

IN SEARCH FOR
SOLIDARITY AMONG
UKRAINIAN MIGRANTS:
FOOD PRODUCTION,
CLEANING SERVICES AND
TRANSPORT INDUSTRY

REPORT

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Ukrainian migration to Poland, particularly intensifying since the start of the Russian-Ukrainian war in 2014, has coincided with a rapid expansion and diversification of Labour Market Intermediaries (LMIs), in other words entities that mediate the relations between workers and the companies they work for. In particular, Ukrainian migration to Poland is facilitated by a central role of Temporary Work Agencies (TWAs) and, increasingly, is also marked by a growth of firms that make innovative use of contemporary technologies to mediate relations between workers and employers (in branches as diverse as transportation and cleaning).

We follow Altreiter, Fibich and Flecher (2015) in using the term Labour Market Intermediaries (LMIs) both to cover a broad range of firms and to focus attention on question of what follows from the ways in which these firms mediate the labour process. It is our hypothesis that these firms form a fundamental challenge to organisation and understandings of labour, and the social forms of the welfare society founded on a central position of waged labour. The fact that the migrant labour of Ukrainians is central to the developments of LMIs in Poland means that the experiences of Ukrainian migrants are at the forefront of a wider contemporary challenge to develop “Shared Interests”.

The following features can be seen as key challenged by the growing role of LMIs:

1. LMIs generally pay workers, but are often not the company or individual that they actually work for. This blurs worker/employee relations.
2. LMIs generally do not charge workers for their services, since their arrangements with clients are established on a contractual basis. The clients pay the LMI who pay the workers. Thus, the value of labour is hidden behind the terms of a contract.
3. In addition to point 2, LMIs are often expert in dealing with flawed bureaucratic systems regulating labour migration. Thus, despite the fact that their business model is to sell migrant labour cheaply to employees, they are often looked on as sources of advice and support by migrant workers.
4. Agency workers are distinguished in traditional labour settings, such as factories, from those who work directly for the company. The experience of agency workers in such scenarios are characterised by high turnover, lack of career development prospects, hard working conditions and lack of influence on how work is carried out.
5. LMIs use technology to organise and control the work of employees at a distance. This means that workers do not have direct contact with those they are (temporarily) working for and that they rarely meet one another. On the other hand, it also requires from the worker inventiveness in creating the infrastructures that support their work and offers a (relative) freedom in organising their work. This means that workers become entrepreneurs of their own labour, under conditions facilitated and constrained by work intermediaries.

This landscape of intermediaries to labour is a growth area, both in terms of business innovation and in terms of the number of workers whose labour is subject to these kinds of mediation. These various modes of mediation challenge existing strategies for how shared interests between workers can be developed. As LMIs particularly work with migrant labour, their modes of organising work complicate the processes by which migrants can find common ground with local

workers and by which they might understand and enact citizenship in their host country. In seeking to understand the challenges facing the establishing of shared interests our project therefore undertook to investigate the changing landscape of labour mediation in Poland, seeing this as a prerequisite to formulating ideas for generating shared interests that are grounded in emerging realities of work.

This project builds on and is motivated by ideas and information produced as part of the “Stronglab” project. That project provided a valuable overall background to the situation of Ukrainian labour migrants in Poland, which this project develops by focusing on the role of LMIs and the experiences of Ukrainians workers whose work is mediated by them. The project was based on a series of in-depth interviews, a public hearing and literature review.

UKRAINIAN MIGRATION TO POLAND

Ukrainians are the main group of migrants coming to Poland. They are mainly temporary migrants and are employed through temporary work agencies (TWA), unofficial intermediaries and directly.

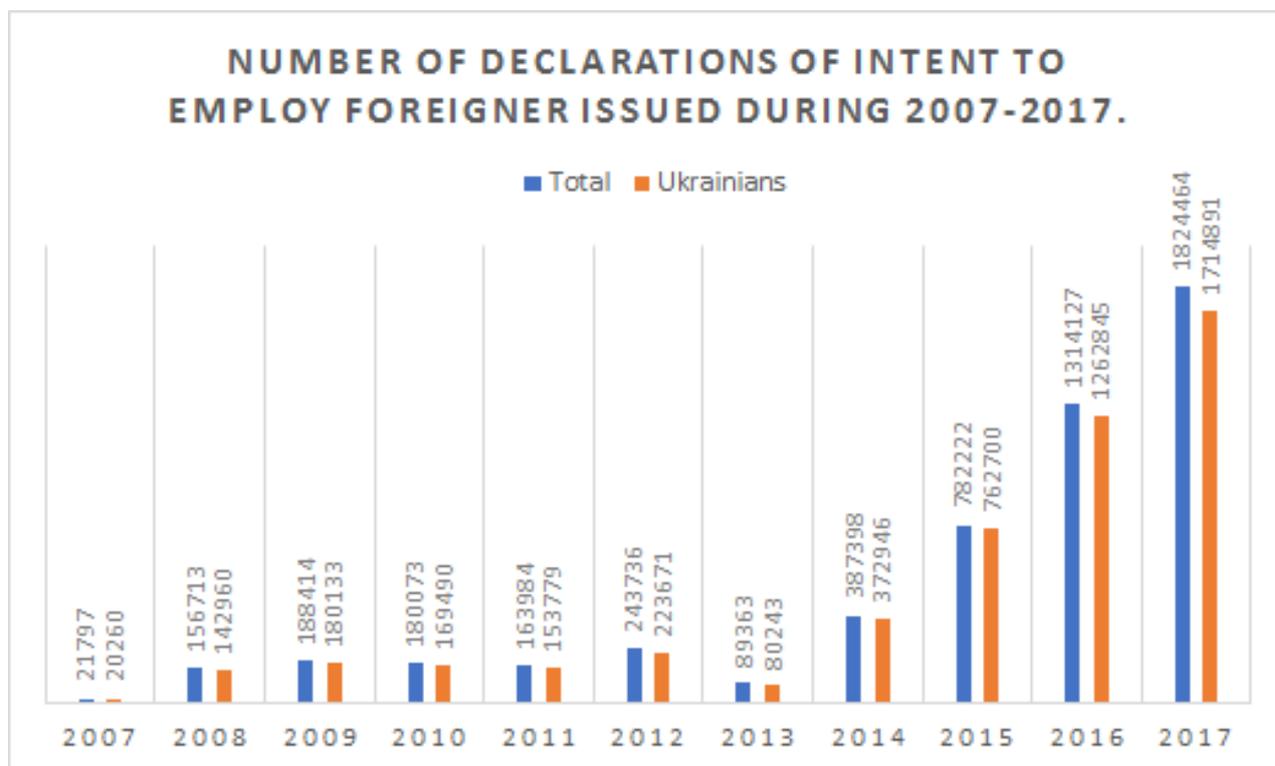
Migration of Ukrainians to Poland started in 1990s as border trade and later transformed into short-term and long-term migration. From the outset, Ukrainians were a predominant group among migrants, and since 2014 this migration has intensified with the beginning of the Russian-Ukrainian war in Donbas and with the economic crisis which the war caused.¹ Growing demand among Ukrainians for better-paid jobs coincided with relatively easy access to the Polish labour market for temporary workers, a demand for workers from Polish employers and the closeness of the border. This resulted in an increase in the number of formal and informal intermediaries who provide workers for Polish employers and/or migrants with documents to access the Polish labour market. Intermediaries have also increased the usage of Polish short-term work permits to send Ukrainians to work in European Union countries, often irregularly and putting them in a fragile legal situation.

