Word to mouth is just like mouth to word or word to word or I don't know and then you have this part two for the employers okay, so they can register.

I: And employers, how do they find you?

R1: Same. So this was created, I think in about, it was, I think it started to work in August, I wasn't on board yet.

R2: Me neighbor.

R1: And you neighbor. So when we started, what we did is to put all, so this information goes to a Gmail, so what we did to build an extra sheet with all the information and we realized, so that gave us sort of a mapping of the profiles we had. And it appeared that we had, I'm trying to look for it, because I made a very small statistic. We had, let me check that, most of the appliance where unskilled, I mean, not unskilled, no skills in a sense, most of them have only until secondary school, very few have degrees. Let me check that. I took some date, some very easy data, but they were. This is something I prepared for thee.

R2: While she's searching maybe I have to precess why I join, because I join, because of African Media, because I am a constant writer, this is what I do, I started with a blog and then I called myself a freelance journalist. Actually I feed the website of African Media, I write articles, I try to give some information to migrants, that is most of all about informing, also what we doing, where they can find a job, where they can call if they want to find, to do a cost, because many of them want to .. a studies, but because they don't know what to read, where to call, because they statue make them a little bit scared, because they don't go naturally to places, they need some push, need to ask for help. They need that push sometimes, I tried to write some things for them to reading on Facebook, to the African Media, the website.

R1: So the database which has now, I think a little bit more of one hundred, the average age is, people were born in 1985, countries is mostly east African, we have Eritrean, Sudanese, Somalia, some Libyans, Ghana, Gambia, most of them have secondary education. Eighty percent have only secondary education. The key point is also the level of English, which is not always very very accurate, this makes us think about what other activities do we need to do, to have migrants to have a job and most of them are reachable by phone, not email. What I don't really know is how many of them have arrived recently or how many of them are have been here quite long. We have very different profiles, so once we set these extra sheet, which means, just cold information, we made a training session in order to first of all it was a way for us to announce our activities and we expected

our registrants to go to the training sessions but we also spread the voice between the migrants in some places where they gather, so we got thirty three participants, which was over our expectations, but none of them were the registrants. So, well we brought some new people to the register and that, so it was very good, it was on live skill, it was, and the facilitator was a Serbian girl, who works with addictions and alcoholism, she did in a very positive way and the migrants were very happy. So this allowed us to register more people and new people. Then we decided to start interviewing, because you have a name and a skill, I mean, it doesn't mean anything as long as you don't know the person and as Malta is small, the numbers are small, so it's kind of reachable. We decided to start interviewing, which we are doing since one month now, we have the change to be hosted by Malta Migrant Finance, because we didn't have an office.

R2: We had an office, but it was from the last fund of African Media and then the project was terminated and we had to close our office.

R1: And then what we did also, because it was a bit difficult to balance the two parts of it, the migrants or employees and the employers, because if you don't have employers, you cannot employ migrants, but if you don't have any resources, you cannot contact, you cannot contact employers, so that was, that is improving very quickly now, but it has been a bit tricky for me.

R2: Yes, it has improved a lot, but we are still..

R1: We started after the training session, we started contact, we were contacted by some companies like a small building company, we were contacted by .., asking for profiles, so we send them a list, a pre filtered telephone filtered list, but it didn't work, because either they didn't show up or.. So, we realized we had to do a very one on one process, so now we have interview about thirty people now and we are very happy and proud to say that yesterday we had the first, this week we have already two people that has been hired by our services, and yesterday was the second.

I: Okay, that is nice!

R1: Yes, that is nice.

R2: Yes, also it was a good profile, it was not about cleaning you know, because that is the kind of jobs they find, but that was an engineer, because you can find someone really qualified.

R1: Yes, so we set these database which is really, we are, what I, my impressions is that we are really working on the go, because even if I have been working in Human Resources for years and probably, the process, I mean the interview what you want to know, what you want to address to the client, can be the same, you have to do a very, very crafted process, because otherwise it don't work. Because every case is very, very, very different and we are aware that we have to give our **whiter** service, in a sense of, we may have very, very employable persons, but if he doesn't speak a proper English, he won't be able to get a proper job. So that are some difficulties that we are facing and maybe we have to extend and probably link with other NGO's that can provide other services, maybe legal services or maybe..

R2: Also psychologic supports, English lessons, when to call, I tried that's what you want to do, because as she said at the beginning she is especially of interview, your name, your age, where do you come from, what is your profession, I can't just find, it doesn't follow, that is not something, they has never done it before, they go to school till the secondary level, so that is a completely new for him, so you have to set back and sit back not the way we have to do it, so then now we have a range of services, connections with other NGO's, maybe we should also there trying to go there to direct them in many ways, to give them more change, to not only finding jobs, also interview your live.

R1: It is more, I think, I had this idea from the beginning but it, I think it is more like we should be transforming more into a mentoring system, so I think we have to stick to the professional side, but linking with other kind of mentoring, but we have to really walk, walk with them. Not only work, but walk with them. So this is the idea behind it, and further to it I would like to, we would like to have some mentors, either Maltese mentors, that can be, that is my very future idea, either we could have maybe some Maltese professional to mentor these job seekers or even African that have been here for a long time that could mentor other migrants. So to set a system that roles some news on.

I: That they can help each other.

R1: And I mean, the database is very simple.

I: I can see. More men than female?

R1: Mostly man. we are trying to extent to women, but

R2: It is very difficult to have them

I: Are there a lot migrants women in Malta?

R1: I think if they come, they don't come on their own.

R2: Yes, because the community of migrants in Marsa, the percentage, I don't have them in mind, but most of them are coming from Eritrea, Somalia, so you know the mental of there, the women has to stay home, so they are not even in courage of going outside, women you will find around are usually from the west part of Africa, the front of Africa, Nigeria and they really sometimes, they don't need ask, because they manage to control the system, you know they are used to, they how to look after themselves, the most vulnerable are those woman, it is difficult and hard.

R1: We would like to extend to woman, but at the moment and when you go to the places where the migrants gather you don't see women. There is also something that took my attention, is that.. when we started this, we thought about getting a job, but there is a big part of this people who are young, they want a job but they want to keep on studying, they want education, because they had to leave the country, and they didn't finish, they even didn't start on education, and now they want to learn, they want to have a part time job and then get some education.

I: Okay, is that possible here in Malta?

R1: It is.

R2: It depends. It is possible, but it depends, because being refugees, when they come, as we say they are uneducated, so they don't speak the language, that is the most barrier, because barrier they have. And they have another one, because many of them have these responsibility of helping the family back home, so sometimes they have to work and send all the money back, they need first to have a good English speaking, so for that, they can't work, if they have, they cannot have a full time job, they have to decide having a part time job, so that I can better my English, make my English better, I can go to school and that is the biggest struggle, that is why we need to unpress them to make that big sacrifice, that is the most difficult thing to do. Some manage, out of ten maybe, they really decide to go, it happens sometimes after twelve years, when they found out that this is not they live I want to live, so what they say is to cut with the family and do the big .. and said to go to school, but it is difficult, it is a difficult choice, because the family they are demanding, they don't understand.

I: What do you think what possibilities migrants know to get a job? What possibilities do you think migrants know to get a job?

R1: If they know if they can..?

I: Not only of the organization, but also in general, what possibilities they have

R2: if they know what possibilities they have, they are keeping information, when they come at the Refugees Commission, when they are given the status, when they are given information about how to live in Malta, they are also given the names of places they can go, mainly Jobsplus, so that is what they know first, because that is a governmental organization. And then they go to the ngo, like JRS, that is very powerful and mentoring them legally, they also keep giving information, they actually there, they are keeping an opportunity to have a CV at once, so many of them have a CV already made by JRS. So also there they are given information. That are the two main organizations, and obviously there are also UNCHR, yes, that also gives them the information, also the Red Cross, this is the official powerful organization here, over the world, that works closely when they are arrived, now that are official organizations and usually they are not very added by them because the refugees are scared, they don't know how to come and talk to you, they need help mentoring, and usually you don't have that and that wisely is where AWAS steps in, because you can talk with them face to face, tell them that you go there and speak with them or even giving them a funding by called this person, so that is how it is played.

I: And there is different in kind of status for work?

R1: Yes, in fact I have here, we are in contact with the Chambers of Commerce, who have shown themselves very supportive to the project, and I was looking for the information because they have a person a person who is in charge of the HR and he told the companies about our project, and the companies asked some question, like, that can be useful for you. I was looking at this this morning, it is like, the companies want to know for instance: would an employer be required to prove that all the other attempts to recruit Maltese nationals were exhausted and unsuccessfully, recendency to be issued the work permit? Typical. What is the African Media Association involvement in the recruitments screening process of the candidates? Will JobsPlus be amending there present highly registered and discouraging process to facilitate and accommodate employment and integration of migrants even further? Because I don't know if you already know, but Jobsplus is not a very easy coin.

I: What are difficulties?

R1: I don't know.

R2: Because what they ask is actually, the government not only manage many Europe employees, what they did, they give priority to Maltese citizen and then to European citizen and then to, if the employer has proved that he haven't find, then the third country national started counting. But not only that, they also wanted you to prove that you have a certificate that can prove your skills, you know, that refugee, even if they have skills, because of their statue, they don't have any documents to prove that they have those skills, so that many of them are just stopped from that, yes, but jobs also provide formational cost for them, so that many of them who has refugee statue, they can have posivities for a cost of one year, two years and, but it is not very encouraging, because many of them have to stop walking to do that cost, they are not supportive otherwise, I mean, if they are paying a rent, they need to keep on pay that rent, they cannot just stop doing. So the system is not made actually to help them, it is a cycle, it is bad, but that is the reality, this is not made to help them, it is

made to push them away, to make it difficult. And so many of them don't go there and they stick in the little jobs and yes.

R1: Look, the Chambers of Commerce send us this information. This is the information that Jobsplus send to the Chambers of Commerce.

I: I've talked to him last week, he send me this too.

R1: We are meeting him next week, he is very supportive to us.

I: So refugee and subsidiary protection.... and they get a work permit? Or?

R1: The refugees? Yes the refugees are the ones who have more rights.

R2: They have rights to work like a Maltese, like a EU citizen. They also even the subsidiary protection, because they are not refugee but they have moral the same rights. They can work. We are working with African migrants. So the status is very well. If you are Syrian with the status of refugee you will find a job very... If you are African with the status refugee you will find a job as well, but unfortunately the society is very not open to African migrants, so African migrants specially they have more, refugees I mean, they have more difficult on finding a job. Even though they can, they have the opportunity to have a job, it is right more difficult than the other to find a job like Maltese.

R1: You know what. When I first came to Malta was, I was impressed, because I saw more, I mean all these jobs like collecting garbage. They were all taken by African. So I got by that time I got the idea that this was the traditional migrants that were in Malta even before the crisis.

R2: Yes definitely.

R1: And then you have the other migrants. You have all these middle east people. But the first migrants from Malta were from Africa.

R2: Yes, the first migrants were from Africa. So that is the jobs that were given naturally. So that is why it is so difficult for them to get inside of the system. Because they have been assigned there and they are even afraid of hoping for better. Even we have refugees here. We cannot understand why a refugee is still looking for a job after ten years here. When you have refugees here with us, are looking for a job.

R1: Sometimes they are not very aware of their rights. And I don't know how it is in other countries, but you don't have a sort of a reference. You have different organizations, different ngo's, different places to go. But you don't have sort of a first place where you go. A sort of a reference place. I don't know how it is in other countries. But there should be, I don't know, I'm thinking out loud, some kind of organization and they should refer to others.

R2: There is the official organization, which is the refugee commission. The refugee commission is awful. The people there are awful. They are not welcoming. They make you feel bad. Intentionally yes. They are not good at all. They tell you to sit there wet. The way they treat you is so awful. I mean is this a program? It is meant to push people back.

I: So there not helpful at all?

R2: They are not helpful at all. They don't give any information. They tell you have to do this before you have to go to the hospital. And they lock you up some way in a room. We don't go out for credit. They call you need to be ensured you don't have a disease. So even that already puts you down, you know. And then after this they put in that camp were you stay, you never now for how long. And

when you come out from that camp you will be put in another camp that is awful as well. And that's from where that you have to decide what you want to do. And the first place to start is the Marsa roundabout. It is the illegal loitering system.

I: Next month or in the summer they will start job brokerage offices? Employment agencies...

R2: Oh to take of loitering migrants from Marsa?

R1: Oh yeah, they have been talking about that. But I don't know what will happen. They have been talking about that. In fact, i think they made a proposal for companies to run this. But the companies didn't want to. Because the margin is very very very short. So they don't think it is a very profitable business. That's what I heard. And then there is something happening to... most of these migrants that are in the roundabout, they come from Italy. So they don't have any interest to be registered anywhere. Because if they are registered, they will be send back to Italy, where they have no job. So they have no interest to be legalized.

I: Can they be legalized?

R1: The ones who come from Italy, no. No I mean you can not change...I don't know why. So that means that if you have a working permit it is just for a country. It is not for Eu.

R2: No the country they won't accept. The EU they don't want a refugee.

R1: In fact in Malta, there is an agreement that when the boats arrived here, they are taken to Italy. I don't know if it is really secret or not. It is a agreement in exchange of what?

R2: I suppose that Italy have excepted to.. I don't know for what, but Italy have excepted to have the migrants. But Malta because it is an island, Malta has a special status in the EU. Because Malta cannot be quitted like France or Italy or Spain, because it is a tiny island with a few people.

R1: We are too small.

R2: Yes, so that is the reason why.

I: Are there also other people waiting in Marsa on the side of the road, besides people from Italy?

R1: Yeah most of them come from Italy.

R2: But not only them. There are many Maltese refugee in Malta, who are still living in Marsa, because they cannot find their way out, because of difficulty of having a job they still live in Marsa. Marsa is the open centre, you know. So they live there for two years, three years, because if you don't have the possibility of having a job, you can stay there. So that is where they stay and when they don't have a job.

I: And in Marsa they are offering day jobs? Or something else?

R2: Yes, usually they see day jobs. They are waiting for someone to pick them up and go for working all day. And hopefully some of them are not very bad or who are not paying.

R1: But this existed in Spain. In the country in the South of Spain. It is called **horalado?** It means the one who works for a day. And it existed and there is nothing invented or anything.

I: And in which sectors of employment is it common?

R1: I think mostly construction and maybe agriculture.

R2: And someone who want a job at home. So maybe ask if they want to Fix things or...

I: And is this all illegal or also legal work?

R1: It is illegal, it is illegal. You know the government, the government was thinking about this register, they thought about a system of vouchers. So the company goes to the register itself they buy a voucher and they pay the migrant with the voucher. So there won't be any money transaction.

R2: But it was based on the minimum wages. It has to be flexible. I don't understand why exactly they don't want to pay them the minimum wages. They don't want to pay them as they should. So they can't accept.

I: And why the construction and agriculture?

R1: There is a lot of construction. I think it is the business here in Malta, because I think that, I mean for construction, there is a lot of things being build around here, a lot of work. Awful things happen. But you have a lot of need for that kind of work. And agriculture maybe because there is a very low rate of unemployment in Malta. So this is the kind of job that Maltese won't do. It is seasonal and you don't have to be skilled.

I: We have another question about why migrants would choose to do legal or illegal work? What motives are there?

R1: To choose legal or illegal? Do you think they really choose?

R2: They choose naturally, so those who don't have documents, because there are many of them who don't have documents, so they don't have choice. And those who have documents, usually many don't have steady jobs. After 6 months they lose their job and then after three months they lose their job. It is difficult for someone to have a job for five years. When you find somebody it is rare. So you can work legally for three months and then when they lost their job, they can start illegal, while waiting to another opportunity. So it is a mix up of needs at the moment for the guys with a status.

I: So you have to pay the rent, or...

R2: You have to pay the rent, so you have to manage to have money illegal or legal.

R1: I think also that when you ask migrants, when you ask, so where do you come from, when did you leave your country. And when they tell you: I come from Eritrea, I spend 1 year in Sudan, 3 months in Somalia, 7 months in Libya. I mean our standards, we are thinking with our standards, but the standards are altered, when you spend 7 months in Libya. I mean what do you care about legal or illegal, you came here, you work, you need money.

I: And do you think they are aware of the laws and working conditions?

R1: No. Do you?

R2: It depends of the background.

R1: The good thing is when they come organized by communities like the Sudanese community. We visited a Sudanese community and they are very well organized, they have a very nice place where they gather weekly, they have English lessons, they have two managers over there. They are visible and they are aware, they receive information. But the Eritrea community for instance, they were absolutely lost. They are lost. There is also the English, you were talking about the language issue. For

instance the Sudanese, they speak Arabic, so they can switch to Maltese quite easily. So it makes that they have a long rate of unemployment and they can integrate quite quickly.

R2: Actually most of those people speak Maltese fluently. And actually not association long rate of unemployment. While Eritrean, who are from Somalia more or less because the institution of the conquerors are the same. They have many problems here. But also because of the cultural background. They are submissive people, so they don't know how to fight. They are used to say yes. They are used to accept, picking orders.

R1: Not as Nigerians.

R2: Nigerians are more fighting. So Nigerians have less problems than Eritreans. Even with the same status, because of their cultural background.

I: So are there a lot organizations helping them with that?

R2: The Eritrean are very helped by the capuchin church in Floriana. They are looked after by the capuchin priest. And between the organization they step cycle to a priest lady who help them also mentally. Who provide psychology support. And explain that why in Europe you have to let go your cultural background for a while. You know, try first to get the best way to live. And then you must make a Mix up. Take what you need from your background and take what you need from here and try to put them together.

I: Now I understand that anyone needs an individual interview.

R1: You find very different profiles, but it happened also when I worked in the classic HR. When you interview a consultant. You find so many different types for one job. But this is like huge differences. We believe that we as an association, we have to do a very crafty work. We will grow, but now we have to be careful.

I: I have another question about, do you think it is necessary for migrants to know about the laws and that they get informed.

R1: I think it is compulsory. Because otherwise they will get abused.

I: But now it's not happening?

R1: No.

I: And which organization shall do it, do you think?

R1: Ehm.....

R2: They have information, they are given information by refugee commission, by UNHCR, By the red cross. They are given information when they are being secured by the red cross, from the boats, when they arrive from the boats, when they are put in the centre, it's official places where they are given information in bass of where do you stay. In detention they are giving some information when you go out and putting in the open centre they are given information step by step. In open centre they are given information for the health. What you how to do. After that they are given information how to go to find a job. When they go to find a job, they are given information, that you should never work illegally. You shouldn't accept if someone come and tell come and work for me, you have to say no. Because you can be arrested and send back to your country. So that is the only moral information they are given for the right. But now, if you are hired for 1 hours, you don't work for 2 hours. That information. Here in Malta, Maltese as well, they don't work 8 hours. If you hired 8 hours, they work

12 hours. The system here is you mostly work more than 8 hours. They don't want people who work 8 hours. They manage to push you away. That is the mindset here in Malta. They splat people naturally, even Maltese. It's not only about refugees. So a refugee cannot see work 1 hour, he works 4 and get paid for 2.

I: I have one more question about employers. What are motives for employers to recruit migrants.

R1: I want to think that they want to hire migrants, because of the lack of work forces here. Malta, the unemployment rate is kind of 3 percent. It is a dream, it is a dream. And they really lack of resources. In any level of the society. Even if you are looking for an accountant, it is very difficult to find one. So it is really, the market needs the workers.

I: I have another question about working illegal. What are the consequences for migrants if they work illegal? Are there consequences?

R2: Yes, the identity Malta where they have the documents, they can be very strict. That is the law. If you are caught working illegally, you can lose your status.

I: But are they caught?

R2: Everybody knows they are working illegally. So really they let go, you know. At the beginning for them it can be scary, but then they found out it not actually happen. So really, the consequences are for them, because they are not being protected by the law. So when they are not being paid how they should paid or if they are not being paid at all, there is nowhere they can go to complain. So the consequences for them are not being paid and being hurt and not being taken care of if an accident happened. They have to deal with that. The consequences are only for them actually. Employers don't have anything to fear about.

I: So employers don't have consequences?

R1: No not so far as I know.

R2: It is all unwritten. As far as I know i have never heard about it.

I: I think that was it. Thank you for doing the interview.

R1: I hope it was a useful interview for you.

Bijlage V: Interview AWAS – 22 maart 2017

- **I = interviewer**
- **R= respondent**

I: Well maybe we can first start with a little introduction. So you heard already about our research, in the e-mail I guess?

R: Yes, but if I can have a better explanation, I would understand it better.

I: Yes, of course. We are with two research groups, of four people. So in total we are with 8 people. We do research of how the participation is form migrants in the labour market. So migrants who are here, well, maybe just a couple of days or maybe years, and to see how the integration, participations in the labour market is. And we also like to peak organisations and one of the groups, so my group is focussing on the migrant part. And the group where Jettie is in, is focussing on the employers. Your organisation is interesting for us because you work with migrants. And we were curious if you could tell us a little bit more about AWAS, about what you do and what your specialty is, like your special help for migrant, for all the migrants or something like that.

R: Allright, I'm Amanda Vella. And communications coordinator of AWAS. AWAS was and still is the only agency that offers receptions for migrants, it's the first visible physical thing that you would see when you hear the word AWAS. Obviously there is also the welfare of the asylum seekers. And there where we include employment. What we do regarding to employment, education, health, those three pillars, is we reconfirming, so basically AWAS apart from having staff that manage the centers, the open centers, it had specific staff, it's called the cur-team, which is a group of social workers, that assist the residence to refer them, according to their needs.

I: How did you call it? The cur team?

R: Cur team. Right now we have seven social workers, which is the biggest group we ever had, because we usually had only two social workers and four welfare officers and then it goes down and up and down and up. But now we're happy with seven social workers, obviously we're happy because social workers can go, on the one to one, more than the rest of the staff can do. Because then, obviously if we run open centers on a day to day basis, there are staff and there is the coordinator of the center, there are the support workers of the center and there is a security on duty. Support workers, they still refer residence but in a more smaller scale. What I mean with smaller scale is that if residence come to the administration block and asks; where is Jobs+ or where is Floriana health center, the support workers can guide them, by printing a map, just guiding them, you know, which is an smaller scale. Whereas a social worker can go much deeper, because even if the resident has problems in his employment and he is being for example mistreated, like giving a lot of hours of work. Which it happens. I can relate, because I worked in an open centre and I know. Before things were different. Before we had a lot of migrants, so it was a bit hard to keep control. And having people to trust you, but we're smaller. We are a smaller group. So the clients are opening a little bit up. And usually we have complains, like; 'listen, I'm working from 8 until 9 in the evening and I'm only getting paid for 10 euro's, for example. That way, the social worker refers the asylumseeker to the migrants unit at jobs+ and follows him, that she sees he is now treated well, you know. That is the main, that's where AWAS kicks in. We don't intervene by calling the employer ourselves, cause that is usually it becomes the police's job then. It's that bad. So what we do, is we refer and we follow that they know the rights.

I: The social workers?

R: exactly, even the support workers and even the coordinator, but as I told you it's on a smaller scale. Because with a social worker they decide to go much more in dept, because they trust the social worker more. Sometimes it is the support worker that is trusted more, were working with a lot of different people. So it's up to them.

I: Yes, I can see. Alright. So, you told a little bit, but if you need to tell the aim of the organisation in one sentence, I don't know if you could?

R: AWAS?

I: Yes, the aim of the organisation.

R: AWAS basically is pre integration. You can see it as pre integration. Because it is the first step before the residence go in the community. And basically it is also an aim that residence don't get stuck and get in a centralised mode. Let's say. Because they are already going through all that trauma, travel from all those countries and then get stuck in an open centre in Malta, yes it's true. You have a shelter, you have food, you have Transfer money, which is little. It's not good for you, you need to move on, you need to move away from that, because that is not reality. So basically this is our mission, I didn't say it in one sentence. But it's pre integration.

I: No, I understand. Okay, that's good to know. We are also curious for which migrants your organisation offers help, but I think for all migrants?

R: Yes, for all asylum seekers. Every asylum seeker that arrives in Malta, before we used to have a lot of boats, now that we don't have boats we have people coming directly from the community to block C, and asking for accommodation, and we also have residence from the re-location program. The re-location program, I don't know if you know anything about it? Basically there was an agreement with the EU, that every... takes a section and obviously we receive as well like six to seven, eight asylum seekers. Coming from Greece, or from Italy. So that is our part. So we were having seven in these residence.

I: Alright. Well the questions are, from my side, mainly about what does an employer have to do when he wants to recruit a migrant, what benefits, but also what negative effects do employers face in this. And the first question is about the difference in the legal procedure regarding to the status of migrants. We understand that an asylum seeker has to wait for a work permit from the employer, instead of people with a refugee status, subsidiary status or temporary human protection status, who doesn't have to wait for a work permit, but only have to apply for it by themselves. Is that right?

R: Alright, yes. You always need a work permit. What the employers normally face is, and we heard from experience, because I'm telling it's not our .. to go into dept. So usually we don't get to know them. Not usually we don't, we know bits and pieces of small stories. For example, we had a particular one. The guy was employed in a restaurant in Marsaxlokk. He used to live in Halfar, and had no .. of transportation. So the migrant was literally being a bit, he wanted that the employer takes him home after his shift, because he used to finish late, at two o'clock in the morning and he expected to be transported back to Halfar. Obviously the job when it started, it was nice, and everyone was happy because this guy really worked hard. But then, by the time, months later, the employer got fed up of transporting the resident and he said I have to stop you., but for example from the positive side of it, So if there's a problem and they would like us to intervene, it's up to the resident to come tell us. We'll still go and ask, you know, like the social worker if she knows that the resident wanted to work in a pastry shop, so much and now he got the job, the social worker is going

to ask him. Are you going, it's fine what you're doing what you always wanted, you know. But on that scale.

