

Nr
1/2012

ANALYSIS
REPORTS
EXPERTISES

Witold Klaus

POLISH EMPLOYERS COMPLIANCE
WITH MIGRATING WORKERS RIGHTS

Stowarzyszenie
Interwencji
Prawnej

CONTENTS

1. Introduction	3
2. Basic literature concerning employment of foreigners in Poland	6
3. Characteristics of surveyed foreigners	7
4. Legality of employment of foreigners in Poland	9
5. Looking for work in Poland and work placement	14
6. Conditions of employment of foreigners in Poland	19
6.1. Salary and its payment	19
6.2. Time of work	23
6.3. Different conditions of employment	25
6.4. Relations with the employer	27
7. The investigation of claims by foreigners from unfair employers	29
8. Life of foreigners in Poland and relations with Poles	31
9. Migrating strategies of foreigners	33
10. Summary and recommendations	36
Appendix 1: Characteristic of respondents	41

1. Introduction

This text is a collective report which is a summary of the results and main conclusions from the studies of compliance with the rights of migrants working in Poland. The aim of this study was to examine how the foreigners operate on the Polish labor market, including finding employment, but above all whether the employers comply with these rules of labor law that set minimum standards in relation employer – employee. We wanted to see if there are differences in treatment of foreigners which result from employment in particular industry or from the nationality of the employee and whether the legality of the employment status affects the arrangements of the relationships at work. In case there were violations of migrants' rights, we wanted to collect data of what is the nature of these infringements, how serious they are, and whether and how foreigners are fighting for their rights.

We have decided that the study will cover five sectors in which foreigners are usually employed and that the examinations will be carried out in each of them individually. These were: agriculture, construction, domestic services, trade and catering¹. Working in these sectors can easily cause workers' rights violations due to the characteristic of work – these are sectors where are offered simple low-paid jobs, mainly physical, often periodic, characterized by low job stability (very easy to find a new employee)² This approach allowed to get possibly complete picture of the situation in each of the surveyed industries³. For each of these sectors have been developed individual reports, which appear in this publication.

The researches were of qualitative nature. Their foundation was conduction of 77 partially structured in-depth interviews based on homogenous and previously prepared instructions. Such researches will enable obtaining a wide array of information on the situations in which the respondents have found themselves (the exact laws that were violated, in what way, who did it) and their evaluations by the interlocutors. This method also allows to obtain additional information on the experiences interesting for the project's objectives. Qualitative researches also allow to see the kinds of problems in social functioning which were faced by migrating workers. Because the specific data on the number of currently employed foreigners, mostly working without permits required by law was not in our possession, it was impossible to conduct quantitative researches that would show the scale of the phenomenon. Therefore, we have decided on quantitative researches, although conducted on relatively large number of respondents.

¹ According to the publication of the MLSP *Review of the employment situation of foreigners from the neighboring country* the largest number of work declarations for foreigners in the first half of 2009 recorded for workers in industries: agriculture and related services (87042), construction and related services 10998), domestic services (4730), trade (1806). According to the MLSP data on the number of work permits issued in the II half of 2009 by selected NACE sections most permits issued for workers in industries: manufacturing (2330), construction (1519), wholesale and retail trade (3326) and hotels and restaurants (1394).

² In English-language literature they are described as 3-D - dirty, dangerous, demeaning or difficult

³ No accounts were taken of foreigners who perform functions in management of legal entities due to the special situation of this group and low, in our opinion, risk of violation workers' rights issue.

Researchers conducted interviews in languages understood by the interlocutors and then, during transcription, they immediately translated them into Polish language (if they were held in another language). Most of the interviews were recorded, but some interlocutors (originating mainly from Vietnam) did not give permission to register their statements in such way. In such case the interviewer made detailed notes from the interview, which were later written down, after the interview was finished.

Respondents were sought with the use of the snow ball method – starting from customers of the Association of Legal Intervention and other non-governmental organizations working for foreigners, using the contacts of investigators in immigrant environment, and in case of agriculture or construction, going to the places in which it was known that foreigners are employed (e.g. birzas, areas of plantations or orchards). It was the only way of reaching respondents and getting them to answer our questions. Interviews were conducted from May to September 2011. Interviewing stage was preceded by preparation of the legal analysis under the Polish law regulations⁴, regarding the rights of employed foreigners.

The research site was established in Mazovia, as in this province work almost half of legally employed foreigners. According to the statistics of Ministry of Labor and Social Policy in the first half of 2011 10720 work permits were issued in Mazovia, which accounted for 56% of the total number of all permits issued for the entire country. Most permits were granted to construction, trade and housework workers. While in the various industries located in Mazovia number of issued permits does not deviate much from the national average (although it is higher in construction and lower in trade and catering), it is worth noticing that almost all foreigners (93%) formally employed in the housework sector performed their work exactly in this region (for details see: Table 1). Similarly, if declarations of intention of employing a foreigner are concerned, the MLSP data show that in the first half of 2011 there were almost 90 thousands documents issued in Mazovia region, which accounted for 55% of all registered declarations. Most of the statements were issued for following sectors: agriculture, construction (17,5%), industrial manufacturing (4,6%), housework (3,6%)⁵.

⁴ See in this volume the text of A. Forys *The legal situation of third country citizens as workers in Poland*.

⁵ The MLSP data are available at page:

http://www.mpips.gov.pl/gfx/mpips/userfiles/_public/1_NOWA%20STRONA/Analizy%20i%20raporty/cudzoziemncy%20pracujacy%20w%20polsce/2007-lp2011.xlsx (accessed 27.01.2012).

Table 1. Work permits granted in the 1st half of 2011 by industry⁶

industry name	percent of the work permits granted	
	among the total number of permits issued in Mazovia	the ratio of work permits issued in Mazovia to all permits in given industry across the country
construction	29%	74%
trade	17%	58%
houseworks	14,5%	93%
catering and hotels	6%	43%

The above figures include those working legally, but probably in the Mazovia region is at least the same percentage of people working without proper registration. However, the results of the control of the National Labor Inspectorate in 2010 revealed that the most of illegally employed foreigners worked in the Lower Silesia Region, and Mazovia is in the distant fifth place in this "rating"⁷. This information, however, rather reflect the level of commitment of the services in the detection of illegal employment and how they were able to identify it, than the actual level of employment of foreigners working without proper documents. The Central Statistical Office data, concerning unregistered work in Poland, show that a very large group of people is employed in our country on the "black" market – it is estimated that in 2010 it was 732000 people, or 4,6% of the total workforce. This work is mainly seasonal in nature – its apogee is in the summer months. This is not surprising, since it is the most commonly done in such sectors as: construction (together construction services and repairs accounted for 30,7% of the work done in the grey zone), agricultural work (20,8%), followed by trade (8,4% of people declaring unregistered work as the main source of employment). The collected data do not apply to foreigners, but they show the scale of the phenomenon. Only information concerning households show explicitly that in 2010 about 6% of them used the unregistered work of foreigners (including 4% in urban areas and 9% in villages).

On their behalf were performed mainly renovation–construction, agricultural and domestic works⁸.

⁶ Statistic data of the Ministry of Labor and Social Policy, available in Table 5 "Work permits for foreigners according to citizenship and selected NACE sections, in the provincial system" available at page: http://www.mpips.gov.pl/gfx/mpips/userfiles/_public/1_NOWA%20STRONA/Analizy%20i%20raporty/cudzoziemncy%20pracujacy%20w%20polsce/Pierwsze%20polrocze%20oswiadczenia%202011%20r._05-08-11.XLS (accessed 27.01.2012).

⁷ More (disclosed) illegally working foreigners, "Migration Bulletin" No. 32/11, p. 3

⁸ The CSO data compiled as a module in Research of Economic Activity of People (REAP), see: M. Kalaska *Unregistered Work in Poland in 2010*, Warsaw 2011, available at: http://www.stat.gov.pl/cps/rde/xbcr/gus/PUBL_pw_praca_nierejestrowana_2010.pdf (accessed: 27.01.2012).

2. Basic literature concerning employment of foreigners in Poland⁹

In the introduction to this chapter it must be noted that existing researches on the condition of employment of foreigners did not focus on specific sectors of the economy, but rather on specific groups of foreigners or the general conditions of employment. Among the publications on conditions of work of foreigners are worth quoting issued in Kiev studies of the International Organization for Migration (IOM). These publications describe the overall context in which function Ukrainian immigrants in Poland, the challenges they face and how they deal with them. These reports are based on empirical researches conducted in 2007–2008¹⁰.

An example of the text on the presence of Ukrainians on the Polish labor market is also the report of Joanna Korczyńska and Maciej Duszczyk *Demand for employment of foreigners in Poland – an attempt of analysis and conclusions for migration policy*¹¹, J. Korczyńska, M. Duszczyk Institute for Public Affairs, Warsaw, 2005, the report of Aleksandra Grzymala–Kazłowska *Influence of international migrations in Warsaw on the situation on the capital's labor market*¹² or the book edited by Stanisława Golinowska *Demand for the work of foreigners. Poland and its neighbors*¹³. These publications show the Polish labor market in which Ukrainian migrants function in the light of available statistics and estimations of unregistered work and, basing on this, they try to determine both the real demand for the work of immigrants in Poland (or by region), and the projected consequences of the change of the number of foreigners in this market.

In the context of analysis of functioning of Ukrainian immigrants in the Polish labor market important are publications by Ruslan Antoniewski: *Contribution to researches on the informal labor market of foreigners. Functioning of »job fairs« in one of the close to Warsaw villages*¹⁴, *Immigrants with unregulated status: social and economic aspects of functioning in Poland* (together with Izabela Korys)¹⁵ and the latest comprehensive study on the Ukrainian labor migrations – PhD thesis of this author titled *Labor migrations from Ukraine to Poland after 1989*. An interesting example of publica-

⁹ This chapter has been prepared by Justyna Frelak. It relies on the juxtaposition of literature, which was prepared for the needs of the Institute of Public Affairs *The strategies of the Ukrainian migrant workers against Polish institutional reality* (unpublished material).

¹⁰ P. Kaźmierkiewicz (ed.) *Ukrainian Migrants on the Polish Labor Market and The situation of migrants from Belarus, Moldova and Ukraine on the Labor Markets of Latvia, Lithuania, Hungary, Poland and the Slovak Republic. Regional report*, Kiev 2009, available at: http://ec.europa.eu/ewsi/UDRW/images/items/doc/8875_354612252.pdf. A similar problem is included in the report of M. Bieniecki, J. Frelak, *Non-Poles on the Polish labour market. Problems and Challenges. An overview of the issue of racial/ethnic discrimination in the private sector in Poland*, Gliwice 2005.

¹¹ J. Korczyńska, M. Duszczyk, *Demand for employment of foreigners in Poland - an attempt of analysis and conclusions for migration policy. A summary*, Institute for Public Affairs, Warsaw, 2005.

¹² A. Grzymala-Kazłowska and others *Influence of international migrations in Warsaw on the situation on the capital's labour market*, Institute for Social Studies of the Warsaw University, Warsaw, 2002

¹³ S. Golinowska (ed.) *Demand for the work of foregners. Poand and its neighbours*, Publisher of the Institute of Labor and Social Affairs, Warsaw, 2004.

¹⁴ R. Antoniewski, *Contribution to researches on the informal labor market of foreigners. Operation of »job fairs« in one of the close to Warsaw villages*, „Migration Works” No 3, ISS UW, Warsaw, 1997.

¹⁵ R. Antoniewski, I. Korys, *Immigrants with unregulated status: social and economic aspects of functioning in Poland*, „Migration Works” No 47, ISS UW, Warsaw, 2002.

tions describing works of immigrants from Ukraine in the regional point of view is the report edited by Pawel Kaczmarczyk *International migrations and labor market processes – the case of Lublin region*¹⁶. This publication is the result of surveys of households, employers and studying and working in Lublin citizens of Ukraine and Belarus.

Another issue in researches on Ukrainian migrations to Poland are studies focusing on migrations of women. Among them are worth noticing the PhD thesis of Marta Kindler¹⁷ in which are described the strategies of Ukrainian women working in the houseworks sector. In her thesis Marta Kindler tries to answer the question in what way the awareness of risk and ways of dealing with it influences the migration strategies of Ukrainian women. The topic of Ukrainian women in the Polish labor market is also covered by Weronika Kloc–Nowak¹⁸ in the report titled *Functioning of immigrants from Ukraine in the Polish labor market – the present situation and recommendations for the host society*, in which she describes the most typical situations which are faced by Ukrainian women in association with their economic position in Poland (illegal work, legal employment of specialists, limited professional activity of students and settling immigrants).

Another publication dedicated to Ukrainian immigrant women is the work by Beata Samoraj *Foreign women on the Polish labor market*¹⁹ a part of the report *Readiness to start the economic activity among the women from the rural areas*. This report, in addition to psychosocial determinants of economic readiness and attitudes of local and regional subjects of the labor market concerning the professional activity of the residents of the rural areas, discusses also the researches conducted in 2006–2007 concerning the immigrant women employed as housekeepers and their employers. In this report the author has described the motives of accepting by foreign women the conditions of work and living of immigrant women, relations employee–employer, relations of immigrants with Polish institutions. The author has also described informal job placement in the houseworks sector (foreign drivers, foreign women recommending each other, employers recommending foreign women and illegal job fairs).

