

Social Fieldwork Research (FRANET)

Protecting migrant workers from exploitation in the EU: workers' perspectives

Country report Poland, September 2017

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1. Executive summary

This report addresses labour exploitation in Poland from the perspective of migrants who personally experienced the problem (20 individual interviews) and migrants who work in sectors of economy that make them vulnerable to exploitation (two focus group discussions). Limited desk research was also conducted within the study; it did not detect any amendments to criminal law relating to labour exploitation or significant changes to the institutional setting for dealing with the problem for the last few years.

Research participants identified a number of factors that heighten the risk of migrants' labour exploitation. Four refer to migrants' socio-economic position and include poverty, work below qualifications, a language barrier and stay status in Poland (in particular, unregulated stay, seasonal worker status and stay under a visa or stay permit that ties a worker to their employer). Additional factors include lack of awareness of workers' rights, unwillingness to stand up for one's rights, lack of knowledge of where to seek help, lack of contract, signing a contract in Polish, complicated employment structure, activity of recruitment agencies, uncontrolled issue and transnational flow of work-related documents, economic sector in which migrants work, widespread exploitation of workers independently of their national background, discrimination of migrants in employment, excess supply of migrant workers, work in isolation, shortage of inspections, gaps in the criminal justice system and workers' protection, as well as complexity of procedures to employ migrant workers.

The most common forms of exploitation, as experienced by interviewees, are problems with pay, conditions at work and contracts. Other problems relate to accommodations, work tasks, documents other than the contract, threats and violence from the employer, isolation, and abuse from recruiters.

Research participants pointed to a variety of reasons for not reporting exploitation to anyone or seeking assistance. These include, in particular, lack of knowledge of whom to contact, lack of belief in the effectiveness of support, lack of awareness of workers' rights, language barrier, focus on other issues like finding a new job than asserting rights, threats from the employer and intimidation, fear of deportation and other problems resulting from the report, and lack of trust in state institutions. What motivates migrants to seek help are mainly problems with pay and stay status. The chief factors that facilitate coming forward are Internet access and the ability to effectively use it, previous experience of seeking assistance, and a social network in Poland.

Those who decide to seek assistance from a support organisation and those whose exploitative situation comes to the attention of the Border Guard are basically satisfied with how they are treated and how the referral system works in cases that potentially involve trafficking in human beings. However, the study does not allow for an assessment of justice system effectiveness. At the time of conducting interviews, no interviewee had completed all stages of civil or criminal proceedings.

After the exploitation ends, migrants' main expectation is that they could be able to stay and make a living in Poland. It is also important to them to receive back pay, see that exploitative employers are held accountable and that justice is done.

Migrants' recommendations for prevention and necessary changes in the current protection of migrant workers are, in particular, to ensure that contracts are concluded and that they are written in a language that the worker understands, to tightly control employers and the issue and transnational flow of work-related documents, as well as to develop the institutional structure for providing assistance to exploited workers.

2. Short description of fieldwork/sample composition

This report draws on qualitative research embracing **20 semi-structured individual interviews (IDIs)** with migrants who have experienced severe forms of labour exploitation within the last four years in Poland, and **two focus group interviews (FGIs)** with migrants who work in sectors of the economy that make them vulnerable to exploitation: domestic work and construction. The interviews were conducted between 20 April 2017 and 11 July 2017. The **research aimed at: (1)** identifying risk factors that increase the likelihood of labour exploitation (as identified by workers interviewed); **(2)** understanding the reasons why victims of labour exploitation do or do not report their situation, and their experiences of how they are treated in the aftermath of their situation coming to light; **(3)** finding out what interviewees believe, think or wish could be done to prevent labour exploitation as well as what they would need now and in the future to feel protected and respected. The concept of the study and interview scenarios were developed by FRA. This chapter addresses specific issues related to methodology and sampling that arose at the country level.

Classifying the 20 IDIs as individual is not fully precise. While the vast majority of respondents agreed to one-on-one interviews, there were some who preferred to be accompanied by a person or persons who experienced the same situation of exploitation and took an active part in the discussion. This was the case of an Ukrainian married couple, still exploited at the time of the interview, and three Filipinas who had experienced exploitation in agriculture. During the interview with the Filipinas, it appeared that two were very active in presenting their agriculture experience, while the third focused on another case of exploitation she had experienced as a domestic worker subsequent to her employment in agriculture. That is why this interview has been counted as two: one that reports on the exploitation in agriculture told from the perspective of two persons, and one that reports on the exploitation in domestic work.

The 20 IDIs counted in this way involved 22 respondents and covered 19 situations of labour exploitation. In one case, it came out during the interview that the respondent had experienced the same situation of exploitation in agriculture as another previously interviewed respondent. Since the interviewees differed in how they reflected on their experience and what measures for prevention they proposed, we have decided to include both in the final sample.

The **recruitment of interviewees for IDIs was the most challenging part of the research.** Our priority was to reach migrants who had reported the labour exploitation to an organisation providing assistance in such cases. Thus, in the first step, we contacted 11 Polish organisations of this kind located in various cities and regions, including the Legal Assistance to Refugees and Migrants Unit at our organisation (Helsinki Foundation for Human Rights). However, one half of contacted gatekeepers could not be of help to us. They explained that migrants rarely report cases of labour exploitation to them. Apart from that, they did not have valid contacts to their former clients qualifying for an interview, especially since some had already gone back to their home country. A few gatekeepers performed extensive search, for instance, by snowball sampling that started with their current clients, but they did not succeed. Thus, only six of the recruitment channels proved effective: four NGOs (two from Warsaw, including our organisation; one from Gdansk; one from Poznan), the Trade Union of Ukrainian Workers in Poland (the only Polish trade union that deals specifically with migrants), and the La Strada Foundation (the NGO contracted as the National Consultation and Intervention Centre for Victims of Human Trafficking). We recruited respondents for 11 IDIs through the above organisations.

To remedy the shortage of respondents, in the second step, we contacted 27 organisations and institutions who are in constant touch with migrants due to integration projects or academic research among them. They reported problems similar to those cited by support organisations. At this stage, only two gatekeepers, an NGO and an academic researcher, were effective. From these, we recruited respondents for the next four IDIs.

Finally, in the third step, we decided to rely on social networks: members of our research team used their private contacts to identify and recruit respondents (we succeeded in three cases), and our recruiter posted information about the research on Facebook groups for migrants. Since we had already interviewed many Ukrainians, the recruiter chose groups addressing migrants of other nationalities (*Indians in Warsaw*, *Foreigners in Warsaw*, *Vietnamese in Warsaw*). We recruited respondents for two IDIs through Facebook.

The most significant difficulty of the first and second recruitment stages was the man-hours they required. Contact with gatekeepers demanded many emails and phone calls in which our recruiter thoroughly explained the concept of the research and encouraged them to help. The recruitment of respondents for as many as 15 IDIs at these stages was due to her devotion and her extensive professional network: the most cooperative representatives of organisations/institutions were those who had collaborated with our recruiter before. As far as the Facebook recruitment is concerned, the main problem was that the recruiter was deluged with responses to her post, especially from people from India, and it was difficult for her to determine, which of those came from migrants qualifying for the interview by having experienced at least two circumstances considered as typical indicators of severe labour exploitation within the research (see Table 3 at the end of this chapter).

What influenced the recruitment process and, later, the interview process, was that our organisation is known for providing legal aid to migrants. This undoubtedly helped us to attract interviewees, but it also had its dark side; in a few cases, it was extremely difficult to explain the goal of the interview, i.e. the research rather than legal assistance to the interviewee. Throughout the interviews the interviewer had to keep putting the interviewee back on track. In one case, the interviewer had to twice stop the interview to thoroughly explain this and related issues once again. A few respondents expected help that we could not provide, for instance, in regularising their stay in Poland, while the time for taking administrative action had already expired. Before or after the interview, we referred a few other interviewees to the Legal Assistance to Refugees and Migrants Unit at our organisation.

Taking into account both our problems with reaching the respondents for IDIs and the very short time-period envisaged for the fieldwork, we did not have an opportunity to pick and choose among potential interviewees. We arranged interviews with all who agreed to take part in the research and qualified for the interview by having experienced at least two circumstances considered as typical indicators of severe labour exploitation within the project. Still, we have managed to ensure a great deal of diversity with respect to sectors of the economy and the interviewee national background, stay status in Poland at the time of exploitation, the length of stay in Poland at the time of the interview and the duration of exploitation, regions of Poland where exploitation took place, and the forms of exploitation experienced.

The 20 IDIs covered the following **sectors of the economy**: agriculture (4); manufacturing (3; including one manufacture of food products); construction (2); restaurant and food services (3); passenger land transport (1); other service activities, such as beauty/cosmetics treatment (1), physical well-being activities (massage therapist) (1), residential care activities (1), and cleaning activities (1); domestic work (1); education (1); scientific research (1). Our initial plan was to reach at least three respondents from each of the three sectors of economy in which migrant workers are the most vulnerable to exploitation in Poland according to professionals interviewed in the previous part of the research on labour exploitation: agriculture, manufacturing and construction.¹ Since we did not meet this goal in the case of construction,

¹ Hall, D. (2014) *Severe Forms of Labour Exploitation: Supporting Victims of Severe Forms of Labour Exploitation in Having Access To Justice in EU Member States: Poland*, p. 31. Available at: <http://fra.europa.eu/en/country-data/2015/country-reports-comparative-report-severe-labour-exploitation-workers-moving> (11.08.2017).

we decided to organise one FGI with construction workers to learn more about the specificity of the sector from the workers' perspective.

The 20 IDIs covered the following **national background** of our interviewees: Ukrainian (11; including one interview with the Ukrainian couple), Filipino (3; including two interviews from one meeting with three migrants), Indian (1), Bangladeshi (1), Pakistani (1), Moroccan (1), Belarusian (1), Russian (one person of Chechen origin). The Ukrainians' dominance in IDIs (as well as both FGIs – see below) corresponds to the fact that Ukrainians make up the largest migrant group in Poland,² hence the easiest group to reach. If for no other reason than pure statistics, they may be considered a group exposed to labour exploitation. Despite efforts, we did not manage to arrange any interview with sub-Saharan Africans. Gatekeepers explained to us that as a rule, people from sub-Saharan Africa face much more problems with accessing the Polish labour market than with being exploited at work. Many conduct undocumented retail trade activity and act on their own. Similarly, despite efforts, we did not reach Vietnamese migrants who, according to professionals interviewed in the previous part of the research, are a group vulnerable to labour exploitation in Poland.³ None of the contacted organisations identified a potential Vietnamese interviewee, and our recruiter's post on the Facebook group *Vietnamese in Warsaw* remained unanswered. Finally, no gatekeeper identified any potential interviewee from an EU country; our sample does not include such.⁴

Interviewees differed in their **stay status in Poland** at the time of exploitation. One IDI was with a person in an irregular situation (IR), six – with migrants tied by a visa or stay permit to their employer and with a domestic worker (D), seven – with seasonal workers (S), one – with a person with refugee status (IP), and five – with migrants representing the 'other' (O) category, that is, with one student, two migrants with temporary and two with permanent stay permits that did not tie them to any employer. It is worth noting at this point that interviews classified as S, just like those under the D category, were with migrants tied to their employer. What differentiates S migrants from those of the D group is that at the time of exploitation, their visa was valid for 180 days only. At the time of the research, Poland had not implemented the Seasonal Workers Directive (2014/36/EU), and within the Polish context, 'seasonal work' referred to work performed in any sector of economy by citizens of Ukraine, Russia, Belarus, Moldova, Georgia and Armenia, based only on the employer's statement registered at the labour office regarding the intention to employ the person. The employer's statement was the basis for the foreigner to obtain the 180-day Polish visa. The seasonal workers were allowed to work in Poland for up to six months in a year.⁵

The **length of stay in Poland** at the time of the interview ranged between five months and 13 years among our respondents, with the average being three years and ten months. For four Ukrainians, their current stay was not the first in the country – they had been in Poland before

² Their influx keeps increasing due to the political crisis in Ukraine. See: Józwiak I., Piechowska M. (2017) *Crisis-driven Mobility between Ukraine and Poland: What Does the Available Data (not) Tell Us?*, Warsaw University: Centre of Migration Research. Available at: www.migracje.uw.edu.pl/wp-content/uploads/2017/05/WP99157.pdf (11.08.2017).

³ Hall, D. (2014) *Severe Forms of Labour Exploitation: Supporting Victims of Severe Forms of Labour Exploitation in Having Access To Justice in EU Member States: Poland*, p. 35. Available at: <http://fra.europa.eu/en/country-data/2015/country-reports-comparative-report-severe-labour-exploitation-workers-moving> (11.08.2017).

⁴ This corresponds to the recognition of professionals interviewed within the previous part of the research on labour exploitation who pointed to third country nationals when referring to categories of migrants most vulnerable to exploitation in Poland. See: Hall, D. (2014) *Severe Forms of Labour Exploitation: Supporting Victims of Severe Forms of Labour Exploitation in Having Access To Justice in EU Member States: Poland*, p. 30-31. Available at: <http://fra.europa.eu/en/country-data/2015/country-reports-comparative-report-severe-labour-exploitation-workers-moving> (11.08.2017). Out of 19 cases of severe labour exploitation identified within the previous study only one involved EU nationals.

⁵ Poland, Decree of the Minister of Labour and Social Policy of 20 July 2011 on cases when entrusting work to foreigners in the territory of the Republic of Poland is allowed without the need to obtain a work permit [Rozporządzenie Ministra Pracy i Polityki Społecznej z dnia 20 lipca 2011 r. w sprawie przypadków, w których powierzenie wykonywania pracy cudzoziemcowi na terytorium Rzeczypospolitej Polskiej jest dopuszczalne bez konieczności uzyskania zezwolenia na pracę].

as seasonal workers or as a cross-border trader and their relatives' visitor. IDI participants also differed with regard to the **duration of exploitation** that they experienced: between two weeks and three years and four months, with the average being seven and a half months.

Our interviewees experienced labour exploitation in various **regions of Poland**. The exploitation of 11 respondents occurred in central Poland (Mazowieckie and Łódzkie Voivodeships). One interviewee experienced exploitation in eastern Poland (Mazowieckie Voivodeship), three interviewees in western Poland (Wielkopolskie Voivodeship), participants of three IDIs in northern Poland (Pomorskie and Warmińsko-Mazurskie Voivodeships) and participants of two IDIs in southern Poland (Dolnośląskie and Śląskie Voivodeships). Participants of eight IDIs experienced exploitation in big cities and the rest of interviewees – at the outskirts of big cities, in small towns, or in sparsely populated areas.

IDI participants experienced various **forms of exploitation** – for details see: Chapter 5. Here, it is worth noting that three IDIs referred to situations in the aftermath of which the interviewees entered the *programme for support and protection of victims/witnesses of human trafficking*. Two covered the restaurant and food services economic sector and involved a Moroccan and a Belarusian, and one covered agriculture and involved two Filipinas.

We did not manage to include migrants in the sample who had gone through all stages of court proceedings because of lack of access to them through any gatekeeper. Participants of only six IDIs told us about any formal proceedings against the employer. In two cases, these were civil court proceedings still in progress at the time of the interview. In four cases these were criminal proceedings, including three cases involving human trafficking. None of the interviewees involved in criminal proceedings were aware of their exact stage. One interviewee seemed to understand little of what was going on in his case, and to the best of three IDIs participants' knowledge, their proceedings had not yet reached court trial stages.

Out of the 20 IDIs, only nine included seeking assistance from a support organisation. Additionally, four covered asking private persons for help and only one interviewee reported exploitation to the police. The exploitative situation of migrants who entered the *programme for support and protection of victims/witnesses of human trafficking* had come to the attention of law enforcement agencies in another way. All in all, 11 interviews did not cover reporting either to an organisation offering support or to a law enforcement agency, and eight interviews referred to situations that had not come to the attention of any organisation or law enforcement agency. Thus, in the research material, there is a balance between data allowing for analysis of reasons for not reporting and data allowing for analysis of reasons for reporting exploitation and the experiences of migrants in the aftermath of their situation coming to light.

From among 22 IDI participants, **18 were between the ages of 31 and 50** at the time of the interview; four were younger. **Seven were male and 15 female**.

Independently of how the respondents had been recruited, the **atmosphere** during the vast majority of interviews **was friendly**, but in some cases, the interviewees' openness seemed to be driven by their expectation of help from our organisation (see above). Only a few respondents presented a fully neutral or distrustful attitude towards our interviewer. One interviewee refused recording; in this case, the interviewer took detailed notes.

All IDIs except one were conducted face-to-face. The exception was the interview with a respondent recruited via Facebook who had already gone back to her home country. That interview was conducted via Skype. Seven face-to-face interviews took place behind closed doors in our office, and two at the respondents' home. The remaining face-to-face interviews were conducted in public places (parks, coffee shops). Still, these spaces allowed quite a high level of intimacy except in one case, when the interviewee chose a playground for the interview; she came with her child and her friends accompanied by kids. Although the friends did not take part in the interview, they introduced some situational interruptions and the whole

interview was quite chaotic. Apart from that, and the above-mentioned case when the interviewer stopped the interview to repeat the research goal, there were no significant interruptions to interviews. The **average interview lasted** 75 minutes. The shortest interview lasted 45 minutes and the longest 120 minutes.

We did not encounter any significant difficulties while **organising and conducting FGIs**. The recruitment for FGIs was much easier than for IDIs, because for FGIs we did not search for exploited migrants, but for those working in selected sectors of economy. The goal of FGIs was to go beyond individual experience and focus on migrants' views on risk factors for labour exploitation, reasons for reporting or not reporting and prevention measures. We chose **domestic work** and **construction**, i.e. sectors in which migrants are vulnerable to exploitation according to professionals⁶ and were also underrepresented within the IDIs. The FGI with domestic workers involved female migrants, while the FGI with construction workers male migrants. At the recruitment stage, we focused on ensuring participants' language uniformity. For the FGI with domestic workers, we invited four Ukrainians and four Russians, including three of Chechen origin. However, the Chechen women did not show up so the FGI was conducted with five migrants: three aged between 31 and 50, and two aged 51 or above. Each had a different stay status in Poland. The FGI involved: an EU resident, a person with permanent residence permit, a person with a temporary stay permit, a seasonal worker, and a person with a visitor visa. The participants' domestic work experience covered cleaning, cooking and caregiving to children and the elderly. For the FGI with construction workers, we invited seven Ukrainians and all came for the interview. Five were aged between 31 and 50, and two were younger. Three were seasonal workers, two had a temporary stay permit, one was awaiting the decision on a temporary stay permit and one had taken advantage of recent regulations on visa-free travel to the EU. From among domestic workers present at the interview, four were recruited by an academic researcher and one was our organisation's former client in issues not involving labour exploitation. The former client recruited two participants for the FGI with construction workers. Out of the remaining five construction workers, two were recruited through an NGO run by Ukrainians and three through the private contacts of our organisation's employee.

Both FGIs took place in Warsaw, which was for two reasons, both related to the migrants' accessibility at the recruitment stage. First, there is a significant migrant population in Warsaw, and second, our recruiter has an extensive social and professional network in this city enabling to reach potential interviewees.

The atmosphere during FGIs was quite friendly, but the FGIs differed in character. While the interview with domestic workers was long (120 minutes) and involved participants' comments on their personal experience, the interview with construction workers was shorter (85 minutes), contained few references to personal experience and was very dynamic. This is not to say that the participants did not agree with each other, they rather quickly reacted to already expressed views and added their own observations.

No interview involved an interpreter. Seven IDIs involved individuals with good command of Polish and were conducted in this language. The rest of the IDIs were conducted in the respondents' native language or their second language: six in Russian, one in Ukrainian, five in English, one in Arabic. FGIs were conducted in the participants' native language, the one with domestic workers – in Ukrainian and Russian (neither the moderator nor participants had problems understanding one another), and the one with construction workers – in Ukrainian.

Our **research team consisted of five interviewers**, including one who also did the recruitment; all were experienced in qualitative interviewing. The team comprised two PhD

⁶ Hall, D. (2014) *Severe Forms of Labour Exploitation: Supporting Victims of Severe Forms of Labour Exploitation in Having Access To Justice in EU Member States: Poland*, p. 31. Available at: <http://fra.europa.eu/en/country-data/2015/country-reports-comparative-report-severe-labour-exploitation-workers-moving> (11.08.2017).

students in sociology (one of them, apart from conducting IDIs, moderated both FGIs) and a social science professor (the author of this report and the research manager). Two members of the team had extensive experience in administrative assistance to migrants. After each IDI and both FGIs, interviewers prepared detailed reports from interviews (reporting templates in the format provided by FRA) that covered interviewee responses to all questionnaire questions and included exemplary quotes from interviews. At the stage of their preparation, all reporting templates were consulted with the research manager. Their final versions have been used as the basis for this report.

The report refers to both the experiences and the views presented by research participants. The analysis below separates one from the other and ascribes numerical data to interviewee reports. By doing so, it suggests the prevalence of a given experience or view among the respondents. It needs to be stressed, however, that the numbers should be treated with caution, since the respondents' experiences and opinions are much more complex than that. As it comes to focus groups, the ascribed numbers refer to participants who explicitly put forward a given observation. However, focus group discussions were basically devoid of any contentious issues. Taking into account the lack of objection, it is safe to say that a view presented by only one or two participants was likely to represent views of all the migrants gathered.

Table 1: Individual interviews⁷

		Economic sector/ occupations	Nationalities	Male*	Female*
1	(P) Posted workers	-----	-----	-----	-----
2	(S) Seasonal workers ⁸	- Agriculture - Manufacturing - Restaurant and food services - Residential care activities	- Ukrainian - Belarusian	2	6
3	(D) Domestic workers, or those tied by a visa or stay permit to their employer	- Agriculture - Construction - Domestic work - Massage therapist - Primary education	- Ukrainian - Filipino - Other third country national	2	5
4	(IP) Applicants for international protection	- Manufacturing	- Southern Asia	0	1
5	(IR) Migrants in an irregular situation	- Restaurant and food services	- Moroccan	1	0

⁷ Please note that when referring to or quoting interviewees and focus group participants in this report, the country of origin is sometimes replaced with the more general geographical region in order to guarantee the anonymity of research participants.

⁸ Please note that within this research, the term 'seasonal workers' has a wider scope than the definition of seasonal workers contained in the EU Directive on Seasonal Workers, and also includes seasonal workers under national schemes as well as under the EU Directive on Seasonal Workers. It also includes EU workers moving for seasonal work.

6	(O) Other foreign workers: a student and migrants with temporary or permanent stay permits, not tied by a visa or stay permit to their employer	<ul style="list-style-type: none"> - Restaurant and food services - Cosmetic services - Passenger land transport - Cleaning activities - Scientific research 	<ul style="list-style-type: none"> - Ukrainian - Russian - Pakistani 	2	3
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* The 'male' and 'female' columns refer to interviewees (and not interviews), which is why the numbers total 22 (and not 20). The Ukrainian couple (a male and a female) covered by one IDI represented the S category, and the three Filipinas covered by two IDIs represented the D category.

Table 2: Focus groups

	Target group	Economic sector	Nationality	Male	Female
1	5D	Domestic work	4 Ukrainian 1 Russian	-----	5
2	3S, 2D, 2O	Construction	7 Ukrainian	7	-----

Table 3: Circumstances which emerged as typical indicators of situations of severe labour exploitation of workers in employment relationships

Circumstance/indicator	Total number	Breakdown by category
no salary paid or salary considerably below legal minimum wage	12	2S, 4D, 4O, 1IR, 1IP
parts of remuneration flowing back to employer on various – often unreasonable – grounds	6	4S, 1D, 1IR
lack of social security payments	7	3S, 2D, 1IR, 1O
extremely long working hours	15	5S, 5D, 4O, 1IR
very few or no days of leave	15	5S, 5D, 4O, 1IR
working conditions differ significantly from what was agreed	14	4S, 5D, 3O, 1IR, 1IP
worker lives at the workplace	3	1S, 2D
hardly any contact with nationals or persons from outside the workplace	7	2S, 4D, 1IR
passport retained, limited freedom of movement	5	2S, 2D, 1IR
no contract, or contract not in a language the interviewee could understand	15	6S, 4D, 4O, 1IR

3. Legal and institutional framework

After the publication of a country report from the previous part of research on severe labour exploitation and FRA's comparative report on the issue,⁹ **there have not been any changes** to or new legislation **in the area of criminal law** relating to labour exploitation. Polish law contains provisions to ensure that employers convicted of criminal forms of labour exploitation will be excluded from entitlements to public funds and that employers convicted of a criminal offence are excluded from participating in public contracts, as well as provisions enabling the shut-down of an establishment used to commit a criminal offence and the revocation of a business licence.

In case of conviction of entrusting work to foreigners without valid document authorising them to stay on Polish territory, including under particularly exploitative working conditions, the court can forbid access to structural funds, the Cohesion Fund, European Fisheries Fund, European Maritime and Fisheries Fund as well as the funds for the implementation of the Common Agricultural Policy. The ban may last one to five years.¹⁰ Contractors and subcontractors convicted of the offence are excluded from public procurement proceedings.¹¹ The court can also enjoin specific business activity following a conviction in connection with an activity if such threatens vital interests protected by the law.¹² Furthermore, a licence to run an employment agency is withdrawn if the agency employs as temporary workers foreigners not possessing valid documents authorising them to stay on Polish territory.¹³

There have been **no changes to the institutional setting** since publication of both of the above-mentioned reports. The National Labour Inspectorate and the Border Guard are still the most important institutions dealing with migrants' labour exploitation. Moreover, according to Polish law, anyone with information of a crime prosecuted *ex officio* has a duty to notify the prosecutor or the police. State bodies that have learned of such a crime in connection with their official activities are obliged not only to immediately notify the prosecutor or the police, but also to take necessary actions until the authority appointed to prosecute the crime arrives or until the competent authority issues a relevant order to prevent contamination of evidence of the crime.¹⁴ All crimes and offences related to labour exploitation – trafficking in human beings, malicious or persistent workers' rights infringements, infringements of regulations related to worker's social insurance, endangering the worker's health and safety, entrusting work to foreigners without valid document authorising them to stay on Polish territory, including under particularly exploitative working conditions – are prosecuted *ex officio*.

There have been **no significant changes in the area of victim support**, either. However, NGOs providing legal advice and psychosocial support to migrants largely depend on public funds, including EU funds allocated by government authorities. Although the majority of organisations which have been providing the aid for many years continue their activity (e.g. Helsinki Foundation for Human Rights, Association for Legal Intervention), the organisational landscape for victim support constantly changes: some NGOs recognised as migrants'

⁹ Hall, D. (2014) *Severe Forms of Labour Exploitation: Supporting Victims of Severe Forms of Labour Exploitation in Having Access To Justice in EU Member States: Poland*. Available at: <http://fra.europa.eu/en/country-data/2015/country-reports-comparative-report-severe-labour-exploitation-workers-moving> (11.08.2017); FRA (2015) *Severe labour exploitation: workers moving within or into the European Union*. Available at: <http://fra.europa.eu/en/publication/2015/severe-labour-exploitation-workers-moving-within-or-european-union> (25.08.2017).

¹⁰ Poland, Act on the consequences of entrusting the performance of work to foreigners with irregular residency status at the territory of the Republic of Poland (*Ustawa o skutkach powierzania wykonywania pracy cudzoziemcom przebywającym wbrew przepisom na terytorium Rzeczypospolitej Polskiej*), 15 June 2012. Article 12.1.1.

¹¹ Poland, Law on public procurement (*Prawo zamówień publicznych*), 29 January 2004. Article 24.1.13.d.

¹² Poland, Criminal Code (*Kodeks karny*), 6 June 1997. Article 41§2.

¹³ Poland, Act on promotion of employment and labour market institutions (*Ustawa o promocji zatrudnienia i instytucjach rynku pracy*), 20 April 2004. Article 18m.1.9.

¹⁴ Poland, Code of Criminal Procedure (*Kodeks postępowania karnego*), 6 June 1997. Article 304§1.

supporters struggle with securing financial resources for the assistance to migrants, which diminishes the scope of their actions, while new actors emerge.

There is an official **risk management** system that relates to detecting severe labour exploitation. The Ministry of Family, Labour and Social Policy, in cooperation with the Ministry of the Interior, determines – based on the risk assessment – the economic sectors where it is particularly common that foreigners without a valid document authorising them to stay in Poland work. According to the agreement between the Chief Labour Inspector and the Border Guard Commander in Chief on rules of cooperation between the National Labour Inspectorate and the Border Guard,¹⁵ these two bodies cooperate with each other in order to identify the sectors. The assessment is carried out on a regular basis. The Border Guard and National Labour Inspectorate are then obliged to pass on assessment results to the Ministry of Family, Labour and Social Policy, which annually reports to the European Commission.

According to the LEX online database of Polish case law, since 2014, **there have not been any court cases** clarifying the criminal law provisions on severe labour exploitation.