I: The other people, other students were there yesterday, but I haven't confirmed all the information about the uhm..

R: Alright. Sorry, I can't give the information from my side.

I: It's alright, I just, I thought maybe some employers spoke to you about it or complained about it.

R: No, no, no.

I: Alright.

R: They only reach to us, employers, because they know that we have direct contact with open centers.

I: Well, that's fine. Well, you told about that you, sometimes, bring employers and migrants in contact with each other, if an employers contacts you as AWAS. I don't know if you know, like other possibilities for migrants to get a job, like what are the possibilities they have to get a job?

I: And especially for migrants?

R: Especially, yes. It was directed to the refugee status migrants. Obviously because it helps for the work permit. But they did training to migrants because they want migrants to speak towards their communities, like, you know, what it feels like to work in the laundry. 'So I thought it is easy, but it isn't easy', like, you know? I: Alright. I: That's also the story they told like, we spoke to a couple of them and I think almost everyone we spoke came from Italy and they were saying like in Italy you can't stand like thi..

R: Nothing, nothing. . . .

I: Yes, okay.

R: So then when even if a NGO, the government, anyone, the police they can go and instead of arresting the residents they can ... them to around the corner where the office is.

I: Yes, okay. Well, I heard also when we did the research before we came here to Malta, we searched some literature and read about professional training courses where migrants can also take part in, I don't know if you know about it?

R: Professional training courses, what do you mean?

I: They can do a course, like a language course or maybe a course they can learn some skills.

R: What we've done as AWAS, there were like mini training programs but they were information sessions that basically went into a bit depth, health skills, budgeting, education but it was more like what you can find in Malta.

I: Not like for skills or for..

R: No. But also with it came the information session of education we directed residents that if for example you already had experience in IT we directed migrants to the MCAST.

I: MCAST?

R: MCAST is the Maltese college institution, it is a college open for the Maltese community as well and they have special courses, for example last time we had a meeting with MCAST because they had this new printing course. And it was created for all the people that are interested in printing.

I: And everyone can take part, like people from Malta but also migrants.

R: Yes yes, that's why they did a meeting with AWAS because they wanted that the residents would be informed about it. Because printing you can start at this course and it's the beginners level and anyone can apply and then it goes higher.

I: Okay. And do they have to pay for these courses?

R: The beginners course no. That's why they contacted AWAS for the residents to apply. Then we get for example like training ... MCA are trying to help us and we are going to start a project in April, IT courses, but the only requirement is that to apply you need to have a good level of English, because the lessons are done in English. And AWAS were like running around these tiny courses, we running around English basically, English courses and IT. Because we believe that if our residents have these certificates, English and IT, they will get a better job. Obviously now we are facing different migrants, the routes have changed, first we were dealing with people from Ethiopia, Eritrea, Somalia, the majority was Somalia, now it's changed with having Syrians for example, and Syrians, not so long ago, like three, four, five months ago, you had a person and now he is a migrant with us, who was a lawyer. You know. So we're facing now a different scenario. That they don't need to attend English lessons because they already know English, they don't need to go Maltese lessons because Syrian gets the Maltese language easier, and computer skills, I've been working as a lawyer, obviously I know how to use the computer. So that's a bit challenging. Because for example we had a resident, he used to study in Sudan physiotherapy. When he came to Malta, his certificates were not good enough. Not recognized, that's the word. He is the kind of persons that likes to fight, like not to fight the laws I mean, but to fight with himself that he needs to do it again and he will do it. What he decided then, that since he has to start another course he won't do the same, physiotherapy, and he is doing social policy right now. So currently he is studying social policy in university of Malta and working for AWAS.

I: Oh wow.

R: Yes, so it depends then. It depends on how you deal with it.

I: And what experiences they had in their life before they arrived in Malta.

R: Aha. That's why I am telling you, we are facing different things. The routes have changed and everything with them.

I: Okay. There are different organizations who wants to help migrants to integrate or to get a job. Uhm, how do these migrants know about organizations, how do they find the organizations?

R: Like NGO's you mean?

I: Yeah like ngos, AWAS or AMAM or Jobs plus. How do they know about it?

R: First of all we work together, I'm not telling you we're in the same offices all the time, not that. But when it comes to for example you need to see red cross, JRS, IOM, you always find people, representatives of those ngos in our centres. Then when it comes for examples, like Integra, Integra offered drop-in centre in Valletta and offer English lessons. So when residents come to us and tell: ah, I can't attend English in Marsa, then automatically, us as AWAS, we mention that Integra drop-in

centre there are different dates, why don't you go there. Who is Integra? And then we explain who is Integra. And we had for example activities, at a time, now for example we're ... with Kopin because we need volunteers who do some crafts and like to get the people not to be bored. And we have people that are isolating themselves in the centres. Like I want peace and quiet, I understand, but at least do something. And that's why we're contacting again Kopin to have couple of volunteers apart from staff, like they see new faces and to create crafts or whatever the need is basically. Where it comes to AMAM, the communities in Malta, Syrian community is very strong. Libyan community is very strong. Ethiopian and Eritrea you have people that are here in Malta for quite some years now, so it's not like before where people were in a new country. People sometimes now they're coming to Malta on purpose. It's like, not that where am I? This is Italy or this is Libya, cause before that's we used to get. Oh this is not Europe, this is Libya. No. Now it's changed. Now, I know up Malta is, they came here because my uncle is here. I came here because my.. we're getting that now. So it's the same with ngo's. It's quite, for example AMAM we have the centres, we have posters that are promoting AMAM, just for the people just in case they don't know about it.

I: Alright. And the people who are not living in the open centres, like people outside of the.. is it easy to reach them or is it more difficult?

R: It depends, you know. It depends what you're going for and how you're going to go about it. Because if you are going to, to.. us as AWAS, we don't need to reach to the people of the community because some people in the community, unfortunately, and this is what we don't like, because we get people to come back. Something would go wrong in the community or with their job, they lose their job and have no money to pay the rent, they come back into our system. It's something we don't like but it's the reality, but for the once .. about the Ngo's, Malta is very small. So not to know.. maybe you find a couple of people that won't know about Ngo's, but I think they wouldn't be interested to know either. I think it's about that. Some people are here just solely to work and send money back home, because they'll have like children that they left behind them. Their main goal is not to go and speak to an Ngo. You won't convince them. I want to work and send money to my family full stop. You'll find those people as well.

I: Yes, okay. We have this question like, there are people who do the difference between legal work and illegal work, people who work on the black market, maybe migrants who are staying in Marsa and don't get paid. They just work and they get back. Do you know why migrants would choose to do legal work or choose to do illegal work? Or irregular work.

R: It's a bit of a ... question, but, what I can say for illegal work, is that it's easier to get illegal work. They think it's easier. Because it's on a short term. But I think it's more about, as I said before, the once that have families waiting for money, it's very hard to wait around for the work permit, to wait around for a legal job, to wait around to see if the employer is gonna call, if you passed your interview, or if.. you know.

I: It costs more time.

R: Exactly, it costs more time. So, this is why I'm thinking that they tends to fall in the system of being working illegally. Choosing legal work, I've never heard anyone complain about his legal job. No, not yet. I've never heard.

I: No, okay. And the fair you told about, that the migrants were told about their rights and where they can find some things.

R: The job fair.

I: Yes, do you think that it's necessary that migrants or employees are aware of the right and obligations for employees?

R: Yes, definitely. That's what we promote, we don't only promote the rights but we also say the obligations obviously. That was the main reason behind the job fair. So everybody knows his rights and his obligations.

I: Okay. Well, it's maybe obviously, but why do you think it's necessary for the migrants to know about the rights and obligations?

R: Because we are here to guide them, you know. If we are saying that we are the Agency for the Welfare of Asylum Seekers you just can't go to people and tell them: ah you have to work legally or you have to... it's that have to, doesn't make sense, in 2017 especially, I believe, we believe, AWAS believes, I can speak on behalf of AWAS cause it's our aim, at the end of the day is that, I just don't tell you yes or no, but I go that extra 5 minutes, 10 minutes to explain the reason why yes and why no, you know?

I: Yes, so they have a..

R: Exactly, a reasoning behind everything that is legal and illegal. Sometimes I can tell you that it is legal for example, but I don't agree with you. I don't agree with it being legal, I can't tell you the truth you know, but at least I am informing you.

I: Yes, but they can still say, decide to do it irregular but you have told them the consequences or the benefits or the negative effects of it.

R: Exactly.

I: Yeah, okay. That's clear. Well do you see, from your experience, that there are differences in working conditions between legal and black market employment?

R: Do we consider illegal work as black market?

I: Yeah.

R: There is probably, but for example illegal work sometimes it's like farming, which is a job that you would never know how many tomatoes the farmer has so you can't never keep a record of the migrant, where he was, where he's helping, bla bla bla, and we have construction side as well, people that are building in different places and just goes around. So, for me it's still black market, it's like illegal, but I think it differs to the difference of having, you know, like, other stuff. Like Malta, because, black market it's drugs. The majority of black market is drugs, and prostitution for example. In Malta the majority of the ones that you find in the roundabout is not drugs and prostitution, but it's illegal but you can't go... it's still bad.

I: Yeah, okay. I think you already told about, like we were also curious what the consequences are for migrants when they work illegally, but I think that you told that most of the time.. well sometimes it doesn't have consequences. And sometimes they are left without being paid.

R: Exactly, or being paid, or what extra amount of hours that nobody works, like 15 hours of work and they wouldn't know who did this. That's the main problem that we face. Or else they work for three days and they promised on the fifth day they are coming for the resident and they never show up.

I: Okay. So it's like they don't have a contract so they have no..

R: That's it. No contract that's the main thing, and you can never reach the person who did it.

I: But they don't have consequences like getting a fine or getting in jail or something because they work illegally?

R: Who, the resident?

I: Yeah?

R: As I told you before, I have never come across someone getting fined.

I: No, okay.

R: Maybe they don't tell us, maybe it happens and we were never informed you know.

I: But not very many people, because otherwise you maybe would have heard about it.

R: Exactly.

I: I was also curious like, what would you like to see different in the help for seeking in employment that is offered to migrants now? I don't know, you're working here at AWAS so you have your part in it, but is there something that you like to see different?

R: No, but I think maybe what we want is that of the jobs skills will get started, because we believe so much in it, we believe that this is going to change the situation. So I'm really curious to get the offices up and running. Cause I believe that they will help. Then if they don't I have more to add when you come again.

I: Yeah, okay. But for now..

R: For now this what we're hoping for.

I: Okay, we also spoke to DIER and Jobs plus so we already have some things, but I take this list to everyone and then I see who can..

R: Who filled up ... space

I: Yes indeed. Well I have one thing, because Monday we also interviewed some people. People who stay here for, one man we spoke stayed here already for 12 years now and he was from Nigeria I guess, and he told us something about that when you stay here for 10 years, then you can apply for citizenship of Malta? I don't know if you know something?

R: It's another question that I can't really answer, because the guy was from Nigeria?

I: Or from Africa, I'm not sure because we spoke to different people.

R: Okay, it depends on your status then. If you have a rejected status, to apply for citizenship is different then, it needs to... It depends on your status, your status or for example if the guy from Nigeria is getting married or got married, then yes.

I: Married to ..

R: To a Maltese, yeah, citizen.

I: And otherwise, yeah, it's.. yeah it depends okay. I was just curious because I heard it and he told that, when he heard that he can stay here for 10 years and then he can apply for citizenship he want to do it, but something went wrong so I was just curious if you knew something..

R: Probably it's with the documents. It always relate to documents. Because if you got a rejected status because you didn't got your documents and then you're applying for citizenship, that's going to get you back to square one.

I: Yeah, okay. And when people have the wrong documents, can they go here to ask for help?

R: Yes, definitely. AWAS cannot refuse anyone that comes to AWAS asking for asylum, AWAS cannot refuse and will not refuse. But then it depends on your history. Because we have people that were in AWAS system and they went out of AWAS system because of danger issues for example. Like violence in the centre which is high no in AWAS, or for example the guy ended up in prison or a woman ended up in prison because he or she beat the staff at the centre. Whatever, I'm just inventing stuff. Then that obviously you have to go through the process and go through mainstream services then. We have a .. they can go to and anyone can go to, there is YMCA for homelessness. There is a waiting list everywhere but I'm just telling you that everyone that goes through the system of AWAS, and we are a system. So you have already year contract with us and then it depends on your vulnerability or your situation, if you back or here or not. Back into the system or not.

I: Yeah, okay. Well, I think we have everything, so thank you very much.

R: Thank you

I: I don't know if you have any questions or something to add?

R: No.

I: Okay, well thank you so much.

Bijlage VI: Interview Chamber of Commerce – 7 maart 2017

I: What has an employer to do when he want to recruit a Maltese person?

R: The regular way is, any person can be employed by a company and de legal way is for the company to register, set employment with the, what we call JobsPlus, which is the national employment agency, so there is a form, an commencement of employment form, which an employer has to fill in within a certain time period after the employee is officially engaged and basically that's it, it's not complicated at all.

I: And is there any difference with recruiting migrants?

R: Yes, recruiting migrants and foreigners there is an additional requirement, obviously there are a number of groups, I would say, of migrants. Some of which can be employed and some which may not be employed. So we have, and these are basically all definitions transported from European directly, so it is the same in any other European member state, as I understand, so there's the refugees category, which is a status granted by the refugee commissioner and a person with the refugee status is entitled to work in Malta, so a refugee has the right to apply to Jobsplus for a work permit, for an employment licence. And if a company identifies a refugee that hold an employment licence, as the ideal candidate, then they for go to need to, what called the labour market test. A labour market test is a requirement of prove that a company has exhausted all means possible to recruit a Maltese person. So that includes, prove that a company has registered the vacancy on a number of vacancy websites, including Jobsplus, which has an vacancy website. It includes advertising the position in newspapers, it includes those two, so it's advertising the position on websites and on the newspaper. And then, yes and then it is proving that the CV's that the companies has received are not in fact in line with the requirement the asks for, either the skills are not there or for example the language requirements aren't there. You know, it has to be based on skills, not based on nationality, based on skin colour, the decision can obviously not be based on that, so it has to be general proved that the people that have applied are not right for the job basically. Then a company has the right, the legal right to employ a refugee. Not a refugee, the refugee is the only category that is exempt for this. A refugee can be employed at any time. All the other categories, so temporary humanitarian protection and failed asylum seekers, to recruit someone with those statuses, then you should do these labour market test and those who are in the case of third country nationals, so it doesn't apply to refugees, it doesn't apply to people with subsidiary protection, but it applies, and not to Maltese obviously and not to people coming from EU member states, anyone outside the EU or with a failed asylum seeker status, than an employer need to prove that they have exhausted all options for recruiting. And basically, that is the biggest hurt the moment..

I: It takes time..

R: Because, not that it takes time, but I mean, once they have to advertise the position in any case, then usually they do get an application that suits what they are looking for, so it is not that they wouldn't want to employ an asylum seeker, but once the requirements to employ a failed asylum seeker, they have to prove that they didn't find anyone right for the job, usually by also having to advertise the position, a CV of some sort does fit, so they would have to stop there. So, while I mean there is a huge need for additional personal, especially in the private sector and people would like to recruit migrants and asylum seekers there is this barrier, amongst others, this is the main one, that stops them. I mean, the other barriers are for example in those cases that, obviously a failed asylum seeker has the risk of being repatriated at any time and so ad the back of their mind an employer always conscious of the fact that any investment in training and whatever could be lost with a phone

call noticed that: Listen, that person is going to be send back to wherever into a week and of course an employer have spent hours, time and money training the person and so that is also an issue and we have tried to convince Jobsplus to sort of establish a period, even if it is one year and renewable every year, where an employer who decides to employ a failed asylum seeker for example has the piece of mind that for one year there is no risk that the person would be repatriated. This would solve all the problems, however it would go against the directives, so even the one on national level there is the will to do this, it would go against the directives and we cannot. But now obviously this drive has been stepped up even to a political level in Brussel, because in Malta there is a ...24.50... need for employees basically and this is one thing that is drastically hindering our possible economy growth. Because, I mean, I know of companies that are having to, to refuse big jobs and tenders, simply because they do not have enough people or because they, for example, identify migrants or Macedonians or Serbians with the skills, but then when they go through, actually go through the formal process of bringing them to Malta, there is something that stops them. And most of those reasons stand from European directives, so we are trying to lobby for some additional flexibility since in our cases there is such an unique set of circumstances that we need every worker that we can get basically, I mean, in most European countries it is not the case, in most European countries they are still fighting unemployment on their own people, especially youths, since the crisis, so these issues are not that much of a priority at European level, you know, I mean, at the European level they prefer to solve the problems affecting Europeans first, you know. So it is quite a struggle at the moment, but we are trying.

I: But you said an employer had to do the labour market test and then he would..

R: If the employer submits enough prove that the labour market test has been passed, as in he have put advertise the job and no correct candidate sent in their CV's, than he's granted arise to recruit a failed asylum seeker or an asylum seeker, or a third country national, it is the same. But basically it is quite a registred of criteria that are quite difficult to pass, as if I said, once you have to advertise the position, than more often than not, they do receive a CV that ticks the right boxes. And obviously that person is given reference.

I: Okay, that's quite new for me actually.

R: I'm not sure, it might be something you need to know, I am not too sure about how it works.

I: Yes, the general information we got, is that the procedure of hiring a Maltese person was exactly the same as a migrant, or at least, not this kind of difference.

R: No, I can confirm that this is not the case. Let me just look up.

I: This is obviously quite known to employers, how to..

R: It is at least five years, so.. yes it is the labour market test (he Googled it).

I: So, what are the benefits of this kind of procedure?

R: Well, I guess the benefits for Malta is that it has probably been one of the factors that has helped our unemployment rate drops, so justifiably, because obviously if you receive a CV from a Maltese person that ticks the boxes, than you are obliged to recruit that person before you fall back unto migrants or third country nationals. So, I mean, the benefit is that it has contributed to almost the full employment of Maltese people. Literally anyone who can work, works. But obviously than the down side is that a lot of refugees and migrants remain unemployed and does not integrate in the society.

I: So, you can call them negative effects of this procedure.

R: Yes.

I: Are there any other ways to recruit migrants? Let say, an employer has a great idea and he wants to provide, provide that migrants can work. Is there any way for him to recruit migrants? Because with this kind of procedure it is, I think it is impossible.

R: It is not impossible, I mean, especially when it comes to very low skilled jobs than you would find mostly migrants for example. In most restaurants the dishwasher is a migrant, in most hotels the cleaners would be migrants, in most factories the very low skilled jobs are by migrants, because as I mentioned, no Maltese want to do these jobs. So even if an employer does advertise those openings, he doesn't receive submissions from Maltese, so he's allowed to fall back onto migrants, obviously, I mean, certain migrants have even degrees and skills, so they are not all doing the jobs that they should be doing and can be doing, and this is one issue that I mean at political level needs to be recognised, because most of these migrants are un...32.00.. Some of them are well trained and could be used, could be put to very productive use.

I: So when it comes to these kind of jobs then obviously there are lots of migrants in these kind of jobs, an initiative to formalise the employment of migrants is soon coming into force, it is going to be called the Job Brokerage Offices. Have you heard of it?

R: Yes.

I: Okay, most of our member are looking forward to it, because it provide them access to a strong workforce of a temporary nature. The Job Brokerage Offices are gonna work by an employer buying vouchers, for example they know that they have a job which will take one week to finish, so an employer will gone by 40 hours' worth of vouchers and then the office contact people that have signed up for this temporary work and send legal, everything is legal, sends this person for the job. The office of the employer would have mentioned where and when he wants the person and the office identifies the right person and sends them. Then the, at the end of the week, the migrant collect payment by collecting the voucher that the employer would have purchased and that is to make sure that no precarious payment, as in either payment below the minimum wages or anything on this sort and once the migrant collects this voucher he goes to the office, to the Job Brokerage Office and cashes in his voucher, which is, and this voucher is actually payed better than minimum wages, it is even, it is not double the minimum wages but it is, I believe minimum wages is here €3,80 an hour and the vouchers 5 something, so it is quite good. And the reason is sort of not to create exploitation, because obviously all these worker are on minimum wages, than for an employer it would be to beneficial and he would always rely on these temporary workers and basically exploit them, so to minimize that the payment is likely better then minimum wages. So this would introduce another method of formal and legal employment of migrants.

I: It's a great plan, I think.

R: It is, hopefully it should be in place by summer. The proposal came early last year and those election consultation procedure, which ...35.00... participated and if you want, I also printed a copy of our formal feedback that we had submitted to the government, which you could refer to, in general it was a reverse to our position on employment matters and it could be useful.

I: Does the different kind of protection status effects these Job Brokerage?

R: Yes, because people, the people that sign up with the Job Brokerage Offices would still need to have an employment licence, and there are only certain categories of them that can have a work licence, it is the refugees, it is subsidiary protection and also.. It is just these two. Do you have this definitions, do you think? I mean, they are standard, but I could send them to you. These are the definitions that Jobs+ relies on and considers on every application, so I could send you the ones that specially refer to Malta and send these to you.

I: We do have some definitions, but there is also a slightly change within definitions right now, so expect you within the subsidiary protection status, so it would be great to have this list.

R: In terms of subsidiary protection in Malta, Jobs+ treats them exactly like refugees, so obviously refugees are entitled to work normally in Malta, they have brought them an employment licence and can work anywhere they find employment. When it comes to failed asylum seekers, the employment licence is only issued once an employer identifies the person as someone he wants to employ and the employer on behalf on the employee request the employment licence. So a refugee would have it in his hand and basically look for a job anywhere, whereas a failed asylum seeker sort of have to be first identified by the employer and then the employer have to take on the administrative burden himself. So that is sort of an additional burden besides obviously the labour market test, so it is an additional layer that puts some employers off.

I: Okay. We were wondering, what are the effects of disobeying the rules, for employers?

R: It is fines usually, when for example, if there are health and safety rules that are being broken, besides illegal employment, then it is sometimes in prison for the employer, but it is only in case of what they call growth negalitions of health and safety, for example a lot of illegal migrants, migrants that are working illegally, would be found in the construction sector and if an employer offer and above them employ illegally, does not give them a hard hat, safety shoes, high visibility jacket for example and the rights ... and whatever and the person is injured or dies at the place of work, then there is the risk of imprisoned for the employer, but if it is just, either what we called precarious employment where the employer is paying less than minimal wages or if they are employing illegally, without the necessary documentation, then it is usually fines, fiscal fines, which are, going to the thousands, they are quite affective. As in the fine itself is enough to put employers off from recruiting. What we lack than is enforcement. What we lack is people, actually checking places of work, and construction sides for the actual work papers, that is what is lacking, I mean, and that is why some employers risk it, because even though there is a hefty fine if they are caught, they are very rarely caught. Because there just aren't enough people to enforce the rules. Which is the general case in Malta for everything, enforcement is, as you might have noticed, even if you are on the road or in the bus, you know everyone is talking on their phones while driving, it is just that we lack enforcement in everything. I mean, as a society as Mediterranean people we pretend not to respect rules as much by nature, but then to make it even worse, there is no enforcement, so the two together make abuse..

I: Who is responsible for the enforcement?

R: In this case it would be JobsPlus.

I: Okay, so for example, JobsPlus has some inspectors?

R: It does have inspectors, but not enough. And obviously I am mentioning that most of the employers that do risk employing illegally are in the construction sector and it is one of the main reasons that the Chamber refuses to represents the constructions sector. This is one of the issues

that we are very stern on, as in our positions it is very strong that we make sure all our members adder to all regulations and treat not only the regulations fairly but treat all their employees fairly. So we stress equal pay for equal work and no discrimination, equality and we especially in Malta on the first of May, it's a feast, called Workers Day, and we usually have a press conference here where we against six states Even though we are an employer body, the most important resource for an employer is his workers and we say workers are important for us and we always stress that equality is the most important thing for us, no discrimination, equal pay for equal work, that our employers always provide a healthy work space, a friendly workspace, so I just, because I mentioned that most of employers there employ illegally, but at the same time I don't think the impression that these people find a home in us.

I: It is actually great to hear about the job centers, the Brokerage Offices?

R: Yes, the Job Brokerage Offices, JBO.

I: Okay, because we heard about it, the ideas is quite a long time ago established, I think.

R: In Malta, or is it..?

I: In Malta yes, but it is the first time we heard about it that it is going to..

R: Yes, in fact, I think there was a press conference by the minister on how it is going to work, it was just last week. It was, although it was in Maltese, you might find it on Maltatoday.com.mt. Let me see if I can find the name of the article on Maltatoday. Yes, the article was titled: Migrant job scheme will help clamp down on worker abuse, minister insists. It was on the 28 of February on Maltatoday. Maybe someone from Kopin can translate what the minister is saying, although the article is in English, but the actual press conference was in Maltese.

I: Okay, so what are motives for employers to offer migrants work?

R: As I explain, it is mostly the economic clamp here in Malta where we have very large growth at the moment and very low unemployment, so there is such a huge need for human resources. That is basically it, it is very blunt, but it is very true.

I: Okay, do you have any statistic on it?

R: We do not, because I tried to check, because I saw that you asked, as a Chamber we do not, when we need statistics, we do always refer to the National Statistics Offices, NSO, and also JobsPlus might have some statistics, however I asked them and they told me: JobsPlus does not have data of all migrants in Malta, so this is a copy from the email: It only have the data of migrants who apply for employment licences. So if you want, I could find out that number, the number of migrants that apply for employment licences.

