

Third-country nationals and the road transport labour market in the Czech Republic

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Table of Content

1. Introduction	2
2. Research methods and research questions	3
3. The road transport market in the Czech economy	5
4. Third country nationals in the Czech economy: labour shortage and the Covid-19 pandemic	6
5. Third country nationals in the Czech road transport: data and regulations	10
5.1 Governmental recruitment programmes	10
6. The role of temporary agencies in Czech road transport	13
7. Social Partners' standpoint towards third country nationals' recruitment	15
7.1 Employers' Organisations	15
7.2 Trade Unions	16
8. Working Conditions of third country national drivers	17
8.1 Entering the labour market in the Czech Republic	17
8.2 Trainings	18
8.3 Practices of remuneration	18
8.4 Practices of and compliance with driving and rest times	19
8.5 Vulnerability through residence status	20
9. Support of third country national drivers	21
10. Summary and conclusions	22

1. Introduction

Fair remuneration and decent working conditions in road transport and its enforcement are one of the top priorities in European debates about equal rights for workers on the move in Europe. Problematic working conditions, complex sectoral regulations and the difficult question of applying posting regulations to cross-border road transport within Europe challenge inspectorates to control compliance, and social partners to safeguard fair competition and working conditions in road haulage. TransFair takes on a sectoral approach, focusing on research, cooperation of stakeholders, notably transport unions and labour inspectorates, and on an improved information to drivers in the European road transport sector.

The TransFair consortium includes two research institutes (FORBA, KU Leuven/HIVA), one non-profit organisation (MKC) and four unions from Austria (vída), Belgium (BTB-ABVV), Poland (NSZZ “Solidarność”), Slovenia (NSDS) and the Czech Republic (OSD). One EU level social partner (ETF), worker advocacy institutions (Arbeiterkammer Wien), including one from Germany (Faire Mobilität), unions, including one from Serbia (catus, ZSSS) and national labour inspectorates from Belgium and Slovenia are involved as associate organisations. The research institute FORBA is in charge of the overall project coordination.

This report was produced as one of the research outputs of the TransFair project. The research outputs comprise one report about the quantitative dimension of the EU cross-border trans-

port industry, compiled by KU Leuven/HIVA, one comparative report about minimum wage regulations in cross-border transport in the six countries, Austria, Slovenia, Germany, Poland, Belgium, Czechia compiled by FORBA, and three country-specific reports about the employment of third-country citizens, the recruitment of workers via temporary agencies, and/or establishment of letter-box companies.

All reports can be downloaded on the TransFair website: transfair-project.eu

The following report, written by Olga Gheorghiev, Multikulturní Centrum Praha, focuses on the Czech road transport sector, and the role of third country nationals and recruitment agencies for the sector.

First, the report reviews data on third country nationals’ employment in the Czech economy, and the road transport sector in particular, as well as on regulations providing for their (formal) integration into the Czech labour market. Second, the significance of temporary agencies for the employment and recruitment of third country nationals is discussed. Third, the report gives first-hand insights into drivers’ working conditions in the Czech Republic providing road transport services all over Europe. Finally, social partners’ attitudes towards third country drivers’ employment as well as state and union support structures for third country national drivers in cases of infringements against labour and social law are presented.

2. Research methods and research questions

This report relies on both desk-research and empirical research.

As part of the desk-research, materials were gathered from the Confederation of Industry of the Czech Republic, the Chamber of Commerce, the Ministry of Labour and Social Affairs, the Czech Office of Statistics, as well as media articles.

The empirical research was based on interviews with five foreign drivers, one dispatcher from Belarus, a representative from the NGO La Strada and a representative from a local Integration Centre. Additionally, interviews were conducted with a trade unions representative and experts in academia in matters of the labour integration of economic migrants in the Czech Republic.

All in all, ten interviews were conducted, with additional information gathered through e-mail conversations. The interviews followed a common research guideline provided by the project coordinator FORBA and adapted according to the Czech context. The interviews were recorded and transcribed in accordance with the Czech and EU data protection rules. After data collection, the interviews were analysed according to a common report template.

Table 1 presents the interviewees and the number assigned to each interview, which is later referred to in this text.

Table 1: Overview of interviews

Interview number	Interviewees (country of origin)
1	Driver A (Russia)
2	Driver B (Russia)
3	Driver C (Russia)
4	Driver D (Moldova)
5	Driver E (Kyrgyzstan)
6	Dispatcher (Belarus)
7	Representative from the Consortium of migrant assisting organisations
8	Representative from OSD
9	Representative from La Strada
10	Representative from the Integration Centre

Source: Own elaboration

Two of the interviewed drivers and the dispatcher were reached through the Integration Centre. One of these interviewees provided the contact for the other two colleagues. Although they proved to be a valuable source of information, the fact that they knew each other from working for the same company meant that they described a more or less similar work experience. The driver from Moldova was reached through other means, which helped the researcher gain a distinct perspective.

The main research questions guiding the research were:

- What is the role of third country nationals for the Czech economy and for the sector of international transport?
- Through which means are third country nationals entering the Czech labour market?
- What is the experience of third country nationals in the sector of international transport?
- What is the role of support infrastructure in cases of infringements and abuse?

The report first presents quantitative data on recent developments in Czech national and international transport activities (chapter 3) and the relevance of third country nationals for the Czech economy and for the sector of international transport in particular (chapter 4 and 5), it also reflects the impact of restrictions as a result of the COVID-19 pandemic.

Chapter 6 examines the role of recruitment agencies in the employment of economic migrants and drivers in particular, and the perspective of drivers themselves. Chapter 8 describes working conditions third country national drivers have to bear. Finally, chapter 7 and 9 analyse the role of social partners and civil society organisations in supporting migrants facing situations of abuse.

3. The road transport market in the Czech economy

The sector of road freight transport in the Czech Republic has registered significant fluctuations for the past years, dropping from its peak of 58,700 million tonne km (tkm) in 2015 to 41,000 million tkm in 2018 (De Smedt and De Wispelaere, 2020). The trend picked up in 2019, when the sector registered a year-to-year growth and reached 48,000 million tkm. This result was, however, a consequence of a growth in domestic transport, while international transport registered a year-to-year drop of 500 million tkm (Czech National Office of Statistics, 2020a).

The main reason for the previous years' drop in transport volumes, particularly in international transport, was, according to the Confederation of Industry of the Czech Republic, the strong foreign competition (Confederation of Industry of the Czech Republic, 2019a). The situation was furthermore exacerbated by a significant lack of workforce, which resulted in a pressure for the increase of wages in the sector: while in 2014 the average salary for lorry drivers in international transport was CZK 15,000 (approx. EUR 580), in 2019 the average was almost CZK 24,000 (approx. EUR 923). The average salary for domestic drivers in 2019 was around CZK 30,000 (EUR 1,150), according to the Institute for road transport ČESMAD Bohemia s.r.o. (2020).

