

Working experiences of Polish workers in Norway, Sweden and Finland Methodological premises of the research project "The Formation of Labor Exploitation"

Hanna Maria Malik

Introduction

Since Poland has joined the European Union in 2004, Polish workers have increasingly migrated to other Member States of the European Economic Area, taking advantage of the opportunities provided by the principles of free movement. According to the Nordic Statistics in 2013, over 18,500 Polish citizens immigrated into the Nordic Region, the majority to Norway.¹⁴⁹ According to Polish Central Office of Statistics (GUS) at the end of 2016, there were around 85,000 Polish citizens staying there temporarily.¹⁵⁰ There is also a great deal of Polish citizens staying temporarily in other Nordic countries e.g. 49,000 in Sweden, 32,000 in Denmark, 3,000 in Finland.¹⁵¹ In addition, Poland is the by far most important sender of posted workers, who are employed in Poland and sent by their employer to carry out services in another EU Member on a temporary basis.¹⁵²

The paper presented at the 60th NSfK Research Seminar "Power, Politics and Crime Control", entitled "Working experiences of Polish workers in Norway, Sweden and Finland – already a crime?" covered the methodological premises and the preliminary findings of the exploratory research study "The Formation of Labor Exploitation – Experiences of Polish Workers in Finland, Norway and Sweden", which was conducted between October 2017 and April 2018 at the Faculty of Law of Turku University (Finland) and funded by the Scandinavian Research Council for Criminology (NSfK). This report will give a brief overview of the methodological premises of this study. The empirical findings of the research and the discussion will be presented in a comprehensive research report, which is planned to be published in autumn 2018. The overall goal of the research project was to provide better understanding of the complexity and dynamics of labor exploitation of migrant workers. To this end this project aimed first at drawing a picture of the situation of Polish workers in Nordic Countries in sectors mostly exposed to labor exploitation by documenting and examining their personal experiences of working and living in Finland,

¹⁴⁹ The data of Nordic Statistic comprises non-Nordic citizens who obtain a residence permit or a work permit for a period exceeding at least three months and Nordic citizens who move permanently to another Nordic country. The registration method varies between the Nordic countries. See more Nordic Statistics.

¹⁵⁰ Polish Central Office of Statistics (GUS) is gathering information on the estimated size and directions of temporary emigration from Poland in "Informacja o rozmiarach i kierunkach czasowej emigracji z Polski w latach 2004 – 2016". The available data concerns Polish citizens with permanent residence in Poland, temporary staying abroad, at the end of each year. Until 2006 data includes Poles staying abroad - over 2 month, and since 2007 - over 3 months.

¹⁵¹ Polish Central Office of Statistics (GUS) "Informacja o rozmiarach i kierunkach czasowej emigracji z Polski w latach 2004 – 2016".

¹⁵² According to the EU-Commission Impact Assessment in 2014, in absolute terms 266,700 posted workers from Poland were sent to single Member States and 428,400 to multiple Member States. In regard to posting to single Member State, Poland is followed by Germany with 232,800 and France with 119,700. The number of posted workers is estimated on the basis of the number of portable social security documents A 1 social insurance certificates see more EU-Commission 2016, Impact assessment, pg. 57.

Norway and Sweden. Second, by employing the structural approach of state-corporate crime scholarship, the study aimed at examining in the larger context the exploitative policies and labor market practices experienced and observed by Polish workers, which may contribute to or enable the exploitation of migrant workers.