3. Characteristics of surveyed foreigners

Among the surveyed foreigners dominated people who resided in Poland legally (in the course of the study the form of the residence has not been verified, i.e. whether the surveyed people had visas or residence permits and which type). However, almost one forth of the interlocutors was an undocu-

¹⁶ P. Kaczmarczyk (ed.), *International migrations and the labor market processes*, The Centre for Migration Researches, Warsaw-Lublin, 2008.

¹⁷ M. Kindler, *Risk and Risk Strategies of Labour Migrants. The Case of Ukrainian Domestic Workers in Poland*, PhD thesis, European University Viadrina, Frankfurt (Oder) 2008.

¹⁸ W. Kloc-Nowak, *Functioning of immigrants from Ukraine in the Polish labour market – the present situation and recommendation for the host society*, „Analysis, Reports, Expertises” No 9/2007, Legal Intervention Society, Warsaw, 2007.

¹⁹ B. Samoraj, *Women's entrepreneurship as an example of foreign women working illegally in the houseworks sector*, Polish Society of Social Policy, Warsaw, 2007.

mented person (23%). Their number was spread relatively evenly among all industries except agriculture – in this sector in Poland did not work people without valid residence permits. Often the loss of legal residence was not due to negligence on the side of the foreigner, as in the case of one of the respondents. *Unfortunately for me then I lost my legal residence, because the representative/agent who, since the abolition in 2003, has led my case noticed that I will be able to deal with it by myself thank to the cooperation with the Polish man. It looked as if he was spiting me, neglecting the continuity of my stay. And I could not prolong my stay* [C5]. Another added: *I once worked in a nursing home, my employer lady claimed that everything is legal, that she pays my social fees etc. It turned out it was not true, she did not pay. Then I wanted to apply for a residence permit and problems began, because I did not have confirmation that the fees was paid.* [H2]. Generally, most respondents do everything they can that they residence was regulated. Unfortunately often law regulations and different barriers arising from them overwhelm them. The opportunity for them is abolition which came into force on the 1st of January 2012²⁰ and which many is waiting for (I am waiting now for... [abolition]). I have been here for a long time – over 6 years, I should be included [C6]).

Women accounted for over half of the respondents (54%). In particular sectors their number, however, was different. In case of construction industry all respondents were men, it was different in case of employment in the houseworks sector, here we talked exclusively with women. We could not find any man who undertook this kind of work²¹. Respondents were relatively young – the average age was 34 years (median 30 years). The youngest respondent was 22 years old, the oldest one 65. A relatively large number of respondents declared that they have higher education – up to 24%.

As for the length of stay of respondents in Poland, it was very different. It ranged from 3 weeks to 20 years. Half of respondents have been visiting our country (or regularly have been coming here to work) for 4 years. This shows that a large proportion of respondents is firmly connected with Poland. For part of them the stay was circular (about 20% of respondents openly talked about it), but another part have been living in Poland permanently for many years. In most cases the circular migrations are from Ukraine. The least circular was the stay of people employed in trade and catering industries (among these respondents the largest number of people came from countries more distant from Poland). The houseworks sector has a very large percentage of people who have been living in Poland for a long time – half of them have been living here for over 10 years (even if with short

²⁰ Initial reports indicate that it is very popular among foreigners. The Office for Foreigners data show that up to 26.01.2012 r. was submitted already 2251 applications (it is more than all abolition applications submitted in 2007), of which up to 77,7% in the Mazovia region. The highest number of applications comes from citizens of Vietnam (833), Ukraine (588) and Armenia (332). Information is available at page: <http://abolicja.gov.pl/informacje/statystyki.html> (accessed 27.01.2012).

²¹ Which is not surprising, since this sector is highly feminized, comp. A. Kordasiewicz Ethnic dimension of functioning of the domestic services market in Warsaw, Institute for Public Affairs, Warsaw, 2010, p.4 (to download from page: <http://isp.org.pl/uploads/pdf/1975059190.pdf>, accessed 27.01.2012).

breaks to return home). Similarly, people employed in the agriculture – some of them have been coming to our country regularly and seasonally – some even for 10–15 years.

As for the country of origin of people who participated in the researches, most of them came from Ukraine. In some sectors all our respondents were Ukrainian men or women (in agricultural or construction industries and in large part in the houseworks sector). Another large group were people from Vietnam (17%). Other respondents came from different countries: China, Belarus, Turkey, Tunisia, Morocco, Sri Lanka or Tajikistan. The greatest ethnic diversity can be seen in the catering industry. This is due to its characteristic, since foreigners are often employed in restaurants serving ethnic cuisine – from the Far East or the Arab countries region (famous kebabs). Similarly, in the trade more diversification can be seen here – Ukrainians are joined here by a large group of foreigners from Vietnam or China, which is associated with the development of shopping centers run by people from this region and located in Warsaw or its surroundings (especially in Wolka Kosowska).

The interviews were also relatively evenly distributed between different sectors: in the construction sector were conducted 15 interviews, in the catering sector – 14, in the trade sector – 17, in the agriculture sector – 16 and 19 in the houseworks sector²². Because some people have had experience in work in different sectors, part of interviews were analyzed in two sectors.

Detailed data of the respondents are presented in the appendix located at the end of the text. Detailed characteristics of the surveyed respondents in various industries are presented in following chapters of this publication, describing the specific spheres of work.

4. Legality of employment of foreigners in Poland

The vast majority of foreigners with whom we have conducted interviews, were employed illegally – they accounted for 65% of all respondents. Deducting the number of undocumented foreigners, who could not be officially employed, still more than half (54%) of people who could work legally, perform their duties in an informal way. For example Asian workers employed in Wolka Kosowska worked almost completely illegally (though having in most cases the right to legal residence in Poland). Similarly, in construction or agriculture it is rare to formalize the employment in any way²³. To this we could add another group of people – who do not know what kind of contract they have signed. It may therefore happen such situation, when they formally did not sign any binding contract and they were not officially registered as employees, but they may simply be unaware of this fact. One of the respondents describes it in such way: *Contracts were illegal and they said that we had signed an*

²² Next to quotations of respondents the corresponding letters indicates the sector in which they were employed: CT - construction, H - houseworks, C - catering, T - trade, A - agriculture. All quotations come from the researches, unless explicitly stated otherwise.

²³ Comp. also M. Bieniecki, M. Pawlak, *Strategies of Ukrainian labor migrants against Polish institutional reality*, Institute for Public Affairs, Warsaw, 2010, p. 57.

agreement to work, but this was not any agreement, because did not understand what we are signing. Yes. And they did not give us a copy and I do not know if we were actually employed and on what terms [T3].

In addition, many people believe that since they were granted a visa with the right to work based on the declaration of intention to employ a foreigner, the fact alone entitles them to perform legal work in the Polish territory for any employer, without any additional formalities: *The mistress [employer] gives something to sign, registers us or something, so we do not work unofficially. We work legally. But I do not now what kind of agreement this is, don't know what kind of contract. I have a work visa.* [A5]. Another person adds: *I was supposed to go somewhere and register myself, but I did not do it. I asked this woman [employer], but she said there was not any need of it. I do not know how it is.* [A4]. Polish legal regulations are completely strange to them (more on it later).

In case of the supervision of the legality of the employment by relevant public services, even in case, when this is the employer who failed to comply, the most negative consequences are faced by an employee. Because the conditions of the document granted to him are violated by him by performing illegal work, he is liable to expulsion from Poland, often accompanied by the prohibition of entering European Union for the period of several years. Meanwhile, the employer can possibly pay a small fee and be prohibited from employing foreigners for a certain period – obviously employing legally²⁴.

Only 14 people (18% respondents) have been employed under employment contract. Most contracts of this kind have been concluded in trade and catering. It has never happened in the agriculture. Conditions of work were, however, set differently by employers – there were often contracts with officially registered minimum salary or part time jobs, while the remainder of the money was paid unofficially, under the table. Employees, in practice, obviously, did not have any possibility to negotiate the contract terms: *They showed us that there was an employment contract, this or that, we signed it and that's all. What can you say? I will not sign it? I want more? He will tell: please, go, look for another job* [CT12]. Another person described her experiences in such way: *That what I signed, I understood, because it was in Vietnamese. But it contained only my obligations to the employer and not his to me. But it seemed to me that it was reliable* [T2]. It was a common experience of working people. For people working in the trade industry it was a common practice to conclude employment contracts in the specific industry and simultaneous additional obligation of foreigners to

²⁴ How little is the fear of it, shows the fact that , in 2010 National Labor Inspectorate disclosed just 1011 illegally employed foreigners (and even so it was noted a significant increase compared to previous years). In comparison to issued in 2010 180073 declarations of intention to employ a foreigner and 37121 work permits, it is a very small number (less than 0,5%). In total, there have been audited 1852 companies and 12300 foreigners employed in them - see: *More (disclosed) illegally employed...*, p. 3

perform jobs without contracts also to do the houseworks, such as cleaning or caring for a dependent person.

The issue of non formalizing employment is worth a closer look at. There are different problems in this area. There is a barrier on the side of Polish employers. Foreigners describe it in such way: *They [employers] do not want to sign the contract, because it is not worthy, because they have to pay taxes.* [CT10]. Perhaps the problem is deeper. This is certainly a reluctance to pay any additional costs related to employment, which makes employment of a foreigner less profitable. But to this can be also added the widespread in Poland acceptance of the "work in black" and prevalence of this form of employment also among Poles, especially in the sectors which we have researched (what confirms the CSO report, cited above). So says about it one of the employers from the Opole region: „If a Polish bricklayer comes to work for somebody and works "in black", this is not surprising, because if a professional would like to pay taxes honestly, I, as a customer, would not have enough money to pay and he would not have earned this much. It is the same case with Ukrainians. When I need a man to put plasters, I look for a professional and we arrange a job and the amount”²⁵.

One of the main motivations for employers to hire foreigners are their low salary expectations (this is the second reason indicated by them, soon after lack of „hands to work”), which results in decreasing of labor costs. Furthermore, it appears, that many employers (Poles, but not only, as part of the respondents were employed by foreign employers) do not know the law in this area and do not know how they could possibly hire a foreigner. To many it seems that this process is complicated, time consuming and expensive. As it is described by another employer: „When I need someone to help with the harvest, I will not go to the office. Before it is all done, my employee will be no longer needed. And besides, do I have time to go to offices in Opole? And who will work for me in the field”²⁶. This is confirmed by results of the survey of the employers, who as an obstacle to the employment of foreigners, give legal complications (36%) and related costs (22%)²⁷.

But, of course, many foreigners do not want to work legally. They realize that formal registration of their employment is likely to result in reduction of their salary. They say about this openly: *You say you want a contract, he will tell you: ok, but I will not pay you for example 6 zlotys per hour, but only 4 zlotys per hour* [A7]. Other people add even more bluntly: *I prefer to get more money, than to have a contract, paper* [CT5] or: *I would earn less per hour, I don't agree... If I have to pay... let's say pay for Social Security, yes? And rent an apartment room, food, it just does not pay to work here.* [CT14]. This sad observation is the key to the consent of foreigners to the lack of legalization of em-

²⁵ R. Jonczy, S. Kubiciel, *Employment of foreigners in the province of Opole (in the context of structural mismatches in the Opole labor market)*, Opole, 2010, p. 93

²⁶ Op. cit., p. 93

²⁷ Z. Wafflard, *Labor market of foreigners* EastWestLink Report 2011, Warsaw, 2011, p. 3 – 5 (available at: <http://www.ewl.com.pl/files/7-11-2011-Raport-EWL-Badanie-rynku-pracy-cudzoziemcow.pdf>) Comp. also: R. Jonczy, S. Kubiciel, *Employment of foreigners...*, p. 104–107.

ployment. Salaries for simple works are so low that withholding from them yet all social security payments and taxes would have the effect that the work would cease to be attractive for foreigners.

Culturally our eastern neighbors are also accustomed to non-compliance with the law regulations and they accept employment in the "grey zone". They often underestimate the issue of lack of a contract: *Now I work and all, I do not have a contract. But it is ok, I work, I get money, and a contract maybe will be. I do not know yet, I have not thought and talked about it.* [H2]. Another person adds: *You want to earn money, you do not pay attention to such things, you do not worry. (...) Unless someone cheats you and you will work for free* [CT8]. The problem of course arises when employer fails to comply with his obligations. Then, without a contract, worker is helpless and in practice the vindication of his claims is much more difficult²⁸.

