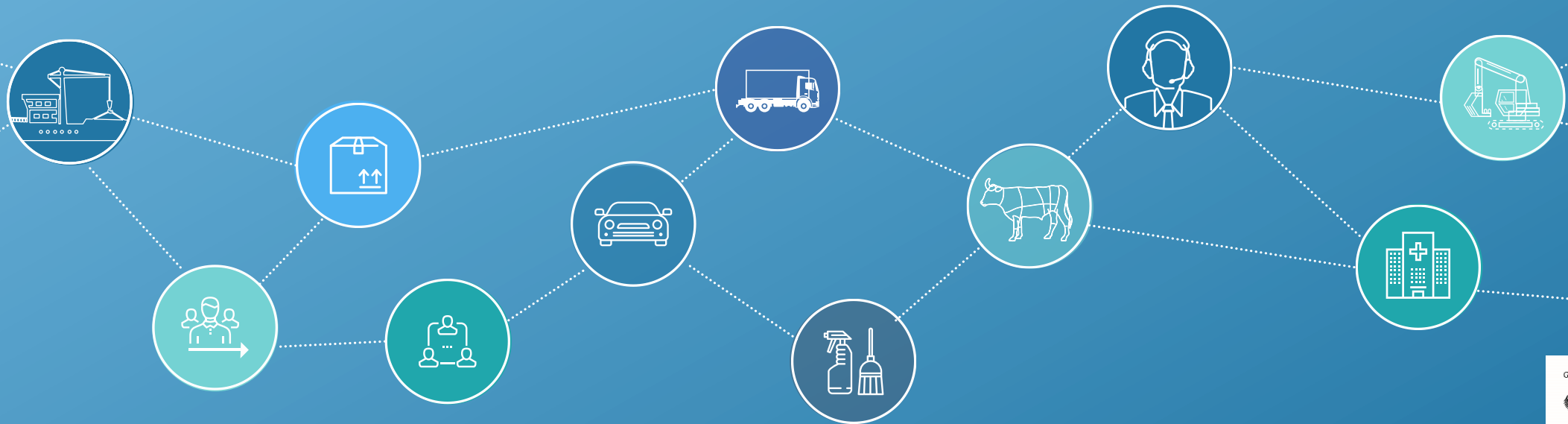


Fair Mobility

Aiding workers on the ground

Dataharvest, Mechelen - 3rd June 2023 | Alina Lippegaus



Who are we?

Who do we work with?

Numbers, Data and Facts

Sectors and their specific issues

Caregiver Dobrina A.

Lorry-drivers from Gräfenhausen





Fair Mobility - Who are we?

- German-wide network of counselling-centres
- supporting mobile workers from Central and Eastern EU Member States in enforcing their rights to **fair wages and fair working conditions** on the German labour market.
- Start: 2011, since 2020 structural funding
- Financing: Federal Ministry of Labour and Social Affairs (90%), DGB (10%)
- 13 counselling-centres in 8 German states
- 40 Counsellors, 11 Languages

Advisory Centers

- | | |
|---|---|
|  Polish |  Hungarian |
|  Bulgarian |  Romanian |
|  English |  Serbian |
|  Croatian |  Bosnian |
|  Czech |  Slovak |

