Protection Sector Meeting on Labour Exploitation

9 November 2023

(Participants: La Strada, Unions Help Refugees, IOM, R2P, SIP, Feminoteka, CARE, IRC, DRC, Halina Niec and UNHCR)

Findings: What we know

- Most at risk: single women, older persons, PWD, Minority groups, third country nationals
- Systemic and long-standing issue: many of issues apply to both migrants and refugees with diverse nationalities
- Sectors: Exploitation is most common in agriculture, construction sectors and food industries (factories)
- Main issues: lack contracts, type of contracts, low wages, resorting to shift work or jobs for which underqualified (tied to recognition of diplomas)
- Risk factors: lack of understanding rights, lack of effective reporting mechanisms and unwillingness to report, childcare, language barriers, legal status
- Challenges: capacity of the Labour Inspectorate, willingness private sector, legal framework in relation to employment agencies

Findings: Data

- **FRA:** 16 % of the respondents mentioned having to work very long hours. 10 % stated that they had been underpaid or not paid at all. About 8 % said that they could not communicate freely with other workers or anyone else. The same proportion (8 %) said that they had worked without a contract or with a contract that did not cover all working hours
- **IRC:** 55% reported experiencing at least one form of labour market exploitation in Poland.
  - 14% mentioned that they receive a lower salary than Polish employees, work in different conditions than Polish employees (e.g. different working hours, different working tools), or work in conditions other than initially agreed with the employer.
  - Negative attitudes toward employees from Ukraine, serious legislation violations such as not reporting of accidents at work or non-providing medical assistance to an injured employee reported
  - 10% of participants mentioned working without a contract. A case having signs of human trafficking was reported.
- **GRETA:** The number of persons trafficked to Poland for the purpose of forced labour has grown over the years
- **CARE:** 61% of the respondents have experienced unequal treatment, discrimination, harassment or abuse at work; 51% were forced to work while sick; and 46% reported being forced to work for too long or denied adequate rest and breaks.
- UNHCR and MSNA data on next slides

Less than 50% of working age refugees are active in the labor market (ZUS data)

Main inhibitors/enablers to employment

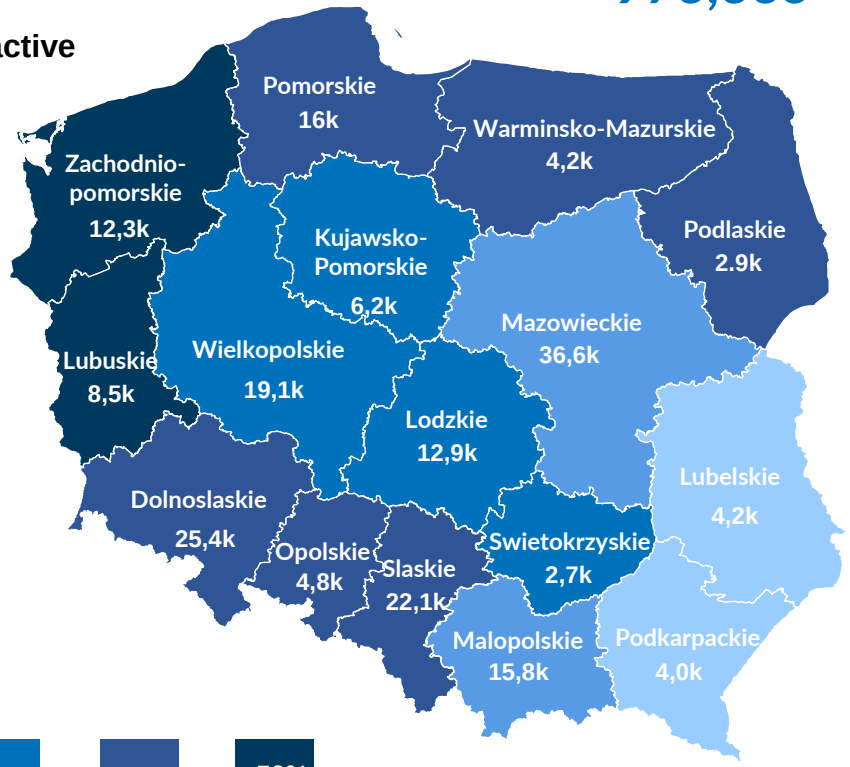
Inhibitor	Enabler
• Cultural differences/ language barrier	Enabling legal environment for work/business
• Lack of suitable job opportunities	Referrals through relatives/friends/host families
• Limited knowledge of labour law	• Employer engagement
• Confusion about recruitment processes	Access to safe shelter, childcare, transportation
• Reluctance towards requalification	Access to career/personal coaching
• Hesitation to move to a different(smaller) city	• Willingness for better social and cultural inclusion
	Support for language learning, vocational training