In terms of type of transport, as pointed out both by the Confederation of Industry of the Czech Republic (2019a) and by De Smedt and De Wispelaere (2020), cabotage represents only 2.6% of total transport realised by Czech companies, with companies focusing on loading and unloading goods in the Czech Republic (85.4%) and cross-trade (11.9%).

As stated by De Smedt and De Wispelaere (2020), as well as Vitols and Voss (2019), the salaries in the road transport sector in the Czech Republic lie far below the EU-28 average. Moreover, the average personnel cost in transport is significantly lower than the total average personnel costs in the country (EUR 13,000, as opposed to EUR 18,300). From 2015 to 2017, the average personnel cost increased by 17%, from EUR 11,100 to EUR 13,000, following the trend of the EU-13 average. According to the Czech pay scale classification, the guaranteed minimum wage in the road haulage sector is around EUR 680. The minimum wage plays a major role in the payment of truck drivers. It represents the basic salary of professional drivers upon which premiums and allowances are added (Vitols and Voss, 2019).

Salaries below the national average are contributing to the unattractiveness of the job and to increasing labour shortage. According to the Czech transport unions, the average age of drivers is currently 57 years, and it is increasing. Considering the physically demanding character of the job, the unions estimate that in four years around one third of drivers will leave the sector (Novinky, 2019).

As a result of both strong foreign competition and significant labour shortage, international road transport in the Czech Republic has registered a steady decline for the past five years.

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4. Third country nationals in the Czech economy: labour shortage and the Covid-19 pandemic

Since 2016, the Czech Republic has registered the lowest unemployment rate in Europe (Eurostat, 2020a). Coupled with a strong economic performance prior to the pandemic, this has led to labour shortage in almost all economic sectors, in particular in transport, manufacturing, IT, management and the health sector. This harms domestic companies, as they cannot operate at full capacity, and their ability to remain competitive. At the same time, labour shortages vault employees in a stronger wage negotiation position and put upward pressure on wages.

Amid acute shortage of workforce, employers in the Czech Republic have been increasingly forced to turn to a migrant labour force, and demand, through their representatives at state-level negotiation, the creation of a legal climate conducive to a simpler employment of foreigners in order to meet their labour needs. As a result, the government's current "Strategy of Migration" promotes a vision of labour migration as being primarily short-term and regulated according to the economic needs of the Czech Republic (Ministry of Interior, 2015). The perspective of migrants or the necessity of their integration are not taken into account in this strategy (Čada, K., Hoření, K., Numerato, D., 2018). Economic migration is regulated through specifically designed programmes that primarily aim at easing the tension created by the labour shortage on the market (see chapter 5).

As shown in Table 2, the unemployment rate in the Czech Republic prior to the pandemic in October 2019 was at 2.6% and by the end of 2019 reached a record low of 2%. The number of unemployed foreigners from third countries was 2,688 persons who were registered as unemployed at the Czech Labour Office. The shortage of labour force is expressed in 337,453 job vacancies. Out of this number, 80% were available to workers from third countries. At the same time, a growing trend in job vacancies with minimal demands in terms qualification can be observed: as of October 2020, for 57.7% of available jobs, the employers are asking

Table 2: Labour market in the Czech Republic, October 2019

Number of jobseekers	196,518
Unemployment rate	2.6 %
Unemployed foreigners from EU/EEA	4,804
Unemployed foreigners from third countries	2,688
Total number of job vacancies	337,453
Total number of job vacancies available to foreigners from third countries	266,311

Source: Ministry of Labour and Social Affairs

Table 3: Percentage of workforce demand by occupational categories (CZ-ISCO), February 2018

Plant and machine operators and assemblers	32.1
Elementary workers	25.6
Craft and related trade workers	19.5
Workers in services and commerce	9.7
Professionals	5.1
Technicians and associate professionals	4.1
Civil servants	2.5
Qualified farm workers	0.7
Legislators and managers	0.6
Armed forces occupations	0.1

Source: Ministry of Labour and Social Affairs

only for primary education (Ministry of Industry and Commerce, 2020a).

When examining the workforce demand by occupational categories in the Czech Republic (Table 3), the category of plant and machine operators and assemblers, which includes heavy truck and lorry drivers, account for almost a third of the labour shortage. The structure of the workforce demand reflects some of the specificities of the Czech economy: the manufacturing and transport industry gain from low personnel costs compared to other EU countries. In 2019, manufacturing accounted for more than 25% of gross added value in the Czech Republic, while the sector of

commerce and transport accounted for almost 19% (Ministry of Industry and Commerce, 2019b).

The Labour Office has registered in 2019 a total of 641,326 foreign workers in the Czech Republic, out of which over 260,000 were from outside of the EU. From these, almost 125,000 entered the country based on work visa that they received prior to their arrival, either through governmental programs or intermediaries such as recruitment agencies. The rest of over 135,000 third country nationals with the right to employment refers to family members, students, or foreigners with long-term residency permits. Table 4 shows a significant increase in emitted work visas from 2017, which resulted from the governmental programmes initiated a year earlier that aimed at simplifying the process of recruiting migrant workers directly from third countries by Czech employers. Work visas are furthermore divided in several categories depending on the nature of employment: employment cards are visas emitted to foreigners of low and medium qualification and are renewed every two years; work permits are emitted for short-term and seasonal employment; while blue cards are emitted to specialists and highly qualified workers, who are typically, although not exclusively, recruited in the health sector (see chapter 5 for a more detailed presentation of governmental programmes for the recruitment of third country nationals).

