



# Vietnamese Workers in Czech Factories – Research Report - Excerpt

MOTTO: „...living in this country we should abide by its laws, but workers have to abide by the laws of intermediaries.“

(Respondent No. 20)

[Research focusing on Vietnamese workers: export of labour from Vietnam, Vietnamese workers employed by job agencies and their working and living conditions, nature of exploitation, Vietnamese workers at the time of economic crisis.]



MINISTRY OF THE INTERIOR  
OF THE CZECH REPUBLIC

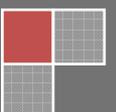


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& Soros Foundations Network

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## 1. Introduction

This final project report (hereinafter “the report”) is an outcome of the project titled *Support and Assistance for Persons Trafficked and Exploited in the Labour Market* [Pomoc a podpora osobám obchdovaným a vykořisťovaným na trhu práce] financially supported by the Czech Ministry’s of Interior *Prevention of Human trafficking and Victim Assistance* [Prevence obchdování s lidmi a pomoc obětem] granting programme, by the Open Society Institute and the Trust for Civil Society in Central and Eastern Europe. The project was implemented by La Strada Czech Republic (hereinafter “La Strada CR”) from January until December 2008.

The project focusing on Vietnamese community is a follow-up of previous activities of the organisation. For a long time La Strada CR has been providing social services to Vietnamese clients and in 2007 it implemented a project aiming at expanding the identification of trafficked persons and prevention of human trafficking and exploitation within Vietnamese community in the Czech Republic (hereinafter “CR”). The project further focused on finding ways to modify social services so that they respond well to the specific needs of Vietnamese clients. At the end of the project La Strada CR published a report titled *Migration from Vietnam to the CR in the Context of Human Trafficking and Exploitation*. One of its final recommendations called for the monitoring and supervision of job agencies focusing on Vietnamese workers coming to work in Czech factories. Already at the time of the implementation of the 2007 project job agencies tended to be quite unscrupulous in the treatment of workers. The final report also recommended that future projects focus on working and living conditions of Vietnamese migrants in Czech factories that have remained unknown until now.

Within the framework of its outreach programme in 2008 La Strada CR carried out another field survey and based on semi-structured interviews with Vietnamese workers described their working and living conditions and the practices of job agencies arranging work for Vietnamese migrants in this report.

The principal objective of this survey was to verify certain information about the exploitation of Vietnamese workers in the CR which was based on the previous project and to identify certain weaknesses of the whole system of employment by job agencies. The basic hypotheses to be verified included indebtedness and lack of information among persons migrating from Vietnam to the CR, deceptive practices of job agencies applied in the

territory of Vietnam, unlawful practices of Czech job agencies with regard to these persons as well as substandard working and living conditions, discrimination in the CR and exploitation by job agencies and companies that the migrants from Vietnam have to face. The text should also assist in the improvement of social services provided to Vietnamese migrants who are at risk of human trafficking.

## **1.1 Report content**

In its first part the report describes Vietnamese community and the changes it underwent in the course of 2008 connected especially with the influx of new Vietnamese migrants coming to the CR in order to work in factories. Subsequently, the main part of the text analyses interviews conducted with Vietnamese workers. The interviews focused especially on their motivation to leave Vietnam, on services provided by job agencies, on their working and living conditions in the territory of the CR and on their future prospects. A short chapter is also focused on social services available to members of Vietnamese community. *Legal Analysis of the Employment by Job Agencies Based on the Results of Interviews with Vietnamese Workers in the Territory of the CR* is attached to the report as an annex.

The report may be used as a background for further and more detailed research and for addressing the issue of labour migration in the CR and of the employment of migrants by job agencies. The authors believe that it will contribute to the changes leading to the improvement of working and living conditions of Vietnamese workers in the CR.

## 2. Background

Our survey was, among other things, based on the La Strada CR's experience with the issue of human trafficking, forced labour and exploitation. Therefore, the whole area of the employment of Vietnamese workers by job agencies was primarily seen from this angle. That is why it seems useful to describe it briefly.

### *Exploitation, forced labour and human trafficking*

The 2004 amendment of the Criminal Code in its Section 232a introduced the wording "*slavery, serfdom, forced labour and other forms of exploitation*" which, however, only applies to persons trafficked for these purposes, and not to those who were "only" exploited or forced to work. In order for a perpetrator to be punished it is first necessary to establish all the characteristics constituting a crime of human trafficking. However, to date (January 2009) there has been no final judgement of a case prosecuted as human trafficking for forced labour outside sex industry. Therefore, there is no case law to provide guidance in defining the terms "forced labour" or "other forms of exploitation".

Generally, **exploitation** may include any conduct by a perpetrator through which he/she feeds on another's work, that is, derives any unjustified profit from such work (document by Security Policy Department of the Ministry of Interior, 2004, p. 5)<sup>1</sup>.

**Forced labour** shall constitute all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself/herself voluntarily (under Art. 2 of the ILO Forced or Compulsory Labour Convention published in the Czech Collection of Laws under No. 506/1990). By the wording "all work or service" the definition provides room to include also forced prostitution or other involuntary activities in the area of sex business in the term "forced labour".

The definition of **human trafficking** (Criminal Code, Section 232a) is composed of the three basic components describing *acts, means* and *purpose*:

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<sup>1</sup> [http://web.mvcr.cz/archiv2008/rs\\_atlantic/data/files/stan-232a-tz.pdf](http://web.mvcr.cz/archiv2008/rs_atlantic/data/files/stan-232a-tz.pdf)

... whoever induces, engages, hires, lures, transports, hides, detains or delivers another by means of the use of force, threat of force, deception or abuse of his/her mistake, vulnerability or dependence for the purpose of

- a) sexual intercourse or other forms of sexual harassment or exploitation,
- b) slavery or serfdom, or
- c) forced labour or other forms of exploitation.

All three components have to be present in order for a case to be qualified as human trafficking. The definition of human trafficking is rather complicated to be applied to the cases of exploitation and forced labour and even though the Criminal Code uses these terms it does not define them further.

However, certain development is undeniable because until 2004 there had only been a crime of human trafficking for the purpose of sexual intercourse (Section 246). When it was replaced by Section 232a (and extended to include human trafficking for other purposes) a challenging process of the application of the new provision in the practice by law enforcement agencies (that is not yet completed) has started. The experience with the detection and proving of conduct which has been subject to criminal sanctions for a longer time i.e. human trafficking for the purpose of sexual intercourse has shown that this process may take several years. A number of persons have already been convicted of human trafficking for the purpose of sexual intercourse. Therefore, it is likely that the law enforcement will learn to apply also the existing legislation more efficiently in future.

### ***Immigration legislation and gender in the report***

We are aware that persons with the visa/residence permit for more than 90 days for business purposes should not be involved in employed work as the only way to secure their subsistence under the applicable Czech legislation. However, in the context of labour migration and employment by job agencies that we focus on in this report it is a usual practice and so we approach it from this angle.

