



EMPLOYMENT AGENCIES –THE OPEN DOOR FOR MIGRANT WORKERS.

**RECRUITMENT MECHANISMS AND
WORKING CONDITIONS OF RUSSIAN
SPEAKING FEMALE MIGRANTS IN
THE CZECH REPUBLIC**

Author: Maryna Aleinik



Table of Contents

ABSTRACT.....	2
ACKNOWLEDGEMENT.....	3
INTRODUCTION.....	4
COMMON GROUND, PRINCIPLES AND METHODOLOGY OF THE REPORT	6
Methodology.....	6
Ethical considerations.....	11
Definitions.....	14
Employment agencies and female migrant workers.....	17
Causes of migration and trafficking in women.....	19
ANALYSIS OF INTERNATIONAL, EUROPEAN AND CZECH LEGISLATION CONCERNING EMPLOYMENT AGENCIES ACTIVITIES AND MIGRANT WORKERS' RIGHTS.....	26
RESULTS OF INTERVIEWS.....	46
Causes of migration by Russian speaking female migrant workers.....	46
Reasons for the Czech Republic as country of destination.....	48
Preparation for coming to the Czech Republic.....	49
Recruitment mechanisms of Russian speaking women.....	51
Services provided for female migrant workers by unofficial employment agencies.....	54
Working conditions of Russian speaking female migrant workers.....	56
Influence of the financial crisis on the working conditions.....	63
Domestic workers.....	65
Living conditions.....	67
Exploitation.....	70
CONCLUSION.....	77
SUMMARY OF RECOMMENDATIONS.....	80
BIBLIOGRAPHY.....	85
ANNEXES.....	94
Annex № 1.....	94
Annex № 2.....	98

ABSTRACT

Russian speaking migrants, in particular Ukrainians, are one of the biggest communities in the Czech Republic. Many Russian speaking female migrants find jobs with the help of unofficial employment agencies or so called 'clients'. So far, too little attention has been paid to the role of unofficial employment agencies. On that basis, I focused my research on exploitation, forced labour and human trafficking of Russian speaking female migrant workers.

The report gives some information about the way the research was approached, about employment agencies and migrant workers in the Czech Republic, and causes of migration and trafficking in women. The research also presents an analysis of legislation regarding broker employment agencies and migrant workers' rights. The report analyses interviews to find causes of migration, reasons for the Czech Republic as country of destination and preparation for migrating to the Czech Republic. It also analyses recruitment mechanisms of Russian speaking women and services provided by unofficial employment agencies. The working conditions of female migrant workers and the influence of the financial crisis are described. Living conditions of female migrant workers and the role of unofficial employment agencies in their exploitation are analysed. The report also examines the situation of domestic workers in the Czech Republic. Finally, recommendations for preventing exploitation, forced labour and human trafficking are presented.

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INTRODUCTION

The research project ‘Employment Agencies – the open door for migrant workers. Recruitment mechanisms and working conditions of Russian speaking female migrants in the Czech Republic’ is a one year research, which was financially supported by Open Society Institute Human Rights and Governance Grants Program. The project was implemented by La Strada Czech Republic from June, 2009 until June, 2010.

The aim of this research project is to examine the role of unofficial employment agencies in exploitation, forced labour and human trafficking of Russian speaking women. Report is also focused on giving recommendations for preventing exploitation, forced labour and human trafficking within Russian speaking community in the Czech Republic (CR). In order to achieve the aim of the project, two of the main objectives are mapping the system of employment agencies and describing working and living conditions of Russian speaking female migrant workers. Strengthen the rule of law in employment agencies' activities and increase the protection of female migrant workers' rights are two other objectives of the research project.

The report begins with chapter ‘common ground, principles and methodology’. This chapter describes methods, ethical considerations and definitions of the research. It also includes background knowledge about employment agencies and migrant workers in the Czech Republic. Causes of migration and trafficking in women is analysed in this part of the report as well. The report continues with the analysis of International, European and Czech legislation regarding employment agencies and female migrant workers' rights, which tries to work out necessary steps to make Czech legislation consistent with international and European instruments. Analysis of legislation is followed by another chapter of the report based on the results of interviews, where analysis of the causes of migration of Russian speaking women is presented. This chapter also examines the reasons of female migrants for choosing the Czech Republic as country of destination. The next part of chapter deals with the preparation for the Russian speaking women in the country of origin before entering the Czech Republic in order to understand the reasons of the possibilities of the ‘clients’ to abuse rights of female migrant workers’. This chapter is also examining existing recruitment mechanism of female migrants in the Czech Republic. It also gives information about

services provided by the ‘clients’, which draws wider picture about unofficial employment agencies’ activities. The real working conditions, the influence of the financial crisis on them are also analysed in the report. Because some respondents had work experience as domestic workers, this chapter also gives information about the working conditions of domestic workers and the ways of finding this kind of work. Living conditions of Russian speaking female migrant workers are analysed as well. The last part of this chapter also analyses the role of unofficial employment agencies in exploitation of Russian speaking women in the Czech Republic. At the end of the report conclusion and recommendations for the preventing exploitation, forced labour and human trafficking are given.

COMMON GROUND, PRINCIPLES AND METHODOLOGY OF THE REPORT

In order to give the theoretical background of the project, methodology, ethical considerations, definitions of the project will be analysed in this chapter. Overview of the employment agencies and female migrant workers in the Czech Republic; causes of migration and trafficking in women will be presented as well.

Methodology

The following methods of the qualitative research have been chosen: semi-structured interviews with Russian speaking female migrants and with the representatives of NGOs, extensive reviews of domestic, European and international legislations regarding broker employment agencies and migrant workers rights and extensive literature reviews.

The research was based on 11 semi-structured interviews. Interviews were conducted with Russian speaking female migrants who had been working in the Czech Republic. The interest was in particular in those migrant workers who were recruited through the ‘clients’ and in domestic workers as it is hidden sector of work.

Even though, the researcher found 11 Russian speaking women who were willing to give interviews, it was very difficult to find ones. The majority of them were afraid to give interviews mainly due to fear to lose work in the situation of financial crisis. Many of them hardly believed that possible to find job without unofficial employment agencies in the Czech Republic and change something at the current situations. Interviews were given when relationship of trust was built between respondents and researcher.

La Strada used snowball sampling as one of the methods for reaching ‘hidden population’. Snowball samplings can be applied for two primary purposes: first, as informal method to reach target population, where the aim of a study may be exploratory or novel in its use of the technique, and second, as a more formal methodology for making inferences with regard to a population of individuals that has been difficult to enumerate through the use of descending methodologies such as household surveys (Lewis-Beck, Bryman, and Liao, 2004:1044). The researcher attended the women’s group organised by NGO, which provide services for

migrant workers, in the framework of snowball sampling. The aim of the women's group is cultural exchange and the opportunity of communication about problems. The researcher found other respondents in the framework of snowball sampling through attendance of another NGO, which also provide services for migrant workers.

Russian speaking female migrants were also contacted through field work: while inspecting hostels, work places of Russian speaking female migrant workers but none of them wanted to participate in interviews. La Strada CZ sees the field work as a specific form of intervention into the target groups' environment which is based on the methods and principles of outreach social work and social work generally. La Strada CZ (2008) indicates and uses the following selected methods of the field work as: getting ready to enter a location and mapping, survey, safety plan, harm reduction.

During the field work and attendance of women's group in NGO some of the Russian speaking female migrant workers received cards with information about the project, its objectives, the possible length of interview and telephone number of researcher.

All interviews were conducted in Russian language by trained researcher in the method of semi-structured interviews, security and ethical issues (see attached questions asked during interviews in annex №1). Some interviews were conducted in organisations, which provide services for migrants and asylums. Some of them were conducted in quiet cafes. All interviews were not paid. However, respondents had free tea when interviews were conducted in cafés. All respondents got such gifts as small mirror, pencil-box and lighter. The interviews took from 40 to 103 minutes. All interviews, except one, were recorded with permission of the respondents. Only one respondent refused to use tape-recorder. In that case only notes on paper were taken. The majority of interviews were carried out in Prague, small number of the interviews were carried out in Brno. The interviews were not carried out in other parts of the Czech Republic due to organisational reasons. However, the situation with Russian speaking female migrant workers can be radically different in other parts of the Czech Republic.

Some information about respondents:

1. nationality:

Number of respondents	Ukraine	Russia	Belarus	Georgia
11	5	3	2	1

2. age:

Number of respondents	18-30 age groups	30 - 60 age groups	over 60 years old
11	1	10	0

3. marital status:

Number of respondents	Married	widowed	divorced	Single
11	5	3	2	1

4. time spent in the CR:

Number of respondents	2-6 years	6-15 years	more than 15 years
11	9	2	0

5. authorisation of stay:

Authorised	Unauthorised	Unknown
9	1	1

6. visa status:

Number of respondents	Business visa	Permanent residence	Family reunification visa	Refugee status
9	4	3	1	1

Table 6 includes information provided by 9 respondents because one respondent was staying irregularly, and another one respondent did not tell the purpose of the stay at the time of the interview. Moreover, even though none of the interviewees were holders of the work visa at the moment of the interview, 3 holders of the business visa had work visa in the past. Moreover, one holder of business visa and one holder of permanent residence were members of cooperative and had visa ‘for executive manager purposes – participation in a legal entity established under Act No. 513/1991 Coll’ in the past .

Additionally there were 9 semi-structured interviews with the representatives of 6 NGOs. 3 semi-structured interviews were conducted with the representatives of the same NGO because three of them could provide useful information. The NGOs were chosen among the organizations which provide services for migrant workers in order to have wider and better picture of the employment system of Russian speaking female migrant workers. The notes of the interview were taken. The interview lasted 45-90 minutes. The following main questions were asked during interview:

- ✦ Do NGOs have or know about experiences of cooperation between employment agencies and Russian speaking female migrant workers?
- ✦ Do NGOs know if employment agency of their home country and employment agency of the Czech Republic can cooperate with each other?

- ✦ Have NGOs ever met with Russian speaking female migrants who work as domestic workers?
- ✦ Do NGOs know if Russian speaking female migrant workers have ever had from employment agency:
 - a) threats;
 - b) violence;
 - c) confinement or surveillance;
 - d) withholding the salary;
 - e) not decent attitude to them.

Topics covered during the interview were the following:

- the system of recruitment of Russian speaking female migrant workers in the Czech Republic;
- working and living conditions of Russian speaking female migrant workers in the Czech Republic ;

Extensive reviews of domestic, European and international legislation regarding employment agencies and migrant workers' rights were conducted in order to identify gaps and required changes in the Czech legislation regarding employment agencies and female migrant workers' rights.

Literature has been reviewed in order to have theoretical background concerning qualitative research methodologies, ethical considerations, human trafficking for forced labour, forced labour, labour migration, official and unofficial employment agencies in the Czech Republic, domestic workers, migrant workers' rights.

Unfortunately, due to trafficked persons are 'hidden population' it is difficult to establish correct data collection on trafficking in human beings. International Organization for Migration (2005) mentions that as pointed out by Tydlum and Brunovskis, 'one of the most challenging problems facing researchers is the fact that most of the population relevant to the study of human trafficking, such as victims/survivors of trafficking for sexual exploitation, traffickers, or illegal migrants are part of a "hidden population", i.e. it is almost impossible to establish a sampling frame and draw a representative sample of the population'. There is a

problem that ‘trafficking is a clandestine activity, and most cases probably go unreported because victims are reluctant to go to the authorities, or are unable to do so because of intimidation and fear of reprisals’ (IOM, 2005: 12).

The recent data collection on human trafficking in human beings is criminal statistics on trafficking in human beings pointed out in the 2008 year report of the Ministry of Interior of the Czech Republic. The Ministry of Interior (2008) indicated that statistical data of the Czech police reports rather about facts relating to how successful the police were in detecting and investigating certain cases. However, the Ministry of Interior participated in the international project “Data Collection and Harmonized Information Systems”. The objective of the project was to create uniform criteria for the collection of data and information in the area of trafficking in human beings, and the establishment of an institutionalized system for the collection of such data, including a single database both for the purpose of analysis and description of the situation, and for the purpose of possible operative responses to actual situation (Ministry of Interior, 2008:16). Furthermore, the Ministry of Interior’s (MoI) report (2008) mentions that an option to strengthen the collection of data on trafficking in human beings in the Czech Republic became a topic in 2008 towards which the MoI, together with its partners, in particular the Ministry of Justice (MJ) and NGOs involved in the Programme, paid great attention as it was also a task included in the National Strategy.

Even though, the system of data collection is improving, it can only consist of data on trafficked persons that are reported / discovered by police or NGOs, while most of the trafficked persons remain unrevealed (estimations say up to 90%). The field research is the only possibility to estimate the real extent of trafficking in human beings.

Ethical considerations

All research activities of the research project were based on ethic issues. Ethic issues were mainly derived from such international standards as World Health Organization’s ‘Ethical and safety recommendations for interviewing trafficked women’, United Nations’ Inter-Agency Project on Human Trafficking ‘Guide to ethics and human rights in counter-trafficking. Ethical standards for counter-trafficking research and programming’, International Center for Migration Policy Development’s ‘Listening to victims. Experiences

of identification, return and assistance in South-Eastern Europe’, A. Callamard’s paper ‘A methodology for gender-sensitive research’, some ethical issues from WHO’s and Path’s ‘Research violence against women. A practical guide for researchers and activists’ was also taken into account.

The ethical issues such as: do not harm questioning, prioritise personal safety and security, informed consent, anonymity and confidentiality, prepare referral information, do not make promises that you cannot fulfil, be prepared for emergency intervention and put information collected to good use (proposed by WHO (2003) and UNIAP (2008)) were used in the research.

Before conducting an interview:

- ✦ potential respondents were asked to be interviewed. Information about the project and purposes of the interviews was explained. It was only potential respondents’ personal decision to participate or not participate in interview.
- ✦ potential respondents were asked about comfortable time of conducting interview. Potential respondents were explained that they had right to change time or place of interview or withdraw from interview at any time;
- ✦ personal safety and security was prioritised. Places, where respondents were interviewed, were provided with securities measures. Security plan was prepared for cases of unexpected dangerous situations.
- ✦ the researcher was trained on ethical issues, security and sensitive way of interview leading.

During the interview:

- ✦ researcher introduced herself ;
- ✦ respondents were verbally informed about the research project, its objectives; about the time frame of the interview;
- ✦ the purposes of the interview were explained;
- ✦ the interview process was presented, including the right not to answer questions, which respondents do not feel comfortable with, and the right to withdraw from

the interview at any time without explanation. Permission was asked to use tape recorder.

- content of the interview was explained.
- respondents were informed about the use of information.
- the principles of confidentiality and anonymity were carried out through research. None will have access to interview materials outside of organization. UNIAP (2008) indicated that for research, participants should understand that no one will know exactly what they answered for each question, and that no one will be able to read their responses on paper and see their name attached. A written record of the interviews will be kept anonymously in the organization for 2 years and after will be destroyed. After a written record, the audio record was destroyed.
- protection concerns was also taken into account during the interviews. In case, if respondents felt uncomfortable, the interview would be stopped.
- consent of others. During interview respondent was told that this was her free choice of participating in interview. If respondent had any doubts, she had right to talk with anyone she wish. Interview could be conducted later.
- respondents were asked if they had any questions about interview. Answers of the questions by the researcher were expected.
- measures for emergency intervention were prepared. Except security plan, the plan of medical assistance, psychological support existed (please see attached plans in annex №2).

At the end of interview:

- respondents were thanked for their participation;
- respondents from women group were asked if they were positive about researcher's continuation of participation in women's group;
- respondents were provided with booklets of useful information for foreigners with contacts of La Strada and other NGOs which provide services for migrants in the Czech Republic.

- ✦ respondents had contact information of researcher in case they need to contact for reasons concerning the interview.
- ✦ information is put in good use through publishing the results of the research.

Definitions

It is useful to explain such definitions as ‘clients’, domestic work, domestic worker, exploitation, forced labour, human security, human trafficking, irregular migration, migrant worker, official employment agency, temporary agency worker.

Clients (unofficial employment agencies, intermediaries) are ‘usually Post-Soviet immigrants whose main activity is to provide Czech employer with a required number (tens or even hundreds) of legal or illegal immigrant workers. Later client invoice their labour to the Czech employer and get their wages which he/she distributes among “their” immigrant workers’ (Drbohlav, D. and et al., 2008).

Domestic work ‘means work performed in and for a household and includes housekeeping, child care and other personal care (Human Rights Watch and Anti-Slavery International’, 2009:6)

Domestic worker is ‘any person who undertakes domestic work, whether on a full-time or part-time basis, for remuneration’ (Human Rights Watch and Anti-Slavery International, 2009:7)

Exploitation: ‘exploitation may include any conduct by a perpetrator through which he/she feeds on another’s work, that is, derives any unjustified profit from such work’ (documented by Security Police Department of the Ministry of Interior, 2004:5).

Forced labour: shall mean all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself/herself voluntarily (according to Article 2 of the ILO Forced or Compulsory Labour Convention published in the Czech Collection of Laws under No. 506/1990).

Human security: a broad definition of human security is indicated in the UNDP report (1994). It points out that a concept of human security includes seven dimensions: economy, food, health, environment, person, community and politics. A narrow definition of human security is presented by Gasper and Truong, Paris cited in Jonsson (2009) who indicate that although there is no single definition of human security, the common core of the concept is its starting point of needs of individuals – it focuses on ‘the needs of socially embedded individuals’ and the ‘freedom from pervasive threats to people’s rights, safety and lives’.

Human trafficking: definition of human trafficking is stated in Section 168 of Criminal Code of the Czech Republic, Act No. 40/2009 Coll., which replaces Criminal Code, Act No. 140/1961 Coll. The definition of human trafficking is composed of the three components describing acts, means and purpose: a person who makes, procures, hires, lures, entices, transports, conceals, detains or conveys another by means of use of using violence, a threat of violence or a trick or by using an error, or by abusing another’s distress or dependence for the purpose of:

- a) sexual intercourse or other forms of sexual exploitation or harassment or for the production of pornography;
 - b) taking tissue, cells or an organ from his/her body;
 - c) service in armed forces
 - d) slavery or servitude; or
 - e) forced labour or other forms of exploitation;
- or a person who gains a profit from such conduct.

The advantage of new Criminal Code, Act No. 40/2009 Coll. compared to the Criminal Code, Act No. 140/1961 Coll. is that the following have been added:

- new acts of human trafficking such as entice, gain a profit from such conduct,
- new purposes of human trafficking such as for the production of pornography, taking tissue, cells or an organ from his/her body, service in armed forces.
- new subsection: ‘an offender shall be sentenced to a term of imprisonment of between ten and sixteen years or to a sentence of forfeiture of property if he/she causes, by an

offence referred to human trafficking in human beings(in subsection (1) and (2) of section 168 of Criminal Code),death’.

- new subsection : preparation for such conduct is punishable.

Another advantage of the Criminal Code, Act No. 40/2009 Coll. compared to the Criminal Code, Act No. 140/1961 Coll. is that there is a new constituent element for a crime such as unauthorised employment of foreign nationals. According to Section 342 of Criminal Code, Act No. 40/2009 Coll., not only a natural person, who employs, but also who intermediates employment of irregular foreigners without having authorization to do so holds criminal liability.