The situation around the Covid-19 pandemic in 2020 contributed to a significantly smaller increase in issued work visas and general presence of migrant workers on the Czech labour market, as shown in Table 5. One of the immediate impacts of

Table 4: The evolution of foreign employment 2014–2019

Foreign employment	2014	2015	2016	2017	2018	30.9.2019	
EU/EEA	196,345	245,333	284,148	330,530	366,624	381,005	
Third countries (with other than work visas)	43,905	61,060	76,046	101,489	124,674	135,493	
Based on work visas	20,749	16,851	22,695	40,335	77,378	124,828	
From this	Work permits	20,075	7,380	8,008	15,162	31,495	59,809
	Green cards*	226	109	39	7	.	.
	Blue cards	197	224	257	413	590	780
	Employment cards	251	9,138	14,391	24,753	45,293	64,239
Total	260,999	323,244	382,889	472,354	568,676	641,326	

Source: Ministry of Labour and Social Affairs; *the green cards were replaced in 2018 by employment cards

Table 5: Employment of third country nationals in the Czech Republic, August 2020

Employment of third country nationals		EU/EEA	Third countries
Entering the labour market based on Czech work visas	Employment cards	.	70,454
	Work permits	.	40,140
	Blue cards	.	875
Total		.	111,469
Entering the labour market otherwise		382,168	141,442
Total		635,079	252,911

Source: Ministry of Labour and Social Affairs

the implemented measures following the Covid-19 pandemic concerned third country workers' legal status and their employment, as the EU decided to close the Schengen area for migrants from third countries. Hence, the arrivals to the Czech Republic were restricted and almost all employment programs for third country national workers were suspended. As a consequence, a number of companies had to interrupt their activities (Ministry of Industry and Commerce, 2020a).

According to representatives from the Consortium of migrant assisting organisations (Interview 7), although no specific data is available at the moment, a significant number of migrant workers wished to return home once they lost their jobs during the lockdown in spring. The lack of (migrant) workers became immediately evident in sectors such as construction, transport, agriculture and food industry, as the government suspended

almost all employment programs in March 2020 (Ministry of Industry and Commerce, 2020a). In this context, employers' representatives insisted on opening borders to migrant workers at least for specific sectors. From 11 May 2020, the Government of the Czech Republic allowed the issuance of new employment cards for workers from third countries (except Ukraine) in the following sectors: road freight sector, seasonal workers in agriculture (short-term work visas), key frontline workers and their family members (based on a special governmental program), qualified workers in the health sectors and social services. There are no sectoral exceptions for Ukrainian workers, who can be recruited in all sectors. Despite these efforts the amount of employment cards dropped rapidly from 126,000 to 86,000 in the period between March and June 2020 (MPSV, 2020). When hiring workers from third countries during the time when lockdown measures apply, employers were obliged

Table 6: Issued work permits in 2020, September 2020

2020	Work permits	from this	
		Short-term employment	Seasonal employment
February	19,851	19,225	301
March	15,554	14,997	268
April	5,241	4,533	81
May	3,994	3,384	358
June	16,902	13,830	2,764
July	18,923	12,943	5,541
August	17,576	11,831	6,279

Source: Ministry of Labour and Social Affairs

Table 7: Most important countries of migrant workers' origin in the Czech Republic, September 2019

EU		Third countries	
Country	Employees	Country	Employees
Slovenia	199,028	Ukraine	164,924
Poland	45,850	Russia	16,436
Romania	45,514	Vietnam	13,614
Bulgaria	36,188	Mongolia	6,283
Hungary	19,326	Moldova	5,193

Source: Czech National Office of Statistics

to ensure that they have accommodation during their stay in the Czech Republic, health insurance, and means for an eventual return in case of loss of purpose of stay (Confederation of Industry of the Czech Republic, 2020).

As a result of the government's decision to green-light the recruitment of new workers from third countries for specific sectors, the number of issued work permits picked up in May 2020. It is worth mentioning that while heavy truck and lorry drivers from third countries typically work based on employment cards, which are valid for two years before renewal, they typically receive a short-term permit first, which allows them to enter the country and pick up their long-term employment cards. Table 6 illustrates the number of issued short-term permits and seasonal employment permits in 2020.

Ukraine represents the most significant country of origin for third country nationals, with almost 165,000 Ukrainians working in the Czech Republic in 2019 (Table 7), under various employment permits. Apart from the geographic proximity, the integration of Ukrainians on the Czech labour market may also be supported by certain similarities between the two languages facilitating communication.

Amid an acute shortage of workforce, Czech companies have increasingly turned to a migrant labour force. They demand the creation of a legal climate conducive to a simpler employment of third country nationals in order to meet labour needs, with Ukraine being significant source country.

5. Third country nationals in the Czech road transport: data and regulations

When looking at the number of third country nationals based on occupational categories, again the most significant country of origin is Ukraine. Table 8 shows how many workers from third countries have been employed as plant and machine operators and assemblers in 2018, 2019 and 2020. This number comprises also truck drivers, the number, however, does not offer sufficient precision in regard to the actual number of foreign drivers and thus alternative criteria should be considered.

Table 9 refers to the number of workers from third countries in the economic sector transport and storage, where again, the most significant numbers of workers are Ukrainians. In other words, in 2019, 2.6% of workers in the sector “transport and storage” were from Ukraine, followed by Russia with 0.2%.

Since 2016, the Labour Office in the Czech Republic has registered a significant drop in the supply of truck drivers on the labour market, as illustrated in Table 10, with the demand surpassing the supply almost tenfold. It is worth mentioning that data shown in Table 10 reflect only the numbers monitored and registered by the Labour Office. Employers often choose to advertise the available positions on other portals, the real demand for truck drivers thus being potentially even higher.

Table 8: Number of workers from most important third countries as registered by the Labour Office by occupation and country of origin: Plant and machine operators and assemblers

Third countries	31.12.2018	31.12.2019	30.6.2020
Ukraine	29,989	38,699	34,564
Mongolia	3,584	3,884	4,141
Vietnam	2,373	2,139	2,115
Belarus	1,031	1,901	2,079
Serbia	1,516	2,116	1,909
Moldova	1,188	1,254	1,259
Russia	884	1,181	1,245
Total (all countries)	43,554	55,950	52,034

Source: Czech National Office of Statistics

5.1 GOVERNMENTAL RECRUITMENT PROGRAMMES

In reaction to employers’ demands in the sector, as well is in the entire economy, in 2016 the Czech government has launched an employment

Table 9: Number of workers from most important third countries as registered by the Labour Office by economic sector and country of origin: Transport and storage

Third Countries	31.12.2018	31.12.2019		30.6.2020
		Number of foreign workers	Share in the sector's total employment, %	
Ukraine	7,544	9,076	2.6	7,661
Russia	655	794	0.2	818
Belarus	415	642	0.2	787
Moldova	326	340	0.1	331
Vietnam	131	230	0.1	290
Bosnia and Herzegovina	291	274	0,1	288
The Philippines	60	185	0,1	233
Serbia	182	213	0,1	229
Kazakhstan	170	234	0,1	205
Total (all countries)	10 923	13 481	3,8	12 423

Source: Czech National Office of Statistics, author's calculations

Table 10: Job vacancies and potential candidates as registered by the Labour Office: Heavy truck and lorry drivers

	12.2014	12.2015	12.2016	12.2017	12.2018	12.2019	09.2020
Demand	1,001	1,656	2,050	4,192	5,696	5,238	4,828
Supply	1,365	1,155	1,019	699	559	549	498

Source: Ministry of Labour and Social Affairs

programme known initially as Rezim Ukrajina (Programme Ukraine), aimed at simplifying the visa procedure for workers from Ukraine; later on, the programme was expanded to other third countries and became increasingly sophisticated, putting in place conditions and quotas for various types of employment, and changing regulations in reaction to the country's economic needs each year.