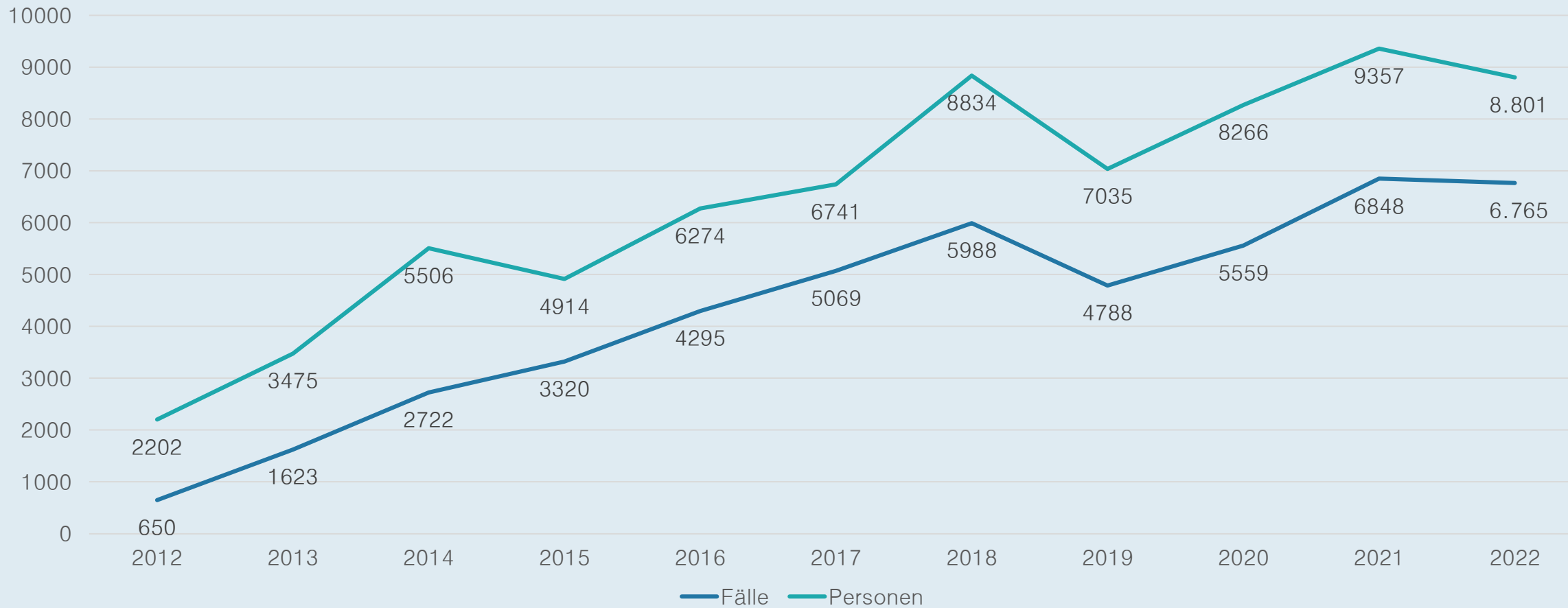


What are our Aims and Goals?

1. Maintenance and expansion of advisory centers (focus on labour and social law) for EU citizens of Central and Eastern Europe
2. Raising awareness on the situation of mobile workers and posted workers within trade unions
3. Raising awareness of different forms of exploitation in different sectors
4. Prevention through early information
5. Intensifying international cooperation to improve the situation of mobile workers



Development of the cases throughout the years



Who do we work with?

Mobile migrant workers from Eastern European Countries, working situations characterised by:

- little knowledge of German language – almost no social integration
- no information about rights on the labour market
- little resources, little access to networks who could support
- no membership of trade unions



Who do we work with?

Mobile migrant workers from Eastern European Countries, working situations characterised by:

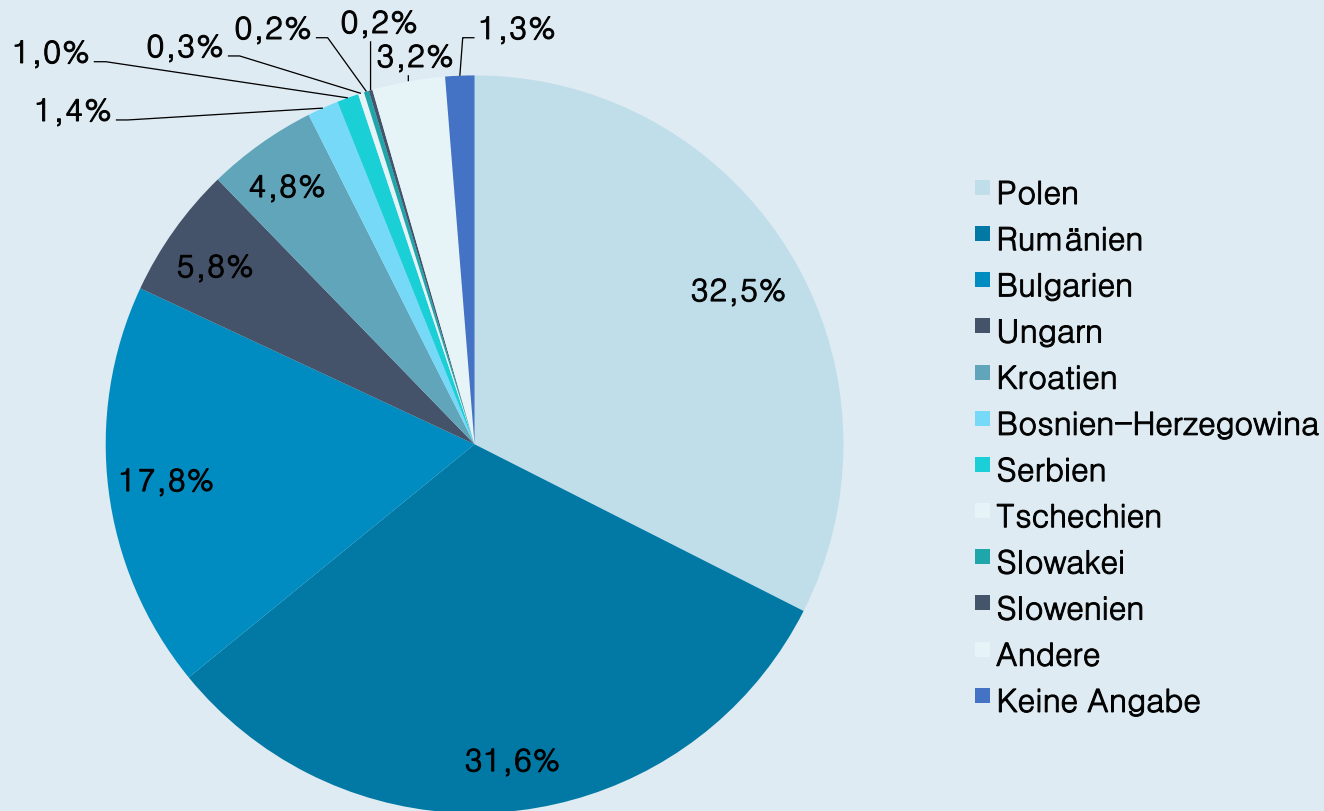
- precarious work: short term contracts, temporary agency work, bogus self employment
- immense dependency on employer
 - salary paid at the end of seasonal working period
 - housing offered by employer
 - non-EU workers: connection to residence status
- leaving the country soon after a job is done