Some workers justify their employers in different ways. To part of them it seems that legal employment may be a big problem. *This is a problem for me and for the employer. As I do not have all the papers needed, I cannot be employed* [CT5]. Other excuse have people from Asia. It results from their culture. The foreigner working as a housekeeper said: *it has never been any question about a contract and employers apparently do not think about it. It might be a habit still from Vietnam. Moreover this is a specific work. When you let somebody into your home he is no longer treated as an employee in the company only such »special« family member. (...) That's why, probably, formal issues are in the background. If I told them now about the contract, they certainly would be surprised and would be suspicious if I do not scheme to do something* [H4]. Houseworks are a specific form of employment. In this case often occurs the mixing of workers and family relations. This „familiarization” in most cases affects the employee, who is emotionally compelled to work harder and longer (and often around the clock²⁹).

A paradox of this situation was indicated by one of the respondents: *Polish employers expect a longer cooperation and foreigners generally cannot permanently reside in Poland. On the other hand, Polish employers are reluctant to arrange permits for foreigners so they were able to stay longer.* [H2]. You cannot expect stability from your employee and does not provide it by yourself. This stability is particularly important in sectors that are not related to seasonal works – houseworks or the catering – and for those who do not come to Poland circularly. The most often these are the interlocutors who want to work legally. It can be seen that they want to connect their future with our country and only legal employment gives them such possibility, because only it gives a chance for legalizing the residence. They are ready to work harder or to resign from part of the earnings if only

²⁸ The employee would have to prove then the existence of the contract and the actual work. For this it would be necessary to call witnesses, which would probably be a problem, because Poles probably would not want to testify and there would be already no foreigners in Poland - especially considering the mode and duration of judicial proceedings in civil courts.

²⁹ Comp. for example . M. Kindler, „Invisible” work – Ukrainian migrant women working as housekeepers in Poland, [in:] K. Slany (ed.), *Migrations of women. Multidimensional perspective*, Cracow, 2008, pp. 211-217.

they could receive a formal contract and work legally: *There are no benefits from illegal work. I always prefer a legal contract and a legal work, because it gives at least some certainty. I do not like to be afraid of control. (...) Perhaps there are costs, but I prefer to work legally and earn even less than illegally and be nervous* [C7]. Another person adds: *I cannot stay illegally, because I have a child at home. I have to go all the time, still, I have to go home. So I need to do something to make it legal. If they just hired me then I will pay the Social Security out of my pocket* [H10]. In this case it can be seen a large determination. Other people point out that there are relevant employment rights associated with the legal employment, such as the right to holiday period – especially important when you left the family in the country of origin. But above all, which is emphasized by many people, legal work is the possibility of legalizing the stay and leading normal life, without constant fear of deportation. With hope some of them waited for the abolition, because, with a documented residence, they could be legally employed³⁰. One of interlocutors said openly: *I do not want to live here illegally anymore. It bothers me. I stay here legally or I come back home. (...) I want to work legally, do something... Open my own company. I had a good chance. My friends want to give me a place to work, but there are no documents* [C6].

Respondents pointed out that from legal employment there are benefits also for employers. Such thinking has emerged also among the interlocutors employed in the catering sector: *They [employers] run a bar and do not want to have any problems. They want to sign a contract with me, as before.* [C1] Another person adds: *Sometimes the employer pays bribes for me, maybe it pays off, but I do not think so. After all, there is a threat that the bar may be closed down* [C7]. But catering is a specific industry – because it is difficult to find substitute workers for ethnic cuisines. Therefore, the employers value their employees here more than in other sectors, where the replacement of one employee with another is relatively easy, because the high qualifications are not required for the job.

Legal employment is associated with another important aspect – health insurance, which becomes especially important in case of illness or accident at work. Theoretically, foreigners coming to Poland must possess medical insurance. In practice this is a fiction: *As we go to Poland, they give us insurance, we buy it in Ukraine for 20 hryvnias – that's two euro* [A10]. Another person adds: *This medical insurance is only for 10 days... And virtually all are in the same situation – they do not have medical insurance* [A4]. Therefore, foreigners in case of illness delay visits until the very last minute, and if they do not have to, they do not go to the doctor. Some people use traditional medicine: *We looked for the herb that was supposed to help at our Vietnamese neighbors* [T2]. Others, if they can, they come back for treatment to the country of origin: *If you feel that it is already wrong with you,*

³⁰ Unfortunately, the Polish laws provide virtually no possibility of legalizing undocumented foreigner. Such person in this situation, even if he has a job and he has been living in Poland for many years, he will not be able to legalize his residence - despite his or his employers' will. Currently the abolition announced every few years is the only possibility to legalize the residence.

then everyone goes home. Rarely, someone is waiting for the moment, that you no longer can stand it anymore [A15]. And if he cannot go, then eventually goes to the doctor privately and pays for the treatment: *Normally I go privately. (...) I had to be in the hospital once. Some snippets, various pathological tests... And then there were the operation and stay in the hospital and tests before the operation. And for all. I paid for all. I have paid a lot of money then* [H12]. Sometimes the employer will help during the disease and it happens that he will pay the costs of treatment: *The mistress [employer] even was buying some medicines, when someone was ill. And it was for her own money, really* [A5]. However, this is a completely unique situation and concerns rather minor health problems. That is why insurance is so important, especially in works where the likelihood of accidents at work is large – mainly in the construction. It is also noticed by some foreigners: *Now everyone from my friends tells me: insure yourself! (...) If something happened... God forbid! Anything... Then you go to the hospital and you don't have to pay there...* [H12]. However, do not see the problem (maybe because they are young) and some even if have that in mind, they are not able to negotiate the formalization of employment.

5. Looking for work in Poland and work placement

Work placement market for foreigners operates outside the institutional frameworks. Foreigners in this case can rely only on themselves. This causes all kinds of abuses from the side of their employers. Unfortunately, the Polish services in this sphere are completely uninterested in support of foreigners³¹. Therefore evolved a number of different ways of getting work.

The first informal and important institution which is extremely common among Ukrainians (and only among them) are "drivers". These are people who run work placement (connect employers with employees) and provide transport from home to the employer and often also back again. Of course, for their services their charge a fee – from employers, from employees, and often from both sides. The average cost of the service is about 150 PLN per person. Services of the "drivers" are widespread among seasonal workers – especially those working in the agriculture. Foreigners had different experiences in using the services of „drivers”. As one of the respondents said: *There are such drivers that if you liked the job, you work, and if you did not, you do not. And there are such that just leave you at the mercy of fate, and then they just come to pick you up* [A5]. But there were also stories about cheating foreigners by "drivers" in cooperation with employers: *They worked [employees] for three days, he did not pay at all, they left the job. Then comes the second brigade, also three days,*

³¹ It is worth mentioning that for a certain period of time, work placement agency was run by the Development Foundation "Without Borders". This project (Migrant Career and Work Placement Center) is no longer continued, as it turned out that very few people (both employers and employees) did not look for employees/works through formal employment agency. This can be explained by long-standing habits of the both sides of searching for employees/employers or fear of any formalization of the relations, since in most cases work is done without any documents.

also left. (...) And it was paid to the driver for each person [A7]. But there are some agents, who feel responsible for their actions: *he arranges work and [if] something goes wrong, always will help and take care of. Well, takes responsibility* [H10]. "Drivers" go between primarily in seasonal agricultural works, sometimes in the construction. Often later their role is limited only to transporting foreigners – some of them prefer using services of "drivers" than public transport when they go home. Perhaps this is due to the fact that "drivers" are able to offer a transport service to home, even to a small village. So this is a convenient way to travel.

„Drivers”, though, usually organize only a first job (although it happens that they transport their customers from one employer to another according to the ongoing season to pick up another vegetables or fruits). Then most foreigners is on their own. Hence, the development of other informal institutions – birzas. These are fixed places, where meet foreigners (and often also Poles) seeking work. The local residents know about them and when they need an employee, they come to birza to look for him. Currently it is harder to find work in this way, someday, as one of the respondents describes it: *there were not so many people. 20 people were standing. Now 100–150 people* [A8]. Therefore, people are standing and waiting in vain even for several days for a job offer: *Do every time I have a job? What are the chances? Well, currently it's zero, zero, zero. so recently I go out more not to feel bored at home* [H5].

Respondents' opinions about birzas are unanimous and clearly negative. These are the places where employees are most often cheated by employers. From descriptions they resemble modern slave markets – employers choose potentials workers and they are very picky: *Very often they choose... Even judging by eyes. By the eye color... Seriously... They choose this way. Me, for example, they did not want to take to pick tomatoes. One woman said »you are too fat to pick tomatoes in the field«* [A9]. Such relations are not uncommon. Women often talk about it. One of the respondents even fondly recalled times when criminal groups were active in birzas. *In the beginning, when I came here, there were Belarussians, weren't they? They collected tribute from the market. And then everything was in order* [H5].

Another problem are often sexual proposals: *Men come and they offer something else. Is this often? Often, every day. Even from 6 a.m. It is uncomfortable, when he will say straight. And the worst thing is, when he will tell, that he will drive me somewhere and then he will tell that there is no job and you have to come back on foot. (...) Did it happen? Many, many times. That he offers, there is no job, but you can earn even 100 or 200 [zlotys]* [H5]. Listening to such stories, one can only guess how often they end „only” on walking on foot to birza and how often in these cases comes to rape. Any of such stories has not been told to researchers, but this is not surprising. For it is not to tell to strangers. The offence is extremely shameful for victims, who, in addition, do not know their rights. One can therefore assume that the scale of the problem may not be small at all, but it is not reported

to anyone (especially considering that some of foreigners can be undocumented, so they avoid any contact with the Polish public institutions). Foreign women have learned to cope by themselves in such cases and recognize the potential danger: *It is immediately clear, that the man does not want to take to work, entangles in what he says, he wants for clean-up, then to the patio. He does not know what he wants, means for 100%, he does not take you to work* [A13]. They warn each other against such „employers”.

In relations of the respondents there are also information about the agents. There are two kinds of them. These are agencies operating abroad. In most cases they charge foreigners for job placement (it is worth noticing here, that according to law regulations Polish employment agencies cannot charge salaries from potential workers). Prices of these services can be different. In Ukraine they range from about 1000 hryvnias (about 400 zlotys) for finding employment, to 3000 hryvnias for preparing documents and obtaining a visa on behalf of the worker. It is different in Asian countries. There, this service costs even a few thousands dollars – from 1500 to even 3000. In most cases, this price guarantees legal entry to Poland. As describes it one of the Chinese citizens: *I had a meeting and I signed a visa application and I provided all requested documents. It is sort of a travel agency – job placement agency abroad. I gave a passport and deposit and the rest of the money I paid when my passport with Polish visa was returned to me* [T9]. But sometimes, as in the case of a woman from Vietnam, the agents are, in fact, smugglers. Her story is moving: *The smugglers came one day when I was left alone in the locked apartment and they raped me, then I had to take clients. It was hell. [...] It was horrible, I thought that I would die, that I would never see my parents and sister. It was hopeless* [H4]. The history described here in principle satisfies the definition of people trafficking.

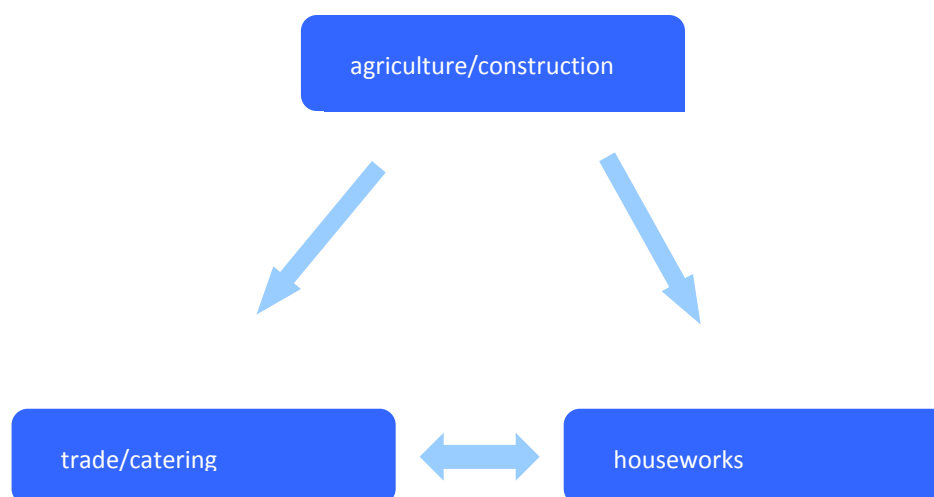
Polish agents also operate on the market, but this applies only to the construction. They do not appear in any other relations, in other industries. Opinion about them by foreigners is unambiguously negative: *Tragedy. They only move responsibility: the boss to the agent, the boss to the construction manager, and finally you get zero. Agents are Polish. With them it works like this: for example, you get 40 zlotys per meter of elevation. Then the agent gives you 30, 20 zlotys, respectively* [CT9]. The respondents said many times that they felt cheated by agents: *he cuts off for himself from the salary, but he will never say how much. They can cut off up to the half. So what kind of job is this?* [CT10]. So if they only can, they do not use their services. But unfortunately, this is not always possible, because often these are agents who have information where there is the possibility of work: *Well, in the beginning the agent is useful, but it is expensive* [CT11].