Promising practices in relation to supporting foreign victims or preventing severe labour exploitation are implemented mainly by NGOs. The support for victims usually consists of legal advice. Prevention measures typically take the form of trainings on work-related issues and counselling to migrants and/or publication and distribution of information brochures and guides to the Polish labour market. All these activities have been conducted, for instance, by the Institute of Public Affairs and Polish Migration Forum within their joint project *My Career in Poland* financed from the European Integration Fund for Third Country Nationals and state budget (first edition of the project: 2014–2015) and the Asylum, Migration and Integration Fund (second edition: 2015–2017).¹⁶ In the spring of 2017, the EWL Foundation launched an information stand at the Warsaw West bus station where buses from Ukraine arrive. The stand is open Monday-Friday and offers counsel on issues related to work and stay in Poland. The project is envisaged as a long-standing initiative and financed from the foundation's own funds.¹⁷

Governmental bodies undertake prevention initiatives as well. For instance, the Ministry of Family, Labour and Social Policy published information brochures on working in Poland for foreigners from Belarus, Georgia, Moldova, Russia and Ukraine in their respective languages. The brochures promote behaviours that increase foreign workers' safety and reduce the risk of becoming a victim of labour exploitation, such as checking the employer or temporary employment agency in databases and online registries. Moreover, the Office for Foreigners has implemented the *Procedure of conduct of the employees of the Office for Foreigners in the event of initial identification of a foreigner as a victim of human trafficking*. It aims to improve the information flow between the Office for Foreigners, the Border Guard and the National Consultation and Intervention Centre for Victims of Human Trafficking. It also serves as a tool for identifying potential victims of human trafficking while conducting interviews with foreigners for the purpose of the asylum procedure. Employees of the Office for Foreigners are obliged to consult with the Coordinator for Trafficking in Human Beings each case of the potential victim and inform the Border Guard about it in order to undertake joint actions.¹⁸

¹⁵ Poland, Agreement between the Chief Labour Inspector and the Border Guard Commander in Chief of 12 May 2015 on rules of cooperation between the National Labour Inspectorate and the Border Guard (*Porozumienie Głównego Inspektora Pracy i Komendanta Głównego Straży Granicznej z 12 maja 2015 r. w sprawie zasad współdziałania Państwowej Inspekcji Pracy i Straży Granicznej*). Available at: www.pip.gov.pl/pl/f/v/125330/Porozumienie%20PIP%20i%20SG.pdf (25.08.2017).

¹⁶ More information about the project: www.forummigracyjne.org/en/projekt.php?piid=36 and www.forummigracyjne.org/en/projekt.php?piid=41 (25.08.2017)

¹⁷ More information about the project (in Polish and Ukrainian): <http://fundacjaewl.pl/> (25.08.2017).

¹⁸ The governmental initiatives in the area of prevention are taken from the *Report on the realisation of the National Action Plan Against Trafficking in Human Beings for 2013–2015*. Poland, *Sprawozdanie z wykonania "Krajowego planu działań przeciwko handlowi ludźmi na lata 2013–2015*, available at: www.handelludzmi.eu/hl/baza-

Furthermore, the Ministry of Foreign Affairs has fulfilled OSCE recommendations and addressed the specific problem of labour exploitation of domestic workers employed by foreign diplomats. In 2014, it implemented new procedures: diplomats who intend to hire a domestic worker must sign a contract complying with the Polish Labour Code with them, and remuneration has to be paid via bank transfer. Moreover, when issuing a visa, Polish consul provides domestic workers with complex information about their rights and duties in Poland. At least once a year the workers meet in person with an employee of the Diplomatic Protocol of the Ministry of Foreign Affairs so that they are able to inform them on the working conditions. They also get support in case of violation of their rights.¹⁹

[wiedzy/krajowy-plan-dzialan/6356,Krajowy-Plan-Dzialan-Przeciwno-Handlowi-Ludzmi-na-lata-2013-2015.html](http://www.handelludzmi.eu/hl/baza-wiedzy/krajowy-plan-dzialan/6356,Krajowy-Plan-Dzialan-Przeciwno-Handlowi-Ludzmi-na-lata-2013-2015.html)
(30.08.2017).

¹⁹ Poland, *Sprawozdanie z wykonania "Krajowego planu działań przeciwko handlowi ludźmi na lata 2013–2015*, available at: www.handelludzmi.eu/hl/baza-wiedzy/krajowy-plan-dzialan/6356,Krajowy-Plan-Dzialan-Przeciwno-Handlowi-Ludzmi-na-lata-2013-2015.html (30.08.2017).

4. Risk factors for severe labour exploitation

Risk factor mentioned	Number of interviews	Number of focus group participants
Poverty	14/20	7/12
Work below qualifications	15/20	0/12
Language barrier	14/20	1/12
Stay status	12/20	6/12
Lack of awareness of workers' rights	11/20	2/12
Unwillingness to stand up for one's rights	6/20	2/12
Lack of knowledge of where to seek help	9/20	3/12
Lack of contract / unregistered work	4/20	3/12
Contracts offered in Polish only	3/20	0/12
Complicated employment structure	5/20	0/12
Activity of recruitment agencies	8/20	2/12
Uncontrolled issue and transnational flow of work-related documents	10/20	3/12
Economic sector	8/20	12/12
Widespread exploitation of workers, including Polish nationals, on the labour market	2/20	0/12
Discrimination of migrants	3/20	1/12
Excess supply of migrant workers	2/20	3/12
Work in isolation	10/20	0/12
Shortage of inspections	5/20	3/12
Gaps in criminal justice system and workers' protection	3/20	1/12
Complexity of procedures to hire migrant workers	1/20	1/12
Other	3/20	3/12

The risk factors for labour exploitation that came up during interviews may be broken down into two groups. At the beginning of each IDI, respondents were asked about the reasons for leaving their country and coming to Poland, their educational/professional background, their command of the Polish language, and their stay status in Poland. The answers allow us to verify which factors contributed to exploitation in individual cases and to identify the underlying mechanisms. The interviewees' socio-economic position, involving the above-mentioned characteristics, makes the first group of risk factors. Identification of risk factors in the second group builds on respondents' direct answer to the question of what they consider made the labour exploitation possible and related comments that they expressed in various parts of the interview. The analysis below draws mainly on IDI respondents' experiences and observations, and enriches them with views expressed by FGI participants.

4.1. Risk factors related to the interviewees' socio-economic position

4.1.1. In nearly three quarters of IDIs, **poverty**, often combined with financial responsibility for family members, came out as the main factor that pushed interviewees out of their country: *'there was no income, and I had a wife, had a baby [...] and had to somehow make money for food, for all that' ['nie było zarobku, a ja miał żonę, miał dziecko [...] i trzeba było jakoś pieniędzy, na wyżywienie, na to wszystko']* (Poland, male interviewee from Ukraine, transport services, regular migrant at the time of exploitation (temporary stay permit)).

For the majority of Ukrainian respondents, the reported poverty was linked to the political turmoil in the country and related economic crisis that upset their previously stable situation: *'one revolution, another revolution, and they destroyed the country. Later, we stopped getting paid. It was just worse and worse'* [*jedna rewolucja, druga rewolucja, no i zniszczyli kraj. Później już nie dostawaliśmy wypłaty. Było tylko gorzej i gorzej*] (Poland, female interviewee from Ukraine, manufacture (meat processing), regular migrant at the time of exploitation (work permit on basis of employer's statement)). The issue of economic crisis in Ukraine underpinned the discussions within both FGI, and three domestic workers explicitly referred to it during the first focus group.

Interviews show there are five predominant ways in which the shortage of economic resources translates into specific factors that directly contribute to migrants' labour exploitation. First, it makes people determined to seek a way out of poverty. As revealed by eight IDIs, this determination exposes them to activities of fraudulent recruiters or deceitful recruitment agencies who later exploit them, refer them to exploitative employers, or leave them without a job (see Section 4.1.4.). The second way is related to the first; since, as a rule, recruitment agencies charge exorbitant fees for their services, to use them, poor people incur debts from members of their community (in this context, the problem of debt was mentioned within two IDIs; additionally, one interviewee worked for debt incurred from his employer – see Section 5.1.). Afterwards, they remain in exploitative situations because they hope to receive payment to repay the debt. This was the case of a Filipina severely exploited in agriculture who resigned from escaping the workplace with her colleagues after one month of work:

'Sometimes, I could not sleep because all my joints were aching. I experienced pain here and here [points to her back and legs]. But I was thinking that if I go so early, I cannot pay all my debt... So, I just cried at night and the next day I continued working.' (Poland, female interviewee from the Philippines, agriculture, regular migrant at the time of exploitation)

As the personal account of another interviewee suggests, some are also ashamed with what has happened to them and defer the decision to quit the employer, return to their country and confront the failure against their creditors' vision of huge earning possibilities in Poland. Third, independently of whether migrants incur a debt or not before coming to Poland, they do not have enough funds to leave the situation of exploitation and seek another job or go back home. If the employer pays them regularly, they are afraid of changing what they have for complete financial uncertainty (these problems were mentioned in half of the IDIs). Fourth, the fact that people coming from poverty agree to work for low salaries and in poor conditions further feeds exploitation at the workplace. As observed by one interviewee, the low-paid job produces specific power relations involving the wealthy employer and the migrant workers, in which the workers are specifically positioned as those who *'don't feel like human beings'* [*człowiek nie czuje się normalnym człowiekiem*], as she said, and are treated by the employer in a dehumanized way:

'Every month he [i.e. the company's president] had another car that cost not one hundred, but two or three hundred thousand. So, what does he care about these people? What is it all about? Who we are to him? Some trash came to work for 5 zlotys [per hour], he does not see us at all. [...] Look, how well the trash works. They do not need anything, they'll eat cheap soup [...] and somehow handle the commute.' (Poland, female interviewee from Ukraine, manufacture (meat processing), regular migrant at the time of exploitation (work permit on basis of employer's statement))

'Co miesiąc [prezes firmy] miał inny samochód, który kosztował minimum nie sto, a dwieście-trzysta tysięcy. To co go ci ludzie... O co w ogóle chodzi?! Kim my w ogóle dla niego jesteśmy? Jakież tam śmieci przyjechały za 5 zł [za godzinę] pracować, on nas w ogóle nie widzi. [...] Patrzy pani – jak dobrze śmieci pracują. Nic nie wymagają, zupełną jakąś taną zje, [...] radzi sobie z dojazdem.' (Poland, female interviewee from Ukraine,

manufacture (meat processing), regular migrant at the time of exploitation (work permit on basis of employer's statement))

Fifth, poverty informs a specific migration strategy, used in particular by short-term migrants from the S (seasonal workers) category, which is to earn as much as possible regardless of the unregistration of work (an opinion expressed by two interviewees and two participants of the focus group discussion with construction workers) – *'if they had paid, I would not mind that they had not signed a contract'* [*'если бы мне платили, мне бы было все равно – умова не умова'*] (Poland, female interviewee from Ukraine, agriculture, regular migrant at the time of exploitation (work permit on basis of employer's statement)) – especially since the work's unregistration might maximise incomes due to avoiding taxation (mentioned by two research participants). Also, the strategy prioritises money over working conditions offered by the employer: *'I came here to earn money and I'm not picky. What I am told, I do. I would do any job'* [*'Я приехал сюда заработать денег и я не перебираю работы. Что мне говорят, то я и делаю. За любую работу берусь'*] (Poland, male interviewee from Ukraine, construction, regular migrant at the time of exploitation (work permit on basis of employer's statement)); *'Another agency offered us fewer hours and we cannot afford working fewer hours'* [*'Другая фирма нам предлагала столько часов, что мы себе не заработаем, нам не выгодно'*] (Poland, male interviewee from Ukraine, manufacture, regular migrant at the time of exploitation (work permit on basis of employer's statement)). Construction workers interviewed within the second focus group discussion strongly emphasised the migrants' readiness to work in poor conditions as well. This strategy translates to the migrants' lack of interest in workers' rights (mentioned by three interviewees). If exploited workers are paid, the prioritising of incomes over employment and working conditions may diminish their determination to report the exploitation to anyone (mentioned during the first focus group) (see also: Section 6.1.1.). Moreover, according to two respondents, employer awareness of the migrants' strategy and their strong need for money makes them feel free to exploit the workers.

When it comes to **pull factors**, the majority of the Ukrainian respondents, as well as the interviewee from Belarus, made use of the regulations on seasonal work and obtained the employer's statement on the intent to employ a foreigner. The easiness to issue the statement, its zero cost for the employer and transnational flow of the statements acquired in large amounts by recruitment agencies abroad (see Sections 4.1.4. and 4.2.8.) came up as the main risk factors for labour exploitation, as far as the reasons for coming specifically to Poland are concerned. Some seasonal workers obtained the statement by using the services of a recruitment agency; the recruitment agencies' offer to work in Poland was also the main reason for why the majority of respondents from category D chose Poland. They became vulnerable to exploitation precisely by using agency services (see Section 4.2.7). Two interviewees found a job offer from a Polish employer on the Internet and decided to use it. The interviewee of an irregular stay status came to Poland due to the job offer from an unfair employer who lured him with the promise to regularise his stay. It was his irregular status more than any factor related to choosing specifically Poland that mainly contributed to his exploitation (see also Section 4.1.4.). The remaining four respondents chose Poland for two other reasons, neither of which made them vulnerable to exploitation *per se*: they either came to study (two interviewees) or they came to Europe as asylum seekers and got stuck in Poland due to the Dublin regulation (two interviewees).

4.1.2. Three quarters of IDI participants performed **work below** their **qualifications** in Poland. In almost all cases this work required either no education or only basic education. Out of five interviewees whose work corresponded to their professional background, three were employed in positions that required very specific skills or experience (a massage therapist, a teacher, a scientific researcher). Basically, there were no migrants with a complete lack of qualifications or education among the research participants, which suggests that the vulnerability to labour exploitation depends less on the level of education or skills than on other factors, such as poverty or the stay status in Poland. The **low level of education and lack of qualifications** were mentioned in interviews as risk factors but only in passing, when

interviewees referred to their migrant co-workers at exploitative workplaces. As they suggested, all that people of no educational/professional background know about work from their own experience boils down to exploitative relationships. In Poland, they agree to exploitation and present a passive attitude towards exploitative employers because they are simply not aware that the situation could be different (according to participants of two IDIs). In particular, they do not oppose earnings below the minimum wage, the lack of contract or contracts written in Polish (a language they do not understand), all of which is abused by exploitative employers who choose uneducated people over educated ones:

'[Migrants] don't need any contracts because they are stupid, and don't know how things should be. Before they understand it, because it is written in Polish... And if someone wiser shows up, they [i.e. employers] throw them out so they don't talk too much. They work this way.'

'[Migrant] nie potrzebuje żadnych umów, bo jest głupi, nie wie, co powinno być. Zanim to zrozumie, bo napisane po polsku... A jak ktoś mądry przyjdzie, to [pracodawcy go] wyrzucają, żeby za dużo nie gadał. Oni na tym bazują.' (Poland, female interviewee from Ukraine, manufacture (meat processing), regular migrant at the time of exploitation (work permit on basis of employer's statement))

4.1.3. The lack of knowledge of the Polish language came up as an unquestionable risk factor for labour exploitation within interviews. Participants of 14 IDIs had no knowledge or only a basic knowledge of Polish at the stage of exploitation and many explicitly referred to this issue when commenting on their situation (also, one FGI participant mentioned the language barrier as a problem). As revealed by interviews, there are four ways in which the language inability feeds the exploitation. First, it deprives migrants of the possibility to negotiate their work and payment conditions with the employer. This problem was emphasised by one Ukrainian seasonal worker who found a job on her own after having been deceived by a recruitment agency: although she knew that the salaries offered to her were below the minimum wage, she agreed to them, partly because she was determined to earn money, and partly because she was unable '*to talk normally with them*' [*z nimi normalnie rozmawiać*] in Polish. Second, it leaves migrants without the ability to confront their exploitative employer: '*I can understand what they say, but I am unable to speak. [I feel] like a dog*' [*То, что говорят я понимаю, а сказать не могу. Как собака*] (Poland, female interviewee from Ukraine, agriculture, regular migrant at the time of exploitation (work permit on basis of employer's statement)). Third, it contributes to their isolation and makes it problematic to contact people of the local community (neighbours, Polish shopkeepers or service providers) and reach out for help. The latter was underscored by Filipinas exploited in agriculture who contrary to Ukrainian interviewees, for instance, speak languages not even vaguely resembling Polish, and by the Moroccan respondent who quite unrealistically assumed that Poles can speak English, which would not have helped him anyway:

'The second language in Poland is English and I don't speak English. With whom could I talk? Where could I go? I don't even know where the train station is. I was working in Łowicz [i.e. a town in central Poland] for three months and – oh my God! – I have no idea where the train station is.' (Poland, male interviewee from Morocco, restaurant and food services, migrant in an irregular situation at the time of exploitation).

البلانديين يحكون اللغة الثانية الانجليزي وانا لا احكي انجليزي. مع من اتكلم؟ الى اين اذهب؟ ولو محطة القطار انا لا اعرفها. اشتغلت شهر في لوفيتش والله عظيم لا اعريف وين هي المحطة. وليس عندي المصاري ولا شيء

Fourth, similar to the third: the lack of knowledge of the Polish language constitutes a barrier to reporting exploitation to any organisation or institution (see Subchapter 6.1.1.).

4.1.4. Out of the interviewees' work and stay statuses in Poland, the irregularity of stay and the seasonal work came up as the factors that contribute most to labour exploitation. The **irregular stay status** of the only interviewee from the IR group was used by the exploitative

employer who threatened him with bringing his status to the attention of law enforcement agencies and with the resulting deportation. A respondent who had become irregular after quitting work for an exploitative employer mentioned the fear of deportation which still stopped him from reporting the exploitation to the police. Additionally, some interviewees commented on their migrant co-workers in irregular situations. As they suggested, their irregular status makes them continue working for exploitative employers because they would not know what to do after quitting the job, and deprives them of the possibility to confront their superiors:

'I always told them [i.e. other workers] to stop letting themselves be treated like that. People were afraid to lose 6 zlotys [per hour], because of the family at home and so on. [...] They did not have any papers, they were here illegally. He [i.e. the company's president] could do with them what he wanted.'

'Ja im [tj. innym pracownikom] zawsze powtarzałam, żeby przestali pozwalać się tak traktować. Ludzie bali się stracić nawet te 6 zł [za godzinę], bo w domu rodzina i inne. [...] Nie mieli żadnych papierów, byli tu nielegalnie. On [tj. prezes firmy] mógł z nimi robić, co chciał.' (Poland, female interviewee from Ukraine, manufacture (meat processing), regular migrant at the time of exploitation (work permit on basis of employer's statement))

The problem of **seasonal work** begins with legal provisions on the partial exemption from work permits for citizens of Ukraine, Russia, Belarus, Moldova, Georgia and Armenia, and the practice of using them. At the time of conducting the research, the employer's statement regarding the intention to employ the person, based on which the foreigner obtained the 180-day visa, could be legally issued by anyone at no cost. Whether the foreigner undertook the job for which the statement had been issued was not subject to the state control and neither was the number of statements issued by one employer.²⁰ This made for fertile ground for fraudulent recruitment agencies. The interviews allow us to comment on the situation in Ukraine (out of seven IDs with seasonal workers, six involved Ukrainians; the issue also came up during the FGI with Ukrainian construction workers). Namely, the recruitment agencies acquired Polish employers' statements and, based on them, arranged 180-day visas for Ukrainians who wished to work in Poland. They took money for intermediary services and told people where to go. Sometimes they directed them to the employer who had issued the statement, sometimes they did not. Upon arrival, it appeared that the indicated employer offered no contract to foreign workers or exploited them in another way, did not really need to hire them, or did not even exist:

'[Ukrainian agencies] place an order in Poland, they work with somebody here who issues false declarations. Another company, that may not even exist, may send invitations. They just lie over there that such a great job, with such good conditions, that it will be such a paycheck. And when we're here, there's nothing there, it does not exist.'

'[Ukraińskie agencje] składają zamówienie w Polsce, z kimś tu współpracują, żeby wystawił fałszywe zaproszenia. Zaproszenia może wysłać inna firma, która może nie istnieć. Oni tam po prostu kłamią, że taka super praca, że takie dobre warunki, że będzie taka wypłata. A kiedy jesteśmy już tutaj, to tego nie ma, nie istnieje.' (Poland, female interviewee from Ukraine, manufacture (meat processing), regular migrant at the time of exploitation (work permit on basis of employer's statement))

²⁰ This is going to change on 1 January 2018, when the newest amendments to the Act on promotion of employment and labour market institutions enter into force. Beginning with 2018, labour offices will conduct a register of statements and the statement's registration will be subject to fees. Furthermore, poviates (district) governors will have powers to refuse the registration in a number of situations, including when the employer does not conduct any activity, does not have resources to pay remuneration, does not pay social security contributions or taxes, or when the circumstances suggest that the statement is issued for other goals than work at the employer; Poland, Act on amendments to the Act on promotion of employment and labour market institutions and some other acts (*Ustawa o zmianie ustawy o promocji zatrudnienia i instytucjach rynku pracy oraz niektórych innych ustaw*), 20 July 2017.

It used to happen that the falsehood of the statement was known to Ukrainian migrants from the beginning. Agencies instructed their service users on how to cross the border with such a statement:

'Naturally, the invitation was fake. We were supposed to go to Zielona Góra [i.e. another town]. They wrote down what we should have said [to border guard officers] about that company [that was supposed to employ us]. They wrote down everything, word by word.'

'Естественно, приглашение было липовое. Приглашение было в Зеленую Гуру. Нам же, конечно, написали, что говорить от этой фирмы. Все по словам, вы скажете то то и то.' (Poland, female interviewee from Ukraine, manufacture, regular migrant at the time of exploitation (work permit on basis of employer's statement))

Due to previous relationships with Polish employers, social networks involving their nationals already in Poland, or through various middlepersons not linked to any agency, some Ukrainians arranged the employers' statements on their own (as in the case of three IDI participants; additionally, the category S Belarusian respondent used services of a recruiter contacted via an internet social network). As pointed out by one domestic worker interviewed within the FGI, Ukrainians often buy the statements just to obtain the visa, and after coming to Poland, they search for another employer (which was what she did). However, circumventing an agency still does not guarantee they get the job upon arrival or that the employer offers them a contract. All IDIs with seasonal workers who had not used an agency reported work without contract.

In the case of seasonal workers, another factor contributing to exploitation is that their visa is short-term. This gains significance in connection with the above-mentioned problems, in particular, the lack of a job after arrival in Poland. As one interviewee (female, manufacture (meat processing)) explained, two months after arrival, when she was no longer needed in the work a recruitment agency had offered her, she was desperate to find another employer as soon as possible, because with each passing day, her opportunity to earn the money for which she came decreased. In such circumstances, she willingly accepted the job in exploitative conditions immediately after she had found it, even though no contract was offered and she knew that the salaries would be low. Another interviewee mentioned his employer's practice of not paying full salaries to seasonal workers for the last month of work. The employer used to promise the workers who were about to go home after using the 180 days indicated in the visa, that he would send them the rest of money later, but he never did. When already at home, the deceived Ukrainians never decided to fight for unpaid salaries (Poland, male interviewee from Ukraine, construction, regular migrant at the time of exploitation). The described practice of not providing full payment to seasonal workers for the last month of work was confirmed by other interviewees. One of them added that the defrauded migrants keep coming to the exploitative employer every year because the total payment is still high in their opinion.

As revealed by two IDIs, seasonal workers are also subject to fraudulent promises to arrange temporary work and/or stay permit. If they want to work in Poland for longer, the employer's offer seems attractive to them. Meanwhile, employers demand high payment for arranging the permit(s) (mentioned by participants of two IDIs) and sometimes still fail to follow through (see Section 5.6.).

Yet another factor increasing seasonal workers' risk of exploitation applies to D category migrants as well. It is the fact that they are **tied by a visa or stay permit to their employer** (the problem was brought up by four interviewees, including one respondent with refugee status who referred to her previous experience at this point). This means that after quitting the company where a foreigner is employed on the basis of the employer's statement on the intention to employ a person (S category migrants) or the work permit (D category migrants),

the reason for their stay in Poland ceases.²¹ The fear of resulting irregularity makes migrants stay at the exploitative employer and thwarts reporting the exploitation to the police.

When referring to seasonal workers and other migrants from Ukraine who come to Poland repeatedly, three construction workers interviewed within the FGI pointed to another issue specific to this category of migrants. Namely, those who come to Poland regularly have already built a social network in the country, which allows them to successfully seek advice and help in difficult situations (this opinion was also expressed by two participants of the FGI with domestic workers). They also have insight into the Polish labour market and know specific employers, which gives them some freedom in choosing suitable work in terms of conditions and payment (although, as a rule, this is unregistered work). By contrast, **first-time workers** in Poland take what they are offered and tend to end up in the situation of severe exploitation, which especially applies to those who have used services of a recruitment agency or a middleperson. Chances for them to get a better job improve as time passes:

‘People who come here knowing nothing, rush to places they manage to find. In any case, you have to be prepared to find a job where you will be tricked. I came to Poland through some kind of middleman, so I realised that I wouldn’t last in that job for a long time. I got 320 zlotys [ca. 75 EUR] for 21 working days at my first workplace, later I found a second and then a third workplace. I’ve been working for a year and a half in my fourth workplace.’

‘Люди, которые приезжают, не зная ничего, они бросаются туда, куда им удастся попасть в первую очередь. В любом случае, человек должен рассчитывать на то, что может попасть на работу, где его обманут. Я ехал в Польшу через какого-то посредника и я прекрасно понимал, что я не буду долго работать на той работе. На первой работе я заработал за 21 день 320 злотых, но потом нашёл себе другую, третью работы. Уже на четвёртой работе я проработал 1,5 года и до сих пор работаю.’ (Poland, male focus group participant, construction, seasonal worker)

The interviewees’ observation about the newcomers’ vulnerability to exploitation might be extended to all categories of migrants.

4.2. Other risk factors

At the beginning of their answer to the question on what they think made the labour exploitation possible, about a half of IDI interviewees expanded on their and other migrants’ socio-economic position; some mentioned other structural factors. The first reaction of the other half of IDI respondents to this question was to point either to their own naivety at the stage of taking the job offer, or to the employer’s personal characteristics, such as greed and avarice. Two respondents additionally suggested the employer’s bribe-based arrangements with institutions of control – the labour inspectorate and/or the police – but they did not have any substantial evidence supporting their supposition. After probing and in other parts of the interview, interviewees usually provided rich additional explanations referring to the specific situation at the workplace, structural problems related to the presence of migrants on the Polish labour market, and the institutional setting for dealing with labour exploitation in Poland. Overall, the respondents’ comments allow for adding the following risk factors to those identified in Subchapter 4.1.

4.2.1. The lack of awareness of workers’ rights among migrants. This factor was mentioned by over a half of IDI participants and it came up in the FGI with domestic workers. In the

²¹ In such a case, those with the temporary stay permit issued in relation to the work permit (D category migrants) have 30 days to find a new employer or leave the country. Poland, Act on foreigners (*Ustawa o cudzoziemcach*), 12 December 2013. Article 123.

respondents' view, the problem begins with the lack of knowledge of legal regulations on getting into the employment relationship: *'Those who don't know the Polish law, who don't know how it all works here, fall prey [...] to such baits, such networks of swindlers' ['Kto nie znaje polskiego zakonu [tj. prawa], kto nie znaje tego, jak tu u was wszystko się dzieje, ten papadajet [...] pod taki haczyk, pod takie sieci tych oszustów']* (Poland, male interviewee from Ukraine, transport services, regular migrant at the time of exploitation (temporary stay permit)). In particular, migrants do not know when the contract should be signed, what it should entail, what the difference between the *employment contract* and the civil law *contract for services* is (see Section 5.3.), and whether it is lawful that the contract is written in Polish. Their vulnerability to exploitation persists at the stage of performing the job and working under the contract. At this point, one interviewee (female, Ukraine, agriculture) mentioned her and her co-workers' lack of awareness of their right to healthcare and sick leave, which resulted in people being afraid to tell the employer that they were sick and in need of medical help. Finally, the lack of awareness of workers' rights hinders reaching out for help, since the exploited migrants do not know what exact rights have been violated in their case.

4.2.2. The fact that migrants do not stand up for their rights. While this is closely linked to the above-mentioned factor, in the respondents' view, it also results from migrants' socio-economic position – their poverty and the related specific circumstances (e.g. a debt, or the migration strategy that prioritises incomes over working conditions), their low education, the irregularity of stay in Poland (see Subchapter 4.1.) – and the unregistration of work (see Section 4.2.4.). Thus, the problem of not fighting for rights is broader than the mere ignorance of workers' rights. Two interviewees strongly emphasised that, at the time of being exploited, they had been fully aware of the violation of workers' rights in their case. One of them (male, Belarus, restaurant and food services, work permit on basis of employer's statement) also knew, however, that he had nowhere to go if he quit the exploitative employment. The other, a scientific researcher, kept working because of other benefits from work, such as the intellectual self-development. In the view of domestic workers who took part in the FGI, the passive attitude results from the workers' lack of ability to clearly articulate their opinions, concerns and demands, which builds an atmosphere of dependence on the employer. Meanwhile, in the domestic work sector, establishing the rules with an employer is crucial to the entire employment relationship (focus group 1).

The migrants' passivity in asserting their rights was also mentioned by interviewees ready to stand up for themselves. Two interviewees (working in meat processing and agriculture, both female and from Ukraine) pointed out that the passivity of their co-workers created a climate in which employers felt free to abuse them without any risk of punishment. The interviewee who reported the exploitation to the court commented on her employer's attitude in such a way:

'They [i.e. the company's management] thought I was a stupid Ukrainian; that I cried here a little and went home. They didn't expect things to turn out this way. They thought that the trash would have nowhere to go. I told them I was going to court. They didn't believe me.'

'[Ludzie z kierownictwa firmy] myśleli, że ja jestem głupia Ukrainka, tutaj trochę popłakałam i wyjadę do domu. Oni nie spodziewali się takiego obrotu sprawy. Oni myśleli, że śmieć to nie może ich nigdzie podać. Mówiłam im, że podam do sądu. Oni mi nie uwierzyli.'

