



EMPLOYMENT & TRAINING CORPORATION



# Recruiting Foreign Workers

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# Overview

- **Introduction**
- **Employers' Obligations: Engagement & Termination Forms**
- **Employment Licences: Who can work automatically?**
- **Type of Applications**
- **Labour Market Test**
- **Fees Applicable**
- **Employment Statistics**



# Introduction

## Who are we?

- The Employment and Training Corporation is the entity providing Public Employment Services

## What do we offer?

- Services to Jobseekers, such as:
  - Registration for work;
  - Training opportunities;
  - Access to vacancies;
  - Access to employment / training related schemes.
- Services to Employers, such as:
  - Recruitment drives and job fairs;
  - Advertising of vacancies;
  - Access to employment / training related schemes.
- EURES



# Employer Obligations...



## Adhere to EIRA

- The Employment and Industrial Relations Act contains information on conditions of employment such as vacation/sick leave entitlements, probation periods, hours of work etc.
- For further information contact the Department for Industrial and Employment Relations (<http://dier.gov.mt/en/Pages/home.aspx>)

## Notification of Employment (LEGAL NOTICE 110 of 1993)

- Engagement Form to register a new employment
  - Must be submitted on the **same day** of the employment;
  - Must be complete with a **Social Security No** (Employee to obtain this from DSS);
  - Employer provides us with the **PE No** (for company or self-employed with employees).
- Termination Form to confirm termination of employment
  - Must be submitted within **4 days** of the termination of employment.



# What are Employment Licences ?



Immigration Act – Chapter 217

**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



## Who does not need an employment licence...

- Maltese nationals;
- Foreign nationals with freedom of movement rights;
- Posted workers from EU member states;
- EU nationals working and self employed;
- EU nationals and their dependents working as employees (with the exception of Croatian nationals).



## How are foreign nationals categorised...

- Third Country Nationals
- Third Country Nationals eligible under the Single Permit Application;
- Long term residents;
- Irregular Migrants (Asylum Seekers / Failed Asylum Seekers; Persons granted the status of Temporary Humanitarian Protection or Subsidiary Protection, Refugees).



# Single Permit Application

- As from the 21<sup>st</sup> of July 2014, TCNs eligible for a Single Permit procedure to apply for a Work/Residence Permit;
- Applications to be submitted at the Department for Citizenship and Expatriate Affairs;
- ETC's responsibility will be solely to assess these applications from a Labour Market point of view;





# Non Eligibility to a Single Permit Application

**The following TCNs are NOT eligible for the Single Permit Application Process:**

- TCNs who are self-employed workers;
- TCNs who are students recognized under the Students Regulations (Legal Notice 29 of 2008);
- TCNs working in Malta for up to 6 months only;
- TCNs working in Malta on the basis of a visa (such as seafarers);
- Posted TCN workers and intra-corporate transferees;

# Types of Applications...



## Third Country Nationals (Single Permit)

- Licence to be applied for by TCN and endorsed by the employer;
- Application subject to labour market considerations;
- All documentation to be submitted to the DCEA;

Further information on the procedure may be obtained from the DCEA's website: [www.mhas.gov.mt](http://www.mhas.gov.mt)

## Third Country Nationals

- Licence to be applied for by employer;
- Maximum duration of Licence is of 12 months - Renewable;
- Application subject to labour market considerations;
- In the case of self employment, investment criteria is applicable;



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## Croatian Nationals

- Licence is to be applied for by the employer;
- Maximum duration of Licence is of 12 months - Renewable;
- Transitional arrangements still apply;

## Self-Employed Croatian Nationals

- Employment Licence is not required;
- Croatian National to submit only Self-Employed Engagement Form.



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## Asylum Seekers

- Licence to be applied for by employer;
- Maximum duration of Licence is of 6 months renewable.
- Application is **not** subject to labour market considerations

## Failed Asylum Seekers

- Licence is to be applied for by employer,
- Maximum duration of Licence is of three months (pending repatriation to country of origin).
- Application is **not** subject to labour market considerations



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### Refugees, Persons granted Temporary Humanitarian Protection/Subsidiary Protection (THPs/SPs)

- Licence to be applied for by and issued to refugee, THP/SP,
- Maximum duration of Licence is of 12 months, renewable.
- Application is **not** subject to labour market considerations

### Long Term Residents

- Licence is to be applied for by employer,
- Maximum duration of Licence is of 12 months, renewable.
- Application is **not** subject to labour market considerations.
- LTRs can work as self employed – licence is still required.



# Application process...

## New Application:

### *Documents Required for Labour Market Test*

- Covering letter by employer, including explanation of labour market shortage;
- Position Description;
- CV of TCN;
- Qualifications related to the job (MQRIC accreditation needed);
- Signed reference letters from past employers (at least 3 years).