In 2023, the minimum wage for full-time employment is USD 846

212k Ukrainian refugees are active in the labor market, 65% of them are women

Refugees from Ukraine with active temporary protection status *(3 July 2023)*[2] **978,885**

Number of refugees active in the labour market[3]



Percentage of working refugees in regards to PESEL registration (18-65 age group)

<30% <35% <40% <45% <50%

Source: Refugees from Ukraine registered for social insurance from ZUS data for 30.06.2023 (includes contracts of employment, civil contracts and self-employment); PESEL registry data for 03.07.2023

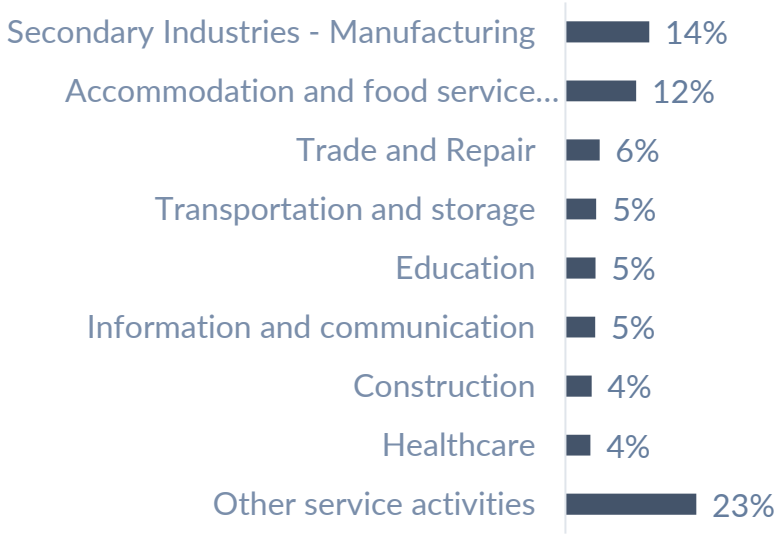
UNHCR The UN Refugee Agency

Regional Refugee Response for the Ukraine Situation

SOCIO-ECONOMIC INCLUSION AND LIVELIHOODS

HOUSEHOLD MEMBERS OF WORKING AGE

% of HH members employed by sector of employment



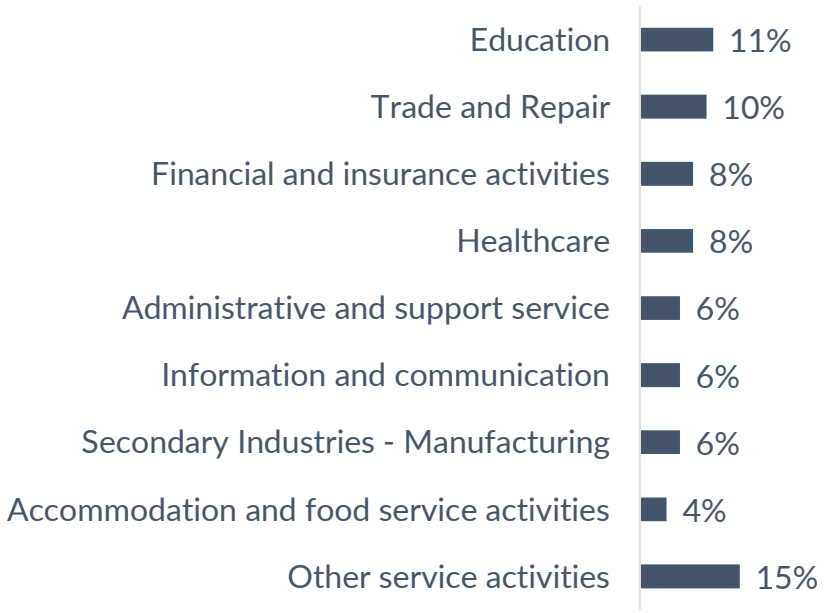
% of HH members by main difficulties while finding work (MCQ)

The most common **sectors** of employment are **various service activities, manufacturing**, and **hospitality**.

