

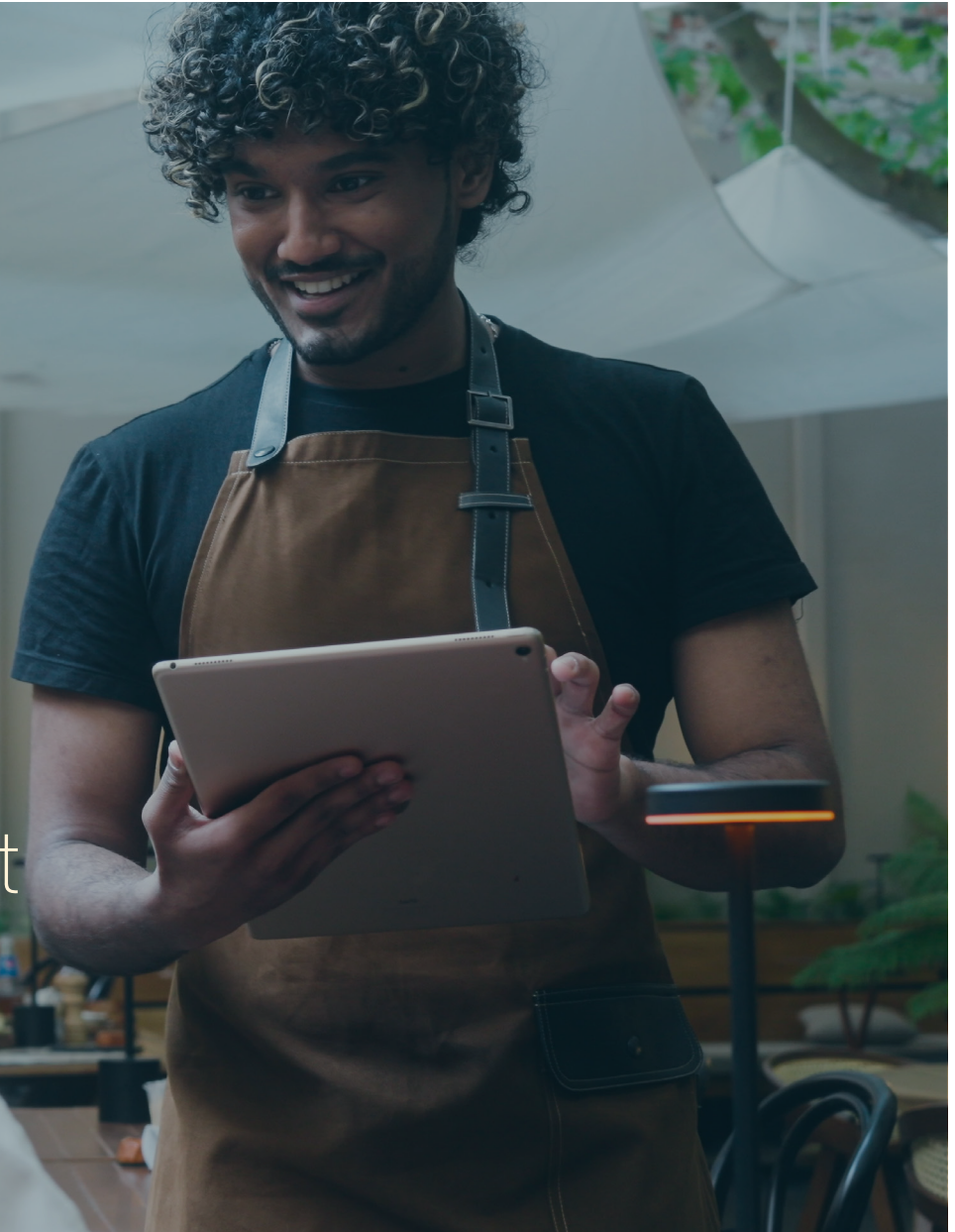


GOVERNMENT
OF MALTA



Guidelines for Clients
August 2025 | Employment Licences Unit

Labour Market Testing



There are many aspects to labour market consideration, including the national situation in respect of surpluses or shortages in the given occupation and sector; the employer's history and situation in terms inter alia of recruitment and redundancy patterns; business investments; and contractual commitments. The third country national's skill level, relevant experience and overall suitability for the position in question are also taken into account.

