

# The 'Ejja Ejja' Culture

An analysis of socio-economic, political and legal factors  
which impact the health and safety of workers in the construction industry



JUSTICE AND PEACE  
COMMISSION

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*An analysis of socio-economic, political and legal factors*

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**Date of publication:** January 2024

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**Publisher:**

Justice and Peace Commission

**Formatting & Front Cover Design:**

Evan Demicoli - Digital Presence Office, Archdiocese of Malta

**ISBN:** 978-9918-0-0724-0

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# Foreword

In the early days of December of 2022, the tragic death of Jean Paul Sofia, shook Malta. The resolve of the victim's mother - a modern day Pietà crying on the lifeless body of her son in his prime - captivated the public's imagination. It was quickly followed by righteous indignation.

Yet Sofia's death was not the first on a construction site. In fact, between 2019 and 2022, there were 25 fatalities on construction sites, in Malta. The number of non-fatal accidents is much higher. The Sofia case put a spotlight on something which was not working well, but the malaise had been ongoing for quite a while. In effect, the Commission had been reflecting on this matter for quite some time, and in the first half of 2022, resolved to study in depth the situation.

We felt that an in-depth study was necessary because it seemed that despite the several policy updates and changes in regulations in the past years, most notably following Miriam Pace's death, things in this sector did not improve. On the contrary, statistics show an increase in accidents. Moreover, it seemed that the voice of the workers was the least heard in all of this.

In the documentary *The Letter*, Pope Francis reminded us of the historical metaphor of the Tower of Babel. In this story, workers were ruthlessly punished for dropping bricks, while the loss of a worker was deemed inconsequential. Similarly, as we build more towers of human arrogance today, using the bricks of power and the economy, many people toil like slaves, and if they falter, their well-being is often overlooked.

Indeed, it is the victims themselves who most often get blamed for their own accidents. While responsibility for accidents varies on a case-by-case basis it is clear that there are deeper reasons for the situation that go beyond the mistakes of the individual worker. Indeed, they mostly lie in what has traditionally been defined as 'social sin'.

Indeed, that is why, the Justice & Peace Commission, a Church entity, took it upon itself to carry out this study. Because addressing social sin is a moral imperative rooted in the Church's commitment to the Gospel values of justice, compassion, and the dignity of every human person. It is our hope that this study acts as a valid contribution towards achieving these goals in our society.

In conclusion, I would like to extend my deepest gratitude to the workers, dedicated researchers, industry stakeholders, and contributors who have made this study possible. Your commitment to the safety and well-being of those working in construction is commendable, and I am confident that the insights gathered here will serve as a catalyst for positive change.

As we delve into the details and recommendations presented in the following pages, let us remain steadfast in our commitment to ensuring the safety of every worker on the

construction site. Together, we can build a future where accidents are minimized, and our industry stands as a testament to the value we place on the lives and livelihoods of those who contribute to its growth.

Daniel Darmanin

President - Justice & Peace Commission

# Acknowledgements

This work would not have been possible without the backing of Daniel Darmanin, president of the Justice and Peace Commission, and the constructive feedback and support of all the members of the Commission.

Warmest thanks to Dr Patricia Bonello from DISCERN and members of the research committee for sharing their expertise and gifting their time. Their guidance, comments and suggestions were invaluable throughout the duration of this research study. Special thanks to Dr Maria Cardona who undertook the laborious process of collecting and collating the data presented in Chapter 4 of this research study.

Finally, thanks should also go to all those who accepted to share their insights, experience and thoughts in the interviews conducted. Most importantly, we acknowledge the hard work and sacrifice of all construction workers. The risks they face daily and their voices all too often remain unacknowledged and unheard. Heartfelt thanks to them for granting us the privilege of making their voices the cornerstone of this research project.



# Chapter 1: Introduction

## 1.1 Rationale

In its preamble, the Constitution of the International Labour Organization (ILO), of which Malta has been a member since 1965, declares that workers must be protected from sickness, disease and injury arising from their employment (ILO, 1919).

The legally binding Charter of Fundamental Rights of the European Union, in the chapter dedicated to solidarity, declares that “every worker has the right to working conditions which respect his health, safety and dignity” (European Union, 2010, art. 31.1).

And yet, notwithstanding these articles, and the protection and rights which local legislation provides to workers when it comes to health and safety, work in the construction industry still kills and maims in present-day Malta. In recent years, much has been said and written about the underlying causes which are leading to these deaths and injuries. The death of Miriam Pace in 2020 (Magri, 2020), although not a worker herself, marked a turning point in raising awareness about health and safety issues surrounding the construction industry. Less than three years later, the death of Jean Paul Sofia in Corradino led to even stronger calls for standards to be raised once and for all. This eventually led to the establishment of a public inquiry tasked (M. L. Zammit, 2023a), among other things, to investigate the institutional, systematic, and legislative failures linked to the deaths of Jean Paul and so many other workers.

In fact, the litany of failures uncovered by the magisterial inquiry into the fatal collapse in Corradino is reflected in the litany of names of workers such as Mabruk Abubkar Abdullatif from Libya, Dieidy Coulibaly from Mali and Mohammed Kasem Hashem Alkhateeb from Syria who lost their lives whilst trying to make a living. Unfortunately, the price being paid by workers for the “construction sector dilettantism that does not reflect how serious and dangerous site work is,” (Xuereb & Borg, 2023) is very high indeed.

### *Research question*

This study attempts to answer the following research question:

What are the main socio-economic, political and legal factors and influences that lead to death and injuries on construction sites?

In this study, *workers* are those who physically work in the construction of buildings and related infrastructure. Within a context in which, considering the scenario described above, multiple stakeholders are voicing their opinion on what can and should be done to make the construction sector safer for workers, the study will bring to the fore the

voice of workers as the main stakeholders in health and safety processes, systems, and structures.

The main objective of this research is to identify some of the underlying, multidimensional economic, social and legal issues, which help to explain the large number of workplace fatalities and injuries occurring in the construction industry in Malta, with the aim of giving policy recommendations to reduce these fatalities and injuries. Additionally, this study aims to raise awareness among the general population on the responsibility of everyone to ensure that the dignity of all workers is respected at all times, and that policies, attitudes and structural economic factors that hinder the attainment of this goal are identified and overcome.

### *Inspiration and goal*

An Integral Human Development (IHD) perspective bookends this study in so far as it serves both as the inspirational value framework which led the Justice and Peace Commission to initiate this research as well as the goal which society should aspire to when it comes to the treatment of workers.

Grounded in human dignity, the concept of Integral Human Development (IHD) was first introduced in Catholic Social Teaching in the 1967 encyclical *Populorum Progressio* (Paul VI, 1967). Pope Paul VI here insisted that development cannot be limited to mere economic growth. In order to be authentic, it must be complete, integral. In other words, it must promote the good of every person and of the whole person (Benedict XVI, 2009).

Authentic IHD is a long-term, dynamic process involving a variety of actors in which both personal responsibility and systemic issues play equally crucial roles. For the purpose of this study, systems are to be understood as the legal, economic, political, and social and cultural systems which organise and regulate behaviours and processes. Structures, on the other hand, refer to organisations and institutions that shape and influence people's values and behaviour, and affect what people can do and how they do it (Catholic Relief Services, 2007).

In practical terms, an IHD perspective leads us to ask: which systems and structures support or constrain people's ability to earn a decent living and lead full and productive lives, marked by safety, peace, dignity, and social justice? What "structures of living together" (Deneulin, 2008, p. 110) marked by unequal distribution of power and wealth severely restrict workers' agency and cause a resigned acceptance of the status quo which in turn helps perpetuate the oppressive structures?

According to an IHD perspective, the necessity to create, sustain and promote a health and safety work culture, finds its wellspring and ultimate motivation in a profound respect for people and a commitment to the dignity of human life. In an address to members of the Italian Association of Private Construction Contractors, Pope Francis

(2022) denounced the loss of life associated with workplace accidents. “Last year, too many people died at work. They are not numbers, they are people. Construction sites, too, have seen tragedies that we cannot ignore.” All too often, he continued, the debate around health and safety starts from the wrong assumption. Instead of stressing the duty of care and solidarity we have towards each other, health and safety measures are seen as an inconvenient “cost” and a regulatory burden. However, the “real wealth” and the “highest patrimony” are always people. “Without them there is no working community, no enterprise, no economy” (Francis, 2022).

## **1.2 Summary of chapters**

The Construction Accident Causation Framework is presented in Chapter 2 as the theoretical framework of the research study. An explanation of the concepts and tools of this framework is accompanied by a brief literature review of studies on health and safety in the construction industry and of key concepts such as culture and machismo.

The methodology adopted in this qualitative study is discussed in detail in Chapter 3. Desk research was carried out in the initial phase of the project, followed by semi-structured interviews with workers, professionals, supervisors, employers and organisational representatives.

Chapter 4 presents the context within which the research study took place. Publicly available data and statistics were used to present key facts and figures surrounding the construction industry in Malta, both in relation to deaths and injuries as well as its relative weight in the local economy. Data on court proceedings related to construction site accidents—as well as a general overview of the way the industry is regulated—are included in this chapter. Finally, given the ever-increasing number of third-country nationals employed in the construction industry, employment trends of foreign workers are also analysed.

The results and findings resulting from a thematic analysis of the qualitative semi-structured interviews were grouped under eight themes, with each theme further divided into sub-themes. These results and findings are presented in chapters 5 to 12 of this report.

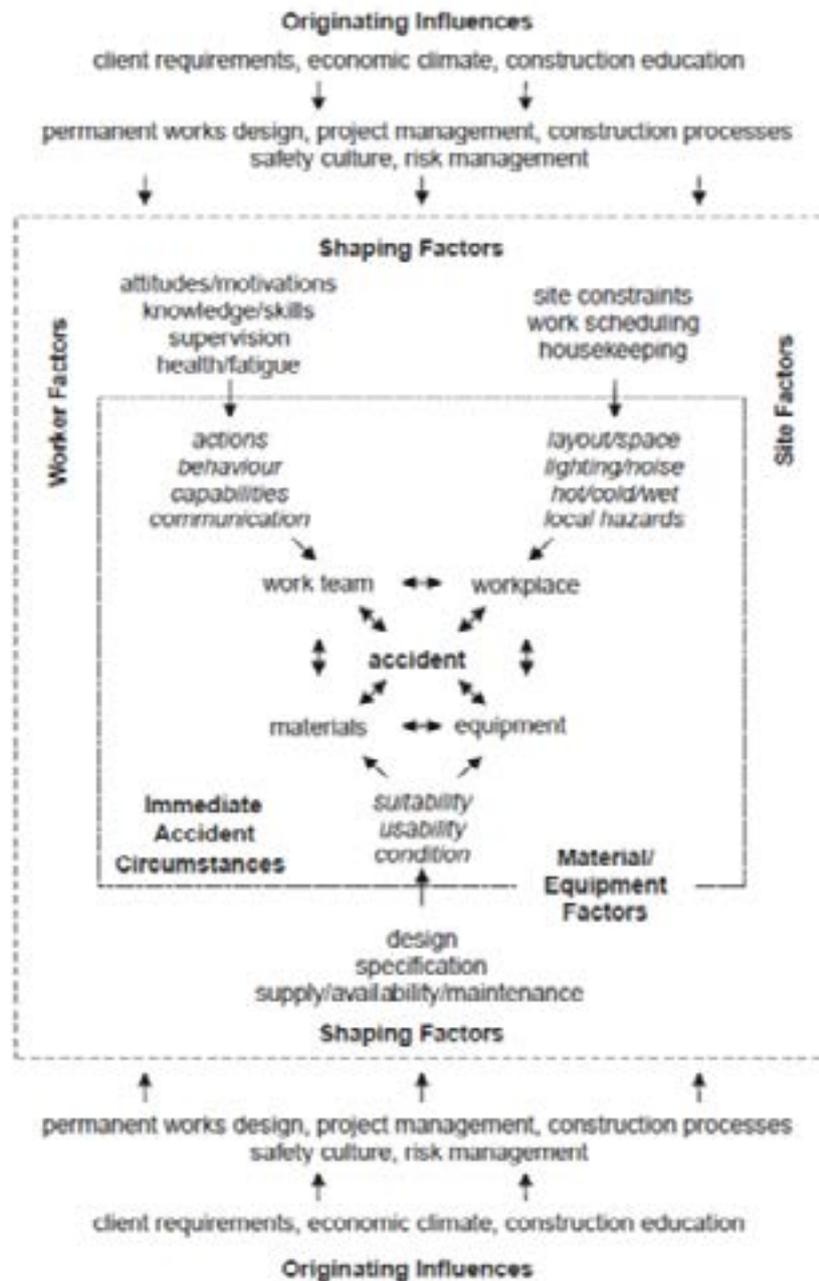
In the concluding remarks in Chapter 13, the socio-economic, political and legal factors analysed in the previous chapters—and the systems and structures associated with them—are evaluated from an IHD perspective regarding their capacity to promote or undermine the health and safety of workers.

In the final chapter of this research report, recommendations aimed at making the construction industry safer for workers are directed at different stakeholders and presented for consideration.

# **Chapter 2: Theoretical framework: The Construction Accident Causation framework**

Notwithstanding the fact that construction site accidents are an issue of concern around the world and in the European Union (EU), in 2020, more than a fifth of all fatal accidents at work in the EU took place within the construction sector (Eurostat, 2022). A review of construction site safety literature (Khosravi et al., 2014) shows that there is still a lack of research on the key causes of, and contributory factors to, unsafe behaviours and accidents at construction sites.

Given the majority of studies on construction safety have adopted a positivist approach (Oswald et al., 2020), Phelps and Horman (2010) called for qualitative research that would shift the focus towards the root causes of accidents by enhancing our “understanding of the complex interactions that lead to many of the industry’s pervasive social and technical problems” (Phelps & Horman, 2010). An example of such a study is that carried out by Haslam et al. (2003). The Construction Accident Causation (ConAC) framework, which resulted from their study, was developed inductively through a combination of focus groups and a detailed study of 100 construction accidents. Additionally, it relied on recognized accident theories and models. The robustness and adaptability of this framework to different contexts is confirmed by the fact that it has already been used by other studies in different construction settings and countries (Winge et al., 2019). This shows that the framework’s terminology is sufficiently generalizable and adaptable to different contexts.



**Figure 1. The Construction Accident Causation (ConAC) Framework (Haslam et al., 2003)**

The ConAC framework (Figure 1) distinguishes between “immediate accident circumstances” (e.g., worker actions), “shaping factors” (e.g., supervision), and “originating influences” (e.g., risk management). At this higher level of “originating influences”, client requirements, the socio-economic and political climate in which the construction takes place, and construction education influence all parties and processes, and have a bearing on the “shaping factors” and the “immediate accident circumstances”. The latter are divided into worker/team factors, site factors and material and equipment factors. The double arrows at the centre of the model signify that there are multiple two-way interactions.

Models such as the ConAC framework imply that accidents in complex systems such as a construction site occur through the interaction of multiple factors. Each factor may be necessary, but they are only jointly sufficient to cause an accident. No one human or

technical failure is sufficient to cause an accident alone (Reason et al., 2004). In other words, all accidents are multi-causal, with a rare combination of factors needing to coincide to give rise to an incident.

The present study does not seek to focus on the immediate accident circumstances but rather on the shaping factors and especially on the originating influences which are often ignored given their complexity and the difficulty in identifying their causal influence on particular accidents. It is, in fact, often easier to identify the involvement of more immediate factors, such as faulty safety equipment (M. L. Zammit, 2022a) or site hazards, rather than less-immediate influences such as safety culture or economic pressure. As a result, the immediate factors are often the only “reasons” given to explain the occurrence of particular accidents, with the all-important originating influences being ignored. In the section below, a number of significant originating influences and shaping factors identified by Haslam et al. are examined in more detail, with reference to other studies which have been undertaken in this field.

## **Originating influences**

The originating influences are the high-level determinants of the nature, extent and existence of the immediate causes of construction. These influences have sometimes been referred to as the “root causes” of accidents, and some studies, such as that carried out by Winge et al. (2019), have shown that they are present in almost all accidents.

### *Safety culture*

One of the major originating influences is safety culture, which refers to subjective perceptions and evaluation of safety issues, in the context of organisational structures, worker relationships and processes (Salanova et al., 2011).

Whilst safety climate and safety culture have often been used interchangeably in literature—given that they both refer to attitudes, beliefs, perceptions and values that workers share when it comes to safety measures—safety culture is usually taken to be the more comprehensive term and understood as the summation of all other factors which are at play (Salanova et al., 2011). More generally, for the purpose of the study, the term “culture” is based on the definition proposed by Braff and Nelson (2020) as a set of beliefs, practices and symbols that are learned and shared. Together, they form an all-encompassing, integrated whole that binds people together and shapes their worldview and ways of life .

## *Economic climate*

In construction, as in other economic sectors, time and money are two important driving forces. Studies such as that conducted by Oswald et al. (2015) have shown that a competitive tendering process creates time pressures. Time constraints can be considered as an external environment factor which influences behaviour, especially for workers and contractors who are paid per job done. This means that there is a quantifiable benefit in finishing a job as quickly as possible. Other studies such as that by Oswald et al. (2013) have shown that this can lead contractors to push their workers to take risks and cut corners. These time pressures were also associated with a reduction in appetite for training due to the investment of time needed for this purpose.

In interviews with workers, Oswald et al. (2013) found that the most serious factor influencing safety was time pressure: “It was suggested unprompted by the workforce as worthy of consideration and was often regarded as the most important factor by the focus group” (Oswald et al., 2013, p. 342).

Haslam et al. (2003) also found that the “economic climate in which construction activity takes place affects competition for projects, pricing, availability of labour and so forth. All of these are likely to impinge on safety, but it proved difficult to make direct connections in the individual accidents examined by this research” (Haslam et al., 2003, p. 70).

## **Shaping factors**

The ConAC framework proposed by Haslam et al. (2003) indicates that construction accidents happen due to a failure in the interaction between: a) workers; b) the workplace; and c) the materials and equipment workers use. Figure 1 shows that this failure is precipitated by different shaping factors linked to these three elements.

## *Attitude*

The influence of construction workers’ attitude on safe or unsafe behaviour has attracted considerable academic interest. Salanova et al. (2011), for example, have noted the key role played by managers/leaders in improving employees’ attitudes toward safety at work. The same need for role-modelling was found by Shepard et al. (2021) who focused on migrant workers. On the other hand, Salanova et al. (2011) also found that overconfidence—which leads people to lower their safety performance—is one of the main perceived causes of accidents in the construction industry.

Haslam et al. (2003) noted that construction workers often engage in unsafe behaviours. They suggested that the reasons for this are threefold: safety being ignored in the context of heavy workloads and other priorities; taking shortcuts to save effort

and time; inaccurate perceptions of risk, with feelings of invulnerability and an “it won’t happen to me” attitude. Underlying each of these reasons is inadequate safety knowledge, which in turn can indicate weaknesses in the area of education and training.

According to Oswald et al. (2013), risk perception, together with time pressure, training, experience and safety culture, is one of the factors most likely to be influencing behavioural responses of individuals. Oswald et al. (2015) also showed that workers’ attitudes towards risk tend to be overly optimistic, though this can change if a worker experiences a traumatic accident.

### *Training*

Another dimension which has been identified as a significant shaping factor in accidents on construction sites is the lack of training, particularly at lower levels of the subcontracting supply chain (Chan et al., 2010).

Studies have also shown that when training is provided, interventions appear to focus predominantly on legislation and technical safety skills, such as electrical safety and falls from height (Forst et al., 2013). Few programmes seem to include nontechnical or ‘soft’ skills, such as hazard awareness and cross-cultural communication (Harrington et al., 2009).

In the case of the study conducted by Shepherd et al. (2021), which focused on migrant workers, a reluctance was also shown by some subcontractors to spend money training a workforce in a sector which witnesses a relatively high rate of worker turnover.

### *Health and fatigue*

In their study, Haslam et al. (2003) found that there is rarely any effective pre-employment screening or health surveillance of construction workers, even though this sector is physically demanding and carries inherent health risks. “The consequence of this is workers on site with health problems, having accidents because of this” (Haslam et al., 2003, p. 65).

The same study by Haslam et al. (2003) also showed that these injured workers often receive inadequate treatment and rehabilitation before returning to work and that construction workers tend to work long hours with a high workload. In some cases, overtime pay incentivized these long working hours. However, not unsurprisingly, the researchers also found a correlation between these long working hours and poor decision-making, reduced concentration, and compromised worker safety.

## **Migrant workers**

Although this research study does not focus exclusively on migrant workers, data has shown that in 2022 more than half the workforce in the construction sector was non-Maltese (JobsPlus 2023). Whilst some of the factors outlined above apply to all workers, irrespective of nationality, there are some issues which are specific to migrants. These have been highlighted by studies such as that carried out by Shepherd et al. (2021) in their qualitative research on health and safety among migrant workers in the UK, Spain, and Italy. Statistics, even on a local level, show that non-national or migrant workers are at significantly increased risk of death and injury in comparison to their native-born counterparts. For example, in 2021, according to JobsPlus (2022), the overall percentage of foreign workers in the Maltese labour market was of 27.9%. However, according to the 2021 Occupational Health and Safety Authority (OHSA) annual report, in that same year, of the nine men who lost their life whilst working, six (66.6%) were foreign workers (OHSA, 2022).

The existing literature on migrant workers in construction which is referenced in the next few paragraphs has identified key challenges faced by migrant workers who work in this field. These include poor working conditions, cultural differences, and language barriers.

### *Poor working conditions*

The poor conditions in which migrant workers frequently work often lead to negative health and safety outcomes (Shepherd et al. 2021).