When referring to the type of residence/visa the text does not contain official titles such as *“the visa for more than 90 days for business/employment purposes”*, but, in order to make the text easily understandable, it uses the interviewees’ terminology such as *“work visa”* etc.

With regard to gender in some cases the report uses both, masculine and feminine forms of words. However, in order to make the text easy to read and with respect to the fact that men constituted majority of interviewees there are only masculine forms of words in certain

parts of the text. Still, it does not mean that a described situation might not apply to women migrants, intermediaries, etc.

### 3. Vietnamese community in the CR and its changes in 2008

(Šárka Martínková)

#### *What kinds of life do the Vietnamese really live in the CR?*

*“Mother and father own a house, two shops and three cars. I am going to study medical school, my sister is at a grammar school and my brother is about to start second grade...” – this is what you can hear about our family. Optimists who strive after the integration of the Vietnamese in the Czech society would like to tell you that this is a typical Vietnamese family living in the CR today. The truth is elsewhere.<sup>2</sup>*

According to official statistics there is about 60,000 Vietnamese living in the CR at present. However, up to 20,000 of them only arrived in the last two years in order to take up positions of factory workers in most cases. *“Urgent lack of labour force makes Czech businesses look for it as far as in distant Vietnam. It is because workers from Slovakia, Poland or Ukraine can no longer satisfy the demand for labour. This is a very good opportunity for job agencies and intermediaries focusing on Vietnam. They are approached by hundreds of businesses both large and small. The CR lacks about 140,000 workers. Already now there are more than 200,000 migrant workers. Even the first arrivals of the Romanian and Bulgarian do not significantly help to improve the situation. Therefore, the Vietnamese would be warmly welcome nearly anywhere now,”* stated *Hospodářské noviny* (a daily) in the autumn 2007.<sup>3</sup> It should be noted that at that time Vietnamese community in the CR included 21% of children under 14 years<sup>4</sup> and the community basically – though slowly and inconspicuously – moved towards the integration into majority society not only through the emergence of second generation but also through gradual leaving of the market place environment due to competition by the first generation businesses. However, neither Vietnamese community nor majority society were ready to deal with such a major change in social structure as was the one caused by the massive influx of cheap labour from Vietnam.

#### 3.1 Past

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<sup>2</sup> <http://tranthu.blog.idnes.cz/c/44718/Jak-opravdu-ziji-Vietnamci-v-CR-cast-1.html>

<sup>3</sup> České továrny chtějí dovážet tisíce Vietnamců, HN [Czech factories want to import thousands of Vietnamese] of 20 September 2007.

<sup>4</sup> According to the Czech Statistical Office <http://www.czso.cz/>

The Vietnamese have been present in the CR since the 1950ies. Until the 1990ies the length of their stay had been governed by inter-state agreements offering the nationals of socialist Vietnam to undergo university education or training in Czechoslovak businesses and schools. However, it were only truly excellent students, descendents of those who fought for the country or relatives of the then socialist regime officials who were able to travel abroad. At that time all the Vietnamese coming to the then existing Czechoslovakia had undergone lessons in Czech prior to their departure from Vietnam and while in Czechoslovakia they were subjected to organized supervision by Vietnamese interpreters and supervisors. Therefore, thanks to information provided by those who returned the others grew more and more aware of the way of life in our country and so they no longer arrived into the unknown. Ethnologists I. Herloldová and V. Matějová concisely described the situation of the Vietnamese in the 1980ies when their population culminated: *“A specific situation exists: the individual groups stay in the country for four, maximum seven years, but as a whole the Vietnamese have worked and lived here as long as 20 years. Over that time they have gotten to know us well and have learnt to take advantage of their experience with coexistence with us”* (Herloldová; Matějová 1987, p. 201].

After 1989 a number of the Vietnamese seized the opportunity to get a business licence and based on it a long-term residence permit in our country. Given the successful business with goods that were in short supply in the 1980ies (jeans, feather jackets, digital watch, etc.) they basically continued to offer it. The community was extended to also include the Vietnamese coming from other countries of the then socialist bloc (mostly from Eastern Germany), but most of them were coming from Vietnam itself. Only the structure of the newcomers changed – instead of the privileged the people from poor provinces of Vietnam started to migrate into the CR. The state regulated and temporary migration of the Vietnamese for the purpose of increasing qualification evolved into spontaneous and typical economic migration motivated by the intention to raise one’s standard of living.

Vietnamese businessmen settled especially in locations promising significant profits. In this way important local communities came into being in large cities – Praha, Cheb, Ostrava or Brno – and in the areas near borders (Železná Ruda, Aš, Potůčky, etc.). A **market place** became the basic connecting element of Vietnamese community and its operation in the CR. A number of representatives of the first wave of Vietnamese immigrants became business and social leaders within the community and they often keep holding the highest positions in the community’s hierarchy until today. On the other hand, inexperienced newcomers who became a source of profitable business in the area of mediatory services, including interpreting, translating, legal and economic counselling (in Vietnamese *“dich vu”*), for their fellow citizens better equipped with knowledge about the CR occupy the lowest level of the hierarchy. The SAPA wholesale market place in a Prague district of Libuš became a

commercial, administrative, cultural and media centre of Vietnamese community in the CR. The Union of the Vietnamese in the CR [Svaz Vietnamců v ČR] is considered to be the community's umbrella organisation. Most of its members are old settlers – successful businessmen who represent the community in communication with majority society. The Union's branches are located in all Czech cities and municipalities with a larger concentration of Vietnamese population.<sup>5</sup> (Martínková 2007, Pechová 2007).

Thanks to the tendency to create ethnically defined commercial and communication centres and to the highly developed system of various mediatory services responding to the need to communicate with Czech authorities and institutions the first generation of Vietnamese immigrants in the CR is able to get by even without any deeper integration in majority society. Only the integration into economic systems remains important for most of them because unless their stay in the CR brings profit their presence in the country loses its purpose even for themselves. On the contrary, the second generation descendents of Vietnamese immigrants in the CR fully integrate in Czech education system, to a much larger extent identify with Czech culture and often face problems to even communicate in Vietnamese which clearly distances them from the generation of their parents.

*...The Vietnamese do not intend to settle here, those who arrived here in their adult age plan to earn money or to support their children during their schooling and then want to fly back and die in Vietnam, as a person from our community once said:..."No Vietnamese have come to die in the CR." It does not apply to all cases but for example my parents and I have not returned to Vietnam because my parents have not earned enough money yet (in fact, we have nothing) and moreover, I have to finish my education here and then my parents can decide about the return. For the next 8 years they will have to stay here with me 😊."*<sup>6</sup>

As recently as in 2005 99 % of the economically active Vietnamese in the country were business licence holders.<sup>7</sup> Even though more and more Vietnamese professionals (various craftsmen, architects, IT experts, photographers, singers, journalists, etc.) were in demand due to raising standard of living within the community and though stands and market places were being replaced by regular shops the sale of consumer goods to majority remained the most common way of earning a living among Vietnamese business licence holders. Lack of

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<sup>5</sup> However, the highest position in the virtual administrative hierarchy of Vietnamese community in the CR is still occupied by the Vietnamese Embassy in Prague. While Vietnamese organizations either non-profit or commercial play a role of a kind of higher instance securing community's activities at a local level, the Vietnamese Embassy influences and coordinates their activities politically.

