

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

REPORT ON PREPARATORY ACTIVITIES

During the implementation of the project *“Testing EU Citizenship as Labour Citizenship: From Cases of Labour Rights Violations to a Strengthened Labour-Rights Regime”*, which is co-funded by Europe for All Citizens Programme, "Diversity Development Group" performed preparatory activities. The purpose of these activities was to find and collect labour rights violation cases, identify workers who are willing to share their experiences and input with us in Hearing II, as well as to study and understand the importance of European citizenship for the workers. These cases revealed the reality of working in the European Union and helped us in identifying difficulties European citizens – specifically Lithuanian citizens – are facing as labour migrants.

In particular, the cases reveal that the selection of emigration destination from Lithuania is influenced by the presence of friends/family that already live in the destination country or by the presence of Lithuanian communities in those areas. Two patterns of arriving to the destination can be distinguished: a) workers sign work agreements in Lithuania before leaving and the employer is responsible for covering their travel and accommodation or b) the workers arrive to the destination country and search for employment opportunities on their own. In most of the cases we encountered, workers performed labour in the service sector (restaurants, cafes, nursing-homes) or various food production factories. The most common labour rights violations that the workers are reporting include: unpaid wages, overtime hours, abusive management, involvement in illegal activities such as opening fake bank accounts and money laundering. In order to obtain a deeper understanding of the difficulties faced by the migrant workers, individual meetings with experts from various organizations were held including the labour union “Solidarumas”, Caritas Human trafficking project, a men’s crisis centre, and a women’s information centre, where we discussed emigrant profiles and reasons of emigration.

Table from the Project Methodology

| Main themes | Aims | Issues | Case and recommendations |
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| Status - Segmented work in the EU | <ul style="list-style-type: none"> - acknowledge different categories of workers and locations (see definition of precarious employment) throughout the whole process | <ul style="list-style-type: none"> - hierarchies in a segmented labour market: age, gender, citizenship, legal status, ethnicity, "race" - non-EU workers differently affected by immigration law (temporary, permanent residence, irregular), which may be in conflict with labour law and rights that derive from it - time dimension (temporality, seasonality, etc.) | <p>Expert R. Romanians are paid less than Lithuanians (In Romania low living standard)</p> <p>Ireland case: "They like Lithuania more than Polish, cause they trust us more" (how employer chooses employee)</p> |
| Conditions in the "country of origin" | <ul style="list-style-type: none"> - understand citizenship as it is created in the country/region of "origin" and how it contributes to the overall EU fragmented citizenship - understand strategies of exit (labour migration) and/or voice (improving conditions e.g. through trade unions) - how can we understand "free" labour mobility? In case of circular migration: is this "forced" or "voluntary" circularity migration? | <ul style="list-style-type: none"> - economic situation (poverty, inequality, etc.), wage and working conditions (how does the situation compare with the country of destination?) - existence/absence of social protection - where does reproductive work happen - possibilities for improvement of economic, political, social conditions | <p>All cases:</p> <ul style="list-style-type: none"> - high unemployment - low wages <p>Experts:</p> <ul style="list-style-type: none"> - poverty (31% of Lithuanians are at risk of poverty) - low wages for unqualified work - success stories on media that people take as an example (ignoring negative experience) |
| Migration process | <ul style="list-style-type: none"> - understand process of migration | <ul style="list-style-type: none"> - process of recruitment (informal, formal) - promises before coming to X country and reality - experience with | <p>Experts: recruitment- formal (Labour Exchange) and informal (friends, relatives), mostly online.</p> <p>UK cases, Spain Case:</p> |

