PMG Analytics

Justice Needs of Migrant Workers in Manolada, Greece 2020

Introduction

This research has been supported by the Open Society Justice Initiative. Its main objectives of the study are to document the justice needs of Bangladeshi farm workers in Manolada and make recommendations on how to improve the situation and working conditions of migrant farm workers in Greece. The research consists of three sections - a survey among a sample of Bangladeshi migrant workers, qualitative interviews and focused group interviews and a normative analysis.

Based on a year long empirical study, this report provides the first comprehensive analysis of the access to justice needs of Bangladeshi migrant farm workers in Manolada, their experiences with seeking remedies, and offers insights for strengthening the protection of vulnerable migrant workers in the agricultural sector.

Key research questions

- Identify patterns and costs of migrating to Greece for work for Bangladeshi migrant workers with specific focus on the agricultural sector.

- What are the common legal problems that Bangladeshi migrant workers encounter in Greece? Describe the conditions at work.

- How migrant workers seek to resolve those problems at present and the challenges they face in accessing public services, receiving their wages in a timely manner etc.?

- Identify specific interventions that can produce positive justice outcomes for migrant workers and make specific policy recommendations.

September 2020

Main Findings and Recommendations

- Literally, every member of the community needs to deal with a multitude of interconnected legal problems. Most of these problems are intensive. They occur frequently and have high impact – invariably negative – on people's lives.
- The vast majority are undocumented. For many the only valid document is a national passport.
- Almost half of the members of the community have been detained by police at some point in time.
- Most problems remain unresovled despite the active stance of the individual workers and the community as a whole.
- The legal probelms of the Bangladeshi migrant workers are chronic. While symptoms are treated, the main causes continue to generate new problems.
- Rarely if ever, the Bangladeshi migrant workers engage or are engaged by local or central public authorities in a search for improvements.
- However, there are positive findings as well. The Bangladeshi migrant workers are active and resilient group. Despite the difficult and precarious circumstances, they continuously look for solutions.
- People are creative. Solutions are sought in the community, in the interactions with masturas and employers, and from civil society organizations.
- All members of the community, regardless of educational, economic or social status, have access to a phone - most often some form of a smart phone. This is a platform for distributing and using information.

Recommendations

Policy recommendations

- Address legal status and employment status together and its entirety. Special attention should be given to the fact that many Bangladeshi migrant workers in the strawberry farms are de facto becoming skilled workers.
- Assess the peculiarity of the "e system" and its fit into the current policy framework regulating migrant workers and access to employment and residence permits.
- Review, improve (if needed simplify) the residence permit renewal system.
- Review , improve (if needed simplify) the regulation of the supply of work in the agricultural sector considering the nature of the specifics of the industry and the atypical terms of the employment therein.
- Review the regulation of the living conditions and access to public services for regular and irregular mirant workers.
- Explore the possibilities to extend the application of the 'Ergosimo voucher" and 13A systems to irregular migrant workers in the agricultural sector.

Programmatic access to justice recommendations

- One size does not fit all. Identify vulnerability from legal status, socio-economic, and educational factors and tailor interventions according to vulnerability. The young, new commers are particularly important group to work with.
- Design and deliver electronic awareness and information campaigns designed for the information needs and capabilities of the community.
- Leverage the relationship between employers/ masturas and the workers. In many cases this relationship is based on trust and mutual interest. This relationships could be a useful platform for access to health care, security, transportation, education and other public services.
- Organize dispute resolution mechanisms within the community based on their internal structures and dynamics.

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Quantitative survey of the justice needs of Bangladeshi migrant workers

Methodology of studying the legal problems of migrant workers

In this survey we use the methodology of justiciable events.[1] A justiciable problem is an event which can occur in the lives of everyone, including a migrant worker. Examples are: divorce, unfair dismissal, land dispute, refused public service such as driving license or welfare benefit. Understandably, migrant workers are significantly more likely to experience problems around personal status, ID documents, labour, housing, access to basic public services and money. An important characteristic is that a justiciable problem has a potential legal resolution. But it is not essential how the respondent resolves the issue. It is possible that the particular respondent experienced a justiciable problem but took non-legal actions to solve it. It is also possible that the respondent did nothing – simply let the problem go without a response.

Justiciable event is not a term that lay people use in a daily life. Therefore we asked whether they have experienced situations that they recognize as problems. The respondents are shown a list with problems to help themselves think about experiences with such problems. The questionnaire includes examples of such problems. These problems are clustered in several aggregated categories:

- Employment
- Housing
- Personal status and documentation
- Public services
- Police related problems

Very important point is that it is not compulsory that the problems from the lists are seen as formal legal problems. Migrants might experience various types of problems but do not see their legal sides or repercussions. Nevertheless, we consider such issues as justiciable. For instance – someone lends money to somebody else. Despite the agreement, the money are not returned on time. The borrower might recognize the legal side of the problem. But it is also possible that the problem is attributed to bad luck, economic difficulties or some other factors. Still, we are interested in this problem even though the respondent does not explicitly frame it as legal.

The mere fact that a problem from the list occurred means that we want to register it and ask the respondents about the properties of this problem, resolution strategies, outcome etc.

Sometimes the migrants might need additional explanation about the problems. Often the issues come in complex constellations. An important role of the interviewers was to help the respondents reflect upon the list and select her or his own problems. Therefore it is important that the interviewers know fairly well the list with problems and are ready to respond to questions. Some of the frequently asked questions were:

- Does the problem belong to one category or another – look carefully at the problem, ask questions about its nature and advise the respondent how to classify the problem

- Should it be registered if the problem has started long time before the migration to Greece - No, advise the respondent to register the problem if it appeared as a result of the migration to Greece
- Reporting problems experienced by others – we are only interested by problems that the respondent personally had to deal with.

Time frame

The respondents were asked about legal problems with which they had to deal since they started their trip towards Greece.

Implementation and field work

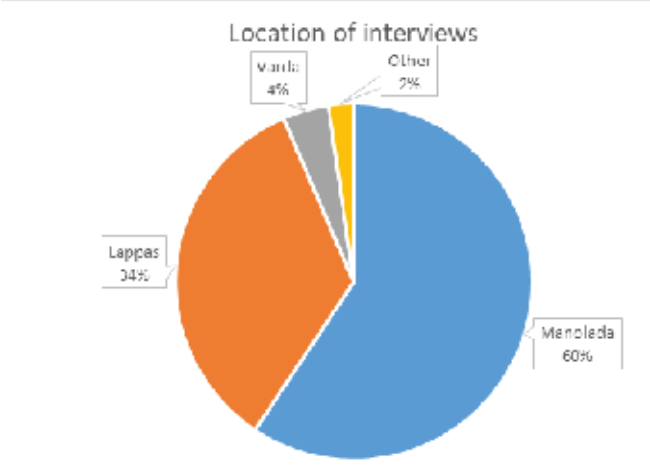
On June 1st and 2nd 2019 in Lapas, Greece, PMG Consulting organized training for 8 enumerators. The training was translated into Bangla. The enumerators were selected according to strict criteria laid out in the project documentation:

- Bangladeshi workers in the agricultural farms in Nea Manolada and Lapas
- Workers who are not assuming the position of mastura
- Capable to read and write
- Good reputation and respected by other workers
- Posses a smart phone (it was assessed that virtually all Bangladeshi workers in the area own some sort of smart phone and have Wi-Fi and/or 3 or 4G connectivity). Five of the enumerators lived and worked in Nea Manolada and 3 lived and worked in Lapas. The training session went over the subject matter of the study – justice needs and perceptions of justice. The concept of a justice need was explained in great detail. The following formulation complying with the literature and guidelines for measuring justice needs was used:

> "We are interested to hear about disputes, violations of rights and similar situations which you've encountered since your arrival in Greece. We are interested in situations in which you have a disagreement or dispute with someone else – i.e. friend, family mem-

ber, employer, public official, neighbors, unknown person, vendor, colleague etc. Think about problems which could have had serious negative consequences for you and your life."

The administration of the questionnaire was organized in two ways. First, each enumerator was given paper-based copies of the questionnaire in Bangla. Second, on the personal mobile phones of the enumerators was installed an online version of the questionnaire. A mobile app was used for the purpose. Extensive training was conducted to introduce the online questionnaire, the process of storying and syncing interview data. All enumerators conducted several real-life interviews among themselves and with non-randomly selected members of the community. These interviews were excluded from the dataset.

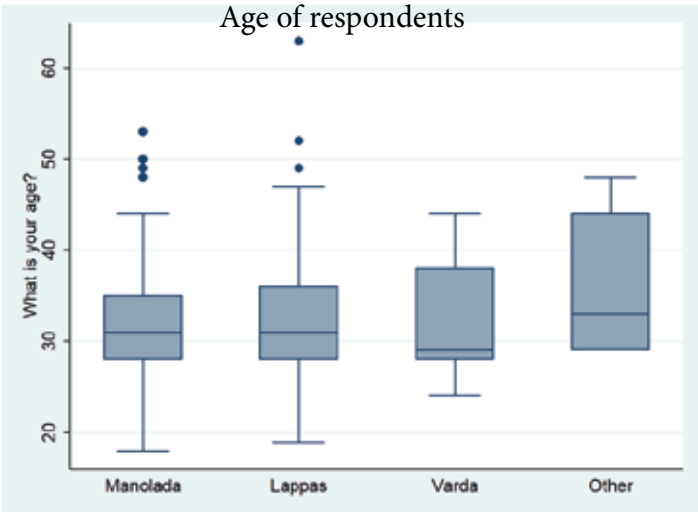


Who are the Bangladeshi farm workers?

In total 309 interviews were conducted. Most of the interviews took place in Nea Manolada and Lappas.

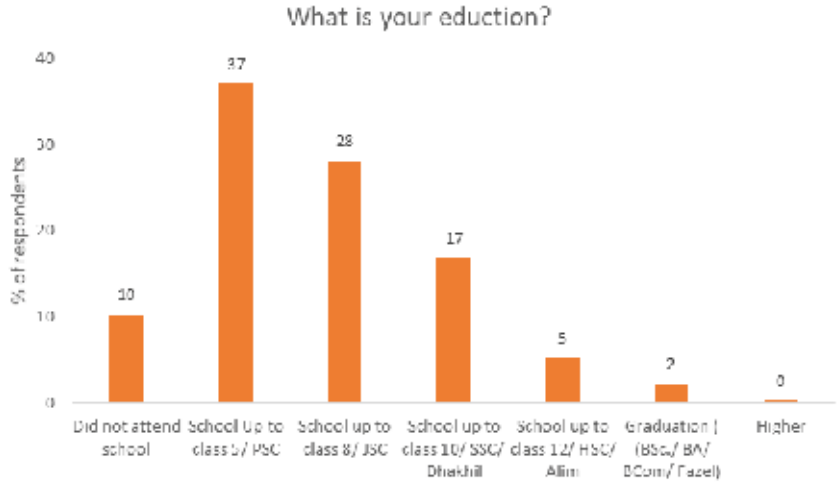
All respondents in the survey are men. The mean age of the Bangladeshi farm workers who took part in the survey is 32 years. Most of the workers are young men between 28 and 35 years of age. Seventy percent are not married. Younger workers are significantly less likely to be married compared to their more experienced fellows. For instance, 88% of those between 26-30 are single whereas in the category 36-45 this proportion is 30%.

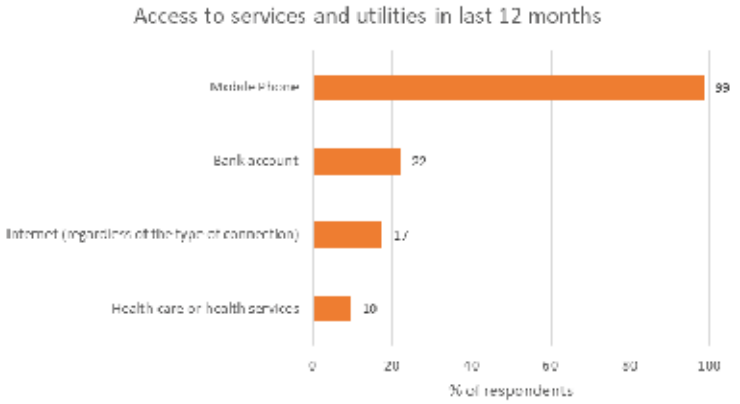
In Manolada and Lappas, a few of the respondents are significantly more experienced. These people have significantly more life experience, spent more time in Greece and could be potential source of knowledge and experience for their younger compatriots. The line in each box shows the average age in each location.



Ten percent of the farm workers do not have any formal education. Thirty-seven percent studied up to class 5, 28% up to class 8 and 17% up to class 10. About 7% of the sample have relatively high education. Such people are potential resource persons due to their high level of education. In general, younger workers have better education but the difference is not dramatic.

Almost none (1%) of the respondents have followed any sort of education in Greece.





Only one in ten report using health-care services. On the other hand, half of the respondents say that in the past 12 months they suffered a serious disease or disability. During the in-depth individual and group interviews many workers complained about the difficult access to health-care services. Many told stories about sickness and injuries related to the hard work in the fields.

Access to services

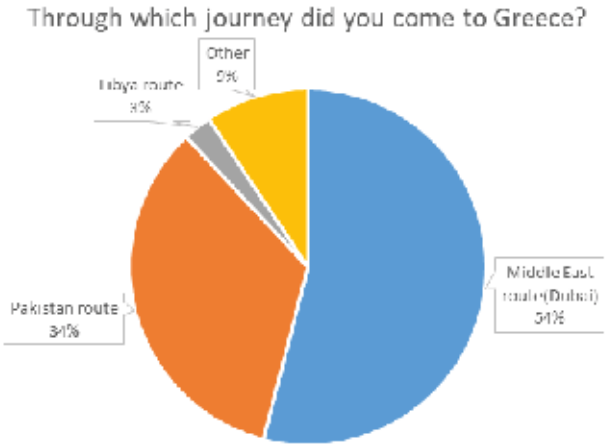
Virtually all of the Bangladeshi farm workers have a mobile phone which is the main communication channel within the community as well as with relatives and friends in Bangladesh. Slightly less than a quarter (22%) of the respondents say that they have a bank account.

Journeys to Greece

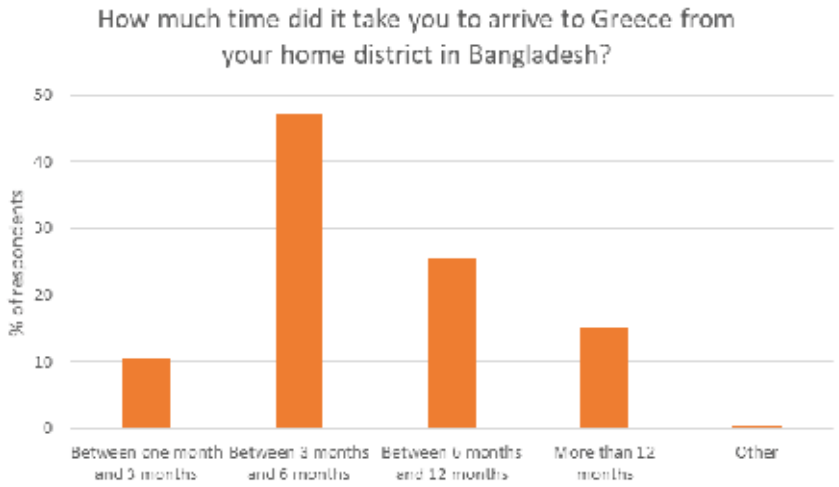
Almost all Bangladeshi farm workers came from rural communities in Bangladesh. Only a tiny minority originates from sub-urban (6%) or urban (3%) areas. The majority of the interviewed farm workers came from the Sylhet division in Bangladesh – 77%. Chittatong and Dhaka divisions account for 8% and 7% respectively. Small number of workers originate from Khulna division, Mymensingh division and Rajshahi division (each accounting for around 2% of all respondents).

We asked whether the respondents intended to

travel to Greece when they left their country. The large majority of the respondents – 88% - say that their original goal was to arrive in Greece. Ninety-nine percent did not have a valid Shengen visa at the time of travel. Most of them travelled via the Middle Eastern and the Pakistani routes. Younger farm worker, under 25 – are more likely to travel via the Middle East. The route through Libya is an exception.



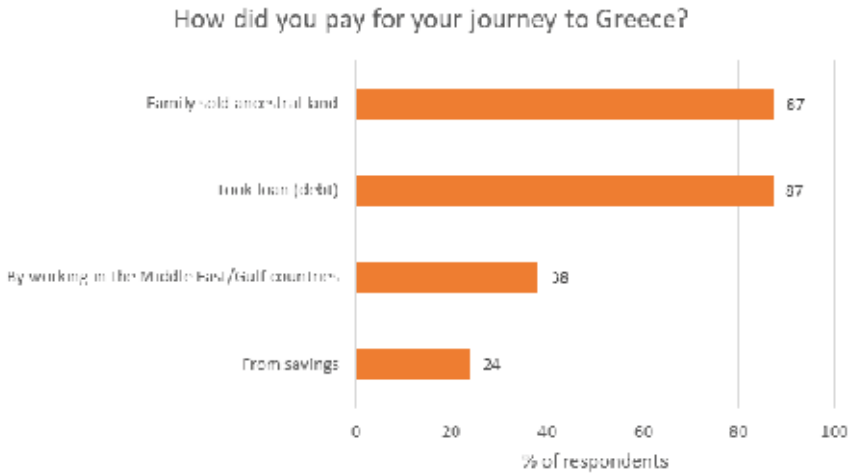
Around half of the respondents travelled between 3 and 6 months to reach Greece. For 26% the journey took between 6 and 12 months and further 15% had to travel more than 12 months. The Middle Eastern and Pakistani routes take approximately the same time. Travel via Libya and other alternative ways took significantly longer time and accordingly costs more money.



People accumulate significant debt on their way to Greece. Seventy-five percent of the respondents had to pay between €5,000 and €10,000 to make the journey. For 15% the initial cost of the migration was between €10,000 and €15,000. At the extreme, 5% paid more than €15,000. Three quarters (76%) of the Bangladeshi farm workers say that they had to pay between 2 to 5 people to complete the journey. Additional 23% said that they had to pay more than 5 persons on the way to Greece.

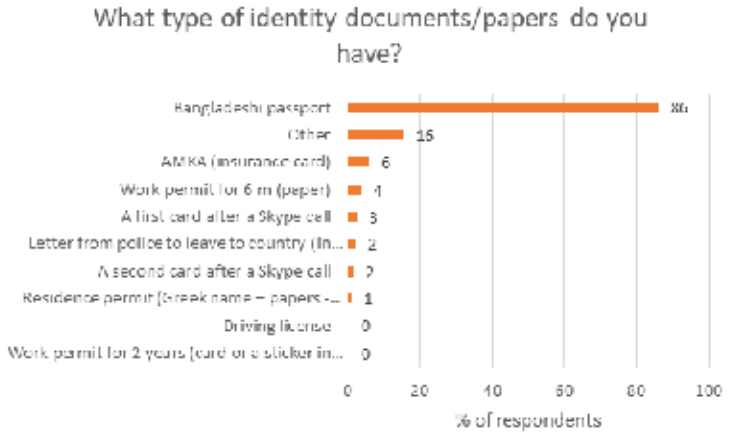
Travelling to Greece for work is very costly. We asked the farm workers how they financed the journey. The responses reveal that people had to seek money from multiple sources. The sum of the percentages in the chart below exceed 100 because each respondent could have selected multiple options.

To finance the migration, almost all respondents had to sell family land (87%) and take out a loan (87%). Some (38%) had to work in the respective transit Middle East/Gulf states on their way to Greece. In addition, 24% say that they had to add up to the cost of the journey from their savings.



Legal status and identity documents

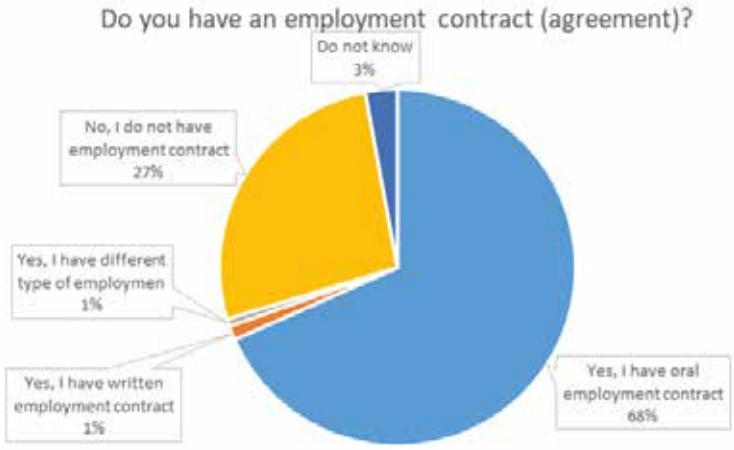
Bangladeshi passport is the standard identity document for the Bangladeshi farm workers. Eighty-six percent of the interviewed say that they possess a Bangladeshi passport. Beyond their national document very few have identity documents that can legalize their stay in Greece and allow them to move and work safely. This shows how vulnerable are the Bangladeshi migrants who work in the Greek agriculture sector.



Employment in the agricultural sector

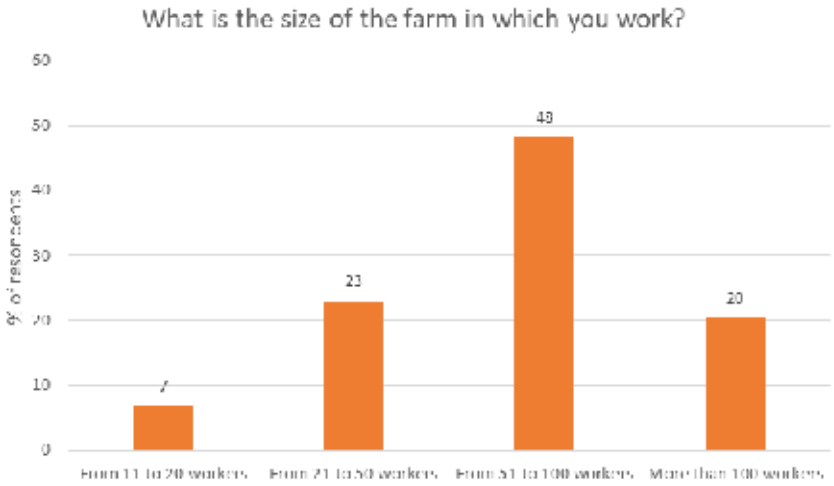
More than half (52%) of the workers report that they work all seven days per week and 36% work six days per week. On a normal day they work 7 hours. Around 80% of the respondents say that they are employed as farm workers (fraula). The remaining 20% say that they are middlemen (mastura). Particularly, respondents from Lappas are more likely to say that they are masturas. However, this might be a data collection error as almost all of the respondents said that they receive €24 per working day which is the standard compensation for a regular worker. Only five respondents say that they receive more than the standard workers' wage. Therefore, in this report we will consider the majority of the respondents to be regular farm workers.

Very few – only 1% - of the farm workers say that they have a written employment contract. The large majority (68%) have an oral agreement with the employer or consider that they do not have a contract at all (27%).
The relationship between employment contract and duration of employment is not very clear. Workers who worked longer in the farms are somewhat more likely to say that they have an oral contract with the farm owner.

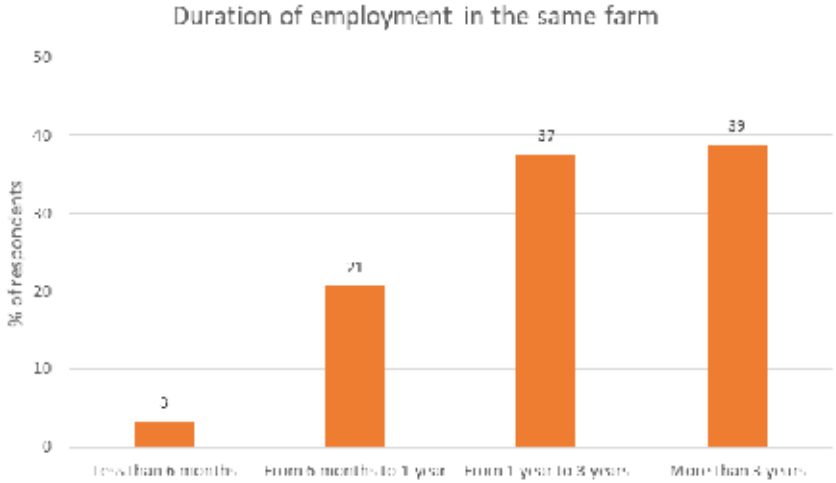


Bangladeshi farm workers are employed in relatively large farms considering the ovreall agricultural sector in Greece.[1] Almost half of the respondents work in farms employing between 50 and 100 workers. Further 20% work in large farms with more than 100 workers.