The majority of Ukrainians access the Polish labour market using the simplified procedure *Declarations to employ foreigners (Oświadczenia o zatrudnieniu cudzoziemców)*, and before 2018 *Declaration of intent to employ foreigners (Oświadczenie o zamiarze zatrudnienia cudzoziemców)*. The Polish government implemented this procedure in 2006.² Polish employers can employ

¹ More on Ukrainian migration to Poland after 2014 in: Iza Chmielewska, Grzegorz Dobroczyk, Jan Puzyrkiewicz. *Obywatele Ukrainy pracujący w Polsce – raport z badania. Badanie zrealizowane w 2015 r. [Ukrainian Citizens Working in Poland – Report From Research. Research conducted in 2015]*. Warsaw, National Bank of Poland, 2016.

²The following laws regulated foreigners’ access to the labour market: Poland/ Dz. U. z 2008 r., Nr 69, poz. 415, z póź. zm.[Journal of Laws of 2008 No.69, item 415 with amendments that followed] (20 April 2004), Poland/Dz.U. 2006 nr 156 poz. 1116 [Journal of Laws of 2006 No 156, item 1116] (30 August 2006); Poland/ Dz.U. 2007 nr 120 poz. 824 [Journal of Laws of 2007 No. 120, item 824] (27 June 2007); Poland/ Dz.U. 2008 nr 17 poz. 106 [Journal of Laws of 2008 No. 17, item 106] (29 January 2008); Poland/ Dz.U. 2009 nr 21 poz. 114 [Journal of Laws of 2009 No.21, item 114] (01 June 2010); Poland/ Dz.U. 2010 nr 236 poz. 1559 [Journal of Laws of 2010 No. 236, item 1559] (09 December 2010); Poland/ Dz. U. z 2011 r. Nr 155, poz. 919 [Journal of Laws of 2011 No. 155, item 919] (20 July 2011); Poland/ Dz.U. 2013 poz. 1507 [Journal of Laws of 2013, item 1507] (28 November 2013).

foreigners for 6 months during a 12 month period without a need to make a work permit. This procedure applies to the citizens of EU Eastern Partnership countries.



Source: Ministry of Family, Labour and Social Policy.³

Ukrainians received app 1,7 million of these declarations in 2017. However, this does not equal 1,7 million people, because one person can receive several declarations. The age of migrants who received such declarations is between 26 and 40 years and women comprise 1/3 of them. In 2017, the leading sectors in which Ukrainians were declared to work are: 1) “administrative services and support of activity” (it means that workers are employed by a TWA and work in various sectors); 2) agriculture, 3) manufacturing and 4) construction.⁴ Jobs indicated in these declarations are 1) simple jobs; 2) industry workers; 3) operators and fitters of machines and equipment.

This procedure on one hand provided relatively simple access to the labour market, but also was used by intermediaries and migrants instrumentally with numerous violations. Intermediaries frequently sold declarations for fake jobs. Some migrants who received declarations worked in places other than those declared or employers sent them to do other jobs. Taking into account these violations, Polish governments were keen on controlling the process of issuing declarations

This procedure requires from the employer to register such a declaration in the local labour office and indicate the name of the employee, his position and salary. Such declaration is free of charge. Based on such a declaration, a migrant can make a visa and work legally for that employer. A migrant can have several declarations during his/her period of short-term visa, but his stay on that basis cannot exceed 6 months within 12.

³ Ministry of Family, Labour and Social Policy. <https://www.mpips.gov.pl/analizy-i-raporty/cudzoziemcy-pracujacy-w-polsce-statystyki/>. Accessed 07.09.2018.

⁴ Ibidem.

and to limit its misuse, but also the EU required implementation of the directive on seasonal workers.⁵ In 2017 Poland introduced a law that came into force on 1 January 2018 by which declarations of intent are replaced by two types of documents: a declaration of employment and seasonal work permits. The former is a modification of the declaration of intent and allows work in Poland for 6 months during 12 months and the later gives a possibility to work for 9 months during 12 months, but is limited to several sectors. The government imposes on employers new obligations concerning the reporting of the employment of foreigners and obligations of signing work contracts.⁶ This law adds new procedures in order to limit violations, but also makes legalization of work even more complicated. This in turn allows the misuse by intermediaries dealing with the provision of documents for access to the Polish labour market to flourish.

To sum up, increased demand for better-paid jobs in Ukraine resulted in an increase of short-term migration to Poland and other EU states using Polish documents. In 2016, Ukrainian citizens received 1 360 000 visas, that is an increase of ¼ since 2015. In 2017, however, the number of visas for Ukrainian citizens decreased to 1,15 million due to the introduction of a visa free regime with Ukraine. The visa free regime did not affect the increasing tendency of Ukrainian labour migration to Poland. There is a lack of precise data about the number of Ukrainians in Poland due to the shuttle character of migration: one can simply note that such migration tends to transform into long-term migration despite the complicated nature of procedures.⁷

INTERMEDIARIES

The surge in numbers of Ukrainian labour migrants coming to Poland and the complexity of the regulatory framework in which this occurs have led to a mushrooming of Temporary Work Agencies (TWAs) facilitating this process. Our research has revealed that the majority of migrant-informants used the services of such agencies in finding a job, the submission of documents for a visa or providing documents for legalization of stay while already staying in Poland. Such firms are often both the quasi-employers of workers (in other words, it is they who pay workers) and quasi-partners in that they provide a point of assistance and information in dealing with difficult administrative processes.

While such TWAs are already a large and diverse group, the argument made in this project is that the significance of such firms can be better gauged when they are considered as part of a wider group of firms mediating the relations between worker and employer. Another example we consider is that of logistics, where transport companies use technology to enable and track the relations between a driver and the firm whose goods are being transported. The key role played

⁵ Directive 2014/36/EU of the European Parliament and of the Council of 26 February 2014 on the conditions of entry and stay of third-country nationals for the purpose of employment as seasonal workers. <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32014L0036> Accessed 30.10.2017.

⁶ Ustawa z dnia 20 lipca 2017 r. o zmianie ustawy o promocji zatrudnienia i instytucjach rynku pracy oraz niektórych innych ustaw. [Law from 20 July 2017 that changes the law on promotion of employment and institutions of labour market and some other laws.] Dz.U. 2017 poz. 1543.

⁷ Office for Foreigners provides information about short and long-term foreign residents in Poland. Ukrainians reached almost half of total of foreigners residing here and there were 145 thousand Ukrainians in Poland with valid residence permits on 31.12.2017. Office for Foreigners, <https://udsc.gov.pl/statystyki/raporty-specjalne/biezaca-sytuacja-dotyczaca-ukrainy/> Accessed on 11.08.2018.

by the transport companies is to facilitate the process by which a driver can negotiate between various forms of regulatory structures (even within the EU).

Another important and growing branch of this phenomenon are companies that provide services through mobile applications. These companies, of which Uber is the most striking and controversial example, also use technology to mediate the relation between employer and worker. Such companies often employ migrants and one can note the appearance of ethnic divisions in such businesses. Uber Eats in Poland is predominated by employees from Bangladesh, Pakistan or India, but Uber is taken mainly by Ukrainians. Such a process of “Uberization” is also appearing in other sectors of the economy, for instance in the cleaning sector.

The differences between these firms means that gathering statistical data on LMIs is challenging. Our aim through this qualitative study is to bring them together to argue that these new modes of mediation of labour have far-reaching implications for how we understand the social repercussions of labour.

TWAs

During the last four years the part of TWAs on the Polish labour market has increased substantially and one can note an institutionalization of temporary employment both of Poles and of migrants. This has been spurred on by economic growth in Poland and a lack of workers, especially in manufacturing. There were 6081 registered agencies in 2015, 7386 in 2016, 8 646 on 20 of October of 2017 and 7 984 (on 09.09.2018).⁸ The market of agencies is changing rapidly, due to the growing of large agencies and bankruptcy of small ones, the strategies of small agencies to close one and reopen another agency in order to avoid the consequences of unfair practices towards migrants, etc. Large companies establish new agencies to avoid limitations set by law.

