

ЗАЙНЯТИСТЬ ЯК ІНТЕГРАТИВНИЙ АСПЕКТ УКРАЇНСЬКОЇ ЕКОНОМІЧНОЇ МІГРАЦІЇ: МЕЖІ, БАР'ЄРИ ТА ВИКЛИКИ У ЧЕСЬКОМУ КОНТЕКСТІ

EMPLOYMENT AS AN INTEGRATIVE ASPECT OF UKRAINIAN ECONOMIC MIGRATION: LIMITS, BARRIERS AND CHALLENGES IN CZECH CONTEXT

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АНОТАЦІЯ

Статтю присвячено одному з основних аспектів інтеграції іноземних мігрантів, а саме працевлаштуванню. Цільовий сегмент — українська спільнота. Вклад ґрунтується на теорії сегментації ринку, на основі якої оцінюється структура чеського ринку праці. Аналіз відбувається на трьох взаємопов'язаних рівнях. Зростання українського населення в Чехії, нерегулярна практика у сфері режимів проживання та працевлаштування, а також досвід українців з облаштуванням у Чехії. До найпоширеніших явищ відносяться так

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звана клієнтська система, працевлаштування за торговельною ліцензією в рамках так званої системи чорного ринку та незаконна трудова діяльність, а також пов'язані з цим синергетичні ефекти (експлуатація праці, торгівля людьми та нелегальна зайнятість, зловживання службовим становищем, процедура надання притулку) блокує адекватну економічну, соціальну та суспільну інтеграцію та збільшує ризик сегрегації за місцем проживання. Установлено, що повній інтеграції іноземців в основному перешкоджає їхнє працевлаштування на ринку праці, пов'язане з низкою стійких негативних тенденцій. Одними з них є нелегальне працевлаштування, а також зловживання інститутом відрядження працівників у формі відрядження українців іноземними роботодавцями до компаній, які направляють цих працівників на роботу до інших суб'єктів господарювання. Це призводить до ланцюгової поруки, метою якої є приховування виконання залежної роботи іноземців для роботодавців у Чехії. Не менш важливим є також шлях приховування посередництва у працевлаштуванні, у формі зловживання агентством з працевлаштування, коли замість належного працевлаштування фізичних осіб з метою їх тимчасового доручення користувачеві укладаються ділові відносини.

Ключові слова: іноземні працівники; українці; інтеграція; ринок праці; міграція; Чехія.

ABSTRACT

The article is devoted to one of the main aspects of integration of foreign migrants, namely employment. The target segment is the Ukrainian community. The contribution is based on the theory of market segmentation, which is used to assess the structure of the Czech labor market. The analysis is carried out on three interrelated levels. The growth of the Ukrainian population in the Czech Republic, irregular practices in the field of residence and employment regimes, and the experience of Ukrainians with settling in the Czech Republic. The most common phenomena include the so-called client system, employment under a trade license within the so-called black market system, and illegal labor activities, as well as related synergistic effects (labor exploitation, human trafficking and illegal employment, abuse of office, asylum procedure) blocks adequate economic, social and community integration and increases the risk of segregation at the place of residence. It has been established that the full integration of foreigners is mainly hindered by their employment in the labor market, due to a number of persistent negative trends. One of them is illegal employment, as well as the abuse of the institution of secondment of workers in the form of secondment of Ukrainians by foreign employers to companies that send these workers to work for other business entities. This leads to a chain bailout aimed at concealing the performance of dependent work by foreigners for employers in the Czech Republic. Equally important is the way of concealing employment agency in the form of misuse of an employment agency, when instead of proper employment of individuals, a business relationship is established with the purpose of temporarily entrusting them to the user.

Key words: foreign workers; Ukrainians; integration; labor market; migration; Czech Republic.

I. INTRODUCTION

Migrants from Ukraine do not represent a homogeneous group in terms of interests and goals of residence in the Czech Republic. However, the primary reasons for most migrants tend to be higher financial income (especially for remittances) and a higher standard of living with a qualitatively higher

public health system, education, etc. (in the case of permanent residence). The legislative and structural setting of the status of third-country nationals in the Czech Republic also largely determines the risks of adequate socio-social and legal integration of Ukrainians, especially in the labor market, social mobility and employment.

We encounter various economic strategies in relation to the type of residence granted, where migrants circumvent potential obstacles, either within or outside the applicable laws and regulations, consciously or unconsciously. The most frequently persisting phenomena include the so-called client system, employment on a trade license within the so-called black system and irregular work activities and related synergies (labor exploitation, human trafficking and illegal employment, abuse of the asylum procedure) blocking adequate economic, social and societal integration and increasing the risk of residential segregation.