1 https://ec.europa.eu/eurostat/statistics-explained/pdfscache/54736.pdf



Close to 40% of the interviewed farm workers say that they have already worked for more than 3 years in the same farm. Thirty-seven percent report that they are employed by the same employer between an year and 3 years. This shows that the employment is relatively long term and people are connected to a particular employer. Those working in Manolada are slightly more likely to be in a longer-term employment relationship.

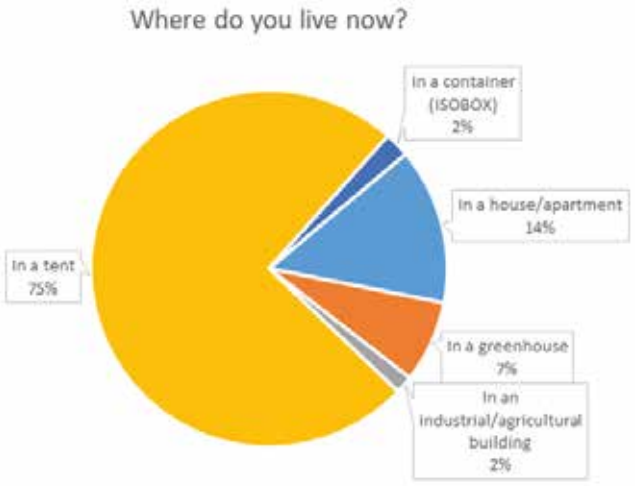


Living conditions

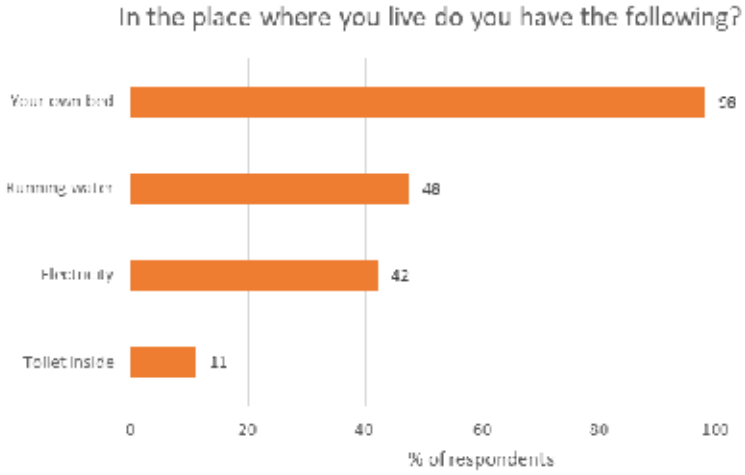
Of particular concern are the living conditions of the Bangladeshi farm workers. Half of the respondents use housing provided by the employer. Employers rarely provide housing in houses or apartments. Most often, they offer the farm workers to live in tents or greenhouses. Three quarters say that they live in a tent and further 7% report living in a greenhouse. Observations from the field suggest that the difference between the two categories are small. Most workers live in makeshift housing arrangements which are modified greenhouses. Relatively few are housed in tents donated by the Red Cross after a fire in 2018 burnt an encampment of makeshift tents in Manolada.

Around 15% of the Bangladeshi farm workers live in more stable structures such as houses, apartments or agricultural buildings. A small minority of 2% live in ISOBOX containers.

On average, farm workers live with 12 other people in the same room, tent to adapted greenhouse. Tenants of houses, apartments and agricultural buildings share a room with 9 people on average. In a tent the mean number of roommates is 13.



Whereas all Bangladeshi farm workers have their own bed, access to vital facilities is limited. Only one in 10 have access to a toilet inside the housing structure. Forty-two percent have electricity and about half have access to running water. The conditions are much better for those living in houses, apartments or agriculture buildings. Almost all of the tenants in such structures have access to electricity, running water and many (68% of those living in house/apartment) have a toilet inside. Only a quarter of the workers who live in a tent have electricity and 38% have access to running water. Toilets are missing and the general sanitary conditions in the tents are squalid. Such conditions raise serious concerns about the health and well-being of the Bangladeshi farm workers.



The mean value of the rent of a farm worker is €32 euros. Some respondents indicated paying 100 or more euros but the analysis shows that 90% of the workers pay less than €50. People living in houses or apartments pay monthly rent of around €40. Those living in tents pay around €20. Written rental contracts are virtually non-existent in the sector.

Legal problems: experience, impact and resolution strategies

Employment

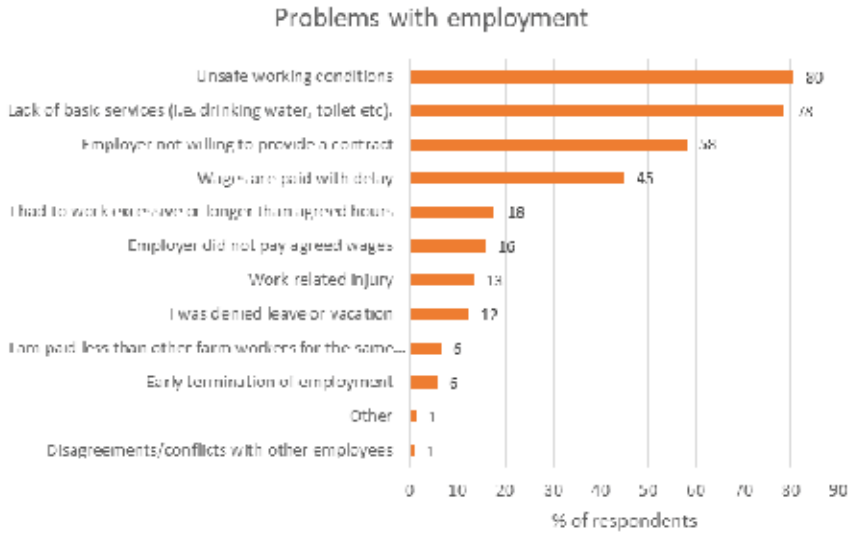
Summary

Virtually all Bangladeshi migrant workers encounter legal problems related to employment. Usually the workers need to deal with many more than one problem. Most often, the key problems are unsafe working conditions, lack of basic amenities, working without contract or delayed payment of wages. People consider that it is very difficult to deal with work-related issues. Farm workers are active but can rely on a very limited toolbox of resources. They mostly rely on the people from their own community -- colleagues and the more experienced masturas. Some find support from NGOs but the demand significantly outweighs the supply. There is very little recourse to local or central public authorities. The lack of knowledge and support is a big barrier. There are clear indications that more knowledge and more support will empower the workers to resolve more of their legal problems. As a consequence, many of the employment problems remain unresolved. This is causing considerable negative consequences – stress, health issues and loss of money are the most tangible impacts of the chronically unresolved employment problems.

The landscape of employment problems

All of the interviewed farm workers in Manolada and Lappas had to deal with employment-related legal problems. On average, the respondents reported 3.4 employment problems. Unsafe and dangerous working conditions is the most prevalent employment problem – 80% of the interviewed Bangladeshi farm workers had to deal with work-related hazards. Closely follows the lack of basic amenities at the work place. Seventy-eight percent of the workers had or have an issue connected to the lack of drinking water, access to toilet and similar.

Working without a contract is a serious problem for 58% of the respondents. Almost half (45%) of the Bangladeshi farm workers say that they had to deal with delayed wages.

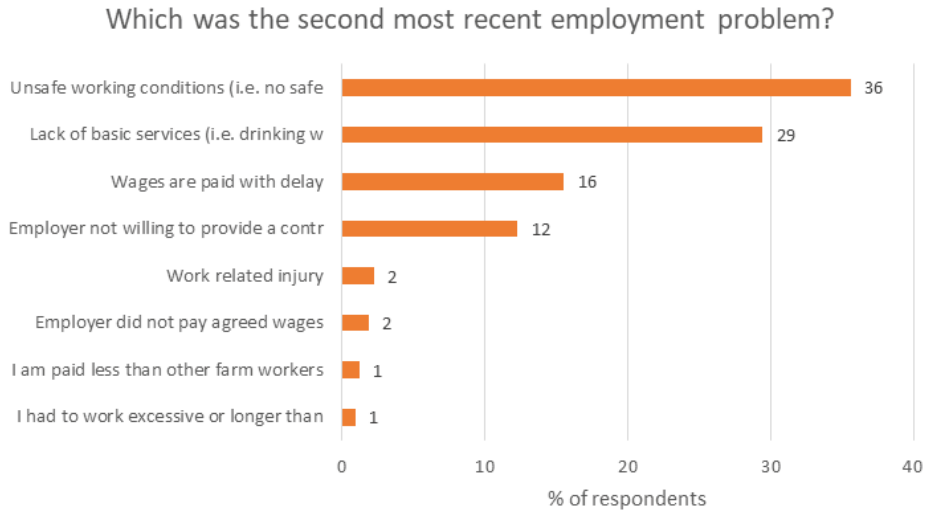


The Bangladeshi farm workers encounter many employment disputes. What is important is whether they are able to resolve these problems in a positive and constructive manner. The respondents of this survey are almost unanimous that their employment issues remain unresolved. We did ask "To what extent are all your employment problems resolved at the moment?". Ninety-two percent of the respondents report that on a scale of 1 (no resolution) to 10 (complete resolution) their employment problems are not resolved. Only a very small minority of about 5% consider that their employment legal problems are partially or completely resolved. It is not surprising that most of the Bangladeshi farm workers consider that the resolution of employment-related legal problems is very complicated. Eighty-four percent say that it is extremely difficult for them to cope with the employment-related disputes and disagreements. Only around 15% think that the challenge of sorting out employment legal problems is not so difficult.

In-depth look into a specific employment problem

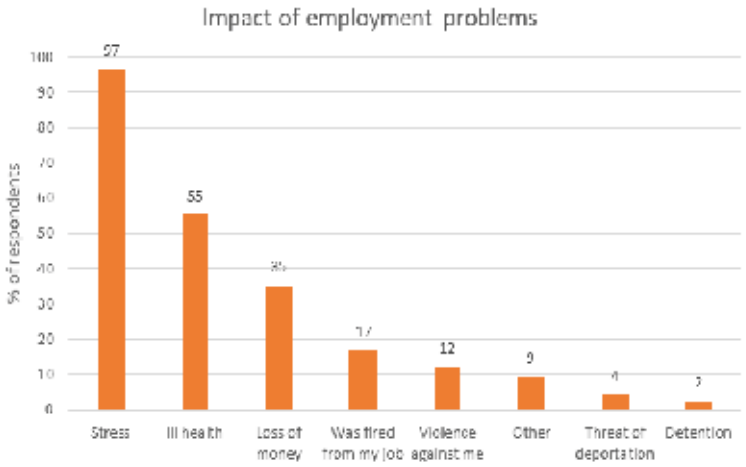
We did ask the respondents to assess in detail one of the employment problems. To randomize the selection within the category of employment problems we asked the respondents to select the second most recent problem. This ensures that the problem has occurred relatively recently but also guarantees that the problem is not the most recent.

To interpret the results of the two tables we should remind that the former present responses to a multiple choice question. In such questions, the respondent can select more than one option. Therefore, the sum of the percentages exceeds 100. For instance, in the case of employment problems the 309 respondents reported 1036 answers. On the other hand, the chart below shows a single response question – from the one or more employment issues that you've encountered which one is the second to last. Hence, we see that no significant change in the rankings occurrs. Unsafe working conditions, lack of basic services, and working without employment contracts are the most frequent legal challenges related to employment for the Bangladeshi farm workers.



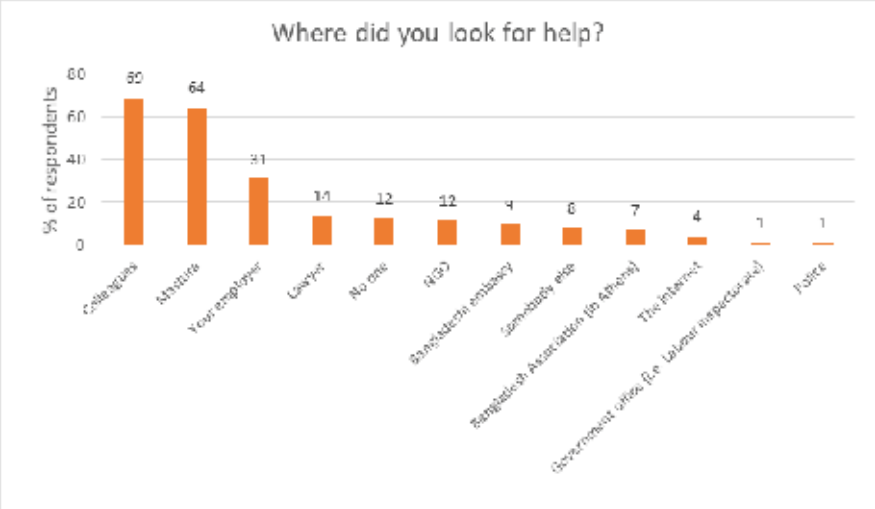
The impact of employment problems

Employment is key for the migrant workers. All sorts of disputes around employment seriously endanger their livelihood and well-being. Almost all farm workers said that the specific employment problem led to significant stress. For more than half (55%) the employment problem led to health-related complications and 35% lost money as a consequence. Workers who had deal with unsafe working conditions are at particularly high risk to experience health-problems.

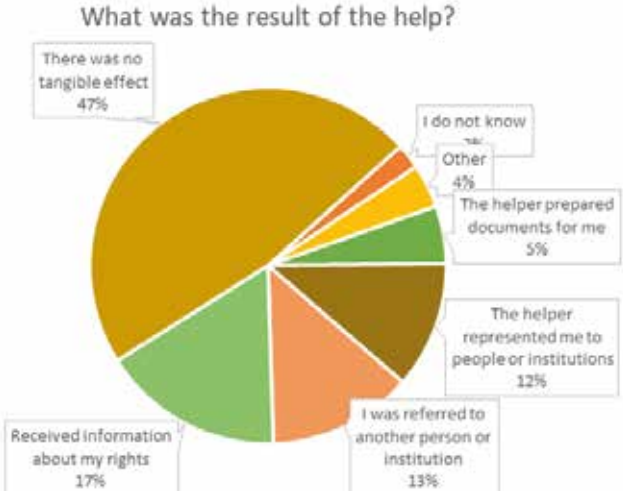


The Bangladeshi farm workers are very active in their response to the employment problems that they encounter. Only around one in ten (12%) said that they did not look for help to resolve the legal problem with employment. However, the response strategies are mostly confined to the people around the disputant – other farm workers and masturas. Around one third (31%) said that they did contact the employer to receive help in resolving the problem. This clearly represents a possible conflict of interests as most often employment disputes involve an employee and an employer.

Respectively 14% and 12% said that they received assistance from a lawyer or a NGO. Most likely, the respondents refer to information and advice received from lawyers and paralegals related to NGOs working to legally empower migrant workers.



The received help, however, is not perceived as particularly helpful. Almost half of the workers say that the help received did not have tangible effect on the resolution of the problem. In the cases when the help was perceived as useful the form of the help was information about rights (17%), referral to other people or institutions (13%) or preparation of documents. Farm workers are rarely referred to competent institutions to deal with the employment problem. This indicates that self-help is the common strategy for dealing with employment problems.

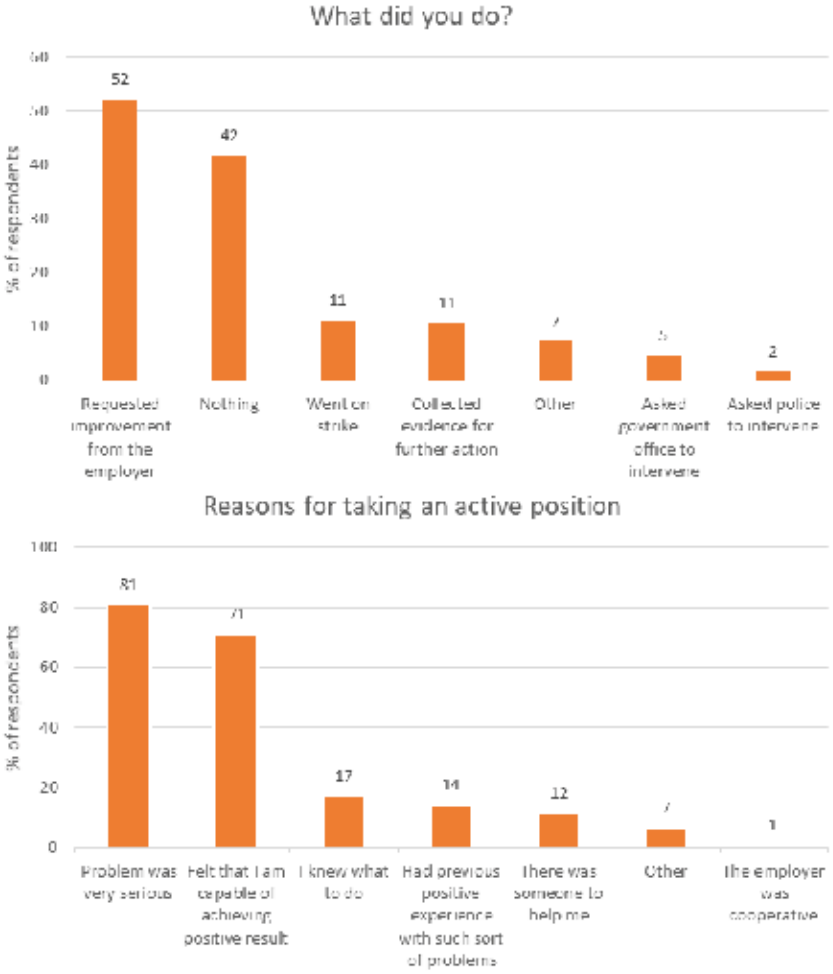


The self-help strategy is evident from the actions that Bangladeshi farm workers take to resolve employment problems. More than half of the respondents say that they did ask the employer to improve the situation. This approach is most often used when the specific problem is about the lack of basic amenities in the field. Forty-two percent of the interviewed farm workers said that they did nothing to resolve the problem. Workers remain passive most of the time when they deal with two of the most frequently occurring employment problems – delayed wages and unsafe working conditions.

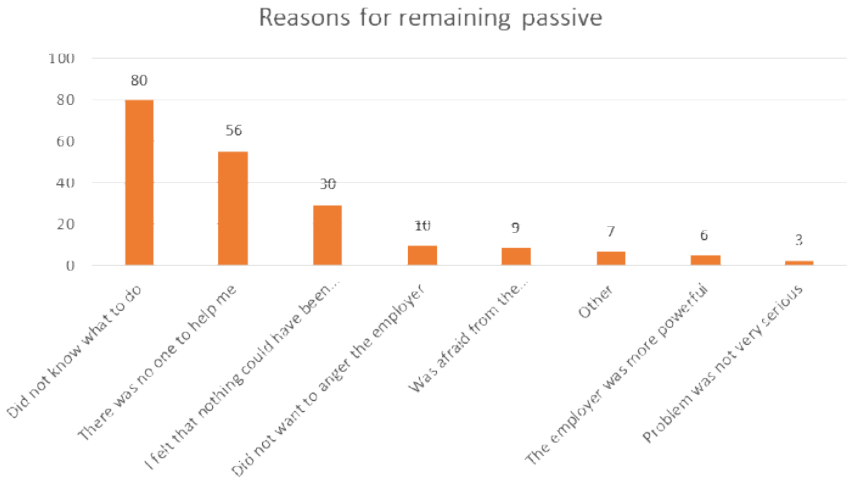
Similar to receiving help there is not much of an involvement of public authorities in resolving employment related legal problems. The workers have to rely on their own network and resources for resolving the issue.

Why some people took active steps and others remained inactive? We did ask the respondents who took action to sort out the employment problems about the reasons that motivated such action. Two motivations stand out. First is the gravity of the employment issue. For 81% the seriousness of the specific employment legal problem was the key reason to do something to persevere towards achieving resolution. Many respondents who took active steps, however, said that they feel capable of reaching positive results and this is what drove them further.

There are also concerning findings. Very few farm workers said that they knew what to do in order to find a positive solution to the employment problem. Receiving expert help in the process from others is also not an option for many.



We asked the people who remained passive why they did not take active steps to resolve the selected employment issue. The findings reinforce the conclusion that the Bangladeshi farm workers do not know what to do and in practice cannot count on support from others. Respectively 80% and 56% of the people who remained passive selected these two options as key reasons for such behavior.

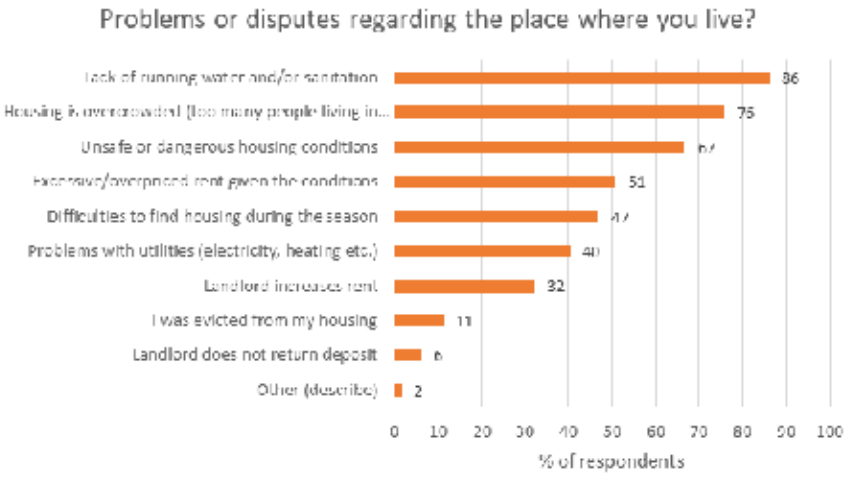


Legal problems with housing

Summary

Only 2% of the respondents say that they have not encountered serious problems with housing since they are working in Greece.

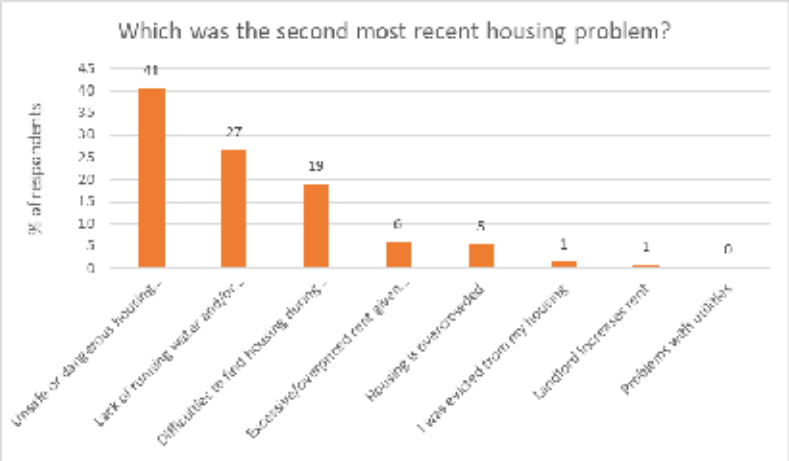
On average, workers report experiences with 4 legal problems related to housing. Lack of running water and sanitation is a problem reported by 86% of the Bangladeshi farm workers. Overcrowded housing is a problem for three out of four respondents. Unsafe and dangerous housing conditions are reported by 67%.



Very few of the housing problems are resolved. Ninety percent of the respondents who encountered one or more housing problems say that this sort of problems have not found a resolution. Correspondingly, 97% of the farm workers say that it was very difficult to resolve a housing problem.

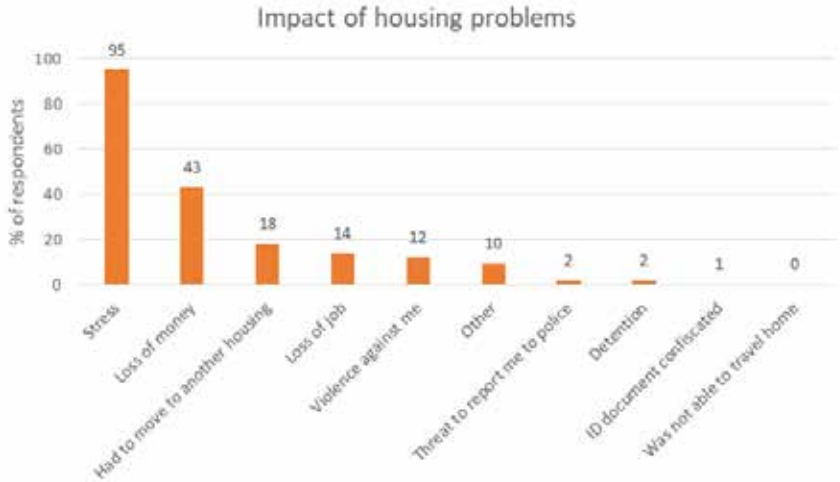
In-depth look into specific housing problems

We asked about a recent experience with housing problems. The distribution of the recent experiences resembles the distribution of the overall experience with legal problems related to housing. Problems with unsafe living conditions, lack of amenities and difficulties to find housing dominate the analysis.