The disadvantage of new Criminal Code is that there is no crime such as forced labour and crime, which applies for people who were only exploited. This means that punishment of perpetrator is only possible on the condition that the perpetrator commits such crime as trafficking in human beings. La Strada CR (2009) states that to date (January 2009) there has been no final judgment of a case prosecuted as human trafficking for forced labour outside sex industry.

The research was carried out in the years 2009-2010. The Criminal Code, Act No. 40/2009 Coll. came into force 1st of January 2010, therefore, only since that time Criminal Code, Act No. 40/2009 Coll. could have effect. For the time before than January 2010 Criminal Code, Act No. 140/1961 Coll. had effect.

Irregular migration: ‘migration that takes place outside the norms and procedures established by States to manage the orderly flow of migrants into, through, and out of their territories’ (definition is given by IOM).

Migrant worker: the definition of migrant worker is used from the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990).According to Article 2 paragraph 1 of the this Convention ‘migrant worker refers to a person who is to be engaged, is engaged or has been engaged in a remunerated activity in a State of which he or she is not a national’.

Official employment agency: according to subsection 3(b) of Section 14 of the Employment Act no. 435/2004 Coll. of CR: ‘an employment agency is a legal entity or a natural person who is authorized by the Ministry of Labour and Social Affairs to broker employment. Furthermore, under subsection 1 of Section 14 of the Employment Act no. 435/2004 Coll. the brokering of employment covers:

- a) seeking employment for a person who is applying for work and seeking employees for an employer who is looking for new workers,
- b) the employment of persons for the purposes of performing for an employer, which is defined as another legal entity or natural person, which assigns the work and supervises its performance (referred to as the "user"),
- c) the provision of advisory and information services in the field of employment opportunities.

Temporary agency worker: means a worker with a contract of employment or an employment relationship with a temporary-work agency with a view to being assigned to a user undertaking to work temporarily under its supervision and direction (from the Article 3 (1(c)) of Directive 2008/104/EC of the European Parliament and of the Council of the European Union on temporary agency work).

Employment agencies and female migrant workers

Private employment agencies are becoming a more and more important part in the labour market. The first employment agency was opened in 1990 in the Czech Republic (CR). Dvorkova, Nemeč and Surynek (2007) claim:

the first employment agency director of the CR was designated in Kladno on 10 August 1990, i.e. in the town that can be characterized as a traditional Czech industry centre and became a mirror of the troubles of the transformation process from the central economy towards to the market-driven one.

According to the Ministry of Labour and Social Affairs of CR information at the end of 2009 there were 2212 registered employment agencies which have a permit to broker employment, 1092 of which have a permit to arrange employment for foreigners in the CR. This means that since 1990 the number of employment agencies has grown significantly in CR. The strict

control of employment agencies activities is expected in order to protect rights of migrant workers. Human Rights Watch (2006) mentioned that international labor recruitment is a fast-growing industry that requires more stringent licensing requirements and more rigorous monitoring. The Ministry of Interior of the Czech Republic (2008) gives some information about the employment of migrant workers in the Czech Republic:

under the pretence of jobs to be rewarded by good earnings people are recruited for work in the Czech Republic through organized groups which arrange legal entry to the Czech Republic. After such persons arrive in the Czech Republic their passports are seized and they are forced to carry out work which is not that which they were promised. The work is usually physically demanding activity for minimal or no pay. Such persons work fifteen or more hours a day, seven days a week. They are forced to work like that and are prevented from leaving by artificial increasing of their debts, and by threats of physical violence against them or against their families in their countries of origin.

Legal regulations of private employment agencies' at an international level are mainly provided by ILO's C 181 Private Employment Agencies Convention, 1997, which was ratified by the Czech Republic in 9.10.2000; and ILO's R 188 Private Employment Agencies Recommendation, 1997. Employment Relationship Recommendations, 2006 (No: R 198) is another important ILO's instrument to be considered as it provides provisions of protection of workers' rights. At the European level there are directives related to employment agencies' activities and migrant workers' rights such as the Directive 2009/52/EC of the European Parliament and the Council of the European Union 18 June 2009 providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals, the Directive 2008/115/EC of the European Parliament and the Council of the European Union 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals, the Directive 2008/104/EC of the European Parliament and the Council of the European Union of 19 November 2008 on temporary agency work. In the Czech Republic legal regulations are provided by the Labour Code No.262/2006 Coll. (replaced the Labour Code No.65/1965) and Employment Act, 435/2004 Coll., Act No. 26/1999 Coll., on the Residence of Aliens in the Territory of the Czech Republic, Act No. 251/2005 Coll., on labour inspection. Furthermore, the protection of migrant workers rights' is also provided by ILO's conventions, some of which have not been ratified by Czech Republic. They will be analysed in the report along with 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their

Families and European Convention on the legal status of migrant workers, 1977, which have also not been ratified.

At the same time the number of migrant workers has increased as well. According to site of the Ministry of Interior (2008) the comparison between the initial situation in 1993 when just below 80,000 foreign nationals were staying in the territory of the Czech Republic with various forms of residence statuses and the situation characterized by the most up-to-date data from the last quarter of 2008 indicating that nearly 425,000 foreign nationals now live in the Czech Republic with various types of residence permits shows that international migration is and must be one of the carefully addressed issues. Moreover, Drbohlav and Medová (2008) mention that women represented 40% of the total number of foreign residents in the Czech Republic by the end of 2007. Furthermore, in the first half of 2008 nationals of Ukraine (829 persons) and citizens of Slovakia (705 persons) represented the most numerous groups of illegally employed people or people whose employment was not duly reported (the Ministry of Interior, 2008:14).

In the Czech Republic migrant workers, many of whom are from former Soviet countries, are often in worse situation compared to Czech citizens and some of them are at risk of becoming trafficked persons. With regards slavery, servitude, forced labour and other forms of exploitation, in 2008 the Czech Republic became a target country for persons coming from the former USSR (Russia, Ukraine, Kyrgyzstan, Uzbekistan) and from Romania (the Ministry of Interior, 2008: 13). Therefore, in order to analyse the role of employment agencies in exploitation, forced labour and human trafficking for forced labour, it is important to understand what influences on women's decision to work abroad and why it is possible for employment agencies to abuse rights of female migrants.

Causes of migration and trafficking in women

There is a complex of causes why Russian speaking female want to migrate and at risk of becoming trafficked persons. In this part of the report some of the most important causes of migration and trafficking in women such as negative effects of globalization; lack of human security in the country of origin; gender aspect of causes, migration policy of the Czech Republic will be analysed:

Negative effects of globalization: some of the main effects of globalisation are ‘feminization of poverty’, human exploitation and globalization of organized crime, which have a negative influence on Russian speaking female migrant workers as well.

Firstly, the ‘feminization of poverty’ is one of the most important consequences of globalization because more and more women are becoming poor in the world. For instance, three fifth of the world’s one billion poorest people are women and girls (United Nations Development Programme, 2006:20). The ‘feminization of poverty’ is widespread because many women are involved in an informal economy, therefore having a very low salary. The globalization fact is that, around the World, there are significant gaps in wages and earnings within the informal economy: on average, employers have the highest earnings; home-workers have the lowest; and own account workers and wage workers earn somewhere in between, depending on the economic sector and country (Chen, Vanek and Carr, 2004:18). Many Russian speaking migrant workers are also involved in work in informal sector in the Czech Republic and usually get a low salary.

Secondly, human exploitation is another consequence of globalization. Makarenko (2009) argues that the benefits of globalization to comparatively deprived societies have ignored the fact that this is process, which has led to exponential economic success in the West, has simultaneously created conditions ripe for human exploitation. There is a recent economic growth of the Czech Republic and a difficult economical situation in former Soviet Republics. Therefore, the Czech Republic is attractive for Russian speaking females. Employment agencies also play a role in creating a myth about good conditions of life and work in the Czech Republic. Employers from the Czech Republic are also interested in cheap labour. Cerník (2006) indicates that due to solid economic growth, the Czech economy faces increasing labour shortages and the gap between labour supply and demand is partly filled with migrant workers from Ukraine and other former Soviet Republics. However, when Russian speaking female migrant workers come to the Czech Republic they often work in substandard conditions.

Thirdly, globalization of organized crime is another consequence of globalization. It is easier to organize human trafficking for forced labour because of open state borders. UNFPA (2006) claims that trafficking constitutes the dark "underside" of globalization; the

opening-up of national borders and international markets has led not only to increased international flows of capital, goods and labour, but also to the globalization of organized crime. Russian-speaking criminal organizations' have received more opportunities for their illegal activities. Jonsson, A. (2009) claims that the global impact of Russian-speaking criminal organizations is more substantial than it was the case before the dissolution of the Soviet Union; what we today call globalization would probably have taken place anyway but it was speeded up by the fall of the Soviet empire.

Consequently, all mentioned negative effects of globalization such as 'feminization of poverty', human exploitation and globalization of organized crime influence Russian speaking women to be exploited and at being at risk of becoming human trafficked persons in the Czech Republic.

Lack of human security: there is a link between Russian speaking women's decision to become migrant workers and becoming them exploited persons, being at risk of becoming human trafficked persons and the lack of human security in their home country.

It seems that the lack of human security in former Soviet Republics, can be one of the main causes of migration. For example in Ukraine, there is still a central state security but not human security approach. Human Development report (2008) claims that it has yet to be fully appreciated in Ukraine that it is not the responsibility of the state to determine individual's needs; rather it is the responsibility of the individuals themselves. Furthermore, Krivosheev, Marzouk and Hvidemose (2009) indicate that numerous factors constitute actual or potential threats to human security in Ukraine; these range from violent crime or vulnerability in the face of economic hardship, to health issues (e.g. those linked to HIV and AIDS), to environmental issues (not least, linked to the effects of the catastrophe at the Chernobyl Nuclear Power Plant in 1986, which directly affected significant areas and numbers of people in Ukraine), to exposure to natural or man-made disasters. This example means that the lack of human security can make Russian speaking women want to work abroad and as a result to become exploited and be at risk of becoming trafficked. The stronger human security can prevent exploitation and trafficking of Russian speaking female migrant workers. Jonsson, A (2009) states that 'by establishing economic, political, and societal peace and stability for individuals, the playing field for organized crime actors, sex buyers, and others

who are willing to exploit other people in order satisfy their own desires, be they of a sexual pecuniary character, becomes limited’.

Consequently, lack of human security in country of origin force Russian speaking women to go abroad, including to the Czech Republic.

Gender aspect of causes: La Strada International (2008) claims that violation of women’ rights is a cause and consequence of trafficking in women. La Strada International (2008) indicates that these violations are linked in particular to three specific but interrelated aspects of women’s lives, which are all part of the root causes mentioned above, namely:

1. The social position of women: patriarchal stereotypes and domestic violence

The position of women in the family and society as a whole influences the risk of being trafficked. Cultural contexts in which violence against women is tolerated, for example, have an effect on the risk of trafficking. The position of women is also influenced by paternalistic values and norms that portray women as being inferior to men.

2. The position of women in the labour market

It has been widely acknowledged that unemployment and poverty are among the risk factors contributing to trafficking. According to a comprehensive report on trafficking in South-Eastern Europe, for instance, the main reason for persons to leave home was to work abroad (Surtees, 2005) .Therefore, the position in the labour market and the availability of equal opportunities in the labour market can be linked to the risk of trafficking. Consequently, the transition process, unemployment of women, no equal pay for equal work, violation of rights in the labour market, double ‘burden’ for working women, feminization of poverty are risk factors contributing to trafficking.

3. The position of women in the migration process

A third factor which increases the risk of trafficking is the position of women in the migratory process. As there is a lack of legal migration options, especially for female-designated sectors of work in which there often is an absence of legal protection, women are increasingly exposed to a considerable risk of abuse and violence.

The migration policy of the Czech Republic can influence the Russian speaking women’s decision to migrate as well. At the moment it is absence of effective measures for supporting legal migration in the Czech Republic. It is also gender-neutral migration policy. The priority of national activities of the Czech Republic in migration is to formulate effective measures, which will support managed legal migration, while minimizing illegal migration (Ministry of Interior, 2010). However, obtaining work visa or business visa or visa ‘for executive manager purposes – participation in a legal entity’ as few of the legal channels for migrant workers is a

long bureaucratic process, which involves much time and many burdens. Therefore, it is easy for unofficial employment agencies to offer their services to migrant workers. Furthermore, when migrant workers are already in the country and they have work visa, they must work only for the employer mentioned in their work permit. If migrant workers lose their jobs not because of their fault and before the expiration of work permit, they have 60 days for finding a new job under the new amendment to Act No. 26/1999 Coll., on the Residence of Aliens in the Territory of the Czech Republic but only in case if migrants work at least for a one year in the Czech Republic or if they have lived in the country continuously for at least 3 years (only the residence based on long-term visa or long-term residence permit qualifies towards this time) or if employment was terminated due to redundancy, health problems or employers' failure to pay due wages under Sections 52 and 56 of the Labour Code. However, not all migrants can use 60 days period. Due to bureaucracy of the Czech Republic and difficulties to find job for foreigners, these 60 days might be also not enough. Moreover, one of the current tools to manage legal migration is the project 'Green Cards'. The project has started on the 1st of January, 2009. However, it seems that this project will have not much influence on the recruitment mechanisms of Russian speaking female migrant workers by employment agencies due to the following reasons:

- green cards are aimed mainly towards highly qualified specialists. However, most of the migrant workers are involved in unqualified jobs. Rákoczyová and et al (2007) indicate that the majority of foreign workers (69 %) are employed in manual jobs with the quality of work unattractive for Czech labourers.
- a new residence permit can be prolonged only for high qualified foreigners, for unqualified workers it can be issued only for two years without any possibility of extension.
- citizens of Ukraine are the only ones among former Soviet countries citizens can apply for a Green Card. Even though there are many Ukrainian citizens are working in the Czech Republic, there are also representatives from other former Soviet countries.

Pavel Cizinsky mentions the following other general disadvantages of Green cards (2008):

the applications will still be made at the embassy. A person will not be legally entitled to be granted the green card even if they fulfil all the conditions, and the officers will not be required to provide any explanations as to why an application was turned down. Foreigners

will not be able to change employers without getting a new permit, granting of which will again depend on the goodwill of the Ministry of Interior.

The example about work and business visas, visa ‘for executive manager purposes – participation in a legal entity’ and Green card shows that unqualified Russian speaking female migrant workers will still have to use services of ‘clients’ due to the absence of good channels for legal migration and a gender-neutral migration policy. Furthermore, Drbohlav, D. and et al. (2008) state such reasons of coming of migrant workers to the CR and doing irregular activities as an already established system of middlemen/clients, strong demand for illegal foreign labour force and widespread “culture of tolerance” of illegal employment. ‘Client system’ ‘has two hierarchic levels, the first of which deals with the procurement of irregular migrant labour. The second level is based on the relations between middlemen [client] and organized crime’ (‘Nekorjak, M and Cermakova, D, 2008). ‘Client system’ has been working for many years. At the end of the first half of the 1990s, the entities informally organizing labour migration – future clients –started to consolidate their business (Černík, 2006: 26). Result of what is organized system of how to attract Russian speaking female migrant workers to come to the country, work and live there. The employers of the Czech Republic are interested in cheap labour with no risk either. When migrant workers are working irregularly, the employer avoids the payment of taxes, social and health insurance. Massey et al. (1998) claims that high demand for cheap labour force on one hand and stronger barriers formed by the state on the other hand, create space for an establishment of both regular and irregular institutions. Moreover, employment agencies are responsible for the risks and not employer. However, due to weak regulations and legislation gaps it is easy for them to avoid punishment.

To sum up, the social position of women: patriarchal stereotypes and domestic violence, the position of women in the labour market and the position of women in the migration process are important causes of risk of becoming trafficked for Russian speaking female migrant workers.

Consequently, such causes as negative effects of globalization, the lack of human security in their home country and gender aspects have a negative influence on Russian speaking women. These causes force them to go abroad, including the Czech Republic. It is not

difficult for employment agencies to abuse rights of Russian speaking female migrant workers and put them at risk of becoming trafficked persons for forced labour as there are no opportunities for legal migration, it is established ‘client systems’, demand for cheap labour and culture of tolerance” of illegal employment. It is also lack of proper monitoring of employment agencies’ activities and legislation gaps.

ANALYSIS OF INTERNATIONAL, EUROPEAN AND CZECH LEGISLATION CONCERNING EMPLOYMENT AGENCIES ACTIVITIES AND MIGRANT WORKERS' RIGHTS

Adoption of effective legislation concerning employment agencies' activities and protection of migrant workers' rights at international, regional and domestic level can effectively combat human trafficking, forced labour and exploitation. Therefore, this chapter of the report will be focused on the analysis of international instruments, regional and domestic legislation concerning employment agencies 'activities and migrant workers' rights.

a) Legislation concerning employment agencies' activities and protection of migrant workers' rights:

In this section, the following the legal instruments will be analysed:

1) international instruments:

- Private Employment Agencies Convention, 1997 (No: C 181);
- Private Employment Agencies Recommendations, 1997 (No: R 188);
- Employment Relationship Recommendations, 2006 (No: R 198).

2) regional instruments:

- Directive 2009/52/EC of the European Parliament and of the Council 'providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals' (hereinafter 'sanctions directive');
- Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals (hereinafter the 'return directive');
- Directive 2008/104/EC of the European Parliament and of the Council on temporary agency work (hereinafter 'temporary agency work directive');

3) national legislation:

- Labour Code of the Czech Republic No.262/2006 Coll. (hereinafter 'Labor Code');

- Act No.435/2004 Coll., on employment (hereinafter ‘Employment Act’);
- Act No. 26/1999 Coll., on the Residence of Aliens in the Territory of the Czech Republic (hereinafter ‘Residence Act’);
- Act No. 251/2005 Coll., on labour inspection (hereinafter ‘Labour inspection Act’).

The Czech Republic has done some important steps by ratifying the Private Employment Agencies Convention 1997, (No: C 181). For instance, the principles of equality and non-discrimination, the requirement of a holding permit to broker employment, the principle of not charging fees from workers have been implemented in legislation. However, the Czech Republic has not implemented all necessary provisions of the Private Employment Agencies Convention, 1997 (No: C 181), recommendations of the Private Employment Agencies Recommendations, 1997 (No: R 188) and Employment Relationship Recommendations, 2006 (No: R 198). Furthermore, provisions of earlier mentioned adopted Convention and recommendations quite often have not been implemented well in the Czech Republic’s practice. Employment agencies often break the law and abuse rights of migrant workers. There is no well-introduced protection of female migrant workers’ rights. Therefore, it is important to take into account Employment Relationship Recommendation’s about effective measures for the protection of migrant workers’ rights, including women workers and workers in informal economy (paragraph 7 (a) of the Recommendation).

