

'Migrant Workers' Within Malta's Scenario'

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Introduction

One of the fundamental principles upheld by the GWU is the creation and maintenance of a fair society. For the GWU each individual is important for society and as a trade union the GWU unilaterally disagrees with the view that the stronger individual in society will be the one to succeed while the weaker individual is isolated and emarginated. GWU insists that each individual, whosoever he is, is to be dignified with every opportunity with a decent standard of living and an opportunity to advance. The history of the GWU clearly reflects the inherent belief in social justice of this organization that has succeeded in making such beliefs part and parcel of the foundation on which the society of this country is built.

The principle aim of this report is to realistically explore the challenges that exist in today's diversified society. The ultimate aim is to accentuate the fact in the world of work all workers, whomsoever they are, whether they are local or migrant workers, deserve all respect. As a result, within our society, all workers should be employed under decent conditions and all should enjoy equal workers' rights in an environment that ensures their safety and security according to the Laws of Employment. At the same time this report also points at the reality that the issue of migrant workers, especially irregular ones, has now become a national issue and is one that requires immediate attention. Subsequently, at the end of this report a number of actions are listed which the GWU believes can be taken so that this situation will be attributed the importance and urgency it deserves.

It is a reality that when the issue of regular or irregular migrant workers is discussed, the present and future negative aspects of the impact of such workers on our country are often focused on. It is therefore important that we also start exploring the positive aspects of the issue. Such aspects could be beneficial for our country as excellently pointed out by Dr Frances Camilleri Cassar in 2006. In a local newspaper Dr Camilleri Cassar had written thus:

The number of foreign migrants and their proportion to the total Maltese population has risen over the past decade, with worrying consequences. However, a

number of OECD countries have recognised that migrants could make a significant contribution to individual countries' economies if they bring skills with them that are in short supply. Are we ready to give this idea a thought for the sake of Malta's sustainable development, economic growth and social cohesion?

The role of the GWU as an influential social partner within our society, has lead to their full participation as a representative on the *Advisory Committee - Free Movement of Workers of the European Union Social Partners Committee* for the last seven (7) years. Moreover, as a member of the *European Trade Union Confederation* , the GWU also participates in the *Migration and Inclusion Working Group*.

Figures That Speak For Themselves

An estimated fifteen (15) million persons pertain to minor ethnic groups within in the European Union. This figure includes refugees and asylum seekers that have arrived in the European Union after it had been set up. On an international scale, it is estimated that one (1) out of every fifty (50) persons, that is, more than one hundred and fifty (150) million people, reside in countries where they are not native born. The *International Organization for Migrants* estimates that the total global number of migrants in the year 2050 will reach two hundred and fifty (250) million.

Other significant figures indicate that within the European Union there are approximately four (4) million vacant jobs while the rate of unemployment is about 7.9%, 17.3% of which are young people. At the same time, 2% if citizens who are eligible to work within the EU reside and are employed in another state of the European Union. In 2005, there were six hundred and ten thousand (610,000) mobile workers in the EU 15.

There are various reasons why people and therefore workers are constrained to leave their native country. Such reasons could be war, civilian strife, natural disasters, poverty and other dire economic situations. It is a fact that when a worker leaves his native land, he does his best to go to a country where political and economic prosperity is better than in the native country

where the individual would, very often, know through bitter experience. In this context, it is pertinent to note that within such realities, the first people to leave their native country are those with a high level of education, skills and a high degree of courage. For this reason the country in question will continue to be negatively affected due to the phenomenon known as *brain drain*.

Another important factor that contributes highly to the lack of economic development in countries from which many irregular migrants originate, is the fact that for about five hundred (500) years, these countries were subject to slavery and colonialism by European states - primarily by the United Kingdom, Spain, France, Portugal and Holland. The countries listed owe part of their development to the exploitation of the colonies over which they dominated for many years. The reality today however, is that the burden of irregular immigration is not being equally shared by European countries, according to the country's strength. In reality some European countries are better equipped to offer residence and employment for migrants than other European countries. However, to date, there is no criteria which define how the burden of such workers is to be shared or by which countries.

It is also a reality that, for various reasons, migrant workers are far more vulnerable to racism and other forms of discrimination. Such reasons may include the following:

- A Lack of policies, guidelines and legislation regarding migrants in our society;
- Limitations on the obligations of state;
- The fact that migrants, especially irregular migrants, are expected to form part of a black economy.
- The excuse that migrant workers cause unemployment in the country.