<sup>6</sup> [http://forum.lide.cz/forum.fcgi?akce=forum\\_data&auth=&forum\\_ID=11323&od=5600](http://forum.lide.cz/forum.fcgi?akce=forum_data&auth=&forum_ID=11323&od=5600)

<sup>7</sup> According to the Czech Statistical Office <http://www.czso.cz/>

capital prevents many Vietnamese from being independent on the community commercial networks and similarly, the insufficient knowledge of language and of the local business environment makes it difficult to break free from well functioning community structures. Therefore, most Vietnamese immigrants only follow the footprints of their predecessors.

### 3.2 Present

The urgent need of labour in Czech industries in 2007 opened up job opportunities – mainly at workers positions – to many migrants including the Vietnamese. These were not only the newcomers leaving Vietnam to fill in the vacant worker positions, but also those who have already stayed in the CR for a longer period of time. The reasons were insufficient profits from sales and language barrier. *“If they wanted to provide for their families there was no other option. Even at market places competition increased significantly. There are plenty of cheap goods imported from China and Vietnam and more and more people deal in them. Those who arrived in the CR recently or who do not speak good Czech and do not have sufficient capital are not left with many opportunities,”* explains a representative of one of Vietnamese organisations, a student Nguyen Thu Ha.<sup>8</sup> In almost every issue of Vietnamese magazines published in the CR<sup>9</sup> there used to be advertisements of job agencies offering jobs at large Czech businesses recruiting Vietnamese employees. (Pechová 2007)

**Woman, 35 years:** *Recently I quit the job at my cousin’s to relieve the family and I am waiting to have a factory job arranged. I am only a little concerned that not all or not majority of job agencies arranging this type of work are decent. They tend to have high fees, unnecessarily. But since I need this work I have to learn to live with it. I have heard about cases where factories employ workers only for a month or two or three and then fire them or that the work may be really difficult, even as long as 12 hours a day. But if others can make it I should too. I have no other option anyway.*<sup>10</sup>

*2008 – In the last months the numbers of Vietnamese factory workers here in the western part of the country have risen to 2000, then 4000 and further to 6000...In order to get here*

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<sup>8</sup> České továrny chtějí dovážet tisíce Vietnamců, HN [Czech factories want to import thousands of Vietnamese] of 20 September 2007.

<sup>9</sup> In summer 2008 there were four weekly magazines published in the CR – Tuan tin moi (News of the Week), Van Xuan (Ten Thousand Springs), The Gioi tre (World of Youth) and Xa xu (Faraway Land). Each magazine offers a few pages of information concerning the life of the Vietnamese in the CR and in other countries as well as the news from the CR including also those usually published in tabloids. This type of magazine publishing is unique for the CR and does not exist in any other Vietnamese community in Europe, not even in France where Vietnamese population is about six times larger than in the CR (Komers 2008, an unpublished study).

<sup>10</sup> Information from field (July-August 2008).

*they had to pay enormous amounts of money to a “paper service” and “job agency” (these are also Vietnamese). For Czech standards they earn poor money but it is 10 times more than they would have earned in Vietnam and so they work really hard, they take day and night shifts on working days and at weekends in order to be able to pay off the debts and later save some money for themselves and their numerous hungry relatives in Vietnam.*<sup>11</sup>

The Vietnamese started to assume workers positions mainly in the area of electronic equipment production and in car manufacturing. “We would need tens to hundreds of people from Vietnam. They are good workers and historically, we have had a very good experience with them,” a member of the Board of Directors of an important Czech producer told the media (Pechová 2007, p. 30). The Vietnamese reacted to the demand by a number of Czech businesses promptly: according to official statistics in August 2007 there were 45,964 Vietnamese in the CR, in the same month of 2008 Vietnamese population was up to 57,660.<sup>12</sup> Overwhelming majority of these newcomers travelled from Vietnam to the CR in order to work in factories.

*In Vietnam there are businesses offering Czech language courses and other assistance with departure. The CR is known as a beautiful rich country where “gold comes to you without too much effort”. The longing to once fly back home for New Year’s Eve as a Vietnamese living in the CR is irresistible for these people dress smartly and give US dollars and expensive souvenirs to all their siblings and relatives. Young boys who have never ventured far from their villages are very much interested in this adventure for USD 10,000. They arrive in the CR indebted thinking that they will pay off the debts within a year and from then on will only make money. Not only their lives but also the lives of their families are expected to be brighter and happier.*<sup>13</sup>

Not only in the CR but also in Vietnam there are many agencies offering to arrange jobs in our country both official (registered at the Vietnamese Ministry of Labour and Disabled Soldiers) and unofficial. All the agencies promise Czech businesses to supply them with Vietnamese workers trained both in required skills and language, however, not always the delivery of qualified workers is as important for them as the profit made from the arrangement of the delivery. “I have accepted a job in an agency in Vietnam to teach Czech

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<sup>11</sup> <http://tranthu.blog.idnes.cz/c/29348/19782008-Proc-sem-stale-jezdi-Vietnamci-Kdo-nakom-vydelava.html>

<sup>12</sup> According to the Czech Statistical Office <http://www.czso.cz/>

<sup>13</sup> <http://tranthu.blog.idnes.cz/c/29348/19782008-Proc-sem-stale-jezdi-Vietnamci-Kdo-nakom-vydelava.html>

to future Vietnamese workers in the CR, but the cooperation only lasted one day. My employer required me to extol the living conditions in the CR and not to tell the truth about hard work and other hardships awaiting the workers,” an interpreter, David Nguyen, shared his experience.<sup>14</sup> In this context it should be noted that the recruitment and training centres in Vietnam are paid considerable amounts of money even before it is clear that candidates for work in the CR get the visa and will actually depart for “the promised land”.

