



Central European
Labour Studies
Institute

Bargaining for working conditions and social rights of migrant workers in Central and Eastern European countries (BARMIG)

A circular graphic containing several light-colored silhouettes of people, likely representing migrant workers, in various poses. The silhouettes are arranged in a group, some standing and some sitting, with some appearing to be in a queue or line.

National Report Czechia

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Introduction



The report is prepared within the *Bargaining for working conditions and social rights of migrant workers in Central East European countries (BARMIG)* project. The report assesses the role of established industrial relations institutions in addressing the increased presence of migrant workers in domestic labour markets, and analyses how, and with what capacities, trade unions and employer organisations in Czechia respond to these changes and challenges.

The report assesses constraints, opportunities and challenges for industrial relations actors stemming from the increased presence of migrant workers in four traditional sectors – healthcare, construction, hospitality and retail services, metal manufacturing, as well as in the digitized economy (i.e. platform work) in Czechia. Of particular concern to the research is the labour market integration of migrant workers from countries neighbouring the EU, particularly from Ukraine and Serbia. More specific aims are to map policy influence opportunities for trade unions and employer organisations in the areas of migration policy, protection and representation of migrant workers' interests, fair employment, and equal rights and integration for migrant workers, as well as through collective bargaining.

The report starts with a brief economic and labour market outlook and provides up to date statistical data along with critical discussion. Besides providing information on relevant institutions guiding Czech industrial relations and the regulation of migrant employment, the report gives an overview on research and secondary literature on migration and migrant worker integration, analyses media reports on migrant workers in the 2016-2020 period, and based on 14 in-depth interviews with trade union representatives, employer organisation representatives, experts, and migrant workers provides an analysis of social partner answers to challenges related to the increased presence of migrant workers in selected sectors. The report concludes with policy recommendations.

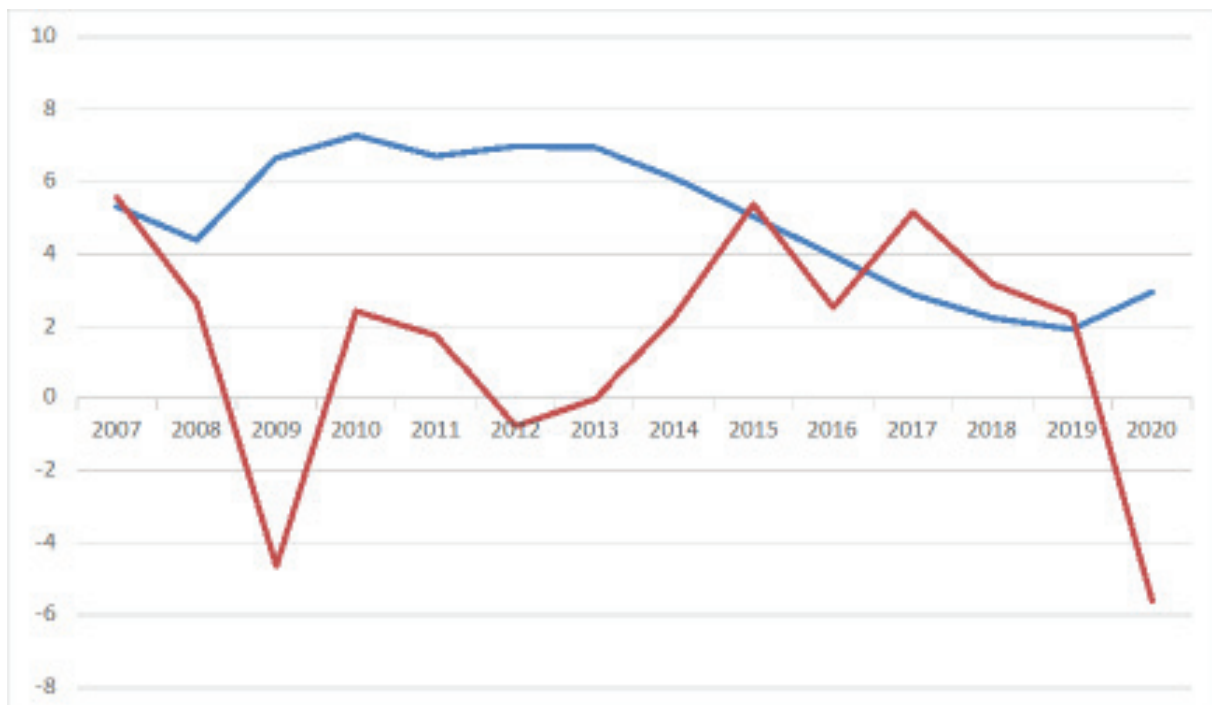
Labour migration is crucial for some sectors and professions in Czechia. It is driven by the shortage of workers on the local labour market where the unemployment rate is the lowest in the EU (2.8% in June 2021, Statista 2021). In the report, we mostly follow the situation of third country nationals. First, we present labour migration statistics, which are supplemented by a literature review and the results from media discourse analysis. Then we explain labour migration regulation and the position of social partners. In the next section, we analyse the role of the social partners in migrant integration in the five selected sectors: automotive, construction, care services and the hospitality sector, healthcare and platform work. In the final part, we conclude and propose recommendations on how to improve social partner involvement in foreign workers integration.

I. Migrant workers presence and labour market outcomes



The development of the Czech economy over the last 10 years was determined by the three main events: the economic crisis, the ensuing boom, and the outbreak of the global Covid-19 pandemic in 2020. Unemployment, which had been the lowest among EU countries for several years, has risen recently as a result of the pandemic. However, the increase was not dramatic thanks to various government intervention programs created to support the services and industry sectors. While unemployment in 2020 reached almost 3%, GDP development was significantly affected by the pandemic. The average decline for the year 2020 was 5.6% (Figure 1).

Figure 1 Development in GDP and unemployment rate in Czechia 2007-2019.



Source: Statista 2021, World Bank

Overall, more than 12% of employment in the Czech labour market is made up of foreigners. Labour migrants outside the European Union are more settled than neighbors from the

member states (apart from Ukrainians, these are mainly Vietnamese). The share of permanent residences is significantly higher (60%) than temporary ones and they also found more families with children (the process of family reunification). While temporary stays are closely linked to migration for work, and thus the demand for labor, the number of permanent stays is growing steadily. In 2007, it exceeded the 150 thousand and is currently (2020) approaching 300 thousand registered persons. Foreigners in Czechia are mostly younger middle-aged people, typically between 30 and 40 years of age. The share of people over the age of 65 is very low (5.4%) (CSO 2020b).

There are two main data sources on the number of foreigners in the country. One is the Czech Statistical Office which reports stays registered at the Ministry of Interior and another is the Labour Office which follows foreigner registration in the social security system. Generally, many foreign workers who work here in the framework of the free movement of persons within the EU do not report to the foreign police. This accounts for different data sources providing a different picture of the number of foreigners, especially those from EU countries. According to the data from the Czech Statistical Office, the most numerous groups of foreigners are Ukrainians, while based on the Labour Office data, the most numerous group are Slovaks. Nevertheless, the core of our interest is Ukrainian workers with relatively consistent numbers of reported residencies and employment in Czechia in both sources, which also points to the dominant reason of their stay – long-term labour migration.

Table 1 shows the numbers of foreigners by nationality based on the official foreigner registrations reported by the Czech Statistical Office. Ukrainians are by far the largest group of foreigners in Czechia. The second most numerous group are Slovaks who shared a common history with Czechs until the breakup of Czechoslovakia in 1993, as well as having similar language, and in general are not being perceived as foreigners. Moreover, many of them residing in the country are not registered as their stay falls under the EU free movement rules (e.g. students).

The third largest group are the Vietnamese who are also a specific group of labour migrants. The origins of migration from socialist Vietnam date back to the period of the existence of Czechoslovakia. The industrial country needed a workforce, so in the 1970s and 1980s, worker recruitment was organised from other socialist countries. After 1989, the established networks persisted and continued with Vietnamese forming a closed community that typically works in retail and clothing shops (Čada-Hoření 2021). The fourth largest group is formed by Russians who in general undertake more qualified jobs and obtain higher wages than other nationalities from third countries. The literature together with the interviews conducted clearly demonstrates that when it comes to the topic of labour migration from third countries in Czechia, it is predominantly Ukrainians. Serbs who constitute a large number in Hungary and Slovakia are relatively under-represented on the Czech labour market, and are outnumbered by both Belarusians and Moldovans.

Table 1 Foreigners by nationality based on registrations at Ministry of Interior as at 31 December 2020

Nationality	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Foreigners total	439 498	434 600	426 423	436 319	438 076	441 536	451 923	467 562	496 413	526 811	566 931	595 881	634 790
Total EU	145 974	137 164	135 554	151 425	160 792	173 593	184 511	195 499	208 166	219 708	232 493	245 292	243 857
Bulgaria	5 945	6 428	6 952	7 461	8 248	9 132	10 058	10 984	12 250	13 795	15 593	17 183	17 917
Germany	17 496	13 792	13 871	15 763	17 149	18 507	19 687	20 464	21 216	21 261	21 267	21 478	20 861
Poland	21 710	19 273	18 242	19 058	19 235	19 452	19 626	19 840	20 305	20 669	21 279	21 767	20 733
Romania	3 736	4 213	4 531	4 965	5 787	6 777	7 741	9 116	10 826	12 562	14 684	16 824	18 396
Slovakia	76 034	73 446	71 780	81 253	85 807	90 948	96 222	101 589	107 251	111 804	116 817	121 278	124 544
Total other countries	293 524	297 436	290 869	284 894	277 284	267 943	267 412	272 063	288 247	307 103	334 438	350 589	390 933
Mongolia	8 571	5 747	5 578	5 387	5 308	5 289	5 464	5 990	6 804	7 900	9 081	9 851	10 141
Russian Federation	27 467	30 697	32 203	32 782	33 359	33 415	34 684	34 972	35 987	36 840	38 223	38 207	41 907
Serbia	1 031	1 584	2 005	2 297	2 438	2 570	2 631	2 701	2 888	3 180	4 383	5 596	5 847
Ukraine	131 998	132 015	124 367	119 021	112 642	105 239	104 388	106 019	110 245	117 480	131 709	145 518	165 654
Great Britain	4 512	4 363	4 356	4 924	5 210	5 376	5 647	5 966	6 288	6 698	7 093	8 332	9 084
Vietnam	60 306	61 178	60 350	58 266	57 360	57 406	56 666	56 958	58 080	59 808	61 143	61 952	62 884

Source: (CSO 2020a) (own selection)

The most recent figures (in Table 2) show that Ukrainians will soon outnumber Slovaks on the labour market. After Slovaks and Ukrainians, Poles, Romanians, Bulgarians and Hungarians are consistently the most numerous foreign nationals registered at labour offices. Russians are next, followed by Vietnamese and Mongolians. Belarusians, Moldovans and Serbs. Table 2 shows the number of foreigners registered at the Labour Offices from third countries neighbouring the EU since 2008.

The number of foreigners in Czechia has been growing continuously since 2011. In 2020, the total number of foreigners in Czechia, consisting both of EU and non-EU nationals reached its peak (Table 1, Table 2)¹ mostly due to the tight local labour market and inflow of foreigners from Ukraine.

Table 2 Total number of foreigners registered at labour offices by citizenship as at 31 December 2019

Country	2008	2009	2010	2011	2015 ¹⁾	2016 ¹⁾	2017 ¹⁾	2018	2019
Ukraine	81 072	57 478	42 139	35 250	41 847	54 571	81 695	121 086	144 114
Russian Federation	3 314	3 612	3 658	3 931	6 703	8 290	11 080	14 597	16 912
Belarus	1 410	1 235	1 145	1 129	1 599	1 934	2 679	4 012	5 154
Moldova	8 635	5 706	3 497	2 643	2 501	3 015	3 726	4 556	4 833
Serbia	872	605	682	742	910	1 143	1 654	3 202	4 066

1) Data for 2015–2017 are qualified estimates of the numbers of registrations of foreigners at labour offices.