European Immigration

In Europe, after the fall of Communism in the early nineties, one can claim that all countries within Europe experienced strong dynamic economic, political, social and cultural changes. The mobility of values, attitudes, beliefs, individuals, capital and product are probably the factor which

characterizes the present pluralistic freedom. Moreover, this mobility is creating new opportunities for groups and individuals who have ambitions for the future while concurrently contributing to the understanding of what it means to have diverse individuals living together in European countries in a tolerant environment. Europe has had a major role in this very important process of change. This is attested by the fact that many countries within the continent of Europe have come together to form The European Union. Moreover, the European Union has, over time, enlarged so that its borders have now extended towards the east.

Such changes have brought massive changes to the citizens of the European Union as well as to society in general. Amongst the various reverberations of such massive changes, those effects deemed as negative are normally the ones that given greater exposure. Examples of such negative effects are the relocations of companies, the migration of employment in search of a cheaper workforce, social dumping, social exclusion and discrimination, cultural tensions, and the degeneration of democratic systems, among others.

Regular Migrant Workers

The fact that Malta has been a full member of the European Union since 2004 and now also forms of the Schengen zone, has resulted in the fact that immigration controls have been removed in order to facilitate the freedom of movement between member states. As a result the number of migrant workers, especially those originating in the east of Europe, is on the increase. Workers from Romania, Poland and Bulgaria are free to join the workforce in Malta, if they should so wish. It is a reality that workers from these countries easily find employment within the tourist and entertainment sectors in Malta. This is often a direct result of such workers' Nordic looks and their willingness to work for less than the minimum wage. Today it is normal to find such workers employed as barmen/maids, waiter/waitresses, receptionists or showgirls. It is usually the case that one is constrained to speak in English when in such establishments because it is assumed that the person providing the service is not Maltese. This is a reality that is faced by many Maltese people who frequent such places as Paceville and Bugibba.¹

¹ This report does not investigate the benefits that such workers bring to this sector of the economy.

Regular migrant workers are also employed in other sectors of the economy. Examples of the present situation is the case of Malta Shipyards Ltd where a number of Bulgarian workers are being brought over to Malta for temporary employment, and other foreign workers who are being employed in the retail sector.

Irregular Migrant Workers

The effects that the influx of regular migrant workers has had on the employment sector are already being felt. However, due to the rules of The European Union, there are very few actions that we can take in order to lessen this influx of workers into Malta. On the other hand, irregular migrant workers have become a national scourge for our country.

It is important to note Malta's geographical position, as a small island in the middle of the Mediterranean. Malta is probably the first landfall in the route between Northern Africa and Europe. This automatically places Malta in a vulnerable position. In fact, particularly during the summer months, the local news is dominated by the arrival of different groups of irregular migrants. Most of these irregular migrants would have left from the shores of Northern Africa with the intention of reaching Europe. It is probable that they would wish to reach Italy but due to various reasons such as bad weather, lack of fuel or water or because it is the intention of those who make their journey possible, these migrants arrive illegally in our country instead. The number of such persons in our country has now reached thousands. It is clear that the number of irregular migrants who arrive in Malta is proportionally higher than the numbers who arrive in other countries when one takes into consideration the size of the island.

In reality, the vast majority of these irregular migrant workers are black and are often employed in very dangerous and underpaid conditions. Very often payments are far less than the national minimum wage. It is a shame that these workers have, on various occasions in the past and even in the present, been employed under such exploitative conditions in projects that are ultimately financed by the Maltese Government itself. It is also a reality that the majority of irregular migrant workers are loathe to report any abuses that may encounter in their place of work because they are very much aware that

such reports may lead to their dismissal and may even lead to the far worse fate of their deportation to their mother country. It is evident that the authorities are aware of such abuses. It is therefore clear that if whosoever is in authority is going to continue to accept such exploitation, one is to understand that the Government's claim that it is enthusiastic to address such poverty is an untruth.

At this point, it is unnecessary to point out that these workers are willing to accept such miserable conditions because for them every little bit is better than nothing. Through such an attitude, employers who choose to abuse workers in such a manner know that they are destroying employment conditions and those positive work practices that have been established through the coordinated efforts of all social partners, but primarily through the efforts of the GWU.