The aim of the analysis is to evaluate the current state of selected aspects of employment of Ukrainian workers (regularity and legality), their experience, limits and barriers, focusing on irregular practices in the field of residence and employment, preventing adequate integration, using a quantitative analysis of the scope. The criterion for selecting the Ukrainian community is, on the one hand, the number of the foreign segment in the Czech Republic and the extent of the recorded irregular practices and negative impacts in the field of social integration.

The purpose of the presented analysis is to identify possible risks related to the negative effects of social and economic integration. The paper is based on the theory of market segmentation, on the basis of which it evaluates the structure of the Czech labor market. The analysis takes place in three relevant theoretical levels — growth of the Ukrainian population in the Czech Republic, irregular practices in the field of residence regimes and employment and the actual experience of Ukrainians with living in the Czech Republic, which are structured according to selected dimensions of integration — housing, labor market, economic integration, language integration, identification and interaction¹.

¹ see: Topinka D., Janoušková K., Kliment P. (2010). Strategies for coping with difficult situations by foreigners from Ukraine and Mongolia. SocioFactor, s.r.o. [In Czech].

However, there remains space for possible additional inquiries aimed at dealing with the negative practices of employing foreigners with proposals for specific systemic, labor and criminal law measures.

II. PURPOSE AND METHODOLOGY

The purpose of the article is to analyze a series of aspects of the labor integration of foreign migrants with the target segment — the Ukrainian community residing in the Czech Republic.

The methodological basis of the study is the theoretical provisions of the dialectical method of cognition of social phenomena and processes, as well as such scientific methods as sociological, comparative legal, formal legal, logical analysis, analogy, etc.

III. DESCRIPTION OF THE OBTAINED RESULTS

As of 31 June 2021, 183,250 Ukrainians were legally residing in the Czech Republic, which represents 27.2% of all legally residing foreigners¹, of which 44.7% were women in 2019². The regions with the strongest Ukrainian concentration include the Capital City of Prague (53,456), the Central Bohemian Region (23,970), the Pilsen Region (10,799), and the South Moravian Region (12,799). In the remaining regions, Ukrainian migration ranges from about 2 to 6 thousand people³. The most common purposes of permitted residence include employment and entrepreneurship, family reunification and, last but not least, study⁴. From 2020 data, it can be stated that the difference between the share of temporary and permanent residence of Ukrainians is not so significant (46.6% temporary, 53.4% permanent).

¹ Czech Statistical Office (2021). Number of foreigners in the Czech Republic — preliminary quarterly data; 2004/06 — 2021/06. URL: https://www.czso.cz/documents/11292/27320905/c01R02_202106.pdf/6ec242037a30-417d-8355-f719ec68f9ec?version=1.0 [In Czech]; ANACEN/Analytical Center for State Border Protection and Migration (2021). Trends and findings in the field of migration and border protection. Periodic report May 2021. Ministry of the Interior of the Czech Republic. p. 3 [In Czech].

² Czech Statistical Office (2020). Foreigners in the Czech Republic 2020. URL: <https://www.czso.cz/documents/10180/125507871/29002720.pdf/72ffef73-2105-4fde-9220-6549e8348aa3?version=1.3> [In Czech].

³ Ibid.

⁴ Ibid.

However, the year-on-year increase in these types of stays of Ukrainians is significant, by 13.8%, the most of all foreign groups¹.

Since 2012, several projects of selected ministries of state administration have taken place within the framework of economic migration programs — Fast Track, Welcome Package, pilot project Ukraine and India, Regime Ukraine or Regime Other States and Regime Farmer. Since 2019, programs for highly qualified employees have been added — the Key and Scientific Personnel Program, the Highly Qualified Employee Program and the Qualified Employee Program. The pandemic situation in 2020/21 did not affect the government's setting of the volume of economic migration to the Czech Republic and the strategy of maintaining its volume to the maximum extent, while there was a slight increase in the ratio of highly qualified migration.

We can register a significant impact of the pandemic situation in 2020 in a decrease in applications for entry into the Czech Republic for all residence titles at embassies of the Czech Republic abroad, by almost 73%. The busiest embassies in the Czech Republic were in Lviv, Kiev, Moscow, Yekaterinburg and Delhi². The highest number of applications and short-stay visas (93,618) in 2020 were registered with Ukrainian nationals. Citizens of Ukraine also dominated in granted long-stay visas (3,508) and granted long-term stays at embassies abroad (19,660)³.

On the other hand, 19.3% more applications were received in the Czech Republic in connection with the residence agenda of foreigners. This was an increase of 8% for third-country applicants applying for a long-term residence permit, most often citizens of Russia (3,431), Ukraine (3,309) and Kazakhstan (1,088). In 2020, Ukrainian citizens also dominated applications for extensions of existing long-term residence (22,073). In applications for a change in the purpose of long-term residence, Ukrainians occupy the second most common position (622) after citizens of the Russian Federation (1,048). However, we generally register a year-on-year decrease (7%) in applications for a permanent residence permit. A positive decision

¹ ANACEN/Analytical Center for State Border Protection and Migration (2021). Trends and findings in the field of migration and border protection. Periodic report May 2021. Ministry of the Interior of the Czech Republic [In Czech].

