

Labor exploitation of Romanian workers in the Czech forestry business

Simina Guga

Abstract:

This article was written with the purpose of completing the findings made in the Czech Republic, related to a case of labor exploitation of Slovak and Vietnamese forestry workers. It is based on interviews conducted with several Romanian workers that worked in different regions of the Czech Republic, as well as on a web analysis of published materials related to the case, providing a clearer image on what the story looks like from workers' perspective.

Although until 2008 Romania reported a significant degree of economic growth, the percentage of the population that was unable to ensure a decent income for their families was still very high. In this context, emigration remains the only reasonable hope for leaving behind a very precarious life. The stories of Romanian migrants who worked in the informal economies of western European countries, while not benefiting from the advantages of social and medical insurance, scared many potential migrants who decided to follow the more secure path of finding a job before leaving home. The demand for „safety nets” on the side of the migrants encouraged the establishment of mediating/recruiting firms, dealing with the placement of Romanian workers on western labor markets.

This article describes the situation of Romanian migrants who worked in the forestry business (cleaning the wood and planting trees) in the Czech Republic, following the promises of PBM Union Jobs – a mediating company from Târgu Mureş, managed by a Slovak director named Marta Pavelova. Between 2009¹ and 2010 they sent hundreds of Romanian workers to the Czech Republic where they were supposed to be employed by the Czech company Affumicata a.s., run by Jindřich Martinák and his associate David Mrkos.

¹ Although we did not manage to talk to the people that worked in forestry in 2009, we have some information that the first workers were placed in the Czech forestry in 2009.

Episode I: Mediating Company - PMB Union Jobs and the Romanian side of the scam

Although it was relatively short-lived, being founded in September 2009 and having disappeared in June 2010², PBM Union Jobs managed to deceive many Romanian workers, mainly from the Hungarian-majority districts (Mures, Covasna, Harghita) but also from other regions in the country (Oradea, Arad, Bacau). Although it had its office in Targu Mures, PBM Union Jobs collaborated with other companies that were based in different cities across the country. The chain of exploitation was tight and it looked like this: a small company at the local level (whose profile was usually that of a human resources company with experience in placing workers abroad)³ was recruiting people and directing them to PBM Union Jobs⁴ (Marta Pavelova) which was charging the commission and sending the workers to the Czech employer Affumicata, a.s. (Jindřich Martinák).

PBM Union Jobs seemed to be the brain managing the scam on the Romanian side. Its announcements for jobs in the Czech forestry business first appeared in late February – March 2010, and reached a peak at the end of March- beginning of April 2010. By that time, Ms. Pavelova had already sent the first groups of people to work for her Czech partner, Mr. Martinák.

Knowing probably that the problems were bound to come out soon, PBM Union Jobs was posting recruitment announcements every 2-3 days, promising monthly wages ranging from 650 to 1200 Euros, for a minimum of 6 months, according to the individual performance of the worker. Sometimes, previous experience with working in the forestry business was required, while other times no such thing was mentioned. The target group comprised both men and women, aged between 20 and 50 years old, who were able and willing to work in hard conditions. It was also mentioned that they have to bring their own winter work clothes, mountain boots, pots and tableware as well as food for a week. The first payment was due to be received after the first week of work. Dormitory accommodation was provided for free by the employer.

² According to the information from the National Trade Register Office (Ministry of Justice) <http://www.onrc.ro/indexe.php>. Even though the company physically disappeared, for some reason it was not officially closed. In 2010, they were summoned to court for not fulfilling their legal and administrative obligations.