The global increase in outsourcing within the construction industry has resulted in work being routinely farmed out to small construction companies employing foreign workers. Participants in the research study carried out by Shepherd et al. (2021) reported smaller subcontractors recruiting primarily migrant workers, despite them having little or no prior construction experience and poor language skills. According to one of the supervisors who participated in the study, this is explained by the fact that these migrant workers are “cheap labour”. Similarly, a site supervisor from Italy noted that he knew of plasterers who were working for €2 or €3 per hour. “This is because they are the subcontract of the subcontract of the subcontract” (Shepherd et al., 2021, p. 5). Participants from Italy, Spain, and the UK agreed on the fact that, while the main contractors typically follow safety legislation and receive sanctions for violations, smaller subcontractors, which mainly employ migrant workers, are more likely to ignore the rules and escape punishment.

Research abroad has shown that migrant workers often take on construction work because jobs are not available in their preferred field (Buckley et al., 2016); they accept lower levels of pay than national colleagues (Dainty et al., 2007), and even tolerate

wage theft (Fussell, 2011). Migrant workers are less likely to complain about unsafe working conditions for fear of dismissal or repatriation (Lopez-Jacob et al., 2010), and often fail to report injuries, for fear of reprisal and not being able to afford time off work (Mastrangelo et al., 2010). Migrant workers also come under increased pressure to cut corners and work quickly, and are often given riskier, more dangerous tasks on site compared with native workers (Menzel & Gutierrez, 2010).

One migrant worker in Spain interviewed in the context of the study carried out by Shepherd et al. (2021) recognised that “speed is more rewarded than the quality of the work or fulfilling safety norms”, (p. 8) while another migrant worker, also in Spain, reported not wearing a safety harness in order to work more rapidly: “If you have to go up to the scaffold, only to do a small thing, you do not want to lose time” (p. 8). These findings reflect previous studies, which consider how pressure to deliver construction projects on time and within budget leads to a deterioration in safe working practices (Dutta, 2017).

### *Cultural differences*

When it comes to construction site accidents involving migrant workers, an issue which emerges frequently in the studies conducted is the impact of cultural differences on migrant worker safety. In Shepherd et al. (2021), supervisors, experts, or trainers from Italy, the UK, and Spain attributed migrant workers’ violations of safety rules and regulations to differences in their background experiences and national cultural characteristics. Menzel et al. (2010) studied the impact of national cultural characteristics on migrant workers’ safety-related values, attitudes, and behaviours. Research conducted among Hispanic construction workers in the US (Welton et al., 2017) and migrant workers in Hong Kong, primarily from Pakistan and Nepal (Chan et al., 2017), indicated that migrant workers perceive safety to be less important than native workers. Furthermore, Menzel et al. (2010) also found that, in Latino cultures, a “machismo” attitude, has a negative impact on safety performance. For the purpose of this study, machismo is defined as values and behaviours associated with masculinity, invulnerability, and bravery (Whitaker & Reese, 2007). This machismo is most often known as exaggerated hyper-masculinity expressed in terms of physical and sexual aggression (Gilmore, 1987). Stergiou-Kita et al. (2015) have also examined how hypermasculinity intersects with important themes closely related to health and safety, such as the celebration of heroism, toughness, and stoicism; the acceptance and normalisation of risk, work injuries, and pain; and displays of self-reliance, resistance to assistance, authority, and occupational health and safety practices.

## *Language barriers*

When taking into account the extreme diversity of backgrounds among construction workers, it is hardly surprising that language barriers have been identified by literature as a crucial challenge when it comes to health and safety. Workers are often required to collaborate closely, and to react rapidly to verbal instructions from their fellow workers, as they navigate the fast-paced and dangerous construction environment (Guldenmund et al., 2013). Even when migrant workers attain language proficiency, effective and timely communication can be hampered by local accents, dialects, and use of technical construction-related jargon which varies across countries (Oswald et al., 2019). To bypass these language barriers, migrant workers often end up relying on body language and hand gestures (Wu et al., 2020).

Additionally, construction site supervisors often count on one member of the migrant group to translate the information for their co-workers (Bust et al., 2007). However, as shown by Oswald et al. (2019), there is often no effective means of ensuring that the message conveyed has been understood and transmitted correctly. In one study conducted in the European context, Hare et al. (2013) found that workers from Africa and India were less likely to correctly identify common warning signs compared to their co-workers born inside Europe.

# Chapter 3: Methodology

## Data Collection

Desk research was carried out to gain an understanding into the construction industry in Malta. The online documents reviewed were newspaper articles, as well as publications and reports by key organisations such as the OHSa, JobsPlus, the National Audit Office (NAO), and non-governmental organisations (NGOs). Once this secondary data was collected, the research question was refined into a narrow, focused topic. Additionally, this data was used to synthesise existing knowledge on the subject, analyse historical trends, and identify crucial issues and patterns.

After this initial phase of desk research, research data was collected through primary sources to gain an in-depth and accurate understanding of the study area. Primary data was collected through in-person semi-structured interviews with workers, professionals, supervisors, employers, and organisational representatives, including from NGOs.

Following the collection of primary data, secondary data—including the political and media narratives related to health and safety which emerged throughout the timeframe of the research study (October 2022 till September 2023)—was used to build upon and triangulate the primary research.

## Recruitment of research participants

A purposeful sampling strategy was used to recruit interviewees. Purposeful sampling is a type of non-probability sampling which involves identifying and selecting individuals that are knowledgeable about or who have experienced the phenomenon being studied (Cresswell & Plano Clark, 2017).

Initially, participants were recruited through a snowballing strategy, which is a type of purposeful sampling that involves initially identifying cases of interest which fall under the set criteria and then asking participants to recruit another participant from their networks also falling under the set criteria (Palinkas et al., 2015). However, for this study, the snowballing method did not work as well as expected to recruit participants, especially in the case of migrant workers. This was most probably due to a number of fear factors which are analysed in this report, issues of power imbalance, and the relational positionality (Crossa, 2012) of researchers. It was also noted that organisational representatives were much more likely to respond positively to a request for an interview, feel at ease whilst sharing their opinion, and agree to have their views published without anonymisation.

## **Interviews with workers**

Data from workers was collected through semi-structured interviews (see interview guide APPENDIX A) focusing on their experience of health and safety on a construction site. Workers interviewed for the purpose of this study included stonemasons, plumbers, plasterers, and other manual workers, who, in policy, are often referred to as unskilled workers. A qualitative approach was adopted; the research team felt this approach would do justice to the workers' real-life experience, and give them the opportunity to reflect on them.

Interviewed participants came from various countries, including Malta, India, Pakistan, Sudan, Ivory Coast, Serbia, Syria, and Ghana. At the time of the interview, some workers were regularly registered as employees or self-employed workers, whilst others were working without a work permit.

In total, 22 workers were interviewed for this study. These interviews were carried out in person in Maltese or English depending on the preferred language of the participant. The longest interview was one hour long, whilst the shortest interview lasted 25 minutes. The interviews took place in different places depending on the preferences of the participants, including their place of work, the office of the Justice and Peace Commission, or a neutral venue such as a coffee shop.

Almost all the interviews were audio recorded and then selectively transcribed. During these interviews, the interviewer took notes which were then included with the data.

In this study, three participants were included through secondary data. These were Jaiteh Lamin, Mekhi, and Absame, who spoke publicly about workplace injuries they sustained whilst working in the construction industry. Jaiteh Lamin (Lovin Malta, 2021) was a construction worker who was grievously injured after falling from multiple storeys in 2021 and was abandoned on the road by his employer (Abela, 2021); Mekhi, a 22-year-old man from Sudan, was grievously injured and had his leg amputated after he fell into an industrial cement mixer (YMCA, 2023); and Absame, a 20-year-old man from Somalia, suffered serious injuries to his hand after a glass window shattered (YMCA, 2023).

## **Interviews with professionals, supervisors, employers, and organisational representatives**

Semi-structured interviews (see interview guide APPENDIX B) were also carried out with professionals, supervisors, and employers with more than 10 employees. Organisations that play a key role in the construction industry, such as the Malta Developers Association (MDA), the OHSA, unions, and NGOs that come into regular contact with construction workers were also approached for interviews.

## Data Analysis

All participants who were interviewed for this research study were grouped into three categories, which are reproduced in the tables below. These categories were not drawn up *a priori* during the design and planning phase. Instead, according to the principles of grounded theory (Walker & Myrick, 2006), the interviewees were grouped into these three categories during the analytic phase of the study, based on the marked differences in ideas, opinions, approaches and interpretation of the health and safety reality between the three different groups.

The first table (Table 1.1) groups together workers with details – when available – about their country of origin, position held/work carried out, and the years of experience working in construction. The second table (Table 1.2) includes details about workers who have shared their experience publicly in the last few years and whose voice is included here. Table 2 lists the professionals, supervisors, and employers with more than 10 employees under their responsibility who were interviewed for the purpose of this study. The final table (Table 3) refers to organisational representatives, including NGOs.

<b>Workers</b>	<i>Pseudonym / (Identifier)</i>	<i>Country of origin</i>	<i>Position held/ work carried out</i>	<i>Years working within the sector</i>
1	Ali	Pakistan	Brick layer	No information
2	Joseph	Malta	Various jobs	29 years
3	Abdul	Syria	Tiler/Plasterer	20 years
4	Simon	Malta	Stonemason	40 years
5	Obi	Nigeria	Manual	2 years
6	Peter	Malta	Various jobs	25 years
7	Alfred	South Sudan	Various jobs	1 year
8	Kofi	Ghana	Builder/ plasterer	9 years
9	Gyasi	Ghana	Various jobs	No information
10	Daniel	Nigeria	Welder	13 years
11	Amadou	Mali	Tests concrete	4 and a half years
12	Osei	Ghana	Builder/ plasterer	15 years
13	Yaya	Ivory Coast	Road construction	8 years
14	Vikram	India	Electrician	6 months
15	Stephen	Malta	Various jobs	51 years
16	Miroslav	Serbia	Road construction	5 years
17	Jamal	Sudan	Plasterer	1 year
18	Rohan	India	Electrician	17 years (4-6 months in Malta)
19	Ismail	Sudan	Electricity and plumbing	2 and a half years
20	Kouame	Ivory Coast	Manual	8 years
21	Seydou	Mali	Plumbing and various jobs	1 year
22	Ervin	Albanian	Extractor driver	5 years

**Table 1.1: Workers**

<b>Workers</b>	<i>Name</i>	<i>Pseudonym / (Identifier)</i>	<i>Country of origin</i>
23	Jaiteh Lamin	(Lamin)	Gambia
24		Absame	Somalia
25		Mekhi	Sudan

**Table 1.2: Workers' interviews from publicly available sources**

<b>Professionals, supervisors and employers</b>	<i>Name</i>	<i>Pseudonym / (Identifier)</i>	<i>Profession</i>
1		Adam	Site operations officer / Project manager
2		Alex	Project manager
3	George Darmanin	(Darmanin)	Project supervisor
4		Stefan	Contractor
5		Richard	Enforcement Officer
6		Amir	Quality assurance officer
7		John	Architect
8		Ben	Foreman
9		Michele	Builder / Contractor
10		Jonathan	Foreman
11		Marius	Architect
12		Ivan	Foreman

**Table 2: Professionals, supervisors, and employers with more than 10 employees. (In this study the term contractor is used interchangeably with employers with more than 10 employees.)**

<b>Organisational representatives</b>	<i>Name</i>	<i>Pseudonym / (Identifier)</i>	<i>Organisation</i>
1	Sammy Meilaq	(Meilaq)	Former union official
2	Yana Mintoff	(Mintoff)	Association for Justice, Equality and Peace
3	Alfred Camilleri	(Camilleri)	Malta Developers Association
4	Michael Stivala	(Stivala)	Malta Developers Association
5		Matthew	NGO working in the social field
6	Julian Caruana	(Caruana)	Jesuit Refugee Service
7	Mario Gerada	(Gerada)	Migrants Commission
8		Richard	Union official
9	Mark Gauci	(Gauci)	Occupational Health and Safety Authority

**Table 3: Organisational representatives, including Non-Governmental Organisations**

Thematic analysis was used to analyse the data gathered from the interviews. This type of analysis is a method used to identify, analyse, organise, describe, and report themes found within the data that has been collected (Braun & Clarke, 2006). Transcripts from interviews were analysed in depth, and passages of significance to the research question were highlighted. An initial group of themes was identified, and the interview quotes that support these themes were logged. This method was followed for each transcript to identify repeated themes and detect new issues. A final set of themes and sub-themes arising from the interviews was selected as outlined in Table 4 below. For each theme, further investigation was carried out by gathering together other data, including publicly available information.

<b>Chapter 5</b>	<b>Profit before health: The “ejja ejja culture”</b>
5.1	<i>Rush for gold</i>
5.2	<i>Multiple teams on site</i>
5.3	<i>Maximising profits</i>
<b>Chapter 6</b>	<b>Some care, some don’t: “Work is a game of chance”</b>
6.1	<i>The “good boss”</i>
6.2	<i>The “not good boss”</i>
6.3	<i>An over-reliance on relationships</i>
<b>Chapter 7</b>	<b>Racialized labour market: “You are always a helper and remain a helper”</b>
7.1	<i>Discriminatory and exploitative</i>
7.2	<i>Humiliated and disempowered</i>
7.3	<i>Some lives are worth more than others</i>
<b>Chapter 8</b>	<b>Thrown into the deep end: “No training, no nothing”</b>
8.1	<i>Health and safety training</i>
8.2	<i>Language barriers</i>
8.3	<i>Skills training</i>
<b>Chapter 9</b>	<b>Machismo &amp; safety culture: “Is-safety idejjaqna [Safety bothers us]”</b>
9.1	<i>Lack of safety culture</i>
9.2	<i>Whose fault is it?</i>
9.3	<i>Deleterious effects of machismo culture on workers’ safety</i>
<b>Chapter 10</b>	<b>Under the shadow of fear: “You say no, you go home”</b>
10.1	<i>Fear of getting hurt</i>
10.2	<i>Fear of destitution</i>
10.3	<i>Made to feel small: experiencing subjugation</i>
10.4	<i>Without a work permit</i>
10.5	<i>Unionisation</i>
<b>Chapter 11</b>	<b>Getting away with murder: “They will give me justice... hopefully”</b>

11.1	<i>Who is responsible for what?</i>
11.2	<i>Proliferation of rules and regulations</i>
11.3	<i>Lack of enforcement</i>
11.4	<i>Licensing scheme for contractors</i>
11.5	<i>Sense of impunity and unfairness</i>
<b>Chapter 12</b>	<b>Used &amp; Discarded: “When accident happens, there is nobody”</b>
12.1	<i>Safety equipment</i>
12.2	<i>Abandoned</i>

**Table 4: Themes and sub-themes**

### **Limitations and positionality of the research team**

Members of the research team were all white, of Maltese nationality, and of middle-class background. They all hold tertiary education degrees and have experience working in multicultural environments and with people of different nationalities. None of the research team had first-hand experience working within the construction field. Researchers were aware of their position of power and privilege in relation to the participants, particularly migrant workers, and how this could impact their responses and the research process.

An attempt was made to recruit participants coming from different countries to reflect the reality of the construction industry. However, as mentioned above, the researchers struggled to recruit worker participants for this study, particularly in the case of third-country nationals. Intersections of language barriers, race, ethnicity and legal status may have contributed to this difficulty. Whilst acknowledging the fear of participation due to their precarious socio-legal position and the hostility that some migrants face on a daily basis, researchers attempted to address and assuage these fears by emphasising informed consent and assuring participants of full confidentiality and, when requested, anonymity. Participants were also offered the possibility of not being recorded, with the researchers limiting themselves to note-taking. It was also left to workers to suggest a safe venue for the interview. In some cases, upon their request, workers were offered the possibility of being accompanied by a fellow trusted worker during the interview.

Another limitation in this study was the language barrier encountered by the researchers both during the recruitment phase and the data collection. The researchers' working languages were Maltese, English, French, Spanish, and Italian. All interviews were, however, conducted in English or Maltese. During the recruitment phase, some potential participants indicated that they were reluctant to participate in the study

because they only felt comfortable expressing themselves in their mother tongue for which a translator was not available. Apart from the difficulty in finding qualified interpreters with the limited resources available, the presence of interpreters during the interviews would have also increased the exposure of participants and by adding a layer of mediation, nuanced the data collected.

### **Ethical considerations**

During the recruitment of participants, the purpose of this study was thoroughly explained in order to provide participants with all the relevant information about the research. At the beginning of each interview, the interviewers once again explained the purpose of the study to ensure that at no point were participants deceived in any way. Prior to starting the interviews, participants were also asked for permission to record the interview and whether they preferred to be referred to in the study with a pseudonym or with their real name. A consent form containing all the information about the study was handed to all participants for signing (see information sheet and consent form APPENDIX C and in the case of organisational representatives APPENDIX D). When necessary, the interviewer went through the information and different options contained in the consent form and explained it to participants, using words they were familiar with.

# Chapter 4: Local context

## Workplace fatalities

Recent OHSa statistics calculate that the mean annual fatality rate per 100,000 workers is 3.37, of which 0.99 annual fatalities involve foreign workers. When focusing on construction-related fatalities, these account for 2.02 fatalities per 100,000 workers, of which 0.75 involve foreigners and 1.17 fatalities per 100,000 workers are a result of dangerous falls (OHSa, 2023).

According to National Statistics Office (NSO), between 2019 and 2021 there were 19 reported workplace fatalities, predominantly in the construction sector (90% or 17 fatalities). Most fatalities resulted from head injuries (75%). The remaining 10% of fatalities occurred in manufacturing, quarrying, and other industries. These included concussions and internal injuries. The fatal incident rate increased from 1.2 in 2019 to 2.7 in 2020 and was 3.3 in 2021. All the persons who had a fatal incident at work were males, except for one female (not a construction worker). Almost three-fourths of the accidents involved employees, and the ages were mostly between 35 to 44 years of age or 55 years and over. Maltese nationals accounted for 42.1% (8 workers) and 31.6% (6 workers) were non-EU nationals. The highest fatalities at work were reported by small enterprises which employ between 1 and 9 employees while large enterprises employing 50 to 499 employees registered the lowest number of fatalities at work (NSO, 2022).

In 2022, the OHSa recorded 15 workplace fatalities for the year 2022, of which 8 were related to construction. All the workers were male (OHSa, 2023). These figures constitute an alarming increase from previous years between 2009 and 2020, where between 0 and 5 and construction-related fatalities were reported per year. In 2023, until August, one 26-year-old died from head injuries after falling from one storey (Times of Malta, 2023).

For the period between 2014 and 2018, 21 fatalities in the workplace were reported, with 52.4% of reported fatalities registered in the construction industry (11). In the same period, 23.8% of fatalities were registered in manufacturing and other industries. Of these fatalities, 47.6% were Maltese, 14.3% were other EU nationals and 28.6% were third-country nationals (NSO, 2019).

The eight years covering the period between 2007 and 2014 resulted in 39 fatalities, all males, the majority of who were Maltese (82.1%), 2.56% were other EU nationals and 15.4% were third-country nationals. The construction industry accounted for 51.3% of the fatalities (20). The second highest percentage of fatalities occurred in the wholesale/retail, transportation and storage, accommodation, and food service

activities, which were responsible for 23.1% of fatalities. Another 10% of fatalities were reported in the manufacturing industry with another 10% reported in the agriculture and fisheries sector. (NSO, 2015)

When focusing on construction-related fatalities, the report by the Daphne Caruana Galizia Foundation (2023) for the Public Litigation Network (PILN) suggests that, between 2018 and 2022, the fatalities which were reported have doubled with respect to the previous four years, going up from 10 between 2010 and 2013, 10 between 2014 and 2017, to 29 between 2018 and 2022. This increase correlates with an increase in construction activity across the islands. The majority of construction-related fatalities (two-thirds) included falling from a height. Incidents involving machinery (e.g. crushing construction workers) included 18% of incidents while another 10% of fatalities involved wall collapses. Isolated cases involved workers being hit by debris or receiving an electric shock.

The high rate of construction-related deaths has attracted the attention of the European Commission which has demanded information to analyse a petition on the health and safety measures in the construction industry in Malta (Balzan, 2022a).

## **Workplace accidents**

The three major sectors prone to workplace injuries are the manufacturing, construction and transportation and storage sectors (National Audit Office, 2020). Data from the NAO (2020) shows that in the periods between 2016 and 2019, the manufacturing industry was the sector where the highest number of accidents happened, followed closely by the construction and transport sectors. Between 400 and 500 construction related accidents were reported each year during this period. Interestingly, accidents spike during the summer months, especially during July. However, closer inspection of the data shows that while in absolute terms, the manufacturing industry is where most accidents are recorded, the construction industry takes the first place when the values are corrected per capita rates; that is, the number of accidents in that sector against the number of Gainfully Occupied Population in that same economic sector.

In addition, unfortunately, the statistics related to workplace accidents, especially in the construction industry, are not a true reflection of the situation. Injuries on construction sites are, in fact, recorded when there is a claim for Injury Benefit which undocumented workers are not entitled to and, therefore, do not claim. Statistics also do not take into account individuals who are injured on or in the vicinity of construction sites but are not on-site workers (Daphne Caruana Galizia Foundation, 2023).

As recorded by the Daphne Caruana Galizia Foundation (2023),

“[T]here are many workers within the construction industry who are undocumented and thus almost invisible to systems that are meant to ensure safety, security and accountability, including public scrutiny. They work in precarious conditions and are

the most vulnerable. These workers are not accounted for in any of the statistics and are likely not being protected by authorities”.