The governmental recruitment programme currently comprises six different recruitment projects, depending on the required level of qualification and issued type of visa. The truck drivers fall within the project known as "Special procedures for qualified employees from Ukraine", with a quota of 19,600 persons a year. This is also the largest project within the governmental recruitment programme: it targets medium and low qualified workers in industry, services, agriculture and

food industry, who will receive visas for a period longer than one year, called employment cards. As part of the recruitment procedure, employers have to advertise the vacancy at the Labour Office, where the vacancy is advertised between 10 and 30 days, depending again on the level of qualification that the position requires. The employers then establish contact with potential employees through intermediaries, such as recruitment agencies, and Czech representative offices in specific countries (in Lvov or Kiev, in the case of Ukraine) and begin with employment procedures.

Third country nationals hired through governmental recruitment programmes can only be hired directly by employers. Hence, recruitment agencies cannot directly apply and can work only as intermediaries establishing contact between the employer and the employee. Additionally, employees that are recruited through employment cards can only work

Table 11: Total number of heavy truck and lorry drivers in the sector in the Czech Republic and registered driver attestations in circulation

	2015	2016	2017	2018	2019
Drivers in the sector	120,612	124,890	128,964	130,774	n.a.
Number of driver attestations in circulation at the end of	813	1,121	835	2,321	3,697
Share of driver attestation in the total number of drivers, %	0.67	0.90	0.65	1.77	.

Source: Eurostat [sbs_na_1a_se_r2]; European Commission¹, author's calculations

Czechia has registered a significant drop in the supply of truck drivers. Governmental programmes designed to facilitate the employment of third country nationals establish yearly quotas for different industries, including road transport.

full time for a salary equal to at least 1.2 times the minimum guaranteed wage for the given sector, which was a condition negotiated by trade unions as an attempt to fight social dumping (Gheorghiev, Čada, Numerato and Hoření, 2020a). While discrimination in terms of salary, social insurance contributions and general work conditions is forbidden, the regulatory character of the programme is made to strictly meet the employer's needs. For example, the employee is not allowed to change his employment for the first six months after they had received the employment cards, which leaves them no option to decline inadequate employment or working conditions or seek better employment if the opportunity appears. Additionally, their visa is only valid when "in-use", i.e., the permit holders always have to be actively working in order to be allowed to stay in the country, with a maximum of two months' break allowed between posts (Gheorghiev, Čada, Numerato and Hoření, 2020b).

Alternatively, employers can bypass governmental recruitment programs and seek workers from third countries through other means, also with the help of recruitment agencies that prepare all required documentation. Such a process typically takes longer than when the employer applies to a governmental programme (see chapter 6).

No data is available as to how many drivers are hired through which channels, the number of issued cards for this specific profession is not centrally monitored. Alternatively, the number of third country national drivers, across all types of visa, can be tracked based on registered driver attestations, as illustrated in Table 11, which clearly shows an increasing trend of driver attestations in the past three years in the Czech Republic, with the share of drivers with driver attestations among all drivers approaching 2%.

¹ <https://ec.europa.eu/transport/sites/transport/files/driver-attestations-in-road-freight-transport.pdf>

6. The role of temporary agencies in Czech road transport

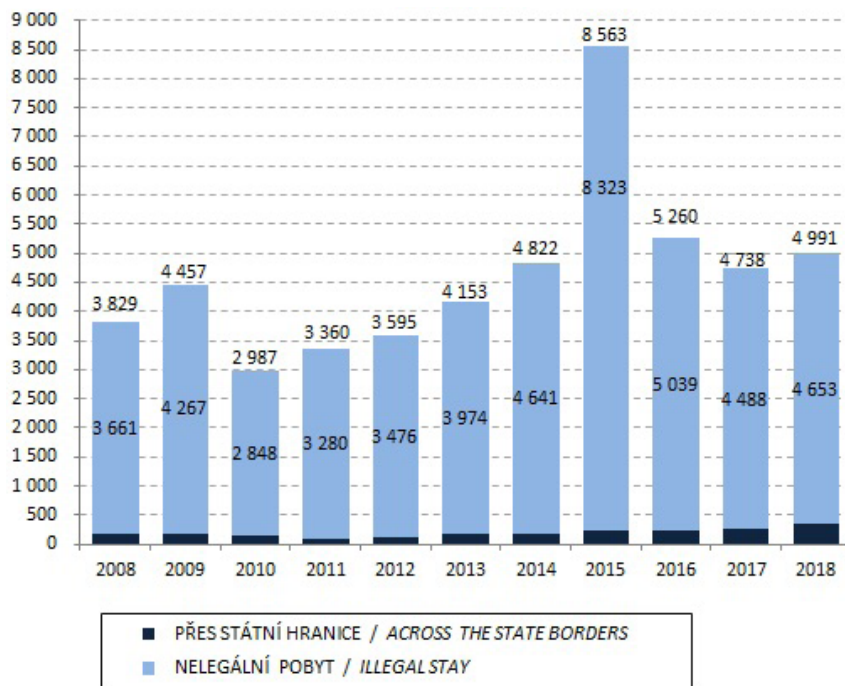
Employers can seek workers from third countries also outside official governmental programmes, with the help of recruitment agencies or other intermediaries. As stipulated by regulation on the employment of third country nationals, recruitment agencies can only mediate the contact between the employer and the employee, in exchange for a fee paid by the employer. In reality, however, recruitment agencies play often a more complex role for the integration of migrant workers on the Czech labour market (Gheorghiev, Čada, Numerato and Hoření, 2020b).

Current official policies support a “managed” migration strategy through specific visa regimes and quotas in reaction to the country’s workforce demand. However, some employers opt to bypass these programmes and use the services of agencies that hire workers themselves. In such a case, the employer is transferring the workers’ salaries to the agency that manages the company’s employment. In doing so, the company avoids administrative procedures, such as having to advertise the vacancy at the Labour Office and to wait for the approval. Typically, the agency keeps a share of the employee’s monthly salary (Gheorghiev, Čada, Numerato and Hoření, 2020b). No specific data on agencies’ documentation to bring workers to the Czech Republic is available. Some third country workers are arriving based on Polish visas, short-term work permits, or tourist visas, while others are arriving without whatsoever registration. The

Czech National Office of Statistics estimated that about 5,000 workers were found in “illegal stay” in the Czech Republic in 2018, as shown in Figure 1.