I: Yes, we have also an interview with JobsPlus

R: Okay, do you know who you will be meeting?

I: Not yet.

R: Have you asked for the meeting?

I: Yes

R: And they accept it?

I: Uhm, as a matter of fact..

R: Did they reply, because if it's not, I can give you some contacts.

I: We had an interview this morning, with the voice of the workers, and he is getting us in contact with JobsPlus. Are there also financial interest for employers to offer migrants work?

R: The financial interest, I would say there is two sides of the coin. There is a financial interest in this sense that once a migrant would be desperate for work, then they would except lower salary. So, obviously, it is a good way for an employer to get the work done for a cheaper costs then if the employee is someone from Malta. But then at the same time, there is also the possibility that a migrant is repatriated at any time, so they would have wasted their investment. So there is two sides of the coin, you know, it is quite an expensive risk I would say, then I would say, the people that do employ migrants, do not it to exploit them at all, because in any case, I mean, usually since they mostly fill low skilled jobs, it is just not a well payed job, it is not well payed because it is migrant and so basically I would say there is two sides to that argument.

I: And the irregual, or illegal work, in which sectors is it most common?

R: I would say, mostly construction. So for example, literally the physical construction of buildings especially, then the finishing when it comes to, for example plumbing, electrical work, painting, you know, these kind of things. Other than that, you might find some restaurants that risk it, you know, that risks having dishwashers, but it is not that common, and then obviously in all the sector that I mentioned that we represent, especially in the manufactory sector, in the hotels, it is all legal, 100%.

I: We do have already contact with some HR management of hotels, so to get some inside view.

R: Maybe you want some more contact, maybe the manufacturing companies or whatever, since it is another big area that employ migrants, or try to employ migrants, they could also give you a good picture. The thing is that they are mostly all out of the way, close to the airport side of Malta, so they are a bit difficult to reach, because the busses don't really go there, but if you need, I could give you contacts.

I: I think we need to try. So another thing we bumped into, is the ageing of the Maltese labour market and we wonder, what could you tell about this, what are the effects of ageing on the Maltese labour market.

R: At the moment I would say that that trend do not represent in statistics yet, in the last two years, it is improved. Mainly because of the number of young Italians that come to Malta, as if you might noticed it is here Italian in the streets, wherever you are in Malta, and that is maybe since about two years. Because most people in Sicily are unemployed and so they come here, and here there is work and opportunity for all. We love Italian food, so also they come and set up restaurants and cafes and all these things, so and obviously, most of them are leaving quite a lot of money in our pension system that there is, so, maybe the biggest trend to that the ageing population was putting on Malta, was that the pension system would not remain achievable. So that people may age, probably won't have a pension, or maybe won't have a retirement age, because there are always less and less people working and more and more people getting a pension, so by the time there will not be anything left. But I think it is, the reality has changed recently, because of all these foreigners that are being brought over to Malta, as I mentioned the Italians, the iGaming sector brings a lot of Scandinavians to Malta, most of which are young, so I think the reality is changing, if that answers your question.

I: Yes, well, the answer is, like it brings Malta a lot of well migrants not really, Europeans..

R: It is mostly the Europeans that are contributing to the improvement, but I think it's a problem that every country is facing, especially developed countries.

I: Yes, indeed.

R: Especially when it comes to pension system, I think, public pensions, government pensions, there has to be some innovative thinking of how to finance them, because it is just not achievable, everyone is getting older and there are less and less people working, till now and for now it seems like we have found a way around that, with these foreigners, but it is not the case for every country.

I: We have got a topic here, which says: rejecting jobs by locals. We talked earlier about that an employer needs to post his vacancies and everybody can apply to it, and if a CV just ticks the boxes, than somebody gets the job. But what if there are locals that just find like I don't want that job, just leave it, and they are probably, they need to get a job, but they are just rejecting the easy jobs.

R: Okay, that doesn't happen very much, because in order to receive unemployment benefits, one of the conditions is that you have to be actively looking for a job. So there is a certain number, luckily I was never in the situation, but I know that for example JobsPlus has an employee data base, I think it is about 3.000 people, so there are about 3.000 people receiving unemployment benefits, but to keep receiving those benefits, they have to be registered by JobsPlus, and when JobsPlus tells them: Listen, this week we found this job that might be good for you, you have to apply, and if they ask for an interview, you have to go, or you will lose your unemployment benefits, that keeps a lot of people from not rejecting jobs, so if they are offered a job, they either accept the job offer, if they reject the job offer, then they lose their benefits. So, it doesn't, it is not really a factor. I mean, unfortunately, the few people, the very few people that are unemployed, these 3 thousand something, are what we call unemployable. Because, either they don't have any skills, for a number of reasons, there is unfortunately a few disabled people that cannot really fit in in any sort of job, so but to be fair, it is not that much.

I: Okay, great. I've got.. we already talked about the knowledge of consequences, like paying a fine or something. Are employers aware of the consequences?

R: More than the fine, what scares is the naming and shaming, and obviously in Malta, there is maybe 200.000 people that work, and maybe I would say, business man, there are maybe 20.000, so everyone knows everyone, and everyone is someone's client, of someone's friend, so people are very terroric, they will do anything to avoid reputational damage, because the consequences could be very dramatic, you know, I mean, if for example a constructor is caught having illegal migrants, then the media would shame him, as in he would actually mentioned that this company was found to be employing bla bla bla, a number of migrants illegally, then his suppliers would not wanted to do business with him, his accountant would not wanted to do business with him, his lawyer would not wanted to do business with him, because then in term the lawyer would not wanted to be associated with him, you know, so it is chain of events that, more than the fine, I mean, while the fine is quite hefty, it is, I think this factor is a stronger in keeping employers away from illegal employment, because we are such a small community, where everyone knows everyone and everyone business is tight to, you know, so..

I: But it does happen?

R: It does happen, but, I mean, very, very rarely. The last case of illegal employment hasn't, I mean, in the last twelve months we haven't had any cases that I know of, to be honest, that I know of. A part of my job is to follow everything that happens every day in all the newspapers, so.

I: Well, those were actually our topics, we've got a topic about social insurances, about what's happening if a migrant, or let's say, just someone, an employee who doesn't have any contract, what's happening to them if something is happening on sight.. but we already got a few answers on that

R: I didn't understand, I'm sorry

I: Well, an employee is working irregular, so he doesn't have social insurances, but something is happening on sight

R: Which is, that is common..

I: Yes that is common

R: If they're caught, but like I said, there is very little enforcement, then obviously there is fines, there is, and most of people that engaging what we call the black economy, the underground economy, do it to avoid taxes and not pay VAT, which is the Value-added tax, I don't know how you call it in Holland.

I: Yes, btw.

R: So, if they are ever caught, then the government wouldn't investigate all the operations and profits this person has made and force to pay back all the taxes in contact, VAT plus interest plus a fine, so, and everyone knows of these consequences, but unfortunately illegal work by Maltese people is quite rampant, in the sense that and that most people close an eye, why I don't know, but for example most people would have a full time job and then on the side sort of they do paintings at homes or plumbing or computer repairs or graphic design you know at home, so it does happen, but I mean, there is very little enforcement, and basically everyone knows someone who does it, so everyone just shuts an eye and lets everyone. It is not right, I know, but..

I: It's common.

R: It's common.

I: Also in Holland it's common, ofcourse.

R: It is usually only in the case of self-employed people, an employer would always want the formal paperwork, but for example if when I go home, I do some work for myself, where I am boss for example, I don't, but let's say I am a good speechwriter and on the side I do speechwriting, you know, just for a few close friends that are clients or whatever, you know, there is no one who would ever ask for my formal papers and whatever. If you are .. form a Gmail account, no one will never know about this, you know? It is quite difficult to track, I mean, I blame enforcement but at the same time it is also quite hard to track.

I: Yes, we heard also about a verbal contract, 1.02.18 a verbal contract. What is your opinion about it?

R: Okay, that is very legal now and I'm not sure how to answer that. I think in Maltese law even a verbal agreement counts as a legal contract.

I: It does.

R: But, I don't know what more to tell you, because I am not a lawyer and I don't know how it effects these things. I've never heard of someone that is employed legally, that only has a verbal contract. I've never heard of it.

I: Okay, well, that were our questions.

R: If there is anything else, I can help you with maybe once you tried to actually make the notes of what we discussed, if you need a clear written description, then feel free to ask me, because when you talking, I understand that it might be difficult to then transpose it into right things.

Bijlage VII: Interview Corinthia Hotel – 13 maart

I: de legale procedure voor het aannemen van mensen, hebben we een vraag hier opgesteld: welke werkzaamheden jullie moeten verrichten om een Maltese burger aan te nemen?

R: een Maltese echt?

I: ja

R: er zijn dan een paar documenten die we altijd moeten hebben. Kopie of passport dat soort dingen maar we hebben ook de police conduct nodig.

I: Wat is dat dan?

R: Verklaring van goed gedrag eigenlijk

I: Oke

R: Uhm Reference letter, school certificate, the fs3 (dat is dus de belasting formulier) die vullen we in, fs4. Fs3 is van de vorige werkgever en fs4 vullen wij in voor de belasting. Dan kijken we naar uhm is de getrouwd heeft die kinderen dat soort dingen. Wat hebben we nog meer nodig... voor bepaalde functies hebben we ook andere dingen nodig voor als je in aanraking zit met eten hebben we een food licence nodig. En moet die een training doen dat soort dingen. Food screening, dan kijken we of ze geen bacteriën op zich hebben de medewerkers, ja dat soort basis dingen

I: oke en hebben jullie bijvoorbeeld een uitzendbureau via wie jullie eh..

R: we maken gebruik van 'keep me posted', daarbop posten we onze vacatures tegen betalen. We hebben nu voor de summer recruitment omdat we dan obviously drukker zijn hebben we wat meer werknemers nodig en hebben we onlangs met marketing samen die recruitment pagina opgesteld via facebook bijvoorbeeld en via de website. Voor hun om makkelijker te solliciteren en we maken eigenlijk alleen gebruik van uitzendbureaus voor mensen die niet van de EU komen. Mensen die van de EU komen hebben we de werkvergunning nodig, dus dat is de residence in Malta; zo'n pasje. Maar wij vragen zelf geen werkvergunning aan omdat dat echt heel veel werk is en kost veel geld. Dus we doen non-eu citinships, bijvoorbeeld Serbia, Macedonië, die gaan we via een uitzendbureau. En de rest doen we gewoon zelf.

I: waarom gaat dat via een uitzendbureau dan?

R: omdat dus die mensen die niet uit de EU komen hebben een werkvergunning nodig.

I: en daar moeten jullie voor zorgen anders?

R: en anders moeten wij daar voor zorgen ja

I: en als dat via een uitzendbureau gaat hoeven jullie daar niet voor te zorgen?

R: nee, dan krijgen ze dat via het uitzendbureau of bijvoorbeeld via scholen regelen dat ook voor hun, bijvoorbeeld studenten die uit Algarije komen, dus dan hoeven wij dat zelf niet te regelen.

I: oke, en als jullie dus weten van mensen dat je dat niet hoeven te regelen doen jullie het zelf. Dan ga je niet via 'keep me posted'..

R: naja wij zetten gewoon iets op 'keep me posted' en als ik dan een sollicitatie krijg van iemand uit Serbia of uit Macedonië dan is het een regret. Sowieso omdat ze een werkvergunning nodig hebben, of ze moeten bij hun sollicitatie zeggen ja ik heb een werkvergunning.

I: oke

R: 'keep me posted' is meer een intermediaire site, het is niet echt een uitzendbureau.

I: het linkt gewoon werknemers aan werkgevers, zoals Monsterboard of Jobinn.

R: ja, dat ja.

I: Er is dus een duidelijk verschil tussen het aannemen van een locale burger of een non-EU citizen, heb je nog meer van die verschillen?

R: ja ook met betalingen iemand die niet uit de EU komt, of iemand die uit een ander land komt moet of een Maltees bank account openen of het gaat via een check bijvoorbeeld. Dat is dan een verschil. En ja mensen uit de EU behandelen ze gewoon bijna het zelfde als Maltese. Maar dat is dus echt het verschil van kom je uit de EU of niet.

I: oke, dat is duidelijk. Weet je zo wat de duur is voor een volledige procedure om iemand aan te nemen, de tijd?

R: het zijn allemaal buitenlandse mensen waar ik vaak mee in contact kom die hier net komen wonen dus zo'n police conduct moeten ze aanvragen. De foodscreening dat is hier in Msida, moeten ze daar heen moeten wij weer wachten op het report daarvan. Die fs4 moet ingevuld worden dat gaat weer in samenhang met finance. Dus vaak duurt het best wel lang voordat je alle documenten hebt die je nodig hebt.

I: voor iemand die uit Europa komt..

R: ja of voor iemand die uit Malta komt, dat is gewoon het zelfde. Dus ik denk, als je echt echt alles wil hebben, dat duurt wel twee drie maanden. Want dan moet je als HR zijnde weer mailen van he kun je dit nog meebrengen, we hebben nog een kopie van dat nodig. Paspoort foto's hebben we bijvoorbeeld ook nodig.

I: dat moeten ze dus aan jullie aanleveren en jullie moeten dat dan regelen of moeten ze dat zelf regelen?

R: dat moeten ze allemaal zelf regelen. Dus stel je voor ik ben hier onlangs gaan werken en ik wil een Maltees bank account openen dan moet ik dat ook zelf regelen. We hebben geen contact met bijvoorbeeld Bank of Valletta of HSCB of dat soort banken.

I: oke

R: dus ja ze zijn nieuw, komen hier werken. Hebben accommodatie nodig en moeten ze dat ook nog regelen dus dat duurt vaak wel een tijdje. Omdat hoe wij hier werken als HR, ze denken niet echt op lange termijn. Ze komen hier en dan pas geven wij die lijst van dit en dit moet je hebben. Het is niet van oke als jij hier komt werken moet je dit en dit hebben, dus dat heb ik ook wel paar keer gezegd van kunnen we niet al dit of dat vragen? 'nee, nee doen we wel als ze hier zijn'. Dat is echt wel tijdrovend dus.

I: dus als je iemand gewoon aan wil nemen dan duurt dat vaak wel twee tot drie maand voordat alles in orde is.

R: ja, maar bijvoorbeeld sollicitatiegesprekken gaat wel heel snel. Als ik bijvoorbeeld vandaag een sollicitatie binnen krijg en ik heb met de manager van de betreffende afdeling besproken dat hij goed is komt hij morgen op een interview. Dus dat is wel weer een verschil met Nederland. In Nederland duurt dat vaak een aantal weken, is mijn ervaring. En hier gaat dat sneller, heb je morgen een

interview heb je zaterdag een proefdag en dan kunnen ze gelijk beginnen. Maar echt die documentatie en het vastleggen dat ze hier werken, dat duurt allemaal wel langer.

I: maar je mag al wel beginnen voordat je alles in orde hebt?

R: ja

I: oke dat maakt het wel wat anders weer.

R: ja inderdaad.

I: oke, en als ze dus niet uit Malta of EU komen dan?

R: als ze niet uit de EU komen bedoel je?

I: ja als je iemand via het uitzendbureau...

R: oke dan wordt echt alles via het uitzendbureau geregeld. En daar hebben we daar ook bijna geen documentatie van. Wij noemen ze outsource employees en van outsource heb je eigenlijk alleen kopie van Maltese residence nodig, dus die 'work permit'. En misschien voor mensen die in het restaurant werken allen de food licence. Maar voor de rest niks. Dat gaat allemaal via, ik heb geeneens contactnummer van hun, geeneens een email adres. Dat gaat via bijvoorbeeld Allation, OZO systems, Badboys. Dat zijn de uitzendbureaus waar wij mee werken en dat onderhoudt de manager ook, van de afdeling. Dus wij als HR onderhouden niet de afdeling, onderhouden niet het contact met die uitzendbureaus.

I: zijn dat dus de twee manieren hoe jullie mensen aannemen?

R: ja, maar ik weet dat bijvoorbeeld bedrijven in Nederland ze echt veel eraan doen om mensen aan te nemen. Maar iedereen kan in principe achter de bar werken, eten maken, we krijgen echt heel veel sollicitaties binnen en daar hoeven ze bijna niets voor te doen. Het is aantrekkelijk om hier te komen werken, om internationaal te komen werken.

I: Ik heb hier als vraag staan: welke rechten en plichten heeft een werkgever ten opzichte van een werknemer met betrekking tot de aanneem procedure. Maar ik weet niet of we daar nog antwoord op willen. Zou je er toch antwoord op willen geven?

R: zover ik weet hebben we daar niet iets vast voor. Maar we hebben bijvoorbeeld vrijdag interviews gehad, als ze zijn afgewezen dan gaan we vandaag die mail sturen. En we houden ze dan zes maanden houden we hun cv in de database, en na zes maanden mocht er weer opnieuw een vacature vrij komen, en daarna is het gewoon eigenlijk weg. En het is heel luchtig hier, snap je?

I: ja, dat hebben we zelf ook al gemerkt

R: ze hebben niet echt regels, voor school heb ik bijvoorbeeld gevraagd: he hebben jullie een recruitment process? Oh ja t gaat gewoon zoals het gaat. Ze hebben ook niet echt een topiclist van dit gaan we vragen tijdens het interview. Soms duurt een interview ook maar drie minuten.

I: oh?

R: er wordt ook niet gebeld van hé je wordt hierom en hierom afgewezen. We hadden laatst iemand op sollicitatie en die had lang haar, en de ... policy hier, dus met je kleding en zo, is heel streng. Dus die gene die in het restaurant wilde werken met lang haar mocht niet. Hadden we dus eerst een regret email gestuurd van ja sorry, er waren andere betere kandidaten bla bla. En toen een week later beseften ze van hé moeten we hem toch niet vertellen dat het om het haar gaat want dan kan

hij dat misschien meenemen. Dus moest ik hem een week later opbellen van he ja sorry eigenlijk was je haar te lang. Terwijl we hadden al die afwijzing gestuurd. Snap je?

I: oh dat is wel vreemd.. hebben jullie ook wel is mensen die hier op gesprek komen, en dat uiteindelijk blijkt dat ze niet de goeie documenten hebben?

R: ja kei vaak, want ja zo'n proefdag is gratis en dat is dan van acht uur in de ochtend tot.. ja we betalen ze niet uit dan op die proefdag. Dat is niet tegen betaling. En ze doen dus heel veel mensen gewoon op proefdag laten komen, dat is voor ons toch geen moeite. Dus ze komen en dan gaan ze weer.

I: oke, uhm.

R: het zijn ook niet echt sleutelposities die we moeten vervullen. Het is meer server, waiter, operator, ja..

I: ja, hebben jullie wel is meegemaakt dan dat een hogere positie ofso..

R: ja maar dat gaat echt buiten HR om, dat wordt dan meer geregeld door de hotel manager. Bijvoorbeeld de front office manager. En daar schakelen we dan wel bijvoorbeeld een uitzendbureau in, of gaan naar een conference dag. Dat soort dingen. Zo'n arbeidsmarkt, dat je echt als bedrijf jezelf presenteert. Waar meerdere bedrijven zijn, zo'n event.

I: ja oke. En kunnen jullie altijd genoeg mensen vinden?

R: ja zover ik weet wel. Behalve de wat moeilijkere posities dat is wel echt moeilijk. En die willen ze ook wel meer door Maltezen laten doen.

I: zoals welke?

R: The front office manager

I: wat is dat dan?

R: Nou the front office is de receptie en daar de manager van, die moet Maltees zijn. Vooral het management willen ze Maltees houden. Omdat ze wat negatieve ervaring gehad hebben met buitenlandse op die positie, dus die houden ze wel liever Maltees.

I: oke, maar voor de rest worden alle vacatures vrij snel ingevuld?

R: ja, ja.

I: oke

I: is bij jullie bekend wat volgens de overheid de procedure is voor het werven van migranten, dus non-EU mensen?

R: Daar hadden we niks over, nee. Volgens mij is het wel redelijk goed geregeld hier met de overheid, ik weet dat ze wel wat huizen hebben en zo voor dat soort mensen. En ja mensen kunnen hier een applicatie aanvragen om hier te blijven wonen, voor de rest weet ik het niet echt.

I: oke. Het is natuurlijk ook lastig voor jullie om te zeggen omdat jullie dat soort mensen alleen via een uitzendbureau aannemen en dan doet het uitzendbureau ook al het werk.

R: ja misschien kun je contact leggen met hen. Elation, Badboys, OZOsystem zijn de uitzendbureaus met wie we samenwerken.

I: oke we gaan is kijken of we daar verder mee komen en weet je ook welke statussen de mensen hebben die via die uitzendbureaus bij jullie komen werken?

R: welke status?

I: ja zegmaar Refugee status of..

R: oke ik weet dat, we hebben hier een aantal medewerkers het zijn vaak van landen, bijvoorbeeld ik had gister een meisje gesproken zij heeft economie gestudeerd. Maar op een of andere manier is het in haar land niet aantrekkelijk als je economie hebt gestudeerd. Dus dan komen zie hier omdat hier een betere kans voor hen is op banen. We hebben bijvoorbeeld mensen uit de Filipijnen, vooral in house keeping. Hetzelfde; hier is gewoon een beter loon en dan sturen ze een deel van het loon op. En we hebben ook een vluchteling hier ja, eentje, weet ik. Die is hier met de boot gekomen zonder paspoort of iets. En die werkt hier nou, die kan ook nul Engels.

I: ja, via het uitzendbureau? R: ja via het uitzendbureau, ja. I: en wat doet die dan als ik vragen mag?

R: ehm, kitchen porter, dus dat houdt in de afwas en dat soort dingen. I: ja, en weet je ook wat voor status die dan heeft? Refugee status of?

R: nee.. ik denk Refugee status ja. Want ik weet dat hij dan met de pas die hij krijgt mag hij dan een jaar blijven, en daarna hij mag ook dan als hij daarna weer wil reizen moet hij ja heel zijn paspoort weer opnieuw aanvragen want dat heeft hij allemaal niet.

I: ja oke, en dat soort mensen komen bij jullie allemaal via het uitzendbureau terecht. Jullie hoeven daar verder niks aan te doen? R: nee. I: dus jullie gaan naar het uitzendbureau toe en je zegt we iemand nodig en dan is binnen een week is er iemand?

R: ja dat gaat heel snel. Ik denk dat we op dit moment meer mensen van het uitzendbureau hebben, maar we hebben ook alleen maar mensen van het uitzendbureau van de afdelingen: FMB, House keeping en kitchen. Het management wordt niet vervuld door uitzendbureaus. En bijvoorbeeld voor FMB hebben we er nu twintig..

I: wat is FMB?

R: Food and Bravis, dus de restaurant en de minibars. Hebben we nu een stuk of twintig medewerkers, en denk dat we eens tuk of tien medewerkers hebben op onze payroll. Fulltime of parttime. Want ja die mensen willen 40 of 50 uur werken, dat vinden ze wel prima.

I: mooi, ik krijg wel een goed beeld van de situatie. R: het enige wat wel moeilijk is dat ze komen en gaan, die van de uitzendbureaus. Dus je hebt niet echt iemand op lange termijn, en dan kijk ik echt naar de lage posities; Housekeeping, FMB. Voor de zomer, of voor zes vijf maanden.

I: oke, heb je daar ook locale mensen wel voor?

R: ja, maar echt een verhouding van 3 op tien. Drie Maltese en de rest is allemaal andere nationaliteit.

I: zit er ook verschil in voor jullie, als je zelf mensen op de payroll hebt staan of dat je het via het uitzendbureau doet?

R: ja want ook wel voor de medewerkers bijvoorbeeld ik had het dan net over die foodscreening, en hoe je met hygiëne omlaag. Voor onze medewerkers wordt het betaald of deels vergoed. En via het uitzendbureau regelen ze het daar, dus het uitzendbureau betaald het of de uitzendmedewerkers. Uhm, er worden bepaalde evenementen georganiseerd maar de mensen die via het uitzendbureau

werken mogen daar ook niet altijd aan deelnemen. Dat is dus voor ons een stuk voordeliger. Want daar betaal je maandelijks een vergoeding voor en de rest wordt allemaal voor hun geregeld, alle administratie wordt door hun geregeld verder.

I: want wat betaal je dan voor een medewerker die bij jullie op de Payroll staat?

R: Retirement, verlof voor zwangerschap en dat soort dingen. Maar er zijn nog een aantal dingen meer die ik niet weet op dit moment.

I: iets met gewone belasting ofso?

R: je betaald een deel belasting. Bijvoorbeeld 5,50 per uur dan gaat er 50 cent vanaf, ik weet niet welke noemer dat is. Dat zal ik nog even opsturen.

I: oke dat zou wel handig zijn! We vroegen ons af of er verschil in zit tussen het aannemen van migranten of lokale mensen, dit heb je al beantwoord maar kun je er ons nog wat meer over vertellen?

R: Nou, de hire staf en dan HR finance reservations echt het management. Wordt veel door Maltese ingevuld en wordt de hotelmanager bij betrokken. En dat duurt wel vaak wat langer. Hebben we ook meerdere interviews. Terwijl voor een serveerder ofzo is het gewoon een interview en een proefdag en dan zal het wel prima zijn. Want die management gaat ook wel vaak voor fulltime of lange termijn.

I: Ik heb ook een interview gehad met JRS, een organisatie die migranten helpt en zo, en die zei ook van er zijn ook heel veel migranten die in hun land wel een opleiding gehad hebben of werkervaring hebben op hoog niveau en die willen dan hier ook aan de bak, en jij noemt net zeg maar dat jullie veel Maltese mensen hebben voor die functies.

R: ja, maar die Maltese mensen hebben er dan zeg maar niet voor gestudeerd?