Interestingly, the 2022 OHSa report shows a negative correlation between the yearly injuries and fatalities reports, and the number of OHSa interventions, such as number of inspections, number, and monetary value of the fines, initiated prosecutions and so on. Conducting a statistical analysis on injury and fatality rates over the years, the OHSa has reported a reduction in the injury and fatality rates, mostly in the manufacturing sector with smaller reductions reported in the wholesale, retail and repair sectors. A notable finding was that no statistical correlation was found between a reduction in accidents and the appointment of new legal duty holders such as project supervisors (OHSa, 2023).

### **Third-country nationals**

The ILO maintains that most migration today occurs in search of decent work conditions (ILO, 2015). The construction industry is an area which employs predominantly third-country nationals. Of 50,591 third-country nationals registered with Jobsplus till June 2022, 14%, or 7,144 were non-EU labourers in the construction industry—a significant increase from the 5,073 third-country construction workers in 2020 (Magri, 2023a).

The last decade has seen a dramatic increase in the number of foreigners coming to work in Malta. Jobsplus data shows that there were 5,300 registered EU workers and 4,100 registered non-EU workers in 2009. These figures changed to 34,000 EU laborers and 43,500 third-country nationals in 2021. When looking at specific economic sectors, workers hailing from the EU outnumber the non-EU counterparts in finance, real estate, arts and entertainment, wholesale, transport, logistics, and IT. On the other hand, third-country nationals outnumber EU nationals in the administrative and support service sectors including construction, manufacturing, health work, accommodation and food service, with non-EU nationals tending to take on jobs which are on the lower scale of salaries (Vella, 2023a).

When it comes to income distribution, the increase in foreign nationals working in Malta comes with a decrease of 30% in the proportion of Maltese who earn less than €20,000. Thus, between 2012 and 2022, the number of Maltese workers increased from 155,000 to 174,000, but the number of Maltese nationals earning less than €20,000 decreased from 108,000 in 2012 to 77,000 in 2022. On the other hand, in 2012 there were 3,000 third-country nationals in Malta earning less than €20,000, while in 2022 there were 29,000 third-country nationals in this band (Vella, 2023b).

The socio-economic problems associated with this segmented labour market have been highlighted in various reports and studies. A report by YMCA (2023) highlighted an emerging problem of homelessness, citing as one example the story of a construction

worker who became homeless after a construction accident which saw him lose his foot in a cement mixer (Arena, 2023). The report highlights some of the social problems migrant workers face—even prior to their arrival in Malta, when they are promised lucrative wages by work agencies, only to be trapped in abusive jobs once they arrive on the islands. Such abuse includes being made to sleep on construction sites and having their “rent” deducted from their salary. The law giving a migrant worker 10 days to find alternative employment should they lose their job was also highlighted as adding another layer of precarity.

Moreover, the lack of knowledge of either Maltese or English means that many migrant workers have a huge lack of information about their rights. Employers sometimes do not provide a work contract and do not inform them of their entitlements as workers, denying them the basic worker rights. The YMCA report highlighted that, with the increasing cost of living and rent costs, the minimum wage is insufficient for workers carrying out elementary occupations—many of whom are migrant workers—to live decently. It therefore called for the conversation to shift to a liveable wage rather than a minimum wage (Calleja, 2023).

These observations are congruent with previous studies which show that migrant laws and policies highlight the outsider status of third-country nationals, treat them as postcolonial subjects, and categorise them as non-citizens by limiting their rights and privileges and declaring them unwelcome (Calavita, 2005). Suban and Zammit (2019) also highlighted the gaps which exist in the legal framework which protects third-country nationals.

### **The weight of the construction industry in the Maltese economy**

The years between 2016 and 2019 resulted in an increase in the number of approved development permits and in the number of construction-based companies set up (Delia, 2021). As a result, while between 2010 and 2015, there were an average of 4000 development permits per year, in 2018, there were 10,305 development planning permits approved (The Daphne Caruana Galizia Foundation, 2023).

The increase in construction and real estate activity is highly visible in present-day Malta, thus giving the impression that construction is the main driving force behind our economic growth (M. L. Zammit, 2023b). However, a report from the Central Bank shows that the main drivers of growth between 2014 and 2021 were the professional and administrative sectors as well as the information and communication sector. Construction accounted for 6.1% of Malta’s gross value added (GVA) in 2000. This decreased to 4.7% in 2021 (€560.1 million) (N. Borg, 2023a). On average, between 2014 and 2021 construction accounted for 5.9% of total employment, which is a lower share than for the period prior to 2014. Each year the sector contributed around 0.3 percentage points to GVA growth, which can be considered a “modest contribution” in comparison to other sectors. With 17,100 workers employed in construction in 2021, the

sector accounted for 5.9% of total employment for that year. Despite this relatively low contribution to the employment sector, a large number of workplace injuries and deaths occur on construction sites, as testified by the OHS reports noted above.

### **The regulation of the industry**

The OHS is responsible for ensuring the health and safety of workers in the workplace, as defined in Legal Notice 88 of 2018. When it comes to construction, the OHS needs to be informed of construction work only when the length of the work is a minimum of 30 working days and where there are more than 20 workers occupied simultaneously, or the work will involve 500 person days or more. In these cases, a construction notification form (CNF) needs to be submitted. No CNF needs to be submitted for shorter projects requiring fewer workers, which means that not all construction sites need to notify the OHS of the work, even though most incidents happen on small construction sites (M. L. Zammit, 2023c). However, all sites need to make available a health and safety file upon request, and can be subject to an OHS site visit. The number of CNFs in 2011 amounted to 250. In 2019, this jumped to 2,450 forms submitted. In 2022, a total of 1,736 CNFs were submitted (OHS, 2023). In 2023, the number of Occupational Health and Safety (OHS) Officers employed by the OHS to monitor workplaces all over Malta and Gozo was 13, a number which has remained more or less constant since 2010. Pre-2018 all construction sites with a CNF were visited by an OHS officer. Since 2018, a sampling technique started being used to identify sites for inspection as the number of construction sites increased dramatically (Legal Notice 88 of 2018).

In 2021, the Building and Construction Agency (BCA) was set up in order to monitor construction sites more effectively. Although the BCA does not focus on the health and safety of workers, it is supposed to monitor and report any issues related to health and safety on construction sites. Between April 2021 and February 2023, 20,546 inspections of construction sites (7,159 inspections in 2021, 10,298 in 2022 and 3,089 in the first two months of 2023) were carried out, and 324 fines were issued (76 fines in 2021, 129 fines in 2022 and 119 fines in 2023). The BCA also issued 573 stop notices within the same period (90 in 2021, 350 in 2022 and 133 in 2023) (Azzopardi, 2023). By July 2023, the number of inspections for 2023 increased by 7,159 construction sites, or an average of 34 inspections a day. This is double the number of inspections carried out in 2021, where an average of 17 sites were inspected in a day or in 2022, where an average of 28 sites were inspected in a day. The number of fines for 2023 also increased to 424 fines and 259 stop-works orders by July of 2023. This constitutes an increase in fines from 1% of inspections in 2021 to 5.1% of inspections in 2023 and around 10 times the number of fines in 2021 (Ellul, 2023a).

Until recently, the issue of the licensing of construction contractors had also been left unattended. In 2019, the Government introduced a public registry for contractors, but

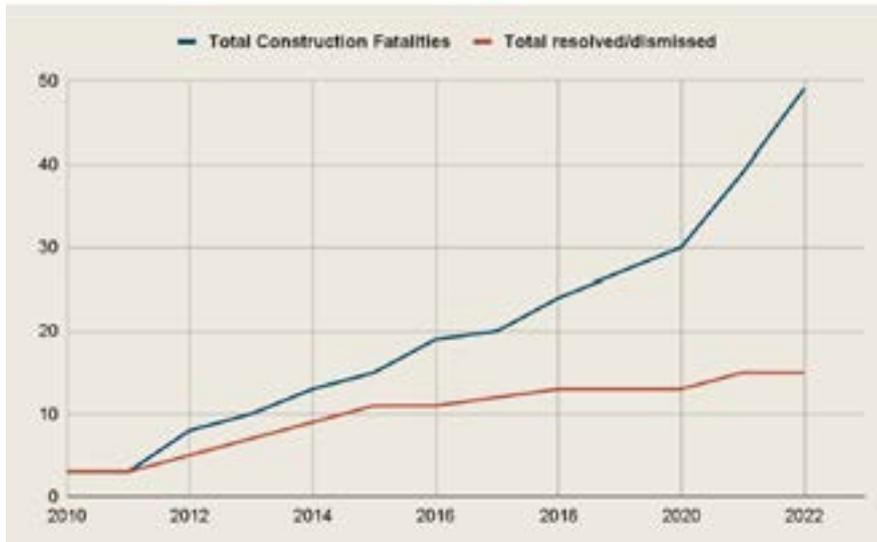
its administration was later handed over to the Malta Developers Association which agreed to have industry operators register voluntarily. However, in 2020, the Planning Ombudsman deemed this register illegal and asked the Building Regulation Office to issue its own list of contractors (Times of Malta, 2022). In 2023, after a period of public consultation, the government finally published a legal notice which requires all construction contractors to be licensed by 2025 (Ellul, 2023b). Although in general welcomed as long overdue, these regulations have already been severely criticised by the Chamber of Architects and Civil Engineers (Times of Malta, 2023b), the Malta Developers Association (Times of Malta, 2023c), the Association of Insurance Brokers (Times of Malta, 2023d) and other experts in the field (M. L. Zammit, 2023d) for being a watered-down version of the initial draft and for not making insurance coverage a prerequisite for contractors seeking to be licenced.

### **Construction-related cases in court**

Between 2010 and 2022 there were 49 fatalities on construction work sites, as reported by the Daphne Caruana Galizia Foundation (2023). Of these, 34 (69%) are still open with no court decision having been taken, and only 15 cases (30%) are closed. Beyond the court cases linked to construction site fatalities, the OHSa CEO said, in a September 2022 interview, that there were over 600 court cases related to health and safety infringements on places of work which had yet to start (S. Zammit, 2022).

The last court decision related to a fatality on a construction site was taken in 2015. Of the closed cases, only five cases have resulted in a decision while for the remaining 10 cases it was not possible to reach a decision, raising serious questions about who holds responsibility for construction-related fatalities (Magri, 2023b; The Daphne Caruana Galizia Foundation, 2023).

The increase in the number of court cases, and the length of time required to decide them, means that the gap between resolved and unresolved cases increases as time goes by (see Figure 2 below). Of the five closed court cases, the minimum fine in case of a fatality on a construction site was €1,000 with a three-month jail term suspended for three years. The maximum fine for a construction fatality was €11,650, and the average fine for a construction fatality was €7,030. No architect has had their warrant revoked over a construction-related fatality in the past 23 years.



**Figure 2: Graph showing the total number of closed cases (red) (resolved/dismissed) in comparison with the total number of total construction fatalities (blue). The unresolved cases is the difference between the two graphs. (The Daphne Caruana Galizia Foundation, 2023)**

# RESULTS & FINDINGS

## Chapter 5: Profit before health: The “ejja ejja culture”

“Ejja ejja! Fast fast” (Kofi). When asked to describe the underlying reasons which lead to accidents on construction sites, Kofi, who has close to 10 years of experience working in construction in Malta, replied immediately, as if the answer was obvious to anyone who cared enough to ask. According to him the “ejja ejja” culture clearly prioritises money and profit-making over the health and safety of construction workers who end up working “for speed”.

### 5.1 Rush for gold

Contractors are often paid by job and not according to the time it takes them to do the work. Presumably, in an attempt to outbid each other and secure the job, they take on deadlines that might not always be realistic and which do not take into consideration unexpected hurdles. They then end up continuously trying to meet tight deadlines, and pressuring workers, in order to be able to move to the next job. In the words of Simon, a Maltese stonemason, “accidents are increasing in frequency, because work has to be done quickly”.

Former Malta Developers Association president Sandro Chetcuti summed up this rush for gold perfectly when, in 2015, he had said that contractors wished to “make hay whilst the sun shines”, thus making the most of the building boom whilst it lasts (Times of Malta, 2015). Contractors, whilst trying to squeeze in as many jobs as possible in the shortest timeframes, also face pressures from the developers who contract them in the first place. Whether these developers are private or public seems to make no difference according to the interviewees:

“The owner tells you that you are either going to finish the job in a month, or else he will give the job to someone else” (Peter).

“In my current workplace, they have started making pressure. Till March 2023 we have to finish, because the government wants to inaugurate the project” (Yaya).

With everyone piling on the pressure to finish off work at any cost within an established timeframe, those who end up strangled by these pressures are the workers who have the least to gain and the most to lose from this “ejja ejja” culture. Despite this, in some situations, some workers resist and push back against this pressure:

“And when they, the boss or foreman, start pushing us, I tell them right away

‘don’t push me to do something because if I get hurt, I will be alone’“(Yaya).

Others, for reasons which will be outlined in the course of this analysis, seem reluctant or even unable to refuse to work under these conditions: “We don’t always have the safety equipment, especially if the job is urgent. We just do it” (Miroslav). Apart from Kofi, and unprompted by the researchers, the “ejja ejja” culture was mentioned as an underlying dynamic which leads to accidents and deaths in construction by two other participants in the study. According to Yaya, “the ‘ejja ejja’ culture is wrong”, with Peter adding that “hekk sirna, trid tgħaġġel. Ejja ejja ejja [That’s how we’ve become. You have to be quick. Come on, come on, come on]”. In the minds of construction workers, it is extremely clear that “in this work, you cannot work quickly” (Yaya), and that “pressure is no good” (Kofi). As pointed out by various participants, “it takes time to make everything safer” (Ervin). Vikram, who works for a small contractor as an electrician, admitted that if workers follow the basic health and safety measures, they would be less productive:

“Following the safety measures costs money. It’s not possible to follow the regulations because when you follow the safety regulation it makes you slower. Putting on gloves and glasses takes more time”.

Michael Stivala, the president of the Malta Developers Association, acknowledged that “everything is fast today”. Alfred Camilleri, treasurer of the same association, agreed that in the past “people had time to think”. This is no longer the case today, given the fast-paced tempo of construction activities. As explained by Peter, health and safety regulations and requirements “increase expenses for clients and that’s why they hold back”. This indicates that this pressure comes not only from contractors and sub-contractors intent on protecting their income but also from the clients themselves, given that any increase in expenses linked to safety measures and delayed deadlines are inevitably passed on to the clients (Balzan, 2022a). And whilst in other economic sectors, mistakes linked to unreasonable deadlines would not necessarily have lethal and serious consequences, in the case of construction, workers often pay a very high price for mistakes, which are inevitable when the pressure is so high.

Ismail, a young Sudanese worker who does electricity and plumbing on construction sites, believes that bosses and supervisors should be the ones taking care of their workers. Instead, since he started working in construction two and a half years ago, he has often found that their aim seems to be that of “controlling people” and making them work fast:

“They don’t take care about the safety, about the worker. They care about how we make the work properly and fast. All he cares about is fast, fast, fast. Sometimes the boss is not there and there is the supervisor. It’s just his job to make you angry and to push you. He doesn’t care about the safety but just about the work and do it fast, fast. The boss doesn’t come to the site. The supervisor [doesn’t]

know the boss sometimes. The supervisor just cares about the work and not the worker”.

Yana Mintoff, activist and author, Association for Justice, Equality and Peace, also mentioned the example of a Maltese construction worker she knows who got injured on a construction site and had to spend four months in hospital. Aware of the risky conditions he was being asked to work in, before injuring himself he had told a fellow worker: “No, I don’t want to do that”. However, under pressure from his bosses, he ended up performing the task just the same, given that the contractor was bound by a contract to “finish the job within a month”.

## **5.2 Multiple teams on site**

Workers interviewed also pointed out that in this sector, risks are compounded by the simultaneous presence of different teams of people on the same building site. In the words of Stephen who has been working in construction since he was 13 and is now in his early 60s:

“Having a lot of people on the workplace – as is the case today – plus very busy schedules make injuries more likely”.

The practice of having various teams on-site simultaneously is more “efficient” from the point of view of productivity but, according to workers interviewed in this study, it adds another layer of risk because the team members would not necessarily be aware of each other’s activities. This significantly heightens the risk of accidental falls and injuries.

Ismail, for example, expressed his anger and frustration at the presence of such multiple teams on site. Just a week before the interview, he hit his head against a gypsum board which had been placed there by “the people from the gypsum”:

“Me and my team we do electricity – we have one box, one ladder. We know where we put our things. But when other people come in the same building they confuse you – ladder there, scaffolding there. They left their tools everywhere – that make a lot of accident for this reason. If someone come put something I don’t know, then I fall down”.

Multiple hazards for workers’ safety are thus created by a lack of coordination and communication between different teams on site, coupled with the absence of general oversight.

## 5.3 Maximising profits

Another point mentioned by participants is the proliferation of developers and contractors who, attracted by the promise of a relatively high return on investment when compared to other investment opportunities, have, in recent years, entered the construction industry. These investors are keen on capitalising on the favourable housing market conditions which successive governments have created and sustained through tax incentives, policies such as the 2006 rationalisation exercise (Malta Independent, 2014), Individual Investor Programme (Cilia, 2020), the relaxation of height limitations (Debono, 2016), and an economic growth model heavily dependent on unprecedented population growth (National Statistics Office, 2023). The resulting building boom led many people to improvise “themselves as contractors, with a lot of ambition but without the necessary experience or ability” (Joseph). “The problem is that all of a sudden, there is a lot of business and they have become contractors” (Richard). According to John, who works as an architect with a construction company, the commendable efforts which, in some quarters, we have witnessed in recent years to improve health and safety at the place of work, have been practically nullified by the “current boom in construction and the tight deadlines associated with construction” which, as pointed out above, have in general resulted in much riskier environments for workers.

This link was also confirmed by George Darmanin, project supervisor and President of the Malta Occupational Safety and Health Practitioners Association who associated the problems in construction with the “big changes in the demographics and the number of sudden increases in construction sites that happened in the last years”. Of course, the increase in construction sites (MZammit, 2022b) or demographics is not a natural phenomenon and did not just happen. It happened by design.

Another set of policies that have been singled out as leading to more deaths and injuries are the introduction of policies such as DC15 which enabled higher buildings (Debono, 2016). Simon explained it in this way: “We didn’t used to build tall buildings. That’s another factor which leads to accidents. Before, we used to build two-storey houses”. Simon is here highlighting two separate but related issues. The first is a skills issue: workers, presumably referring to local workers here, were not used to working on higher buildings. Secondly, there is a structural issue, in that health and safety regulations have not yet been adapted to the new reality of working on high-rise buildings.

As Mintoff pointed out, at the end of the day, to identify the underlying reasons which are leading to so many accidents and injuries in the construction industry, the country needs to look at the economic model it has embraced. In rather simplistic, but poignant terms she says that “we are living in capitalism and so many times profit comes before health”. John echoes this, when he says that the aim of most companies is that of making money and maximising profits and turnover at the expense of everything else,

including the safety of workers.

From all the interviews conducted, Mintoff was the only one who, when asked to mention a recommendation to improve health and safety on construction sites, mentioned a possibility which seems to enjoy taboo status, given the often-repeated claim that the Maltese economy would collapse in the absence of a vibrant construction industry:

“At the end of the day, there needs to be less construction. The chaos of even more and more. I mean why?”

# Chapter 6: Some care, some don't: “Work is a game of chance”

Without the deterrent of real and effective punishment, and in the absence of proper enforcement by the competent authorities, the image of the construction industry which comes across from the interviews is that of an industry riddled with abuse, tempered solely by the goodwill of those professionals, contractors and managers who feel a moral and ethical obligation to treat people well and uphold standards against all odds (Times of Malta, 2023e). In the words of Gyasi, work becomes “a game of chance”. Indeed, the working conditions of people interviewed suffer from a high level of arbitrariness and vary widely according to the goodwill – or otherwise – of their boss. The level of protection offered by the boss and the subsequent trust the workers put in him or her, determines not only their “happiness” on the job but was one of the factors which determined whether workers wanted to continue working in the construction field or seek other work opportunities.

## 6.1 The “good boss”

Amadou has been living in Malta since 2009. After having worked in farming for several years, he has been working with the same construction company for the last four and a half years. He is now much happier than he was in his previous job. When asked to explain the main difference, Amadou repeatedly stressed the following:

“Here I have a good boss. I would not go back to the fields. Here it's better. The bigger difference is the work relationship with my boss”.

Even the experience of suffering a slight injury at work did not scare him and discourage him because the “boss helped me”. This help extended beyond the confines of the construction site. When, for example, Amadou had trouble opening a bank account, his boss intervened to solve the issue. He claimed that he has no problem wearing safety equipment. His boss, from the very first day of work, gave him the necessary equipment and told him to wear it.

A similar positive experience was shared by Seydou who, after leaving detention in 2020, found a “good boss” at a construction company: “Sometimes he is happy. Sometimes he is not happy. But he is a good boss because he respect me”. His boss not only provided him with a safety jacket and safety shoes, but also with material things and food. “He really helped me. I felt safe”.

Kouame, from Ivory Coast, who arrived in Malta in 2008, is another worker who “likes” his job and feels quite safe. In the first few years in Malta, he did not work in construction. Eight years ago, he started working in this industry because he was offered a work permit. Although he admits that “construction is a hard job” and that

he will change jobs if he finds something physically less tiring, Kouame is happy where he is because the boss and his foreman are “nice”. They look out for him. The foreman explains the process and how to work safely, and they listen when he voices his opinion.