“Usually the agency in Vietnam takes half of the money and the other half is for the agency in the CR. Besides official expenses stated in the contract including training, air ticket, insurance, Czech lessons, etc. both agencies also have to count with additional large expenses because they need to bribe a lot of people in Vietnam and in the CR. At the Czech Embassy, at the Vietnamese Embassy in Prague, at various authorities issuing necessary documents in Vietnam, in companies in the CR... Tons of money. Do not be surprised that the service is so expensive,” explains the reasons for outrageous prices of arranging the travel in the CR owner of a Vietnamese agency who did not wish to be named.<sup>15</sup> In this way Vietnamese migrants incur huge debts for travel and job arrangements in the CR. At the same time they arrive with high hopes, not speaking the language, not knowing the conditions of life and work and having no information about Czech legislation and the resulting rights and obligations. They believe what Vietnamese agencies promise, but also thanks to the Vietnamese who reinforce the illusion of easy earnings in the CR during their occasional visits at home the work in the CR is still in high demand. Czech Vietnamese admit that they show off a little before people at home saying they have money. Only few would confess that they had to work all days and save money for years in order to be able to afford to travel to Vietnam. This “showing off” became a normal behaviour for returnees and at the same time it is an essential part of inner life of a Vietnamese in the CR (Brouček 2003; Martínková 2007).

**Man, 29 years:** *In order to come here I had to take a loan from a bank – almost everyone does it this way, takes a loan to be able to come. Then it is handled further, this paying off debts. I thought that I would be able to pay off my debts within first two years and then I should be able to start earning for myself. In this way I paid USD 7,000 two years ago. Before that I had worked in Malaysia but that was much cheaper – I had only paid USD 800.*<sup>16</sup>

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<sup>14</sup> Information from field (January 2009)

<sup>15</sup> They met near the town of Kolín: Reporting on Vietnamese workers in the CR [Potkali se u Kolína: Reportáž o vietnamských dělnících v Čechách]. Eva Pechová, A2 25. 11.2008

<sup>16</sup> Information from field (August 2008)

Although the Vietnamese government decided to stop the outflow of Vietnamese workers to the CR last year, although the Czech Embassy in Hanoi stopped issuing work visas and although due to the world economic crisis a number of Czech businesses started to lay off their employees and migrants employed through various agencies were the first to go, economic migrants from Vietnam continue to arrive in the CR. Moreover, there is no guarantee for them that they actually get a promised job and a regular pay, that they will have accommodation and that their residence will be registered with the authorities. *“In short, these people get a passport, but after arrival they often do not know where they are or which agency they work for – they only know who to contact, that is the interpreter,”* Nguyen Vu Nam of the Union of Vietnamese Businessmen [Svaz vietnamských podnikatelů] describes the complete lack of information among these newcomers. This is how they become an easy target of scalpers who offer help, however, again for a high price.

Job agencies turned out to be a profitable business and their numbers - be it Vietnamese, Czech, Mongolian or Ukrainian ones – have risen with incredible speed. Le Minh Cau of the Association of Job Agencies [Asociace zprostředkovatelských agentur] which was founded in order to dissociate from unscrupulous practices of some of them, estimates the number of agencies bringing labour from Vietnam to the CR to be between 300 and 400 while only 27 of them are part of the Association. *“Unsound agencies employ workers, but they do not pay them according to the contract, interpreters do not help workers,”* describes the practices of such agencies Le Minh Cau. David Nguyen has worked as an interpreter for such agencies: *“The experience disappointed me quite a lot. I have come across a number of Vietnamese businessmen who bring workers here and then fail to pay them for two or three months...When the workers wanted to speak to them they denied their presence and I, the interpreter, have always had to explain it instead of them...while the boss is happy because if he has “couple of tens of workers” he can earn a million in no time in this way. After a few months of no pay the workers start to look for another job and the boss even recommends it for it is no problem to bring in new people who will drudge for him for two or three months again. And it is hard to find a job for the Vietnamese who have been laid off. Moreover, they usually have visas for business license holders and if they are approached by authorities in a factory where they work they have to explain this discrepancy. If they do not, they will be expelled in most cases.”<sup>17</sup>*

Soon Vietnamese community in the CR started to see the waves of new coming workers as a serious problem. At the beginning mostly because the newcomers were coming from uneducated populations of Vietnamese rural areas, moreover, in most cases they had never gone through any real training for the job, let alone any introduction to a different culture of

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<sup>17</sup> <http://www.klubhanoi.cz/comment.php?akce=fullview&cisloclanku=2008102002> (translated by Petr Komers, an expert on Vietnam)

the receiving country. Possibly the highest concentration of cheap labour (not only) from Asia in the “Borská pole” industrial estate in Pilsen gave rise to tensions between the local population and Vietnamese immigrants whose coexistence until then had been easy. For example, in the whole city the Vietnamese were banned from certain night clubs. Trying to recover the reputation of Vietnamese community in Pilsen a group of students from Vietnam decided to hold free courses of Czech language and “manners” for Vietnamese workers. However, and not very surprisingly, their effort failed to succeed. The workers showed minimum interest in the courses.

**Man, 30 years:** *These are hard times when a lot of migrants come to the CR and their behaviour is not exactly impeccable. It leads to incidents that have impact on people in the CR - the Czech look at me differently than before. For example, policemen arrest or do useless random checks that they would not do normally. Also in terms of society, what is happening now, for example the Vietnamese got into fights in night clubs recently, many of them use public transport without having tickets, and they also hunt ducks in the river... These things do not lead to good reputation of Vietnamese community in the CR. I felt better in this country before the influx of the new Vietnamese.*<sup>18</sup>

And that was at the time when the real problem with new coming Vietnamese workers was still only about to come. *“As late as six months ago the situation was still acceptable because there was work. No one actually expected that there would be none at certain point, not even Czech authorities,”* Nguyen Vu Nam, a secretary of the Union of Vietnamese Businessmen [Svaz vietnamských podnikatelů] reacts to mass lay-offs of migrants by factories as a result of the world economic crisis. The loss of work often causing the Vietnamese with work visas to lose their regular status as well is only a part of the problem. The expenses connected with the travel to the CR are so high that returning to Vietnam with such a huge debt is an unthinkable alternative. *“They are hopeless,”* Nguyen Vu Nam describes the situation of the laid off workers, *“they wait that something happens and someone gives them work, at the same time they are under enormous pressure because they have to pay off their debts and provide for families back home.”* Irregular migrants do not only fear that they would not be able to pay off their debts, they also fear immigration police or ill-health because they do not have health insurance. *“It is an emergency that will soon affect not only us but also the Czech,”* warns Son Tung, a student from a newly established Viet-Czech Friends Association representing the second generation Vietnamese in the CR and aiming at common understanding between the Vietnamese and the Czech.<sup>19</sup>

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<sup>18</sup> Information from field (August 2008)

<sup>19</sup> [http://www.rozhlas.cz/radionaprani/archiv/?p\\_po=1977](http://www.rozhlas.cz/radionaprani/archiv/?p_po=1977)

**Man, 30 years:** *I come from central Vietnam. I have sold everything. A house, land, everything I had owned in order to come here. They promised me heaven on earth, a place where people treat each other nicely and the locals like the Vietnamese. A heaven where I will earn a lot of money, have a clean apartment and food three times a day, where there is a beautiful city of Prague...and now I am sitting here without money or work...*<sup>20</sup>