→ highly vulnerable on labour market

→ no or little bargaining power

→ hard position to fight for their rights, leads to exploitation

Origin

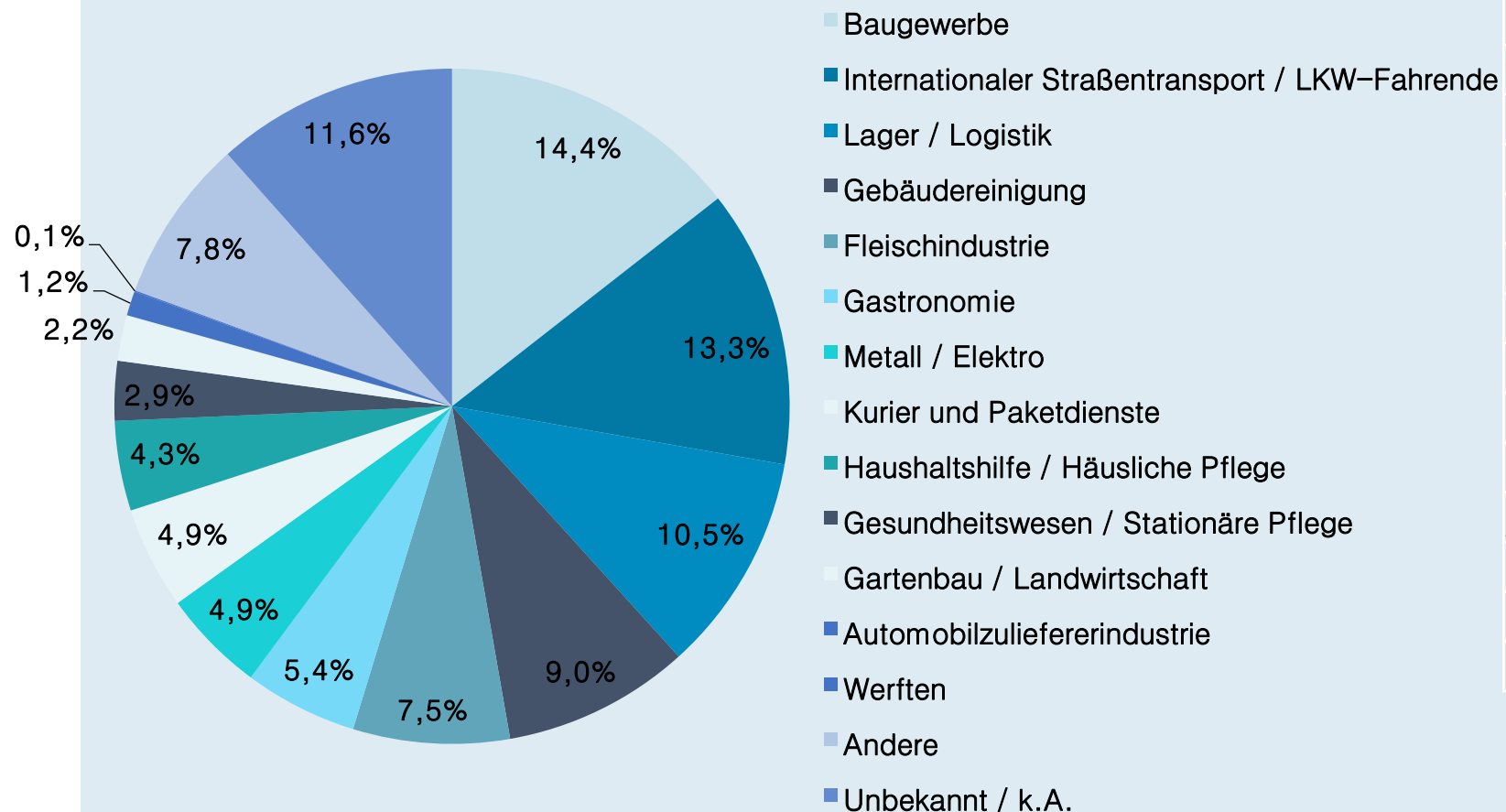


Country of Origin	Number	Portion
Poland	2.217	32,5%
Rumania	2.161	31,6%
Bulgaria	1.218	17,8%
Hungary	396	5,8%
Croatia	330	4,8%
Bosnia-Herzegovina	93	1,4%
Serbia	65	1,0%
Czech Republic	18	0,3%
Slovakia	15	0,2%
Slovenia	11	0,2%
Others	218	3,2%
Not Specified	87	1,3%
Double Citizenship	64	

Mehrfachnennungen möglich

N=6765

Sectors



Sector	#	%
Construction industry	977	14,4%
Int. Road Transport/ Lorries	901	13,3%
Warehouses / Logistics	712	10,5%
Industrial cleaning	606	9,0%
Meat industry	507	7,5%
Gastronomy	367	5,4%
Metal / Electro	334	4,9%
Courier and Parcel services	332	4,9%
Household Help / home care	291	4,3%
Health Care / hospital care	193	2,9%
Gardening / Agriculture	148	2,2%
Automotive Supply Industry	79	1,2%
Shipyards	4	0,1%
Others	531	7,8%
Unknown/ not specified	783	11,6%