Work is often found through friends. Especially the houseworks sector operates in this way: *My friend worked and then went home – to Ukraine. And she said: Replace me here, for ten months. You have just came here, you will go cleaning up. I say – ok.* [H8]. It is characteristic for the circular works – foreigners enjoy the opportunities, which currently law regulations offer them – working for

six month during a year under the declaration of intention to employ a foreigner. As it is described by one of the respondents: *A visa for 6 months, 3 months at home, 3 months out there [at work] [H10]. Then two people come to Poland for a change and they exchange their customers between themselves – thanks to it foreign women do not loose them, because they provide substitution for themselves: A woman friend gave me this care services: She went home there. I took it for exchange. She called to just go in exchange [H2]. This is the only way to keep the customers, because with such short stays it would be impossible to provide services for all time – one of the respondents said so: I am just settling a job, I settle it and loose it. [H10].*

Another way to seek a job is support from foreign friends: *Yes, one of my friends from Ukraine has already worked in the field, they told I could also go. So I went there only for three months [H9].* Similarly, through personal contacts there are provided information about work in the Vietnamese environment – there employers offer employees to each other. Only in the catering foreigners look for a job by themselves, coming "from the street". In this way are hired employees of kebab-bars.

One can also notice flows of workers among different industries. I have already pointed out, that some of the respondents had an experience of working in different sectors. During their stay in Poland, they combine agriculture and construction works and houseworks (mostly cleaning up). These are works which can be obtained in birzas. Therefore, they do not choose, but they take any employment which is offered to them (*And I [worked] everywhere gardens, cleaning-up, in the fields, everywhere. Harvested cherries, different works, as I could [H6]).* One can also see some kind of promotions in employment according to the following graph.



From the agricultural sector or the construction foreigners in time go to work in sectors offering more stable employment – to the trade and the catering or houseworks (caring for dependent people – that are children or the elderly – or the permanent order of cleaning). Between the last two sectors the flows of workers also occur. They do not happen, however, the other way round – the return to the agriculture or construction works has not been observed. The change of the sector and promotion are mostly associated with the decision of staying in Poland for a longer time (because, as I wrote, houseworks can be associated with circular migrations). One of the women respondents says so: *From the construction I went to the home cleaning. It was not easy then, because it was paid little and they did not want to take from Ukraine, because no one knew anyone. So there were problems with such work. But, slowly, I started to clean-up* [H2].

A big headache for foreigners is the need to frequently change employers in seasonal works: *It would be better if it was possible to go continuously to one employer, but this rather does not happen. Always in another place* [A5]. They are afraid of it, because they never know what kind of employer they will find, when they will find him (so how long they will remain without work and they will not earn), and possibilities of finding job are extremely limited, as described above. It is interesting, because also employers are afraid that in given year foreigners will not come to them to work, causing destruction of the harvest. They complain also that such people come who have never worked in the harvest and they do not realize how hard this work is, therefore they abandon it³². Nevertheless, the exceptional is the situation, when a constant relation is established between employer and employee, as in this case: *This year I came in my own car. The woman sent me invitation by post. And this year I came by myself* [A4]. It is an interesting problem and it seems that it is worth further examination, why in spite of consistent expectations from both sides, no agreement is reached between them. *Maybe because it is hard to reach agreement with some people – I do not know, maybe this is also the reason* [H2]. Because the truth is that there is no agreement between employers and employees, probably a greater role plays unwillingness of agreement than linguistic barrier.

Foreigners are also afraid of longer association with one employer, if they do not know him. The reason is fear of deception: *They come from a company and they give an apartment and monthly salary. But this is dangerous. You cannot earn anything. There are such people, that you can work the whole day and he will not pay* [A10]. It is worth noting that this is a very real concern, as detailed in the next chapter.

³² Comp. M. Bieniecki, M. Pawlak, *Strategies of Ukrainian migrants...*, p. 55, 60.

6. Conditions of employment of foreigners in Poland

6.1. Salary and its payment

The salary that foreigners receive for their work varies much and depends on many factors – the sector which they work in, their experience, the type of work and general diligence – especially in doing piecework. In the agriculture the average monthly salary is about 1500 – 2000 PLN net (plus often accommodation and catering offered by employer). On average one can earn 5 – 6 zlotys per hour. The amount of about 8 PLN is considered very good. Sometimes payment is agreed per kilogram of fruits harvested, although less frequently. In the houseworks sector salary is about 1500 PLN (it also includes free accommodation with the ward or his family). For cleaning-up there can be more – if a foreign woman cleans a few houses she can earn even up to 120 – 150 PLN per day. In the catering salary is about 8 PLN per hour. Qualified and valued employees can count on the allowance of 20 –30 PLN per day. The highest salary is in the construction sector. There qualified worker receives salary ranging from 2500 up to even 4000 PLN per month. *Per hour for Ukrainian this is up to 12 zlotys, and for a job done I can earn – 16 zlotys in an hour. If there is a lot of work, it pays, and if there is not, then do not.* [CT11].

The studies of employers from the Opole region show that the average salary declared by them amounted to less than 2900 PLN gross (or about 2085 PLN net). The highest one was in the construction – 2150 PLN gross (the amount of salary of the services sector has been artificially inflated by the IT specialists , therefore it is not reliable), and the lowest in the agriculture – 1435 zlotys. Declarations of people employing foreigners illegally indicated that the amount of the net salary paid to workers is on average 1807 PLN, so it is higher than for the legal work, where the average amounts to 1547 zlotys. Also, by industry, illegally working foreigners could count on higher salary³³.

The majority of respondents is firmly convinced that Poles employed in the same positions earn better. Some people told about it: *They paid less. To Polish 8, and to us 5 zlotys per hour* [A16]; *For example for a square meter of clinker Poles have 75 zlotys, and we receive 45 zlotys. (...) And it is always like that (...) But in the previous work it was a standard that these rates were actually dramatically lower. There others earned, say, 3500 and we up to, not matter how long one would work not more that 1900. There is a difference, isn't it? I worked twice as much as them. I knew how much they earn, because one colleague told me this. The employer was not telling, of course, he told that he paid equally to all of us. For this colleague, who told, about it, it was hard for him then* [CT5]. But there were also several respondents who declared that the hourly rates are the same, regardless of

³³ R. Jończy, S. Kubiciel, *Employment of foreigners...*, p. 96 – 98.

nationality³⁴. *There is no difference in my company. Everyone, Polish or Ukrainian receives 10 zlotys per hour. But I know that in other companies they unfortunately are.* [CT2].

Interlocutors did not have illusions that as foreigners they will be treated in the same way as Poles. One of them concludes: *You can say that it [is] so not only in Poland. But when you go to Germany, Polish there perhaps also earns less than German* [CT14]. Other adds: *Of course, it is so. Less. But we are foreigners, so we cannot earn equally. Even for this work, the same work, but not the same* [CT11]. And this is unfortunately true. Everywhere migrants are paid less than local workers even if they stay in the country for long and they have already a citizenship (although with the length of stay the difference in payments is reduced)³⁵. Because, as it was noted by one of the respondents: *Pole does not work for such money. It is better for him not to do anything than work in such way. He will go to the office, will get some money and will not work for such rate.* [CT2]. Foreigners think also that Poles would not agree to certain terms of employment which they accept. It was told so by the one of the respondents: *I was told by the employers themselves how someday came to them a Polish woman in the age of the grandmother of their children. First demanded a high salary, and later she set conditions that she would take care for only one child. I suppose that Polish women are like that. They have high demands and sometimes for much money they do not want to work long hours. I treat my job as a form of granting help, I have different attitude.* [H4]. Foreigners are aware that they are in a worse situation – they cannot choose among different job offers, because there are not so many of them. Moreover they came to earn and every day without a work is in fact loss, because they have to cover the costs of stay. Employers fully know about it and use it, offering very low salary.

This is confirmed by other studies. Miroslaw Bieniecki and Mikolaj Pawlak, describing the functioning of the plantation of strawberries under Plonsk, explicitly stated that „Polish farmers in the studied area occasionally employ Polish workers to harvest strawberries. Usually, according to the interviews, there are rather cases of making up for debts by neighbors or other type of informal agreement, under which the work is performed for at most a few days. (...) In the course of the studies we often encountered reports of experiences with Polish workers, who were tried to be hired to harvest strawberries, and who, after a day–payment was paid, did not appear at work, because it was enough for them to satisfy they momentary need of consumption of alcohol”³⁶.

However, The biggest problem for foreigners are different kinds of frauds in the payment of salaries or even not paying of it at all. The respondents see it that way: *Working in Poland is a constant negotiating, one must always be careful, because even the closest ones can cheat you.* [H7].

³⁴ This information results from the studies of Anna Kordasiewicz, see: A. Kordasiewicz, *Ethnic dimension of functioning ...*, p. 16. In her studies she compared the work of Polish and Ukrainian women in the houseworks sector, talking to them and their employers. These observations have been confirmed by all sides.

³⁵ Comp. *International Migration Outlook OECD 2010*, p. 170 – 171 or K.F. Zimmermann (ed.), *European Migration. What Do We Know?*, Oxford University Press, New York, 2005.

³⁶ M. Bieniecki, M. Pawlak, *Strategies of Ukrainian migrants...*, p. 59.

Another person adds: *And at work also always, because you do not know if at the end of the day he will pay or not. Every day it is such stress.* [A12]. Especially to the risk of unpaid work are exposed people employed in the construction and the agriculture. There, the majority of respondents had unpleasant experiences in this field: *Just as colleagues say that they have problems. I do not know, there are a lot of companies which want to make money and not to pay for the work* [CT2]. These are small businesses which are regarded as the worst ones and most often these are them which do not comply with their obligations: *It is much better with a private person, a man knows that if I do a good job, he will pay me and everything will be all right. There is no problem with salary, actually. In companies, in companies this is a tragedy. Here, to Piaseczno, to the square, they come every day for people to work, but people do not want to go with them. If one hears that this is a company, no one gets in* [A12].

There are different ways of non-payment the salary. In the construction industry relatively common is covering oneself with the information that the investor did not pay so the owner of the company does not have money for salaries: *We settle, settle, but then there is always the same talk that there is no payment from the investor and that it is not their fault. (...) Usually they delude so tomorrow, tomorrow, tomorrow. And then [the employer] disappears from the construction site. I call to the office and the secretary says: „He is not there”. Or they say that the investor does not have money and they physically have nothing to pay it from* [CT10]. The second common way of deception involves previous checking by the employer the worker's visa expiration date and settling the payment of the salary immediately before it ends. One of the respondents describes this practice in such way: *They do it like that – at the beginning they ask you when you have your visa to. Or they take the passport and there they check it. They say: I have work for two months, so just right. He uses this date and after that, when the date is coming near to go home, then he [the employer] disappears. This is what it is all about. This is why he takes these passports for.* [CT10].

However, the most common are frauds of paying in such way so it would be less. Various tricks are used here:

– not counting certain types of work into working hours: *There is such work which does not count, which is not registered. When the car is unloaded, the hours are lost, no money is paid for that. For cleaning up in the construction site also* [CT16]; *We always stayed after the closing of the store – to close, reconcile, clean up – this is also the time for which no one pays, this is one hour, one hour and a half, for which I did not get any penny* [T7].

– not counting in hours of longer work or cutting off hours worked: *They never keep that time of [work]. It is told – a little longer, a little longer and here are twelve [hours]. And they do not pay additionally for them. They pay for ten and these two disappear in the air – there were such situations* [CT10]; *He did not pay for what he was supposed to pay for. We worked for 12 hours and he regis-*

tered me only 6 [A14]. In case of people employed in Wolka Kosowska it is normal to pay a daily rate (about 50 – 70 PLN, regardless of the hours actually worked – also when there is a delivery couple times a month and the worker has to stay longer and work).

– reducing rates after the work is done, contrary to the original contract: *We have finished the work and they tell us that they pay not 20 zlotys per meter, but only 10. And that we have surely agreed to that. We say how is that? What 10 zlotys? And they say that they pay 10 and that is it. You want it or you go home. And the work is done* [CT9].