² Ministry of Industry and Trade (2021). Numbers of entrepreneurs by citizenship doing business in the Czech Republic. URL: <https://www.mpo.cz/cz/podnikani/zivnostenske-podnikani/statisticke-udaje-o-podnikatelich/pocty-podnikatelu-dle-obcanstvi-podnikajicich-v-ceske-republice--151024/> [In Czech].

³ Ibid.

on granting permanent residence was issued in 15,141 cases, most often to nationals of Slovakia (3,505), Ukraine (3,116) and Vietnam (1,567). Of the 2,656 persons who were granted Czech citizenship in 2020, Ukrainian nationals were the most represented (939)¹.

Many migrants consider circular migration to be a risky strategy due to the low probability of obtaining a new work permit when they return home. This approach of the Czech government has also limited access to permanent residence, which can only be granted after an uninterrupted stay of 5 years. Many Ukrainians who originally circulated thus began to seek permanent residence, and short-term labor migration programs (special visas) were criticized as “anti-integration” in this regard. Although circular migration may be a good choice for certain sectors of work as well as a certain group of migrants, the key challenge of circular migration and short-term employment, such as exploitation, in the Czech Republic, especially with the widespread system of employment agencies, still remains. Other risks are considered to be the absence of a long-term perspective, low incentives to integrate or the risk of falling into illegality².

Economic activities and the labor market³

Labor market integration is one of the key conditions for the successful integration of migrants. Most Ukrainian citizens work in the Czech Republic. As of 31 July 2021, 191,666 citizens of Ukraine (of which 81,295 were women) were registered at labor offices. There are 84,028 Ukrainian nationals in the position of foreigners who do not need a work permit, 56,783 Ukrainian nationals are registered in the position of persons with a work permit, 50,655 Ukrainian nationals have an employment card and

¹ Ministry of Industry and Trade (2021). Numbers of entrepreneurs by citizenship doing business in the Czech Republic. URL: <https://www.mpo.cz/cz/podnikani/zivnostenske-podnikani/statisticke-udaje-o-podnikatelich/pocty-podnikatelu-dle-obcanstvi-podnikajicich-v-ceske-republice--151024/> [In Czech].

² Stojanov R., Klvaňová R., Seidlová A., Bureš O. (2021). Risks and challenges of Czech migration policy in the context of the “migration crisis”. Brno: Faculty of Business and Economics of Mendel University in Brno. URL: https://chytramigrace.cz/wp-content/uploads/2021/05/2021_policy_paper.pdf [In Czech].

³ Official employment statistics of state administration offices do not include foreigners who perform work activities without proper work permits, permits to self-employment or without any of the residence titles.

200 Ukrainian citizens have a blue card¹. 25,074 Ukrainian citizens are registered as entrepreneurs². Among foreign entrepreneurs, Ukrainians rank first in number, followed by citizens of Vietnam (20,505) and Slovakia (20,253). These three nationalities represent more than two thirds of all foreign entrepreneurs³.

The vast majority of Ukrainian employees find employment in the secondary labor market. Jobs in this sector are rejected by the domestic population and filled by foreigners. The reason for the low attractiveness of this sector's professions for domestic employees is mainly low wages, physical demands, unattractive working conditions and low social status. More than half of Ukrainian citizens are employed in unskilled jobs, especially hard manual or auxiliary work, especially in construction and industry. For women, these are often hospitality work, cleaning, various ancillary work, sales, textile production or assembly line work.

In terms of the sectoral structure of the labor market, the most frequently occupied positions include the manufacturing industry (39,800), administrative and support service activities (30,492), construction (23,944) and wholesale and retail trade (11,395). In terms of job classification (CZ-ISCO), for example, in 2019 almost half of Ukrainian employees registered by labor offices (out of a total of 144,114) were included in the category Auxiliary and unskilled workers (62,250), and in the category Machinery and equipment operators, fitters (38 699), craftsmen and repairers (18 011)⁴.

The strategy of access to the Czech labor market, which exposes not only Ukrainian migrants to a high risk of unsuccessful integration, remaining

¹ Ministry of Labour and Social Affairs (2021). Employment of foreign nationals. URL: <https://data.mpsv.cz/web/data/vizualizace9> [In Czech].

² Ministry of Industry and Trade (2021). Numbers of entrepreneurs by citizenship doing business in the Czech Republic. URL: <https://www.mpo.cz/cz/podnikani/zivnostenske-podnikani/statisticke-udaje-o-podnikatelich/pocty-podnikatelu-dle-obcanstvi-podnikajicich-v-ceske-republice--151024/> [In Czech].