I: dat weet ik niet

R: nee, want mijn HR manager die is begonnen bij reception en heeft zich zo opgewerkt. De hotelmanager is begonnen als serveerder en heeft zich zo opgewerkt. Ze hebben niet echt die opleiding gehad ze hebben meestal gewoon Tourism studies gedaan.

I: ja, maar kijken jullie ook naar migranten die bijvoorbeeld in aanmerking zouden kunnen komen voor die posities?

R: eerlijk gezegd niet.. maar ja dat klinkt echt heel krom, maar zo is het mij geleerd. We nemen ook geen gekleurde mensen aan, met donkere huid dus.. dan houdt het al snel op.

I: ja, en kun je vertellen waarom?

R: ja dat willen ze niet. Het Marina Hotel vormt part van de Corinthia Hotel Group. Echt zo'n heel ouderwets, dat zie je ook wel aan de hotels, dit is nog vrij modern maar de kamers zijn heel ouderwets en ook hun values en waarden zijn heel ouderwets. De kleding policy is heel streng en ze zijn niet echt ruimdenkend op dat gebied.

I: oke dus jullie nemen per definitie geen gekleurde mensen aan.

R: Nou, het staat niet.. toen ik hier begon met werken stond er niet: neem geen gekleurde mensen aan. Het wordt gewoon een beetje via horen en zeggen doorgegeven. Het is een ongeschreven regel.

I: oke, dus ook al hebben mensen bijvoorbeeld gewoon papieren of tien jaar werk ervaring voor een hogere functie dan wordt daar niet eens naar gekeken?

R: nee. en zelfs niet stagiaires.

I: oke, gewoon helemaal niemand?

R: nee.. of net 1 of 2. Er is er nu toevallig wel eentje hoor, op events, een neger. Het ligt ook een beetje aan de manager. Maar echt vanuit Corinthia zelf, liever niet.

I: goh, ik verbaas me er best wel over. Ik had niet verwacht dat er nog werkgevers..

R: jawel

I: het is niet hedendaags

R: had ik ook niet verwacht, ik vond het in het begin ook heel ongemakkelijk. Want je krijgt juist gasten vanuit alle landen, nationaliteiten. En dan is het toch ook juist goed als je achter je receptie diversiteit hebt. Maar ja.. helaas voor die mensen.

I: ja, dat is nu zo dus ja..

I: het volgende onderwerp is de effecten van het niet volgen van de regels als je migranten aan het werk hebt.

R: ja dat is wel heel streng, dat heb ik nog gecheckt. Vanuit Corinthia sowieso echt belangrijk dat de regels worden gevolgd. Voorbeeld van die kleding, maar ook met uitbetalen dat soort dingen. En ja..

I: en als dat niet gebeurt? Zijn er mensen die dat controleren?

R: nou, als ik het niet volg gaat het naar mijn leider, en als zij het niet volgt met de hotelmanager enzovoort. Maar ik weet niet zo goed wat er dan gebeurt.

I: en is er nog een instantie van buitenaf die eeh..

R: ja, ETC jobs+ heet het volgens mij nu. Daar vullen we formulieren voor in met wie we aannemen voor welke positie, op welke basis (parttime/fulltime). Dat is volgens mij de UWV in Nederland. I: en die controleert dus ook of alles volgens de regels gaat?

R: Ja en die kijkt ook.. zal maar zeggen heel veel bedrijven doen daaraan mee. Dus de agency kan dan ook zien welke werknemer waar werkt of bij meerdere werkgevers. Als je bij meerdere werkgevers werkt is het ook anders geregeld qua belastingen.

I: wat moet je daar allemaal voor invullen dan?

R: ja, adres uhm, positie hier, welk contract die krijgt. Dat soort dingen. Niet echt speciaal. Nu sinds kort moeten we ook ineens invullen wat de studie/opleiding is van de werknemer. Dus dat leiden we dan van de CV af, en als je iemand ontslaat moet je dat ook weer invullen. Heeft die zelf de stap genomen of wegens financiële redenen van het bedrijf, wisselt die van functie? I: en merk je veel van bijvoorbeeld controles van jobs+?

R: Nou ja als ik invul dan krijgt mijn begeleider een mail, en zij moet het goedkeuren en Jobs+ moet het goedkeuren. Maar wat er dan gebeurt, of er gebeurt verder niks of ik heb het niet meegekregen. Maar t'his niet dat zij op bezoek komen om te kijken of het wel echt is. I: oké ze zijn hier nooit langs gekomen ofzo?

R: Nee, we hebben wel of we alle medewerkers op de tests hebben gehad vanwege hygiëne enzo, dat is voor dit hotel belangrijker dan .. (achtergrond geluid)..

I: oke maar in de negen maanden dat jij hier werkt heb je nog geen controle van jobs+ meegemaakt?

R: Nee.

I: en van de DIER?

R: wat is dat?

I: ook een controle agency,

R: ik wil dit wel na vragen en naar jullie opsturen.

I: oke dankjewel

R: wat ik denk als wij medewerkers uit EU landen krijgen. Hebben ze het niet echt over de Dier, je kan daarheen met problemen. Ik denk dat je daar echt een lokale inwoner voor moet zijn. Of je moet het via via horen. Maar ik ga het sowieso navragen, en wie weet.

I: ja ik ben wel nieuwsgierig. Ze hebben er veel aan gedaan om bekendheid te creëren, voornamelijk bij non-EU.

R: maar ik denk niet dat iedereen hier gelijk wordt behandeld, ik weet dat er verschillende posities zijn, of dezelfde posities zijn met verschillende lonen. En dan is het gewoon op basis van hoe graag wil ik jou en hoe graag wil ik jou niet.

I: ja, er zit sowieso een verschil tussen man en vrouw. En uiteraard ook wel tussen niet EU-en..

R: ja inderdaad, want wat voor de Filipijnen hoog is, is voor ons weer laag. Wat ze pakken kunnen pakken ze.

I: heb je ervaringen met andere instanties die toezicht houden?

R: ja jobs+ dan, dat is wel een goeie. En de Haccp, voor hygiëne voor het restaurant. Dat is voor ons wel hel erg belangrijk, ook voor HR dat we alle documentatie op orde hebben en voor de rest zover ik weet niet maar dat wil ik ook wel navragen. Maar ik weet wel dat Corinthia gewoon een heel bekend merk is hier in Malta, qua merknaam en gewoon al zolang een gevestigd bedrijf in Malta.

I: een begrip.

R: ja.

I: de overheid heeft in 2014 een beleid geschreven.. R: ik weet wel trouwens, dat was volgens mij in november of december, uhm hadden we een added maar ik weet niet van welke instantie maar toen moest per afdeling bepaalde zaken op orde hebben. Dus dat kan ik dan misschien wel navragen. Dus er is wel een added die komt checken of de dingen op orde zijn.

I: oké, en wie dat dan is, dat ga je navragen?

R: ja.

I: oke dankjewel, en misschien ook hoe vaak etc. R: ja I: ja, de overheid dus. Die heeft in 2014 het employment policy opgesteld waarin ze beschreven dat ze meer de migranten willen betrekken in

het invullen van openstaande vacatures. En wij waren wel nieuwsgierig na of je daar überhaupt iets van merkt of dat ondersteunend is om niet EU mensen aan het werk te krijgen.

R: naja zover ik weet hebben wij gewoon goed contact met de drie uitzendbureaus waar we ook regelmatig werknemers van krijgen. Want verder doen we niet echt iets met non EU mensen eerlijk gezegd.

I: wat zijn voor jullie voornamelijk de voordelen om gebruik te maken van de uitzendbureaus? R: dat zij alles regelen. Want, ja we willen iedereen helpen die we kunnen helpen. Maar we willen niet die werkvergunning aanvragen. Maar zodra we dan iemand hebben ja, dan kan die gewoon zo lang werken als hij wil bij ons.

I: dat is gewoon voor jullie het grootse voordeel eigenlijk, die werkvergunningen enzo.

R: ja.

I: weet je ook hoelang het duurt voordat je zo'n werkvergunning krijgt?

R: volgens mij wel 8 maanden, en het moet dan ook om de zoveel tijd verlengd worden.

I: wat is een nadeel van mensen aannemen via uitzendbureaus? R: slecht Engels, en het is tijdelijk vaak maar. Kijk ze komen makkelijk maar dat betekent ook dat ze snel weer iets anders hebben gevonden.

I: wat is de voornaamste reden dat jullie dus gebruik maken van de job centres?

R: ja dat zij dus die werkvergunning regelen. En als we echt key positions hebben die we moeten vervullen, dan gebruiken we ook wel de uitzendbureaus.

I: en voor de locals doe je via Facebook enzo?

R: ja en je hebt dan een mail groep, de.. hotel Malta. Dat zijn alle hotels op Malta. En als we dan een vacature hebben zetten we het op die mail, en zij hangen het dan ook weer op in hun hotel. Dus onderling in het Hotels is wel heel goed contact. Le Mederian doet daar bijvoorbeeld ook aan mee. Hilton, maar ook kleinere boutique hotels. Cavillere Hotel.

I: dus dan gaat er onderling een mail rond.

R: ja en er worden ook veel intern posities opgevuld. Raddisson is onlangs ook onder COrinthia gevoegd. En een manager is van ons naar Radisson gegaan.

I: dus als jullie iemand nodig hebben, en je vraagt daar bij een ander hotel voor.

R: we vragen er niet voor, we sturen een mail met de vraag of zij een poster op kunnen hangen... ja oke dan maar dat betekent wel dat hun medewerkers onze vacature zien.

I: ja en dan zouden ze over kunnen tappen en dat is voor hun dan toch niet ideaal?

R: ja maar dat gebeurt wel. Ik denk dat er meer strijd zit bij gasten dan bij werknemers. Wij hebben totaal echt geen moeite met werknemers aannemen. We krijgen echt veel sollicitaties binnen.

I: interessant, ik had dat nog niet eerder gehoord. Handige manier wel.

R: ik krijg niet veel vacatures voor house keeping. Dat doen we via het uitzendbureau. Voor de Filipijnen en Chinezen.

I: Wat weet je van de migranten die wachten aan de weg bij Marsa.

R: ik weet dat er een huis is daar, die mensen opvangt. Ligt Marsa dicht bij Hamrun?

I: dat weet ik zo niet, het is niet ver hier van vandaan.

R: En volgens mij is daar iedereen ook met een donkere huidskleur?

I: ja

R: en dat valt wel echt heel erg op, dat is hetzelfde als in Hamrun. Daar zijn echt alleen maar gekleurde mensen als ik daar langs kom met de bus.

I: ja er zit daar een detentiecentrum, werd het genoemd, is het nog steeds officieel.

R: oh iemand van de security heeft daar gewerkt ja.

I: ja het is zo dat daar migranten aan de weg staan. Die wachten voor een dag werk.

R: die kan je dan ophalen?

I: ja.

R: echt? Zijn jullie daar geweest?

I: wij niet onze medegroepers wel.

R: dat meen je?! I: heb je daar nog niet van gehoord?

R: nee.. ik vroeg aan mijn begeleider wat weet je van dit onderwerp af. En ze zei niet dat daar mensen stonden voor werk. Ze zij ze vangen daar vluchtelingen op. Ik dacht meer aan een gewoon een huis met vluchtelingen, zoals in Nederland zegmaar. Niet dat mensen illegaal voor werk zochten.

I: oke tja..

R: nou dat is in ieder geval niets voor Corinthia. Dat doen wij niet. Alles wordt hier geregistreerd. Als je mailt van ben vandaag later moet ik die mail uitprinten en op documentatie vastleggen.

I; oke ja, daar zijn we dus ook op zoek naar. Wat voor manieren zijn er allemaal voor migranten om aan werk te komen op Malta. En dat is dus één manier.

R: oke ja, het is niet dat Marina of Corinthia hotel een plicht heeft dat soort mensen aan te nemen. We hebben wel de plicht om gehandicapte mensen aan te nemen, maar het is niet dat wij speciaal voor vluchtelingen posities creëren of hebben of echt in contact zijn met dat soort centrums. Nee dat doen we niet.

I: alleen als zij zich aangemeld hebben bij een uitzendbureau, dan komen jullie pas in contact met hen?

R: ja precies.

I: oke! heb je enig zicht op de werkloosheid van Malta?

R: nou ik krijg wel veel sollicitaties, dus dat zou erop kunnen wijzen dat veel mensen zoekende zijn. Maar het is ook wel een beetje seizoensgebonden. Kijk in de zomer is er heel veel te doen. Dan zoeken ze allemaal mensen parttime fulltime.

I: ik ben dan wel nieuwsgierig naar wat voor mensen er solliciteren?

R: laag opgeleiden.

I: Maltese mensen?

R: Nja, Maltese bijna niet. Het is echt een verdeling: management en staff. Management is dus HR finance etc. daar studeren wel Maltese op ook echt wel met een goeie achtergrond die hebben finance gestudeerd. En dan heb je nog de staff dus bediening receptioniste schoonmaak want Housekeeping is hier niet alleen de kamers he ook de lobby en de restaurants moeten schoongemaakt worden en dat zijn gewoon laag opgeleide mensen, ook vooral buitenlandse daar solliciteren bijna geen Maltese op. En als het Maltese zijn dan zoeken ze vaak parttime gewoon voor en job naast school.

I: wat voor buitenlanders zijn dat dan?

R: veel Franzen en Italianen vooral. Want we liggen dicht bij Sicilië waar de werkloosheid groot is en met de boot ben je hier gemakkelijk. Ook Spanjaarden wel.

I: oke een volgend onderwerp; wat zijn motieven van werkgevers om migranten voor zich te laten werken?

R: ja wij doen het niet echt dus.. alleen als we het nodig hebben. Het is niet dat we naar het uitzendbureau gaan van he heb je ook nog migranten? We vragen gewoon naar mensen en als daar toevallig een vluchteling tussen zit dan is dat prima. Daar maken we geen onderscheid in. Kijk, het hotel heeft gasten. En het gaat niet meer gasten krijgen als ze zeggen kijk we hebben migranten in dienst. Dat is bij andere bedrijven wellicht anders. Het is voor ons niet winst gevend en heeft geen toegevoegde waarde. Niemand kijkt er naar om.

I: ik snap het, dus daarvoor zou je het niet doen.

R: dat klopt helemaal.

I: oké welke financiële belangen spelen er bij het in dienst nemen van migranten?

R: ze zijn sowieso goedkoop, en hebben een hoge arbeidsethos. Dus willen veel uren maken n werken hard. En ze hebben dus een laag loon als je het vergelijkt met EU mensen. Kijk toen ik hier begon zei ik, ik ga hier niet voor 3 euro werken. Zij doen dat wel, voor hun is dat veel. I: nee dat snap ik, alleen wat hebben jullie daarover te zeggen? R: nou ik weet dat er een minimum loon is en daar hebben we ons aan t houden. En daar zitten ze ook echt op. En dan zitten wij dus op 3.25 als startersbod. En dan zeggen ze vaak dat dat prima is. Dat klinkt raar en ik vond dit ook lastig in het begin. Mensen willen graag werken.

I: ja dit is wel de realiteit inderdaad.

R: en dan nog een ding die outsource employees. Die krijgen van ons geen secundaire arbeidsvoorwaarden. Ze krijgen wel een lunch per dag, en that's it. dus niet dat van oké het loon is niet aantrekkelijk maar ook geen secundaire accommodatie. Sommige hotels doen dat wel, wij doen dat niet.

I: niet voor als ze via een uitzendbureau werken?

R: helemaal voor geen enkele werknemer doen ze dat. Ook niet voor stagiaires. En stages zijn ook onbetaald.

I: de vergrijzing op de arbeidsmarkt..

R: ja dat speelt wel toch?

I: ja, kun je daar iets over vertellen? Bijvoorbeeld de effecten?

R: als ik kijk naar het management die keypositions, dat zijn wel wat oudere mensen. En ze hebben niet echt een lange termijn visie hier. De retirement age is 65, dus ze kunnen ook niet echt lang werken in vergelijking met Nederland. Maar wat hier solliciteert is vrij jong. Het management is wel op leeftijd.

I: ben je op de hoogte van de mogelijke consequenties van als je iemand illegaal in dienst hebt?

R: nee.

I: en als ze bijvoorbeeld bepaalde cursussen niet gedaan hebben?

R: laatst was er een gast in het restaurant misselijk geworden. Iedereen moest zo snel mogelijk bijeenkomen met alle documenten om te bewijzen dat het geen voedselvergiftiging was. Dit was gelukkig niet het geval. Maar mocht het niet compleet zijn dan krijg je ook echt de CEO en het hoofdkantoor. Kijk dit soort dingen zijn belangrijk voor een hotel. Niet of je migranten of anderen in dienst hebt. Maar of alles voor de rest in orde is.

Bijlage VIII: Interview DIER – 6 maart 2017

Legal procedure to hire staff

I: What has an employer to do when he want to recruit a Maltese person?

I.: What has an employer to do when he want to recruit a migrant?

R: DIER heeft te maken met werkgevers en werknemers, zodra werkgevers werknemers gecontracteerd hebben. DIER heeft daarom niet veel te maken met deze fase van het contracteren. Identity Malta en Jobsplus hebben hier meer informatie over, met name omtrent immigranten.

Volgens de wet zijn er standaard werkomstandigheden die de werkgever moet garanderen, hier moet elke werkgever (en elke werknemer) zich aan houden.

Europeanen kunnen in Malta aan het werk vanaf hun 16e. Voor migranten geldt dat zij een working licence moeten hebben om gecontracteerd te kunnen worden.

I: Which rights and obligations does an employer have relative to an employee? (in this case a migrant)

R: DIER richt zich vooral op de werkomstandigheden, deze werkomstandigheden moeten voor alle werknemers gelijk zijn, ook voor migranten dus. Er is geen verschil tussen de eisen voor werkomstandigheden van Europese werknemers en werknemers uit derde wereld landen.

Voor werkgevers is een mondelinge afspraak, ook een afspraak.

Een werkgever heeft een minimumloon waar hij zich aan moet houden.

De rechten en plichten zijn te vinden in de wet.

Effects of disobeying rules on providing migrants work

I: What are the penalties for employers who don't conform to legislations regarding recruiting employees?

R: DIER gaat checken of de wet inderdaad overtreden wordt, vervolgens wordt de werkgever de tijd gegeven om het te verbeteren. Als dit niet gebeurt, treedt DIER naar criminal court. Een straf is vaak een geldboete, maar kan ook gevangenisstraf zijn tot 6 maanden. DIER moet hierbij wel bewijs hebben. Wanneer werknemers onterecht ontslagen worden, kunnen zij naar Industrial Trial Union en kunnen vervolgens compensatie krijgen.

I: Who is monitoring the implementation of these penalties?

R: DIER heeft zelf inspecteurs in dienst die checken of regels en waarschuwingen worden nageleefd. Jobsplus heeft ook eigen inspecteurs.

Policy of the government on providing migrants work

I: There was written an Employment Policy by the Maltese Government in 2014. It describes that the Government want to recruit migrant for vacancies. What is your opinion about this subject?

R: DIER ziet dat het beleid van de regering voor het meer implementeren van migranten op de arbeidsmarkt, goed wordt nageleefd en dat dit nog steeds verbetert. Vanuit DIER zijn er ook enkele activiteiten geweest die hebben bijgedragen aan dit beleid, zo hebben zij in samenwerking met AWAS een conferentie georganiseerd in open centers, waarbij zij migranten duidelijk hebben

gemaakt dat het belangrijk is om onder contract te werken. Daarnaast hebben zij vorig jaar van deur tot deur een informatiefolder rondgestuurd, met informatie over DIER.

Knowledge of consequences offering irregular

I: To which extent are employers aware of the relevant legislations and rules concerning the consequences of irregular work?

In which way is the obedience of these legislations monitored?

R: DIER heeft een customer care service, waarbij werknemers en werkgevers klachten kunnen indienen. Er is sprake van een routinecheck. Inspecteurs gaan onverwachts langs, vaker aan de hand van de klachten of informatie uit de media.

I: What is the frequency of monitoring the implementation of these penalties?

Routinecheck

Motives employers to offer migrants work

I: What are motives for employers to recruit migrants for work?

R: Financial interest employers by offering migrants work

Vary by profession, regarding the topics above

I: Is there a difference in the way of recruiting migrants between the 4 sectors; agriculture, construction, cleaning and catering?

I. Could you explain this difference?

R: In beroepen zoals cleaning en security services, beroepen waarbij er vaak sprake is van detachering, heeft de DIER vaker mee te maken. Er is hier sprake van werknemers die laaggeschoold zijn. Dit zijn ook sectoren waarbij er vaker.

Bijlage IX: Interview GRTU – 30 maart 2017

Topic 1: Procedure of recruiting staff

I: What kind of work do you need to do, to recruit a new employee and what are your rights and your obligations in this?

R: In our entity, the recruitment process starts with a call for application. This means the issuance of an advert either online or on a newspaper entailing the job description and candidate requirements. In maltese and eu market. Afterwards the candidates apply via mail or email, candidates are short listed by the entity and called for an interview. Each candidate is assessed according to his or her experience, knowledge, skills and competencies within that field. The employer also takes note of the candidate's personal traits to fit the job proposed. The interviewer may call some candidates for the second interview. Generally this applies to the majority of entities in Malta.

Apply with identity malta at a charge and resent paper work copy of passport cv of person why you need person to The employer has a right to select the ideal candidate of his choice. If paper work is done as it should, there should not be any trouble. The employer is obliged to act upon fair treatment in the recruitment process. For example when issuing an advert for recruitment he cannot specify if he would like a salesman or salesgirl. According to Maltese Equality law- employers cannot discriminate on the bases of race, sex, family responsibilities, sexual characteristics and orientation and age. He or she is also obligated to abide by law with regards to giving the right wage and rights to employees on place of work.

Topic 2: Difference in legal procedure to recruit staff, regarding to the status of migrants.

I: A (rejected) asylum seeker has to wait for a work permit from its employer, instead of people with a refugee's status, subsidiary status or temporary human protection status, who doesn't have to wait for a work permit but have to apply for it by them.

I: What kind of work do you need to do, to apply for a work permit for (rejected) asylum seekers and how much time does it take?

R: If asylum is specific to that place and person doesn't let people work in that specific country. The employer must apply for a work permit for his or her employee, after providing substantial evidence that he or she has made all efforts to find a candidate who doesn't require the permit itself such as a Maltese or EU national. The time taken to apply and receive a work permit depends on the processing, and specific case itself. Identity Malta is the applicant Applying can take around a month whilst to gather paper work and issuance of a permit can vary between 3 months to a year.

Topic 3: Policy of the Government on providing migrants work

I: There was written an Employment Policy by the Maltese Government in 2014. It describes that the Government wants to recruit migrants for vacancies.

What effects do you experience regarding to this policy?

R: Lack of human reasons in Malta is a serious problem. The support of government in this sphere is necessary to tackle this issue through this policy, precisely the policy action to recruit migrant workers.

Topic 4: Use of job brokerage offices

I: What do you know about the job brokerage offices, which are about to come? Not much info so far only tender awarded

R: The information about Job brokerage offices in Malta is not that available. So far we are only aware that the tender was awarded.

I: What benefits and negative effects do you see in this?

R: We as GRTU are in favour of this because employment of migrants was unregulated; hence this is a regulated way to go about it. On a negative note there is a good potential that the costs for the employment will increase due to brokerage office. This is something we have complained about even though we received no reply.

I: Why should/shouldn't you (the company) make use of this?

R: A company should make use of it because it's a legal manner to go about this process of recruitment.

Topic 5: Migrants on the roads in Marsa

I: It happens that migrants are waiting down the road, in Marsa for example, to get a (day)job offered by employers. This is also happening in an irregular way. What effects do you see regarding to this subject?

R: It is not something we like to see but it shows the necessity for employers to employ migrant workers in the light of lack of human resources.

Topic 6: Effect of disobeying rules of providing migrants work

I: What are the penalties for employers who don't confirm to legislations regarding recruiting employees?

R: There are different penalties for different levels of offences. The penalties are currently being revised and a new harsher system should replace it.

I: Who is monitoring the implementation of these penalties?

R: Jobsplus

Topic 7: Motives employers to offer migrants work

I: What should be a motive for you to recruit migrants for work?

R: Lack of affordable human resources.

I: Which financial interest is involved in this?

R: Full employment creates wage inflation and then employment becomes more expensive therefore employing migrant works might prevail.

I: In which way does the procedure to recruit someone without a work permit influence employers to recruit migrants in an irregular way?

R: Unfortunately due to HR requirements, the company resorts to this. Moreover it is also difficult to obtain working permit and the company carries risk of recruiting migrants illegally.

Topic 8: Ageing Maltese labour market

I: What are the effects of ageing in the Maltese labour market for you, regarding offering migrants work?

R: Migrant workers who are available for work in Malta are usually young and strong workers and can work in certain sectors such as in construction and tourism industry which are sectors not always adequate for older workers.

Topic 9: Rejecting jobs by locals

I: We read an article about a shortage of Maltese and European employees in certain jobs. In which way does this play a part in recruiting migrants by employers?

R: Due to social benefits Maltese and EU nationals prefer to stay on social benefits and undeclared employment rather than employment that in their opinion does not pay them enough comparatively. Hence companies resort to recruiting migrant workers.

Topic 10: Vary by sector, regarding the topics above

I: Is there a difference in the way of recruiting migrants between the different sectors, like agriculture, construction, cleaning, catering and so on?

R: No there is no difference over all. Yet, employment of specialized high value employees is a less bureaucratic process. This is found across sectors.

I: Could you explain this difference?

R: No difference.

