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New elements of phenomenology of forced labour in Poland – recent cases

Introduction

My presentation deals with the peculiarities of the forced labour in Poland, especially taking into account significant changes which has occurred recently. In order to understand the phenomenon of the forced labour and to reveal the specifics of human trafficking in Poland one should recall an important issue. Poland is not only a destination country for the victims of a forced labour and trafficking, but also a source and transit country for them. Therefore, Poland should be engaged in the numerous aspects of combating the forced labour and human trafficking.

So far sexual exploitation played a dominant role in the problem of human trafficking and forced labour in Poland. But this situation changed few years ago. The number of cases which were not related to the sexual exploitation was increasing in Poland during the decade at least. So far nine cases of forced labour were detected in Poland. However, the increasing number of these cases is not the most alarming signal. Far more important are the permanent changes in the phenomenology of the forced labour in Poland. One may observe these changes in the *modus operandi*, the countries of origin of the victims of the forced labour, as well as in the methods of coercion of people to work. That is why my presentation will address these new elements of the phenomenology of the forced labour in Poland.

Research results

As I have already stated, several new aspects of the phenomenology of the forced labour can be observed in the Polish realities.

First of all, it is needed to talk about the victims of the forced labour. So far those victims were coming from the Eastern Europe, mainly from the former Soviet Union countries (e.g. Ukraine). However, the number of victims coming from Asian countries, mainly from China, Vietnam, the Philippines, North Korea, Bangladesh, or Thailand has also currently increased.

Another important issues is that Poles are being exploited and forced to work in Poland. This is completely new phenomenon which was never encountered before. A few months ago the local media reported the case of the Polish farmer who hired Polish workers at his farm and forced them to work without paying a reasonable salary. The workers did not quit this job because they lacked money to purchase a return ticket to the city they came from. Besides, they believed that finally they would be rewarded.

As I have already mentioned, a significant number of victims of the forced labour originate from Poland. Poles are exploited in the other countries, mainly in the Western

European. For instance, Polish women constituted a noticeable percentage of the victims of the sexual exploitation. While remaining the crucial problem in terms of trafficking and forced labour the sexual exploitation is accompanied recently with the other forms of the labour non-sexual exploitation. Men and women from Poland are forced to work in the agricultural or construction industries, as well as domestic help. Except this, one could encounter few cases when Polish victims of the forced labour were forced to commit petty crimes, such as shoplifting, swindle of loans or swindle of social benefits.

The previously reported cases of the forced labour demonstrate that Poles were exploited in such countries as Italy, Germany, Denmark, Netherlands, UK, Sweden, and Spain.

The new issues in terms of the forced labour in Poland resides in the way the victims are recruited to work. It was several years ago the victims of trafficking and forced labour were searched for by the organized crime groups and smuggled to Poland by crossing the border illegally. At this moment majority of the victims are recruited by the temporary employment agencies or mediation company. Moreover, the advertisements about the jobs abroad are presented in the official media (press or TV). Thus, the perpetrators do not hide their activities as it was a few years ago; they are recruiting people to work in a completely legal way.

The analysis of the respective court cases clearly indicates that the exploited workers came to Poland legally; they had a visa and a work permit. Most of these workers were brought to Poland by the employment agencies on the basis of the employee leasing scheme. The perpetrators used these employment agencies to obtain visas and work permits in Poland. This explains the fact that quite often the main perpetrator represented or even owned a recruitment agency.

Another innovation in the phenomenology of the forced labour in Poland is its deeper interconnection with the legally functioning businesses. Few years ago victims of forced labour were exploited in so called *gray area*; they were mainly beggars or the bazaar traders. However, the last research run by the Human Trafficking Studies Centre Warsaw University demonstrated that the migrant workers were also exploited at the companies or factories which operated in Poland legally, e.g. the largest shipyard in Poland or big textile factories.

Except this, the victims of the forced labour were forced to commit petty crime. As an example, one may recall a case when Polish women in Sweden were exploited as housekeepers and were forced to steal luxury clothes in boutiques at the same time. Those of victims who did not obey were beaten and their heads were shaved. Moreover, Swedish woman (perpetrator) threat Polish women that they would be sent into the escort agencies (brothels) in case of disobedience.

One more case demonstrating new forms of the forced labour. The case concern on Polish men recruited to work in Germany. Perpetrators recruited Polish workers by promising them high wages for quite a simple work. In reality, however, Poles were forced to open bank accounts in Germany and purchase different consumer goods, mainly electronic devices. All these goods were later appropriated by the perpetrators. Having spent all money allocated on their credit or debit cards Polish victims were freed, however they had debts to pay in German banks. Those victims never received job that was promised at the recruitment stage.

Conclusion

According to the data provided above, one may conclude that the forced labour in Poland have emancipated in a very social sense. It became an independent type of a crime recently, however, so far it is being regarded as a form of human trafficking. My research suggests that the phenomenon of forced labour should be comprehended in a broader sense. In other words, human trafficking is a form of a forced labour, not vice versa. Not to mention that only selected cases of the forced labour can be defined as the human trafficking.

Therefore, the issue of the forced labour requires new definition. My research suggest that there are at least few situations when a person can be forced to work without becoming a victim of trafficking.

Creation of an efficient system to eliminate the forced labour also requires considering all new forms and aspects of the forced labour phenomenology.

All these deliberations and arguments enlisted above should uncover one crucial question: are the specific institutions and organizations (e.g. law enforcement bodies or labour inspectorate) sufficiently prepared to fight against forced labour, or not? As for the Polish perspective, the answer is not satisfactory. Poland still has much to improve in this area. However, Polish authorities do not completely understand the scale of the problem and the phenomenology of forced labour.