

Peeling an Onion: Work and Employment of Migrants in Slovenia

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Abstract:

In the first part of the project Migration to the Centre we were concerned with the work and employment of migrants in Slovenia. Two experts presented the most recent statistical data, analyzed the legislative framework, and described the results of their previous field research projects. These experts' assessments were confirmed and upgraded by personal stories contributed by three migrants from the territory of the former Yugoslavia (Bosnia-Herzegovina, Serbia, and Kosovo). Furthermore, in the public debate "Work and Employment of Migrants in Times of Crisis" we heard many sad stories about the working conditions of migrant workers in Slovenia. As one participant in our public debate described it metaphorically, migrants' employment policy in Slovenia is like peeling an onion: the more you peel away the layers, the more you cry. Thus, a truly responsible and proactive migration policy should systematically deal with all the layers of the migration "onion".

Due to obvious historical reasons (a common state in the last century), linguistic similarities (mainly South Slavic languages), geographical proximity, and other factors, the majority of the foreign-born population in Slovenia comes from the former Yugoslavia's successor states, with almost half from Bosnia-Herzegovina. The most recently available statistical data show that the majority of immigrants (59%) come to Slovenia searching for employment.¹ A typical immigrant worker living in Slovenia is a citizen of Bosnia-Herzegovina, male, from 30 to 40 years old, and employed in construction or manufacturing.

Immigrants in possession of the so-called personal work permit (allowing its holder to move freely between employers) are in a better position than those with a temporary permit (a migrant can work only for a specific employer). However, in practice, even migrants with a personal work permit often encounter various obstacles in their attempt to gain equal access to

¹ Ministry of the Interior of RS, Annual Report of the Migration and Integration Directorate for the Year 2012, http://www.mnz.gov.si/fileadmin/mnz.gov.si/pageuploads/DUNZ/Tujci/Statisticna_porocila/POROCILO_O_DE_LU_DUNZMN_ZA_2012.doc

the Slovenian labour market. The employment of immigrants in low-skilled and low-paid jobs is related not only to their level of education but also to the fact that many of them, even those who are highly educated, have no other choice but to take on any kind of job.

Following the most recent changes in the Slovenian policy of employment of immigrants introduced in 2011 by the Employment and Work of Aliens Act,² the government is not obliged to set a yearly quota.³ It is now only an optional instrument which the government can use at any time, depending on the actual situation on the labour market in Slovenia. In 2011 and 2012, instead of defining a yearly quota, the government followed another provision of the above-mentioned law, stipulating that employment of “third country nationals” is permitted only if there are no unemployed Slovenian or EU citizens who are qualified and available for that kind of job. All legislative measures introduced to the Slovenian legal order in the last five years⁴ clearly indicate protectionist policy responses to the economic crisis and to the sharp increase in the unemployment rate in Slovenia.⁵

As part of the Migration to the Centre project, we asked two experts on migration to assess the situation of migrant workers in Slovenia. They believe that Slovenian migration policy needs to be improved regarding the working and living conditions of migrants. According to **Veronika Bajt**, until 2007 migrant work played a crucial part in the rise of the construction sector. “Yet unemployment rates rose from 4 to 13% between the end of 2008 and 2012, significantly deteriorating the share of persons employed in construction and other sectors of migrant employment (e.g. manufacturing),” says Bajt.⁶ Many non-EU migrants have lost their jobs and few can now gain employment. Migrant workers are a population still significantly affected by the informal economy and remain the least protected category of workers. Bajt concludes her article pointing out to employers’ irresponsible attitude towards migrant

² See: <http://www.uradni-list.si/1/objava.jsp?urlid=201126&stevilka=1152>

³ Quotas as an administrative limitation of employment of foreign workforce were introduced in 2004, with a provision stipulating a maximum of 5% share of foreign workers in the whole of Slovenia’s active population. Quotas increased in the period between 2004 and 2008 (almost doubling), but the financial and economic crisis reversed this trend.

⁴ “Rules of work permits, on registration and de-registration of work and on the supervision of employment and work of aliens”, 2008 (http://zakonodaja.gov.si/rpsi/r09/predpis_PRAV8639.html); “Decree on Restrictions and Prohibition of Employment and Work”, 2009 (http://zakonodaja.gov.si/rpsi/r03/predpis_URED5223.html), etc.

⁵ However, there are also some new possibilities for migrants to arrange their residency in Slovenia, such as a temporary residence permit for highly qualified employment. Besides the so-called “blue card”, the new Aliens Act, which was adopted in 2011 (http://zakonodaja.gov.si/rpsi/r01/predpis_ZAKO5761.html), brought some other provisions, such as the introduction of a long-term visa for certain categories of foreigners (athletes, journalists, students, family members, etc.), better protection of the rights of immigrant workers who are victims of illegal activity of employers, etc. Furthermore, an important bilateral agreement regulating the employment of citizens of Bosnia and Herzegovina in Slovenia was signed in 2011 and ratified in 2012.

⁶ Veronika Bajt: “Migrant Labour in Slovenia”, <http://www.migrationonline.cz/en/e-library/migrant-labour-in-slovenia>

workers: “Employers have been known to disregard legal requirements and circumvent policy regulations, thus putting their ‘foreign’ employees in disadvantaged positions of dependence, low pay, harsh working conditions, and extended working hours.”