Bijlage X: Interview GWU – 6 maart 2017

I: What has to be done by employers to recruit a Maltese person?

G: Advertise (private sector), jobs+ (public sector) recommend people, always use jobs+, law for equality, preference given to... chapter 452.

I: What has to be done by employers to recruit migrants?

Check their status/visa's/jobs plus and Identity Malta. The procedure (national legislations) there is the jobs plus, organizations that regulates employment. Employers have to formal advertise in case there outside the company for worker, don't have to advertise when it's an internal call.

Second, they can go to jobs+ who has a list. Whenever they do recruitment they need to register with jobs+. That's a must. But one cannot just issue a call and recruit, because of the law for equality. Say we need a sales girl in the shop, you need to say we need a sales person. He needs to be a EU citizen, yes you can say we prefer EU-citizen or when you're not, you need a visa. You can say that. Listen, you need to have your documents straight before apply to my company. there nothing illegal about it. Some employers just want their perspective employees to have their documents in order. Because otherwise they need to be the ones who apply for a visa and so on. Some employers rightly choose not to go on bureaucratic process. But only that, they can specify that to have the visa in order, or they can either say we can issue the visa for you. But he can't say it needs to be a white person/black person. No adverts can be like that. So the issue of equality, must always, always be, for example, they can't say we will not employ a person who is over 40 years old. there is the law, they can't do that. So as long the advert is in line with equality. When they respect the employment regulation, that is chapter 452, then its okay they can issue it. The public sector needs to go true jobs plus, for sure. They cannot advertise immediately. So private companies they can issue a call, whenever they want in the newspapers and everything. As long as they respect the law. And public sector they need to go first through jobs plus. There are 3 stages. The people who are unemployed level one, the people who are searching, but have a part time job, level two. And level 3, when they have a job but want to keep their eyes open. If they don't find by these 3 levels, they go outside they can advertise in the newspaper and go. Otherwise first through jobs+. Public service, its different that have there own commission, who needs to VAT, issue the quality.

I: what's the difference between the private sector and the public sector?

G: Public sector: a gouvernement would have some shares in it. It would be an authority. For example, the planning authority, the water services corporation, communications authority, public sectors our authorities basically, or agencies. They are the public sector.

I: And they always have to go to Jobsplus.

G: Yes, for recruiting, yes. Public service, through the public service commission and the public administration at human resources office.

I: When an employer wants to recruit migrants, for some reason, is there some extra rules or regulations he has to..

G: Again, it's the visa. You know, you need to check their status and all, you know, and they will check it with Jobsplus. If they have the work permit, the correct visa's or the refugee status. Yes, they need to check with jobs+, and say listen and I found this person, let's say from South America, Columbia, for example. I want to employ them, jobs+ will check that they have they residence permit, working permit in order. Visa regulations according EU regulations. And they can check it with jobs plus or identity Malta. Identity Malta is the one that issues visa's and everything.

I: We were wondering about the duration of recruiting people, is it very easy or..

G: It depends, once again, if it's the private sector it's up to them to make the duration and everything, you know. But are you speaking about just people who need the visa's or just in general?

I: In general

G: So again, In the private sector it's up to them, the duration period, public sector and public services they will have their processes, it will take longer. Public service could easily last 9 months; recruitment, easily. Easily. It's way too bureaucratic anyway. Private sector can do it in a week. As long as they have the necessary documents, because, otherwise if they don't have visa's, the right visa's, it's depends, the process if they have criminal records, sufficient documents. Each and every case is different, there is no standard.

I: You said 9 week or nine months?

G: Months. Public service, 9 months. Easily, easily.

I: We read an article that says the way to recruit is too long, that could be a reason to hire in an illegal way. What is your opinion about this.

G: For the private sector, I don't think there or many regulations for them to not hire people, for eu-citizens. But when it comes to visa's, with EU-regulations, and everything, and especially, when they are illegal migrants and they don't have the refugee status and so on, that takes longer for sure. So yeah it could be an issue. But for eu-citizens it's the same as in Europe you know, you apply everything and, it not an .. process. But visa and all that takes longer. So again, it's a question of the individual status, the documents he or she has, so I can't tell. It's a case by case bases.

I: And when the documents are in order, then they have the same rules as EU-citizens?

G: Same rules regarding to equality and everything, but the employer will need to represent the visa to jobs plus and everything. They have something different, It wouldn't take long if all documents are in order.

I: yes, okay.

G: Let's say Russian has been living here, or Servians, they have the residence/work-permit and everything, it wouldn't be an issue. They need to present these document.

I: And if they don't have all these documents, then could recruit them, but the employer has to do some work by jobsplus.

G: definitely.(3x) Before anyone registered for employment, all documents must be in place.

Otherwise they cannot be registered, national security cannot be ducted, taxes cannot be ducted, so everything needs to be in order before someone requires a visa. So that would take longer for an employer, and if they need the person immediately that could be a problem.

I: Okay, Next question was about the rights and obligations for an employer, related to an employee, but I think most things..

G: Yes, as long they respect the legislation on Malta, it's fine.

I: And if they have the visa, it's the responsibility of the employer.

G: First, the individual has responsibility for himself, let's start from there. The employer, he needs to check the individual on documentation otherwise he cannot hire him.

I: So, is he does, there might be a penalty or something?

G: No, they just cannot employ them. They will not be fine, because they will try to register and jobs+ will tell them, the person does not have the correct documents and all. You cannot employ them. The employer is not at fault if a person doesn't have the visa or the necessary status. It's not their fault, so they will not be penalized. They will be penalized if they recruit someone illegally. That's different.

I: Yes, we will come to that later I think. Do you think employers are well informed about his recruiting procedure?

G: It's depends how efficient there HR manager is. That's all I can say. Because, each and every HR manager is supposed to know the policies and regulations, for recruitment. So, I mean, if you search, everything is accessible so. You need efficient person, to be honest, I mean, the governement, all documents are there, accessible, so. An HR manager is paid to know these things so.

I: By the way, Jobs plus, every person is registrated by Jobs plus?

G: Yes, yes, yes. Every employee, every worker. They will have the history of employment, they will not have the, let's say someone, an EU-citizen, got married, wants to remain at home, doesn't work, just stays at home, his partner or whatever, works and so on, there happy, someone stays at home, you know, Jobs plus wouldn't have their details, because they're not a worker. But citizens, Identity Malta has all the details, the address details, that's up to Identity Malta. Jobs plus caters on for workers.

I: So you are registered by jobs plus?

G: Yes, yes, yes.

I: And if I was Maltese and I graduate, I want to work, I don't have a job yet, then I also have to register at jobs plus?

G: Not really, I mean it's up to you. I can leave university and find work immediately, then they employer would register me as a worker. If I am in search of work, there is an option to register with jobs plus saying that, you know, I'm a perspective worker, I'm searching for work, I have a facility to do that. They will help you out. Otherwise it's up to me the register or not. I'm not enforced to find work or anything. If I am very rich and I want to stay at home... unfortunately I am not, so I work 40 hours.

I: But if you would, it could be possible.

G: Yes. But not for me.

I: Can you name some benefits or negative effects of the procedure the way it is right now?

G: I don't know, because I have not experienced it. If I experienced it, I could, but I don't, so I know it's there, the procedures and everything, there and that.

I: But you don't hear from the employers or employees about the system?

G: Some do complain on when they want to recruit people with visa's or who require visa's, at time, they say it's a lengthy process. But again, there are the irregularities Malta has to.. So if there not EU citizens, you have to follow that procedure and everything. And it just got harder and harder. That's all I know, for sure. You know, Europe is raising it's boundaries on the more, so I mean, soon we won't have Schengen area's as well so that would make it even more harder for eu citizens.

I: what do you mean by that?

G: there are discussions about that they want to check passports again, when we travel, so the system is failing. So, the future, even for eu citizens mobility it will become harder.

I: We also read an article on Malta Today that one of the ministers talked about closing the borders?

G: Kind of, push back, yea. So it all depends on the political changes in Europe and the world, like now with Trump, EU is saying we will require visa's for Americans as well, there is this discussion, they don't want them to be visa free anymore, so. That's the world, it changes all the time so.

I: Is there a difference for someone in these for sectors; construction, catering, cleaning and farming? Is there a difference or almost the same?

G: As far as I know it's the same. All documents have to be in order before someone can be employed, so. That's all I know. In fact, the cleaning sector will have a lot of people coming from Africa, for example. We have a lot of members and they mainly come from the cleaning sector. And they all require documents, for sure. And we had a case for the Filipinos, last year, where the government changed something and they were already in employment and though they had issues. My colleague can speak about that even more, there was some changed and some of them where like they couldn't be employed and the employer, it was a whole issue we had to go through a lot to help them out, yeah, Filipinos, mainly Filipinos, I mean they were already in employment but then they changed something and it was, they came like they are now not in reality not being employed, they changed the whole system, these poor people you know, they were living here and everything, they could be deported, there was something. Something in 2016.

I: I heard something like that.. THP, has it something to do with that? THP?

G: Could be, could be, can I ask my colleague, who was on it? So, as of it was last year, this was a rase because the law, it was always there, the course of legislation because of Malta where putting more emphasis on this one, so this was basically not consent refugees. Third country nationals, whenever they needed to renew their work permit, there would be a vacuum. A vacuum where, there is a time frame where they can apply for a renewal, during that time frame, the work permit could expire and the bureaucratic system is doing its work to renew the process/ Before this is confirmed these vacuum of weeks , these persons cannot work, so they would be kicked out of work, because an employer cannot wait for so long. But you know, trough as... It's being ignored for the time being, so even though there isn't the work permit, for this renewal, they are being glad to work and then the work permit is issued. It is still not clear, I mean, the law, if we want to be strict about it, during that time, like it was happing that year during these weeks, they cannot work. Which is sad, it's not their fault, I mean, they should be stopped, the renewal is not accepted.

I: But they have now to stop if the old one is

G: .. expire, elapsed, yes, it's ended. If it's ended.. so, mine is ended, I had advised identity malta tp renew it, on prior, they would take some months and weeks, this would end, and during these weeks I cannot work, because, I have to wait for Identity Malta.

I: That is strange, yeah.

G: There is vacuum always, because of the bureaucracy, Identity Malta, because of the lengthy process, there is individual suffering. These are people who have been staying here 6 years, 5 years, I don't know, they have all the documents, but they need to renew their work permit. Very very very very.

I: So when my work permit ends the 31th of December, and I already, like in September, I'm going to apply for the next one, that's not possible?

G: Yeah, I think they need to advise a month before the end of November they would advise that they want to renew it, something in line of that, they advise, but still it's not finalized, let's say the work permit is issued in February, so in January I cannot work.

I: ja, oke.

G: but it's not the persons fault, you know.

I: And employers then said, you can't work for a few weeks so we hire someone else, that the problem?

G: Yes, nowadays, the has stopped a bit from stopping these people because of its recognized that it's the bureaucratic system that, it's not the persons fault. But still, the law is not clear.

I: Oke, we will also do a little bit research about the law. The next topic is about the difference the legal procedure to recruit staff, in specific regarding to the status of migrants, and we are wondering; are there any different ways to recruit migrants with different protection status. So, is there a difference?

G: As I already said before, I've discussed all of this, I mean the only difference for refugees is that eh, the case that we have discussed, for the visa renewal and all. All they need is to present they have different system from this one, they need to present they were accepted as refugees, for the work permit and all, and it's renewed. It's quicker for them then for third country nationals, that's the only difference.

I: So when you're from a third country

G: Russia, Servia, for example, they need renewal process and it can be lengthy because of the lengthy process. But for refugees it's different, they just present their documents, their refugees.

I: And if they don't have documents for refugees, but for, what is that other status, if you have another status of migrant, can you work or only if you have a visa or a

G: If you can stay in the country, you have different status, and you have the documents, you can get employment.

I: With every status, subsidiary status also?

G: Subsidiary? I'm not sure about that, it could be that they cannot work. There is some kind of status that their being checked kind of, I don't think that they can work there. The temporary until they are given the proper status. Let's call it the temporary status. I don't think they can work, they need to stay in detention and the camps and they take it from here.

I: And if they have refugees status then they don't need another document, only the refugee status document would permit them to work.

G: refugee status is like they have they visa. They just need to employ as any other worker. And then of course, jobs+ will register them as a refugee.

I: I think, when we go through the law, it will be getting more clear to us, as well. Also the names of the statuses, it's different from the Netherlands, sometimes I'm a bit confused, but thank you.

G: I think the commissioner from the refugee office can help you more. The commissioner office are the ones who say, you know, he is a refugee and you are not. They decide.

I: And what are penalties for employers when they don't conform to the legislation you are speaking about, regarding recruiting employees.

G: it depends on what they did, there are different vines. For example, they advertised and they didn't respect equality, or they had illegal workers on the workplace. Different rates, different vines, if they are caught.

I: Can you give an example?

G: I don't know this one. No, I'm sorry.

I: But it is mostly money, they have to pay?

G: Yes ,it's mostly money.

I: And you know which organization does monitor this?

G: They have the work permit, jobs+, for the worker, about the work permits and. The issue on equality.....there is also a department of employment and industrial relations, which is in Valetta. I: Okay, the DIER.

G: DIER,

I: Yeah, nice, okey that the other two of us, Yes, they are there today.

G: It's just the street parallel to this one, their just behind us. They monitor, investigate, everything related to work. They check with jobs+ if they have the necessary work permits and so on.

I: I was wondering about the earlier subject, if it is also that when they don't have the refugee status, they are forced to be in the camps, is there then a way for them to apply to work, with some other

G: They do it illegally, like they go to Marsa, in the morning or half for and you pick them up,

I: That the only options, there is no other thing they could do.

G: in fact, we as a union we have been ... and proposing it, since the last election to have a kind of temporary working agency, the temporary working agency is not attempt to It will be there forever, nut at least these people, who cannot actually work, they can go there and register for one day employment or something and it's this agency that find the employer so at least they are regulated and if something happens at work, at least we protect their health and safety. They don't stay on the streets, they just go, give their name, say I'm interested in cleaning, in construction, or something ... employers could go there, find someone, you know and they are not abuse, because someone can pick them up don't know where they take them.

I: It a legal way by the government?

G: No, we are proposing it. They minister for employment said that he got our proposal and he is working on it but it hasn't been open yet. But it will be kind of an agency where they can go register their interest so

I: When did you have that proposal?

G: We've supposed it since 2013. We've been working on it since it, and lobbying and pushing on it because their workers to.

I: When do you think it will might be happen?

G: I don't have any dates, so I don't know. No idea.

I: (lachingd) I was just curious.

G: Yeah, I mean the Government said he will make it 2014, it was announced, but it hasn't open yet They have taken our proposal and now we have to wait.

I: Yes, that's the only thing you can do? The Government also wrote an Employment Policy, we saw, in 2014 and it describes that the Government wants to recruit migrants, for vacancies in specific. What do you think of this? Did you hear of it?

G: I've heard and that the act 452 Employment and industrial relations act, will change and it has been announced already discussed with all social partners but I don't think there is anything specific, for migrant workers yet. I'm not sure about that, I mean as far as I know we can distinguish between a migrant and eu-citizen. The issue of visa's and documents stays, but otherwise, they have access to employment like anyone else. You know, .. opportunities, so if we do something which is specific for them it can be discriminatory towards the other European citizens, you know.

I: Yes, I see.

G: so, I mean if it can give them, make them in favour of something and give an advantage over someone else, it would be discriminative as well, you know?

I: Yes.

G: I'm not sure about that one.

I: Okey, you don't know if they are in an active way making work of this?

G: obviously not, because I have no idea about it, to be honest. I mean, I know about the employment law, ... and all but there wasn't anything specific about them, as a law, I mean. They could be initiatives, campagnes, but legally I'm not aware of it, so I cannot commit to it.

I: oké, thank you. And the next is about the job centers, do employers make use of it ?

G: Like I've said, you know, apart from the public sector that has to make use of it, they must, you know there is level 3 and they must go through it. Other employers, they don't find through their own recruitment, jobs+ will help them. So many times they would register work, .. they can give them the list of people and all. So may times they would advertise it on newspapers and everything, but it they don't find to jobs+ to these agencies.

I: And job centers are from jobs+?

G: Yes.

I: Okey, I did not connect it.

G: Jobs+ is the government authority, but there are the private agencies as well.

I: I've heard something about the skills register from AWAS or AMAM?

G: AWAS, AWAS is for the refugees and migrants.

I: Yes, do you know anything about that?

G: They have their list and they coordinate with jobs+ as well, you know, jobs+ gives them the posts, the available vacancies and they take it from there. For AWAS, they only have to have a list of migrants and they coordinate to jobs+ for prospective and ...

I: Yes, okey. We spoke about the migrants on the roads in Marsa, I can see why migrants chose for this, because

G: They don't have another opportunity,

I, Indeed, but what reasons do employers give for offering these people work?

G: One? Cheap labor. I mean, they don't pay taxes, social security, nothing. Second of all, there are some small jobs like working in the field, like agriculture, and construction where there's a lack of

employees. There's a lack of workers and so there is the way they can find so it two fold they can either do it for economic reasons, but they can also do it because they truly can not find workers.

I: So they have tried advertisement and jobs+ and,

G: Yes, you could have that. I don't exclude, you know, although I think many times they do it for financial reasons, you know. Because it is cheap labour. That is my opinion but, you but there could be someone and I know of people that they have fields, they require some help, I mean he is just a farmer, so he wouldn't advertise and everything, he usually searches in his own village, and all, he will not find and he'll go to Marsa and pick up someone and pays him 18? euro an hour or something, which is good money, So I know people do, especially farmers who can't find someone they go there, these people are willing to work and they take it from there. And many times, farmers pay them even more than the minimum wage, at times. I know, that is not because of financial reasons, it's just because there are people available to work there. So I think those are the two reasons, employers could go there.

I: you named farming, is there like the sectors I named, agriculture, construction, catering...

G: Yes, as well. There could be catering yes, but in catering so if they are, with regards to wedding you know, in catering they are serving food ..., they will be recruiting normally. Because it is such a public event. However, like if you go to Paceville, most probably, they will have a work permit. People don't check, because they have money they can pay fines, that's when you go to Paceville, night clubs.

I: I live nearby Paceville.

G: SO you know, you know what I'm talking about. I mean, I go to there, I visit and I see these things. There are big employers, with big clubs and I highly doubt the amount of workers that are registered with employment, with them.

I: So, we see it as well and that is why we are asking if there is any monitoring about these, because we see it

G: But whatever happens in the world, people with money can do whatever, they can get away with murder.

I: If you have money, you can get away with murder?

G: Yes, you just pay someone, pay the fine. Because, of course there are some of them who work 24/7, how is it possible. Day in day out, you see the same barman, all the time. How is it possible? Then you ask them, the payments and they say this is way below the minimum rate

I: But you think that those clubs, those employers could easily find some workers on a normal way?

G: Yes, especially students, students want these part-time work, you know, many times, bar officers and all they work during the night hours when students wouldn't be studying so they can do some part time. There are people who want work but there is cheap labour as well, that's reality.

I: Were getting to the end. So, the two reasons you mentioned, could it also be a reason for employers that there are people who don't want to do that specific work?

G: Yes I agree, like the case in agriculture.

I: People don't want to do that?

G: Yes. Like the case in agriculture, farmers find it easier to recruit people from Marsa than searching other Maltese nationals and all. I mean, as well like many EU citizens who come here, they go into gaming, they don't come here to work in agriculture. That's a fact. So you don't have the Maltese, you don't have other European citizens, so what he can do? He will for these people, because there isn't any other choice. But in catering I believe, it is an abuse, because there are interested parties and we know it is an abuse as well because here we even make recommendations of possible applicants, people who come to us, saying, you know, I want to work, I'm ready to do any job, you

know, and the employer wouldn't even call them for an interview and would recruit someone from sub-contracting for example. Sub-contracting, they would be paid minimum wage, less, better conditions, not covered with collective agreements, so you know, social dumping we call it, so I am an employer I don't recruit directly, I go to an agency, When I don't like the person I just get someone else., no reason, what so ever. That's one thing, they don't have the same allowances as they work directly with me. So she is my employee, she has a night shift allowance, she has extra traveling you know, for example, you are the contractor, you do the same work in the place of business but you don't have any allowances, what so ever.

I: the sort of thing we have in the Netherlands,

G: Yes, definitely you get from Poland, or whatever. Yeah yeah yeah, it happens here as well. So we see that as well. And guards from the legal... catering I think it is an abuse, but agriculture not so much, agriculture is, because there is the need, there isn't a supply for it.

I: And construction?

G: Construction, two fold. I think both effect. Because construction we know people can get hurt quit easily and it's easier to have someone that is not registered and all and say Oh it was his first time here, .. he started today and got hurt. How can I proof it otherwise? The guy can say, I worked here for 4 years, for example, can you prove it? No. Many times they would pay them in cash so there is nothing.

I: so, those who are working illegal, they don't have any insurances .

G: no no.

I: And employers don't have to do anything to pay.

G: No, they have nothing. What so ever. NO sick leave, no leave, nothing.

I: And, like you said, the DIERS say something about penalties..

G: Yes, they can tell you the exact amounts, yes. But I'd be interested in how many they have arrested and find, and who, was it a small shop or was it a big company. I would ask for those statistics, and check. Cause many times, I'm sure it will be a small business person.

I: We also go to the chamber of commerce, so maybe they have, I think they might have some statistics.

G: Yes, they have good researches,

I: So, hopefully we will get some information from one of these organisations.

G: Chamber of commerce have many big employers(...) so keep that in mind. Who funds researches.

I: Okey!

G: So, in their funding it, it could be subjective.

I: So, it is good to have different organizations and perspectives. Do you see different effects of ageing in the Maltese labour market, in the Maltese labour market? We heard about ageing in the Maltese labour market, do you see effects of this?

G: I could speak about my organization, for example, we don't have as many youths as we have old people. So yes, there is an effect. Ageing population, and we will have a problem with pensions soon enough because there won't be enough workers to supply pension allowances. It will happen soon.

I: Do you think it might be also a motive to recruit someone irregular? Because, you can't find a young person, like in construction, where you need young people?

G: You can recruit, but don't do it illegally. That is all I see, he needs to be treated like any other worker. You, know, if there is a problem with bureaucracy, and all then the authorities should step up and do a better sufficient job with the procedure, so it is a lengthy process, but otherwise it is not an excuse for someone to recruit someone illegally, no I'm sorry. I don't agree with that because I mean this person wouldn't be entitled for sick leave and wouldn't be entitled for his social security, will not have access to free health care, you know, it's unfair on them. For their safety, they get hurt

on the place of work they will not be protected.

I: I agree, but I could imagine that employers say like; I felt enforced , because I dint have a choice.

G: Yes, I don't blame the prospective worker, because he wants to live, he needs money. So he is willing to work. I mean, I don't blame them but I blame the employers if they are recruiting like that.

I: Yes, I do mean the employers. The employers could say: I feel like I am forced to choose...

G: Well, you see, if that is the case they should force more pressure on the Government, so at least there would be some temporary card where one can register work, they could do something, but do they want to do it?

I: Yeah, priorities.

G: Employers have money, they could make a push on the Government. So if they really want there could be some other way. But again, as we said there are financial benefits for employers. (..)

I: I see. We are almost at the end. Do you think all the employers know the consequences of illegal recruiting?

G: Ignorance of the law is no excuse. That is all I say.

I: Okey, but you don't know

G: You should know you're rights and obligations, that's it, if you're going to court that is what they (...) so. I abide by the law.

I: Do you have something in your mind you want to add?

G: Yes, all I want to add is that we as an organization are the first organization, which in 2009 issued this policies, for all of our members, all of our employees, we have stressed importance of equality, we have one of them which is migrant workers, specifically, that they should be treated equally. We have this one, the equality at the place of work, emphasis on gender, but clearly states you know this regarding the worker wants to be treated equally, we also have for the LGBT, so we work quit avant garde. IN 2009 these were made officials and we stress a lot on equality and everything so, we are wringing, we always push for equality, and we even, like here in this policy, we have regular migrant workers, irregular migrant workers, we have addressed all those. Everyone has human rights as worker and obligations of course, and they should be respected. That is all I have to see I think, I have said enough I think.

I: I think it was very useful.

G: Good, good, good.

I: If we have later on some question, can I e-mail you about it?

G: Yes, sure, clarifications and so on. Yes, feel free.

Bijlage XI: Interview Hilton Hotel – 7 maart 2017

Employees: over 500 (part time and full time), in summer over 600 close to 700 employees. 29 different nationalities.

I: what have employers to do when they recruit a person in general, and what is the difference between recruiting a local or recruiting a migrant?

R: When we have vacancies, we issue the vacancies internally. It depends the level of vacancies. But normally we issue the vacancies internally because we have a number of part time members and most of them working for us a couple of years, we give the opportunity to the team members to grow within the company. So if they for example have an housekeeping attended has been working for us for two or three years and she would like to have an full time employment we issue that vacancy internally, right?

I: uhum.

R: then, when we do not find the required team members internally we go externally. Oke, we use newspapers, although we do not use them that much anymore nowadays because we use Facebook, LinkedIn and we use several other social media and we also have an agency in Malta 'keepmeposted' I don't know if you have heard about it, our vacancies through this agency and they will have a number of applicants in the database and they sent out a main shot of the vacancies.

I: What is this agency called?

R: it's 'keep me posted', so it's a company where we send them the adverts and they will then send a main shot to the candidates who are in their database obviously who are relevant for that vacancy.

I: okay, is it a bit similar to Jobs+?