The gap is that there is no widespread practice of concluding bilateral agreements between the EU and former Soviet countries. There is only a bilateral agreement between the Czech Republic and Ukraine, the Czech Republic and Belarus regarding welfare provisions. However, bilateral agreements can be an important tool in the cooperation between two countries as it makes it easier for countries to combat human trafficking for forced labour, to regulate private employment agencies and to defend migrant workers’ rights. The provision of concluding of bilateral agreements is regulated by Article 8(2) of Private Employment Agencies Convention, 1997 (No: C 181) and by paragraph 7(b) of Employment Relationship Recommendations, 2006 (No: R 198). Moreover, ILO (2005) claims that ‘the best defence against traffickers is to undermine the basis on which any profit from the activities can take place. In particular Article 8(2) of ILO Convention No. 181 promotes the negotiation of bilateral agreements to prevent abuses and fraudulent practices in recruitment, placement and employment of workers recruited in one country to work in another’.

As proposed by Article 10 of the Private Employment Agencies Convention ‘adequate machinery and procedures, involving as appropriate the most representative employers and workers organizations for the investigation of complaints, alleged abuses and fraudulent practices concerning the activities of private employment agencies’ is not implemented. Furthermore, migrant workers can complain, for example, to labour officers about breaking employment law by employment agencies; to labour inspectorates about breaking law regarding work safety, working hours, wages, working conditions or collective bargaining. However, due to absence of knowledge about this not many migrant workers can realise the complaint mechanism by themselves. Therefore, an effective mechanism of complaints and investigation of complaints is needed in order to avoid abuses of migrant workers. Concerning trafficked persons ILO (2005) states that victims should have the right to redress and compensation as regards wages and other types of remuneration and social contributions and benefits; State Parties should permit them access to representation and recognize the standing of workers’ representatives in respect of legal proceedings.

Some employment agencies are often not providing accurate information about the nature of the position, conditions of the employment and violate law concerning broker employment. In order to avoid these situations, a good control mechanism of employment agencies, which does not exist in practice in the Czech Republic now, is necessary. One of the obstacles in having good control mechanism is the big number of official employment agencies and unofficial employment agencies. The main authorities which can control employment agencies are the Ministry of Labour and Social Affairs, labour inspectorates and labour officers. The authority of the Ministry of Labour and Social Affairs is regulated by Section 6 of the Chapter III of the Employment Act. The Ministry of Labour and Social Affairs gives the permit to employment agencies and can withdraw it in case of breaches of law by employment agencies, and ‘maintains records of employment agencies and monitors their activities’ under Section 6 (k) of the Employment Act. The Ministry of Labour and Social Affairs can also ‘execute the inspection activities, including imposing fines’ according to Section 6 (l) of the Employment Act. Moreover, with a recent amendment to the Employment Act, the Ministry of Interior can influence on the Ministry of Labour and Social Affairs’ decision regarding issuing and withdrawing permit to broker employment. This is a good measure as it seems that it is difficult for the Ministry of Labour and Social Affairs to provide a well-organised control mechanism. Legal regulation of the labour inspectors is provided by

the Labour inspection Act and of the labour offices is regulated by the Employment Act. La Strada Czech Republic (2006) claims that labour inspectorates check compliance with the regulations on work safety, working hours, wages, working conditions or collective bargaining; labour offices focus on checking especially the obligations based on the employment law i.e. in the area of employment provision, unemployment benefits, labour agencies, employment of foreigners, active employment policy etc. However in practice there is no effective control provided in partnership between the Ministry of Labour and Social Affairs, labour inspectorates and labor office. Therefore, it is recommended to establish it between the Ministry of Labour and Social Affairs, labour inspectors, labour offices and immigration police in order to strengthen control of employment agencies but not of vulnerable persons. Moreover, this will give opportunities for migrant workers to realise practice of the complaints against employment agencies. At the moment it is very difficult for migrant workers to understand the difference between the Ministry of Labour and Social Affairs, labour inspectors, labour offices and immigration police. This can be a reason why no complaints have been filed by migrant workers.

Both Article 14 (3) of the Private Employment Agencies Convention 1997, (No: C 181) and paragraph 4 of the Private Employment Agencies Recommendations 1997, (No: R 188) emphasise the need of inclusion of laws or regulations, which provide for penalties against unlawful activities of employment agencies. Under paragraph 4 of the Private Employment Agencies Recommendations 1997, (No: R 188) ‘members should adopt all necessary and appropriate measures to prevent and to eliminate unethical practices by private employment agencies. These measures may include laws or regulations which provide for penalties, including prohibition of private employment agencies engaging in unethical practices’. Czech employment legislation regulates a withdrawal of permits, imposing fines on employment agencies. Section 63 (2) of Employment Act regulates that the permit from broker employment can be withdrawn in case of contradictions with allowed employment agencies activities, with the requirements for getting permit, with conditions for brokering employment set forth in the Employment Act or in contradiction with the permit to broker employment that has been issued, or with good morals, or such requests. However, the implementation of revoking the permit is problematic in practice due to the difficulty of controlling employment agencies.

The internet site of the Ministry of Labour and Social Affairs has information about the employment agencies operating in the labour market. It can also be a good idea to write the name of the employment agencies which violated law in its internet site. ILO (2007) gives examples of good practice by the Philippine Labour Code:

The Philippine Labor Code, for example, has provided guidelines, rules and regulations with respect to private sector participation in the recruitment and placement of workers locally and overseas, and has maintained a roster of overseas Filipino workers serving penalties for violation of the Code of Conduct for Overseas Employment. This list is published periodically and contains licensed employment agencies which are suspended, cancelled, banned or delisted.

The regulation of imposing fines on employment agencies is provided by Section 139 (in case of brokering employment as natural person) and 140 (in case of brokering employment as legal entity) of the Employment Act. Some of the grounds for imposing fine for employment agency are ‘breaches to the ban on discrimination or failures to ensure equal treatment in accordance with this Act; brokering employment without a permit or otherwise contravenes this Employment Act by brokering employment; enables a natural person or a foreign national to perform illegal work’. The amount of fine employment agency as natural person or legal entity must pay up to CZK 1,000,000 in case of ‘breaches the ban on discrimination or failures to ensure equal treatment’ under Employment Act. For the ‘brokering employment without a permit or otherwise contravenes this Employment Act by brokering employment or enables a natural person or a foreign national to perform illegal work’ the amount of fine to be paid can be up to CZK 5,000,000 according to the Employment Act. Moreover, the fine has recently been increased from CZK 2, 000, 000 to 5, 000, 000. However, employment agencies’ profit of illegal activities can be higher than CZK 5,000,000. Therefore, the amount of fines has to be increased. Moreover, if employment agencies abuse rights of migrant workers, it is a good idea to follow ILO’s idea of paying financial restitution by employment agencies. If workers were victims of exploitation through the recruitment and placement of private employment agencies, the agency should be obliged to pay financial restitution to the jobseeker (ILO, 2007:37). Furthermore, employers or intermediaries (only as natural persons) who intermediate without authorisation migrant workers residing irregularly in the Czech Republic or without valid work permit could have criminal liability under Act No. 40/2009 Coll., the Criminal Code of the Czech Republic. However, the gap in the Czech legislation is that there is no criminal liability of legal persons.

Consequently, even though the Czech Republic has done some positive steps through signing and ratifying Private Employment Agencies Convention, there are still problems in the implementation of some provisions in practice. Moreover, it is also important to take into account useful recommendations provided by Private Employment Agencies Recommendations and Employment Relationship Recommendations. Therefore, it is recommended to conclude bilateral agreements between the EU and former Soviet countries in order to prevent abuses and fraudulent practices of intermediaries and to protect rights of migrant workers, to provide a good mechanism of complaints for migrant workers and investigation by representative employers and workers' organisations and improving the control mechanism of employment agencies. It is also recommended to provide financial restitution, to introduce criminal liability of legal persons and to name employment agencies which violate law on the official internet site of the Ministry of Labour and Social Affairs.

Until July 20, 2011 the Czech Republic has to implement the provisions of the EU 'sanctions directive', which provides minimal standards on sanctions and measures against employers who have hired irregular migrant workers. The Czech Republic has done some steps for implementing this directive into legislation. A new amendment to 'Residence Act' has been discussed, however the 'sanctions directive' has not been implemented yet. 'Sanctions directive' is the third part of the legislation in a common immigration policy of European Union. Other two parts are 'return directive', which harmonizes the rules on the expulsion of illegal immigrants, and the 'blue card', designed to smooth the entry into the EU of skilled migrant workers who match the needs of the labour market in the Member States (European Parliament, 2009).

The 'sanctions directive' can have some positive effects on Czech legislation giving an opportunity to irregular migrant workers to introduce claims and lodge complaints against employers. The 'sanctions directive' also provides new measures and criminal sanctions to employers. In general, the idea of introducing sanctions can be good but only on the condition that protection of migrant workers rights a priority. Therefore, the Czech Republic has to implement the measures of this directive in legislation taking into account this priority.

Usually, it is quite difficult for both regular and irregular migrant workers to introduce a claim or lodge a complaint. Therefore, it is a positive effect of 'sanctions directive' to have

this opportunity. Moreover, under Article 6 (2b) of the ‘sanctions directive’ ‘competent authority can start procedures to recover outstanding remuneration if irregular migrant workers ask for help’. In this case, there is no need for irregular migrant workers to introduce a claim by themselves. It is possible for irregular migrant workers to lodge a complaint through or with the support of a third party, such as a voluntary body or trade union, which are regulated by Article 13 of the ‘sanctions directive’.

Financial sanctions are important measures in stimulating employers of migrant workers to follow the law. As earlier mentioned, the Employment Act provides sanctions against employment agencies. However, these sanctions are not effective because the fine is low. Therefore, financial sanctions have to be high enough in order to be effective. ‘Sanctions directive’ also provides such effective measure as financial sanctions shall be increased proportionally of irregular migrant workers hired by employers (Article 5 (2a) of ‘sanctions directive’). Payments of the return of irregular migrant workers as financial sanction are an opportunity to cover their trip to the home country (Article 5(2b) of ‘sanctions directive’) is another effective measure of the ‘sanctions directive’. However, this measure can have a positive effect only if irregular migrant workers decide to come back to home country voluntarily.

One of the other measures, which are new for the Czech Republic legislation, is ‘back payments to be made by employer’, which are regulated by Article 6 of the ‘sanctions directive’. The most effective for irregular migrant workers is ‘outstanding remuneration to illegally employed third-country nationals’. Remuneration has to be as high as the minimum wage. According to Article 6 (1a) ‘sanctions directive’ ‘the agreed level of remuneration shall be presumed to have been at least as high as the wage provided for by the applicable laws on minimum wages, by collective agreements or in accordance with established practice in the relevant occupational branches, unless either the employer or the employee can prove otherwise, while respecting, where appropriate, the mandatory national provisions on wages’. This is an especially good measure for irregular migrants who cannot return their salaries. Other back payments to be made by employer, which are also new for the Czech Republic legislation, ‘is an amount equal to any taxes and social security that the employer would have paid had the third-country national been legally employed, including penalty payments for delays and relevant administrative fines; and any cost arising from sending back payments to

the country to which the third-country national has returned or has been returned' according to the Article 6 (parts b and c) of the 'sanctions directive'. These back payments made by employer can be also a motivation for hiring migrant workers legally because of necessity to pay 'back payments' anyway. Furthermore, other measures against employer provided by Article 7 of the 'sanctions directive' are such as exclusion from public benefits, aid or subsidies for up to five years. This can be also a good stimulation for employers to hire migrant workers legally. Moreover, it is possible to recover 'some or all public benefits, aid, or subsidies, including EU funding managed by Member States, granted to the employer for up to 12 months preceding the detection of illegal employment' under Article 7 (1c) of the 'sanctions directive'. Furthermore, it is possible to withdraw the license temporarily or permanently or the 'closure of the establishments' in case of the hiring irregular migrant workers according to the Article 7 (1d) of the 'sanctions directive'.

The 'sanctions directive' also regulates criminal sanctions against employers. Implementation into Czech legislation of criminal sanctions against legal persons can have some positive steps towards combating human trafficking, forced labour and exploitation of migrant workers. Criminal sanctions can threaten employers in breaches of law. Article 11 of 'sanctions directive' introduces a liability of legal persons and does not exclude the liability of natural persons who are perpetrators, inciters or accessories in the criminal offence. Furthermore, effective and adequate inspections provided by Article 14 of 'sanctions directive' can also be an important tool in protecting migrant workers' rights as labour inspections of the Czech Republic are not effective in controlling employers or employment agencies who hired migrant workers irregularly. The inspections must not to be used against vulnerable persons. However, financial sanctions, all earlier mentioned measures and criminal sanctions can be only effective if the Czech migration policy provides legal channels for migration. Providing strict sanctions against employers is necessary but it can also be possible that employers or especially employment agencies increase the fees for brokering because of difficulties to come and work in the country. Therefore, not only strict sanctions against employer or employment agencies but also adequate migration policy with focus on the protection of rights of migrant workers have to be a priority.

The negative effects of the 'sanctions directive' are the absence of well-introduced protection of migrant labour rights and the liability to pay sanctions by all subcontractors. If some

subcontractors are involved in the employment of irregular migrants, it can be difficult to prove that the main contractor was aware of the employment of irregular migrants (Article 8 of 'sanctions directive' regulates subcontracting). La Strada supports the statement of European Network against Racism's, European Women's Lobby's, Platform for International Cooperation on Undocumented Migrants' and SOLIDAR' statement (2009) that this directive does not recognize that undocumented workers have labour rights and that the priority must be ensuring such rights are enforced. La Strada also agrees with European Trade Union Confederation' opinion (2009) that Directive 2009/52/EC fails to properly extend the liability to pay such sanctions to the whole subcontracting chain. Therefore, the protection of migrant workers' rights and provisions on measures of the liability of the whole subcontractors chains are what have to be implemented in legislation.

The 'return directive' is the first of three directives towards a common immigration policy in the EU. It is expected that Czech Republic implements the main measures of the return directive by 24th of December 2010. 'Return directive' applies only to irregular migrants from outside of Member States who enter the country with valid visa but stay longer than it is allowed under the visa (Article 2 of 'return directive'). In general, the 'return directive' includes very strict measures and does not provide enough protection of the rights of irregular migrants. Rozumek (2008) states about the 'return directive' that 'agreed standard of protection of an alien/refugee rights is minimal and offers countless exceptions which allows a state to do basically anything which makes the directive a worthless norm'.

Return directive includes such measures as return decision (including voluntary departure), the removal, entry ban, and detention of irregular migrants. It is possible that voluntary departure is not provided at all or for a shorter period. According to Article 7 (4) of the 'return directive' 'if there is a risk of absconding, or if an application for a legal stay has been dismissed as manifestly unfounded or fraudulent, or if the person concerned poses a risk to public policy, public security or national security, Member States may refrain from granting a period for voluntary departure, or may grant a period shorter than seven days'. Moreover, the removal decisions shall be made along with an entry ban if voluntary departure is not given and if legal migrant workers overstay the period of the voluntary departure, which is regulated by Article 11 (1) of the 'return directive'. All mentioned measures do not guarantee the protection of the migrants' rights and they are strict. Even though the maximum five years

period of an entry ban provided by Article 11 (2) of the ‘return directive’ is less compared to the current Czech legislation (according to the section 119 (1a) for, section 120 (1a) of the Residence Act’ 10 years is the maximum period of entry ban for an alien with a temporary stay and permanent residence permit), it is still a long period and can have negative effect for migrant workers as Russian speaking female migrant workers can be exploited and can be at risk of becoming human trafficked persons. OHCHR (2008) claims about being afraid of the potential impact of the directive especially for vulnerable groups, such as victims of human trafficking. Implementing these measures in Czech legislation will not improve the situation of irregular work of migrant workers. These measures can even give more opportunities for unofficial employment activities. The possible result is more exploitation of migrant workers. Furthermore, special attention has to be paid to detention as one of the strictest measures. Under the Article 16 (3) of ‘return directive’ vulnerable groups can be also detained. However, this kind of group has to be provided with special protection. OHCHR (2008) states that the proposed set of rules would allow Member States to detain unaccompanied children, victims of human trafficking, and other vulnerable groups. The return decision can be cancelled or not issued at all, if illegal migrants can apply for international protection (for compassionate, humanitarian and other reasons) and in case of positive decisions can be granted residence permit or other authorization for staying in the country (Article 6 (4)). However, the ‘return directive’ does not mention that during detention irregular migrant workers can apply for international protection. This means that the ‘return directive’ fails in protection of vulnerable groups. However, under Section 127 of the Residence Act alien still can apply for international protection during the detention period. Furthermore, under Article 15 (5) return directive the period of detention may not exceed six months. Moreover, it can be extended from six months to twelve months in case of ‘a lack of cooperation by the third-country national concerned, or delays in obtaining the necessary documentation from third countries’ under Article 15 (6) of the ‘return directive’. At the moment the maximum period of detention is 180 days (six months) and 90 days (three months) for irregular migrant workers younger than 18 years old under section 125 (1) of the Residence Act. This means that this provision of the return directive also has an even worse effect than the current legislation.

Zhimei Xu and Sonia Plaza summary some negative reactions on the 'return directive':

The UN High Commissioner for Human Rights Louise Arbour criticized the new regulations, saying EU countries would do better to look at ratifying the UN convention on rights for migrant workers. Leading human rights organization Amnesty International slammed the text adopted for failing to guarantee the return of irregular migrants in "safety and dignity". Greens civil liberties spokesperson Kathalijne Buitenweg said the European parliament had adopted a law that falls "below acceptable standards of civilization".

The exceptions of not issuing the return decision are regulated by Article 6 (3, 4). These exceptions can be realised if irregular migrants have a valid residence permit in another Member State and go to this country immediately, if under bilateral agreements irregular migrants can be taken back by another Member State country. 'Return decision can be postponed if a third-country national staying illegally on the territory of a Member State is the subject of a pending procedure for renewing his or her residence permit or other authorization offering a right to stay, that Member State shall consider refraining from issuing a return decision, until the pending procedure is finished' under Article 6 (5) of the 'return directive'.

The 'temporary agency work directive' is another important tool for regulation of employment agencies' activities and can have a positive influence on the protection of migrant workers' rights. It is expected that the Czech Republic adopts legislation to comply with this Directive by 5 December 2011. Labour Code and Employment Act are the Czech legislation concerning 'temporary agency workers' at the moment. However, it is better to adopt the special law which regulates 'temporary agency workers' in order to provide better protection of their rights in practice.

The 'temporary agency work directive' provides minimal standards for protecting temporary workers' rights. The adoption of this directive by Czech Republic is necessary for the protection of rights of 'temporary agency workers'. This directive can have a positive effect on migrant workers on the condition that the 'principle of equal treatment' which is regulated by 'temporary agency work directive' is implemented in practice. At the moment employment agencies often violate the rights of temporary agencies workers, among which there are many migrant workers. Research Institute for Labour and Social Affairs (2008)

claims that in practice, agency work is abused most frequently by employers – employers establish work agencies to save on staff costs (mainly saving on overtime – the employee works part of the day as a core employee of his employer and part of the day as an agency worker of the user).