The significant demand for low qualified migrant workers consolidated the role of recruitment agencies as intermediaries between migrant workers and Czech employers. Encouraged by legal and bureaucratic barriers that prevent employers from hiring migrants directly, recruitment agencies managed to carve an important market niche and capitalise on immigrant labour often at the expense of immigrant wages. Moreover, beyond being for many migrant workers the only realistic channel towards the labour market, recruitment agencies, as well as less formal specialised intermediaries that connect migrant workers to potential employers, represent an important, if not the only source of information on constantly changing regulations, required documentation and other legislative steps that foreign workers have to go through when accessing the Czech labour market (Gheorghiev, Čada, Numerato and Hoření, 2020b). Recruiters themselves often come from the same countries or speak the same language as migrant workers. To a certain extent, recruitment agencies act for many as gatekeepers to the labour market. In situations of uncertainty, where a migrant loses a job and, as a result, the legality of stay is threatened, recruiters represent, somewhat ironically, a safety net they can fall upon. Such informal transactions of money and job opportunities also

Figure 1: Illegal migration in the Czech Republic



Source: Czech National Office of Statistics

High demand for migrant workers enhanced the role of temporary agencies for Czech employers. Due to legal and bureaucratic barriers preventing employers from hiring migrants directly, temporary agencies managed to carve an important market niche and capitalise on migrant labour often at the expense of migrant wages.

prevent any official bodies, such as labour inspectorates, to intervene when abuses occur (Gheorghiev, Čada, Numerato and Hoření, 2020b).

During the pandemic and as a result of imposed restrictions, companies became eligible to governmental support to prevent massive redundancies. Although temporary agencies were also eligible to these support schemes, they were often reluctant to follow the administrative requirements. Hence, many migrants they hired were laid off and had to return home. This, however, opened up another significant problem: as salaries are paid retrospectively, in the month following their work, many workers who returned home were left with the promise that the money for their last employment month will be transferred to their home country. In reality, numerous agencies failed to do so, taking advantage of the workers' absence and cutting all contact. The phenomenon became so widespread,

that it provoked a mobilisation among workers which ended in a hunger strike that attracted significant media attention (Gheorghiev, Čada, Numerato and Hoření, 2020b). This situation is not strictly confined to the period of the COVID-19 pandemic, although the pandemic amplified the unpaid wages problem.

All drivers interviewed for the TransFair research were hired and employed directly by the company, their employment was only initially mediated by a recruitment agency. Some of the interviewed drivers assumed that the character of the job as a driver does not allow for undocumented employment, given the regular checks on the road. Additionally, the constant communication with dispatchers and employees can represent a complicated work environment for the recruitment agency to act as the employer.

7. Social Partners' standpoint towards third country nationals' recruitment

Chapter 7 reviews social partners, i.e. employer' and trade unions' positions towards the employment of third country nationals in road transport in Czechia. Employers primarily lobby for an increase in permitted yearly quotas of foreign workers and a simplification of administrative procedures. On the side of trade unions, there is a strong tendency of key representatives to protect the national labour market and domestic workers. The migrant workers are sometimes blamed for "social dumping" and the related reproduction of low wages. Language barriers prevent migrants from becoming union members and thus having a greater impact on the state of their working conditions.

7.1 EMPLOYERS' ORGANISATIONS

The employers' perspective is largely presented in analyses (Chamber of Commerce, 2018) regarding their experience with hiring third country nationals through governmental programmes. Through organisations such as the Chamber of Commerce and the Confederation of Industry of the Czech Republic, employers have been primarily lobbying for an increase of permitted yearly quotas of foreign workers and a simplification of required administrative procedures.

In 2018, two years after the launch of the governmental recruitment programme, the Chamber of Commerce organised a survey on companies' experience with hiring workers from Ukraine among the members that took part in the programme. Out of 233 respondents, the largest part (25%) hired metal, machinery and related trades workers, while 6% hired truck drivers. Out of all respondents, 61% planned on prolonging their workers' employment cards for another two years, 37% were still not decided, while 2% decided against prolonging the visas. Asked if they would be interested in seeking new employees from Ukraine, 71% responded that they would, 26% were unsure and 3% would not apply for new employees. As for what employers appreciated the most about the Ukrainian workers, 82% mentioned the high performance, as opposed to qualification, which was valued by only 6% of the interviewed participants. On the other hand, the lack of language skills was evaluated by 73% as the main problem when hiring workers from Ukraine. As regarding the recruitment process, the interviewed companies complained especially about the lengthy process (88%) and the complicated administrative procedures (39%) (Chamber of Commerce, 2018).

Articles that appeared in the media on the third country drivers in the Czech transport sector predominantly focus on the employers' point of view. One particular company, MD Logistika, a medi-

Employers in road transport lobby for an increase in permitted yearly quotas of workers from third countries and a simplification of administrative procedures.

um-large company with about 200 trucks, shared its experience in multiple news issues. According to its director, MD Logistika selected 70 potential drivers from Ukraine out of 160 candidates and, although the efficiency of their work is in the beginning lower, given that they don't know the area, which leads to misunderstanding with the dispatchers, the company is ready to allocate up to CZK 70,000 (around EUR 2,700) for their preparation. The stories of drivers presented in the media display significantly better work conditions compared to opportunities they had in their country of origin. Asked about the reason for the high turnover of foreign drivers, companies point to their choice of returning home or leaving for Poland (MD Logistika, 2019).

In another interview, MD Logistika claimed a total cost of around EUR 4,000 per newly employed foreign driver. This includes free accommodation for the first 6 months, trainings and the services of an interpreter. The most expensive are, however, the fees for the recruitment agency that finds potential workers in Ukraine. This investment returns, according to the company, only after at least two years. According to the company, as of 2018, there were around 30 employers in the Czech Republic that were experiencing a significant shortage of drivers. The company was also complaining in an interview from 2018 on the high fluctuation of foreign drivers, who *"after three months are leaving for a company that pays better"* (HN, 2018). As part of the recruitment process, the company works with agencies from Ukraine, who are given information about the profile of the ideal candidate. The agency's work stops after the moment they established communication between the company and the potential drivers. Although, according to the company, Ukraine holds great potential in terms of drivers, the selection process is very thorough, the driver should present documentation as proof for previous experience, type of driver's licence and proof of health condition.

Another company, Icom Transport, declared in 2017 on their website that out of 1,400 of bus and truck drivers, 44 were from Ukraine and they were at the time short of 200 bus drivers, 100 truck drivers and 20 mechanics. The company again claimed to be offering free accommodation for the first six months for the drivers from Ukraine and otherwise identical working conditions to those of native workers (ICOM, 2017).