Source: Ministry of Labour and Social Affairs

Overall, as of 31 December 2020, Labour Offices registered a total of 644,164 foreigners as employees - 390,058 of them citizens of EU/EEA Member States and Switzerland including their family members and 254 106 foreigners from third countries, of whom 109 790 foreign workers entering the labour market were working on the basis of a work permit (employee, blue card, or employment permit) (MICR 2021). According to data from Eurostat, Czechia has 9.92 immigrants per 1000 inhabitants (Eurostat, 2019) compared to 10.7 Germany, 9.07 Hungary, 5.97 Poland and 1.29 Slovakia.²

For other migrants, especially asylum seekers, Czechia is not a target destination, as it was shown in the years 2014-2016 during the migration crisis in the EU when only 1500 asylum seekers submitted their application, and only 470 were granted asylum or temporary protection (MVČR, 2021). Numbers have even fallen in 2020 when only 1100 refugees asked for asylum, but only 114 were granted full or temporary asylum protection. The presence of foreigners in the Czech economy is thus driven mostly by labour migration while other migration types are not supported. In 2015 the Czech government adopted a document called the Strategy of Migration Policy, which strengthens security aspects and emphasizes that migration should be regulated or even prevented by direct development aid at the location

1 In 2020, foreigners accounted for about 15% of all employees in Czechia. Their share has almost tripled in the last ten years.

2 Data for Poland and Slovakia are provisional.

of crisis. The migration strategy thus discourages migration for political and security reasons. This means that other than labour migration into the country is not supported (Čada-Hoření 2021).

Economic growth since 2015 has brought an increased demand for a lower-qualified labor force which was from some part satisfied by foreign worker employment. The Czech government, in cooperation with employers, introduced various support programs to facilitate employment from abroad, primarily with Ukrainians (see section I.1 on regulation). While during the economic crisis between 2008 – 2011, the number of Ukrainian workers decreased from 81 to 35 thousand, in 2015 their number rose to 121 thousand and the increase continued until the beginning of 2020. After the first wave of Covid-19 in the spring of 2020, the migration policy of Czechia was disrupted due to anti-pandemic measures. New visas were stopped and many Ukrainians and other migrant workers returned to their home countries. Interestingly, from third-country nationals, only Ukrainians reported a significant decrease; between March and June 2020, 36 ths. workers unregistered in the migration office. Nevertheless, by August 2021, their number even exceeded pre-pandemic levels (see Table 3).

Table 3 Numbers of foreign nationals registered at labour offices

Date	Ukraine	Russian federation	Belarus	Moldavia	Serbia
January 2020	144 121	16 212	5 165	4 747	3 836
February 2020	155 499	16 819	5 520	5 053	4 232
March 2020	169 147	17 017	5 671	5 284	4 266
April 2020	161 377	16 929	5 471	5 224	3 973
May 2020	145 884	16 765	5 342	4 861	3 847
June 2020	133 086	16 794	5 225	4 720	3 733
July 2020	143 330	16 752	5 156	4 982	3 695
August 2020	158 335	17 028	5 221	5 193	3 785
September 2020	173 584	17 101	5 248	5 303	3 747
October 2020	175 400	17 095	5 221	5 150	3 586
November 2020	172 977	17 270	5 254	5 069	3 619
December 2020	172 977	17 270	5254	5 069	3 619
January 2021	158 281	16 619	5 257	4 945	3 637
February 2021	168 253	16 624	5 318	5 077	3 714
March 2021	186 356	16 789	5 427	5 308	3 691
April 2021	191 335	16 784	5 459	5 441	3 622
May 2021	189 301	16 788	5 609	5 337	3 686
June 2021	191 585	16 963	5 738	5 536	3 671
July 2021	191 666	17 035	5 847	5 572	3 656
August 2021	204 622	18 549	6206	5 573	3 871

Source: Ministry of Labour and Social Affairs

Due to the restrictions caused by the Covid-19 pandemic, foreigners whose short-term Schengen visas for employment, seasonal employment or emergency work visas expired

during the state of emergency, remained in Czechia without legal basis as there was no possibility to prolong these visas. The Czech government thus extended the validity of work permits and visas for the lockdown period.

Sectoral presence of migrants from the third countries

Data on the number of labor migrants in individual sectors show that the largest number of Ukrainians work in manufacturing, followed by administrative and support services activities (the category where agency employment is reported) and construction (see Table 4). Interestingly, Russian migrant workers are in more skilled areas, most of them being in administrative and support service activities, followed by wholesale and retail, and information and communication (see also Figure 2).

Table 4 Number of registrations of foreigners at labour offices - selected citizenships by NACE as at 31 December 2019 (in thousands)

Source: Ministry of Labour and Social Affairs		
NACE section	Ukraine	Russian Federation
Total	144 114	16 912
Agriculture, forestry and fishing	5 165	528
Mining and quarrying	224	16
Manufacturing	39 800	1 594
Electricity, gas, steam and air conditioning supply	49	36
Water supply; sewerage, waste management and remediation activities	547	15
Construction	23 944	404
Wholesale and retail trade; repair of motor vehicles and motorcycles	11 395	2 669
Transportation and storage	9 076	794
Accommodation and food service activities	7 325	1 647
Information and communication	1 503	2 045
Financial and insurance activities	351	442
Real estate activities	2 942	512
Professional, scientific and technical activities	4 109	1 532
Administrative and support service activities	30 633	2 759
Public administration and defence; compulsory social security	82	22
Education	693	545
Human health and social work activities	2 430	491
Arts, entertainment and recreation	706	200
Other service activities	1 183	273

Activities of households as employers; undifferentiated goods-and services-producing activities of households for own use	52	2
Activities of extraterritorial organizations and bodies	25	76
Not identified	1 880	310

Figure 2 Occupational composition of foreigners (UA, RF)



Source: Ministry of Labour and Social Affairs

According to NACE, available data are only at the sector level; we do not know more details about the distribution of the labor force within individual sectors. An exception are the data on the number of Ukrainians in hospitals working as doctors or nurses. According to the Physician's Chamber, more than 400 foreign doctors worked in 2019 in Czechia (excluding Slovaks), most of them from Ukraine. Since project Ukraine was launched in 2015, more than 400 nurses have been involved in and qualified for work in Czech hospitals (2019). Another significant number of Ukrainians and Russians work in lower qualified positions in Czech hospitals as cleaners and medical staff assistants. Data on the sector level presence of other third country nationals are not available.

According to experts, there is segmentation of migrants on the labour market to qualified and non-qualified workers based on the nationality (CZ10). This is also confirmed by the data on wages earned by foreigners. The highest average wage was achieved by German citizens (CZK 109 133) both in manual and non-manual professions. The second best-paid group of employees with an average salary of CZK 42 977 were workers from Slovakia. Citizens of the

Russian Federation (CZK 40 893) and Romania (CZK 37 979) also earned more than average wages in the economy. On the contrary, the lowest average wage was received by employees from Vietnam (CZK 22 500), Mongolia (CZK 26 639), and Ukraine (CZK 27 090), for whom manual work predominates.

I.1. Regulation of the third-country nationals entrance and presence

The basic laws and provisions governing labour migration in Czechia and conditions for migrants entering the labour market are, in particular, the Employment Act and the Residence of Foreigners Act (*Act No. 435/2004 Coll., On employment (Sections 3, 5, 85 and 98)*) which primarily regulates the conditions of the entry of foreigners into the Czech labour market, the obligations of employers in the case of employing foreigners, agency employment of foreigners, and sanction measures in the event of illegal employment of foreigners further defines which categories of migrants have the same status as citizens of Czechia when entering the labour market and which, on the contrary, have limited entry.

Another important law (*Act No. 326/1999 Coll., On the residence of foreigners (§ 42 g – l)*) regulates the entry and residence of foreigners in Czechia defines several types of residence permits. –The Act further specifies under what circumstances employment activity is allowed. Besides regular employment permits, work may also be performed with a residence permit for a purpose other than economic (e.g. family reunification, study or tolerance of residence). There are four categories of permit:

- (a) short-term visas (for stays of up to 90 days);
- (b) long-term visas (for stays of over 90 days);
- (c) long-term residence (for the purpose of doing business, an employee card and for the purpose of a family reunification in Czechia);
- (d) permanent residence.

Labour migrants come to Czechia either for short-term stays up to 90 which accounts for circular migration, but many others stay longer. Third-country nationals can obtain a short-term visa for employment in Czechia for up to 90 days within 180 days. In 2019, approximately 170,000 applications were submitted for Ukraine of which approximately 160,000 were accepted. The share of the total number of accepted short-stay visas for work reasons including seasonal work is 24%, the rest accounts for tourist visas (CSO 2020). A significant number of Ukrainian labor migrants work in Czechia through the Polish visa as aposted workers which is considered by the Labour Inspectorate an illegal practice in some cases (SUIP 2020).

In terms of long-term visas, the Czech regulation distinguishes long-term visas for the purposes of business, family reunification, studies, and other (Čada-Hoření 2021). In this respect, Czechia follows European directives on the conditions of entry and residence of third-country nationals for highly qualified employees, the so-called Blue card (no. 2009/50) or Council Regulation 1612/68 / EEC, on the free movement of workers within the Community, according to which EU citizens enjoy freedom of movement within the EU, as well as their family members who may stay in the territory on the basis of a temporary residence permit.

The law Act On asylum (*No. 325/1999 Coll.*) regulates the entry of applicants under international protection and asylum seekers into the labour market. Asylum seekers are not allowed to work the first six months after they submit their request, after which they are allowed to work with a valid employment permit issued by the Labour Office upon the request of the employer. People granted asylum are having the same rights as Czech citizens.

Nostrification of education in Czechia means obtaining official proof that education received from the country of origin has been recognized as equivalent or comparable to education obtained in Czechia. Nostrification usually concerns all types and levels of education, in some cases, also a retraining course can be recognized. For many labour migrants, proof of recognition of foreign education and qualifications is important, to perform their profession. This is especially the issue in healthcare, where qualified professionals from other countries undergo examinations taking several years.

Besides regular legislation which regulate entry to the Czech labour market, the special economic programs for selected professions was introduced in 2015 and gradually replaced all other ways of third country nationals entry on the Czech labour market. The first programs specifically focused on Ukraine were 'Project Ukraine' and 'Regime Ukraine' which were introduced in 2015 and 2016 respectively. In both cases, employers need to register into the program in order to employ Ukrainians and guarantee them a job at least for a year.

Programs were created as a reaction to problems with VisaPoints at the Czech embassies. The VisaPoint system was used for registration to apply for various types of visas and residence permits by foreigners. Employees were supposed to submit their application to enter the Czech labour market, but there were less appointments available than the interest from foreigners, which created room for various clientelist structures able to set a date for submitting the visa application for fees usually in the range of 1,000 to 2,000 euros (VÚBP 2018). Due to massive and significant criticism, the VisaPoint system ended its operation in 2017.

In 2015, a pilot 'Project Ukraine and India' was launched. Its aim was to administratively speed up the process of blue card approval to highly qualified employees mainly for software developers, programmers, and IT specialists (ISCO 1-3). The employer participating in the project had to submit a recommendation from one of the business associations and further meet conditions, such as doing business in Czechia for at least two years, employing at least five employees or being registered as a payer of health and social insurance (SP

2017). The employer had to guarantee that the foreigner was employed at least for a year in that job.

A year later, a similar project called “Regime Ukraine” was created but the target was mid-qualified staff (ISCO 4-8). The conditions for participation in the scheme were similar to Project Ukraine, but the employer needed to employ at least ten employees. Citizens of Ukraine began to be addressed directly by the Czech embassies in Ukraine which assisted them in the process. During its three years, more than 51,500 foreign applicants were included in the project. In 2018, the two projects were supplemented by another one targeting seasonal agricultural workers from Ukraine.

In September 2019 the economic migration programs were replaced by new government programs. ‘The High Qualified Employee Programme’ replaced the Ukraine and India Project and was designed for companies employing highly skilled workers. ‘The Qualified Employee Scheme’ replaced the Regime Ukraine Scheme and other countries schemes and was designed for companies employing medium to low skilled workers. ‘The Key and Scientific Personnel Programme’ replaced the Fast Track and Welcome Package and was designed for investors, start-ups and newly established companies, research organisations and technology companies interested in employing top quality highly skilled workers from third countries. The project specializing in agricultural workers from Ukraine has also been updated by an ‘Extraordinary Work Visa Program for Ukrainians working in agriculture, food processing or forestry’ (MICR 2019). As a result of government programs being introduced, a broader spectrum of employers are now eligible for these programmes, and the criteria for entry have been standardized and simplified.