The aim of the ‘temporary agency work directive’ is to promote the important principle of equal treatment of temporary agencies workers and permanent employees. This directive also have measures of reviewing the prohibition and restrictions on the use of ‘temporary agency workers’, promoting access to employment, collective facilities and vocational training of ‘temporary agency workers’, regulation of representation of ‘temporary agency workers’ and information of workers’ representation. In order to have Czech legislation in a line with the ‘temporary agency work directive’, it is necessary to review the prohibition and restrictions of ‘temporary agency workers’ in the Czech Republic as such restrictions exist. For instance, Research Institute for Labour and Social Affairs (2008) indicates that a higher-level collective agreement concluded by the Trade Union of Workers in Woodworking Industry, Forestry and Water Management (Odborový svaz pracovníků dřevozpracujících odvětví, lesního a vodního hospodářství v České republice, OS DLV) contains provisions concerning possible restrictions on recruiting via work agencies in enterprise-level collective agreements. However, under Article 4 (1) of ‘temporary agency work directive’ ‘prohibitions or restrictions on the use of temporary agency work shall be justified only on grounds of general interest relating in particular to the protection of ‘temporary agency workers’, the requirements of health and safety at work or the need to ensure that the labour market functions properly and abuses are prevented’.

Furthermore, the ‘principle of equal treatment’ has already been implemented in legislation of the Czech Republic. The wage and working conditions of agency workers must not be worse than permanent employees, which is regulated by Section 309 (5) of the Labour Code. However, the problem is that working conditions are stated in collective agreements, which are not binding for ‘temporary agency workers’. However, Research Institute for Labour and Social Affairs (2008) states that although collective agreements with the user and the user’s internal regulations do not directly apply to agency workers, under this legal interpretation these documents indirectly shape these employees’ level of pay and other working conditions. Therefore, the strengthening of the role of collective agreements for ‘temporary

agency workers' is recommended. In line with legal opinion and with a view to precluding interpretation uncertainties there have been recommendations that the law should specify that collective agreements, both enterprise level and higher, that cover a user are also binding for agency workers temporarily allocated to that user (Research Institute for Labour and Social Affairs, 2008).

In general, there is access to employment, collective facilities and vocational training for agency workers in the Czech Republic according to principle of equal treatment. However, the principle of equal treatment can be applied only to regular migrant workers, while irregular migrant workers are outside of legal protection. Therefore, it is sufficient if these provisions are specified in legislation for both irregular and regular migrant workers. Even though, 'temporary agency workers' along with permanent employees of the Czech Republic have rights to representation, access to information and consultation according to legislation, it is difficult to realise this in practice. Therefore, expert opinion is that an amendment to the act should transfer obligation to the user: employees' representatives at the user would also represent the temporarily allocated agency worker (Research Institute for Labour and Social Affairs, 2008). Trade unions are possible representatives of 'temporary agency workers'. At the moment trade unions are not active in protecting labour rights of 'temporary agency workers' and migrant workers' rights in general. Therefore, strengthening the role of trade unions is expected.

Consequently, implementation of the discussed directives by the Czech Republic will be a further step in changes to the legislation concerning migration policy and temporary agencies workers. 'Sanctions directive' can have positive effects on the Czech Republic's legislation by giving an opportunity for irregular migrant workers to introduce claims and lodge complaints against employers; providing new measures against employers who hired migrant workers illegally and introducing criminal liability of legal persons. However, all mentioned positive effects must be realised under the condition that protection of migrant workers' rights is priority. Moreover, it is recommended to strengthen the liability of the whole subcontractor chain in Czech Republic's legislation. Compared to the 'sanctions directive' the 'return directive' has mostly negative effects as it provides strict measures against irregular migrant workers. There is no protection of irregular migrant workers' rights and in particular vulnerable groups during the detention period. Furthermore, some of the measures

provided by the ‘return directive’ are even stricter than the current Czech legislation. This means that after adopting the ‘return directive’ situation of migrant workers can deteriorate. Implementation of the ‘temporary agency work directive’ can have a positive effect on migrant workers only under the condition that they are not discriminated against national workers in practice. It is advised to review the prohibition and restrictions of ‘temporary agency workers’, strengthen the role of collective agreements for ‘temporary agency workers’. Furthermore, it is recommended to empower trade unions in representation of ‘temporary agency workers’ and in defending their rights’.

b) Analysis of not ratified legislation concerning protection of migrant workers’ rights’:

In general, the Czech Republic has not used all possible opportunities for protecting migrant workers’ rights. The Czech Republic has not ratified such important conventions for protecting migrant workers’ rights as

- ILO Convention No. 97 on Migration for Employment (Revised), 1949 (hereinafter the Migration for Employment Convention);
- 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (hereinafter Migrant Workers and Members of Their Families Convention);
- ILO Convention No.143 on Migrant Workers (Supplementary Provisions) Convention, 1975 (hereinafter Migrant Workers Convention);
- European Convention on the legal status of migrant workers, 1977

All these instruments defend migrant workers’ rights. Furthermore, the key to protecting victims of trafficking lies in treating them as rights holders entitled to the benefit of all of the protections contained in the relevant international instruments, adopted by the United Nations or the ILO (ILO, 2005: 46). Therefore, implementation of these measures can prevent human trafficking, forced labour and exploitation of migrant workers.

Migration for Employment Convention provides important tools for protecting rights of migrant workers. It protects the rights of regular migrant workers but without discrimination to citizens of the country of destination. As many regular migrants are discriminated in practice, the implementation the provisions of the Article 6 of this Convention is an important. ILO (2005) mentions:

Article 6 of ILO Convention No. 97 requires States Parties to apply without discrimination in respect of nationality (or other criteria as set out) treatment no less favourable than that which they apply to their own nationals as regards remuneration, including family allowances and other benefits, membership of trade unions and the enjoyment of the benefits of collective bargaining; accommodation; social security subject to specified limitations; employment taxes, dues or contributions and legal proceedings relating to matters included in the Convention.

The Migration for Employment Convention provides the rights of migrant workers to information about working and living conditions in the country of destination. According to Article 5 (1c) of the Annex 1 of the Migration for Employment Convention ‘the migrant shall receive in writing before departure a document which relates either to him individually or to a group of migrants of which he is a member, information concerning the general conditions of life and work applicable to him in the territory of immigration’. Furthermore, another important provision of this Convention is that the country of destination shall provide free service to assist migrants for employment in providing them with accurate information under Article 2 of the Migration for Employment Convention. As employment agencies often provide false information to migrant workers, the adoption of this Convention is especially important. Article 3 of the Migration for Employment Convention has a provision about ‘fighting against misleading propaganda relating to emigration and migration in cooperation with other Members concerned’, which is an important provision for Czech legislation. Even though, it is also required to conclude written employment contract or agreement on working activity for migrant workers according to the Labour Code, quite often migrant workers do not have one. Therefore, the implementation of the provisions of Article 5 (1a) of the Annex 1 of Migration for Employment Convention in practice about ‘the maintenance a system of supervision of the contract, including receiving the copy of the written contract by migrant workers before going abroad’ is necessary as well. The migrant workers may receive a contract on arrival country of destination if they are informed in written before departure about occupational category, the minimum wage and other working conditions. According to Article 5 (2) of Annex 1 ‘where a copy of the contract is to be delivered to the migrant on arrival in the territory of immigration, he/she shall be informed in writing before departure, by a document which relates either to him/her individually or to a group of migrants of which he is a member, of the occupational category for which he/she is engaged and the other conditions of work, in particular the minimum wage which is guaranteed to him/her’. This has to be implemented in Czech legislation as well in order to prevent abuse of Russian speaking female migrant workers.

Migrant Workers and Members of Their Families Convention guarantees the human rights of all migrant workers and members of their families in general and in particular right not to be held in slavery or servitude or to perform forced or compulsory labour according to Article 11 (paragraphs 1 and 2). The right to be informed is also stated in the Convention. La Strada (2008) indicates that the information should include the conditions for entering the country, their rights and duties, and all the other information that enables migrant workers to meet the administrative requirements and other formalities of the country they are in. Moreover, the convention also gives equal rights to migrant workers as the citizens of the country of destination ‘in respect of remuneration and other conditions of work, that is to say, overtime, hours of work, weekly rest, holidays with pay, safety, health, termination of the employment relationship and any other conditions of work which, according to national law and practice, are covered by these terms’ according to Article 25 (1). It also gives the right to migrant workers to inform the authority about violation of the contract by employer (regulated by Article 54 (2)), which is an important step in finding employers who violate law.

The Migrant Workers Convention as well as the Migration for Employment Convention guarantees human rights of migrant workers, equality of opportunity and treatment of migrant workers. The Migrant Workers Convention also focuses on protecting the rights of all migrant workers, including irregular ones, through prevention and elimination of abusive conditions. ILO (2005) indicates that:

Article 9 (1) of the Convention provides for equality of treatment between irregular migrant workers and those in a regular situation with regard to certain rights arising out of past employment. These relate to remuneration, social security and other benefits. This is particularly important for trafficked migrant workers who find themselves in an irregular situation and whose wages have not been paid.

As mentioned before there is no adequate complaint mechanism for migrant workers, it is necessary to implement provisions of Article 9 (2) under which, in case of violations of the rights indicated in Article 9 (1), ‘the worker shall have the possibility of presenting his/her case to a competent body, either himself/herself or through a representative’. Furthermore, under the Article 2 of the Migrant Workers Convention ‘each Member for which this Convention is in force shall systematically seek to determine whether there are illegally

employed migrant workers on its territory and whether there depart from, pass through or arrive in its territory any movements of migrants for employment in which the migrants are subjected during their journey, on arrival or during their period of residence and employment to conditions contravening relevant international multilateral or bilateral instruments or agreements, or national laws or regulations'. This Convention also promotes provisions of the adopting legislative measures against the organisers who were involved in, illegal activities regulate by Article 2 of this Convention in order to prevent and eliminate abuses of the migrant workers. In particular, the Convention states about administrative, civil and penal sanctions in case of the illegal employment of migrant workers under Article 6 (1). As it has been already mentioned, sanctions against employers, employment agencies is necessary step in fighting against human trafficking, forced labour and exploitation under the conditions of having legal channel for migration.

European Convention on the legal status of migrant workers is also an important instrument for protecting rights of migrant workers. The spirit underlying the Convention is the non-discrimination on the basis of nationality of migrant workers and their family members wherever they are resident within the territory of the Council of Europe (Guild, 1999: 10). This convention also guarantees access to information by migrant workers (regulated by Article 6 of this Convention). Due to many migrant workers are working in substandard conditions, the implementation of these provisions is also necessary for the Czech Republic in order to protect the rights of migrant workers. For instance, European Convention on the legal status of migrant workers has provision of having employment contract by migrant workers before entering the country of destination (regulated by Article 5 of this Convention). It also has regulation about having the same working conditions by migrant workers as citizens of the country of destination (Article 16 of this Convention). It also promotes prevention of industrial accidents, occupational diseases and industrial hygiene under the Article 20, guarantees the inspection of working conditions of migrant workers under Article 21, rights to access to courts and administrative authorities in the receiving State under Article 26 of this Convention.

In addition to presented conventions it is advisable to take into account the provisions of the ILO non-binding Multilateral Framework on Labour Migration. As the previous conventions are gender-neutral, it is especially necessary to adopt non-binding principles and rights-based

approach to labour migration proposed by ILO Multilateral Framework on Labour Migration. The Multilateral Framework on Labour Migration promotes the protection of female migrant workers by calling for gender-sensitive policies, sex-disaggregated data, the provision of opportunities for decent work for all women of working age, bilateral and multilateral agreements addressing gender specific trends, and measures to address trafficking, and assist and protect victims, among others (OSCE, 2009:10). Furthermore, the Czech Republic has done important step in ratifying Convention on the Elimination of All Forms of Discrimination Against Women on 22 Feb 1993. Further, it is necessary to take into account the Committee on the Elimination of Discrimination against Women's (CEDAW) 'General Recommendation No. 26 on Women Migrant Workers'. In particular, it is advised to provide a comprehensive gender sensitive and rights based policy in line with recommendation 23 (a) and active involvement of women migrant workers and relevant NGOs 'in such policy formulation, implementation, monitoring and evaluation' in accordance with recommendation 23 (b) in both countries of origin and the Czech Republic. Moreover, it is recommended in case of the Czech Republic to take into account recommendation 26 (b) about legal protection for the rights of women migrant workers, in particularly in providing legal protection of domestic workers in labour laws 'including wage and hour regulations, health and safety codes, holiday and vacation leave regulations'. Now there is no any comprehensive international instrument, which regulates domestic workers. However, the ILO is discussing a new Convention and Recommendation providing legal protection for domestic workers. A result is expected in 2011. At the moment there is no also special regulation of domestic workers in Czech legislation. However, this type of workers requires special legal protection, as they are often subject to substandard working and living conditions. Human Rights Watch (2006) indicates that the long list of abuses against domestic workers committed by employers and labor agents includes physical, psychological, and sexual abuse; forced confinement in the workplace; non-payment of wages; and excessively long working hours with no rest days; and in the worst situations, women and girls are trapped in situations of forced labor or have been trafficked into forced domestic work in conditions akin to slavery. Therefore, it is strongly recommended for the Czech Republic to implement this recommendation. It is also advised in line with the recommendation 26 (1) provide protection of irregular women migrant workers, in particularly, '...undocumented women migrant workers must have access to legal remedies and justice in cases of risk to life or to cruel and degrading treatment or if they are compelled

into forced labor, face deprivation of fulfilment of basic needs including in times of health emergencies or pregnancy and maternity, or if they are abused physically and sexually by employers or others. If they are arrested or detained, the Czech Republic must ensure that undocumented women migrant workers receive humane treatment and have access to due process of the law including through free legal aid...'. Moreover, it is important that the Czech Republic 'provide mandatory awareness-raising programmes concerning the rights of migrant women workers and gender sensitivity training for relevant public and private recruitment agencies and employers and relevant state employees, such as criminal justice officers, border police, immigration authorities, border polices, social service and health care providers' in line with recommendation 26 (g).

Consequently, it is necessary step for the Czech Republic to sign and ratify the Migration for Employment Convention, Migrant Workers and Members of Their Families Convention, Migrant Workers Convention, European Convention on the legal status of migrant workers because all of these conventions have effective tools to protect the rights of migrant workers and to prevent exploitation, forced labour and human trafficking for forced labour of migrant workers. The Migration for Employment Convention have provisions of giving accurate information about working and living conditions for migrant workers and 'fighting against misleading propaganda of migration'. This is especially necessary for the Czech Republic as some of employment agencies provide not true information about working and living conditions. The other provisions needed to be implemented in Czech legislation are the getting a copy of contract by migrant workers in the country of origin or in case of getting the employment contract in the country of destination, information about working conditions and wage in written form should be provided for the migrant workers. Migrant Workers and Members of Their Families Convention regulates an important tool for providing information to migration workers about their rights and duties in the country of destination and other related information about migrant workers' stay abroad, about the right to inform the authority about violations of the contract by employer. Migrant Workers and Members of Their Families Convention also promotes equal treatment of migrant workers in the country of destination concerning working conditions. Migrant Workers Convention regulates protection of rights all migrant workers, including irregular ones, through prevention and elimination of the abusive conditions. It includes the provision of implementing administrative, civil and penal sanctions against who involved in illegal activities regulated

by this Convention. The representation of migrant workers by competitive body is also necessary provision for Czech legislation. European Convention on the legal status of migrant workers is another legal instrument, which should be implemented in the Czech Republic as this regulates working and living conditions of migrant workers (residents within the territory of the Council of Europe) and also guarantee the access to information by migrant workers. Furthermore, it is recommended to take into account the ILO non-binding Multilateral Framework on Labour Migration. The ILO non-binding Multilateral Framework on Labour Migration is especially important as promotes the protection of female migrant workers. Therefore, it is recommended to include gender-sensitive trends in Czech legislation. Furthermore, it is also necessary to take into account CEDAW's General Recommendation No. 26 on Women Migrant Workers, as there is no established gender-sensitive migration policy, no specific legal regulation of domestic workers in the Czech Republic and not enough protection of irregular women migrant workers.

RESULTS OF INTERVIEWS

This chapter will give an analysis of interviews with Russian speaking female migrant workers. Information provided by experts from NGOs during interviews will be presented. Moreover, relevant provisions of Czech, European and international legislation concerning employment agencies' activities and migrant workers' rights will be also. In particular, this chapter will give a summary of the causes of migration of Russian speaking women and migrant workers' reasons for choosing the Czech Republic as country of destination. This chapter will also provide an overview of the preparation for female migrant workers for coming to the Czech Republic. The next part will deal with recruitment mechanisms of female migrant workers and highlight the most frequent ones. It will be followed by an analysis of services provided by unofficial employment agencies. Working conditions of female migrant workers and the influence of the financial crisis will be examined. It will be also given information about domestic workers. Living conditions of the respondents will be described. The last part will assess exploitation experienced by Russian speaking female migrant workers.

Causes of migration by Russian speaking female migrant workers

In the interviews I found that the majority of the respondents moved to the Czech Republic as labour migrants. Only a minority migrated for family reunion reason.

Russian speaking migrant workers indicated some causes of migration, the most frequent one was financial problems in the home country. For example, one interviewee said: *'I did not have the necessary level of life'*. Another one reported: *'I had everything but I did not have money'*. This means that 'feminization of poverty' can be one of the causes of migration as some of the interviewees had difficulties to support themselves financially in their home countries. Some respondents reported also about unemployment of women in the countries of origin. One interviewee indicated: *'There was no work then. There is no work now. Therefore, I am here'*. Some of the respondents commented about difficulties to find work for women as many organisations were closed down in the period of restructuring in the former

Soviet countries. This also exemplifies that the position of women in the labour market, in particularly in transition process, and unemployment, can be gender causes of migration. Except financial problems and unemployment, respondents also mentioned other causes. For example, one of the interviewees reported that she did not want to give her son for upbringing to the husband's family because of tradition. This also means that such gender cause of migration as the social position of women, in particularly patriarchal stereotypes, can be applied for Russian speaking women. Another respondent decided to migrate abroad in order to prevent her sons to go to the army at time of civil war. This means that lack of human security also can influence on female migrant workers' decision to move abroad. One interviewee also mentioned that she was not happy with the political situation in her home country.

The survey also shows causes of migration of Russian speaking female migrant workers, which were not mentioned in the common ground of the report. Some respondents wanted to migrate to see other countries. One respondent said: *'I wanted to see Europe and perhaps to find new ideas for business'*. This was a cause that could bring positive effect for the respondent as she could get new knowledge, which she could use in her home country. Home country of this interviewee could benefit as well if the respondent could realise experience gained abroad in practice.

A small number of respondents mentioned their psychological difficulties in the home countries and as result their desire to change location. This cause was mentioned in a complex with other causes. For example, one of the interviewees said: *'The reasons were moral, financial and psychological. It was tough'*.

To sum up, lack of means to meet expenses in the country of origin was a widespread cause of migration for interviewed Russian speaking female migrant workers. Difficulties to find work at home were also reported by some respondents. The desire not to follow patriarchal stereotypes was also mentioned by one of the interviewees. The unwillingness to allow sons to be in the army in time of civil war was also one of the causes. Unhappiness with the political situation in the home country was also mentioned by one of the respondents. All earlier mentioned causes got through interviews confirm the most of the causes stated in the common ground of the report such as, lack of human security in the countries of origin,

gender causes of migration such as social position of women: patriarchal stereotypes; position of women in the labour market, in particularly transit process, unemployment and ‘feminisation of poverty’. One of the causes of migration, which was not indicated in the common ground of the report, was psychological difficulties to be at home countries. Another one was willingness to visit the other countries.

