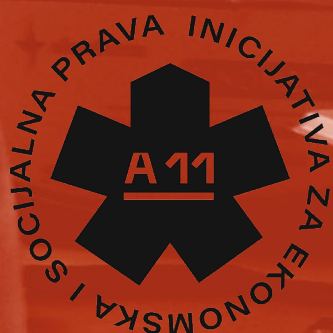


REPORT

# Living and labor conditions of the Linglong factory construction workers from Vietnam

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Immediately after the information about the position of workers employed on the construction site of the new Linglong Tire factory in Zrenjanin was published in the media<sup>1</sup>, representatives of A 11 - Initiative for Economic and Social Rights and ASTRA - Action against Trafficking in Human Beings visited workers to learn more about their position and possible problems related to their employment status.

The visit was organized on Sunday, 14 November 2021, at 11 a.m., during the lunch break.

The location where the construction camp is located is freely entered and exited, although there is a ramp at the entrance and a guardhouse that serves to secure other business facilities that are also located within the complex. The location where the workers from Vietnam are accommodated is within the Zrenjanin industrial zone, near the construction site of the future Linglong Tire factory, at the address Beogradski put nn (no number), together with warehouses and other business facilities near the company Gomex. The Vietnamese workers are accommodated in the last two barracks on the left, as well as in containers for workers placed in the free space behind the last barrack. It is unclear who manages these barracks, as well as whether they were leased and, if so, for what purpose the lease was established, and whether there are residence permits at this location.



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<sup>1</sup> VOICE, [More than 750 Vietnamese and Chinese in the Zrenjanin industrial zone: hopelessness of the invisible](#), 6 November 2021, N1, [Vietnamese workers from Linglong: We have no water or electricity, everything is bad and dirty](#), 13 November, 2021.

At the time of the visit, we first met about thirty workers who were on a lunch break (lasting from 11.00-12.00 a.m.) and who wore green construction helmets. They briefly presented the basic problems they had been facing since they came to Serbia, and later we talked to those workers who were ready to share their experiences in more detail.

None of the workers we spoke to had a passport with them, but their passports were "kept" in the company that employed them. The workers had had contracts with them, but a small number of them were ready to show them, for fear of retaliation of "Chinese managers". The workers did not have any other document based on which they could explain with whom they had concluded a contract, what type of contract, as well as other issues of importance for exercising employment related rights. Also, the workers we spoke to informed us that they did not have a residence permit with them, or any other documents based on which they could exercise their rights. This is an insurmountable problem for all those who want to send money to their families in Vietnam.

During the conversation with a larger group of workers, it was determined that some of them wanted to return to Vietnam, while others wanted to stay if their living conditions are improved. All the workers we spoke to pointed out the problems with accommodation as key to the realization of their rights, as well as the problems with the lack of water, hot water and with bad, i.e. insufficiently calorie-rich food.

The workers declared in unison that they were satisfied with the salaries, but that the living conditions were very bad and that something had to be done to improve them. In the first part of the conversation, problems concerning employment rights were mostly omitted. Also, they pointed out that they were satisfied with the fact that they had come to Serbia and that they liked being in Serbia, that the Serbian people were kind to them.



## Arrival in Serbia

While talking to the representatives of the A11 Initiative and ASTRA, the workers pointed out that they had signed contracts with the agencies that had sent them to work in Serbia for which service they paid between 2,000 and 2,200 USD, while one of the workers, who introduced himself as "the team leader", stated that he had paid 4,000 USD to come to Serbia. Upon their return to Vietnam, the workers will be refunded the amount of money deposited with the agencies as "deposit" which, according to them, amounts to 700 to 1,000 USD. The workers mentioned two agencies through which they had been sent to work in Serbia - **"Song Hỷ Gia Lai"** and **"Công Ty Xuất Khẩu Lao Động Bảo Sơn"**. According to the available data, these workers have concluded agreements in the Republic of Serbia with **China Energy Engineering Group Tianjin Electric Power Construction Co., Ltd, Belgrade Branch**, registration number: 29507953, with a registered office at: Masarikov trg BA, Zemun, while the mail reception address is registered at Djordja Radojlovica Street, Belgrade. The branch of this foreign company is represented by Shi Li Ding, a Chinese citizen.

Workers who want to return to Vietnam before the expiration of the employment contract concluded for the period of 12 months, can do so only at their own expense, as prescribed by the employment contract. However, given that none of the workers have access to a passport, returning to Vietnam is not a possibility. While talking to the workers, we learned that one of them had tried to cross the border with Hungary illegally, in order to reach the nearest Vietnamese embassy in Budapest to help him return to Vietnam, but he had been prevented from doing so by the border police and was returned to Zrenjanin.