Method and Data

The data of this research consists of qualitative interviews conducted with Polish posted and migrant workers and qualitative interviews conducted with Polish-speaking experts from relevant local organizations in Finland, Norway and Sweden, as well as observations of the workshops for Polish workers organized by local trade unions in Norway and Sweden. In addition, to get an overview of the situation of Polish workers, to facilitate future communication with the interviewees, and to ease access to the field, the interviews were preceded by consultation with representatives of Polish embassies, organizations of Polish diaspora, trade unions¹⁵³, and labor inspection authorities¹⁵⁴ in each country. Subsequently, the key informants were recruited via organizations of Polish diaspora, trade unions, online forums and social media. Further interviews were obtained via snowballing method. The research participants were both women and men, ranging between their late 20s to their early 50s. At the time of the interviewing all respondents were staying in the analyzed countries. They came from the main sectors employing Polish workers – the construction-, metal-, and food processing sector. Furthermore, since the wives or partners of the male workers, regardless of their level of education and previous experience often work as cleaners - the cleaning sector was included as well. The majority of the interviewees had a long history of emigration, with several employers, different types of employment, and this also in more than one of the analyzed countries. Hence included were experiences and observations of workers both staying temporarily and permanently in the Nordic Countries, employed directly and via intermediaries e.g. subcontractors or temporary work agency, employed on temporary basis and permanently, as well as self-employed and currently unemployed Poles. Conducted were 22 interviews, including 19 individual interviews, each approximately hour and forty-five minutes long and three group interviews, each approximately three hours long. All together 27 Poles were interviewed, nine in each country. Amongst them four respondents were Polish-speaking experts from Polish organizations and local trade unions. 14 interviews were conducted face-to-face in the university premises, in the premises of local trade unions and organizations of Polish diaspora, as well as in the public spaces. Eight interviews were conducted via online communicators Messenger and Skype. The interviews with Polish workers, the interviews with experts from relevant local organizations and consultations in Polish embassies were conducted in Polish, the native language of the interlocutors. The responsible researcher is herself Polish, which was advantageous for the communication with the respondents. The workshops organized by

¹⁵³ SAK, Teollisuusliitto, Sähköliitto; Byggnads; Elog IT Forbundet; Oslo Byggningsarbeiderforening, Norsk Nærings- og Nytelsesmiddelarbeiderforbund; Fellesforbundet Bergen; Fellesforbundet Hardanger Sunnhordland.

¹⁵⁴ Regional State Administrative Agency for Southwestern Finland, Turku and Helsinki; Arbetsmiljöverket - The Swedish Work Environment Authority, Arbeidstilsynet - The Norwegian Labour Inspection Authority; Servisecenter for utenlandske arbeidstakere (SUA) - Service Centre for Foreign Workers

Swedish and Norwegian trade unions were held in Swedish and English and translated for the workers into Polish. The labor inspector authorities and some local trade unions were consulted in English.

The risks of the research were moderately high. Since the participation in a research study of this sort, might have negative consequences for the workers and the interviews include confidential information, the study were planned and executed according to the ethical guidelines of the Finnish Advisory Board on Research Integrity (TENK). Each interview was conducted after obtaining an informed consent from the respondent, who was informed that the participation in the research study is voluntary, he or she may withdraw from the project at any time, and that his or her confidentiality will be ensured.

The subject of the inquiry

Taking into account short duration of the project (7 months), limited resources and broad research questions, this study from the very beginning was designed as an exploratory research study, with the aim to give the voice to the workers themselves and to provide deeper knowledge of their situation and working experiences in the Nordic Countries. Consequently this study has taken flexible approach to the design of the interview guide.¹⁵⁵ The qualitative interviews conducted with Polish workers were semi-structured. Prior to the interview the respondents were briefly informed about the subject and the goal of the research project and the affiliation of the responsible researcher. To provide genuine insight into the experiences and the problems that workers may face in their day-to-day work, the interviewees were given the maximal latitude to share their stories. After introduction of the thematic focus of the study on six issues: background information, terms of employment, working conditions, general awareness, quality of life and recommendation, the interlocutors were invited to share the story of their emigration and asked an introductory question about their beginnings in the given country. The experts from trade unions and from Polish organizations, in turn, were asked about their observations concerning working and living conditions and the general situation of Polish workers in the given country. The conversation was then steered by structuring questions, prepared on the basis of previous theorizations on labor exploitation in particular the notion of continuum of labor exploitation¹⁵⁶ as well as previous theorizations on labor exploitation as a corporate and a state-corporate crime.¹⁵⁷ Following the flexible approach to exploratory study, the structuring questions were continuously adapted to the new information gained in the course of interviewing phase. Eventually following topic were covered during the interviews: (1) Background information e.g. reason for emigration, professional qualifications, other experiences with emigration, family situation, duration of stay, beginnings and evolution of their situation; (2) Terms of employment including art of recruitment, type of employment, type of contract, wages and benefits, working hours, distribution of work, information about the employer; (3) Working conditions including health and safety conditions,

¹⁵⁵ Brinkman et Kvale, pg. 139 ff.