7.2 TRADE UNIONS

The largest trade union representing drivers in the Czech Republic is the Transport Union of the

Czech Republic (Odborový svaz dopravy, OSD). The scope of its influence is representative of the influence of trade unions in the Czech Republic at a general level. According to the OECD (2018), trade unions represent approximately 11.5% of wage and salary earners – a figure significantly below the average in Western Europe – and the number has been decreasing continuously.

There is no data about foreigners organised in Czech trade unions. However, according to the study of Čaněk (2017), it is considerably lower than in the general population. Several reasons cause the low involvement of migrants in trade unions; foreign labourers often work in new industrial plants where trade union density is lower than, for example, in the public sector. Migrant workers are also often likely to work in precarious positions, often having a contract with labour agencies rather than with actual employers. These conditions prevent them from becoming trade union members. Last but not least, foreign workers have very limited knowledge about labour unions and their rights in general (Čaněk, 2017).

The interviews both with the drivers and the OSD representative suggest that the topic of migration in the context of social dialogue is marginalized. In general, the understanding of migrants among social partners is not homogeneous, and there are differences in their approach towards migrants' labour market integration not only within, but also across different types of social partners (Gheorghiev, Čada, Numerato and Hoření, 2020a). Because of the structure of membership, there is a strong tendency of key representatives of trade unions to protect the national labour market and domestic workers. The migrant workers are sometimes blamed for so-called 'social dumping' and the related reproduction of low wages. On the other hand, there are emerging voices in the new generation of trade unions movements, who stress the vulnerability of migrants and emphasise the need for a stronger organisation and participation of migrants in trade unions to protect their working rights and to prevent exploitation of vulnerable migrant groups partners (Gheorghiev, Čada, Numerato and Hoření, 2020a).

Additionally, language barriers prevent migrants from becoming union members and thus having a direct impact on the state of their working conditions. The trade unions have limited numbers of speakers who can communicate with foreign workers in their native language. The Czech trade unions have yet to develop strategies to tackle foreign workers and address their issues effectively, including direct communication with them.

Language barriers prevent migrants from becoming union members and thus having a greater impact on the state of their working conditions.

8. Working Conditions of third country national drivers

Chapter 8 describes the working conditions of third country national drivers. It explores recruitment routes and terms of stay, training, practices of remuneration and of driving and rest times as well as their particular vulnerable situation due to third country nationals' short-term and employer-dependent residence status.

This chapter relies on interviews with three drivers from Russia (drivers A, B, C), one from Moldova (D) and one from Kyrgyzstan (E), as well as one dispatcher from Belarus. What drivers A, B, and C have in common is having worked at one time or another for the same employer, company X (based in Teplice). Currently, according to the interviewed dispatcher (interview 6), 80% percent of the 300 drivers working for X are third country nationals, mostly from Ukraine. Apart from driver D, all interviewed drivers work on international routes. The drivers had had previous experience and have been working in the Czech Republic for at least two years, during which time they changed several employers.

8.1 ENTERING THE LABOUR MARKET IN THE CZECH REPUBLIC

Four of the five drivers (driver A,B,C and E) have entered the Czech Republic in a similar manner within the past four years: they found an ad for the work position online, contacted what proved to be

a temporary agency, who helped to prepare their documentation. The workers didn't pay the agencies, but the employers did. The contacts to the agency stopped as soon as the drivers have arrived in Czechia and direct contact was established with the company.

Driver D from Moldova (interview 4) has been working in the Czech Republic the longest: he arrived 14 years ago and first worked in a factory, despite his previous work experience as a truck driver. In the meantime, he has obtained Romanian citizenship and his status changed to a citizen of a European member state. He has been working as a truck driver from 2014 onwards.

The dispatcher (interviewee 6) came to the Czech Republic based on a family reunification procedure, as her husband has been working in the Czech Republic long before her arrival. The drivers (apart from driver D) were first issued three months' visas, which was followed by typical employment cards valid for two years. Although they arrived at different times in the past three years, they all, apart from the dispatcher and driver D, first started to work for company X. The drivers mention a positive experience with the temporary agency although driver A, for example, specified that this was not the case for all drivers. Drivers recruited in Ukraine had a much worse experience with agencies and head-hunters, their short-term visas were never prolonged, and they were forced to return home, while the employer still owed

Temporary agencies play an important role to recruit drivers for Czech transport companies. Often they just act as intermediaries to organise recruitment and drivers' papers without any further involvement in the factual employment.

them money. Additionally, driver A knew about colleagues recruited in Ukraine who had to pay the recruiters for help they received with documentation, although this is explicitly forbidden by Czech law, as the parties that pay for these services should only be the employers.

The employer must ensure that employees understand what is stipulated in the work agreement. Evidence however suggests that work contracts are often not translated, and employees fail to understand what they shall sign.

The interviewed drivers reported that they were not always given a Russian version of the work agreement, although, by law, the employer is obliged to ensure a version in the employer's native language, as one representative from the Consortium of migrants assisting organisations explained (interview 7). Driver B, for example, understood his first work agreement only after a colleague had helped him to translate the main elements stipulated in the contract. Driver E was also given an agreement in Czech, he had to rely on the help of his uncle, who has been living in the Czech Republic for a longer time and had a good command of Czech (interview 5).

Before August 2019, drivers from third countries were able to change the employer as soon as their short-term visa was turned into a long-term employment card. Driver C, for example, changed his employer as soon as possible, and, like the other interviewed drivers, has done so several times ever since, although he is *“yet to find a company in the sector that would qualify as adequate”*, that is a company that would pay him a salary he considered adequate, independently of driven kilometres (interview 3).

Based on a more recent regulation from August 2019, holders of employment cards are not allowed to change employers for the first 6 months since the first issue, turning workers from third countries, according to driver B, essentially into *“host-ages”* (interview 2).

8.2 TRAININGS

As all interviewees had had already previous work experience as truck drivers, none of them needed training on a truck. For example, at 48 years old, driver A has worked as an international truck driver for the past 25 years. They needed, however, to obtain a proof of qualification, known as the 95 code, based on a five-day training, for which they had to pay themselves, while company X provided an interpreter for these trainings.