## Employment Status

The employment contract<sup>2</sup>, which we had an opportunity to see, was written in English and does not contain the obligatory elements of the employment contract prescribed by the Article 33 of the Labor Law.<sup>3</sup> Having in mind that a very small number of workers speak English, it is certain that they did not fully understand all the provisions of this contract, as they concluded them in English.

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<sup>2</sup> A photocopy of the contract is in the possession of A 11 - Economic and Social Rights Initiative and ASTRA.

<sup>3</sup> The Official Gazette of RS, nos. 24/2005, 61/2005, 54/2009, 32/2013, 75/2014, 13/2017 - decision US, 113/2017 and 95/2018 – authentic interpretation

Also, according to domestic regulations on issuing work permits for foreign citizens, such contracts are submitted to the competent branch of the National Employment Service, and before obtaining a permit, a draft employment contract must be submitted as well. Therefore, it is necessary to further investigate whether workers have been issued work permits, who issued them, as well as whether all provisions of domestic regulations in the procedure of issuing work permits have been complied with.

The duration of the contract has been prescribed for 12 months, but the contract does not specify the date of its conclusion, so the workers are additionally prevented from terminating the contract during the time for which it was concluded. The contract stipulates that a working day is nine hours long without, not including the time for a lunch break, and it starts with leaving for work and ends with the return from work. Workers are required to work 26 days a month, which is also contrary to the provisions of the Labor Law. The salary has been defined in RSD, and all workers had a probationary period of 30 days. Talking to workers, we learned that they are obliged to work 26 days a month, and if for any reason they fail to work all days and have at least a day less, they will not be paid for that month. Also, if they do not arrive on time, they will be fined, by being denied a per diem.

The contract also stipulates that the employer regulates the issues of food, accommodation and transportation to the workplace, and in case the employee wants to regulate it himself, he is entitled to a monetary compensation in the amount that is not prescribed by the contract. Also, the contract prescribes a system of rewards, the so-called "merit system", according to which in case the worker reaches the level of "qualified", an additional monetary compensation is paid in the amount that is not defined by the contract.

The employer covers the cost of air transportation to Vietnam upon the completion of the contract, and the contract also stipulates that employees have 12 days of vacation during one calendar year, when the employer also pays them the cost of a return ticket to Vietnam. In case the workers want to go on vacation before the expiration of the 12-month period, or to terminate the contract before its expiration, they are obliged to reimburse the costs of air transportation themselves. Sick leave is regulated so that employees have the opportunity to be on sick leave if the "health agency" or the local hospital approves it. It is not clear what the procedure for approving such sick leave consists of. The contract also stipulates that the employer pays the costs of health insurance, as well as the costs of burial and transfer of mortal remains in the event of death.

Employees are prohibited under this contract to disclose any information about the employer's business practices or activities. Also, it is prohibited to participate in trade union activities, as that is a basis for the termination of employment contracts, in which case they are obliged to bear the costs of returning to Vietnam on their own.<sup>4</sup>

Based on everything found on the spot and the workers' testimonies, there are grounds for suspicion that this is a case of trafficking in human beings for the purpose of labor exploitation.<sup>5</sup>

## **Preliminary human trafficking indicators**

Based on the above stated testimonies, the following indicators of human trafficking can be identified:

- recruitment and misleading information about the working and living conditions, the promise of a legal job and a decent salary;
- complex and completely unregulated foreign workers' referral system, a large number of different actors, agencies and private companies;
- workers do not speak or understand the local language;
- workers do not have their personal documents with them;
- restricting communication and movement;
- group housing in barracks that are extremely **unsuitable** for living, inadequate nutrition;
- questionable contract and manner of engagement;
- labor utilization (234 working hours per month);
- irregular and inadequate monetary compensation;
- financial penalties;
- high dependence on the employer;
- unsafe working and living conditions;
- threats and intimidation by the employer;
- inability to stop working and return home;

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<sup>4</sup> Other provisions of the employment contract are also disputable from the aspect of regulations that regulate labor relations in Serbia, but a detailed analysis of this contract will be conducted later.



## **Information on minors and physical violence against workers**

According to the oral information that we had the opportunity to obtain, we have no knowledge that any of the employed workers is a minor. Also, the workers stated that no one was in any way exposed to physical violence, punishment or coercion of that kind.