Van Hoi, a member of the Union of Vietnamese Businessmen [Svaz vietnamských podnikatelů] estimates that currently there are more than 2,000 Vietnamese without any money and that another 5,000 will soon find themselves in such a situation 2,000 of them in Prague alone.<sup>21</sup> Some of the Vietnamese who have nowhere to go stay with their fellow-countrymen who have not yet lost roofs above their heads, others sleep in warehouses and the like. However, even the representatives of Vietnamese community are unable to provide a reliable estimate of the numbers of their countrymen facing this situation. Though Vietnamese organisations have set up a fund to support them (for example the Phu Nhu Women Association raised funds to provide winter jackets for 2,000 people among the SAPA Business Centre shop-keepers) and some Vietnamese businessmen try to give work to those in need, it is far from solving the situation. *“Recently, a father of a family hanged himself. The community organised the funeral and raised money to support his family. But I fear that thanks to that more people will decide to take their lives hoping that their families will get at least some money,”* thinks David Nguyen.<sup>22</sup>

*Right from the start agencies advise people that they can find jobs working for Vietnamese countrymen but it is not true. The Vietnamese community in the CR is not stable. ...Stands no longer work, rents are high in regular shops and many people stop trading in textiles and shoes. They rather open kiosks and later restaurants where they work 14 hours a day. Others prefer almost non-stop grocery shops which are easy to manage. It only takes to care of the goods for 15 to 16 hours. Non-stop gambling clubs are also popular where the whole family may non-stop watch over an empty place. How can a worker who has been laid off find a job working for a fellow-countryman if the Vietnamese themselves save every penny to provide for themselves and their children?*<sup>23</sup>

For many years Vietnamese community has been trying to improve its image and break the stereotypes embedded in Czech population as a result of the most pronounced subsistence

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<sup>20</sup> <http://luuly.blogy.novinky.cz/0809/pribeh-cislo-1>

<sup>21</sup> Numbers of desperate Vietnamese in Prague on the rise [Zoufalých Vietnamců v Praze strmě přibývá]. A daily „Jičínský deník“ 19. 1. 2009

<sup>22</sup> Information from field (December 2008)

<sup>23</sup> <http://tranthu.blog.idnes.cz/c/44919/Jak-opravdu-ziji-Vietnamci-v-CR-cast-2.html>

strategy of the Vietnamese in the 1990ies. To some extent it succeeded to do so thanks to the excellence of the second generation children at schools.<sup>24</sup> However, given the large numbers of fellow Vietnamese finding themselves in a desperate situation the community started to fear the increase of criminality. The Vietnamese who have settled in the CR some time ago perceive the news about criminal activities of their fellow-countrymen not only as harmful to the community's reputation but also, for understandable reasons, as a possible source of problems in their future life in the CR and in their coexistence with majority society especially, for their children at schools.

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<sup>24</sup> In the eyes of Czech population as much as the first generation of Vietnamese immigrants in the CR had been known for trading in more or less same goods the second generation was recognized for its excellence at school. Nevertheless, both these features result from the interconnectedness of Vietnamese community: every new coming Vietnamese without any Czech experience automatically takes on business activities well-tested by other countrymen. At the same time traditional respect of the Vietnamese for education is reflected in the desire for children to get a university degree, however, the usual way towards this goal is to go through grammar school and then to go to study a technical or economic college or university regardless of the child's talents or interest in this line of study.

## 4. Research methodology (Marie Jelínková)

The principle objective of our research was to reach understanding of the system of agency employment of the Vietnamese in the CR. It would not be possible to design this study without foreknowledge of the research subject matter, without longer-term contacts with Vietnamese community and without an idea of how the agency employment actually works. On one hand, this insight into the issue facilitated its examination but on the other, it made us to focus on maximizing openness and objectivity and minimizing any possible bias throughout the research and its analysis.

Given the nature of the reality to be researched and the research objective we have opted for **qualitative research methodology** and then, our objectives were best served by a case study research design. We chose **semi-structured interviews** with the selected **Vietnamese** who worked in the CR employed by job agencies to be the principle data collection method. Then we contextualized the responses in a wider migration discourse.

The study is based on 23 semi-structured interviews one of which had to be repeated due to changes in life of a respondent (new job and housing). Together with pilots there were in total 26 interviews with Vietnamese respondents. Three interviews were rejected because they were incomplete. With the exception of two interviews from which only notes on paper were taken as required by respondents all other interviews were recorded and subsequently transcribed for the purpose of analysis. The interviews took between 40 to 90 minutes.

The respondents were selected through the identification of locations or specific businesses in which, according to the information we had, there were the Vietnamese employed by job agencies. Therefore, the interviews took place in former districts of: Přerov, Plzeň, Jablonec nad Nisou, Pardubice, Mladá Boleslav, Beroun, Kolín. Additional interviews (see below) were carried out in Prague. We contacted the respondents either while inspecting hostels and guest houses or based on recommendations by those who have already been contacted so, to some extent, we made use of the snowball method as well as the method of targeted selection. Though we did not pay the respondents for the interviews we did not have any significant problems finding suitable persons to interview.

Besides choosing good respondents one of the biggest challenges was the communication barrier. With the exception of a few additional interviews that were conducted in Czech all other interviews were carried out with the help of a trained interpreter. Though it was our original goal to conduct the

interviews while only an interviewer and a respondent would be present we only managed to do it this way in one third of cases. Another third of interviews were carried out in the presence of two or three other persons and the remaining third was done while more than three persons were present. The reason why it was so difficult to interview people alone was that the interviews were often conducted in hostels and guest houses where the respondents felt safe but where it is hard to find open room. The other Vietnamese usually listened to the interview but in absolute majority of cases did not intervene in the answers and only helped the respondent to fill in the information he/she may not have been sure about. Except one interview which was carried out in the presence of a coordinator of work all other interviews were conducted without the presence of anyone (for example employer, intermediary, etc.) who could influence the respondents' answers.

As for the socio-demographic characteristics majority of respondents were men, less than a quarter of interviews (5) were conducted with women. Though Vietnamese migration into the CR is masculinised it were rather cultural specifics and the fact that there are more men living in hostels and guest houses that were behind the fact that men accounted for the majority of respondents. Generally, Vietnamese men were more likely to communicate than Vietnamese women. The age of respondents ranged between 20 and 48. Most of them were about 28 year old. The time respondents have spent in the CR differed quite a lot. The shortest time was one month while the longest time was 14 years. Majority of respondents have stayed in the CR only around five months.

All respondents were authorized to stay in the Czech territory at the time of the interview. More than half of them had work visas and nearly a quarter (5 persons) had business visas. The types of residence of the remaining respondents differed to a large extent and included permanent residence, student and reunification visas.