1,2 million people found jobs through agencies in 2015 and for 799 727 of them was temporary employment. The data refers to employees in general without division into foreign and local employees.⁹ Among temporary employed persons, 73% worked in production, 25% in services, 2% in agriculture and 1% in construction. Manufacturing companies tend to use the services of agencies for the employment of workers and these are rather Polish TWAs that recruit in Ukraine through a network of their offices or local recruiters. An intermediary wrote on Facebook that companies situated around Wroclaw do not hire workers directly, only through agencies. Nowadays, TWAs are the leading employer of Ukrainian migrants in Poland.

The legal basis for the operation of TWAs and work agencies is the Law on employment of temporary workers from 9 of July 2003 (Dz.U. 2003 nr 166 poz. 1608) and the Law on the change of the Law on employment of temporary workers and other legal acts from 7 April 2017 (Dz.U. 2017 poz. 962).¹⁰ This law has two dates of implementation: 1 July 2017 and 1 January 2018. This law changes the practice of long-term employment of people using temporary employment

⁸ Register of agencies: <http://www.stor.praca.gov.pl> Accessed 09.09.2017.

⁹ Rynek Agencji Zatrudnienia w 2016 roku [Polish Market of Work Agencies in 2016]. Polskie Forum HR, 2017. P. 7-8, 16.

¹⁰ On the genesis of the temporary work agencies in Poland see: Neil M Coe, Jennifer Johns, Kevin Ward, Flexibility in action: the temporary staffing industry in the Czech Republic and Poland. Environment and Planning A 2008, volume 40, pp. 1391 - 1415.

contracts. The period of the temporary employment of a worker posted by an agency to one user-company cannot exceed 18 months in 36 months. This law intends to the change practice of employment of one person for the same job and the same user company for a long period. This law introduces protection of pregnant women. If the contract expires after 3rd month of pregnancy, the contract is prolonged to the date of childbirth and the woman is entitled to maternity leave payments. The condition for such a procedure is at least two months employment for the agency as a temporary worker.¹¹

TWAs come in very different forms and have complex organisational structures, working with a more or less official network of partners recruiting work candidates in the host country.¹²

They might broadly be broken down into 3 types:

1. Large international and local domestic agencies
2. Small registered work agencies
3. Unregistered agencies or private persons who recruit through a network of private persons or so-called travel agencies which operate in Ukraine. Sometimes these are companies that operate in Poland, but which are not registered as agencies.

Bigger players are keen to assert their distinction with respect to smaller or unregistered agencies, where it is claimed violations (such as taking payments for finding a job, recruiting for false jobs, refusal to pay last salaries, etc.) are more common.¹³ We do not want to underplay the serious impact of such violations on the lives of workers from Ukraine, some of whom indeed have harrowing tales to tell of finding themselves abandoned in a foreign city without income, nor to negate the notion that there are better and worse examples of TWAs. What we want to focus on in this project, however, is the structural impact of TWAs and how they complicate the issues of Shared Interests.

Katharine Jones (Jones, 2014) notes how the growth strategies of TWAs played a key role in shaping the labour migration of Poles to the UK in the period 2004-2008. One way of considering the role of TWAs in mediating the work of Ukrainians in Poland would be as a continuation of such strategies, in part perhaps stimulated by the post-crisis slowdown of such business in the UK. It is indeed striking that Poland has moved rapidly from a labour exporter to a labour importer, and thus important to consider the role that TWAs are playing in shaping today's Poland. However, the role played by TWAs in facilitating legality of labour adds a further dimension to their complex relations with workers not mentioned by Jones.

¹¹ Ustawa z dnia 7 kwietnia 2017 r. o zmianie ustawy o zatrudnianiu pracowników tymczasowych oraz niektórych innych ustaw [Law from 7 April 2017 on change of law on employment of temporary workers and some other laws]. Dz.U. 2017 poz. 962. <http://prawo.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=WDU20170000962> Accessed on 30.10.2017.

¹² Olena Fedyuk, Tibor T. Meszmann, *Ukrainian Temporary Agency Workers in the Electronics Sector*. Budapest 2018, Project STRONGLAB.

¹³ For more information about typical violations of temporary Labour Migrant rights, see: Myroslava Keryk, *Working in Poland: violations of labour rights of Ukrainian migrants in sectors of construction and services*, Warsaw 2018. Project "STRONGLAB".

As Jones mentions temporary agency work is defined by a triangular employment relationship - between the agency, the employer and the worker (Coe *et al.* 2010): “It is therefore differentiated from fixed-term employment in that the agency worker, unlike fixed-term or permanent employees, holds a contract with the agency and not with the employer who expropriates the labour ” (Jones, 2014; p 111). Not only does this arrangement blur traditional worker/employer relations, but the terms in which the worker’s labour is sold to the employer is not transparent: it is defined by the contract between the employer and the work agency. This contract, as one agency employee informed us, depends on the size, nature and demands of the employer. Thus, while it is positive that Ukrainian workers should not have to pay for finding a job, the terms under which their labour is sold are never transparent. In terms of Ukrainian migration to Poland this has been represented to us by representatives of TWAs as a problem of mindset of Ukrainians - that they do not believe that services can be obtained without paying. However, we would argue that the problem is deeper: that the work of TWAs genuinely obscures the value of labour.

The lack of transparency in the business model means that work agencies do indeed seem to be offering a service. TWAs are frequently supported by state or non-governmental organizations, or even sometimes themselves have NGOs promoting intercultural communication.¹⁴ Their specialist knowledge of how to deal with state legislation and institutions unable to promptly process the residency procedures of migrants enable them to be perceived by migrants as a helpful resource. Those working at the advice desk for migrants at the Ukrainian House revealed that they are rarely asked for advice or assistance by those working for TWAs, and one representative of a TWA told us that sometimes they are even given access to the bank accounts of migrants who need help! There is thus a paradox in that the business model of TWAs is to cheaply sell worker labour, while a representative of TWAs was critical of Ukrainian workers who on receiving a *Declaration of Employment* simply used this as a document to enter Poland, and then did not turn up for the work, accusing such migrants of not understanding that work involves more than simply a commodity.

The market of TWAs in Poland is growing and specializing. Companies prefer to use workers employed by work agencies instead of direct employment because it gives them flexibility in running their business and provides them with workers when they need them without a need to go through complicated bureaucratic process of legalization of work and residence of migrants (Drahokoupil, 2015). Moreover, one can note a specialization of TWAs for specific sectors. There are now specific companies, such as Staff Service that provide waiters or hotel service workers, others that provide workers for factories, etc.

FOOD PRODUCTION

Our case study is of an agency worker working on production lines in a food industry plant. Her story is notable for us for the fact that the vast majority of the workers who work in the plant are workers supplied by one agency: thus, while they work for the food production firm, they are paid by and documentation is secured by the TWA. Agency workers are distinguished by those who work directly for the firm both by wearing different uniforms and through constituting a lower rank in the production hierarchy: indeed those who work directly for the firm are only in supervision positions, described as “brigadiers”, or production line leaders. There is high turnover

¹⁴ For example, the Foundation Partnerstwo i Rozwój initiated by SAS Logistics.

of agency workers, who are a mix of Poles and Ukrainians, whose work is to respond to the rhythms and demands of the production line. The fitness club and team-building activities for the workers of the company are not for agency workers. They are aware that there is no possibility of career development, but some also appreciate that the work thus appears as a temporary activity with no engagement outside the shifts themselves.

CASE STUDY 1: AGENCY WORKER IN FOOD PRODUCTION

Natalia came to Poland in June 2017 to work. She used the services of TWA to receive the *Declaration of intent to employ a foreigner* and to make a visa. It was her second attempt, the first was unsuccessful. The Polish Consulate in Warsaw rejected her visa application, most probably because the Declaration she bought and submitted was from an untrustworthy intermediary. After coming to Poland she waited for some time for her job before started work at the production line of the food company. The TWA signs temporary work contracts with her. Such contracts are renewed each month. For many Ukrainian employees this was new, because in other jobs they did not have work contracts and had only freelance contracts.