 (Poland, female interviewee from Ukraine, manufacture (meat processing), regular migrant at the time of exploitation (work permit on basis of employer's statement))

4.2.3. The lack of knowledge of where to turn in the case of exploitation, in particular, the lack of awareness of organisational support. This problem came up within both FGIs and was pointed out by almost a half of all IDI participants (see also Subchapter 6.1.1.).

4.2.4. The lack of contract. While it constitutes a form of labour exploitation on its own (see Section 5.3.), it also makes the work unregistered. The **unregistered work** constitutes a basis for an administrative decision on the obligation to leave the country. Thus, it contributes to the exploitation in a similar way as the irregular status does: it makes workers stay at the exploitative employer for fear of changing what they have for nothing, it lowers their readiness to challenge the employer, and it thwarts reporting the exploitation to the police – these problems were mentioned by four interviewees and within both FGIs. And just like the irregularity of stay, the unregistered work leaves the door wide open to abuse by employers:

‘Everything is under the table. Great, isn’t it? No taxes to pay, no wages to pay. Simply put, a person like that does not exist – not on paper, not at all in Poland. And you can treat them as you like.’

‘Wszystko jest na czarno. Jak to dobrze, nie? Podatki nie odprowadzać, ludziom nie płacić. Po prostu, taki człowiek nie istnieje – ani w papierach, ani w ogóle w Polsce. No i ich można traktować jak chcesz.’ (Poland, female interviewee from Ukraine, manufacture (meat processing), regular migrant at the time of exploitation (work permit on basis of employer’s statement))

It happens that the unregistered character of work is explicitly referred to by exploitative employers in confronting workers’ demands if raised. At this point, one interviewee recalled her employer’s reaction to calls for change in the workers’ treatment: he told her to ‘shut up’ and blackmailed her with not making any efforts to enable the regularisation of her work and stay in Poland. Five interviewees who worked without contract experienced employer threats of reporting them to the police over their irregular status (see Section 5.7.).

4.2.5. Offering contracts in Polish only; this was mentioned as a risk factor by three interviewees (the problem was also mentioned within the FGI with construction workers, but it was not presented in terms of a risk factor). Due to this practice, migrants do not know exactly what they sign and what rights and obligations they have. Their unawareness is later used by exploitative employers:

‘Many of those people who came do not know Polish at all. So, they can’t read anything, you can hand them something to sign, whatever you want. They will sign anything. And tomorrow you can throw them out and say you’ve never seen them before. They [i.e. the company’s management] did just that.’

‘Ci ludzie, których dużo przyjechało, oni nie znają polskiego wcale. On nie może nic przeczytać, jemu można dać do podpisu, co tylko chcesz. Wszystko podpisze. A jutro można go wyrzucić i powiedzieć, że oni go w ogóle nie znali. Oni [tj. kierownictwo firmy] tak właśnie robili.’ (Poland, female interviewee from Ukraine, manufacture (meat processing), regular migrant at the time of exploitation (work permit on basis of employer’s statement))

4.2.6. The complicated institutional structure of employment relationships, particularly involving **employment agencies** or **subcontracting**. This risk factor was suggested by five IDI participants; the problem was not raised in the FGIs. As one respondent (female interviewee from Ukraine, manufacture) commented on her work in manufacturing, in the eyes of its managers, the fact that Ukrainian migrants were formally employed by an employment agency made them second-class employees compared to those hired directly by the company. The complicated structure of employment constitutes a barrier for migrants to demand better treatment, since either they do not know who exactly should be the addressee of their demands, or the addressed party does not feel responsible for the exploitation. Thus, a Ukrainian construction worker was confused about whom to contact for overdue payments. His employer was a subcontractor of a big construction company and when asked for money, he claimed that the business partner had not paid him yet. Meanwhile, the manager of the big company told the interviewee that he had already paid the subcontractor. Similarly, the

Belarusian respondent who worked as kitchen help in restaurants, notified the restaurant manager for whom he often provided his services about problems with payments. The manager's first reaction was to shift the responsibility to the middleman: *'[He] said it wasn't any of his business, he had paid Mr X [the employer]. And that I should talk to him. Because he takes his margin and the rest should go to me'* [*Powiedział, że to nie jest jego problem, że on wszystkie pieniądze zapłacił panu X [pracodawcy]. I z nim się dogaduj. Bo on zabiera swoją marżę, a resztę oddaje tobie.*] (Poland, male interviewee from Belarus, restaurant and food services, regular migrant at the time of exploitation (work permit on basis of employer's statement)). In turn, the Ukrainian couple did not achieve anything by asking their employment agency for better working conditions:

'When we told the agency that we had problems at work, they said there was nothing they could do about that. It is not their business and they have no impact on what is going on there.'

'Когда мы начали говорить на фирме, что есть какие-то проблемы, они сказали, что ничего не могут решить. Это их дело. А там мы ничего не может решить.'
(Poland, female interviewee from Ukraine, manufacture, regular migrant at the time of exploitation (work permit on basis of employer's statement))

Furthermore, the problem of the employment's complicated structure gains significance at the stage of taking possible legal action against the employer. It is acutely visible in the case of an interviewee who provided transport services through the Uber application. He signed a contract with a company registered in the UK which claimed to be representing Uber and leased a car to him; his work turned out to be exploitative. However, based on the copy of the contract it is difficult to determine the company's identification information, which is necessary to file a lawsuit in civil court. The Warsaw Uber office denies its cooperation with the company and it is difficult for the interviewee's lawyer to contact anyone from the European office for that information. In the opinion of the same interviewee, the fact that his employer is registered abroad, has no office and no fixed address, prevents any controls or inspections. Similarly, another interviewee (female, Ukraine, agriculture) believed that her company's registration in a different voivodship than the one where she had worked was the reason for the lack of inspections at the workplace.

4.2.7. The activity of recruitment agencies that demand high fees for their services and arrange visas based on exploitative employers' statements on the intent to employ the foreigner or visas based on false statements of this kind (see Section 4.1.4.). This problem, combined with the lack of access to reliable recruitment agencies (strongly emphasised by two interviewees working in meat processing and restaurant and food services), was pointed out mainly by seasonal workers, but it was also mentioned by D category migrants (see Section 4.2.8.). The majority of the eight respondents who used agencies mentioned the high commission, two additionally pointed out the debt they had incurred to their relatives or local community to gain access to the agencies' offer. More than one third of IDI participants and two participants of the FGI with construction workers presented the activity of recruitment agencies in terms of a risk factor.

4.2.8. The uncontrolled issuing of work-related documents for foreigners and their uncontrolled transnational flow (which is a risk factor related to the activity of recruitment agencies, suggested by more than one third of IDI participants, two participants of the FGI with construction workers and one participant of the FGI with domestic workers). While this problem particularly concerns employer statements on the intent to employ a foreigner issued for seasonal workers (see Section 4.1.4.), one interview with an Ukrainian from the D category reveals that it also applies to Ukrainians entitled to work for longer than 180 days in Poland. As the interviewee explained, many Ukrainian agencies have arrangements with Polish employers who issue fake documents on the intent to employ a foreigner for the period of one year and arrange for an annual work permit at the voivode office. Based on the work permit, the Polish consulate issues an annual visa to the Ukrainian. The problem is that the employers

do not expect Ukrainian workers to actually come to Poland and work for them. Ukrainian agencies inform the annual visa holders about it and offer paid job offers or suggest they look for jobs on their own. The agencies do not tell Ukrainian workers that if they do not work for the employer who arranged the work permit, their work will be performed unlawfully unless the new employer arranges a new work permit for them. This is exactly the way the interviewee (male, Ukraine, construction), after using a job offer from an agency of this kind, ended up in an unregistered and exploitative work. The practice of issuing work permits, later used by an agency to arrange a visa or stay permit and place migrant workers in other companies, was also mentioned by Filipinas who did not experience the problem themselves, but were aware of other migrants from distant countries who had fallen into unregistered employment (and consequently, irregular stay status) precisely this way.

4.2.9. Economic sector. Interviewees pointed out several sectors of the economy and **specific kinds of workplaces** as the most subject to labour exploitation. As a rule, they suggested that the most exploitative jobs are in sectors of economy where Poles do not want to work, that is, where the work is hard and wages are low. In this vein, all respondents who experienced exploitation in **agriculture** mentioned the dominance of migrant workers on farms, especially in low-paid positions that demand manual work, e.g. tomato or strawberry picking. As they added, the peculiarity of the agriculture sector is that the work is performed in spatial isolation, making it difficult to reach out for help in the situation of exploitation (see also Section 4.2.13.).

Drawing on her experience, another respondent pointed to **food manufacturing** and, more specifically, to **meat processing companies**, and claimed, *‘that’s where there are the most people working illegally, the poorest, the most disadvantaged’* [*‘tam jest najwięcej ludzi pracujących na czarno, najbiedniejsi, najbardziej pokrzywdzeni’*] (Poland, female interviewee from Ukraine, manufacture (meat processing), regular migrant at the time of exploitation (work permit on basis of employer’s statement)). In her view, such companies willingly employ Ukrainian workers since, unlike Poles, they agree to work without contract and for salaries below the minimum wage:

‘A Pole would not agree to it; [in meat processing companies] Poles get paid 15 zlotys per hour, but they [i.e. employers] are looking for the cheapest labour. For them it’s great – [migrants] doing the same job, but for 7 zlotys.’

‘Polak się nie zgodzi, [w zakładach mięsnych] Polakom płać 15 zł za godzinę, ale [pracodawcy] szukają najtaniej. Dla nich to super – [migrant] wykonuje tą samą pracę, ale za 7 zł.’ (Poland, female interviewee from Ukraine, manufacture (meat processing), regular migrant at the time of exploitation (work permit on basis of employer’s statement))

The specificity of the economic (sub)sector was cited as a prominent risk factor for labour exploitation by the interviewee with extensive work experience at various **kebab restaurants**. From his experience, no kebab restaurant owners sign *employment contracts* with workers. They offer only the civil law *contract for services* (for a discussion of contracts see Section 5.3.). The *contract for services* does not specify working hours to avoid higher taxes. This leads not only to work overload, but also to no right to leave and the inability to document actual earnings, since most of the salary is paid under the table. At this point, the interviewee, a permanent Polish resident, cited his resulting marginalisation in Polish society – it is not possible for him to receive a credit card from a Polish bank:

‘I wanted to apply for a credit card from Pekao SA. I went there, talked to a bank employee, and she told me: “your monthly salary is very low. You need to earn [at least] 1,500 zlotys so I can issue you a card”. And I told her, “I earn even more, only this is not what my contract says”. Why is that... Do you think anybody signs a real contract at all? Not in the restaurant business.’

'Chciałem wyrobić sobie credit card w banku Pekao SA. Byłem tam, rozmawiałem, a ona [pracownica banku] powiedziała: ty bardzo mało zarabiasz miesięcznie. Ty musisz zarabiać 1500 zł, żebym mogła kartę zrobić. A ja powiedziałem: ja więcej nawet zarabiam. Tylko w umowę to niewpisane jest. A dlaczego tak jest... Bo kto daje umowę prawdziwą? W gastronomii nikt nie daje.' (Poland, male interviewee from Pakistan, restaurant and food services, regular migrant at the time of exploitation)

It is important to note that in this respondent's view, the specificity of the economic (sub)sector (kebab restaurants) contributes to the exploitation in equal or in an even more significant way than the workers' migrant background. As he observed, Poles employed in kebab restaurants face the same or similar problems as migrant workers (see Section 4.2.10.). Yet, since migrants from distant countries have no other choice than to work in such places (see Section 4.2.11.), kebab restaurants make a perfect example of a workplace where local economic conditions and the migrants' foreign background intersect to produce a huge risk factor for migrants' labour exploitation.

Participants of FGIs expanded on issues specific to sectors of the economy they represented. Female interviewees emphasised that in **domestic work** the relationship with the employer depends a lot on the worker's ability to negotiate her working conditions and present an assertive attitude towards the employer. Since this is a rare skill, it is easy for the worker to fall into an overly subordinate position. Such subordination may result in responding to the employers' demand of being at their disposal 24 hours-a-day with no days off, which applies in particular to caregivers for the elderly and babysitters, especially if they live with their dependents: *'I often hear that Ukrainians do not get even a single day off, [...] you work 24 hours a day without even leaving the house to breathe fresh air'* [*'Я часто чую, що українцям не дають вихідного даже, [...] 24 години не виходячи на двір подихати свіжим повітрям'*] (participant in focus group 1). All three caregivers to the elderly who took part in the discussion pointed out another problem: managing the relationship with their dependents. This relationship tends to be emotionally exhausting, especially when the dependent does not emotionally care about the worker and the worker treats the dependent like they would treat family. On top of that, employers, usually the dependent's children, are not always aware of mental health issues the dependent is suffering from, and in case of worsening the dependent's condition, they tend to accuse the caregiver of poor performance rather than provide medical assistance to the dependent. Thus, in their comments, the respondents suggested that caregiving to the elderly is a type of domestic work particularly prone to labour exploitation. Domestic workers also emphasised that in their sector, it is very difficult to prove exploitation due to the isolation in which the work is performed (see Subchapter 6.1.1.). Finally, they pointed to the specific issue at the intersection of the sector and the workers' migrant status: as a rule, foreign domestic workers are offered lower salaries than their Polish counterparts.

Male FGI participants expanded on specific issues related to **construction**. In their view, in this sector, it is a widespread practice to employ migrants without contract, which is partly agreed to by the migrants themselves and related to their strategy that prioritises incomes over employment conditions (see Section 4.1.1; however, the two construction workers who took part in IDIs and emphasised their strong will for having the contract signed did not exemplify this strategy). The crux of the problem is that employers offer low salaries, even lower if the contract is signed. In the respondents' opinion, this stems from improper regulations on tenders wherein bidding construction companies are not required to stick to fixed per-hour wages. They lower their costs to win the bid, and then, as employers, seek a cheap workforce to make their business profitable: *'This is a primary source of problems. There is no money, so they try to save money on everything. Wages are really very low here'* [*'Это первоисточник проблем. Нет денег и они пытаются сэкономить на всём. Очень низкие цены'*] (participant in focus group 2). It is easy for employers to find Ukrainians who are determined to earn money, even if the offered wages are low for Polish standards.

Apart from that, employers seek to avoid the paperwork related to the legal employment of a foreigner and choose the illegal employment scheme over the legal one. Other problems that the interviewees found typical for the construction sector are that the workers are required to work more than eight hours per day, they are not equipped with protective clothes, such as helmets, and not provided health and safety training.

Another economic sector subjecting migrants to labour exploitation came up in the account of the interviewee employed in passenger land transport and, more specifically, providing passenger transport services through the Uber application. His experiences reveal the dangers behind rapidly developing **models of the sharing economy**. The interviewee's experience shows that migrants who do not have enough financial resources to buy their own car use the opportunity of leasing a car from a company cooperating with (or claiming to represent) Uber. The company that he signed a contract with specifically targeted Ukrainians by advertising the job opportunity in Ukrainian. After signing the contract, the driver was obliged to pay high commissions and various unreasonable penalties to the company. Since the interviewee's contract did not contain full identification details of the company, at the time of the interview it was still unclear whether the company represented Uber or not. The transnational nature of the Uber activity and companies (allegedly) connected to Uber makes it difficult to undertake legal action against the employer (see Section 4.2.6.).

Yet another sector subjecting workers to labour exploitation was brought up by a scientific researcher from a European (non EU) country. **Scientific research** came up as an atypical sector for labour exploitation within the study because the interviewees' observation on migrants' vulnerability to exploitation in jobs where Poles do not want to work does not apply to this case. Drawing on her experience, the interviewee pointed to the lack of proper contracts, the work overload, earnings below the minimum wage and very poor working conditions, and she explained them with a specific 'labour culture' in scientific research, where workers agree to work a lot, for low salaries and in poor conditions, because they prioritise their intellectual self-development over mundane issues. Since they perceive their activity more like a vocation than a profession subject to the employment relationship and labour law, they are neither particularly interested in workers' rights nor active in asserting them. According to the interviewee, the issue of workers' rights constitutes the first of two paradoxes specific to scientific research: academics do not exactly know their rights although they have easy access to them and the intellectual capability to fully comprehend them. The second paradox is people working in this area are typically not poor people, but rather people with a stable financial situation (resulting, for instance, from earnings of their spouses) who are the most vulnerable to exploitation. They agree to work without contract and in poor conditions, because they are privileged enough to focus on their intellectual passions. In the respondent's view, the scientific research sector makes a fertile ground for widespread exploitation, but this exploitation does not target migrants specifically. Yet, as she suggested, migrants, particularly those coming from countries lowly valued by the public, like Ukraine, have limited possibilities to fight for their rights if they decide to do so. Their claims against such an employer, especially a prestigious one, will not be credible to any state institution:

'Here comes a lady from [European country, non-EU] and says she was exploited at a renowned institution in Poland. [...] They'd say 'come on, *seriously?*'. Nobody will believe you. [...] If you're a strawberry picker or a construction worker, then, we're talking real exploitation, but academics... No way.'

'Przyjdzie taka pani z [...] i powie, że wyzyskują ją w jednej z najbardziej renomowanych instytucji w tym kraju. [...] Oni by mi powiedzieli, że weź pani. Przecież nikt ci nie uwierzy. [...] Na truskawkach – tak; na budowie – tak; ale nie w instytucji naukowej.'
(Poland, female interviewee from Europe (non-EU), scientific research, regular migrant)

4.2.10. The widespread exploitation of workers, including Polish nationals, in certain sectors. This was suggested by the interviewee exploited in the area of scientific research,

and strongly emphasised by the Pakistani respondent with extensive work experience at kebab restaurants. The issue was not presented in terms of a risk factor within focus group discussions, but it is worth noting that construction workers pointed to low remuneration in the whole construction sector (where both Poles and foreigners work) that results from employers' inadequate calculation of costs. Both IDI participants have lived in Poland since 2004 (as opposed to the majority of other interviewees, who came to Poland later), which provides a sufficient amount of time to observe the problem. Both explained the widespread exploitation with a shortage of job offers, either in the area of scientific research or on the Polish labour market in general, and the excess supply of potential employees. In the kebab restaurant, which was the main focus of the interview with the Pakistani migrant, a female Polish worker had no contract at all, while the interviewee worked under the *contract for services*, and she earned less than he earned. And a male Polish worker, for lack of other job possibilities, had to perform more difficult and less satisfying tasks than the interviewee:

'Comparing to Poles, [foreigners] are given harder work. But Poles have the same problem. [...] At my place [i.e. the kebab restaurant] the employer hired a Pole to do the cleaning. But he didn't want to clean all the time, he wanted to make the sauce, just like me. So, it's the same [with Poles].'

'W porównaniu z Polakami, to [obcokrajowcom] dają cięższą pracę. Ale Polacy taki sam problem mają. [...] U nas [w kebabie] to tak było, że [pracodawca] dał Polaka do sprzątania. A on nie chciał cały czas sprzątać, on też chciał sos robić, tak jak ja. Więc [z Polakami] tak samo jest.' (Poland, male interviewee from Pakistan, restaurant and food services, regular migrant at the time of exploitation)

4.2.11. The discrimination of migrants on the Polish labour market, especially in their access to employment. Three IDI respondents and one participant of the domestic worker FGI raised the issue. The problem was typically observed, again, by interviewees with long stays in Poland, mainly by those from distant countries, but it was not unfamiliar to other respondents: *'it's true that we, Ukrainians, don't get hired for the good jobs'* [*дійсно, нас українців не наймають на хороші роботи*] (focus group 1). An Asian woman, in Poland since 2005 and exploited in cleaning services, has never been offered the opportunity to work under a contract. While two Ukrainian interviewees explained the problem of not offering contracts with the complexity of procedures to employ a foreigner and/or the employers' reluctance to deal with paperwork (see Section 4.2.16.), the Pakistani respondent focused on general problems of the migrants' lack of access to the Polish labour market and labour market segregation. He particularly referred to migrants from India, Afghanistan and Pakistan. According to him, it is not possible for them to find a job in any place other than a kebab restaurant – as a rule, Poles do not hire foreigners, just like they do not rent flats to them. He was explicit in pointing to the discriminatory attitudes of Polish employers:

'When I look for an apartment, they ask me, "where are you from?" "A foreigner?" "Yes". "Well, then no, thank you". They won't let you [rent an apartment]. With jobs, it's the same story. "Are you Polish?" "No". "So where are you from?" "Afghanistan, Pakistan, India". "Well, then no, thank you". They won't give you [a job].'

'Jak szukam mieszkania, to mnie pytają: skąd jesteś? Obcokrajowiec? – Tak. – O, to dziękuję. To nie dają. To tak samo jest z pracą: to pan jest Polak? – Nie. – A skąd pan jest? – Afganistan, Pakistan, Indie. – To dziękuję. Nie dają.' (Poland, male interviewee from Pakistan, restaurant and food services, regular migrant at the time of exploitation)

As he continued, under such circumstances, migrants take what they are offered, and for lack of choice, they always end up in the situation of more or less severe labour exploitation. A Southern Asian migrant with refugee status, in Poland since 2009, emphatically confirmed this observation. She mentioned her and her relatives' and friends' problems with finding a job, and recalled situations in which employers, including those recommended by labour offices,

directly pointed to her foreign background when refusing her the job. She also stated that in each of her jobs in various sectors of economy (agriculture, domestic work, gastronomy, manufacturing) she had experienced exploitation or discrimination (see also Section 5.1.). It is worth adding that discrimination of migrants in access to the Polish labour market substantiates the reasoning mentioned by some interviewees, i.e. that if they quit the exploitative employer, they would not find another job.

4.2.12. The excess supply of migrant workers. Two IDI participants and participants of both FGIs presented a view that the easy access to a foreign workforce allows Polish employers to offer extremely low wages and/or employ only those who agree to poor working conditions. Employers know that if a worker does not like what they are offered and decides to quit the job, it will be very easy to replace them: *'Other employees look [for jobs], too. The employer will hire them on the spot [if I leave my job]* [*Inni pracownicy też szukają [pracy]. To [pracodawca] zaraz ich zatrudni [jeśli zrezygnuję z pracy]*] (Poland, male interviewee from Pakistan, restaurant and food services, regular migrant at the time of exploitation).

4.2.13. Work in isolation. While in its severe form it may constitute labour exploitation on its own (see Section 5.8.), various forms of isolation can also be considered a risk factor for exploitation. At this point, interviewees referred to spatial or social isolation. One half of IDI participants presented the problem in terms of risk factors for labour exploitation; domestic workers interviewed in the FGIs did so only implicitly, by referring to barriers in seeking assistance from an organisation or institution (see Section 6.1.1.), and participants of the FGI with construction workers did not refer to the issue. The **spatial isolation** was mentioned by almost all migrants exploited in agriculture: *'In the morning, I saw nobody when we were leaving [for work], and there was nobody around in the evening, as well. The only people we saw was the landlord's family'* [*Утром мы выезжаем никого не видим и вечером приезжаем уже никого не видим. Мы только видели хозяев этого дома'*] (Poland, female interviewee from Ukraine, agriculture, regular migrant at the time of exploitation (work permit on basis of employer's statement)). Work in depopulated areas lowered their ability to reach out for help. **Social isolation** was mentioned as a risk factor in various contexts. In the accounts of about half the interviewees, it was closely linked to the inability to speak Polish, which contributed to difficulties in seeking help (see Section 4.1.3.). Interviews show the situation might be even more difficult when the employer and the worker speak the same language, one foreign to the people around them. This was explicitly mentioned as a risk factor by an interviewee (third country national) ill-treated by a colleague (superior position) in the school where she worked. As she communicated with the person in her native language, her exploitation was invisible to her English-speaking colleagues. Furthermore, in the accounts of several interviewees, social isolation was closely related to work overload: they did not have time to make friends or meet people from outside the workplace, which would enable them to build a social network they could rely on in seeking assistance. This problem was pointed out by interviewees who did not speak Polish and by one who did. One interviewee additionally noticed that the experience of isolation and exploitative work shared with the closest co-workers makes the exploitation an unquestionable norm in the work environment:

'I was stuck in an environment where everybody had comparable conditions. Someone's situation is a bit better, someone else's – a bit worse. But nobody asks questions when they hear that they don't have a contract this month. [...] They work 8 or 10 hours [a day] anyway, because they have work to do.'

'Ja tkwiłam w takim środowisku, gdzie wszyscy mają mniej więcej porównywalne warunki. Ktoś ma lepiej, ktoś ma trochę gorzej. Natomiast to nikogo nie dziwi, że komuś mówią, że nie ma umowy w tym miesiącu. [...] I tak pracuje po 8 godzin [dziennie], jak nie 10, bo jest robota do zrobienia.' (Poland, female interviewee from Europe (non-EU), scientific research, regular migrant)

4.2.14. The shortage of inspections. Only two research participants witnessed a labour inspection at the workplace (see Section 5.8.). Seven interviewees, including three participants of the FGI with construction workers, explicitly referred to the issue when speaking about risk factors for exploitation. They represented sectors of economy that came out as the most conducive to exploitation: manufacturing, gastronomy and construction. The experienced kebab restaurants' worker contended that:

'In Poland, there are no sanctions [for employers offering working conditions at variance with a contract], there are no inspections. If there was an inspection or two, an employer would need to keep everything in order: documents, medical records, everything, timetables for individual employees. If an employer got a sanction or two, then he would give you a real contract. [But] there are no inspections.'

'W Polsce nie ma kar [dla pracodawcy – za to, że kontrakt nie odpowiada rzeczywistym warunkom zatrudnienia], nie ma kontroli. Gdyby była kontrola, raz, drugi raz, to wszystkiego trzeba by pilnować: dokumentów, książeczek zdrowia, wszystkiego, grafiku – który pracownik kiedy pracuje. Gdyby była raz czy drugi kara, to on [pracodawca] od razu dawałby prawdziwą umowę. [Ale] nie ma kontroli.' (Poland, male interviewee from Pakistan, restaurant and food services, regular migrant at the time of exploitation)

Additionally, one interviewee pointed to the lack of state control over employment agencies and any other companies that outsource workers' services to workplaces (for instance, to restaurant kitchens, which was the interviewee's experience). According to him, it often happens that such agencies/companies offer contracts that do not comply with law. Due to the lack of control, anyone can establish such an agency/company. His own bad experience was with a Polish employer, but from what he has heard, this possibility is often used by migrants (Ukrainians, Belarusians, Moldavians) who then exploit the workers (Poland, male interviewee from Belarus, restaurant and food services, regular migrant at the time of exploitation (work permit on basis of employer's statement)).

4.2.15. The gaps in the criminal justice system and protection of workers' rights in cases involving labour exploitation. The gaps in the criminal justice were suggested by all interviewees who entered the *programme for support and protection of victims/witnesses of human trafficking*, after their situation had come to the attention of the Border Guard. To the best of their knowledge, their exploitative employers kept running their business at the time of the interview; none had been arrested. This was particularly appalling for two Filipinas who had experienced exploitation almost four years ago. Additionally, one construction worker interviewed within the FGI could not understand the fact that, from what he heard, reporting a case of exploitation to the National Labour Inspectorate does not bring any results:

'A friend of mine told me a story when eight people with the help of a lawyer turned to the National Labour Inspectorate because they were not paid. One year after that I met one of these guys and I found out that he still works for the same employer. This is kind of a stupid situation. The fact is that this employer carries on just fine even though eight people filed a complaint against him, they presented sufficient evidence.'

'У моего знакомого была ситуация, когда 8 человек через юриста писали в Państwowej Inspekcji Pracy на человека, который им не выплатил зарплату. Через год я встретил одного из них и оказалось, что он дальше работает на одного из них. Вот такая глупая ситуация. Факт в том, что человек этот дальше спокойно работает, хотя на него 8 человек писало со всеми доказательствами, которых было достаточно.' (focus group 2, male, construction, seasonal worker)

4.2.16. The complexity of procedures to employ a foreigner. In the view of two research participants, procedures for hiring foreigners are too complicated, which discourages employers to offer them a contract. One IDI respondent personally experienced the problem:

'You have to obtain this certificate from a voivode [i.e. a province governor]. [...] My employer didn't want to waste her time on this' ['Trzeba uzyskać to zaświadczenie od wojewody. [...] Pracodawczyni nie chciała się tym zajmować'] (Poland, female interviewee from Ukraine, cosmetic services, regular migrant at the time of exploitation). As pointed out by one participant of the FGI with construction workers, the problem is widespread:

'I know a lot of Polish employers who don't want to bother with applying for documents. [...] The majority of Poles just don't want to employ you officially. I mean, they might want to employ you officially, but they don't want to be bothered with all the paperwork. There were a lot of such cases. You can do nothing then.'

'Я вот сколько поляков-работодателей знаю, то они просто не хотят заниматься документами. [...] Большинство поляков просто не хочет оформлять на работу. Не то, что не хотят, чтобы ты был официально оформлен, просто не хотят заниматься паперологией. Много таких случаев было. Ничего в этом случае не сделаешь.'
(focus group 2, male, construction, seasonal worker)

Other risk factors mentioned by individual respondents were: the lack of adequate management at the workplace, which allows for abuse from mid-level managers, the fear for physical safety that thwarts any attempts to challenge the employer, and the distrust that their respective embassies would help, which prevents reporting of exploitation and makes migrants stay in exploitative situation for lack of idea of where else to turn. Participants of the FGI with construction workers brought up yet another risk factor for labour exploitation. It is the lack of access to information on how to improve one's qualifications. As they explained, it often happens that unqualified workers accept the job, but they are not able to perform it well. They feel deceived when the employer does not pay them, but there is no way out of their situation unless they get the additional training – which they do not know how to access.