Reasons for the Czech Republic as country of destination

Not all respondents wanted to migrate to the Czech Republic from the beginning. Some of them thought about migration to other countries. The mentioned countries were Canada, Poland, France, United States, Cyprus and Greece. However, almost all female migrants chose the Czech Republic. Only one individual had a final goal to migrate to another country. The Czech Republic for this respondent was only a transit country. However, the interviewee stayed in the Czech Republic because the plan of migrating further was not realised.

For the rest of the respondents there were some reasons for the Czech Republic as country of destination. Only a small number of individuals choose the Czech Republic as country of destination because of family reunion. The rest of interviewees had different reasons. Half of the female migrant workers chose the Czech Republic for migration because they have informal contacts such as relatives, friends or acquaintances there. One interviewee said: *‘My sister was in the Czech Republic and she offered to me to improve my financial situation there’*. Some of the respondents migrated to the Czech Republic because they considered an appropriate offer from employment agencies or travel office in their home country. One interviewees gave information that the employment agency said that the Czech Republic is *‘very cheap and affordable’*. Another interviewee found attractive that she was promised legal work in the Czech Republic by the employment agency. However, employment agencies did not always provide the correct information about working and living conditions for interviewees. One interviewee was not provided promised work and accommodation by employment agency when she arrived in the Czech Republic. This interviewee said: *‘This agency worked legally but they tricked people, including me’*. Another interviewee reported about having less salary than promised by employment agency. Only one interviewee did not complain about the employment agency in the country of origin. Furthermore, some interviewees also mentioned that it was more difficult to migrate to other countries, therefore

they decided to move to the Czech Republic. They named such countries as Canada, United States. Therefore, they chose the Czech Republic. Minority of the respondents gave the reasons of choosing the Czech Republic because it was closed to their home-country. One individual stated that it was her dream from the childhood to see the Czech Republic.

Consequently, even though not all respondents had a goal to migrate to the Czech Republic, they chose this country because of some reasons. The most frequent one was informal contacts in the Czech Republic. Moreover, some respondents chose the Czech Republic because of advertisement by employment agencies. In some cases the information provided employment agencies was misleading. Therefore, it is important to take into consideration and implement into the Czech legislation the provision about fighting against misleading propaganda about migration according to the Migration for Employment Convention and the European Convention on the legal status of migrant workers. Furthermore, the difficulties to migrate to other countries and close location of the Czech Republic were also mentioned as reasons for choosing the Czech Republic as country of destination. One of the indicated reasons was the dream to visit the Czech Republic since childhood.

Preparation for coming to the Czech Republic

In order to get a better idea about the possibilities of employment agencies to abuse rights of female migrant workers, during interviews the respondents were asked if they did any special preparation for work in the Czech Republic and knew Czech and other foreign languages. All respondents, except one, did not obtain a special qualification or courses for work. Only one individual stated that she attend courses on bartending, which however was useless in the Czech Republic. In terms of knowledge of Czech, over half of those surveyed reported that they did not speak the language. One individual stated: *'I did not know any word'*. Only a minority of the interviewees mentioned that they studied Czech language at home country. However, the knowledge of the language was not sufficient when they arrived in the Czech Republic.

The survey also demonstrated that only a small number of respondents had good knowledge of foreign languages. Few female migrants mentioned about knowledge of German language, which they did not use in practice in the Czech Republic. Two of the three interviewees

(which migrate for family reunion reason) indicated about knowledge of English language, which they later used for work in the Czech Republic. Some respondents indicated only about the poor knowledge of such foreign languages as English, German and Spanish. Few interviewees did not know foreign languages at all. One individual stated about knowledge of Ingushian and Chechenian languages. However, these languages were not useful in the Czech Republic.

Respondents were also asked about their sources of information about the migration procedure and working and living conditions in the Czech Republic. The aim was identify the role of employment agencies in providing information. Informal contacts as source of information was the most frequent answer. Some of the interviewees also mentioned internet sites and finding Russian speaking people who lived in the Czech Republic in the internet. Some respondents, who used services of employment agencies in their home countries and unofficial employment agencies in the Czech Republic, also got information through them. However, in most of the cases information was misleading. Although the respondents relied on information provided by employment agencies.

Even though female migrant workers used some sources about country of destination, lack of enough information about the Czech Republic and different types of visas by Russian speaking female migrant workers was revealed during interviews. The majority of the respondents mentioned about not enough information about the Czech Republic. One interviewee answered: 'No, it was not enough. I came with big open eyes there'. Some of the respondents reported about the lack of information about the Czech Republic at all. One interviewee said: 'I was absolutely zero'. Only a small number of the respondents considered that they had some information, which they got through mass media. Moreover, over half of those surveyed reported about not having information about visas. One interviewee stated: '*I did not know anything, therefore I was in trouble*'. Only one respondent mentioned about having ideas about visas. And only one female migrant worker answered positively about knowledge of different types of visas. Moreover, the respondents also mentioned that they did not have other information when they were in the countries of origin. In particular, lack of knowledge about fraud from employment agency side, information about ways to find work in the Czech Republic, about the documents needed for moving to the Czech Republic, how to open business and about the real conditions of work in the country of destination were

mentioned. One individual, who used services of an employment agency in the country of origin, stated: *'About hard-working conditions of work there were no any information'*.

To sum up, Russian speaking female migrant workers were not sufficiently prepared for migrating to the Czech Republic. Absence of useful qualification for work, lack or poor knowledge of Czech language and in most cases of foreign languages were revealed in the interviews. Insufficient information about different types of visas was also mentioned by the respondents. The survey also demonstrated that interviewees used informal contacts, employment agencies of the countries of origin, unofficial employment agencies in the Czech Republic and mass media for getting information about the Czech Republic. However, poor information about working and living conditions in the country of destination, different type of visas was characteristic for Russian speaking female migrant workers, which made them dependant on intermediaries and more open for exploitation and human trafficking. Therefore, it seems necessary to take into account and implement in the Czech legislation the provisions of Migration for Employment Convention, Migrant Workers and Members of Their Families Convention and European Convention on the legal status of migrant workers about getting information about working and living conditions of the country of destination by migrant workers when they are still in the countries of origin.

Recruitment mechanisms of Russian speaking women

In the interviews I found that recruitment through unofficial employment agencies was widespread among Russian speaking female migrant workers. Over half of the respondents had resorted to the use of intermediaries. The most frequent way of referral to unofficial employment agencies was through informal contacts. A small number of interviewees got in touch with intermediaries through employment agencies in their home country. One individual reported about using a travel office in their home country. Another one found an advertisement in a Russian newspaper in the Czech Republic.

The survey showed that 'clients' could be natural persons or legal entities. Both of the types of intermediaries were mentioned by the respondents. In terms of nationalities of the 'clients', some of the respondents mentioned Ukraine, Belarus and the Czech Republic. However, it seems that the majority of them came from the Ukraine. One respondent said: *'All of them*

were Ukrainians, from Zakarpattia'. Some experts from NGOs also confirmed that the most of the staff of intermediaries come from Ukraine. One expert mentions about Slovakian nationality of staff of unofficial employment agencies. In terms of gender of the intermediaries, both men and women were reported by the interviewees.

It seems that the staff of unofficial employment agencies can have organised their own system of employment. One of the interviewees said: *'There is an established system. Intermediaries have their own people who prepare documents for visa, who prolong visa, who find people for recruitment, who supervise their work, account their hours and pay salaries'*. Furthermore, none of the interviewees gave information that they paid any fees to informal contacts which referred them to the unofficial employment agencies. However, it might be also possible that informal contacts are a part of the staff of intermediaries and get paid for finding new people. One of the respondents said that she met some people from Ukraine (who lived and worked for intermediaries in the Czech Republic) who came to Ukraine to find new migrant workers. This respondent said: *'I realised that they worked as agitators, the agitators of workforce for the Czech Republic. The more people they involve, the more the visas they make, the more money they get from their organizations.'* Some of the respondents also gave information that at their working place they had people (both men and women were mentioned) usually from Ukraine who supervised their work. However, they got salaries from different people, the phone numbers of whom they had, and few of them knew their office in case the intermediaries were as legal entities. Similar information was also given by one of the experts from NGOs. Moreover, one of the respondents said: *'There is no sense to communicate with the direct employer. The direct employer often is not interesting on their employees'*.

It is also necessary to indicate other recruitments mechanisms used by the respondents. Referral by informal contacts to direct employer and official employment agencies of the Czech Republic were also mentioned by the respondents. Even though in some cases informal contacts had link to work directly for an employer, it was irregular work. Only one respondent stated that she found official work through an informal contact. She had come to the Czech Republic for family reunion reason. She had higher education and also attended some courses for qualifications and for learning Czech language in the Czech Republic. Moreover, few respondents got contact to official employment agencies of the Czech

Republic. However, only one interviewee got temporary unofficial work through them. Moreover, she gave information that official employment agencies prefer to hire holders of business visas with trade license. Therefore, Russian speaking women had to use services of other intermediaries in order to get appropriate documents for work. Furthermore, another respondent reported that her Russian speaking friend used services of an official employment agency and good experience with it. At the beginning this respondent's friend was a temporary agency worker and later she got permanent employment contract with this organisation. The respondent also tried to find work through this official employment agency. She was interviewed by the potential employer in English language. She also received the employment contract before the possible recruitment. However, she did not get work.

Some information about official employment agencies was also given by some experts from NGOs. According to this information, it seems that the services of Czech official employment agencies are not used often by female migrant workers. One of the experts from NGOs considered that Czech official employment agencies were afraid to have anything in common with Russian speaking female migrant workers as they did not know about their rights. Another expert said: *'I have never met anybody who has found work through the Czech employment agencies'*. However, if there are so many official employment agencies, which have a permit to broker employment of foreigners, including from the former Soviet countries that might be female migrant workers using their services. Although one of the experts from NGOs considered that unofficial employment agencies were more common practice. The reason that there was no widespread use of official employment agencies might be that at the time of financial crisis it was difficult to get visas.

A minority of the interviewees also mentioned finding official work for employer through internet sites. These respondents had high education in their home countries, the diploma of which they confirmed in the Czech Republic. They knew Czech language and one of them had knowledge of English language. One of these interviewees additionally attended some courses to obtain a useful qualification for her work. These respondents came to the Czech Republic for family reunion reason.

Taken together, these results suggest that recruitment through unofficial employment agencies is popular among Russian speaking female migrant workers. Intermediaries provide their

activities without permit for brokering employment for foreigners, which had to be issued by the Ministry of Labour and Social Affairs, which is required by Section 60 (1b) of the Employment Act. Moreover, the ‘clients’ (as natural persons) who intermediate without authorisation foreigners residing irregularly in the Czech Republic or without valid work permit have criminal liability under the of Act No. 40/2009 Coll., the Criminal Code of the Czech Republic.

Interviewees got in touch with unofficial employment agencies through informal contacts; official employment agencies, a travel office in their countries of origin or Russian newspaper in the Czech Republic. Intermediaries can be natural persons or legal entities, the staff of which (men or women) were often from the Ukraine. It seems that there is an established system of recruitment through unofficial employment agencies, where there is a division of functions between the staff of unofficial employment agencies. Except unofficial employment agencies, Russian speaking female migrant workers also had experience with official and unofficial work for employers and for official employment agencies in the Czech Republic. It is necessary to mention that they found this work though informal contacts. Therefore, informal contacts play an important role in recruitment. The survey also shows that it is also possible to find official work for Russian speaking female migrants through internet sites if they have the necessary qualification.

Services provided for female migrant workers by unofficial employment agencies

Russian speaking female migrant workers stated about some services provided by unofficial employment agencies. Over half of the respondents in the interviews had resorted to the use of intermediaries in visa and work arrangements. Respondents commented that intermediaries of the Czech Republic charged fees for visas CZK 10 000 – 20 000. However, it can be that ‘clients’ require high fees for visas. For example, one of the respondents reported that she was offered to help in opening visa (family reunion reason) for coming to the Czech Republic for high fees, while the real price was much lower. This respondent said: *‘EURO 500 is too high fee when everything can be solved for US\$ 50’*. One of the experts from NGOs also gave information about charging high fees for visa by intermediaries. The expert said: *‘The price of making documents is CZK 1.500. However, if you make them through intermediaries, they*

cost CZK 6000'. None of the respondents reported that they paid fees for finding work to intermediaries. However, it seems that some of intermediaries can charge fees for this. One of the interviewee stated that she had offers for finding work for fees. This interviewee said: *'I have never paid any money for this. However, I had offers to pay CZK 200 for recruitment or offers of recruitment for fees'*. One of the experts from an NGO also gave information that some employment agencies required fees for work arrangement. Moreover, 'clients' made deductions of 8-100 % of every hours' pay to female migrant workers, where 50 % was the most frequent said by the respondents. Although employment agencies are allowed to charge fees from employers, they are not allowed to charge them from the workers under Section 58 (2) of Employment Act. One of the respondents said about 'clients system': *'This is a slavery in the 21st century because clients make their money on people. For example, they get CZK 100 from employer. However, they pay to people only CZK 50. They are Ukrainians, Russians, who exploit people from their countries'*. Moreover, the survey showed that 'clients' often provided illegal work for the respondents. The holders of work visa worked for an employer not indicated in their work permit. At the time of interview only one respondent reported that she worked for employer indicated in her work permit when she had work visa. Migrants with a business visa still worked as low-skilled employees. In the interviews all holders of business visa gave information that they worked as low-skilled employees.

Intermediaries also provided accommodation. Half of the respondents had experience of living in this accommodation. Some experts from NGOs also gave information about the use of these services of 'clients' by female migrant workers. One of the respondents stated about confirmation about guaranteed accommodation provided by unofficial employment agencies for immigration police. Few of the interviewees considered that intermediaries had contacts with immigration police. One individual stated about the possibilities to solve difficult problems with immigration police. One interviewee said: *'All intermediaries, who make documents, share their money with police.'* One interviewee also provided the information that because of long queues at the immigration police, unofficial employment agencies also sold tickets, the price ranged from CZK 1000 – 2000. This respondent said: *'First 10-15 people are intermediaries who stayed in queue every morning and who sell places in the queues and make documents. Their surnames are known there'*. One of the interviewees reported that an intermediary could provide medical insurance and any other services for fee.

This interviewee said: *'He offers everything only pay money for this and you get everything you want.'*

The survey shows that unofficial employment agencies did not provide services of arranging transport. Most of the respondents used buses as means of transport.

Unofficial employment agencies did not always provide the services which they promised. Few of the respondents reported about cases when they had problems with getting promised visa from 'clients' even if they had paid fees for it. One individual stated about unofficial employment agencies: *'Many of them promise but it is not always realised what they told'*.

Consequently, the most widespread services provided by the intermediaries are visa and work arrangement, and accommodation. Unofficial employment agencies charge higher fees for visa arrangement compared to the official price. They provide unlawful work arrangement. Moreover, the intermediaries unlawfully charge fees for work arrangement. However, employment agencies do provide other services, including confirmation about guaranteed accommodation and medical insurance. Furthermore, it appears that there is cooperation between the intermediaries and the immigration police. Migrant workers can also have the problems of paying fees for services but not getting what they expected.

Working conditions of Russian speaking female migrant workers

In this section I will indicate the occupations of the respondents. I will make analysis of working conditions of the respondents. I will consider that holders of business visa and members of a cooperative have rights for legal protection provided by the Labour Code because they are in an employment relationship with the clients/employer. Frejkova (2009) states that if it is a covert employment relationship, this natural person being in dependent employment has the right to invoke the legal protection to the extent provided by the Labour Code even if this natural person is a foreigner. Moreover, I will give information about salaries earned by the migrant workers.

The survey shows that most of the interviewees work as unskilled workers. More than half of the respondents had experience of working as cleaners. They worked as cleaners in hotels, in

restaurants, in hospitals, in offices and in shops. Half of the respondents worked as manual workers in heavy, light, food industries and agriculture. Four respondents had experience of work as domestic workers (about them I will describe in another section). Moreover, some experts from NGOs gave information about discrimination against foreigners in the Czech labour market, the result of which are difficulties to find work for the migrant workers. Only a minority of the respondents had experience of different skilled works. Two individuals had experience of work as teachers in national schools of their countries of origin in the Czech Republic for short period. One interviewee had work experience as agent in a call centre. Two respondents worked as accountants. One respondent worked as the assistant of a director.

Working conditions of respondents mostly depend on whether they work as unskilled workers through 'clients' or skilled workers directly for an employer. The financial crisis also influences on working conditions which I will discuss later. It seems that interviewees who work as unskilled workers had substandard working conditions. One individual made the following comparison of her life in the Czech Republic to her life in the home country: '*when I arrived to the Czech Republic the life at home-country seemed to be heaven*'. All respondents, who were hired through unofficial employment agencies before the financial crisis, worked longer than 8 hours. The most frequent was 10 and 12 hours per day as reported the interviewees. However, experience of work for 10, 13, 14, 15 and 16 hours was also indicated by some of the respondents. Under Section 79 (1) of the Labour Code the length of normal weekly hours may not exceed 40 hours per week. Moreover, the legal maximum of working hours is 12 per day in case of regular schedules of working hours under Section 82 of the Labour Code, under Section 83 of the Labour Code for uneven hours and Section 85(5) of the Labour Code for flexible working hours. Some experts from NGOs also confirmed long hours of work by Russian speaking female migrant workers. Some of those respondents who worked longer than 12 hours had a rest period between the shifts less than 12 hours. However, under Section 90 of the Labour Code the minimum rest between the end of one shift and the beginning of a subsequent shift must be 12 hours. The minimum rest period can only be reduced to minimum period of 8 hours within 24 consecutive hours for certain employees who are over the age of 18 years provided that their subsequent rest period is extended by the time for which their preceding rest period was reduced according to Section 90 (2) of the Labour Code. Moreover, some of the interviewees had experience of

work daily without weekends. One individual said: *'They paid very low salary. It was only CZK 50 per hour. Therefore, I had to work 12 hours in order to make money and had to work on Saturday, and on Sundays.'* This is against Section 92 (1) of the Labour Code, under which is required one continuous rest period of 35 hours per week for employee. Only in exceptional cases regulated by Section 90 (2) of the Labour Code 'and if technological processes cannot be interrupted, the employer may schedule working hours for employees who are over the age of 18 so that a period of continuous rest per week is at least 24 hours provided that employees are granted a continuous rest period at least 70 hours within two weeks according to Section 92 (3) of the Labour Code. Moreover, overtime work has to be an exception under Section 93 (1) of the Labour Code. 'Overtime work may not exceed on average 8 hours per week calculated over a period of no more than 26 consecutive weeks. Only the relevant collective agreement may extend such a period to a maximum period of 52 consecutive weeks' according to Section 93 (4) of the Labour Code. Furthermore, some of the interviewees had experienced of unlawful work at night'. One of the respondents reported about working 10 hours at night. Although the legal maximum of working hours at night is 8 hours within 24 consecutive hours, which is regulated by Section 94 (1) of the Labour Code. Another respondent said: *'I worked every day every night 8 consecutive months without weekends'*. However, according to Section 94 (1) of the Labour Code 'the average length of the shift must not exceed 8 hours within a maximum period of 26 consecutive weeks'. Moreover, the majority of the respondents did not receive any premium for their work. By law an employee has the right to be paid wage and premium 'in the amount of at least at 10% of the average earnings' under Section 116 of the Labour Code for his/her work at night and Section 118 of the Labour Code for work on Saturdays and Sundays. For work on a public holiday (regulated by Section 115 of the Labour Code) employees have right to get wage and compensatory time off or premium instead of time off if it is negotiated between employee and employer. 'In case of overtime work, an employee is entitled to his/her wage for done work and to a premium of at least of 25% of his/her average earnings unless the employer and the employee have agreed that instead of the premium for overtime work the employee will take compensatory time off' under Section 114 of the Labour Code.