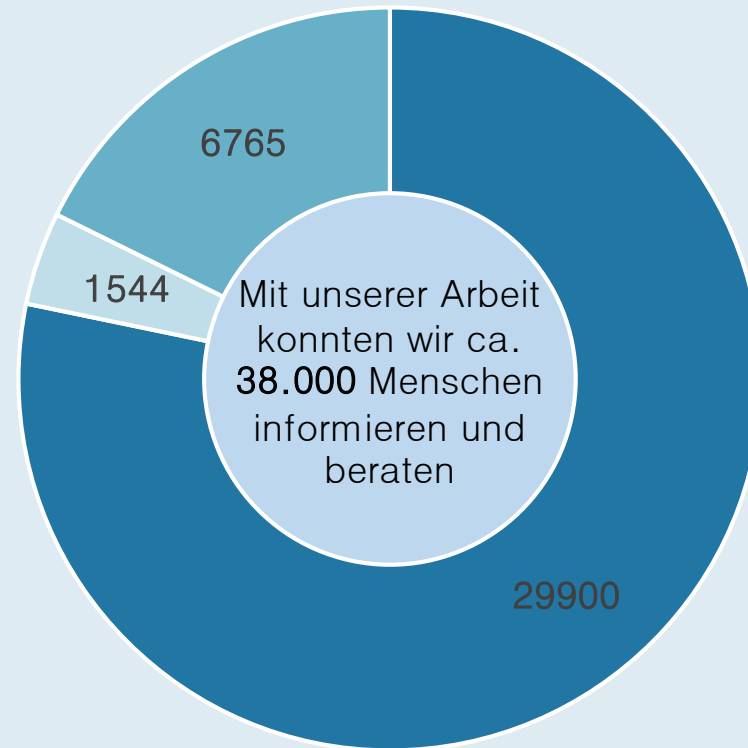


Principles of our counselling work

- ✓ Advising on labour and social law issues in the respective native language
- ✓ **Empowerment** of the workers (giving them the know-how and self-confidence to defend against exploitation)
- ✓ Creating and distributing information material
- ✓ Enforcement of rights through
 - (mostly) out of court strategy
 - Media attention
 - Collective approach as far as possible
- ✓ Our counselling takes place in different ways
 - in our offices
 - on the phone/ via hotline/ by email
 - personally on site with the workers
 - via social media