5. Workers' experiences of severe labour exploitation

	Number of interviews	Number of focus group participants
Experience of labour exploitation		
Problems with payments	19/20	2/12
Problems with conditions at work	18/20	3/12
Not signing contract	12/20	1/12
Problems with accommodation	10/20	3/12
Problems with work tasks	12/20	1/12
Problems with documents other than contract	7/20	0/12
Experience of threats and/or violence	12/20	0/12
Being kept in isolation	4/20	1/12
Abuse from a recruitment agency/recruiter	8/20	1/12

The majority of interviewees had no doubts that what they had experienced was exploitation in its pure form. Some suggested slavery: *'They were behaving like I'm their maid or what...'* (Poland, female interviewee, third country national, education, regular migrant at the time of exploitation); *'I will call it slavery, even though it was abolished a long time ago'* [*Я назову это рабством, хотя его давно отменили*] (Poland, female interviewee from Ukraine, agriculture, regular migrant at the time of exploitation (work permit on basis of employer's statement)); *'This is part of slavery, not giving food, for example... which is long time gone! And this is Europe!'* (Poland, female interviewee from Asia, massage therapist/reflexologist, regular migrant at the time of exploitation). Some mentioned humiliation and a huge mental or emotional burden: *'I felt terrible mentally. I felt I was stuck in this job, that there was nothing else for me besides work, no life'* [*Psychicznie ciężko mi było. Czułem, że jestem zatrzymany w tej pracy, że jestem skierowany tylko do pracy, a nie do życia*] (Poland, male interviewee from Belarus, restaurant and food services, regular migrant at the time of exploitation (work permit on basis of employer's statement)). A few pointed to health-related consequences of the exploitative work: *'I was really depressed'* (Poland, female interviewee, third country national, education, regular migrant at the time of exploitation); *'When I finally came home, I needed to have an IV drip right away [...] My blood pressure was high, my stomach hurt, I lost my health there'* [*Jak już w końcu przyjechałam do domu, to już musiałam iść na kroplówkę. [...] Miałam wysokie ciśnienie, żołądek, zdrowie tam zgubiłam*] (Poland, female interviewee from Ukraine, elderly care, regular migrant at the time of exploitation (work permit on basis of employer's statement)).

Participants of IDIs expanded on specific problems they had faced. All except one experienced more or less extreme problems with payments, and all except two – problems with conditions at work. Over half the interviewees mentioned the lack of contract, problems with work tasks, and personally experienced or witnessed threats and violence. A few FGI participants, drawing on their personal experience, also mentioned some problems of this kind. The following presentation draws on interviewees' comments and enlists forms of exploitation in the order set forth by the IDI questionnaire.

5.1. Problems with payments. The most commonly indicated problem were salaries lower than agreed, often below the minimum wage. Three interviewees mentioned earnings below the minimum wage offered to them prior to beginning employment, and the majority pointed to payments *de facto* below the minimum wage, resulting from lowering their wages and/or being ordered to perform overtime work without additional pay. Some did not receive payments at all – *'They didn't pay us and didn't explain why. They just kicked us out with the suitcases and drove to the highway. Then they left us there and said "goodbye"'* [*Денег нам*

не заплатили и не объяснили по какой причине. Просто выгнали нас с чемоданами на трассу. Вывезли и сказали: до свидания] (Poland, female interviewee from Ukraine, agriculture, regular migrant at the time of exploitation (work permit on basis of employer's statement)) – or received ridiculous amounts of money: 100 zlotys plus 200 zlotys to share for three [ca. 38 EUR per person in total] for two weeks of strawberry picking; weekly advances between 100 and 300 zlotys [ca. 23-69 EUR] during the first three months of work at a construction site, and the lack of any payments in the next month; 400 zlotys [ca. 92 EUR] for six weeks of work in restaurants (with no access to tips) between 11 and 17 hours a day with almost no days off; 250 zlotys [ca. 58 EUR] for one month of tomato picking, 12 hours a day, seven days a week. In two of these cases and in a few others, employers eventually paid more money, but after a significant delay (two interviewees), only after outside intervention (participants of three IDIs), and an amount still lower than agreed (participants of three IDIs).

The lack of payments meant that the workers had significant problems in supporting themselves. One interviewee and his girlfriend had to make a living from low tips that she was receiving as a waiter's assistant (20-30 zlotys, i.e. no more than 7 EUR, per day; she worked 3-4 days a week), and two interviewees (male, construction, Ukraine) were simply starving for a few weeks. This was the direct reason for why one of them decided to reach out for help. The other one was about to leave the employer, but the employer suggested the payment of overdue money – *'I was told: what's the sense of paying you, returning you the money, if you don't want to work for us anymore?'* [Мне сказали: какой есть смысл тебе платить, отдавать деньги за работу, если ты больше не хочешь у нас работать?] (Poland, male interviewee from Ukraine, construction, regular migrant at the time of exploitation (work permit on basis of employer's statement) – and threatened him with reporting his irregular stay status (related to the work's unregistration) to the police, so he decided to continue working.

Some employers provided vague explanations for the lack of payments:

[The employer] kept saying he would come tomorrow, but he didn't come. He said he would be there on Saturday, but he wasn't. It was always like that. And when I met him, he said that he was busy, had to be somewhere else and didn't want to talk.'

[Pracodawca] mówił, że przyjedzie jutro – nie przyjeżdżał. Mówił, że przyjedzie w sobotę – nie przyjeżdżał w sobotę. I tak było zawsze. A kiedy ja go widziałem, to mówił, że nie ma czasu, musi jechać tam i tam, nie chciał rozmawiać.' (Poland, male interviewee from Belarus, restaurant and food services, regular migrant at the time of exploitation (work permit on basis of employer's statement)).

Other employers were more precise, and pointed, for instance, to the problem on the side of their business partners and/or financial institutions: *'He said we must wait, [...] money transfers are pending, so he will pay us in a month'* [Каже, почекайте, [...] гроші йдуть через банк, ще не дійшли, треба місяць почекаати] (Poland, male interviewee from Ukraine, construction, regular migrant at the time of exploitation). As one interview suggests, it also happens that employers delay payments to exert pressure on workers: after weeks of work, when the interviewee was supposed to have a week off and wanted to go back to Ukraine to repair her health, the employer withheld the payment, thereby forcing her to stay and continue providing her services in a home for elderly (Poland, female interviewee from Ukraine, elderly care, regular migrant at the time of exploitation (work permit on basis of employer's statement)).

Two interviewees did not receive payments for the last month of work. While one respondent's employer did not provide any relevant explanation, the employer of the other respondent pointed specifically to the need to cover taxes that he would have to pay when the interviewee, a seasonal worker at that time, obtained the temporary stay and work permit and would continue working for the company. Apart from that, his assistant charged the interviewee for her alleged work as a proxy in the procedure of acquiring the permit for the interviewee; the

assistant has not fulfilled her duties properly (Poland, female interviewee from Ukraine, manufacture (meat processing), regular migrant at the time of exploitation (work permit on basis of employer's statement)).

The practice of lowering wages or withholding money from payments was mentioned by about one third of interviewees representing various sectors of the economy: manufacturing, agriculture, construction, restaurants and food service, passenger land transport. The resulting earnings below the minimum wage were variously explained, for instance, as a probationary period in the first month of work (male interviewee from Ukraine, manufacture), the purchase of protective clothing (female interviewee from Ukraine, agriculture), or by the 'margin' for intermediary services:

'They told us that some of the money that was officially paid to them went to the boss and that X [employer's assistant]. So, they take what is theirs for providing us with work. And they charge a margin for their intermediation services.'

'Nam powiedzieli, że część z pieniędzy, które są oficjalnie wypłacane, otrzymuje szef i ten X [asystent pracodawcy]. Czyli oni zabierają to, co im się należy za to, że dają nam pracę. I muszą mieć swoją marżę za pośrednictwo.' (Poland, male interviewee from Belarus, restaurant and food services, regular migrant at the time of exploitation (work permit on basis of employer's statement)).

In the case of one construction worker, the reduction was so huge, that he was left with almost nothing: out of the 2,500 zlotys monthly salary, he was obliged to pay back around 1,500 zlotys to the employer for alleged bonuses (never received) and to cover his social security and insurance. Additionally, his accommodation arranged by the employer cost around 600 zlotys. He was therefore left with only around 400 zlotys [ca. 90 EUR] per month for food and basic expenses (male interviewee from Ukraine, construction).

Moreover, as four IDIs show, employers impose various 'fines' on the workers and reduce their salaries accordingly. The fines are for the days off, including when the worker is sick, and for leaving the job before the contract expires, even if the worker is not aware of signing any contract (in the latter case, the employer most probably forged the interviewee's signature on documents she had never seen). The Warsaw Uber driver was also financially accountable for any defects to the car even if no damage had been directly caused by him, and for driving the car outside Warsaw.

Other problems with payments mentioned by interviewees referred to the significant part of wages paid 'under the table' (participants of four IDIs), wages lower than promised by a recruitment agency which contacted the worker with the employer but was not later involved in any issues regarding payment (participants of two IDIs), the lack of payments for overtime work (as defined by law) (participants of four IDIs), the lack of payments for sick leave despite working under the *employment contract* (one interviewee), lowered payments for national holidays and the lack of access to information on how exactly the paycheck was calculated (one interviewee).

Additionally, two IDI participants pointed to discrimination of migrants in payments. The interviewee who had worked in a meat processing company where many migrants were employed, mentioned that Ukrainians, as a rule, were offered half the amount paid to Poles. The interviewee who had worked in a manufacture employing mostly Poles mentioned her own worse payment conditions: *'I asked the manager why I am paid only 8 zlotys [per hour], less than the others, and she told me that I am a foreigner and this is what I deserve. I said her that I have all the rights you have, but she told me "no, no, you are wrong"'* (Poland, female interviewee from Southern Asia, manufacturing, applicant for international protection at the time of exploitation). A domestic worker who took part in the FGI referred to a similar problem. She drew on her experience, but she presented the situation in general terms: in her sector,

some employers do not treat workers with respect and pay them less than they would pay a Pole. Although it is possible for a foreign worker to earn respect and be paid more, this usually demands harder work than in the case of a Pole. Two participants of the discussion confirmed the observation about the disparity between the wages of Ukrainian and Polish domestic workers: *'if they hear that you're from Ukraine, your hourly wage drops, immediately, I don't know why'* [*'якщо чують, що ти з України, то зразу чомусь понижувалася заробтна плата за годину'*] (focus group 1). A construction worker claimed, in turn, that Polish and Ukrainian workers are usually offered comparable net salary in his sector. The problem is that the offer for Ukrainians does not include signing a contract, which deprives them of medical insurance and exposes them to further exploitation (focus group 2).

While the above-mentioned problems were experienced independently of the interviewees' stay status in Poland, the respondent in an irregular situation pointed to a specific problem: work for debt incurred from the employer. The interviewee, a Moroccan citizen, had already been in an irregular situation before coming to Poland from Belgium. The employer lured him with the promise to regularise his status and demanded 6,000 EUR for that. The interviewee paid him all he could afford at that time, which was 3,000 EUR, and agreed to work only for food and accommodation for the first six months. According to the respondent, the employer did nothing to regularise his stay status. After three months, there was a Border Guard's raid on the workplace. It was only at the time of conducting the interview, when he was regularising his status as a potential victim of trafficking in human beings.

5.2. Problems with conditions at work. Despite the huge diversity of interviewees' experience related to the nature of work and sector of the economy, it is possible to discern four categories of problems under this section. These are:

- **work overload.** This was especially difficult for interviewees who performed physical work:

'I have to feed these 60 people – me alone. Can you imagine how much you have to cook? Two meals. [...] I had to cook in the kitchen and clean up. The office upstairs, the work hall, the corridors which are very large. You can't imagine how much they dropped on my shoulders. And I have to wash the dishes after these people, after breakfast and lunch. So much work that my hand is stiff.'

'Muszę nakarmić te 60 osób – ja jedna. Czy pani sobie wyobraża, ile to trzeba ugotować? Dwa posiłki. [...] Musiałam gotować na kuchni i sprzątać. Biuro na górze, halę, korytarze, które są bardzo duże. Nie widziała pani, ile tego wszystkiego zrzucili mi na barki. No, i muszę pozmywać naczynia po tych ludziach po śniadaniu i po obiedzie. Tak dużo pracy, że nie mogłam ruszyć ręką.' (Poland, female interviewee from Ukraine, manufacture (meat processing), regular migrant at the time of exploitation (work permit on basis of employer's statement)).

Those employed in agriculture mentioned daily quotas, such as 2,000 kg tomatoes per person to pick and transport in special carts to designated pick-up points. The interviewee employed in a home for the elderly had to take care of six dependents, being at their disposal round the clock. Drawing on their own experience, two domestic workers who took part in the FGI also pointed out the work overload, related in particular to their employers' expectation that they would be available for work at any time.

- closely related to the above: **working many hours.** Almost all interviewees pointed to this problem. In the most extreme cases, they worked 15 hour a day picking strawberries – *'we were working for 15 hours [every day], I could barely move'* [*'роботали по 15 часов, я уже ползала'*] (Poland, female interviewee from Ukraine, agriculture, regular migrant at the time of exploitation (work permit on basis of employer's statement)) – or performing construction work (Poland, male interviewee from Ukraine, construction, regular migrant at the time of exploitation (work permit on basis of employer's statement)). One half of interviewees mentioned working seven days a week, with only occasional days off: *'I had four days off*

during these hundred working days' [*miałam cztery wolny dzień na te sto dni roboczych pracy*] (Poland, female interviewee from Ukraine, elderly care, regular migrant at the time of exploitation (work permit on basis of employer's statement)); 'It was at least 11 hours a day and maximum 17 hours. [...] For the first month I only had two days off [*to było co najmniej 11 godzin na dzień, a maksymalnie to było 17 godzin. [...] Przez miesiąc czasu miałem dwa wolne dni*]' (Poland, male interviewee from Belarus, restaurant and food services, regular migrant at the time of exploitation (work permit on basis of employer's statement)). Four research participants accommodated at the workplace – a caregiver for the elderly, babysitters and an assistant teacher (required to perform tasks exceeding teaching; see Section 5.4.) – mentioned the employer's expectation that they would be available for work at any hour of the day and night. Many of the remaining respondents worked Mondays-Saturdays.

Additionally, one third of interviewees emphasised very short breaks and/or problems with taking a break during the working day. The Ukrainians who picked strawberries 15 hours per day had only 15 minutes twice a day to take care of their basic needs (eating, going to the toilet), and they were disciplined for any other disruptions in work: '*Honestly, it was like in a concentration camp. If someone went to use the bathroom, they would say: "you use the bathroom too often"*' [*А там, честно скажу, концлагерь. Если кто-то часто выходил в туалет, тебе говорили, что ты часто выходишь в туалет*] (Poland, female interviewee from Ukraine, agriculture, regular migrant at the time of exploitation (work permit on basis of employer's statement)); several other respondents exploited in agriculture mentioned very similar problems. In the case of interviewees exploited in other sectors of economy, the limited possibility to take a break usually resulted from work overload and/or – like in the case of a massage therapist in a luxury hotel – a very tight schedule:

'I don't even have time to poop, I don't even have time to pee whenever we have treatment. We are running around like chickens! I have a massage with you, then we have 15 minutes to fix the bed and everything, we don't even have time to drink water. And then another treatment, again.' (Poland, female interviewee from Asia, massage therapist/reflexologist, regular migrant at the time of exploitation).

- the **lack of work safety**. The Uber driver drove a car that needed repairing, while another interviewee, from the manufacturing sector, mentioned not fully functional machines and the lack of training on how to operate them, which resulted in frequent accidents at the workplace (the lack of health and safety training was also brought up by a construction worker in focus group 2). He also pointed to very poor conditions of the building where he worked: '*The roof is leaking. When it rains, it leaks. And I work with electricity, how is it even possible that the roof is leaking in a place like that?*' [*Крыша течет. Дождь идет и капает. А там электричество, как это вообще может капать?*] (Poland, male interviewee from Ukraine, manufacture, regular migrant at the time of exploitation (work permit on basis of employer's statement)). The scientific researcher mentioned similar problem:

'At some point, a window fell out crashing on the pavement. It was autumn and I was asking them every day to seal this window because of the chill. And during the whole winter nobody replaced that window or even sealed it with tape or something. How well do you think you feel at work if there's minus 10 degrees outside?'

'W którymś momencie nam wypadła szyba, walnęła o bruk. To było jesienią i codziennie chodziłam i prosiłam, żeby nam zakleili to okno, bo jest zimno. I przez całą zimę nikt nam tego okna ani nie wymienił, ani nawet nie zakleił jakąś taśmą. I jak jest minus 10 stopni i jest dziura w oknie, to się świetnie pracuje.' (Poland, female interviewee from Europe (non-EU), scientific research, regular migrant)

A Ukrainian exploited in agriculture referred explicitly to the issue of safety:

'This employer has no idea about chemical safety. I learned [at the university] that after irrigation with pesticides one cannot work on the field for two or three days. And I saw girls squatting and cutting the plants, and he is irrigating the pesticides five meters from them. [...] Of course, they immediately had allergic reactions.'

'У этого работодателя вообще отсутствует понятие о химической безопасности сотрудников. Я же училась, я знаю, что после обработки пестицидами нельзя два или три дня работать на том участке поля. Я вижу, что девочки сидят на корточках обрезают кусты, а он брызгает буквально в пяти метрах. [...] И сразу у всех аллергия.' (Poland, female interviewee from Ukraine, agriculture, regular migrant at the time of exploitation (work permit on basis of employer's statement)).

Additionally, five IDI interviewees and one FGI participant spoke about the lack of protective clothing. They represented sectors of economy where such clothes are required: manufacturing, construction, cleaning services and agriculture. As the two Filipinas exploited in agriculture explained, the air inside greenhouses was heavily contaminated with pesticides and other chemicals that had an irritating effect on their skin and respiratory tract, causing allergies, coughs and headaches. For lack of protective masks, they initially covered their faces with pieces of clothing. However, they were later told by the managers that they should not be doing that; the managers did not explain the reason for their objection. After the first week, one interviewee was admitted to the hospital because of skin irritation and headaches.

Furthermore, two interviewees (one from agriculture and one from the construction sector) were given safety clothing, but the cost of the clothing was withheld from their pay checks. One of these interviewees added that she observed discrimination as far as protective masks for work with pesticides were concerned: while Polish employees received them, Ukrainian workers did not.

- **employers' inadequate response to workers' health problems.** This was mentioned mainly in the context of allergic reactions, resulting in particular from the lack of safety clothing. As a rule, employers ignored the problem. They did the same in relation to other health problems, for instance, a sprained wrist in the case of a massage therapist, a wounded arm in the case of a strawberry picker – '*I told them my arm hurts. And they said it was nothing, just keep on working*' [*Я сказала, что у меня болит. Мне сказали, что это ничего, работай*]) – or a gynaecological bleeding in the case of an interviewee who worked without contract, hence had difficult access to the medical care:

'I was ill. At work. I almost fainted. I couldn't go to the hospital because I didn't have insurance, because I was working illegally. I had to spend my money on private care. The gynaecologist told me that I couldn't stay in the cold. When I showed him the results, he [i.e. the company's president] said it was nothing. You have to work.'

'Byłam chora. W pracy. O mało nie zemdlałam. Nie mogłam pójść do szpitala, bo nie mam ubezpieczenia, bo pracuję na czarno. Musiałam prywatnie wydawać swoje pieniądze. Ginekolog napisała mi, że nie mogę przebywać w chłodzie. Kiedy pokazałam mu [tj. prezesowi firmy] wyniki badań, powiedział, że to nic. Musisz pracować.' (Poland, female interviewee from Ukraine, manufacture (meat processing), regular migrant at the time of exploitation (work permit on basis of employer's statement)).

Other problems that interviewees mentioned in the context of conditions at work were insufficient food even though it was the employer's contractual obligation to feed the workers (female interviewee from the Philippines, agriculture), and commuting to work when there was a significant distance between the workplace and accommodation (three interviewees working in manufacture, agriculture and construction, respectively).

5.3. Problems with contract. The most common problem was a lack of contract, mentioned by over a half of IDI interviewees and indicated by FGI construction workers as typical for their sector (one FGI participant referred to his own experience in that regard). However, the problems experienced with contracts were broader than that and concerned the legal nature of contract and the contractual language. Only two interviewees did not mention any problems with contracts. Additionally, one interviewee did not have any objections as to the contract itself, which was presented to her in English (the language that she understood) and complied with initial agreements. However, the contract was accompanied by some documents written in Polish that the interviewee did not understand, which confused her about the contract's exact terms and conditions, in particular, when it came to terminating the work (female interviewee from Asia, hospitality industry, massage therapist/reflexologist).

The vast majority of those who had worked with **no contract** mentioned they had asked the employer to sign proper documents. As a rule, the employers stalled for time: *'they weren't giving me any papers for two months, only talked about it'* [*'przez dwa miesiące oni nie dawali mi nijakich papierów, tylko powiadali, że to zrobią'*] (Poland, female interviewee from Ukraine, elderly care, regular migrant at the time of exploitation (work permit on basis of employer's statement)); *'Every time she [the manager] promised they would do it this week. And this is how I worked two and a half months'* [*'Они, говорят, обещали на этой неделе. Вот так я два с половиной месяца проработала'*] (Poland, female interviewee from Ukraine, agriculture, regular migrant at the time of exploitation (work permit on basis of employer's statement)). Some employers provided explanations related, for instance, to the probationary period: *'When we asked about the contract, they said "later". First, they need to see how we work for at least one month'* [*'Когда мы спрашивали, нам сказали, что это потом, когда посмотрят как мы будем работать. Минимум это месяц'*] (Poland, female interviewee from Ukraine, agriculture, regular migrant at the time of exploitation (work permit on basis of employer's statement)). In a few cases, employers finally offered the contract. In the case of one construction worker it was only after five months, when he changed his status from seasonal worker to that of a worker with a stay and work permit.

Another problem was the **legal nature of the contract**. To explain the issue, it is necessary to differentiate between *employment contracts* (embraced by Labour Code regulations) and civil law contracts. The latter allow for the employment of a person pursuant to Civil Code provisions. They are not formally considered *employment contracts* and they do not fall under Labour Code regulations. In theory, they are used when a contracting party requires performance of certain activities (*contracts for services*) or for some specified work to be completed (*contracts for a specific task*).²² What differentiates civil law contracts from *employment contracts* is that, among other things, it is not necessary for them to specify the place and time of work, since the completion of the job counts more than the details of its performance, and they do not oblige the employer to grant leave to the worker. At the same time, under civil law contracts, the refusal to carry out orders from the employer is not considered a breach of contractual obligations. Civil law contracts cannot be concluded for employment relationships as defined by the Labour Code, that includes, among other things, the worker's subordination to the employer.

Interviewees who signed a contract worked under one of the three types of contracts, with about half working under the civil law *contract for services*. Doubts might be raised as to whether it was lawful to offer civil law contracts to them, considering the fact that virtually all had a specified place and time of work and were subordinated to the employer. Irregularities in that regard were suggested by the scientific researcher:

'We all worked together: a person with an employment contract, a person with a contract for services and me, I either got a contract for a specific task or no contract at all. [...]

²² *Contracts for services* are regulated by Articles 734-751, and *contracts for a specific task* – by Articles 627-646 of the Civil Code. Poland, Civil Code (*Kodeks cywilny*), 23 April 1963.

Different legal basis but the same working hours. All meetings, things to do, we all do an equal share of work, despite of our different statuses.'

'Pracowaliśmy razem: była jedna osoba, która miała umowę o pracę, jedna osoba, która miała umowę zlecenie i ja – na dziele albo bez żadnej umowy. [...] Każdy miał jakiś inny typ umowy, na inny okres i na inne zadania, natomiast wszyscy musieli tak samo pracować.' (Poland, female interviewee from Europe (non-EU), scientific research, regular migrant)

Still, interviews show that few respondents were aware of the difference between contracts and not all of those who had signed the contract were aware of what kind of contract they had signed. This was, for instance, the case of the construction worker required to return a significant part of his salary to cover supposed social security and insurance premiums. In reality, the premiums have never been paid and are not required for a *contract for services* that the interviewee signed. The interviewee was misled by the employer who let him believe that the contract was an *employment contract*. Other employers did not make it easy for the workers to understand the issue either, especially when they offered a **contract in Polish only**: '*I asked what we were signing. They said it was a standardised employment contract*' ['Я задала вопрос, что мы подписываем. Они сказали, что это стандартный договор'] (Poland, male interviewee from Ukraine, manufacture, regular migrant at the time of exploitation (work permit on basis of employer's statement)). This confused interviewees about their rights, such as the right to paid sick leave, which is not guaranteed by civil law contracts. It also happened that employers multiplied documents to sign and/or did not provide their identification details on the contract:

'We were given 16 sheets of paper to sign: putting our names and surnames, passport numbers and signatures. And all blank spaces were supposed to be left blank. So that they could fill them in. And I must tell you there was no stamp saying it was a company, an agency of some kind. [...] I said to them that those were no proper documents. And that X [the employer's assistant] said it was just a formality and that they would add stamps and everything later on.'

'Mieliśmy 16 kartek papieru, żeby to tylko podpisać: imię, nazwisko, numer paszportu i swój podpis. A wszystkie takie myślniki pozostawić puste. Żeby oni to wszystko dopisali sami. I powiem pani tak, że nie było żadnej pieczętki, że to jest firma jakaś, agencja. [...] Powiedziałem o tym, że nie widzę, że to, co ja podpisuje, to są dokumenty. I ten X [asystent pracodawcy] powiedział, że to tylko formalność, a później tam będą i pieczętki i wszystko.' (Poland, male interviewee from Belarus, restaurant and food services, regular migrant at the time of exploitation (work permit on basis of employer's statement))

Additionally, as pointed out by a few interviewees, employers did not provide a copy of the contract to them, or gave them only the first page which did not contain any signatures. A separate case is the Uber driver who signed documents that later appeared to be a sort of self-employment and provided for various financial penalties. He signed the contract in Polish without fully understanding it. Since the contract did not contain the exact employer's identification details, it is difficult for him to assert his rights now (see Sections 4.2.6 and 4.2.9.).

The interviewee who had been given 16 sheets of paper to sign pointed to another problem: the employers' practice of offering *contracts for services* which specify lower salaries than agreed in order to avoid the taxation system. In his case, these were below-the-minimum-wage amounts of 400 zlotys on one paper and 700 zlotys on another. When asked about the amounts and the discrepancy, the employer explained: '*it was to avoid higher taxes and that, once they paid lower taxes, we would get the difference*' ['to dlatego, żeby płacić niższe podatki za pracowników, i że z tych podatków, które oni zapłacą mniej – resztę dostaniemy

my'] (Poland, male interviewee from Belarus, restaurant and food services, regular migrant at the time of exploitation (work permit on basis of employer's statement)). The kebab restaurant worker emphatically confirmed this observation. He called the *contracts for services* that he used to sign at various workplaces 'fake contracts':

'For the last four years, I was working at kebab restaurants. But no one gives you a real contract. [...] There is a contract, but a fake one. I mean, I worked 56 hours [a week] and my contract read 10. [...] The only thing you get [thanks to this contract] is insurance. [...] Now, in my new work, there's another fake contract. No one gives you a real contract. [...] If this was a real contract, then he [the owner of the restaurant] would pay a higher tax. And the owner doesn't want to pay a higher tax.'

'Ostatnie cztery lata ja pracowałem w kebabie. Ale nikt nie daje prawdziwej umowy. [...] Umowa jest, tylko nieprawdziwa. To znaczy, pracowałem 56 godzin [w tygodniu], a tam było wpisane, że 10. [...] Tylko ubezpieczenie jest [dzięki umowie]. [...] Teraz jak pracuję, to też umowa jest nieprawdziwa. Nikt nie daje umowy prawdziwej. [...] Jakby była prawdziwa umowa, to on [właściciel restauracji] by więcej płacił podatku. A właściciel nie chce więcej płacić podatku' (Poland, male interviewee from Pakistan, restaurant and food services, regular migrant at the time of exploitation).

The 'fake contracts' do not guarantee a leave and do not accurately define his earnings, but he agrees to them for the lack of other job possibilities. This condemns him to marginalisation in the Polish society (see Section 4.2.9.).

Other problems mentioned by interviewees were offering contracts that contain identification data of a company other than the one the interviewees actually worked for, offering contracts that differ from those presented to interviewees by a recruitment agency, and forging the interviewee's signature under contract she had never actually seen.

5.4. Problems with accommodation. These were mentioned by participants of one half of IDIs. The reported problems referred mainly to overcrowded rooms offered to the workers, usually against initial agreements:

'[The recruiter] said we [the interviewee and his girlfriend] would have a separate room. And, in fact, at first, we lived in a corridor. They told us there was no vacant room and we had no other option. [...] We spent there three weeks, only to be moved to a room already occupied by six people.'

'[Początkowo] było mówione tak, że będziemy mieszkać w osobnym pokoju [tj. rozmówca i jego partnerka]. A tak się stało, że mieszkaliśmy na korytarzu na początku. Powiedzieli nam, że nie ma wolnego pokoju, że musicie na korytarzu. [...] Tak mieszkaliśmy trzy tygodnie, a potem nas przeprowadzili do pokoju, w którym już mieszkało sześć osób.' (Poland, male interviewee from Belarus, restaurant and food services, regular migrant at the time of exploitation (work permit on basis of employer's statement)).