– change of work conditions: *I was harvesting cherries, he comes and says: »with stems, why is it without stems?«, He has not said anything [before], [...] but he does not count me this day, because I harvested without stems [A15]; Others had payments reduced, because he decided, that they had worked bad. It happened that in the evening he could fire people and you can go to Ukraine, wherever you want to [A13];*

– accusing of stealing and reducing the salary of the alleged "losses" caused by that. Therefore workers protect themselves in various ways: *Always, when we buy something in a shop, something bigger, we try to keep the receipt. So no one could tell us later, that we stole [A15].* It happens that workers are punished for alleged misdemeanors, such as: going out to a shop, smoking cigarettes, being late, drinking alcohol. It results either in reducing the salary, or even releasing from work, most often without paying large part of the salary. *He was observing and when he noticed somebody drinking, so even if they worked for two weeks, he fired and did not pay at all [A10].*

Foreigners told that there were employers who on purpose chose such employees, who were easy to cheat : *He purposefully took such Ukrainians, who »were about to depart« [A10].* They did not pay salary to the migrants and in case of demanding the payment, they threatened to call the Police, to notify that they are in Poland without required documents. It is known that all undocumented people are afraid of any contact with the authorities for fear of expulsion. Therefore they are not able to fight for their rights. Respondents told: *They immediately treat differently people who work "in black" and those who work legally. If you have documents you have the right to speak. You can go to report to the Police and so on [A9].* Some employers use another technique – they take passports from foreigners. In this way they protect themselves from workers passing to other people offering better conditions of employment (it considers mainly agriculture). But this practice is also used for non-payment of the salary. One of the women respondents says so: *They cried to give them money back and then the passport... They later did not want that money only to give them the passport back [A6].*

As a rule non-payment of the salary has not occurred neither in the catering nor in the houseworks (however sometimes frauds there also have taken place). Despite this foreigners are constantly afraid that they can be cheated: *We have agreed at the beginning that I receive per day of*

work 100 zlotys and this amount will be due to me at the end of every week. But it was happening like that only in the beginning, now I receive it at the end of every month and I am always nervous if I receive it, something does not happen or if they do not find someone else to take my place and do not throw me to the street [C7].

6.2. Time of work

All foreigners work very long. In described stories the standard is 10– or 12–hour work day. In some cases it is understandable. In the seasonal works, when foreigners come to Poland for a brief time, they want to earn as much as possible in this time. As most often the amount of the salary depends on hours worked or the results achieved, they work as long as they are able and they are not interested at all in shorter time of work, because it would be connected with lower salary. It is this way in the agriculture, the construction or cleaning up the apartments. There are even cases, when migrants work 19 hours without any days off: *And we worked for the whole month. We had only one day off. One Sunday per month. And so we worked and in Saturday and in Sunday. We worked there even for 19 hours [CT12].* Employees are not always satisfied with such intensive work, but often they cannot refuse to employers. However most of them accepts such mode of work.

It is a totally different situation, when foreigners live in Poland and they have here permanent work (which does not mean under the contract). Also then the work day lasts about 12 hours. However Our interlocutors criticize it³⁷. Indeed, although for a short time you can exert force in order to, by working hard, earn more money, such work every day for a longer period of time is unbearable. However, migrants, in fact, do not have any choice but to work that way. For example work in bars looks this way: *I work without any day off. I prefer not to have a time off, because we have agreed that if I come to work, then for this day I will get a payment. If I need a time off, then I will not get [a payment]. And always before the free day I have more work, because I have to prepare supplies, and after the free day I have more work at preparing the supply [C8].* Among respondents there is a widespread fear of taking a time off. *I am the only cook in the kitchen, so what choice do I have? If I do not come to work, the bar will be closed and if it is closed then customers are lost and the owner is angry that he bears the costs and do not have any income. Such cook, who does not come to work, is an irresponsible person and he can say goodbye to his employer the very next day [C7].* Fear of losing the job and remaining destitute is so strong, that foreigners, having no choice, agree to the conditions offered them by employers. Work without days off is also a headache for people em-

³⁷ In this case, however, cultural differences are noticeable. Although Ukrainian workers complained of such system of work, in the reports of foreigners coming from Asia, there were no such complaints expressed directly. They were more willing to accept this state of affairs.

ployed in the trade, *because the shop [opened] 24–hours and every day... does not have neither holidays, nor weekends. There is no.. There were no days off at all [T6].*

Another problem is the lack of breaks in the work. Some of employers accept them, of course deducting them from the work hours and not paying for them³⁸. *This time was deducted from the time of work. If we worked for 12 hours, he paid for 11. It was like that. There were two breaks: at 10 half an hour, and at 14 half an hour. It gives one hour per day. He brought us food, but he said, that I would not pay you for that, because you did not do anything, you just sat [CT12].* The same is true of the trade. Here also virtually there are no breaks. *Customers come, so I have to help them, show different models. I say what the prices are, I urge them to buy different models. And so on. When there is a little bit less people, I eat and drink water [T2].* Another respondent told the similar story: *And in this store, the boss was watching 24–hours with the camera and you cannot just stand or sit, doing nothing. Even for 5 minutes. You can go only to the toilet. And not even for 5 minutes, because somehow... you sit there long [T6].*

In the very specific situation are foreign women employed to take care of dependent person. They basically work around the clock and 7 days a week. They do not have any minute for themselves. *I do not have any days off. In fact, I have no days off. Because she must be taken care of every single day [H9].* Another person adds: *I live with family, kids, and my time is adjusted to them. I am like a family member, who cannot afford the lack of vigilance. The younger child is often sick and fussy, I always have to spend the most of the time with him. I work every day, I have time for myself at night [H7].* The typical day of work is described by a person employed in this sector in such way: *I get up at 6.00, prepare the breakfast for the whole family, children get up at 7.00, I feed the younger one, the older one goes to school by himself, because he is bigger and independent, and there is not too far. If the small kid feels ok, I take him for a walk or shopping. Ok. At 12.00 I prepare lunch for the older one, I wash, and do the cleaning. When the older child comes back, I make him lunch, and he talks to me a little. (...) When he [the child] takes a nap, I have a moment of break. The only one at work. But I do not go far, but I go to make myself lunch. When he wakes up, I play with him. (...) Ok. At 18.30 my employers come home, then I prepare dinner for them, because it is their most important meal during the day. I wash dishes after dinner. I bath kids and go to sleep with them about 21.00 or 22.00. The order of some activities can be different [H4].* In case of au pair workers the problem is that they often feel attached to the family, especially to kids, and they feel responsible for them³⁹

³⁸ Although, there are situations, for example in the agriculture, where any break during the work is not accepted by the employer, even for eating or drinking. But then, the most often, foreigners relatively quick leave such employer and they look for another employment.

³⁹ One of the respondents told: *This work gives me feeling that I am in the family and that they need me [H7].* Another person added: *What did she do? She walked with the kid, cleaned, cooked; when the kid sleeps, I help in something at home. Mother worked, she was a teacher; when she came from work, then I was still doing something. Did I hurry to work by myself? By myself, myself [H12].*

(this is the symptom of mentioned earlier „familiarization”). Therefore, they sometimes do not want to allow themselves to rest. In most cases, however, this is the employer who demands constant availability, to be available at any time. Unfortunately, in Poland the standards of work of babysitters have not been developed – regulated working hours, free evenings or certain days, as it is, for example, in some countries in the Western Europe⁴⁰.

The effect of this continuous work is a big mental stress for foreign women, especially those who are employed to take care of the elders. One of the surveyed women told this way about her experiences: *Once, I rather had such elderly people who needed to have dressing changed, some bathing before sleeping, something like that. (...) Doing something like that all the time... it is hard like that.* Yesterday for example I was sitting the whole day with the sick person. *Give something to drink, to eat, talk about something* [H12]. Women doing this work often do not have professional training. They also do not know how to deal with problems that arise in it. But above all they cannot rest and they miss meeting other people, because often they cannot leave their ward even for a moment. Many of them looks then for another employment – they even prefer doing harder physical work, than to take care of an older person.

Foreigners are also troubled by the lack of leaves. Some employers agree that employees took a few days off – of course this time is not entitled to remuneration. *Vacation? No, it cannot be like that. Listen, it is this way. You work and work when there is a work. And you have diengi. But when I need to go home, to Ukraine, then I can, there is no problem. The boss knows that there is a family, a wife, kids. Then there are vacations, well, unpaid* But sometimes it happens that employers do not agree even to that: *I took only 5-day vacations, when I had to go to Belarus. The employer did not want to agree to it* [T7]. Taking vacations by this woman worker ended in her dismissal from work. The similar effect had going to a sick leave – another employer also dismissed her because of this reason.

6.3. Different conditions of employment

There is a common practice, that employees do not know their responsibilities: *At concluding the contract we did not talk much about the conditions of work at all. It was enough for me to know how much I earn and if I asked by myself about the conditions, the employer would be surprised very much and he would think that I am crazy. Because how is it, I come to ask for a particular work and I do not know what it is?* [T1]. Therefore, responsibilities change and they depend on the current needs of employers, who additionally expect from their employees for example help at home: *I had one task*

⁴⁰ Comp., for example A. Rosinska - Kordasiewicz, *The Work of a housekeeper. The experience of Polish migrant women in Naples „CMR Working Papers”*, 2005, No 4/62, p. 63 142 – 65 and M. Gallotti, *The Gender Dimension of Domestic Work in Western Europe*, International Labor Organization, Geneva 2009, p. 43 and following

more, than it has been agreed in the contract – cooking. Well, but it happened like that, I do not complain. I work, then I clean up the stand and about 17.00 I go out together with Mr. and Mrs. P. At home I cook, because Mrs. P takes care of kids and Mr. P cannot cook [T5].

It is also common to disregard the regulations of safety and hygiene at work. None of the respondents has met with their compliance. And yet the health and safety rules shall be observed not only in case of employment of the staff, but also, when the work is done under civil contracts. Employees do not have any training concerning safety at work: *Well, he said to be careful, the boss, yes, but it was not much time, a lot of work, well work, there was no training* [CT15]. Sometimes they even sign relevant documents (of course this applies to people working legally), but these are only "pads". They are not connected with any kind of training. *Training? There was not any, they only told to sign such paper, that I have attended it. They only gave such paper and they told that I had finished the training. But how afterwards to prove that you have not attended it, when you signed the bumashka, well for fear that there will be problems if you do not* [T7].

There are two basic rules which are followed by foreign workers:

(1) I am responsible for myself and my own safety. Like it was described by one of the respondents. *If someone comes to work as a warehouse worker, he is aware that he will be carrying these cartons and these cartons can, by accident, fall on the leg or something like that... so I think that it is awareness – we are fully responsible for the work itself which we want to take, so I think that this is perfectly all right* [T10];

(2) in the end I know what kind of work this is so I know how I should behave. They told about it this way: *When you do something, you know what you can do and what you are not allowed to do* [B3], another added: *If you do not drink vodka on scaffolding, then everything [will be] all right* [CT14].

The lack of proper training is accompanied by the lack of protective clothing or clothing for work, in which the workers are not equipped. This is particularly important in the construction sites. Although, it was common that the respondents received protective helmets, but basically it was the only equipment offered by the employer. One of the interviewees was pointing out: *Shoes are not always good, because you know that they should be special ones, like in the construction, special ones and not that you have sneakers* [CT15]. Employees were also forced to do hard, physical work without providing the adequate protection or additional equipment, for example, for carrying heavy cartons and removing them from high shelves or to walk on scaffolding without adequate security.

Therefore it is not surprising that migrants tell about accidents at work, which they have witnessed: *Accidents sometimes happen. Something fell in the warehouse or something or the machine broke down and some man was hurt in the hand, but he somehow was cured. I heard that some boxes had collapsed, but there have to be accidents. It is all so large, so much machinery and equipment* [T8]. Another person adds: *Well, how to protect yourself? You walk on a scaffolding. There is a scaf-*

folding – such a hurdle. There are barriers. There are accidents, but you know, who does not do anything, then...[CT14]. Most accidents occur obviously in the construction sector⁴¹. Foreigners told about severe burns caused by inflammation of the tar on the roof during the laying of it, fractures caused by a fall from a ladder, and even about fatal accidents caused by a fall from a scaffolding: *A colleague was working on the roof, after the rain, well, so wet. He was working without anything, you know, there [was] not any rope, nothing. He slipped and fell on the scaffolding and, well, died* [CT15]. But accidents also happen in the trade halls – there usually cartons fell on employees. Respondents employed in the catering did not mention more serious accidents at work – told only about minor cuts or slips. However, they were afraid of gas explosion. They mentioned also the lack of proper ventilation in kitchens. This problem concerned also some warehouses.

6.4. Relations with the employer

In our studies we also have asked about the relations that exist between foreigners and their employers. It should be noted, that we were dealing with two types of employers: Poles and foreigners. In particular, migrants, who came from Asian countries, were employed by other foreigners – also coming from Asia. In general, respondents referring to relations with employers, they agreed that they are different, and it all depends on the individual man. They tried not to generalize. However, basing on what they have said, some general trends and patterns of these relations can be observed.

Although Polish employers generally are not ill judged, they are even praised by some people, foreigners often felt discriminated and treated worse than Poles. One of the women respondents told so about it: *Often, when there is an Ukrainian woman, they do not tell the complete truth, because they think that you will not understand it. You can be always used so and so... They always use the fact, that you are from Ukraine* [H9]. First of all if it comes to salary, which is lower, and problems with its payment, as it has been already mentioned above. Catering workers generally judge Poles as worse employers. They prefer to work for other foreigners – they have more confidence in them. Migrants told that Poles let them feel their higher position. All stories told by them about unfair employers also concerned Poles.