Difficulties

There are substantial cultural, traditional, religious and language differences between Maltese people and migrant workers, whether these are regular and irregular workers. Migrant workers belong to different nationalities, and even when different individuals share a nationality, it is not always the case that they share tribal or ethnic origins or even religious beliefs. Such migrants may come from different parts of the same country, a factor which makes a huge difference in geographically large countries. Consequently, limitations on communication are substantial.

Moreover, it is worth noting that often the authorities and the Maltese Government do not have direct contact with diplomats or other authorities that represent the countries from which such migrants originate except for contact on the level of a consulate.

It is also worth noting that another major difficulty is to win the trust of such persons because they would have experienced such suffering, abuse and tribulation that they would not willingly trust other human beings, not even those NGOs willing to help them.

Another difficulty that is often encountered in Malta is caused by those

foreign workers who hold a temporary work and residence permit, but who, on the expiry of the permit, remain in the country illegally. Such factors further complicate the situation of irregular migrant workers in the country.

Maltese people, probably as a result of their religiosity, are considered to be a generous people; however, the presence of migrant workers is more often than not considered a threat by the Maltese. Currently, it is clear that a balance of some sort has not yet been reached between migrant workers and the public in general. This difficulty needs to be addressed as soon as possible but it is clear that no easy solutions are available.

The fact that irregular migrant workers accept atrocious working conditions decreases the hope that the employers will cease from continuing with abusive employment. Moreover this fact does not help these workers in gaining the dignity that is their due in the same way that it is the due of other workers. At the same, other workers who are employed in the same place of work as these workers are often afraid to speak up because of the fear of redundancy. Over and above, the GWU, as a trade union, is aware of employers who, using charitable motives as an excuse, employ irregular migrant workers in the same employment as local workers, but at far lower rates and conditions. These are issues that, for example, local entities within the Church are aware of. However, very little is being done to address such issues. This situation has diverse consequences, amongst which is the exploitation of these workers so that this form of employment is a form of cheap labor. Another consequence is that when these workers are offered, and accept conditions of work that are inferior to those established by law, they do this to the detriment of the conditions of work of local workers, who would have worked hard to achieve such working conditions through collective bargaining throughout the years.

As already stated above, a factor that inhibits the development of both regular and irregular migrant workers is their acceptance of abusive working conditions. This is often a direct result of the fact, that however bad the conditions of work in Malta, they are nevertheless far better than those in their country. Consequently they are willing to accept everything and not to complain. In fact, the few times one encounters individuals who are willing to speak about the exploitation and abuse that they regularly suffer in our country, one finds that they are only willing to speak out when they can do

so anonymously.

One must also mention the fact that it is highly likely that the second generation of these migrant workers will find it more difficult to live in our society unless we do not immediately start working on a plan aimed at their integration.

The Position of the European Trade Union Confederation and Recommendations in line with the Pan-European Trade Union Council

The GWU is an active member of the European Trade Union Confederation (ETUC) and therefore it is appropriate that reference is made to the stand taken by the ETUC on the issue of illegal immigration. Moreover the Pan-European Trade Union Council has also issued recommendations on the issue which follow the line taken by ETUC. For these reasons the GWU wishes to list the following:

- The ETUC claims that wherever rules that safeguard the fundamental rights of workers do not exist, such rules must be set up and implemented and, where such rules already exist, all efforts must be made in order to ensure that such rules are followed to the letter. The ETUC also claims that there should be a common framework within the European Union which deals with work permits for irregular migrants and foreign workers.
- The European Union should develop a proactive migration policy that does not seek to protect against immigration but that manages immigration. The ETUC discusses this issue in terms of employment issues. This policy is primarily aimed at increasing integration. In this way, European Union countries will be in a position to offer equal rights and opportunities where ideal practices include social acceptance and solidarity.
- The ETUC claims that this policy should be based on the guidelines issued by the International Labour Organisation (ILO) from time to time.

