

BARMIG Policy brief

Project website: <http://barmig.umcs.eu>

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The Bargaining for working conditions and social rights of migrant workers in the Central East European countries (BARMIG) project assesses the role of established industrial relations institutions in addressing the effects of migration on changing labour markets, and how trade unions and employer organisations in Czechia, Croatia, Estonia, Hungary, Slovakia, and Poland respond to these changes.

In Czechia, migration policy towards third country nationals is strictly regulated, which paradoxically does not prevent an increased presence of migrant workers in the labour market. The protectionist migration policy contributes to the circular character of migration, halts a migrant's integration and contributes to their precarious position in the labour market. Trade unions influence the regulation mainly by keeping the status quo of the protectionist policies, arguing that an increase in migrant presence would undermine their efforts to advance working conditions in Czechia. Employers, on the other hand, demand relaxation of the migration rules for third country nationals arguing there is a lack of workers on the labour market.

Despite the strict regulation, a tight labour market served as the main driver of demand for foreign workers in Czechia and for this reason, the number of third country nationals has been

on a consistent rise in the past 10 years. Interestingly, the COVID-19 pandemic caused only a temporary decrease of migrants in the Czech territory. The free movement of the Schengen area challenges the strict migration policy towards third country nationals when more easily obtainable visas in neighboring countries (especially Poland) are used for posting of foreign workers to Czechia. This semi-legal practice results in many foreigners being recognized as illegal without being aware of breaking the rules. Further, Ukrainian migrants are in many cases found in precarious positions on the labour market due to using short term tourist visas for work which is also considered illegal. Pseudo agency work and subcontracting is another often recognized malpractice of third country nationals employment.

Migration is not in the centre of industrial relations and is not part of sector level social dialogue. Instead, social partners aim to influence national level regulation towards entry of third country nationals into the Czech labour market. Social partners lack capacities in dealing with migration and the problems of migrant workers. The third country nationals are concentrated in the automotive and construction sectors, but social partners also pay little attention to their integration at the sector level. Healthcare is a sector which also attracts a highly qualified workforce, yet again, social partners at the sector level have no strategies to tackle the problems of migrant

workers there. Trade unions tend to support a repressive approach towards migrant workers in all sectors studied.

Recommendations:

1. To prevent social dumping from foreign employment, it is recommended to grant more co-decision rights to company level trade unions by strengthening their role in regulating the number of agencies providing workers to the employer. Trade unions can also aim to organize foreigners at the company level.

2. To increase the integration of labour migrants, it is important to narrow the unbalanced relationship between employer and employee. Foreigners coming to Czechia are, in the first years of their stay, dependent on their employer. Without approval from the Ministry of Interior, they cannot even change employer. As suggested by experts, the relationship between employer and foreign employee is not balanced and is skewed towards employers.

3. It would be helpful to increase the capacities of social partners to deal with malpractices of migration. Trade unions would especially benefit from the experience of direct work with migrants and from analytical work related to migration. Their established network of regional offices where legal help is regularly offered to its members may be strengthened by offering help to foreigners as well.