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PROJECT: TESTING EU CITIZENSHIP AS “LABOUR CITIZENSHIP”: FROM CASES OF LABOUR RIGHTS VIOLATIONS TO A STRENGTHENED LABOUR-RIGHTS REGIME

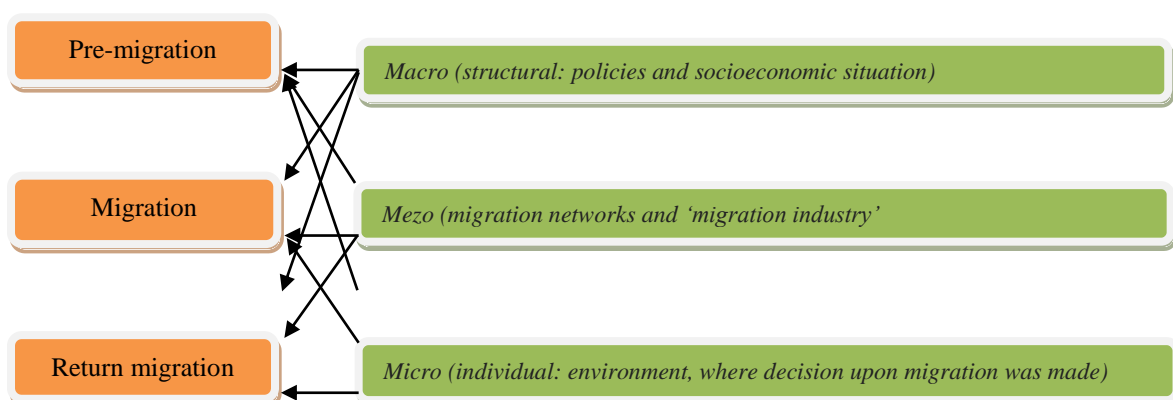
LITHUANIA – SUMMARY OF HEARING 2

Within the project “Testing EU Citizenship as Labour Citizenship: From Cases of Labour Rights Violations to a Strengthened Labour-Rights Regime”, Diversity Development Group hosted the Hearing II. The aim of the Hearing was to extend the analysis of migrant labour rights violation cases (revealed during preparatory activities) and discuss potential solutions of the identified challenges. During 1) preparatory activities and 2) the second hearing, following challenges regarding labour exploitation of mobile EU citizens were revealed (all these challenges will be discuss in details in the final report):

- Recruitment procedures, which, usually are unclear both for migrants and lawyers;
- Long judicial process in a case of severe forms of migrant labour exploitation;
- Inadequate (long) working hours without payment;
- Salaries not paid on time;
- Inadequate (informal) payment;
- Harassment, violence, threats of violence at workplace;
- Sexual harassment;
- Hierarchies in a segmented labour market;
- Poor working and living conditions;
- Lack of legal representation of the victims of labour exploitation in the country of origin (lack of economic and social resources);
- Lack of social and psychological assistance for the victims of labour exploitation in the country of origin (lack of economic and social resources);
- Re-victimisation (as a consequence of lack of legal representation and social / psychological assistance);

- The issue of migrant labour exploitation is not a prioritised policy area in Lithuania (with the relation to both, immigration and emigration). Such fact is related to general political approach towards migration, (dual) citizenship and Diaspora policies;
- Poverty and social / economic vulnerability as well as exploitation in Lithuania as a base for further exploitation in other countries;
- No any system of international cooperation for identifying and representing victims in courts;
- Migrant labour exploitation as the area of activities for nongovernmental organisations and governmental institutions only in the country of destination. No any political and social awareness in the country of origin – Lithuania;
- Lack of preventative mechanism (policies) and activities (fieldwork);
- Weak positions of trade unions (usually due to power relations between employers and employees).

All these challenges were structured in three problematic areas: pre-migration, migration and post-migration (return migration) processes. In addition, every process has ‘its own’ levels of analysis, where different obstacles (gaps) were identified: macro (structural: policies, legislative developments, socioeconomic situation), mezo (institutional/migration networks: ‘migration industry’, including migrant communities and (in)formal recruitment agencies) and micro (individual: poverty, psychological situation, environment, where decision upon migration was made) (see scheme 1 below).