³ Example of announcements of other companies at a national level:
<http://www.myjob.ro/locuri-munca-republica-ceha/muncitori-necalificati-plantat-copacei-republica-ceha-909591.html>
<http://www.ejobs.ro/user/locuri-de-munca/global-net-grup-int-oferte-italia-germania-grecia-cehia/370219/arch>

⁴ Example of announcements of PBM Union Jobs:
<http://www.myjob.ro/locuri-munca-cehia/muncitori-necalificati-in-silvicultura-909668.html>
<http://www.myjob.ro/locuri-munca-cehia/muncitori-forestieri-909677.html>

Interested people, among which some had applied for jobs in Spain and Germany, were asked to come to PBM Union Jobs office and were convinced to accept the forestry jobs, as being the most safe and profitable offer they could have. They signed a service contract with PBM and paid a commission ranging from 150 to 450 Euros.⁵ The contract was stating that they had to pay another 100 Euros from the first salary. They also received the job offer – a one-page document signed only by the worker but with the contacts of PBM Union Jobs in Romania and Madera Servicio s.r.o. in the Czech Republic on top. Only after arriving in the Czech Republic, they would sign a work contract with the Czech employer.

Apart from a lot of useless words, the contract did not mention anything related to the responsibility of PBM Union Jobs in case the worker is fired before the contract ends for reasons that could not be attributed to him, as well as nothing about what would happen in case of nonpayment, or inappropriate working conditions. With such a contract PBM Union Jobs hoped to come away clean in case the worker complained for being deceived while working for the foreign company where he/she was placed.

The departure was due to take place just a few days after the contracts were signed. People were taken to the destination by bus, and in some cases were joined by Marta Pavelova who nonetheless came in her personal car and made them sign the contracts in Czech language, without providing any translation. Although the contract is between Affumicata, a.s., represented by Jindřich Martinák, and the worker, Marta Pavelova took the liberty to sign them on the last page, in the name of the employer.

In some cases, the workers never signed this kind of contract at all, being told that they were on a trial period for one or two months, and only after that they would get a contract. Unfortunately, these workers were left without any proof of their work in the Czech Republic. A closed episode that seems to have never happened.

The „work contract” that each of the workers signed with Affumicata doesn’t mention anything related to the quota that each worker had to reach in order to get the full wage. It also doesn’t mention anything about the specific work that needs to be done or the specific attributions of the workers. Nothing about the ways in which overtime will be remunerated is mentioned either. Ironically enough, in the copy of the contract that the workers were given, the wage is never mentioned at all.

⁵ One way transportation by bus to the Czech Republic is included in this commission.

Episode 2: The Employer – Affumicata and the Czech side of the scam

Marta Pavelova's mission ended when the workers were delivered to Martinák. „*When I first met Martinák I felt that something was wrong with him. He was shaking when he was arguing with someone on the phone,*” said one of the men that first met Martinák upon arriving in Kutná Hora, at the end of March 2010. The destinations in the Czech Republic where the workers were being placed in 2010 varied according to the group—Kutná Hora, Trutnov, Rataje, Libouchec. The workers were accommodated in some dormitories or a former sports hotel, where 4-8 people were sharing the same room, and around 60 people were sharing 2 bathrooms and one kitchen. There were no special facilities for women, men, and couples.

„*We started to work the next day after we arrived. Marta had told us to bring our own clothes and boots and Martinák only gave us a pair of gloves each*”. Starting work in such a rush meant that training in work security and protection was omitted, together with ensuring the adequate protection equipment for the workers.

Even though all of them were told that their job will consist in planting trees, being paid by the number of planted trees, some people remember that in the first two weeks they only had to clean the woods. The work schedule started between 4 o'clock and 7 o'clock in the morning and lasted for about 12 to 14 hours, including a 30 minutes lunch break. Believing that the more they work the more money they earn, the workers accepted to start the first month in force as one of them remembers: „*it was very difficult for all of us to work like this. But we thought that it is good to make this effort in the first month, not to let the boss get the impression that we are not trying hard enough. [...] We worked even during Easter and we were hoping that one day it will rain so that we would have a one-day rest.*” Others remembered that they had two days off at some point, because the soil was frozen and it was impossible to dig the holes for planting trees.