³ Ministry of Industry and Trade (2021). Numbers of entrepreneurs by citizenship doing business in the Czech Republic. URL: <https://www.mpo.cz/cz/podnikani/zivnostenske-podnikani/statisticke-udaje-o-podnikatelich/pocty-podnikatelu-dle-obcanstvi-podnikajicich-v-ceske-republice--151024/> [In Czech].

⁴ Czech Statistical Office (2020). Foreigners in the Czech Republic 2020. URL: <https://www.czso.cz/documents/10180/125507871/29002720.pdf/72ffef73-2105-4fde-9220-6549e8348aa3?version=1.3> [In Czech].

in a low-skilled profession or directly abused and exploited position, is to use the services of intermediaries/clients.

Control activities of residence permits and work permits

With the growing number of foreigners, especially in industrial agglomerations, there is an expansion of accommodation capacity to the outskirts of large and small cities in selected regions and related specific types of problems. The subject of inspections by state administration bodies (the Police in cooperation with the regional labor inspectorates, the Customs Administration of the Czech Republic, the Czech Trade Inspection Authority and the Czech Environmental Inspectorate) is employment without a residence permit and employment permit. In 2020, 133,982 residence checks were carried out (Foreign Police Service independently and in cooperation with other authorities). In the year-on-year comparison, there is a more than one third decrease in the number of residence checks in connection with the pandemic situation (–36.6%) and the number of checked foreigners (approx. 451 thousand persons, –35%)¹.

The arrival of some foreigners in the Czech Republic on a long-term visa issued by Poland for the purpose of employment or job search remains a permanent trend in 2020, and they work on this visa in the Czech Republic without the appropriate work permit or are fictitiously sent by foreign employers/employment agencies to perform tasks on the territory of the Czech Republic². As in previous years, the most frequent nationals who did not have valid labor law documents were citizens of Ukraine and Moldova who are employed without proper authorization³.

The misuse of short-stay visas (up to 90 days) for employment also remains a persistent trend. In most cases, citizens of Ukraine and Moldova do not start or work with the employer at all after receiving a visa in violation of the issued permit. Furthermore, residence checks reveal irregular documents (forged, altered, foreign or fictitious persons). The most frequently seized forged documents in 2020 were Romanian documents, namely identity

¹ Ministry of the Interior of the Czech Republic (2021). Report on the situation in the area of migration and integration of foreigners in the Czech Republic 2020. URL: <https://www.mvcr.cz/migrace/clanek/vyrocní-zpráva-o-situaci-v-oblasti-migrace-a-integrace.aspx> [In Czech].

² Ibid.

³ Visa-free travel does not apply to stays for gainful employment.

cards and driving licenses. Citizens of Ukraine¹ and Moldova in particular prove these forged IDs².

Within the total number of detected foreigners who violated the law concerning residence and employment in the Czech Republic in 2020, we can identify the 4 most common groups³:

- 1) foreigners who entered the territory of the Czech Republic legally and exceeded the permitted period of stay and did not leave the territory of the Czech Republic after its expiry;
- 2) foreigners who entered the territory of the Czech Republic illegally, without valid entry/residence permits, and those who fall into the so-called transit illegal migration;
- 3) foreigners who have knowingly disregarded the decisions of administrative authorities or courts regarding the restriction of their residence permit in the Czech Republic;
- 4) foreigners who performed employment in the Czech Republic without a work permit⁴.

The most frequently identified ways of concealing illegal residence, prolonging legal residence, abuse of legal residence in another EU member state include⁵:

- 1) purposeful loss of documents on the territory of the Czech Republic;
- 2) non-fulfillment of the obligation to register the stay within 3 working days after arrival on the territory of the Czech Republic⁶ (especially for citizens of Ukraine);

¹ In particular, citizens of Ukraine with a residence permit in the Czech Republic are trying to obtain a higher license to drive motor vehicles (trucks and buses), which they do not actually own, by using a forged driving license.

² Ministry of the Interior of the Czech Republic (2021). Report on the situation in the area of migration and integration of foreigners in the Czech Republic 2020. URL: <https://www.mvcr.cz/migrace/clanek/vyrocní-zpráva-o-situaci-v-oblasti-migrace-a-integrace.aspx> [In Czech].

³ Ibid. pp. 129–130.

⁴ Many foreigners mistakenly believe that visa-free travel allows them free entry into the labor market in the Czech Republic.

⁵ Ministry of the Interior of the Czech Republic (2021). Report on the situation in the area of migration and integration of foreigners in the Czech Republic 2020. URL: <https://www.mvcr.cz/migrace/clanek/vyrocní-zpráva-o-situaci-v-oblasti-migrace-a-integrace.aspx> [In Czech].

