

**MALTA (2018)**
**THE ELIMINATION OF ALL FORMS OF FORCED OR COMPULSORY LABOUR**
**Protocol of 2014 (P029) to the Forced Labour Convention**

<b>REPORTING</b>	<b>Fulfillment of Government's reporting obligations</b>	Yes.	
	<b>Involvement of Employers' and Workers' organizations in the reporting process</b>	No.	
<b>OBSERVATIONS BY THE SOCIAL PARTNERS</b>	<b>Employers' organizations</b>	No.	
	<b>Workers' organizations</b>	No.	
<b>EFFORTS AND PROGRESS MADE IN REALIZING MEASURES TARGETED BY THE PROTOCOL</b>	<b>Ratification</b>	<b>Ratification status</b>	Malta has not yet ratified the Protocol of 2014 (P029) to the Forced Labour Convention.
		<b>Ratification intention</b>	<b>2018 AR:</b> The Protocol is likely to be ratified. Consultations with the relevant Ministries and entities are ongoing but no serious impediments have been identified.
	<b>Existence of a policy and / or plan of action for the suppression of forced or compulsory labour</b>	<b>2018 AR:</b> There is no national policy and/or plan of action for the suppression of forced or compulsory labour but a plan of action for combatting trafficking in persons for the purposes of forced or compulsory labour does exist.	
	<b>Measures taken or envisaged for systematic and coordinated action</b>	<b>2018 AR:</b> The National Action Plan Against Human Trafficking sets out specific measures covering all instances of human trafficking covered in the parameters of national law; that is Articles 248A to 248G of the Criminal Code, Cap 9. The Action plan includes measures addressing coordination, prevention and evaluation and monitoring. Such measures include: review of Standard Operating Procedures and the Victim Referral Mechanism; training to relevant entities and stakeholders; public awareness raising; national annual reporting on measures and reporting to the EU.	
	<b>Measures taken or envisaged to prevent forms of forced labour</b>	<b>2018 AR:</b> The following measures have been taken or envisaged: a) <i>Information, education and awareness raising targeting especially people in vulnerable situation and employers:</i> fostering awareness among stakeholders and potential victims, including through the distribution of information material relating to rights enjoyed by workers in Malta, such as minimum wage, vacation leave and sick leave.; b) <i>Strengthening and broadening of the coverage of legislation, particularly labour law:</i> measures against Precarious Work-Ensuring that the applicable hourly rate payable to such privately contracted employees is equal to the hourly rate payable to Government employees performing similar duties; c) <i>Regulation and supervision of the labour recruitment and placement process:</i> review of the Employment Agencies Regulation (SL 343.24); and d) <i>Capacity building for the competent authorities:</i> focused training sessions relating to i) trafficking for the purpose of labour exploitation, with a view to improving capacity for the identification of this crime; ii) training relating to the extraction of intelligence; and iii) training for diplomatic and consular personnel; possibly held through the utilisation of videoconferencing facilities.	

	<b>Measures taken or envisaged to protect victims of forced labour</b>	<b>2018 AR:</b> Specific measures for migrants have been taken. The Subsidiary Legislation 217.14 Minimum Standards on Sanctions and Measures against Employers of Illegally Staying Third-Country Nationals Regulations provides for minimum standards on sanctions and measures against employers of illegally staying third country nationals. In cases of migrant workers alleging that they are being exploited but working irregularly, a per the Employers Sanctions Directive the Police would ask the Citizenship department to issue a temporary residence permit, which helps the person to feel safer and helps the police in its investigation.	
	<b>Measures taken or envisaged to facilitate access to remedies</b>	<b>2018 AR:</b> The following measures have been taken or envisaged: a) <i>Information and counselling for victims regarding their rights:</i> the customer care at the Department for Industrial and Employment Relations provides information on all aspects of conditions of work; b) <i>Free legal assistance:</i> free legal assistance is given by Legal Aid; c) <i>Access to remedies and compensation:</i> the Department of Industrial and Employment Relations provides remedial action through investigating complaints. If the employer fails to rectify breaches of employment laws, the Department initiates criminal proceedings against the employer. Police are involved for acts falling under the Criminal Code.; and d) <i>Capacity building and enhanced resources for the competent authorities, such as labour inspection, law enforcement, prosecution services and judges:</i> additional labour inspectors have been employed and better reporting systems deployed. The Industrial Tribunal set up to deal with employment-related complaints in a more expedient manner.	
	<b>Non-prosecution of victims for unlawful acts that they would have been forced to carry out</b>		
	<b>Cooperation with other Member States, international / regional organizations or NGOs</b>	<b>2018 AR:</b> The Government cooperates with other member States as well as with international, regional and non-governmental organizations. In terms of human trafficking, the Government has worked with the International Organisation on Migration (IOM) on several projects to raise awareness and provide training and capacity building to competent authorities and various NGOs. The Government further underlines that it also reports periodically to the EU on its initiatives and progress in the area of human trafficking.	
	<b>Promotional activities</b>		
	<b>Special initiatives/Progress</b>		
<b>CHALLENGES IN REALIZING MEASURES TARGETED BY THE PROTOCOL</b>	<b>According to the social partners</b>	<b>Employers' organizations</b>	
		<b>Workers' organizations</b>	
	<b>According to the Government</b>	<b>2018 AR:</b> The lack of awareness is an important difficulty. Many employees are unaware of their rights and laws on working conditions, leading to abuse by employers, especially in migrant populations.	
<b>TECHNICAL COOPERATION NEEDS</b>	<b>Request</b>	<b>2018 AR:</b> There is no need for technical cooperation.	
	<b>Offer</b>		