The work is organized in such way that there are three shifts. Workers work each week in another shift with different people. The shift consists of 8 hours working time, including a 25 minute lunch break. The job requires Natalia to pack bottles in boxes or to stick stickers on bottles. She works together with direct workers of the user company who are Poles and with TWA workers who are both Poles and Ukrainians. All TWA workers receive similar salary, and only direct workers receive higher salaries and they are only Poles.

The user company introduced a visual division between direct and TWA workers, established through different uniforms. The latter are often ordered to perform the most difficult jobs at the production line. According to Natalia, the user company exploits the TWA workers from Ukraine, because they know that Ukrainians have to leave Poland in half year. Ukrainians have no possibility to be employed directly by the user company, contrary to Polish workers. Moreover, Ukrainian TWA workers in contrary to Polish TWA workers have no possibility of promotion to direct employment and better paid jobs. The jobs of operator or brigadier are reserved only for direct workers. There are possibilities to get less difficult jobs on the production line, and thus there is competition for the better jobs at the user company not only between Polish and Ukrainian workers, but also among Ukrainians themselves. There is a lack of solidarity among Ukrainians and Natalia indicated that “often they are worse than Poles.”

Natalia, however, had a chance of better job from the TWA. She got a proposal to become a laboratory worker, due to her higher education. She would be the only TWA worker at the laboratory, but since her visa expired and she had to go to Ukraine to make a new visa she could not use this opportunity. In general, such opportunities are rare.

Communication among workers is related to the work process. Sometimes when she has job that allows her to be close to another person she can talk about all sorts of issues. The atmosphere at work is competitive and workers often gossip about the performance of other

workers. Natalia states that the attitude of management and brigadiers towards Ukrainian workers is more strict than to Polish workers. When a Pole makes mistakes at work, s/he will receive less yelling than when a Ukrainian makes similar mistakes.

Two of the best workers at the company, who are Ukrainians, were the objects of public accusations: "You are Ukrainian, you are not in your country, you have no rights, you should be quiet." They did not complain to the authorities, because they do not see any possibility to receive support. Managers do not react, even if they are most probably aware of the situation. They never organized any meeting to discuss conflictual issues and about equality of workers. The management rather puts workers who are in conflict in different shifts. Management takes care of the qualified direct workers, who are Poles, because they are afraid of losing them, thus they are reluctant to take any measures to limit their anti-Ukrainian behaviour. Thus, there is a large rotation of TWA workers.

Workers, both direct and TWA workers, were competing for weekend work, due to the possibility to earn double the salary of week days. To limit expenses, the TWA introduced weekend workers. They work only during weekends and receive the same salary as weekday workers. Previously, all TWA workers had the possibility to work during weekends and earn a salary almost equalled their week salary.

The rotation of TWA workers at factory is substantial. Since the TWA has a constant influx of new labour force it does not facilitate the process of obtaining work and residence permits, that would aid the transformation into a long-term employee. For a couple of weeks, Natalia almost each day visited the representative of the TWA at the user company and asked about the documents she needed to provide for applying for residence permit. The latter used excuses that the legal department does not answer or other reasons. TWA representatives, according to Natalia, are not interested in making resident permits, because they can employ other temp workers and maybe they receive some bonuses for this instead of dealing with already established workers. In general, the communication with the TWA main office and their representative at the factory was complicated. They did not answer numerous calls or smses. When visiting the representative, s/he claimed that workers had to make appointment despite the fact that there are visiting hours indicated on the door.

The TWA has separate divisions for particular user companies, and Natalia does not have direct contact with the main office of the TWA. When TWA workers have problems with other employees or other problems they have to have a proof, for instance, some phone recording, in order to claim their point. However, they are not allowed to have phones at the workplace. It is useless to complain to a TWA representative without some proof. Natalia noted that some employees left the job, because they did not have support from the employer. Often brigadiers from the user company are more supportive in such situations.

Conflicts at the workplace appear due to the different interests between direct and TWA workers. There are cases when the production line goes too fast and there is a need from additional workers to be transferred from another line or for production to be slowed; but no brigadiers or operators react to that. Direct workers want to make a norm of 1500 items,

because then they will receive financial reward, and they are not interested that TWA workers have to work much harder and they will not get any financial reward. Complaints about this have no results.

Conflicts at the workplace between Ukrainian and Polish workers often refer to Polish-Ukrainian historical relations. Natalia states that there are always 10% of Poles who will raise the question of Polish-Ukrainian historical relations and blame Ukrainians for harm caused to Poles during the Second World War or claim that “Lwów is Polish.” The claims that Ukrainians come to Poland and take jobs from Poles also appear.

Natalia had no encounter with trade union at her work place. She believes that that there is a trade union at the company, but their representatives have never addressed the TWA workers with their offer. The union, as far as Natalia is concerned, is occupied with team building, the establishing of a fitness club or organizing vacations, but only for direct workers.

The employment of the agency workers at production companies in Poland is a trend of the last four-five years. Agency workers appear in all regions and all sectors of production. Agencies provide both direct workers and leased workers, with a marked increased of the. Most often these workers have signed some kind of work contracts with agencies and leased to the user companies. In the case of our respondent the user company is situated in a large city, which allows her to find suitable housing and the main office of the agency in the same city.

The TWA and direct workers at the workplace are divided by uniform and the competition-based environment created by the management. The TWA workers, especially migrant workers, who form the vast majority of the workforce, have limited possibilities of career advance or to become direct workers. The salaries of direct workers are higher than those of agency workers and there is a difference of interests among them. Direct workers are interested in production of larger amount of products, because for this they receive financial rewards, while agency workers receive no rewards and have to work harder. For the latter, there is no one to whom to direct complaints. Neither brigadiers nor agency representatives are interested in defending the agency workers' position. The trade union of the factory does not work with agency workers. Conflicts between Polish and Ukrainian workers appear on work grounds and on the grounds of Polish-Ukrainian history. The management solves these conflicts by placing conflicting parties in different shifts, but in general they tend to be on the side of direct Polish workers.

LOGISTICS

Logistics and transportation are obviously branches where mediation between firms is the main focus of business, and the growth of the importance of logistics is seen by some authors as a key characteristic of the economic and social developments of our times (Cowen 2014; Chua, Danyluk, Cowen, Khalili, 2018). The “logistics revolution” (Cowen, 2014) is so important not just because it includes distribution into the production logics of businesses, but also because logistics functions by mediating between different geographical and legal territories. As such, it is a specific sphere where the limits of regulation, become apparent: the work conditions in ports, logistics

hubs and warehouses are foremost amongst contemporary nodes of exploitation and of innovative forms of social protest (Transnational Social Strike Platform, 2017).¹⁵

In this section, we look at the particular experience of a Ukrainian van driver working for a Polish transport company. The driver's story is markedly different from the case we were dealing with in the first section, in that the driver was already living in Poland and himself sought out the firm where he worked. However, it is another example where the company the worker is paid by acts as a mediator, while the worker actually works for other firms. In this case also, technology opens up new possibilities for control at a distance, imposing discipline and also requiring from the worker ingenuity in how to make his work realisable and comfortable. Technology also offers new modalities of freedom, used by the driver to personalise and publicise his map of Europe

The example is also a topical one as Polish transport companies have come to dominate the European transport market, because the salaries for Polish drivers are lower than their European counterparts. This has become a subject of unresolved debate in European institutions with a failure to agree whether drivers working outside the country of origin of their firm (e.g. Polish drivers collecting cargo in Germany, or travelling through Germany to collect cargo in France) should be treated as posted workers or not. In June 2018, the European commission on transport proposed to exempt drivers from the Directive on Posted Workers, an event celebrated by all parties in Poland, but this proposal was then rejected by the European Parliament.¹⁶ Ukrainians are becoming a gradually larger presence in this segment of the market, but Mikola noted that they often work on per km contracts (30gr. per km) rather than the daily rates he works on (130zł per day, 100zł at weekends). While per km contracts sound appealing, Mikola notes that, especially in countries where you have to avoid paid highways, it is difficult to drive the necessary number of kms to make this economically viable.