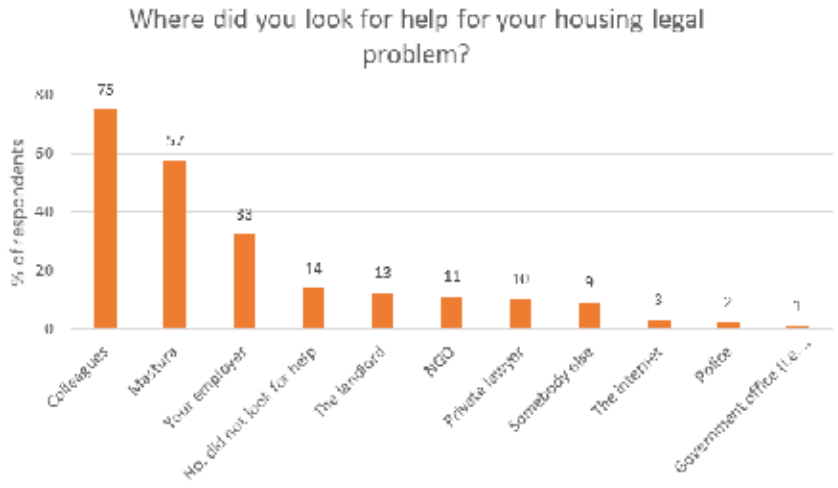
Workers who rent from their employer report slightly less often unsafe conditions as well as lack of running water. On the other hand, renting from the employer is increasing the risk of reporting an overcrowded accommodation.

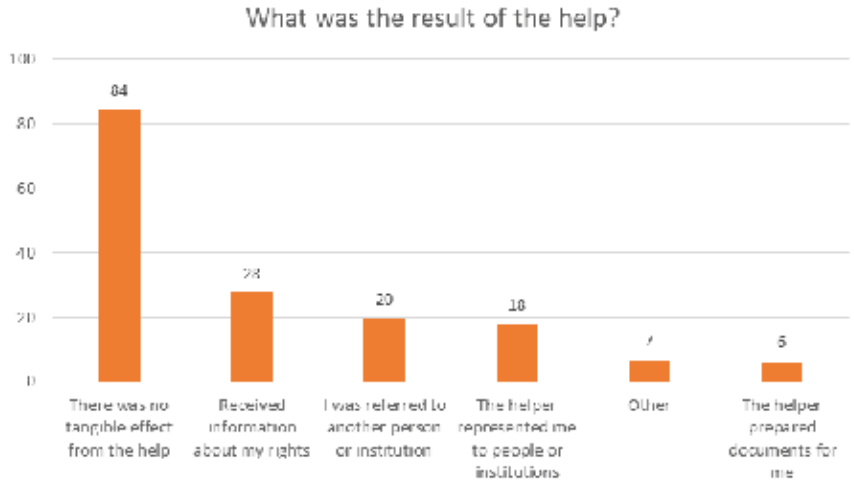
Problems about accommodation are experienced on a daily basis. Poor and unsafe conditions become part of life. Respondents are almost unanimous in saying that it was extremely important to resolve the specific housing problem. It is not surprising that almost all farm workers have to endure stress caused by legal problems with housing. Stress is by far the most frequently encountered negative impact of housing problems. Forty-three percent say that they lost money due to the housing problem and 18% had to re-locate to another place. Furthermore, 14% report losing their job because of the housing problem.



Most farm workers did actively look for help to resolve their housing problem. Talking to a colleague is the strategy employed by three out of four respondents. Fifty-seven percent sought the help of a mastura. More experienced masturas are better connected, possess more knowledge and hence are seen as helpful in resolving housing problems.

Very few of the respondents sought help for their housing problem from public authorities such as police or municipal authorities. Around 10% were helped by an NGO or a lawyer.Internet is not really used as a resource in the situation of housing problems.

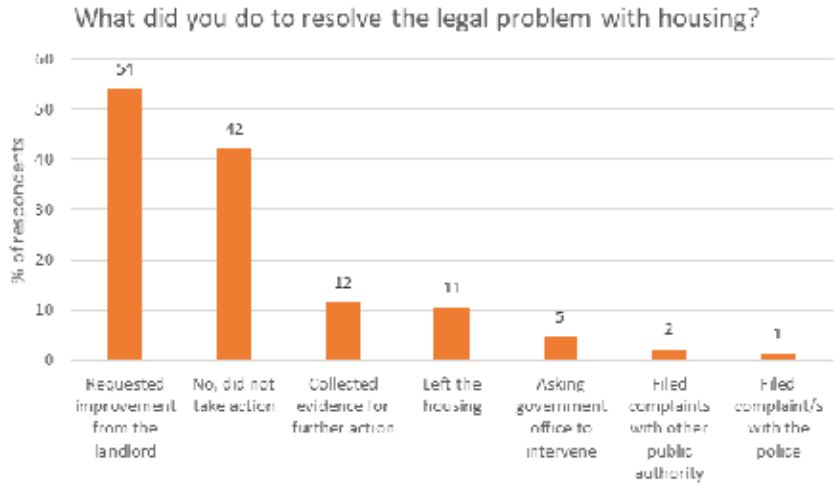




Despite being active in seeking help for resolving housing problems, the Bangladeshi farm workers see little value in that help. For 84% of those who sought assistance there was no tangible effect. Around 30% say that they received information about their rights, 20% were referred to another helper and 18% say that the person helping represented them to people or institutions.

Farm workers seek actively for information about resolving their legal problems with housing but this is not helping them a lot. Not surprisingly, almost half (42%) do not proceed further with actions. The main reason for remaining passive is not knowing what to do (85%), followed by the belief that there is no one to help (60%).

On the other hand, the people who took action were moved by two key motivations. First is the seriousness of the housing problem (84%) followed by a perceived confidence that they can achieve positive results with their actions (63%).



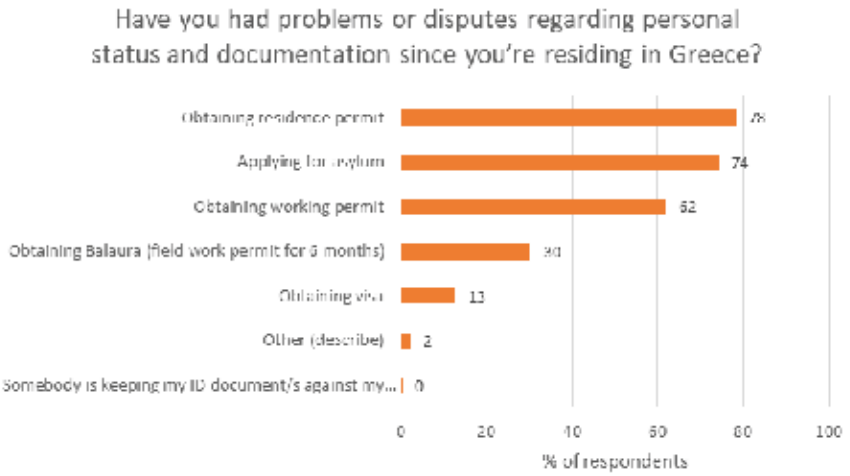
Legal problems with identity documents

Summary

Problems and legal challenges related to ID documents are also a pervasive part of the daily life of Bangladeshi farm workers in Greece. Above we saw that very few of them have ID documents other than national passports. Almost 80% of the respondents say that they had to deal with obtaining a residence permit. Seventy-four percent report that they also sought a refugee status! Sixty percent attempted to obtain a work permit.

All Bangladeshi farm workers have legal problems with identity documents. Obtaining residence permit, asylum application and obtaining work permits are part of life for almost all workers. On average the respondent report experience with 2.6 different problems. Each of these problems has been encountered numerous times. Unanimously, the importance of resolving problems related to ID documents is extremely high (9.9 out of 10).

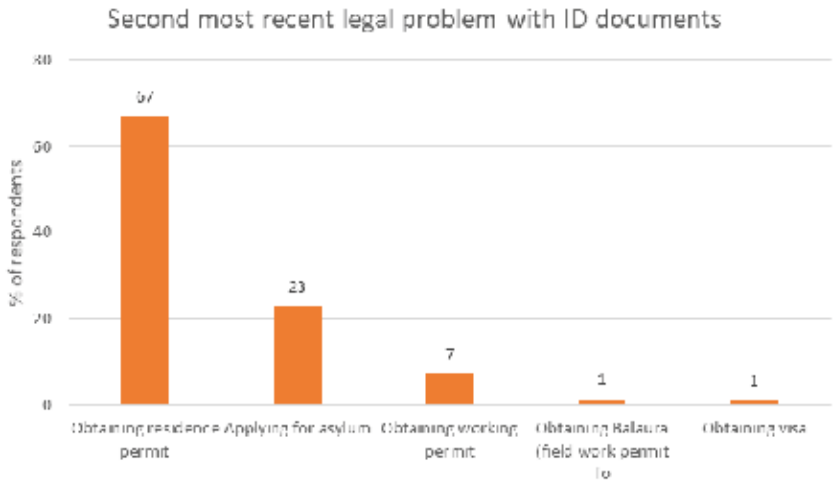
Like with the other categories of legal problems we delve deeper into one specific ID problem – the second most recent one. The distribution of the individual problems resembles the distribution of all ID documents-related problems.



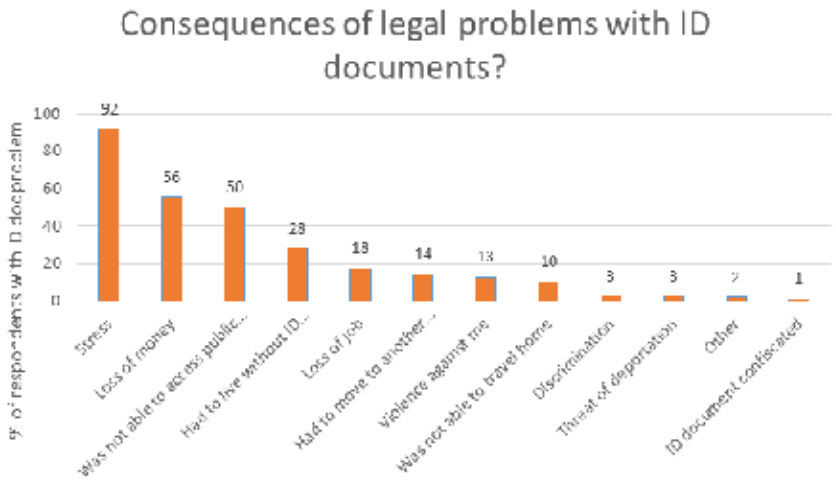
In-depth look into specific problem with ID documents

Obtaining residence permit, applying for asylum and working permits are the three most prevalent ID problems for which we got into further details. All of the problems related to ID documents were assessed as extremely important.

Stress, loss of money and lack of access to public services are the three main negative consequences of disputes around ID documents.



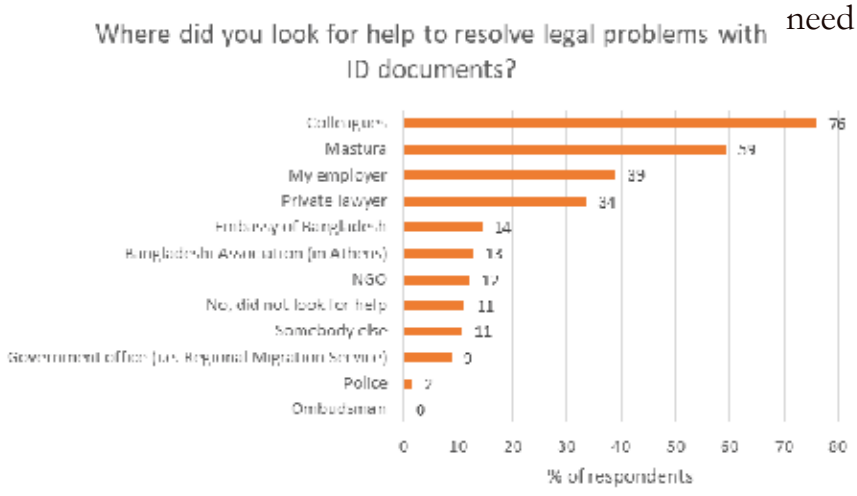
Again, similar to employment and housing legal problems, stress is the most prevalent negative consequence, followed by loss of money. Half of the respondents say that they were not able to access an important public service because they did not possess proper documents.



Most farm workers rely on the people around them to receive help for the legal processes and conditions around receiving ID documents. Colleagues, supervisors (mastura) and employers are the three top options. Private lawyers are mentioned by a third of the people who have to deal with obtaining or prolonging ID documents. Further research is needed to better understand the type of legal services procured, the delivery mechanisms as well as the results of such services.

Similar to the other types of problems discussed above and below in this report there is significant amount of help seeking. The farm workers are very active in seeking help and advice for receiving their documents.

- Most people (77%) report that there was no tangible effect from the help or there was no result whatsoever (30%). Referrals to other sources of advice or institutions is the most visible effect of the help (22%) followed by representation (18%) and preparation of documents (8%).
- People helped by private lawyers report more often that they received information about their rights. However, there is no significant difference in representation. This might be interpreted that the involvement of lawyers in dealing with ID documents matters is mostly at the phase of legal consultation.
- Farm workers who report use of advice from NGOs are far more positive about the results of this help. For instance, 95% of those who contacted NGOs say that they received information about their rights. For the other groups the proportion is 18%. NGOs are more active in referral to institutions that can help with resolving the matters (86% v. 12%). They are also much more likely to prepare documents (35% v. 3%) and to represent the farm workers (78% v. 8%).
- The two most prevalent active strategies to improve legal status and obtain ID documents are to ask the employer to intervene and to seek further information on internet. Solving the problems with ID documents requires systemic political decisions and actions. From the perspective of the farm workers the employers are the place where the solution of ID documents begins. This should be taken into consideration but one should also bear in mind that the problems have deep normative and political roots that need to be addressed.



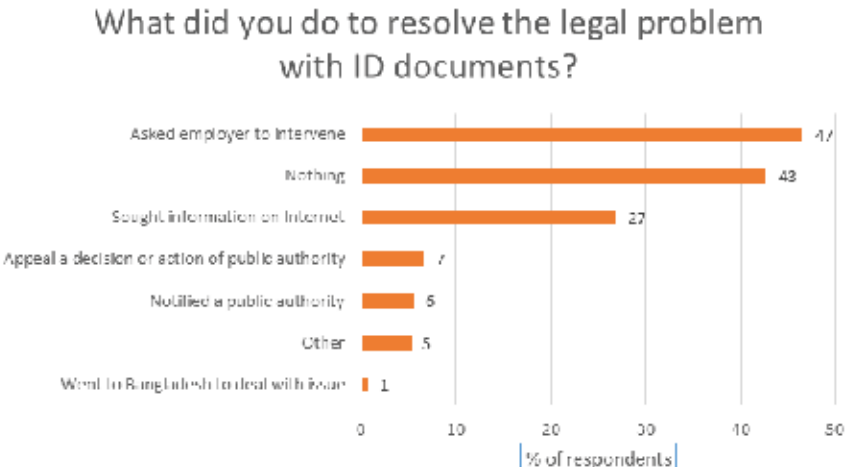
Internet is another promising path. Practical and useful information in Bangla will help the workers to better navigate the system and safeguard their rights and interests. Information on internet, however, should be trustworthy and accurate. There is a role for NGOs, lawyers and public authorities to ascertain that the available information leads to resolutions that work.

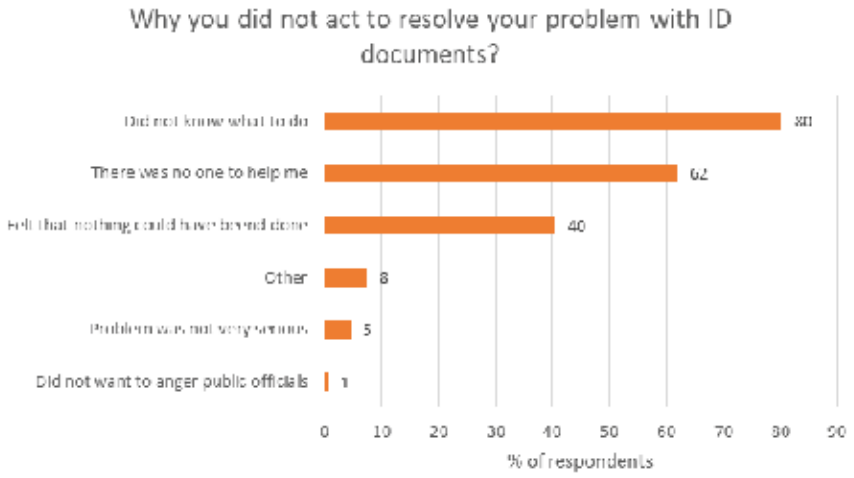
riers to accessing just resolutions. People have greatest concerns about lack of knowledge and that nobody is available to help in obtaining residence permits and working permits.

On the other hand, the subjective lack of empowerment and the feeling that nothing can be done is more prevalent among the Bangladeshi farm workers in situations when they contemplate applying for asylum status.

Farm workers who did nothing to respond to their legal problems say that the biggest barrier was lack of knowledge. For 80% the key barrier was lack of knowledge. Sixty-two percent say that there was no one to help them. Furthermore, for 40% the feeling of lack of practical capability to solve the problems was what prevented them from active action.

There is difference between the various types of documents and the bar-





Legal problems with access to public services

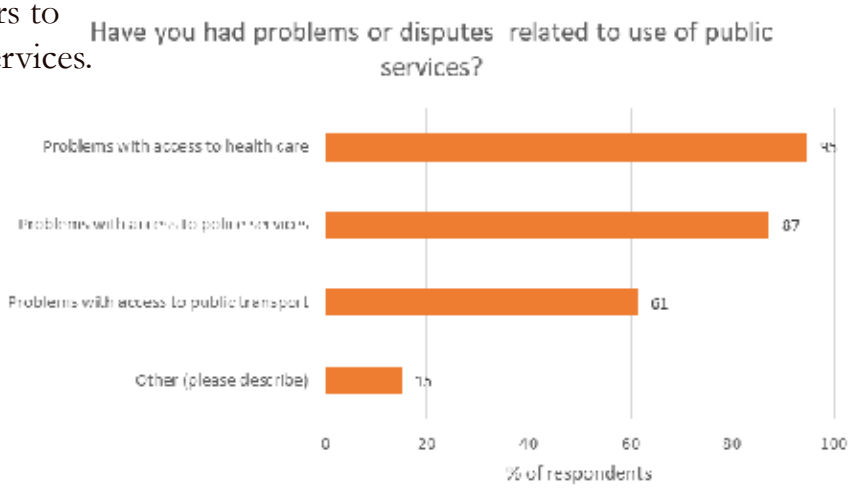
Summary

Access to health care is the paramount problem as it comes to public services. Due to their legal status the Bangladeshi farm workers are not insured and have to pay for medical services. Another very common problem is access to police. For undocumented migrants contacts with police are risky and unwelcome. As we will see below about 44% report experience with detention. People rely mostly on advice from colleagues, lawyer, NGOs and employers to deal with gaps in the access to public services. NGOs are seen as particularly helpful.

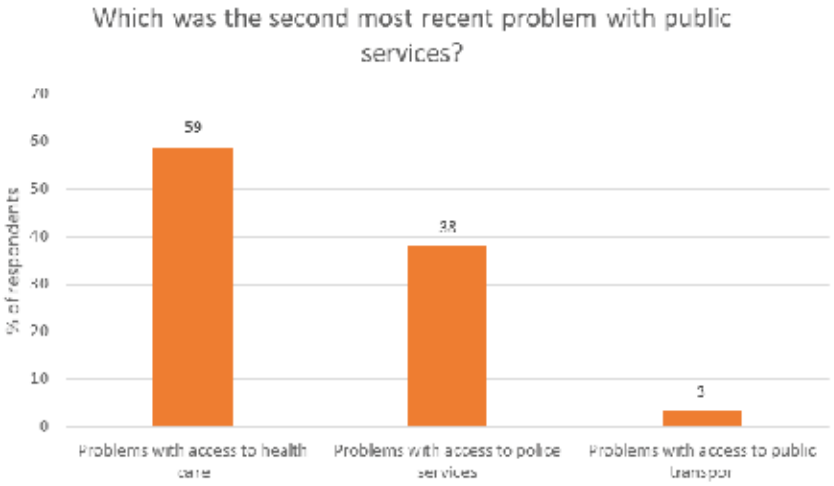
In-depth look into specific problem related to public services

Virtually every Bangladeshi farm worker has had difficulties with obtaining health care or police services. Access to public transport is experiences as somewhat less serious problem – 61% of the respondents report it.

The main reasons for lack of proper access to public services are the lack of language skills (93% of the respondents with public services), not having Greek citizenship (86%) and the lack of proper documents.



Most respondents say that their second most recent grievance with public services is related to access to health care. For 38% the next questions refer to a problem with police services.



Access to health care and security services are related to key human needs. Therefore, it is not a surprise that almost all of the Bangladeshi farm workers rate the importance of resolving such problems with almost the maximum score (mean importance 9.9 out of 10). Besides stress (97%) many report loss of money and health issues as result of not being able to access public services.

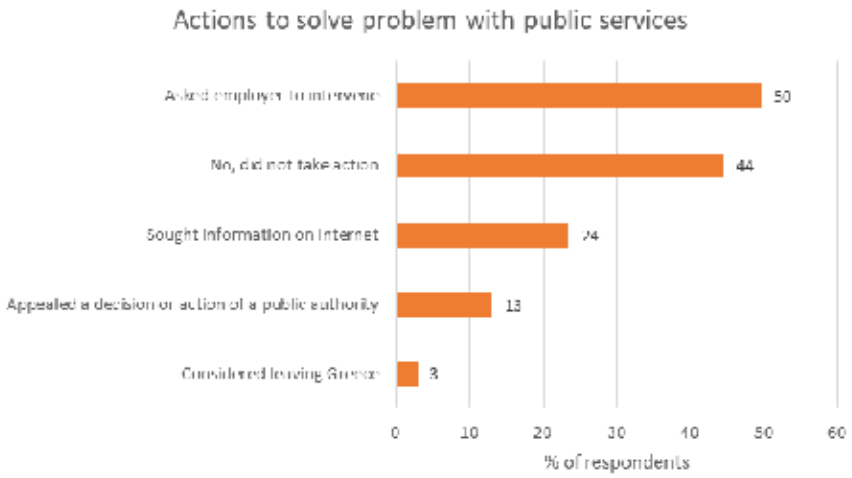
Most often people look for help about access to public services from the community of colleagues. Other people in the same situation are valuable sources of knowledge and advice. Eighty three percent of those who had problems with public services say that they did solicit help from colleagues.

Surprisingly 41% say that they did look for help from a private lawyer. Further research is needed to verify and explore this finding. One hypotheses is that respondents are referring here to services provided by NGOs. It should be noted that people who received help from an NGO are significantly more satisfied with that help. For instance, 90% of those who were helped by an NGO say that they received information about their rights. Only 17% of those who were not helped by an NGO say that they managed to obtain information about their rights in the specific case of lack of access to public services. NGOs are also much more likely to refer to other institutions or to provide representation.

People rarely contact public authorities for help when they have problems with access to public services. Public offices (6%), police (3%) and migration and integration centers (1%) are not very popular choices for help.

Half of the interviewed Bangladeshi farm workers say that they tried to involve their employer in resolving the problem with access to public services. In addition, some sought information on internet to figure out what can be done and what are the steps.

We did ask the people who took actions to respond to the problem with access to public services about the reasons for being active. Besides the fact that the problem was very serious, the next reasons was that the farm workers felt that they are capable of successfully resolving the problem. This might be interpreted as an indication of a high perceived legal capability. However, seems that this is mostly a perception which is not working in reality. The vast majority of the interviewed say that they have very inadequate access to public services and that it is extremely difficult to access public services.



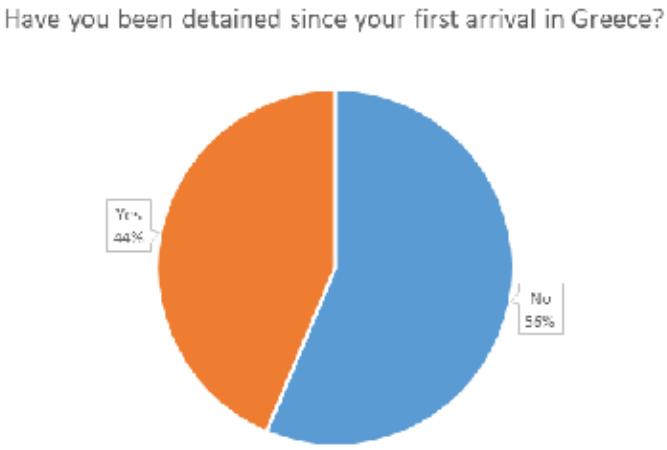
Problems with police detention

Summary

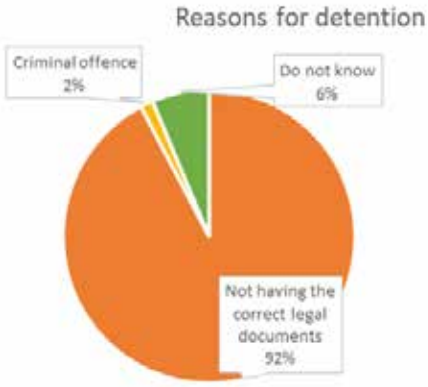
Almost half of the interviewed Bangladeshi farm workers have experience with detention. On average the detention lasted 37 days and caused significant negative effects for the people involved. Key reason for detention is lack of proper ID documents.