One interviewee was expected to share a bed with her cousin: '*they said: you are family, you can share a bed*' ['нам сказали, что так как мы родственники, мы должны спать на одной кровати'] (Poland, female interviewee from Ukraine, agriculture, regular migrant at the time of exploitation (work permit on basis of employer's statement)). After she had refused, she was accommodated in a room where 15 people already lived. The overcrowded rooms usually went together with the limited availability of bathrooms and toilets, since they were shared by many people, and a complete lack of privacy. One participant of the FGI with construction workers mentioned a situation that he had heard of when people slept in rooms provided by the employer 'on shifts', meaning one group of people worked day shifts and slept

at night, while the other group of people worked night shifts and slept on the same beds during the day.

Interviewees accommodated at the workplace, that is, three domestic workers, a caregiver in a home for elderly and an assistant teacher accommodated at the school premises, pointed to specific problems related to their situation. These were, in particular, lack of privacy and/or the employer's expectation that they would be on call round the clock. The assistant teacher emphasised this: her superior and the superior's husband came frequently to ask her to do some work. At a later stage, the interviewee faced a problem which became extremely painful for her and largely contributed to the feeling of abuse and subsequent depression: unwanted sexual advances by the superior's husband who visited her in her room; she felt that she had nowhere to go to avoid him. As far as the lack of privacy is concerned, one domestic worker mentioned her room being under constant CCTV monitoring: *'everything in this house was on CCTV cameras, even my bed, they were watching me all the time'* (Poland, female interviewee from the Philippines, domestic worker). At times, she was receiving phone calls from the owners of the house asking where she was because they could not see her on the camera. This was when, for example, she was standing behind a door.

5.5. Problems with work tasks, in particular, the discrepancy between tasks initially agreed to and tasks actually required from workers. This was mentioned by over a half of IDI participants and pointed out by domestic workers interviewed within the FGI as typical for their sector (however, only one FGI participant referred to the issue in the context of her personal experience). The discrepancy usually consisted of assigning interviewees additional work, for instance, cleaning the company premises (offices, kitchen, canteen, large halls and hallway) in addition to the initially agreed cooking for the company's employees, assigning a number of dependents, which was initially agreed to be shared for two caregivers, or working in the reception and preparing beverages for guests in addition to initially agreed massage treatments. Upon her arrival, an interviewee working as an assistant teacher was told by her superior that she should in fact be at her disposal all the time, including at weekends. As a result, apart from teaching, the interviewee performed the janitor's and accountant's work, supervised the kitchen and the delivery of culinary products, drove a delivery van herself, fed and cleaned cages of birds and rabbits kept at the school premises. Moreover, the interviewee was forced to cook food and serve her superior at her home, which contributed to her feeling of being treated like a slave: *'she behaving like I'm a slave, I'm a servant or like she has bought me from [third country]... she was behaving like this'* (Poland, female interviewee, third country national, education, regular migrant at the time of exploitation).

Additionally, a few interviewees mentioned the change of initially agreed tasks for tasks that did not correspond to their qualifications. This was the case of an interviewee employed to perform office work who ended up performing menial labour: packing aluminium in a warehouse during night shifts (Poland, female interviewee from Southern Asia, manufacturing, applicant for international protection at the time of exploitation). This was also the case of a tiler and a welder, both required to do simple construction works below their qualifications: *'Puttying – I did it for the first time in my life. I said I do not know how to do this. They just showed me and said go ahead'* [*Шпаклювати, то я на приклад перший раз. Я кажу, що я не знаю як це робити. Мені показали і все, вперед'*] (Poland, male interviewee from Ukraine, construction, regular migrant at the time of exploitation).

5.6. Problems with documents other than contract. At this point, five respondents mentioned passports taken from them by the employer and returned after a few days or a week, only after the interviewees had strongly insisted on the return, or – in the case of Filipinas exploited in agriculture – the embassy had intervened [see also Subchapter 6.2.]. The Moroccan interviewee's passport was kept away from him all the time. According to the employer's deceitful explanations, it was deposited in an office examining the employer's request for work and stay permit on the interviewee's behalf.

When referring to documents, participants of four IDIs pointed to problems with work permits that were to be arranged or prolonged by their employers. As revealed by interviews, some seasonal workers are eager to stay and work in Poland for longer than 180 days. To achieve this end, they need to arrange for a work and stay permit at the voivode office, containing the employer's statement regarding the intent to extend their employment. The work permit may be arranged by an employer, but the stay permit must be arranged by the migrant, unless they appoint a proxy (any person who has full legal capacity, i.e. adults and legal persons) to deal with the issue. This gives rise to opportunity for abuse by the employer. As two interviews show, employers offer to arrange the temporary work permits for the workers, or the temporary work and stay permit if the migrant appoints the employer as a proxy, but they demand exorbitant payments for that. The employer of the Ukrainian couple was very cautious in presenting the offer. He never told them the amount of money aloud (the interviewees believed that this was to avoid recording) and he did not respond to text messages which asked for the exact amount. He only presented the offer in-person, writing the amount of money on a piece of paper that he later destroyed. The couple remained unsure about the exact amount and the form of payment:

'I talked to people, some of them said they had requested 1,000 zlotys, others mentioned 2,000 or 3,000. I do not know how they want this payment to be made. Somebody told me they had paid 200 zlotys in cash at the office and the remaining sum had been withheld from their salary.'

'Я общалась с людьми, которые подавались на карту, все говорят по-разному: кому-то говорят тысяча, кому-то говорили про 2 тысячи, кто-то вообще про 3 говорил. Не знаю как это вычитается или нет, кто-то говорил, что 200 злотых они давали в канцелярию, а остальные вычитали у них с карты.' (Poland, female interviewee from Ukraine, manufacture, regular migrant at the time of exploitation (work permit on basis of employer's statement)).

They did not take the offer and the employer's odd behaviour was the main reason for them to seek assistance from an NGO in regularising their stay for longer. The interviewee who used a similar offer from her employer paid ca. 3,000 zlotys [ca. 690 EUR] to the president of the company and his assistant. As it was explained to her, the money was to cover future taxes and the assistant's work as a proxy in the procedure. However, the assistant did not perform her duties properly, and the interviewee ended up with no papers after her 180-day visa had expired. The fraud was the direct reason she sued the exploitative employer in court (Poland, female interviewee from Ukraine, manufacture (meat processing), regular migrant at the time of exploitation (work permit on basis of employer's statement)).

5.7. The experience of threats and/or violence, which was shared and/or witnessed by over a half of interviewees. The violence usually took the form of verbal mistreatment, but three respondents also pointed to physical abuse: one employer used to kick a kebab restaurant worker's shins under the bar (the interviewee believed this was so that customers would not see the violence), the other kebab restaurant worker was hit by his employer in response to his demands for payment for a whole day of work, yet another interviewee, a tomato picker, was pushed by a forewoman and fell on the floor. The forewoman got angry after the interviewee had not understood her command.

The verbal abuse usually consisted of shouting and insulting the workers, often with a reference to their nationality: '*He [the foreman] called us Ukrainian pigs*' [*Свині українці, каже*] (Poland, male interviewee from Ukraine, construction, regular migrant at the time of exploitation). Shouting produced a sense of insecurity and danger among workers, which prevented them from voicing any demands:

'To challenge her? No... Listen, before I wasn't saying anything, I was telling her: OK, m'aam, OK... If she was shouting at me in front of everyone, or alone... Sometimes I

was crying, and she was just shouting. And then she said: OK, OK, I was maybe not in a good mood, I shouted at you, OK, OK, no problem. But she was shouting at me more, and her husband too, sometimes.’ (Poland, female interviewee, third country national, education, regular migrant at the time of exploitation)

The problem of intimidation was also highlighted by an interviewee who spoke about her Asian colleagues’ fear that if they protested the employer’s exploitative policy, they would have been denied their tickets to return home (foreseen by their contracts). In a similar vein, another interviewee mentioned threats were not even necessary in the work environment because people felt intimidated anyway:

‘They didn’t have to threaten you there. The Ukrainians still felt like trash. So, it was all right. There was no need. If he [i.e. the foreman] could take all his anger out, insult people with the whole plant listening. People could tell what they were worth.’

‘Tam nie trzeba było nawet grozić. Ukraińcy i tak czuli się jak śmieci. Także było wszystko w porządku. Nie trzeba było. Jeśli on [tj. brygadzista] mógł się wyżywać, obrażać ludzi na cały zakład. Człowiek sam czuł, co jest wart.’ (Poland, female interviewee from Ukraine, manufacture (meat processing), regular migrant at the time of exploitation (work permit on basis of employer’s statement)).

Shouting and insults took extreme forms when interviewees tried to pressure the employer to improve their working conditions and/or pay them overdue money. This was the case of the respondent who notified the restaurant manager for whom he often provided his services about the lack of payments, and the manager informed the employer, a middleman, about the intervention. The insults were followed by threats:

‘[The employer] said that I was bad, that I was a stupid, fucking Belarusian. [...] And he said that I backstabbed him [by telling the restaurant’s manager about the lack of payments]; that it was evil what I had done; that if the case gets to a bailiff, to court, then I’ll go with him; that he will put me in jail. And he even threatened to kill me, if this thing goes to court.’

‘[Pracodawca] powiedział, że ja jestem taki zły, że jestem głupim, jebanym Białorusinem. [...] I powiedział, że ja wsadziłem mu w plecy nóż [informując kierownika restauracji o braku wypłat]. Że tak zrobiłem źle. Że jeżeli ta sprawa pójdzie do komornika, do sądu, to ja pójdę razem z nim. Że on mnie posadzi za kratki. No, i jeszcze pogroził, że on mnie zabije, jak coś tam trafi do sądu.’ (Poland, male interviewee from Belarus, restaurant and food services, regular migrant at the time of exploitation (work permit on basis of employer’s statement)).

Other interviewees who demanded payments also faced threats. As mentioned in five IDIs covering work without contract, employers threatened migrants with reporting their work’s unregistration, and the attendant irregularity of their stay in Poland, to the police or the Border Guard: ‘*He threatened he would call the Border Guard. We didn’t know back then that he was the one to be afraid of the Border Guard, not us*’ [‘Сказал, что позвонит пограничникам. Мы тогда не знали этого всего, что на самом деле это ему нужно было бояться этого всего, а не нам’] (Poland, female interviewee from Ukraine, agriculture, regular migrant at the time of exploitation (work permit on basis of employer’s statement)). One interviewee (female, Ukraine, manufacture) did not refer to the issue of reporting, but instead, she recalled the employer’s threat that he would not do anything to enable the registration of her work.

5.8. Keeping interviewees in isolation. While a few IDI participants explicitly mentioned this problem, none of the domestic workers interviewed within FGI expanded on their personal experience in that regard; construction workers who took part in the FGI did not refer to the issue at all, apart from the context of inspection (see below). Those who pointed to this

problem referred to the spatial isolation resulting from agriculture work in sparsely populated areas and/or the sense of social isolation related specifically to work overload (see also Section 4.2.13). No interviewee pointed directly to having been kept in isolation by force, however, one respondent, the kebab restaurant worker with an irregular stay status, suggested a situation of this kind by referring to the ban on establishing bonds with Arab-speaking clients:

'He [the employer] didn't want me to talk to anybody. Neither customers, nor his friends... There were his Arab friends coming to the restaurant; he's an Arab. He didn't want me to communicate with his friends nor costumers so that I wouldn't make any friends. If I had had a friend, I would have talked with him and told him the truth [about the exploitation].' (Poland, male interviewee from Morocco, restaurant and food services, migrant in an irregular situation at the time of exploitation)

هو كان لا يريدني عن اتكلم مع اي شخص. مع الزبائن, مع اصدقائه... كان يأتون اصدقائه العرب, هو عربي. هو كان لا يريد اي تواصل مع اصدقائه, مع الزبائن لكي انا لا افعل اصدقاء. اذا كان لدي صديق ساحكي له, ساقوله الحقيقة

In this case, the ban was reinforced with physical violence from the employer (see Section 5.7.).

Apart from that, one construction worker was instructed by his employer to leave the site whenever the labour inspection came. The same was suggested to a meat processing company worker, which was one of the reasons she quit the job: '*If someone comes, I have to run. And where would I run in work boots? You can see immediately that I'm at work*' [*Jak ktoś wpadnie, to muszę uciekać. A gdzie ucieknę w butach roboczych? Od razu widać, że jestem w pracy*] (Poland, female interviewee from Ukraine, manufacture (meat processing), regular migrant at the time of exploitation (work permit on basis of employer's statement)).

It is worth noting at this point that although participants of five IDIs witnessed a **control or inspection** at their workplace, only one of them, the construction worker instructed to leave the site in such a case, pointed specifically to the labour inspection, that is, the inspection that theoretically involves the monitoring of working conditions, in this context. The only participant of FGIs who also witnessed the labour inspection confirmed the employers' practice of instructing the workers in that regard. From what he said, the inspections of this kind are in fact limited to checking the legality of employment and they are conducted only at big construction sites. Since the inspections are announced beforehand, employers warn unregistered workers about them and the workers do not show up at work on designated dates. It needs to be added that this interviewee did not see any good in such inspections. In his view, their only outcome is that the workers are deprived of earnings when the inspection is conducted (see also Subchapter 7.2.).

The remaining four IDI respondents mentioned a Border Guard control to check if the interviewee was staying at the address she provided in her documents, a Border Guard control conducted after the exploitation was brought to their attention by the interviewee's friend who had escaped the workplace, an inspection from the sanitary-epidemiological station in a meat processing company, and frequent financial audits (mentioned by the interviewee working in scientific research). Three of the respondents emphasised the ineffectiveness of controls or inspections of this kind. The interviewee who witnessed the Border Guard control that followed her friend's report (female interviewee from the Philippines, agriculture) did not have the opportunity to speak with the officers (she was interviewed by the Border Guard only later, due to the involvement of the La Strada Foundation – see Subchapter 6.3.; the interviewee did not refer to whether other workers had a chance to speak with the officers); apart from that, she did not see any result of the control, since the business was still run at the time when the interview was conducted. The interviewee from a meat processing company suggested that the company's management had known about the planned inspection earlier, and they had prepared to play the perfect employer in front of the inspectors: '*They are all smiling. They gave us white clothes. Everyone had masks on their faces. Before that, we cleaned up for two*

days' [*Oni są uśmiechnięci. Wydali nam białe ubrania. Wszyscy mieli maski na twarzach. Przedtem przez dwa dni sprzątałyśmy*] (Poland, female interviewee from Ukraine, manufacture (meat processing), regular migrant at the time of exploitation (work permit on basis of employer's statement)). The management took back the clothes and masks from workers as soon as the inspectors left. The interviewee who witnessed the audits pointed to their focus on documents without taking into account the real workers' experience:

The problem is, the documents check out. Nobody talks to people, no one asks them what they are really doing. The documents check out, there's no overtime, employees with permanent contracts sign in every day. Everything is perfect there. Will anybody inspect my office and see my window is missing? That would be nice, that's what needs to be done. But I've never seen an inspection like that.'

'Problem jest taki, że w papierach się wszystko zgadza. Przecież nikt nie rozmawia z ludźmi, nikt nie pyta, co tak naprawdę robią. Wszystko się zgadza w papierach, nie ma nadgodzin, codziennie pracownik się podpisuje, jak ma umowę o pracę, że jest w pracy. Czyli tam się wszystko idealnie spina. Kontrole – co, mieliby przyjść do mojego biura i zobaczyć, że ja nie mam szyby [w oknie]? To by było fajne, to by mi się przydało. Ale takiej kontroli to ja nigdy nie widziałam.' (Poland, female interviewee from Europe (non EU, scientific research, regular migrant)).

5.9. Seven out of eight IDIs that covered the use of services of a **recruitment agency** or a recruiter revealed some forms of abuse already at the recruitment stage. These involved an exorbitant commission: between 250 EUR and 500 USD in the case of Ukrainians – '*They charge us 500 USD per trip. [...] That's how much it costs. I mean, it doesn't cost that much, but they want the money. "You want to go to Poland, then pay."*' [*Oni od nas biorą po 500 USD za wyjazd [...]. To tyle kosztuje. To znaczy, nie kosztuje, ale oni chcą pieniądze. „Chcesz do Polski, to płać.”*] (Poland, female interviewee from Ukraine, manufacture (meat processing), regular migrant at the time of exploitation (work permit on basis of employer's statement))– and ca. 3,000 EUR in the case of Filipinas, as well as arranging visas based on false documents and/or directing workers to exploitative employers (see Section 4.1.4.). The latter was also experienced by one participant of the FGI with construction workers.

About one half of IDI participants mentioned their attempts to **challenge the employer** at some stage of their employment relationship. The interviewee whose services were outsourced by his employer to restaurants demanded proper treatment on various occasions. First, he requested a signed contract, then for a lighter workload and payment of wages due. He was initially misled into thinking the contract would be signed and money would be paid. Subsequently, he was ignored and, finally, after he intervened with a restaurant manager, he was insulted and threatened (as described in Section 5.7.). The employer finally paid the interviewee the money, but in an amount lower than had been agreed.

In the vast majority of cases, an interviewee's confrontational attitude towards an employer did not bring any beneficial results. Employers typically threatened the workers in various ways, usually by mentioning to bring the work without contract to the attention of the police or the Border Guard (see Section 5.7.). In situations covered by three IDIs, those challenged about payments simply fired the workers: '*I finally said the rate should be higher, 12 or 13 zlotys per hour. Then he [the employer] told me: you, go and find a job elsewhere*' [*W końcu powiedziałem, że stawka powinna być wyższa: albo 12 zł, albo 13 zł za godzinę. To wtedy on [pracodawca] powiedział: ty szukaj innej pracy*] (Poland, male interviewee from Pakistan, restaurant and food services, regular migrant at the time of exploitation); '*We calmly asked for the money we earned, [...] [but] he [the employer] said we have 15 minutes to pack our stuff. [...] He would not tolerate any rebellion here*' [*Мы стали спокойно говорить, чтобы он дал нам расчет [...], [но он] дал нам 15 минут на сборы. [...] Бунтовщиков мы тут не держим*] (Poland, female interviewee from Ukraine, agriculture, regular migrant at the time of exploitation (work permit on basis of employer's statement)).

6. Asking for help: victim support and access to justice

Experience of seeking help	Number of interviews	Number of focus group participants
Seeking help from organisations / institutions	9/20	0/12
Reporting to the police	1/20	0/12
Contact with the Border Guard after exploitation comes to their attention	4/20	0/12
Involvement in civil court proceedings	2/20	0/12
Involvement in criminal proceedings	4/20	0/12
Awareness of rights at the stage of conducting the interview	9/20	N/A (not asked)
Satisfaction with organisations'/institutions' treatment (apart from the police) among those whose situation came to their attention	11/11	N/A (not asked)
Satisfaction with current situation	4/20	N/A (not asked)

Seven interviewees did not ask for help anyone from outside of the situation of exploitation. Participants of four IDIs decided to rely on social networks: one sought assistance from a Polish friend, and three – from friends of the same national group or members of Facebook groups for foreigners residing in Poland. Respondents of nine IDIs who reported their situation to an organisation or institution other than the police or the Border Guard chose their countries' diplomatic institutions, NGOs and the Trade Union of Ukrainian Workers in Poland, that is, the only Polish trade union that deals specifically with migrants. Virtually all were satisfied with how they were treated by representatives of these organisations/institutions, but the majority disclosed a significant level of ambiguity when assessing their current situation. The only interviewee who reported the exploitation to the police had a negative experience in that regard (Poland, male interviewee from Ukraine, construction). The situation of participants of four IDIs came to the attention of the Border Guard. All had rather positive experiences with their treatment. In all of these four cases, criminal proceedings against the employer had been initiated; they were still ongoing at the time of conducting interviews.

Out of the FGI participants, none had a personal experience of reporting exploitation to any organisation or institution. In their comments on the issue, both domestic and construction workers focused on providing reasons for not reporting labour exploitation to anyone, they had some difficulties in reflecting on factors enabling people to ask for support, and for the lack of personal experience in that regard, they seemed somehow annoyed with questions related to how people are typically treated by organisations or institutions to which they report their problems. Where relevant, insights from them are included in the analysis below.

6.1. Reasons for not reporting

6.1.1. Reasons for not seeking assistance from any organisation or institution

When referring to reasons for not asking anyone for help, five out of seven IDI respondents pointed to the **lack of knowledge of whom to contact** about the problem: '*We didn't ask [for help] because we didn't know whom to ask*' [*Не обращались [за помощью], потому что на тот момент мы не знали куда обратиться*] (Poland, female interviewee from Ukraine, agriculture, regular migrant at the time of exploitation (work permit on basis of employer's statement)). The remaining two interviewees **did not believe that requests for support or**

reporting the exploitation to anyone **would bring any result**. In their accounts, both focused on explaining structural factors that lead to widespread exploitation in subsectors of economy they represented: kebab restaurants and scientific research (see Section 4.2.9.). They offered a view that even if they brought their problems to light, but stayed in their subsector – either for lack of choice, or for other reasons, such as the hope for intellectual self-development – the only prospect for them would be to change one exploitative employer for another. While the kebab restaurant worker seemed slightly confused about related questions and did not have anything to add at this point, one interviewee (working as a scientific researcher) expanded on specific barriers for reporting exploitation to any institution, especially a state one. As she explained, she would not be credible to them, because she does not have any proof of the exploitation, such as the record of overtime work; she is not from Poland (Europe – non EU country) which makes her vulnerable to distrust by default; the institute that she worked for is a prestigious employer; and in Poland, there is a widely shared view that scientific researchers do not have much work to do. Apart from that, she was not able to calculate overdue money, and she was afraid that in case of any proceedings against the employer and summoning witnesses there would be no one to support her claims: her colleagues agree to exploitation and take it for granted, which is a part of the ‘labour culture’ in scientific research in her view (see Section 4.2.9.).

The five interviewees who mentioned lack of knowledge of whom to contact provided further reasons for the lack of any action in asking for help and reporting. Two pointed to the **lack of knowledge of workers’ rights** (both female from Ukraine, agriculture), including of whether it is lawful not to offer a contract. Both declared that it was only after they had left the job and undergone a training on workers’ rights provided by an NGO, that they became ready to report their case to someone:

‘We didn’t report it to anyone. We didn’t know our rights. Now, after we met some people, some time passed and we found out more about our rights, we consider reporting this situation.’

‘Мы никуда и не обращались. Не знали своих прав. Сейчас когда мы уже немножко раззнакомились, время прошло, начали узнавать, то уже задумываемся чтобы жалобу написать’ (Poland, female interviewee from Ukraine, agriculture, regular migrant at the time of exploitation (work permit on basis of employer’s statement))

Two interviewees mentioned the **language barrier**, and all five – the work in **isolation** as factors that thwart reporting. Two referred to the spatial isolation, that is, work in agriculture, in an area where there were no people, not to mention any organisation or institution, to reach out for help, and the exploited workers had no money to travel anywhere in search for support. Four referred to social isolation: a kebab restaurant worker mentioned the lack of emotional support from anyone, and three seasonal workers pointed to work overload in this context. One of them added that even in the new job, which she did not consider exploitative, she worked 12 hours a day, six days a week, which made it difficult for her to contact any institution about her previous experience (female from Ukraine, agriculture). Another, a caregiver in a home for elderly, mentioned the combination of the workload with her deteriorating health condition as a result of the exploitative work: ‘*I was working, that’s all. Given the way my work was, I didn’t think about anything else, [...] I struggled with my health problems*’ [‘*Po prostu pracowałam. Tam tak było w tej pracy, że nie myślałam o niczym innym, [...] to było walczenie z tym, jak sobie poradzić z tym zdrowiem*’] (Poland, female interviewee from Ukraine, elderly care, regular migrant at the time of exploitation (work permit on basis of employer’s statement)). As far as the mental focus on actions other than reporting is concerned, one interviewee explicitly stated that it prevented her search for justice **after leaving the exploitative employer** from the agriculture sector: at that time, **the priority** for her was **to find a new job** without losing time and energy for anything else. A domestic worker who referred specifically to the police at this point made the same claim: her focus on finding a new job added to the fear of her former employer (see below) and resulted in the lack of reporting.

When reflecting on reasons for not seeking help from anyone outside of the work context, one interviewee pointed additionally to the **hope that he would somehow deal with the situation on his own** and make the employer pay him overdue money (which was his main concern). By asking a manager of the restaurant for help, he had finally attained his end, but he received less money than agreed and the payment was preceded by insults and unlawful threats: the employer mentioned killing the interviewee if he reported the exploitation to any institution (see Section 5.7.). Only two interviewees (female, agriculture and male, construction, both from Ukraine) pointed directly to **threats from the employer** when presenting reasons for not reporting the ongoing exploitation to anyone: *'Back then he threatened us, he said he would contact the officials before we do and they would deport us. So, we did not report it to anyone'* [*'Нас тогда запугали, что он может обратиться первой и нас могут депортировать из страны. Поэтому мы никуда и не обращались'*] (Poland, female interviewee from Ukraine, agriculture, regular migrant at the time of exploitation (work permit on basis of employer's statement)). Accounts from other interviewees threatened by their employer strongly suggest, though, that the threats, especially those referring to deportation, and resulting intimidation did contribute to their inaction.

Intimidation was explicitly mentioned by a domestic worker who asked her friends for help. She was searching for a place to stay for a few days after she had left her employer, a family constantly watching her on CCTV cameras, and the friends offered her support. She also informed the La Strada Foundation about her mistreatment, since she had already been in touch with the organisation in connection to her previous experience of exploitation and related investigation into trafficking in human beings. However, she did not want La Strada to intervene, because she thought this might become dangerous to her:

'I didn't want to make it very big because... I was afraid, they [...] have guns all over the house and they are shooting. When I was still working there, they would tell me, for example, "Go inside the house because we will be practicing shooting now". They are a very scary family.' (Poland, female interviewee from the Philippines, domestic worker).

The remaining three IDI participants who reached out for help to private persons – a Polish friend or members of Facebook groups for foreigners residing in Poland – did not additionally inform any organisation or institution about their problems. The Polish **friend**, a former employer of the interviewee's mother, a domestic worker, **was effective** in exerting pressure on the interviewee's employer from the cosmetic services sector to arrange the work permit and sign a contract with her. At the time of the interview, she believed the friend would be equally effective in dealing with her current problem: the lack of payments for sick leave. Out of the remaining two interviewees, one received support via Facebook. It consisted of providing some information about workers' rights that she later used when terminating her exploitative work as a massage therapist in a luxury hotel. The information was provided to her by a private person of the same national origin – a Filipina married and settled in Poland who provides various kinds of advice to other Filipino nationals living there – in response to her post. While no Facebook group can be considered a promising practice *per se* (which is exemplified by the other interviewee who sought help via the social network but did not receive support – see below), this case points to the importance of self-help migrant initiatives in dealing with labour exploitation. At the time of the interview, the Filipina did not consider **reporting** the exploitation to anyone else, because she was afraid this **would make her obliged to stay longer in the country** which she could not do: she had only 30 days left to stay after her contract had finished, she had already booked her return ticket home, she had no place to stay and no job, and she simply missed her family after more than two years away from them. After the other interviewee's Facebook post had remained unanswered, she gave up on the idea of seeking help or reporting the exploitation to anyone: she faced a language barrier, **felt alone, depressed and humiliated** by the sexual harassment that she had experienced (see Section 5.4.), and she did not have anyone to turn for assistance. It was

only at the time of the interview, half a year after she had quit the job and gone back home, when she considered taking legal action against the employer.

Furthermore, some of those who had reported their problems to an organisation or institution, commented on reasons that prevented them from seeking assistance sooner. They pointed to the above-mentioned problems, in particular, the lack of knowledge of whom to contact (mentioned by three interviewees). As they further explained, their **focus was on money**, so if the employer paid them, they were afraid that any action against them would result in losing the job and regular income (two interviewees). If the employer did not pay, they were still hoping for money. One seasonal worker was bound to her employer in an additional way: the employer promised to arrange the work and stay permit for her. It was only after the interviewee's visa expired and she realised that he had deceived her, when she started to seek assistance.

FGI participants referred to the majority of the above-mentioned factors that prevent seeking assistance from an organisation or institution. Rather than adding new ones, they expanded on specific issues raised by IDI interviewees. What they strongly emphasised was the **migration strategy** that applies in particular to short-term migrants and results from a difficult financial situation, which involves a greater focus on earnings than on working or employment conditions (see Section 4.1.1.). They referred to the fear of losing the incomes: *'people [...] are simply afraid because there are problems now in Ukraine and they're trying to earn every cent'* [*'люди [...] просто боятся, потому что на Украине сейчас проблемы и поэтому стараются за каждой копеечкой'*] (focus group 1 participant). As two construction workers additionally noticed, the exploited migrants who are still paid, would not like to devote time to seeking help because, for them, skipping even one working day means losing money they could earn on that day. Several construction workers also expressed their **disbelief in the efficacy of organisations** or institutions where one could seek assistance. While they did not elaborate on the issue, it may be concluded from what they were saying in other parts of the discussion that their lack of belief was related to both their realistic assessment of specific employment relationships in the construction sector where the workers' exploitation is widespread (see Section 4.2.9.), and their lack of trust in the effectiveness of the institutional protection of workers' rights in Poland (see Section 4.2.15.) (focus group 2).

Domestic workers explicitly referred to the specific situation in a **sector of the economy** they represented. As one respondent noticed, since, in this sector, the work is performed in **isolation**, there would be no one to confirm the exploited person's claims against her employer and it would be extremely **difficult to prove the exploitation**:

'If they work at a factory, a meat factory, for example, where there are a lot of such people [other employees], then it will be easier for them to prove abuse comparing to a domestic worker.'