R: Jobs+ is different because Jobs+ is the entity which regulates the employment in Malta so when you have.... (koffie wordt neergezet) so it's the entity who is making sure that all the people in the industry working, they are registered to Jobs+. Because you cannot have someone working with an company who is not registered with Jobs+ to make sure that they are paying some taxes. They also have a database, Jobs+ but for people who are unemployed.

I: Okay.

R: Okay, so that's different. 'Keep me posted' is an agency who... it's a recruitment agency, not an recruitment agency because they don't do the interviews themselves, it's an advertising company. So you registered to this website, you will take your interests. So if I had to register I would take like I'm interested in Human Resources vacancies. If a company advertises an vacancy in human resources I would receive that advert.

I: yes, I understand.

R: So, then, if for example we have positions like ehm, at the moment we have a vacant for a restaurant manager and we already know or already sensing that we do not have the right candidate in house. So the right candidate a team member we issue them parallel. So we issue it internally and externally at the same time.

I: okay.

Joann so, because we are already sensing that we do not have the right candidate in house, we don't lose time to get Because otherwise we will lose time. Then we have vacancies like for example for a chief engineer we go externally and don't issue internally as well.

I: yes okay, I understand.

R: then obviously when we issue the vacancy we start receiving applications. Uhm, we also receive applications if we don't advertising any application any vacancies we still receive hundreds of cv's.

Je: haha, wauw.

R: Okay, the process is that we acknowledge an application so we make sure that every application we receive is acknowledged so that the candidate would know that we received the cv.

I: yes okay.

R: and then, depending if it's an open cv and we don't have a vacancy we'll keep it in our system so that if we have vacancies arise we can go to that database.

I: all right.

R: and then obviously we'll go to the shortlisting process and one can be invited for an interview, those who are enlisted.

I: yes, and when for example a migrant with his visa and his documents in order, he applies for the Joannb, is there a difference for the employer when he applies for a job or locals from Malta? Is there a different procedure?

R: No, no we don't make any difference with applications. So when we receive the applications we go through the shortlisting and through the shortlisting we do not eliminate foreigners, migrants. If they have the experience and we think that they will fit to the requirements written in the advert we invite them for an interview.

I: alright, but you do not have to do anything different?

R: at that stage? No. At that stage we would invite them for an interview then obviously, let's take the case of migrants, we have to identify which status they have in Malta because then if we are going to recruit the person we would need to see if they have the adequate documents; so they have a residence permit in Malta and if they have the licence to work in Malta. Because you have situations where they have the residence permit that they can ... in Malta, but they do not have the permit to work. Because obviously then it's devoided okay? You have migrants who already had a status where automatically the work permit is issued, but those who the employer has to apply for the work permit.

I: okay, so the employer has to ...

R: yes the employer has to apply for the work permit.

I: all right, okay.

R: there are two type of migrants. The asylum seekers and those who have an humanitarian protection. I'm not confident which one does require the work permit through the employer because my college works directly with work permits, but those who require work permit they cannot get the work permit automatically, the employer has to apply for it. This also applies to non-EU nationals. So you have Serbians, Russians, from Macedonia, so non-EU nationals in order to get an employment permit in Malta their employer has to apply for the work permit.

I: and is that applying for a work permit, is that difficult or is it easy or takes it long or?

R: So, here at the Hilton hotel we have 'the Bleu Elephant' restaurant which is a Thai restaurant. So a percentage of the team members have to be from Thailand.

I: uhu.

R: The kitchen team has to be from Thailand. In order to get an work permit it can take between nine months and sometimes even over a year.

I: okay

R: okay? The reason is because a lot checks has to be done. So we will apply with Jobs+ and then we will have all the documents straight what they require but then they start asking for more information. And sometimes it changes so you would know your process and have to send all these documents, normally it will be a pile of documents, and you send them, but then they will tell you: o but you're missing... and that will change the process. So yes it does take some time. In the case obviously with Refugees it doesn't take that long cause since they have a Refugee status, as I told you the Refugee status then it's, it's same to Asylum Seekers and with Humanitary Protection. So it doesn't take, it still takes a month or a bit more, but it is not that difficult. But with regards to other non-Eu nationals it's very very difficult to get a work permit.

I: do you have numbers of how many of those casus you have had the last year?

R: with regards to work permits that take long?

I: yes?

R: Uhm, I don't know. Definitely I think it was two or three years ago we had two team members coming from Thailand, it costs nearly a year to get them work in Malta. Because then they would need to apply for the entire Visa, so that is a whole, whole process.

I: Right, yes. Well that is clear.

R: No but I mean, because obviously there is the legislation that is the Era which is the legislation for employment in Malta. Which in that legislation obviously it specifies that you have to have a concept of employment in place but they do not specifically prefer to work permits and all. But we do not distinguish, as I said earlier, if we have a vacancy, when it is on part-time basis because when you have a vacancy on part time basis the work permit is not issued. In order for a candidate to have a work permit the position has to be on a full time basis.

I: okay, all right.

I: so it's, it's a bit difficult to recruit someone who have not all the documents in order?

R: ehm, yes if they don't, because you need to have a work permit. So non-Eu nationals need to have a work permit. Now in order to get the work permit you need to go to, to apply, so you apply and then the application needs to go through different stages. It has to go through the Malta tourism authority, through the inland...department, you have to go through the police. Because obviously the authorities would be doing research about that application since they are not coming from a non-Eu country. With regards to Eu nationals they only have to go and apply for the identity card which is a residence card.

I: yeah, because that's the European Union.

R: yes so, yes.

I: okay. I understand, like when I apply it's much easier than when someone applies for a job and he comes from like Russia for example.

R: yes.

I: and, and when you are a Refugee than .

R: With Refugee's it's different because again as well when we, last year, we had a closer contact with the Juisuit Refugee services in Malta who takes care of migrants and recently we also have them linked in with the UNHCR in Malta. Ehm, so when we do receive a lot of applications from migrants and we would have an indication if this applicant already has the required documents or not. So when we are doing going through the recruitment process if we need someone who needs to start immediately we would know through this selection process through this shortlisting, who do we invite first for an interview. So let's say I have the Documents so we need to apply for your documents, obviously I would be invited first for the interview. But as I told you would with migrants it doesn't take that long for the work permit application as long as they already have a residence permit and they have all, they have gone through all the police and checks. Because for example sometimes we have candidates coming for an interview and their cv or conferring letter would say that they have the required documents. But then they come to the interview and then we realise that the documents they have are for residence permit and giving them permission to work for example in Italy. So in that case, they would need to apply for the documents so that they can ... on Malta and then we start the process. What happens sometimes they come here for a visit, obviously they would like the island and they trying to apply and they would need the documents for work in Malta.

I: So in the selection procedure let's call it that, you can choose, you can see: so he has his documents in order or he has only one document, so we have to arrange a little bit for him but within an month we need an employee so...

R: But that's why I'm telling for example we always have nearly through the year an open vacancy for

housekeeping attendants. Okay so, if they need housekeeping they need urgent housekeeping attendants they need them to start, okay? They are still invited for the interview, we invite everyone. But then obviously those candidates who have all documents already in hands they will get the job for the others. But we would still send a job offer to the other candidates and we wait for further documents. It depends if it can wait for the candidate or not as well because obviously with the operation requiring the work force you cannot wait for never ending, in fact with regards to 'Bleu Elephant' when we know that a team member is ... (quitting) or has the planning, normally they let us know listen I will work throughout this year and next year I might moving back to Thailand. So as soon as we hear we start the process to

I: yeah

R: so that to will be... because obviously you cannot leave the operation with.. without employees. Because otherwise the team members will suffer and the guest is waiting and they're paying a lot of money to come here so we don't want both party's to suffer.

I: yes I understand.

I: okay. The task has to be done, yes

I: I'm wondering can you always find enough people to fill in your vacancies?

R: ehm, there are some vacancies which are more challenging than others. For example housekeeping attendants and even attendants sometimes we do struggle to find the right people. We do receive, as I told you, numbers of applications. But obviously we need to make sure that the candidates which are being selected are the appropriate candidates and we besides looking at the role itself okay? Because, let's say we looking for a beer attendant in (name of restaurant) which is our main restaurant for clearing tables, that's easy clear the tables and setting them up. But we make sure that besides they are capable of doing their job they will fit the team.

I: Okay

R: they will fit the team and they will fit the culture as well of the property. Because it's good to have someone who is good at doing their job, but then you see that he cannot work in a team for example. Or he cannot work in a divers team. So we evaluate what wor... I mean in general we manage to, to fill in the vacancies.

I: yeah.

R: It is sometimes there are some vacancies which they are a bit challenging.

I: and which are that?

R: eh, so house keeping it is a bit, that's one of them. And at the moment we have a vacancy open for HR, for an HR administrator. So yes we didn't find yet the right candidate who will fit with the team, fit the culture and be able to do their job.

I: hm.

R: okay? Uhm, the ... managers' still open but we aren't ..(noise from chair).. it depends because sometimes for example we had vacancies for reservations' agents in that particular year and that was very difficult to find the right candidate. Now we have a vacancy open and it didn't take us long to find the right candidate, so it depends.

I: okay, yeah. And if you can't find anyone for the job, then you go to Jobs+ or?

R: no, then we go to our recruitment agencies who we will ask for help through our recruitment agency. Because they have candidates in their database they would do the first interview because they would know what we are looking for and then they would send us the candidates which they think they will fit our

I: So that's the last... okay. Let's take a look if we can talk about another subject from our list.

I: yes there are, I read some articles and resources about employers who don't respect the rules by the government for recruiting people and migrants in specific, they pick up migrants in Marsa to work for them, and yeah do you experience the effects of this in your company in cooperation in

companies who are having this type of recruiting?

R: It have effect as I have told you in the lower level jobs so yes I mean you mentioned Marsa I mean they stay there and they will call them for a day or two and pay them for the day. Uhm, I cannot say that we suffer a lot from that. As I see it I don't think we suffer a lot. I mean what effect I see is obviously the small restaurants or small entities that employ people without Jobs+ that yes, but I think now that Jobs+ are quite regulating. I'm not saying that they are no companies who pay without, through the right channels but I think it's being monitored more than before. Before it was more evident that there are companies who do such thing, but now I think it's more regulated.

I: okay

I: can you imagine that companies are hiring migrants in that way?

R: yes I mean it could be that there are still companies how are doing it because I cannot, it doesn't mean that since they're regulating and they're being and monitoring they are still most probably who yes, I don't think it's only with migrants, but with any type of foreign candidate because I mean Malta besides migrants we have people from other countries. We have a lot of Italians and Spanish as well, Hungary Serbians etc. there are a lot of them coming to the island. Though I don't think if it's happening that it's only with migrants I think.

I: yeah

Je: yes we wrote also about a policy of the government, the policy is about they want to ask migrants to fill in vacancies that are still open and they gave as motive for this that there is a lot of aging in the Maltese labour market so for this reason they thought it might be good to if the jobs to the migrants, young migrants. As far as I know this hasn't, it's just a policy paper. It's not implemented yet, but we are wondering if you know this?

R: To be honest I'm not aware of this. So what they're mentioning here that certain jobs will be given only to migrants or they think migrants are only able to do this jobs?

I: those vacancies were not filled in by local people, so they think okay if no one want this job

R: they will fill them in.

I: yeah, make the best, make an economic use of the migrants, they think migrants can make a positive boost on the...

R: no in fact which I mentioned, in fact they were doing some resource that migrants can contribute towards the economic situation of the island, but I'm not in very much detail about this, but yes I mean they were doing the resource that migrants can be a contribution to the Maltese economy as well.

I: Do you also would as we already spoke about it, do you know about Maltese job centres and what do you experience..

R: so with jobs centres we do not work very closely, because jobs centres are trough Jobs+ . But at the moment we are exploring as well other ways and other media were we can do recruit, advertising of our recruitment. job centres can be one of them as well. We're doing for example with the summer recruitment vacancies we are sharing the information besides with the intertie of tourism studies as well with 'sixth forms', with private sixth forms: university of Malta, Jobs+ ,Mcast. So that they shared the information with the students. So we are exploring new ways and media were we can advertise our vacancies.

I: it's how a lot of employers work since we're living in 2017.

R: jes, haha.

I: do you experience that some vacancies the maltese people will not fill in?

I: meaning that they don't want to do?

I: yes

R: mostly it's housekeeping attendance and sometimes even waiters. Because everyone aims to the dream job, but sometimes they don't realize that you have to start going down the ladder. So yes

sometimes we do like for example even if you call them, they would have send an open application and we would see that maybe they will fit for an infant beer attendance role of an housekeeping attendant, no, no I don't want to work and... I mean we do have a lot of visits, school visits, and that's what we tell them. That if you want to become a general manger etc., then you have to experience different jobsdifferent levels, because otherwise if you are managing someone and you don't know what the people working with you what is their role you cannot manage them, I mean you will manage because you'll have leaderships skills and.. but you wouldn't understand them. What exactly they do.

I: So that's also the reason why those vacancies are difficult to fill?

R: yes.

I: okay and thus can I conclude than that housekeeping is the sector which are working the most outsiders, I don't know another word...

R: no I mean in housekeeping we do have a number of foreigners, but yes within the housekeeping department we have a number of migrants and other countries working in the housekeeping. We do have quite a number of Maltese as well. Because the housekeeping attended, specially the full time have been working with us for a long time, and some of them they move their way up to housekeeping supervisors as well so..

I: okay yes.

I: so if you look at this from the employers perspective, when people chose to go to Marsa or recruit people in that way, what do you think that are the main reasons for employers to choose that way of recruiting?

R: you mean that rather than employing than ...

I: yes rather than do an vacancy, go to Jobs+ , like do it the legal way.

R: okay I mean what I think know going to Marsa, so let's say a company need someone for a Joannb it's a week's job. Okay so then you would go there and you select someone to work for them. Most probably they're not being registered. So they're not paying a ..., they're not paying social contributions for them. So for them It's cheaper, you know. But then seeing it from the candidates side some of them are here for interviews, we hear, because they will not listed in the CV, but then they will mention it in the interview. Have you worked in Malta? Yes. But that was not your CV.

Because it was not registered. And they tell you that's why I want to work here so that I have writing a place so from the employers side yes most probably they do it so that they won't have to contribute, registered paying contributions, they're all these if you register you have the government want. So they're not pay all these thing, they pay just for the job. It's easier and cheaper. But from the employees side they would prefer to have everything as it should be because for them it's better.

I: so you chose with the Hilton hotel not for the easy way we're going for the normal way.

R: no we do not have anyone, everyone who is employed with us is registered with Jobs+

I: yes, I wonder do you think it's, cause you said it's the smaller restaurants would go to Marsa for example

R: I mean when it comes to the hospitality industry I don't think the companies would go to Marsa that would be rather construction companies, I think. But yes I mean there are a other small companies that, they will employ people but they're not registered as they should be.

I: so do you think it's for a small company harder to recruit according the law than for a bigger hotel like you?

R: I mean it could be that they are larger companies that do it as well. But I think it's more done with smaller companies I think. But these smaller companies they, it's cheaper for them not to register and pay contributions rather than going finding someone for a month's job and they will go to Marsa and maybe the candidate would have applied directly by the company instead of going through the correct channels they chose the other way.

Je: yeah, with that I also come by the last subject I think and that's about the consequences about offering illegal work. Do you know to which extend employers are aware of the legislations and rules concerning offering irregular work?

R: yes I mean I think big companies they are all aware of the legislation and often updated on legislation okay because on the island there are certain entities like Malta Employers Association. So I don't think that is an excuse; that a company doesn't know the legislation because if you are not keeping yourself up to date, there are many ways how to update yourself, because for example if a company is registered with the Malta Employers Association the Association sends regular updates of what is going on in the employers legislation. So I don't think it's because they're doing it because they're not aware of the legislation they're pretending not to be aware of the legislations, I think.

I: yes, okay.

I: and how is this monitored, who is monitoring this, if employers are not obeying the rules?

R: so what happens is sometimes, the DIER they do spot-checks, they go to companies and do spot-checks. So if you have an employee who is not treated fairly, or the team members think he is not treated fairly they can go to the department and the department start asking questions, they will make the resource and they can go to a company and do a surprise visit. We did sometimes have surprise visits from DIER because a team member would have gone to speak to them and they would like to verify as things are as the team member said or it's another thing. Normally I mean we are always aby to the legislation, either the team member would have explained wrongly or it wasn't clear but what they will do they don't only speak to us but they ask us to speak to team members so that they will make sure that what we're saying is being done.

I: yeah.

R: When for example it was that before, because we provide uniforms for team members, and we take the deposit for the uniform. So if a team member chose signs to leave the company we would have a deposit and we used to deduct them from their salary. We were aware that you cannot deduct anything from the team members salary, unless the team member is authorising it so we were doing int. but someone had to speak with the DIER and they came here to speak to us and they told us that even though they're authorizing you cannot take such deposit from their salary. And we rectify it. I mean we do not anything, but on other issues we never had any..

I: okay

R: because when you are employing a part time team member you have to besides giving them their salary, you have to pay the social security contribution, leaf, secleaf and.. but there are companies who do not obeyed by those legislations, so we have had spot-checks. Once we also have the spot-checks from Jobs+ because of a work permit for a Thai national, I don't know why they came to us but the team member was here and working and had the work permit in place. We try to be 100 percent, but everyone make mistakes.

I: Do you know wat legislations are for example the permit wasn't okay what would happened to the company then?

R: most probably they would have received a fine and they would have stopped the team member from working until he received the work permit.

I: and do you have numbers of the penalty, how many euro's?

R: I don't know the amount of penalty's, I think they have different penalty's but I think that comes to Jobs+ . With work permits it's Jobs+ or now it's identity Malta.

Bijlage XII: Interview JRS – 8 maart 2017

R: All right so I don't know if you want, I prepared a little overview. Of what we have done so far. JRS is a service based NGO, so there is a team of lawyers there is a teach worker 2 social workers and 2 sociologists. So, we have our services depending on what people need. On Monday and Thursday, we have chopping days. People can just chop in and we see what the person request, what the person need and what we can do to help. I'm coordinating the employment project for JRS which started last April. Mainly what we offer is we help people with their CV's so where practical every Mondays and Thursdays we are here and we do their CV. And we give them, we print 5 copies of their cv and if they have an email, we send them an email with their cv, so they have an electronic copy of it. We also guide any terms of the main websites where you can find work. So, we show them how they can look for any work there and how apply for jobs at. It's the general services we prefer. And JRS has a system of people we call it dotcliënt?, that are people we following more closely. It depends, it could be somebody who is more vulnerable or families with children, so people who would need support, and in those cases again I would support a little bit more. So, I would be active to helping them to find work. So, sending their CV's, bring them in contact with employers, talking to employers, trying to match. It's not easy but we try to do that. We offer what we call an employment orientation course. It's a course what is a full week from Monday to Friday, four hours per day. In front of you is the overview, at what we do. We've carried three so far and in two weeks we have the fourth one. So, and we touch on everything so we start with culture shock and adaptation and cultural differences and you know, what you like and what you dislike in Malta. What is easy and what is difficult and we have a kind of very open discussion about you know, culture, our culture how these interact and we also have like a session on, you know, behaviour, what is consider dis aggressive. What could be a certain behaviour. We do a bit of concertisers of utilizers focused on work as well and how do you deal with conflicts. How do you relate to conflict at where but not just it's kind of an open session in terms of depends what the group want to where we going to take it so if the group wants to take it on talking, more especially if you have people coming from war, people who coming from the middle east area, in general the discussion go's a bit more than, and it's a way of allowing that space of discussion. And so, we to the basic stuff of conflict and we focus on reconciliation itself. So, we don't go into kind of reconciliation with others.

I: And how many people are going to this courses?

R: Generally, we aim to have 15, but for example for the last group we had 22. Because people brought friends and we don't say no, so most they join then. But we aim to have a group of 15. To have a bit of intimate space, but it depends on the group. Sometimes you have less, sometimes you have more. Then we have a session on legislation this is very much kind of focused on what the law in Malta says. So, what are the rights, what are the obligations. What is considered as discrimination in terms of maltese law and if you are discriminated, what can you do, what can be done, where can you go, where you apply, this is very kind of focus in terms of legislation and what are your options and what could be considered as discrimination against you and what not. I call it the Maltese law. And we also touch on all these spectrums, so we touch on all the difficulties as well. Which migrant they could face themselves so it's on gender issues or sexually orientation, our gender identity. Because the law coffer those grounds, so we have kind of discussion on you're protected but you also applied to follow this law, with all groups. And the last session is very much practical, it's the interview. So, we have MOG-interviews. So, it's like, we set up like it's an interview, like it's a game, it's a roleplay. So, we are looking at what are the do's and the don'ts, what you should say and not say in an interview. And then we have like a little game. We interview people and they should sit for an interview and, you know, the group gives feedback about how the person did and of they will

employ him or her or not. It is a bit of a fun game, but obviously, it tells a lot about the person's behaviour. That's the course.

I: It is really an eyeopener to hear that this course is giving to migrants, because we had a few questions we want to ask about such a course, because we don't think that all the migrants know enough about those legislations for work.

R: No, JRS is offering this for, I mean, so far, we have trained around 40 people, I mean, JRS is an NGO and it is a responsibility of the state to be able to offer and cultural orientation that is skill, I mean, as you know from your own experiences, from your own country, I mean, language is a key if you want to access into the labour market. I think is also case I know one of the things we found through this project is that especially the younger generations and so where else people, a number of people would have smartphones or would have access to Facebook or skype etcetera. Not everybody would have the ability to, for example, send a CV to any mail or would not know how to do that, it's something very simple. It's a very simple thing to open it, a Gmail account or an e-mail and send an e-mail. But in general people will not have that skill. And the gain in Malta basically today to apply for any job, you have to apply through e-mails CV or through a website send a CV. We do that for people so on Monday and Thursdays we do that for them and we show people how to do that. As other NGO's like INTEGRA foundation have email centres as well. They have WIFI they have computers, they also offer the assistance. But those are the three, I think main language, I think an cultural unliterally, and I mean an cultural unliterally it's a to work, you know, this is a Maltese culture, but it's more about having the discussion about it and this is more or less what Maltese cultures are, this is how we live, something you may like and something you may not like and how we are going to negotiation, a way that you can live. Keeping your own, and not keeping everything. And we also very much kind of going to the discussion for example you know, if you having children here and your children need to grow up here, you know, how are you going to kind of living into two cultures learn more. We have open the lid for that discussion about telling people how they should live, no let's talk about it.

I: So, they can get in contact with the Maltese culture and so they know about it.

R: We give them the space so they can talk about it, so say you know I'm struggling with this, I really don't like this, I think its difficult or I didn't like this.

I: Oké, and are there other NGO'S or government organisations who give such a course?

R: There are other NGO'S yes, there is the African media societies who is running a project on work and they are also offering training. There is the Malta migrant woman they are also running a kind of small project with relation to work, specifically a relation to woman and I think they also are offering skills and training courses. And there is a project, it's the working Roma project, it's the FOPSM. They also give training courses about working. I mean yes, NGO'S are kind of responding. I mean obviously, the government has his own institutions mainly however the institutions of the government offer services to people with a refugee status. So, Jobs plus which would be a government institution, helps people to find work, only people with a refugee status would be allowed to register, to be on that list. You can go for example to a Jobs plus if you have, let's say, a subsidiary protection. I can go to the office and look at the vacancy's, but I'm not entered to be on the register, so but if you have a refugee status than yes.

I: And if we have a refugee status we have a work permit and you can stay in Malta.

R: No, so, anyone who has any form of protection can apply for a work permit, so people with a refugee status, people with subsidiary protection and people with temporary human protection, so you can apply for a work permit. And if you have a rejected status, you can still work in Malta but these employers who has to apply for your work permit or if you are an asylum seeker, if you still in process of being an asylum seeker, it's the employer who has to apply for your work permit.

I: So, with the other protection status the migrant himself have to get a work permit.

R: Yes, if I have a form of protection, all forms of protection, I will apply for a permit and I will renew that every year. Either a asylum seeker or with a rejected status the employer has to apply for a work permit and it's renewed every three months. Of course, it's more difficult it's more bureaucratic. The system is more difficult for people with a rejected status, so it's more difficult to find someone to employ you. But it is also possible, so employers need workers basically than they do.

I: Oké, because I spoke someone who said that this will take 9 months if they want to have a work permit.

R: It does take some time. Yes, we offer that support when we have employers who are ready to employ someone and they have to apply for the work permit, we offer, but the documents can be downloaded from the internet, but we have copies here we help people fill them up, we try to facilitate the process for people. But then of course it's a government system so..

I: And there is no other option for those people to get work?

R: No

I: The only option is, go the employer and they have to apply for the work permit.

R: Yes, if you have a rejected status or you are still an asylum seeker.

I: And how does the migrant know how they can come to JRS?

R: A lot of people they come to JRS, mostly JRS has been around for a very long time, so JRS has been a Malta function for many years. And obviously, migrants know about it and you know, people will tell people, but we also reach out to centres. So, you know, the lawyers for example will visit detentions centres, the sociologist will visit the open centres, so we reach out. But in general people do not interview, we are there and try at least.

I: And, so you mentioned Jobsplus and you mentioned the other keepmeposted and some other...

R: Jobsplus is government, keepmeposted and the other websites are private agencies, which are online. So, there be online these are agencies that anyone who is in Malta can register with and its main stream and try to find work. And we just support refugees and asylum seekers to make use of these services. So, we use keepmeposted, maltapark than connect and there is another one called castilleresources. Connect and castilleresources give help to people with higher education and backgrounds, people who looking for professional kind of jobs. Keepmeposted and maltapark are more general.

I: So, there are migrants or employers that work not on the official way but the illegal way, so on the black market, can you tell something, about why should they to that or why do they do that, what's their motive?