Minimum wage for foreigners was introduced with the renewed programs. For highly qualified employees, minimum wage is at the level of average wage of high qualified employees in the country. For employees who mostly work medium-qualified jobs in construction and industry, the minimum wage was set at 1.2 of statutory minimum wage. Only the minimum wage of the workers in agriculture equals the statutory minimum wage. Discussion regarding minimum wages for foreigners raised debates among social partners (see the Chapter V.)

Migration programs gradually replaced the previous system of visa applications at Vis-aPoints and led to an improvement of migration policies in terms of its transparency and controllability. For foreigners, it meant a more transparent procedure when trying to enter the Czech labour market and also increased their job security. For authorities, the migration flows became better controlled, as employers had to register in order to employ foreigners.

Experts criticized that migration policy is not guided by law but by programmes set by the Ministries. Also, one of the experts mentioned that under these programmes, foreigners enter Czechia based on the requests of employers and thus foreign workers are dependent on the employer. Moreover, when foreigners want to change their employer, it must first be approved by the Ministry of Interior, which creates an unbalanced relationship between employer and employee (EX02CZ24012021).

II. Context of the Ukrainian labour migration



Research about work migration to Czechia is divided between academic production and the production of non-governmental organizations where, however, the participation of academics is also not excluded. The literature is mostly focused on migration issues such as precarious working conditions and the vulnerable position of migrants in the labour market and their specific problems.

Position of Ukrainians on the Czech labour market is characterized by dualization of working conditions, when more precarious, low-paid and dangerous jobs are undertaken by Ukrainians. Those are thus exposed to exploitation but also higher health hazard at work.

Czech migration policy is considered one of the most restrictive in terms of integration as well as in terms of immigration policies (Stojarová 2019). Strict legal regulation of labour migration contains a high number of elements which have the effect of worsening foreign workers' position or creating unnecessary hurdles for them (Tomšej 2018). In this context, a liberal migration policies of neighboring Poland, a Schengen member country, creates a gray zone for false and illegal posting practices of Ukrainians into Czechia.

Ukrainian migration to Czechia has been predominantly economic, although nowadays, the share of family reunification is growing significantly (Fedyuk 2016). The main reasons for the influx of Ukrainians into Czechia are wage differences between the home and destination country as well as economic and security instability in their home country. Czech economic growth created the number of job opportunities especially at labour intensive jobs for migrant workers here which attracts Ukrainians for the above-mentioned reasons (Prát and Bui 2018).

Ukrainians are mostly attracted to low-skilled jobs. Drbohlav and Valenta (2018) analysed the mismatch level of tertiary educated migrant workers in the Czech labour market, with a particular focus on Ukrainian workers. They concluded that a relatively higher share of tertiary educated migrant workers end up in professions which do not require tertiary education. Ukrainian workers thus face education-occupation mismatch in the Czech labour market, remaining largely in semi-skilled and unskilled occupations. Similarly, a study by

Leontiyeva (2014) explored the relationship between the formal education of economically active Ukrainian migrants, their position on the Czech labour market, and the extent to which there is an educational–occupational mismatch. She confirmed that there is evidence of ‘wasting human capital’ among Ukrainian migrants who undertake lower qualified jobs than what is their actual qualification (Leontiyeva, 2014). Nevertheless, the structure of migrants from Ukraine is much more diversified, and thus, not all highly educated Ukrainians undertake low-qualified jobs in Czechia.

The literature also covers the issue of employment hidden behind self-employment. These ‘bogus employment’ practices are illegal under the Czech Labour Code but difficult to uncover. For migrants, it is often a more flexible and convenient way to obtain the approval of their stay while avoiding work permit regulations, especially when the work is in unqualified occupations such as cleaning, or persons working in personal and household services sectors etc. There are no reliable data on how widespread the use of bogus self-employment is among Ukrainian migrants, but several studies suggest that it might be an important strategy for them to obtain a residence permit as well as a trade licence (Drbohlav et al 2008). This ‘client’-based model is a typical Czech phenomenon and among foreigners, many Czech workers are involved in bogus self-employment as well. In 2017 it became limited, however, and foreigners were allowed to register as self-employed only after five years of stay in the country.

Specific topics such as relations between the middleman „client model” system which was established to organize irregular migrant labor and organized crime (mostly from Ukraine) are also partially examined in the literature. This occurred since Ukrainian labour migration in Czechia was viewed as temporary, and for a long time, there was no established state concept of the integration of migrants leading to their situation being perceived exclusively as a problem of individuals and not the system (Čermáková and Nekorjak 2008).

Occupation and health security at work is another risk element of precarious jobs Ukrainian migrants undertake. In 2018, institute for occupation and health safety at work (VÚBP) recorded 123 death casualties at work, of which one third were foreigners. Another 343 people suffered injuries at work, mostly from Slovakia, Czechia and Ukraine (VÚBP 2019). The most urgent issue in foreigners employment and occupational health and safety is the fact that employers pay limited attention to OSH regulation and do not translate important information to foreign languages (ibid).

The literature also points out the important issue of access to healthcare as a crucial aspect of migrant’s integration. Migrants from third countries with permanent residence in the Czechia can participate in the general health insurance system with the status of an employee; all others were obliged to purchase commercial health insurance which does not guarantee free of charge access to healthcare. Czech NGOs and academics had made substantial efforts to improve the situation, such as preparing expert analyses, working with

the media, providing seminars for different stakeholders, and collecting signatures on petitions to the Czech government etc. (Tulupova 2018). In August 2021, an important change was approved - foreigners had to be registered with the General Health Insurance Fund which guarantees them equal access to the healthcare services.

II.1. Labour market integration of migrant workers

Despite the high demand for labor and low unemployment, entry for foreign workers into the Czech labor market is strictly regulated and controlled (Trčka et al 2018). For this reason, there are many misalignments with legal regulation, such as Polish visas and posting workers, where intermediary agencies play an important role. Labor inspectorates or bodies of individual ministries are unable to stop this practice and narrow migrant working conditions (Trčka et al 2018). Moreover, if the employees illegal status is uncovered, individual worker may face expel from the country and a fine, which significantly affects the prospects to integrate. Many workers are even not aware they are working illegally, especially when are under the Polish visa regime (SUIP 2021).

Table 5 shows numbers for illegal stays by Ukrainians from 2015 to 2018 as reported by the Alien Police Service. It is estimated that real cases of illegal stays are higher than those uncovered (SUIP 2021).

Table 5 Illegal stay on the territory of the CR in the years 2015–2018

Citizenship	Illegal stay			
	Total	At border crossing when leaving the CR	At control and security operations	Others, inland (CR)
2015				
Ukraine	1 224	105	659	460
2016				
Ukraine	1 552	123	841	588
2017				
Ukraine	1 510	92	854	564
2018				
Ukraine	1 470	46	970	454

Source: Directorate of the Alien Police Service

Circular migration concerns almost half of all of Ukrainian workers in Czechia and has serious implications on their position in the labour market and their working conditions. Circular migration relates to posted work and the use of short-term visas. This system encourages very intense exploitation, legal vacuums, low paying work and non-compliance with

work safety in jobs which are unattractive to the domestic labour force (Drbohlav 2003). Since 2015, there has been an increase in using Polish visas for posted work, which can be perceived both as a specific strategy companies and intermediaries employ to get Ukrainian workers to the Czech market and as an individual entry/residency strategy of workers. In 2015, it was estimated that 500 Ukrainian workers were posted, when by the end of 2017 it had risen to about 7,000 (Čaněk et al. 2017).

II.2. The role of industrial relations and social dialogue

There is little attention paid to the relationship of social dialogue actors on issues of migrant workers in the literature. One of the reasons is that migrant workers are weakly represented in trade unions which relates to the patterns of economic and political integration of migrant workers as well as the relationship of trade unions with precarious workers in general (Čaněk 2016). The main trade union confederation aims to protect the national labor market from the effects of immigration of labor migrants from non-EU countries. Their main argument is that an increased presence of migrants who mostly undertake the low-paid jobs destroy trade union goal to increase wages and improve working conditions. They perceived mostly low-skilled migrant workers, as a potential threat to wages and working conditions. As a result, trade unions lobby for strict and controlled labour migration and oppose employers who demand higher quotas for foreigners entering the Czech labour market. These negotiations are, however, not the subject of bipartite or tripartite consultations, but it is directly communicated with the ministry representatives. As a result, the orientation of the government (right wing or left wing) determines the success or failure of social partners lobbying.

III. Media analysis on public discourse about migrants



III.1. Case selection and data collection

The problems of migrant workers are a common topic in daily newspapers representing different political or ideological views. Therefore, journalists both shape the public narrative on migration and respond to the needs of citizens (readers in particular) interested in migrant related problems.

To analyze the public narrative of this topic, we selected a sample of five media and a total of 144 articles. There were two selection criteria for online news portals. The first was the popularity, measured in the number of visits online and the second selection criterion was ideological distance among the largest news media. The following media sources have been represented in our sample: A2larm (left, 16 articles), Deník N (liberal, 14), Mladá Fronta Dnes (center, 31), Reflex (conservative-liberalism, 11), Gazeta Polska Codziennie (right- conservatism, 56).

The starting date for publishing was set to January 2016 while the end date was set to December 2020. The first phase of media searching in all analyzed countries began with a critical keyword, 'Labor migration' (and its equivalent in Czech language "pracovní migrace"). This keyword was very effective for all analyzed media. We also used the term "Ukrainians," as they make up the largest group of migrant workers in Czechia and are generally perceived as migrant workers. The keyword "posted workers" was used to the least, which as a phenomenon of semi-legal migrant work also applies mostly to Ukrainians. Only articles directly discussing work related issues of immigrants were selected for further analysis. Regarding the sum of all keyword hits (apart from the mentioned keywords we used also "illegal migration" and "seasonal workers"), we did not notice any relevant differences between the number of keywords and the political affiliation of the media. All analyzed media had several hundred hits, which confirms the above observation. The differences in the number of keywords reflected the nature of the media (the total number of articles published daily).

Figure 4 Trigram connections

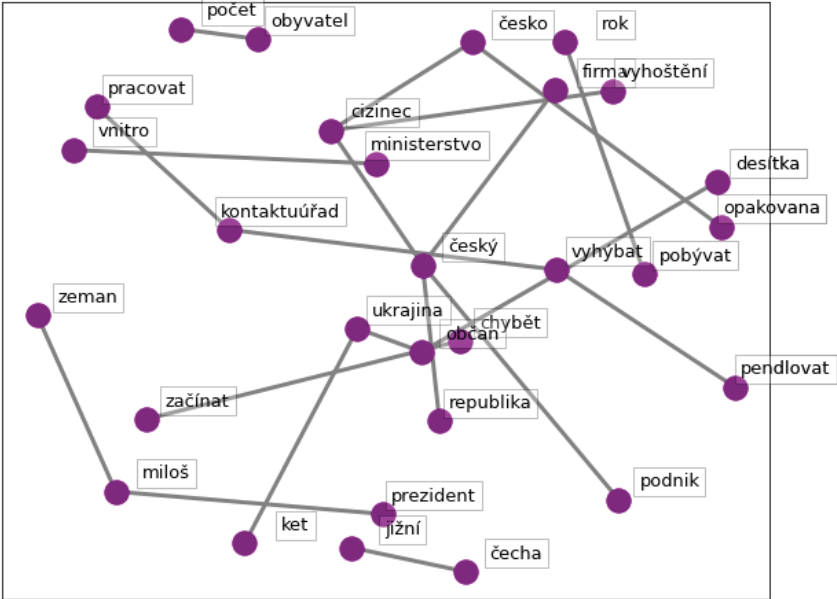
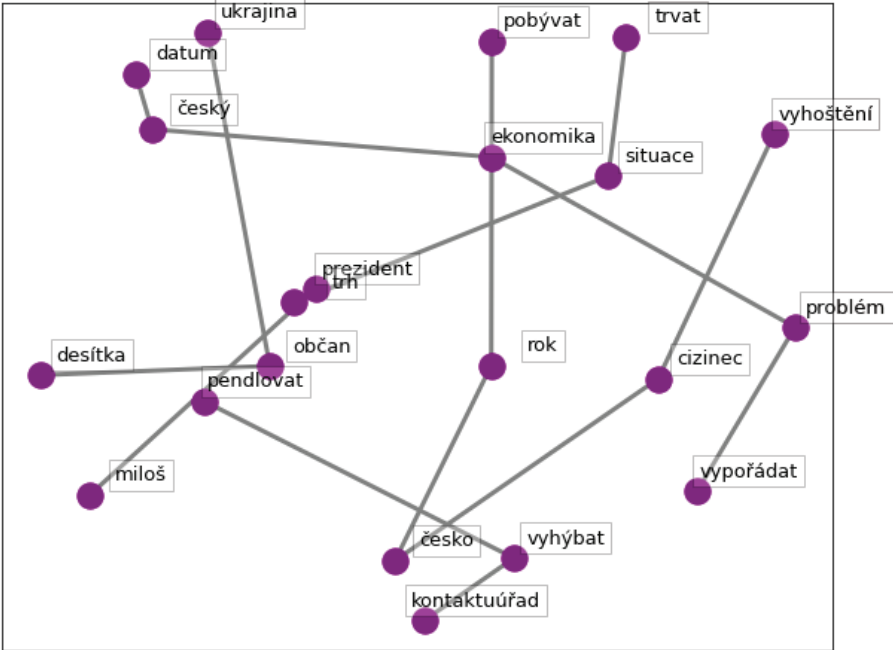


Figure 5 Trigram connections



IV. Industrial relations and social dialogue tackling migrant work



IV.1. Relevant institutions of social dialogue/collective bargaining.