Structured on
three core pillars

01. ■ assessment of the labour
market situation
02. ■ due diligence on
the employer
03. ■ individual checks on
the proposed worker

Pillar 01 ■

Assessment of the Labour Market Situation

This component focuses on evaluating whether there is a genuine need to recruit a TCN for the advertised position. The employer is responsible to provide substantial evidence of efforts made to try and fill in any vacant posts primarily with Maltese / EEA / Swiss nationals and/ or Third Country Nationals who have an inherent right to work in Malta. To fulfil the vacancy requirement as part of the Labour Market test, the employer must place one job advert with Jobsplus and the EURES portal for at least three weeks within the two months preceding the application for a first-time application. If an employer receives applications from Maltese, EEA, or Swiss nationals, they must provide reasons for their rejection. Jobsplus has the authority to evaluate these reasons and, if deemed unsatisfactory, refuse the application. Any job advert that does not meet these criteria will be considered ineligible, and the application will be automatically denied. This requirement will come into effect from the 1st of October of 2025. In the interim, employers may refer to the transitional measures laid down in the Malta Labour Migration Policy.

In consultation with sectoral stakeholders, economic experts, and industry representatives, Jobsplus will conduct ongoing assessments of the national labour market to identify emerging trends, workforce surpluses, or structural unemployment in specific sectors. Based on these studies, Jobsplus reserves the right to recommend temporary or permanent restrictions on the recruitment of TCNs in specific sectors or for particular job roles, where: there is an adequate supply of local or EU labour; evidence suggests market saturation; or the importation of foreign workers could undermine employment opportunities or working conditions of workers who are already in Malta.

Pillar 02

Due Diligence on the Employer

All Maltese employers engaging TCN personnel must have **at least one** Maltese / EEA / Swiss national and/or Third Country National who have an inherent right to work in Malta, engaged as an employee. This condition must also be met at the time of renewal of any TCN's employment licence or single permit application. This requirement is set to be further strengthened with the phased implementation of a corresponding measure outlined in the Malta Labour Migration Policy.

Applications for third country nationals from firms that have affected **redundancies** in the post in question, or in similar positions to that being applied to, in the preceding twelve months will not be entertained.

Employers will be subject to a **Workforce Application Limit**, which sets a predefined cap on the annual growth of a company's workforce through TCN recruitment. This measure is designed to ensure controlled, sustainable growth and to safeguard the integrity of the local labour market. Jobsplus will conduct monthly assessments to determine compliance with these thresholds. The evaluation compares the number of employees on record for the current month with the corresponding month in the previous year, to establish annual growth trends. The permissible annual workforce growth through TCN engagement is determined by the size of the company as follows:

- Micro Enterprises (1–9 employees): up to 200% annual workforce growth
- Small Enterprises (10–49 employees): up to 100% annual workforce growth

- Medium Enterprises (50–249 employees): up to 50% annual workforce growth
- Large Enterprises (250+ employees): up to 25% annual workforce growth

When calculating the number of TCN employees granted permission to work during the applicable period, Jobsplus includes both those who have been issued a valid permit and those who have been recommended to Identità but have not yet collected their permit (i.e. still in process). If a company exceeds its quota, no additional TCN applications will be recommended for that month. The quota is then recalculated the following month. For the scope of this calculation, companies belonging to the same group will have their Workforce Application Limit assessed on a collective basis for the entire group, unless a formal request for separate calculation is submitted to employment-licences.jobsplus@gov.mt.