In order to understand the overall situation as well as other related issues additional eleven non-standard interviews with relevant actors were carried out. Namely with two representatives of Vietnamese job agencies, one representative of a Czech job agency, one Czech supervisor of Vietnamese workers, one hostel owner, one labour office employee, one labour inspection employee, one representative of the Czech Chamber of Commerce [Česká hospodářská komora], one Ministry of Labour and Social Affairs [Ministerstvo práce a sociálních věcí] expert, one HR specialist working for a company which employs Vietnamese women and one Vietnamese interpreter. These interviews were not recorded only notes were taken of them. They lasted between 30-180 minutes. Thanks to frequent presence of researchers in Vietnamese community as well as in hostels and at workplaces **field notes** were also one of the valuable sources of information feeding into the study.

## 5. Summary and recommendations

### 5.1 Current Vietnamese community in the CR

#### Summary

Vietnamese community has been going through a profound rebirth recently. **In the last two years its population increased nearly by 20,000 people and almost all of them came in order to work in Czech factories.** Currently, these newcomers account for about one third of the total community population. The rest of the community with already significant social stratification has also gone through fast development and at the same time continued their successful integration into Czech society.

**Already back in 2007 the first information about difficulties connected with the “import” of Vietnamese workers to Czech factories and about unscrupulous intermediaries** (see Pechová, 2007) **started to surface.** In the course of 2008 the situation escalated and in the media, in Vietnamese community and among professional public one could have heard talks about a **serious problem connected with their exploitation by intermediaries and employers** and about the absence of assistance available to Vietnamese workers at Czech labour market. Economic crisis striking the CR at the end of the year aggravated their already quite difficult situation dramatically: **thousands of the Vietnamese employed by agencies either lost or were in danger of losing their jobs** and finding themselves indebted, without money and in some cases also losing their authorisation to stay in the country.

The original established community members are in an ambivalent situation in which they have to face up to the new influx of “unaccustomed” countrymen and, at the same time, they empathize with them and want to help out. Persons who prey on the poverty of their fellow countrymen and pursue their own agendas in this respect constitute a specific group within Vietnamese community.

In connection with the mass influx of new migrants from Vietnam who lack information and knowledge of Czech realities the **fear of xenophobia in regions where layoffs are highest grows within Vietnamese community and Czech authorities speak of possible increase of criminality by the Vietnamese.**

## Recommendations

The CR has to **identify and on a long term basis apply appropriate integration policies** with regard to the last wave of Vietnamese migrants. NGOs might help through implementation of specific integration programmes aiming at teaching Czech and providing information about Czech legislation and realities to this segment of Vietnamese community. However, in order to do that it is important that adequate financial resources are allocated within the national budget.

It is only **adequate legal and ethical policies** targeting significant number of the Vietnamese who find themselves in the CR without money and housing and **taking into account also their impact on private and family lives of these people** that may have the capacity to eliminate this situation's negative effects on Czech society.

## 5.2 Recruitment of workers in Vietnam and their travel to the CR

### Summary of research findings

It was verified during the project that **all workers who come to the CR from Vietnam are heavily indebted** and paid official intermediary agencies or unofficial companies or individuals between USD 6,500 and 14,000 for the travel. All these migrants come from rather poor and less educated populations and their main motivation for coming to the CR is to make money. **Without a single exception the lack of information about the CR among these people was identified** within the project and **it was established as the most important factor affecting their vulnerability**. Intermediaries provided Vietnamese migrants with wrong information about working and living conditions and especially, about wages in the CR, and promised terms of employment that were only granted in exceptional cases.

The research respondents travelled to the CR in order to work for Czech companies after they had been granted **work visas, but some of them had been also granted business visas while they never intended to do business in the CR**. Very often they did not understand at all the difference between these two types of visas.

The respondents did not have comprehensive information about the visa procedures at the Czech Embassy in Hanoi because it was for the most part (official or unofficial) intermediaries who took care of the needed documents instead of them. According to the additional interviews in Vietnamese community **corruption at the Czech Embassy was one of the reasons why the price for arranging the travel from Vietnam to the CR was high**. For example, one of the respondents indirectly pointed out the responsibility of Czech government for the high debts workers incur for mediatory services and subsequently, for the situation these indebted people are in on the territory of the CR. The

responsibility lies in the inability to ensure sound and proper visa procedures at the Czech Embassy in Hanoi.

Some of the Vietnamese workers who participated in the research signed valid contracts clearly stating the amount of wage and the time during which they would be obliged to work in the CR (most often for 3 years) while they were still in Vietnam.

### **Subconclusions and recommendations**

Vietnamese agencies cooperate with an agency active in the territory of the CR while it is not clear what legal relationship exists between these two actors that transfer labour force between them. Workers sign contracts in Vietnam with an agency which subsequently cannot foresee the situation on the Czech labour market and guarantee their employability in the CR. Under these contracts agencies are obliged to ensure specific wage and working conditions in the CR. **In case of non-compliance Vietnamese agencies should recover damages suffered by workers, in other words, refund the money as a result of the inability to arrange for a proper job.** However, it is not clear to what extent the intermediaries' obligations under these contracts can be enforced in Vietnam.

The "export" of cheap labour force is an open policy of the Vietnamese government which tries to address the country's high unemployment rate and other social issues in this way. **Vietnam being interested in the labour migration of its nationals to other countries shall be responsible for the activities of unofficial intermediaries** that provide their services in the territory of Vietnam unlawfully and **for the enforceability of obligations under the contracts between workers and their intermediaries.**

During the project information was received from representatives of Czech companies that tried to recruit labour in Vietnam directly without the assistance of intermediaries, but they failed to get visas for the workers they selected. This experience **leads to a suspicion that in its visa policy the Embassy in Hanoi gives priority to applicants who make use of the services of intermediaries.**

The Czech government should focus on the **dissemination of reliable information about the CR in Vietnam and on breaking down the myth of the CR as a rich paradise in the west.** The information should concentrate on the situation on the labour market in the CR and on the actual working conditions and wages. Further, applicants for Czech visa need sufficient information about the applicable labour legislation.

It is necessary **to make the visa procedures at the Czech Embassy in Hanoi transparent.**

## 5.3 Intermediaries in the CR

### Summary

The field research showed that only exceptionally new coming migrants from Vietnam are able to find work in the CR by themselves – **in absolute majority of cases they make use of agencies or unofficial intermediaries. The agencies often break laws.** Some of them charge unlawful fees for arranging work. Workers employed by agencies very often do not sign any contract or the contract is only in Czech and the workers do not understand what it says. None of the research respondents received a “placement agreement” required by law from the agency. Some agencies evaded the legislation on health insurance. In numerous cases agencies provided incorrect or misleading information with regard to future wages.

The research also confirmed **dependence of workers on mediatory agencies** and their employees (especially interpreters).