⁶ Often intentional, illegal stay so untraceable in the Foreign Information System.

- 3) possession of two passports¹ (especially citizens of Ukraine and Moldova);
- 4) possession of two passports issued on two different identities (especially for Ukrainian citizens);
- 5) having a residence status in another EU country and staying in the Czech Republic in the absence of internal border controls and the impossibility of proving that the 90-day stay has been exceeded.

In 2020, the State Labor Inspection Authority (SÚIP) carried out a total of 5,557 inspections focused on illegal employment. Inspections were carried out at a total of 5,277 entities, of which a total of 1,693 natural persons and 3,584 legal entities were inspected. A total of 3,110 persons performing illegal work were found (556 citizens of the Czech Republic, 141 citizens of other EU Member States and 2,413 third-country nationals)². The total number of identified third-country nationals is significantly dominated by citizens of Ukraine (1999 persons), followed by citizens of Moldova (130), Vietnam (88), Serbia (44), Georgia (29), India (15) and China (14)³.

According to the type of illegal work performed by a foreigner, in 665 cases it was the performance of dependent work outside the employment relationship, in 2,184 the performance of work contrary to or without the issued work permit, or in violation of the issued employee card, internally transferred employee card or blue card or without any of these cards and in 66 cases on the performance of work by a foreigner without a valid residence permit in the Czech Republic⁴.

In 2020, the most frequently illegal persons were found by employers in the fields of construction (183 entities), wholesale, retail; repair and maintenance of motor vehicles (106 entities), manufacturing (106 entities), accommodation, food and beverage service activities (80 entities) and

¹ The person uses both travel documents simultaneously and alternately crosses the external borders of the Schengen area on one or the other travel document, thus artificially extending the maximum 90-day period of legal stay.

² State Labor Inspection Authority (2021). Annual summary report on the results of audits for 2020. URL: http://www.suip.cz/_files/suip-81fe4ae011de0ad3a45b22c7ce249b8b/suip_rocni-souhrnna-zprava-o-vysledcich-kontrolnich-akci-za-rok-2020.pdf [In Czech].

³ Ibid.

⁴ Ministry of the Interior of the Czech Republic (2021). Report on the situation in the area of migration and integration of foreigners in the Czech Republic 2020. URL: <https://www.mvcr.cz/migrace/clanek/vyrocnni-zpravy-o-situaci-v-oblasti-migrace-a-integrace.aspx> [In Czech].

professional, scientific and technical activities (61 entities)¹. In 2020, the SÚIP (2021: 139) also performed a total of 195 inspections directly focused on the area of disguised employment mediation. The inspections took place at 189 entities, of which 185 were legal entities and in 4 cases natural entrepreneurs. Out of a total of 195 inspections, deficiencies were found in 149 cases.

In terms of the total number of 2,413 foreigners / third-country nationals detected during illegal work in 2020, the Moravian-Silesian and Olomouc regions (439 persons) took first place, followed by the South Bohemian and Vysočina regions (405), the South Moravian and Zlín regions (383) and the Central Bohemian region (320). The remaining regions are at the level of about 200 identified persons².

The most frequent violations of the Employment Act included³:

- non-fulfillment of the information obligation of employers towards the regional branches of the Labor Office of the Czech Republic in relation to the employment of employees from abroad;
- failure of the employer to have copies of documents proving the existence of an employment relationship at the workplace and failure of this obligation by the employer established in another EU Member State who sent his employee to the Czech Republic to provide temporary work, and documents, must be translated into Czech;
- non-fulfillment of registration obligations in relation to employees from abroad.

The most common violations of the Labor Code included⁴:

- failure to have a written performance or employment agreement;
- non-compliance with the provisions of the Labor Code in relation to the performance of work on the basis of an agreement on the performance of work;
- non-compliance with the provisions concerns the negotiation of the amount of remuneration from the agreement and the conditions for

¹ State Labor Inspection Authority (2021). Annual summary report on the results of audits for 2020. URL: http://www.suip.cz/_files/suip-81fe4ae011de0ad3a45b22c7ce249b8b/suip_rocni-souhrnna-zprava-o-vysledcich-kontrolnich-akci-za-rok-2020.pdf [In Czech].

² State Labor Inspection Authority (2021). Annual summary report on the results of audits for 2020. URL: http://www.suip.cz/_files/suip-81fe4ae011de0ad3a45b22c7ce249b8b/suip_rocni-souhrnna-zprava-o-vysledcich-kontrolnich-akci-za-rok-2020.pdf [In Czech].

³ Ibid.

⁴ Ibid.

its provision in the employment agreement or in the performance agreement;

- non-compliance with the requirements concerning the content and form of the employment contract.