¹⁵⁶ Andrees 2008, Skrivankova 2010, Lisborg 2012; Ollus 2016.

¹⁵⁷ Kramer et Michalowski 1991; Michalowski et al. (2002); Kauzlarich, Mullins and Matthews (2003); Kauzlarich et al. (2003); Bernat et Whyte 2017; Bruce et Becker 200.

work environment, relationship with the co-workers and the employer, well-being at work; (4) General awareness including awareness of the employment rights, knowledge of local labor law, language skills, experience with unionization, reason for acceptance of or resistance against their situation, coping strategies, access to justice; (5) Quality of life including accommodation, board, feeling of inclusion, relationship with friends and family, future plans, return to Poland; (6) Recommendations e.g. for employer, for local authorities, for Polish authorities. In addition, the interviewees were asked to compare their situation, employment and working conditions with the situation of native workers, and other migrant workers, in particular from the Non-EU countries.

Theoretically anchored interpretations

The interviews, were recorded, transcribed and analyzed with thematic, content analysis in order to identify, group and classify recurring themes in the experiences and observation of Polish workers and experts of local organizations. To further interpret the findings of the content analysis, this study uses the theorizations of state-corporate crime scholarship, which draws attention to mutually reinforcing interactions between corporate and state powers to produce social harm.¹⁵⁸ The research here happens at the periphery of the labor exploitation continuum. Polish workers as citizens of the European Union, covered by the EU-Free Movement Directive are in principle less vulnerable group of migrant workers. Hence special attention was given to the policies and formally legal labor market practices in particular different forms of non-standard and transnational employment that might directly or indirectly enable exploitation of migrant workers, within the European Economic Area. In line with these assumptions the majority of the interviewees did not consider themselves as being exploited and gave account of a generally positive experience of their work in the Nordic Countries. Still, in the course of the interviews the workers indicated various practices, which they themselves considered as unjust or exploitative. Among the problems indicated by the interviewees many were connected to the overuse of the temporary contracts and the non-standard employment. Due to the high workforce turnover and general competition between the workers, in experience of many respondents, temporary contract had negative influence on unionization and were used as an important means to control the workers. Some interviewees, in particular the posted workers, complained about the poor quality of life during their work abroad. Moreover, despite the graduate increase of the wages in recent years, lower wages for Polish and other migrant and posted workers were still indicated as a common practice. Thereby the interviews has confirmed results of previous studies on the situation of Polish workers in Nordic countries.¹⁵⁹ At the same time many respondents have expressed certain understanding of their own situation and considered the use exploitation as rather common business strategy and normal element of migrant workers' life. In this light recent approach to state-corporate crimes that calls to look beyond the immediate interactions of state and corporate power to produce social harm and examine normal state practices and normal conditions of doing business proves to be particularly useful to further interpret the situation of

¹⁵⁸ Braun et Clarke, 2006

¹⁵⁹ to name just a few Carby-Hall, 2008; MSW 2009, 2013; Friberg 2013; Lille et Sippola 2011; Wojtyńska, 2012; Thörnqvist et Bernhardsson 2015.

the interviewees.¹⁶⁰ Following this approach the state corporate crime concept allows to extend the research perspective from the criminal event or social harm itself to the formative factors of harmful conditions for the workers. Thus this study seeks to explain how the formally legal, widely accepted practices such as posting of workers, use of temporary agency work and subcontracting to self-employed contractors are used by different actors – such as service buyers, subcontractors, sending states or receiving states - to enhance their competitiveness on the expenses of the migrant workers.

