

Comprehensive RoadSide Inspections

Malta

GENERAL INFORMATION	
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Member State	Malta
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Type of body/organisation	Office of the Prime Minister
GOOD PRACTICE - GENERAL INFORMATION	
Title of the good practice	Comprehensive RoadSide Inspections
Geographical focus	Nation-wide
Duration	February 2022 – December 2022 Possible extension to 2023
Summary of the good practice	<p>The Maltese Department for Industrial and Employment Relations (DIER) has established a task force aiming at comprehensively investigating compliance in the field of road transport through Comprehensive RoadSide Inspections. The task force was set up by DIER and the Maltese Police Force, JobsPlus (Malta's Public Employment Service) and Transport Malta (authority responsible for the transport sector in Malta).</p> <p>The task force carries out random road-site inspections on commercial vehicles, to detect violations of the conditions of employment in accordance with national law, undeclared employment, illegal overstaying of workers on the Maltese Islands.</p> <p>These RoadSide Inspections also have an awareness-raising component: DIER provides each person found in</p>

	<p>the vehicles with a booklet about employment conditions in Malta. This is based on the DIER's conviction that regulation enforcement and awareness-raising go hand in hand, as the latter will improve the compliance with the rules.</p>
<p>OBJECTIVES AND ACTIVITIES</p>	
<p>Background/context</p>	<ul style="list-style-type: none"> ▶ Before the introduction of the Comprehensive Roadside Inspections, several inspections had taken place on Maltase roads, mostly carried out by Transport Malta and the Maltese police force. These inspections used to focus mostly on vehicle reliability and other offences related to traffic contraventions. They did not include aspects related to employment conditions, the checking of employment declarations, residence status of the employee, etc. ▶ At the beginning of 2022, two DIER employees and Malta's National Liaison Officer attended an ELA Road Side Inspection in Germany. Following up on this activity, DIER and the Malta Police Force proposed to implement "Comprehensive RoadSide Inspections" in Malta, adapting this to the Maltese needs, geographical coverage and resource capabilities.
<p>Objectives</p>	<p>General Objective:</p> <ul style="list-style-type: none"> ▶ Ensuring that transport-sector companies are meeting national and European requirements in relation to basic conditions of employment, vehicle safety and vehicle reliability. <p>Specific Objectives:</p> <ul style="list-style-type: none"> ▶ To detect violations of the conditions of employment in accordance with national law, undeclared employment, illegal overstaying of workers; ▶ To educate drivers, transport workers and their employers on their rights and obligations; ▶ To strengthen collaboration and knowledge sharing amongst different authorities.
<p>Main activities</p>	<ul style="list-style-type: none"> ▶ So far, three Comprehensive Roadside Inspections

took place:

- ▷ 17 June 2022, in Siggiewi Malta;
 - ▷ 20 July 2022, in Rabat Malta;
 - ▷ 02 August 2022, in Gozo.
- ▶ Before each inspection all stakeholders (i.e. DIER, Transport Malta, Job Plus and the Maltese Police) gather and discuss the strengths and weaknesses of previous inspections. DIER staff develop suggestions to address the weaknesses identified, taking into account the input of other stakeholders. During this meeting, the date and time of the inspection is agreed. However, the Maltese police do not make the location public to the other stakeholders until one hour before the inspection starts, which is then communicated via email. JobsPlus
 - ▶ Before the inspection starts, a briefing meeting takes place at the police headquarters, where the task force, including the DIER, Transport Malta, and JobsPlus meet with the police and agree on how the inspection will be carried out.
 - ▶ During the inspection, the stakeholders focus on their specific tasks in a coordinated way, in order to identify any infringements:
 - ▷ The Maltese Police stop the vehicle. Drivers are requested to provide their licences and registration. The Maltese Police ensures that all residence permits are valid through its Immigration Division, while its Transport Compliance Division ensures that all licenses are appropriate and that road regulation is followed.
 - ▷ JobsPlus check the employment status of the workers and inform the DIER accordingly. It also ensures that the drivers' resting periods have been fully declared.
 - ▷ Transport Malta inspect the vehicle, ensuring that it

	<p>is road worthy and not overloaded.</p> <ul style="list-style-type: none"> ▷ DIER checks the employment conditions of the workers and inform them about their rights and obligations. DIER also provides each person with an informative booklet about employment conditions in Malta. ▷ The Maltese Police's Immigration Division is called only when the driver either declares that he/she does not have his/her documents, or when the driver is not found on the JobsPlus system. If the driver is not registered with JobsPlus, a process is triggered whereby the police checks the origin of the driver, status, arrival date and visa information. ▷ At least one representative of each stakeholder is present during the Roadside Inspection in order to speed up the process. All stakeholders must be present so the inspection can proceed in a coordinated and holistic manner. ▶ The debriefing meeting takes place immediately after the inspection, usually at the police headquarters. During the debriefing, the stakeholders highlight the strengths and weaknesses of the inspection, as well as share information on the infringements found. Any further investigation that needs to follow up on a specific infringement will be extended to the employee.
<p>Relevance</p>	<p>The main objective of this practice aligns with the thematic focus (road transport) of the 2022 ELA Call for Good Practices, as the initiative aims at the protection of workers' basic conditions of employment, vehicle safety and vehicle reliability, ensuring that companies are meeting local and European requirements.</p>
<p>Funding/organisational resources</p>	<ul style="list-style-type: none"> ▶ Due to the nature of the stakeholders involved, the funding is mainly national, coming from the Maltese Public Employment Service, and the Maltese Police. ▶ During each inspection, there are five teams. The five teams refer to the DIER, Transport Malta, JobsPlus, the Immigration Division from the Maltese Police