In 2020, the State Labor Inspection Authority also carried out 325 inspections in the area of agency employment (both for employment agencies and users), where it found 118 inspections with violations (36%) and 207 inspections without violations (64%).

The most common violations related to agency employment were¹:

- the employment agency has not ensured that the working and wage conditions of the seconded employee are not worse than those of the user's comparable employee;
- the employment agency assigned the employee to perform temporary work for the user on the basis of a written instruction which did not contain information on the working and wage conditions of a comparable employee or was not complete;
- the employment agency agreement with the user on temporary assignment did not contain information on the working and wage conditions of the user's employee who performs or would perform the same work as the temporary employee;
- the employment agency did not fulfill its obligation by not sending data for the previous calendar year to the DG ÚP ČR for statistical purposes by 31 January of the current year, or by not keeping mandatory records in accordance with the law;
- the agency's agreement with the user on temporary assignment did not contain information on the assigned employee, eg name, residence, citizenship, place of birth;
- the employment agency agreement with the user on temporary assignment did not specify the period for which the seconded employee will work for the user;
- the agency's agreement with the user on temporary assignment did not contain the type of work that the seconded employee will perform,

¹ State Labor Inspection Authority (2021). Annual summary report on the results of audits for 2020. URL: http://www.suip.cz/_files/suip-81fe4ae011de0ad3a45b22c7ce249b8b/suip_rocni-souhrnna-zprava-o-vysledcich-kontrolnich-akci-za-rok-2020.pdf [In Czech].

- including the requirements for professional or medical qualifications necessary for this type of work;
- the agency's agreement with the user on temporary assignment did not contain the date of entry of the temporarily assigned employee to perform work for the user.

Client system and agency employment

The client system refers to entrepreneurs engaged in the organization of employment for third-country nationals, mostly their own compatriots. Ukrainian entrepreneurs and intermediary companies can provide the migrant with a complete portfolio of services from processing the necessary documents, providing accommodation, meals to employment and other services¹. The basis of this system is expatriate ties, where labor law agreements can take a purely informal form, based only on the migrant's trust in the intermediary, who often comes from a number of successful Ukrainian migrants. With the strengthening of legislative and systemic measures of the Czech state migration policy, the role of clients gradually became institutionalized and professionalized in the form of legally registered companies and agencies mediating work for foreigners and performing activities on the labor market in various sectors. The owners and executives of these companies are often Ukrainians or Russians².

In some cases, employment agencies act as supplier companies, in which case we are talking about disguised agency employment. The agency proceeds by renting premises at the customer's company, where employees perform work for the target company. In some cases, there is a chaining of employment, where a disguised employment agency hires employees from another agency. In these cases, the monitoring of employed foreigners by the state is significantly complicated, as it is difficult to find out which company the foreigner actually belongs to³.

¹ Clients serve as intermediaries between the employee and state and local government bodies, with which they have long-term cooperation at the local level. The use of clients for communication concerning Ukrainian employees with the Foreign Police Service is already confirmed by the research of SocioFactor from 2010 (Topinka, Janoušková, Kliment 2010: 59).

² Hirt t. (ed.) (undated). Vietnamese, Mongols and Ukrainians in the Czech Republic: Labor migration, living conditions, cultural specifics. Information manual of the Police of the Czech Republic. Pilsen Regional Branch of People in Need. Published by the Ministry of the Interior of the Czech Republic. pp. 70–71 [In Czech].

³ Ibid.

Since 2019¹, we have been registering an increase in the use of legally issued Ukrainian documents with altered identity of people living in separatist areas (Crimea, Donetsk, Luhansk), especially within Russian-speaking organized groups².

International foreign language criminal groups participate in the procurement of forged or altered personal documents used to legalize the stay of migrants and their subsequent illegal employment who are already in the territory of European countries, including the Czech Republic, or with their help illegal migrants try to get to Schengen countries. These are most often Ukrainian citizens. Among the most frequently forged documents in 2020 were Romanian and Lithuanian identity documents, which were mostly misused by Ukrainian citizens, especially for the purpose of illegal employment³.

There is still a trend to suspect trafficking in human beings for the purpose of forced labor or other forms of exploitation in agency work. In 2020, there was a continuing way of employing Ukrainian and Moldovan nationals on forged Romanian or Lithuanian documents, due to easier access to the labor market for the citizens of the EU Member States. With forged or altered documents, foreign workers were often recruited by employment agencies run by criminal organizations⁴.

Ukrainian experience with employment in the Czech Republic

A qualitative survey among Ukrainian respondents can provide partial informative value. An example is the research of the Research Institute of

¹ Ministry of the Interior of the Czech Republic (2020). Report on the situation in the area of migration and integration of foreigners in the Czech Republic 2019. URL: <https://www.mvcr.cz/migrace/clanek/rocnizpravy-o-situaci-v-oblasti-migrace-a-integrace-cizincu-v-ceske-republice-za-roky-2001-2019.aspx> [In Czech].