R: I mean, yes, of course it happens, I don't know, I can't give you an answer of why it's happening. I think some of the reasons will be obviously there is an element of exploitation of course. There is

another part of it, that is, you know, maybe not finding the right balance of how to do it legally. So, you need a certain amount of workers, for certain amount of time, and you do it unofficially rather than going to the whole bureaucratic process, so I think if bureaucracy is simplified maybe made more accessible that could be cut down. Government is proposing, I think you have seen it, the offices that will kind of bridge this, so it's a kind of voucher system, so if you need someone which is not more than 600 hours per year, you can go to this office buy sort of amount voucher and they will match you with someone to do the work for you. And the payment is done through this office.

I: Yes, I heard from my colleague student, who had yesterday an interview, and they mentioned this.

R: I mean, JRS has giving feedback to government on this procedure and I think in principal it's a good proposal so it's kind of a deal between full employment and kind of unofficial work which sometimes, not always, but sometimes, it's exploitation. Not all irregular work or illegal work is exploitative, sometimes it's done in a way which is, I don't know how to say, but is obviously illegal, so it's not done. But not necessarily everyone who does it is exploiting a person, it could be an agreement to doing. So, this is the government proposal it is regularising that, that relationship. I mean, we as JRS obviously, we support employers to do it legally, so we work with employers to offering a contract that offer at least the minimal wage, ideally a bit more and it's done on, you know. But the reality is also there is employers who would need for example employees very quickly for a particular job and obviously, most migrants would be struggling to survive, so...

R: Of course, it was ideal and it is not what we should aim for. It's in general, I think government is trying to answer through this voucher system. For example, one of the suggestions we, one of the things we requested is the rates, maybe I think the rates could be a little bit higher of the vouchers since it is temporary work so it would be a job for one week only or it would be a job for two weeks only, so we need a gardener for two weeks, you go to this office and they mentioned the skills of a gardener, I think being such a short time job the pay should a little bit more higher, that is one of the suggestions we've done. This is a part time job, it's not regular income.

I: And in the system how it was working, if you need the same gardener two weeks, what does an employer has to do then?

R: How it is working now?

I: Yes

R: I mean in general people are still waiting on the streets, so if you go to Marsa area, I think there are people waiting, you know, people wait on the street and employers can take them for the day or take them for the week so, so you know, and people build relationships so I think what's really important at these relationships so even when a migrant is doing unofficial work but he has an good relationship with the person who's giving him work, so you know, it's a relationship. We can say it is illegal, and this is not ideal, but it is a relationship, it can be exploitative. You know, their being reports of people who access to work and do not to pay etcetera. But it's a relationship so I think we need to find the best way how to regularize these relationships and you know for the seasoned work, so people will be needed for three months or for months...

I: And if they don't need an employee for months and they do it in the illegal way what does an employer have to do?

R: Now I mean it's illegal so if you got by the authorities you have to pay a fine. I mean the states regular it's not like encouraged.

I: No, but in the old system an employer wants to recruit an employee for months on the legal way, what does the employer have to do?

R: I don't think you can employ someone for a month in an legal way.

I: Oké, so that's not possible?

R: Not as far as I know. I mean, this is where it becomes unofficial work, you wouldn't I mean, the minimum is a one year contract. Cause any employer has need to pay for the employee, they always have to pay your insurance. So, an employer would not register you on his payroll to, no for a month. It's very unlikely. And this is the systems trying to cover that. It's trying to cover that needs that the employer has might need people for a short period of time and how can they do that in a way that is not exploitative and in a way, that is also protects the migrants worker in this case. I think there has to be a balance between allowing the employer to do this in a regular manner, cause that's very important with protecting the migrant worker and that he also receives a fair amount of money, not only for the job that he or she is doing, but for taking up a shorter contract.

I: Oké, you said the employer gets a penalty and the employee gets a penalty to or?

R: I'm not sure, I think so. But, no the employee is not getting a penalty, but if you are, let's say, if you have a refugee status and you are registering you getting benefits from the state and you're found out to doing illegal work the benefit will stop.

I: Oké, so that's the penalty then. And if you're rejected there is no penalty?

R: You're not have benefits so you have no penalty.

I: But that is to reported, you said, someone has to report that he sees illegal work, to what organisation they have to report that?

R: To Jobsplus, that's the government agency that regulates work in Malta.

I: Oké, but do you think that happens often? The reporting?

R: I wouldn't know cause that's kind of something that Jobsplus be able to answer that question for you.

I: When migrants do unregistered work, the conditions of the employment are they complied to the workplaces? The conditions of the employment, they can be very dangerous at the workplaces, like the construction.

R: It's always dangerous, I don't really know in terms of, it's not something that, you know, I can tell you. Of course, the problem is that when migrants work illegal and an accident happens you're not insured as worker, so you have less claim to be protective. I mean, you can still use some mechanism to get money or something, but officially when you work illegal you're less protected whatever sector you working at. So, hours of working, amount of payment per hours you working, sick leave, so ideal people don't work in an illegal way. That's something that we talk about. The important of straight unions and, you know, having organisations that protect you as a worker.

I: The people who had the course do you have numbers or statistics of the people who received actually work?

R: The numbers are low, but in terms of people who found work from the people who have had the course is 26, and it's 16 who found work trough us. So, the numbers are very low for a year. Which kind of shows the barriers, both migrant and employers face, so we have a number of employers,

which are willing to employ refugees and their willing to do it legal. We progress to help them to find employees and to employ them as the law requires. But it is very difficult. It's because of the language, it could be because of status, or some papers which are required and you know, because of bureaucracy papers are not in place. It's a very complicated relationship. So, obviously, it also has to be an employer who really wants to do it this way and to do it legal. Because it takes time, it takes recourses and it takes money. The employer pays for the work permit. So, if I'm an employer and I'm employing a person with a rejected status I have to pay for the work permit. So, you know, it has to be someone who is very willing to, and there are, we do have.

I: So, I understand, it's a business, so people have business....

R: Exactly, this is not an NGO or a caring, most companies are profit making companies. We do have a number of them who are really wanted to offer a job to help someone kind of thing and giving an opportunity to someone.

I: So what do you think it's the main obstruction for employers?

R: We need a simplification of bureaucracy. You need a simplification and something that is more streamlined for all. You know, if you have the same this is one way, if you don't have the same this is another way. I think, somehow it has to be simplified, it has to be more standardised for all. For the employers, just one procedure maybe. And we have employers who really need workers, for example the hotel industry. The hotel industry is really in a big deal to find people to work for them, and we collaborate with the number of hotels and entrepreneurship. We don't always manage to go through all the process to employ someone, sometimes we do.

I: Oké, so it's very hard to manage that migrants getting work with an employer and the migrant himself has need to do something...

R: Yes, in terms of language in specially. Language is the key. Unless somebody, in Malta, in our case, speaks in English and Maltese either, or, it's very difficult when somebody would employ you. So, then obviously, become more vulnerable to employ a regular manner.

I: I looked at the numbers you gave us, the asylum seekers, what kind of protection do they have?

R: Asylum seekers are people who have applied for asylum but have not yet received their apply. So, they're waiting. Other, would be, for example, people who are coming from Italy. So, they have protection from Italy and they are here looking for work and in that case again, has the employer to apply for the work permit.

I: Oké, so that is the big issue I think for employers that they have to apply for that work permit what takes long and cost money. And they don't have to do that with refugees...

R: Of course, they would yes. Generally, would prefer to have somebody who has a protection. Which that means that the people who are more vulnerable here, so people with a rejected status, basically have no rights. So, the vulnerability increases, so the less you have protection, the more vulnerable you are for those sectors.

I: Do you think the employers can always find their employees?

R: No, at the moment industry is you know, economically, the country seems to be doing well, so in terms of jobs and businesses people are looking for employees. For example, the hotel industry is not finding Maltese people do jobs in the hotel industry so they are looking for people who are here, who are ready to do that job, or maybe coming from abroad to do that job. So, you know, there are

in general jobs Maltese people are not to be filling like housekeeping. But again, it's not necessary automatic that people with a refugee status or protection are able or want to do that job either. So, the assumption that the Maltese don't want to do this job, but migrant yes, for some all we see more migrants with a much higher education in background. So, they are not necessarily ready to do that jobs, but would prefer to do a job that is more in line with his or her qualification. But again, even if the person is willing to do certain jobs, unless you can speak English, it's very unlikely that even for the jobs that consider as basic, it's really unlikely that you are employed to do it. Because even, for what we consider as a basic job, let's say housekeeping job, most hotels, if they are employ regularly and in an a legal way, would require that you speak English. So, that is automatically exclude a lot of people. So, it's quite complex.

I: And are there Trainings for teach English to for the migrants?

R: Yes, there are, there are a number of NGO's. Most will support people with English classes, but there is Integra again who offers Maltese and English. There is the church of Scotland who offers language courses. But again, NGO's. And there is the lifelong learning from the government where you can apply for a course in English. Maltese is a foreign language, English is a foreign language, so they offer that. But that is key, language is key.

I: And do you think migrants are aware of that it's very important that they are speaking English?

R: Of course, they are. But of course, learning a language takes some time. If you speak Arabic it is avenged because Maltese and Arabic are very close to each other, so you have an avenged than.

I: What would you like to see different in the help for seeking employment that is offered to migrants?

R: I didn't definitely, you know, culture orientation and language needs to be offered from the state. They need to offer these possibly to all migrants in Malta, I mean, not only the people who has having the asylum. I think having a process that help people to work through language and culture. I think it benefits both, it will help Malta, as a country and it will help the person working here and you know, integration is a big word, but to help people to life well in every country basically. I think that is the key. The first six months till one year I think people will go through a language course and a culture integration course. We should be telling people about our culture.

Bijlage XIII: Interview Jobsplus – 21 maart 2017

I: okay, the first topic is about the legal procedure to recruit staff, in general.

R: okay, when you say recruit staff, you mean; as an organisation how we recruit staff, or how an employer, employers, how they recruit staff?

I: yes, yes how employers recruit staff.

R: so, uhm, there is a difference in terms of recruitment procedure between the public sector and the private sector. So the law stipulates that if we're concerned with the public sector, the public sector, it is a must for the public sector to pass through us.

I: okay

R: as a public employment service. So first we have three parts of the register. Part 1 it is there for job seekers, who are registering for the first time or who have been made redundant. The second part of the register is there for people who resign out of their own will or who are sent out of the job because of discipline reaction or because they were on the first part they refused to take up a job they refused training and therefore they have to register on the second part. Basically the issue is that they lose their benefits from the first part and on the second part of the register you don't get any benefits. Then there is the third part of the register whereby over there we have people who are already in a job, but they would like to have an alternate one. So for the public service they have to go through these three registers. It's only after they have exhausted the three registers that they can recruit from outside. That is then advertise at the newspapers and they have to go through the normal procedure. For private firms they can immediately advertise or go through whoever they would like to recruit. But if they want to have third country nationals, that is people who are coming outside of the EU they have to go to this procedure, first part second part of the register they have to advertise with us. It's only after all this results in no concrete candidates that they are allowed to go for the work permit. So that is how it works.

I: okay, and what are the benefits of this procedure

R: we make sure that employers first exhaust a potential native worker and that's only thereafter, especially an employ job seekers, and it's only thereafter that they can go for open labour market or for foreigners. Sort of giving first preference first to job seekers.

I: yeah, to local job seekers.

R: yes.

I: and are there any negative sides of this procedure?

R: it is quite bureaucratic no? it takes a lot of time.

I: uhm. How much time does it take?

R: pff. By enlarge, six weeks

I: okay, six week from the start to and?

R: yes six weeks.

I: and who is registered by jobs+?

R: whoever I mean wants to register

I: okay so it's not, so everyone can..

R: it's not I mean if a person qualifies to be registered. Meaning that the person does not have a job, to qualify the first one. The second one, we do not exclude them.

I: okay, so if I want to register by jobs+ do I need any documents?

R: yes your ID card. That's it. For EU passports, and the residents card. So ehm, for EU citizens just residents card and of course if they have any original copy of certificates because we upload that with the competences of the individual.

I: okay and for non-EU citizens

R: for non-EU citizens, the procedure is more complex in the sense that we ask for a copy of contract, of the employer that he is going to give to the individual. Prove of work, that for example if you are a

subcontractor that you have contracts, that justify why you are employing people. We ask also for the experience for the individual. That is labour market test from our side that is we have to make sure that there is the shortage for that particularly job, so in that case it is more bureaucratic. And it takes about six weeks at least to process.

I: okay, but I don't understand the first sentence you said about the contract

R: contract meaning that the employer has to guarantee that he is going to give him the minimum requirements by law. In terms of wage, benefits, leaf. Etc etc.

I: so the third country nationality first has to search for a future boss, employer and after that he can go to Jobs+

R: yes it is the employer that goes to, the application is not submitted with is. It is submitted with Identity Malta. Identity Malta is an department an authority that processes the single permit. It is an EU requirement before people use to have residence permit and work permit. Today these two have been joined together and it has become a single permit. So the single permit entitles you to residence over her and to employment. So a person can not enter into Malta without the single permit. So the employer submits the application on behalf the person and then the person after all these checks receives the single permit and the permits receives that he can enter into Malta. It's the same procedure that applies throughout the EU. Perhaps they do it in a different way but the single permit I mean the requirements to fulfil the single permit but basically every third country national must have this single permit. And it entitles you then to work with the employer but also to freedom of movement.

I: okay so that's included for all the migrants?

R: no, no that's another story. By third country nationals, I'm not referring to both people or Refugees. Now. Refugees and those who benefit from subsidiary protection, they are treated like the Maltese. And they get what we refer to as employment license. Which is different from work permit. So they get an employment licence which is renewed every year. And that is something they should only by ourselves. The work permit is issued by Identity Malta. We just give our sort of green light from a labour market perspective, than the police from a security perspective, the health authority from the health point of view. Because for example people who come from certain countries they have to go through certain health checks. So for the single permit to be issued, there are all these tests. That is why it takes a bit. Migrants then it's another story, they are given employment licences, Refugees and those who have subsidiary temporary protection there are given the employment licence. It is renewed every year. But those who are considered to be failed asylum seekers, we give them an employment licence but it has to renewed every three months.

I: okay, and what are the contempt's for the rejected asylum seeker to get an licence?

R: no it's the same procedure. But the only difference is that those who are strictly speaking, strictly speaking, they don't have the right to work. They don't have the right to work, if you are failed. But I mean ultimately at the end of the they we know that they are working. So they are still given an employment licence. So that at least they don't work underground.

I: are there any statistics about that, how many people..

R: yes, yes I can't give them you now, but send me an email and I give you the numbers.

I: that'll be great yeah.

I: so all these different kinds of hiring or procedures. Is there any.... Does this influence the way of recruiting migrants for employers?

R: no, my answer is no. In the current context of the labour market if you may now, we have a situation whereby we have full employment. Unemployment is historically low, literally the employers are going mad to find people. So right now no, whoever wants to work, is on employment. So employers, for them it does not make a difference, having said that whether the person is a Maltese, EU-national, however it doesn't mean that employers are willing to take every foreigner, or

let's put this more diplomatically; employers do not employ certain foreigners in certain jobs. For example in catering you will not find migrants.

I: and why is that?

R: xenophobia, no? so they will employ them as cleaners. But forgetter to find someone employed as a waiter. So you will find someone from Eastern Europe, but not a migrant. I mean people have no problems at all being served by a blond person, but not by a migrant.

I: okay, so there

R: I mean, no one will tell you this. But if you had to observe, it goes without saying.

I: yeah it's an informal..

R: yes form of discrimination.

I: yeah, okay. So that's in the catering, but are that different within sectors?

R: pff I mean migrants mainly you find them in cleaning construction, labours work. Farming yes, that kind of work. That no one else want to do.

I: yeah.. but most of that is on the record. Just on contract.

R: yes.

I: uhm, okay. Another topic of the research is the effect of disobeying this procedures and rules of hiring migrants. Uhm. Can you tell anything about it?

R: if they do not obeyed by the rules they simply lose their employment licence. And if the employer is caught employing someone without the employment licence he is fined.

I: okay, and do you have a number of the fine?

R: yes, yes, yes send me a request as well.

I: okay, and jobs+ is the one who is monitoring of they are obeying the rules. How do you do that?

R: we have our inspectors, they have a schedule and they pay visits at the outlets.

I: okay they pay visits?

R: yes.

I: and it is unexpected?

R: yes off course haha. Otherwise it is useless. Yes off course.

I: and they go for example to the constriction area..

R: yes and they ask for the details. So you have four people over here can I have the documents so I can check that they are al registered and then if there is someone not registered he is fined for not being registered. The employer is fined.

I: yes the employer is fined. And how often?

R: daily basis we have the spot-checks.

I: okay and can you tell us how many fines?

R: last year if I'm not mistaken we had about three thousand. Which off course means we have more visits. Because we have approximately about 50 percent hit rate. That is out of every two that you visit in one of them you will find someone without the necessary papers.

I: okay.

R: but most of the people we fined without the necessary papers are EU citizens. Italians or Spanish.

I: yes okay. Before this paper we read about a policy of the government and providing migrants work. Caruaana: uhum so far it hasn't started yet. We are still... Because we had tenders open and we are still at the evaluation stage. So it is still not on yet. It was a proposal. There was discussion about it. Then we opened tenders for private interest, tenders were submitted, we are at the evaluation state.

I: what was the original policy?

R: you can find it only but in a nutshell. The idea was to have a centre whereby employers who would like to employ someone for a short period of time for a couple of hours. They can do so by going into that centre, I mean hiring the services of someone directly from the centre. It is built on similar not the same guidelines as the LEVORO ACCESSORIO.

I: okay that sounds great but..

R: in Malta we are referencing it as job brokerage offices.

I: oh yeas we read about it. But that's also not ongoing, those offices?

R: no it's exactly the same stage as I told you before.

I: and why is it set up?

R: As I was telling you in order to, not because, there are a lot of employers who would like to hire migrant services for just a couple of ours. So in order to regularize all this instead of having people wondering about roundabouts or in corners, they are grouped in a place. And if you would like their service you can call there to.

I: to regulate it?

R: yes.

I: and are there also negative consequences of these jobs centres?

R: we'll have to wait and see what were result from the outcome. I can not tell you that for now. Because it's still not up and running.

I: what do you expect of these job centres?

R: what I expect is that the number of migrants who are present in Malta will go down. Because we have a good number of migrants who are coming from Italy. When a migrant a boot person enters a country, that country assumes responsibility of that person. And they are given a permission of freedom of movement for three months. But they are not allowed to work in another country. So what they are doing is, they are coming to Malta from Italy, because in Italy there is not enough work. And they are paid pitters. So they are coming over here and they are working illegally. And of course they do not have that right. The only way of how they can work in Malta is if Malta assumes responsibility of such migrants. That is Italy transfers the protection status from Italy to Malta. But of course that is not going to happen. So the only what, I mean practically they do not have the right to work over here. So through this we are going to see that its only who have the right to work over here would be working. So of course this apply of migrants is going to decrease. Cause ones they realize they cannot work over here...

I: yeah, so if these jobs brokerage offices are here the expectation is that there are not any migrants anymore on the road.

R: not anymore but the numbers will go down.

I: because the illegal way would be tempered?

R: but then we are going to increase fines. So if you're caught employing someone without the necessary documents fines are going to increase significantly. And therefore no one will take the risk.

I: is the risk of taking a fine nowadays to low?

R: the risk now is 58 euro's. we are going to increase that to 500.

I: it's quite big increase

R: it has been there for 25 years. Without being revised.

I: even without inflation?

R: yes.

I: that's quite interesting number for employers, 58 euro's.

I: cause we were also looking for motives for employers to hiring staff in an informal way.

R: 58 euros it pays, no to have someone without the necessary papers, 500 I would think twice. 500 per person he. So if you have two you have 1000. And that if you accept to pay on the spot. Because if you challenge and then you summon to court the fine than can go up to much more.

I: okay, we were aware of the migrants who are on the road at Marsa especially. And one of the questions was: what reasons could an employer have to offer work to migrants like that?

R: I would say they would have just jobs that entire only a couple of hours, and they would resort migrants. Rather than taking the hassle of finding someone else, cheaper.

I: because otherwise they have to go through..

R: the normal channels of course for recruiting.

I: okay, so it's faster and much cheaper of course.

I: so just for the fact is there any difference in the way of recruiting migrants or any type of people between the different sectors?

R: sectors, no. the procedures are there for every sector.

I: what are motives to recruit migrants for work instead of locals?

R: I would say very simple Maltese people are not willing to do certain jobs. Forgetter to find Maltese people who are willing to work in construction or in cleaning. That is the main one, it's not about money. Because employers are willing to pay more if they find the necessary people but no one want to do that kind of jobs.

I: yeah, so they have to find other people, okay migrants are here so they recruiting them..

R: and if you don't find migrant you get Serbians.

I: yeah.

I: okay

I: but why do they chose then for, there are I think a lot illegal recruitment. So why do they chose for that, why don't they chose only for the normal procedure?

R: can you refers because I don't understand it

I: if an employer can just hire any type of migrant, why don't they do that in a legal way?

R: no, there are migrants who are employed in a legal way. But if they want them just for a couple of hours they think listen why should I have to go through all the hassle when I just need the person for one day or two. So if that's the issue, let's get him and that's it. But most of the migrants work with employment licence.

I: we read an article about the procedure for recruiting migrants including the roles of identity Malta and the jobs+ and the police. And what are your experience with this application? Is this just the way that could take less bureaucratic?

R: No we are already had the number of days of processing days. I mean when you have such an huge influx of people especially in this day and time, no?, you have to be sure that the people are coming in, they are coming in to do the job, and they're not coming in just to go somewhere else in Europe. Basically we want to avoid human trafficking. And then in potential threat of terrorism. So we have to be sure if you asking for a nurse the person that who getting in actually is doing the job of a nurse. That if you are asking for shutters to work in the construction industry actually have to demand, you have a project that you are going to work on. You have to make sure that, I mean, as much as possibly we will try to do as many checks as possibly at the same time we do them in a short period of time. And then of course there is also the police wo lays with Interpol to make sure that there are no such things as criminality and other threats that may ... to the person. But otherwise for EU citizens, the procedure is the same as the Maltese.

I: do you think this long way of bureaucratic procedures is a motive for employers to just go around?

R: well uhm, no I mean if it was up to them they do without it. But in the past we have caught employers that they were trying to smuggle illegal. Or to have other motives beyond employment. So it was I mean it is necessary to have something like this.

I: some sort of filter?

R: yes.

I: okay, thanks. And another topic is the aging of the Maltese labour market. What are the effect of aging?

R: very simple I mean right now we have a big issue because the economy is expanding we have exhausted the native labour supply and well the economy is creating about 7000 net jobs a year, we only have a supply about 3000 people max 2500 who are able to fill those jobs. Just because we do

not have enough supply and we have to import the rest.

I: in which sectors?

R: throughout, throughout all sectors. Throughout all professions. So basically there is demand in each a every sector. Of course the Maltese prefer to work more in the public sector, no?, because it is more causing about external shocks. And then most of the other vacancies with the private sector are filled in with foreigners.

I: okay so people can chose where they want to work?

R: yes, right now we have that situation

I: okay so I now understand why migrants fill in the lower jobs and not Maltese people.

I: yes well that was also an answer on the next subject, rejecting jobs by locals.

R: everyone tries to keep his job security. I mean given that we have this economic growth at the time being people prefer to out fort jobs security and the other jobs in the private sector are filled with foreigners. But still, it's not only that even the economy is expanding in the private sector we don't have enough Maltese people so that affricate has to filled up by someone. In all jobs.

Management professionals. In every sector.

I: how is that working out? Are you really searching outside Malta?

R: people coming on their own no? cause they now that, it's like advertising by word of mouth. I mean for example last year because I don't have the numbers right now available but by December 2015 we had 5000 Italians. No sorry 4000 Italians. By June of 2016, so in a matter of 6 month, from 4000 they went up to 5. 1000 more in just 6 months. I mean it is by worth of mouth no? listen there is work available in Malta listen come over here. And you have communities that are expanding.

I: what do you think of this?

R: a well, I mean for the economy it's positive for sure. The only *reqoursson* of that rent prises and home prices are going op significantly. Because we have for the time being demand that is far bigger than supply, of housing. So of course in the past we had a huge stock of housing that was empty, but that stock now has been bought or rented. And of course we were caught by surprise in the sense that now there is more demand no people come out of a sudden but in order to have permits to build it takes a while it doesn't happen like that. So we have a shortage of housing yes.

I: if I make it clear for myself I see that there are short of people in the labour market, and there are on the other side much migrants who are working on the illegal way.

R: we have not only migrants but EU citizens.

I: yes okay well, people who are working.. so I think there must be a way to build op the economy with those people.

R: well I mean to be honest with you the cost of employing someone in Malta is very low, actually the lowest in Europe. Social security in Malta is just 1 percent of the wage, it is the lowest in Europe if I'm not mistaken. So it doesn't take that much, so why is it that employers and the employee accepts to be working in the black economy without any right papers. Perhaps to avoid taxation no? so even though it is low, paying nothing is better than something. But of course this works in the lower tears of the economy. You wouldn't find a professional working in the black economy. But I mean when we find people working illegal as I was saying. Most of them are Italians, Eu citizens. Not migrants, every now or then a migrant.

I: yes okay. Maybe a last question. What do you think there must be changed to..

R: you have to educate more the employers. That they must register. I mean they will fall in line with this ones the increase in fines will be approved by parliament because so far it is a proposal that the parliament is going to debate. Ones they will get to know that it is very expensive to be caught employing someone without the necessary papers they will hold the line. I mean 58 euros is 58 euros. It has been there for 25 years. And now we proposed to increase it to 500. That will make a different.

