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An inconvenient witness: How are Ukrainian workers being borrowed?

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Abstract:

In the Czech Republic, it is a very exceptional thing for an illegally residing foreigner to file a complaint regarding exploitation against his 'client', as agency recruiters are called. Allegedly, the authorities are eager to receive such complaints. But when a witness shows up, s/he is treated as inadequate. This is clearly illustrated by the story of Antonina Vynokurovova. And hers is not the only one.

For a couple of years, Tonya Vynokurovova, a fifty-year-old Ukrainian woman, baked doughnuts in a bakery in the town of Ostrov in the Karlovy Vary Region without legal permission. Currently, she is battling to avoid her deportation and a ban on entry into the Czech Republic for several years. She earned the ban last year for her willingness to testify against the recruitment agency which employed her under very harsh conditions. "Well, you could have made it all up!" an asylum center official in Vyšní Lhoty insisted.

Champion

As Tonya says, she regularly worked 12 hours a day (or, rather, a night) in the CORNIA Company for an hourly pay of 45 CZK. Thanks to that, her doughnuts were extremely cheap and thousands of them sold in the Interspar hypermarket. Tonya was proud of herself and when her colleague, with whom she worked, left, she took the colleague's tasks as well. "Everything, from the preparation of dough to frying, depended on me and could not be interrupted. All I could do was quickly go to the bathroom, I didn't even have a lunch break, I just chewed on bread while working. Lena promised me 10 extra crowns per hour, but I never got the money from her," Tonya recalls.

Tonya's direct employer was Lena or Olena Řešetarová, or rather her Rodstav Agency. Lena was the one who 'loaned' Tonya to the bakery. According to Tonya, they never made a

written contract, all was based on a verbal agreement, and Tonya was registered as a cleaner. Drinking coffee and enjoying a doughnut, Tonya told Lena about her escape from Ukraine because of her violent partner against whom the local police refused to protect her, and about her asylum claim in the Czech Republic, the verdict of which she was awaiting. She did not want to go back in any case.

The wrong step

Towards the end of 2003, the authorities dismissed Tonya's asylum claim. She filed an appeal against the decision and obtained a residence permit extension until April. When this deadline was approaching and Tonya was summoned to the asylum center, Lena and Tonya tried to organise for someone to substitute for her during the few days of absence. "We couldn't think of anybody and therefore Lena proposed that I needn't go anywhere: she would take care of my documents herself," describes Tonya. This was the moment when it all started to go wrong.

Lena disappeared for two months and returned with no residence permit. Tonya, thus, became a completely illegal worker. Not only did she work illegally, but she also did not have a residence permit anymore. She had to hide from the authorities.

For the following three years, she continued baking doughnuts in Ostrov. Had the bakery not gone bankrupt and had Tonya not suffered from a serious case of venous ulcer, she might have gone on baking doughnuts to this day. The bakery, however, started to lag behind with her pay. So, the several years' debt of the never paid 10 extra crowns per hour was accompanied by a several months' delay of wages. People started to leave; there was less work and more tension. And Tonya made up her mind to leave her 'client'.

The whole nation knows it

The Ostrov bakery looks destitute both inside and out. It is 2 p.m. and the atmosphere is very quiet. We enter and look for someone to introduce us to the head of the bakery, Mr. Jaroslav Linhart, who had worked here when Tonya was employed here and who continues to work here, although the bakery is now owned by another company. A petite lady with a foreign-sounding accent passes by. We wait in the smoking corner before she finds someone to speak with us and in the meantime we talk with Andrey from Bulgaria. He came in from the production section to have a cigarette. When asked, who his employer is, he remains silent and just smiles.

"Well she needn't have stayed if she disliked it," repeats the head of the bakery in a high-pitched voice over the phone and refuses to meet us. "I won't make an extra step because of such a woman. There are so many illegal workers in the Czech Republic and the whole nation knows about their work here. So why are you interested just in this case, why?" Mr. Linhart loses his temper.

The answer is simple. There are numerous foreigners in Tonya's situation here, but only a few file a complaint against their recruitment agent or employer. Tonya is, therefore, an important witness for the authorities.

What? A witness? A criminal!

Lieutenant Jiří Procházka from Karlovy Vary Criminal Police Department does not even let us finish what we were saying. He has his own point of view. At the first place, Tonya is an offender. The person who has been illegally living here for three years should sweep her own doorstep first, says the elderly policeman.

According to Jiří Procházka, criminal investigation did not prove a criminal offence of human trafficking. This was the term used to describe the treatment of Tonya by the Rodstav Agency in Tonya's complaint. Procházka says in his notification that it was a "relationship entered on a voluntary basis". Then he quotes Olena Řešetarová who told him that written contracts between her and Tonya exist and are legally plausible. "The documentation is to be found in the seat of the company in Prague," states Procházka. That is why the investigation was transferred to Prague in order to consider whether the 'client' had evaded taxes and insurance payments. But matters concerning the treatment of the employees, their possible oppression or illegal moneymaking at their expenses are not to be investigated by Lieutenant Procházka.

In search of the client

Had Lt. Procházka made the journey to Prague's outskirts, where the Rodstav Agency has its seat, he would have seen straightaway that the documents were never stored there. The company's 'seat' is in a dilapidated one-story house near the road. The door is open, on its left is a huge mailbox hanging on the outer wall. Above the mailbox is a board with dozens of metal signs with company names, many of them Ukrainian-sounding. Inside the house, there are two tiny rooms. In the one to the left you can find only mail boxes; in the right one sits a man with a huge book lying in front of him. He welcomes us cordially. He has his crutches leaning against the wall and spends his time playing computer card games and listening to Russian-speaking radio. Willingly, he gives us the mobile phone number of Sergey, who allegedly comes here on behalf of Rodstav and is currently overseeing its occupational lease. Indeed, in the huge book, the Rodstav file is empty.

So we call Sergey and tell him we have interesting information for him concerning the employment of foreigners. After a moment of hesitation, he repeatedly states that he has nothing to do with Rodstav and quickly ends the call without even saying goodbye.

Czech Republic – a client paradise

Another Ukrainian woman, Inna, found herself in a similar situation. In a stressful situation, Inna, too, informed the police about her employer-client. The police came, checked the

client's documents – which were, of course, in good order - and let her go. But the woman who reported her was put into detention, a prison for illegally residing foreigners. Legal duties were carried out. Later, Inna ended up at the psychiatrist. Tonya is not far from that too. Her testimony, which she hoped would socially justify her, is unwanted. She is willing to help the authorities to uncover the above-described crimes along with other similar ones, but the authorities want nothing from her. They only want her to disappear. “I think she has yielded everything she could,” is the explanation of an official from the Asylum and Migration Policy Department at the Ministry of the Interior, who does not want to publish her name. She knows the case as the ministry considered putting Tonya in a human trafficking victims program.

Another ministry representative, who also wishes to remain anonymous, from the Crime Prevention Department, admits a certain degree of clumsiness in police investigation of these cases. According to her, there are so few of them that the authorities simply do not have an adequate expertise. However, a meeting of an interdepartmental work group has been reported recently. The work group will, at last, address the issue of tackling the sinister activities of recruitment agencies and intermediaries for foreigners.

The authors work in the NGO People in Need (Člověk v tísní).

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Czech Made?