The working conditions were hard in spring and in some cases people had to walk considerable distances from where they were living to where they were working. In the mountainous regions there was still plenty of snow even in April, and when it started melting there was mud everywhere and the danger of slipping and other kinds of accidents increased substantially.

Some people remember having a supervisor who went with them to the forest, while others were not supervised on a daily basis. Still, knowing that they were there only for a period of 6 months during which they had to make as much money as they could, the people continued working in order to satisfy the expectations of the big boss who was “*coming with his jeep once every few days and checking on what we had done in the previous days*”. There was a

situation when two Romanians were “promoted” to the position of supervisors, being in charge with checking and reporting what the other Romanians were doing.

After the first week of work people usually received 150 – 250 crowns (5 – 10 Euros) for food, an amount of money considered by many to be insufficient for covering their basic nutrition needs. Still, they considered this as a temporary concession that will end once they receive their first wage.

Episode 3: Payday

All the problems started when the salary day finally came. Martinák told the people that their payment had to be postponed because of some financial problems that he had or because some reimbursements that had not yet been made.

The news was received with suspicion and annoyance. Some people threatened to go to the local police. It was then that Martinák became impatient and threatened some of the workers with being beaten to death or shot. “*Martinák thought he was God*”, remembered E.C. one of the persons who worked in Kutná Hora. The same evening he and other people were taken by bus to Trutnov where they worked for a few more days, being threatened again with their lives if they go to the police. Martinák left them there to be supervised by his people in two black vans that followed them during the next days.

One evening, after one week of working in Trutnov, a group of Romanians left the dormitory during the night and ran to the nearest road. From there they hitchhiked and managed to take some buses in order to get to Prague. With the help of their families at home, they managed to buy bus tickets back to Romania. The Romanians that were left behind, hoping that things will get better and they will receive their wages, stayed for a few more days until they were abandoned and were able to leave. They managed to get to Prague, where they slept in the train station and in parks for days or even weeks. While being homeless in a foreign city, they asked for the support of the embassy and the consulate, but did not receive any help whatsoever. Disappointed by the lack of interest of the Romanian officials, the migrants managed to find individual solutions for returning home, usually with the help of their families or of other workers that had already returned in Romania.

“I never managed to understand why the consulate was so indifferent to our story and to our situation. It came as almost no surprise to them when we told them what had happened to us in the previous weeks. They said there is nothing they could do for us,” said one of the guys who believes that Martinák’s power of corruption goes beyond the walls of state institutions in the Czech Republic.

One month after that, things turned equally brutal for a different group of 14 Romanians who were isolated in a mountainous region of the country. They threatened to stop working and go to the police, after 58 days of work during which they received only 6 Euros/week for food. The boss gave them 200 Euros each and told them that they would get the rest in the following days. A few hours later they were told that there wasn't anything left for them to work on in that area and were embarked on a bus with a Czech driver who did not tell them what was happening or where they were going. After 4–5 hours of driving, they were abandoned in the middle of the night, on a road near to Prague. With the money they had received, they took 30 minutes taxi ride to Prague Main Train Station from where they caught the first train to Romania. Their lack of trust in the local authorities made them avoid any further complications while being in the Czech Republic.