CASE STUDY 2: VAN DRIVER

Mykola has already been in Poland for several years and after a conflict with a medium level boss in a painting and decorating company decided that it was time to look for something else. In any case, although he was a good painter and decorator, he didn't feel that this offered him the chance to fulfil his artistic leaning. Mykola complains of the time and complications involved in obtaining the new documents required of Ukrainians if they change job - this process was still in progress and Mykola worried about what would happen if there was any problem, as he now has nowhere to return to in Ukraine.

Having a driving licence, the basic linguistic capacities needed and some experience of packing cargoes from factory work, Mykola looked for work as a driver of a cargo van (called a "bus" in Polish). Although his boss expressed some reservations about Ukrainian drivers from former experiences, Mykola impressed him on a first inspection of the van with his knowhow with how to deal with the vehicle and with the positive reference he had from his previous

¹⁵ Reports the Ogólnopolski Związek Zawodowy Inicjatiwa Pracownicza on trade union activity at Amazon plants in Poland can be found at <http://ozzip.pl/teksty/informacje/ogolnopolskie/item/2397-nowa-gazeta-ip-amazon> and in English at <https://www.jacobinmag.com/2016/03/amazon-poland-poznan-strikes-workers>.

¹⁶ http://www.europarl.europa.eu/thinktank/en/document.html?reference=EPRS_BRI%282017%29614596.

work. He thus started work as a cargo van driver for a Polish company that has 9 vehicles, and both Polish and Ukrainian drivers. The van, whose tarpaulin can be opened on 3 sides, is big enough to contain several palettes worth of cargo or a shipping container and has a sleeping space above the driver's cabin.

Mykola's firm leases the vehicle and driver to another distributor who organises the transport. Thus, Mykola is in contact mostly with the distributor, but his firm's boss also keeps tabs on his progress and it is he who pays him. The transport is organised through a digitalised exchange system: those with cargo to be shifted announce the need, and those able to do it take on the job. While it is possible that private individuals also use this system, Mykola said that in general it is large-scale logistics' firms that outsource the work to smaller firms like his. Thus, Mykola's work is being mediated through a complex chain of instances.

By driving a B category van, Mykola like the many others working with this level of vehicle, avoids the stricter regulations and controlling instruments that govern the working conditions of lorry drivers. Thus, Mykola is simply given an address where he should pick up the cargo, information about how many palettes, how many kg's, where is the address to take it to, how many km's (this can be up to around 1000) and a time when he should be there. Mykola checks on GPS that this is all correct, confirms by sms and then it is up to him how he organises his trip. When he arrives he fills in a "harmonogram" of when he arrived, how many kms he travelled, where and when he rested, but this only required in Germany and even there he has never actually had it checked. Mykola's boss can at any time locate him via digital geolocation technologies, and phone him to tell him to go slower and thus, by saving petrol, drive more economically. This is a cause of tension, as going slower means more hours at the wheel and more fatigue.

Mykola estimates that he drives about 600km per day, sometimes more, sometimes less, depending on the roads, conditions, etc. He gets paid 130zł per day, 100zł at weekend as there is less work. There is more work from spring to autumn, as around the winter holidays everybody disappears. He is generally away for a about a month, with then a week off at home, although he once worked a 2 month trip in order to make sure he was home in time to coincide with a doctor's visit. Mykola complains that his firm pays him too little and that the boss is too picky in checking speeds. This leads to high turnover in the firm - as soon as drivers have experience they start to search elsewhere. Mykola thought to try to find work in Poland, so as not to spend so much time away from family, but the salary was much lower.

Mykola emphasises how drivers in his category work around differing regulatory frameworks even within the European Union. In countries where highways are paid (e.g. France, Italy), van drivers use other roads with more roundabouts, thus slowing the pace of travel (especially problematic for drivers working at a per kilometre rate) and making it better to drive at night; Mykola tries to buy petrol above all in Luxembourg; in France you can only transport 3 loads before you have to leave the country; as a Ukrainian driver and thus needing a visa, Mykola does not drive to the UK for cargo, etc. While Mykola's van is well-constructed as a place to sleep and eat, he also builds his own support infrastructure of free showers, toilets, wi-fi, etc., but this has to be near his route for if he goes too far his boss will track and question this. Similarly, as Mykola has to pay for food himself, he is highly entrepreneurial in how and where

to buy the cheapest food, and how to use the infrastructure of his van to prepare and eat food.

As has been reported elsewhere (Brygo, 2018), Mykola explained that geo-informational technologies have led to CB radio communication between long distance drivers disappearing. However, he also stated that there is still solidarity between drivers, for instance in case of a broken-down vehicle. Conflicts are more likely to emerge with loaders from other firms about the responsibility to well-pack the cargo: Mykola had tasty anecdotes to tell of his conflicts with packers of China Airlines at an airport in Holland or of the long lunch breaks of Italian warehouse workers. In such instances, communication can be a challenge. When asked, Mykola said that he had never heard of a trade union in this field, but thought that, given that this is a growing market, there could be a place for one in the future.

Mykola also explained how he uses geolocational technologies to create his own digital map of the places with good free infrastructure and also to note places he has enjoyed visiting, which he also posts on social media. While he agrees that it is hard to be on the road for a month at a time, Mykola says an experienced driver can calculate distances so as to have freer time on Sundays, and then he exercises on the bike he takes with him, or visits new places or museums, such as the motorsport museum at Le Mans. It is this romantic aspect, the chance to “see the world” that motivates Mykola to put up with the tougher aspects of life on the road.

In this case, we see that a driver’s labour is once again outsourced to other firms. The logic of both the driver and his firm is how to exploit gaps in the system, and it is this and the know-how that help him to be self-sufficient that make him competitive in the market. The driver is expected to build his own support infrastructure and his entrepreneurial skill in doing this is part of what makes him a good driver. Technological change means that he is isolated from other workers and subject to control from a distance by his boss. But the driver also makes creative use of these technologies to develop his own personalised maps of Europe and to share this information via social media.

DIGITAL SERVICES PROVIDER

The final example is that of a digital service organising the connection between cleaners and potential clients. As a start up, this service is feted as an example of hi-tech innovation in Polish industry. On the other hand, the business is based on the labour of Ukrainian migrant workers in the cleaning sector. This service, hailed as convenient by both clients and workers, is interesting for the new modalities of digital mediation that it introduces and the challenges that these introduce for shared interests.

CASE STUDY 3: POZAMIATANE

The name of the digital service provider “Pozamiatane” might best be translated in English as “done and dusted”, in that it means both “Swept” and colloquially that something has been “got

done". Pozamiatane.pl was launched by Jakub Łączkowski in 2015 as a local response to similar services existing overseas, such as the German firm Handy.com or the American firm Helpling.com. The service is currently present in Warsaw, Kraków and Wrocław, and is looking to develop to other major cities and then abroad to other countries of central and eastern Europe. It is in a development phase, financed by Business Angels Greece, with the aim of becoming the first digital point of call for any issues concerning house and home, such as looking after animals, care for the elderly, nannies for children, etc. Pozamiatane itself is a technological start-up: in other words, as a company it deals with the technological, marketing and developmental aspects of the project, while the cleaning is carried out by self-employed or sub-contracted cleaners.