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R: The first is the legal procedure There is only one procedure whether is migrant or not. Basically, when you are recruiting people it's something that interpretation to the organisation a little bit. I can either inform job+ which is the national employment agency or else I can just publish it do it a public call, but not necessary go to jobs+. Because this is recruitment. So, I am saying: "I have a vacancy in here" no need to tell anything to the national agency, just go to the internet and Facebook or whatever, but the moment you make the choice as an employer and I go to recruit you than I have to send a form to the national employment agency. That is the official way of telling the national agency that this person with this is going to be employed on fulltime or part-time bases. Not much detailed is asked. Form the national employment agency. But more of the to register the person. So, that person is registered in the labour market within that place of work. Not more than that. Fact as a union UHN is being this for the last two year pushing forward the idea that we have to go one step further. Register particular's on employees is not enough. What we are saying the law as it is in Malta. The employment law is not exactly clear a waymark when it comes to giving contracts to the employees. So, if I am recruiting you although I have to register you with the national employment agency I can do what we call a verbal contract. And this is something that we are against. Even when the employees have something written. There are different interpretations sometimes let alone if you come to me as a worker and you have anything to show. I believe that the word out there is regulate differently. In other matters, in the sense of, if you going to sell me a home you know a house. There is a contract. If you going to sell me a car there is a form of contract. But than If you enter the labour market which is so very important for the person. You go and enter the labour market without the protection of a written contract. So, we are telling the government, go one step forward and ask for the employees to register at the national agency, not just the; The name and the time but the contract. In that way. We will be in a position to control the minimum rights that the workers have out there. We will control or even eradicate precarious work. Because the moment I have to go on a portal, on an official portal and register/publish contracts your employment contract there on this portal I have to be very careful that what I am doing is legal. because I'm going to be checked on that. Right? And in fact, what we proposed this that, look: We can have a project in Malta whereby we use the employment law and we use, so we have lawyers and programmers, software programmers oke? And we will develop a new contract portal. So, the problem is that there is the law in Malta. But sometimes we leave the law on the shelf and we don't apply it. But If I am going to recruit you. If I have as an employer, I have to access a portal, a national portal. if I have to choose contract, the type of contract. Full time, Part time, definite in definite a state. The portal itself will lead me from one step to the another. And will not allow me to give you what is inferior to the minimum establish rights. Because the portal can be programmed in a way for example I'm employing you for fulltime five day a week. When it comes to a vacation leave, the law stipulates the one nine-two hours. So, I will not be in a position to make to one-nine-one. The program will not allow me that. The program will not allow that. But if I want to give you 200. That is something different. The program will allow that.so. This is a project that we are pushing so hard because we believe that this will eradicate hours of discussion. When actually we have a solution. Sometimes I feel that the discussions are used to angelate us. U know? In here, here we have a solution. So, this legal procedure to recruit an employee. Yes, there is a procedure but we are not happy as it is. We want this procedure to become not emulate right of particular of the person but hand in the contract as well. The conditions as well.

I: and how is the government reacting on this?

R: For two years, there was no reaction at all. But we do have a leverage. So now we know that de elections are coming. And we have our ways of doing some arm twisting and we make sure push for

that. And maybe yes, we will in the last election. Prior to the last election. we were the union to wright the labour market policy. Job+ is? rated over there. we proposed it to the government. We brought all social partners to sign and we think that we can do the same. But sometime you have to wait for the right timing you know. For two years, ago it was still far away from the election. The government was not interesting. But now is the time. Now is the time to add pressure.

I: The legal procedure, is there anything positive on it right now.

R: Positive in what

I: Positive, are there anything positive things about the way that its going right now

R: As it is? as it is there are, it's always a beginning. There are positives things because. If we didn't have the system of registering people we would have a mayhem. There were no who's in the labour market. Who's in which sector. So, registering people as it is, is always good. But we should not stop there. After 25 years of having this national employment agency. We should say look: after 25 years, can we do something to better the system, that's what we are saying. So yes, it is positive I have nothing against the system. What we are saying is upgrade it. Let's go one step further. 25 years ago, the labour market was not so complicated. There were 25 years ago, in Malta there was a situation what we use to call the tradition family setup. The man was the main person. The woman would stay at home with the family. Sometime do a part-time job. That was it. So today the situation is totally different. All the people are out in the labour market. We even have offer free childcare centres. To even reinforced that or help or motivate that. There are many scenarios. So today we need to bring in a different approach so that we regulate. In a positive way. Not with punishment. No with reinforcement. I think this is a good way forward. Today we are doing everything with the mobile. Some people even open the mobile to take.... Because e. everybody wants to switch the light switch on the air-conditioning. We want to do everything. They are telling us that the fridge is mobile activated, and the washing machines. So, why can't we have a labour market which is on app as well. Where I can have my own contract as well. I can go to a layer or a union to show my contract. an ask for advice to my consultants. Couse after all the worker has the right to have consultants as much as the employer. so today we use the mobile to do the shopping. And the give us some cooldown period. Maybe we rethink it. Way not giving a cooldown period in the contract. And giving a chance to the worker to have those a period of 20 day I don't know a cooling down period. I: Kind of guarantee I: Way do employers choose for the easy way, the verbal contract

R: Easy means les administration as easy means less money. Les cost. I am not going to put the burden on you, I going to put up the burden on the government to setup the system. All you have to do is an employer is go on the portal and start using the portal. You don't have to pay for that. Or you don't have a lot of cost to use the portal. The other thing is not only the cost but sometime that thinks are not very clear. That means they have a they can have the upper hand as well. For example, If I am employing you and that's a verbal agreement. ... you can do about it. Because I can chance my position and say: No, no that's not what I told you. That's not wat I meant. Its starts going around in circles. without allowing you ever take a position and get what is your right. Because after all we do not want to get the situation of the workers become superior over the employers, we want the balance situation. And your right is my obligation, but I have my right as well and those are your obligations.

I: Yes and, those are in general. And if we look at the labour market for migrant do you see any difference? R: There is difference in the sense. We have a situation, I don't know if you familiar with Malta. Do you know where Marsa is? And Marsa over there they are. You can see Especially in the morning migrant over there waiting on the pavement. To be picked up for one job or another. That is

a situation because to migrant are not recognized by Malta, but they are recognized by Italy. So, there is this problem. Otherwise a migrant has to obtain a permit from the national employment agency. And with that once you have that in hand. You can operate, you can go and most of them do. Because now we have this situation that the Maltese people don't want to do work in the industry. Building industry/construction. They don't want to do the cleaning services. They don't want to do the agriculture services. So, there is recruits out there for these kinds of jobs. But when it comes to social protection. Migrant do not have the social protection, like the Maltese people. Or like a European. European working in Maltese has to enjoy the full benefits. rather than a European an EU member. A burger coming from a EU member state. They have to enjoy the same right as we do. We share the rights. But we don't share them with people coming Africa, people coming from Asia people. You know. So, we cannot say we have the same social rights.

I: No, exactly

I: And why are people here in Malta don't want to work in cleaning or construction

R: Well, basically it's a social thing. Let me explain one second. It's a social development. That is society. That is always developing. In some way or another. There is always some developing. These Maltese people have since we became an independent country. We have seen a lot chances. We've been through a lot of chances. So today the psychological make up of our children they have certain expectations. They have lived in certain comfort and commutative and free education. With all that. Once a society feels as a collective thing that it reached this stage, it will not go for lower skilled jobs. Because that is something of, you know the probation. its shows bad on you. It's like a you are not matching up with the average of society. Because that is what we do. We always compare ourselves with others. Social we do that as well. Even without knowing. We look at each other and seeing you working in a very relaxed way you make me feel conscious that I am a bit to formal. Yeah but, that's an example we are all at the time trying to compare ourselves with others. Consciously or unconsciously. And our children now sort of, they are used to I think in my opinion some exaggerated (per brake)* the that is paying itself in situation there our children do not than to do a certain type of job. I wouldn't be angry if they person was able do to a better payed job. What I am angry of in this situation is low skilled use who do not what to do low skilled employment. That is unacceptable to me. Above my standards. If you are coming from high skilled person and you don't want to do a low skilled job I can understand you. Because you invested in yourself. You invested in your training. You want to do something. I: You have qualities. R: You have qualities that you want to share with the world. And that I understand. But if you know that you not have anything to offer the labour market, how are you expecting that the labour market offers you something that goes beyond you. And this is something of a (dis.....) * you know? and this is false expectations. It's not expectations, its false expectations. And that is false expectations can harm society. And we have to show our children that it is good to have dreams, it's good to have expectations. But it is good that in all this doing your part. Because otherwise its sitting down pretty and wait for the lottery. Than this is not life. So, therefore I see from my perspective. From the way, I see things.

R: So, we have the effect of disobeying rules on providing migrant work. If an employer disobeys the sense of you try to employee an immigrant who is illegal in the sense he cannot operate to work in Malta. But has the admission for a work permit. There might be fines for the employers. Actions can be taken by the national agency against the employer. I don't think the really need to bring themselves in that situation because the employers out there have problems when it comes to Maltese candidates Maltese people. It's very difficult now in the labour market to find Maltese workers but it's not very difficult to find workers. In fact, we are employing all the people who are coming from abroad. You know. 30,000 on 180,000 labour market. This is not Holland this is not

Germany. This is you know? We only have 180,000 we are talking about 30,000 are foreigners and those are with permit all of them. There are other for sure without permit. Statistically we are talking about those who have a permit. So, about there they are finding people and here we have to remember the situation in other EU countries is not very good. For some of them have a bad situation even a close country like Italy, Sicily many of the Sicilians they come and try their luck here. Because they have a better change at here than when they stay in Sicily. Don't forget that our market, dough to my understanding still we need to more but this is more regulated here than for someone in Italy. We here offer minimum wages. And minimum wages and some country like Italy do not express what is the minimum wages. There can be a lot of abuses. In this very small country there can there intense to be a certain rule in place that are attractive. Maybe we take them for granted as Maltese people because we are used to them. But not the foreigners. The foreigners are coming here. From Bulgaria, they come here, from Spain they come here, from Italy they come here even from the UK they come here. There are some 5,000 people from the UK working in Malta. It seems that this very small country, there is this lacuna that we are not addressing locally and that the foreigners are happy to address and to develop. But this is something that happens in all developed countries. And it's not something that (...) to Malta. But other country who went through this stage prior to us they saw their own natives not doing certain employment. And the foreigners to fill up the vacancies.

R: Policy of the government on providing migrant work. I believe that the government, I cannot tell you exactly I've these are already verbal public policy. But the government had in mind. Trying to setup a system to provide even the opportunity to enter the labour market to those migrants who don't have a work permit. Those in Marsa. But the best person to speak about this would not be me. But the head of the Jobs+.

I know that this was on the table but I am not in the position to say if it is a policy, a formal policy or just a by flying thing. He would be in a better position. Even about the use of jobcentres. For example, I can tell you for example where we pushed. We pushed to tell the jobs+ stick to your regular three duties. Because that is what you are. You are a regulate authority. Stick to that. And help us setup a private employment agencies. Now we do not have exactly the private employment agency. But we are moving towards that direction. Infect in the moment we have a work program. This work program is intended to provide a link for those who are unemployed and above the year of 25 years of age. To help them find employment again. And our company, subsi(...) of the union is acting like a private employment agency. So, I believe that is the way forward. Because first I would not putt all the eggs in one basket. For 25 years, we have one authority dealing with all the national situations of unemployment. It's not appropriate to (...) that way. Secondly you have to understand what is your role. To facilitate or to enforce. They don't go together. If you are facilitating, you are facilitating. Imagen: you are doing social worker and being drug addict. And you are being the enforcer to drug related crimes. Because you are building thrust with the client you have to help and always being in a helpful position you cannot go to the enforcement authority. And that is what the enforcement, what the jobs+ was doing, its was trying to do both jobs. And that doesn't help. In a democracy I believe the government should see that he is there to enforce, to facilitate and enforce the policy. Not more than that. But then there it comes. To actually make it happen, he needs the involvement of private agency's ngo's these all can help in doing that. And that is more liberal of an approach and the test will be more successful. Migrant of the road of Marsa. I refer to them.

Knowledge of consequence offering irregular work. There is story I can tel. for many years' irregular work was being, in this sense I am taking irregular in the sence of precarious?

I: What do you mean by precarious?

R: precarious means that you are not offering a regular type of job, your offering conditions on the (...) of being illegal, that is what you mean by irregular?

I: Yes, black market

R: Oke, for example. One of the sector that is important for the Maltese economy is the tourism sector. And for many years it was for the starting years in Malta it was the formal sector. Then in came the financial services which took over the lead. However, the sector started employing starting moving away from collective bargaining. And employing foreigners with irregular conditions. What we can call sometimes as precarious work. The consequence was that today we are in a situation. When you enter a restaurant and as a Maltese person you will not find anyone to speak to you Maltese. That is a bit ridiculous. Because alright Maltese can express themselves in English or some of them can even express themselves in Italian. But it is ridiculous than in your home country. You're going to a restaurant and no one speaks your language. And that is a consequence of what we are building up. Because we were, the employer was seeing Maltese people has an opportunity what it was a short-term opportunity and now those restaurants how are by some change or another do have Maltese people serving. The Maltese people attend to go there more. Because they liked it. Sometime even for practical reasons. Sometime I was in the situation what I ordered was just wine, red wine. The person serving us was from Spain. It couldn't speak English and it didn't understand what I was saying. So, we had to bring in the bottles on the table to show which bottle we pervert. That's a bit ridiculous. So, that is a consequence of this short-term. these are short-term advantages. The employers say: "A its good, I was paying way waitress 7 euros per hour, no I pay the minimum wages of 4,20 euro per hour. I'll be saving 3 euro". Yes, that is what you are doing. This year, next year maybe the year after. But beyond that you don't know what is going to happen. Again, what is it you are investing in. what is the experience you want that your costumers have. You want to have a good feel experience? You have to have a good feel product and people. Product are not making the service. I: Money would just be a main reason. R: Yes I: Are the employers also aware of the penalties of irregular work? R: I think the penalties. Jobs+ would be in a better position to explain the penalties. The penalties are not that tremendous to the employer. For example, I have a person here working with irregular conditions and I am saving a 5000 a year. And then the inspector comes in and I would give me a vine of 100 euro/200 euro. You pay the vine. "sorry mister inspector sorry, we pay the vine". Because ad the end of the year I will save 4,500 euro's. the vine has to reflect wat you are doing. For example, if parking illegal. Contributed to a vine of 2 euro. People will park everywhere. Because if you go to a public parking you have to pay 5 euro. So why do you bother. But the vine is more than that. So, that you have to find legal parking. This is not happening in the labour market. You have to see what are you trying to avoid. You trying to avoid the paying of 2,000? Than the vine has to be 3,000. The employers are not good in anything, which I don't believe, but they are good with calculators. The calculators are very good and in optimal conditions at this time. They will do their math very correctly and immediately.

I: What are the motives of workers to offer migrant work?

R: Well. I think this is what motives employers. To offer migrant work. Basically, in some situations they are not finding locals so they have to go for migrants. So, it not a question of motivating them, they do not have a choice in some situations. Secondly is that these migrant workers, most of them are not unionised. And that means they do not have good bargaining power. For example, of bargaining power. I've you're doing interviews and you have worker "a" and worker "b". worker "a" is educated, local person you know? "b" is uneducated, not local person. Most probably the educated local has more power when it comes to bargaining. To do the bargain on how much you're going to pay him, the conditions of work. He knows wat people offer in the country so he can't be

miss leaded about that. The foreigner in most situations you find people coming from the airport and they are so eager and they don't care if its minimum wage or not at least I am doing something I am earning something then we'll see. So, they do not bargain, they just take it. The family scenarios are different. The Maltese person has a family. They have not a house, they have a home. The foreigner is here in groups so they go I one apartment 10 people. So why a person in Malta has to rent a flat and pay 700 euro a month. those 10 are not paying 700. They are sharing the 700 with 10 people, so they are paying 80 euro's something like that. Their families are not here. Their families are in Sicily, in Spain. You know? they are here on a task, on a mission. Earn the money, send them home. They are in this situation for three years, four years, for ever if they can take it. Unit "stop, it's enough money, I go home". So, these are different scenarios. That's why employers sometimes are forced to go with migrant and sometimes it appeals to them to go for migrant. It depends on the situation. I: Oke, exactly. And this situation, is this also in different kind of sectors?

R: No not all sectors have the same situation. For example, where it comes to the maritime sector. The ports, the harbours. There aren't many immigrants there. It's a local job for local people. Because most of the time its highly paid as well. So, the local will not allow that to be taken. It goes something like this. When it comes to construction. Not many people want to work in the construction.

I: "And cleaning"? Not even the cleaning. There are some locals who will take up cleaning. But they will take it up privately. So, they can those who to work with. It will be more paid. I will say relatively highly paid. Relatively speaking. So, no cleaning is not at it exactly. For example, you will not find a lot immigrant there its more (ringvest)*. Where do you find migrant? In the construction sector, in the cleaning services and in the agriculture sector. Then you will find foreigners, immigrant is a big umbrella. We have legal and illegal and those who are coming from the south and those who are coming from the north. Those who are coming from the north, legally coming from the north are in the gaming industry I: Casino's R: Casino's and that thing, that sort. People who are coming from your country and Sweden the come here to work in call centres of betting company's. people coming from eastern Europe are mathematics, scientist and statistical. They are highly paid. Because they are taking the highly-paid jobs. But in this situation the Maltese either do not have the skill, for example I do not speak Swedish, (...) * we can't talk Swedish so we have to bring those. But about mathematics and statistics we can do something about it. Our students do study mathematics and statistics, but it is not, Science is not where we preform best. Unfortunately, we have to abort that as well. we can't beat that. I: People from the south mostly are, there are legal migrant but there are illegal as well. Most of the illegal are coming from the south. People from the south usually do not come with a lot of skills. They just come and filling the low skilled jobs which we not want. So, we have people from Arab county's people from Africa. Statistically speaking you might find a mathematician form Sudan but a relatively insignificant number. But otherwise they are low skilled people and they come here to fill in the gabs we are leaving. In Malta if this is they continuing from low income jobs. (draws a line on a paper) to high income jobs is interesting enough we are here (draws a vertical line in the middle of the first one, where left is low wage, right is high wage). This is taken by the Maltese people (point and the middle of the line). All this is vacant for people coming from the south (points at left of the middle) all this is taken by people from the north (points at de right of the middle) generally speaking. But there is a reason why because as you look at the global. (Josef draws a globe) Here you have a lot of education. (point at the top of the globe) and here you have les education (points at the south of the globe). This is what's happening.

I: Financial interest employers by offering migrant work.

R: I think we have answered that sense of financial interest can be a reason why you...Yes. This case for example what I have mentioned. They have less bargaining power, I was mentioning that they are happy and do fill in low income jobs. For them it's ok. There are no ego problems of all that. So, those are the reasons

I: we read an article about an application you have to apply to identify Malta and jobs+ to hire a migrant?

R: You have to go to jobs+ and they have to ask for a work permit there. "all migrants have given access to the labour market. They only have to get an employment license from jobs+. So they don't need to go to identity Malta. Failed asylum seeker have to renew their license every three months. If an employer got employing migrants without an employee license is fined. As I was telling you, for employing a foreigner illegally. Refugees and migrants enjoying temporary humanitarian subsidiary protection have the right to benefit from jobs+ services. Most of the migrant loitering in Marsa do not have the right to work in Malta. As the refugee's status is recognized in Italy and not in Malta. The right to work can only be exercised if the Maltese government assumes responsibility for the refugee status never the less the job brokerage office is intended to house migrants and facilitate labour market matching this is what I told you in the beginning, this I don't know if it is still in the pipeline – you need to ask it jobs+.

Employers offer employment to migrant in our this jobs, jobs that Maltese jobseekers do not want to do such as cleaning, construction and agriculture. the number of migrant working in Malta is limited because most of them left to find work in as we're in Europe. Migrants who work in Malta don't enjoy the same social protection rights as Maltese.

I: Those are great answers for this question. R: This we can take with (...) * aging Maltese labour market yes, it is true that we have an aging Maltese labour market. It is also one of the reasons why we are very preoccupied with the pension system. Because as it is today the pension system was built as there were many in the labour market and fewer in the pension. Tomorrow we have many in the pension system and fewer in the labour market. So, the system of yesterday is not sustainable for tomorrow. We are so preoccupied with the concern of this situation that actually at the moment we have primary research going on. Two professors, one Maltese professor and one professor from the United Kingdom and they are conducting it on occupational pensions. Cause in Malta we do not have occupational pensions. In your country for example you have the first pillar pension what is offered by the government then there is work pension when you have work you pay. And that for us does not exist. We have the first and the third. The third is totally private. So usually there are these three scenarios. The first is the government operated pensioning. The second is the work called occupational pension and the third is the totally private one. We have the first and the third. We miss the second. We were pretty bad with mathematics, we did not know that after the third there comes the second. We are trying but this is very difficult, it's humongous.

I: Of course it's difficult to implement.

R: this means a lot of money. And this means the employer has to fork money as well. It's hard we have to push for it. We don't have a choice. But this might be a battle. I don't see a win in the short term because all employers will do a lot of pressure on the political parties. And I am very sorry that the European union is not doing a lot of pressure on Malta. The European union in mentioning Malta in the reports. "you do not have second pillar pension, you do not..." but it's not enough. You shouldn't stop with propose writing. You should do something more than that. But we are here, we are investing money to conduct this research. we believe that if we usually we deal with the government. We deal with the political parties. we deal with the social party's. and this were not

going there. We are going to the public. And we are trying to generate interest from the public. If we have the public behind us, someone will have to do it. If the people are not persuading, there is nothing we can do. But at least we are saying it without a but. We are trying to persuade people. This is something, sooner or later somebody has to do it. You have to. You know as they say; grasp the bull by the horns. And you have to try this. Let's do it. Let's get it out of the way. But what this people are not be interested in the moment, we are happy to have money in the pockets. So why am I taking 10% or 15, or 20 of the salary and what fore. Today I am 25, 28 I am not 65. When you are 25 you don't really think about pension. Somebody have to make you think about pension. So where fighting that type of reasoning.

We talked about rejected jobs by locals.

I: I wish sectors does the most migrant work.

R: Construction cleaning and the agriculture. Of course, In the agriculture for example have the situation where first Malta is not exactly the natural place to conduct agriculture. Because we lag space. Secondly for many years youth wore not seeing agriculture for their future for themselves. So today when we talk about farmers they are the old people who are still doing some farming. I think it's a pity. Maybe I am a romantic but I don't think that we can afford a country without an agriculture sector as much as we can't afford a country without the fishery. But we are not investing in their direction. We are not making these situations appeal to the youth. First of all, in the economy there is one important maxim to remember and that is don't put all your eggs in one basket. That is very important in the economy. So, having a (..)* one in the financial sector in the gaming sector, that is wrong, financial sector globalisation. If they don't see the profits they won't, they move on. If they see more profit somewhere else, even if they are doing good profit here they move on. Gaming industry, we are offering them good tax rebates. If somebody offers them good rebates but better accommodations or something they will move on. They just have servers here. They unplug them and move on. What would you do in that situation. "don't be pessimistic that not happens". But what if it happens. If it happens you need to have agriculture, you need to have fisheries, you need to have low paid local investment you need to have that. Or else you going to have nothing.

I: True story

R: Social insurances labour market.

I: So, that's kind of a difficult question I think. If a migrant does have an irregular job. The migrant doesn't have a work permit. Therefore, it doesn't have social insurances.

R: if both are irregular. The migrant has no work permit and the job is illegal as well. Than you cannot expect social insurances outcome two illegal activities. What we have to do is just see that all migrant who want to work or who can contribute should be doing something. Let's put it this way. From a social and from a human right perspective. Man, has a right to work. Now in respect from where they come from and how they ended up here. I believe that we must see that they remain productive. Not remain productive for our economy, but for the person himself. Because passing bays on end just doing nothing you feel yourself deprived of contributing your ego and self-esteem will go down, you start going into problems, crimes, behaviour problems and al the sort. So, these situations are not exactly what we should aim for. So, I believe jobs+ should be doing something to see that even those who are seen as illegal migrants they have the opportunity to do legal work. Because sometimes we do entitle them as illegal migrant so no work. But illegal migrant – legal work at least. Until you deported or move on to another situation or legalise your status. But a respective is of what's your status at least you should do legal work.

I: what are the benefits for the employer of not delivering social insurances to the employee.

R: There might be some financial motivations in that because we pay 10 % of his income on national insurances. And the employer pays another 10 %. So, I've you're not paying your 10% as an employee or I am not making my employees to pay that 10 %. Then I would be avoiding my 10% as well.

I: But its short term. Profit.

R: It is short term and it can get you in problems as well. This person will not keep accepting this situation forever. There comes a day that he gets himself into trouble. Or medical for example he is sick and need medical help, he gets in trouble with the police, he does something and this will crop up. And as an employer you will be in problems. You face problems. On the other hand, there will be more serious cases for example there is an accident at the place of work. Health and safety issue. What are you going to do? You have to as an employer carry the burden. What maybe, you could have been helped by the government national systems, you have to carry the burden yourself plus criminal responsibility as well. So, it's not actually an intelligent idea. There is the possibility of many in the sense you will find anything. But most cases this is not the big problem that we are facing as a union. All the places/people who are here are regular. Otherwise they would not be here. And there might be a couple of low provided jobs. Low profile employers who are doing this form of abuse. Not the mainstream. It doesn't pay. As things are, it doesn't pay.