Our second expert, **Sara Pistotnik**, has been actively involved in research and advocacy projects focused on living conditions of migrant workers in Slovenia. In the course of her field research she has learned about many violations of migrant workers’ rights. “The damage done by violations of workers’ rights (unpaid salaries, pensions, overtime work, layoffs in cases of sick leave, dangerous working conditions resulting in accidents and other health problems, poor living conditions, lack of free time, rest, and paid holidays, bullying, having to pay for procedures that should be covered by the employer, illegal work, restrictions on forming unions, etc.) in many cases cannot be compensated, since official sanction procedures are ineffective or persons are not allowed to reside in Slovenia anymore,” says Pistotnik.⁷

These experts’ assessments were confirmed and upgraded by personal stories contributed by three migrants from the territory of the former Yugoslavia (Bosnia-Herzegovina, Serbia, and Kosovo). **Biljana Žikić** came to Slovenia as a postgraduate student from Serbia ten years ago and, as she said, after receiving a PhD, she has had a very difficult time in entering the Slovenian labour market: “Slovenia is a small country, where people are interconnected by friendly, family and other relations. Vacancies for all the good jobs are announced mainly in order to meet formal requirements, while the candidate has already been chosen beforehand. This is especially difficult for migrants because, in a new country, they don't have the social networks which are necessary to obtain a good job in Slovenia.”⁸ In the early nineties **Elvis Alukić** was a refugee from Bosnia and Herzegovina and later on he successfully graduated as a construction engineer. After twenty years of living in Slovenia he works in his profession. He believes that his situation is not that bad if it is compared to the working conditions of many other Bosnian migrant workers employed in the construction industry: “Generally among the migrants there is a lot of illegal work. Salaries are low and irregular, and people have no choice but to find an extra job. Through informal channels they find some minor jobs and in this way they compensate for small salaries and collect enough money to pay their rent and send money to their families in Bosnia.”⁹ **Lush Lushaj** is a professional baker who moved to Slovenia from Kosovo¹⁰ in 2009. In a video interview (conducted by Admir Baltić)

⁷ Sara Pistotnik: “Migrant Workers from the Former Yugoslavia and European Migration Policies”, <http://www.migrationonline.cz/en/e-library/migrant-workers-from-the-former-yugoslavia-and-european-migration-policies>

⁸ Biljana Žikić: “A ‘Third Country’ Migrant’ Experience in Slovenia”, <http://www.migrationonline.cz/en/e-library/a-2>

⁹ Elvis Alukić: “The Breakdown of Slovenia’s Construction Industry from a Personal Perspective of a Bosnian Migrant”, <http://www.migrationonline.cz/en/e-library/the-breakdown-of-slovenia>

¹⁰ Kosovo Albanians are one of the six largest migrant groups in Slovenia, along with Bosnians, Croats, Macedonians, Montenegrins and Serbs.

Lushaj explains how he came to Slovenia, how he opened his own bakery, and how baking bread is a centuries-long tradition in his family.¹¹

Lushaj's narration sounds like a success story of a migrant worker who happened to become the owner of a small bakery in Slovenia. On the other hand, in the public debate "Work and Employment of Migrants in Times of Crisis" we heard a different story about the working conditions of bakery workers, presented by **Goran Lukić** from the Association of Free Trade Unions of Slovenia: "We [trade unionists] hear stories which could be described metaphorically as peeling an onion: the more you peel away the layers of migrant policy, the more you cry. As an example, let me tell the story of two female workers from a bakery in Ljubljana. They told us that they have worked for ten years in this bakery and in all these years not once have they had a meal break. For ten years they have been standing while they work, and as a result they have back problems. Their employer tells them that they will be fired if they take sick leave. [...] And why did I earlier mention peeling an onion? These workers said to us: look at those poor Albanians who bake the bread in the back, they are even worse off: they work up to 16 hours without a break, without a meal, they are entirely invisible, no one asks how this bread reaches the consumer."¹² **Majda Džinić Poljak** from the Employment Service of Slovenia – Info Point for Foreigners, who took part in the same debate, is familiar with such sad stories from migrants. Up until now more than 37,000 people have turned to the Info Point for various kinds of advices, among them many migrant workers having problems with their employers: "Many migrants come to us with mental health problems, back problems, cancer, and similar. You listen to them and when they leave the office, you cry, there's nothing else you can do, because you cannot help them. Just as Goran said: for as long as you're healthy, you work, when you fall ill and go on sick leave, your employer takes you off the rolls and once that happens you no longer have health or social insurance, you don't have the means to obtain health care, etc. It's a vicious circle. For this to change we urgently need a change in legislation."

Majda Džinić Poljak likely has in mind the Employment and Work of Aliens Act as legislation in need of improvement, so as to break the "vicious circle" of extreme exploitation of migrant workers. Better regulation cannot by itself resolve all problems in practice, and migrant workers will still have to fight for their rights, but even a small step in the right direction is better than the status quo. The process of amending the legislation on aliens in Slovenia which is currently under way¹³ will probably simplify some administrative procedures such as, for instance, issuing a work permit and residence permit within a single procedure ("one-stop-shop" principle). However, it cannot protect the rights of migrant

¹¹ "Video Story of a Migrant Worker in Slovenia", video-interview with Lush Lushaj conducted by Admir Baltić, <http://www.migrationonline.cz/en/e-library/video-story-of-a-migrant-worker-in-slovenia>

¹² Edited video record of the public debate "Work and Employment of Migrants in Times of Crisis", <http://www.migrationonline.cz/en/e-library/public-debate-work-and-employment-of-migrants-in-times-of-crisis>

¹³ "Act Amending the Aliens Act" is so far in the initial phase – at the level of the Ministry of the Interior. See http://www.mnz.gov.si/si/zakonodaja_in_dokumenti/predlogi_predpisov/

workers who, especially in the present time of economic crisis, desperately seek any kind of work and are almost completely powerless in relation to many problematic or even false “entrepreneurs”. In such circumstances “peeling an onion” is the only way to make the employment of migrants more transparent and less exploitative. And a truly responsible and proactive migration policy should systematically deal with all the layers of the migration “onion”.

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