Possibility of generalizations

One might argue that the abovementioned conclusions are not plausible on the basis of a limited number of qualitative interviews. Interviews, which moreover were conducted with a very diverse group of Poles in three different countries. As mentioned above the majority of the interviewees had a long history of emigration with various types of employment, often without an equivalent in the rest of the analyzed countries. The situation, experiences and observations of different workers varied not only between countries, but also between particular regions of analyzed countries and between analyzed sectors. Taking into account these differences generalization might be difficult to achieve. On the other hand, findings of this research study confirms results of previous qualitative and quantitative studies on the situation of Polish workers in the Nordic countries and in other Member States of the EU. There is already a sufficient evidence that Polish workers are exposed to different forms of exploitation. This was also confirmed by the observation of the interviewed experts and consulted local trade unions and labor inspection authorities. At the same time, the smaller number of interviews with particular focus enable more intensive examination of certain phenomena.

References

- Andrees, B. (2008): *Forced Labour and Trafficking in Europe: How People Are Trapped In, Live Through and Come Out*. Working Paper, Geneva: ILO.
- Bernat, I. et Whyte, D. (2017): *State-Corporate Crime and the Process of Capital Accumulation: Mapping a Global Regime of Permission from Galicia to Morecambe Bay*, *Critical Criminology*, Volume 25, Issue 1, pp 71–86.
- Braun V., Clarke V. (2006): *Using thematic analysis in psychology*, in: *Qualitative Research in Psychology* 3, pp. 77-101.
- Brinkmann, & S. & Kvale, S. (2015). *Interviews Learning the Craft of Qualitative Research Interviewing*.
- Bruce A., Becker P. (2007): *State Corporate Crime and the Paducah Gaseous Diffusion Plant*, in: *Western Criminology Review* 8 (2), pp. 29-43.
- Carby-Hall J. (2008): *Sytuacja emigrantów ekonomicznych z Polski i innych krajów A8 w państwach członkowskich Unii Europejskiej*, *Biuletynu RPO*, 61.

¹⁶⁰ Bernat et Whyte 2017

- Friberg, J.H. (2013): The Polish worker in Norway. Emerging patterns of migration, employment and incorporation after EU's eastern enlargement, Dissertation, University of Oslo.
- Główny Urząd Statystyczny (GUS): Informacja o rozmiarach i kierunkach emigracji z Polski w latach 2004–2016
- Kauzlarich, D., Mullins C., Matthews R.A. (2003): A Complicity Continuum of State Crime, in: *Contemporary Justice Review*, 6:3, pp. 241–254.
- Kramer R.C., Michalowski R. (1991), "State-Corporate-Crime" Paper presented at the Annual Society of Criminological Meeting, Baltimore, MD quoted as in Matthews, R.A.,
- Kauzlarich D., The Crash of Valujet Flight 592: A case study in state-corporate crime, in: *Sociological Focus* Vol. 3. No. 3, August 2000, p. 281-298.
- Lillie, N., & Sippola, M. (2011). National unions and transnational workers: the case of Olkiluoto 3, Finland. *Work, employment and society*, 25(2), 292-308.
- Lisborg, A. (2012). Human trafficking for forced labour in Denmark?, Odense: The Danish National Board of Social Services.
- Michalowski R.J, Kramer R.C, Kauzlarich D. (2002): The Origins and Development of the Concept and Theory of State-Corporate Crime, in: *Crime and Delinquency* 48 p. 263–282. MSW (2013): Raport o sytuacji Polonii i Polaków za granica 2012, Warszawa: Ministerstwo Spraw Zagranicznych.
- MSW (2009/2013): Raport o sytuacji Polonii i Polaków za granica 2009, Warszawa: Ministerstwo Spraw Zagranicznych.
- Ollus N. (2016): From Forced Flexibility to Forced Labour: The Exploitation of Migrant Workers in Finland, Dissertation, Helsinki: HEUNI.
- Pettersen, S. V., Østby L., (2013): Immigrants in Norway, Sweden and Denmark, in: *Samfunnsspeilet* 5, pp. 76-83.
- Skrivankova, K. (2010): Between decent work and forced labour: examining the continuum of exploitation, Joseph Rowntree Foundation.
- Thörnqvist, C., & Bernhardsson, S. (2015). Their own stories—how Polish construction workers posted to Sweden experience their job situation, or resistance versus life projects. *Transfer: European Review of Labour and Research*, 21(1), 23-36.
- Wojtyńska, A. (2012): Polish worker in the capital area of Iceland, Reykjavik 2012.