The boss-worker relationship is not the only one which is important from a health and safety perspective. Having co-workers you can count on plays a big part in having that peace of mind, without which “work is not done well, mistakes are made, risk becomes higher, people get hurt and die” (Kofi). Amadou admitted that construction work is sometimes scary, especially when working on scaffolding. But he could do it “because there were other people helping me”. Kofi, who came to Malta from Ghana, agreed that “work is no problem with a good partner”.

However, when asked to rank the importance of good relationships, workers still agreed that no relationship is more important than the boss-worker relationship. Having arrived in Malta in 2006, Kofi reflected on how distressed he used to be with his previous employer, with whom he worked for eight years. Although he worked very hard, the climate and relationships were so bad that he was unable to give his best. On the other hand, with his new company, he works just as hard, but works much better because they respect him. According to Stefan, who, together with his family, runs an important construction company in Malta, it is clear that from a health and safety perspective, “the most important thing is relationships”. Alex - who is a project manager in a medium-sized company which recently diversified into construction - also confirmed this, although he admitted that he is not always aware of what is happening on site. To make sure that workers abide by safety regulations, he tries to maintain a good relationship with them, “because that is the strategy which works best”.

Even from a purely business perspective, Stefan stressed that it does not make sense for an employer to have a huge turnover of workers who are unhappy or feel unsafe on the job:

“I try to treat them well. In actual fact, many of them have been working here for years. It is not in my interest to lose them after having invested so much time and energy in them”.

When a good working relationship is established, workers ultimately realise that they are being treated fairly. For example, Stefan explained that some workers initially think that they are being singled out just because of their skin colour, but over time they realise that “I’m not interested in colour. What is wrong, is wrong. What is shoddy, is shoddy. What is dirty, is dirty”. Abdul, who has about 10 people working for his plastering company agreed that employers should be careful and take care of their workers: “Għax l-ewwel il-ħaddiem, imbagħad il-business tiegħek [first come the workers, then your business]”.

## 6.2 The “not good boss”

It is inevitable that bonds of friendship and genuine mutual respect are forged among those who work side-by-side for long hours, often in difficult and hazardous conditions. The flip side of this reality from a health and safety perspective occurs, however, when having a “good boss” becomes the sole or principal reason which determines whether workers receive the health and safety protection they are entitled to. Moreover, an over-dependence on a boss-worker relationship could create situations in which this “game of chance” favours those workers with the necessary soft skills and social capital which help them build better relationships with their bosses. Those “unlucky” enough to have a boss who is “not good” often either have to suffer in silence for reasons outlined below or else try their “luck” with another boss.

Jamal is from Sudan and has been in Malta for four years, working with three different contractors as a plasterer. Having worked in construction before coming to Malta, he feels that he is good at his job and would like to continue working in this field. For the last year he has been working with a “boss” who is “good”, unlike his previous employer here in Malta who was “not good”:

“He didn’t make safety. He just gives material and tools and he say start. How I can start like this? So I didn’t feel good. I left that company and came here. This one is better than that one. I tell him I don’t feel safe but he says it’s okay it’s okay. That’s why I left”.

Needless to say, such a “system” which over-relies on relationships and the goodwill of individuals, does not work out well for those with no real relationship with their employer. Such is the case of workers such as Alfred and Obi who started out working in construction by waiting for someone to pick them up from Marsa and Floriana respectively. When so much, including your life itself, depends on your relationship with “the boss”, not having such a relationship or not even knowing who he is – “they’ve never even met the contractor or don’t even know who the contractor is” (Caruana)-leaves workers in an extremely precarious position: “I had no relationship with employer. I was picked up at roundabouts” (Alfred).

## 6.3 An over-reliance on relationships

The obvious risk in this scenario is that of encouraging an overreliance on the goodwill of one person, to the detriment of a systemic and rights-based approach which guarantees the rights and safety of workers irrespective of the goodwill or otherwise of the “boss”. This randomness when it comes to workers’ rights and the respect of their dignity is perfectly captured by Kofi: “If somebody don’t like you, they give you problems”. Simon’s experience of working in construction for decades, has taught him that, even when it comes to the treatment of migrant workers, you will “always find people who abuse of them. It depends on the kind of person”. Michele, who has been

working in the industry since the age of 16 and who now employs sixteen workers, agrees that when it comes to workers' rights, practically everything – including the presence and prevalence of wage exploitation, racial discrimination and unsafe work practices – “depends on the individual”.

The fact that some employers seem not to care about the fate of the workers under their responsibility was also mentioned by Ivan and Noah. When the interview was held, the latter was working on a road construction project as a site operation officer and project manager. Having previously worked as a health and safety officer, Noah clearly stated that the way workers are treated, “depends on the person—there are those who don't care”. The same words were repeated by Ivan, who, after working for over 20 years in this field, is now a foreman in a road construction company: “Sometimes people don't care”.

Rather than a rights-based system which ensures that everyone is treated lawfully, with dignity, and with respect regardless of the human qualities of the boss which the “game of chance” threw your way, what emerged is a reality in which the quality of relationships and the goodwill of the “boss” have an enormous influence on the health and safety of construction workers. This crucial importance of relationships was a given for many of those interviewed and was never really questioned. In the case of workers who were “lucky” enough to encounter a “good boss”, workers did not seem to be aware that what they were receiving was theirs by right and not a favour which required them to be eternally grateful towards their employer.

# Chapter 7: Racialised labour market: “You are always a helper and remain a helper”

Racism was mentioned by sub-Saharan workers and civil society organisations as a significant underlying factor in the mistreatment of workers which often results in serious injuries and fatalities in construction. In the words of Mintoff: “I think a root cause of this problem is this racialised labour market that we have. It’s a big problem”.

## 7.1 Discriminatory and exploitative

Mario Gerada, Head of Programmes, Residences and Pastoral Work at the Migrants Commission, strongly believes that construction sites are highly racialised workplaces, with instances of discriminatory treatment not only between Maltese and migrant workers but also between different groups of migrants, with one group often being favoured over another:

“For example, during Ramadan, when workers face increased risks because of fasting, if someone has to climb dangerous heights, the probability is that a sub-Saharan African is sent to do this dangerous job, and not someone from any other nationality, who is also fasting. This is an example of the hierarchy of race operating at the workplace”.

Although, in the interviews conducted, examples or dynamics of racial discrimination referred almost exclusively to Sub-Saharan Africans, Kofi remarked that employers “pay less to Indians”, thus creating competition at the bottom end of the labour market, which in turn further fuels tensions between different migrant workers.

Another example of an exploitative practice linked to a racialised labour market was mentioned by Simon, who said that it is an open secret that some migrant workers are paid peanuts whilst being offered “free” accommodation: “Lis-suwed, issib min iħaddimhom bix-xejn speċjalment dawk li jkollhom fejn iżommuhom. Ġo xi garaxx jew xi ħaġa, biex jiffrankaw il-keru, [You find those who pay a pittance to black people, especially those who have space to accommodate them. In a garage or something, to save rent]”(Calleja, 2023).

Both Mintoff and Gerada linked the issue of the racialisation of the workplace to broader migration policies, such as the failure to allow asylum seekers registered in other EU countries such as Italy permission to work legally in Malta whilst actively encouraging the very expensive – and equally exploitative – “importation” of third-country nationals from other countries (Ellul, 2023c).

## 7.2 Humiliated and disempowered

When it comes to the voice of workers themselves, a number of extremely interesting insights were offered by Yaya. Originally from Ivory Coast, Yaya has been working in construction since 1991 and has worked in this sector both in Malta and abroad. For the last eight years, he has been working in road construction. When it comes to health and safety, Yaya explained that “black” people are often afraid to speak up. They are equally scared of refusing to perform a job when conditions are not safe. Such an action would be perceived by their supervisors as a problem and foreign workers are scared of being perceived as troublemakers:

“In Malta, when you, as a black, create a small problem, it becomes a big problem for the foreman. But if the Maltese create big problem, it’s fine because ‘nirranġaw’ [it can be fixed]. He’s Maltese”.

The words of Yaya seem to betray a weary resignation. According to him, this differential and often discriminatory treatment of workers based on the colour of their skin and their nationality is also reflected in the way workers are paid: “Maltese get increase but we don’t get increase”. This injustice is further compounded by the fact that the work experience of foreign workers often goes unrecognised:

“When you are black, they don’t think you know – always you have to wait for them to show you. Because if they accept that we have experience, then they would have to pay us more, and they don’t want to pay us more”.

Yaya’s words of pain and frustration when describing these examples betray the underlying humiliation and disempowerment experienced by a person who is not recognised for who he really is. Interestingly enough, in an interview which focused on health and safety issues, Yaya kept coming back to these dynamics of oppressive control and exploitation which leave many “black people” in Malta feeling stuck and frustrated, ready to leave at the first available opportunity:

“When blacks come to Malta, they all want to go. Because they don’t try to help us. At the end, we always remain a helper. When you are black and you work with white people, they don’t think you have experience. For them you are always a helper and remain a helper. Some don’t like it when it is clear that you have experience. When I go to work with a white person, he tells me, ultimately I’m responsible, so you do as I say. So, what can I do? I just follow”.

When coupled with the well-documented examples of systemic racism (Parliamentary Secretariat for Equality and Reforms, 2020), these negative and painful experiences take a huge toll on migrant workers, even in terms of their agency on issues of health and safety. Made to feel different and permanently less-than – “always a helper” – some end up internalising the message: “I didn’t feel I was in a position to ask for training. You know. Black employee” (Alfred).

Some workers seem to take it for granted that they will be treated differently because of their skin colour, with Amadou saying that his friends tell him that they feel unsafe in construction, “maybe because of their colour”. This does not mean that the sense of unfairness goes unnoticed and unchallenged. Osei, from Ghana, has been living in Malta for the last fifteen years. During these years, he has always worked in construction. Although in general, he enjoys his work, during the interview he expressed his frustration and anger at the fact that “white people from Albania, Serbia, Maltese have better wages. It’s not fair”. At the same time, Osei, backed by his years of experience, is also aware of the crucial importance of migrant workers: “When we don’t go to work, they cannot work. Because we’re very important for bosses”.

Thanks to this awareness and consciousness, Osei feels empowered enough to resist unjustified pressures from his bosses when he feels that these put his physical integrity at risk. This happened, for example, when, despite waking up feeling unwell, his boss told him on the phone “No, no, you have to come! When you’re tired, you go home!”. Osei ignored the pleas of his boss and stayed home to recover: “I didn’t go and went to work the next day”.

### **7.3 Some lives are worth more than others**

The interview with Richard, a trade union official, offers an interesting insight into the different forms of racial discrimination stemming from conscious and unconscious processes linked to individual assumptions and beliefs.

When it comes to accidents on construction sites, Richard repeatedly shifted most of the blame on workers and their careless attitude – “trid tgħin ruħek biex Alla jgħinek! [You have to help yourself, for God to help you]. He did acknowledge however, that when such accidents happen, reactions differ greatly, depending on the nationality of the person involved:

“Unfortunately you know what happens? When it is someone Maltese who dies, the shock is huge. When it is a foreigner, it is not that people are not shocked. But it’s like...’another one died. So what?’. Do you get it? Unfortunately, that is the reality?”

At the same time, whilst seemingly resisting the idea that the value of life varies depending on the worker’s nationality, during the same interview, the official made statements which imply that some lives are worth more than others - and this was dependant on nationality and culture. According to him, people from “other” countries and cultures are not tragically afflicted by the loss of a loved one in the same way as “we” - understood as Maltese, possibly European - are:

“F’ċerti pajjiżi asjatiċi, bħall-India, bħall-Pakistan, dawn huma pajjiżi fejn il-ħajja ma tiswiex karlin. Li jmut bniedem, hemmhekk l-anqas jagħtu kas. Jibqgħu għaddejnin minn ħdejh. Orrajt?” [In certain

Asian countries, like India, Pakistan, these are countries in which life is worthless. That a person dies, no one even takes notice. They keep walking by him. Okay?]

As if to prove his own point, the words and tone of voice used by Richard when speaking about Jaiteh Lamin and Jean-Paul Sofia were strikingly different. He spoke of Lamin, shamelessly abandoned on a road in Selmun after he was seriously injured on a construction site (Magri, 2021), as “the African who was working in Malta when he wasn’t supposed to, because he was supposed to be on holiday from Italy”. On the other hand, he took pains to show empathy when he spoke about Jean Paul Sofia, who tragically lost his life in a construction collapse in December 2022 (Zammit & Borg, 2022):

“Let’s talk about the case of this boy, poor boy, because I have a son who is twenty-two, a bit older than him. I cannot even imagine him. He just went to do a delivery”.

When it comes to safety attitudes and the possibility of instilling and encouraging a safety culture among workers, Richard seems to think that the main – and possibly only – problem are foreigners, whilst Maltese workers are “moħħhom hemm [responsible and careful]”. Using the tragedy in Corradino in which Jean Paul Sofia lost his life as an example, Richard said that even in this case, “it’s true. A Maltese boy died. But I don’t think any of the others were Maltese workers”.

Even more worryingly, these sweeping generalisations, from someone whose role, in principle, is that of defending all workers’ rights irrespective of nationality and race, extended to the importance – or otherwise – of providing the required health and safety training to workers. In Richard’s opinion, educational health and safety efforts geared towards “African” workers risk being futile, given that the latter apparently suffer from a kind of invincible ignorance when it comes to health and safety:

“Issa ħa ngħidlek, f’għieh il-qaddisin. Issa jekk għe xi ħadd minn nofs l-Afrika. Dan li qatt ma kellu idea ta’ health and safety. L-anqas jekk tipprova, orrajt. [Let me tell you, for heaven’s sake. If someone comes from the middle of Africa. Someone who never had an idea of health and safety. Even if you try, ok?].

Lastly, Richard seems to uncritically accept the reality of a racialised labour market, in which dangerous and dirty jobs are done by some and not by others. In fact, when mentioning the difficulty in finding workers with the required skills and experience to work in construction, he mentioned the particular challenge of finding workers who are ready to work in quarries: “to work in quarries, not even Africans want to go! No one wants to go!”

# Chapter 8: Thrown into the deep end: “No training, no nothing”

The lack of adequate education and training is another critical issue which emerged from the interviews. There was general agreement among workers, professionals, and organisational representatives that good training could improve safety on construction sites. There were different ideas on how to address this: targeted health and safety programmes, skills-training related to the building industry, and language skills.

## 8.1 Health and safety training

Interviewees seemed to agree that, although there is always room for improvement, the current health and safety regulations are quite robust as they are. However, enforcement of these regulations - covered in a separate section below - and “communication of such regulations to employees” (John) were identified as being generally very poor. Kouame, despite having worked in construction for the last eight years, admitted that he “doesn’t know about health and safety in Malta”. He was never given any formal safety training but had to learn the basic skills on the job, by himself.

Although, in principle, largely available to everyone – with the important exception of migrant workers who having first registered for asylum in Italy or other EU country, are excluded from any formal education course - training courses organised by, for example, the Building Industry Consultative Council (BICC) are still not reaching all workers. The introduction of a safety and skills card which will soon become mandatory to access construction sites (Cocks, 2022) seems to have encouraged workers such as Osei to follow health and safety courses run by the BICC. However, by and large, workers still think that the training and education which is currently being offered is sporadic, insufficient and ineffective.

Obi is a Nigerian man in his mid-30s who started working in construction soon after being released from a migrant detention centre, where he had been for several months as a result of his irregular entry into the country. In desperate need of money, he was grateful when a friend introduced him to someone who offered him a job in construction. However, Obi often felt that the only safety measure in place at his place of work was “to trust in God!”. He admits he felt scared when he realised how dangerous this job was, especially for people like him with no training or experience: “There have to be rules and training before telling someone to do something risky with no experience and training “.

This lack of training for those who are at the bottom of the sharp hierarchical structures that are inherent to the Maltese construction industry, is lamented by the workers. Ali spent months undergoing rehabilitation after suffering a grievous injury on a

construction site. He laments that he started working in construction with “no training, no nothing”. Yaya remarks, “here in Malta everyone is a labourer. They don’t send you to school, nothing”.

Amir works as a quality assurance officer in road construction and was in a good position to comment on the training, however limited, that is available. He thinks that the various types of training that workers are given focus on the quality of their work, rather than on their safety: “They’re taught how to give it a good finish and not worry about their overall health”. Despite admitting that many workers have never followed a health and safety course, another worker, Osei, has noticed that, in recent years, safety awareness has increased among workers and other stakeholders, possibly linked to the high number of death and injuries. But when it comes to the authorities, he feels that they are more interested in giving out fines, rather than providing education: “They need to educate us more, not just give us a fine”.

Even workers brought over specifically to work in construction are not necessarily provided with health and safety training. Rohan is an Indian worker who has been working as an electrician and plumber on construction sites for the last 17 years, in his home country and in the Gulf. Since arriving in Malta six months ago, he has not received any formal health and safety training and his company only provided him with safety shoes: “The company doesn’t give me gloves, jackets, helmets – they don’t give enough” (Rohan). When asked to describe his knowledge of safety regulations, he replied: “I don’t know, no one has told me anything. We don’t know anything”. He thinks that other companies might be different. But his current employer does not take health and safety seriously: “Some companies provide for safety but my company not at all”. Furthermore, in Rohan’s opinion, courses on health and safety cannot be separated from other “classes” which raise awareness among workers about their rights: “Give some classes about the safety regulation and about the rights we have”.

Jonathan, on the other hand considers courses on health and safety to be a “a waste of time”. He has been working in the construction sector for 29 years and has first-hand knowledge of the development of the sector. He started as a worker and is now a foreman. He explained that the health and safety courses consist of a lot of theory which does not reflect the actual conditions of contemporary construction sites. He has words of praise for the instructions and indications given by health and safety officers during site visits, which he finds much more useful and relevant. He puts this down to the fact that these officers, in general, have more first-hand experience of what it means to work on a construction site.

## 8.2 Language barriers

When it comes to health and safety outcomes, workers and other stakeholders agreed that language barriers greatly increase the risk of injury and death.

“Another thing that causes problems is the language. Many people they work in the same place but they don’t have no language. They don’t speak English good. They don’t speak Maltese good. This causes problems” (Ismail).

Ivan, originally from Serbia, agrees with Ismail. He mentioned the example of a group of workers who were sent by their company to follow a course in health and safety, but they did not have proficiency in English to be able to follow. Just one person from the group had enough English to be able to explain to the others how they needed to respond to pass the test. “They go there just to pass the course “. Ben, as a foreman, when dividing his workers into working teams, tries to make sure that there is at least one member in each team who understands English. Specific teams often have one person who understands the instructions given by Ben, and three others “who receive my instructions through the one who understands me”. With people of various nationalities who speak different languages often present on construction sites, Kofi remarked that signs are often used as a kind of universal language. “To communicate, I use sign. The norm is that people communicate small small”. The problem is that on construction sites, a split second can make a difference between a serious accident and a near-miss.

Whilst other countries link job visas to language acquisition and proficiency, at present, Malta does not require these language skills when issuing work visas. One-third of foreign workers also leave their job within a year, with this high turnover having an impact on the ability of these workers to learn the language (Debono, 2023).

As highlighted by Richard, expeditious communication is key in risky environments - workers need to be able to react quickly and to communicate clearly with those around them:

“If a stone falls, I’m not going to stay telling him ‘iġri, scappa, run’ and in all the languages. Therefore, we have to teach them that when I tell you ‘iġri’, run, move away and not ‘what happened?’ These are things we really don’t do and they are things that can save a person’s life”.

Stefan, Camilleri, and Alex discussed the dangers posed by the lack of adequate language skills. According to Camilleri, the only way to remedy this extremely dangerous situation is to introduce compulsory basic language classes for all those foreign workers who wish to work in construction. For Stefan the language barrier is “a huge problem”, and Alex shows the absurdity of sending people on construction sites - which are always risky - without speaking a word of English: “This issue of language is a problem when it comes to safety”.

During the interview, Michele shared his recent experience of speaking to an architect who had just visited a construction site. Given that none of the workers on site could communicate properly in English or Italian, the architect ended up using Google Translate to convey his instructions: “This is the level of mediocrity we have reached”. He added that part of the responsibility in cases like these, when there is no common language, lies with the foreman who, according to him, should have acted as the interpreter between the professionals and the workers: “You cannot leave people alone, who cannot understand or speak the language”.

In recent years, the OHSa has tried to tackle some of these challenges by strengthening its outreach efforts directed towards migrant workers. Mark Gauci, Chief Executive of the OHSa, explained that the Authority has translated its health and safety guidance documents into several languages and organised several outreach meetings with migrant communities.

However, such an effort can easily become a box-ticking exercise if the complexities which are a given in all human relationships and communities are not adequately taken into consideration. In fact, Gauci admitted that this outreach exercise represented a learning curve for the organisation. Through these activities the OHSa realised, for example, that the Syrian communities in Malta are diverse. To include as many workers as possible, the assistance of community leaders and cultural mediators who can ensure that the workers are making the most of their training and instructions on site is obviously needed.

### **8.3 Skills training**

Another factor associated with education and training which participants linked to construction site safety is the increase in workers lacking some skills, and others who are inexperienced. Joseph is a Maltese worker who has been working as a self-employed worker for the past 29 years. He does all kinds of work, but focuses on restoration, alterations, and minor building works. He argued that most injuries in construction can be attributed to a lack of skills and experience on the part of workers. Other workers and professionals who have been working in construction for decades all agreed that there is a significant correlation between experience, acquired skills, and safety.