- The Pan European Trade Union Council claims that this policy should offer guidelines which include protection from social dumping. Moreover, whenever possible, this policy should stipulate what the restrictions should be rather than what the fines or punishments should be.
- The Pan European Trade Union Council insists that the right of association and the rights of migrant workers should be attributed the prominence they deserve at all times by the authorities in the various states within Europe. In fact, the ETUC claims that trade unions should do their utmost in order to enroll irregular migrant workers on their books in order to ensure the minimization of their exploitation within the system.
- A sustained, productive, and vibrant dialogue should be maintained between trade unions and the employers on the subject of irregular and regular migrant workers. The aim of such a dialogue is to ensure that pressure is maintained in order to combat the exploitation of migrant workers at their place of work.
- Trade unions should also contribute by insisting on having full access to the data of the workers in order to be able to organize those workers who run a greater risk of being exploited.
- The rules and regulations that govern health, safety and security at the place of work should be adopted by and for all migrant workers. In order to ensure that such rules and regulations are in place, adequate monitoring should be carried out.
- Trade unions should organize campaigns against racism and xenophobia when and as necessary within the context of their society.
- The educational system should be adjusted and adjourned in order to better reflect current realities.
- Investments in human resources shall be an ongoing professional endeavour, even in the case of migrant workers.

Options for the GWU

A lot can be said and done in order for these workers, wherever it is that they come from, to obtain the dignity they deserve for their labors, and it is for this reason that the GWU shall be at the forefront in order to campaign vigorously so the recommendations listed above will be truly implemented. Moreover the GWU shall endeavour to:-

- Set up a Working Group to investigate immigration to Malta so that a serious and realistic stock take of the situation is taken with the ultimate aim of organizing a national conference that deals with immigration from various aspects with an emphasis on employment and decent standard of living. After such a national conference, an action plan shall be put in place. The GWU states that such an action plan shall stipulate how the monitoring of work permits is to take place as well as the actions to be taken when employers abuse the system.
- Distribute information about the present situation and highlight best practices and guidelines in such circumstances. By best practices one is to understand that, for example, the laws and practices of public administration shall be improved; the competent authorities shall ensure that policies on all forms of support are implemented and, a public awareness campaign is set up to highlight the advantages rather than the disadvantages that the integration of migrant workers in our society brings with it. Such positive action and information shall be distributed throughout the whole country through the use of websites, brochures, leaflets, paid advertisements on television and radio stations, as well as other media such as newspapers. The ultimate aim of such a campaign will be the creation of a national awareness on this human tragedy in order to create some form of bridging between these individuals and society in general.
- Once the situation has been fully identified and explored, all social partners should pledge their full support.
- On its own initiative, the GWU shall ensure that with the support of other trade unions, individuals and interested organizations, amongst

others, that migrant workers are organized and are no longer exploited. This shall be carried out by collective bargaining.

- Meetings with interested international organizations shall be set up so that practices which would have been tried and tested will be implemented. Such meetings may take the form of international seminars.
- The GWU shall put pressure on the Government so that the authorities will endeavour to widen their international contacts so that our country will deal directly with the countries from which irregular migrants originate.
- All incidents and accidents that are experienced by migrant workers in Malta shall be reported. As a union the GWU believes that most incidents that occur on a daily basis remain unreported.
- The GWU shall, at the appropriate time, provide training for its representatives and members as well as migrant workers, in order to ensure that integration takes place in a structured manner.
- The GWU shall put pressure on the authorities so the talents of migrant workers, especially irregular migrant workers, will be explored. In this way, Malta can benefit by utilizing in a far superior manner, any talents or abilities while avoiding all forms of exploitation.
- Established employers should set an example and not be the ones to exploit migrant workers by employing them at inferior conditions and not upholding obligations and rules on all levels, including health and safety.
- Employers, who exploit workers, be they regular or irregular migrants, shall be publicly named and shamed.
- Fines pertaining to the exploitation of workers by employers should be raised because fair treatment is a fundamental worker's right in this country.

Conclusion

It is apparent that this issue can be discussed in isolation since it is inherently related to other issues such as the security of the state, health, social welfare, employment, health and safety at the place of work and education, amongst others.

A fact that is often not given the importance it deserves is that such irregular workers, as long as they remain in Malta and are employed in a regular manner, shall, like all workers, contribute to the economic welfare of the state. Such workers will be in a position to pay taxes and national insurance contributions in the same way as all other workers in the Maltese islands. Ultimately such payments will guarantee social protection to these same workers.

Ultimately, we need to admit that regular and irregular migrants are having an impact both on the economy and other all social structures of the country. It is for this reason that the GWU, along with other social partners, is not willing to sit on the fence and not urge concrete collective action. It is clear that the problem need to be addressed and administered in a clear and correct manner as suggested throughout this report.

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