'Если они работают на каком-то заводе, фабрике (мясном, например), где много таких людей, к которым плохо относятся, то им легче будет доказать, что к ним плохо относятся, чем человеку, который работает в домашнем хозяйстве'
(focus group 1, female, domestic worker).

Apart from that, domestic workers pointed to the **lack of knowledge of whom to contact**, and this was the only issue that came up, without probing, in answer to the moderator's question on factors that stop people from asking for help. Discussion participants not only agreed that this is an important factor preventing people from seeking help or support, but also exposed their own lack of knowledge in that regard. What came up as a result of the interaction between respondents were also doubts if there are any prospects in asking for help for an exploited person who works without contract. While one participant expressed the view that even a person in such a situation may assert their rights, her discussion partner did not agree: *'What are human rights when you have no valid documents and you're about to be deported?'*

Your human rights end right there [‘Які права людини, коли у тебе документи нелегальні і тебе депортують. Ом і усі права права твої’] (focus group 1).

It needs to be added at this point that when answering questions about asking for help, domestic workers drove the discussion towards **seeking assistance** not from any organisation or institution, but **from private persons**. One of them pointed to the strategy that also came up within the IDIs, which is to turn for help to Polish nationals, including former employers, or other members of migrants’ social network: ‘*We [migrants] always helped each other. I have family in Poland. When I lose my job, I can live with them. We don’t ask any institution or authorities for help*’ [‘Ми завжди друг другу помагали. У мене родина в Польщі. Коли залишаюсь без роботи, то можу у них пожити. Нікуди ми не звертаємось, до жодних органів’] (focus group 1). Moreover, they perceived possible help not in terms of asserting rights infringed by an exploitative employer, but rather in terms of emotional support, both when the exploitation is still ongoing and when they have already quit the exploitative employment, and/or securing basic needs, such as a place to stay, and providing assistance in search for a new job after leaving the exploitative work. As is evident in the quote, they seemed to believe that these needs may be better addressed by members of their social network than any organisation or institution. Hence the discussion’s focus on social networks and possibilities to use them rather than the institutional setting for dealing with cases of labour exploitation. Accordingly, one domestic worker pointed out that the lack of such a network might be a barrier in seeking help for the newcomers.

6.1.2. Reasons for not reporting exploitation to the police

When referring to reasons for not reporting the exploitation specifically to the police, three IDI participants who had worked without contract strongly emphasised the **fear of deportation**:

‘How can I go to the police? They can ask me “Where do you live?” – and I don’t have any documents that confirm my residence. “Where do you work?” – and I don’t have any employment contract. I was just afraid that I’d be found guilty in this case, that I’d be deported to Belarus even. If this happens, I’m forbidden from entering Poland for at least three years.’

‘Jak ja mogę pójść na policję, gdy oni mogą mnie zapytać: a gdzie pan mieszka? – nie mam żadnych dokumentów poświadczających, gdzie mieszkam. A gdzie pan pracuje? – nie mam żadnej umowy pracy. Po prostu bałem się tego, że to ja będę winny w tej sprawie. Że ja będę w tej sprawie nawet deportowany do Białorusi. I wtedy będzie zakazany wjazd do Polski na trzy lata co najmniej.’ (Poland, male interviewee from Belarus, restaurant and food services, regular migrant at the time of exploitation (work permit on basis of employer’s statement)).

Those who worked under a contract were not devoid of fear, either, especially if they had a visa or stay permit that tied them to the employer. Generally speaking, they were afraid of **bearing consequences of reporting that would be much more problematic for them than for the employer**. One interviewee working as an assistant teacher was afraid that during the report to the police, the fact that she was assigned tasks that extended far beyond her work permit and the employment contract would have come to light. The discrepancy between the actual work and what is written in the documents might have resulted in questioning her stay permit. Apart from that, she was afraid that if she had gone to the police, her superior and the superior’s husband would have treated her even worse and the superior would have put the blame for sexual harassment from her husband on the interviewee. The fear of even worse treatment from the employer was also a barrier to report the exploitation to the police in the case of the Ukrainian couple who had a contract signed with an employment agency. They were afraid that their superiors at the workplace would be even more hostile to them, and the agency would find a way to accuse the respondents of something in response to their action:

'I think the agency will find a way to make us guilty of everything anyway' ['я думаю, что фирма найдет вариант, чтобы сделать нас виноватыми']. For these reasons, they did not even think of reporting their situation to the police before finding a new job (at the time of the interview, they were still working under exploitative conditions).

Those whose stay in Poland did not tie them to any employer **could not see reporting to the police differently than in terms of a problem**, either: 'I didn't want to go to the police. What for? I have too many problems already' ['Я не хотела идти в полицию. Зачем? У меня и так много проблем'] (Poland, female interviewee from Asia, cleaning services). While this interviewee, just like another one, was mainly afraid of the language barrier at a police station, yet another interviewee was afraid of worse treatment on the ground of her foreign background: 'I didn't know what it would be like; I didn't want to get into bigger trouble and when it comes to foreigners you never know how it will end' ['nie wiedziałam, jak tam będzie, żebym ja później nie miała większych problemów, bo różnie to jest z obcokrajowcami'] (Poland, female interviewee from Ukraine, cosmetic services, regular migrant at the time of exploitation). The Uber driver, in turn, was afraid that since his contract appeared to be legally questionable (it did not contain full identification details of the company that had employed him and its legal representatives), he would be the one charged.

The **lack of trust in the police**, already visible in comments presented above, was strongly emphasised by a seasonal worker who, at the time of the interview, was still struggling with regularising her stay status after she left the exploitative employer. She perceived police as part of a broader complex of state institutions. Based on her experience with the Office for Foreigners and the Social Insurance Institution, she saw them as not always willing to help a foreigner, even if the foreigner tries to speak Polish.

Two interviewees pointed to an additional problem: they **doubted whether the police is the appropriate office for labour law and employment relationship related complaints**. At this point, one mentioned the relatively low gravity of problems that she had experienced: 'Nobody's beaten me or threaten me really. So, if I was to do anything at all, I'd think these are the matters for the labour inspectorate rather than the police' ['Nikt mnie nie pobił, nikt mi nie groził tak naprawdę. Więc raczej, jeżeli już, to myślałabym, że to są sprawy, którymi zajmuje się inspekcja pracy raczej niż policja'] (Poland, female interviewee from Ukraine, scientific research, regular migrant). The other drew on her knowledge of what falls under police jurisdiction in her country and assumed the situation is the same in Poland:

'In my country, there are two types of crimes – criminal and administrative. We are used to reporting only the criminal cases to the police. If the employer does not pay me my salary, I would go to court to solve this problem, not to the police office. It is not the way to go. [...] There is no need to report the situation to the police, they will not register the file.'

'У нас есть разница – уголовные правонарушения и административные правонарушения. Мы привыкли обращаться в случае уголовных правонарушений в полицию. Если бы дома мне работодатель не выплатил зарплату, я бы решала такую проблему в суде, но не было бы обращения в полицию. Это не надо, это не тот путь, которым ты идешь. [...] В полицию обращаться не надо, там никто и не примет это заявление.' (Poland, female interviewee from Ukraine, agriculture, regular migrant at the time of exploitation (work permit on basis of employer's statement))

It is worth noting that while neither interviewee considered herself a victim of serious rights' violation falling under the interest of the police, the interviews strongly suggest that both experienced labour exploitation covered by the Criminal Code (malicious or persistent workers' rights infringements and/or endangering the worker's health and safety).

FGI participants confirmed IDI respondents' experiences and virtually all their observations related to barriers in reporting exploitation to the police. Both construction and domestic workers pointed to the prevalence of work without contract in their sectors of the economy and emphasised **the fear of being obliged to leave the country** as a result of the report. In their view, only a threat to life would make people go to the police: *'Nobody will go to police if there is something not right with the documents. [...] Even in a terrible situation. Unless there's a threat to life. Everybody avoids the police'* [*'Ніхто не піде в поліцію, якщо щось не так з документами. [...] Даже в страшній ситуації. Хіба що в смертельній. Кожен уникає поліції'*] (focus group 1). One construction worker expressed disbelief that a report from a migrant performing unregistered work would be taken:

'I won't go to the police if I don't have any documents. I don't even have a registration, I don't have a confirmation from any hotel that I live there, nothing. They will ask immediately: what're you doing here? How can I complain?'

'Не піду в поліцію жалітися, якщо не маю документів ніяких. Я навіть ніде не замельдований – ні готелю, нічого. Одразу запитують, що ти тут робиш. Як я піду жалітися?' (focus group 2, male, seasonal worker)

FGI participants mentioned **additional problems** resulting from the report. They particularly referred to the loss of a job: *'if anyone goes to the police to make complaints, they have to understand that they have already said goodbye to that job'* [*'если человек пришёл в полицию жаловаться, то он должен понимать, что с той работой он уже попрощался'*] (focus group 1). Furthermore, they themselves revealed a **distrust** of the Polish police, and, more specifically, lack of belief in police officers' help-oriented attitude towards migrants: *'the majority [of officers] don't care about Ukrainians or about helping them'* [*'більшості до лампи українці, щоб їм помагати'*] (focus group 1). Finally, one domestic worker expressed the opinion that **the police do not deal with cases of labour exploitation**: *'They can send you away to other departments that you can address. It's the only thing they can do because the police does not deal with such issues'* [*'Направити в якийсь відділ, куди можна звернутися. Це єдине, що вони можуть, тому що поліція такими справами не займається'*] (focus group 1).

6.2. Reasons for reporting and factors enabling victims to seek support

Although almost all IDI participants worked in very poor conditions (see Section 5.2.), **in none of the cases were poor conditions alone the direct reason for why they decided to look for help**. The same applies to the lack of contract, problems with work tasks or accommodation offered by the employer, the experience of threats and violence, and the work in isolation. The assistant teacher who sought advice from members of a Facebook group for foreigners residing in Poland did it not only because she was assigned tasks that far exceeded initial agreements, but also because she had been sexually harassed. After no one had replied to her post, she gave up any further search. Other interviewees who limited themselves to writing a post on Facebook (one interviewee) or asking friends for help (two interviewees) received the basic support they needed and resigned from any further action. In no case did the support concern any singular problem of those enlisted at the beginning of this section.

There were **two direct reasons for seeking assistance** from an organisation or an institution, and these were: the **lack of payment** or payments much lower than agreed (six IDIs) and **problems with the stay permit** linked to the employment relationship (two IDIs). Additionally, the two Filipinas exploited in agriculture contacted their embassy about passports taken from them; they also turned to the embassy for basic assistance when leaving the workplace. The fact that in six cases it was only the lack of (agreed) payment that made the interviewees ready to fight for their rights with the help from outside is strictly related to the migration strategy described in Section 4.1.1. which prioritises maximisation of income over any other issues,

such as working conditions. One interviewee sought assistance in getting overdue money and reinstating her as an employee of the company from which she had been fired. It needs to be added, however, that her readiness to continue exploitative work related not so much to the short-term migration strategy (she had refugee status and was a permanent Polish resident), as to the difficult access to the Polish labour market, which makes it nearly impossible for her to find any other job (see Section 4.2.11.). Among our interviewees, asking for help did not seem to depend on the duration of their exploitation.

One interviewee was so determined to get the overdue wages that he did not even consider leaving Poland after his stay permit had expired. He decided to fight for his rights in spite of falling into irregular stay status:

'I came here to earn money and I have been cheated. I no longer care if I'm here legally or illegally, I just want to punish this company and take the money I earned. Even if it's only a part of it, I want to take it.'

'Я приехал сюда заработать денег и меня обманули. И мне уже всё равно: легально-ли я нахожусь здесь, или нелегально, я хочу наказать эту фирму и забрать свои заработанные деньги. Хотя часть, но хочу забрать.' (Poland, male interviewee from Ukraine, construction, regular migrant at the time of exploitation (work permit on basis of employer's statement)).

This interviewee was an exceptional case; as described in Subchapter 6.1., more often than not migrants are afraid of irregularity and this fear constitutes a barrier for them to report exploitation to anyone. As mentioned above, in two cases, the anticipated or actual problem with the stay permit was the direct reason for why interviewees sought assistance. The Ukrainian couple was confused about their employer's demands for money for changing their seasonal status to a longer work and stay permit and they supposed these demands were unlawful. The other Ukrainian worker was deceived by the employer who had promised to arrange a work and stay permit for her (see Section 5.6. for both cases). Following advice from the Ukrainian consul, she filed a lawsuit against the employer in court. At this stage, she decided to fight not only for the money for the permit unrightfully taken from her, but also for withheld payment and compensation.

About a half out of nine IDIs that covered contacting an organisation or institution reveal that it was **difficult** for the interviewees **to find out whom they should ask for help**; participants of two IDIs indicated this as the main problem in seeking assistance. Three interviewees mentioned googling the organisations they approached for help. Participants of the next two IDIs asked diplomatic institutions for help – the Embassy of the Philippines and the Ukrainian consulate – since this was the only solution that came to their mind at the moment. In the Filipinas' case, the idea to contact the embassy came from the interviewee who had faced some problems with an employer when working in Malaysia before. Because she had already had a positive experience in approaching the local embassy of the Philippines for help, she was convinced she could do the same in Poland. However, the Filipinas were afraid of a violent reaction from their managers or the confiscation of their passports and other belongings. Therefore, the most difficult thing about asking for help for them was the need to keep it secret, for example, by calling the embassy when the managers were not present, or planing the escape from the workplace secretly. Also, they were not familiar with the transportation system and did not know how to reach any larger city from where they could take a train to Warsaw; they were eventually assisted by a Polish lady met by accident who explained them how to manage the transport. A prior positive experience with specific organisations drove the next two interviewees to contact these organisations for help. In both cases, the organisations had previously dealt with their applications for international protection (one interviewee had received refugee status, and the other one, after a few years of struggle, had used the opportunity to regularise her status under the 2012 abolition). Finally, two interviewees followed advice on whom to contact from Polish members of their social network: a friend or

wife. It is worth noting that the interviewee who had first approached the Ukrainian consul was further guided by a Polish friend, as well. The friend advised her on whom to approach at the stage of filing the lawsuit against the employer.

The above suggests that **the following factors facilitated finding out whom to contact** for help: **access to the Internet** and the ability to effectively use it (as was the case for three IDIs), **previous experience of seeking assistance** in solving employment-related or administrative problems (three IDIs), and a **social network** in Poland (three IDIs). Additionally, one interviewee, drawing on her case, emphasised the importance of **personal characteristics** that facilitate seeking assistance. On the one hand, she pointed to her extensive communication skills enabling her to build the social network that she could rely on: *'I am kind of a communicative woman. There will always be friends. Well, I asked around. Despite the fear, I had to report somewhere'* [*'Ja jestem taką kobietą komunikatywną. Zawsze się znajduję znajomi. No, i ja pytałam. Mimo strachu gdzieś musiałam się zgłosić'*] (Poland, female interviewee from Ukraine, manufacture (meat processing), regular migrant at the time of exploitation (work permit on basis of employer's statement)). On the other hand, several times during the interview she emphasised the sense of dignity and the need to do well in the eyes of her daughter that made her determined to keep searching for assistance and fighting for her rights:

'I always had a sense of dignity. And no one can humiliate me, cheat me. [...] I can't return to Ukraine a loser. I have a child who believes in me. [...] I can't come back with my tail between my legs. No way. It's not me, not my character. I'm a winner.'

'Zawsze miałam poczucie godności. I nikt nie może mnie poniżyć, oszukać. [...] Ja nie mogę wrócić do Ukrainy przegrana. Mam dziecko, które we mnie wierzy. [...] Nie mogę dopuścić do tego, żeby wrócić z podkulonym ogonem. Nie ma mowy. To nie ja, nie mój charakter. Ja jestem zwyciężcą.' (Poland, female interviewee from Ukraine, manufacture (meat processing), regular migrant at the time of exploitation (work permit on basis of employer's statement))

FGI participants had some difficulties in reflecting on reasons for reporting and factors that facilitate seeking assistance from an organisation or institution since none had a personal experience in that regard. As mentioned in Subchapter 6.1.1., domestic workers focused on factors facilitating seeking support from private persons, hence they emphasised the importance of a social network that an exploited person can rely on. Two speculated that the social network involving Poles might be helpful in reporting exploitation to an organisation or institution (focus group 1). Construction workers strongly confirmed the pattern that emerged from IDIs: the fact that as long as the exploited workers are paid they will not seek any help in solving their work-related problems. In their view, what facilitates reporting are: regular stay status in Poland and work under a contract (mentioned by one participant of the discussion), as well as the knowledge of whom to contact (mentioned by two participants). As far as the last of those is concerned, one construction worker specified expectations that one would have from those contacted, either private persons or representatives of an organisation. In his view, the most needed support would be to make a phone call to the exploitative employer in Polish. Thus, as he suggested, the exploited person would get much more value from an informal intervention than from the possible legal action against the employer (focus group 2). Accounts of at least two IDI participants confirmed this suggestion (see Subchapter 6.3.).

6.3. Interviewees' experience of asking for help

Since no FGI participant had the experience of asking any organisation or institution for help, this section discusses findings from IDIs. In the first step, the **interviewees approached NGOs providing legal assistance** to migrants (five IDIs), the **Trade Union of Ukrainian Workers in Poland** (two IDIs), and **diplomatic institutions** (two IDIs). Two of those who

contacted NGOs in the first step were later referred to other NGOs, and one interviewee was referred by the trade union to lawyers of our organisation at the interview recruitment stage. One IDI out of the two covering diplomatic institutions involved the consul's specific recommendation to file a lawsuit against the employer. The consul did not refer the interviewee to any support organisation though, and the interviewee found an NGO of this kind with a help from her Polish friend. The other IDI was with the Filipinas exploited in agriculture. They approached their embassy twice. For the first time, it was in connection with their passports being taken by the employer right after they had arrived. The embassy intervened by phone call and the employer returned the passports. For the second time, they contacted the embassy when they were about to leave the workplace; they asked for a shelter and basic support. The embassy referred them to the La Strada Foundation. Apart from that, participants of two IDIs were referred by the Border Guard to La Strada in connection with an investigation into trafficking in human beings.

Overall, **11 IDIs covered interviewees' experiences with organisations** or institutions other than the police or the Border Guard. Participants of three IDIs did not have much to say about this experience, though. All had contacted an NGO shortly before the interview, thus they could refer only to their first impression. One interviewee mentioned a difficulty in reaching a Russian-speaking person at the organisation that she had approached for assistance in getting overdue wages. Another interviewee, the Uber driver, was quite satisfied with how he had been treated by both the trade union and the NGO he was referred to. Because of problems with the identification details of his employer, he was not sure, however, about the outcomes of the NGO's involvement. The Ukrainian couple, in turn, was not particularly satisfied with the assistance. They could not reach a lawyer at the NGO they first contacted, nor at the NGO they were referred to, and only spoke to a Russian-speaking consultant. Apart from that, while the direct reason for them to seek assistance was that they were confused by their employer's demands for money for arranging work permits, they also expected the NGOs would help them out of the exploitation by finding a new job. However, at the time of the interview, they were afraid their expectations would not be met: *'there was much talking, but no real actions'* [*разговоров-то много, но фактически действий нет*].

Out of the participants of the remaining eight IDIs, **all except one were quite satisfied with the assistance** offered to them. The dissatisfaction of one interviewee referred not as much to how she had been treated, as to the fact that the only possibility for her to receive overdue payment appeared to be filing a lawsuit against the employer in court. Meanwhile, she wanted to avoid court for fear of losing the case against a big company. Additionally, the NGO lawyer did not give her much hope for a positive result of the legal action: *'The person was sitting and telling me that she doesn't think that I will get any rights from them [the employer], but she can try to do something, but she cannot promise it will be fine. [...] My husband got very angry and said: if they cannot help us, who else would do this?'* (Poland, female interviewee from Southern Asia, manufacturing, applicant for international protection at the time of exploitation). The interviewee resigned from asserting her rights. Another interviewee wanted to avoid court, as well. In her case the intervention from an NGO in the form of a letter and phone calls to the employer, combined with phone calls from her Polish friend, brought a satisfactory result: the employer paid the overdue money, although less than agreed, and the interviewee resigned from any further action (Poland, female interviewee from Russia (Chechnya), cleaning services).

Two interviewees sued their employers in court with help from NGOs (female, manufacture and male, construction, both from Ukraine). In both cases, however, court proceedings continued at the time of conducting the interview. While an NGO lawyer represented one of these interviewees, the court appointed a cost-free attorney to the other interviewee's case. Her experience with the attorney and court employees who had informed her about the possibility to appoint the attorney and answered further questions were very positive – the interviewee felt respected and helped at each stage of her action. The only assistance from an NGO that she used was that an NGO employee wrote and submitted a request for the

attorney's appointment to her case. The interviewee could not do it alone for lack of ability to write in Polish and a general feeling of insecurity in undertaking legal action: *'he was the one who filed all the documents on my behalf because he knew how to do it' ['to on złożył w moim imieniu te wszystkie dokumenty, bo wiedział, jak to się robi']* (Poland, female interviewee from Ukraine, manufacture (meat processing), regular migrant at the time of exploitation (work permit on basis of employer's statement)). While she was fully satisfied with the assistance she had received from all people met in person, she was disappointed with correspondence-based contact with a human rights organisation. After filing the lawsuit, she contacted the organisation to mitigate the risk of losing the case; she hoped the organisation would support her claims and ensure fair court proceedings. However, after submitting some additional documents upon the organisation's request, she could not reach any person responsible for her case and no one contacted her.

All interviewees satisfied with the organisations' assistance mentioned the **possibility of communicating in a language that they understood** and a general feeling of having been **treated with respect**. One interviewee emphasised the psychological **comfort** an organisation's representative provided her at a time when she felt emotionally exhausted and highly insecure: *'we talked, because we were in touch all the time, that there was nothing to worry about, because in such situations the court must appoint a lawyer' ['rozmawialiśmy, bo cały czas byliśmy w kontakcie, że nie ma się czym przejmować, bo w takich sytuacjach sąd musi wyznaczyć adwokata']* (Poland, female interviewee from Ukraine, manufacture (meat processing), regular migrant at the time of exploitation (work permit on basis of employer's statement)). The interviewees referred to La Strada after the Border Guard's raid on their workplace and those referred to La Strada by the Embassy of the Philippines who subsequently decided to testify against the employer in front of the Border Guard highly valued the *programme for support and protection of victims/witnesses of human trafficking* that they entered (see the box below). The interviewee referred to the Border Guard by the Trade Union of Ukrainian Workers who did not mention the offer to enter the *programme*, valued the trade union's assistance in contacting the Border Guard's office. The same interviewee also praised the union for **finding a new job** for him (Poland, male interviewee from Ukraine, construction, regular migrant at the time of exploitation).

Promising practice

Programme for support and protection of victims/witnesses of human trafficking

The programme is state-run and it addresses those recognised by law enforcement as potential victims of trafficking in human beings. It is operated by the National Consultation and Intervention Centre for Victims of Human Trafficking run by two NGOs: the La Strada Foundation and the Po-MOC Association for Women and Children of Mary Immaculate. Within the programme, victims' stay in Poland is regularised and they are provided shelter, legal, medical and psychological aid, assistance during meetings with the law enforcement (the police or the Border Guard) and prosecutors. Victims have a three-month reflection period during which they can decide whether they want to cooperate with law enforcement institutions or not. If they decide to do so, and the prosecutorial proceedings still take account of human trafficking, their stay in Poland may be regularised for the next six months, and if needed, until the end of criminal proceedings. In this time-period, after the regularisation of their stay, they are embraced by the programme and they are permitted to work in Poland. If they decide to go back to their home country, they will be referred to the IOM and offered support within the Assisted Voluntary Return programme.²³

²³ Sobczyk M. (2015) *Przeciwdziałanie handlowi ludźmi w Polsce: raport 2014/I – VI 2015*, Centrum Pomocy Prawnej im. Haliny Nieć. Available at: www.mpips.gov.pl/gfx/mpips/userfiles/_public/1_NOWA%20STRONA/Pomoc%20spoleczna/2015/Raport%20przeciwdzialenie%20handlowi%20ludzmi%20za%20rok%202014%20oraz%2001-06-2015.pdf. For professionals' views on how the programme works in practice see Hall, D. (2014) *Severe Forms of Labour Exploitation: Supporting Victims of Severe Forms of Labour Exploitation in Having Access To Justice in EU Member States: Poland*.

Participants of three IDIs within our study who entered the programme were overall satisfied with how the programme works. They highly valued the La Strada's **assistance in giving testimony to the Border Guard**, in particular, the presence of a La Strada representative and/or an interpreter during the hearing (mentioned by participants of two IDIs), and the reimbursement of travel costs to the place of the hearing (one interviewee). They were satisfied with the fact that the organisation provided **shelter, some money** for subsistence (two IDIs), psychological consultation and a basic Polish language course (one IDI) after they had entered the programme. They were also satisfied with having a **contact person** at La Strada whom they could ask to clarify issues related to the procedure, or who assisted them in dealing with daily and administrative issues, such as the application for a new passport after the old one had been taken by the employer. Finally, they were grateful to the organisation for the assistance in regularising their stay status in Poland, at least for the duration of criminal proceedings against the employer (two IDIs).

Nevertheless, participants of the programme mentioned two problems:

- **low financial support.** One participant was dissatisfied with the amount of money for subsistence provided to him within the programme when he was still awaiting the decision on the stay permit; he mentioned 50 zlotys, that is ca. 12 EUR, per week.

- **insufficient information.** One interviewee was lacking the information about his current stay status in Poland and the prospects for him to regularise his stay under the programme (at the time of the interview, he was still awaiting the decision). After he had entered the programme, he crossed the border several times, and at the time of the interview, he had both a tourist visa and the stamp in the passport that entitled him to stay in Polish territory until the decision regarding his temporary stay permit for potential victims of human trafficking is issued. He was not sure about the relationship between the visa and the procedure for victims of human trafficking and he was afraid of problems related to the regularisation of his stay in Poland (Poland, male interviewee from Belarus, restaurant and food services). Moreover, none of programme participants were aware of the exact stage of the proceedings against their employer. The lack of knowledge was particularly painful for the Filipinas: they knew their stay permit would be valid only as long as the proceedings against their former employer were continued. Thus, in their case, the lack of information on the current status of proceedings directly translated to the feeling of uncertainty related to the residence in Poland.

Finding a job was exactly what some other **interviewees claimed to be missing**: two directly pointed to the **assistance in finding a new job** when reflecting on things that might have helped them at the stage of asking for help. The next interviewee who had the experience of contacting an organisation, pointed to the lack of a job when referring to the level of satisfaction with her situation at the time of conducting the interview. Five interviewees mentioned that they **still did not exactly know their rights**, despite using the organisations' assistance. The insufficient information was also a problem for those who entered the *programme for support and protection of victims/witnesses of human trafficking* (see the box above). **None of the interviewees involved in criminal proceedings** against their employer (participants of four IDIs) **were aware of the exact stage of the proceedings**.

About **a half of the interviewees who had contacted an organisation** for assistance, felt quite **well informed about workers' rights**. The interviewee who turned to the Trade Union of Ukrainian Workers mentioned an information brochure that he had received from them. The

Filipinas exploited in agriculture took part in a special meeting organised by the Embassy of the Philippines (see the box below).

Promising practice

Meeting on workers' rights organised by the Embassy of the Philippines

The meeting was mentioned by the Filipinas exploited in agriculture. From what they were saying, the meeting was for those already in touch with the embassy, but the interviewees did not know if it was part of the embassy's broader policy aimed at preventing labour exploitation. During the meeting, the Filipinas were comprehensively informed about workers' rights. As a result of the increased awareness of the issue, one of them has become active in providing assistance and information, including through Facebook, to Filipino workers who are currently coming to Poland, many by using the services of fraudulent recruitment agencies.

Additionally, after leaving their exploitative employer, two seasonal workers who did not seek assistance in addressing the problem of exploitative work, learned about a training on workers' rights organised by an NGO, the Migrant Info Point in Poznan, for migrants. After taking part in the training, at the time of the interview, both considered reporting the exploitation to someone (see Subchapter 6.1.1.). However, they were still struggling with regularising their stay status in Poland; both wanted to obtain the work and stay permit entitling them to work in Poland for longer and it seemed that the new employer had not arranged related documents on time. This – and not asserting their rights related to previous exploitation – was a priority for them at this stage.

Only **one interviewee**, a construction worker from Ukraine, **went to the police** to report the exploitation. This was after he had contacted the Trade Union of Ukrainian Workers for help in connection to the lack of wage payment that resulted in his starving for two weeks. The trade union brought his case to the attention of the Border Guard and the Border Guard recommended that he contacts the police first. However, the police refused to take the interviewee's report because he lacked a formal registration at the address where he lived, in an accommodation provided by the employer; the police officer communicated this to the interviewee in a rude way:

'The district police officer came and I asked why he can't do anything to this Mafioso who fools people. And he said, why do you call him Mafioso, don't say that. Next, he asked if I am registered as a person residing in his house. I said I wasn't, because although he [the employer] promised to do this, he did not register me. So, he said, what do you want then?'

'Приїхав той їх участковий і я кажу, що ж ви нічого не можете зробити, що він так людей обманює, що ви нічого не можете зробити з тим мафіозі? А він мені каже, чого ти так кажеш, що він мафіозі. А ти, каже, прописаний? Я кажу, ні, бо він обіцявав, але нічого не зробив. То чого ти тоді хочеш?' (Poland, male interviewee from Ukraine, construction, regular migrant at the time of exploitation)

As the interviewee continued, the officer said he would speak with the employer, but the worker did not believe his assurances. In the respondent's view, the officer was well aware of the situation of Ukrainian workers at the construction site and simply wanted to get rid of the claimant. Afterwards, the Border Guard reported the case to the prosecutor's office and started an investigation. The Border Guard called the interviewee for a hearing.