As part of the due diligence process, employers may be required to submit supporting documentation to verify the legitimacy of their operations and the genuine need for TCN workers. This may include, but is not limited to, employment contracts, evidence of business establishment, operational licenses and permits, and any other relevant records that demonstrate the employer's credibility, compliance history, and capacity to engage foreign labour responsibly. Evidence of work contracts provided either showing future business prospects or for provision of services in other countries cannot be considered for TCN recruitment.

Pillar 02

Employers are also required to be fully compliant with the **Persons with Disability (Employment) Act** (Chapter 210 of the Laws of Malta), particularly the mandatory 2% quota for the employment of persons with disability. Non-compliance—whether through failure to engage the required proportion of persons with disability or failure to pay the applicable compensatory contributions—will result in the employer being classified as non-compliant. As a consequence, any pending Employment Licence or Single Permit applications will be withheld or rejected until the employer rectifies the breach and fulfils their legal obligations. Applications for employers found to be in breach of employment-related regulations will fail the due diligence process and may be disqualified from applying for TCNs for up to 12 months. Further desk-investigations and possible disqualifications will be further clarified with the phased implementation of the corresponding measure outlined in the Malta Labour Migration Policy.

For applications submitted by **Temping Agencies**, it is mandatory to provide evidence of work contracts. Each application must be accompanied by a Declaration of Posting, outlining the assignment details. The contents of this declaration will be subject to verification, and failure to obtain the necessary confirmations will result in the refusal of the employment licence. As part of the due diligence process, both the Temping Agency and the end client will be assessed. If the end client does not meet the labour market testing criteria, the application submitted by the Temping Agency will also be rejected.

Employers are required to submit both engagement and termination forms to Jobsplus within four (4) working days of the actual date of engagement or

termination. Jobsplus will record and review cases of employers submitting backdated terminations as part of its desk investigation and compliance monitoring function. Employers with a substantial number of backdated or late terminations may face restrictions on their ability to apply for additional TCN workers in future. Employers who submit a substantial number of terminations may be impeded from further applying for TCN workers.

Jobsplus conducts data calculations pertaining to each employer on a monthly basis. The captured data reflects both the current records of the employer and their records from the previous year. Once an application is submitted, labour market testing is performed based on the data outcomes for that specific month. Employers are encouraged to review and update their records to address any discrepancies or inconsistencies. Any updates made by the employer will be incorporated into the labour market testing process in the subsequent month. The results of this due diligence process can be accessed by the employer via their dedicated portal on the Jobsplus website (jobsplus.gov.mt).

Pillar 03.

Individual Checks on the Proposed Worker (TCN)

Each TCN applicant is evaluated to ensure they are suitable for the role and meet legal and professional standards. Presently, the prospective employer is requested to fill in and submit a Declaration of Suitability for the applicant. Through this declaration, the employer is confirming that the TCN is suitably qualified and experienced to carry out the work assigned. Additionally, if the TCN will be performing a regulated profession, through this form the employer endorses that the applicant is duly registered (or has the with the respective regulatory body. This suitability check is set to be further strengthened with the phased implementation of a corresponding measure outlined in the Malta Labour Migration Policy. The TCN application history will also be checked for consistency and accuracy of personal data and submitted documents. A review will also be conducted of any prior compliance or violation history within Malta's immigration or labour systems.

In addition, Jobsplus reviews the contents of all submitted applications to ensure their authenticity and reliability. Where necessary, Jobsplus may request further verification from relevant stakeholders to confirm eligibility, drawing upon their specialised knowledge and expertise. The labour market testing and verifications mentioned are also carried out for renewal applications. Renewals will be subject to verification that the working conditions outlined in the work contract at the time of the original application continue to be upheld. Jobsplus and Identità may request confirmation of compliance, including by obtaining information from tax authorities, to ensure that the stipulated working conditions are being met.



Have any
questions?



Contact us today
on the dedicated line

Freephone [Servizz.gov](https://servizz.gov) 153 (Ext. 19)