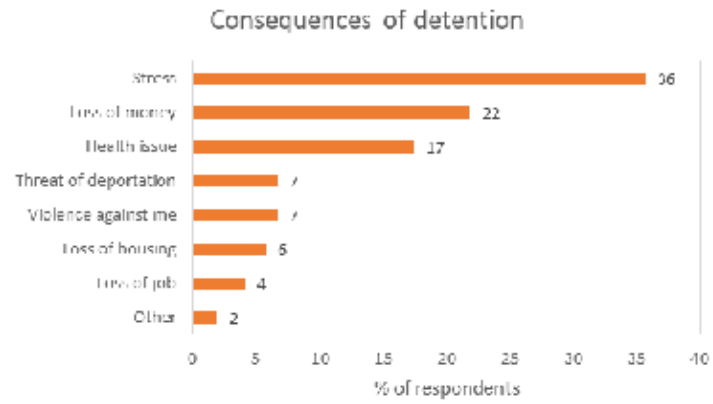
In-depth look into police detention

Stunning 44% of the Bangladeshi farm workers say that the police detained them at some point of their stay in Greece. Younger individuals – under 25 – are the least likely to report detention. Perhaps this is related to the fact that they have spent less time in the country and had less exposure to the risk of being arrested.



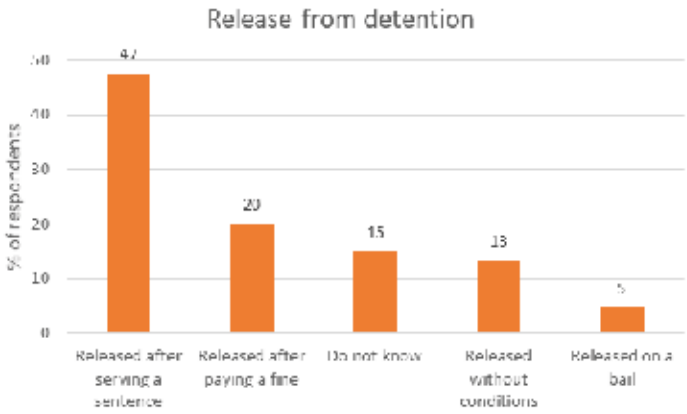
Lack of documents is the main reasons for detention. Ninety two percent of those who have ever been detained say that they ran into trouble because they did not have the documents required for legal stay and work. Almost half – 44% - were arrested on a road while traveling and further 37% at a border crossing.



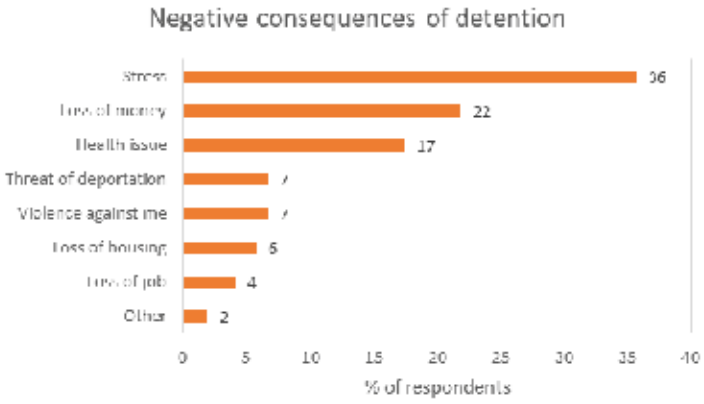


Relatively few had access to a lawyer during detention – 18% of all who report such experience. Around 27% say that they were able to make phone or physical contact with relatives. However, sixty one percent of the respondents say that while in detention they did not have access to phone contact with relatives, a lawyer or representative from the Bangladeshi embassy.

About half of the respondents who were detained say that they were released after serving some sort of a sentence. Further research is needed to cast more light on the experiences with detention such as the exact reasons, the barriers to access to a lawyer and outcomes of the detention. An interesting finding is that workers who had contact with a lawyer are much more likely to say that they were released after paying a fine (79% of those who had contact with a lawyer v. 14% of those who did not contact a lawyer). Another considerable difference is that 92% of those who had contact with a lawyer say that they were released after serving a sentence. About 55% of those who did not talk to a lawyer and were not represented select that option. It is possible that contact with a lawyer was made in the more serious situations – when a lawyer was contacted the mean reported duration of detention was 65 days. When no lawyer was contacted the mean duration is half of that – 32 days.



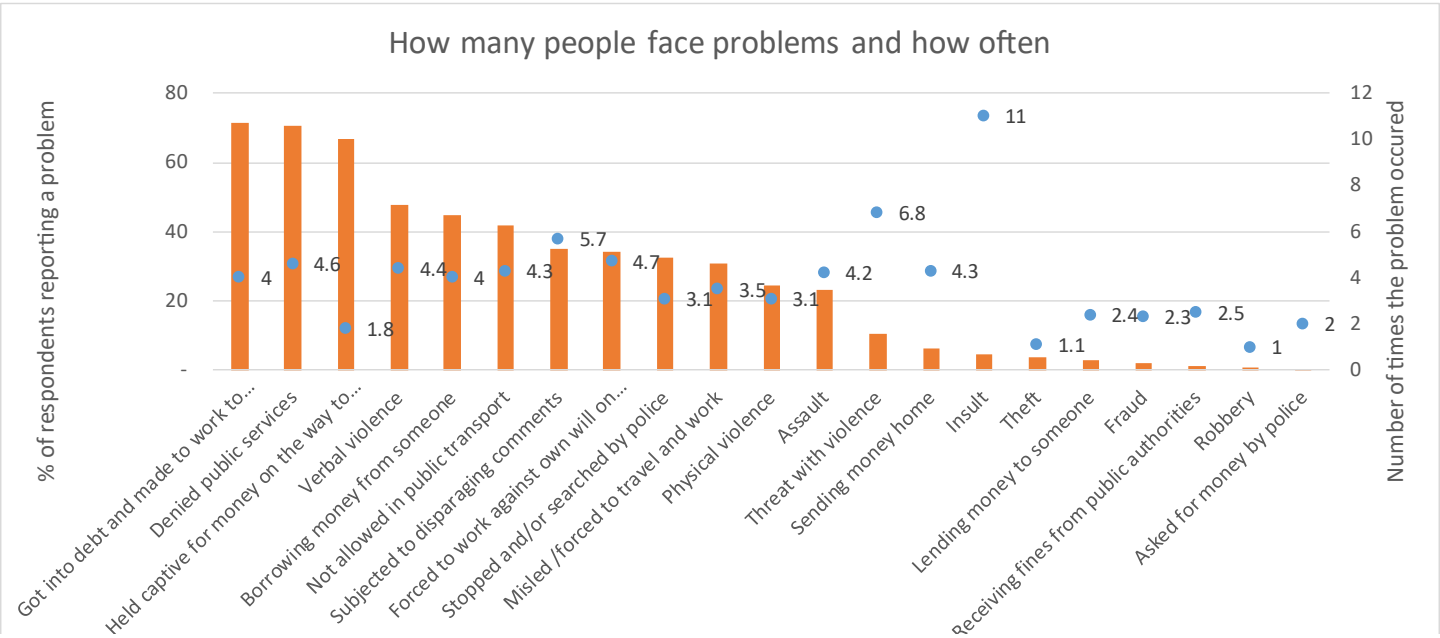
On average, the Bangladeshi farm workers who have been detained spent 37 days in detention . They also report severe negative consequences of detention – 83% assess the consequences with maximum impact. The specific negative effects are displayed in the chart below.



Experience with other legal problems

At the end of the questionnaire, we asked the Bangladeshi farm workers whether they encountered other legal problems during their stay in Greece. All of the respondents in the survey experienced one or more problems. Accumulating debt, denied access to public services and being held captive for money on the way to Greece are reported to close to 70% of all respondents. On average, the respondents had to deal with 5.7 legal problems from this broad category.

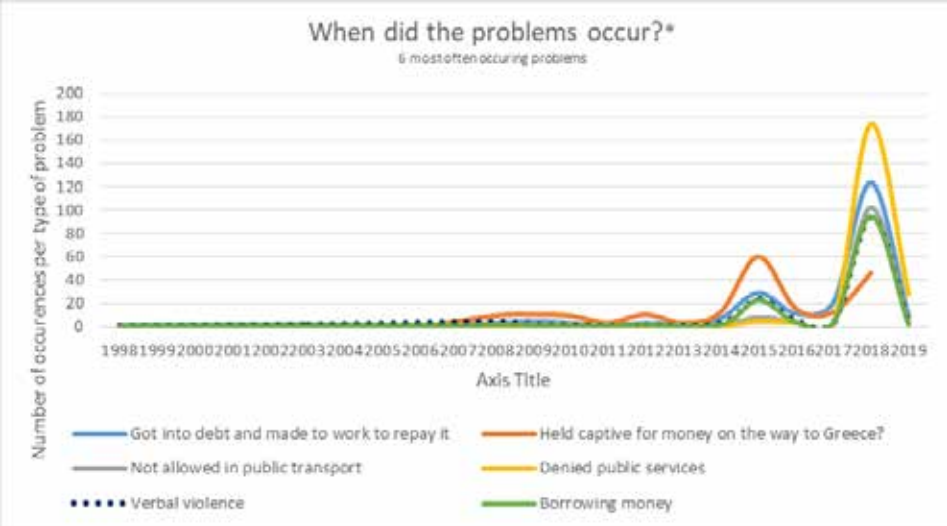
The experiences with broad problems can be clustered into three groups based on the similarity of the issues. First are the problems related to money. Debt amassed on the way to Greece and in Greece is a massive problem as we saw in the section highlighting the travel from Bangladesh to Greece. Borrowing and lending money is part of this cluster. Losing freedom is particularly serious consequence of debt. The next cluster is related to access to public services. Above we asked about three specific types of public services - healthcare, transport and police. In this question we ask about a broader range of public services. Seventy one percent of the respondents were denied access to some sort of a public service. More specifically, 42% were not allowed access to public transport. Various forms of verbal insults is the third cluster of often experienced legal problems. Many Bangladeshi farm workers complain about verbal violence, disparaging comments and threats with violence.



Many of the encountered problems are not single occurrences. People encounter them often. Those who report harassment on average had to deal with 11 instances. Threat with violence, disparaging comments is experienced and forced labor are the types of legal issues most frequently occurring in the daily lives of the Bangladeshi migrant workers.

We also asked when the problems occurred. Most of the reported issues took place after 2006. The chart above shows the annual occurrence of the 6 most frequently occurring legal problems form this set. Several trends are discernible. First, the grievances around access to public services are recent. For many of the farm workers the peak was 2018 – the year before the year of the interview. 2018 is the year in which debt and access to public services was most problematic.

The highest count of cases of people complain of being held captive on the way to Greece is in 2015. The data pattern suggest that there is a cycle in which people suffer human rights violations on their journey and after 2-3 year upon arrival experience a surge of problems with access to public services, debt and verbal violence.



Key findings

The live of a Bangladeshi farm worker requires constant handling of numerous legal challenges. Literally, every member of the community has to deal with a multitude of interconnected legal problems. Most of these problems are intensive. They occur frequently and have high impact – invariably negative – on people's lives.

What is most concerning is that many of these problems are chronic as they are a direct result of the deplorable legal status of undocumented migrant workers. Similar to chronic diseases only the symptoms of chronic legal problems are treated. The key causes – lack of legal status and appropriate documents remain unresolved and expose the Bangladeshi farm workers in Greece to grave risks. These risks profoundly affect their lives. From employment security and housing safety to access to health care and basic legal status.

There are positive insights coming out of the study. The farm workers are an active and resilient community. They are not passive in the face of the challenges. Legal problems make them angry and passionate. Challenges do not silence them but makes them more anxious and willing to try new strategies. This is a sign of struggle but also a mark of social capital that can be harnessed towards positive resolution.

The community of the Bangladeshi farm workers in Manolada, Lappas and Varda is remarkably homogeneous in both its composition and legal problems. People have similar legal status, work similar jobs and have comparable lifestyles. As a result, they encounter identical legal problems, face the same barriers to access to justice and employ very similar strategies for resolution. On a positive note, these connections suggest that solutions, when they are available, can work for large part of the community.

There are massive amounts for legal problems in the lives of the Bangladeshi migrant workers. Each farm worker has encountered many problems that in total have gross legal consequences. It is not a question of whether the Bangladeshi farm workers will encounter a legal problem. The question is – how many problems they face, what are the consequences, how they deal with them and ultimately – are they legally empowered to use the law for improving their lives.

The key finding of the study is that the problems are not resolved. Legal challenge appear, people try to resolve them but ultimately the problems persist. As we commented above, the legal problems of the Bangladeshi migrant workers tend to become chronic maladies despite the active stance of the people.

Particularly concerning finding is that almost half of the members of the community of Bangladeshi farm workers have been detained at some point. The overwhelming reason for detention is lack of ID documents and the related legal status. On average detention was reported to last 37 days. Only 18% say that they had access to a lawyer during detention. One in four was made a contact with family members, colleagues or friends. The vast majority of the people, however, did not have much support during detention. Apparently, the reasons for detention continued and contributed to the chronification of the legal problems.

A deeper look into common legal problems related to employment, housing, legal status and ID documents and access to public services reveals common trends. First, almost everyone has experienced problems from these categories. In fact, people faced numerous problems. Second, the impact invariably is perceived as enormous. Stress is the most prevalent negative consequence, followed by loss of money, ill health, lack of access to public services etc.

Third, people look for help mostly in the community. Colleagues, supervisors but also employers are often consulted about specific legal problems. Private lawyers are also reported as a source of advice but more research is needed to better understand the mechanisms through which lawyers participate. The informal sources of help and advice are perceived as not very helpful. NGOs stand out in the assessment of how helpful and useful they are.

Fourth, local and central public authorities are not seen as a useful mechanism for receiving information about resolving legal challenged. Similarly, public authorities are rarely used as a mechanism to resolve the problem. Self-help is the dominant strategy to responding to legal problems. People prefer direct actions such as – talking to the employer or landlord who is on the other side of the dispute; asking an employer to help with obtaining ID document, seek further information on internet.

What is positive is that few people remain inactive when there is a legal problems. Many do take some sort of action despite the questionable effectiveness of the self-help strategies.

Socio-demographic status

The socio-demographic profile of the farm workers reflects to an extent the selection criteria for interviewers. Most of the respondents are regular workers – fraula. They are young boys and middle-aged men from rural Bangladesh. Relatively few have no formal education but the rest have low levels of schooling. Younger workers have slightly better education. This can be utilized as a springboard for awareness and self-help campaigns.

Two main routes are used to make the journey. Most travel via the Middle East route. About a third journeyed through the Pakistani route. On the way to Greece they accumulated significant debt, most often between 5,000 to 10,000 euros. Sometimes the amount of debt is considerably higher.

On their way to Europe many suffered grave human rights abuses. Different research methods are needed to uncover the scope of depth of these experiences but we see indications of forced employment and further debt accumulation.

The most defining characteristic of the Bangladeshi farm workers is that they are undocumented migrants. For almost all of them the only valid ID document is a Bangladeshi passport. Very tiny percentage report having a work permit or insurance card.

Employment is mostly an informal process. Most people have oral agreements with employers or representatives of employers. Only 1% of the interviewed farm workers say that they have a written contract. The employment

conditions are largely standardized. People work more or less standard hours and receive same wages for similar work.
One of the most appalling and tangible aspects of daily life are the housing conditions. Most farm workers live in affordable but extremely basic and even dangerous tents. Sanitary conditions are very poor. It is not an exaggeration that the farm workers literally risk their health and lives by sharing unlivable tents with many other. The small minority who live in apartments and houses reports slightly better conditions but still far away from what might be deemed to be a healthy and comfortable environment.

A positive insight is that virtually all of the farm workers have access to cell phones. We did not ask specifically for smart phones but the field observations suggest that most people have Android phones. These devices are mostly used for internet-based communication with families in Bangladesh or within the community. The availability of such an infrastructure and the human skills can be used for delivery of information and services. We already see that many people seek information on internet how to deal with issues such as access to public services in Greece or how to obtain legal status and legal documents.

There are many commonalities in the community but also there are divides. Observations during the field work revealed signs of divisions based on leadership, social position, loyalties, duration of stay and many other factors. These divides need to be carefully taken into account into the design and implementation of access to justice strategies.

Recommendations

- Provide better information about migration, employment opportunities and risks in Bangladesh. Target areas and networks that can spread information to people who are potential victims of labour trafficking. Cooperate with Bangladeshi authorities and civil society organisations to increase the outreach.
- Set up monitoring mechanisms to identify human rights violations before, during and after traveling. Conduct further research to understand better the risks on the migration paths.
- Supply Bangladeshi workers, employers and public authorities such as police with clear and unambiguous information about the prospects of obtaining legal status of Bangladeshi farm workers.
- Organise a transparent political process to discuss the legal status of Bangladeshi migrant workers. Involve in the debate representatives of the workers, employers, public authorities, civil society organisations and the Bangladeshi Embassy.
- Provide and guarantee basic access to justice, healthcare, transport and ID documents to undocumented labour migrants. Agree on the scope of the basic package. The EU charter of human rights is a good starting point.
- Capitalize on the skills, knowledge and energies of the younger migrant. Explore the model of social entrepreneurship in which trained paralegals help other members of the community to prevent, resolve or alleviate specific problems.
- Invest in spreading practical information about legal and other problems of Bangladeshi farm workers over the infrastructure of smart phones that most members of the community possess.
- Reach out to central and local institutions to discuss problem-solving strategies for dealing with the legal problems of undocumented migrants and in specific with Bangladeshi migrant workers
- Set up mechanism to monitor labour intensive crops and the associated supply and demand for farm workforce. Activate response mechanisms in times of peak demand.
- Involve employers and supervisors (masturas) in the process of providing and guaranteeing basic access to justice. Experienced migrants are a source of knowledge and authority. People listen to them. This social capital can be harnessed for resolving the legal problems of the people.
- Invest in the education of the migrant workers. Only 1% of the survey respondents received any sort of education in Greece. This is an opportunity to reach out to the community and involve it in the efforts to improve the situation of the farm workers.

Qualitative study of the justice needs of Bangladeshi migrant workers

Dr. Adnan Hossain

Introduction

In 2013, a group of Bangladeshi migrant strawberry pickers were shot at by Greek employers at Manolada in the Southern Peloponnese for asking for their wages after months of unpaid labor.[2] The attack on the undocumented migrant fruit pickers sparked outrage and triggered widespread condemnation both nationally and internationally. Although a Greek tribunal acquitted the farmers who had hired them, the European court of human rights rules in favor of the Bangladeshi migrants over 2013 attack and ordered Greece to pay damages.[3] The attack on the migrant fruit pickers brought into view the appalling conditions in which these migrant workers are kept and work in Greece. Against this backdrop, this report provides an overview of the various socio-legal problems that Bangladeshi undocumented migrant workers encounter on a daily basis in Manolada, a town currently famed for its Bangladeshi seasonal workers.

Methodology and scope

The study is based on desk research, individual interviews, and focused group discussion (FGD). A total of 15 in-depth interviews and two focused group discussions were conducted with Bangladeshi migrant workers in Manolada. Each focused group discussion lasted for at least an hour and the discussion was moderated by the researcher and writer of this qualitative report. Interviews lasted between half an hour to one hour. The language of interview and focused group discussion was Bangla, the first language of these undocumented Bangladeshi migrant workers. Both the interviews and FDGs were tape-recorded and later transcribed by professional transcribers with social scientific training. The transcribed contents were used as a basis to identify the major themes that forms the basis of this report. The contents were thematically itemized in English by the author of the report. The interview and discussion questions focused specifically on the various socio-legal needs of the Bangladeshi migrant workers involved in strawberry farming and various other intra-community dynamics in the greater Manolada area.

The fieldwork for the entire process of data collection lasted for 7 days with two separate field visits to Manolada in 2018. Two migrant workers were also recruited to aid in the selection and arrangement of the research participants. All the research participants were male with a very low educational profile and aged between 18 to 55. Majority of them were single and unmarried. Research participants were provided with light refreshment during the conduct of the FGDs and interviews. The FGDs were

pre-arranged. Both the FGDs took place in the main center of Manolada where the migrant workers gather for rendezvous. Many workers also joined the discussion on the spot as the FDGs were taking place and shared their experiences and stories. Some interview participants were randomly identified by the research team during our visits while the others were selected from the groups that participated in the FGDs.

In selecting interviewees, special attention was paid to identify participants who not only worked on the strawberry planation at least for one season but also those who have had several years of experience of being workers on the plantation. The questions used both during the interviews and the FGDs were in keeping with the survey questionnaire that was used in the study of the socio-legal needs of the migrant fruit pickers as part of the broader research project that this report will complement.

The context of Manolada in Greece and the undocumented Bangladeshi migrant workers in strawberry plantation

Manolada is a village and a community in the municipal unit of Vouprasia, Elis, Greece. It is situated in a vast, rural plain near the Ionian Sea, 2 km northwest of Varda, 3 km west of Nea Manolada and 40 km southwest of Patras. The history of Manolada is characterized by internal and international population movements. More recent migration history can be traced back to the 1990s when Albanians, Egyptians, Pakistanis and Bangladeshis started seeking employment in local horticulture. Although the initial migrant population represented a negligible portion of the total population, over the years, the migrant population increased substantially. While the Albanians continued to account for the majority of migrant population up to 2001, the migratory profile of the area has changed considerably, with the number of Bangladeshis increasing substantially and the number of Bulgarians, Albanians and Romanians decreasing.[4]

Since 2000, Greece rapidly became a task zone regarding immigration and asylum on European territory. This was mainly due to Greece's geographic location on the periphery of Europe, an increasing confrontation with people fleeing conflicts in the Arab countries and the stricter border control policies in other countries on Europe's Mediterranean coast.[5]

According to the Bangladeshi migrant workers in Manolada area, Bangladeshis today are numerically the most dominant immigrant community in Manolada. The undocumented Bangladeshis started to reach the shores of Greece at least since 1999. It was also in 1999 that Bangladeshis started working in Manolada on the plantations. Although migrants typically target Athens as the destination in Greece, they often have to migrate to other areas of Greece including Manolada.

Today, however, those in the most precarious situation end up in Manolada. Manolada has emerged as a Bangladeshi ethnic enclave into which those most vulnerable often enter. Here vulnerability stems from not having legitimate papers. Those who manage to get papers leave Manolada and migrate to other cities especially Athens. People without papers are typically the ones who work in agriculture. Once a migrant worker works and settles in Manolada, his acquaintances, friends and relatives from villages back home in Bangladesh may often follow

suit. Several workers I interviewed ended up in Greece especially Manolada, following someone from the village.

Several critical factors have contributed to the rise of strawberry cultivation in Manolada: the replacement of fresh strawberry plants with frozen ones, allowing for a longer harvesting period and better organoleptic characteristics, the establishment of an export-oriented co-operative and, finally, the availability of cheap migrant labour just when it was needed.[6] In fact, the irregular or semi-irregular status of Bangladeshis help to restrain agricultural workers' wages, which in turn kept strawberry production costs low, allowing farmers to expand their cultivation.[7]

Strawberry plantation is seasonal. During season (February to July) between 7 to 8 thousand Bangladeshis come to Manolada to work as laborers.[8] During off season, there may be about 2 to 3 thousand people living in Manolada but they too may leave. In the end, about 1000 people live in Manolada permanently. Bangladeshi migrant workers continue to move from one location to another to mainly work on various agricultural plantations. According to my informants, there are about 200-300 farmers in the greater Manolada who continue to hire Bangladeshi migrant workers. Each farmer may require about 50 to 100 workers depending on the size of the farm.

Majority of Bangladeshi workers in Manolada lack legal documents. Once in Manolada, workers feel relatively safe as the risk of being either raided or being checked by the police is low. The local police are aware of the situation. They know that these Bangladeshis are there to work on the plantation. In fact, some police also are family members of the farmers in Manolada region and there seems to be an unwritten agreement between the farmers and the police to not arrest or check these workers especially during the season. According to the workers, Bangladeshis are allowed to stay because the locals/farmers know that "we work the hardest and that they can't find people who are able to work on strawberry plantation the way we do. The association of the farmers in Manolada have unwritten agreement with the police to not arrest us. If they do, who will work on the strawberry plantation?".