## **Accommodation**

As previously mentioned, the conditions of accommodation of workers from Vietnam are one of the key elements for defining their overall status in the Republic of Serbia. Most of the workers are accommodated in long barracks that have been partially partitioned to build smaller rooms that can accommodate 15 workers, while in the free space of the plot where the barracks are located. Several "blocks" of construction containers have been added, that constitute slightly better accommodation than the one provided to workers in the barracks. On one side of the barracks, there is a metal trough with several externally placed and PU foam-insulated water pipes, which are used for maintaining personal hygiene, washing clothes and dishes.

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<sup>5</sup>A more detailed report will be submitted.



There is no heating in bathrooms and shower containers. Two 120-liter boilers are used to heat the water, and the conditions are such that there is no possibility of maintaining a sanitary minimum in these containers. There are no tiles in the containers, and in many places, there are no showers, but the workers hose themselves down in place of taking a shower. There are no washing machines, nor is there a place where they could be plugged in, so all the laundry is washed by hand, and during our visit we found a large number of workers washing clothes by hand.







At the end of the row with the barracks, behind the accommodation itself, a strong unpleasant smell of wastewater was felt, which probably flows into a container that is overfull, clogged or the wastewater drainage installations have not been installed properly.



Most of the rooms in the dormitories are smaller than the standards prescribed for the accommodation of persons deprived of their liberty, so for example, one of the larger rooms is approximately 8.8 m x 5.3 m, which together amounts to approximately 46 m<sup>2</sup> for the 15 individuals it houses

- **almost 15 m2 less than the standard that would be prescribed for the accommodation of persons deprived of their liberty.** The floors in the barracks are concrete and lack insulation, and many rooms are partitioned with brick walls, likewise without any insulation. In addition, the lighting is poor and insufficient, and the windows in the barracks are small, of insufficient size for ventilation and the natural light to come in, since the original purpose of the unit was to serve as warehouse space. There are not enough sockets, and the current itself is of weak and unstable voltage. It was noticed in one of the barracks that installation cables had been burning, but it was not determined whether these cables burned during the accommodation of workers from Vietnam or before their arrival. There were no fire extinguishers or fire exits in the area. There is **no heating** in the barracks, and the workers enclose the beds with cloth and nylon curtains in order to maintain the temperature.



There are bunk beds and the upper beds are mostly used as pantries, while the lower ones are intended for sleeping. Apart from the beds, the dormitories do not have furniture, while in some places the workers themselves procured construction materials or plastic chairs that they use to sit when they are not on the bed. The visiting team also noted several smaller electric radiators, and the workers failed to explain whether



they had acquired them themselves or whether they had been given to them by the employer. However, it is certain that in the conditions in which they live, the few electric radiators that they do have but which cannot be plugged in due to the limited number of sockets are not sufficient to maintain the temperature. The beds do not have mattresses but thin quilts that serve as mattresses, that are simply laid down on wooden panels.



At first glance, roof installations seem stable, but due to the lack of insulation, it is not impossible that rain, snow and wind can enter the interior of the bedrooms.



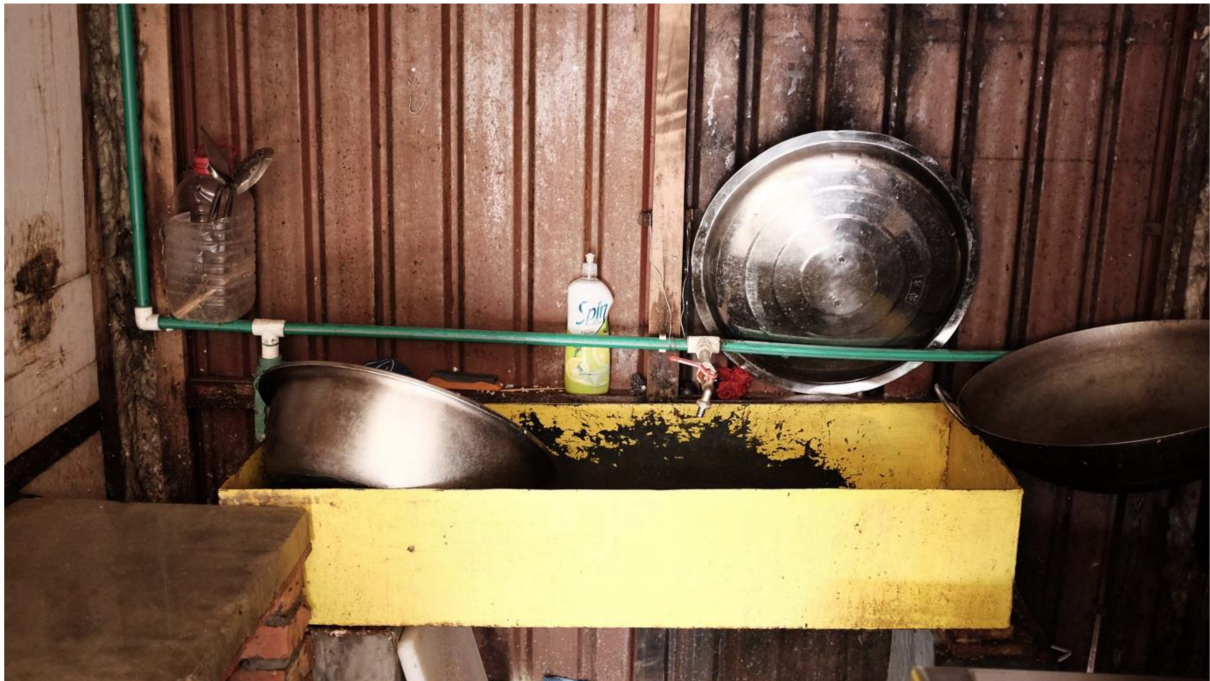
The barracks for accommodating workers **do not contain common rooms**, not have any common leisure facilities been observed in the entirety of the industrial zone which they accommodate. There is no TV, no wi-fi network, nor are there any means or devices for recreation. Apart from one improvised bench, there is not even a place to sit. As there is **no dining room**, the workers mostly eat their meals standing in front of the barracks or on their beds.