Episode 4: A classic epilogue

Once they returned home, some migrants hoped that by making the case public in the mass-media, their problem would have better chances of getting solved and they would manage to get some of the money they were entitled to. Some reportage⁶ were made and short articles⁷ were published in local and national newspapers. A few posts were published on blogs, followed by tens of comments by people who encountered similar situations. Some of the people initiated a forum called “anticehia” where they planned to gather evidence of other companies that were tricking people. People were advising others not to go to work in the Czech Republic, no matter the job or the salary they might be promised. Others invoked the case of the Ukrainian mafia in the Czech Republic, which had trafficked people into forced labor, a few years ago⁸. The case of the Vietnamese workers who were cheated by the same company Affumicata, a.s. was also mentioned⁹. A lot of people discovered the common ground of the problem in the person of Marta Pavelova and her company PBM Union Jobs. When the first group of workers came back from the Czech Republic they asked the Territorial Labor Inspectorate to pay her a visit, under the accusations of fraud. Marta Pavelova declared to the ITM representatives and the journalists that “*in the Czech Republic, I could place around 800 Romanians at that company each year. In some cases I placed them there even if they did not have the money to pay the commission, with the promise that I will receive the money from their first wage. I even accompanied the people to the Czech Republic and introduced them to the employer.*”¹⁰ Just one month after the first scandal was made public, in late May 2010, Marta Pavelova and PBM Union Jobs shut down their activities in

⁶ http://observator.a1.ro/social/Exploatati-si-inselati-La-munca-in-Cehia_11604.html

⁷ <http://www.mures.ro/news.php/AU-LUAT-%C5%A2EAP%C4%82/1/16971/>

⁸ <http://www.dirobenelu.com/t2045-atenie-sute-de-romani-vandui-ca-sclavi-in-cehia>
<http://www.crji.org/news.php?id=161&l=1>

⁹ <http://www.financiarul.ro/2010/01/30/vietnamezii-din-tara-ii-ajuta-pe-conationalii-lor-din-cehia-ramasi-fara-slujba/>

¹⁰ <http://www.citynews.ro/mures/eveniment-29/scandal-firma-acuzata-de-inselaciune-foto-video-78185/>

Tîrgu Mures or moved to a new location that nobody seems to know anything about. The administrative controls that PBM Union Jobs was subjected to revealed that the company did not have any signed contracts with companies from abroad where the Romanian workers were being placed. Apparently, this situation is very common among many mediating companies: *“The business is a very profitable one... although legally speculative. From my point of view, such a firm should have contracts with individual companies within the European Union. In order to carry out the mediation act, the company from Romania has to legalize the translations of the contracts, a necessary procedure for the control bodies as well as for workers,”* says Ms. Dumitrache Cristina, the director of SADOR organization¹¹, who was in contact with some of the workers that were prejudiced.

When talking about the way in which the mediation works, it becomes obvious that the chain that was exposed earlier is valid in many other situations: *“the contract is signed by a company X that collaborates with many mediating firms across the country. Workers are recruited from all over Romania, and they pay a commission that goes primarily to X but also to the firm that recruited the worker. In case the worker is prejudiced the mediators make reference to the company X, which creates a vicious circle. [...] Sometimes similar arrangements are made between the mediating company and the employer, with the only purpose of collecting and sharing the commission fees.”*(C. Dumitrache, SADOR) The list of abuses that are common in such cases could continue: fake contracts, unjustifiable commissions, sending abroad more workers than the employer asked for, etc. Until their activities are thoroughly legislated, such things will continue to happen on a daily basis.

Unfortunately, in most of the cases when such abuses can be proved, the company gets a simple fine that allows it to continue its activity while learning to be more careful in covering its tracks. There were many cases when companies were forced to close but appeared again, under a different name, but using the same address, phone numbers and even employees. The ignorance of the authorities in preventing such things from happening speaks to their tacit support or lack of concern for such abuses.

Meanwhile, Marta Pavelova and PBM Union Jobs disappeared without a trace. Apparently, so did their Czech counterpart, Jindřich Martinák, leaving behind hundreds of deceived Romanian, Slovak and Vietnamese workers that did not receive any of the money they were due. But the forestry season has started in March. Will the chance for new profits tempt Marta Pavelova and Jindřich Martinák to come out to the surface?

¹¹ SADOR is a human rights NGO, dealing mostly with securing the rights of workers and offering them legal support in case they were prejudiced by the employers.

The article was written as a part of the Regularization as one of the tools for the fight against illegal migration Project, which is funded by the European Social Fund through the Operational Program Human Resources and Employment and by the state budget of the CR.