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### *Procedure*

- Application is inputted;
- Application is vetted and referred to stakeholders;
- Application is checked from a labour market perspective;
- If feedback from stakeholders is positive and the application has passed labour market test – Application will be favourably considered.



# Labour Market Test ...

## Checks on the Employer

- Staff lists;
- Memorandum and Articles of Association;
- Audited Accounts (if available);
- Staff turnover and redundancies;
- Efforts made to recruit EEA/Swiss/Maltese nationals;
- Trading licence;
- Licences to operate in particular industries such as betting companies;
- History of any illegal employment;
- Business plan (for new companies);
- Menus and number of covers (catering companies);
- Sites of work (construction companies);
- Copies of service contracts (temping agencies);
- Participation in recruitment exercises.





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## **Checks on the Foreign Worker (subject to LMT)**

- Employment history;
- Records of past employment licences;
- Reference letters;
- CV submitted in comparison to past CVs (if any);
- Qualification validity and accreditation;
- Security clearance (PIO);
- Health clearance (for health professions);
- Warrants, certificates and approval from regulatory body (for regulated professions);
- Approval from various stakeholders, such as KMS, MEDE, ITS etc.



# Exemptions

## Occupations exempt from the Vacancy Requirement

### Health Related Professionals

- Personal Care Workers, home based for aged or disabled persons
- Chemists
- Doctors (General Practice, Specialised Medical)
- Nurses
- Veterinarians

### Technical & Building Professionals

- Architects and Civil Engineers
- Engineers (Electronics)
- Geologists
- Geophysicists
- Engineers in aviation maintenance



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## Occupations exempt from the Vacancy Requirement

### IT, Finance and Education Professionals

- Accountants
- Auditors
- University and higher education teachers/lecturers
- Computer network professionals
- Computer Programmers
- IT Consultants
- Engineers, (Computer Hardware & Software)
- Systems analysts



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## Labour Market Test Exemptions

- EU nationals who are subject to transitional arrangements and who have been in active employment for more than one year;
- Managing Directors, Chief Executive Officers and General Managers;
- Occupations for which salary offered is of €80,000 per annum or higher;
- Sportspersons and coaches;
- Entertainers, musicians and crew members on film productions;
- Applications submitted by Public Entities;
- Student workers in their second year of studies and recognised as students under LN 29 of 2008;

## The fees...



**Croatian Nationals:** New Application: **€58** Renewal: **€34**

**Third Country Nationals:** **€150** on application, **€80** on issue (both for new applications and renewals)

**Third Country Nationals (Single Permit Application): Payable to Identity Malta**

**Long Term Residents:** **€58** (both for new applications and renewals)

**AS/FAS/THP/SP/REF:** New Application: **€58** Renewal: **€34**

# Some Statistics...



## Presently Active Employment Licences/ Work Permits

PERMIT TYPE	TOTAL
Third Country Nationals	519
Third Country Nationals - Single Permit	3319
Long Term Residents	293
Asylum Seekers	153
Failed Asylum Seekers	344
Refugees	157
Holder of Subsidiary Protection	1150
Holder of Temp. Humanitarian Protection	777
Croatian Nationals	76
TCN Dept on EU (Croatia)	2
<b>GRAND TOTAL</b>	<b>6790</b>

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## Applications received in 2015

PERMIT TYPE	TOTAL
Third Country National	166
Third Country National - Blue Card	6
Third Country National - Single Permit	8471
Long Term Resident	316
Asylum Seekers	482
Failed Asylum Seeker	1487
Refugee	179
Holders of Subsidiary Protection	1254
Holders of Temp. Humanitarian Protection	974
E.U. Citizen	122
3Rd Cnt. National Dependent On Eu Cit.	6
<b>Grand Total</b>	<b>13463</b>



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## Full-Time Employment in Malta: 2010 – September 2015