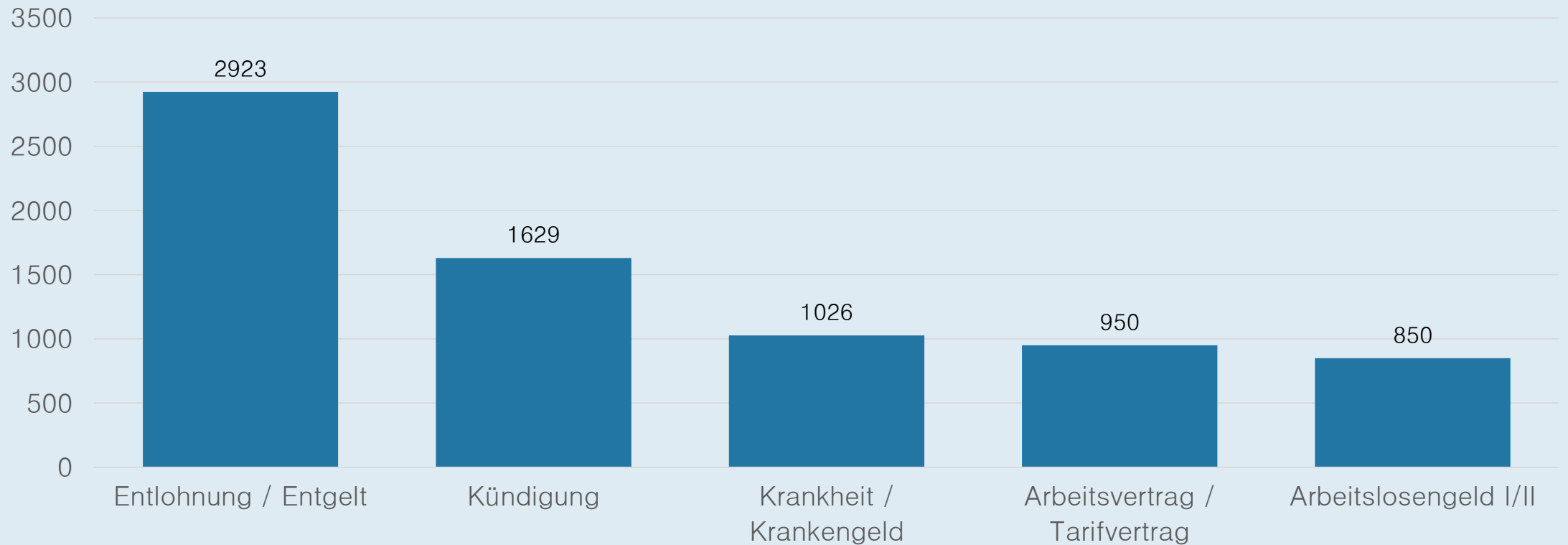
Establishing Contact

2022



- Teilnehmende bei 283 Veranstaltungen
- Informationsgespräche
- Beratungsfälle

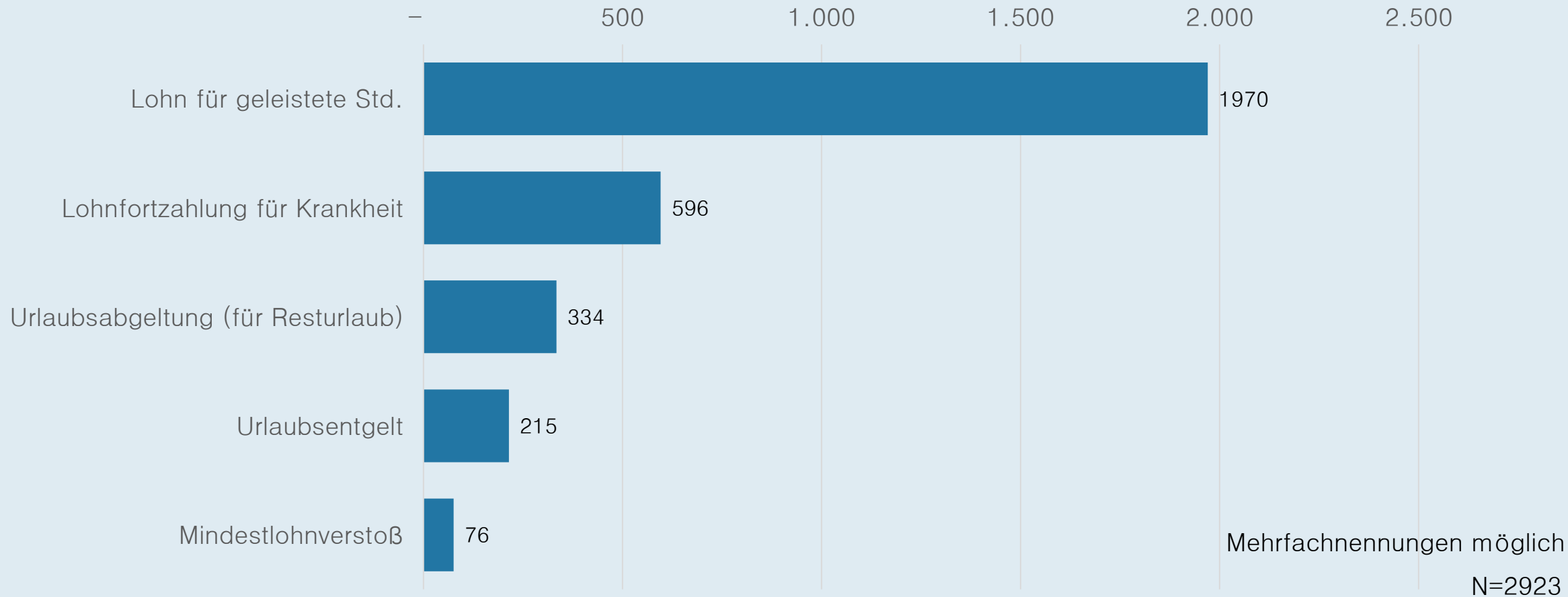
Top 5 reasons for contacting the advisory centers (in numbers of cases)