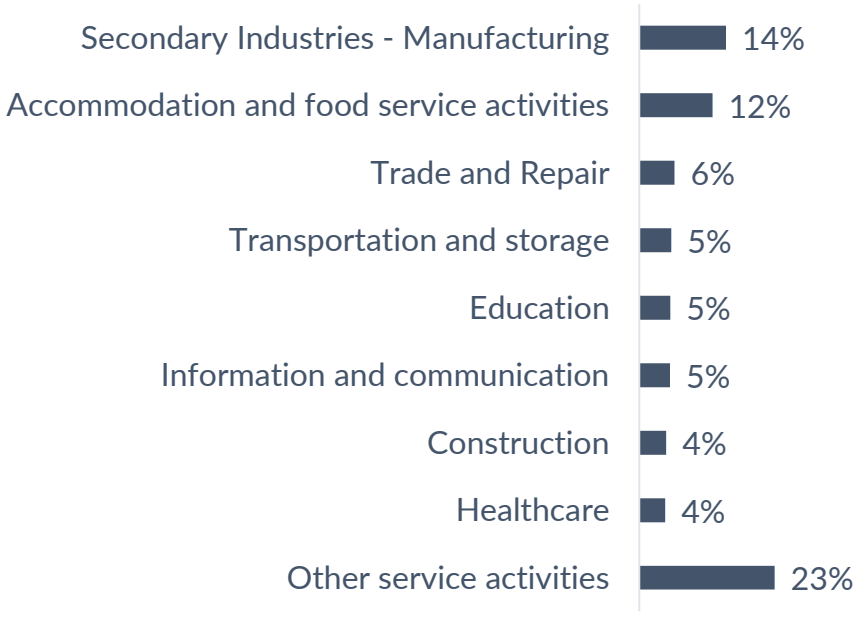
The main challenges reported are **lack of knowledge of the Polish language**, a **lack of decent employment opportunities** and a **lack of employment opportunities suited to** their **skills**.

Refugees are often hired in low-skill professions through non-stable engagements

% of HH members employed by sector of employment before fleeing



% of HH members employed by sector of employment in Poland



- Refugees have background in sectors with high labor demand in Poland such as **Education** and **Heathcare.**

- There is a misalignment between learned or original profession with current employment in Poland.
- Refugees often take up simple jobs in **manufacturing** and **hospitality** with low wages and unstable contracts.