Ben, for example, feels safe doing his work, because “he knows what he’s doing”. Stephen added that the way recruitment is happening in this industry may also explain the many injuries, with many foreign workers not receiving adequate training. This problem, according to Joseph, is further compounded by the recent policy of deporting employees who have “Italian papers”. A good number of these, according to him, are experienced workers in the construction industry, and are therefore less likely to suffer injuries than newcomers.

Stefan agrees that employing foreign workers with no training, no experience, no apprenticeship, and no induction is extremely risky. In fact, he always tries to pair newcomers up with someone who is skilled: “Given that many of them are unskilled, I don’t trust them alone and I put them with someone who is skilled”. The problem is that he is finding it increasingly difficult to find skilled workers, even among local workers. When asked to mention a possible recommendation to make the industry safer Stefan said that the closure of trade schools was a big blow for the country:

“Even those who graduate from MCAST. They only know the theory. I have a big problem with welders for example. No one wants to get dirty. We are ending up with the unskilled teaching the unskilled. There is a whole generation that have no hands-on experience and we’re expecting these people to teach others”.

Given the dearth of workers who have acquired the necessary skills to work in some aspect of construction, Stefan also questioned the wisdom of leaving recently arrived asylum-seekers in limbo, waiting for months on end, without anything to do. Asking them what they want to do, what they know how to do, and offering them learning opportunities would be beneficial not only for them, but also for the country.

Both Stivala and Richard mentioned the lack of skilled workers as a problem plaguing the construction industry which has serious repercussions on the health and safety of workers themselves. According to Stivala, in the past, “workers used to get hurt less because they were skilled”. Simon, who started working in construction at the tender age of 14, wondered whether there are any young people nowadays genuinely interested in learning trades such as stonemasonry: “Today, I’m not sure there are young people learning. Before, there was a school”. Compared to the past, Stephen noted that today there are more “courses” and “certificates”. However, according to him, this official certification can never replace the “kind of trajectory a new hand had to go through,” which nowadays is largely non-existent.

Whilst it may certainly be the case that some workers may lack certain skills and may not know the Maltese system, the discussion in the previous chapter showed that the training and experience of certain workers are not recognised. Workers who, for years, have worked in construction both locally and abroad, said that many bosses and foremen do not take into consideration their voices and opinions. Never allowed to interact as equals, they are often treated as brainless workers.

When it comes to comments linked to the loss of trade schools, it is also important to point out that, notwithstanding the nostalgic narrative put forward by certain interviewees, students at trade schools - bar a few notable exceptions such as Umberto Colosso - were not always treated with the respect they deserved. Trade schools were in fact removed in a bid to bring about more respect for students studying these vocational subjects, by allowing them to follow the same curricular trajectory. Notwithstanding these efforts, in the presence of other educational paths which offer

better opportunities for upward class mobility, not enough students are opting for the formal vocational system, which is not geared to cater for this construction boom.

# Chapter 9: Machismo and safety culture: “Is-safety idejjaqna [Safety bothers us]”

Beyond the training, regulations and the wider economic, social, and legal framework which were identified by various participants in the study as important factors in determining health and safety outcomes, there is another aspect which is difficult to quantify but which was repeatedly mentioned by participants when asked to identify problems which need to be addressed: that of a lack of safety culture.

## 9.1 Lack of safety culture

Alfred and Alex both said that, beyond the shortcomings and deficiencies which are to be found on construction sites, Malta suffers from “a general lack of safety culture” (Alfred). Alex stressed that this problem is not to be found only on construction sites:

“Everyone talks about construction, but no one mentions what is happening on our roads. Everyone using their mobile. No one cares. That’s the problem”.

In the specific case of the construction industry, Ben explained that people seem to care about safety just “to avoid the hassle” which contractors and professionals have to face every time there is a construction site accident. All this is linked to a “mentalità tal-uwijja [anything goes mentality]” (Michele), whereby anything goes and things are mostly left up to chance:

“ ‘Uwijja, imbagħad naraw’. Le trid tara qabel mhux imbagħad. Fil-health and safety il-problema trid taraha qabel. Trid tassumi qabel x’jista’ jigri ħażin [‘So what? Then we’ll see.’ No, you have to check beforehand, not after. In health and safety, the problem has to be seen to before. You have to assume beforehand what can go wrong]” (Michele).

In the words of Stefan, “qisu s-safety idejjaqna [it’s as if safety bothers us]”. According to him, even when provided with all the necessary safety equipment, some workers – Maltese and foreigners alike – prefer not to use it. Asked to explain a possible reason for this, Stefan answered: “I don’t know exactly why. Maybe it’s because we’re careless and selfish”.

Whilst all interviewees agreed in principle that construction sites “are very dangerous” (Yaya) and it is therefore “important to be careful when doing risky work” (Yaya), in practice, certain safety procedures seem to fall foul of a culture of “machismo” according to which risk-taking and “dirtying of hands” (Gerada) are equated with a strong masculine identity. Conversely, following safety measures is seen as weak and unnecessary.

## 9.2 Whose fault is it?

Even though one worker singled out other fellow workers as the primary “cause” of accidents – “any lack of safety is primarily due to employees not following the prescribed procedures” (Daniel) - in the analysis of this theme, it was noticed that there was a strong difference between the answers given by workers themselves and those given by professionals, contractors and some organisational representatives. Among these groups, there was a marked tendency to primarily blame workers for the large majority of accidents on construction sites. Alex said that, unfortunately, many workers do not seem to be interested in their own safety. This “carelessness”, “machismo” and “over-confidence” is found among workers of all nationalities. “The problem is that you get hurt when you’re over-confident. You get hurt either in your first week or when you’re over-confident”.

According to Richard, “workers are often their own worst enemies. As long as they’re earning some money, they don’t care”. According to Darmanin, the fact that many foreign workers are coming from countries where a strong health and safety culture is lacking does not help. This point was also made by Ben who claimed that many foreign workers have a “different mentality” and come from countries which give less importance to health and safety issues. At the same time, Darmanin added that we have to admit that our own health and safety culture is “not very strong” and still “immature”.

Matthew, who is an NGO worker, stated that in order to begin understanding the complex scenario of health and safety in construction, everyone has to keep in mind that there are various “actors” involved, all with some degree of responsibility. He identified four main actors: “employees, employers, authorities and buyers. You have to consider the responsibilities of all four”. In all cases, but especially in the case of employees and employers, the main problem which leads to accidents is “ignorance” of safety laws, safety procedures, and a broader safety culture. Whilst acknowledging the complicated interaction of the different remote and immediate causes of accidents, Matthew insisted that “we cannot blame employers alone”.

Camilleri is also convinced that workers themselves have to be primarily responsible for their own safety: “This is my own life. My own health should come first”. At the same time, he also acknowledged that workers’ awareness of their rights and duties in matters of health and safety, and a commitment to responsibly follow the rules are, on their own, not good enough to avoid unnecessarily risky and unsafe situations, given that, in real-life situations, “not everyone has the option of choosing”.

## 9.3 Deleterious effects of machismo culture on workers’ safety

The effect of the “machismo culture” (Whitaker & Reese, 2007) on the health and

safety of workers kept surfacing in the interviews conducted. The attitudes and behaviours associated with this culture (Whitaker & Reese, 2007; Stergiou-Kita et al., 2015; Gilmore, 1987) such as hypermasculinity, feelings of invulnerability and displays of toughness have long been present in a male-dominated industry, which to this day rarely sees the participation of non-male employees.

Camilleri recalled that there was a time when:

“stonemasons used to wear flip-flops or walk barefoot, with a cigarette hanging from their lips, a napkin around their head. The sun was, for them, the biggest hazard.”

Richard shared the story of a local elderly stonemason who insisted on working barefoot, notwithstanding the evident dangers: “Any falling stone would have cut off his foot. This guy died. He fell from a window. Three storeys”. When Richard had challenged him to explain his apparent disregard towards his own safety, the stonemason had replied: “This is how I work. This is how I have always worked”. Interestingly enough, unprompted by the interviewer, John commented on the prevalence and significance of this machismo culture by observing that construction sites are unsafe spaces for women and members of non-heteronormative communities. Whilst “females are generally disregarded” and “viewed as a sexual object”, he said that homosexuality is still very much of a taboo in the construction sector. Over the years, he has repeatedly overheard “derogatory remarks about other colleagues who may be of a different sexual orientation than the rest”.

In close-knit working environments such as construction sites, refusing to go along with such a machismo culture carries a high cost in terms of group belonging (Hanna et al., 2020; Lacuone, 2005). However, some workers did mention examples of tensions which arise whenever this culture is questioned. Miroslav, from Serbia, works in road construction and has been working in Malta in this field, which he describes as “good for now”, for over five years. During the interview he mentioned that a while back, a group of workers – himself included – had refused to go into a sewer tunnel from where another worker, despite wearing a mask, had emerged feeling dizzy from the inhaled fumes. Instead of waiting to secure the site from a health and safety perspective, a Maltese man went into the drainage sewer without a mask and emptied it on his own. From a machismo perspective, with this act of “bravery” he showed his superiority to his fellow colleagues.

Obi stated that he was once asked to perform a task on a construction site which involved climbing a considerable height with a significant risk of objects falling on him. He told his boss: “I can’t do that without safety helmet!”. Instead of commending him for his prudence, his boss told him off. And what is probably worse in a culture where displays of machismo play such an important role, he mocked him by telling him: “Why? Do you see me wearing a helmet?”

In some cases, despite the potential serious consequences of accidents on construction sites, some interviewees seem to view the implementation of safety measures as a burden and a hindrance. Peter, for instance, grumbled about the “excessive” emphasis on health and safety requirements which he believes, when “taken to an extreme”, means that workers cannot do their job properly. He gave as an example the use of the safety helmet which he says, given the inconvenience of wearing it all day, should only be worn occasionally:

“They shouldn’t insist so much on helmets. When you have time, I believe that you should wear them. But why should a stonemason wear a helmet all day?”

Amir agreed that a lot of workers think that their work is easier and faster when they do not wear protective gear. When it comes to climbing gear, for example, Amir estimated that it takes between five and 10 minutes to wear it properly, and “the workers see it as an irritation and they prefer to just climb like a monkey instead of wearing it”. In this context, even health and safety inspections can become a game of cat and mouse, in which the challenge is to be wise and fast enough not to get caught:

“They have no helmet, they have no nothing. Maybe some will. But when somebody is coming then they quickly - take this... take here, take here” (Ali).

If culture is understood as a set of beliefs, practices, and symbols that are learned and shared, and which together form an all-encompassing, integrated whole that binds people together and shapes their worldview and lifeways (Braff & Nelson, 2020), no change in culture can happen overnight. Any hoped-for culture change in the field of health and safety is not an exception to this rule. This point was highlighted by health and safety practitioner George Darmanin who emphasised the enormous challenge the country faces in terms of changing deep-rooted attitudes which militate against a safety culture. However, acknowledging the magnitude of this challenge does not mean that the country should resign itself to the status quo. Darmanin argues that this is an issue that needs to be dealt with urgently and that “some changes need to be made now, that will bring results now” (Darmanin). Michele is also of the opinion that what is required is a change in mentality which has to start immediately through “proper and serious enforcement” from the competent authorities: “We cannot keep on working in an amateurish way”. Moreover, contractors and professionals need to cultivate this safety culture by “leading by example”. Otherwise, all words and instructions on health and safety will fall on deaf ears and justifiably be perceived as hypocritical.

On a more positive note, Darmanin argues that when it comes to safety culture, positive change has already started taking place thanks to the legislation that Malta was “forced” to introduce with accession to the European Union. He admits that the situation is still far from ideal, but were it not for the European Union, health and safety in the Maltese construction industry would be much less regulated.

# Chapter 10: Under the shadow of fear: “You say no, you go home”

Workers' experience in this industry is constantly overshadowed by fear. This inevitably has a dramatic toll on workers' wellbeing, and conditions their behaviour and the relationships they build at work. The fear of getting hurt—not surprising in an occupational sector with such a high incidence of accidents at work—was mentioned by various workers. However, perhaps surprisingly, it was not the main one. Threatened by precarity, workers mentioned and experienced the fear of losing their job without any real alternatives, the fear of becoming destitute, and not being able to provide for family members. In the case of migrant workers, the fear of falling foul of immigration authorities loomed large. As described below, this climate of fear, made possible by systems, structures and actions of individuals which render people vulnerable to abuse and exploitation, in turn had a direct impact on the health and safety of workers who shared their experience of feeling powerless and unable to refuse unsafe working conditions and/or report abuse.

## 10.1 Fear of getting hurt

When it comes to fear about their physical integrity, workers such as Obi, who before coming to Malta had never worked in construction, confessed that, despite being a “fast learner”, he was “very afraid of scaffolding. Especially when it's windy like today”. In fact, a few months after the interview, Obi transitioned to a job in the hospitality industry. Given the choice, he would never go back to construction: “It is too tiring, physical and scary!”

The fear of getting hurt whilst working on a construction site was mentioned by a relatively low number of workers. This is possibly due to the machismo culture discussed above, according to which fear could be seen as a display of weakness. However, Kofi mentioned an accident in which two beams fell on a Maltese worker and also on Kofi himself. Everyone was shaken, but it was unclear what injuries either of them had suffered. When Kofi felt his head swelling, he admitted that he felt “very scared”, and was terrified that this injury would result in some “mental problem”.

Absame—who, as a result of an injury sustained whilst working on a construction site, ended up homeless—lived through the pain inflicted by indifference. Whilst bleeding profusely from his hand, he saw his boss just standing there: “I got scared that he was just going to watch me bleed to death”.

The mere possibility of having an accident generates a genuine fear in workers who, besides worrying about their physical integrity, live in constant fear of not being able to work, temporarily or permanently, as a result of an injury at work. Moreover, many

workers do not have a safety net or a support structure provided by family and friends.

“You are in danger. And being here you don’t have family. You don’t know anybody. A small break from your spine will be bad for you” (Alfred).

## 10.2 Fear of destitution

For workers, destitution is the guillotine that constantly hangs over their heads. The fears associated with construction work injuries, however devastating they may be, seem to be outweighed—in a large number of cases and in the absence of realistic alternatives—by the need to earn money. They need the money for their daily expenses, and at times to support family members. Especially in the case of recently arrived migrant workers, the loss of a job in construction is often the only thing that stands between them and severe destitution. The fear and shame of not being able to provide for family members also plays heavily in this risk calculus. Jaiteh Lamin, speaking soon after he was dumped on the road after he was seriously injured on a construction site, asked himself: “If I don’t work who is going to feed my children?”

This financial pressure can lead workers to “willingly” accept to work for long hours, even if they are fully aware that doing this increases the risk of injury due to tiredness and fatigue: “In summer I work 7am to 8pm because of longer day. I do it to earn more money. No one forces me” (Osei). Ali, even after suffering a life-debilitating injury on a construction site, confesses that work in construction is “very hard, but the money is a lot”. All this in the context of a highly segmented labour market where access to relatively well-paying jobs is severely limited for certain categories of workers. As part of his work as an NGO worker, Matthew, over the years, has repeatedly tried to convince migrant workers that construction may not be the best thing for them given the lack of job security, the rampant exploitation which goes on in the sector, and the safety risks involved. However, he often finds out that, despite being aware of the risks, “they don’t care” and “they don’t listen”, because “money is more important”.

Things are different when a realistic opportunity of securing a decent and steady income in other economic sectors, where the risk of injury is much lower, presents itself to workers. The apparent willingness to accept risk should therefore not always be mistaken for foolhardy naivety. Yaya, for example, explained that “you are in construction to make money and then, when you can, you leave”. Matthew explained that, as soon as legally possible, all the fellow countrymen he knows leave Malta:

“They go to other EU countries, for example Germany. In those other countries, they do not work in construction because the wages in other sectors are also good.

Several workers and organisational representatives mentioned that the workers who are most vulnerable to exploitation are asylum seekers recently released from detention. They are the ones who are most driven by the fear of destitution associated with a lack of employment opportunities. According to Alfred, “most of the people work in construction because there is no choice”. Julian Caruana, Psychosocial Team Coordinator at the Jesuit Refugee Service (JRS) explained that many people working in construction are those who, soon after coming out of detention, hear that the easiest way to earn some money is to “stand at the roundabout” and wait for someone to pick them up. Weeks later, when they realise how hard and risky this work is, they turn up at the JRS office, seeking help to find a job “but not in construction”.

Caruana also explained that there are systemic factors which contribute to the precarious situation which these newly arrived asylum seekers find themselves in. Given that asylum seekers can only spend a maximum of six months living in open centres, they end up having to choose between ending up homeless or working—often illegally, given the delays in processing a work permit—for a construction company. Clearly, asylum seekers choose survival. When you are living in an open centre with an allowance of €130 per month, “you have to make choices”.

Obi experienced the issues described above first-hand. In his own words, “after coming out of detention, I started working in construction. It was the easiest”. In those initial first months of freedom, he submitted his CV to various prospective employers, mostly in the hospitality industry:

“But it was January. And in January, work in hotels is very slow. So they told me that hotels will call you but no one called. I was living in Open Centre and I needed money. How can I live with €130 per month? Construction was the only option”.

### **10.3 Made to feel small: experiencing subjugation**

The uncertainty and precariousness created by policies bent on keeping people in a vulnerable position were best described by Mintoff as a “fortress against the vulnerable”, whereby people are robbed—by the fear of destitution, deportation, and further exploitation—of the possibility of saying no. In the words of Kofi, “you say no, you go home”. Workers are purposefully made to “feel small” (Mintoff) by those who have an interest in maintaining a huge imbalance of power. In an industry which, according to Caruana, has adopted an economic model which largely depends on the exploitation of workers, this is not surprising.

This sense of smallness and powerlessness which magnifies the level of fear felt by workers was expressed in multiple ways by interviewees. Rohan, for example, was aware that he did not know his rights, and this put him at a disadvantage at work:

“Some rights I know, but some rights I don’t know. But with the employer you can’t say I need this one or this one. He will tell me to change the job”.

Third-country nationals who are here in Malta on a single-work permit talked about their fear of telling their employers that they do not feel safe. Vikram, from India, explained that he is afraid of losing his job. According to the current legislation, he would then need to find a new job within 10 days to stay in Malta legally. He therefore prefers to “obey what the employer says”.

Adam, who works as a site operations officer and project manager also spoke about this power imbalance which impacts foreign workers. He noticed that Maltese workers are more likely to refuse work. Foreign workers, on the other hand, have very little negotiating power and, despite being paid less, are afraid of saying no. This fear of bosses was mentioned by Amir as the underlying reason which explained the sense of disempowerment which can sometimes be noticed among workers:

“In general, none of the workers are completely aware of their rights when it comes to health and safety. They get injured, they continue working. They don’t claim anything from their bosses - I don’t know why they fear their bosses so much”.

Explicitly and implicitly, several foreign workers described their experience of feeling threatened and humiliated by their bosses. “I also don’t want somebody shouting with me as if I was a kid” (Yaya). When he was still considering opening a court case in relation to the workplace injuries he suffered, Ali remembers his former employer warning him that the Maltese courts take very long: “longer than 18 years. ‘Don’t go to court’. Like they threaten me”. Unfortunately, the Maltese law courts are notoriously slow and somewhat inefficient, thus limiting the recourse and access to justice in a timely manner (European Commission, 2023).

Ali was also told by his former employer: “I’m here and you’re foreigner”. Several years after finally deciding to open the court case, Ali, still bed-ridden and barely able to speak because of his injuries, bitterly acknowledges that maybe his former employer was right: “So yes he is right and I’m wrong. My case four and a half years still is going”.

From the interviews conducted, it emerged that migrant workers are those mostly likely to be gripped by that fear which paralyses and increases the possibility of abuse. This is especially the case of those migrant workers who first registered for asylum in Italy. In this case, even when in possession of a regular *permesso di soggiorno* [residence permit], these workers can travel to Malta, but they do not have permission to work. These workers are scared that:

“if they raise their heads, the police will deport them back and this is what is happening. When the police are checking sites they are more likely looking to deport them than to look after their health” (Mintoff).

Secondly, they are scared of going to prison for working without a permit: “I don’t want to go to prison” (Lamin). This fear of being sent to prison is exacerbated by the fact that in 2022, nearly 50% of the prison population in Malta consisted of foreigners (The Malta Independent, 2023a). Thirdly, when an accident happens, they are “afraid of going to hospital” (Gyasi) or even just to a clinic, which might charge them for any treatment received or not treat them if they do not have the right documents. In practice, even those migrant workers who are entitled to receive state medical care often have this entitlement questioned when they require medical attention (Caruana & Rossi, 2021). As a result, these workers often do not seek professional medical treatment or, if they have the means, go to private clinics. According to Gyasi, the lucky ones receive some money from their employer to get treated privately, as long as they agree not to report their bosses.

Fear can indeed play an important role in deterring people from reporting accidents and unsafe work practices. Caruana mentioned the example of a group of five Ghanaians, all registered for asylum in Italy, but working in Malta. “One gets hurt and he won’t report because he will get in trouble and his friends will get in trouble, so the deterrent is double”. Gerada agrees that “fear is surely present” among these “most vulnerable” workers. He added that, in this field, there are a lot of “unsaid things which need to be exposed. This is one of them”. Notwithstanding the huge demand for construction workers which currently exists, he added that people like Jaiteh Lamin have no possibility of being employed legally. According to Gerada, Malta could very easily adopt the “German model” whereby people who have International Protection in another EU country can apply for a work visa through an embassy. Such a model would surely be welcomed by many employers and businesses. What is lacking is the political will: “There is a solution. We just choose not to adopt it”.

