

# ITUC Submission to the UPR on Romania

**February 2008**

## **Human Trafficking for Labour Exploitation in Romania**

Romania is a country, as many Eastern European countries, confronted with a shortage of labourers caused by an exodus of Romanian workers to Western Europe. This shortage on the labour market is often filled by Asian workers accepting low wages and working conditions. Chinese represent the third largest community of migrant workers in Romania after Moldovans and Turks. Several thousands work in the textile, agriculture and construction sectors and their numbers are still growing.

There are no statistics for the wages paid to foreigners working in Romania. According to the national legislation, employers are compelled to pay the minimum wage, as they should for Romanian workers. However, this provision was only adopted in the summer of 2007. Until June 2007 employers had to pay workers from other countries a wage at least equal to the average industry wage and additionally provide food and accommodation.

The Romanian Labour Ministry (MMFES) has recently drafted a proposal in which the number of work permits for foreign workers to be issued in 2008 would be lower than the number of work permits issued in 2007. In 2007 the Romanian Government approved 12,000 work permits. In 2008 it is proposed not to allow more than 10,000. The employers' organisations - particularly the National Confederation of the Romanian Employers (CNPR) - claim that they need around 50,000 work permits, arguing that there is an increasing workforce deficit in Romania, particularly in the field of constructions and light industry, concurrently suggesting to import workers from countries like China, Pakistan and India. The Labour Ministry decreased the number of work permits in 2008 since in 2007 less than half of the approved number of work permits had actually been used (5,500), despite the statements of many employers that they are attracting foreign workers. According to the official data provided by the Romanian Office for Immigration, about 1,250 foreign workers arrived from Turkey (813), Moldova Republic (278) and China (246) in 2007. However, according to BNS, (Blocul National Sindical), a Romanian trade union affiliated to the ITUC (International Trade Union Confederation), the real number is likely to be around 8,000.

These contradictory figures give us reasons to believe that the Romanian labour migration legislation is not effectively implemented and that many employers make use of informal recruitment practices and unregulated forms of employment, leaving migrant workers vulnerable to exploitation. BNS reports that in fact the wages paid to Chinese women migrant workers in the textile industry are sometimes as low as around 70 per cent of the minimum wage established by law.

Chinese workers coming to Romania are not always fully informed about their rights. Unfamiliar with the Romanian culture, unable to speak the language and lacking any social network, Chinese migrant workers in Romania are highly if not completely dependent of the goodwill of their employer and their recruitment agency, which are

often one and the same. This leaves them vulnerable to exploitation and the violation of their human rights. Some of these practices may be defined as cases of human trafficking in the sense of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (2000), ratified by the Romanian Government on 4 December 2002. Indeed, as will be illustrated by a specific case hereunder, foreign workers are deceived, recruited and transported for the purpose of exploitation.<sup>1</sup>

An incident occurred in January 2007 in the city of Bacau, where approximately 200 Chinese women work in a textile company named Wear Company Srl. The workers initiated a protest and denounced their working situation and conditions. They were very unsatisfied with the wages they were being paid. At the time of their recruitment the workers were promised wages of 700 US\$ per month. In fact they only received 300 US\$ per month. Their contract with the recruitment agency stipulated that they had to pay up to 4,000 US\$ in order to be selected to work in the company. The workers had to transfer 25 per cent of their salary every month to repay this amount. Additional deductions were made for food and accommodation. The average national monthly industry wage in Romania is 340 US\$ but rising as many Romanians seek better pay further west in the EU. The Chinese workers lived in an industrial building in small makeshift rooms that had no ceiling, sleeping nine to a room. Brandishing forks and spoons, the workers broke into the manager's office demanding for their wages to be doubled. The Company Director, Sorin Nicolescu, reportedly threatened to report them to the police and have them deported. "I will send them back to China and bring another 1,000 workers eager to work here", Nicolescu said. This threat of denunciation and subsequent deportation in effect makes these workers victims of forced labour, as defined in Convention 29 of the International Labour Organisation, ratified by the Romanian Government in 1957.<sup>2</sup>

The International Textile, Garment and Leather Workers' Federation (ITGLWF) expressed concern at reports of these appalling conditions faced by Chinese migrant workers at the plant in Bacau in Romania. ITGLWF, together with the ITUC, reacted to the case and wrote a letter to the company denouncing these practices and urging it to restore equal treatment to migrant workers, provide decent living and working conditions, review the practices of the labour recruitment agency and to cease threatening to deport workers currently employed in Romania.

International trade union pressure and national negotiations with trade union representatives resulted in a protocol being agreed between the company, the agency, the Romanian Labour Ministry, the Italian Embassy and the Chinese Embassy. This protocol offered the 300 migrant workers the choice of remaining in Romania and being employed under the laws of Romania, or having their airfare paid by the agency to return to China. Two hundred workers have opted to remain, 50 have already returned and 50 had not yet made up their minds at the time of writing. The recruitment agency has repaid in full to each of the 300 workers the fees they paid. Wages now stand at 320 US\$ per month, food and accommodation are provided by the company free of charge. The accommodation provided is in an industrial space

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<sup>1</sup> Art. 3 of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, 2000.

<sup>2</sup> Art. 2 of the ILO Convention on Forced Labour n° 29, adopted in 1930.

which has been converted into good standard accommodation with air conditioning, with 3 to 5 workers per room depending on the workers' choice. Workers are treated in accordance with the terms of Romanian labour law.

Trade unions assist the government in solving the most pressing problems affecting migrant workers' rights, such as the signing of labour contracts, payment delays, health and safety at work, social security, training, career promotion and legal aid. BNS and the Chinese ACFTU (All-China Federation of Trade Unions (not affiliated to the ITUC), decided to start cooperating on the theme to better meet the needs of migrant workers abroad and to inform them of their rights both in the country of origin and destination.