The interviews carried out within the research show that between some mediatory agencies and companies or their employees (especially those working in HR departments) **there are informal connections, cooperation at the workers’ expense and financial flows that cannot be officially established** negatively affecting the situation of workers.

### Subconclusions and recommendations

Additional interviews (with agency representatives) carried out within the project revealed that some official agencies active in the territory of the CR **basically were not arranging jobs for Vietnamese workers free of charge**, but that they had gotten paid by the migrants even before the migrants actually departed from Vietnam. For agencies in Vietnam share the money paid for mediatory services in Vietnam with agencies in the CR. **Consequently, this system is very detached from the classical agency employment principles and evolved into a “quasi sector” which, given the fact that it starts back in the workers’ country of origin, remains outside the reach and control of Czech authorities.** (For more information see also “Legal analysis” in the annex).

The interviews with competent officials showed that **there is lack of effective mechanisms and of cooperation and interconnectedness of Czech institutions to allow for much needed supervision of agencies.**

**Unofficial job agencies** (or individual intermediaries) that are quite popular within Vietnamese community and that most often **violate laws with impunity** are a separate and very problematic chapter. They receive fees for arranging work, charge workers for various services, and they intentionally provided workers with incorrect information. **These intermediaries are often outside the reach of sanctions and their supervision is basically impossible.**

Given the unfavourable situation in the area of agency employment (especially the frequent violations of laws) it is important to increase **controllability of job agencies and ensure that the supervisory institutions are efficiently interconnected.**

In terms of labour law relations it seems necessary to **strengthen the legal position of workers employed by agencies** and to **expand legal obligations of users/companies towards agency employees working for them.**

With regard to findings of the field research and to the general description of the situation in the area of agency employment of third country nationals in the CR **the question of meaningfulness of the existing system of agency employment and its benefits for the CR and for migrants employed in this way remains to be answered.**

## **5.4 Working and living conditions and wages of Vietnamese workers**

### **Summary**

The research confirmed that a large percentage of **the Vietnamese working in Czech factories suffer from substandard living and working conditions.** Especially, it showed that in many cases **Vietnamese workers were receiving lower wages, wage supplements and bonuses than regular Czech workers.**

Due to combination of various factors including debts in the country of origin, labour legislation in the CR, cultural differences and lack of knowledge of the language and of the local conditions, these migrants find themselves in the CR in a **discriminatory and exploitative position and their will or attempts to solve this situation are not decisive.**

### **Subconclusions and recommendations**

One of the meanings behind agency employment is that it gives employers some flexibility in responding to temporary shortages of workers. However, the presence of Vietnamese workers in

Czech factories suggests another meaning which, according to the theory, the agency employment should not have i.e. unlawful enrichment of third persons or savings on staff costs for businesses. **Under the applicable legislation workers employed by agencies shall enjoy working conditions and receive wages that would not be less favourable than those of regular employees of a company working at a comparable position.**

There is no doubt that one of the factors contributing to the exploitation of Vietnamese workers is the **absence of liability of Czech companies** which thanks to agency employment use these migrants' **cheap and flexible labour** in order to pursue their own economic goals **without having to bear any legal responsibility for the worker's wages or their working or living conditions**. Moreover, migrants coming from economically less developed countries represent quite **useful labour force for companies which have problems attracting Czech workers and even if they do, the Czech workers tend to change jobs very often**. It is because even in case of discontent these migrants are unlikely to find another job due to administrative and language barriers.

**A concept of corporate social responsibility** which some companies openly (and proudly) endorse together with already mentioned increased liability of company users of workers employed by agencies may provide **means to insert pressure on companies** to accept at least partial responsibility for working and living conditions of their Vietnamese workforce. This concept is not defined in any law but it is used by companies to raise their prestige and reputation. These companies, among other things, maintain that they are *"accountable to **all persons or groups of persons who affect the companies' operations or who are affected by these operations**. These persons include shareholders, business partners, customers, workers, state institutions, interest groups, the media or trade unions"*.<sup>25</sup> Even though third country nationals employed by agencies and working for Czech companies undoubtedly affect those companies' operations the corporate social responsibility in the CR so far has not been applied to them.

**Collective agreements** bargained in companies **do not apply to workers employed by agencies** despite the fact that it is precisely these agreements that provide for standards relating to wages and other working conditions.<sup>26</sup> **A question of the role of trade unions pops up** in connection with thinking about working and living conditions of migrant workers employed by agencies. Unlike in other European countries Czech trade unions so far have not started to pay attention to and advocate for the rights and interests of these workers. The unions declare just wages, legal protection of workers, etc. to be their objectives. Trade unions should be keen on safeguarding labour standards for workers employed by agencies i.e. for migrants among other things also because it might limit unfavourable effects of social dumping.

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<sup>25</sup> Crosscutting corporate social responsibility [Napříč společenskou odpovědností firem], ASIS, 2005, p. 32

<sup>26</sup> Analysis of the issue of agency employment [Rozbor problematiky agenturního zaměstnávání], Research Institute for Labour and Social Affairs [Výzkumný ústav práce a sociálních věcí], December 2007, p. 8

## 5.5 Mechanisms and instruments facilitating the exploitation of the Vietnamese in Czech factories

### Summary

The two areas overlap and in some cases mechanisms and instruments are the same while their purpose is always either to directly exploit other people's work or circumstances they find themselves in or to create/maintain coercion facilitating such exploitation. Most of these mechanisms and instruments are analysed in the chapters describing individual aspects of the life of Vietnamese workers in the CR.

The research revealed that various persons involved in the process of agency employment – **interpreters, HR persons and intermediaries** - affect the respondents' lives in a decisive way. In many cases these persons are the ones who **intentionally create and maintain circumstances of dependence which they subsequently abuse for their personal gain.**

The interviews very frequently uncovered **non-payment of wage supplements, bonuses and wage refunds, unlawful wage deductions, putting a limit on the maximums of hourly rates by agencies and reduction of the hours worked.**

All respondents with work visa/residence permit were aware that **in case they are laid off they will also lose authorisation to stay** in the CR but they did not know where and how to look for a different job or where to get the necessary permits. Therefore, when it comes to threats **the threat of having them laid off was the one that was used most often.**

Even though this source of information clearly has its limits a number of persons benefiting from labour migration from Vietnam were identified in the course of the research. **Payments for papers and for the arrangement of work are paid both in Vietnam** (a few thousand USD) **and in the CR** (a few thousand CZK). Workers employed by agencies are **not allowed to enter the regular workforce of companies they work for**; they have to **pay high prices for housing**, their **wages are reduced** etc.

Given the amount of debt in the country of origin majority of respondents were trying to **keep their job regardless of circumstances.** This strong economic motivation is easy to abuse as often happens in practice.

Respondents mentioned the **existence and intentional development of a network of confusing relationships and unclear competencies** among recruiters, the agency in Vietnam, interpreters, the agency in the CR, companies (users) and eventually, supervisory authorities.