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| | | <p>intermediaries (possibilities of working directly?)</p> <ul style="list-style-type: none"> - what does EU citizenship mean to you in your work and everyday life (comparison of migration experience before the country X of "origin" joined the EU?) (this question relevant for STEP II) | <p>-travel cost are paid, from Your salary. (Usually intermediate tells labour migrant that their travel and living cost will be paid from migrants salaries)</p> <p>-EU citizenship does not have influence to better work conditions (migrants don't benefit of having EU citizenship in labour migration processes)</p> <p>Experts: Intermediaries are involved in migration arrangements</p> <p>Ireland, Iceland, UK cases - no intermediaries, looking for what is available now. (There are number of migrants that first travel to country and then try to find any possible job, straight from employer)</p> |
| <p>Labour rights – Labour rights violations and labour process</p> | <ul style="list-style-type: none"> - collect cases and patterns of "severe" exploitation - focus on e.g. agency work, posted work, cooperatives, etc. - agency of workers | <ul style="list-style-type: none"> - working hours (too many, too little, etc.?) - adequate wage - stability of employment - paid on time? - work intensity - existence of contract - (un)freedom to change employer - injuries or risk of injuries - harassment, afraid at work, violence, - threats of violence, sexual harassment - knowing your rights, information about work, residence, etc. - accommodation conditions - access to social benefits - health issues at work - medical insurance - difference in treatment among the workers (gender, ethnicity, citizenship, "race", age, | <p>UK case: decreasing work hours (employer writes message that You don't need to come to work today)</p> <p>Greece case: too many work hours (work from 10a.m to 4-5 a.m.)</p> <p>Ireland case: no payment for last 2 weeks (Last day at work employer told that he won't pay for 2 weeks, because women worked in 2 places, so she cost more taxes)</p> <p>UK case: inadequate payment , (employers tend to forget work hours)</p> <p>UK case: psychological abuse, sexual harassment</p> <p>Greece, Spain cases: psychological abuse</p> <p>UK cases: racketeering,</p> |

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| | | <p>etc.)</p> <ul style="list-style-type: none"> - reaction to labour rights violations - protests, work stoppages, etc. | <p>psychological abuse, physical abuse</p> <p>The Netherland, UK, Spain, Greece cases: accommodations paid from Your salary</p> <p>Iceland case: hard work, (to serve alone for 80 people, in same time to clean dishes and make food)</p> <p>Spain case - bad work conditions (very cold in factory)</p> <p>UK case: contract in foreign language, no translations</p> <p>Experts: contract in foreign language, no translations.</p> <p>UK case: hard to get day off, holidays</p> <p>Expert: hard to terminate the contract (lose your holidays, allowances)</p> <p>UK case: no knowledge of work rights</p> <p>UK case: manager is a part of "gang"</p> |
| <p>Labour rights – Institutions and regulation</p> | <ul style="list-style-type: none"> - understand enforcement of labour rights - find out about possibilities for collective action/solidarity | <ul style="list-style-type: none"> - what works / what does not work if labour rights are violated - practices of the labour inspection - practices of the courts - practices of the police - experiences with other mechanisms (e.g. informal) of getting what your owed, etc. | <p>Experts: Courts taking too long.</p> |

Having analysed the cases and after the meetings with experts, different types of issues can be distinguished. While experts focused on the lack of preventive action and legal shortcomings, victims of labour rights violations emphasized that relevant institutions which should act in the cases of workers exploitation are too passive and the victims feel too vulnerable to look for help in such cases.

In Hearing II, we plan to discuss identified issues with the project partners, look for good practices and potential solutions in the partner countries by categorizing labour migration issues into three phases: pre-migration, migration, return.

Recommendations

| Issues by the phases of labour migration | Recommendations (local and EU levels) |
|---|---|
| <p>Pre-migration Migrant workers usually lack knowledge on their rights and on institutions they could address in the cases of their exploitation Work contracts are prepared by employers in foreign language</p> | <ul style="list-style-type: none"> ● Preventive action: familiarization with legal rules and rights of migrant workers through trainings, publicity; introduction to relevant institutions which act in the cases of workers exploitation ● Preparation of work contracts in the language known by migrant worker |
| <p>Migration Companies which employ migrant workers are not always checked by relevant authorities</p> | <ul style="list-style-type: none"> ● Constant and regular visits of relevant institutions to the companies which employ migrant workers, interviews with such workers |
| <p>Return No tools to identify cases of labour rights violations after victims return to home country</p> | <ul style="list-style-type: none"> ● Establishment of the support system which would enable to identify victims of labour rights violations, assist them in such cases |