There are two types of Bangladeshi migrant workers who live in Manolada on a more permanent basis. There are those who live there as they have been able to gather some capital and opened a business like a shop. They number only in few. And then there are those who continue to stay in Manolada as the police tend not to check or detain them there. People who stay in Manolada or live there semi-permanently are often stuck in the village as travel to either Athens or other locations is risky as many have had the experience of being caught and jailed by the police.

Most workers intend to leave Manolada after the season is over as they plan to travel to other regions in Greece to take jobs in other agricultural plantations. For example, Thessaloniki, the second largest city in Greece, has chili plantation and tobacco-related work. In winter, workers tend to go to Kalamata to work on olive plantation. It is, of course, not easy for the workers to simply travel to a new region and find work. But because they lack papers, it is difficult to travel to other regions. If caught, they may have to be in jail for 6 months or more.

Gangmaster system and the recruitment of workers

A gangmaster is a person who recruits and manages temporary or migratory workers, esp. for seasonal agricultural work. In the context of strawberry planation in Manolada, these gangmasters are known as commandoes or foreman or 'mastura'. These are the words used in Manolada by the workers. The commandoes act on behalf of the farmer or employer. He is the one who mediates the informal agreements between the workers and the employer. The employer typically trusts the commando and entrusts him with the task of recruiting workers. Because of the informal nature of the work, the employer or the farmer may decide on the day of work that s/he would need 50 workers for the day. It is the task of the commando to not only arrange this manpower but also to manage the workers. Commandoes keep the record of the number of workers employed on a daily basis and the amount of wages to be disbursed to them.

Earlier Romanian, Albanian and Bulgarian used to be commandoes under whom Bangladeshi workers worked but with time as the number of Bangladeshis increased in Manolada and Bulgarian, Albanian and Romanians moved up the socio-economic ladder, Bangladeshis filled in the gaps. Today both the workers as well as the commandoes are all from Bangladesh. Thus, in place of the previous ethnic hierarchy, there is now a new hierarchy among the Bangladeshi community based on one's status on the plantation. For example, commandoes speak a smattering of Greek and are able to communicate with the farmers unlike majority of the workers. The system is built in such a way that workers have to be totally dependent on this gangmaster system. Thus, even when conflicts arise between the commandoes and the workers, the laboring workers are left with no choice but to accept the terms imposed by the commandoes. Because so many workers are waiting to be recruited to work on the farms, the commandoes can easily replace one person with another. It is also the commandos who the farmers listen to and trust. Without the commandoes, the workers cannot find work. Given below are a few quotes taken straight from the focus group discussions and interviews with the Bangladeshi migrant workers to further shed light on the gangmaster system.

"Commandoes take advantage of the fact that during the season, there are more workers than available work these days. And what commandoes often do is hire more people than they need. So, for example, they may hire 140 workers even if the number of workers needed is 70 so that the commandoes can get commission from all of them. At the end of the season, each worker has to pay 100 euro as commission to the commandoes for the work opportunity they created for the workers. It does not have to be the entire season. Even if a worker works for a month, he will still have to pay commission".

"Often commandoes recruit more people that they need. They often do so as having more workers work for him means he can get more commission. Suppose a commando puts 10 workers to work for 30 days. He can earn 1000 as commission at the end of the season. But if the commando hires 5 extra people, he can earn extra 500 euro. This of course means the original 10 workers will wok lesser number of days

with the addition of 5 new extra workers".

So far, this report focused on the community dynamics in Manolada and the system of recruitment of workers to be employed in strawberry plantation. What follows is a systematic discussion of various socio-legal issues that the Bangladeshi migrant workers face in Manolada on a regular basis.

Socio-legal problems faced by the Bangladeshi migrant workers in Manolada

Housing

Majority of migrant workers in Manolada lack quality housing facilities. Most live in faranga, makeshift houses built with plastic sheets, cardboard and reeds typically on unused farmlands that the workers themselves construct. During the peak season when approximately 8 to 10 thousand workers come to work in Manolada, majority of the workers live in such shacks, unable to find local accommodation. If the land on which such shacks are built, belongs to the farmer under whom one works, one may not have to pay but if the land belongs to someone else, workers have to pay rent. The rent also varies. Depending on the arrangement one chooses, one may have to pay between 10 to 30 euro for a shared accommodation or between 50 to 100 for an individual room. Poisonous insects often invade these plastic-made shacks. Besides, in the summer, the temperature inside these shacks reaches 50C and in winter, it is below freezing.[9]

These farangas offer no running water, electricity or sanitation facilities. While piped ground water can be used for bathing and washing of clothes, these workers have to buy drinking water. At dusk, the lodgers have to light up candles to do things. Furthermore, cooking is also done inside these shacks in partitioned kitchens, with gas cylinders, heightening the danger of catching fire. In June 2018, a massive fire broke out in a migrant settlement in Nea Manolada. It spread from one faranga to torch all the structures on the plot. More than 340 Bangladeshi workers lost everything they had, including identification papers, passports, work permits, proof of stay and saved wages. In 2019, seven fires, fuelled by strong winds, charred entire sets of farangas in the same region in a matter of minutes.[10]

Although there are some buildings with rooms that some migrant workers inhabit, it is not easy for the Bangladeshis to find house as the local owners decline to rent out houses to workers without papers. Sometimes even those with papers find it difficult to rent rooms in such buildings. On average 10 to 20 people stay in one medium sized room. In contrast, about 30-40 people live in each faranga.

Rahim, a migrant worker who has been living in Manolada for the last 4 years shared his insights on the housing condition in Manolada. According to him, "The house I live in has three rooms. The rent of this house is 200 euro but only one room houses 12 workers. Each is paying 50 euro a month. So, the rent from one room is more than the rent of the house. This is how they (commandoes) make money. Commandoes rent a house and then rent it to the workers". Karim, another worker stated "Sometimes we build these shacks on a piece of land leased from our employers. Whoever lease

it will rent it out to other Bangladeshis workers. The employer may also earn some by leasing his/her land."

Working conditions

The strawberry greenhouses, in which the migrant workers work, are closed space. The interior of a greenhouse, exposed to sunlight, becomes significantly warmer than the external temperature, protecting its contents in cold weather. Typically, one has to work at least 7 hours per shift. Being stranded inside the greenhouses for 7 hours at a stretch and working in a hunchback position seriously undermines the workers' health. At 12 noon, there is a short break of 10-15 minutes. Many also do overtime. Bilal, a worker stated "The heat is 40-50 degree inside the greenhouses where we work. There is no supply of drinking water. We work for seven hours and need to drink water every one hour as it is extremely hot inside. So, we make do with dirty water. The farmers also get angry if we want to drink water every now and then". In addition to suffering from extreme heat and lack of drinking water, the workers are also kept under a close vigil for the entire duration of 7 hours they work on the plantation. Many workers stated that even if they tried to rest up for 5 minutes, the farmers/employers would start scolding. Another example of the appalling working condition is the fact that most workers typically work without any protective gear. Jalil, one strawberry picker mentioned "Insecticides are sprayed over the lands every day. Workers are not given any mask. We are directly exposed to these chemicals on a regular basis. We are inhaling this poisonous gas". Yet it is only those who spray the medicine /chemicals are provided with masks and the rest are neither given any mask or hand gloves.

At dawn, trucks arrive in front of the church located at the heart of New Manolada. Workers mount the truck and stand next to each other like chicken in a cage. Sometimes, the employer or farmer comes to the meeting point with his car while the commando transports the workers onto the truck. They are then taken to the plantation sites. Workers also have to wake up at 5 in the morning as they have to reach the meeting point to get on the trucks to reach the farm by 6 am.

More often than not, workers get injured being transported in such crammed conditions. One worker reported to me during an interview that he has seen a worker die on the way to the plantation because of crammed conditions. Many workers also often vomit inside the trucks on their way back due to dehydration and unbearable heat.

Jalil, a worker in his mid-30s said "The way workers are transported need to be looked into. Vans that should house 5 people are used to transport 20 workers. In chili plantation, if a bus has the seating arrangements for 50 people, only 50 people are taken. This is not the case with strawberry plantation in Manolada." Some workers also told that they were sometimes asked to walk back to their destinations.

It is important to mention here that the employers do not take any responsibility for the health hazards of the workers. Even in the event of an accident on the field, the employer may deny that fact that the victim actually worked on his farm. A few workers suggested that if the employer recognizes the victim or the injured as someone who works on his farm, then the employer/farmer will have to pay for the medical care and pay wages on a regular

basis. The farmer may even be fined for failing to protect the workers but such an event never happens as famers/employers always find a way to release themselves from their responsibilities in the event of an accident.

Wage

Wage is fixed at 24 euro for 7 hours in Manolada. Workers pointed out that this is below the minimum wage in agricultural sector fixed by the Greek state. Many workers also pointed out that those from Bulgaria and Romania tend to earn the state-sanctioned minimum wage while Bangladeshis suffer wage discrimination. Because of the undocumented status of the Bangladeshi workers, they are often unable to raise the issue of wage with their employers. If denied wages, Bangladeshi workers can barely demand or protest due to their undocumented status. Besides, they often have to work longer than what they are contractually obligated to do. Here a contract is an oral agreement between the workers and the employers. Greek farmers also often delay in clearing their payments. However, since the shooting incident in 2013, some farmers have been more or less regular in disbursing the payments although there are still farmers who continue to dillydally with workers' wages as is evident from the comment by a Bangladeshi migrant worker below:

"Some farmers/employers may not pay every month. They may say they will pay next month. There are also farmers who may want to pay two months later. But how will the workers manage during this time? They have to borrow from others or the commandoes to survive. But If in the meantime or at some point, a worker is caught by the police, he loses all the money"
Another major issue related to wage is that wages are often given via bank these days while majority of workers do not have bank accounts. Given that, those without bank accounts often have to rely on commandoes with a bank account for transfer of money. Commandoes charge a commission for this help. The issue of wage also needs to be understood in light of the fact that majority of these workers in Manolada are able to work only for maximum six months on strawberry plantation while being unemployed for the rest of the year, leaving them financially precarious. Consequently, there is very little money they can save to send back to their families back in Bangladesh.

Language barrier

Not being able to speak Greek also emerged as a major problem for the workers as they were unable to communicate with their employers directly. Many, however, opined that their employers generally seemed disinclined to either listen to or understand the problems of the workers regardless of the language barrier. Given that, workers often have to depend on the commandoes (commandoes often have some basic language skills) in order to communicate with the farmers. Lack of language skills among the undocumented workers also make their interaction with all other sectors in Greek society extremely difficult.

Health and access to health care services

Common health related problems associated with working on strawberry plantation in Greece include chronic back pain, kidney and heart diseases and breathing problem. Especially after working for 7 hours, one's urine becomes yellowish and workers are unable to sit upright. The body aches so much that it becomes difficult for the workers to sleep. Those who managed to consult doctors have all been advised to discontinue work on strawberry plantations.

In explaining to me the health risks related to strawberry plantation, one migrant worker commented the following:
"Workers often fall ill. Some common problems include fever, stomach ache etc. Doctors say these problems occur because of the water we drink but what can we do? The commandoes fetch the water and we drink them. The water may be contaminated as medicines and pesticides are sprinkled on the plantation. Even if we want to use toilet to simply urinate, we are taken to task. We are supposed to be working like a dog the entire duration of the 7 hours except for the break of 10-15 minutes. I worked for one farmer for 15 years. One day I asked for leave as I had to go somewhere. The farmer asked me to not come back to his farm ever again. There is no contract or anything either."

Another major issue that emerged in the discussion with the workers has to do with accessing health care services while being without papers or undocumented. A few quotes from the case studies and focus group discussion are as follows to highlight the predicaments the Bangladeshi migrant workers experience on a regular basis.

"I work in Manolada during the season. In November /December, I travel to Kalamata to work on olive plantation. Last year after working for 21 days on a strawberry farm, I had an accident while using a machine on the plantation and the tip of my middle finder was badly cut. The son of the farmer paid for my emergency treatment but later when the time to follow up on this came, they refused to support me anymore financially. In the meantime, the condition of my finger really worsened. Later I decided to spend my own money for treatment. So, I contacted someone in Athens I knew and went to a hospital there but the doctor refused to attend to me as I did not have any paper. Even during emergency situation, someone without paper is left untreated. You can get treatment if you are accompanied by someone with paper.

The doctor in Athens advised me to come back with paper. My injury is still untreated and I am unable to do anything with this finger. It affects my ability work in general now a days."

"A doctor told me to undergo a surgery a year ago but due to my not having paper, I could not get the surgery done. I can perhaps still get the surgery done but that will require 1500-1600 euro. Where will I get this much money? If I could get a proper document, I would have been able to get the surgery done free of cost" "We were uploading goods onto a truck. Suddenly there was a truck coming from the other side. The Greek driver was driving carelessly and hit a tree, causing the rods to fall on us on one side of the road where we were standing. Three of us were injured. One of us broke his hands. The employer later came to the scene and asked us not to speak to the police at all. Later the farmer took us to a hospital and categorically asked us to not report to the police. Later he left and never came back or even inquired about us or our health."

What the above quotes clearly bring to the fore is that hose without papers find it extremely difficult to access health care services as the health care establishments routinely decline to treat migrant workers without legal papers.

Papers and legal status

As stated in the previous section, majority of the Bangladeshi workers in Manolada have no legal papers even though some of them have been in Greece for about 10 to 15 years. While getting the residence permit is often the number one priority for these workers, they lack clear knowledge on how best to navigate the Greek system to resolve the issue. Consequently, many workers especially those in Manolada continue to remain in limbo between legality and illegality.[11]

A major expenditure for these workers pertains to the amount of money they spend on middlemen and lawyers who can help prepare documents for application for permanent residence. Many workers told me that there is a scheme according to which those who have lived in Greece for 7 years can be regularized. The problem, here, however is to prepare documentary evidence as to the fact that one has lived in Greece for the stated duration.

One migrant worker who lived in Manolada for more than 7 years explained the problem as follows:

"Suppose a worker is interested in applying for a permanent residence. But he has paper work or evidence of his stay only for two years. People in such situation often approach the lawyers or middle men who intend to prepare document for the full 7 years. Many workers spend between 1 to 2 thousand euro but with little or no success in getting the paper work ready. Because the workers can't speak the language, they always have to depend on the middlemen who take advantage of the situation."

What emerges is that becoming legal is the topmost priority of the workers in Manolada although it is also most difficult. Given the fact that without papers, one cannot work in a factory, restaurant or garments industry, the only option left for such workers is to be stranded in Manolada.

Dispute resolution

Disputes are a recurrent feature of migrant workers' lives in Manolada. Disputes break out over theft of money especially during the season when thousands of Bangladeshi workers congregate in Manolada. Storing cash or keeping them in a safe place is often difficult for many of these migrant workers as they have neither a stable housing facility nor a bank account.

Disputes also often break out over receiving payments. For example, as previously pointed out, some employers or farmers choose not to pay cash to the workers. Under such circumstance, those with bank accounts receive the payment for others. This often leads to tension among the workers as the person with a bank account may delay giving the money back to the workers. There is also a commission system in place. For example, those with bank accounts may charge 3 euro per 100 euro as commission.

Another issue that came up in my conversation with several workers is the tension between the workers and commandoes. Several workers reported during the interviews and discussion sessions that instances of commandoes leaving with thousands of euro are not uncommon. Since commandoes are the ones often given the money by the employers to disburse among the workers, commandoes can take advantage of such situation. Conflicts between the workers and commandoes are, therefore, a routine phenomenon. Often times, the commandoes receive money from the farmers but refuse to pay the workers. There are also incidents where a commando may have received 1000 euro from a farmer but has paid the workers only 200 euro, giving rise to serious dispute.

While disputes are commonplace, resolutions are often sought through intra-community arbitration or interference rather than seeking justice through the Greek legal system or the police. This is due to the fact that most of these workers are undocumented or without legal papers as the quotes from the focus group discussion and case studies below clearly show.

"In case of a dispute over salary, there is no point in going to the police as we can't even prove that we are working. Additionally, not having papers already makes us vulnerable. Consequently, we just have to put up with the situation."

"If there is a fallout among the workers or if a worker has been injured, we try to settle such disputes through arbitration among ourselves."

"Once there was a serious fight and one was badly injured. A case was filed in the local police station but through arbitration among ourselves, both parties reached a reconciliation and the case was pulled from the police station."

What appears from the above quotes is that it is not just the Greek farmers who exploit the Bangladeshi migrant workers but also that the gangmaster system in place through which the Bangladeshi commandoes directly marginalizes the Bangladeshi migrant workers.

Police

Although the local police are aware of the presence of the undocumented workers in Manolada, they tend to refrain from arresting the migrant workers living or working in Mano-

lada. Police here know very well that without the migrant workers, the strawberry planation and industry cannot survive. Significantly, many of these police are also not only from the same area but also related to Greek strawberry farmers. However, the picture gets complicated when these workers leave Manolada. Once out of Manolada area, these workers often become subject to detainment, and even deportation.

Furthermore, in case of any legal issue or problem, the workers refrain from going to the police as they lack the papers and are afraid of being caught by the police and imprisoned and/or deported. The following quote from an interview with a migrant worker sheds further light on the complex situation migrant workers may often end up in.

"I came to Manolada in 2015. In 2016 I realized that we can work only during the season (March -June). So, I left for Salonika to work on chili plantation. I worked there for a month and then got arrested by the police one day for not having papers. Later I contacted my employer and asked him to get me out of the jail. He told me a lawyer would cost him 250 euro to arrange everything. I did not have the money but agreed to pay my employer with my labor by working on his farm. Then he arranged my release".
Here a caveat is necessary. Although the general pattern that developed recently is that the local police in Manolada do not arrest the undocumented Bangladeshi workers on strawberry plantations, some workers who are now residents of Manolada drew my attention to an incident in 2013 in Manolada when police raised a cluster of farangas houses during off season and arrested workers there. Upon inspection, I found out that the arrest happened because the residents of those farangas failed to pay rents to the farmers for months.

Legal analysis: Removing the legal barriers to social justice for Bangladeshi agricultural workers

Dr. Apostolos Kapsalis

Access to legal residence status

The conception of both migration and migration policy in contemporary receiving countries is in principle characterized by myths and paradoxes that act in parallel ways and interact in everyday social and political life. Undoubted truths and unquestionable authorities – largely determining scientific documentation itself – are cherry-picked to provide justification for adopted legal regulations that are often inconsistent or even contradictory.

And vice versa! The discriminatory way in which the State attempts to regulate migration, and more specifically migratory labour, eventually shapes social perceptions that both legalise and practically establish exclusion and unequal treatment regimes. The case of Greece and more specifically the setting pertaining to migration and labour in the agricultural sector of the Region of Ilia is no exception to the rule.

More specifically, the "Manolada system", i.e. the deployment of economic activity around the intensive cultivation of strawberries, is merely the result of the combination of two factors: first, an anthology of adaptation practices to the current migration law of all involved parties and second a special expression of the culture of self-regulation and illegality in employment, which has long been dominant in the Greek agricultural sector (as well).

Yet, neither do all employers seek to establish conditions of illegal labour nor do the thousands of Bangladeshi agricultural workers live in conditions of slavery. In the meantime, in other areas of the country the terms of employment and living conditions of those same moving persons are far different throughout the year. In other words, it is once more ascertained that in the field of migration not everything is as it looks on the surface.

In any case, the ultimate goal is to ensure the fundamental social rights of migrant agricultural workers, considering that the "Manolada system" seems to walk a tightrope with no safety net underneath; hence, it would only take an accidental event to trigger developments and bring about a painful free fall, just as it happened in 2013 when there was gun shooting against striking agricultural workers or in 2016 with the disastrous fire at the shacks of their makeshift camp. In such circumstances, the issue is brought back up among current affairs for a while, but in no case does it bring about comprehensive and consistent State interventions in view of breaking the stalemate and meeting the need of workers for justice and equality.

Such institutional intervention would necessarily require courageous reforms at two levels: as regards the residence status in the country (see Access to legal residence status) and the industrial relations system in the agricultural sector

(see Regulation of industrial relations in the agricultural sector). In any other case, nothing seems able to interrupt this special form of expression of the migration phenomenon in Greece, which is established and at the same time feeds into a geography of exception and coersion at the exact same spot (see In conclusion, there come...geographies).

Access to legal residence status

Based on data of the World Bank,[12] 16,871 Bangladeshi nationals live in Greece. According to the Hellenic Statistical Authority, the Census of 2011[13] showed that one third of them, i.e. 5,011 people had settled in the country in the last five years before the said Census , i.e. at some point after 2005-2006. Indeed, according to other estimations, also based on official data,[14] a total of approximately 12,000 Bangladeshi migrants lived in Athens in 2006-2007, even though the registered Bangladeshi nationals of the country were 4,854 in the Census of 2001 and those holding a residence permit were only 4,682 in October 2007.

Currently, based on official records of the Ministry of Migration and Asylum (June 2020), residence permits (of all types) for Bangladeshi nationals are 8,636 (only 802 of which concern women) i.e. 1.6 % of the total 529,045 valid residence permits. Consequently, approximately 50 % of all Bangladeshis estimated to live in Greece in 2020 (17,000 persons) is presumed to reside in the country legally.

A more detailed examination of the quality features of the valid residence permits (June 2020) leads to the following conclusions: out of 8,636 residence permits in total, 2,445 (37 women) are residence permits for employment, 1,112 (637 women) are residence permits for family reunification, 3 (1 woman) are residence permits for studies and the remaining 5,076 are for other reasons. It is important to note that in this last category of permits 1,510 of them concern residence permits primarily for exceptional and secondarily for humanitarian reasons , whereas 3,493 of them concern long-term residence permits, i.e. mainly ten-year term and secondarily long-term resident permits or open-ended permits.

Therefore, no matter whether these are residence permits for work or for any other purpose, their possession entails in principle previous entry to the country and continuous residence for very long periods. Hence, the conditions for the provision of such permits would only be met by Bangladeshi migrants who had already entered Greece before 2005 and who thus benefited from the favourable legal provisions either to be granted , to maintain or to regain the legal residence status . Finally, it is confirmed that the vast majority of migrants holding the necessary papers reside permanently in the general area of the capital, considering that it is the competent regions of Athens and Piraeus that have issued 91.3 % of all residence permits for work, 93.7 % of all residence permits for family reunification and 73 % of residence permits for all other purposes. More specifically, only 38.7 % of residence permits for exceptional and humanitarian purposes have been issued by the competent authorities of the Regions of Athens and Piraeus, 27.5 % of them have been issued by the Central Service of the Ministry and the remaining 33.8 % by other Regions of the country.

Consequently, as regards the approximately 8,500 Bangladeshi migrants who illegally stay

in Greece, the following two assumptions are possible. On the one hand, these are most probably persons who have entered the country "recently", in principle as of the late 00's or the early '10s. On the other hand, this number is almost identical to the estimated population of Bangladeshi agricultural workers of strawberry cultivations in the area of Manolada, Ilia and in the neighbouring area Lappa, Achaia (approximately 7,000 – 10,000 people), as such population develops annually during the peak of the cultivation period, i.e. the first three months of spring .[15]

In other words, it is quite possible that almost all Bangladeshi nationals who recently entered Greece concentrate and stay in only one area of the country, Manolada, Ilia, and the surrounding villages, without holding the necessary papers, even if that is only for the period from February to June, on an annual basis. Indeed, field research has concluded that the vast majority of Bangladeshi immigrant agricultural workers of Manolada stay in the country illegally.[16]

This study confirms the vast majority among the 309 agricultural workers of Manolada who do not hold any official certification document other than their passport, when 14 % do not hold a passport at all. More specifically, as regards their intention to make arrangements for their residence status, it resulted that: a) 80 % of the respondents stated that they had to deal with obtaining a residence permit, b) Seventy-four percent report that they also sought a refugee status and c) sixty percent attempted to obtain a work permit.

Exceptional regularisations of illegally staying foreign nationals

In order to comprehend the answers given by the agricultural workers of the sample it is necessary to clarify that ever since 2007 no mass legalization program has been implemented in Greece . This option is officially justified by the fact that such a legislative regulation is not allowed according to the European Pact on Immigration and Asylum (2008), even though it is known that such strategic orientation text lacks any legal binding character whatsoever. On the contrary, Greece has adopted a permanent system of personal residence permit acquisition or re-acquisition, which functions under the terms governing access to legal residence by exception.

In particular, the weaknesses of the residence permit renewal system, as formulated in the 2000's, have proved to be diachronically numerous, the major of which being:[17] a) the short duration of permits, b) the connection of their renewal to a high number of proven (legal) days of work on an annual basis and c) the difficulty to meet all accompanying administrative and typical conditions required for renewal.

Therefore, the primary consequences of the deep recession and crisis after 2009 (upsurge of unemployment, dramatic reduction of income and soar of undeclared work) have been the outbreak of a trend to de-regularise a large number of legally staying migrants. To avoid the spread of such a social menace, two options were made.