Mehrfachnennungen möglich

N=6765

Reasons for contacting the advisory centres: Focus on remuneration







fair

Arbeitnehmerfreizügigkeit sozial, gerecht und aktiv

DGB

Sectors and their specific issues

Sectors and their specific issues

- significant number of mobile workers work in certain sectors
- we became experts on working relations and conditions especially within these sectors:
 - 1) Construction industry
 - 2) house-care
 - 3) Meat industry
 - 4) seasonal work in agricultura
 - 5) international road transport
 - 6) Courier and parcel services
- we established coordinators for the six sectors
- we are accepted as experts on labour issues in these sectors



International Road Transport

- Lorry drivers on the road for months
 - No paid accommodation, food, showers
 - Live on the motorway service stations with gas cookers
- Often forced by employers to exceed working/ driving hours
- Misinformation about recording on-call times
- Expense model: up to 2/3 of wage is paid as social security-free expenses



Courier and Parcel Services

- Sharp increase in mental and physical stress due to booming online trade
- Electronic equipment is used to monitor deliveries
- Delivery itself done by subcontractors/ outsourcing → non-transparent
- Control of subcontractors needed to expose violations e.g. minimum wage fraud
- High deductions due to damages
- Hire-and-fire mentality → “blacklists” of workers



Construction industry

- Subcontractor chains → non-transparent, unclear where to raise claims
 - must be limited by law
- Undeclared work
- lack of social and accident insurance
- Wage fraud
 - digital, tamper-proof time recording system needed
- Dependence on employer due to accommodation
- General contractors are liable also for wages and social contributions → must be enforced!



Meat Industry

- Subcontractor structures
- Hire-and-fire mentality
- Accomodation
- Then 2021: AKSG – Occupational health and safety control act
 - Temporary agency work almost forbidden
 - Subcontracting limited
 - Housing conditions specified
 - more responsibility of the companies



Seasonal work in Agriculture

- Seasonal workers essential in German agriculture: every year more than 270.000 people
- Minimum wage fraud
 - often due to piecework
 - And no recording of worktime
- High deductions for rent of accommodation
- No social security
 - so-called “short-term” employment allows that
 - Health insurance is needed!



House care

- Idea of “Round-the-clock” care with only one worker → is not compatible with Labour law
- Various contractual get around models
 - Bogus self employment
 - So-called “trash contracts” in Poland (legal position not like worker)
 - Self-employment model (Austria) not helping
- The family’s money goes to agencies and little arrives at the care workers
- On-call duty is working time must be remunerated!



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Home care by Dobrina A.