## **10.4 Without a work permit**

A similar level of fear and precariousness is experienced by all those who are employed without a work permit: “We have no contract, safety is not mentioned there” (Alfred). Seydou, from Mali, arrived in Malta in 2019. After coming out of detention in 2020, he started working in construction without a work permit. At first, his employer refused to apply for one, saying that he first needed to “test him”. Seydou decided to put his foot down and kept on insisting. He realised that, in Malta, “if you don’t ask for a work permit, they don’t give you”. After a while, the employer relented and gave him the permit as required by law. According to Seydou, this was apparently the first time this particular employer had applied for a work permit for one of his workers. After the initial reluctance, the employer was “very happy to have an employee with a work permit”.

Ismail has been working in construction in Malta for the last two and a half years. He only got a work permit very recently after asking his boss for one. Ismail thinks that

when it comes to health and safety, the main issue in Malta is the unregulated job market whereby people are “taken from the streets without contract, without nothing. He don’t know nothing and he start working”. According to Ismail, workers with contracts are, in general, treated better than other workers; they feel less pressured to work dangerously fast out of fear of losing their jobs, they can go to hospital without fear of facing hefty bills or being deported, and many of these workers are provided with safety equipment. On the other hand, if you do not have a contract, “they don’t care about you”. Moreover, a worker without a contract is always worried about whether he will get paid or not:

“They tell him I will give you €5 if you want to work. If you don’t want to work you can leave. So he work, but his mind, he is very confused and he work angry. He just want to finish the time and leave. But he will make problem for us and other people there”.

Ismail explained that someone in this state of mind becomes dangerous for himself and for other workers. The worry about survival and about providing for family becomes all-consuming, to the detriment of other important aspects of work, such as safety:

“You are worried about how I will send money to my family, how will I pay my rent? You will be distracted and the last thing you think about is the safety”.

Stefan and Alex both described the whole system surrounding migrant workers as a racket and as an example of “slave labour” (Alex). Stefan, as a contractor and employer, expressed his frustration with the current way the country treats asylum-seekers registered in Italy. He fails to understand why the authorities cannot make it easier for workers coming from Italy to work legally. Given the general lack of workers in the construction sector, companies like his, who decided not to employ them anymore, end up at a competitive disadvantage compared to companies who take the risk of employing them illegally. The situation is even worse when one considers the length of time needed for single-work permits to be issued— “if someone come from Serbia to work, he has to wait, three, four months until the permit is issued” (Stivala)—and other bureaucratic difficulties and obstacles linked to the legal employment of third-country nationals.

“You have no idea the time and paperwork involved! Even to open a bank account. A whole saga! Then they lose two or three days of work to renew their permit and meet their lawyer. It doesn’t make sense. The country needs them. I’m sure there is a better way for everyone which doesn’t require them to go and queue up at 4am. There is something which is not working” (Stefan).

From his end, Alex describes the refusal of the authorities to consider granting a work permit to asylum-seekers registered in Italy as “pika [spiteful]”. With their only option being that of working in a shadow economy rife with abuse and devoid of any legal safeguards, these workers are kept invisible and hidden at all costs: “You have to keep

them invisible". When, for example, one such worker was injured on a site he was managing, Alex felt compelled to tell the worker that his best option was to lie about the cause of his injury:

"Once there was one worker who broke his leg. I told him to say that he broke it somewhere else and not on the workplace. Otherwise, you end up in a lot of trouble".

Lies and deception seem, therefore, to be part and parcel of such a system, given the fear of falling foul of the law which would fall on the employer "like a ton of bricks. When employing these people, you automatically start hiding more" (Alex).

## 10.5 Unionisation

When asked to give examples of viable avenues for recourse in case of abusive, dangerous, and exploitative practices, workers confirmed their experience of disempowerment, extreme precariousness, and vulnerability. This could be linked to a lack of awareness of their rights, negative experiences they have had when dealing with "authorities", or because of the fear of negative consequences should they speak out. Whatever the reason or reasons, workers like Gyasi explicitly asked the interviewer: "Where do you want us to report?"

Caruana also remarked that many migrant workers end up internalising the negative messages they encounter on a near-daily basis:

"They think that they have less rights, because of all the messages they get, the difficulties with the simple document which gives you nothing. And I think that affects their mindset and their ability to speak out".

Alfred maintained that in reality, "you can't protest", given that when migrant workers raise their voice, they are simply told to "go look for another job". Gyasi added that what would make a difference is a:

"special union to collect evidence. A union that is on our side. We don't have any office where we can go for our rights. Nobody talks for us"

According to Sammy Mielag, a former official at the General Workers Union, the only way to ensure workers' perspectives on health and safety are adequately taken into account is by changing the set-up of the OSHA to include workers' representatives. Such a presence would not only enrich the expertise of the organisation but it would also be in line with a European Union directive (2002/14/EC) which established a framework on the consultation of employees.

When it comes to the impact of unionisation, both Mintoff and Gerada mentioned the crucial importance which unions can play in safeguarding workers' rights. However,

even here, the element of fear is not absent. Whilst arguing that unionisation is the only way forward, Gerada mentioned workers might fear that if they join a union, they will “lose the job”.

Richard, the union representative who was interviewed in this study, also suggested that one of the ways in which construction safety can improve is for all workers to be members of a union. When asked if, at present, construction workers approach the union for help, he replied that few of them are actual members of his union, “most probably because most of them are not legally employed”. He also added that when they do approach him, he does not always believe them: “When someone comes on minimum wage and works for a contractor in construction, I tell him ‘sorry but I don’t believe it’”.

It goes without saying this struggle to be deemed credible further discourages workers, already made to feel “small” by various factors at play, from speaking up and standing up for their rights. Furthermore, when asked about the issues faced by migrant workers, Richard explained that there is often a language barrier problem which, in the absence of professional interpreters, makes it difficult for them to communicate:

“We try and make contact with foreign workers. There is the language problem. Once I had to use Google Translate when a worker sent an email in Pakistani”.

He then grumbled about the fact that migrants only come to him when they are facing a problem. He added that he still helps them by showing them the location of the Department for Industrial and Employment Relations. “Often I tell him, there is the Director of Work. Just turn the corner. Go there”.

Workers facing the fears and obstacles described above would probably require much more than this to feel adequately supported and accompanied in their quest for justice and an effective remedy. In the words of Caruana, when speaking with workers, you often realise that:

“there is violence on many levels. There’s the intimidation, there’s the violence ‘you’re an employee. You did this work illegally so I’ll report you to immigration or whatever’. And then there’s the physical violence”.

All this helps create a “fear of the system” (Caruana) which, at times, makes it practically impossible to convince workers that anything can be done to remedy the situation.

# Chapter 11: Getting away with murder: “They will give me justice...hopefully”

The sense of impunity linked to construction accidents and a regulatory framework which is either not suitable or else not adequately enforced were issues which featured strongly in the interviews. Whilst many organisational representatives acknowledged that several efforts have been made over the last few years to update the regulatory framework through the introduction of new authorities, laws, and regulations, these changes have often not translated into safer working conditions for the workers involved.

Obi, for example, expressed his incredulity and surprise at the fact that more checks and controls are not in place: “I cannot understand how governments don’t control more construction”. Workers who have previous experience of working in construction in other countries compared the health and safety situation they witnessed in Malta with what they witnessed elsewhere. Alfred, for example, felt safer working with a Chinese construction company in Sudan than working in the local construction sector he described as “scary”. Rohan said that:

“in India, when health and safety officers come and if we are not wearing the shoes and helmets, then we will not be allowed to go into work. Here I don’t see that”.

## 11.1 Who is responsible for what?

Several stakeholders noted the discrepancy between theory and practice and the gap between regulations and their effective implementation. Alex thinks that, in theory, the country has all the procedures it needs. “But how effective are they?” The impression is that stakeholders prefer engaging in a game of “passing the buck” with the endgame being that of blaming “either contractors or workers”.

Both Ben and Abdul, mentioned that when there is an accident, everyone starts playing the blame game.

“They tell you it’s the guy who removed the wood. Or the painter. But the painter says it’s the tiling guy who says it’s the electrician’s fault. Everyone pointing at each other” (Abdul).

Along the same lines, Richard said every time there is an accident, we often end up with more questions than answers: “One of the things which needs to be clarified is: who is responsible for what”.

## 11.2 Proliferation of rules and regulations

A widespread sense of frustration was noticeable among participants when it comes to the widespread practice of responding to tragedies by introducing new rules and regulations which are ultimately ineffective. Peter is one of those who questioned the utility of these knee-jerk reactions:

“We have a law for everything. You open the health and safety rulebook and you find everything. Whether you follow them or not is another matter. But we have enough of them”.

Peter also expressed his scepticism when it comes to the recent increase in the number of duty-holders operating within the construction industry. According to him, the end result is often an increase in confusion and a decrease in accountability:

“There are more than enough people- the site technical officer, the architect, the stonemasons, the health and safety people, the government safety people. Why do we need to have more people? To have more confusion? The more there are people involved, the more everyone wants to have the last say and the more confusion there is”.

In fact, the proliferation of agencies and regulations can also have the opposite effect to that intended. Stivala complained that excessive bureaucracy not only adds a costly and tiresome administrative burden but also makes it more difficult to pinpoint who is responsible for what and what information should be given to which authority. Architect John added that he feels that regulations are sometimes there to place the blame on someone, in case an accident happens on site. “Therefore, no, in general I do not feel safe/protected but rather targeted”. Finally, Gauci remarked that lawyers are increasingly using this proliferation of regulations to complicate matters in court and secure their clients’ exoneration on technicalities.

## 11.3 Lack of enforcement

Lack of proper enforcement was also mentioned by workers, professionals, and organisational representatives as one of the underlying reasons which result in unsafe work practices. According to Amir, “the legislation is there. The problem is that the execution and implementation is not policed”. Even when an accident takes place, “some changes will happen. However, after two, three months everything goes back to normal”.

Many of the workers interviewed—especially those working on large projects—when asked whether they have ever witnessed inspections, remarked that they have often seen “inspectors”. However, it was not always clear from the interviews if the inspectors mentioned, for example by Seydou and Abdul, were from the OHSA, or health and

safety officers engaged by the contractor themselves. None of the workers reported ever being asked any questions related to health and safety by these inspectors. Rohan also remarked that when these inspections take place, health and safety officers just see the buildings, “sometimes just from outside”. Ismail said that when “safety people come with camera and take pictures”, they are often given advance notice. As a result, “many people working without safety shoes, without helmets, without contract” are hidden for the duration of the inspection. “After they go, back to normal—fast, fast, fast”.

At the same time, whilst acknowledging that there is certainly room for improvement in the area of enforcement, both Stivala and Richard cautioned against putting unrealistic expectations on the OHSa and enforcement officers. Given the number of active construction sites dotting the islands, “you will never have enough enforcement” (Richard) and the on-site presence of enforcement officers can never be the sole guarantor of health and safety. “You cannot have an enforcement officer on every construction site in Malta. Enforcement, therefore, has its limitations” (Stivala).

On this matter, Gauci agreed that it is unrealistic to expect enforcement officers from the OHSa to be on all the sites, all the time. He said that the 13 field inspectors currently working for the OHSa last year carried out around 4,500 inspections. If the number of inspectors is doubled, “what difference will it make? It is never enough”.

At the same time, Alex argued that the current situation when it comes to enforcement is untenable and unacceptable. Without a real deterrent, people will continue abusing the system and disregarding health and safety regulations. “We need more serious enforcement. Carrots don’t work”. In his role as project manager, he also thinks that OHSa inspectors prefer to hand out fines as a way of proving that they are doing their job, rather than engaging in the more laborious job of working hand in hand with other stakeholders to improve standards:

“One avoids the OHSa people as much as possible. Moħħhom biex iwaħħluhulek [They’re interested in punishing you]. They don’t come a lot. What they see, they see from the outside. They’re more interested in fines”.

The fact that, when considering the exponential growth in construction activity, authorities such as the BCA and the OHSa seem to be severely understaffed, makes them, in John’s opinion, “essentially useless”. At the same time, Stefan, as well as Gauci, pointed out that the remit of OHSa is much wider than the very visible construction industry. In Stefan’s opinion, it is unrealistic to expect them to be able to cope with all sites under their responsibility and be experts in all aspects of health and safety. In his experience, the OHSa do take action, but this happens mostly in large building sites given that it is much more time-consuming for them to visit small construction sites:

“In reality, they inspect our sites much more than smaller sites, because it’s much easier for them to visit one large site than a 100 small ones”.

## 11.4 Licensing scheme for contractors

A gross lacuna in the regulatory framework which was repeatedly mentioned by stakeholders is the lack of a licensing scheme for contractors. In the absence of a proper legal definition of who a contractor is and what is required of someone to become a contractor, the country has currently no idea who these contractors are, how many of them there are and what their area of expertise is.

“Whoever buys an excavator, and a truck becomes a contractor. I go and find four Africans who have no idea how to build and all of a sudden, I become a contractor. There has to be a grading of contractors. Just because you’re a roads contractor doesn’t mean you are a contractor that builds a block of flats” (Richard).

The fact that, as pointed out by Simon, banks apparently have no problem lending money to people with absolutely no experience or expertise in the field of construction to help them set up their business is also somewhat surprising.

The lack of any licensing framework was repeatedly mentioned by Stivala who explained that the MDA has long been lobbying for the introduction of a contractors’ registry. In his opinion, a licensing scheme similar to the one the current administration has recently introduced (J. Borg, 2023; Ellul, 2023b), can be a very powerful tool when it comes to maintaining health and safety standards, given that, for example, the provision of health and safety courses can be introduced as a condition for the granting and renewal of this licence.

Such a registry would also help address the extensive lack of insurance coverage which currently plagues the construction industry. In a study carried out in 2019 by the MDA, Stivala said that they were astonished to discover that, in an industry with such a high incidence of deaths and injuries, 65% of contractors lacked any kind of insurance. In his opinion, a comprehensive insurance policy which covers all workers should be one of the prerequisites linked to the licensing scheme. This point was also made by Sammy Meilaq, who argued that unions should be at the forefront of this battle to provide insurance cover for construction workers, and by Jonathan, who argued that the absence of this provision means that when a worker gets injured, they are often abandoned “lampa stampa [left destitute, without anything].”

## 11.5 Sense of impunity and unfairness

Various safety practitioners and stakeholders felt that the whole system was plagued by a sense of impunity and unfairness. This is not only frustrating but also leads to a lack of respect towards regulations, in full knowledge that punishment or consequences will not follow. The impression is that of an intentionally broken system, in which, structurally, accountability is complex by design and secondly, on an individual level, so

many people are linked to illegalities that if one falls, all others will fall with them like a pack of cards. This brings about a mutually-assured-destruction arrangement where there is no incentive to rock the boat and tackle systemic deficiencies.

Court cases related to health and safety infringements run into hundreds. In September 2022, 600 cases were waiting to be brought to court (S. Zammit, 2022). Justice, in this field, can take long; and the backlog is a deterrent for people to submit cases.

To add insult to injury, some court sentences - reflecting also the current situation where there is a lack of coherent laws and regulations (The Malta Independent, 2023b) - have hindered the OHSA from properly monitoring construction sites. Gauci mentioned a recent court decision which made it clear that the OHSA cannot enter a construction site in the absence of workers (Brincat & Borg, 2023).

Gauci admitted that the minimum applicable fine of €466 when health and safety rules are not observed, coupled with the inefficiencies of the court system, are certainly not serving as an effective deterrent. He explained that the white paper on a new health and safety at work act will aim at increasing the penalties against employers breaking the laws, and at making the administrative penalty system more robust and efficient (Galdes, 2023).

Mintoff and Meilaq both pointed to the well-documented links between political parties and contractors as one of those factors which inevitably muddy the waters (M. L. Zammit, 2021).

“Profit is coming before health in construction and I think it is because there are so many bullies in construction. There are so many links between the politicians and those big businessmen - I give you this and then you look the other way. It’s a recipe for disaster” (Mintoff).

This leads to situations in which some contractors are getting “away with murder - literally in this case” (Mintoff). Meilaq felt that the failure to properly clamp down on abuses in this sector can be linked to “threats from the construction lobby to reduce monetary donations to political parties”. Ali, currently in court against his former employer, is also aware of the power dynamics which might interfere with his pursuit of justice:

“Of course, the boss is Maltese. He has a lot of politics maybe. But my judge is very good. They will give me justice... hopefully”.

In his years of experience working as project supervisor, Darmanin found that some project supervisors fail to report violations to the authorities out of fear of getting themselves into trouble and being targeted as “scapegoats”. On the other hand, when it comes to certain contractors and developers, they are too powerful, “you cannot do anything to them”. On a particular occasion, when he was supervising a site which had

been entrusted to a large contractor, he felt he had no option other than to resign:

“I resigned because of the consistent way that there were risks and we couldn’t control him. I reported him to the authorities and nothing happened”.

Adam believes that the fact that safety officers and project supervisors are contracted and paid by developers themselves leads them to “close their eyes” and ignore safety violations. Gauci, in fact, remarked that project supervisors and contractors often agree about the time of the on-site inspections. This means that when these inspections happen, contractors on site make sure that at the appointed time, everything is in order.

Gauci also said that many project supervisors just “want to be paid for a paper exercise”. Despite being key players when it comes to health and safety, and ideally placed “to bring about change”, project supervisors have, in the past, limited themselves to “taking photos from the outside of a building” or “downloading reports from the internet”.

Interestingly, when asked whether they feel treated fairly by the OHSA, small contractors and builders said that they feel picked on because they’re small. Peter, for example, said that when his truck overturned, he was “reported everywhere, because we’re the small ones”. When the same thing happens to other people, he continued, no one knows about it. However, larger operators felt that the opposite is true and that they are often unfairly targeted because they are more visible. Stefan, from his perspective as a manager of a large company, thinks that small projects remain largely under the radar, given that with their limited resources, the OHSA tends to prioritise larger projects as opposed to the smaller ones which are “much less visible”.

Two of the workers interviewed were also of the opinion that safety officers give more importance to larger construction sites, “even though accidents usually happen in the small sites” (Ismail). Kouame, currently working on the construction of a 15-storey building, said that health and safety officers visit the site “all the time” because it is a big project: “The bigger the site, the more they visit”.

From a legal perspective, as explained in Chapter 4, the OHSA needs to be informed of construction work only when the length of the work is a minimum of 30 working days and where there are more than 20 workers occupied simultaneously or the work will involve 500 person days or more (Legal Notice 88 of 2018). However, all sites need to make available a health and safety file upon request and can be subject to an OHSA site visit.

Alex feels that not everyone is targeted in the same way by the OHSA. Certain sites are favoured and are never visited. This creates a “sense of impunity”. And when nothing consequential happens to those found in breach of health and safety regulations, people conclude that “if they did not do anything to you, then I can do whatever I want”. Alex feels that this culture of impunity is extremely disheartening for all those

who try to do the right thing. “Meta tagħmel l-affarijiet sew, thoss li taqta’ qalbek [When you do the right thing, you feel like giving up]”. In the absence of effective deterrents against abuse, those trying to play by the rules end up at a competitive disadvantage in terms of efficiency and productivity. Non-compliance is the norm rather than the exception. Some of them might even end up being shunned by clients who consider them as too meticulous, and therefore expensive.

For example, when it comes to incident reports which should be lodged with the authorities, Alex explained that even near-misses should be reported. In reality, “no one does it”. In this respect, Darmanin also questioned the reliability of some of the incident data in relation to the construction industry. He questioned how the increase in fatal accidents has not been accompanied by an increase in non-fatal accidents. This, he believes, shows that there is a huge amount of under-reporting in the field. In his opinion, this failure to properly report accidents to the competent authorities reflects “the huge apathy of society. Something is not right”.

This sense of impunity overlaps with the idea that the construction industry is out of control. Whilst Stivala at first attributed any health and safety shortcomings to a few rogue operators - given that, according to him, most MDA members “love their workers” - later in the interview, the MDA president admitted that the problem is a bit more systemic than that: “Today, we have lost control, completely”.

The reasons given by Stivala to explain this loss of control vary from the huge turnover of workers and contractors to the fact that people working in this field no longer know each other. The widespread practice of engaging subcontractors adds another layer of complexity. In the words of Stefan, even though he feels that he is ultimately responsible for what goes on on-site, “I cannot know who my subcontractor is employing and how he is treating his workers”. Project supervisors are, it seems, none the wiser. Darmanin acknowledged that even though, as project supervisors, they should know what is happening on site, it is often the case that “no one knows anything”.

What remained unanswered in these frank admissions is the question of who is responsible for allowing an industry to spiral out of control. Without a serious exercise of accountability, this narrative being pushed can very conveniently become an easy way of shifting the blame on everyone else and no one at the same time. When all is said and done, the main problems are that workers are losing their lives, getting injured, and being treated miserably.

# Chapter 12: Used and discarded: “When accident happens, there is nobody”

Various workers expressed their pain and anger at being used and abused, only to be discarded when no longer useful and needed, or when their presence becomes a legal liability.

## 12.1 Safety equipment

Starting from the provision of safety equipment, workers expressed their disappointment at only being given the bare minimum, if that.

“Some companies provide it but my company don’t - they provide only shoes. We have to have safety glasses, safety shoes, safety helmets” (Rohan).

According to Miroslav, in the absence of an explicit request, employers often prefer not to give workers any safety gear, despite their legal obligations (Legal Notice 121 of 2003):

“Employers will buy the protective gear if you tell them, but first, they say “if you can do without that then it is good for me”.

Ismail and Alfred both confirmed that they were not provided with safety shoes by their employers and had to buy them themselves. The problem was that when Alfred first started working in construction here in Malta, he did not have enough money to buy the shoes:

“I was working with normal shoes. And they were dangerous. I get injury on my big toes. And after that I bought my own. The guy told me that you have to buy them with your own money”.