The company provides a web service through which a client can connect with a cleaner. You simply log in your postcode and time, and a tested cleaner will appear to clean your flat. Payment is made via the net. The service allows flexibility for the customer and also guarantees a trusted, legally working cleaner. For the cleaner, the service provides a means to seek clients and also enables flexibility in organising amount and times of work.

The company clearly targets its offer to a new overworked middle class of large urban centres in Poland. It promotes itself by stressing flexibility, the fact that its cleaners are "tested experts" and that it offers safe mode of payment. Cleaners are indeed asked to do a test cleaning before they begin work and clients are expected to give them an online rating after each cleaning. This is a numbered rating organised under a series of general rubrics, such as punctuality, accuracy, communicativity, etc., combined with the possibility for a written comment on the cleaning. The review system is promoted as part of a rhetoric of trust and safety: the service stresses that it provides only trustworthy specialists. The service also underlines that all its cleaners are legally employed in Poland.

For cleaners, the service stresses its convenience, the fact that that it provides an available network of clients, its flexibility, you can build your own timetable, that it offers good rates of pay and that the payments are made reliably and regularly. The firm is currently based in big Polish cities and is looking to expand, and is also in need of further cleaners. For cleaners, the firm is often not the only job: but the system of being able to set your own graphic of availability allows cleaners to plan their work around other jobs. If there are problems for the client, these can be discussed with the firm's hotline, which has Russian speaking operators.

In interview, Jakub Łączkowski said that part of the firm's mission is to update a sphere of the economy that has often been overlooked and left to grey zone, untransparent practices. He emphasized the checks made to ensure that cleaners are high quality, and the ease of work organisation his service offers to both clients and cleaners. While seeking to emphasize the trust it creates between clients and cleaners, the firm also needs to make sure it is the instance that controls their interrelations. The contracts signed with the firm stipulate that all cleaning must go through "Pozamiatane". Occasional checks are made and cleaners are encouraged to understand that the benefits of working with the firm (bonuses for presenting a friend to the firm, stable supply of clients, etc.) outweigh the risks of direct relations with a client.

Oksana: a cleaner at the company.

Oksana came to Poland from Odessa in June 2017 with the aim of improving her life. She found her first job via the internet and came to work in a supermarket a provincial city. After a few months, she moved to Warsaw and found a job in the company “Pozamiatane”.

According to Oksana, the company has 95% workers from Ukraine. Only the managers with whom she communicates are Poles. She enjoys the fact that she has influence over her working calendar. She gives her availability to the managers and they arrange the work schedule in such a way as to include her preferences. Her salary is higher than the minimum wage per hour and the firm provides her with cleaning materials, but she is not paid for the time spent travelling between flats. She gets up at 6 and returns home at about 21/22 at night. She sees the time spent travelling between flats as relaxation, and also values the chance to earn ‘tips’ from clients.

She works alone and there are limited possibilities of interaction with other cleaners. The employer signed a work agreement with her and provided a temporary work permit for making a visa. She communicates readily with clients, seeing this also as a way to raise her average rating. Grades from clients for her work affect her salary rate: lower marks mean 12PLN (3 euro) per hour, higher marks mean 15PLN (4 euro) per hour. Thus, her position at work depends on the grading of clients. Grades are visible on the company’s web page and everyone can see it, thus cleaners are afraid of bad grades. The cleaner is proud of her high marks, and uses the generally high rating as a means to defend herself against clients who she feels are being unfair: 1 bad mark in the midst of very high evaluations reflects more on the client than on her.

Oksana indicated that she wanted to encourage her friends to take on this work, since it gives a good salary and provides a freedom of planning time. Her husband also started to work at the company, even though he was ashamed to admit it at first, and at the beginning was getting higher marks than she was. Her friends were reluctant and preferred to work for production companies on less transparent conditions. She has recently brought her children to Poland. The family has just started renting a flat and the children are attending Polish school.

She feels let down by the Ukrainian state for its lack of ability to provide her with adequate child support. She says that at the beginning of the war she felt patriotic impulses, but that now she feels it is all chimeric. Poles are generally friendly, happier than Ukrainians who are worn down by material concerns and agree with her that tensions are caused by idiotic politicians. She and her husband have ambitions to start their own business, perhaps a hostel like many other Ukrainians here. She would only start a business in Poland, as in Ukraine it would be too risky: there people don’t have enough money to know where the next rent is coming from. It is better for her to earn money in Poland, and to go back to visit Odessa as a tourist.

Neither cleaner nor boss saw any role for trade unions in this labour organisation. Each worker simply takes what they want, and if not they leave. So what interests could be defended?

This case is exemplary of the way in which technology is changing the organisation and understanding of work. Paradoxically, the internet both creates a climate of alienation and suspicion, and provides tools enabling businesses to mediate their services by foregrounding

safety, ease, trustworthiness, etc. The service offers convenience for both sides, by providing channels to obviate direct human contact. Rather than the awkwardness or eliteness of having a cleaner, Pozamiatane suggests that not having enough time to clean is an inevitable part of the lifestyle of the new, successful Warsaw inhabitant and that the firm provides an advanced, quality and efficient way to manage this issue.

Pozamiatane is part of a trend of the uberisation of work which, while developing all over Europe, is particularly marked in Poland.¹⁷ In terms of the cleaning sector, Pozamiatane foregrounds how its services, with their obligation for cleaners to be legally employed, represents a transition towards a regularisation of this sector. At the same time, this regularisation happens through a system of outsourcing: the cleaners are employed by other firms or self-employed. The fragmentation of work in this case is strengthened by the different logics of the firm and its workers: Pozamiatane is a technology start-up, invested in by the Greek branch of the network of European Business Angels for its future potential, while the cleaning is carried out by workers employed elsewhere.

The service also changes the language used to refer to cleaners, who are presented not as cleaners, but as “experts” or “specialists”. When taking on new workers, the firm insists on proof of experience in the commercial cleaning sphere, which is not the same as just cleaning at home. The rating system by which clients evaluate the work of cleaners is at the same time a means to prove the quality of a worker, a means to discipline the workforce and a tool to promote the company. Cleaners are also motivated to try to achieve the best ratings possible and sometimes use an overall high rating as a tool in their favour if they wish to resist unfair treatment by clients: 1 harsh review against a generally good background can indicate that indeed the client was at fault.

It is not clear to what extent this change of language can impact on the perception of this branch of labour. The cleaning sector is one where traditionally union representation is poor, where female and migrant labour is paramount, and where values of expertise, experience and energy of labour are not recognised in terms of career development. These values are promoted here, within the frames enabled by the firm. However, the firm also controls the terms in which clients and cleaners can interact, meaning that the development of relations between cleaners and clients outside the formulas proposed by the firm is more difficult.

Despite the fact that the company promoting itself as a team, the cleaners at Pozamiatane do not meet. An algorithm calculates the best configuration of cleaning offers for them, but travel between clients, how to organise food, etc., is up to the workers. Indeed, flexibility to work as much as you want and if not, then to leave, is so much part of the logic that the idea of union representation seemed superfluous. While this flexibility is an integral part of the firm’s organisation, the high turnover of workers is also a problem, given the general shortage of manpower on the Polish labour market.

Thus, Pozamiatane represents an example of how technology enables a firm to create virtual trust and a virtual team, at the same as the company’s workforce are fragmented as self-reliant entrepreneurs.

¹⁷ See Bartłomiej Piwnicki, “Uberyzacja pracy staje się już faktem”, *Rzeczpospolita*, 27.02.2018: <https://www.rp.pl/Opinie/302279873-Uberyzacja-pracy-staje-sie-juz-faktem.html&cid=44&template=restricted>.

SHARED INTERESTS?