On the one hand, on the occasion of the adop-

tion of the Migration Code (Law 4251/2014), even long delayed, measures are taken both to contain the phenomenon of de-legalisation of the residence status of thousands of migrants and to immediately redress the loss of residence permits due to the consequences of recession and crisis, mainly for those who had already appealed to administrative and ordinary courts, especially after the first favourable judgments.

More specifically, in 2014, for the first time since 1998, the work-based approach of the relevant institutional framework was irrevocably disrupted, whereas such reform is justified in the name of the fight against undeclared work itself. Simplifications and improvements of administrative and mainly essential nature contribute to the facilitation of maintaining the legal residence status, which is no longer based on the axis of (legal) work, but of long-term (legal) residence in the country for all permit categories (dependent work, family reunification, long-term residents etc.). In addition, not only are procedures provided for a limited, yet massive and not individual, return to legal residence status , but the special permit provision status of hundreds of thousands 2nd generation "migrants" is also regulated.

On the other hand, the year right after, in the context of Law 4332/2015, followed the enhancement of the possibility for a personal legalization procedure for exceptional reasons and for humanitarian purposes . Actually, the regime first introduced in the early 10's (Law 3907/2011) becomes more favourable. The two-year term residence permit for exceptional reasons may be granted to migrants staying in Greece and proving that they have developed strong bonds with the country, on condition the interested party provides:

a) entry visa provided by a Greek consular post no later than three years before the submission of an application or
b) final residence title, regardless of its issuing authority, the validity of which has expired in the last decade before the submission of the application and
c) documents proving that they have developed special bonds with the country, which make their residence within the Greek territory necessary.

By exception, it is not necessary for the interested parties to present the documents listed in items a) or b), provided that they prove, through documents of ascertained date, the fact of their residence in the country for at least seven consecutive years. In all the above cases, if a third-country national held a residence permit for Greece, for at least five years during the decade before the submission of the relevant application, it is not necessary for them to submit the documents referred to in item c).

In view of ascertaining the existence of strong bonds with the country, the following are particularly taken into account: a) very good knowledge of the Greek language, b) attendance at a Greek school of primary or secondary education, either of the applicant or of the children thereof, c) the period of their residence, and particularly of their legal residence, in Greece, d) the period during which they are covered by any insurance from a Greek main insurance organization and they have been fulfilling their tax obligations and e) their family bond to a Greek citizen or a Greek expatriate.

One-way street for Bangladeshi agricultural workers of Manolada

The above presented system of exceptional legalization or re-legalisation functions in Greece at a slow pace and under terms of limited access. The total of 23,504 relevant permits correspond to merely 4.4 % of all valid residence permits. However, it seems that the system functions slightly better for certain categories of migrants. Thus, whereas the legally staying migrants from Bangladesh hold 1.6 % of all residence permits in Greece, they also hold 6.4 % of all residence permits for exceptional reasons.

In any case, 1,510 migrants from Bangladesh have already obtained a residence permit for exceptional reasons, i.e. 1 out of 5 permanently residing or 1 out of 10 residing in the country in total, with or without papers. In addition, out of 366 residence permits that have been issued in total for Bangladeshi migrants by the competent administrative authorities in the capital of the Department of Ilia, i.e. in Pyrgos, 247, i.e. 67.5 %, concern exceptional reasons. The corresponding percentage in Patras, the capital of Achaia, where Lappas is also located, is 48.7 %, since out of 39 residence permits in total issued to Bangladeshis, 19 concern exceptional reasons.

Based on all the above, it becomes obvious that the migratory population of Bangladeshi origin staying in Greece could be divided into two large categories. On the one hand, the "old" Bangladeshi migrants, mainly residing in the greater area of the capital and having the possibility either to maintain the status of legal residence, which they had obtained for the first time during the 00's, or to claim, under relatively favourable terms, their inclusion to the procedures for access to residence permit for exceptional reasons.

On the other hand though, the "new entrants" , who in principle hold nothing but a passport (in the best case scenario and at a percentage not exceeding 80 %), mainly reside the general area of Manolada (for approximately 4 months a year) and their only option is to try to have themselves included in the procedures for the obtention of a residence permit for exceptional reasons; in their case though, they have an unfavourable starting point, for two reasons.

First, they must either wait for at least 7 years – in case they have entered the country very recently – or prove that they have been in the country for 7 consecutive years before the submission of the relevant application. Second, the establishment of strong bonds with the country is not simple, as the absence of previous periods of legal residence makes it difficult to produce official documentation. Surprisingly, as it is analysed further down, in the case of Greece it is rather feasible to certify the days of insurance by the relevant insurance organization despite the absence of an applicable residence permit, in the framework of an (unsuccessful) effort of Greece to comply with the ruling of the European Court of Human Rights in the case Chowdury and Others v. Greece.

In consequence, because the proof itself of both the 7-year long residence in Greece and of strong bonds with the country coincide, the certifications of legal work and insurance become very important in practice. This is certainly facilitated by the special employment and social security system introduced to the Greek legal order during the last decade, particularly as

regards the agricultural sector.

Regulation of industrial relations in the agricultural sector

The agricultural sector, specifically salaried work within the agricultural economy, has several particularities. The seasonality of crops and the a-typical nature of employment would justify the application of a special regulatory employment framework by the State; in the case of Greece though, there is complete lack of any such framework. In other words, even though the insurance of salaried work falls under the field of competence of former OGA , all other aspects of industrial relations in the agricultural sector are fully regulated by "common" labour law.

The above is also established in several court orders or opinions issued by competent bodies of the Ministry of Labour in assessing the functioning of the Ergosimo voucher Scheme as regards employers' obligations along the course of industrial relations for salaried work in the agricultural sector. What exactly is Ergosimo, which the title of the relevant article 20 of Law 3863/2010 describes as "Remuneration and withholding of contributions for the occasionally employed"?

According to a recent relevant research,[18] the ergosimo voucher scheme has the following characteristics: it was introduced in the Greek labour market in the beginning of the recession (Law 3863/2010) as a means of paying wages and social security contributions to occasionally employed workers in specific sectors, namely in the agricultural and the domestic employment , where the vast majority of employees are immigrants. The service voucher scheme (ergosimo) is a simplified method for employers to pay labour remuneration and insurance contributions arising from labour relations regarding specific professions. The ergosimo is issued in the form of a special coupon-cheque usually by banks and post offices where it is also cashed, whereby the relevant amounts are withheld and immediately paid to employees and the concerned insurance funds respectively.

For the professions covered, such as agricultural workers, the Law indirectly establishes a proof of occasional employment, considering that payment and insurance through the ergosimo is mandatory, even if employment is practically permanent. All this certainly presupposes that employers do not opt for fully undeclared work at working locations (fields, private households) where inspection by the competent authorities is actually rare, if any.[19]

However, ever since 2015 strong incentives have been provided for the ergosimo payment. The relevant circular 1116/10.6.2015 of the Ministry of Finance still applies for the agricultural sector as regards acknowledgement of the labour cost as deductible fiscal cost. This is a strong fiscal incentive, taking also into account the lower insurance cost arising from the use of the voucher scheme in the agricultural sector, i.e. around 10% of the gross salary.

All the above practically proves that the measure regarding the ergosimo mainly applies in the agricultural sector, even though it falls significantly short of the total number of hundreds of thousands agricultural workers (estimated to exceed 200,000 a year). Hence, the ergosimo was used for the remuneration of 43,000 workers in 2012, a number that increased up to even 55,000 agricultural workers

in 2016, for which the latest statistics is available. On average, as regards geographical departments, in the period 2012-2016 the highest annual numbers of insured agricultural workers were located in the Departments of Imathia, Larissa and Pella (2.849, 3.012 and 2.275 respectively) while the corresponding number in the Department of Ilia was 1.559 persons.

It is to be noted that for six years after the introduction of the measure (2010-2016), the remuneration via the ergosimo typically only concerned legally staying foreign agricultural workers, since, according to the general provisions of the migration law, the employment of informal migrants is forbidden and in fact severely punished . Surprisingly though, ever since 2016 legal employment remunerated via the ergosimo may exceptionally include informal and even deportable foreign agricultural workers.

Para-legality: legal work, illegal residence

In an attempt of the Greek State to prove its observance of the decision in the case of Chowdhary vs Greece, it has applied some of the necessary measures to restrict the conditions defining the crime of forced labour. Besides, the European Court of Human Rights practically attributes the roots of systematic violation of the fundamental social rights of Bangladeshi agricultural workers to the "Manolada system".

However, since the full and direct access to the status of legal residence is in principle ruled out, a system of para-legality, is introduced to complement the system of "metaklisis", i.e. the organized invitation and transfer of foreign nationals from abroad, for dependent or dependent seasonal work.[20] The case of the 13 A -type special work permit is indicative of the State's unwillingness to address the chronic problems concerning both the legalization of the residence status and the fight against undeclared work.

In particular, exclusively as regards certain professions of the agricultural sector (agricultural workers, shepherds etc.) and the extent to which the annual number of allowed "metaklises" is not covered at the regional level , employers draft a private statement invoking extraordinary and unforeseeable needs, by which they request permission for exceptional employment of migrants without papers.

Upon approval of the request, an order is immediately issued for the deportation of the foreign agricultural worker concerned (of not already issued), which is suspended for 6 months, which corresponds to the duration of such special work permit unless renewed for another 6 months (unlimited renewals being possible). It seems that the residence status remains irregular throughout the duration of the work permit. By combining features of both semi-legality and illegality, para-legality constitutes a parallel state of tolerance (of labour) into illegality (of residence).

In 2016 and 2017 the applications for the relevant work permit exceeded 2,000 for 2016 and 4,600 for 2017, according to data of the Ministry of Migration Policy, mainly in the Departments of Fthiotida (676), Messinia (563) and Ilia (482), whereas the average rate of approval was 91% of total applications. In 2018, the applications exceeded 6,300 at the Pan-Hellenic level, most of which were submitted at the

Departments of the Peloponnese, i.e. Messinia (773), Ilia (666) and Lakonia (595).

In total, for the years 2017-2018, 10,669 work permits "13A" are issued and in the period 2019-first half of June 2020, already 8,460. In particular, in the period 2017- First half of June 2020, 1,224 applications for "13A" concerning Bangladeshi citizens are submitted throughout the country (1,203 are approved) almost all of them (88.2%) by the competent administrative authorities of Ilia/Pyrgos (758 applications, 756 are approved) and Patras Achaia (320 applications, 314 are approved).

The constant increase of the number of applications is not only due to increased needs for labour force in the primary sector in total, but also to the significant advantages brought about by the "13A system" as compared to the corresponding advantage of metaklisis.

…yet neither extraordinary and unforeseeable needs nor occasional employment!

Surprisingly, temporarily incoming migrants under metaklisis, even for seasonal or occasional work, are employed under more favourable terms as compared to those employed in the agricultural sector in the framework of "domestic metaklisis", i.e. of 13A-type work permit, even though the latter are permanently established, often for long periods, in the country. Specifically, in the framework of metaklisis:

- first, a regular residence permit is granted to foreign nationals for limited duration;
- second, employers submit from the start a guarantee in the form of cheque amounting to three-month remuneration (based on the minimum salary);
- third, agricultural workers are regularly insured for salaried work by EFKA and not via ergosimo by OGA and fourth, employers ought to prove that they have ensured decent and appropriate accommodation for all agricultural workers. As far as employers are concerned, bureaucracy and the time-consuming procedures required for the metaklisis, as well as the increased direct and indirect salary cost, make the 13A-type work permit preferable since, in addition, both the issue of the ergosimo and the amount of remuneration indicated on the cheque are at their absolute discretion.

Very recently, in the context of the extraordinary measures taken in the labour market to address the impacts of the COVID-19 pandemic, two significant changes occurred in the relevant legal framework. On the one hand, the procedure for the issue of the special "13A-type" work permits is simplified and accelerated until 30/06/2020 , since the only competent authority for all stages of the administrative process is the competent police authority of the employers' place of residence. On the other hand, the procedure of metaklisi of specific agricultural workers from abroad (see Albania) for employment in the seasonal agricultural economy is also administratively facilitated until 30/06/2020 and hence it is stipulated that the insurance of such foreign workers shall exceptionally take place via the OGA ergosimo. Indeed, based on this special provision of the Law, until the end of June, 12,830 applications for seasonal work in the agricultural sector are issued, when the corresponding number in the two years 2017-2018 was 1,401 and in the period 2019-May 2020 only 798.

It is true that the regulatory framework of pa-

ra-legality in Greece is due to the judicial claims of the agricultural workers of Manolada against the –now substantiated- conditions of forced labour under which they had been employed for many years in the area. However, it is proved in practice that the applicable legislation regarding salaried work in the agricultural sector is fully inconsistent with the labour market function net, mainly in the specific geographical area, but also throughout the Territory.

Neither the international metaklisis nor "domestic metaklisis" (13A-type work permit) nor the ergosimo is justified by an alleged emergence of unforeseeable, extraordinary, occasional and unregulated need for work force in the agricultural sector. The seasonal yet regular dimension of cultivation and crop do not rule out the timely and systematic organization of production and employment by the professionals of the sector. In fact, the opposite applies. Besides, the legislation governing both systems regarding sourcing of work force (metaklisis and 13A system) directly correlates the permitted number of (foreign) employees under the relevant application with both the various time periods (stages) of the cultivation or crop and the size of the cultivation areas, and it does so with the use of algorithms that no party can dispute.

It is also noted that in a country dominated by small enterprises employing up to 9 people at a percentage of 95 % of the totality of enterprises, almost half of the employees of the sample of this survey in the general area of Manolada work in large enterprises of more than 50 people and in addition, 20% of them work in enterprises employing even more than 100 people. The dominance of large, dynamically exporting companies in the area is undoubted, whereas the total turnover is not easily comparable to that of other sectors or areas of economic activity of the country, when it exceeds for example 8.5 million euro annually in certain cases of strawberry production and packaging companies.[21]

At the same time, the work of the majority of agricultural workers can no longer be characterized as unskilled, not only because of their yearlong experience in the specific cultivation activity, but also because with the years they are even assigned tasks relating to the operation of machinery and expensive technological equipment. With the eventual exception of a few hundreds of Pakistani agricultural workers, the crop of strawberry is almost synonymous to skilled work of Bangladeshi agricultural workers.

Accordingly, the stability of labour employed by a specific employer now acquires structural characteristics, which results in 77 % of workers of the sample being employed every year by the same employer for several seasons and mainly for more than three consecutive seasons. The "Manolada system" guarantees stability in employment and a kind of permanence in the industrial relations for the large majority of employees, thanks to the intermediation of certain "mastura" who are the backbone of uninterrupted –though seasonal- employment in every company of the area.

Moreover, as regards remuneration, 24 euros for 7 hours of work make the net minimum hourly wage range at 3.43 euros when according to the law, the national minimum net hourly wage in Greece is 3.28 euros. Besides, based on the collective agreement of sectors such as private education, the corresponding hourly wage

amounts to merely 3.6 euro, which concerns mainly Greek employees holding official higher education titles. The affirmation of the Bangladeshi agricultural workers themselves of Manolada[22] that overtime is often also remunerated with 3 euros per hour further refutes the notion of systematic direct violation of their remuneration rights in the area.

The observation of the course of the agricultural workers themselves, when these gradually leave Manolada, leads to the conclusion that in areas of mass relocation from June to winter, like the general area of Sofades, Karditsa or Kallithea, Thiva,[23] work in pepper crops and onions is repeated with the same features of circularity, stability and permanence of employees, employers and the intermediate "mastura". However, there are certain initial indications of substantial improvement between the "systems" of Sofades and Manolada, which, apart from the need for further detailed scientific survey, rather lead to certain working assumptions that relate to the interpretation of the function of the territoire.

The role of geography

The concept of territoire (French) is very difficult to translate into other languages: the Greek language requires a compound word, such as social-space-locality (κοινωνικοχωροτοπικότητα) to accurately describe the function of a territory that is seen as a set of features forming a cohesive, physical, administrative and human entity . In the case of the Manolada territoire several factors coexist, which are particular and often unique:

- First, it is a quite limited geographical area concentrating a huge number of foreign agricultural workers, almost 10,000 from February to June.
- Second, the vast majority of these workers a) are Bangladeshi nationals, b) hold no residence permit and c) have only entered the country rather recently (almost ten years ago).
- Third, such workers work in principle illegally or, exceptionally, legally under special 6-month work permit (13A), which though employers seem to grant to very few workers, as they deem suitable to satisfy their own fiscal needs.
- Fourth, typically, the working conditions of agricultural workers hardly reach the threshold of minimum legality, whereas at the same time issues emerge regarding delays in the remuneration (to 45 % of the sample workers) and lack of provisions for health and safety at work (50 % of workers state that they have suffered some health condition in the last 12 months).
- Fifth, the living conditions are poor, most probably due to lack of sufficient available houses to rent or even to the unwillingness of the local people to make the few free houses available. However, on average, the sample workers pay 32 euro per month for their residence in makeshift shacks at the plot of their employer.
- Sixth, in absence of a special regulatory framework regarding salaried work in the primary sector, employment is provided under a regime of il-legality, via a problematic means of payment and insurance (ergosimo) which concerns occasional and not seasonal, stable and regular employment, as in the case of agricultural workers in Manolada.
- Seventh, the chronic tolerance of the State for illegal employment and informal residence phenomena is proved from the fact that despite Greece's obligation to comply

with the relevant decision of the European Court of Human Rights, neither Convention 129 of the International Labour Organisation (on labour inspection in agriculture) is sanctioned nor is a legal residence regime easily provided to agricultural workers who live permanently and for many years in Greece.

At the same time, only 12 % of the sample agricultural workers of this survey do not seek help for the solution of legal problems they face and almost one out of three claims a solution directly from the employer. Nevertheless, they rarely succeed in addressing their problems (mainly as regards accommodation and health), general access to public goods and services is almost impossible and approximately half agricultural workers have been imprisoned in the past due to lack of regularization documents.

However, as paradox or inexplicable as it may seem at first, the systematic return to Manolada in early spring (and/or continuous stay there for twelve months and for approximately 700 agricultural workers) is defined by a mix of counterbalancing forces, which concern both entrapments and successful paths. Apart from the increased demand for work, the field research has reached two basic conclusions:[24] On the one hand, the specific migrants are rather trapped in a state of expectancy until they gather the necessary documents, which would also certify their continuous seven-year long residence in the country. The obtention of papers, i.e. practically the application for residence permit for exceptional reasons, is a one-way street for agricultural workers of Manolada. The application for asylum, submitted by 74 % of migrants of the sample of this survey, with obviously very few probability of success, is explained by the distressed effort to gather and present "administrative traces". The same applies for the 13A type work permit, which is sought – also in vain in most cases – by 60 % of the sample, since the obtention of such permit is significant for two more reasons: on the one hand, it is explicitly included in the documents (as are the ergosimo vouchers) to be taken into consideration for the proof of the seven-year long residence and the strong bonds with the country, and on the other hand it reduces, even temporarily, the risk of being arrested, detained and deported.

On the other hand, the aforementioned risk is practically reduced, since the "Manolada system" entails, if not even requires, the tolerance of police officers and other State authorities for illegal residence and movement from and to work places in the area, or even beyond the said Special Economic and Legal Zone[25] to cover cultivation needs in other seasons of the year, even at remote areas of the country. Consequently, such continuous, mass and rather organized movement before and after the residence at Manolada and Lappas, invokes a new version of perpetuation of the migratory process, which could be conceived as mobility in immobility. The phenomenon confirms the adaptability of agricultural workers and employers to the needs of the Greek agricultural economy, disproves (or at least strongly disputes) analyses on slavery and unfree residence and employment of Bangladeshi agricultural workers, and fully "territorializes" the interpretation of their special terms and conditions of work in the areas of settlement and employment.

In other words, due to the particularities summarized in the beginning of this unit, Manolada and the socio-economic system that has

emerged therefrom, as formed in the last years, does not only shape a geography of coercion but also a two-fold geography of exception: in the operating framework of the agricultural labour market as compared to other sectors of economic activity in Greece and the specific operating framework of agricultural economy of Manolada as compared to all other parts of the Greek countryside.

It is thus made clear that the fundamental needs of Bangladeshi agricultural workers of Manolada for justice and decent employment are impossible to meet in the near future, no matter how many sentences are issued regarding personal or collective claims, unless two fundamental requirements are met.

The first concerns the comprehensive and updated regulation of the legal framework regarding salaried work in the agricultural sector and the formulation of conditions of legal and flexible coverage of all forms of employment in the sector. The second requirement concerns the regulation of migration due to the overwhelming predominance of foreign nationals among the country's agricultural workers and mainly the settlement, even at the sectoral level, of their residence status in Greece.

Otherwise, the "geography of Manolada" will continue to produce exceptions and be determined by paradoxes and myths, as well as by successful routes to survival and adaptation to a setting of general unevenness and instability. Besides, it may spawn, also unexpectedly, new "Manoladas" in space and time.

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Literature review

Migrants and the Greek farming sector

Overall picture of migrants' involvement in the Greek farming sector

Temporary migrant labour in the Greek agricultural sector is characterized by three major processes which run in parallel – economic recession, changing structure of the agriculture sector in Greece and and migratory patterns in Southern Europe.

In 2009 economic recession and insecurity severely affected the Greek economy. Recession had significant impact on the low skilled laborers and those having low or middle-size incomes (Kasimis 2013). Migrant workers were particularly affected by the economic crisis.

Greek agriculture is characterized by seasonality (Kasimis 2008; Papadopoulos and Fratsea 2017). To sustain production farms need permanent and seasonal workforce. This exacerbates labour shortages together with other structural factors such as the ageing of the local rural population and reluctance of young people to get involved in this sort of work. Another trend in the sector is the switch towards more labour intensive crops. Research indicates that the increasing demand for workers is not accommodated by the local population but by migrants (Papadopoulos and Fratsea 2017). Low wages paid to migrants reduce production costs and increase the competitiveness of the Greek agricultural sector in international markets.

Until 1990 the seasonality of the Greek agricultural sector had been accommodated by internal labour migration. The international migration flows started changing in the early 1990s with the fall of the communist regimes in Central and Eastern Europe and the following migration. Most recently, the civil war in Syria triggered a massive move of migrants and refugees through Greece.

Specifics of Bangladeshi migrants

Employment in the agricultural sector in Greece is mostly informal which attracts irregular migrants. The laborers, including those coming from Bangladesh, have dim long-term perspectives in terms of pay, personal development, little protection as well as unclear perspective about possibilities for obtaining a more certain status.

Bangladeshi labour migrants in Manolada are predominantly single males with very low educational profile. Similar profile has been reported about Bangladeshi migrants in Italy (Rahman and Kabir 2012). They maintain economic relations with their relatives in Bangladesh. Compared to other migrant groups (i.e. Albanians, Romanians and Bulgarians) their housing situation is worse. According to account of a Labour inspector thus who are «more fortunate usually cohabit with their compatriots in 'collective' houses, while others live in makeshift tents made of cardboard, nylon and bamboo with an extension cord for electricity and a barrel of water" (Papadopoulos and Fratsea 2017).

According to Papdopolous and Fratsea (2017)

Bangladeshi migrants are in " 'labour/spatial entrapment' – living and working in enclaves in a highly segmented labour market doing temporary, low-paid, heavy or dangerous work – is tightly bound up with the dominant capitalist production model based on labour control."Precarity, insecurity and low wages dominate in the sector. This is particularly true for the Bangladeshi migrants.

Gaps in the current knowledge

Existing research mostly documents the migration patterns of Bangladeshi migrants as well as their involvement in the Greek farming sector. Beyond the mention of their undocumented status, the excessively low wages and precarious working and living conditions, little is known about their needs for protection from the law. As a rule, the Bangladeshi migrants who work in the Greek agricultural sector find themselves on the fringe of the justice system. On the one hand, their documentation and employment situation increases vulnerabilities which necessitate stronger legal protection. On the other hand, the whole group is physically and socially isolated from the protection of the law.

This contradiction raises many questions regarding the needs for justice of the Bangladeshi migrants in the Greek agricultural sector. The purpose of this study is to delve deeper into these needs and discover their dimensions. Primary goal is to document the legal problems of the migrants as they encounter them their daily life regardless of whether these problems are seen as legal, economic, administrative or social. The study will also dive into the strategies that the migrants employ to respond to these situations and the barriers that affect their actions, behavior and perceptions.

What are the migration patterns from Bangladesh to Greece?

Undeclared work is a serious migration, social and employment problem in Greece. Various studies estimate the share of undeclared work in the total economy in the range of 30-40% (Marouda 2016). This share dropped to 25% in 2014 when the fine (10 550 Euros) for unregistered workers started to be enforced. Allegedly the rate fell to 6-14% for foreign employees (Marouda 2016). Other studies put the number of undeclared workers in Greece to not less than 500 000 (Flow Monitoring Surveys: The Human Trafficking and Other Exploitative Practices Indication Survey Analysis on Adults and Children on the Mediterranean Routes Compared 2017).