All interviewees reported that company X would bring a large number of drivers, in particular from Ukraine, without any previous work experience and who were insufficiently instructed on driving

trucks. As a result, newcomers committed multiple errors for which they were constantly fined. In worst cases, they had accidents while driving; according to driver C, inexperienced foreign drivers caused accidents when they were unable to correctly assess if the truck would fit while passing under a bridge. Driver E recalled a situation when while abroad unloading his truck, he was approached by a colleague working for the same company X who asked for help with opening the cargo space. Driver E helped him but also asked how it was possible his colleague did not know such basic handling of the truck. His colleague answered that it was his first day on a truck and that he had previously worked as a taxi driver in Ukraine.

8.3 PRACTICES OF REMUNERATION

According to the interviewed drivers, remuneration as stipulated in the work agreements was negotiated at company level and largely varied from company to company. In theory, drivers who are not covered by a collective agreement are entitled to a guaranteed minimum wage. At company X, the wages they received did not exceed the guaranteed minimum wage in any significant way. Although this amount was, in their view, very low, the company promised to pay an additional amount in dependence of their performance, measured in driven kilometres. According to driver C, the company's purpose in this matter was to save on social contributions, by stipulating in the agreement the lowest possible salary level. For example, in the agreement driver E signed with company X in 2017, the official salary amounted to CZK 15,000 (approx. EUR 580) (interview 3).

In other companies, according to drivers A, B, C and E, salaries were better, however, a part of their wages was still correlated with performance-based pay. Although this is an illegal practice, also Czech drivers are subject to such pay practices, according to the OSD representative (interview 8). The reason why some drivers prefer an increase in components of the remuneration other than the official salary, is that a great number of Czech drivers are deeply in debt and subject to debt collection, which affects the salary, but it doesn't affect other components, such as per diems.

In stark contrast to the above-mentioned remuneration practices, driver D, who works for a German subsidiary in the Czech Republic and only drives nationally (interview 4), is paid a salary that he considers "normal" by national standards, plus allowances and premiums. His remuneration

When recruited drivers' skills are insufficient, employers need to provide training to keep drivers and roads safe.

is in no way connected to the number of driven kilometres. The company also regularly organises trainings that he can attend free of charge (interview 4).

In company X, drivers A, B, C and E experienced multiple situations where they were only paid the amount stipulated in the contract and per diems and company X did not pay the agreed amount of performance-based pay, sometimes even per diems were withheld. In driver B's case, the company failed to pay his salary in its entirety, at some time, he was owed two-months' worth of salary and given unacceptable explanations, such as *"the accountant fell ill"*, *"they forgot to make the transfer"* (interview 2).

According to the interviewed dispatcher, in her function she was pressured into writing up fines for drivers for numerous issues that they were not responsible for, such as driven additional kilometres as a result of faulty navigations systems, extra-consumption of fuel in situations when the limit was unacceptably low (interview 6). Some drivers even had to compensate for differences in fuel prices among different countries. Interviewed drivers corroborated this view, although they believe the dispatcher decides herself if these fines are being applied or not (interview 3).

Another problem mentioned by the dispatcher and confirmed by the interviewed drivers was the poor technical conditions of the trucks. They often broke down, which led to additional penalisation for the lost time (interview 6).

With regards to their current employment, the interviewees were not aware of any differences in remuneration between them and their Czech colleagues.

8.4 PRACTICES OF AND COMPLIANCE WITH DRIVING AND REST TIMES

"The truck needs to be always on the move" was, according to driver C (interview 3), the principle based on which companies such as company X operate. All drivers that worked for company X as well as the dispatcher referred to the *"inhumane"* work tempo that drivers experienced. As driver A puts it, *"I didn't have time to go to the toilet or buy food, it was absolutely unacceptable"* (interview 1). The dispatcher was to monitor any situation where the driver stopped, even if it was for a smoke or to use the toilet. Drivers working for company X were under constant pressure to deliver more

and *"faster"* (interview 6). When, after a couple of weeks of uninterrupted work, driver A raised the question of days off, he was told,

"What days off? You work for three months around Europe, then we'll speak about your days off!"
(interview 1)

According to the dispatcher (interview 6), drivers returned to company X, based in the Czech Republic, as little as possible. Eventually, it was agreed that they would do so once a month, in order to bring the necessary documentation related to the un/loading, such as confirmation of un/loading, so the client could transfer the money. None of the interviewed drivers has ever slept in a hotel paid by the company while working abroad (with the exception of driver D who only works in the Czech Republic), nor have they ever heard of such cases. All of them used the cabin as a sleeping place during journeys.

All interviewed drivers (apart from driver D) experienced situations, when they were asked to manipulate the tachograph. Typically, they used two driver cards, which allowed them to work more and bypass the period of rest. As driver C recalled,

"I was forced to use the card of a new unexperienced driver, then change the cards in the tachograph. I told them I can't do that, because I already finished my work, I can't continue working, while my card is not in the tachograph. The management said, don't worry, you won't be stopped [by police]. I was constantly pressured into things like that, so I eventually left the company"
(interview 3)

Driver C was confronted with similar situations in other companies. Using two cards for the tachograph is a common practice, not confined to his compatriots, but including all drivers of Czech companies, *"in particular in Scandinavia, where checks are not as systematic as in other European countries"* (interview 3).

Moreover, drivers were asked to shorten their weekly rest, with the danger of overfatigue and the risk of facing a fine if checks occur. As pointed out by driver C,

"For the authorities, it is simpler to write a fine to the driver, than to try and track down the company"
(interview 3)

Finally, in relation to additional weekly work/resting hours, which should in theory be left at the

Next to minimum wage, it is common practice that drivers' salaries are topped up by per-diems and performance-based pay per driven km. The latter is not allowed.

Sometimes, fraudulent fines related to alleged bad performance are deducted from drivers' salaries.

Non-compliance with rest and driving times is widespread. Even more, fraudulent behaviour, for instance using two driver cards to cheat on rest and driving periods is common practice.

Third country nationals are in a vulnerable position due to their insecure residence status. Employers can easily exploit such a situation and demand workloads that would not be accepted by natives or workers with a secure status.

discretion of the driver to decide upon, in reality, it was the dispatcher, that decided if and when these hours were going to be used. (interview 2).

8.5 VULNERABILITY THROUGH RESIDENCE STATUS

In the view of interviewed drivers, company X seemed to be specialising in hiring third country national drivers and attempted to exploit drivers' vulnerabilities related to their residence status, lack of language skills and lack of access towards and information about any support infrastructure.

When company X blamed driver E for a delay and retracted EUR 350 from his salary, he tried to talk to management (interview 5). His experience had taught him to document everything, from text conversations to photos of loading/unloading, hence, he could back up every decision and could prove that he acted based on the dispatcher's instructions. However, this evidence was not enough to convince the management of its misconduct. It was only when his uncle, who has been living in the Czech Republic for many years, talked to the management in fluent Czech and explained the repercussions that could follow in case the money was not returned, that the management reacted and paid back what was owed to driver E (interview 5).