The aim of the project was to contextualise the structural conditions of fragmentation in which Ukrainian migrant labourers are becoming part of the labour market in Poland. By drawing together TWAs, a logistics firm and a digital service provider, we wanted to sketch different paradigms of fragmentation in which Ukrainian migrants in Poland play a leading role. Thus, labour migration, the flawed capacities of the state and technological development combine to create powerful barriers to developing shared interests. We look at this beneath in somewhat more detail.

SOLIDARITY IN FRAGMENTED WORKPLACES

The three cases show very different kinds of fragmentation: the factory worker is symbolically divided from the company by the uniform of temporary work, while the driver and the cleaner's work depends on technology to act as a connector in an infrastructure of labour that has become highly fragmented. In all cases, the work was mediated: the work was being performed for a different entity than that paying the worker.

In all three cases, solidarity was difficult to imagine. While some interaction with other workers was needed in the factory to keep the production line going, other workers were more often seen as a potential problem or source of conflict. The interviewee argued that the best kind of business management was one where a business could be seen from all perspectives, but that this would be very difficult when most of the workforce was made up of agency workers. The driver also spoke of moments of solidarity, if for example a truck was broken down, but also mentioned that technological change had reduced former modes of solidarity, such as CB radio. In the last case, while the cleaners were presented as a team, there was no place for interaction amongst the workers. Indeed, here workers were encouraged to persuade friends to join the labour force in order to get bonuses.

In all three cases, the flexibility offered by the working conditions was also welcomed by the workers. For the production line worker, it was a sign that the work was a temporary phase - to be thought about only when at work. For the driver, the romance of the road offered the possibility of discovery and for the cleaner the flexibility to create one's own workplan/workload was also welcomed. In the case of the driver and the cleaner, an entrepreneurial ingenuity in creating the necessary infrastructures to support their work was a source of self-esteem.

COMPETITION AND LABOUR STANDARDS

On the production line, one TWA supplies the majority of workers for this multinational food producer's plant in Poland. Everyday the workers have a different position on the production line and there is a high turnover of temporary labour. Those working directly for the firm were only in supervision positions. Cameras recording work were seen as a potential asset to prove one's case should there be a dispute with colleagues. Complaints were taken either to the head of the production line or the representative of the TWA: the head of the production line was seen as more useful. But if the production line was too fast, for example, there was not much possibility to change it.

The driver owed his work to the position of Polish van drivers to exploit their cheaper labour on a European market and to work within regulatory systems. He was relieved that official checks of “trip harmonogram”, weightload, etc., were not too rigorous, and worked with and around the prevailing infrastructures in different countries to save money. He sought information from other drivers about their working conditions, comparing them with his own.

The cleaning service provider was seeking to create and exploit a monopoly in the market of services for the house, established by presenting cleaners as reliable and high quality. In so doing, it also sought to mediate relations between cleaners and clients: clients should review the work of cleaners, but cleaners had recourse to the firm should there be problems. Cleaners could work as much as they liked, while all issues outside the work-time were up to them.

All three cases saw themselves as good workers. On the production line, physical fitness and dexterity were key. For the driver, his ability to find addresses, knowhow of his vehicle and how to plan his journey, entrepreneurial skill in developing his own personal infrastructure and cheap survival strategies when on the road and his ability to stick up for his rights when dealing with loaders were seen as key. The pleasure he drew from the places he enjoyed visiting and marking on his personalised map was also important. The cleaner was proud of her good reviews and attempted to live up to the criteria demanded of her by the schema set out by the firm.

None of the cases saw any potential to impact on labour standards: either you accepted the conditions of the work you were set or you looked for something else.

PRECARITY AND SOCIAL CITIZENSHIP

For all the interviewees, the question of the difficulties of securing the necessary documentation for legal work and residence was a key and problematic issue. The production line worker’s documentation was dealt with by the TWA, but she felt that responses on this were delayed as part of the agency to maximise the turnover of employees. The driver’s documents were still being processed after his change of job, which for him was a cause of fear that he could be sent back to Ukraine. The cleaning firm only took on cleaners that had legal residence, but was frustrated by the problem of migrants’ short-term tactics for residence documentation taking precedence over more logical and long-term work and residence strategies. For all, work and the possibility to stay in Poland were closely connected.

In each case, the fact that labour is mediated (i.e. in the triangular form whereby the worker is paid by a firm different from the one they do the work for (Coe et al. 2010)) naturally distances work from its wider social implications. Work is already sold as a commodity in a contract, the terms of which are not transparent, between one business and another. In the case of the production line worker, this distinction was made obvious by the fitness centre and team building meetings arranged only for direct employees of the company, while in the other two cases by the acceptance of the need to provide one’s own infrastructure around the work-place. The case of the driver is the clearest example of working in the gaps left by regulatory regimes: how to work these to one’s advantage lay at the heart of the adventure of the driver’s labour. In both cases, the work provided some sense of stability: the driver was happy to be paid by day and not by kilometre, while the cleaner was assured of regular work and regular payment by a growth company.

The case of the cleaning service spins the notion of precarity in a new direction. The service asserts an overall climate of uncertainty, alienation and threats to safety to propose that the way to overcome this are the checks and rating systems proposed by the firm. Digital ratings are proposed as a mode of building social relations in a context where they are otherwise lacking. All three of the workers saw technology as resource for defending their rights. In particular, the driver made active use of geotechnologies to personalise his map of Europe according to his enjoyment and needs, and actively published reports on his journeys on facebook.

The questions of what kinds of social citizenship are emerging from such a fragmented landscape of work and what tools might be germane to promote solidarity and citizenship are indeed vexed ones.

CONCLUSIONS AND RECOMMENDATIONS

The study shows that creating conditions for shared interests in a labour market which is heavily outsourced, heavily fragmented and where workers value their own entrepreneurial initiative and distrust the state are extremely challenging.

From our study it emerged that the challenge to resolve problems with residence documentation is keenly felt by Ukrainians (both by those in Ukraine and those already resident in Poland), and this makes them prey to exploitative business practices. Legalization of the work and stay is a crucial element in management policy of employers. They are aware of the desire of their workers to prolong their stay in Poland, so often they use this in forcing obedience and tying them to the employer. On the other hand, the complicated and time-consuming bureaucratic procedure of legalization of long term employment means that TWAs are reluctant to provide such employment and prefer short time workers, which limits the possibilities of migrants to long term residence in Poland.

The Polish authorities should consider a simplification of the bureaucratic proceedings connected to issuing work and residence permits to foreigners. The complications and extended periods of bureaucratic procedures limit the mobility of the labour force on the labour market which brings losses to the economy and often forces workers into the grey sector. From the complicated procedures profit mainly intermediaries who know how to maneuver in the legal system of employment of foreigners.

The research amongst workers in three different spheres (production line work, logistics and domestic labour) showed that workers in general lack a third party to protect their labour rights, are not aware about the existence of such parties or feel a need for such institutions. Interviewees used services of some organizations that provide consultations on legalization of work and stay. In general, migrants have limited awareness about the rights and responsibilities of the employer and public and civic institutions.

The outsourcing of labour to temporary work agencies and the fragmentation of labour in transport and cleaning are a challenge to those institutions traditionally most engaged in protecting and advocating labour rights. Without a common and stable workforce or points with which to meet in common with other workers, it is difficult to imagine what tactics unions could

use to engage in raising consciousness about common issues or rights. In addition, the new modes of work demand of workers entrepreneurial skill in overcoming lack of infrastructure and workers indeed pride themselves on their creativity in defining their own life paths.

The State Labour Inspection is limited in its authority and its manpower, since it is entitled to take actions in protection of workers who have employment contracts and has limited authority to act in cases of civic contracts. Since PIP controls legality of employment and reports cases of irregular employment to the Border Guards, and the latter punish foreigners, migrants tend to treat this institution predominantly as controlling and not as protecting them. In addition, in the cases that were the main focus of our study, the outsourced modes of work do not contravene law, indeed the legality is stressed and workers agree to these conditions. Firms have found ways to work around the regulatory framework.