After 1989, the establishment of the Tripartite (officially Council of the Economic and Social Agreement) was one of the basic requirements of trade unions. With the adoption of the new Statute in 1997, the conditions for the resumption of full-fledged social dialogue were redefined and economic issues were re-included in the area of common interest in the negotiation and initiative process. The union representatives in the Tripartite form two main confederations: the biggest are the Českomoravská konfederace odborových svazů (Czech-Moravian Confederation of Trade Unions, ČMKOS) composed of 31 trade unions and Asociace nezávislých odborů (Association of Independent Trade Unions, ASO) composed of 13 trade unions. The tripartite also includes representatives of two employer's confederations. The union density in 2017 was at 11.6% (Eurofound 2021). Employer organizations are represented in Tripartite by the two largest organizations: The Confederation of Industry of Czechia and The Confederation of Employer and Entrepreneur Associations of Czechia. For trade unions, tripartite is an important tool of social dialogue and is not perceived as only formal, despite not concluding binding agreements with social partners.

The topic of labor migration is addressed mostly at the level of tripartite work teams; in particular, there is a working group for employing foreign workers. Despite that, trade unions do not have strategies and approaches to migrant workers and also lack the capacities to deal with it. Trade unions also do not aim to organize migrant workers, but accept them as members at the company level if they express the will to join, yet this is rarely. ČMKOS and its affiliates offer information leaflets in Mongolian, Bulgarian, Romanian, and Ukrainian, but these leaflets contain only limited practical information on trade unions as such and the possibilities of joining them. Information can be found on minimum wage, but also the role of trade unions in collective bargaining in Czechia (Hoffmanová and Čaněk).

Employer associations and trade unions have also been involved with foreign workers from the outset. In March 2020, a meeting of the Tripartite Working Team on the employment of Foreign Workers was held, where the “Ten Points for Employers of Foreigners in Times of Emergency” were agreed upon, setting out the principles of action towards migrant workers employed in Czechia. Both employers and trade unions agreed to prevent misuse the fragile situation of foreigners in the emergency related to pandemics.

IV.2. Collective bargaining

Collective bargaining in Czechia can take place at both the industry level and at the company level. Company level collective bargaining is the most important level to set working conditions in the Czech industrial relations system. Working conditions set at company level bargaining can only improve national legislation provisions, which is also the reason why the Labour Code complements collective bargaining.

The bargaining priority for trade unions is to protect their members who are, in the vast majority full-time employees, while those with temporary contracts are rarely unionized. As a result, collective agreements contain provisions on layoff policies which disadvantage fixed term and temporary workers who are assumed to be laid-off prior to full-time workers (Bernačiak 2015). Foreign workers working for temporary agencies are by far the most vulnerable when it comes to lay offs, as they are not even covered by collective agreements. This was especially visible in the aftermath of the economic crisis and a similar bargaining strategy was also used in the economic slow-down caused by the Covid-19 pandemic.

Company level agreements covered 788 ths employees in 2019 which represents 18% coverage. Another 10 to 20% of employees are covered by one of the 20 multi-employer agreements concluded at the sector level. Numbers from the Czech Statistical Office for 2018 show that 44.5% of all employees were covered by collective bargaining, by 15.3% the position was unknown. For 2020, out of the total number of 31 trade unions associated in the ČMKOS, 15 trade unions concluded a total of 17 higher-level collective agreements (ČMKOS 2020).

Collective agreements do not include specific provisions for foreign employment. The main reason is the fact that collective agreements cover all employees, thus also foreigners if employed by the same company. Foreigners working through agencies are excluded from the collective agreement provision. If a trade union finds an error, it can turn to both the labor inspectorate and, primarily, the employer to resolve the situation. Trade unions can check whether the employer pays a fair remuneration to foreign employees for work, whether it has fulfilled its notification obligation to the labor office, whether it has filled a vacancy (vacant for a long time with no interest in being filled by a domestic worker) (Horecký 2019).

V. General assessment of migrant workers on the national level: social dialogue, views of social partners, experts and CSOs

ČMKOS is the biggest trade union confederation in Czechia representing almost 300,000 members, comprising around 70 per cent of all trade union members. Members are distributed among 31 affiliated trade union federations spanning various industries. The second largest organization is the Association of Independent Trade Unions (ASO, Asociace samostatných odborů) representing 80,000 members. Both trade union organizations are members of the Tripartite body carrying the status of advisory body of the Government. For social partners, Tripartite represents access to policy making and is one of the channels they influence legislation towards labour migration. Two employer federations are also part of the Tripartite, the Confederation of Employers' and Entrepreneurs' Associations (KZPS, Konfederace zaměstnavatelských a podnikatelských svazů) and Confederation of Industry (SP, Svaz průmyslu).

The leaders of the biggest organization of trade unions and employers monitor the issue of migration and migration policies, regularly presenting their opinions and stances in media, including social media. Nevertheless, the analytical and strategical capacities related to migration policies are not sufficient (TU07CZ27082021). Trade unions are trying to provide basic information to the foreigners about their labour rights via flyers and rising awareness of their labour rights, although they usually do not provide direct help unless they are not union members. Migrants, however, are rarely organized. Trade unions try to protect vulnerable groups on the labour market mostly via legislation amendments, e.g. for agency workers.

In 2019 ČMKOS published an brochure for their members to inform what role collective bargaining has towards migrants. It emphasizes that collective agreement covers all employees in the company regardless nationality if those are directly employed by the employer with which the collective agreement is concluded (Horecký 2019). It also highlights that trade unions have important role in protecting foreigner who are more vulnerable because of the insufficient language understanding and labour legislation knowledge (ibid, p. 19).

Interpretation of the situation, information collected, used

Third country nationals face difficulties in entering the labour market, but also in understanding the rules and conditions for their stay in the country. Because of the problematic and bureaucratic system, they often find themselves in illegal situations unintentionally. Moreover, if illegal employment is uncovered, they are more likely to be fined than the employer employing them illegally, which was criticized by our respondent (EX02CZ24012021).

According to the experts, there are basically two main options how Ukrainians and other non-EU nationals come to Czechia in the regime of circular migration. It is either by Polish visas, which are Schengen accessible and allow stays in the entire EU, or on a visa regime arranged for short-term stay (up to 3 months).

Polish visas are easier to obtain than the Czech ones since Czechia has comparatively longer administration period. It takes around three months to obtain Czech short-term visa, while in neighboring countries like Poland or Hungary it is 10 days. Moreover, the reservation system for an embassy appointment was for long time (up to 2018) controlled by illegal intermediaries charging Ukrainians between 200 to 1500 USD for the appointment (A2larm 2019). Use of the Polish visas are often controlled by the Labour Inspectorate. *“By controlling activity, it was often found that this is just a misuse of this institute and workers’ posting is abused to cover the real purpose – providing workforce to Czech employers. This year again these were mostly Polish subjects which were similarly to previous years, posting Ukrainian employees”* (SUIP 2020, p. 35). Despite the known malpractice, the Labour Inspectorate has difficulties in discovering such cases and to exercise any control over them (ibid). Labour Inspectorate in its controlling activity mostly relies on the reported suspicious cases in the companies and on the acknowledged cases by the regional labour offices, but these are not sufficient sources to uncover the majority of cases. Clearly, the presence of trade unions would help at workplaces where malpractice is spread, but this is rarely the case.

Foreigners could not be employed via agency until 2017. Since then, Czech temporary work agencies can employ foreigners at selected workplaces mostly in production and manufacturing (MPSV 2020). Nevertheless, foreigners are often employed by false agencies which provide their services outside agency work regulation. As one of the experts added, there is effort to cancel this practice on the side of ministries, but they have limited tools to do that, as the concept of false agency work is in accordance with law. This is also confirmed by the Labour Inspectorate which in its yearly report claimed that: *“Inspectors also encountered chains of employers, in other words, cases when one employer was employing only a minimum of its own employees, and the work was done by supplied employees based on business relationships (even several in the row). In this situation, it is not an exception that an employer does not know who exactly is working on its premises. Such practice is typical for large workplaces like assembly halls or construction sites”* (SUIP 2020, p. 35). One control thus leads to several other controls of related subjects. The individual parts of the chains deny responsibility for the workers at the site which is especially harmful for vulnerable foreigners employed by such an employer.

The tourist visa regime is also a problematic institute which contributes to the cyclical nature of Ukrainian migration (EX01CZ02022021). Because of this regime, many people from Ukraine undertake short-term and seasonal jobs although in many cases, these are undertaken illegally as the three months tourist visa do not allow entrance to the Czech labour market. *“In 2020, the trend from previous years continued, when inspectors in increased activ-*

ity encountered a misuse of the short-term visa regime [referred to as a non-visa regime] with Ukraine which has been in force since 11th June 2017 from the side of the holders of biometric passports. A non-visa regime is only for a non-economic purpose of the stay (e.g. tourism).... Many of the foreigners think that a short-term non-visa regime allows them to enter the Czech labour market, but it is not the case” (SÚIP 2020, p. 35). Non-visa visitors are also a significant source of platform workers and workers in personal and household services, since controlling those sectors is much more difficult.

There is a conflict between the two trade union organizations over a suitable migration regime for Ukrainians. The migration program called “Regime Ukraine” allows long-term access of foreigners to the labour market and sets the limit for the minimum wage for foreigners 1.2 times higher than the statutory minimum wage. The second largest trade union organization Association of independent unions considers this discriminatory. ČMKOS, on the contrary, supported the provision arguing that higher wages paid to Ukrainians would eliminate the threat of wage stagnation or even decrease because of the inflow of foreigners. *„If employers need labour forces from abroad, they should not offer them a lower payment than to the local people,”* claimed ČMKOS president Josef Středula (Novinky 2019). He also pointed out several times on its Facebook Page that employers publish job offers for inadequately low wages on purpose which do not attract local workers, in order to claim that there are no locals willing to undertake the job and therefore foreigners are needed to fill these vacancies. This reasoning was also adopted by Ministry of Labour which found higher minimum wage for foreigners and efficient stipulation to preserve wage level. According to an NGO expert, this program lacks a legal basis as it sets its own rules outside the legislation (EX02CZ24012021).

Regulation - assessment of stakeholders

Experts assessed migration policies and regulations as very difficult to understand for migrants. First, most of the rules and legislation are in Czech or in English, but the majority of migrants come from Eastern European countries and may not speak any of the two languages. Materials are rarely available in Russian or Ukrainian, which corresponds with the fact that acceptance of these nationalities in Czechia is conditional to their temporary stay, thus officials undertake few initiatives to help third country nationals to understand migration rules (EX01CZ02022021). The integration of migrants is also difficult because language courses are only provided by NGOs via project financing and are thus irregular and have a limited reach among migrants.