On unequal treatment of foreigners the attention was drawn by people working in a mixed work environment⁴². It was relatively frequent in the services sector. The stories concerned both different work conditions offered to representatives of both nationalities. *(Ukrainians worked in all holidays and on weekends... Because Poles do not work then. Neither in the holidays, nor on week-*

⁴¹ But basically it is the sector, where in Poland the most accidents happen at work. More on this subject see in this volume: K. Templin, *The conditions of work of immigrants in the construction industry*, p. ... (now 18-19, point 7.3 and point 2 - p. 2-4)

⁴² It should be admitted that such situation happens rather rarely - particularly in trade and construction - in most cases foreigners do not work together with Poles.

ends. *Only we worked then [T6]* and blocking promotion at work. One of the women respondents told so about it: *I think that in my promotion I was always blocked by the fact that I was from Ukraine. They will always keep you on the lower positions. I have never felt a direct inequality of treatment, because I speak Polish well and I am staying here for a long time, but I am aware that because of my origin I will not achieve much, it will always block me somehow. (...) The problem is that Ukraine is associated with such a lame, crap. There is an association that only Ukrainian women clean. It is generally surprising for me, that I have been staying here for so many years and all the time I have these problems [T8]*. Foreigners have also met with despising names addressed to them and underestimation of their work and skills: *They say, that you are Ukrainians, you are not real professionals. It happens. Well, there is a discrimination [A6]*.

There occur also situations of the extreme ill-treatment, when Poles refer to Ukrainians in an exceptionally rude way: *To Ukrainians nobody referred by names, it was only "fuck", such relations [A13]*. Negative experiences also concern housekeepers: *They can throw food like to a dog. They give like to a dog. There are different people. Unfortunately.(...) Recently I have had such situation, that someone tries to call you [ugly] and says that he has a right to it, because you work and if you do not like it, then get out [H9]*. Fortunately these types of stories are rare.

People employed at home are more exposed to ill-treatment from the employers. This is due to the characteristic of this work – contacts with the outside world are often limited, it is difficult to get help or support⁴³ In some stories of foreign women employed in this sector it can be seen that they are treated like servants, modern slaves: *He treated me like a slave not like a worker. (...) I could not go where I wanted. I had to always ask him [H8]*. This concerns primarily people working for foreign employers coming from various Asian countries, but also there was a case of a Pole who behaved also in this way. At homes of foreigners employing the housekeepers the day time of work was much longer (from 6 a.m. till midnight). It happened also, that a woman was threatened by employers. *They were yelling at us all the time, lift their hands, as if they wanted to hit, but they did not. (...) tormented us with work. They keep saying do this, do that [H11]*.

It should be also mentioned that foreign women have repeatedly met with sexual provocations from the side of Polish employers. It happened not only in the birzas, what has been described in details above, but also in other relations in the work places. One of respondents told of the proposal made to her directly: *If you sleep with me, you will have the work. You do not, you will not [T12]*. She did not accept such offer. Other told of more dangerous situation: *He comes at night, a kiss. »What do you want?« and he says what he wants. You cry the next day, throw these money, all,*

⁴³ More on this subject see also: M. Kindler, „Invisible” work..., p. 210 and following

run [A15]. It is difficult to say if in this case the foreign woman reacted in this way for the proposal alone or if she was raped by her employer, but she did not tell it to anyone.

7. The investigation of claims by foreigners from unfair employers

In case when a foreigner has been cheated by employer, he is practically left alone. Polish offices are rather negatively judged by foreigners. *I know that one cannot count on them* [C1] – said one of the respondents. Some institutions are considered corrupted. One of the respondents had such opinion of the National Labor Inspectorate: *They always called before they came. 7 thousands of bribe and they gave up. And no one reported anything. Corruption* [T7]. It is difficult to judge where she got such negative experiences from, but she was a working person and staying in Poland legally, employed under the contract and having university education. It is possible then that this is description of her own bad experiences.

Also Polish uniformed services do not enjoy a good reputation from foreigners. On one hand it is not surprising, given that most of the migrants works illegally, and some of them stay without valid residence permits, they are afraid of capture and deportation. Some respondents were aware that in case of problems they may request the assistance of the officers, but they rather did not use this possibility: *We can report to the Police any minute. If he [the employer] did not pay money would we go? Well, yes, but rather not. Because we do not need any problems.* A11]. On the other hand, the kebab-bars workers had positive experiences with the Police, which is judged by them as the service protecting them against aggressive behavior of customers. *When we work at night, then all [customers] are drunk and they are even worse, they attack and so on. (...) When there is something wrong I immediately call the Police* [C11]. Another person adds: *We know the Police very well and they help. (...) They come to us for kebab and they drink coffee. (...) I have not seen yet that the Police made problems... No.* [C6].

In case of deceptions or violating the law regulations by employers some foreigners decided to go to courts. Obviously it only concerned a little group of people documented and working under work contracts signed with employers: *I am legally, I have all, work contract... So I went to court... To a lawyer* [C9]. It is worth noticing that there were several relations like that and that any of foreigners who decided to go to court, did not loose their labor court cases (legal proceedings, in case of a few people, were in progress while we were conducting interviews).

However, many people do not have the need to go to court, even if, theoretically, they could do that. Foreigners were giving three reasons of resigning from this possibility. Firstly, they pointed out the lack of signed contracts and difficulties of proof associated with it. In case of civil agreements the investigation of claims is very complicated – because here the whole duty of proof is on the side of the employee. Additionally, the brevity of staying in Poland and long periods of consideration of

cases by civil courts prevent the engagement of foreigners in proceedings. One of the respondents told so about it: *And there is nothing to do with it, I will not take him to court. I will not take him, because I am myself without the contract. The visa expires for us also, we cannot wait for eternity.* [CT10]. Thirdly, eventually, it should not be forgotten what is the aim of foreigners coming to Poland – earning money for supporting the family in the country of origin. Meanwhile, going to courts takes time. It has been vividly described by one of the respondents: *It is just like that, that when you begin to go to court, then time passes and for this time you do not receive any money. For this time you need to live, pay for the apartment, you need to eat. (...) You either earn money or you start going to courts* [CT12].

Therefore some people tried to cope with it by themselves. Reports on it were quite enigmatic, so it is difficult to conclude on this basis to what extent in this case it was common help and violent regaining of debts. Here is an example of such report: *It happened many times that boys were arguing there. They somehow managed, they perhaps get along, I don't know* [CT5]. However, one person knew about the case of very decisive actions taken against an unfair employer. *He did not pay, something was wrong with the payment and they burnt his car* [A12]. Another tactic was described by another respondent: *The one thing they threaten the farmers with, they say »There are Chechens, our colleagues, they will come«, then they are scared and pay. If they cheat us then we have to scare them* [A15]. Foreigners probably do not know personally any Chechens and they could not meet this threat in practice, but the fear against people from this nation is evident among some farmers, it is very strong and it results in payment of the salaries (the fear is probably gratuitous)⁴⁴. However, the most common is prevention and avoidance of unfair employers. *When we are standing in the market, where they take us to work, one says to another that the Pole who takes to work, may not pay. Then we do not go with him* [A10].

The fact that foreigners rarely use Polish legal procedures in their fight with unfair employers, is also caused by their very weak knowledge of Polish regulations. As I have mentioned before, foreigners do not know which kind of responsibilities employers have, what they can demand from them. Can they change the work legally and move to another employer or is this forbidden? They often do not know that they work illegally, because they think that they have fulfilled all formalities related to employment. The legal awareness among them is negligible. Some people admitted it directly. *My knowledge is very selective, my only source of information are my employers and they probably do not know much either and they do not know the law. I only know that you need to have a residence and work permit and this all is very expensive and complicated* [H4]. Another person added:

⁴⁴ It considers perhaps the farmers from the Piaseczno or Grojec areas, where researches have been conducted. Because in this area there is a refugee center. On the other hand, other studies rarely showed relations concerning regaining debts by the groups of Chechens for other foreigner - comp. W Klaus, *Integration - marginalization - criminalization, or about the delinquency of foreigners in Poland* „Archives of Criminology” 2010, volume XXXII, p. 124.

I must honestly admit that it was very hard to know the types of contracts. In this case the contract of mandate – what I am entitled to, what I have etc. Absolutely no one told about it, there was no such information anywhere. It is hard to find even in the Internet [T7].

And it is the truth that information concerning the rights of foreign workers in Poland is very limited, especially in foreign languages. If it appears, then mainly in the Internet. And this is a medium not accessible for all foreigners. Basic information should be presented already in consulates – at least about what the issued visa entitles to. Obviously, it is essential that the information was given to foreigners in an appropriate form – in the simple and understandable by them language⁴⁵.

There is also a lack of organizations which foreigners could apply to. In recent years their number has increased, but foreigners, coming to Poland for a very short period, are unaware of them. There is a lack of information about their actions which could be displayed at least in the birzas. Any of the organizations also does not specialize in assistance in investigating workers' claims. Respondents, who in the interviews were able to give the names of the social organizations working in Poland, were recruited through them to participate in the study. The others generally did not have such information, however, they were interested in them.

8. Life of foreigners in Poland and relations with Poles

Through this research we also wanted to find out what life is like for migrants working in Poland. To decrease the costs of living foreigners the most often rent an apartment in several people, together with their countrymen. One of women respondents told about her experiences: *We lived together in one room in 8–9 people. Well, of course, Ukrainians were friends to each other, but everyone comes at different hour. Some come at 5 others at 9. Everyone goes there and back. (...) Well, there was such room. Do I know? Maybe 4x4 or 4x5. This big. But there were bunk beds [H8].* Foreign women employed to take care of dependent people live together with them, with the families. Similarly, in the agriculture – farmers usually also offer the place to live at farms, in average conditions, which foreigners rather do not complain about⁴⁶ *There is a bathroom, we have to boil the water, but I think that these are not bad conditions [A5].*

Migrants do not have time off, because most of them work very intensively for the whole week. How it was told by one of the people: *I try not to have more time off, only to earn money. That is why I came [A6].* In times without work, they rest. They generally do not have any friends except the people they live or work with. Very rarely they also have Polish friends (in the agriculture it rather

⁴⁵ More about the conditions that should meet handouts for foreigners W. Klaus *A foreigner in the office. Are Polish offices prepared to serve foreigners?*, [in:] J. Frelak (ed.) *Discussion about integration. The selection of texts of the Polish Integration Forum*, Warsaw, 2010, p. 159 - 160.

⁴⁶ However, there were also stories about very poor housing conditions offered by farmers - for more see in this volume J. Frelak, *Foreigners employed in the agriculture*, p. ...(currently p. 17).

does not happen). Generally, they blame the work for it – that they do not have time to meet other people except their employers, even if they have been coming to Poland for a long time: *We work a lot, there is no chance, for example, of meeting somebody here, any Poles. There is neither when, nor where. I would like to have more friends here, but there is no such possibility. I do not know anybody* [A5]. Often relations among various nationalities are very shallow, especially when the bigger language barrier is added to that, which occurs in case of people coming from Asia. *I know only few Poles from the apartment block »good morning« and I smile to them and they to me. This is all* [C8]⁴⁷.

When it comes to contacts at work between Poles and foreigners, then, as I have mentioned above, they occur rarely. If they occur, the most often they are very shallow: *They did not talk to us, so we do not talk to them. They are by themselves and we are by ourselves. In the construction site, when we work together, then we talk, there are no problems* [A10]. And exactly in the construction sector more often closer and better relations between workers of different nationalities can be observed: *Even Poles and Ukrainians get along. In the beginning they do not trust, so to say I do not know why, maybe the bandits came not for work just for fight. But we are good boys, there was no that there was some situation. I would say that there is no discrimination, oh yes* [CT5]. Another person added: *Yes. I have a lot of Polish colleagues. The most of them from work. I have been here for so long that I have Polish colleagues and I like meeting them (...) I even went recently to the wedding party, a colleague from work invited me, in Brwinowo. It was a Polish wedding party, so good.* [CT2].

The surveys of foreigners working in Poland would seem to prove these opinions – only 7% of respondents negatively judged relations with the colleagues from work, although 16% of the surveyed people among the main obstacles connected with taking up work in Poland mentioned difficulties in acceptance of foreigners by the coworkers. As the main problem is considered the language barrier (68% of responses)⁴⁸. Among the participants of our study this was rather mentioned by people of non-Slavic origin: *One cannot speak to me so freely like to a Polish coworker. It saddens me sometimes, but this is my fault, that I cannot speak Polish. Sometimes Mrs. Ania has something important to say and she does not succeed in explaining it to me, then she is angry at me, I feel bad then, I feel I am worse, because I cannot communicate* [C7]. Maybe it results from the fact, that in doing relatively simple jobs and certain similarity of languages (Polish to Ukrainian and Russian) the language barrier is not so big obstacle.

⁴⁷ More about neighbor relations and the distance in them see: A. Winiarska *Life next to each other Intercultural neighboring in Warsaw*, [in:] W. Klaus (ed.), *Neighbors or intruders? About discrimination of foreigners in Poland*, Warsaw, 2010, p. 240 and following.

⁴⁸ Z. Wafflard, *Labor market of foreigners...*, p. 5 – 6.