The survey also shows that some of the interviewees had a right to have leave but unpaid. Some of them did not have any leave. However, Section 212 (1) of the Labour Code states that an employee has the right to take paid leave if he/she was employed continuously for at

least 60 days in one calendar year by the same employer. If the employment was not continuous during the calendar year, the leave allowance is proportionally reduced under Section 212 (2) of the Labour Code. According to Section 214 of the Labour Code ‘an employee, whose right to annual leave or to its proportional part has not arisen because he has not been employed by one employer for at least 60 days in a calendar year, is entitled to leave for the days on which he carried out work (for one employer) in the length of one-twelfth of annual leave for every 21 days on which he carried out work in a calendar year. Moreover, employees have rights to get an employee for compensatory wage or salary in the amount of the average earnings for the time when he takes his leave under Section 222 (1) of the Labour Code. Employees also can get compensatory salary or wage for four weeks of leave he/she has not taken in case of termination of employment or to its part also in case it is agreed between employee and employer according to Section 222 (2) of the Labour Code. Only ‘in case of employees’ unauthorised absent from one shift (one working day), his/her employer may curtail this employee (annual) leave by one to three days; unauthorized absence from shorter parts of shifts may be added together according to Section 223 (2) of the Labour Code.

None of the respondents recruited through ‘clients’ had any employment contract or an agreement on working activity. Under Article 66 of the Employment Act it must be concluded employment contract or an agreement on working activity between the agency worker and the employment agency. ‘Agreement on working activities may be concluded by an employer with an individual provided that the scope of such working activity does not exceed 150 hours in one calendar year’ under Section 76 (1) of the Labour Code. An employee must receive remuneration for work based on agreement on working activities. Under Section 109 (5) of the Labour Code remuneration can be considered as monetary consideration for work based on the agreement on working activities. Employees’ right to annual leave may be in an agreement on working activities under Section 77(2) of the Labour Code. Some experts from NGOs also state that work a without written employment agreement is common practice for work through ‘clients’. Moreover, one of the experts from NGO also gave information that if the migrant workers conclude an employment contract, it covers only minimum wage. The purpose of which is that employers might want to avoid to pay all required amount of taxes, which was already discussed at the common ground of the report.

Two respondents also gave the information that they had problems with health because of the psychically demanding work. One respondent said: *'I did not work for 2 months because of problems with my hand. I thought I could become invalid'*. Another interviewee said: *'When I worked at night, my heart hardly worked'*. Although under Section 94 (2) of the Labour Code 'employer shall ensure that a night worker is examined by a medical doctor concerned with occupational health'. Information that Russian speaking female migrant workers could have problems with health because of the work was also given by some of the experts from NGOs. Furthermore, the respondents were not paid sickness benefits by their employer. Sickness benefits are regulated by the Act No. 187/2006 Coll. on Sickness Insurance, as amended in 1.01.2009. Ministry of Labour and Social Affairs states that:

An employee is subject to compulsory participation in sickness insurance if he/she fulfils 3 basic conditions stipulated by the Sickness Insurance Act, namely:

- The performance of work in the Czech Republic in employment through a labour or employment contract that can form the basis for participation in sickness insurance,
- The length of the employment, which is stipulated as a minimum number of days (the employment lasted or should have lasted at least 15 calendar days),
- The minimum arranged income (this is the so-called decisive income, the boundary of which is CZK 2 000, and which will be raised according to the development of the average salary).

Moreover, the Ministry of Labour and Social Affairs indicates that:

Sickness benefits are always paid from the 15th calendar day of the duration of a temporary inability to work and per calendar day. After the first 14 calendar days an employee whose employment relationship with an obligation for participation in sickness insurance remains effective will receive salary compensation from the employer. The salary compensation is per working day and, in the event of temporary inability to work, from the 4th working day (in the event of quarantine from the 1st working day).

It is important to mention that 'members of cooperatives where employment with the cooperative is not a condition of membership' are not participants of the Act No. 187/2006 Coll. on Sickness Insurance, as amended in 1.01.2009. This means that it is necessary to prove that they are in labour relation for being participant of this Act, which can be difficult in practice.

It is necessary to indicate that some of the respondents reported that they enjoyed their work and did not tell negative factors about it. One interviewee who had experience of work as cleaner and manual worker said: *'All these work I did at home'*. However, two of the

interviewees considered that because they were migrants in the Czech Republic they could not complain about their work. One individual said: *'We are living in another country. What can we claim for?'*

The survey also shows that three respondents had experienced decent work conditions at the time of the interview. For example, they worked directly for an employer. They had an employment contract and worked 8 hours per day. Those respondents had a right to paid annual leave and did not have any discrimination on wage and working conditions. They moved to the Czech Republic because of family reunion reason, characteristic of which was already mentioned.

In the interviews it was also found that female migrant workers, who worked through intermediaries, got a salary of CZK 45-80 per hour, where CZK 60 -70 was the most frequent said by the respondents. Only one respondent said she got CZK 45, which is lower than the legal minimum. According to Section 111 (2) of the Labour Code 'the basic minimum wage shall be CZK 7,955 or CZK 48,10 per hour'. Furthermore, one of the respondents considered that the intermediaries are providing misleading information about salaries. One respondent said: *'In most of the cases people were promised one salary, but they got lower one'*. Moreover, this interviewee gave the following information: *'Here the 'clients' look at the person. If they think that they can trick people, it is rarely if the 'clients' do not lie to people'*. One of the interviewee also stated that she heard that in one factory in the Czech Republic Russian speaking workers' salary was CZK 5000, which is below legal minimum. However, when these people were in the country of origin the 'clients' promised them CZK 16000 - 17000. One expert from NGOs also considers that some intermediaries can provide misleading information to migrants, if they felt that they could lie to people and people trust them.

Consequently, most of the respondents experienced unskilled work in the Czech Republic as cleaners, manual and domestic workers. Only a minority of the interviewees had experience of work as teachers, call centre agent, accountants and assistant of director. The working conditions of the respondents who worked through clients were substandard ones. The interviewees experienced work for long hours, without weekends and unlawful night work. The respondents did not have bonuses required by the legislation for overtime work, for work

at night, for work on public holidays or at weekends. There was no access to paid annual leave. The respondents worked without employment contract. Some of the interviewees had problems with health and did not get any sickness benefits. However, few of them liked their work. Minority of the respondents considered that they could not have the same working rights as national employees. The survey also shows that a small number of respondents worked as skilled workers and were not discriminated by the employer. In nearly all cases the salaries of the interviewees were higher than the legal minimum. However, one of the respondents reported about misleading information from the 'clients' about the salaries' of the migrant workers.

In order to improve the working conditions of female migrant workers, it is necessary to take into account Employment Relationship Recommendation about ensuring effective measures for protection migrant workers, women workers and workers in informal economy. It is also important to ensure that the migrant workers have a copy of the employment contract when they are still in the country of origin, which is recommended by the Migration for Employment Convention. This convention also recommends that the migrant workers have to be aware about the occupational category, the minimum wage and other working conditions in written form before entering the Czech Republic. It is also necessary to ensure equal treatment to migrant workers concerning remuneration, social security and other benefits, the provision of which are in the Migrant Workers Convention. It is also advised to fight against misleading information provided by employment agencies in line with Migration for Employment Convention and European Convention on the legal status of migrant workers.

Furthermore, it is necessary to make the Czech legislation comply with the provisions of the 'temporary agency workers directive' and to realise them in practice. In particular, it is important to implement the principles of equal treatment between agency workers and permanent workers, and no discrimination in terms of sex and nationalities in practice. It is also necessary 'to make collective agreements, about working conditions and salary, binding for the agency workers' as was proposed by the Research Institute for Labour and Social Affairs (2008). To realise access to employment, collective facilities and vocational training for agency workers is also a necessary step. It is also recommended to adopt special law for regulating agency workers. The role of trade unions should be strengthened.

The gap in Czech legislation is that the Labour Code does not protect the rights of holders of business visas and members of cooperatives. If an employment is proven to be dependent, migrants with a business visa and members of a cooperative could be protected under the Labour Code. Frejkova (2009) indicates that:

if the natural person does not prove the existence of dependent employment, the relationship between the supplier and the customer of the job in question is governed by the Civil Code and the Commercial Code. In such relationships the natural person has an inconvenient position as compared with employees because most relationships between entities are governed by subject responsibility, i.e. it is necessary to prove the fault of the customer, which is very difficult in the field of occupational safety.

It is also necessary to make companies adhere to corporate social responsibility. ‘Corporate social responsibility’ (CSR) is a concept whereby companies integrate social and environmental concerns in their business operations and in their interaction with their stakeholders (i.e. employees, consumers, shareholders, investors, public authorities, non-governmental organizations, suppliers) on a voluntary basis (Ministry of Labour and Social Affairs, 2007). It is also one more reason for binding collective agreements for agency workers as corporate social responsibility can be covered.

Influence of the financial crisis on the working conditions

The survey shows that the financial crisis has influenced more than half of the female migrant workers. One of the respondents became unemployed at the moment of the interview. Some of the interviewees worked but it was just couple hours per day and they were not satisfied with it. Some respondents had problems to find work at the beginning of the financial crisis. One individual said: *‘I could not find anywhere and any kind of work for two months’*. Another one told about other Russian speaking female migrant workers: *‘Some people were not employed for 2-3 months’*. Furthermore, the practice of temporary work through the ‘clients’ or so called ‘fushka’ became popular at the time of the financial crisis. One interviewee said: *‘Fushka is this kind of work when person does not work officially but work once. This is when person not required for permanent work but only for temporary one’*. Some experts from NGOs also gave information about frequent use of ‘fushka’ by Russian speaking female migrant workers during the financial crisis.

The respondents were also asked about their opinion about financial crisis. The most frequent answer was about lack of or less work in this period. One individual said: *'It is a hard time now. There is no work at all'*. Moreover, one interviewee and an expert from an NGO reported lower salaries paid by unofficial employment agencies. One respondent said: *'I have a feeling that there are fewer working places, the salary is lower now because of financial crisis, ...'clients' reduce salaries to CZK 50 per hour'*. Moreover, two of the interviewees reported a worse attitude of the employer at time of financial crisis. One individual who worked through an intermediary said: *'You are not happy ...good bye. There is a lot of people like you 'behind the fence''*. Another respondent who worked directly for an employer said: *'Of course it feels that it is a hint such as if you do not like something, there is 17 people who want to be at your work place'*. One interviewee gave the information that the clients used expression 'financial crisis' to justify postponing payment. This interviewee said: *'This is some kind of fashion now – crisis, crisis, lack of money.'* Furthermore, one of the respondents reported that 'clients' tried to employ migrants with permanent residence now. This might be because it is more difficult to get visas. The embassy of the Czech Republic in Ukraine did not issue work visas for some time during the financial crisis. One expert from an NGO also gave information about difficulties to obtain visas at that time. However, it seems that some Russian speaking female migrants still have a stable position in the labour market even at time of financial crisis. One respondent said: *'When you have work, you do not even think about this'*. Moreover, some of the interviewees had couple works at that the same time during the financial crisis.

To sum up, the major findings of the survey are that the situations of migrants became worse at the time of financial crisis. Lack of work, only part-time work or difficulties to find work were revealed. Another finding was the widespread practice of 'fushka' as only temporary type of work. Lower salaries paid by the 'clients' were also indicated during interviews. It was also found out that in some cases attitude of the employers were worse compare to time before the financial crisis. One interviewee also reported that 'clients' using the financial crisis to delay payment of salaries. The result of this survey also indicates the difficulties to obtain visas. Moreover, one respondent indicated that the 'clients' prefer to recruit people with permanent residence. Although the financial crisis did not influence on the all respondents and some of them were employed.

Domestic workers

In the interviews it was revealed that four respondents had experience of domestic workers. All of these interviewees worked as cleaners in private houses or flats. One interviewee also worked as nanny and another one did ironing work at household. In all cases the interviewees did not live where they did the domestic work. Three respondents had these types of work as part-time for some hours. Some experts from an NGO also gave information that usually it is part-time work. Moreover, one of the experts from an NGO reported that care workers were not widely used in the Czech Republic. The nationalities of people, where the respondents worked as domestic workers, were Czech, German, Hungarian, Italian and Russian. Three interviewees found work through acquaintances. One respondent was employed by a 'client'. This respondent said: *'Everything again was through client'*. One of the experts from NGOs also reported that Russian women found domestic work through unofficial employment agencies. Another respondent also mentioned that one Czech business organization which offered work as cleaners in flats and for child care. All interviewees, except one, did not give any negative information about their own experience of domestic work. One interviewee said: *'Good conditions. They paid me always on time from CZK 120 until 150 per hour. I also cleaned one flat and salary was CZK 200 per hour there'*. However, one of the respondents did not get a salary for her work as cleaner in the private flat. This respondent said: *'She delayed paying the salary for one month, two...then she paid part of the salary. ..The last amount of money she owed was CZK 8000'*.

Furthermore, the respondents gave information about what they knew or had heard about other Russian speaking domestic workers. More than half of the interviewees stated that they met cleaners who worked in households. Some of the respondents also knew Russian speaking women who worked as nannies. In most of the cases work as cleaners and work as nanny was done by different persons. One interviewee said: *'It is often that cleaning is done by one person. However, child care is separate work. Not always these jobs are done together.'* However, one of the respondents gave information that she knew one Russian speaking woman who worked as nanny and at the same time as housekeeper at family. In more than half of the cases the interviewees reported that those domestic workers did only part-time work. Some respondents mentioned the Russian nationality of the households. One interviewee stated about Ukrainian and American families. Moreover, some of the

interviewees considered that the usual way to find domestic work was through acquaintances. One of the respondents said about the possibilities to find domestic work: *'more often through acquaintances or through recommendations, especially child care'*. Moreover, two of the interviews gave the information that nannies had found work through advertising in the newspaper themselves. In nearly all cases the interviewees gave information that domestic workers had good working conditions. One of the respondents said: *'They said that they got a higher salary there, CZK 100 per hour. They were not offended when they worked at households. Everything could happen but these girls were not offended'*. However, another interviewee said: *'Video cameras were installed, after women were accused according to the stories. I do not know how far this is truth'*. Another respondent said: *'Person invited you for work for 5 hours. This person gave you so much work, which was impossible to do during 5 hours'*.

Consequently, the survey shows that domestic work was also practiced by respondents. Cleaners and nannies were the type of domestic work, which were mentioned. The common practice was only part-time work. Householders who came from the Czech Republic, Germany, Hungary, Italy, and Russia were reported during interviews. The householders from Ukraine and the United States were mentioned as well. Acquaintances were the most widespread way of finding domestic work. Recruitment through 'client', through business organisation, putting an advertisement in a newspaper were also indicated by the interviewees. Respondents had good experience with domestic work. However, one of the interviewee's payment of salary was delayed by the householder. Finally she did not get some amount money for her work. Some of the respondents also gave information that they heard about other Russian speaking women's bad experience such as accusing of something, having an impossible workload for given time. As domestic work exists in the Czech Republic, it is important to provide legal protection of these workers. The gap in the legislation of the Czech Republic is that domestic workers' rights are not regulated. Therefore, it is necessary to introduce 'wage and hour regulations, health and safety codes, holiday and vacation leave regulations' for domestic workers in accordance with CEDAW's General Recommendation No. 26 on Women Migrant Workers.

Living conditions

The respondents' conditions of living depended on whether accommodation was provided by the 'clients' or the respondents rent the flat by themselves or they lived with their family in their own accommodation. In case of renting a shared room or just one room in a flat or in the hostel, conditions of living depended on the landlord's attitude to the respondents and on quality of living conditions.

At the time of the interview none of the respondents lived at 'clients' accommodation. They did not complaint about their living conditions. One of the interviewees said: *'Excellent conditions. At least at the end it is possible to live normally...I feel myself as at home'*. Two respondents lived in their own houses. Some respondents rent a flat with members of their family. Two interviewees rent the whole flat by themselves. In this case, one respondent lived alone in the room. However, in another case it was shared room with another Russian speaking woman. The other rooms of the accommodation were let to other Russian speaking people. One this interviewee said about her living conditions: *'I think that majority of people do this. I rent the two bedrooms flat. It is easier to pay. I live in one room and I let another one'*. Moreover, some of the interviewees rent a whole room in the flat. One of the respondents rent one room for herself and her child at one acquaintance's flat. Only one interviewee rent a shared room with 3-4 people in the flat.

However, more than half of the respondents were not satisfied with their living conditions at the beginning of their stay in the Czech Republic and sometime after. Therefore, most of the interviewees had to move to other accommodation. Some of the interviewees had experience of living in 'clients' accommodation. 'Clients' offered shared room with 3-7 people in the hostel or in the flat. One of the interviewees said about amount of people living at one room in the 'clients' flat: *'Minimum 3 people. Maximum 7. In the hostel there were 7 of us. Another respondent stated: 'It was 'client's flat. There were three of us in the room. At flat there were seven people.'* One of the interviewees mentioned about CZK 3000 monthly rent for shared room with another two people. Few of the respondents decided to move out from the 'clients' flat because they did not like the conditions of living. One respondent said: *'You came back to home late and you wanted to have a rest but you could not....because many people there'*. Another individual stated: *'You came back to home but another person was lying at your bed.'*

Your blanket was at another room. You could not understand where you could lie at night. 'Client' settled new person at the best room...And he moved me (who was adapted to everything) to the worse room where cockroaches were...He gave the worse room for adapted person in two months. This was a system'. However, another respondent left 'client's flat because she did not want to be dependent on the intermediary. She said: *'When I entered the Czech Republic, the accommodation was provided by 'client'. After, I simply wanted to be independent from the 'client'.* Some experts from NGOs also reported that accommodations are provided for Russian speaking women by the unofficial employment agencies. One of the experts from NGOs gave information that 'clients' took mortgage for buying flats and in order to repay it, they settled 5-6 people in one room. Other two experts stated that the intermediaries moved people from one flat to another flat. One of these experts gave example that it could happen in case people got new job and location of old flat was far from the new one.