Each time the drivers objected to the work tempo and complained about the lack of rest time, they were told they could always just leave and return home. While the interviewed drivers had their short-term visas eventually prolonged, their colleagues from Ukraine, who were carried to company X in groups of 30-40 people, were sent home after three months, as soon as their short-term visa expired. According to driver C, in these three months, his colleagues worked practically non-stop without protests, given the insecurity of their residence status (interview 3). According to driver B (interview 2), the language barrier contributed to isolation, hindering the drivers to become better informed about their options. As driver C puts it,

“Czechs still have the language advantage and the security of legally living here. They have a stronger position when negotiating with the employer, as they can always leave and go to work elsewhere. The situation for foreigners is very different, the employer can force them in all kind of difficult situations”
(interview 3)

The three drivers had generally a positive experience in terms of interactions with their Czech colleagues. Driver B, however, recalled one instance, when his Czech colleagues accused his foreign colleagues of social dumping.

During the pandemic, the interviewees said that given its key role, the sector was not significantly affected, their workload slightly diminished only between March and July.

9. Support of third country national drivers

To counteract third country national drivers' vulnerable employment position vis-à-vis their employers, support would be needed.

Some of the interviewed drivers reported how they proceeded when they did not want to accept employers' underpayment practices. Driver C was not paid correctly. He approached the Labour Office, who for an unclear reason referred him to the police. The underpayment referred to the amount that was agreed about the performance-based pay according to driven km and about the per diems, not to the minimum wage. As the minimum amount stipulated in the labour contract was paid correctly, the police refused to become involved in driver C's case and he was advised to contact a lawyer. For the lawyer, however, the disputed amount was too little and he refused to take up his case. He found support at the local Integration Centre for Migrants, who offered help to build a case. He eventually conceded that he simply could not find the time to go through all the steps, as he is constantly on the road (interview 3, interview 10).

Both the Integration Centre and other NGOs such as La Strada were contacted on a number of occasions by drivers from third countries reporting underpayments. A representative from La Strada explained that in his experience, the drivers were mostly from Ukraine or Belarus. The encountered infringements included underpayments, illegal

compensations asked from the driver for poor technical condition of the truck or the stipulation of minimum wage in agreements instead of the guaranteed minimum wage (interview 9, interview 10). In such cases, NGOs could offer the services of a lawyer who would help the driver to file a formal complaint at the labour inspectorate. NGOs would also help them calculate the amount they are owed and send the company a formal letter of demand. If the company doesn't react, the driver is entitled to sue the company. Neither the Integration Centre, nor La Strada were aware of unions becoming involved. As for the Labour Inspectorate, they seemingly become involved only in cases of very serious and complex infringements, it is a very bureaucratic organ and for foreigners it is particularly inaccessible (interview 9, interview 10).

It is important to mention in this context that at a general level, the Czech government relies on know-how and resources of NGOs when it comes to the integration on the labour market of migrants. In a sense, the majority of services of NGOs are implemented to overcome legislative and administrative barriers created by the state bodies, providing legal counselling and translation services. However, NGOs only rarely provide migrants with more tailored labour migration services, such as legal counselling. In cases of infringements, their capacity for action is limited.

For third country nationals, it is an odyssey to find adequate support in case of employers' misconduct. The Labour Inspectorate only becomes involved in cases of very serious infringements. Instead, NGOs provide legal counselling and translation services to the most vulnerable groups of workers.

10. Summary and conclusions

The Czech Republic has been struggling with a significant labour shortage that affected the performance and competitiveness of business across all sectors in the past decade. In this context, the Czech government created policies and programmes that simplify and encourage the employment of third country nationals, primarily from Ukraine, by Czech companies. The ways in which programmes such as *Programme Ukraine* are conceptualised, however, have a significant impact on the situation of migrant workers from third countries in the Czech Republic. According to the Czech Chamber of Commerce, state employment programmes represent a short-term solution for the lack of workforce. Sustainable, short-term policies should, in their view, rather focus on other strategies, such as reforms in education (Chamber of Commerce, 2018). As a result, within these recruitment programmes, there is little importance given to instruments capable to ensure a sustainable integration of migrants from third countries into the Czech labour market, which then leads to situations of infringements and exploitation.

Although third country nationals have become increasingly important for the sector of international road transport, policies that foster their employment are focused primarily on satisfying the needs of employers, expressed in demands for simpler and faster administrative procedures in the process of bringing potential drivers to the Czech Republic. Employers have essentially two options through which they could recruit drivers: they either find potential drivers through intermediaries in third countries and recruit the driver through governmental programmes, which is

the fastest way, or, they choose not to register in official recruitment programmes and leave it to intermediaries to prepare visas and other official documentation related to the worker's arrival. According to Article 262/2006 of the Labour Code, the temporary agency is only entitled to a recruitment fee paid by the employer. This was, in fact, the experience that drivers A, B, C, and E described: they reacted to an ad posted on the internet by a temporary agency, in the end, it was the factual employer, the transport company, that paid for all procedures related to their arrival. However, the TransFair research found evidence that not only the future employer but also the worker himself was requested to pay a fee to the temporary agency, although this is prohibited by law.

Our research showed that drivers from third countries experienced various forms of non-compliant employer behaviour: they were forced to manipulate the tachograph in order to reduce resting time, they were either underpaid, or owed parts of the remuneration. In terms of working conditions, drivers had to work in an unsafe environment given the poor technical state of trucks and were never provided with adequate accommodation. The position of drivers from third countries was further undermined by their lack of language skills and knowledge of existing options and outlets they could use in order to protect or improve their work situation.

It is important to mention that four of the interviewed drivers described a similar situation possibly because they worked for the same company X at one point or another. Driver E, on the

other hand, who has never worked for company X, had distinct and more positive experiences of working as a driver in international transport, although he did hear about other drivers being in more difficult situations. It is therefore not clear to what extent the situation described by the interviewed third country nationals is representative for all third country national drivers in the Czech Republic. It is, however, a useful point of depart when looking into the efficiency of mechanisms that should monitor the labour and social rights of these workers engaged in the Czech labour market.

Some NGOs and other third-party organisations have launched important initiatives to inform migrant workers about their rights and to help them overcome language or administrative barriers, however, NGO's limited capacity for action doesn't allow for effective and sustainable actions towards preventing abuses. In this context, it is the trade unions and labour inspectorates that have the capacity to exert change. However, the issue for working conditions of economic migrants represent a marginalised subject in their scope of action.

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Third-country nationals and the road transport labour market in the Czech Republic

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