According to IOM's Migration Flow Map, as of 10th October 2017 the total amount of migrants to have arrived in Greece is 23,514 of which 21,050 have arrived by sea via the Eastern Mediterranean route. Data shows that Bangladeshi migrants are among the most active ones to use that route for migration purposes. Their main destination, however, is usually Italy, with 8,747 having arrived there from the beginning of 2017. In an analysis of human trafficking surveys the IOM also takes a look at the instances of migrants who have responded positively to questions regarding trafficking and exploitation and note that the highest share of responses come from Bangladeshi migrants and "Almost all interviewed migrants from Bangladesh and Somalia answered yes to at least one of the individual indicators of exploitative practices (more than 94% for both adults and children)"(Broersma and Lazarescu 2009)

An EC research brief (Triandafyllidou 2013) on the topic of Pakistani and Bangladeshi Migration to Greece takes a look at the dynamic of Bangladeshi migrants' arrival in Greece over several decades, the pathways of reaching the country and the methods of preparing the departure, and concludes that migrants from those two countries leave mainly for economic reasons and on fewer occasions because of political issues. Further findings acknowledge that Bangladeshi migrants started coming to Greece in the 70s, but the flow of arrival was slow and irregular and only picked up pace in the 90s. The way to Greece is a slow and dangerous journey usually taken up by young, male migrants.

As of 2009 3,119 Bangladeshi migrants hold legal status in Greece, and while the number is smaller than previous years, that does not necessarily mean there are fewer people from Bangladesh on Greek territory. The brief also shows that while most migrants enter Greece illegally through crossing the sea or the northern borders, there are some who enter legally with travel visas and then remain in the country without residence permits.

Academic research citing official data from the Greek Ministry for the Protection of the Citizen claims that in 2011 and 2012 Bangladeshi citizens are respectively the 4th and 5th most often apprehend irregular migrants at the borders and within the country (Broersma and Lazarescu 2009). According to the National Statistics Service of Greece in 2012 migrants from Bangladesh are the 8th most populous group. For that year there were 7525 migrants from Bangladesh possessing 5025 working permits. This means that about two-thirds of the known Bangladeshi migrants can perform some sort of work legally in the country. Most likely, the remaining one-thirds are without working papers. It should be noted that the official statistics tend to underreport undocumented migrants.

The role of intermediaries and networks

The above-mentioned EC brief (Andrees 2008) mentions that the journey from Bangladesh to Greece is not only long, but could also be a very expensive one. Migrants have to pay smugglers, and using the help of smuggling channels usually accumulates steep costs for the migrants which drive them into debt before they even leave their country. Sometimes migrants take loans from family members, especially from such family members who had already migrated and live abroad. An interesting finding in the brief is that even if irregular Bangladeshi migrants do not know anyone in Greece and nobody is expecting them there, they quickly connect with other Bangladeshi migrants and enter networks through which they improve their chances of finding work and housing etc.

The ILO differentiates between six main types of intermediaries and takes a look at the services they provide, the means of recruitment and the payments they require and most importantly whether those mechanisms are legal or illegal (Severe labour exploitation: workers moving within or into the European Union 2015). The first category are the public authorities which demand only administrative fees for the recruitment procedure which is often lengthy and bureaucratic. They operate legally, however, illegal practices linked to corruption have been reported.

Then there are the private employment agencies

whose services cover the domestic and international market, as well as pre-migration training, handling of documents, transportation, placement and return. While their services are legal, there could be instances of illicit practices and in principle they are supposed to charge the employer, but instead they often charge the employees and sometimes inflate the prices of their services. Another type of intermediary are the different kinds of agencies: travel, modelling, entertainment, mail-order-bride etc. Their operations are semi-legal and could escalate into smuggling or trafficking, the firms could be a cover for traffic networks and the job offers might turn out to be non-existent.

The fourth category is called 'Small opportunity networks and individual recruiters', and it is informal and often works illegally, could involve illegal practices such as extortion or control over the prospect migrants. It is usually done in groups ("gang labour").

Another type of intermediary would be family ties and social connections - while it might seem like trustworthy mechanism, it could prove to be cover for trafficking. It is informal and sometimes illegal. And the last category, which is strictly illegal, is organised smuggling and trafficking networks. Their system of fees could lead migrants into a situation of debt bondage and they keep their control over trafficking victims even after arrival and eventual placement at work/housing.

In the cases of exploitation, intermediaries usually do not provide the promised accommodation, job, working conditions, wages. An important red flag is the contract - if it is not provided upon recruitment but rather promised upon arrival, when it is too late to reconsider the whole migration process, the migrants are more likely to stay and work under exploitative conditions. They could also require disproportionately large fees and a percentage of the migrant's earnings. Intermediaries who use illicit practices target people with informational or financial constraints. They exploit those constraints and vulnerabilities in order to make quick profit off them.

Which legal problems are most common for migrants and particularly for Bangladeshi labour migrants in Greece?

Migrants and in particular undocumented labour migrants from third countries are at an increased risk to face various problems with legal meaning. In the section under legal problem we will understand "Situations of disputes or violations of legal rights in which a particular migrant is directly engaged and which situations have a legal meaning and/or legal resolution." It is not important whether the migrant or the community of migrants understands in full or in part the legal implications of the problem. In the sections below, we review the applicable literature and formulate instances of legal problems which are particularly likely to occur in the daily lives of the labour migrants.

Human trafficking

Migrants might be trafficked from Bangladesh to Greece. Victims of trafficking are particularly vulnerable to employment exploitation. According to Art 2. of the Anti-trafficking Directive trafficking is the act of "... recruitment, transportation, transfer, harboring or reception of persons, including the exchange or transfer of control over those persons, by means of the threat or use of force or other forms of coer-

cion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation." Victims of trafficking are recognized as particularly vulnerable group and as such are granted higher level of protection. For instance, the Employer Sanctions Directive provides that third country nationals who are victims of trafficking might be granted temporary residence permits.

Documentation and status

Labour migrants risk various legal problems around their right to stay in the destination country (Greece), residence permit, working permit and recognition of various qualifications and rights (i.e. educational achievements, professional certificates, driving license etc.).

Retention of passport by employer or agent of employer

Retention of ID documents is particularly high-risk factor for exploited irregular workers. Without ID document they cannot provide their identity to third parties but also risk fines for not possessing documents. Combined with lack of appropriate permits we see how retention of passport by employers or their agents becomes part of the exploitative practice (Severe labour exploitation: workers moving within or into the European Union 2015).

Case study described in the Selex report provides insights how the lack of proper working permit leads to labour exploitation of Bangladeshi workers. Despite that initially the group of workers had pertinent contracts and permits, fraudulent schemes deprived them of this protection and exposed to predatory practices.

> "Nineteen Bangladeshi nationals came to Poland in 2009 under an employee leasing scheme where temporary employment agencies hired workers only to lease them to other business entities. Initially, the Bangladeshi workers were to take up fish-filleting jobs and had permits to work in that sector. However, the perpetrator, a Bangladeshi citizen and the owner of a temporary employment agency, forced them to work in the Gdańsk shipyard without remuneration. The Gdańsk shipyard noted that they did not have relevant work permits and ordered the perpetrator to provide them. Since the perpetrator could not do that, he terminated his contract with the Gdańsk shipyard, but he continued exploiting the workers, not paying them and threatening them and their families. At first, they could quite freely go to town, but once they stopped working in the shipyard the perpetrator began to limit their freedom of movement. He told them that if they fled they could be shot dead by the police because law enforcement bodies in Poland had the power to kill illegal migrants. Two victims fled and met students who gave them money for train. They were directed to the Association for Legal Intervention, and then to the La Strada Foundation. They entered a programme providing protection and support to trafficking victims and received help for a while, but all returned to Bangladesh in the end. The perpetrators were charged with trafficking and, at the time when the research was taking place, the case was pending, in the victims' absence."(Andrees 2008).

Deportation or threat of deportation

When irregular migrants are put under threat of deportation, while they are not physically bound to the workplace, their fear of eventual repercussions is enough to limit their freedom of movement and keep them in place (Severe labour exploitation: workers moving within or into the European Union 2015).

Labour exploitation

Any worker in the EU, regardless of their nationality, can fall victim of labour exploitation, as it is a wide-spread phenomenon, mainly motivated by employers' incentives to circumvent the costs of employing workers and to minimise costs through non-payment of social contributions, lower salaries, and hiring workers for more flexible hours or with sub-standard working conditions.

Labour exploitation includes numerous forms and can vary in severity. The chart below uses the EU legal framework to outline several forms of labour exploitation. Slavery constitutes the most grievous violation. EU law recognizes the notion of 'particularly exploitative conditions'. According to the Employer Sanctions Directive (Art. 2) such condition: 'means working conditions, including those resulting from gender based or other discrimination, where there is a striking disproportion compared with the terms of employment of legally employed workers which, for example, affects workers' health and safety, and which offends against human dignity.

There are several categories of third-country nationals who offer their services in the labour market ranging from irregularly staying and

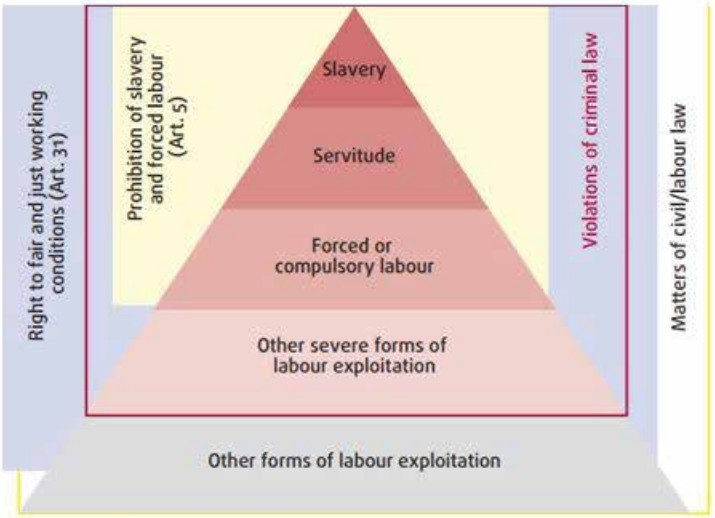

Figure 1: Labour exploitation, source: Selex report, FRA

illegally working third country nationals (hereinafter - TCNs) to regularly staying and legally working TCNs. While they are not the only group which could suffer from labour exploitation, as that is by definition all work or service that is exacted from any person under the menace of any penalty and for which the said person has not offered him-/herself voluntarily, migrants can more easily fall under those conditions.

Some specific industries are more prone to labour exploitation. Selex (de Zulueta 2003) discusses some of these industry-level risks as 'pull factors' which make certain jobs more perilous. Agriculture together with fisheries, meat processing, construction, domestic work and others are given as examples of industries in which exploitation is more widespread. This is explained with the specifics of these sectors - low-skill and expendable jobs, seasonality, isolation from public life and difficult oversight. Risk factors, related to the employer are: the fact that the worker is a third country national, lack of an employment contract or a contract signed through a scheme of recruitment agency/ies, intentional withdrawal of relevant information and strategies of the employer to

increase dependence (i.e. providing housing or retaining passport or other documents).

Mediterranean agriculture, specifically, is a sector heavily reliant on migrant labour. The working conditions are not attractive enough of the national population of the countries, and migrants are often readily available to work for lower wages and in more flexible hours according to a CoE report on the topic. The Migrants in irregular employment (de Zulueta 2003) report also raises several specific issues for Greek agriculture and its treatment of irregular migrant employees. Due to the free-market conditions of the sector and the lack of price-regulation, Greek farmers' profits depend on their ability to provide produce at short-notice. When they need to respond quickly to a large order, they must be able to summon employees and have them engage in intense manual labour for several hours. This does not allow employees to have a fixed schedule. Of them the report concludes: "They are employed on an occasional or seasonal basis, sometimes as day labourers, frequently switching between different employers and engaging in various manual occupations.

Excessive and irregular working hours

In Chowdury and others v. Greece (Application No. 21884/15, 30 March 2017) the applicants worked shifts of 12 hours. In Selex the problem is defined as "extremely long working hours for six or seven days a week". The report brings the example of Romanian agriculture workers employed in Hungary doing shifts of 10-12 hours.

Undocumented migrants are often offered, asked or forced to work long hours. The facts accepted by the court in the Chowdury and others vs. Greece case (ECHR 21884/15, 30 March 2017) reveal that farm workers were forced to do heavy manual work for stretches of 12 hours. Part of the problem are labour conditions with very few or no days of leave.

Below-standard wages

Wages are one of the key instruments employers have for exercising influence over workers. In order to maximise their gains and minimise costs of production in the agriculture sector, they may resort to illegal practices: payment below minimum wage or payment of what is sometimes called "starvation wages", late and irregular payment of wages, illegal wage deductions, withholding of wages or no payment at all. The ILO argues that manipulation of wages, coupled with some of the other issues explored in this paper, puts migrant workers in a position of vulnerability which leaves them open to being easily exploited (Marouda 2016).

Non-payment of wages

The vulnerable position of migrant workers, especially those who are undocumented. Non-payment of wages might be full or partial. Migrants workers also risk that part of their remuneration flows back to the employer under various (unreasonable) grounds. Examples are - excessive rent, unsubstantiated fines, fees for using facilities, transportation costs, withdrawal of money for social-security, health-care, insurance and other payments allegedly paid on behalf of the employee.

Non-payment of social security, health insurance and other compulsory payments

There are estimates in Greece that 90% of the undocumented migrants are without health insurance (Marouda 2016).

Physical violence as part of extreme labour exploitation

Chowdury and others vs. Greece is a grave example of physical violence inflicted in the course of exploitative employment. Irregular migrant workers are particularly exposed to the risk of such treatment. Personal injuries can be sustained also as result of work-related accidents. Such accidents are particularly likely in industries as agriculture, fisheries and construction.

Housing conditions

Sub-standard, unhealthy and dangerous living conditions

Various situations can be defined as sub-standard living conditions. For instance, when the workers live in the workspace apparently, they will lack the amenities associated with decent housing. Greek Law 4332/20015 provides that employers of seasonal workers should provide them with suitable accommodation and inform the authorities about any change. According to Article 7 par. 11 of Law 4332/2015, which added additional provisions in Article 28 of the Immigration Code (Law 4251/2014), if the competent authorities find that accommodation has not been provided or that the provided accommodation does not meet the required health and safety standards, a fine of 1,500 euros is imposed on the employer and he/ she is also excluded from the possibility of inviting seasonal workers for the next five years. In addition, employers who have failed to fulfil their obligations during the previous invitation of seasonal workers cannot submit a new request for third-country nationals for a period of three years since the previous violation took place (A Summary of Challenges on Addressing Human Trafficking for Labour Exploitation in the Agricultural Sector in the OSCE Region 2009).

Crime

As result of their vulnerable personal status or irregular employment migrants face increased risk of victimization. The EU Anti-trafficking directive (Art. 2) stipulates the Member states to outlaw "recruitment, transportation, transfer, harbouring or reception of persons, including the exchange or transfer of control over those persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation".

Aside from that, crimes against migrants can be motivated by fear, racism, discrimination, prejudice. OSCE give two examples of this type: "In February 2000 in El Ejido, Spain, violent riots broke out against Moroccan workers and their housing was razed and burned. Even subtle forms of racism can have an impact. In the United Kingdom, media reports following the deaths of Chinese workers at Morecambe Bay blamed prejudice and racism for turning a blind eye to the working conditions that led to this

tragedy." (Marouda 2016)

Money-related issues

For migrant workers the most notable money issue that can arise is debt. It can be previously acquired debt - loans to secure the arrival in the destination country taken from family members or loan sharks. It may be debt accumulated because of low or non-existent pay, and there is also the option of credit from employers, or systems which allow workers to only ever shop in specific "company stores".

Which strategies migrants pursue to deal with their legal problems?

Legal rights of labour migrants in the EU

Various legal instruments protect the rights and interests of migrant employees in the EU and in Greece in particular. National law, EU primary and secondary law, Council of Europe instruments and various international legal acts regulate the matter. Article 4 of the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) forbids forced or compulsory labour and Art. 14 outlaws discrimination. These principles have been interpreted at length in the ECtHR case law. In this brief overview we will focus on the EU legal order and particularly the relevant secondary law. Below we review the Anti-trafficking directive and the Employment Sanctions Directive.

In 2011 the European Parliament and the Council adopted Directive 011/36/EU of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA (hereinafter Anti-trafficking Directive). Its main purpose is to harmonize the MS legislation concerning the definitions and criminal sanctions of human trafficking. The Anti-trafficking Directive provides for sanctions of the natural and legal persons committing, attempting or abetting trafficking in persons. At the same time the Directive states that the victims should not be prosecuted or penalties should not be applied for their involvement in the illegal activities which they have been compelled to commit.

Investigation and prosecution of human trafficking should take place ex officio or upon complaint of a victim. The process should continue even if the victim has withdrawn the complaint. Various forms of assistance and support should be provided to victims of human trafficking - provision of appropriate and safe accommodation and material assistance, as well as necessary medical treatment including psychological assistance, counselling and information, and translation and interpretation services. Moreover, the Directive provides that the victims of human trafficking should have access to (free of charge if the victim does not sufficient resources) legal counselling, and, in accordance with the role of victims in the relevant justice system, to legal representation. Victims of trafficking should be entitled to access to existing schemes for compensation of victims of violent crimes of intent.

The main legal instrument in the field of illegal employment of TCN is Directive 2009/52/EC of 18 June 2009 providing for minimum standards on sanctions and measures against employers of illegally staying third country nationals (hereinafter Employment Sanctions

Directive). The Employment Sanctions Directive counters the pull factor of illegal employment. Its main aim is to prohibit employment of illegally staying TCN. Economic sanctions are foreseen for employers who employ illegally staying TCN. Criminal sanctions can be imposed in particularly serious cases of illegal employment such as: repeated infringements, employment of significant number of TCN, particularly exploitative working conditions, the employer knows that the worker is a victim of human trafficking or illegal employment of minors. Criminal sanctions are also applicable to legal persons responsible for illegal employment. Many MS provide in their national legislation that duty bearers are employers but also direct contractors and intermediary sub-contractors. In Greece, for instance, in cases of illegal employment of both legally and illegally resident TCNs employers risks fine and/or imprisonment (Marouda 2016). "Especially for irregularly residing and illegally employed TCNs, employers face sanctions such as ineligibility for public contracts, temporary or permanent closure of the enterprise, exclusion of some or all public benefits, aid or subsidies, including EU funds as well as criminal sanctions." (Severe labour exploitation: workers moving within or into the European Union 2015).

The Employment Sanctions Directive foresees set of protective measures for exploited workers which Member States should transpose in their legal frameworks:

- Right to receive back-payments
- Obligations of employers to pay due taxes and social security contributions

Special attention is paid to the establishment of effective mechanisms for lodging complaints against employers. Such complaints could be filed directly or through third parties such as trade unions, CSOs or competent public authorities. The Directive requires that the migrant workers are systematically and objectively informed about their rights. In order to realize these rights the instrument requires the MS to put into place mechanisms through which the rights can be effectively exercised. Important safeguard are the rules of Articles 6(5) and 13(4), which employers to grant permits of limited duration to TCN migrants involved in criminal proceedings related to employment exploitation.

Specific case for the Employment Sanctions Directive is Directive 2014/36/EU of 26 February 2014 on the conditions of entry and stay of third-country nationals for the purpose of employment as seasonal workers (hereinafter Seasonal Workers Directive) which regulates the conditions for entry and stay of TCN for the purposes of seasonal workers. The provides for a package of social and economic rights of TCN seasonal workers. These rights have direct relevance for the current research and will be listed below:

- When the seasonal workers are required to pay rent this rent should not be excessive compared with the remuneration and compared with the quality of the remuneration
- Equal treatment of seasonal workers to nationals with regards to the terms of employment, including payment and dismissal, working hours, leave and holidays,
- The right to strike,
- Back-payments made by the employer,
- Access to advice services on seasonal work,
- Education and vocational training,
- Recognition of diplomas, certificates and other professional qualifications,

- Tax benefits if the seasonal worker is considered to be resident for tax purposes.

Access to justice strategies

Lack of awareness of rights is a major barrier for the victims of labour exploitation to claim their rights. But even when the victims are aware of their rights and know what has to be done they avoid using official redress mechanisms (Severe labour exploitation: workers moving within or into the European Union 2015). Reporting exploitation to police is particularly worrisome for undocumented migrants who risk negative consequences in every interaction with police. Three of the major risks are losing the job, arrested and consequently being expelled from the country. For many victims of labour exploitation the exploitative employment is still a better option than pursuing their rights and ultimately losing the job.

Ex officio investigation of labour exploitation is another route towards redress. In this mechanism it is up to public authorities to seek cessation and investigation of violations. Research shows that in general in the EU member states the ex officio mechanisms are used rarely and have limited efficiency (Severe labour exploitation: workers moving within or into the European Union 2015).

Legal Protection provided by judicial authorities

Illegally employed TCNs (or those acting on their behalf with their consent), as any legally employed employee, may lodge complaints against their employers at the respective labour centres every complaint provided for by national legislation. Providing assistance to third-country nationals to lodge complaints shall not be considered as facilitation of unauthorised entry, transit and residence (article 83 Law 4052/2012). Exercising the right of a fair trial though poses serious difficulties to the illegally employed TCNs. A recent example of these difficulties is the case of Chowdury and others v. Greece (Application No. 21884/15, 30 March 2017). The court was petitioned by undocumented Bangladeshi citizens working in Greek farms (in the region of Manolada) for alleged case of human trafficking and forced labour. The applicants in the case were recruited to work for low wages at a farm in Manolada, Greece. They worked 12 hours shifts in strawberry greenhouses under the supervision of armed security guards. The living conditions were very poor - the workers lived in makeshift cardboard tents without running water and toilets.

Argument arose around unpaid wages. The employers warned the workers that they will be paid only after a period of time in which they keep working for the same employer. At some point the conflict escalated and as result the security guards shoot at the workers, seriously injuring several of them. In the ensuing criminal investigation only one of the guards is convicted for grievous bodily harm and unlawful use of firearms. The courts reject any claims regarding the conditions of the employment and living. In that sense the applicants' claims for human trafficking and forced labour have not been taken seriously and properly investigated.

Before the ECtHR the applicants argue that they were subjected to human trafficking and

forced labour and that the Greek state failed to fulfill its obligation under Art. 4 of the ECHR to protect them against these abuses, to conduct an effective investigation, and to prosecute the perpetrators.

The ECtHR finds violation of Art. 4(2) of the ECHR. First, ti is found that the migrant workers are in vulnerable situation because of their undocumented status. This increases their risk of being arrested, detained and expelled. After reviewing the facts of the case, the Court finds that the applicants have not been subjected to slavery but their treatment constituted human trafficking and forced labour as defined in Article 3a of the Palermo Protocol and Article 4 of the Council of Europe Convention on Action against Trafficking in Human Beings.

Central in Chowdury and others v. Greece is the reluctance of public authorities to investigate and prosecute cases of human trafficking and labour exploitation. A case discussed in the Selex is revealing about the tendency of public authorities to take the side of the employers:

"Two Bulgarian men were employed under severely exploitative conditions on a sheep farm in Greece and filed a complaint with the police. The police arrived at the farm, but, because of their close and familiar relations with the farmer, they threatened the workers with expulsion from the country. Later, the Bulgarian authorities investigated and prosecuted the case, which a judge of the Penal Law Division of the Sofia City Court heard. The Greek employer was sentenced to five years' imprisonment and a fine of BGN 10,000 (approximately €5,000). The Bulgarian recruiter was sentenced to three years' imprisonment as a suspended sentence, with five years' probation." (Marouda 2016)

Legal protection provided by administrative authorities

Another source of institutional protection are various public authorities from the executive branch of the government. EU migration and labour protection legal frameworks require Member states to put accessible and effective institutional mechanisms for access to justice and enforcement of rights.

Brief analysis of the applicable Greek legal framework shows that:

- Illegally employed TCNs may, like any legally employed worker, submit any complaint provided for by national law against their employer (Andrees 2008).
- Law 4384/2016 "Agricultural Cooperatives, forms of collective organization of rural areas and other provisions" provides that a work permit and insurance can be granted to irregularly staying TCNs in order to be employed in farms for emergency response if the positions within the invitation procedure for employment and seasonal work of workers in agriculture, shepherds and beekeepers are not covered.
- Employers have to notify the Employment Agency with regards to any new hiring. In particular, according to Article 80 of Law 4052/2012 par.1c employers are obliged to notify immediately the competent authorities of the start of employment of a TCN art.80 par.1c Law 4052 / 2012 c) "notify immediately the competent authorities of the start of employment of a TCN".
- Illegally employed TCNs (or those acting on their behalf with their acquiescence) are able, like any legally employed worker, to submit to the local labour centres, each complaint provided for by national law against the em-

ployer.