Obi was angry at being treated with uncaring indifference by his first boss: “He didn’t care, even though I didn’t have any safety equipment”. In addition, in case of injury, first aid boxes are not always available. When Ismail hit his head recently whilst working on site, his friends helped him wrap his t-shirt around his head “to stop the bleeding”.

## 12.2 Abandoned

Whilst some workers seemed to agree with the president of the MDA that accidents are “normal” (Amadou), given that “construction sites are risky” (Stivala), from the interviews conducted, it is also evident that the consequences of unsafe working environments go beyond the physical injuries and the loss of life suffered by construction workers. Anger was once again unmistakable in Osei’s voice and words

when describing what happened to a friend of his who got injured at work.

After saying that most employers seem more concerned about not getting fines than about the welfare of their workers, Osei expressed his anger at the treatment of his injured friend:

“[H]e didn’t receive any support. It pains me that happened. Because this guy could not work normally. The thing made me angry”.

Another worker, Jamal, also described in emotional terms how he was negatively affected by accidents suffered by colleagues and friends: “When I see the people come down, it’s not good for me and I feel sad”.

A common experience described by workers who were injured whilst working in construction is that of feeling abandoned. Rohan recalls accompanying his injured friend to hospital: “He hurt his upper lip. We took him to the hospital. The employer nothing”. When Ismail got hurt when working without a work permit, his contractor ran away instead of helping him. Afraid of getting into trouble, the contractor told Ismail not to go to Mater Dei Hospital. Instead, he sent him the location of the Paola Health Centre:

“He don’t care about me – ‘Are you okay? Are you still alive?’ - No, ‘don’t go to police’. He don’t want to put himself in problem”.

Ali, from his hospital bed in Karin Grech Hospital, said that “employer is coming two, three times then he is not coming”. He had words of praise for healthcare professionals who were caring for him – “10 of 10” – who are “very nice, very respectful, very everything”. But when it comes to support from his employer, authorities and government, “nothing”. Apart from anger, these workers demonstrated hurt and disappointment at being left alone to fend for themselves.

Absame was injured when a glass window which was not properly secured fell onto his hand. He recalls hearing his boss saying that he had called an ambulance but “I don’t think he did because it was taking too long to get there”. After some time, in great pain, Absame ran out of the building to seek help. “One man said ‘come, come’ and put me in his car and took me to Mater Dei”. Likewise, when Alfred dislocated his fingers whilst working with a mixer, he remembers that no one really cared: “When accident happens, there is nobody. You have day off. ‘Get well’”.

Apart from the psychological scars these experiences leave on people, the practical implications of being used and discarded are of course massive. Rohan, for example, wonders how he would cope if he got injured and is not able to work. He knows from experience that “if I work, I get the payment, if I don’t work I don’t”. When his friend got injured, his employer “did not pay him the money and they did not take him to hospital”.

Other workers shared similar fears and painful experiences. When a drill hit Vikram's face and he broke his lip, his employer told him to go home. He only got paid for half a day and did not get paid for the days he was unable to work. The consequences of suffering serious injuries were even more dramatic for Absame and Mekhi. In the case of Absame, when it was time for him to be released from hospital, he had no place to go: "I could not go back to the apartment because I couldn't pay the rent if I couldn't work".

After falling into a cement mixer and losing a limb, Mekhi could not work any longer. He had lost his only source of income. When he could no longer pay his rent, he was evicted by his landlord and ended up homeless. Thankfully, he found help through Appogğ and YMCA. But he still finds it difficult to face the shame associated with not being able to provide for his family:

"I have not told them anything about my accident as yet and they do not know what has happened to me. Often, I feel like I was their hope and I have let them down".

Caruana, from JRS insisted on the need to raise public awareness about the impact these accidents have on people's lives. The story which needs to be told is often an invisible one, and it is one which often leads people to fall into a "cycle of hopelessness". When suffering grievous injuries, all of a sudden, "you go from someone who is able-bodied to someone who isn't. And this is hard to accept". Apart from the practical implications of not being able to earn a living and provide for family members, there is also a "big change in identity. Employment and identity are intrinsically linked".

There is often an irreparable and irreversible loss of quality of life and the goals these workers had set out to achieve become unattainable. This often leads to a dramatic change in the way these workers see themselves. They "become depressed, losing hope". By way of example, Caruana recalls the case of a worker, who, following a construction work accident, ended up half-paralyzed.

"He decided to go back to his country because he had no future now. He ended up dying in his country, because he got an infection and his weakened body couldn't keep up with that".

The experience of being treated with indifference and in ways which lead them to conclude that they are worthless, has a devastating impact on workers' lives. Jamal, for example, was extremely upset at the lack of basic human care shown by some employers towards workers who work off the books:

"When you work black job, the employer they didn't care about you. They just care for job. When they finish job they pay you, he go one side and you go other side. They didn't care for you, you work hard, after when you fall down, they don't care. Nobody ask you".

Several times, Kofi mentioned the incident described above in which two beams fell on him and he was injured. Kofi was shocked when a foreman quickly took the other injured person—a Maltese construction worker—to hospital by car but didn't even bother to check on Kofi. Clearly hurt by what had happened, Kofi used this incident to explain to the researcher that “they”—meaning black workers, in this case—are “worth nothing” to their employers. They are at the bottom of the rung and are not even worthy of basic care. As if to prove this point, when Kofi eventually returned to work after the accident, he was never asked how he was doing. His boss did not care.

# Chapter 13: Concluding remarks: An Integral Human Development perspective

In this chapter, the systems and structures linked to the analysis of the originating influences and shaping factors carried out in the previous chapters are evaluated from an IHD perspective as to their capacity to promote or undermine the health and safety of workers.

## 13.1 Socio-cultural attitudes and beliefs which fail to protect and which essentialise workers

- *Safety culture & machismo*

A poor safety culture was mentioned repeatedly throughout the study as an extremely important factor which directly and indirectly contributes to unsafe working conditions on construction sites. The reasons given for the current scenario were multifaceted and heterogeneous.

The lack of proper training and the haphazard and highly unregulated ways in which most workers are employed in the industry contribute towards a lack of awareness of the safety hazards and the precautions which should be taken to minimise risks on site. The lack of effective deterrents and lacunae in enforcement also mean that safety regulations on site are often ignored. In the absence of virtuous examples set by their bosses and fellow employees and in the absence of a proper training framework, this leads newly recruited workers to perpetuate these unsafe practices.

The fact that—as mentioned by interviewees—this failure in the duty to protect oneself and others is not limited to construction sites but can be observed in other industries and on our roads, means that instilling and promoting a culture of safety will require solutions which target both the construction industry and society as a whole. In particular, the influence of a machismo culture, which leads men to associate unnecessary risk-taking with being more manly, emerged as a particularly strong influence which conditions the behaviour of workers on site. Although the nefarious influence of machismo is certainly not limited to this particular economic sector, in a male-dominated working environment such as a construction site, its effect is particularly strong and practically impossible to escape. This makes it extremely difficult for those workers who want to take care of themselves and others to follow safety rules without being shamed and ostracised.

When compared to the total lack of safety precautions observed decades ago among experienced stonemasons, participants pointed out that some minor improvements can

be observed in the safety of the construction industry, especially in large and better managed construction sites. However, the fact remains that the study shows that a careless failure to use safety equipment - when available - is still rampant among both Maltese and foreign workers.

- *Essentialising foreign workers*

In the interviews conducted, foreign workers were frequently associated with a lack of education, language skills, training and experience. According to this narrative, these lacunae are what has led to an increase in the number of fatal and non-fatal accidents, mostly involving migrant workers.

What was striking in these comments was the constant essentialisation of foreign workers. Employers, professionals in the field, and some representatives of stakeholder organisations continuously categorised foreign workers as “dawn il-barranin [these foreigners]” or “is-suwed [blacks]”. Apart from the racist undertones of such comments, these statements constantly ignored the differences in origin, skills, experience, and attitudes which are to be expected among these workers who now make up more than half of the total number of construction workers. Despite the very evident dependency on foreign workers which has now been clear for a number of years, an “us and them” mentality kept surfacing during the interviews. “They” are more careless and dirtier than us; “they” come from a “culture” which values safety and life less than us; “they” are less educated than us. The “they” in this case refers to an undifferentiated cohort of foreign workers.

Coupled with the legal precariousness and racialised work practices faced by many foreign workers, these generalisations and lack of cultural sensitivity are perceived and experienced as extremely disrespectful and humiliating by the workers in question. Putting aside the fact that many foreign workers - including some of those who participated in this study - have years of experience in this field, it should be clear to everyone that if there is a lacuna in the provision of education and training, the appropriate framework and structures should be set up by the competent authorities and not by the workers themselves.

Although angry at being treated so unfairly, some workers seem to have reluctantly resigned themselves to being treated as second-class workers. Others have found the occasional “good boss” which makes the situation bearable. In all cases, the experiences of being abandoned when help is most needed, discarded when no longer useful, and unrecognised as an individual with equal rights and dignity, left an indelible mark on the lives of these people.

- *Common but differentiated responsibility*

When it comes to apportioning blame for the fatal and non-fatal accidents which plague the construction industry, a certain degree of victim-blaming was never far away from the surface of certain comments shared by a number of professionals, large employers and organisational representatives. The impression given was that everything possible is being done in terms of supervision, inspections, and so on. But that, at the end of the day, a boss cannot always be present on site, an inspector cannot be everywhere all the time and that the person who is primarily responsible for his own safety is always the worker. As a result, if there are shortcomings which lead to an accident, it is the worker's fault.

It is certainly unfair to blame workers for the set of conditions that create those unsafe environments in which accidents are more likely to happen. Whilst responsibility for accidents varies on a case-by-case basis, the aim of this study is precisely that of moving away from an analysis of the immediate accident circumstances which can easily—and conveniently—be blamed on workers' mistakes and carelessness. When it comes to apportioning blame and responsibilities linked to the shaping factors and the originating influences of accidents on construction sites, the principle of common but differentiated responsibilities can be enlightening (Poala, 2020).

Most commonly used in international environmental law, this principle states that all states are responsible for addressing global environmental destruction. They are, however, not equally responsible given the wide differences in: a) their contribution in creating the problem in the first place; b) how much they have benefited from the resulting destruction; c) their capacity to effectively address the issue and bring about the desired change.

In the case of safety on construction sites, it is clear that workers—especially those at the bottom of the socio-economic pyramid—are not primarily responsible for the multiple legal, socio-economic and political failings which, together, have created an unsafe ecosystem for construction workers; nor are they the ones who have benefited most from the fragility in the organisations and institutions which are supposed to protect workers. In fact, they are the ones who are paying the highest price.

Finally, they are unfortunately not the ones who have the greatest capacity, authority, and political power to implement the urgently needed changes in the systems and structures operating at the level of shaping factors and originating influences. For all these reasons, it is primarily the role and responsibility of the competent authorities and those stakeholders who have greatly benefited from the boom in construction activity to act decisively at a systemic level. In reality, they already know what needs to be done. They just need to live up to their responsibility under international and national law, and ensure that every worker has a right to health and safety at work, instead of shifting the blame onto those workers on whose shoulders the construction sector is

erected at great personal expense.

- *Different viewpoints, different perspectives*

An even cursory glance at the previous chapters suffices to note the marked differences in ideas, opinions, and interpretation of reality between workers and other interviewees. Not surprisingly, these viewpoints vary widely depending on where the interviewee stands in the socio-economic and political hierarchy. What is slightly more surprising is that a number of professionals, employers, supervisors, and organisational representatives seemed either unaware of this existing power imbalance—often linked to racism—or unable to acknowledge it.

Disempowered by the various economic, legal, and wider socio-cultural factors analysed in this study, the effective capacity of some workers to take seemingly simple steps to protect their safety, such as reporting unsafe work practices to the OHS, approaching a union, or even changing jobs when feeling unsafe, is severely limited. What appear to be normal and straightforward channels of redress for people in possession of citizenship rights, good social and economic capital, knowledge of formal and informal institutional set-ups, access to the right people, and sufficient language skills, are, in fact, far from being normal and straightforward for those who do not possess any of the above.

For development to truly promote the good of every person and of the whole person, this unequal distribution of power, which, as shown in this study, ultimately jeopardises the life of people through processes of disempowerment, needs to be confronted and reversed through processes of empowerment. This can happen by, first of all, acknowledging and recognising the existence of this unequal distribution of power and wealth, together with the various ways in which this imbalance severely limits workers' effective capability to improve their situation and challenge the status quo. Secondly, structures such as the OHS and other regulatory agencies need to become more participatory and inclusive of all points of view, by intentionally and systematically including those workers who face the greatest obstacles in gaining access and being heard.

## **13.2 A politico-legal system and institutional structures which fail to serve workers' best interests**

- *Lack of accountability & sense of impunity*

From the interviews conducted, what emerges is an unacceptable mismatch

between theory and practice. Laws are insufficiently enforced and when breaches are encountered, the punishments meted out do not seem to serve as an effective deterrent. As a result, despite the proliferation of rules, regulations, authorities and duty-holders, impunity reigns. Construction workers' rights as human beings and as workers are constantly and consistently being trampled upon.

In the absence of properly resourced enforcement agencies and clear accountability structures, abuse will remain unchallenged, and workers will continue finding themselves in the middle of a sterile and dangerous blame game, whilst those who are ultimately responsible for the safety of workers will continue “getting away with murder”. The recently published report by the Daphne Caruana Galizia Foundation for the Public Interest Litigation Network highlights, for example, the unacceptable court delays and inefficiencies which, coupled with the extremely low penalties imposed on those found guilty of health and safety breaches, reinforces a culture of impunity which thwarts the path of justice towards victims and their families (Daphne Caruana Galizia Foundation, 2023).

The research findings of the current study show that institutional weaknesses and deficiencies lead to an over-reliance on the sense of duty, fairness and justice of individuals who are willing to follow health and safety measures and enforce them. In a context marked by blatant disregard for these same rules, such a decision paradoxically puts the individual at a competitive disadvantage, given that safety costs time, money and effort. In addition, however well-intentioned a “good boss” might be, the health and safety of workers should never depend on the whim or goodwill of one person. Unsafe and exploitative work practices ought to be always addressed by properly enforced laws and regulations which give rights to *all* workers, independently of who they are and who they work for. Moreover, if left unchecked by a regulatory framework, it is highly likely that these relationships, marked by acute power imbalances, will be peppered with ingrained ideas about others which perpetuate the discriminatory and disempowering practices and cultural attitudes described above.

- *Precariousness of migrant workers*

A clear hierarchy of precariousness, vulnerability and exploitation is also visible from an analysis of the interviews carried out. Flaws in the politico-legal set-up and weaknesses in the institutional structures do not impact all workers in the same way. As a result of a complex web of factors, migrant workers can undoubtedly be identified as a group of workers who find themselves at the bottom of this hierarchical structure. The interview results show however, that major differences exist within this group of workers and talking about them as if they were one homogenous and amorphous group is an oversimplification of a complex reality which needs to be unpacked if the real underlying issues are to be suitably addressed and the people who need it most properly empowered.

Several of the migrant workers interviewed shared experiences of exploitation and racial discrimination that at times led to unsafe work practices. However, their degree of anger and frustration linked to a sense of powerlessness, their level of fear, and even their willingness to participate in this study varied according to their legal and employment status. Migrant workers, repeatedly mentioned, for example, the importance of being legally registered as an employee. Some of them, having worked for a time without the protection afforded by the law, spoke from experience about the situations of extreme precariousness, exploitation, and lack of agency faced by those who work off the books.

As illustrated in the previous chapters, fear, which once again varied according to the degree of legal protection, has a huge bearing on the lives of migrant workers. When compared to Maltese workers, migrant workers in general showed a greater reluctance to participate in this study, despite being guaranteed complete anonymity and confidentiality. When considering the wider context, this reluctance is perfectly understandable. Even when legally employed on a single-work permit, third-country nationals are bound to their employer and if they lose their job, they only have 10 days to find another job or leave the country. Faced with the real possibility of being left destitute, unable to provide for their family, and possibly deported, it is not surprising that many migrant workers prefer to lay low and refrain from reporting unsafe and exploitative work practices.

The situation is obviously even more dramatic for those migrant workers who are registered as asylum seekers in other EU countries and who, according to current legislation, have no possibility of being legally employed in Malta. Condemned to invisibility, these workers do not show up in statistics related to injuries on construction sites which are compiled on the basis of claims for Injury Benefit to which migrant workers registered in Italy or in another European country are not entitled (Daphne Caruana Galizia Foundation, 2023, p.15). To avoid trouble with their employer—and out of fear of facing massive hospital bills and being deported— these workers do not go to hospitals or health centres, except in the case of extremely serious injuries. It is no secret that these workers make up a significant proportion of construction site workers. However, notwithstanding this vital contribution and the extremely precarious conditions faced by these workers that invariably lead to abuse and unsafe work practices, there does not seem to be any serious effort to regularise their situation.

- *A comprehensive and holistic approach*

In the discussion around health and safety on construction sites, the danger of adopting an overly simplistic, partial, and segmented approach represents an ever-present danger. Primarily blaming a few irresponsible employers or workers for accidents on site is one example of an over-simplistic analysis which conveniently lets everyone else

off the hook. Moreover, the multiple factors and influences highlighted in this study strongly suggest that applying piecemeal solutions to a multi-layered and complex scenario, such as the one described in the previous chapters, will always fall short of what is really needed to make construction sites safer.

If implemented correctly and properly enforced, the recently proposed amendments to the law that regulates minimum health and safety requirements on construction sites, the introduction of licensing requirements for contractors, and the planned restructuring of the OHSa can certainly contribute towards a safer working environment. However, if these and other legislative and regulatory reforms are not accompanied by an analysis and reform of the broader socio-economic, legal, and political factors and influences which are at play, their effectiveness and impact will most likely be limited.

For example, the sense of impunity which in turn leads to a laissez-faire attitude on construction sites, cannot be properly tackled if, beyond the necessary reforms to authorities such as the BCA and the OHSa, endemic court delays are not aggressively addressed. Similarly, the study presents to us the picture of an uneven playing field according to which some employers are favoured and become untouchables due to their close and financial ties to political parties. The only way to push back against this favouritism—whether real or perceived—is not only to step up enforcement across the board but also to tackle the long-standing issues of party financing and lobbying of MPs and Cabinet members. Over the last few years, various local and international organisations and bodies—among them the OECD (Debono, 2022), the Commissioner for the Standards in Public Life (2020) and The Malta Chamber of Commerce, Enterprise and Industry (2022)—have presented good governance proposals in these crucial areas which would greatly increase transparency and accountability. Although, at first sight, these good governance issues appear to be far removed from what happens on a construction site, fairness, justice, and safety for all cannot be expected to miraculously sprout out of nowhere, if the roots and foundations are eroded by unwarranted closeness and familiarity between those tasked with holding others accountable and those who need to be held accountable.

Even when it comes to migrant workers, it is impossible to isolate health and safety issues from the wider socio-economic, political, and legal realities. This means that a fair analysis needs to acknowledge that their relationship with the law and with law enforcement—which, in turn, has an impact on their effective capability to protect their own safety and seek redress in case of abuse—is unquestionably shaped by their lived experience here in Malta. Studies such as those carried out by Zammit (2021) show how migrants who have experienced the harsh conditions in detention and have been exploited and humiliated on the workplace as a result of the “disheartening mismatch between law ‘on the books’ and ‘in practice’” (D. E. Zammit, 2021, p. 194), end up perceiving the law as a “means of exclusion” (D. E. Zammit, 2021, p. 190), rather than a powerful bulwark of protection. Bearing this in mind, the recognition of these diverse

and often painful lived experiences, as well as the institutional forms of racism and problematic personal attitudes towards foreigners, highlighted above, should be the starting point of any effort to include migrant workers in any outreach efforts aimed at making construction sites safer.

Finally, the interviews clearly and unsurprisingly showed that the protection and promotion of workers' right to a healthy and safe working environment cannot be isolated from other rights which protect workers against discrimination and other exploitative practices. Tellingly, OHSa CEO Mark Gauci said that when a report is forwarded to the authorities for construction site violations unrelated to health and safety, the OHSa still visits the site. Experience has shown that if an employer is non-compliant in one area, "chances are that multiple laws are being broken simultaneously" (Gauci).

In this comprehensive and holistic defence of workers' rights—which aims at bringing about a positive change in the systems and structures through the empowerment of workers—unions should and must be at the forefront. In practice, workers are being denied their access to their rights as workers and human beings. Unfortunately, notwithstanding the well-documented unsafe and exploitative practices which occur on construction sites, when it comes to the construction sector, the traditional and long-established trade unions in Malta seem to be largely absent, silent, and seemingly uninterested. It is, however, difficult to imagine any real progress happening in this area without the whole-hearted involvement of trade unions, whether in their traditional form or in a re-invented configuration according to new and creative structures. In fact, only trade unions can provide that empowerment in strength and numbers that will enable workers to be properly represented in all those fora where decisions which affect their lives are taken, negotiate on an equal footing with employers, and push back against all those powerful economic forces which deem the lives of workers to be expendable.

### **13.3 An economic model which works for some but not for everyone**

- *Need for speed*

As highlighted above, the ideas, critiques and suggestions put forward by participants in the interviews were largely influenced by the different roles they occupied in the construction industry. And yet, if there is one theme which emerged repeatedly and consistently throughout the interviews, independently of the role occupied by the person being interviewed, it is the clear link between the lack of safety and the vertiginous pace at which the industry has been operating over the last few years.