**Lack of knowledge of the Czech language and of the local conditions then prevented respondents from enforcing their rights and from seeking assistance. It was also a factor that disadvantaged them on the labour market and facilitated their exploitation** in the CR.

Generally, it can be said that the workers were **misled and transported to the CR** based on false promises and **transferred to another entity**. Subsequently, their financial **hardship, dependence** on intermediaries and **absence of the knowledge** of the local situation and circumstances **were abused in order to make them work under conditions that were not fully in compliance with the applicable legislation**.

### **Subconclusions and recommendations**

It is likely that none of the situations the respondents were in would be qualified as human trafficking or forced labour by the law enforcement. Nevertheless, there is no doubt that in many cases there were elements of exploitation, in other words, of inducing unlawful material gain at the expense of Vietnamese workers.

The abuse of vulnerable position of respondents was manifested in different forms throughout the process of their migration to the CR; during recruitment in Vietnam, during the travel as well as in the territory of the CR. Vulnerable situation of the Vietnamese often brings illegitimate profit to various persons – recruiters, intermediaries, Vietnamese agencies, Czech agencies, businesses, interpreters and others. The **combination of exorbitant debts, lack of information and attachment of a work permit to one particular employer** without any protection period to find another job, represents a very potent instrument of exploitation.

The exploitative setting and coercion may create room for more and more serious forms of unlawful activities by intermediaries and employers. Given the closed nature of Vietnamese community and generally high latency with respect to this type of operations it is not possible to completely rule out the occurrence of human trafficking and forced labour. Aid organisations keep coming across a number of cases where exploited persons were actually in danger of human trafficking and some of them ended up trafficked.

Here, as well as in any other socially undesirable phenomena applies a principle that **prevention** is more efficient than the “treating of symptoms”. Therefore, it is essential to **focus on the beginning of the whole process** of recruitment and “export” of labour from Vietnam, to **provide reliable information**, to identify mechanisms, to draw relevant conclusions with respect to necessary legislative changes and to thoroughly safeguard the application of existing legislation. And above all, to ensure that persons in these situations have **access to useful assistance and to the ways to enforce their rightful claims**.

## 5.6 Social services provided to members of Vietnamese community

### Summary

The research generated information about a couple of areas closely connected with social services and their availability to new coming migrants from Vietnam.

Respondents were often **in need of information and advice, in need of psychological assistance or they wanted to protect their rights and sue their employer**. The research also showed that the Vietnamese do not know where to seek assistance in case of need. They often thought that the Czech did not care about their fate and so they would not turn to them for assistance. In case of emergency they would approach members of Vietnamese community with higher social status.

Nearly all respondents wanted to remain in the territory of the CR even if they would not find work and even in a situation when they **would lose the authorisation to stay**. They also pointed out the attachment of housing to a specific job.

### Subconclusions and recommendations

Given a large number of third country nationals who suffer from discrimination or exploitation at work in the CR it seems crucial to answer a question which NGO will be providing assistance to these people. Since barriers were identified that may make the access to assistance difficult or downright impossible for these people we suggest to consider the **establishment of a new organisation (or the transformation of an existing one)** which would focus on the issue of exploitation of migrants and which would offer its services not only to the Vietnamese but to all migrants from third countries. Such organisation should also systematically advocate for the elimination of the other above mentioned barriers.

There will be humanitarian risks involved because many laid-off migrant agency employees will find themselves without any means as well as without any potential social support in the territory of the

CR. It should be noted that in the CR there are no organisations providing assistance to people without valid papers, as the Act. No. 108/2006 on social services doesn't allow it. Therefore, it would be desirable to consider the idea of **establishing a new organisation exclusively focusing on irregular migrants in the CR** to whom it would provide counselling, social, medical and other assistance.

Since there are **compatriotic organisations within Vietnamese community** it seems useful to engage them in intensive **cooperation** with a view to find responses to social problems connected with labour migration. Such cooperation may also provide a partial solution to the unavailability of social assistance that is especially, the result of a language and cultural barrier and also of distrust felt by Vietnamese migrants towards Czech organisations.

## 6. Conclusion

Based on semi-structured interviews with Vietnamese workers this report's primary objective was to describe their working and living conditions in Czech factories and the circumstances relating to their departure from Vietnam. The report interconnected expert knowledge of the life of Vietnamese community in the CR and the findings of the implemented research with expertise on human trafficking and exploitation which constitute La Strada CR's core areas of focus.

Interviewed workers were open about their motivation and process of migration to the CR as well as about conditions in which they live in the CR. Their migration for work in Czech factories can hardly be referred to as a migration of people equipped with necessary information and a realistic idea about the life in the CR. The migration of these people motivated by poverty they faced in Vietnam is organised and became a source of profit for other actors. Intermediaries took advantage of the difficult situation the interviewed workers were in in the home country and of their lack of information and subjected them to exploitation prior to departure from Vietnam and/or in the territory of the CR. It remains a question whether some of the networks of cooperating agencies did not intend to exploit people for whom they arrange the travel to the CR from the very beginning. Another thought inevitably leads us to ponder the meaning and reasons behind a well-functioning system of arranging cheap labour from Vietnam which plunges workers into often fatal indebtedness.

The research found violations of the rights of Vietnamese workers who work in Czech factories being employed by agencies and the discrimination of these workers on the Czech labour market. Findings resulting from the analysis of interviews carried out during the field research are alarming to such an extent that they must lead to the questioning of the meaningfulness of the whole system of agency employment in its present form and of its benefits for the CR as well as for migrants from third countries.

It seems paradoxical that Czech companies which make profit on the cheap labour from Vietnam do not bear any liability with regard to the consequences of recruitment, mediatory and employment practices used in the process of bringing this labour to the CR.

In addition, the text also responds to the latest developments connected with the effects of the economic crisis in the CR on the situation of Vietnamese workers who are being laid off which causes many of them to lose their authorisation to stay in the CR. Given their huge indebtedness that often exceeds the total amount of their family property they cannot return back to Vietnam. Consequently, these people are starting to form a group which will be at risk of severe poverty and human

trafficking. At the end of the text essential questions are raised relating to the reasons behind and responsibility for this current situation which is not only the result of economic downfall affecting companies, but which also reflects the applicable legislation and the criticized circumstances at the Czech Embassy in Hanoi. We therefore believe that this situation calls for comprehensive discussion and cooperation of government institutions and NGOs both in the CR and in Vietnam in which the main emphasis should be put on humanitarian and human rights aspects of the situation.

Based on the analysis of interviews the text offers suggestions how to improve the situation of Vietnamese workers in Czech factories and how to optimise responses to some issues relating to labour migration into the CR. We believe that this report helps to design and implement effective prevention strategies to fight exploitation and human trafficking in Vietnamese community and to improve the availability and quality of social services offered to the Vietnamese living or staying in the CR.

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