In the last 5 years, migration rules for Ukrainians underwent substantial changes reacting to the “non-transparent system” marked by corruption cases. Previously, visa points at Czech embassies were the places where migrants could apply for working visas. The lack of transparency in the registration process caused several unofficial intermediaries to offer time slots for visa requests for payment. This changed when visa points were canceled and

now, the migration policy is guided by migration projects which could be understood as a special form of migration quotas. Within this system, employers need to register if they want to employ foreigners. The registry thus allow better transparency and employers can be expelled from the registry if caught partaking in illegal activities. *“The main problem with this system is, that this registry is not publicly available, thus foreigners can not verify if the employer did not break the rules in the past”* (EX02CZ24012021).

All these changes were supposed to narrow migration rules and improve the transparency of the procedure. Nevertheless, most of these changes despite being initiated by NGOs working with migrants and experts in the field, were at the end formed by employers trying to meet their needs. As a result, the current setting increased the dependency of foreign employees on their employers (EX02CZ24012021). According to updated rules, a foreign employee cannot change their employer within the first 6 months, which puts employees in a vulnerable position since they cannot change their job if unhappy in the position of if exposed to maltreatment. Moreover, any change in position within the current employment or change of employer needs to be approved by the Czech authorities (Ministry of Interior). *“This I consider to be a huge imbalance in the employee-employer relationship, which in fact causes problems to employers as well”* (EX02CZ24012021). Each request for change of employers is considered based on the situation on the labour market. *“Since each change in employment must now be considered by the Ministry of Interior, it could happen that an employee may obtain refusal to prolong his stay just because the number of unemployed in the sector has changed. So after years of employment at a Czech employer the authorities could expel the foreigner saying you should now find some other employee, who is Czech and is unemployed. But this is not how the labour market functions“* criticized the NGO expert (EX-02CZ24012021) and added, *“we had a case where an employer wanted to promote a foreigner but was denied. The employer who made the effort to train this employee could not benefit from it”*. Moreover, such a strict link to one employer makes foreigner integration difficult.

Since January 2021, the Ministry of Interior introduced compulsory adaptation and integration courses lasting 4 hours for the third country nationals who obtained a long-term residence permit or who is issued a permanent residence permit. The course could be undertaken within one year of the date of collecting their residence permit (Moi 2021). The costs of adaptation course are paid by the foreigners themselves, for the 4-hour course they pay 1500 CZK (aprox. 57 EUR). The measure is aimed at improving the integration process of selected foreigners aged 15 – 61 who obtain long term residence permits. The measure does not include temporary migrants from third countries.

Strategies and practices

In our interviews, experts mentioned four main actors in the field of migration policies – state administration, employers, trade unions and NGOs.

State authorities thus oscillate between a protectionist position which results in strict migration rules and employer pressure to “import” workers from abroad. State policies perceive migrants primarily as a workforce and do not consider other dimensions of their lives (Trlifajová et al 2011). Mechanisms of foreign entry mostly consider the labour market shortages, employer interests and their intention to allow migration under the narrowly defined purpose “economic migration” all with very limited support for integration. This protectionist position of the state is a consistent policy of the Czech authorities towards migration (Čaněk 2018). The experts view the limits set within the Regime Ukraine on how many migrants can enter Czechia as too strict. Outside these limits it is currently almost impossible to enter Czechia (EX02CZ24012021).

Given the industrial character of the Czech economy with dominant assembly activities, employers are vocal in requesting migrant access to the local labour market. There are two main motivations, the first one stems from the lack of local workforce in the labour market (from a low unemployment rate) and the second from their cost-efficiency seeking strategies which are especially criticized by trade unions. *“There are cases where employers demand employees for minimum wage work on purpose, as no one applies and the employer could claim that it is impossible to find employees on the Czech labour market, thus allowing them to apply for foreigners. They are then employed for a very low wage which undermines trade union efforts to increase wages in Czechia,”* claimed trade union representative (TU02CZ02022021).

Representatives of the trade union movement emphasised mostly social dumping as a risk factor of economic migration. Restrictions and strict regulations are thus supported by trade unions in their strategies and official statements. Nevertheless, experts and members of the trade unions perceive the important role of trade unions in improving working conditions and contributing to foreigner’s integration. For that reason, one of the experts mentioned the important role of trade unions at the workplace level, especially where foreigners constitute a significant part. *“With growing numbers of foreigners which are not unionized, trade unions may be losing their power”* emphasised one of the experts (IO01CZ12022021). On the other hand, as he added, trade union motivation and willingness to organize foreigners is still low, which is true mostly for the central level, while at the plant level, many trade unions do organize foreigners. Several alternative trade unions also appeared with the aim to organize employees with foreign backgrounds, but failed. Foreigners coming to Czechia only temporarily or who are part of the circular migration stream are usually not interested in membership in trade unions. At the same time, Eastern European employees are often reluctant to trade unionism because of bad connotations in their home country. Third country nationals from Asian countries are even more suspicious of trade unions as they are not aware of such institutions. *“When we tried to approach Mongolians in our company, they thought we were some sort of sect”* (TU05CZ12012021).

Working conditions improvement and labour rights of foreigners are mostly highlighted by NGOs. Several of them provide pro bono legal services to those who are having troubles in their employment. These are mostly the cases when they do not get paid, or have no legal documents about being employed here. *“We aim to solve the most problematic issues such as employer maltreatment, abuse of rules and lack of employee knowledge on Czech migration legislation”* (IO02CZ04032021) *“We are trying to provide education on basic working rights, but in the case of foreigners, it is not enough as they also need help with administration duties related to their stay in the country”* (EX02CZ24012021).

Cooperation between trade unions and NGOs is not developed. There was a meeting between trade union representatives and NGOs in May 2016 where they agreed on a common agenda such as the articulation of precarious working conditions, but this initiative did not develop. ČMKOS also organized the conference on the issue of employment of foreigners but no other activities are planned. Trade unions address migration mostly at tripartite where legislation is proposed and discussed and are often in touch with the Ministry of Interior and Ministry of Labour. Trade unions accept foreigners as members if they apply for membership, but do not organize additional activities to recruit them.

VI. Sectoral characteristics: the view of social partners



A) Construction

1. organisational capacities

The development of the construction sector in Czechia over the past few decades has been quite unstable: systematic growth throughout the 1990s continuing to 2008, and a stable moderate decrease after the 2008 crisis with a positive variation in 2014 and 2015. Despite the small growth in 2014 and 2015, the number of employees – including migrant workers– in the sector has been gradually decreasing, and flexible and precarious forms of employment have become more common (Trčka et al 2018).

In the last decade in the construction sector between 2010 and 2020, the share of foreigners grew from 14,3% to 27,6 % for all employees. In spring 2020, some outflow was recorded by the Czech statistical office by 1,4 percentage points, which was partially compensated by the inflow of Czech employees leaving the services sector and finding jobs in the construction sector (MICR 2021). Ukrainians constitute around 10% of all workers in the construction sector. At the same time, however, it is a sector where a large number of illegally and semi-legally employed Ukrainians work.

The sector is divided into workers who have a stable contract and work for big companies and those who are self-employed or are agency workers or who only work temporarily in the sector for smaller companies. A significant share of the illegal labour market remains out of the scope of Czech regulators. For this reason, it is difficult to measure the factual influence of unions in the construction sector in relation to foreigners (Trčka, et al 2018). Both representatives of employers and employees refused to be interviewed in our research thus we base the evidence on our previous research, on the secondary literature resources and media presentation of the social partners.

The social dialogue in construction is taking place between the Czech Association of Employers in Construction on the employer's side and the Trade Union STAVBA. Social partners

have been concluding higher-level collective agreements for the construction sector since 1992. The last collective agreement was signed for the years 2019-2024, but it stipulates sector minimum wages only at a slightly higher level than the statutory minimum wage. The collective agreement in the sector cannot be applied to those who hold Polish visas.

2. interpretation of the situation, information collected, used

In the construction sector, 60 thousand people were lacking in 2019, according to the president of Czech association of employers in construction (HN 2019). Carpenters, joiners, bricklayers, and other types of trades were in need the most, and there weren't enough foreigners to meet the demand. *"Employees in Czechia do not want to work in construction. Without foreign workers, we will not move forward and Ukrainian workers will not be able to save us. Bulgaria and Romania, which are member countries of the EU, are other places to source labour force."* (HN 2019). Interestingly, a representative of employers does not see wage increases as a way to attract workers to the Czech construction sector. *"Unfortunately, I do not see it as an option, the market would not stand it"*. (HN 2019)

There is a need for skilled workers which are partially filled by integrated Ukrainians who have gained better positions on the labour market. *"Today Ukrainians who first came as low-cost labour force are undertaking retraining and becoming skilled professionals in the sector"* (HN 2019). Employer representatives did not perceive undeclared work in the sector as a problem. There are many controls and if there are problems, it is usually a small company. Nevertheless, the Czech labour inspectorate uncovered more than 350 cases of illegal employment among foreigners in 2019.

2. regulation - assessment of stakeholders

Employers who wish to employ foreigners complained about the long waiting times caused by lengthy administrative procedures lasting for six months or more. Program Ukraine improved matching employees and employers, but did not shorten waiting times. *"Six months is a long period, I usually need employees now to fulfil my contract,"* said one of the employers in construction (A2larm 2019). This is the reason why employers embark on employing illegal employees; they are cheaper and quickly accessible (HN 2019).

Precarious work in the sector is frequent either through the previously discussed Polish visa practices or through bogus self-employment practices often resulting in illegal employment practices. The first problem is unregistered agency work through Polish visas which is difficult to uncover. The second problem is that the expected number of illegal work is much higher than the uncovered cases. Another problem in the sector is the issue of subcontracting. Many big players in the sector can win public procurement in construction, but then subcontracted companies are hired work on the actual realization of the bid for lower costs.

Entrepreneurs in the industry found the practices of agencies employing Ukrainians on Polish visas problematic. Some of the workers are experiencing very difficult working conditions. *“They are paid 70 or 80 crowns per hour, which is the lowest wage, and they are left with nothing. They are like new slaves. They are working for minimum wage which they receive in very short intervals. The employer thus keeps them in this situation so if they won’t come to work, they would not have enough for their basic needs”* (A2larm 2019). Besides agency work, the subcontracting and bogus self-employment decreases the labour standards in the sector, all practices including foreigners.

Trade unions address this issue mostly via legislation through its membership in ČMKOS. There is no direct help provided to foreigners who are accused of illegal work, nor is there effort to organize these workers. Foreign workers are covered by collective agreements only when they are direct employees of large companies.

3. strategies and practices

A lack of labour force in the sector and social dumping are the two central issues for stakeholders. Since employers lack the labour force, they are seeking to increase foreign worker quotas, make administration less lengthy, and at the same time, preserve wage levels in the sector. Trade unions are suggesting measures to avoid social dumping when employing foreigners at the national level, but any of the social partners address it in their mutual sector level collective bargaining. Trade unions supported the employment of Ukrainians for the wage higher than the minimum stipulated for Czech employees within the “Regime Ukraine”.

Trade unions recognized that agency workers are being abused and tried to organize workers in the sector, but to no success. Trade unions also report cases of maltreatment to labour inspection. Another trade union agenda is related to the retirement age in the construction sector. This is not related to foreigners, but in the future may increase the demand for worker as those older 55 may leave the sector.