² Due to the liberalization of the visa requirement for the citizens of Ukraine in May 2018, we can talk about a new modus operandi of Russian-speaking criminal structures, as a result of which members of these structures can travel freely throughout the Schengen area.

³ Ministry of the Interior of the Czech Republic (2021). Report on the situation in the area of migration and integration of foreigners in the Czech Republic 2020. URL: <https://www.mvcr.cz/migrace/clanek/vyrocnizpravy-o-situaci-v-oblasti-migrace-a-integrace.aspx> [In Czech].

⁴ NCOZ/National headquarters against organized crime criminal police and investigation service (2021). Annual Report 2020. URL: <https://www.policie.cz/clanek/vyrocnizprava-ncoz-2020.aspx> [In Czech].

Labor and Social Affairs¹ trying to reflect the experience of the participants of the government program qualified employee in the reflection of members of the Confederation of Employers' and Business Associations. One of the target groups were also Ukrainian employees.

Ukrainians obtained information about job opportunities in the Czech Republic mainly from their family relatives and friends who had already worked in the Czech Republic. In other cases, foreigners learned about employment opportunities in the Czech Republic directly from company executives directly in Ukraine. The predominant motivation of foreign workers is especially the amount of financial reward for work performed in the Czech Republic compared to financial reward in Ukraine. Furthermore, certain job-related guarantees guaranteed by the employer, such as accommodation and availability of health care for employees within the Czech public health insurance. Good company references and detailed information from acquaintances or family were also positive motivations. It is the presence of family members, acquaintances and compatriots in the new unknown environment that also represents a positive motivation to look for work in the Czech Republic².

The assessment of barriers and difficulties after coming to work in the Czech Republic is very individual for Ukrainian employees, but homesickness, family divisions and language difficulties in communicating with co-workers and managers proved to be crucial. Workplace relations are evaluated positively by foreign workers from Ukraine in the overall evaluation. The vast majority stated that, in addition to the common personal problems and disagreements that occur in every work team, there were no more serious excesses. In cases where there were some inconveniences in the work team, the reasons were, for example, political disagreements among Ukrainians, due to the conflict in Ukraine, intergenerational differences or poor previous experience of Czechs³.

"I had problems in the work team at the beginning, it was very unpleasant for the first four months, I'm the only Ukrainian here. They had Kolya Ukrainians

¹ Schebelle D., Kubát J., Bareš P. (2020). Qualified employee program (formerly Mode Ukraine) in the reflection of members of the Confederation of Employers 'and Entrepreneurs' Unions of the Czech Republic. Praha: Research Institute of Labor and Social Affairs. URL: https://katalog.vupsv.cz/Fulltext/vz_482.pdf [In Czech].

² Ibid.

³ Ibid.

in front of me and they had big problems with him, I had to convince them that I was different from him”, said one of the respondents. Another “I’ll say it now, but with the Czechs it’s easier for me. With Ukrainians because they are there from eastern Ukraine and sometimes we don’t understand each other, because of politics”¹.

The way of living of the respondents mainly reflected their family and economic situation, as well as the fact whether the company or enterprise has its own hostel for employees. In the case of workers who had a family or children in the Czech Republic, they switched from dormitory accommodation as soon as possible due to unsatisfactory conditions².

Workers from Ukraine perceived working conditions differently, due to their job position, job description and length of working hours. However, most perceived their work as rather physically demanding. Some were not very satisfied with the financial evaluation of their work, due to its complexity. However, absolutely everyone agreed that compliance with occupational safety is, in their opinion, in accordance with the law, it is given sufficient attention and the use of protective work aids is OK. *“I am satisfied, but the working conditions are difficult, I work with glue, stinks and fumes. Look, I have it everywhere, it’s not going down. Not everyone gets used to such work. It’s hard work, hard. We use a mask, but the temperature is 33 degrees, so it’s hard. I wouldn’t work in Ukraine for that kind of money, but I have a wife and I have to earn money. I work here because of my wife, she works in another department and is very satisfied”³.*

The results of all studies by the Research Institute of Labor and Social Affairs in the field of integration of foreigners in the Czech Republic show that insufficient knowledge of Czech is a key barrier to their integration. This fact is fundamentally reflected in other key areas of their lives in the Czech Republic, which of course include employment. Although the language proximity of the Ukrainian language to the Czech language represented a

¹ Schebelle D., Kubát J., Bareš P. (2020). Qualified employee program (formerly Mode Ukraine) in the reflection of members of the Confederation of Employers ‘and Entrepreneurs’ Unions of the Czech Republic. Praha: Research Institute of Labor and Social Affairs. URL: https://katalog.vupsv.cz/Fulltext/vz_482.pdf [In Czech].