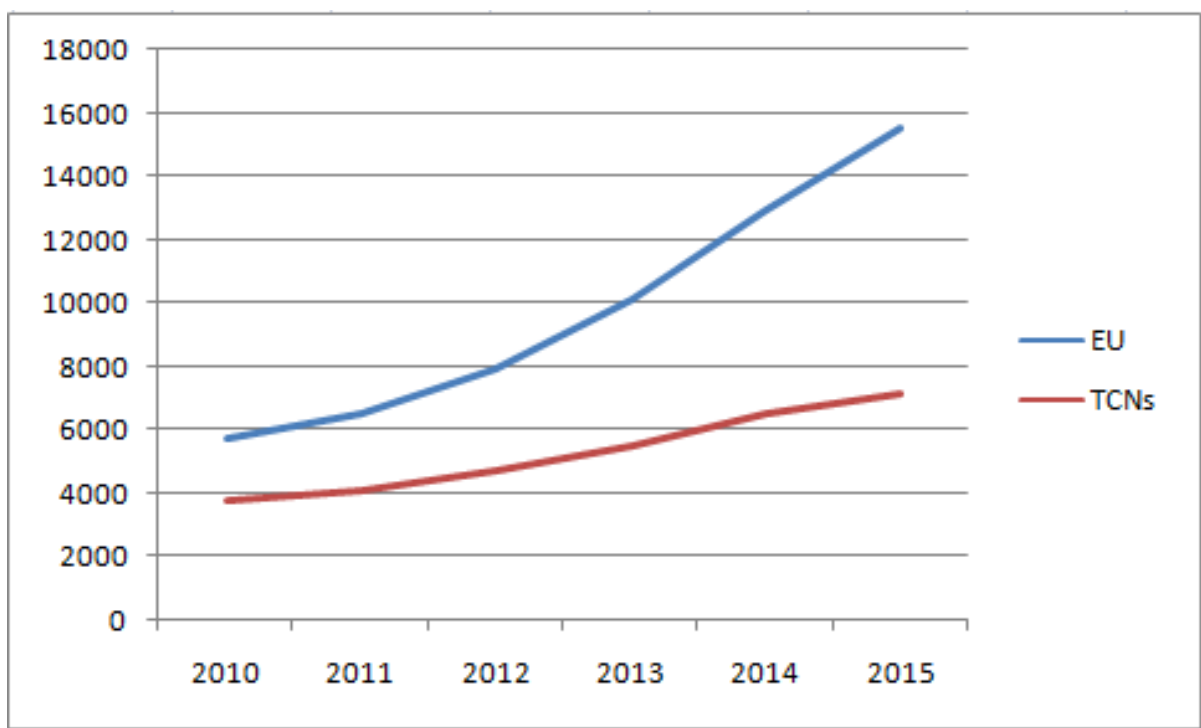
Year	EU	TCNs	Maltese	Total
2010	5698	3775	138341	147814
2011	6505	4116	140188	150809
2012	7874	4672	141500	154046
2013	10085	5446	143741	159272
2014	12916	6526	146324	165766
2015	15514	7111	149723	172348





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## Comparison between EUs & TCNs

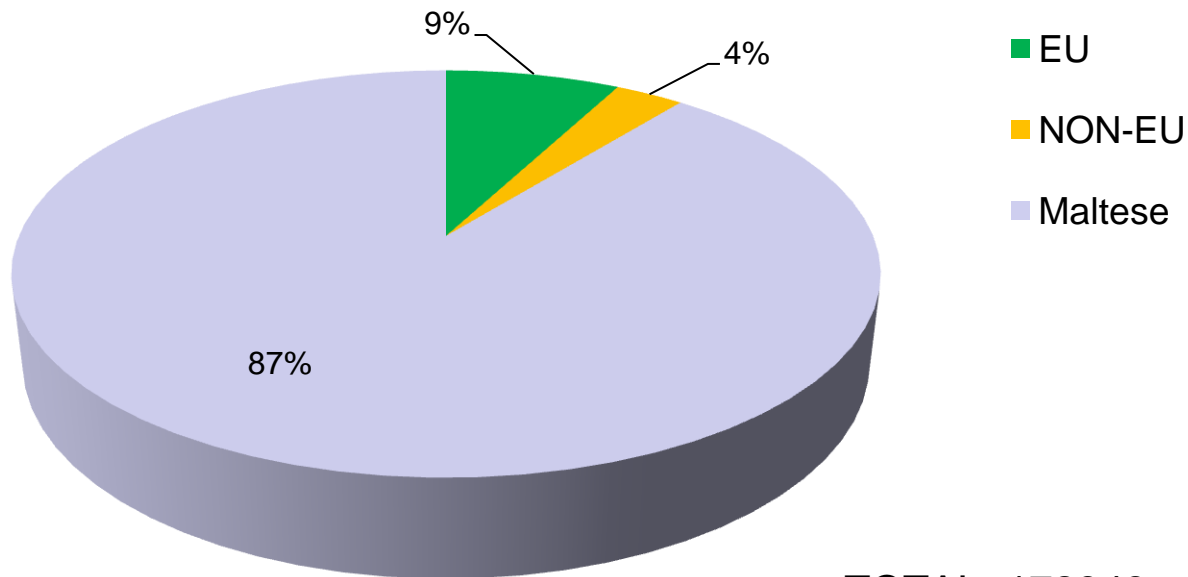




# Current Situation...as at September 2015

## Since 2010:

- Increase in Employment by 14.2%;
- 63.3% Increase in the number of EU nationals in employment



TOTAL: 172348



## Further information ...



**Guidelines in the form of Frequently Asked Questions are uploaded on our website, accessible from:**

**[http://etc.gov.mt/Resources/file/ELU/2015/ELU\\_Guidelines\\_20-05-15.pdf](http://etc.gov.mt/Resources/file/ELU/2015/ELU_Guidelines_20-05-15.pdf)**



**THANK YOU**

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