In the interviews it was also revealed that almost half of the respondents had experience of finding accommodations through acquaintances. One of the interviewees also mentioned about looking for flat through advertisements. The respondents reported about living alone in one room or in a shared room with another people in a flat or in a hostel. Some of the respondents gave the information that the landlords of their accommodation came from Ukraine. Except for the earlier mentioned good experience of renting rooms, some of the interviewees had a negative experience. Even though accommodation was not provided by the unofficial employment agency, the conditions of living was similar to the 'clients' one. One of the respondents mentioned living in a hostel and another one in flats. They reported about sharing a room with 5-6 people. These interviewees claimed that they paid CZK 2.500 for a shared room. One the interviewees also gave information about sharing a room with 2 people in the flat. This interviewee said: *'At the beginning I paid CZK 3000 when we were two in the same bed. Later, when I slept alone in bed. I paid CZK 3200'.* The mentioned reasons of leaving accommodation for these interviewees were because of too many people or bad relationship with landlord. Moreover, one of the respondents reported about sharing room with another woman in hostel and paying CZK 3700. This interviewee gave information that the landlord of the hostel charged CZK 2500 for confirmation about agreed accommodation, which is illegally. This respondent said: *'....Confirmation about agreed accommodation has to be for free. They charged all people who lived there because they*

knew that people needed this paper for immigration police. They charged CZK 3000. And in case of making business visa, they charged CZK 6000'. Furthermore, one of the respondents heard that it was some kind of practice in the Czech Republic that landlord was living for free and only tenants paid the rent. This respondent said: 'The landlord has trade licence. They rent flat... They spread out the amount of rent among the tenants.....These kinds of people as we paid and landlord lived for free'.

Taken all together, the survey shows that all respondents were satisfied with their living conditions. Living in their own accommodation with family or renting flat with the family or alone, renting room in a flat or in one case living in shared room in a flat were experienced by the interviewees. Unofficial employment agencies did not provide any accommodations for the respondents at the time of the interviews. However, some of the interviewees had previous experience to live at 'client's' accommodation. It was room shared between 3-7 people either in a flat or in a hostel. The mentioned price was CZK 3000. None of the respondents wanted to live at 'client's' accommodation. The indicated reasons were not being satisfied with living conditions and desire to be free from the intermediary. Furthermore, the experts from NGO also gave some information about renting flats through unofficial employment agencies. According to this information the 'clients' buying the flats and using only the tenants' fees for repaying their mortgages. It was also mentioned by an expert that intermediaries provide flats for Russian speaking people close to their work. "Clients' could change people's place of living when they got a new job. Moreover, the frequent way of finding accommodation was through acquaintances. The mentioned landlords of the accommodations were Ukrainian. It is important to admit that most of the interviewees were not satisfied with their living conditions when they have just arrived to the Czech Republic and sometime after. The respondents experienced renting a shared room in a hostel or flat, where 2-7 people lived. The price for rent is a range from CZK 2.500-3700. Moreover, one of the interviewees reported about being charged illegally for confirmation of guaranteed accommodation by the landlord. The price ranged from CZK 3000-6000. One of the respondents considered that landlords did not pay rent and utility bills for flats. All payments were made by the tenants.

Exploitation

I did not find any cases which could be qualified as human trafficking or forced labour in the interviews. However, there were some indicators of exploitation in the activities of the unofficial employment agencies such as excessive working hours, no salary, no respect for labour laws and lack of employment contract. These indicators of exploitation are from a survey implemented by the International Labour Organisation and the European Commission in 2009.

As it was already mentioned, in my interviews I found that some respondents have had experience of work for 13-16 hours per day. This exceeds the legal maximum set by the Labour Code of the Czech Republic. One respondent said about her working hours: *'It was 12 and 13, and 14, and 15 hours. It depended. It was a lot of work'*. Another interviewee said: *'It was 12 hour's shift. I worked for 16 hours. And in the morning I had to go to work again'*. Moreover, a small number of respondents did not get salaries for their work. One respondent said: *'I was not paid for night work but I left this work because I did not have the strength for patience. I felt ill because of sleeplessness'*. One of the interviewees commented about not getting her salary: *'It does not feel good but it happened everywhere'*. Moreover, one respondent said: *'during 1,5 years of my living in the Czech Republic it has never happened that I was not paid by 'clients. It is only one and my best achievement here'*. Moreover, few experts from NGOs also reported problems of Russian speaking women of not getting salary. Delayed payment of salaries was also experienced by interviewees. Some respondents commented about postponement of paying their salaries for one month or even longer. One interviewee said about the delay of payment of her salary: *'It was for about one month. It was couple times that payment of my salary was delayed for one month. However, salaries were paid'*. Moreover, employment agencies did not respect labour law as wage and working conditions of the respondents were worse than those of permanent employees. However, the Labour Code states that the agency's employees must not be worse off than permanent employees. The principle of equality and non-discrimination in labour relations is also promoted by Section 4 of the Employment Act. One of the interviewees answered to a question whether Czech permanent employee earned the same amount of salary or not: *'Of course higher. They have rights but we are not'*. Few of the respondents considered that they received about the same salary or only the less compared to a permanent employee but

without social benefits. One of the interviewees said about the salary of permanent employee compared to hers: *'I consider that it is 5 or 7 CZK higher'*. However, few the interviewees reported no difference in salary between them and permanent employees. One expert from NGO also gave information about worse working conditions of Russian speaking women compare to the Czech permanent employee. Furthermore, 'clients' did not respect labour law as they often did not provide working conditions for the respondents in line with the Labour Code. In particular, the continuous rest between two shifts was less than legal minimum; work without weekends; unlawful night work; not getting bonuses for night work, work on weekends, work on public holidays, or for overtime work; lack of or unpaid leave; and no access to sickness benefits (these have been already analysed in the subchapter about working conditions). In some cases 'clients' imposed unjustified fines on interviewees, which is against the principle of Section 13 (2f) of the Labour Code of not imposing monetary sanctions against an employee for a breach of duty, except for damage for which the employee is liable. One interviewee said: *'I was not paid CZK 2000 one time, CZK 500 another time. None explained me why'*. It is important to mention that some experts from NGOs also admitted about practice of imposing fines on the Russian speaking women by the 'clients'. Moreover, unofficial employment agencies did not conclude employment contracts or agreements on working activity with all respondents which is required by law, which was also discussed in the section 'working conditions'.

Furthermore, in the interviews only one respondent reported about debt before entering the Czech Republic. And only a minority of them was in debt at the time of the interviews. The respondents considered that they had job, therefore they could repay debts later. However, one respondent and an expert from an NGO commented that many Russian speaking female migrant workers have had debts before entering the Czech Republic and they have had to work off these debts for a long time.

The survey shows that none of the interviewees was threatened by unofficial employment agencies. However, one of the respondents also heard that when Russian speaking women complained about a delay of their salaries to the Czech workers, the 'client' threatened to impose fine in amount of CZK 10 000 the next time for the same action. This respondent said: *'Clients are spoiled here. They know that people will not go anywhere to complain'*. Two experts from NGO also reported that 'clients' threatened women. One of the experts

gave the example that intermediaries threatened people to contact the ‘mafia’ in case they did not want to work for the ‘client’ or in case people did not follow their rules at work place. Moreover, none of the interviewees gave information that ‘clients’ used physical violence against them. Although one expert from NGOs stated that intermediaries had a practice of beating women. Furthermore, all respondents had always documents with them. None of the respondents stated about withholding documents by unofficial employment agency. However, one of the respondents heard from Ukrainian women that there were cases when ‘clients’ withheld passports.

It is also important to mention about the intermediaries’ possibilities to exploit the interviewees. Lack of good knowledge of Czech language and no awareness of rights in the Czech Republic among of the respondents was one of the reasons. Therefore, some of the interviewees were more open for exploitation. Only few respondents had very good knowledge of Czech language, which they used at their work in the time of the interviews. However, the rest of interviewees had only some knowledge of Czech language and wanted to improve it. One of interviewees gave the following answer to the question if she wanted to quit working through the ‘client’: *‘I would like to. However, I have poor knowledge of language. Perhaps I am not self confident person. I do not know what I can start with’*. The majority of the respondents reported about absence of knowledge of their rights in the Czech Republic. One of the interviewees said: *‘I do not have any kind of information, including about rights’*.

Furthermore, female migrants who obtained a work visa can also be more open for exploitation. With a work visa, the migrant must work only for the employer indicated in their work permit, which is regulated by the Employment Act. As it was already mentioned migrant workers only under the certain conditions have only 60 days (which is not enough) to find a new job if they have lost the job before the expiration of the work permit and it is not due to their fault. This means that migrant workers depend on their employer. One respondent mentioned her fear to change jobs when she had a work visa. She said: *‘I was afraid that they could cancel my visa. Only because of this fear I stayed there’*. Moreover, one of the interviewees said that holders’ of work visa are in a difficult situation in the Czech Republic. She said: *‘They are like slaveries’*. She personally knew Russian speaking women who obtained a work visa. These women had to work hard every night. And they considered that

they could not change their job because they depend on the 'client'. Another respondent had a work visa but she did not work for the employer indicated in her work permit. The intermediary only provided services of visa arrangement and did not force her to work for that employer. This respondent considered that it was an advantage for her because she could change her employer when she wanted. She said: *'I think that it is difficult for people who have to work in a certain working place to change anything. They could be lied about wages...'* Moreover, one of the respondents gave an example of making people dependent on the intermediaries: *'Often 'clients' pay not the whole amount of salary at once in order to make the employee dependent. They just tell that the rest of the salary will be later, later. Therefore, the person is afraid to lose even this small amount of money'*.

It is necessary to mention that it is a widespread opinion among Russian speaking women that a business visa and especially having trade license better than a work visa as people did not depend on the 'clients'. One of the interviewees said: *'I have a trade license. Therefore, I cannot say that I depend on the 'client'*. One of the respondents and few experts from NGOs gave information that those legal entities in the form of cooperatives (*družstva*) were also popular among the female migrant workers. The explanation of popularity was that cooperative members considered themselves as not dependent on the intermediary. One of the experts from NGOs mentioned that Russian speaking female migrant workers, who are co-owners of a cooperative and had only phone numbers of business organisations and worked different places. However, holders of business visa and members of cooperative are also vulnerable to exploitation and they are at risk of human trafficking. If it is not proven that it was employment relationship between employer and holder of business visa/member of cooperative, they cannot have protection of their rights provided by the Labour Code and cannot be participants of Act No. 187/2006 Coll. on Sickness Insurance, as amended in 1.01.2009, which was discussed in the section about working conditions.

In the time of a financial crisis it is difficult to obtain visas, as it has already been mentioned. There is also less work. Therefore, female migrant workers are also more open for exploitation and they are dependent on the 'clients'. One expert from NGOs stated that Russian speaking female migrants did not want to leave their 'clients'.

Consequently, the 'clients' play a crucial role in exploitation of Russian speaking female migrant workers by demanding working hours exceeding the legal maximum; not paying salaries or paying late; by discrimination in wage and working conditions; not providing access to the sufficient rest; unlawful night work; not providing bonuses for night work, work on weekends, work on public holidays, or for overtime work; not providing annual leave or providing only unpaid one; lack of sickness benefits; imposing unjustified fines and not concluding an contract. However, the situations of being debt or being threatened by the intermediaries were not widespread among the respondents. There were no cases of withholding documents or physical violence by unofficial employment agencies. Furthermore, the survey reveals that some of the interviewees were vulnerable because of their weak knowledge of Czech language and not knowing about their rights. One respondent was vulnerable because of dependence on the 'client' at the moment of having work visa. It seems that the holders of work visa are often vulnerable. Moreover, one interviewee reported that intermediaries tried not to pay the whole salary at once in order to make people dependent on them. The interviewees with business visa and members of cooperative could be vulnerable as well because their working rights are protected and they access to sickness benefits if they can prove that they are in employment relation. Moreover, the financial crisis also made some of the interviewees even more vulnerable. At that time there were difficulties to get visas and fewer offers of work. This means the dependence on the 'clients' was even greater.

In order to prevent exploitation, it is also advised to introduce the practice of concluding bilateral agreements between the EU and former Soviet countries in order to prevent abuses and fraudulent practices of intermediaries towards female migrant workers. The provision of concluding bilateral agreements is regulated by the Private Employment Agencies Convention and Employment Relationship Recommendations. Because survey revealed the vulnerability of migrant workers, it seems that the strict provisions of 'return directive' can only make force the migrant workers to use services of intermediaries and even depend more on them. Therefore, it is recommended to introduce rights-based approach in immigration law of the Czech Republic and migration policy. It is advised to introduce gender-sensitive labour migration police in accordance with CEDAW's General Recommendation No. 26 on Women Migrant Workers and ensure access to the legal channels of migration.

Moreover, it is important to establish a complaint mechanism against employment agencies, the provision of which is regulated by the ‘sanctions directive’. It is recommended to ensure that female migrant workers are aware of how to use it. It is necessary to ensure that migrant workers’ have the rights to complain about violation of their employment contract by the employer to the authority, the provision of which is provided by the Migrant Workers and Members of Their Families Convention. It is also necessary to ensure the mechanism of investigation of complaints of migrant workers by representatives of employers and of the workers organisations. This provision is regulated by the Private Employment Agencies Convention. It is also important to take into account ILO’s (2005) recommendation about trafficked person’s rights for the regress and compensation of their wages and other remunerations and social benefits and their representation in the legal procedure. The migrant workers’ right of access to the courts and other competent authorities is regulated by Migrant Workers Convention and European Convention on the legal status of migrant workers.

It is also recommended to strengthen the regulation of employment agencies’ activities by enforcing the control mechanism of ‘clients’ but not of vulnerable people by the Ministry of Labour and Social Affairs, labour offices and labour inspectors and immigration police. It is also important to implement the provisions of European Convention on the legal status of migrant workers in order to ensure the inspection of working conditions of migrant workers at the same level as national employees. It is recommended to name employment agencies which violate law on official site of the Ministry of Labour and Social Affairs, which was advised by ILO (2007). Sanctions against employment agencies, which violate law, are an important tool to fight for good practice by the intermediaries. The requirements of sanctions against unlawful practice of employment agencies are provided by Private Employment Agencies Convention and Private Employment Agencies Recommendations. The Migrant Workers Convention also has provisions of the necessity to adopt administrative, civil and penal sanctions against who is involved in illegal employment of migrant workers. Moreover, it is advised to introduce provisions of the ‘sanctions directive’ such as increasing financial sanctions against employers proportionally to number of irregular migrant workers hired. It is also recommended to ensure that employer provides payments of the return for irregular migrant workers to their home country. It is also advised to ensure that employer pays remuneration, which has to be at least the amount of minimum wage, to irregular migrant workers. It is recommended to ensure that employer who hire migrant workers irregularly pay

taxes and other expenses to the same amount as if they had hired migrant workers legally, including penalties for delayed payments. It is also recommended to exclude them from public benefits for aid or subsidies for up to five years and recovery of all or some funds granted to the employer for up to 12 months in case of irregular employment of migrant workers. It is advised to ensure effective mechanisms of temporary or permanent closure of employment agencies or withdrawing of licenses from them in case of irregular employment of migrant workers. It is important to introduce criminal liability of legal persons involved in unauthorised employment of migrant workers into Czech legislation.

CONCLUSION

A positive finding of the research is that probably none of the respondents were trafficked persons, and none of them were in the situation of the forced labour. However, indicators of exploitation towards Russian speaking female migrant workers such as excessive working hours, no salary, no respect for labour laws and lack of employment contract were found in the practice of unofficial employment agencies. The widespread use of intermediaries and their possibilities to exploit Russian speaking women can be explained by some reasons. First of all, Russian speaking women were forced to move abroad because they were not satisfied with their situations in the home country. This means that in case of providing for a stable political, economical and social situation in the former Soviet countries, the desire of women to migrate to foreign countries along with the need to use intermediaries will be less. Another reason for using the services of the 'clients' are difficulties to access a legal channel for migration for Russian speaking women. At the same time there is also a demand of cheap labour on the Czech labour market, which can also make the Czech authorities neglect unlawful activities of unofficial employment agencies. Lack of effective control mechanism of the 'clients' along with legislation gaps are also one of the important reasons for the abuse of rights' of female migrant workers by the intermediaries. The Czech Republic still has not ratified the Migration for Employment Convention, Migrant Workers and Members of Their Families Convention, Migrant Workers Convention and European Convention on the legal status of migrant workers. However, the provisions of these conventions are important tools to defend migrant workers' rights. Even though, the Czech Republic has ratified Private Employment Agencies Convention, not all measures of this convention are realised in practice. The crucial gap is that there is no effective complain mechanism. Therefore, this makes it difficult for migrant workers to complaint against illegal activities of unofficial employment agencies. There is also the lack of legal protection of domestic workers. The holders of business visas and migrant workers who are members of cooperative do not have legal protection covered by the Labour Code. They can only have this protection if they can prove that they are in an employment relationship. The principle of equal treatment of wage and working conditions is also not implemented in practice. The lack of effective sanctions against employment agencies, the lack of liability of the whole sub-contracting chain, and in

particular no criminal liability of legal persons involved in unauthorised employment are other gaps in Czech legislation. Therefore, 'clients' have good conditions to make their illegal activities flourish through their established system of recruitment of Russian speaking female migrant workers.

Intermediaries have played an important role in the recruitment of the Russian speaking women. The survey shows that in all cases employment agencies of the countries of origin, travel office had link to the 'clients'. However, misleading information about wage and working conditions in the Czech Republic by employment agencies in countries of origin and not delivering promised services by one employment agency was revealed during survey. An advertisement in a Russian language newspaper in the Czech Republic and informal contacts also referred female migrant workers to the 'clients'. The respondents also got in touch with official and unofficial work for employer, official employment agency in the Czech Republic. Internet sites as way for finding work directly for an employer was also used only by few female migrants.

Most often intermediaries provide services of visa, work and accommodation arrangements. However, confirmation about guaranteed accommodation, medical insurance, contacts with immigration police were also mentioned by the respondents. Even though the use of intermediaries was widespread, they often gave misleading information about wage and working conditions in the Czech Republic. Moreover, unofficial employment agencies violate legislation concerning broker employment, which is regulated in the Czech Republic by Employment Act. They provide services of work arrangement without authorisation to do so. They illegally made deduction of 8-100 % of every hour's pay to female migrant workers for work arrangement, where 50 % was the most frequent said by the respondents. Moreover, 'clients' often make female migrants work illegally.

The survey shows that work for long hours; without weekends; unlawful night work; lack of bonuses for overtime work, for work at night, for work on public holidays and at weekends; no right to have leave or unpaid leave; work without employment contract or agreement on working activity; lack of sickness benefits was revealed during the survey. However, the working conditions and salaries of Russian speaking migrants who work directly for an employer were the same for permanent employees at the time of interviews. The living

conditions of migrant workers differ between the time they arrived and time of the interviews. All the respondents have improved their living conditions and none of them lived at the 'clients'' accommodation at moment of the interviews. However, nearly all of them were not satisfied with their accommodation in the past.