Other respondents who took part in criminal proceedings against their employer testified in front of the Border Guard, as well, and in sum, **four IDIs covered interviewees' experience with the Border Guard**. Respondents followed various paths of getting in touch with the

agency. In two cases, there was a police and/or Border Guard raid on the workplace. One interviewee, however, after receiving some payments a few days before the raid had left that employer, a middleman who outsourced the interviewee's services to various restaurants. He had already moved out of the house where the law enforcement raid occurred. A few months later, when in his home country, he received a letter requesting him to appear before the Border Guard. He already knew who to contact for assistance, because a few weeks before, his girlfriend who had shared the exploitative situation with him, testified in the presence of a La Strada representative. He contacted La Strada for some additional information and the organisation arranged for a hearing in the most convenient location for him, which was a border town. During the hearing, the interviewee was offered to enter the *programme for support and protection of victims/witnesses of human trafficking* and took the offer (Poland, male interviewee from Belarus, restaurant and food services, regular migrant at the time of exploitation (work permit on basis of employer's statement)).

The other interviewee was detained as a result of the Border Guard raid on his workplace, a kebab restaurant. During the raid, the interviewee was still threatened: the employer told him to lie about his identity, otherwise, as the employer continued, he would use his connections to get the interviewee deported. It was only in detention that the respondent revealed his experience to a social worker. As a result of his report, the investigation started and the interviewee was formally heard by the Border Guard. He was released from detention, referred to La Strada, and offered to enter the *programme for support and protection of victims/witnesses of human trafficking*. He took the offer.

Out of the two Filipinas exploited in agriculture who took part in one IDI, one decided to testify against the employer after she had escaped the workplace (after one month of work), arrived in Warsaw and had been referred by the embassy to La Strada. She was heard by the Border Guard and joined the *programme for support and protection of victims/witnesses of human trafficking*. The other interviewee stayed at the employer for a year and a half – she chose the exploitative work, with its low but regular wages, over financial uncertainty, because she was determined to save money to pay off the debt incurred with members of her community back home. She faced the Border Guard raid on the farm, and she believed the raid resulted from her friend's testimony given in Warsaw already. However, during the raid it was not possible for her to speak to an officer – she was at work and the situation was very uncomfortable for her. Nevertheless, at that time, due to the guidance from her friend who had escaped the workplace, she was already in touch with La Strada. The organisation arranged a hearing before Border Guard officers in a nearby city, with the presence of the Filipino consul. She went there secretly on one of her days off and was interviewed in conditions that ensured privacy. After leaving the employer, she contacted La Strada again and entered the *programme for support and protection of victims/witnesses of human trafficking*.

The **experience of all** of the above-mentioned **interviewees with the Border Guard was overall positive**. One interviewee, the construction worker who had come into contact with the Border Guard due to the trade union's involvement, strongly emphasised the officers' help-oriented attitude: they picked him up from the workplace and drove him to the Border Guard office, which helped him a lot since he did not have money to get to the hearing. Afterwards, they allowed him to stay for the night at the office, since it got late (around 9 pm) by the time he was done making the statement and the next day he was supposed to undertake the new job that the trade union secured for him in another town. All interviewees concerned said they had been treated well by the Border Guard and the hearings had been conducted in a language that they understood. Nevertheless, three respondents expressed some **reservations** at this point. The interviewee detained during the raid on his workplace noticed that the officers' attitude towards him became friendly only after he had told his story to the social worker at the detention centre (Poland, male interviewee from Morocco, restaurant and food services, migrant in an irregular situation at the time of exploitation). The interviewee who came to the hearing from his home country did not receive any document confirming his entrance to the *programme for support and protection of victims/witnesses of human*

trafficking. This was a problem for him, because afterwards, for some time, he was not entirely sure about his status (Poland, male interviewee from Belarus, restaurant and food services). The Filipina who came for the hearing on one of her free days from exploitative work, when providing a detailed account of the situation, felt that the officer did not believe her story: he expressed his disbelief by asking questions such as 'Is it really happening?'

Additionally, what overshadowed the interviewees' experiences with the Border Guard was that they did not see that their statements against the employer resulted in any change in the situation of other migrant workers who continued to be exploited. All employers whose exploitative practices had come to the attention of the Border Guard kept running their businesses. The Filipinas expressed extreme disappointment with this and suggested that their involvement in the proceedings was in vain:

'This company is still operating. [...] It's a very big company. After the intervention of the Embassy of the Philippines they just stopped taking Filipino workers. But they are continuously hiring. Every time a worker escaped, they hired someone new. They've also changed the agency. But the situation of workers is still the same.' (Poland, female interviewee from the Philippines, agriculture, regular migrant at the time of exploitation)

The interviewee whose kitchen-help services were outsourced by the exploitative employer to restaurants, added that the fact that the employer had not been arrested and continued exploiting migrant workers made him feel very uncomfortable: he was afraid of meeting him by accident. He feared retaliation because, first, the employer had threatened him before, and second, the employer might suspect that it was the interviewee who had reported the exploitation to law enforcement as the raid took place shortly after the interviewee had left the employer. To mitigate the risk of revenge, the interviewee and his girlfriend (who shared the experience of exploitation with him) avoided going to the neighbourhood where the workers' house was located:

'He [the employer] is not in jail, he's free. I'm afraid of meeting him in Warsaw. We [the interviewee and his girlfriend] don't even go near X [employees' house], just to be safe. And we'd like to take a stroll there, it's a magnificent neighbourhood.'

'On [pracodawca] nie siedzi w areszcie, jest wolny. Boję się go spotkać w Warszawie. Nawet nie jeździmy [rozmówca i jego dziewczyna] w rejon X [domu pracowników] na wszelki wypadek. A chcielibyśmy tam pospacerować, bo to jest piękna okolica.' (Poland, male interviewee from Belarus, restaurant and food services, regular migrant at the time of exploitation (work permit on basis of employer's statement)).

Interviewees revealed a significant deal of **ambiguity when referring to the satisfaction with their current situation**. Participants of only six IDIs were involved in civil (two IDIs) or criminal (four IDIs) proceedings against their employers. These proceedings were still underway at the time of conducting the interviews, thus the interviewees could not refer to the satisfaction with their final result or the court's final verdict. As mentioned above, those who took part in an investigation in connection with trafficking in human beings (three IDIs) were dissatisfied that the investigations had yet to bring any results and their employers kept running their business. In assessing their personal situations, interviewees involved in proceedings focused on issues other than those strictly related to the justice system. All expressed satisfaction with the fact that they did not work for the exploitative employer anymore. At the same time, however, the majority were concerned about their stay status in Poland. One interviewee referred to his current status at this point – he had fallen into irregularity after leaving the exploitative employer (male interviewee from Ukraine, construction) – and participants of three IDIs revealed uncertainty as to their future fate: one was still awaiting the decision on a student visa (female interviewee from Ukraine, manufacture), one was awaiting the decision on the temporary stay permit in connection with the investigation into the trafficking in human beings (male interviewee from Belarus,

restaurant and food services), and the Filipinas were not certain for how long their stay status would be regulated due to their participation in the *programme for support and protection of victims/witnesses of human trafficking*. The interviewee whose stay status became irregular additionally pointed to his difficult financial situation (male interviewee from Ukraine, construction).

A similar pattern could be observed among the rest of interviewees. Independently of whether they contacted anyone for assistance at some point or not, almost half of them gave ambiguous answers when asked to assess their current situation. They were satisfied with not working for the exploitative employer anymore, but at the same time, they expressed various concerns: about the problem with finding a new job and the related lack of health insurance which makes it difficult to address current health problems (female interviewee from Russia (Chechnya), cleaning services), about a deteriorating health condition which might become a barrier to continue physical work at some point (male interviewee from Ukraine, transport services), or about the lack of prospects for finding a fully satisfying job in the kebab restaurant sector (male interviewee from Pakistan, restaurant and food services). When explaining their ambiguity in assessment, two interviewees mentioned the unrelenting feeling of having been abused by their employers. Those quite unambiguously dissatisfied with their current situation pointed to the fact that the problem with payments had not been solved yet (two IDIs), significant problems with finding a new job (one IDI), and problems with acquiring documents entitling interviewees to work in Poland after their 180-day visa for seasonal workers expires (two IDIs). By contrast, those quite unambiguously content with their current situation pointed to the satisfaction with a new job and the regularisation of their stay status, either actually achieved or expected, and the financial stability combined with lack of concerns about stay status in the case of the interviewee with a permanent residence permit (female interviewee from Ukraine, scientific research).

7. Ways forward and prevention

Comments on ways forward and prevention	Number of interviews	Number of focus group participants
Accepting a job despite conditions of labour exploitation	1/20	N/A
Comments on changes in the current situation concerning the protection of migrant workers	14/20	7/12
Ideas for prevention	10/20	2/12

Almost no IDI participant was willing again to undertake the exploitative work that was the main focus of the interview. Drawing on their negative experience, interviewees listed various conditions for accepting a new job offer. By referring to their needs, either those already addressed or not yet met, they also suggested factors or circumstances that would make them feel safe, respected and protected at the time of the interview and in the future. The majority of them put forward some ideas for what should change in the current protection of migrant workers to improve the situation and/or for measures to prevent labour exploitation and help workers to come forward. However, interviewees' comments on these issues differed in elaboration. It seems their scope largely depended on respondents' personal abilities to take a bird's-eye-view of their situation. Similarly, the exchange of opinions on responding to exploited people's needs and prevention measures constituted the most difficult part of focus group discussions. FGI participants found these issues quite abstract and had some problems with providing elaborate answers to moderators' questions. Still, they presented some ideas, and these are included in the analysis below.

7.1. Addressing the needs

Participants of 17 IDIs responded negatively to the question of whether they would still accept the job which was the main focus of the interview. Some were very explicit at this point: *'After what I went through – no. Absolutely not.'* [*'Po takich przeżyciach – nie. Zdecydowanie nie'* (Poland, female interviewee from Ukraine, elderly care, regular migrant at the time of exploitation (work permit on basis of employer's statement)); *'I wouldn't accept it again, ever. The same work? The previous one? No. Absolutely not. And I don't wish any other person to work in such conditions'*

[*لا اقبل نفس العمل. نفس العمل؟ قديم؟ لا! لا اقبل ابدا. بتاتا. ولا اريد اي الشخص يشتغل مثل هذا الشغل*] (Poland, male interviewee from Morocco, restaurant and food services, migrant in an irregular situation at the time of exploitation). Only one interviewee, a manicurist, said she would still work in conditions described in the interview. Actually, she was still employed by the exploitative employer at the time of the interview. At least part of her previous problems, such as the lack of contract, had been successfully dealt with thanks to the intervention by her Polish friend. She hoped that her current problem, i.e. the lack of payment for sick leave, would be resolved in a similar way.

The remaining two respondents who answered 'yes' to the question about accepting the exploitative job referred not to the work in exploitative conditions (both had left their employers exactly because they did not want to work in such conditions anymore), but to the decision-making stage of taking a job. One of them, the massage therapist exploited in a luxury hotel spa, explained that she would likely accept a similar offer, because every offer in the hospitality sector involves some risk. The risk stems mostly from the fact that work is performed 'behind the scenes' inside institutions that easily present their 'ideal' external image. As she continued,

it is only after arrival that one can really learn the actual conditions: *'in every situation, in every company, until you get in, you will not know'* (Poland, female interviewee from Asia, massage therapist/reflexologist, regular migrant at the time of exploitation). The other interviewee, a babysitter, presented a very similar view: *'If the family is good, then you don't have problems. But you can't know in advance what it is really like inside [the house]'* (Poland, female interviewee from the Philippines, domestic worker). A few other respondents spoke in the same vein about the discrepancy between the job offer and actual employment and working conditions that is impossible to verify in advance (see also below).

It needs to be stressed at this point that in their answer to the question on whether they would still accept the exploitative work, interviewees referred to exactly the same job which was the main focus of the interview, that is, the job where they had had serious problems with payments (see Section 5.1.). The kebab restaurant worker was explicit in saying that he would not accept the job because paid little. Still, for lack of choice he kept accepting job offers which were similarly exploitative but paid more. Other interviewees did not reflect on whether they would accept the exploitative job provided they would be regularly paid in accordance with initial agreements. Still, by pointing to the short-term migration strategy in other parts of the interview, some of them, especially seasonal workers, strongly suggested they would (see Section 4.1.1.).

About two thirds of interviewees commented on **what would make them feel safe and protected enough to accept a job**. They usually referred to things they lacked when accepting the job, which later turned out exploitative. Thus, all who commented on the issue and had performed unregistered work pointed to the necessity of having a **contract** signed: *'I first need to see a contract, to make it all official to avoid a situation like that'* [*'Надо сразу обговаривать договор, условия, чтобы все было официально и не получилась опять же такая ситуация'*] (Poland, female interviewee from Ukraine, agriculture, regular migrant at the time of exploitation (work permit on basis of employer's statement)). Some specified that the contract should entail exact information on employee rights and obligations, wages and health insurance (four interviewees), the conditions for withholding payment (one interviewee), the information on where to turn in case of contractual violations (one interviewee), and that it should be signed on the first day of work (four interviewees). One interviewee elaborated on what contracts should contain:

'Contracts, in Polish and Russian, whatever you choose. [...] So that the contract was official, that I can see the stamp, signature of the manager, my signature. I can't sign a contract until I read it all.'

'Umowy i w języku polskim, i w języku rosyjskim – które chcesz, to wybierasz. [...] Żeby umowa była oficjalna, żebym widział, że tu jest pieczętka, tu podpis kierownika firmy, tu musi być mój podpis. Zanim nie przeczytam umowy, nie mogę jej podpisać.' (Poland, male interviewee from Belarus, restaurant and food services, regular migrant at the time of exploitation (work permit on basis of employer's statement)).

The quoted interviewee was a proficient Polish speaker and his suggestion that the contract be presented to him in both Polish and Russian was not to address his lack of fluency in Polish, but strictly to make him feel safe in the new employment relationship. As he explained, by offering the contract in Russian, the employer would become much more credible to him. One seasonal worker additionally pointed to the need of **working for the company that issued the statement** on the intent to employ her (based on which she would obtain the seasonal worker's visa) (female interviewee from Ukraine, agriculture).

The Ukrainian couple who signed their contract in Polish without understanding it also noted the above-mentioned importance of having the **contract in an understandable language**. It was also brought up by the Uber driver who, drawing on his experience, added to that the need to be sure about the **contract's legal nature**. Since he was aware of his own shortage

of knowledge in that regard, he speculated that in case of being presented with a contract that he does not understand, he would seek professional advice. The kebab restaurant worker pointed to the need of having a contract, most preferably an *employment contract*, that would fully correspond to his actual employment conditions, particularly those related to working hours and wages. Since he did not believe that such a contract would be offered to him in the kebab restaurant business, he seemed to suggest that he was **condemned to a persistent lack of security** when it came to accepting job offers.

Other respondents who had been exploited when working under contract, at least at some point, presented a similar attitude. They made up the majority of the one-third of IDI participants who had difficulties commenting on things that would make them feel safe and protected enough to accept a job. A construction worker whose wages had been garnished in large part by his employer on fraudulent grounds was explicit in pointing to his helplessness and the conviction that having the contract signed would not protect him from abuse: *'Well, what can you do? Even if you work officially and they don't want to pay you money... What can I do, what could I possibly do?'* [*'Ну, а что же сделаешь? Даже если ты работаешь официально, а тебе не хотят выплачивать деньги... Что я могу сделать, что в моих силах?'*] (Poland, male interviewee from Ukraine, construction, regular migrant at the time of exploitation (work permit on basis of employer's statement)). Similarly, both respondents referred to above who answered 'yes' to the question about accepting the exploitative job expressed the belief that some risk is always involved in taking a job offer, at least in their sectors of economy – hospitality and domestic work. Nevertheless, the interviewee who had worked in education and presented a very similar view on the risk inextricably linked to any job offered overseas was certain about one thing: she would never accept a job demanding to report to [a national from the same country] as she believed nationals from her home country abroad treat their compatriots very badly; her Polish experience only confirmed the belief. The Filipinas exploited in agriculture said that in order to mitigate the risk they would advise other workers willing to take a job offer overseas to get better informed, for example through internet fora, about the situation at their future employer, in particular, on the number of working hours and the accommodation conditions.

IDI participants were not asked the question on what they would **need, want or wish to feel safe, respected and protected** after they had left the situation of exploitation and in the future, but interviews allow for some conclusions on the issue. Nearly all interviewees deemed it very important **to be able to stay and make a living in Poland**. Hence, those satisfied with their current situation pointed exactly to this factor when commenting on their satisfaction. Meanwhile, the majority of those dissatisfied or ambiguous in their assessment explained that the main problems for them were those related to regularising their stay status and/or finding a registered job (see Subchapter 6.3.). The interviewee who was still awaiting the decision on a temporary stay permit for potential victims of trafficking in human beings expanded on his ambiguity in the following way:

'My level of satisfaction [with my situation] is 50%, I'd be 100% satisfied when I got my residence card. This is my main goal. I wanted to have the card as an employee, but I couldn't do it. So, it happens that I must obtain it as a victim of human trafficking. I'll be satisfied when I get it. I can't be satisfied just yet because I'm not 100% sure that I'll get my card.'

'Na 50% jestem zadowolony [ze swojej sytuacji], a drugie 50% zadowolenia będzie wtedy, kiedy otrzymam kartę pobytu. Bo to jest mój główny cel. Chciałem otrzymać kartę pobytu jako pracownik, ale na podstawie tej pracy nie udało mi się tego zrobić. Więc tak wyszło, że muszę to otrzymać jako ofiara handlu ludźmi. Będę zadowolony, kiedy otrzymam tę kartę pobytu. Teraz nie mogę być zadowolony, bo jeszcze nie mam 100% pewności, że ją otrzymam.'

 (Poland, male interviewee from Belarus, restaurant and food services, regular migrant at the time of exploitation (work permit on basis of employer's statement))

Three interviewees, all involved in civil or criminal proceedings against their employer, explicitly mentioned their hope for **receiving back pay and compensation**: *'I want him to pay my money to me and moral compensation for two weeks when I was starving there' ['хай мені виплатити гроші і моральний ущерб, що я у нього сидів голодний дві неділі']* (Poland, male interviewee from Ukraine, construction, regular migrant at the time of exploitation). One of them added that in his view, all exploited workers at the construction site where he had worked should receive the same. All interviewees involved in civil or criminal proceedings against their employer (six IDIs) also pointed to the importance of **seeing that their employers are held accountable and that justice is done**. Hence the disappointment of all interviewees admitted to the *programme for support and protection of victims/witnesses of human trafficking* that their employers were still doing well at the time of the interview (see Subchapter 6.3.). One of them explicitly stated that he counted much more on the employer's punishment than on the overdue payment:

'I don't think I'll be able to get the rest of my earnings back. But I'd want to see X [the employer] getting what he deserves. So that no other family gets involved in a situation with somebody like him.'

'Ja nie myślę, że mi się uda, żeby odzyskać resztę zarobionych pieniędzy. Ale ja chciałbym, żeby ten pan X [pracodawca] otrzymał to, na co zasłużył. Żeby żadna inna rodzina nie trafiła w taką sytuację z podobnym panem.' (Poland, male interviewee from Belarus, restaurant and food services, regular migrant at the time of exploitation (work permit on basis of employer's statement))

Apart from that, one respondent, the massage therapist who had already left the exploitative work and was about to go home at the time of the interview, expressed her expectation that the exploitation of other migrant workers in the hotel where she had worked would end. She hoped that she would contribute to that by giving the interview for the purpose of this research. The kebab restaurants' worker shifted the issue to another level and suggested that the only thing making him feel respected would be a radical change in employment relationships in the kebab restaurant economic subsector. He suggested some measures to be taken, in particular, close inspections, but he did not seem to believe that his needs would be fulfilled in the foreseeable future.

The issue of migrants' needs after exploitation ends was included into the focus group scenario. When spontaneously commenting on the issue, three construction workers suggested **help in finding a new job**: *'the main thing this person needs is to find a decent job so as not to be again in a tough situation' ['ему главная помощь – это найти нормальную работу, чтобы он больше в такой ситуации не оказался']* (focus group 2). Domestic workers put forward a broader set of issues. They listed **legal assistance**, in particular in **receiving back pay** (two participants), **covering travel costs** of those who wish to return home (one participant), and **psychological support** aimed at rebuilding workers' trust in employers (two participants in focus group 1). FGI participants were also presented with a closed list of factors and asked to choose the most important ones for an exploited person in their view. The list embraced: to be safe and protected against further victimisation; for their family to be safe; to be able to stay and make a living in European Union; to see that offenders are held accountable and that justice is done; to be respected and to see that their rights are taken seriously; to be in a position to economically support other family members; to receive back pay and compensation from employers; to be able to return home safely.

The majority of construction workers pointed to the possibility to stay and work in the EU (four participants). Half indicated receiving back pay and compensation and the possibility to support their family (three participants), two chose punishing the employer and two selected the need for safety. The safety issue triggered discussion, because some participants of the group suggested that these are not migrants but exploitative employers who should not feel

safe: they should be afraid of angry Ukrainians ready to assert their rights by any means, including physical violence. Domestic workers had difficulties in choosing items from the list. They found all factors important. In comments prompted by the moderator, they emphasised the need for their family to be safe (four participants; one of them also referred to her own safety). One participant refused to comment on the issue in general terms and said that in case of problems she would expect help from her friends.

7.2. Expected changes and prevention measures

When answering questionnaire questions about prevention and factors helping people to come forward, both IDI and FGI participants referred to two sets of issues. On the one hand, they commented on necessary changes in the current situation concerning the protection of migrant workers, and on the other hand, they suggested specific measures that could be taken.

When it comes to expected changes, due to lack of expertise in that regard, interviewees were not able to point to specific legal solutions that would improve the situation of migrant workers; they did not know if they were already in place and they were unable to name specific institutions to be responsible for the changes. Still, they were certain about the necessity to ensure conclusion of contracts with workers in a language that they understood, to conduct closer inspections at workplaces and control employers, and to monitor the issue and flow of statements on the intent to employ foreigners. Some also suggested better control of migrants to ensure they undertake registered work and are not exploited.

Participants of six IDIs raised the issue of **concluding contracts**. Some specified that contracts should be in a language that the workers understand – ‘*employers should be forced to translate contracts*’ [*pracodawcy powinni zostać zmuszeni do przetłumaczenia umów*] (Poland, female interviewee from Ukraine, manufacture (meat processing), regular migrant at the time of exploitation (work permit on basis of employer’s statement)) – or that they should correspond to actual terms and conditions of work. The respondents put forward some suggestions for how to ensure for the contracts’ conclusion. Three spoke of the **tighter control over employers** and thorough inspections; two of them directly pointed to **fines** in this context: ‘*You have to control it [the conclusion of contracts], plant by plant. Show up and close the facility, check it. And immediately: fines, fines, fines*’ [*Trzeba to kontrolować, zakład po zakładzie. No, i przyjechać, zamknąć zakład, skontrolować. I od razu: kara, kara, kara*] (Poland, female interviewee from Ukraine, manufacture (meat processing), regular migrant at the time of exploitation (work permit on basis of employer’s statement)); ‘*if an employer got a sanction or two, then he would give you a real contract*’ [*gdyby była raz czy drugi kara, to on [pracodawca] od razu dawałby prawdziwą umowę*] (Poland, male interviewee from Pakistan, restaurant and food services, regular migrant at the time of exploitation). One interviewee suggested that **only employment agencies should be allowed to employ foreigners** and make all the arrangements. Drawing on her experience of exploitative work without contract in agriculture and subsequent decent work in manufacturing arranged by an agency, she expressed the conviction that agencies – in contrast to regular employers – are formally obliged to keep high standards:

‘Other companies shouldn’t have the right to employ us [foreign workers]. [...] Agencies protect the workers’ rights, at least on some level. They have to sign a contract, at least a *contract for services*, they just don’t have a choice. And people like that [the interviewee’s first employer], they employ someone and then it turns out they don’t pay.’

‘Остальные чтобы просто не могли нас взять на работу. В данный период времени [...] агенство хотя бы немножко защищает твои права. Они хотя бы что-то с тобой заключают, хотя бы zlecenie, у них выбора нет. А вот такие люди, вроде берут на работу, а потом оказывается, что денег не дают.’ (Poland, female interviewee from

Ukraine, agriculture, regular migrant at the time of exploitation (work permit on basis of employer's statement)).

However, another interviewee's experience was quite different. He was exploited by a middleman whose company operated similarly to an agency; the middleman outsourced workers' services to restaurants. Thus, the interviewee did not believe that limiting the right to employ foreigners to employment agencies would suffice – he also suggested that the **agencies should be state-run**: *'It would be better that all employment agencies weren't businesses but the employment office. So that it'd be official, state-controlled'* [*Lepiej byłoby, gdyby wszystkie agencje pracy funkcjonowały nie jako firmy tylko jako urząd pracy. Żeby to było oficjalne, państwowe*] (Poland, male interviewee from Belarus, restaurant and food services, regular migrant at the time of exploitation (work permit on basis of employer's statement)).

Five IDI participants put forward the recommendation for **more thorough labour inspections**. Some suggested more extensive control that would embrace specific subsectors of economy, not inspected – or insufficiently inspected – before: meat processing companies, kebab restaurants, and hotels providing spa services. The respondent exploited as a massage therapist in a luxury hotel suggested that employment and working conditions at a hotel should be checked before the hotel is given the permission to employ foreigners. Two interviewees strongly emphasised that the inspections should be qualitatively different from what they are now: inspectors should not limit themselves to checking documents, but they should also check working conditions (female interviewee from Ukraine, scientific research) and speak with the workers: *'you have to [...] get the people together and let them talk without the boss around'* [*trzeba [...] zebrać ludzi i niech oni mówią, nie przy szefie*] (Poland, female interviewee from Ukraine, manufacture (meat processing), regular migrant at the time of exploitation (work permit on basis of employer's statement)). Three participants of the FGI with construction workers suggested the same.

Furthermore, participants of two IDIs suggested the **tighter control of the transnational flow of documents** that allow migrants to come to Poland and the closer control over agencies running transnational businesses. They did not seem to have an idea for how exactly this should be done, thus they suggested the closer control of migrants: *'Ukrainians come, the control should begin at the border, [to check] where they are going, whether they arrived there, and whether things are as they expected'* [*Ukrainiec przyjeżdża, kontrola powinna być już od granicy, dokąd on jedzie, czy on dotarł, i czy tam jest tak jak chciał*] (Poland, female interviewee from Ukraine, manufacture (meat processing), regular migrant at the time of exploitation (work permit on basis of employer's statement)). Another interviewee expanded on the issue by presenting a vision of an **office regularly checking on the workers** to let them come forward with any employment-related problem:

'They call you once a week, asking "everything is OK?" "Is the job legal?" "Are you doing OK?" Simply speaking somebody should show interest in workers coming to Poland. [...] "Have you signed your contract?" "Can you read key provisions for me?" "Do you have anything else to say to us?" I'd like it a lot.'

'[Urząd] po prostu kontaktuje się raz w tygodniu: czy wszystko w porządku, czy ta praca jest legalna, czy jesteście w normalnym stanie? Po prostu, żeby było jakieś zainteresowanie pracownikami, którzy przyjeżdżają do Polski. [...] Czy pan podpisał umowę? Czy może pan krótko odczytać szczegóły tej umowy? Czy coś jeszcze innego chciałby pan nam powiedzieć? Żeby tak to było.'

 (Poland, male interviewee from Belarus, restaurant and food services, regular migrant at the time of exploitation (work permit on basis of employer's statement))

As the interviewee explained, such monitoring would be highly valued by the newcomers who focus on work and earnings and do not have a chance to build a social network outside of the

workplace. Another respondent added that the state agency should also be responsible for providing information on workers' rights to migrants, and a few others noticed that the **infrastructure for providing assistance** to exploited migrants **should be better developed**; there should be more organisations offering cost-free legal aid, and state-run offices should be set up in all Polish towns and cities. They should offer help to all migrants independently of whether their stay status in Poland is regularised.

Other suggestions for change put forward by individual respondents were: the obligatory recordkeeping of hours worked, which would equip migrants with evidence should they decide to bring exploitation to the attention of any institution (female interviewee from Europe (non EU) scientific research), and the simplification of procedures for hiring a foreign worker, which would encourage employers to offer registered jobs to foreigners: *'Simplifying these procedures would make it easier for everybody. Everyone would get a contract. The thing is, employers do not want to go about getting all these papers'* [*Jakby były uproszczone te procedury, to by było wszystkim łatwiej. I umowę by każdy dostał. Bo po prostu pracodawca nie chce chodzić za tymi wszystkimi dokumentami*] (Poland, female interviewee from Ukraine, cosmetic services, regular migrant at the time of exploitation).