4. social dialogue and collective bargaining

There is sector level collective bargaining in the construction sector. It is well established, but does not include provisions targeted at foreigners in the sector. While employers do not perceive illegal work and precarious working practices as problematic, trade unions recognize the issue and address via legislation and national level policies. They intervened in discussions about Project and Regime Ukraine supporting the position of other trade unions that the minimum wage for Ukrainians should be higher to prevent social dumping. They are trying to limit the presence of agency workers in construction. *“It is also visible at construction sites that agency workers do not fully replace the core employees as their productivity is lower”* (ASO ČR 2019). Any supportive activities towards foreigners or efforts to

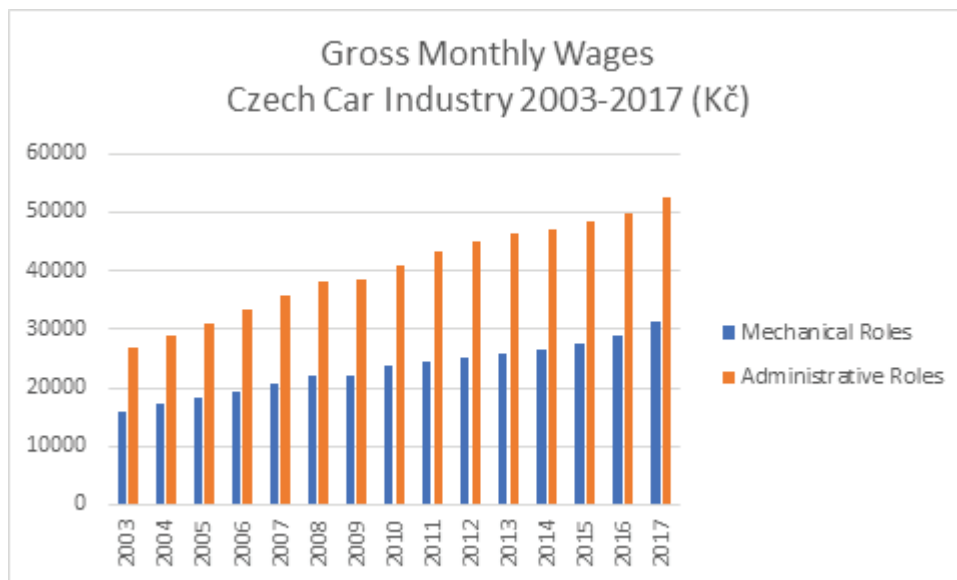
organize them are lacking in trade unions. For this reason, foreigners are rarely covered by collective agreements.

5. additional issues and recommendations

Subcontracting is an issue in construction. Through subcontracting, even companies with no workers of their own can win bids. Representatives of employers criticized this and demanded change such that companies entering competition in public procurement would have to prove they have Czech employees and are physically based in Czechia.

B) Automotive

1. organisational capacities



Source: AutoSAP

Automotive is a labour intensive industry in Czechia and before the Covid-19 crisis, employers coped with a significant lack of employees, which they tried to solve via several channels. Along with implementation of labour-saving technologies via digitalization and robotization, they also aimed at importing foreigners. The Covid-19 pandemic temporarily froze the demand for a labour force from abroad, but currently the “demand for employees from the third countries is still there, but the availability of employees has significantly worsened for companies” (EM01CZ23012021).

Social partners in the automotive industry, are represented by AutoSAP organization of employers associating 141 members, and trade unions, producers and R&D organizations. Employees are represented by the KOVO (OS KOVO) organization which operates in the metal sector and is the largest sector union in Czechia. The second largest trade union in au-

tomotive is the trade union at Škoda Auto, which is not associated with any sector level organization. There are no sector level collective agreements signed for the automotive sector, collective bargaining at the company level thus remain the most important level for advancing working conditions.

The use of temporary agency workers is typical for the sector, which is also a phenomenon associated with migrant workers. While the total number of temporary workers in many different industries in 2015 was at 6.9% of the total labor force, much higher figures are in automotive, for example, up to 25% in Hyundai (Myant, 2019). Temporary agency workers are rarely covered by company level agreements. It is one of the reasons why trade unions mainly try to reduce the number of agency workers as a primary strategy to improve their working conditions. It is also the reason why it is not their aim to organize them.

2. interpretation of the situation,

Trade union representatives described the situation of migrants in the automotive sector as difficult, especially for those undertaking low-qualified jobs from temporary agencies. *“There are 1500 agencies in Czechia, of which 20-30 are associated in the organization which binds them to keep the codex of a reliable employer, but the rest do not obey the rules”* (TU07CZ27082021). The respondent pointed out the case when three workers were sharing a single bed at a dormitory while working shifts, so the employer (the agency) could save money for their accommodation.

Workers at smaller suppliers are at a high risk of employment through Polish visas and false agency work. Yet, if foreigners are employed as a core staff, there is a higher probability their working conditions are in line with the legislation and is the same as for Czech employees.

Foreigner involvement in trade unions is also much more likely present at larger and already unionized workplaces. Foreigners are typically afraid to enter trade unions because of the fear of losing their job (TU07CZ27082021). At some workplaces, trade unions may be hostile to foreigners as they may represent competition for local employees and an obstacle to wage increase demands (TU07CZ27082021). Trade unionists also highlighted the problems with the circular mode of migration which makes foreigners undertake excessive overtime. Tired employee may spoil the quality of the whole production and increase the pace of work. Nevertheless, there are cases when circular migrants are trade union members. For that purpose, a halting fee was introduced by some company level trade unions. When employee is not in the country the symbolic fee of 10 CZK per month (0,3 €) is paid to retain membership in the trade union.

Another important topic is the language barrier. Trade unions rarely allocate budget and capacities to communicate with employees in other than the Czech language. In some cases, only foreigners who speak Czech were allowed to enter the company trade union which was

justified by the need to understand each other and the lack of resources for interpretation and translation. The possibility of translating collective agreements and other documents to languages of foreigners would help trade unions a lot when trying to integrate foreigners. Such a service would ideally be provided by sector level organization (TU04CZ02032021).

The concentration of foreigners to areas of automotive production causes a series of problems in the given place. Automotive companies are often concentrated in industrial areas, outside the town, close to small cities or villages. A concentrated presence of foreigners causes problems with co-habitancy of residents. For instance, Škoda Auto has its production capacities concentrated in the three locations, of which the biggest one Mladá Boleslav has 44 ths. inhabitants, while the smallest one, Kvasiny, has little more than 1400. Only in Mladá Boleslav, it is estimated that 15ths. foreigners live there. Each day, 3300 agency workers enter the Škoda plant, and it is even more when we consider its suppliers. Migrant workers, if concentrated in dormitories and other temporary housing forms, are not welcomed by locals, nor by municipalities as they are associated with increased incidence of criminality and costs on security. Moreover, foreigners are not permanent residents which affects the municipality's income from taxes; were the foreigners permanent residents, municipalities would get more tax revenues due to the increased number of permanent inhabitants. The municipality thus mostly bears the costs of foreigner (non) integration (iDnes.cz, 2020).

In Mladá Boleslav they decided to work more on foreigner integration, but also to improve repression tools by increasing investments in police equipment (e.g. CCTVs). Integration activities are organized by the integration centre opened in 2020. The establishment of the integration centre was supported by the government and EU structural funds in cooperation with Škoda Auto, trade unions, temporary work agencies and the municipality of Mladá Boleslav (iDnes.cz, 2020). Similar centres were opened in another 13 cities in the country, especially in the areas where the concentration of migrants is higher. If a company employs more than 50 foreigners via migration programs, cooperation with those integration centres is required.

3. assessment of stakeholders

Since the sector attracts both, low and high-qualified foreign employees, stakeholders views differ significantly. Sector employer organization denied the high incidence of foreigner abuse in the sector, assuming that foreign employment is controlled, and equality principles are being obeyed. Moreover, employers are demanding the state to set conditions for the inflow of foreigners to be more transparent, in order to make administration easier and relax quotas (EM01CZ23012021). Trade unions, on the other hand, demand increased control of foreign employment.

Trade unions have experience with foreigners mostly working in manual labour positions, often temporarily which leads to their limited ability to integrate. Moreover, many foreign-

ers working in manufacturing are employed via third subjects and thus there is little that trade unions can do about it. Moreover, trade unions may demand to limit their presence at the workplace, especially those undertaking low-qualified jobs for low wages.

Employers, on the other hand, are calling for a relaxing of migration rules to increase the inflow of migrant workers due to the lack of domestic workforce in the industry. *“What definitely deserves attention is the improvement of integration rules. I have to say, based on my personal experience, those people are getting nothing for free. Everything must be set and communicated [with the authorities]. If I were in their place, I would not know how to handle it”* (EM02CZ19022021) claimed the coordinator of foreign employees at one of the automotive producers.

4. strategies and practices

Strategies and practices of foreigner integration differ between the sector and company level. While at the sector level, employer´ associations target national level policies and regulations to decrease barriers for economic migrant inflow; at the company level, employers create strategies to cope with the current situation. *“We have to demand that the government create more favourable conditions for companies. We have to argue why companies could not be able to function without these [foreign] employees and support it by explaining that it is not social dumping, that it is induced by an unsatisfactory situation in the labour market and that these employees have comparable wage and working conditions”* (EM01CZ23012021), claimed representative of employers.

In sharp contrast to this strategy is the trade union proposal to limit the foreign presence in the Czech labour market as well as its strict control, especially when it comes to agency workers. *“We have prepared a proposal to limit the presence of the agency workers by up to 10% of the core workers”* (TU07CZ27082021). In terms of control, trade unions demand enforced co-decision rights at workplaces. *“In our view there is a lack of efficiency with the provided controls. Even in the case when the fine is issued, the employer usually successfully appeals the decision. It is a demeaning situation and needs to be changed.”* (TU07CZ27082021)

Employers who want to ensure integration, try to create conditions for foreigners by either offering them language courses or at least through cooperation with the NGOs offering such services. This is, however, criticized by the experts who pointed out that too much integration assistance from employers increases dependency on this employer.

Trade unions at the company level, have limited tools to increase the protection of foreign workers. If they are employed via an agency or another subject, collective agreements do not cover them. If foreigners are employed as core employees, they should be entitled to the same benefits as the rest of employees. Trade unions could also report cases of maltreatment to the Labour Inspectorate. Besides that, trade unions claim that no close cooperation with employers have developed and there is also missing strategy within the trade union movement. Trade unions cooperate with NGOs on the basis of mutual attendance of select-

ed project activities, but this is at the level of mutual information exchange while concrete action is missing (TU07CZ27082021).

5. social dialogue and collective bargaining

There is no social dialogue in the sector mostly because of employer reluctance to take part. *“We do not consider our organization [AutoSAP] as an employer association [according to the collective bargaining act], we do not participate in bargaining, because of different wage levels and different production programs of our member organizations. Therefore, [members] do not want collective bargaining. So, we are not bargaining higher level collective agreements and we won't do that. In this case, collective agreements have not been considered and I do not think it would be a solution [for foreigners]”*(EM01CZ23012021)

Trade unions have been trying to establish collective bargaining for several years now. They filed a lawsuit against AutoSAP due to their role in the automotive industry as an employer according to bargaining act. AutoSAP, despite associating employers in the sector, is using the legal form of the NGO to avoid legal obligation as an employer association. The lawsuit was ongoing between 2016 and 2021 and resulted in the failure of trade unions to establish social dialogue in the sector because the non-employer status of AutoSAP was confirmed by the court. The dialogue is facilitated only through the “Memorandum on cooperation” between the social partners which contains no binding provisions on working conditions.

At the company level, collective bargaining rarely tackles the issue of migrants. As both, trade unions and employers claim, there is no reason to put special provisions on the migrants, as legally, their working conditions should be the same as the local workers. The important role of trade unions lies in reporting maltreatment to the employer and to the Labour Inspectorate. Trade unions may also demand specific conditions for agency employment, for instance, they may demand only one or very few reliable agencies to supply foreigners, or trade unions may attempt to conclude collective agreements with the agency supplying employees including foreigners (e.g. in Škoda Auto).

At the workplace, trade unions attempted to organize foreigners, but as they revealed, the group is not easy to convince. One of the reasons mentioned is also the fact that most foreigners come from post-soviet countries where trade unions do not carry a good name. Moreover foreigners, as the most vulnerable employees, may be afraid of job loss if recruited to the unions (TU05CZ12012021).

6. additional issues and recommendations

Given the difficult rules of migration inflow, employers find it demanding to legally employ foreigners. Therefore, one of the respondents in the interview suggested that employers in Czechia would probably need a “foreign specialists”, someone able to orientate foreigners in the rules of migration and integration.

C) Healthcare

1. organisational capacities

There is no sector level collective bargaining in healthcare and working conditions are guided by the labour legislation. Wages are set either by government order, by public hospitals, or by the establishment level collective agreements in privately owned hospitals. Interestingly, both public and private hospitals fall under the public health insurance system and are financed according to the same rules for both. Nevertheless, working conditions and wages are different between the two due to public hospital wages being higher than in private hospitals as the former faces fewer budget constraints (Kahancová and Szabó 2015).