	<p>Force, and the Transport Compliance Division from the Maltese Police Force. Around forty people are on-site when a Comprehensive Roadside Inspection takes place. During one of the 2022 Roadside inspections, the Maltese ELA National Liaison Officer (NLO) was present as well.</p> <ul style="list-style-type: none"> ▶ ELA translation funds have been used for translating the information booklet that DIER hands out during the Inspections from Maltese to English.
PARTICIPATION	
<p>Stakeholders involved</p>	<ul style="list-style-type: none"> ▶ The Department For Industrial and Employment Relations (DIER). ▶ Transport Malta: Authority responsible for all forms of transport in Malta which include land, sea and air transport. ▶ JobsPlus: Maltese Public Employment Service ▶ The Immigration Division from the Maltese Police Force ▶ The Transport Compliance Division from the Maltese Police Force. ▶ The Maltese ELA National Liaison Officer (NLO)
<p>Target groups</p>	<ul style="list-style-type: none"> ▶ This practice directly targets drivers and passengers of commercial vehicles operating on the islands of Malta and Gozo. ▶ Indirectly, the employers of these drivers and passengers are targeted, as they might be held responsible for the infringements found during the inspections.
<p>Final beneficiaries</p>	<p>The 60-70 workers of 132 inspected commercial vehicles that were stopped during the three Comprehensive Roadside Inspections that took place in 2022.</p>
ACHIEVEMENTS & RECOGNITION	
<p>Results and outcomes</p>	<ul style="list-style-type: none"> ▶ During the three Comprehensive Roadside Inspections that took place in Malta in 2022, 132

commercial vehicles were inspected, and 198 irregularities were identified. These include the following:

- ▷ Drivers found without a valid license: 2;
 - ▷ People arrested for living in Malta illegally: 13;
 - ▷ Employees not registered/registered with the wrong status: 25;
 - ▷ Employees found benefiting from unemployment benefits and working: 5;
 - ▷ Employees not provided with a payslip: 5;
 - ▷ Employees not provided with a contract: 8;
 - ▷ Illegal deduction in wages: 1;
 - ▷ Irregularities related to sick leave: 3;
 - ▷ Irregularities related to vacation leave: 2;
 - ▷ Irregularities related to rest periods: 1;
 - ▷ Vehicles banned from driving: 2.
- ▶ The three Roadside Inspections that have taken place in 2022 have been evaluated following two steps:
- ▷ The first evaluation takes place immediately after the inspection is over. The stakeholders gather at the Malta Police headquarters and share information on the data of the offences identified. During the debrief, stakeholders also analyse the inspections' strengths and weaknesses.
 - ▷ Afterwards, the inspection is once again assessed by the DIER prior to the next inspection. During the pre-inspection meeting, the previously identified strengths and weaknesses are reviewed by DIER. and used to improve the following inspection.
- ▶ With this coordinated approach to the evaluation of the practice, every department and division involved shares the information gathered about the existing infringements, thus relevant information about how an infraction might breach several laws are reported consistently.
- ▶ The general assessment shows that the practice is meeting its primary objective of ensuring compliance

	<p>with roadside requirements whenever the inspections take place. Moreover, this practice has strengthened collaboration and knowledge-sharing amongst the stakeholders involved.</p> <ul style="list-style-type: none"> ▶ These inspections have allowed the stakeholders to better understand how the others operate, which has now led to the creation of a network which surpasses the collaboration for Roadside Inspections.
Recognition – national or regional level	As of now, the practice has not received explicit recognition at the national or regional level.
Recognition – outside your MS	The practice has not received recognition at the EU or international level yet.
Cost-effectiveness	The three Comprehensive Roadside Inspections that have taken place throughout 2022 have proven to be a cost-effective option for coordinating the reporting of the different stakeholders involved when dealing with an infraction.
Transferability	<p>Most aspects of the Comprehensive Roadside Inspections are easily transferrable to other Member States or other settings.</p> <p>In Malta, options to extend this model to other sectors are being explored:</p> <ul style="list-style-type: none"> ▶ A proposal has been formulated to extend inspections to the maritime area. ▶ The Police will be creating a task force for detecting human trafficking that will be based on the participation of different stakeholders working in a coordinated manner when dealing with a breach.
Sustainability	This initiative had a focus on sustainability as one of the infractions checked during the inspections included an exam about whether the vehicle met the CO ₂ emission performance standards.
Innovativeness	The innovative aspects of the Comprehensive Roadside Inspections are related to the close cooperation between different stakeholders focusing on different aspects of the inspections.

Digitalisation

While the initiative did not have a particular focus on digitalisation, in the future DIER will explore further possibilities regarding the digitalisation of data transferral in order to better analyse the outcomes of the project.