It is also possible and important to indicate the vulnerability of the interviewees. The vulnerability of migrant workers was revealed both in the countries of origin and in the Czech Republic. Lack of human security in the countries of origin was one of the reasons of the vulnerability of the respondents. The interviewees were also vulnerable when they used services of employment agencies and travel office because of relied on the intermediaries' activities. Lack of information about different types of visa, about life in the Czech Republic when most of the interviewees where in their home country was one of the reasons of being vulnerable persons in the Czech Republic. There was also no preparation regarding useful qualification for work in the Czech Republic and lack of knowledge of Czech language. Moreover, the respondents were vulnerable when they used services of the 'clients' because the intermediaries often abuse their rights and made them dependent. In case of work visa, the holders of this visa must work for the employer indicated in their permit. The holders of the business visa and members of cooperative are vulnerable as well as they can have legal protection provided by the Labour Code only if it is proven that there is an employment relationship. During the financial crisis migrant workers were vulnerable as well as there was less work and they became even more dependent on the intermediaries. Female migrant workers were also vulnerable when they were doing domestic work due to lack of legal protection in the Czech Republic.

SUMMARY OF RECOMMENDATIONS

1) migration policy of the Czech Republic:

- Introduce rights-based approach to migration policy and immigration law;
- Introduce less bureaucratic channels for legal migration;
- Introduce gender-sensitive migration policy and ‘active involvement of women migrant workers and relevant NGOs ‘in such policy formulation, implementation, monitoring and evaluation’ in line with CEDAW’s General Recommendation No. 26 on Women Migrant Workers;
- Increase from 60 to 90 days the period for finding a job for migrants who lost their job before the expiration of work permit not due to their fault. Make sure that all migrant workers can use this period.
- Implement measures of ‘return directive’ into Czech legislation as lenient as possible;
- Introduce international protection of vulnerable groups during all measures provided by the ‘return directive’, including detention period;

2) migrant workers’ rights:

a) before entering the Czech Republic:

- Ensure that information concerning migration, working and living conditions of the Czech Republic is provided to migrant workers in accordance with Migrant Workers and Members of Their Families Convention and European Convention on the legal status of migrant workers. Support work of NGOs of the countries of origin in these activities and in organising inexpensive qualifications and Czech language courses;
- Increase cooperation between NGOs of former Soviet countries and NGOs of the Czech Republic. Ensure that NGOs of countries of origin provide contacts of NGOs of the Czech Republic, which provide services for migrant workers;
- Ensure that migrant workers have a copy of the employment contract before entering the Czech Republic or that they are aware about their working conditions and salary in written form when they are still in the country of origin in accordance with Migration for Employment Convention

b) in the Czech Republic:

- Take into account recommendation of Employment Relationship Recommendation about ensuring effective measures for protecting migrant workers, women workers and workers in informal economy;
- Take into account the Multilateral Framework on Labour Migration’ principles. In particular, the Multilateral Framework on Labour Migration promotes the protection of female migrant workers by calling for gender-sensitive policies, sex-disaggregated

data, the provision of opportunities for decent work for all women of working age, bilateral and multilateral agreements addressing gender specific trends, and measures to address trafficking, and assist and protect victims, among others (OSCE, 2009:10).

- 'Apply without discrimination in respect of nationality (or other criteria as set out) treatment no less favourable than that which apply to own nationals as regards remuneration, including family allowances and other benefits, membership of trade unions and the enjoyment of the benefits of collective bargaining; accommodation; social security subject to specified limitations; employment taxes, dues or contributions and legal proceedings relating to matters included in the Migration for Employment Convention' (ILO, 2005:43)
- Take into account ILO (2005) recommendation about 'providing for equal treatment between irregular migrant workers and those in a regular situation with regard to certain rights arising out of past employment in accordance with Migrant Workers Convention. These relate to remuneration, social security and other benefits.
- Take into account OSCE (2007) recommendation 'support and promote partnerships between civil society, including NGOs, and State agencies with a labour protection mandate to monitor working conditions, to provide, among others, assistance to victims and prevent trafficking for labour exploitation and violation of labour laws, including through targeted awareness-raising programmes or voluntary codes of conduct';
- Guarantee the inspection of working conditions of migrant workers in line with the European Convention on the legal status of migrant workers;
- Promote prevention of industrial accidents, occupational diseases and industrial hygiene in accordance with the European Convention on the legal status of migrant workers;
- Establish a complaint mechanism against employment agencies. In particular, implement in Czech legislation the provision of the 'sanctions directive' concerning an opportunity for irregular migrant workers to introduce claims and lodge complaints against employers through third parties, for example through trade unions.
- Increase activities of trade unions in defending rights of agency workers and migrant workers; ILO (2005) states that all unions, initiatives should be made to provide free legal counselling for migrant workers on national legislation concerned with migrant issues and in particular those relating to trafficking and forced labour;
- Give migrant workers the right to inform the authorities about violation of their contract by an employer in line with Migrant Workers and Members of Their Families Convention

Ensure the mechanism of investigation of complaints by migrant workers by the representative of employers and of the working organisation in accordance with Private Employment Agencies Convention;

- Ensure access to court and other competent authorities for migrant workers by themselves or through representatives in accordance with Migrant Workers Convention and European Convention on the legal status of migrant workers;

concerning agency workers:

- Adopt special law which regulates agency workers’;
- Review prohibition and restrictions on the use of agency workers in accordance with ‘temporary agency work directive’;
- Make collective agreements binding for temporary agency workers. ‘In line with this legal opinion and with a view to precluding interpretation uncertainties there have been recommendations that the law should specify that collective agreements, both enterprise level and higher, that cover a user are also binding for agency workers temporarily allocated to that user’ (Research Institute for Labour and Social Affairs, 2008);
- Encourage using corporate social responsibility by the business organizations;

concerning business visa holders’, members of cooperative and domestic workers:

- Provide protection of migrant workers as holders’ of business visa and as members of cooperative in the Labour Code Of CR;
- Introduce protection of domestic workers’ rights through labour law, including introducing ‘wage and hour regulations, health and safety codes, holiday and vacation leave regulations’ in accordance with CEDAW’s General Recommendation No. 26 on Women Migrant Workers;
- Ensure legal protection of irregular women migrant workers in line with CEDAW’s General Recommendation No. 26 on Women Migrant Workers

3) Employment agencies’ activities:

- ‘Develop programmes to curb the fraudulent recruitment used by some employment agencies that can make persons more vulnerable to being trafficked’ (OSCE, 2007:3);
- Provide ‘mandatory awareness-raising programmes concerning the rights of migrant women workers and gender sensitivity training for relevant public and private recruitment agencies and employers and relevant state employees’ in line with CEDAW’s General Recommendation No. 26 on Women Migrant Workers.
- Fight inaccurate information provided by employment agencies of countries of origin and the Czech Republic in accordance with the Migration for Employment Convention and the European Convention on the legal status of migrant workers;
- Increase cooperation between the EU, as region of destination for migrant workers, and the former Soviet countries, as countries of origin, in protecting rights’ of migrant

workers by concluding bilateral agreements in order to prevent abuses and fraudulent practices by intermediaries in accordance with the Private Employment Agencies Convention and the Employment Relationship Recommendations;

- Seek whether there were violations of domestic laws, regulations or were contravenes international multilateral or bilateral agreements on departure, during journey, on arrival or during the period of the residence and employment of the migrant worker in accordance with Migrant Workers Convention;
- Strengthen the regulation of employment agencies' activities by enforcing the control mechanism of 'clients' but not of vulnerable persons by the Ministry of Labour and Social Affairs, labour offices, labour inspectors and immigration police. Ensure effective and adequate inspections of employers who hired migrant workers illegally in line with the 'sanctions directive'.
- Create lists of employment agencies which break law on the official site of the Ministry of Labour and Social Affairs (the example of good practice about publishing periodically and containing licensed employment agencies which are suspended, cancelled, banned or delisted in Philippine was given by ILO (2007);
- Increase financial sanctions against employer proportionally to number of irregular migrant workers hired in line with the 'sanctions directive';
- Guarantee the remuneration paid by employer to irregular migrant workers to be at least as high as the minimum wage in accordance with the 'sanctions directive';
- Ensure that employers who hired migrant workers irregularly have the obligation to pay the same amount of taxes and social security if they would pay if they had hired migrant workers legally in line with the 'sanctions directive'; Implement such provision of this directive as penalty payments for employers if they have postponed payment of taxes;
- Introduce effective mechanism of exclusion from public benefits of employers who have hired irregular migrant workers in accordance with the 'sanctions directive';
- Provide effective mechanism of temporary or permanent closure of employment agencies or withdrawal of license in case of irregular employment of migrant workers in line with the 'sanctions directive';
- Implement the provision of 'sanctions directive' concerning subcontracting. Ensure liability of the whole subcontractor's chain; 'Consider ensuring that contractors who knowingly use subcontractors involved in trafficking for labour exploitation can be held accountable for that crime' (OSCE, 2007:3);

Because of the necessity of earlier recommended provisions, it is important to ratify in the Czech Republic the following legal instruments:

- ILO Convention No. 97 on Migration for Employment (Revised), 1949

- 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;
- Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143)
- European Convention on the legal status of migrant workers, 1977

4) Criminal Code:

- Introduce forced labour as a crime independently from human trafficking;
- Recognise labour exploitation as a crime;
- Introduce criminal liability of legal persons involved in unauthorised employment of migrant workers in accordance with ‘sanctions directive’

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ANNEXES

Annex № 1

Questions asked during interviews with Russian speaking female migrant workers:

1. Respondents' situation in home country.

- How can you characterize your situation in home country? (occupation, education, place of living (for example, in town or in village), marriage status, age and nationality of respondent).
- Can you describe your situation as better or worse compared to the middle class of the society in your home country? Were you satisfied with salary in your home-country?
- Which were the reasons for your decision to work abroad?
- Did you consider to work in other countries? If yes, which ones?
- Why have you chosen to go to the Czech Republic from the all options?
- Which associations with the Czech Republic do people from your country have?
- Is the Czech Republic considered an appropriate country for working?

2. Before coming to the Czech Republic:

- How did you find out about the opportunity to come/work in the Czech Republic?
- Which source of information did you use for getting deeper knowledge about work in the Czech Republic? (for example, from your friends, relatives which have had work experience in CR, from media, official resources...)
- What were your further steps after making the decision to come to the Czech Republic?
- Who helped you with the visa procedure, work permit?
- Did you use services of the employment agency? If yes, do you know if the employment agency worked legally or illegally?
- What have you been promised by employment agency? (visa, work permit, help to find job, job, accommodation, regular payment, the minimum period during which everything will be done..).
- Did you sign any agreement with employment agency?

- How much did you pay for employment agency's services? Did you pay the whole amount once or by instalments?
- How did you find money?
- Did you get money on credit conditions (if it was possible), pledge, and penalties for late payment? Did you have to pay pledge? If yes, for what reason?
- In your point of view, is it possible for another person with a status similar to yours to obtain everything for working in CR by himself/herself? Why?
- Have you been interviewed by the embassy? Which impression do you have about the embassy?
- Did you have special preparation for working in CR? (language course, qualification of the special type of work, information about life in CR)
- Do you think that you have had enough information about CR? (about life, law, employment opportunities..).
- Did you have information about different types of visa? which rights and responsibilities do you have?
- Which information did you consider you should have had more?
- Can you speak Czech? What about speaking other foreign languages?
- How long did it take from your decision to go to CR and to sign agreement?

3. Travelling to the Czech Republic and work in the Czech Republic.

- When did you arrive to the Czech Republic? How did you come to the Czech Republic? (whether agency helped you with trip/transport or not).
- What is your occupation? (*if person was unemployed, the questions were asked in past time*).
- Do you like your job? What do not you like at work (salary, working time, difficulties with adaption to work, working atmosphere, protective working equipments, work shifts...)?
- How long have you been working at this job? What kind of work experience did you have before? How a big company are you working for? (small, big, the approximate number of employees).
- Have you met your real employer?
- Are you working through employment agency or directly for an employer?
- Do you know other people who are working for this employment agency? Do they have the same experience as you?
- Is it the same employment agency for which you used services when you were at home? If not, do you think that employment agency of your home country and in the

Czech Republic cooperate with each other? Is the employment agency of the Czech Republic working legally?

- Did you make any payments to anyone after arriving to the Czech Republic? If yes, to whom and how much?
- Do you think that you are working legally?
- Do you have an employment contract? If yes, was it in Czech language or your own language? Are you doing the same job about which you negotiated in your home country? Have you signed any new contract in the Czech Republic? If yes, why?
- Have you had from your employment agency
 - a) threats;
 - b) violence;
 - c) confinement or surveillance;
 - d) withholding the salary, including imposing fines
 - e) not decent attitude to you

- Have members of your family ever had threats from your employment agencies?
- Have you ever been abused because of: a) difficulty of family situation, b) illegal status, c) lack of education (language), d) lack of information?
- Have you ever been forced to illegal activities?
- Do you know a person who can help you if you ask about this?
- Do you know the rights, duties, responsibilities of your boss? Do you have your documents with you? or has the employment agency withdrawn documents?
- What kind of visa and residence do you have?
- Have you changed your visa status in the Czech Republic?
- Do you know your responsibilities under your type of visa? (paying taxes, having social and medical insurances and so on)?
- How long are you going to stay in Czech Republic?
- What is your point of view on financial crisis?
- Do you think you can lose job because of the financial crisis?
- Do you think that employer/employment agency's attitude is becoming the worse after financial crisis?
- If you lost job and legality of staying in the Czech Republic, would you still think about staying here?
- Do you know people who are working as domestic workers? If yes, for which employment agency they working for? How did they find job? Do they have good working and living conditions?

4. For unemployed people

- How long have you been without job?
- What are the reasons for your redundancy?
- Is your employer/employment agency are done all their duties towards you?
- Have you tried to find other jobs? If yes, have you used employment agencies services?
- How are you trying to solve your problems of while in the Czech Republic?

5. Social environment

- Are you happy with your life in the Czech Republic? Is it different compared to expectations in your home country and what you have been promised before coming to the Czech Republic?
- What is Czech society's attitude to foreigners?
- Have you experienced any discrimination towards you?
- With whom do you communicate more often (people from your country, foreigners, Czech people)?
- Do you have family, relatives, friends here?
- Do you know people who can help you if you need? Who are they?
- How do you like the attitude of people from your country in the Czech Republic?
- Are you sending money to home country? To whom, how much and for what?
- Do you have experience with Czech public authorities? (police for foreigners, labour offices and so on). If yes, do you think that their activities are transparent? Did you understand what they required from you? Have you had any discrimination from their site? Have you met with corruptions/briberies from their side?
- Have you had any experience of cooperation with NGOs?
- Have you had any experience of cooperation with trade unions?

6. Access to rights and services:

- Which life expenses do you have? (accommodation and food)?
- Does the employment agency provide accommodation for you? If yes, do you have to pay the employment agency for this?
- Do you have access to medical services? Have you ever used them? If yes, how was it? Have you had payment for sick leave?
- Do you have information about your rights and opportunities? From where?

- Do you have any debts (for example, for trip and so on). If yes, do you always have an opportunity to pay for them? Have your debts risen?
- What is your salary? Do you get payment for overtime, premiums?
- Do you have vacation?
- Are you getting payslips?
- Do you know the amount of taxes you need to pay?
- Do you know the amount of money the employment agency getting for recruiting you as employee?
- Do you know if employment agency gives you salary relevant to your working hours?
- Do you know the salary of Czech people for the same job?

7. Conclusion:

- Do you want to refuse to use services of employment agency? If yes, which obstacles do you have?
- What would you like to change for better?
- What is good now?
- What are you planning for the future?

Annex № 2

Plan of medical assistance and psychological support

If it was clear through conversation and questions that the respondents needed medical or psychological assistance, a medical personal or a trained professional of psychological support would be contacted immediately by phone.

The possible telephone numbers would be used:

- emergency phone number: 112;
- health rescue service: 155.

Security plan

Security measures were the following:

- the places of conducting the interview were chosen in NOGs' offices or in safe cafes;

- the places of the conducting the interview were visited earlier in order to know the surroundings;
- the researcher was not conducting the interview at respondents' homes alone and was always working with a partner;
- the field worker of La Strada always knows time and address of the interview;
- the mobile phone of the researcher was always fully charged. The emergency, the police, La Strada SOS mobile and the field worker's phone numbers' were on speed dial.
- it was agreed to send a message to the field worker 1 hour after the beginning of the interview, when the interview was finished or in case of dangerous situations with the phrase: the weather is nice;
- clothes and shoes for interviews were comfortable and not bright;
- necklace and other jewellerys were not worn by the researcher;
- the researcher was not carrying much money;
- the researcher carried pepper spray with her;
- when the researcher and respondent came to the place where interview was conducted, the researcher looked where doors, windows were situated. The researcher looked at people who were around.

In case of unexpected unsafe situations while the interview, possible actions are the following:

- the researcher and respondents are staying calm;
- the interview cannot take place while an unsafe situations exists. The topic of the interview has to be changed or interview can be rescheduled if the respondent and the researcher consider this necessary;
- a text message is sent to the field worker of the La Strada;
- the researcher contacts the La Strada SOS mobile's phone immediately;
- the emergency or police numbers' are dialled.

In case of being followed by someone the researcher has to :

- be confident that this is a real pursuit and not just imagination;
- stay calm, not run away, be patient;
- avoid staying alone, try to be close to the crowd;
- try to control the situation but in a way none can notice this;
- call the La Strada SOS mobile phone or the police in case of dangerous situations;

Ways of checking if the researcher is pursued and her behavior:

- a) road: cross the road and look left and right; ask unknown person about anything in the street; give the impression of being in a hurry and look at watch.
- b) shop: come to and look at the shop's' - windows; go inside of the shop and look who stays in front of the shop-window;
- c) phone booth: make fake talk;
- d) mobile phone: pretend to text;
- e) restaurant or café: go inside and order something;
- f) transport: go from one transport to another one; try to change metro's coach at the last minute; go up and then immediately down by escalator and pretend to be calling; stay at the end of tram and try to get off quickly;
- g) car: turn left or right unexpectedly or stop next to the road; go to the petrol station and try to notice if any car is following and pay attention to the behavior of other people; check the car's doors and windows before getting in; check for suspicious objects next to the car, for instance, piece of paper with oil;
- h) flat: try to avoid situations when pursuing person can find out one's home address. In case it has already happened, check windows, doors, lock at the doors in the flat; try not to switch off lights illuminating street-facing windows; do not stay close to the windows; do not open the door for unknown persons; change the flat if it is necessary;
- i) postal mail: pay attention when receiving postal mail from unknown persons; if a letter has an unusual shape, or an oil spot on it; if letters are from abroad from unknown name; in case you are sure that the mail is suspicious call a pyrotechnical specialist;

Ways of noticing aggressive behaviour:

- the aggressor is staying sideways;
- the aggressor is starting to speak louder and more aggressive;
- the aggressor is clasping his/her hands in a fist;

Behaviour when communicating with an aggressive person:

- show hands to the aggressor;
- say couple times that everything is alright; that one can go away;
- in case the above behaviours do not help, hold a pepper spray in the right hand behind one's back or hold it in the paper in the left hand in front for emergency cases;
- use the spray and push aggressor's face in a really dangerous situation.