² Ibid.

³ Schebelle D., Kubát J., Bareš P. (2020). Qualified employee program (formerly Mode Ukraine) in the reflection of members of the Confederation of Employers ‘and Entrepreneurs’ Unions of the Czech Republic. Praha: Research Institute of Labor and Social Affairs. URL: https://katalog.vupsv.cz/Fulltext/vz_482.pdf [In Czech].

certain advantage in terms of the time during which foreign employees from Ukraine were able to understand, at least in the basic framework of their job, the first few months did not know the Czech language just the process of their learning and integration into the work process and in some cases into the work team. A key fact for foreign employees of the future is the possibility of obtaining permanent residence in the Czech Republic. The change of residence status to permanent residence in the Czech Republic represents a certain milestone for almost all foreigners from third countries.

IV. CONCLUSIONS

Based on the Czech Statistical Office's forecast of the Czech Republic's demographic development until 2100, we can state that despite the expected increase in life expectancy, the low fertility rate will cause a short period of population growth (ending in 2018) to be followed by a long period of population decline). At present, the long-term below-average fertility rate is beginning to show, below the limit of simple population reproduction. According to the medium variant, the result will be a reduction in the population of the Czech Republic by more than 2.8 million during the 21st century. The structure of society will also change significantly, as the economic burden index will increase, mainly due to the growing share of seniors¹.

The concept of so-called substitute migration as a way of estimating the volume of immigration needed to compensate for the losses caused by the overall decline in the population and the reduction of the share of people of working age will thus become a permanent challenge. Immigration can to some extent compensate for the overall decline in population, but it is certainly not possible to compensate for the long-term effects of population aging through migration. The main risks of this concept include the so-called Welfare magnetism and integration costs associated with migration. Economic migrants can become an important factor in maintaining the current state of the "welfare state" system and can mitigate the negative financial effects of population aging on public insurance schemes. However, these positive effects can only be achieved if society is able to manage the

¹ Vyhlídal J., Jahoda R., Godarová J. (2017). Economic benefits of managed labor migration. Research Institute of Labor and Social Affairs Prague. URL: http://praha.vupsv.cz/Fulltext/vz_429.pdf [In Czech].

volume and structure of immigration and if the policies set lead to the social and economic integration of migrants¹.

The full integration of foreigners is mainly prevented by their placement in the labor market related to three major persistent negative trends. Illegal employment, abuse of the institute of posting workers in the form of posting Ukrainians by foreign employers (especially from Poland) to Czech companies, which assign these workers to work for other entities and thus leads to chaining, the purpose of which is to obscure the performance of dependent work of foreigners for employers in the Czech Republic. And last but not least, by concealing employment mediation, in the form of abuse of the agency of employment, where, instead of properly employing natural persons for the purpose of their temporary assignment to the user, business relationships are concluded.

The main risk of a migrant remaining in the “client regime”, for example even after a change in his legal status and residence status, may remain in the original social networks as an obstacle to work progress, possible social mobility and social integration. Cases of complete social (housing), work (employment) and social (language) dependence of the migrant on the will and interests of the client make the foreign employee very vulnerable and blackmailing, especially in employment situations without proper permits, which can move him to the category of illegal migrant.

Administrative barriers to official employment are one of the frequent reasons for the transfer of Ukrainian workers to illegality and abuse of the residence regime and the operation of economic activities that are not part of an otherwise valid residence permit. This is happening consciously on the part of migrants and employers. The solution for the part of Ukrainian labor migration is the so-called circulation system, where the employee periodically returns to the country of origin before the expiration of the short-term residence permit and cyclically applies for a visa again within 90 days².

It is almost impossible to evaluate the extent of this phenomenon in the Czech environment. There are no valid data, official statistics and

¹ Ibid.

² Hirt t. (ed.) (undated). Vietnamese, Mongols and Ukrainians in the Czech Republic: Labor migration, living conditions, cultural specifics. Information manual of the Police of the Czech Republic. Pilsen Regional Branch of People in Need. Published by the Ministry of the Interior of the Czech Republic [In Czech].

representative surveys. We can only talk about expert estimates from qualitative sociological surveys. Every economic crisis and stagnation of production puts foreign employees in insecurity and the use of client services.

Thus, preventive and repressive measures aimed at mitigating the above-mentioned negative trends in the employment of foreigners, increasing Ukraine's illegal activities, remain persistent issues. The expert discussion includes a number of measures that deserve a more systematic analysis and elaboration of feasibility impacts in the event of the introduction of measures responsible for illegal employment and the main contractor, not only intermediaries and final customers, or possible prevention of access to public contracts and support all employers in the subcontracting chain, in particular employment agencies and the possibility of suspending them.

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