On the trade union side, there is the Trade union of health and social care (Odborový svaz zdravotnictví a sociální péče ČR, OS SZSP) associated to ČMKOS. Another trade union, The Doctors trade union club – The Union of Czech doctors (*Lékařský odborový klub - Svaz českých lékařů*, LOK-SČL) represents mostly doctors and is associated with ASO, the second largest trade union confederation in the country. Both unions participate in company-level bargaining in different hospitals, but also have an impact on national policy making through their membership in respective trade union confederations. The sectoral density of these unions reaches 7% for OSZSP and 2% for LOK-SČL. On the side of employers, four employer associations operate in Czechia (The Association of Hospitals of the Czech Republic - *Asociace nemocnic ČR*, The Association of Czech and Moravian Hospitals – *Asociace českých a moravských nemocnic*, The Association of Regional Hospitals - *Asociace krajských nemocnic* and The Union of Private Hospitals – *Sdružení soukromých nemocnic České republiky*). Nevertheless, these organizations operate in the position of employer interest groups rather than social partners, while sectoral or multi-employer bargaining structures are non-existent. In terms of trade union and employer capacities to deal with migration, it is not in the center of their activities, and they have not devoted any personal or financial capacities to the issue.

2. interpretation of the situation, information collected, used

According to statistics, healthcare is the 8th sector in the ranking where most Ukrainian labour migrants work. According to the data of the Medical Chamber, more than four hundred foreign doctors worked in 2019 in Czechia (excluding Slovaks), most of them being from Ukraine. Since Project Ukraine was launched in 2015, more than four hundred nurses have participated. Besides professionals, many Ukrainians work in lower qualified positions, often outsourced, especially as cleaners and helpers in hospitals. Currently, there is around 5 percent of foreign doctors registered, the majority of them being Slovaks, who do have no problems understanding the Czech language.

Hospitals, both public and private have been struggling with a shortage of doctors and nurses, but also in lower qualified personnel, which is also influenced by the fact that

Czech doctors and nurses are leaving for western EU countries, due to comparatively poor working conditions and lower wages in Czechia (TU01CZ13042021). This creates room for the arrival of doctors and nurses from third countries, primarily Ukraine. However, even for them, Czechia is often not the final destination, and they subsequently move further west (TU01CZ13042021).

Regarding the employment of doctors or nurses from third countries, the working conditions depend on whether they are in a public hospital, where salaries are fixed by government order, or in a private facility, where there the regular wage is set according to the Labour Code. Trade unionists claim that they have not experienced discrimination against migrant workers, in terms of working conditions, nor in terms of salaries. In some cases, foreigners may face discrimination and receive a lower wage, but this is difficult to prove. In the case of discrimination, there are various surcharges defined in the Labour Code, and thus, there is no need to address foreigners in collective bargaining (TU01CZ13042021,TU03CZ17022021).

3. regulation - assessment of stakeholders

The main issue related to the regulation of migrants in hospital care is the recognition of their qualification, which concerns qualified positions of nurses, dentists or doctors. The incoming foreigners, despite having a medical diploma, can work only under the professional supervision of another doctor, not independently until the time their qualifications are examined in Czechia. The recognitions of doctors and nurse qualifications means that despite being qualified in their home country, they must prove their abilities again in Czechia via a series of exams held in the Czech language. Foreign doctors and nurses criticize the difficulty of the exam and the length of the process, in some cases bribes for receiving the licence were reported as well (TU03CZ17022021).

In practice, qualified professionals without the recognition of their qualifications usually take on lower qualified positions for several years, or are not recognized as independent professionals and cannot perform the job independently, but under their Czech colleagues' supervision. As a reaction to the difficulties with obtaining qualification recognition, foreign doctors established an organization which aims to provide help with the process and represent foreign doctor interests and needs in Czechia called, Doktor Čechov³.

Interestingly, the trade union of doctors (LOK-SČL) criticized that the nostrification process under the auspices of the Ministry of Health reduces the quality of medical care (TU01CZ13042021). On the contrary, the migrant workers themselves find the requalification recognition process too difficult (WK02CZ13052021). Their difficulty is also acknowledged by representatives of another medical union OS SZSP (TU03CZ17022021). Another problem may occur locally when in one hospital, there is a higher concentration of third country workers. In that case the rule that one Czech (qualified) doctor should oversee a maximum of two

3 Association of Doctors with Foreign Education – Doktor Čechov: <https://czechdoc.cz/cs/%D0%BE-nas/>

doctors from abroad is not respected (TU01CZ13042021, WK02CZ13052021). Czech workers thus had to undertake the responsibility for somebody's else work even when they could not exact control over it (WK02CZ13052021).

4. strategies and practices

In practice, if hospitals experience a shortage of staff, foreign professionals, despite not officially qualified to work independently, perform the tasks as qualified staff. This causes tensions at the workplace, because the responsibility of performance of the foreign workers is officially on their supervisors, but said supervisors can not oversee their work.

This was at least the case in the border region with Germany of Karlove Vary, where the wage difference compared to German hospitals a few kilometers away, were causing an enormous shortage of workers and excessive overtime work. Management, instead of increasing wages, tried to resolve the situation by engaging Ukrainian and Russian nurses. However, engaging foreigners not allowed to work independently, did not help the overloaded Czech nurses and tensions at the workplace rose. At the end, Czech nurses showed their discontent and organized against these practices by the work-to-rule protest. They strictly obeyed Labour Code, thus maintaining working time regulations, which caused serious labour shortages and showed to the management how difficult the situation is and that foreign worker engagement in exchange for low wages is not the solution. The result was a wage increase, but this did not fully resolved the labour shortage, however (WK02CZ13052021). Interestingly, the trade union initiative was not guided by the established trade unions, but nurses rather organized bottom-up via independent initiative⁴.

Wage increases in general are perceived as a solution to understaffed hospitals and to the fluctuation of domestic and third country nationals further west (TU01CZ13042021). Trade unions address this issue mostly at the government level. By this approach, wage increases tackle the part of the sector where hospitals are public, e.g. faculty hospitals, while other, small hospitals are private and are setting wages independently or via collective bargaining. This creates significantly different working conditions for the same work, exclusively based on the type of the hospital ownership. As a long-term goal, trade unions aim to include all healthcare employees under the government wage regulation, thus binding also privately owned hospitals with the wages of state owned hospitals. Collective bargaining at the hospital level is present but does not provide good results as the wages are set at the government level via government decree.

Other solutions to understaffed hospitals are not approached strategically by social partners. There is no agreement over the approach towards migrant professionals in the sector. On the one hand, trade unions admit to the lack of staff, but on the other hand, they require strict control over the quality of the foreign doctors and nurses. Trade unions also talk about

⁴ See initiative „Neodchážíme, organizujeme se [We do not leave, we organize ourselves]: <https://organizujemese.cz/>

the importance of Czech language knowledge, but on the other hand it is not in their agenda to demand it as a part of the migration policy in the sector

(1.)4. social dialogue and collective bargaining

The issue of migrant workers is not dealt with in any special way, neither at the level of tripartite, nor in the framework of collective agreements. The only problem that was highlighted in interviews was the issue of recognition of qualifications and the related problem with supervision, i.e. the number of local doctors and nurses to foreign ones without recognized qualification.

Interestingly, our respondents did not recognize low-qualified staff in Czech hospitals such as cleaners and helpers to nurses as an issue needing resolution. This is surprising since they are employed for lower wages and often through outsourcing thus their working conditions are out of the hospital's control yet have a definitive impact on the quality of services.

According to respondents, the discrimination of foreigners in the hospital sector is not an issue because their wages and working conditions are usually the same. Trade unions rarely deal with the cases of discrimination and racism and thus do not perceive it as a problem in the sector. *“All in all, in the health care sector, I have not encountered any bullying or bad behaviour on the part of co-workers for not being a Czech national”* (TU03CZ17022021). Nevertheless, the respondent experienced unpleasant treatment at the workplace based on their migrant origin (WK02CZ13052021).

(1.)5. additional issues and recommendations

In the hospital sector, the situation with migrant workers is relatively stable, with no major issues. Quality concerns of the services provided guide the regulation of migrant inflow into the sector. These rules remain strict, and respondents demanded changes in terms of organisation of their exams (e.g. to spread them over several days).

D) Care services and hospitality sector

1. organisational capacities

The accommodation/hospitality sector, is the 6th ranked sector where Ukrainian labour migrants work (CSO 2019). Problems with employment are reported mostly in overtime compensation, the specification of working hours or excessive demands with regard to the quality of work, and issues related to vacations and time-off. Regarding the number of new accommodation facilities and the number of employers, the hospitality sector in Czechia has been relatively stable over the past several years. In comparison with other sectors,

trade unions in the hospitality sector are weak, with a very low density (0% - 9%).

Services sector employees are mostly represented by the Trade union of employees in commerce, logistics and services (Unie zaměstnanců v obchodu, logistice a službách, UZO) in Czechia, although their density is low and mostly focused on the retail sector. UZO signs a multi-employer agreement with the Czech Confederation of Commerce and Tourism (Svaz obchodu a cestovního ruchu, SOCR ČR), although this agreement does not stipulate significant improvements to working conditions compared to labour legislation. The most important level for improving working conditions is company level bargaining, but this is rather rare outside of big retail and distribution chains. Trade unions do not devote special capacities towards improving the working conditions and integration of foreigners.

Migrant work in private households is still quite a new phenomenon in Czechia yet is slowly growing (Uhde, Ezzeddine, 2020). Precarization also affects domestic work, including cleaning, where Ukrainian migrant women also dominate. Less than half of them have an official contract, 38% without a contract and about 1/5 of them are self-employed ((Ezzeddine et al 2014).

2. interpretation of the situation, information collected, used

The care services sector and the hotel industry offer highly feminised employment. The hotel industry is accompanied by the phenomenon of semi-official status (through Polish visas) of Ukrainian women, mainly involving housekeeping and laundry. Ukrainians often use care jobs and jobs in the hospitality sector as their first low-entry employment.

Work in the hotel industry is often of a cyclical character, which is in a large extent used as a mode of migration by women. The growing numbers of migrant care workers, who are mainly women, are subjected to exploitation and marginalization. The sector is known for low wages and precarious working conditions.

3. regulation - assessment of stakeholders

The care services sector reports very low trade unions densities. The interest in working conditions mostly comes from researchers and NGOs who provided a campaign to pay attention to work commodification and precarious working conditions of migrant workers in the homecare sector. Their campaign called “Who cleans your place” launched in 2014 aimed to garner attention to the understanding of migrant work at households and the need to maintain standards on the side of households. According to the experience of the respondent, who is herself of a migrant background, many caregivers work in social care institutions (more often than in households) on a long-term basis, while others may work as caregivers temporarily until they find stable jobs elsewhere (WK02CZ13052021). The lack of unionization at the workplace is one of the factors of precarious working conditions of employees in the services sector.

4. social dialogue and collective bargaining

The trade union representing employees in health and social services recognize the increase in labour migrants from Ukraine who gradually replace workers from Slovakia and Poland in lower qualified positions in the sector. Wages and working condition standards continue to remain low and the work is no longer attractive for EU nationals. It is also almost impossible to address the working conditions of foreigners in collective bargaining because care service workplaces are very rarely unionized. The only positive example is the recent formation (in 2019) of a trade union focusing on social services called ALICE which aims to increase the unionization rate among workers, while not specifically targeting foreigners (I001CZ12022021). The main reason is that foreign workers in care services share poor working conditions with Czech workers, thus there is no reason to only target the attention of foreigners (I001CZ12022021).

E) Platform work

1. organisational capacities

On the platform work area, we focused on taxi service companies like Uber, Bolt and food delivery services like Wolt. Czechs are among the most frequent users of online platforms for online taxi or delivery services, but also for obtaining household services (Huws et al 2020).⁵

There are no social partners in this sector. All attempts to reach out to the management of these companies have failed. Even if there was a response to the initiating a request for an interview, no further response came after their closer acquaintance with the project and its focus. Information and direct experience were thus obtained from one knowledgeable driver who drives for both Bolt and Uber (not of migrant origin), newspaper articles, and general literature on the subject. There was no attempt to organize workers from the trade union side, thus platform work remains outside the interest of not only trade unions but also the authorities as well.

2. interpretation of the situation, information collected, used

The respondent stated that this work is not poorly paid compared to local wages of migrants, and confirmed that it is a reason why a number of people from abroad, and in particular Ukrainians, work here. Financial motivation to work in the sector is significant as one can earn around €150 per day for 15 hours of driving, which is almost a month's wage in Ukraine. Nevertheless, in the local context, the work requires a long working hours to reach a decent nominal wage.