With everyone seeking to make the most of this get-rich-quick development frenzy, workers are expected to complete the highest number of building jobs in the shortest time possible, even at the cost of quality and safety. In this model of development which prioritises the bottom line over every other consideration, safety can easily be seen as an added cost and financial burden. Participants in the study repeatedly pointed out that safety measures cost money, in terms of the safety equipment and personnel required, as well as the time it takes to follow safety procedures correctly. If the need for speed becomes paramount, it is not surprising, for example, that no time is found for safety training and language training. It is also not surprising that, despite the link highlighted once again by participants in the study, between lack of skills and construction site accidents, no concerted effort is being made to offer time-consuming skills programmes and mentoring opportunities to workers.

With no effective deterrent in place to punish those who put their workers' lives in danger by cutting corners, non-compliant employers adopting a business model built on exploitation can offer a better price to developers, who in turn will be able to make a larger profit when selling their properties. Those employers and developers who, against all odds, decide to follow all the safety regulations—even if it means working at a slower pace and paying whatever is necessary to provide a safe and healthy working environment for their employees—end up being at a competitive disadvantage when it comes to pricing and profitability.

Whilst it is true that no systemic and structural reform will ever exonerate individuals from exercising their personal responsibility in promoting a safe working environment, it is also true that being a “good boss” and following safety regulations should not be made nearly impossible by these same systems and structures. Doing the right thing should not require quasi-heroic efforts by someone who faces a trade-off between the safety of his workers and the viability of their business. Unfortunately, this happens whenever the relevant authorities fail to ensure a level and fair playing field in which the safety and skills training of all workers is guaranteed, and not an optional extra dependent on the employer's goodwill.

In recent years, the MDA has issued repeated statements singling out the dangers of excessive bureaucracy which, in their opinion, is stifling their business (N. Borg, 2023b). This ties in with the “warning” issued by the president of the MDA who, in the wake of the building collapse in Corradino which claimed the life of Jean-Paul Sofia, cautioned that tighter regulation will lead to higher prices for buyers (Balzan, 2022b) and the points made by the MDA representatives in the interview conducted for this study. However, in the context of a country which is struggling to regain control of an industry characterised by large pockets of abuse and lawlessness, any moves to remove excessive red-tape and bureaucratic obstacles must be viewed and examined with extreme caution.

It is certainly true that there is room for improvement when it comes to duplication of

resources and the need to better define the roles of the various authorities involved in the construction sector. However, one of the main roles of a properly-functioning bureaucracy is that of ensuring that everyone plays according to the rules by enforcing policies in an efficient and equitable manner. Rather than doing away with bureaucracy, the institutions and authorities whose role is that of ensuring safe and healthy working conditions for workers need to make sure that all bureaucratic procedures and policies are at the service of this goal and that the health and safety of workers is never sacrificed at the altar of increased profits and faster delivery of works.

- *A new economic model*

As described above, the relentless pace at which the industry is working is certainly creating huge pressures on workers. However, this strain is being felt most acutely by those at the bottom of the pyramid, who end up being crushed—often literally—under the weight of this pressure resulting from a seemingly endless demand for real estate. On a regular basis, politicians and developers remind us why it is important not to rock this particular boat: property is still the investment of choice for families and those planning their retirement, guaranteeing a “safe” return on investment which far exceeds other investment opportunities; the country’s economic growth depends on the importation of foreign workers who will further increase the housing demand; given Malta’s limited size, the property bubble will never burst; and Malta’s economy is dependent on the construction industry, and putting the brakes on the industry will ruin the country financially.

For far too long, these arguments, statements, and narratives have remained unexamined and accepted as a given. However, when it comes to its contribution to economic growth, for example, the construction industry, while still an important part of Malta’s economy, is not among the country’s largest economic drivers. In fact, as explained in Chapter 4, the share of the construction industry and the closely related real estate sector stood at around 10.2% of Malta’s total Gross Value Added (GVA) in 2021, down from 11.6% in the year 2000 (Central Bank of Malta, 2023).

Furthermore, in recent months, there has been increasing criticism of the current economic model, of which the dramatic state of the construction industry is one outcome. The dominant narrative that presents construction as one of the indispensable pillars of national economic growth, and equates this with better quality of life, is being challenged. For example, Minister Clyde Caruana (M. L. Zammit, 2023e) said the economic growth resulting from this model cannot be equated with the kind of development which improves people’s—and workers’—quality of life (Justice and Peace Commission, n.d.). If the price to pay for this construction frenzy is the lives of people, the time has come for Malta to wean itself off its dependence on unsustainable construction growth, through carefully targeted measures which protect the livelihoods of workers and guarantee decent housing for everyone.

The desired shift to an economy which respects the right of all workers to a safe and healthy working environment, which promotes the development of every person and of the whole person, requires also that the tax incentives and policy levers which in recent years have been used extensively to prop up the property market, are used instead to redirect investment flows towards more sustainable and equally attractive investment opportunities (Cummings, 2023). In this regard, the rush for gold which, as shown in this study, ends up crushing those at the bottom of the pyramid, needs not only to be managed in a better and safer way, but also tackled at source by reducing the attractiveness of speculative investment in property and real estate.

In this sector, there are obviously huge financial interests at stake. For example, in a recent interview, MDA President Michael Stivala, warned of the negative economic impact of a slowdown in the construction industry (M. L. Zammit, 2023b). According to this line of argument, if the economy is to continue growing enough to be able to sustain our health system, schools, infrastructure, and social services, there is no alternative to our current model, even if this model leaves in its wake the broken lives of far too many people. However, it is good to keep in mind that when someone says that “there is no alternative”, what they possibly mean is that all other options available are unacceptable to them. In this case, it is always useful to ask whose imagination and whose experience have been brought to bear on the choice of way forward, and whose views were taken into account when a possible alternative which is more consistent with human dignity and in line with the goals of Integral Human Development is immediately labelled as “unacceptable” and discarded. By including the voices of workers—who are most directly affected by the multiple legal, socio-economic, and political failings which, together, have created an unsafe ecosystem on construction sites—this study seeks to widen our imagination and help us act decisively on the belief that what is truly unacceptable is the sacrificing of lives on the altar of economic growth.

# Chapter 14: Recommendations

The recommendations outlined below emerge from the results and findings of this research report. In no way are they intended to be an exhaustive, comprehensive and detailed list of all the shortcomings of the construction industry and of the remedial actions which need to be taken to rectify this situation. These recommendations refer, rather, to those economic, legal and socio-cultural factors which impact the health and safety of workers and are intended to stimulate follow-up research and discussion.

## **Profit before health: The “ejja ejja culture”**

*“It takes time to make everything safer” (Ervin)*

*Recommendation 1:* Tax and policy levers are to be used to redirect investment flows towards more sustainable and equally attractive investment opportunities, thus reducing the risk associated with unrealistic deadlines brought about by the created need to build more in the shortest time possible. These measures should be accompanied by a concerted effort to raise the safety standards of the construction industry, even if a by-product of these higher standards is a slowdown in construction activity. Just by way of example, the constant presence of someone on site who controls who enters the site, and who knows exactly who is working on what, is one such safety protocol which should be implemented immediately.

## **Some care, some don’t: “Work is a game of chance”**

*“It depends on the person – there are those who don’t care” (Noah)*

*Recommendation 2:* Workers’ unions should be at the forefront in advocating for a rights-based approach, whilst actively striving to widen their membership base to include foreign workers. The political clout and resources of unions should be used to empower and mobilise construction workers, whilst challenging those socio-economic, legal and political factors and influences which prevent workers from effectively accessing their right, independently of where they are coming from and who they work for.

## **Racialized labour market: “You are always a helper and remain a helper”**

*“I didn’t feel I was in a position to ask for training. You know. Black employee” (Alfred).*

*Recommendation 3:* With more than half the workforce in the construction industry being non-Maltese, there is an urgent need to provide cultural sensitivity and bias training to all frontline stakeholders, including union officials, OHS/BCA inspectors

and licensed contractors. In an increasingly multicultural workforce, such training increases awareness of cultural differences and challenges conscious and unconscious biases which result in experiences of discrimination, subjugation, and humiliation, which severely curtail migrant workers' right to a safe and healthy workplace.

### **Thrown into the deep end: “No training, no nothing”**

*“There have to be rules and training before telling someone to do something risky with no experience and training” (Obi)*

*Recommendation 4:* Health and safety courses should be provided, on an ongoing and compulsory basis, to all construction employees. Given its importance for health and safety, basic language training should also be provided to workers who require it. These training modules would form part of a mandatory skills card. In a strengths-based approach, these cards should value the experience and competencies of workers— independently of where they were obtained—whilst ensuring that all construction workers have undergone the necessary training, are competent, and know how to work safely.

### **Machismo & safety culture: “Is-safety idejjaqna [Safety bothers us]”**

*“Mentalità tal-uwijja [anything goes mentality]” (Michele)*

*Recommendation 5:* Further research is required to study the effects of machismo culture on the health and wellbeing of workers in the construction industry and on how it operates to inhibit a safety culture. Understanding the ways in which attitudes and behaviours associated with hypermasculinity operate in this male-dominated industry and investigating any differences linked to age and cultural backgrounds, may offer the potential to facilitate effective workplace health and safety interventions for construction workers.

### **Under the shadow of fear: “You say no, you go home”**

*“We have no contract, safety is not mentioned there” (Alfred).*

*Recommendation 6:* Re-evaluate work permit regulations and immigration laws which disempower migrant workers, push them into precarity and increase the risk of death and injury. The 10-day time window to find an alternative job should, for example, be extended in the case of third-country nationals who report abusive and dangerous work practices. Similarly, all migrant workers, including those without a regular work permit, should be protected from deportation when reporting such abuse. Given the lack of workers, and the danger and abuse associated with off-the-books work, workers

and employers should be offered the opportunity of regularising their position, and migrants who first registered for asylum in other EU countries offered to possibility to legally obtain a work permit in Malta.

### **Getting away with murder: “They will give me justice...hopefully”**

*“Many people working without safety shoes, without helmets, without contract” (Ismail)*

*Recommendation 7:* Whilst a fairer and more efficient justice system should serve as an effective deterrent against health and safety violations, the OHSa needs to be appropriately resourced to reflect the increase in construction activity. It should also be given the necessary autonomy to be able to operate free from any form of political interference. When it comes to reporting, residents and workers should be provided with a one-stop phone number to file all construction-related complaints and reports.

### **Used & Discarded: “When accident happens, there is nobody”**

*They didn’t care for you, you work hard, after when you fall down, they don’t care.  
Nobody ask you” (Jamal).*

*Recommendation 8:* Make insurance coverage—including liability insurance to protect all employees—a prerequisite for contactors seeking to be licenced, thereby ensuring that the presentation of a licence card is sufficient proof of coverage for workers and clients. Whilst the recently introduced contractors licensing scheme represents an important step forward, the need for contractors to take out insurance for each individual project, instead of making it compulsory at the licensing stage and at every renewal stage, will place yet another burden on under-resourced enforcement personnel, and on clients who will need to verify that an insurance has been taken out. More importantly, this lacuna leaves workers exposed to further abuse, given that they would have grave difficulty in recovering damages sustained from contractors who are very unlikely to be adequately insured.

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# Appendices

## Appendix A

Project title: Beyond the Numbers: Safety in the Construction Industry

### Interview guide for workers

#### *Preliminary questions*

What type of work do you do? For what kind of company do you work for? (large, small etc)

How long have you been working in this field? Do you have any experience working in construction in Malta or abroad?

Why did you decide to do this type of work? Did you have a choice? Do you wish, or did you wish, to do another type of work?

#### *1. Safety regulations*

- a. To what extent do you feel safe and protected by the safety regulations at your place of work?
- b. Do you identify any gaps in the safety regulations and, if so, what are they?
- c. Have you experienced inspections at your place of work?
- d. Have you received training when it comes to health and safety?

#### *2. Treatment of workers*

- a. What differences, if any, are there in the way different contractors treat workers?
- b. How would you describe the hierarchy of workers within construction firm. Are some workers treated differently?
- c. Which workers, if any, within the industry carry a higher risk?

### *3. Legal framework*

- a. What is your opinion about the health and safety legal framework regulating the construction industry?
- b. What gaps, if any, between the legal framework and practice do you identify?
- c. What are the reasons for these gaps?

### *4. Construction environment*

- a. To what extent do you consider the construction environment safe or risky? Have you seen any changes over the years?
- b. Can you describe an incident at your place of work that stayed with you? What happened? Who was involved? Did it lead to change?
- c. Does it worry you that so many workers get injured and sometimes even die in this work?
- d. What are the consequences, if any, of this environment on you as a worker?
- e. What are the consequences, if any, of this environment on your family, community and on Maltese society?
- f. What do you think should be done in order to make this work safer?

### *5. Workers' rights*

- a. What is your opinion about workers' rights in this sector?
- b. To what extent do you feel empowered enough to ask for your rights to be respected?
- c. What hinders or facilitates this process?

## **Appendix B**

Project title: Beyond the Numbers: Safety in the Construction Industry

### **Interview Guide for professionals, supervisors, contractors and organisational representatives**

#### *1. Safety regulations*

- a. To what extent are safety regulations implemented on construction sites?
- b. What measures can be taken to ensure implementation and appropriate protection of workers?
- c. What safety regulations, if any, need to be introduced?
- d. To what extent do you think safety regulations help workers to feel protected?
- e. Are you aware of any inspections which take place on construction sites?

#### *2. Treatment of workers*

- a. What differences, if any, are there in the way different contractors treat workers?
- b. How would you describe the hierarchy of workers within construction firms? How are workers treated differently according to their nationality, legal status etc?
- c. Which workers, if any, within the industry carry a higher risk?

#### *3. Legal framework*

- a. What is your opinion about the health and safety legal framework regulating the construction industry?
- b. What gaps, if any, between the legal framework and practice do you identify?
- c. What are the reasons for these gaps?

#### *4. Construction environment*

- a. To what extent do you consider the construction environment safe or risky?
- b. What are the consequences, if any, of this environment on the workers in this field?
- c. What are the consequences, if any, of this environment on Maltese society?
- d. What can be done to ensure that construction sites are a safer working place for everyone?

#### *5. Workers' rights*

- a. What is your opinion about workers' rights in this sector?
- b. To what extent do workers feel empowered enough to ask for their rights to be respected? Do they seek redress from the authorities in case of injury? Do they seek help from colleagues or from other organizations like NGOs/Unions?
- c. What hinders or facilitates this process?

## **Appendix C**

Project title: Beyond the Numbers: Safety in the Construction Industry

### **Information sheet & consent form**

#### **Information about the study**

My name is Mark-John Cachia and I am an executive officer at the Justice and Peace Commission (Archdiocese of Malta). I am presently conducting research as part of a Commission project called *Beyond the Numbers: Safety in the Construction Industry*. The aim of the study is to help identify some of the underlying multidimensional economic, social and legal issues which help explain the phenomenon of construction site fatalities, whilst recommending a way forward which fully respects the dignity of workers.

#### **Your Participation**

Any data collected from this research will be used solely for purposes of this study.

Should you choose to participate, you will be asked questions about your experience of health and safety measures whilst working on construction sites.

Data collected will be gathered through an interview which will be conducted in person.

Participation in this study is entirely voluntary; in other words, you are free to accept or refuse to participate, without needing to give a reason.

You are also free to withdraw from the study at any time, without needing to provide any explanation and without any negative repercussions for you. Should you choose to withdraw, any data collected from you will be erased as long as this is technically possible (for example, before it is anonymised or published), unless erasure of data would render impossible or seriously impair achievement of the research objectives, in which case it shall be retained in an anonymised form.

If you choose to participate, please note that there are no direct benefits to you.

Your participation does not entail any known or anticipated risks.

## Data Management

Please note also that, as a participant, you have the right under the General Data Protection Regulation (GDPR) and national legislation to access, rectify and where applicable ask for the data concerning you to be erased.

All data collected will be anonymised on completion of the study and following publication of report.

Your identity will be revealed/attributed only with your consent.

-----

## Participant's consent

I am aware that, by marking the first-tick box below, I am giving my consent for this interview to be audio recorded and converted to text as it has been recorded (transcribed).

I agree to this interview being audio recorded.

I do not agree to this interview being audio recorded.

(In the case of interviewee not agreeing to interview being recorded)

I agree to the interviewer taking notes during the interview

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I am aware that, by marking the first tick-box below, I am giving my consent for my identity to be revealed in research records, publications, reports or presentations arising from this research, and responses I provide may be quoted directly or indirectly.

I agree that my identity may be disclosed in research records and outputs.

I do not agree that my identity may be disclosed in research records and outputs.

(In case of interviewee not agreeing to disclosure of identity)

I agree that extracts from my interview may be reproduced in research outputs, either in anonymous form, or using a pseudonym.

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I am aware that, by marking the first tick-box below, I am asking to review extracts from

my interview transcript that the researcher would like to reproduce in research outputs, before these are published. I am also aware that I may ask for changes to be made, if I consider these to be necessary.

I would like to review extracts of my interview transcript that the researcher would like to reproduce in research outputs before these are published.

I would not like to review my interview transcript extracts that the researcher would like to reproduce in research outputs before these are published.

-----

I hereby declare to have read the information about the nature of the study, my involvement and data management.

I have had the opportunity to ask questions about the study and my questions have been satisfactorily answered.

I declare that I am 18 years or older.

I understand that should I have any further queries, I can contact Mark John Cachia ([mark.cachia@maltadiocese.org](mailto:mark.cachia@maltadiocese.org)).

I agree to participate in this research study.

I understand that I will also be given a copy of this consent form.

\_\_\_\_\_

Participant's name (in block)

\_\_\_\_\_

Researcher's name (in block)

\_\_\_\_\_

Participant' signature

\_\_\_\_\_

Researcher's signature

\_\_\_\_\_

Date

## **Appendix D**

Project title: Beyond the Numbers: Safety in the Construction Industry

### **Information sheet & consent form (Organisational representatives)**

Information about the study

My name is Mark John Cachia and I am an executive officer at the Justice and Peace Commission (Archdiocese of Malta). I am presently conducting research as part of a Commission project called *Beyond the Numbers: Safety in the Construction Industry*. The aim of the study is to help identify some of the underlying multidimensional economic, social and legal issues which help explain the phenomenon of construction site fatalities, whilst recommending a way forward which fully respects the dignity of workers.

#### **Your Participation**

Any data collected from this research will be used solely for purposes of this study.

Should you choose to participate, you will be asked questions about your organisation's role in promoting and guaranteeing a safe workplace for construction workers.

Data collected will be gathered through an interview which will be conducted in person.

Participation in this study is entirely voluntary; in other words, you are free to accept or refuse to participate, without needing to give a reason.

You are also free to withdraw from the study at any time, without needing to provide any explanation and without any negative repercussions for you. Should you choose to withdraw, any data collected from you will be erased as long as this is technically possible (for example, before it is anonymised or published), unless erasure of data would render impossible or seriously impair achievement of the research objectives, in which case it shall be retained in an anonymised form.

If you choose to participate, please note that there are no direct benefits to you or your organisation.

Your participation does not entail any known or anticipated risks.

## Data Management

Please note also that, as a participant, you have the right under the General Data Protection Regulation (GDPR) and national legislation to access, rectify and where applicable ask for the data concerning you to be erased.

All data collected will be anonymised on completion of the study and following publication of report.

Your identity and that of your organisation will be revealed/attributed only with your consent.

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## Participant's consent

I am aware that, by marking the first-tick box below, I am giving my consent for this interview to be audio recorded and converted to text as it has been recorded (transcribed).

I agree to this interview being audio recorded.

I do not agree to this interview being audio recorded.

(In the case of interviewee not agreeing to interview being recorded)

I agree to the interviewer taking notes during the interview

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I am aware that, by marking the first tick-box below, I am giving my consent for the identity of my organisation to be revealed in research records, publications, reports or presentations arising from this research, and responses I provide may be quoted directly or indirectly.

I agree that the identity of my organisation may be disclosed in research records and outputs.

I do not agree that the identity of my organisation may be disclosed in research records and outputs.

-----

I am aware that, by marking the first tick-box below, I am giving my consent for my identity to be revealed in research records, publications, reports or presentations arising

from this research, and responses I provide may be quoted directly or indirectly.

I agree that my identity may be disclosed in research records and outputs.

I do not agree that my identity may be disclosed in research records and outputs.

(In the case interviewee not agreeing to disclosure of identity)

I agree that extracts from my interview may be reproduced in research outputs, either in anonymous form, or using a pseudonym.

-----

I am aware that, by marking the first tick-box below, I am asking to review extracts from my interview transcript that the researcher would like to reproduce in research outputs, before these are published. I am also aware that I may ask for changes to be made, if I consider these to be necessary.

I would like to review extracts of my interview transcript that the researcher would like to reproduce in research outputs before these are published.

I would not like to review my interview transcript extracts that the researcher would like to reproduce in research outputs before these are published.

-----

I hereby declare to have read the information about the nature of the study, my involvement and data management.

I have had the opportunity to ask questions about the study and my questions have been satisfactorily answered.

I declare that I am 18 years or older.

I understand that should I have any further queries, I can contact Mark John Cachia ([mark.cachia@maltadiocese.org](mailto:mark.cachia@maltadiocese.org)).

I agree to participate in this research study.

I understand that I will also be given a copy of this consent form.

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Participant's name (in block)

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Researcher's name (in block)

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Name of Organisation (in block)

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Participant' signature

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Researcher's signature

---

Date

Author: **Mark Cachia**

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**Dr Patricia Bonello**

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Publisher: **Justice and Peace Commission**

Date of publication: **January 2024**