Basically, **FGI participants** focused on the same issues as those brought up by IDI respondents. Both domestic and construction workers emphasised the necessity for all kinds of work to be performed under **contract**, preferably written in a language that the worker understands, and suggested the employer should be responsible for signing the contract. As construction workers explained, an effectively enforced obligation to sign contracts would translate not only to better protection of individual workers, but also to the improvement of employment conditions within the whole construction sector, since employers would calculate higher costs at the stage of responding to tenders and the wages in the sector would increase. They proposed two measures for the increase in registered employment relationships: **tighter controls over statements** on the intent to employ seasonal workers and **inspections**. As for the latter, they strongly emphasised that the practice of conducting inspections should change and any official intervention in the situation of exploitation should focus more on helping workers and letting them find another job than on making them obliged to leave the country if they work without contract (such a change in the authorities' attitude was also suggested by domestic workers). From what construction workers said in other parts of the discussion, it is clear the inspections should not be announced beforehand, because they are simply ineffective (focus group 2).

Finally, both construction and domestic workers suggested a **change in the institutional infrastructure for dealing with migrant workers' exploitation**. One construction worker mentioned the need to set up a construction workers trade union and participants of both FGIs suggested greater centralisation. Domestic workers put forward the idea for establishing one widely known institution to provide legal advice and assistance: *'There should be a specific organisation. It can have branches in several places, it can be situated in one place. It should be reachable by phone. I call them and tell them what my problem is'* [*Має бути конкретна організація. Вона може бути в кількох місцях, вона може бути в одному місці, щоб можна було по телефону зв'язатися. Я дзвоню і говорю про свою проблему*] (participant in focus group 1). Construction workers pointed to the need to establish a coordination centre helping people to find new jobs. One of them specified that this should not be a recruitment agency, it should play only a coordinating role. Such a centre would collect information about verified employers ready to hire foreigners and make this information available to them (focus group 2).

As it comes to **prevention** and measures for **helping people come forward**, five IDI participants pointed to the need to make migrant workers aware of their rights. It should be emphasised, however, that the interviewees saw it as the first but not sufficient step in preventing exploitation. One interviewee who was quite well aware of workers rights before coming to Poland stipulated:

'There is plenty of information online about what work is legal or illegal and anybody interested in this subject can look it up. But even if you know all these things, you won't know upon your arrival if it was legal or not. You won't know if things go down the way they did in my case. You have this information, but so what? It won't do any good when promises aren't kept.'

'Informacji o tym, co jest pracą legalną i nielegalną, jest w internecie dużo i każdy może to znaleźć, jeśli będzie się tym interesował. Ale nawet jak będziesz znać to, to nie będziesz wiedzieć, czy kiedy przyjedziesz, to będzie legalne, czy nie będzie. Czy będzie tak, jak u mnie było. Co z tego, że masz informacje, gdy było powiedziane tak, a stało się w inny sposób?' (Poland, male interviewee from Belarus, restaurant and food services, regular migrant at the time of exploitation (work permit on basis of employer's statement))

Thus, some interviewees added that migrants should be provided with the **information not only on rights but also on where to turn** in case their rights are violated (three interviewees). The contact details should be made easily **available online**, and **included in contracts**. Ukrainian respondents suggested that **leaflets** containing all relevant information should be distributed among people crossing the Ukrainian-Polish border, including on buses that bring workers to Poland. Two interviewees mentioned **trainings** on workers' rights provided by their respective embassies, state agencies specialising in migrant issues, or NGOs, particularly migrant membership organisations. The organisations should actively reach out to those vulnerable to exploitation. One interviewee admitted to the *programme for support and protection of victims/witnesses of human trafficking* who had a positive experience with the Border Guard and good chances for regularising his stay status in Poland emphasised that the information provided to migrants should help assure them that there is nothing to be afraid of in contacting state institutions when the employer exploits them and does not want to offer a contract (Poland, male interviewee from Belarus, restaurant and food services, regular migrant at the time of exploitation (work permit on basis of employer's statement)).

One interviewee strongly emphasised that the information on where to turn in case of problems should be disseminated as broadly as possible, not only through leaflets but also in the form **billboards** on the streets:

'On every corner, it should say "Assistance for foreigners. Assistance for Ukrainians." With contracts, with frauds, with all this. So that people can call at any time, and ask. Written in understandable language.'

'Żeby na każdym rogu było napisane „Pomoc cudzoziemcom. Pomoc Ukraińcom.” Z umowami, z oszustami, z tym wszystkim. Żeby człowiek w każdej chwili mógł zadzwonić, zwrócić się. Napisane w zrozumiałym języku.' (Poland, female interviewee from Ukraine, manufacture (meat processing), regular migrant at the time of exploitation (work permit on basis of employer's statement)).

Another interviewee suggested setting up a **hotline** for foreigners open to anyone to call at any time day and night: '*It would be nice if everyone could reach a hotline. If you could call and you are told what rights you have. [...] The problem I see is that you cannot find immediate help*' ['Хорошо, если бы в интернете, в широком доступе, был номер горячей линии. Чтобы можно было позвонить и тебе скажут, что вы имеете право на то-то [...] Нету сиюминутной помощи в плане консультирования'] (Poland, female interviewee from Ukraine, agriculture, regular migrant at the time of exploitation (work permit on basis of employer's statement)). As she explained, the problem with legal assistance from NGOs is that a person must wait for the lawyer's or consultant's office hours. In some cases, waiting can make the problem unsolvable, for instance, when the person has a limited number of days to write the appeal to an administrative decision.

Additionally, participants of two IDIs suggested that exploited people should inform other migrants about their situation to make them aware of mechanisms of falling and staying in an exploitative employment relationship: *'people must talk to each other and tell others about what happened to them'* [*надо рассказывать людям, что знаешь*] (Poland, female interviewee from Russia (Chechnya), cleaning services). The Ukrainian couple suggested more YouTube channels addressing the issue and more comments from migrants on internet forums.

Participants of FGIs did not have much to add to the above-mentioned prevention measures. Domestic workers strongly emphasised, though, that awareness of workers' rights alone would not solve the problem of exploitation (focus group 1). Construction workers, in turn, confirmed IDI respondents' suggestions to make information about rights and where to turn in case of violations more easily available to migrants, in a language they understand. They put forward the idea of distributing the information on international buses and on advert banners on public transport in Polish cities. One construction worker suggested the Warsaw West bus station where buses from Ukraine arrive as the best place to raise newcomers' awareness on employment-related issues. The same interviewee, when reflecting on barriers for seeking help and reporting, presented a lack of belief in the effectiveness of any action encouraging reports. At the same time, however, he implicitly suggested that examples of positive results of coming forward should be widely announced so that migrants would be encouraged to turn to organisations and institutions: *'A person needs to have an example to know that they will gain something from this claim. If he knew that, he would take his time and proceed with his claim'* [*Пример, чтобы человек знал, что это ему что-то даст. Если бы он знал, что это действительно что-то даёт, то он потратил бы своё время и пошёл бы*] (participant from focus group 2).

8. Conclusion and any other observations

The representation of migrants' labour exploitation that emerges from this report strongly depends on the research design. The qualitative nature of the study does not allow for drawing conclusions on the frequency of given forms of exploitation in Poland. Although interviewees pointed out the most common problems, particularly those with wage payment, conditions at work and contracts, that they had experienced and observed among their co-workers or within the migrant community, any binding observations on their prevalence would demand a differently conceptualised study. What the conducted research gives insight to are migrants' views on risk factors for labour exploitation, mechanisms of falling into the situation of exploitation and staying with it, reasons for seeking assistance from a support organisation or institution and reasons for not doing that, positive examples of how the referral system works when trafficking in human beings is suspected, and migrants' views on necessary prevention measures and institutional changes to counteract labour exploitation.

The study makes it evident that the underlying reasons for migrant labour exploitation are global inequalities that produce broad geographic areas of poverty from which migrants come; the peculiarity of the Polish context consists in the significant presence of Ukrainians who escape economic crisis resulting from political turmoil in their country. The strong determination to change their situation makes foreign workers vulnerable to abuse from recruitment agencies and various middlepersons who financially exploit them already at the stage of recruitment and later direct them to exploitative employers. Polish authorities have very limited possibilities to control the activity of recruiters abroad, especially since there is insufficient state control over the issue and flow of documents that allow migrants to work in Poland. The study suggests that the latter affects primarily seasonal workers from neighbouring countries east of Poland. State control over employers also seems insufficient. In the respondents' view, these institutional factors are accompanied by a number of other risk factors for drawing migrants into labour exploitation and keeping them in it. These range from the migrants' lack of awareness of workers' rights and the language barrier that they face in Poland, through the specificity of various sectors of economy, to structural problems inscribed in the Polish labour market, such as the discrimination of migrants and the widespread exploitation of workers here independently of their national background.

The research shows that migrants with an irregular stay status in Poland, seasonal workers and other migrants tied by a visa or stay permit to their employer are in the most difficult situation. Those with an irregular stay status are exposed to unfair employers, ready to hire them without contract, and seasonal workers and those with a worker's visa or stay permit linked to their employment largely depend on recruiters. When already in the situation of exploitation, they tend to stay at the employer for fear of difficulties in finding a new job and/or the fear of losing the authorisation to stay in Poland. It needs to be added, however, that those with a stay permit that does not tie them to any employer are also subject to exploitation, which is due to, for instance, the language barrier that does not allow them to negotiate employment and working conditions with the employer, or the above-mentioned structural problems inscribed in the Polish labour market. Still, it is easier for them to seek help when needed, mainly because they are not afraid of losing the stay permit as a result of coming forward with their problems. Some can also rely on social networks in Poland to receive informal support or to be guided to support organisations.

Interviews reveal that migrants seek support mainly in two cases: when they are not paid and when they have problems with the regularity of stay in Poland. There is low potential for poor working conditions alone to become a driver for seeking help or reporting, which is mainly due to the workers' migration strategy that prioritises incomes over any other issues. Interviews strongly suggest that as long as migrants are paid they do not seek a way out of exploitation.

The help that exploited migrants primarily expect is exerting pressure on the employer in an informal way and/or providing basic support to them, such as a shelter and assistance in finding a new job, after they leave the exploitative employer. Only those strongly determined to receive back pay decide to undertake a legal action; in such a case, they need legal support from an organisation. However, the research does not allow for assessing the effectiveness of the civil justice system in asserting migrant workers' rights. The only two civil court cases identified within the study were underway at the time of conducting interviews.

Criminal proceedings in four cases identified in the course of the research were still underway, as well. Those concerned observed that their employers were still running the business; this made them uncertain about the proceedings' results and more or less distrustful in the effectiveness of the justice system. In three cases, the interviewees benefited from the referral system: they received support from the National Consultation and Intervention Centre for Victims of Human Trafficking and entered the *programme for support and protection of victims/witnesses of human trafficking*; all were satisfied with how the system worked. In the four cases involving criminal proceedings, the interviewees got in touch with the Border Guard. Although they expressed some reservations at this point, they were overall satisfied with their treatment by Border Guard officers. The research does not allow for any conclusions about reports on criminal labour exploitation cases that have not been recognised by law enforcement – neither about how often they occur, nor about the mechanisms leading to this lack of recognition. The only interviewee who reported the case to the police had a negative experience in that regard, but the Border Guard took over his report.

The study does not answer the question on how provisions of the Employer Sanctions Directive, transposed into Polish law in 2012, work in practice. At the interviewee recruitment stage we reached only one person who had fallen into the exploitative employment relationship when staying irregularly in Poland. After his situation had come to light, it was dealt with within the human trafficking scheme. Instead, the study exposed a plethora of exploitative practices that target seasonal workers and workers tied by a visa or stay permit to their employer to whom provisions of the directive do not apply.

When reflecting on prevention and necessary changes in the current situation concerning the protection of migrant workers, interviewees emphasised, among other things, the need to ensure that contracts are concluded and that they are written in a language that the worker understands, tighter control over employers, including employment agencies, and control over issuing of work-related documents. It is worth adding that recent changes in legislation correspond to these suggestions. During the fieldwork phase of the research, on 1 June 2017, amendments to the Act on promotion of employment and labour market institutions entered into force. Now, employment agencies are obliged to conclude written contracts with foreigners and give them a signed contract copy, to present the contract's written translation in a language that the worker understands before signing the contract, to inform both the worker and the employer about regulations concerning foreigners' work and stay in Poland, and to keep the register of foreigners' employers and the register of foreigners directed to them.²⁴ Furthermore, after we had conducted the interviews, additional amendments to the act were published on 17 August 2017. They transpose the Seasonal Workers Directive; they also refer to employer statements on the intent to employ a foreigner issued for citizens of Ukraine, Russia, Belarus, Moldova, Georgia and Armenia. According to the new regulations, limits on the number of statements in a given voivodship, sector of economy or profession can be introduced. Moreover, labour offices maintain a register of statements and the statement's registration is subject to fees. Poviata (district) governors can refuse the registration in a number of situations, including when the employer does not conduct any activity, does not have resources to pay remuneration, does not pay social security contributions or taxes, or

²⁴ Poland, Act on promotion of employment and labour market institutions (*Ustawa o promocji zatrudnienia i instytucjach rynku pracy*), 20 April 2004. Article 85a.

when circumstances suggest the statement has been issued for purposes other than work at the employer. The amendments will enter into force on 1 January 2018.²⁵

²⁵ Poland, Act on amendments to the Act on promotion of employment and labour market institutions and some other acts (*Ustawa o zmianie ustawy o promocji zatrudnienia i instytucjach rynku pracy oraz niektórych innych ustaw*), 20 July 2017.

ANNEX – Desk Research template

Author: Marta Górczyńska

1 LEGISLATION and POLICY				
For each question, please place an 'X' in the relevant box ('Yes' or 'No) and, under 'Supporting information', provide the following information:				
<ul style="list-style-type: none"> Name the relevant law; Provide a brief English translation of the most relevant parts of the relevant provision/definition or give a brief explanation of the contents; In the reference, please include a link to the electronic version of the text in original language – and if available, to any official or unofficial English translations. 				
		Yes	No	Supporting information
1.1	<p>Based on a review of the information provided in Annex III published by FRA in 2015 - '<i>Criminal law provisions relating to labour exploitation</i>²⁶ – have there been any changes to or new legislation in the area of criminal law relating to labour exploitation?</p> <p>If yes, please provide information under 'Supporting information' (i.e. which law; explanation of relevant provision and reference).</p> <p>If no, is there any draft legislation underway?</p>		<p>X</p> <p>X</p>	<p>Desk research – analysis of the legislation.</p> <p>However, in the “trafficking” column in Annex III, the number of the Article prohibiting human trafficking should be corrected: Article 189a of the Criminal Code should be entered instead of Article 115(22). The latter contains only the definition of trafficking, not the sanction.</p> <p>In the “exploitation in employment” column, Articles 218-220 of the Criminal Code should also be added. According to Article 218 a person maliciously or persistently violating employee's rights shall be subject to a fine, penalty of restriction of liberty or imprisonment of up to 2 years. According to Article 219, a person violating provisions on social insurance by not reporting, even with the consent of the person concerned, the required data or provides false data affecting the right to benefits or the amount thereof shall be subject to a fine, the penalty of restriction of liberty or imprisonment of up to 2 years. Under Article 220, a person being responsible for occupational health and safety conditions who fails to comply with these obligations and exposes workers to danger of loss of life or serious injury, shall be subject to imprisonment of up to 3 years.</p>

²⁶ Please download Annex III from <http://fra.europa.eu/en/publication/2015/severe-labour-exploitation-workers-moving-within-or-european-union>.

1.2	<p>Are legal provisions or measures in place to ensure that employers convicted of criminal forms of labour exploitation will be excluded from entitlements to public benefits, aids or subsidies, including EU funding managed by Member States?</p> <p>If yes, for what time period is such exclusion provided?</p>	X		<p>According to Article 12.1.1 of the Act of 15 June 2012 on the consequences of entrusting the performance of work to foreigners with irregular residency status at the territory of the Republic of Poland,²⁷ in the case of conviction of an offence indicated in Articles 9 or 10 (entrusting work to foreigners not possessing valid document authorizing them to stay in the territory of the Republic of Poland, including under the conditions of severe labour exploitation), the court can order a ban on the access to the structural funds, Cohesion Fund, European Fisheries Fund, European Maritime and Fisheries Fund as well as the funds for the implementation of the Common Agricultural Policy.</p> <p>1 – 5 years.</p>
1.3	<p>Do public procurement procedures ensure that employers convicted of a criminal offence are later-on excluded from participation in a public contract (work, supply or service contract)?</p> <p>If yes – for which crimes? Are criminal forms of labour exploitation among the relevant offences?</p> <p>If yes, on which legal basis, and briefly explain to what extent (e.g. how often was this done since 2014?). And can such employers also be excluded from acting as a subcontractor in the implementation of a public contract?</p>	X		<p>According to Article 24.1.13.d of the Law of 29 January 2004 on public procurement,²⁸ the procedure for a public procurement excludes these contractors (and subcontractors) who have been convicted of an offence indicated in Articles 9 or 10 of the Act of 15 June 2012 on the consequences of entrusting the performance of work to foreigners with irregular residency status at the territory of the Republic of Poland (entrusting work to foreigners not possessing valid document authorizing them to stay in the territory of the Republic of Poland, including under the conditions of severe labour exploitation).</p> <p>No data regarding the number of such cases (the request for statistics has been sent to the Public Procurement Office, they replied that requested statistical data are not collected).</p>
1.4	<p>Are legal provisions or measures in place obliging or enabling Member States' authorities to 1) close an</p>	X		<p>According to Article 41§2 of the Criminal Code²⁹, the court can order a ban to run a specific business activity in the event of conviction of an offence</p>

²⁷ Poland, Act on the consequences of entrusting the performance of work to foreigners with irregular residency status at the territory of the Republic of Poland (*Ustawa o skutkach powierzania wykonywania pracy cudzoziemcom przebywającym wbrew przepisom na terytorium Rzeczypospolitej Polskiej*), 15 June 2012, <http://isap.sejm.gov.pl/DetailsServlet?id=WDU20120000769>

²⁸ Poland, Law on public procurement (*Prawo zamówień publicznych*), 29 January 2004, <http://isap.sejm.gov.pl/DetailsServlet?id=WDU20040190177>

²⁹ Poland, Criminal Code (*Kodeks karny*), 6 June 1997, <http://isap.sejm.gov.pl/DetailsServlet?id=WDU19970880553>

	<p>establishment that has been used to commit a criminal offence, <u>and/or</u> 2) to withdraw a licence to conduct a business activity?</p> <p>If yes – for which crimes? Are criminal forms of labour exploitation among the relevant offences?</p> <p>If yes, how often was this provision used since 2014?</p>		<p>committed in connection with this activity if such an activity threatens the vital interests protected by the law.</p> <p>According to Article 18m.1.9 of the Act of 20 April 2004 on promotion of employment and labour market institutions³⁰, a licence to run an employment agency is withdrawn if the agency employs as temporary workers foreigners not possessing valid documents authorising them to stay on Polish territory.</p> <p>No data regarding the number of such cases (the request for statistics has been sent to the Ministry of Family, Labour and Social Policy, they replied that requested statistical data are not collected).</p>
2	<p>LABOUR EXPLOITATION AND THE INSTITUTIONAL SETTING</p> <p><i>For each question and each body mentioned under 'Supporting information', please provide the following information:</i></p> <ul style="list-style-type: none"> <i>Name the body/organisation; indicate whether it operates at national or federal level and the year it began operating; and whether it is restricted to monitoring a particular economic sector or sectors;</i> <i>Give a brief summary of the legal obligations and mandate of the body;</i> <i>Indicate the regulatory basis for its work/mandate (legislation, internal regulation, etc.);</i> <i>Provide a brief (1-3 sentences) description of its mandate and tasks.</i> 		
		Supporting information	
2.1	<p>a) Which authority (or authorities) is tasked by law with monitoring the rights of workers – for example through carrying out inspections?</p> <p>b) For each authority mentioned, is a distinction made between monitoring of the rights of:</p> <p>1) nationals and EU nationals, and</p> <p>2) third country nationals?</p> <p><i>I.e. Are any specific or different regimes or rules in place?</i></p> <p><i>Please name all bodies in case multiple bodies are involved – for example, labour inspectorates; specialised police units; trade unions or border guards.</i></p>	<p>a) National Labour Inspectorate (NLI). It began operating in 1919. It operates at national level and its activities are not restricted to any particular economic sector. NLI supervises and controls the observance of the labour law, in particular the rules and regulations related to health and safety of the employees, remuneration and other benefits arising from the employment relationship, working time, leave, employment of juveniles and persons with disabilities. NLI is also a competent body to control the legality of the employment of foreigners. Its inspectors are obliged to immediately notify the Border Guard about the breach of the law on foreigners.</p> <p>b) No.</p>	

³⁰ Poland, Act on promotion of employment and labour market institutions (*Ustawa o promocji zatrudnienia i instytucjach rynku pracy*), 20 April 2004, <http://isap.sejm.gov.pl/DetailsServlet?id=WDU20040991001>

2.2	How and to what extent is such a legal obligation (to monitor the rights of workers) implemented in practice? (E.g. statistics available on number of inspections?).	In 2016 National Labour Inspectorate conducted 82 500 inspections. 4 257 of them concerned migrant workers (over 30 000 migrants were controlled during these inspections). ³¹
2.3	Name any other authorities in a position to learn (or that typically learn) about the situation of workers and their rights? (E.g. in Austria the financial police are the ones who know most about exploitation, even though they have no legal mandate to deal with the rights of workers).	Authority which typically learns about the situation of migrant workers is Border Guards. Although they do not have a legal mandate to deal with the rights of workers, they control the legality of performing work by foreigners in Poland therefore they learn about their situation. While fulfilling tasks related to the control of the legality of employment of foreigners, the National Labor Inspectorate cooperates closely with Border Guard. This cooperation primarily involves exchanging information on violation of migration regulations identified through joint or independent inspections, joint training and exchange of experience, good practice and interpretation of the law.
2.4	Are authorities that carry out inspections or learn about the situation of workers (referring here to organisations mentioned under both 2.1 and 2.3) legally obliged to report to the police in cases where there is a substantive suspicion of severe labour exploitation? If yes , please provide brief information about the obligation.	Yes. Article 304§1 of the Code of Criminal Procedure ³² stipulates the general rule according to which everyone who has learnt about the crime prosecuted <i>ex officio</i> , has an obligation to notify the prosecutor or the Police. Moreover, the government bodies that have learned about such a crime in connection with their official activities are obliged not only to immediately notify the prosecutor or the Police but also to take necessary actions until the authority appointed to prosecute the crime arrives or until the competent authority issues the relevant order to prevent evidences of the crime from contamination. Human trafficking and all offences mentioned in Section 1.1. are prosecuted <i>ex officio</i> .
3	VICTIM SUPPORT	
	Name the main organisation(s) tasked with providing assistance and support to potential victims of labour exploitation? Provide very brief information about the type of support	<ol style="list-style-type: none"> 1) National Labour Inspectorate – legal advice, institutional support 2) Trade Union of Ukrainian Workers in Poland – institutional support 3) National Consulting and Intervention Centre for the Victims of Trafficking – legal advice and psychosocial support

³¹ Report on the activities of the National Labour Inspectorate in 2016 (*Sprawozdanie z działalności Państwowej Inspekcji Pracy w 2016 roku*), 22 June 2017, <http://orka.sejm.gov.pl/Druki8ka.nsf/0/EC062A4D62ED2DD6C1258154002DBF51/%24File/1703.pdf>

³² Poland, Code of Criminal Procedure (*Kodeks postępowania karnego*), 6 June 1997, <http://isap.sejm.gov.pl/DetailsServlet?id=WDU19970890555>

	<p>they provide (e.g. legal advice; psychosocial support etc.)</p> <p><i>These could be, for example, NGOs, trade unions or other representative bodies (e.g. representing workers and their rights).</i></p>	<p>4) Legal Intervention Association (NGO) – legal advice 5) Helsinki Foundation for Human Rights (NGO) – legal advice 6) The Rule of Law Institute (NGO) – legal advice 7) The Halina Niec Legal Aid Centre (NGO) – legal advice 8) La Strada Foundation (NGO) – legal advice and psychological support</p> <p>It has to be noticed that NGOs usually depend on external funding and grants therefore the scope of their projects focusing on providing assistance to victims of labour exploitation may vary each year.</p>		
4	RISK MANAGEMENT			
		Yes	No	Supporting information
	<p>Are there any official risk management systems in place to guide monitoring operations/inspections - with a view to detecting severe labour exploitation? (Art 14. of the Employers' Sanctions Directive (2009/52/EC)³³.</p> <p><i>(E.g. in Belgium (see pg. 87 of FRA's 2015 report), specialised police units regularly investigate so-called non-risk and new sectors in an attempt to identify possible new risk factors for labour exploitation. They conduct their own research and publish reports showing current trends and advising on problem areas).</i></p>	X		<p>The Ministry of Family, Labour and Social Policy in a cooperation with the Ministry of the Interior, determines - based on the risk assessment – economical sectors where it is particularly common that foreigners staying without a valid document authorizing them to stay in the territory of the Republic of Poland work.</p>
	<p>If yes, please describe any such systems in place, and include the following information:</p> <ul style="list-style-type: none"> - List the bodies (for example, of those described in section 2) responsible and describe their various roles - Describe which sectors of the economy such risk assessments apply to 			<p>According to the agreement between the Chief Labour Inspector and the Border Guard Commander in Chief on rules of the cooperation between the National Labour Inspectorate and the Boarder Guard³⁴, these two bodies cooperate with each other in order to identify, on the basis of the risk assessment, economical sectors in which the employment of illegally staying third-country nationals in</p>

³³ [Directive 2009/52/EC of the European Parliament and the Council of 18 June 2009 providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals](#), OJ L 168/24, 30 June 2009. Article 14 on risk assessment does not mention detection of labour exploitation directly, but "identify[ing] the sectors of activity in which the employment of illegally staying third-country nationals is concentrated" (Article 14(2)).

³⁴ Agreement between the Chief Labour Inspector and the Border Guard Commander in Chief of 12 May 2015 on rules of cooperation between the National Labour Inspectorate and the Boarder Guard (*Porozumienie Głównego Inspektora Pracy i Komendanta Głównego Straży Granicznej z 12 maja 2015 r. w sprawie zasad współdziałania Państwowej Inspekcji Pracy i Straży Granicznej*), <https://www.pip.gov.pl/pl/f/v/125330/Porozumienie%20PIP%20i%20SG.pdf>

	<p>- How often is such an assessment carried out?</p>			<p>Poland is concentrated. This assessment is carried out on regular basis. Border Guard and National Labour Inspectorate are then obliged to pass information on the carried out assessment to the Ministry of Family, Labour and Social Policy which annually reports to the European Commission.</p> <p>According to the agreement, the risk assessment focuses mainly on illegal employment, however, it also anticipates the cooperation and exchange of experience in the area of dealing with identified or potential victims of human trafficking and forced labour.</p>
5 COURT CASES				
		Yes	No	Supporting information
	<p>Since 2014, is there any case law clarifying the criminal law provisions on severe labour exploitation? (<i>I.e. court decisions which clarify basic concepts or categories constituting severe labour exploitation</i>)?</p> <p>If yes, please provide:</p> <ul style="list-style-type: none"> - Decision date - Reference details (name court, case number, link to decision) - Key facts of the case - Main reasoning/argumentation - Key issues (concepts, interpretations) clarified by the case - Results / key consequences or implications of the case - Key quotation in original language and translated into English with reference details 		X	<p>Desk research – analysis of the case law available in LEX (online database of Polish case law).</p>
6 PROMISING PRACTICES				
		Yes	No	Supporting information
	<p>Are there any promising practices in relation to any practical measures to tackle severe labour exploitation or support foreign victims?</p>	X		<p>1) On 1 April 2014 the Ministry of Foreign Affairs, fulfilling OSCE recommendations, implemented new procedures concerning domestic workers employed by</p>

	<p>If yes, please provide:</p> <ul style="list-style-type: none"> - Title of practice - Organisation implementing it - Funding body - Brief description, including start (and if relevant, finish) dates 		<p>foreign diplomats. Diplomats who intend to hire a domestic worker must sign a contract with them which guarantees protection of worker's rights according to the provisions of the Polish Labour Code, including a salary at least equal to the minimum wage in the Republic of Poland, social and medical insurance, etc. Remuneration has to be paid via bank transfer. Moreover, Polish consul, when issuing a visa, provide domestic workers with complex information about their rights and duties in Poland. At least once a year domestic workers meet in person with an employee of the Diplomatic Protocol of the Ministry of Foreign Affairs so they are able to provide information on the working conditions in Poland. They also get the necessary support in case of violation of their rights.</p> <p>2) The Office for Foreigners has implemented the "Procedure of conduct of the employees of the Office for Foreigners in the event of initial identification of a foreigner as a victim of human trafficking" and the accompanying practical tools to assist in the identification of potential victims. The procedure is aimed at improving the information flow between the Office for Foreigners, Border Guards and the National Consulting and Intervention Centre for the Victims of Trafficking. It also serves as a tool for identifying potential victims of human trafficking while conducting interviews with foreigners for the purpose of the asylum procedure. Employees of the Office for Foreigners are obliged to consult with the Coordinator for Trafficking each case of the alleged victim and inform Border Guards about it in order to undertake joint actions.</p>
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				<p>3) Since 2012 the Ministry of Family, Labour and Social Policy has been publishing information brochures in Belarusian, Georgian, Moldovan, Russian and Ukrainian on performing work in Poland by foreigners from these countries. The purpose of publishing these materials is to inform foreigners on how to work legally and safely in Poland. Leaflets contain practical information promoting such foreigner's behavior as checking employer or temporary employment agency in databases and online registries, which increases employee's safety and reduces the risk of becoming a victim of human trafficking and labour exploitation. Information about migrant employers' rights are also available on the governmental portal launched in November 2014: www.psz.praca.gov.pl.</p>
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