⁵ Compare with the latest work on the subject, which questions the high numbers in the case of the Czechia, which attributes to the problematic data collection (Piasna-Drahokoupil, 2019).

3. regulation - assessment of stakeholders

From the experience and knowledge of the driver, many people from third countries, namely Ukrainians, work for Uber or Bolt illegally, under somebody else accounts. The way it works is that a local Czech gets a license and provides it to a labour migrant (mostly from Ukraine) who drives and pays him for it. Interestingly, there is no need to show a driver's license, just a ID and an confirmation from the registry, but it's necessary to prove that he or she is a VAT payer. The respondent mentions that it used to be necessary to pass a taxi driving test, but this is no longer needed, so it is very easy to get a license to drive and to pass it to somebody else.

Even cross-country combinations are not exceptional, such as when the police investigated the case of an Uzbek with a Ukrainian driver's license and a Polish annual visa valid for the Schengen area. It is more difficult to remedy the situation. Such a case would be handed over to the judicial authority for proceedings to take place, but whether it will be possible to enforce the sanctions and whether anyone will pay them at all is uncertain (WK01CZ01022021).

The Ostrava City Council alone is conducting 60 administrative proceedings against drivers who drove on its app in 2018, resulting in penalties for both the vehicle operators and the drivers (Pokorný 2020). The respondent states that there is a kind of "taxi team" from the city council that will book you in and carries out an inspection, as well as for UBER and Bolt drivers. If they come across a worker from a third country who doesn't have his papers in order, they call the police, who take the case further.

There are also so-called organized fleets, which are agencies that through advertisements chase drivers from Ukraine to work in Prague. The respondent states that it's quite lucrative for the owner of such a fleet, but also the workers themselves can earn good money concerning their salaries in Ukraine. In this case, as in others, many Ukrainians see such work as temporary, they want to make as much money as possible in a short time and come back, so they do not mind working long hours a day. Locals also work under these fleets, through a work transfer agreement, but according to the respondent, the data on the agreement does not correspond to reality at all. It is de facto also an illegal job and in case of problems, e.g. with unpaid wages, there is no possibility to ask for help.

Officially established agencies are supervised by the labour inspectorate, but illegal agencies are operating here as well. Fines are hard to enforce as they are often organized through a third party. Moreover, in Czechia, some people also work on Polish visas through Polish employment agencies (Dvořáková 2017).

4. social dialogue and collective bargaining

As mentioned, there are no trade unions or employers' associations in this area. There are informal online groups of drivers on Facebook or WhatsApp where they exchange experiences, complaints and, occasionally, calls for some form of industrial action against Bolt or

Uber. For example, there was a proposal to switch off the app but involvement was rather poor. *If 30 people do it and other 970 others don't, nobody will even notice* (WK01CZ01022021). It would require a different, much more organized activity to articulate the demands of drivers to taxi companies and bring in something like a taxi union because the price for rides/services is low according to respondent (WK01CZ01022021). On the other hand, in these online groups, there are hardly any migrant workers, according to them, so the information does not reach them. Therefore, we only know examples of the successful building of strike movements against platform capitalism at the international level, e.g. in the sphere of delivery platforms; in Czechia we have not seen anything like this yet (Callum 2017).

5. additional issues and recommendations

Organizations dealing with migrants should pay more attention to the presence and problems of foreigners in on site platform services. The capacities of such organizations should be supported by public resources since there is an estimation that the segment is huge, although it has yet to be studied in detail.

VII. Conslusions



Czechia is a destination country almost exclusively for labor migrants while asylum seekers create a minority of foreigners here [written before Feb 2022 when Russia invaded Ukraine and Ukrainians sheltered in high numbers in Czechia]. As a result of labour migration, family reunification is increasingly the reason to come to Czechia. Despite strict migration legislation, there are a number of cases of illegal employment with migrants, especially via posting and agency work using Polish Schengen visa. Economic migration to Czechia is highly influenced by its economic development and labour shortages, and special migration programs have been introduced for Ukrainian labour migrants in recent years.

According to statistics, the most numerous group among third country nationals are Ukrainians, which is why we paid close attention to their employment in various sectors. The second most numerous group are Vietnamese, who mostly undertake jobs in retail and services. The third are Russians who usually undertake qualified jobs on the labour market, while Ukrainians undertake mostly low-qualified jobs, being overqualified for the position. Other nationals present in Czechia with origins outside the EU are Mongolians, Moldovans and Serbians.

The media mostly reports the legal status of migrants and uncovered cases of illegal migrants. In, many cases, migrants themselves may not be aware of working illegally. The most often word strings related to migrants were associated with the issue of “commuting” and “expelling” of Ukrainians, thus referring to the recurring short-term migration and illegal work, which is the main discourse about Ukrainian migration in Czechia.

Migration is not in the centre of industrial relations and is not part of social dialogue to a large extent despite the constantly growing number of foreign employees. The reason why social partners are not addressing migration in social dialogue is that they do not perceive it as a correct platform for regulating migrants’ integration. In our interviews, trade unions mostly aligned migration with employer efforts to reduce labour costs and with related social dumping, which trade unions believe is possible to limit by reducing the presence of labour migrants in the country. On the other hand, employers demanded an increase in quotas for migrants, especially from the Ukraine, arguing by the labour shortages in the country. Employer demands for foreign workers from third countries is still rising (the increase of interest has persisted since the end of the economic crisis) and the Covid-19 pandemic has not made a major breakthrough in this trend.

Social partners do not deal with the issue of migrant workers in the collective bargaining. Instead, social partners lobby policy makers to influence the parameters for foreign worker arrival and their working conditions, especially wages. Employers demand a relaxation of migration rules while trade unions accuse them of decreasing labour costs and labour standards by employing foreigners. These two different positions clash in proposals on how the policies should be designed. While employers demand less administration in migration policies and increased quotas for workers from third countries, trade unions insist on strict migration rules and demand wage increases as a solution to the tight labour market. Trade union leaders even assess the situation as human-trafficking and call for the abolition of agency work as its source. National level policies are thus those mostly addressed by social partners, while at the sector level, social partner strategies towards migrants are lacking.

Ukrainians and other third country nationals undertaking a low-qualified jobs are more frequently exposed to maltreatment and the threat of being expelled for illegal work. This is especially visible in the automotive and construction sectors where most of the third-country nationals are employed via Polish visas, which is considered a semi-legal practice for very specific conditions where this can be used as a working permit for work in another country. In the majority of cases, the Czech labour inspectorate considers posting via Polish visas an illegal practice. Healthcare tells a different story, when it points to additional barriers to integration in the Czech labour market when the main obstacle is the recognition of the qualification attained in the country of origin. The process of recognition takes time and is considered too strict. Lower qualified workers from third countries undertake jobs such as cleaners and helpers in hospitals often via outsourcing, thus their working conditions are set by the agency and thus out of reach of the healthcare trade unions. In platform work and the services sectors, circular migration dominates. In this case, a three month short-term visa regime and tourists visa regime with Ukraine which provides incentives for circular migration and is also the source of a high number of cases of illegal work. These two sectors are also characterized by the lacking presence of trade unions, which complicates the control of foreigners working conditions.

Trade unions in all sectors perceive migrants as the main source of social dumping which ruin effort to increase wages and improve working conditions. On the other hand, employers claimed the tight labour market is the main driver of an increased demand for foreigners and not the effort to lower the labour costs. At the company level, unions represent mostly full-time regular workers, provided a working migrant belongs to this group, no distinction is made in terms of collective bargaining coverage and working conditions. The interests of migrant workers are not specifically addressed in trade union strategies, however.

Foreigners are rarely the members of trade unions and thus their voices within the trade union movement are not being heard. Trade unions have no interest in organizing foreigners, although they welcome any interest on their part. The main problem with organizing foreigners is the circular character of migration and the foreigner's fear of losing their job.

Third country nationals often have reservations with trade unions due to negative connotations or experiences from their home country.

Trade unions rarely provide help to foreigners in need who are not their members, which is explained by their understanding of unionism as a service, providing help only to its members. Support services for foreigners are thus mostly provided by NGOs, which hold programs for legal aid and integration. NGOs also play an important role in the discussion regarding migration rules highlighting the maltreatment of foreigners and the difficulties with integration they face. NGO experts are part of the public debate closing the gap between the contrasting positions of employers and trade unions.

The Tripartite consultations and dialogue with the ministries are the main channel through which employers and trade unions articulate their positions and influence policies. Even the sector level trade unions consider the national level and its legislation the right place to address the issue instead of solutions targeted at the sector or locally. For this reason, social dialogue is not the standardly used tool of addressing the issue of migration at the sector nor at the company level.

At the company level, trade unions have several ways to tackle the issue of foreigner working conditions at the workplace. If foreigners are employed as core employees, trade unions claim that equal working conditions are ensured and it is possible to monitor it. Another problem may be the willingness of foreigners to work overtime compared to Czech workers, but if the Labour Code is being obeyed, this should not be an issue at the workplace. The collective agreement also covers foreigners if they are core employees, but if foreigners are employed via an agency, the situation for the trade unions at the company level is much more difficult. They could attempt to address the issue of migrants via an effort to regulate agency work at the workplace. They either attempt to agree with the employer to subcontract to only one or a few reliable temporary work agencies or may organize agency workers and sign collective agreements which would also cover employees from abroad. These are however rare cases of trade union activities, and are not formulated as the official trade union strategy to limit malpractice with foreign employment. The third option for the unions is to report suspicious cases of foreign employment to the Labour Inspectorate. The main problem here is that the density of trade unions is low and thus the cases of maltreatment and illegal employment are not covered by the unions. As the Labour Inspectorate pointed out, it is difficult for them to uncover cases which are not reported by anyone.

The main trade union confederation ČMKOS aims to protect the national labor market from the effects of immigration of labor migrants from non-EU countries. Their main argument is that an increased presence of migrants who mostly undertake low-paid jobs destroy trade union goals to increase wages and improve working conditions. As a result, trade unions lobby for strict and controlled labour migration and oppose employers who demand higher quotas for foreigners entering the Czech labour market. [Nevertheless, in the migration

crisis caused by the conflict in Ukraine, trade unions openly expressed their concerns on possible abuse of refugees on the labour market]. These negotiations are, however, not the subject of bipartite or tripartite consultations, but it is directly communicated with the ministry representatives. As a result, the orientation of the government (right wing or left wing) determines the success of any of the sides.

After the first wave of Covid-19 in the spring of 2020, due to anti-pandemic measures, the migration policy of Czechia was disrupted. The issuing of new visas was stopped and some Ukrainians and other migrant workers returned to their home countries as there was virtually no work due to the lockdown in some sectors. Interestingly, mostly Ukrainians reported a significant decrease; between March and June 2020, of 36 ths. workers unregistering in the migration office. Nevertheless, by now, their number even exceeded the pre-pandemic levels and eventually the pandemic did not disrupt the long-term trend in the increase of labour migrants from third countries to the Czech labour market.

VII.1 Recommendations

1. To prevent social dumping from foreign employment it is recommended to grant more co-determination 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 foreign workers at the company level, and if appropriate, establish trade union organizations at temporary work agencies and induce collective bargaining.
2. To increase the integration of labour migrants, it is important to narrow the unbalanced relationship between employers and employees. Foreigners coming to Czechia are in the first years of their stay dependent on their employer. Without approval of the Ministry of Interior, they cannot even change their employer. As suggested by experts, the relationship between employer and foreign employee is not balanced and skewed towards employers.
3. It would be helpful to increase the capacities of social partners to deal with malpractices in 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.

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List of interviews



Code	Position	Sector
IO01CZ12022021	Expert	general
EX01CZ02022021	Expert	general
TU01CZ13042021	TUs	healthcare
EM01CZ23012021	Emp	automotive
TU02CZ02022021	TUs	general
WK01CZ01022021	employees	platforms
EM02CZ19022021	Emp	automotive
EX02CZ24012021	NGOs	general
TU03CZ17022021	TUs	healthcare
IO02CZ04032021	NGOs	general
TU04CZ02032021	TUs	general
TU05CZ12012021	TUs	metal
WK02CZ13052021	TUs	social care
TU07CZ27082021	TUs	metal sector

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