- According to article 88 Law 4052/2012, an employer who: a) employs intentionally illegally staying TCNs whose employment continues or is persistently repeated and / or b) employs intentionally and simultaneously a significant number of illegally staying third country nationals and / or c) employs intentionally illegally staying third-country nationals whose employment is accompanied by particularly exploitative working conditions, is punished, regardless of administrative sanctions, with imprisonment of at least five (5) months. Anyone who employs illegally staying minors, who are citizens of third countries, shall be punished with at least six (6) months imprisonment. When an employer uses work or services exacted from an illegally staying third country national with the knowledge that he or she is a victim of trafficking in human beings the penalty prescribed in paragraph 3 of Article 323a of the Penal Code providing for imprisonment of at least six (6) months applies.
- In case of violation of the prohibition of employment of irregularly staying TCNs, a penalty of five thousand (5,000) euros per illegally employed TCN is imposed on the employer by the relevant Labour Inspectors. If the employer relapses within four (4) years following execution of the initial inspection, the amount of the financial penalty per employee is doubled (Article 85 of Law 4052/2012). A fine of 1,500 euros for each legally staying but illegally working foreigner is imposed (Article 28 par. 4 Law 4251/2014).

Self-action

In the wake of the many barriers faced by exploited migrants trying to resolve the problem with own actions becomes a rational strategy. Exploited migrants have different options. They can simply flee from the exploitative situation (see above the case study of Bangladeshi migrants in Poland). The ILO - Forced labour and trafficking in Europe: how people are trapped in, live through and come out report in cases where the workers try to utilise an active strategy, resist being exploited or demand fair treatment, they are met with further oppression and physical violence. It is mentioned that in some such cases migrant workers might respond in a similar fashion - there have been instances where employers have been kidnapped and tortured in demand for the wages they owe(Muskat-Gorska 2011). A more preferable strategy would be gaining support from Civil society organizations - trade unions, labour inspectors, social workers from NGOs could assist migrants in leaving their exploitative working conditions. However, such actors have limited scope and capabilities. As the Selex report asserts (see p. 87) trade unions, anti-racism NGOs and labour authorities rarely get involved in investigation and reporting of cases of labour exploitation.

The 'Labour Trafficking in The EU - TackLing group cases' Report by the International Trade Union Confederation (Papadopoulos and Fratsea 2017) provides one semi-successful example, quite similar to the Chowdury case, where exploited workers turned to authorities and NGOs and managed to leave their unfortunate predicament with their aid, but ultimately no measures were taken against the exploitative employers.

> "The case involved eight Romanian workers who were recruited as strawberry pickers for work in Greece. They were promised free room and board, contracts stating five-day working week and a salary of 22 EUR for a seven-hour working day and further 3 EUR for any additional hour worked.
> However, once they arrived at their final destination in Greece, they were faced with different arrangements. Their mobile phones and passports were confiscated. They were forced to work twelve hours per day, seven days per week. They were not paid. When they made demands for payment of wages or return of documents, they were assaulted and verbally threatened with death threats. Workers have reported abuses to the police in Greece and were assisted by local Greek NGOs. Upon their return to Romania, they also reported the incidents to Romanian police, with the assistance of the national IOM office and the Romanian National Agency against Trafficking in Persons.
> No information was received by the workers about any legal action taken against the exploiters in Greece. In Romania, the case was not classified as a case of trafficking for labour exploitation. The prosecutor's office concluded that the recruitment was not a deceptive one and that exploitation cannot be demonstrated."

Questionnaire

Justice needs of Bangladeshi labour migrants in Greece

v. 11

Greetings, this is _____ (state your name). I am from PMG Analytics, a consultancy company. We are conducting the first ever study on how to improve legal services for migrant workers in Manolada. The survey is facilitated by Generation 2.0 and is supported by the Open Society Justice Initiative. The survey takes 15–20 minutes for most people, but can take longer if people have many legal problems. I will try to be as quick as possible.

Any answers you give are confidential, and participation in the survey is entirely voluntary. If you agree to participate, you may choose not to answer any question if you do not wish to, or end the interview.

No information that identifies you will be shared or used in any report of the survey's findings

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Do you agree to participate?

Section A: Basic Demographics

1. Location

1.1. Where do you work normally? (Kothai kaj koren ba korten?)

- Manolada
- Lappas
- Varda
- Other

2. Basic socio-demographic profile of respondent

2.1. What is your age? _____ (Record a number)

2.2. Interviewer – record the gender of the respondent

□ Male □ Female

2.3. What is the highest education degree that you have attained?

- Did not attend school
- School Up to class 5/ PSC
- School up to class 8/ JSC
- School up to class 10/ SSC/ Dhakhil
- School up to class 12/ HSC/ Alim
- Graduation ((BSc./ BA/ BCom/ Fazel)
- Higher

2.4. Have you received any educational training in Greece?

- No
- Yes, Greek school
- Yes, language class
- Yes, other. Please specify:…….

2.5. What is your family status:

- Single
- Married

Other _____

2.6. Do you have access to following services in Greece:

- Health care or health services
- Bank account
- Computer/tablet
- Mobile Phone
- Internet (regardless of the type of connection)

2.7. During the last 12 months, have you had any long-term illness or disability that has lasted, or is likely to last, at least 6 months? Please include stress-related, mental health, intellectual as well as physical conditions. ?

- No
- Yes

3. Origin in Bangladesh

3.1. Where did you live in Bangladesh?

- Barisal Division
- Chittagong Division
- Dhaka Division
- Khulna Division
- Mymensingh Division
- Rajshahi Division
- Rangpur Division

- Sylhet Division
- Other

3.2. In what type of area did you live in Bangladesh?

- Rural area(Gram)
- Semi-urban (Mofosshol)
- Urban area (Shohor)

Section B: Migration Experience and Socio-economic situation in Greece?

4. Arrival, documentation, language skills

4.1. When did you first arrive in Greece? _____ (Record month and year of first arrival in Greece)

4.2. Did you leave Bangladesh/home district with the intention to travel to Greece?

- Yes
- No

4.2.1 If yes, how much time did it take you to arrive to Greece from your home district in Bangladesh?

- Less than 1 week
- Less than a month
- Between one month and 3 months
- Between 3 months and 6 months
- Between 6 months and 12 months
- More than 12 months
- Other

4.2.2 Through which journey did you come to Greece?

- By plane from Dhaka to Greece (with only short stop overs to change planes)
- Middle East route(Dubai)
- Pakistan route
- Libya route
- Other

4.3. Did you have a European (Schengen) visa when you first arrived in Greece?

- Yes
- No
- Don't know

For interviewers: Explain – we're interested in the sum of all costs that migrants made to come to work in Greece. This might include fees for formal and informal middlemen, travel costs, administrative (i.e. for passport, translation) etc.

4.4. How much money did you pay in Euros to come to Greece. Think about fees for formal and informal middlemen, travel costs, costs of living while travelling, administrative (i.e. for passport, translation) etc.?

- Less than 1 000
- From 1 001-5 000
- From 5 001-10 000
- From 10 000 to 15 000
- More than 15 000

4.5. (Interviewer –you can select more than one answer) How did you pay for your passage/journey to Greece?

- From savings
- Family sold ancestral land
- Took loan (debt)
- By working in the middle east/gulf countries
- Other _____

4.6. To how many people did you have to pay during the journey to Greece?

- One person and no other payments were necessary
- 2-5
- More than 5

5. Legal documentation

5.1. (Interviewer – you can select more than 1 answer) What type of identity documents/papers do you have?

- Bangladeshi passport
- Pink or white card (asylum applicant)
- Residence permit (Greek name – papers - paper); card.
- Work permit for 6 m (paper)
- Work permit for 2 years (card or a sticker in passport or a plastic)
- Letter from police to leave to country (in Greek – you have to leave)
- A first card after a Skype call
- Driving license
- A second card after a Skype call
- AMKA (insurance card)
- Other _____

6. Employment in Greece

6.1. In what capacity did /do you work when you work at a farm?
- Farm worker (Fraula)
- Mastura (middleman)
- Other. Please specify _____

6.2. For how long have you worked in the same farm (job)
- Less than 6 months
- From 6 months to 1 year
- From 1 year to 3 years
- More than 3 years

6.3. How many people work on the farm in which you work or worked?:
- Less than 10 workers
- From 11 to 20 workers
- From 21 to 50 workers
- From 51 to 100 workers
- More than 100 workers
- Do not know

For interviewers: Explain – employment contract might be a written but also an oral agreement which stipulates the type of work, the place of work, pay and all other essential parts of an employment contract.

6.4. Do you have an employment contract (agreement)?
- Yes, I have oral employment contract
- Yes, I have written employment contract
- Yes, I have different type of employment contract
- No, I do not have employment contract
- Do not know

6.5. How much are you paid (per day) for work in the agriculture? ____Euros

6.6. How many hours do you work per day on typical working day? ___hours

6.7. How many days per week do you work in the farms during the active season (February to June)?
___days

6.7.1. How much do you earn per day when you are not working in the farm? ____Euros

7. Living conditions

7.1. Where do you live now?

- In a house/apartment
- In a greenhouse
- In an industrial/agricultural building
- In a tent
- In a container (ISOBOX)
- Other _____

7.2. Is the housing (where you live) owned or provided by your employer/farmer?

- **Yes**
- **No**

7.3. In the place where you live do you have the following?:

- Electricity
- Running water
- Toilet inside
- Your own bed

7.4. How many people live in the room where you live? ____

7.5. How much rent are you paying per month?_____ Euros

7.6. Do you have a written rental contract?

- Yes
- No
- Do not know

Section D: Problem Identification

Instruction: We are interested to hear about disputes, violations of rights and similar situations which you've encountered since your arrival in Greece. We are interested in situations in which you have a disagreement or dispute with someone else – i.e. friend, family member, employer, public official, neighbor, unknown person, vendor, colleague etc. Think about problems which could have had serious negative consequences for you and your life.

Prompt the respondents to look at and think about the problems described in the tables at the beginning of each problem section. Only if the respondent does not recognize a problem, ask them to describe the problem in Other.

8. Employment problems

8.1. Have you had problems or disputes with (current or previous) employers (when you worked in the farm)? (since started work in Greece)

- Yes
- No (skip and go to 9)
- Do not know (skip and go to 9)

8.2. What type of problems have you encountered with your employer?

Problem	How often this problem occurs per year	Which year the (last) problem occurred?	Mark with X which was the most serious problem
Employer not willing to provide a contract			
Employer did not pay agreed wages			
Wages are paid with delay			
I am paid less than other farm workers for the same work			
Unsafe working conditions (i.e. no safety gears or masks, dangerous transport, exposure to pesticides)			
Lack of basic services (i.e. drinking water, toilet etc).			
I had to work excessive or longer than agreed hours			
Work related injury			
I was denied leave or vacation			
Early termination of employment			
Disagreements/conflicts with other employees			
Other (describe):			

If there is only one problem selected in this section – the questions below refer to this employment problem. If there are more than one problems – ask the questions below for the second most recent problem

(where the mark is in the last column to the right)

8.3. How important was it for you to resolve the problem?

Rate from 1 to 10 ……. (1 Not important at all; 10 Extremely Important)

8.4. (more than one option can be selected) What negative consequences did you encounter due to the employment problem/s?

- Stress
- Violence against me
- Was fired from my job
- Loss of money
- ID document confiscated
- Threat of deportation
- Detention
- Was not able to travel home
- Ill health
- Other

8.5. (more than one option can be selected) For any of these problems did you look for help from:

- Government office (i.e. Labour inspectorate)
- Lawyer
- Mastura
- Local office of a political party
- Bangladeshi embassy
- Police
- Your employer
- Bangladesh Association (in Athens)
- Colleagues
- NGO
- Somebody else _____
- The internet
- No one

8.6. (Multiple choice question – more than one option can be selected) If you looked for help, what was the result of that help?

- Received information about my rights
- I was referred to another person or institution
- The helper prepared documents for me
- The helper represented me to people or institutions
- There was no tangible effect from the help
- Other
- I do not know

8.7. (Multiple choice question – more than one option can be selected) Did you take any of the following actions:

- Requested improvement from the employer
- Asked government office to intervene
- Collected evidence for further action
- Asked police to intervene
- Went on strike
- Other. Please specify___
- Nothing

8.8. (Multiple choice question – more than one option can be selected) If you DID SOMETHING TO SOLVE THE PROBLEM (at least one answer on action question) – what were the reasons for taking an active position?

- Problem was very serious
- Had previous positive experience with such sort of problems
- Felt that I am capable of achieving positive result
- I knew what to do
- There was someone to help me
- The employer was cooperative
- Other

8.9. (Multiple choice question – more than one option can be selected) If you did not take active position (no answer on action question) - reasons for remaining passive?

- Did not know what to do
- Problem was not very serious
- There was no one to help me
- I felt that nothing could have been done
- The employer was more powerful
- Did not want to anger the employer
- I was afraid from the consequences (lower pay; termination of employment)
- I was threatened (during problem or before) with deportation
- Other

8.10. To what extent are all your employment problems resolved at the moment?

Rate from 1 to 10 ……. (1 not resolved, 10 – fully resolved)

8.11. How difficult is it for you personally to resolve disputes with employers?

Rate from 1 to 10 ……. (1 very easy, 10 – very difficult)

9. Problems with housing

9.1. Have you had problems or disputes regarding the place where you live? (since you're working in Greece)

- Yes
- No (skip and go to 10)
- Do not know (skip and go to 10)

9.2. What type of housing problem?

Problem	How often this problem occurs per year	Which year the (last) problem occurred?	Which was the most serious problem
Excessive/overpriced rent given the conditions			
Difficulties to find housing during the season			
Landlord increases rent			
Unsafe or dangerous housing conditions			
Housing is overcrowded (too many people living in the place)			
Lack of running water and/or sanitation			
Problems with utilities (electricity, heating etc.)			
Landlord does not return deposit			
I was evicted from my housing			
Other (describe)			

If there is only one problem selected in this section – the questions below refer to this housing problem. If there are more than one problems – ask the questions below for the second most recent problem (where the mark is in the last column to the right)

9.3. Do you pay your employer for the housing?

- Yes
- No
- Do not know

9.4. How important was it for you to resolve the problem?

Rate from 1 to 10 ……. (1 Not important at all; 10 Extremely Important)

9.5. (more than one option can be selected) What negative consequences did you encounter due to the problem?

- Stress
- Violence against me
- Loss of job
- Loss of money
- Had to move to another housing
- ID document confiscated
- Threat to report me to police
- Detention
- Was not able to travel home
- Other

9.6. (more than one option can be selected) For any of these problems did you look for help from:

- Government office (i.e. Municipality)
- Private lawyer
- Mastura
- Police
- The landlord
- Your employer
- Colleagues
- NGO
- Somebody else_____
- The internet
- No, did not look for help

9.7. (Multiple choice question – more than one option can be selected) If you looked for help, what was the result of the help?

- Received information about my rights
- I was referred to another person or institution
- The helper prepared documents for me
- The helper represented me to people or institutions
- There was no tangible effect from the help
- Other
- I do not know

9.8. (Multiple choice question – more than one option can be selected) Did you take any of the following actions:

- Requested improvement from the landlord
- Asking government office to intervene
- Collected evidence for further action
- Filed complaint/s with the police
- Filed complaints with other public authority

- Left the housing
- Did not pay rent
- No, did not take action

9.9. (Multiple choice question – more than one option can be selected) If you DID SOMETHING TO SOLVE THE PROBLEM (at least one answer on action question) – what were the reasons for taking an active position?

- Problem was very serious
- Had previous experience with such sort of problems
- Felt that I am capable of achieving positive result
- I knew what to do
- There was someone to help me
- The landlord was cooperative
- Other

9.10. (Multiple choice question – more than one option can be selected) If you did not take active position (no answer on action question) - reasons for remaining passive?

- Did not know what to do
- Problem was not very serious
- There was no one to help me
- I felt that nothing could have been done
- The other party was more powerful
- Did not want to anger the landlord
- I was afraid from the consequences (lower pay; termination of employment)
- I was threatened (during problem or before) with deportation
- Other

9.11. To what extent are all your housing problems resolved at the moment?

Rate from 1 to 10 …….(1 not resolved, 10 – fully resolved)

9.12. How difficult is it for you personally to resolve disputes with landlords?

Rate from 1 to 10 ……. 1 very easy, 10 – very difficult)

10. Problems related to access to legal documentation

10.1. Have you had problems or disputes regarding personal status and documentation since you're residing in Greece?

- Yes
- No (skip and go to 11)
- Do not know (skip and go to 11)

10.2. What kind of problems with legal documentation did you experience?

Problem	How often this problem occurs per year	Which year the (last) problem occurred?	Which was the most serious problem
Obtaining residence permit			
Obtaining visa			
Applying for asylum			
Obtaining working permit			
Obtaining Balaura (field work permit for 6 months)			
Somebody is keeping my ID document/s against my will			
Other (describe)			

If there is only one problem selected in this section – the questions below refer to this problem with ID docs. If there are more than one problems – ask the questions below for the second most recent problem (where the mark is in the last column to the right)

10.3. How important was it for you to resolve the problem?

Rate from 1 to 10 ……. (1 Not important at all; 10 Extremely Important)

10.4. (Multiple choice question – more than one option can be selected) What negative consequences did you encounter due to the problem?

- Stress
- Violence against me
- Loss of job
- Loss of money
- Had to move to another housing
- Was not able to access public services (including public health care)
- ID document confiscated

- Discrimination
- Had to live without ID document/s
- Threat of deportation
- Detention
- Was not able to travel home
- Other

10.5. (Multiple choice question – more than one option can be selected) For any of these problems did you look for help from:

- Government office (i.e. Regional Migration Service)
- Private lawyer
- Mastura
- Police
- Embassy of Bangladesh
- Bangladeshi Association (in Athens)
- Ombudsman
- My employer
- Colleagues
- NGO
- Somebody else
- No, did not look for help

10.6. (Multiple choice question – more than one option can be selected) If you looked for help, what was the result of the help?

- Received information about my rights
- I was referred to another person or institution
- The helper prepared documents for me
- The helper represented me to people or institutions
- There was no tangible effect from the help
- I do not know
- No result
- Other

10.7. (Multiple choice question – more than one option can be selected) Did you take any of the following actions:

- Notified a public authority
- Appeal a decision or action of a public authority
- Ask employer to intervene
- Sought information on Internet
- Went to Bangladesh to deal with the issue
- Nothing
- Other

10.8. (Multiple choice question – more than one option can be selected) If you DID SOMETHING TO SOLVE THE PROBLEM (at least one answer on action question) – what were the reasons for taking an active position?

- Problem was very serious
- Had previous experience with such sort of problems
- Felt that I am capable of achieving positive result
- I knew what to do
- There was someone to help me
- The public authority was cooperative
- Other

10.9. (Multiple choice question – more than one option can be selected) If you did not take active position (no answer on action question) – what were the reasons for remaining passive?

- Did not know what to do
- Problem was not very serious
- There was no one to help me
- I felt that nothing could have been done
- Did not want to anger the public officials
- Other

10.10. To what extent are all your problems with ID documents resolved at the moment?
Rate from 1 to 10 ……. (1 not resolved, 10 – fully resolved)

10.11. How difficult is it for you personally to obtain proper ID documents?
Rate from 1 to 10 ……. (1 very easy, 10 – very difficult)

11. Problems with use of public services

11.1. Have you had problems or disputes related to use of public services (look at the table below) since you're residing in Greece?

- Yes
- No (skip and go to 12)
- Do not know (skip and go to 12)

11.2. What type of problem/s with use of public services?

Problem	How often this problem occurs per year	Which year the (last) problem occurred?	Which was the most serious problem
Problems with access to health care			
Problems with access to public transport			
Problems with access to police services			
Other (please describe)			

If there is only one problem selected in this section – the questions below refer to this problem with public services. If there are more than one problems – ask the questions below for the second most recent problem (where the mark is in the last column to the right)

11.3. How important was it for you to resolve the problem?

Rate from 1 to 10 ……. (1 Not important at all; 10 Extremely Important)

11.4. (Multiple choice question – more than one option can be selected) Why did you have problems with access to public services?

- Because I do not speak Greek fluently
- Because I am not Greek
- Cost of access
- Lack of documentation
- Other

11.5. (Multiple choice question – more than one option can be selected) What negative consequences did you encounter due to the problem?

- Stress
- Violence against me

- Loss of job
- Loss of money
- Health issue
- Crime against you was not prosecuted
- Threat of deportation
- Had to move to another housing
- Detention
- Was not able to travel home
- Other

11.6. (Multiple choice question – more than one option can be selected) For any of these problems did you look for help from:

- Government office (i.e. from municipality, agency, ministry)
- Private lawyer
- Police
- Migration and integration centers
- Your employer
- Colleagues
- NGO
- Somebody else

11.7. (Multiple choice question – more than one option can be selected) If you looked for help, what was the result of the help?

- Received information about my rights
- I was referred to another person or institution
- The helper prepared documents for me
- The helper represented me to people or institutions
- There was no tangible effect from the help
- I do not know
- Other

11.8. (Multiple choice question – more than one option can be selected) Did you take any of the following actions:

- Appeal a decision or action of a public authority
- Send letter to another public authority
- Ask employer to intervene
- Sought information on Internet
- Went to Bangladesh to deal with the issue
- Considered leaving Greece
- No, did not take action

11.9. (Multiple choice question – more than one option can be selected) If you DID SOMETHING TO SOLVE THE PROBLEM (at least one answer on action question) – what were the reasons for taking an active position?

- Problem was very serious
- Had previous experience with such sort of problems
- Felt that I am capable of achieving positive result
- I knew what to do
- There was someone to help me
- The public authority was cooperative
- Other

11.10. (Multiple choice question – more than one option can be selected) If you did not take active position (no answer on action question) - reasons for remaining passive?

- Did not know what to do
- Problem was not very serious
- There was no one to help me
- Did not want to anger the public officials
- I felt that nothing could have been done
- Other

11.11. To what extent do you have appropriate access to public services at the moment?

Rate from 1 to 10 ……. (1 being the lowest, 10 – the highest)

11.12. How difficult is it for you personally to access public services in Greece?

Rate from 1 to 10 ……. (1 being the easiest, 10 – the most difficult)

12. Problems with detention by police or other public authority

12.1. Have you been detained since your first arrival in Greece?

- Yes
- No (skip and go to 13)
- Do not know (skip and go to 13)

12.2. Where was you last arrested?

- At a border crossing
- At the place where I live
- At the place where I work
- On a road
- Do not know

The questions below refer to the most serious detention – i.e. the one that lasted longest (where the mark is in the last column to the right)

12.3. If you have been detained, when was this? …… (record **year** of detention)

12.4. How much time did you spend in detention? ……. (record answer)

12.5. How much negative consequences did the detention have on you?

Rate from 1 to 10 ……. (1 No negative consequences; 10 Extreme negative consequences)

12.6. (Multiple choice question – more than one option can be selected) What was the reason for your detention?

- Not having the correct legal documents
- Criminal offence
- Traffic violation
- Breach of employment legislation
- Other
- Do not know

12.7. (Multiple choice question – more than one option can be selected) Did you have access to any of the following while you were detained?

- Phone or physical contact with relatives
- Lawyer
- Bangladeshi embassy
- Bangladesh Association (in Athens)
- NGO
- Other
- Do now know

12.8. How did you get out of detention?

- I was released after paying a fine

- I was released after serving a sentence
- I was released without conditions
- I was released on a bail
- Do not know

1.7. **If released from detention involved paying money, how much did you pay?** ……. (Record answer)

1.8. **(Multiple choice question – more than one option can be selected) What negative consequences did you encounter due to being detained?**

- Stress
- Violence against me
- Loss of job
- Loss of money
- Loss of housing
- Health issue
- Threat of deportation
- Was not able to travel home
- Other

12. **(Only if one or more problems reported. Else skip to 14) To what extent do you agree or disagree with the following statements about the problem?**

	Strongly agree	Mainly agree	Mainly disagreee	Disagree
I understood or [came/have come] to understand my legal rights and responsibilities				
I [knew/know] where to get good information and advice about resolving the problem				
I [was able/have been able] to get all the expert help I needed				
I [was/am] confident I [could/can] achieve a fair outcome				

13. **Have you experienced any of these problems since you have been living in Greece?**

Problem	Usually how many times such problems occur per year	Which year the problem occurred?
Problems or disputes related to your migration experience to to Greece:		
You were misled /forced to travel and work		
You were forced to work against your will on your way to Greece or in Greece		
You got into debt and made to work to repay it		
On your way to Greece were you held captive for money?		

Problems or disputes with discrimination (Because you are a migrant)		
You were not allowed in public transport		
You were denied public services		
You were stopped and/or searched by police		
You were subjected to disparaging comments		
Crimes committed against you		
Assault		
Theft		
Robbery		
Insult		
Fraud		
Threat with violence		
Police related problems		
Stop and search		
Physical violence		
Verbal violence		
Asked for money by police		
Problems concerning money		
Borrowing money from someone		
Lending money to someone		
Sending money home		
Receiving fines from public authorities		

Thank you!