Thus, the establishment of a forum where key actors in migrants' employment could participate is crucial for the provision of support to migrants while taking care of their interests. The conference organized by the Foundation Our Choice in March 2018 where a representative of TWA, scholars, trade unions, civic organizations, journalists and representatives of labour migrants were invited showed that dialogue is needed to understand the position of each side. While all of the organisations are aware of the challenges, they remain within the logic of their institutional organisation. A frank acknowledging of the problems that each faces and more far reaching experimentation is needed to introduce new approaches. Given the pressures faced by all parties, this is of course challenging.

There is a need to increase the awareness of migrant workers about their rights by information campaigns organized by state, public institutions, trade unions and civic organizations. In such awareness campaign, cooperation between Polish and Ukrainian authorities is required. Trade unions should intensify awareness of workers in their competences in defending their rights and encourage migrants to join them, since they have legal means to protect workers. This is important and challenging in sectors such as cleaning and logistics, which, notwithstanding recent new mobilizing efforts such as those by the Ogólnopolski Związek Zawodowy Inicjatiwa Pracownicza, are often beyond the frame of traditional union strongholds, and in the case of temporary work agencies, also beyond the frame of union activity.

The workers in the sectors studied in general are left to themselves. They on one hand appear as victims due to the situations that made them migrate to Poland and the fact they have to agree to harsh working conditions. On the other hand, they all feel that they are good workers and indeed show considerable entrepreneurial prowess in overcoming difficulties: an attitude that the new modes of work themselves encourage. They are eager to advance socially and to establish a stable and respected position in Poland, either by planning studies, future businesses or education for children. The competitive environment whether in the case of the factory worker or that of the self-dependent work of driver and cleaner do not motivate professional solidarity, but rather intensify worker fragmentation. Each of the workers builds a network of support through and for relatives and acquaintances, which includes also Poles. Through these networks, they make contact with and use of civic organisations providing advice for migrant workers. Work and the experiences of work are crucial in these individuals' networks of support and self-identifications. However, these experiences of work do not obviously connect workers to each other or to wider social forms.

LITERATURE AND SOURCES

1. Carina Altreiter, Theresa Fibich and Jörg Flecker, (2015) 'Capital and Labour on the Move: the Dynamics of Double Transnational Mobility in Jan Drahokoupil ed., *The Outsourcing Challenge: Organizing Workers Across Fragmented Production Networks* (Brussels, ETUI aisbl), 67-89.
2. Julien Brygo (2018), Le Routier Américain: une icône en voie de disparition, *Monde Diplomatique*, août, 4-5.
3. Iza Chmielewska, Grzegorz Dobroczek, Jan Puzynkiewicz. Obywatele Ukrainy pracujący w Polsce – raport z badania. Badanie zrealizowane w 2015 r. [Ukrainian Citizens Working in Poland – Report From Research. Research conducted in 2015]. Warsaw, National Bank of Poland, 2016.
4. Charmain Chua, Martin Danyluk, Deborah Cowen and Laleh Khalili (2018). "Turbulent Circulation: Building a Critical Engagement with Logistics." *Environment and Planning D: Society and Space* 36 (4): 617-629.
5. Neil M Coe, Jennifer Johns, Kevin Ward, Flexibility in action: the temporary staffing industry in the Czech Republic and Poland. *Environment and Planning A* 2008, volume 40, pp. 1391 - 1415.
6. Neil M Coe, Jennifer Johns, Kevin Ward (2010). The Business of Temporary Staffing: A Developing Research Agenda. *Geography Compass* 4(8): 1055–1068.
7. Deborah Cowen (2014) *The Deadly Life of Logistics: Mapping Violence in Global Trade*. Minneapolis: University of Minnesota Press.
8. Directive 2014/36/EU of the European Parliament and of the Council of 26 February 2014 on the conditions of entry and stay of third-country nationals for the purpose of employment as seasonal workers. <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32014L0036> Accessed 30.10.2017.
9. Jan Drahokoupil ed. (2015) *The Outsourcing Challenge: Organizing Workers Across Fragmented Production Networks* (Brussels, ETUI aisbl).
10. Olena Fedyuk, Tibor T. Meszmann, Ukrainian Temporary Agency Workers in the Electronics Sector. Budapest 2018, Project "STRONGLAB."
11. Myroslava Keryk, Working in Poland: violations of labour rights of Ukrainian migrants in sectors of construction and services", Warsaw 2018. Project "STRONGLAB."
12. Katharine Jones (2014) ' "It Was a Whirlwind. A Lot of People Made a Lot of Money": The Role of Agencies in Facilitating Migration from Poland into the UK between 2004 and 2008', *Central and Eastern European Migration Review*, Vol. 3, No. 2, 105–125.
13. Ministry of Family, Labour and Social Policy. <https://www.mpips.gov.pl/analizy-i-raporty/cudzoziemcy-pracujacy-w-polsce-statystyki/> . Accessed 07.09. 2018.
14. Office for Foreigners, <https://udsc.gov.pl/statystyki/raporty-specjalne/biezaca-sytuacja-dotyczaca-ukrainy/> Accessed on 19.10.2017.
15. Bartłomiej Piwnicki, "Uberyzacja pracy staje się już faktem", Rzeczpospolita, 27.02.2018: <https://www.rp.pl/Opinie/302279873-Uberyzacja-pracy-staje-sie-juz-faktem.html&cid=44&template=restricted>.
16. Poland/ Dz. U. z 2008 r., Nr 69, poz. 415, z póź. zm.[Journal of Laws of 2008 No.69, item 415 with amendments that followed] (20 April 2004), Poland/Dz.U. 2006 nr 156 poz. 1116

- [Journal of Laws of 2006 No 156, item 1116] (30 August 2006); Poland/ Dz.U. 2007 nr 120 poz. 824 [Journal of Laws of 2007 No. 120, item 824] (27 June 2007); Poland/ Dz.U. 2008 nr 17 poz. 106 [Journal of Laws of 2008 No. 17, item 106] (29 January 2008); Poland/ Dz.U. 2009 nr 21 poz. 114 [Journal of Laws of 2009 No.21, item 114] (01 June 2010); Poland/ Dz.U. 2010 nr 236 poz. 1559 [Journal of Laws of 2010 No. 236, item 1559] (09 December 2010); Poland/ Dz. U. z 2011 r. Nr 155, poz. 919 [Journal of Laws of 2011 No. 155, item 919] (20 July 2011); Poland/ Dz.U. 2013 poz. 1507 [Journal of Laws of 2013, item 1507] (28 November 2013).
17. Register of agencies: <http://www.stor.praca.gov.pl> Accessed 09.09.2017.
 18. Rynek Agencji Zatrudnienia w 2016 roku [Polish Market of Work Agencies in 2016]. Polskie Forum HR, 2017. P. 7-8, 16.
 19. Transnational Social Strike Platform (2017) *Logistics and the Transnational Social Strike*, Fall 2017.
 20. Ustawa z dnia 7 kwietnia 2017 r. o zmianie ustawy o zatrudnianiu pracowników tymczasowych oraz niektórych innych ustaw [Law from 7 April 2017 on change of law on employment of temporary workers and some other laws]. Dz.U. 2017 poz. 962. <http://prawo.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=WDU20170000962> Accessed on 30.10.2017.
 21. Ustawa z dnia 20 lipca 2017 r. o zmianie ustawy o promocji zatrudnienia i instytucjach rynku pracy oraz niektórych innych ustaw. [Law from 20 July 2017 that changes the law on promotion of employment and institutions of labour market and some other laws.] Dz.U. 2017 poz. 1543.