Foreigners rather do not see each others as competitors for Poles in the labor market, especially it concerns people who have been in Poland for a longer time⁴⁹. They realize that they are able to work for lower rates and at heavier works and often without any contracts (what has been mentioned before) and that Poles would never agree to such conditions. They tell about it in this way: *I have never seen a Pole working in this position, in which I am working now. It is rather a vacancy and they look for proper employees. Poles can be better salesmen, because they speak Polish well, but they cannot meet the requirements of Vietnamese employers. Consequently, generally Vietnamese work for Vietnamese* [T1]. Another person adds: *The whole Wolka Kosowska is a specific place, reserved for very diligent Vietnamese* [T5]. Migrants also think that there are such types of works where only foreigners can work: *These bars are created specially only for Vietnamese cooks. Polish cook would not be able to work in such conditions, he would need more space, more helpers* [C7]. The best example is exotic cuisine.

With the greatest reluctance, because of their origin, foreigners meet outside the work, from the side of ordinary representatives of Polish society, who let them feel that they are not at home: *Some Polish people always remind you, that this is not your country* [CT2]. Interviewees told about various unpleasant situations, often caused by drunk, young people. Many people from the East were also ashamed of their accent and if they could, then in public places they tried not to talk, so it did not betray them. *Everyone from the East is Russian, they sometimes said so even with contempt. Well, when they heard the accent, then they right now know that you're Russian. (...) it was a bit unpleasant to talk, because they looked and they laughed at the way of speaking* [CT8]. Another person also mentioned the harassments because of the poor language skills: *So intolerant, such anger that I cannot speak Polish, cannot name things. And this is normal, that in a different country, not Ukrainian, it is difficult to speak well* [CT7].

9. Migrating strategies of foreigners

For aware shaping of migration policy important is information why foreigners chose our country as the place of migration and, whether and how they see further their future in Poland, i.e. whether they want to stay here or if they have other plans. The primary reason for arrival, like it was told by foreigners, was obviously the willingness to earn money. Because foreigners come from poorer countries, less economically developed, therefore in the country of their origin they would not be able to achieve such salaries. They told about it this way: *I did not want to earn a little hryvnias, here you can 3 – 4 thousands zlotys. In Ukraine, when I was working, the money was 500 zlotys, little. Here I earn a*

⁴⁹ An exception was one Vietnamese women, who told: *It seems to me that [Poles] are sometimes envious and they look bad at us, that we came here and we immediately have work, they often do not understand, that we work hard. There are also people who are indifferent to our presence and there are such who smile to us. But I do not know much* [H4]. But generally she did not communicate with any of Polish people, so her opinions are not based on anything.

lot more, much better, in Poland conversion rate 3 times more. [CT7], and another person adds: In China I would have for such work up to 250 euro, here I earn 1000 euro and in London I would have 1500 GBP. But when I came to Poland 10 years ago I earned 800 USD. It was then 4–5 times more than in China [C2]. Later many people money earned in our country transfer to relatives in the country of their origin.

However, the main question is, why foreigners chose just Poland and not any of the countries of Western Europe? Workers from Asian countries basically do not have any choice – they rely on agents who decide which country they will send them to. What matters is the increasing Vietnamese or Chinese diaspora in Poland. Some people come to Poland exactly for this reason: *I came to Poland, because my relatives had business there. We leave China for somebody and not to the unknown [C2].*

It is different in case of Ukrainian migrants. The statements of the respondents indicated that in this case the most important were three reasons. Firstly, the crucial importance is the geographical proximity. It is not only that one can more often go home, but above all about the associated costs: *From Ukraine to Poland it is the cheapest. To another country you need to have a lot of money then [CT2].* Another person added: *Because it is convenient, because very close to Poland, no? I can go home. I have such big family that I have to often go home. 2 months, I work for 3 months, I earn something and I go home. And to go to Italy or else, it is very far... [H2].* The cost of arriving from Ukraine to a city in central Poland is about 25 euro. The second reason of choosing our country was relatively simple procedure of granting visa (*It is very hard to get visa to other countries and there is not like that to Poland [CT4]*) and its relatively low cost in comparison with other countries (*visa to Italy costs very expensive and I would not earn such money. And visa to Poland costs 25 euro, it is not expensive [A4]*). Finally, important is cultural and most of all linguistic closeness between our nations: *And still I did not know the German language. Polish also I did not, but it is different, because one can communicate with Poles, many of them know Russian and think, that it is the same as Ukrainian. Well, this is not the same, but it is easier to communicate [CT2].*

The migration network is also not without a significance – many Ukrainians have been coming to Poland for a long time, therefore it is easy for them to get information, how they can get work here. Their countrymen also often help in getting it (it was told so both by Ukrainians and first of all by Vietnamese). People working in our country also go home and they tell how it is like to work here. However, these stories are often exaggerated and those coming here have high expectations, which are unfortunately very quickly verified by life. As it was described by one of the respondents: *When somebody comes to other country for the money, then when he returns, he wants to show that he got better, that he coped very well. They tell stories, that you can earn a lot of money, it is all very easy. When you listen, you think that it is all very simple – you come and you are rich just after you cross the border. And when you go and you begin to see by yourself that, for example, it is not so easy to*

get a job, also some do not want Ukrainians to work. (...) A colleague will not tell that in the beginning it is very hard, that you always need some time to arrange things. You go [and] imagine things differently [CT8]. Most of the newcomers know little about our country, it concerns especially people from the Far East, but also Ukrainians have rather shallow and stereotypical knowledge about Poland and Poles. Often they also fear the arrival: *I was so scared, that to new place, new life, people, I remember it this way* [C4].

Depending on the sector of foreigners, some foreigners want to connect their future with Poland and some do not. Most of people working in the agriculture or construction are rather circular migrants, who would like to stay and work in their own country. And they will do it, if the economic situation allows it. From other industries most migrants would like to stay in Poland. They are tired of separation from family, especially from kids and they would like to stay together with them in our country. One of the women respondent said: *I left a daughter at home, 12 years. When I left her for the first time, she was 9 months. Who takes care? Unfortunately my mum died 5 years ago, I divorced my husband 6 years ago. So a neighbor takes care, I pay her as a baby sitter and she takes care* [H10]. Some people have concrete and close plans in this matter: *I have stayed continuously for two years in Poland. I am here to earn money. I am able to earn here much. I have a daughter and I want to invest in her, so she would have bigger chances in her life. In China my daughter will finish secondary school the next year and we are planning that she will come here to study* [C2]. Some foreigners plan also to establish family in Poland, differently with a Polish or a foreign future (potential) spouse.

It is worth noticing, that all undocumented people declare the willingness of staying in Poland permanently. For them abolition is a real rescue. One can only hope that in the years to come they will succeed in legalizing their residence already under normal conditions, and therefore conditions relatively hard to fulfill. In another case probably they will again be undocumented.

However for many foreigners the problem is, to think about the future. They focus on everyday life and work. They do not think about their professional development. Most questions in this matter our respondents left without the answers. Only one person declared: *I would willingly attend the child hygiene and care training. What are the rules of a basic health care* [H4]. Another person said: *Well, I would gladly learn to speak Polish, but there is no time. But there is also no one to talk to learn it. You work, work in order to get the work done* [A4]. But it can be seen from this statement, that this is rather a wishful thinking than a real motivation. The exception in this case is the catering sector – here many people dream about their own restaurant. They say: *I would like to run my own restaurant someday, but so far I do not have any funds for it. I hope that this dream will come true someday* [C13] or: *When I have the money, then maybe I will open mine. What is the use of working for somebody? Now ahead all the time. I will wait, wait and I hope that something will work out...* [C9]. However it is not known to what extent their dreams are achievable.

One of respondents directly expressed his frustration about his present life, which he leads in Poland: *I currently work and work the whole days so I do not have time for anything else. I am afraid to take up another work, at the same time I can only work and I work. If so, then I probably came here only to work. In Vietnam I would also work like that, but the work would not be the only thing I am interested in. I do not have almost any friends and I am frustrated that I work. But if I did not work, I would be even more frustrated. I am condemned to work, which I really do not like. I used to think, that when I come to Poland, I will be able to live like a Pole [C7].* The foreigner misses his family, he would like to establish one, but it is hard for him to know somebody, if he works all the time. Unfortunately, as it can be seen a chance for a change in the life of this respondent is probably little.

The above description shows that with the improvement of the economic situation in Ukraine probably less and less people from this country will be coming to Poland – they will stay in their country of origin and they will choose another country of European Union, where relation between the salary which they can receive at home and abroad will be higher. It can be also seen that liberal regulations concerning work (easy to get declaration of the intention to employ a foreigner) it is not in this case an important criterion – any of the surveyed people have mentioned it. It is worth adding that among all entitled foreigners who can use these regulations, citizens of the four remaining countries together, excluding Ukraine, accounted in the first half of 2011 for only 6,2%⁵⁰. Therefore attracting other foreigners, living a little further by only admission of relatively liberal regulations is little. The reason of non-appearing in the relations of our respondents information about the regulations may be of course also the fact that most of them worked in Poland illegally, therefore legal regulations in this matter only in a small way influenced their actual situation (they would have little chances for a legal work). It is worth considering, therefore, already now, in what way in the future attract to Poland foreigners, especially, when it is clear, that in the agricultural and horticultural works they cannot be replaced by Poles⁵¹. On the other hand it should be considered an integration offer for people who have been living working in Poland for years and want to stay in our country. They need to be given at least a chance for a life similar to the one, which is led by Poles.

10. Summary and recommendations

The picture of work of foreigners, which emerges from the conducted studies is frightening. The conditions under which migrants work in Poland are bad – the health and safety regulations are not adhered to them, so accidents at work are not uncommon. The big problem is the irregular form of migrants' work – without signing any contract or under the fictitious contract (covering only a part-

⁵⁰ Comp. the statistical data of Ministry of Labor and Social Policy accessible at page: <http://www.mpips.gov.pl/analizy-i-raporty/cudzoziemcy-pracujacy-w-polsce-statystyki/>

⁵¹ Comp. M. Bieniecki, M. Pawlak, *Strategies of Ukrainian migrants...*, pp. . 50 – 58, 62 – 65.

time work or with a significantly lowered rate). The most serious current negative effect in this area is the lack of access of foreigners to free medical care in case of health problems and also the violation of workers' rights – especially connected with time of work and leaves. But in the long run people, who have been living in Poland for a long time and have been working without a permit will not have the right to retirement pension and provided a livelihood in old age, when they will not be able to work anymore. But perhaps the biggest problem is the lack of protection of migrant workers against the exploitation from Polish employers.

The question therefore arises if there are any actions taken to support foreigners to exercise their rights and to integrate them with Polish society? In the "Polish Migration Policy" there are few records concerning these issues, and those that appear, have very general character and it is difficult to know which actions will be taken by the public authorities to achieve them. On the one hand decision-makers notice the Polish demographic problems and they are aware that a partial remedy in this case may be migrations. On the other hand, the prospects are not seen and the policy of attracting migrants to Poland is not specified, beyond general statements about the inflow of "desirable, easy to integrate foreign workers" and the opening in the first place the labor market for "foreigners holding residence permits and their family members, whose purpose is to transfer so-called life center to Poland". These statements generally do not mean anything and one do not know "what the author meant". Additionally, the government wants to develop circular migrations (from the idealistic and contrary even to results of our studies assumption that they will encourage legal employment in seasonal works). The purpose of the actions of the authorities is also taking care "so that in practice the work of foreigners was under the same protection as the work of Polish citizens, both in terms of conditions of their work (in particular the level of their salaries), as well as protection against violations their workers' rights". They are also aimed at assuring the transparency of the law and making it understandable for foreigners and dissemination among foreigners information about workers' rights (but only within the system of vocational guidance, which the vast majority of migrants do not use, because they are not entitled to it). Finally, it is declared the desire to carry out activities "designed to respecting the rights of foreigners and preventing any form of discrimination of foreigners in offices, schools, within the sphere of the access to the labor market, health care etc."⁵².

Most of these objectives are noble, but also obvious. However the biggest problem however, is that all these general statements do not include any concrete offers or even directions of changes desired to protect foreigners. There is also lack of ideas for how to bring foreigners to Poland. Creating user-friendly and liberal provisions is unlikely to suffice, because foreigners still do not know

⁵² *Polish Migration Policy - the current situation and postulated actions*, Ministry of Internal Affairs and Administration, Warsaw, 2011, p. 32 – 34, 73 (version of the document from 20.07.2011 r.)

Polish legal regulations (not only before the arrival, but even living in Poland for a long time). In addition, recent proposals of the Ministry of Internal Affairs (draft of the new Foreigners Act) are aimed at ensuring greater transparency in regulations, but rather do not bring with them liberal solutions within the sphere of access to the labor market. It is not known also, how we want to keep foreigners in Poland – what do we want to offer them and their families to stay in our country.

Worth noticing is the willingness of the authorities to develop the circular migrations to perform seasonal works. There is undoubtedly a great need in this area. The question is how the authorities want to achieve the legalization of employment in this sector? Do they consider the possibility of exempting such workers from the obligation to pay even part of social contributions (for example retirement and pension), since it is known that foreigners will not use the benefits earned by them? Or maybe the only idea is the introduction of penalties for illegal work?