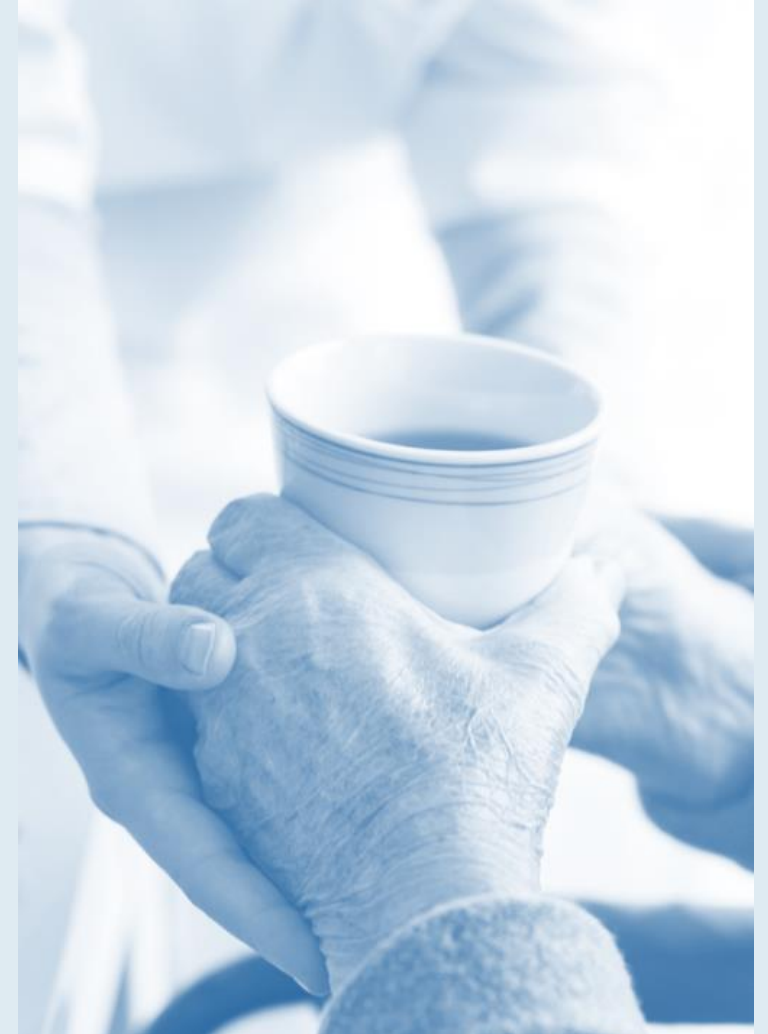


Home Care by Dobrina A.

- Bulgarian caregiver fought for minimum wage over more than 4 years of litigation through all courts in Germany
- Bulgarian care agency
- so-called "24-hour-employee"
- posted to Germany
- Employment contract 30h and 950 Euro remuneration
- Since 2019 court cases with the help of Faire Mobilität and ver.di
 - Minimum wage (then 8,50 €) for every hour worked, including on-call time at night
 - Contract agreements are not reality

Home Care by Dobrina A.

- June 2021 – BAG:
 - Payment according to minimum wage for on-call time and working time
 - Court sees the working hours in the contract as unrealistic
- Back to LAG to see, how many hours per day exactly
- Sept. 2022: final judgement
 - Wage claim 38,709 Euro granted
 - Largely upholds the plaintiff's claims





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DGB

The lorry-drivers from Gräfenhausen

The protesting lorry-drivers

- Start: about mid/end March in Italy
Gräfenhausen started on 28th March
- 62 lorry-drivers from Georgia and Uzbekistan
- „Terms of Contract“ 80 €/day in lorry
- Since autumn employer only wanted to pay 6*80 €, many wage deductions
- Demand: Fulfillment of contractual conditions
- Demand: total sum of 300.000 €





Course of events

1. Phase
 - Mazur on the ground, seeing himself in the right
2. Phase
 - Supplychain responsibility for human and labour rights
3. Phase
 - Escalation
4. Phase
 - Attempt to divide – fight for the last 100.000 Euros
5. Phase
 - Contractual penalties – victory

Key to success and open questions

- ✓ Criterion for success: Solidarity
- ✓ Criterion for success: Cohesion of drivers
- ✓ Criterion for success: Truck drivers' power to act
- ✓ Key to success: contractual penalty

How can such struggles be supported in the future?

Legal entitlement vs. perceived entitlement



Thank you for your interest – what else do you want to know?

Alina Lippegaus
Legal Advisor

Faire Mobilität

Beratungsnetzwerk des DGB gefördert durch das BMAS

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