Disclaimer MSNA23 PRELIMINARY DATA

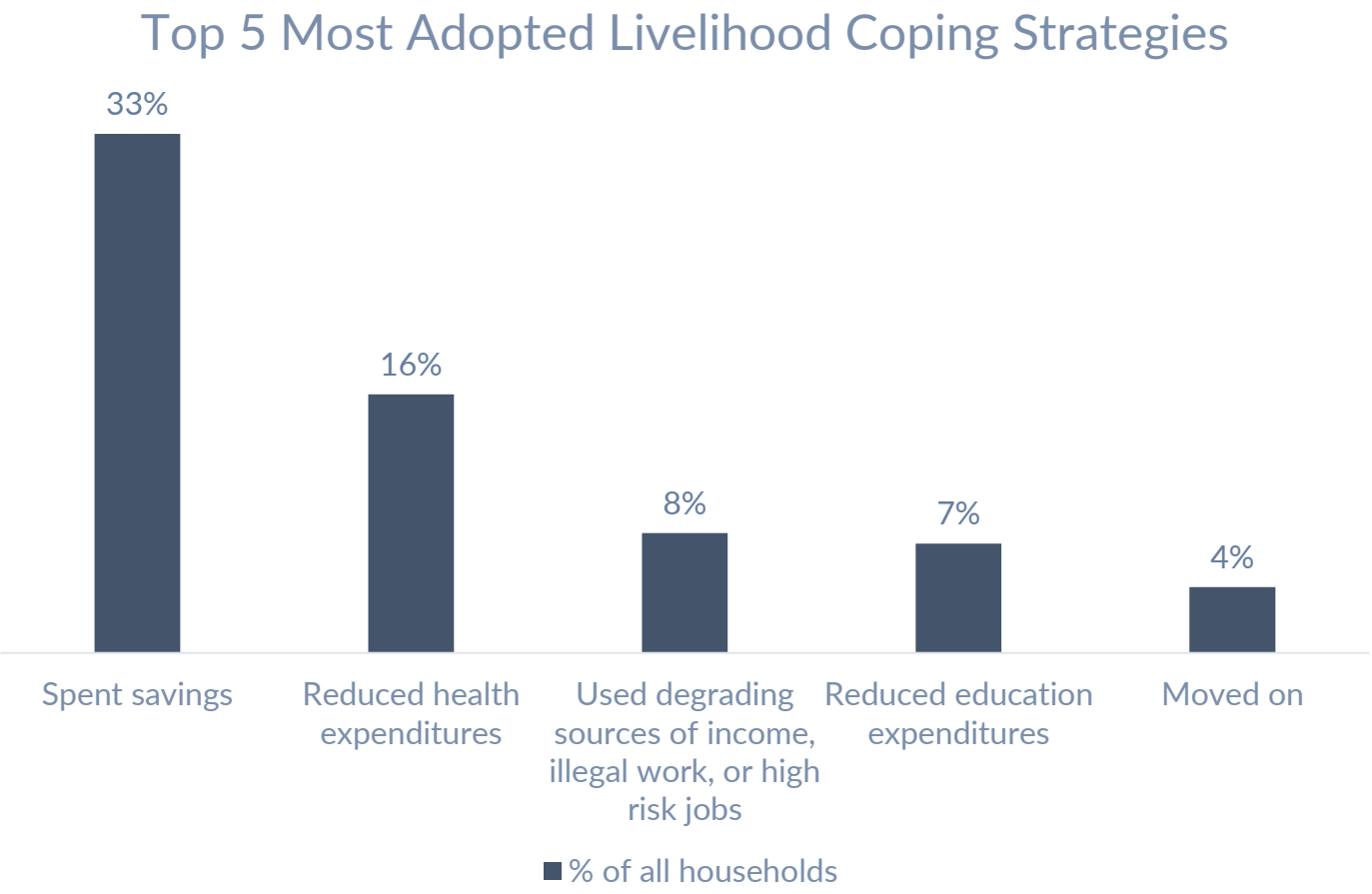
SOCIAL ECONOMIC INCLUSION AND LIVELIHOOD

Regional Refugee Response for the Ukraine Situation

HOUSEHOLDS – LIVELIHOOD COPING STRATEGIES

47%

of HHs adopted at least one livelihood coping strategy



Key Actors

- Private Sector (incl. specific associations and councils) *to be broken down*
- Chamber of Commerce
- Labour Inspectorate
- National human rights institutions
- Polish Border Guard
- Police and Prosecution
- Employment agencies
- National government
- National Labour Office
- Local authorities, voivodships (anti-trafficking groups)
- OFF/MOI etc
- Civil society
- Employers' organisations and trade unions

Areas of Engagement

Capacity building/ Training

- Trainings for companies on ethical recruitment
- Association Employment Agencies (TBC if continued)
- Trainings IOM different stakeholders (incl workshop BG counter-trafficking coordinators)
- Trainings prosecutors and judiciary
- R2P workshop on how to run a business in Poland
- Trainings for community leaders within Ukrainian and Belarussian communities

Fostering dialogue (incl w private sector)

- Workshops to improve collaboration between different stakeholders involved in socio-economic inclusion (meet every few months) – recommendations formulated. 5th roundtable end November.

Provision of information/ Information campaigns

- Information campaign for companies and migrants' rights
- Webinars on labour rights for persons at risk (UKR and RUS)
- Leaflets (aimed at migrants from Asia) on rights before coming to Poland. Distributed through consulates.
- Knowledge base on website (and social media)
- MigrantInfo website (linked to info line)

Monitoring and data collection

- Legal Aid Assessment Need Framework- IRC
- Create new tool that gives space to share stories (rather than PM)
- Protection monitoring IRC
- Protection monitoring UNHCR new tool
- Participatory assessment exercise

Further areas of engagement

- Mapping/Studies
  - Supply chain mapping
  - Collecting queries that are raised
  - Lawyers collecting most common issues on access to safe employment
  - Map actions and tools used in context of labour exploitation in Poland (incl barriers that influence effectiveness), as well as all initiatives/orgs active. Also includes interviews w refugees on information needs labour exploitation/safe employment
  - Mapping on integration centres together with the government (700+) to be shared in January 2024
- Individual support
  - Individual labour advisors (provide advice on rights, review contracts) in collective sites in Warsaw and integration centres
  - Individual case support survivors of trafficking
  - Legal support
  - Job counselling on safe employment and types of contracts (in 15 locations), mobile teams to be travelling to collective sites
  - GBV survivors- Safe Work programme ties to safe accommodation, targets women with complex needs
  - Helpline for Ukrainian and Russian speaking workers (main way to support is to connect persons to trade unions)
  - Shelters for survivors of THB
  - Hotline
  - Infoline (operating before war in Ukraine) aimed at refugees/migrants as well as employers (several languages)
  - Legal counselling and advice Halina Niec and SIP

Further areas of engagement

- Pilot projects
  - Pilot project on support access labour market for persons leaving collective sites
  - Childcare support within private companies
- Advocacy
  - On fast track/prioritised procedures (aimed at Ministry and voivodships)
  - Inter-Ministerial meeting
  - This month- Seminar of Border Guards
  - Recommendations on legal amendments: e.g. on definition of forced labour (with Ministry of Justice)
  - Advocacy using domestic workers report, empower Trade Union identified (35 UKR members residing in Poland)
  - Lobbying with trade unions (good network of Polish associations)
  - MOI – residence permits
  - Joint advocacy- summary of all
  - MOFSP- on agencies

Next Steps

- Email list with all relevant actors to keep each other updated
- Joint advocacy asks (*key messages*), to be presented at round table with government and non-government actors
- Follow up meeting on labour exploitation in 2 weeks
- Legal analysis w legal actors (incl on forced labour definition and agencies regulations)