In this regard it should be noted the draft of the new law of the effects of entrusting the work to foreigners residing contrary to the legal regulations in the territory of the Republic of Poland. It has been prepared, because Poland was obliged, until 20th of July 2011, to transpose into our law the provisions of the Directive 2009/52/WE providing for minimum standards for sanctions and measures against employers employing illegally residing citizens of the third countries⁵³. The draft was adopted by the government on the 20. 12.2011. The draft is essentially a faithful copy of the Directive's regulations. Here one can find many valuable legal regulations including provisions protecting undocumented worker from exploitation and deception on the part of the employer. There are:

- granting to an employee the claim for unpaid salary and related to it presumption that the work lasted at least 3 months and that the salary was fixed at the level of at least the minimum salary (art. 6 of the draft);
- obliging the employer to cover the costs of sending payable salary to the foreigner's country of origin (art. 7 of the draft);
- the acquisition by the contractor responsibilities for the actions of his subcontractors, employing undocumented foreigners without a permit, if the subcontractor was insolvent (art. 8 of the draft). This provision is particularly important in case of construction workers;
- introducing the possibility of legalizing the residence of a foreigner for the duration of criminal proceedings against the employer (in case an offence of the special exploitation of the worker took place) and until the time of receiving the payment of the due salary, but only in case if it is in particular important interest of a foreigner. (art. 16 of the draft);

⁵³ The draft was adopted by the government on 20 12.2011. Currently it is in the Parliament - print No. 120 (first reading was held on 26. 01.2012).

– introducing a new offence, which is entrusting the work to an undocumented person or a victim of people trafficking in particularly exploitative working conditions, which are conditions that are in great discrepancy in relation to people working under the law, which affect the safety or health of working people or offend their dignity (art. 13 of the draft).

However the problem with this regulation lies the fact that it has stopped halfway . Because it will include only undocumented foreigners (because it is constituted so by the Directive), but it will not refer to people residing in Poland legally and performing the work illegally, even in particularly exploitative working conditions. Therefore it will lead to the paradox, when the more protected will be an irregular migrant than an undocumented one, even than the one working legally (and in some cases even than a Polish citizen, because new penalty regulations will not include Poles working in our country). Unfortunately, it can be seen that the main aim of the regulation is not the protection of working foreigners, but combating illegal employment. The proposed regulations also do not provide foreigners with adequate support in their claims against employers. It is true, although, that they provide new and needed legal presumptions, but they are subject to rebuttal. And a foreigner the most often will not attend the legal proceedings, in order to prevent the rebuttal of presumptions or to present evidences by himself, for example pointing at the higher agreed salary. Therefore again his position in relation to the employer will be much lower. These provisions require substantial additions, unfortunately the organizations working for migrants were not invited to consult them.

It is also needed the introduction of new, more effective solutions, aimed at the protection of the rights of migrants. Firstly, it is necessary to change the way of issuing the work permits – separating them from the agreement for work for a specific employer and releasing it for work in particular profession, in a given area. Currently, combining work permits for a specific employer with a residence permit means that the employee is not able to change the employer violating his rights. In case of termination of employment, he automatically loses his right for legal residence in Poland. It should be done similarly with the declarations of intention to employ a foreigner – especially that the current arrangements are fictitious – employers issue sometimes hundreds of declarations, and employees after arriving to Poland work for various employers (rarely for the people who issued declarations for them). There is no control over these dealings. Probably it will therefore be cheaper and more effective to change regulations than to try to take this process under control.

The role and functions of the National Labor Inspectorate should also be changed. It should be a body that uniquely and exclusively upholds the rights of the employee. This results in two demands: supporting by the NLI foreigners working illegally (documented and undocumented) in their fight with the employer for their rights and most of all non-reporting such people to the Border Guard. Cooperation between the NLI and the Guard (and other uniformed services) in the area of the control of legality of residence of foreigners in the Polish territory should be discontinued. This kind

of responsibility should be removed from the competence of the Inspectorate. It should focus on the legality of employment and only in context of the protection of an employee in case of detection illegal employment.

It is also important to shift the emphasis in case of fight with illegal employment. The only person who should have any legal responsibility for these actions is the stronger side, therefore the employer. The migrant–worker should not be penalized for something he has no influence on. He, in fact, cannot look through job offers. He accepts those, that are available. Furthermore, as it is shown in our researches and what has been described above, foreigners are usually not able to check if the employer fulfilled all the formalities related to their employment or did not. Not only do they lack the knowledge in this field (what should be done and in what way), but also do not have access to documents, which will be in possession of the employer. Foreign workers cannot be penalized more strongly than the employers who primarily benefit from the illegal employment.

Foreigners apparently need also both information about their rights and support in executing their rights, including, in the last resort, the legal proceedings (in the form of representatives or organizations protecting their interest). It is necessary to create projects focused on providing information and support for migrants in their fight with the exploitation by employers. The huge role in it play the non–governmental organizations. It would be worth to engage in it the trade unions – currently completely passive (although in many western countries they are important actors in this area). It also does not rule out the role of public institutions, associated primarily with informing the foreigners about their rights (for example in form of leaflets, web pages), prepared in languages understood by foreigners. It is also important to introduce information (in the written form) for foreigners already in the consulates, during issuing visas for their arrival to Poland.

Appendix 1**Characteristic of respondents**

industry	country of origin	płeć	wiek	residence status (legally/illegally)	form of work			education	Length of residence in Poland
					illegally	civil contract	work contract		
construction	Ukraine	male	27	legally		X		higher	3 years
construction/agriculture	Ukraine	male	26	legally	X			vocational	2 years (second arrival for half a year)
construction	Ukraine	male	40	legally (touristic visa)	X			vocational	have been coming to Poland for half a year since 10 years
construction	Ukraine	male	40	legally (visa under declaration)	X			basic	7 years circular
construction	Ukraine	male	42	illegally	X			vocational	3 years
construction	Ukraine	male	28	illegally	X			vocational	2 years
construction	Ukraine	male	39	legally			X	secondary	11 years
construction	Ukraine	male	55	legally (visa under declaration)	X			secondary	14 years circular
construction	Ukraine	male	52	illegally	X			vocational	1 year
construction	Ukraine	male	40–45	legally		X		secondary	2 years (one year stay in PL, 2 years stay in Ukraine, again one year stay in PL)

construction	Ukraine	male	45	illegally	X			vocational	1,5 year
construction	Ukraine	male	24	illegally	X			secondary	1 year
construction	Ukraine	male	24	legally			quarter time	secondary	9 months
construction	Ukraine	male	30	legally	X			basic	about 3 years circular
construction	Ukraine	male	28	legally	X			secondary	6 year
catering	Maroko	male	26	legally			X	secondary	3 years
catering	Ukraine	female	30	legally		X		secondary	3 years
catering	Ukraine	female	37	legally	N/A	N/A	N/A	higher musical	14 years with breaks
catering	Turkey	male	40	nielegally	X			vocational (electrician)	6 years
catering	Tunisia	male	28	legally			X	higher	5 years
catering	Vietnam	male	30	illegally	X			secondary	4 years
catering	Vietnam	female	52	illegally	X			secondary	12 years
catering	Vietnam	male	42	illegally	X			secondary	16 years
catering	Ukraine	female	40	legally			half-time	secondary	8 years
catering	Vietnam	female	50	legally			X	secondary	15 years
catering	Turkey	male	45	legally	N/A	N/A	N/A	N/A	N/A
catering	China	male	40	legally			X	vocational	15 years
catering	China	male	42	illegally	X			secondary	5 years
Trade	Ukraine	female	26	legally	X			higher	2 years
Trade	Ukraine	female	43	legally	there is a contract			secondary	12 years
Trade	Ukraine	female	40	legally	there is a contract			higher	2 years
Trade	Ukraine	female	23	legally			X	secondary	3 months



Trade	Vietnam	male	30	legally			X	no education	3 years
Trade	Belarus	female	27	legally		X		secondary	5 years
Trade	Vietnam	male	23	illegally	X			lower secondary	3 years
Trade	Vietnam	female	30	illegally (residence in Czech)	X			post-secondary	6 years
Trade	Vietnam	male	24	legally (in procedure for refugee status)	X			secondary	2 years
Trade	Vietnam	female	24	illegally (residence in Czech)	X			no education	4 years
Trade	China	male	20–25	legally	X			secondary	less than 1 year
Trade	Ukraine	female	22	legally			X	higher	8 years
Trade	Vietnam	male	28	legally	X			secondary	19 years
Trade	Vietnam	male	27	legally		X	X	higher	20 years
Trade	China	female	27	legally	X			secondary	4 years
Trade	China	female	24	legally			X	secondary	4 years
Trade	China	male	26	illegally	X			basic	5 years
Agriculture	Ukraine	female	23	legally	there is a contract			secondary	2 years circular
Agriculture	Ukraine	female	30	legally	X				3 weeks
Agriculture	Ukraine	female	25	legally	X			higher	2 years
Agriculture	Ukraine	female	50	legally	X			higher	9 months
Agriculture	Ukraine	female	24	legally	X			vocational	3 months
Agriculture	Ukraine	male	26	legally	X			basic	6 months circular
agriculture /housekeeping	Ukraine	female	28	legally	X			higher	6 years circular
Agriculture	Ukraine		26	legally	X			basic	1 year
Agriculture	Ukraine	female	45–50	legally	X			secondary	7 years
Agriculture	Ukraine	female	45–50	legally	X			secondary	4 years
Agriculture	Ukraine	female	20–25	legally	X			secondary	1 year

agriculture/ housekeeping	Ukraine	female	40-45	legally	X			higher	10 years circular
agriculture/ housekeeping	Ukraine	female	50	legally	X			secondary	15 years
Agriculture	Ukraine	female	40-45	legally	X			N/A	11 years
Agriculture	Ukraine	female	40-45	legally	X			higher	2 years
household	Ukraine	female	52	legally	X			vocational	2 years
household	Ukraine	female	33	legally	X			higher	6 months
household	Ukraine	female	26	legally	X			higher	7 years
household	Ukraine	female	23	legally			quarter-time	higher	3 months
household	Ukraine	female	40	legally	X			vocational	10 years circular
household	Ukraine	female	35	legally	there is a contract			vocational	11 years circular
household	Ukraine	female	26	legally	X			higher	3,5 year
household	Ukraine	female	65	legally	there is a contract			higher	14 years circular
household	Ukraine	female	45	legally	X			vocational	7 years
household	Sri Lanka	female	23	legally	X			basic	1,5 month
household	Sri Lanka	male	36	at time of conducting the interview illegally, legally during work period			there is a contract but the interlocutor have not received a copy	secondary	1 year
household	Vietnam	female	45	illegally	X			vocational	11 years
household	Vietnam	female	23	illegally	X			secondary	3 years

household	Ukraine	female	55	illegally	X			secondary	4 years
household	Ukraine	female	45	legally	X			higher	14 years
transportation/workers at various works	Tajikistan	male	50	at time of work legally	X			vocational	about 6 months

NOTE ABOUT THE AUTHOR

Witold Klaus – lawyer, criminologist, evaluator; Ph.D. in law, assistant professor in the Institute of Legal Studies Polish Academy of Sciences, President of the Board of the Association for Legal Intervention, Member of the Board of the Polish Society of Criminology; in 2009 awarded Social Nobel Prize by Ashoka Foundation – Innovators for the Public; graduate the Human Rights School organized by the Helsinki Foundation for Human Rights, author and editor of number of publications on human rights, refugee and foreigner rights, criminology, restorative justice and discrimination issues. In 2009 won second prize for the best legal Ph.D. thesis awarded by the magazine “State and Law” [“Państwo i Prawo”].


 <p>FUNDACJA IM. STEFANA BATOREGO</p> 	<p>This report was prepared in a frame of projects called: “Studies of the compliance with migrants workers rights in Poland” financed by Stefan Batory Foundation and „Different but Equal – studies of equal treatment of foreigners in Poland” project co-financed by the European Union in a frame of the European Found for the Integration of Third Country Nationals and the Polish State Budget led by the Association for Legal Intervention and the Institute of Public Affairs.</p>
--	--

The views expressed in this publication are the sole responsibility of the author and do not necessarily reflect the views of the European Commission. Neither the EC nor any person acting on behalf of the EC is responsible for the use, which might be made of this.

The Association for Legal Intervention would like to thank
KAROLINA SADURA
for her voluntary translation of this report.

Analyses, Reports, Expertises 2012, nr 1 (44); June 2012 r.

Editorial Committee: Witold Klaus (chair), Aleksandra Chrzanowska, Agnieszka Kwaśniewska, Maria Niełaczna, Dagmara Woźniakowska-Fajst.



Stowarzyszenie Interwencji Prawnej (Association for Legal Intervention)
Al. 3 Maja 12 lok. 510
00-391 Warsaw, Poland
tel./fax. +4822 621-51-65
e-mail: interwencja@interwencjaprawna.pl
www.interwencjaprawna.pl