According to the data from preparatory activities and the second hearing, the most relevant economic sectors for mobile Lithuanian citizens to be exploited are construction and agriculture. However, there are other sectors, such as logistics and aviation, where mobile Lithuanian citizens

are facing exploitation (for example, long working hours, inflexible workload, informal ways of receiving salaries, etc.). In general, as the second hearing revealed, most common violations occurred in Ireland, UK, Spain, the Netherlands, Sweden, Germany, Czech Republic, Norway and Finland.

Gathered information helped to identify the portrait of a victim: men of working age with a lack of language skills and significant indicators of social vulnerability. Vulnerability is considered as a risk factor to be recruited in that sector of labour market with high potential of exploitation and vulnerability on one hand; and low potential of social mobility on the other hand.

Three international experts were invited to take part in the second hearing: representatives from Gangmasters Licensing Authority (United Kingdom), Migrant Rights Centre (Ireland) and the European Institute for Crime Prevention and Control (Finland). Instead of migrant workers (who could not attend the Hearing due to various reasons)¹ representatives (lawyers and social workers) from nongovernmental organisations came to present specific cases of migrant labour exploitation. In addition, various national stakeholders from public authorities, research institutions, NGOs attended the second hearing.

In the first session of the Hearing, findings of LAB-CIT project were presented. These reflections were followed by the insights of foreign experts who shared their work experience on labour migrant violation cases: introduced activities of organisations, identified patterns of violations, weaknesses of the system, etc. They supported testimonies of migrant workers on the scope and severity of the violation of their labour rights. The session contributed to a better understanding of the problem and helped to deepen the knowledge on a broader scale.

The second session was held in a form of a discussion of all relevant parties. The discussion was structured on the three phases of migration: pre-migration, migration and return.

¹ Denial of being a victim is one of the biggest psychological challenges that NGOs are facing in Lithuania, while working with cases of (Lithuania) migrant labour exploitation. According to social workers and psychologist, due to gender issues, it is 'a shame to be or become a victim, especially for a man'. Moreover, the risk for exploitation increases with poverty, language obstacle and lack of information on labour rights. Due to the lack of legal representation and social / psychological assistance after return migration, there is a big potential for re-victimisation. Eventually, Lithuanian migrants that faced exploitation in different countries, refused to participate. In some case, interviewed migrant were already abroad, working in the same vulnerable and exploitative environment as before.

- **Pre-migration**—experts confirmed that migrant workers are lacking the knowledge on labour rights; usually, migrants are experiencing language obstacle, which creates more space for exploitation and less space for self-representation. In addition, usually migrant are not aware about working and living conditions, which, after arrival to the country of destination, seems to be much worse than it was expected. This fact is becoming more complicated due to unclear recruitment procedures. Moreover, migrant workers do not have enough information on labour contracts and employers. Usually, there is a complicated scheme of recruitment (agencies). Eventually, workers do not know for which company they are employed and who is responsible for payments and working/living conditions;
- Regarding the phase of **migration/settlement**, there was intense debate on the role and responsibilities of both local organisations that regulate labour relations (such as labour inspectorates) and labour migrants themselves (in the latter case, vulnerable psychosocial environment was emphasised as an obstacle). Representatives from nongovernmental organisations emphasised the lack of involvement of local organisations to identify particular violations; for example, collective and resonant cases are identified (such as in the UK), while other cases are not. On the contrary, it was observed that it very difficult or even impossible to proceed with certain cases, without support from the victims (migrants), which usually are afraid to push particular cases forward to court procedures.
- The consensus was that it is almost impossible to identify the cases of labour rights violations after migrant **return** to the country of origin, unless the migrant seeks assistance and legal representation. There is no system for identifying victims of labour rights violation after they come back. Due to the lack of awareness and systematic approach, only limited number of victims receive assistance. There is a big co-operation gap between police and experts as well as a lack of awareness. The first steps of improvement would be establishment of counselling centres for victims strengthening cooperation between labour inspectorates, law enforcement agencies, NGOs and social workers.

Publicity in the media

[The second biggest online media channel has posted news from the Hearing II](#)

Photos