The workers also complained about the **quality of food** being prepared and the caloric intake that was provided to them. As it is stated, one egg is usually provided for breakfast, and there is often not enough meat protein for lunch. That is why the workers keep several cages with poultry and rabbits in front of one of the barracks, which they prepare for meals. According to the announcement of the Hunting Association of the City of Zrenjanin hunting grounds, the terrain around the construction site of the Ling long factory is covered with wildlife traps.<sup>6</sup> While we were present, one of the workers brought a wild rabbit, which he caught in one of the mentioned traps.

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<sup>6</sup> Danas Daily, [Terrain near Linglong covered with wildlife traps](#), 8 November 2021.

Food is prepared in some of the containers or outbuildings and stored in extremely unsanitary conditions. After one of the workers' protests, they were provided with filters for water purification, to the adequacy of which we cannot speak, nor to their accordance with domestic regulations.





One of the workers' sleeping barracks is located next to a hazardous waste storage facility of unknown origin, which can be seen in the attached photo.



### **Information on access to health care**

While talking to the workers, we were informed that in simpler medical cases, and in cases where someone had the corona virus, they were self-organized and designated a special room for recovery, while access to health services is possible only through "Chinese managers" who generally do not approve of going to the hospital. On days when they are ill or unable to work due to injuries, workers do not receive 600 RSD compensation for food costs. It is unclear whether the workers have health insurance at all according to domestic regulations, as none of them were in possession of any documents that would testify to that.

Some workers stated that they had asked "Chinese managers" if they could be vaccinated against the infectious disease COVID-19, but they were told that there were still no Chinese vaccines and that they should wait. They were not informed about the vaccination procedure in Serbia, nor about the fact that they can be vaccinated independently of their employer.

**Aspects of the right to adequate housing from the Article 11 of the International Covenant on Economic, Social and Cultural Rights**

Ser. No.	Criterion	Fulfilled / Unfulfilled	Description
1.	<b>Legal security of tenure</b>	<b>NO</b>	Workers do not have lease agreements not any other document that regulates their rights in the accommodation they use. Accommodation is in an industrial zone that is not intended for housing or short-term accommodation. Workers do not even have a residence registration at the address where they are accommodated.
2.	<b>Availability of services, material and infrastructure</b>	<b>NO</b>	There are no services or sufficient infrastructure in and around the accommodation intended for workers. There are no facilities other than those for sleeping and maintaining a minimum



			of hygiene. Sewage flows in the immediate vicinity of the accommodation. There are not enough installations for electricity and hot water.
<b>3.</b>	<b>Affordability</b>	<b>UNKNOWN</b>	As the contract is unclear, it is not possible to answer this question because it is unclear whether and in what amount the workers pay for accommodation.
<b>4.</b>	<b>Habitability</b>	<b>NO</b>	The space in which the workers are accommodated does not meet the minimum standards - there is no electricity, no clean water, no hot water. There is no heating, insulation or the possibility to heat the space. There is not enough ventilation, nor the possibility to maintain hygiene in the space used. The question is whether the roofs are durable enough to prevent rain,

			snow and cold from entering the premises.
<b>5.</b>	<b>Physical accessibility</b>	<b>NO</b>	There are no ramps for injured workers or those with mobility issues.
<b>6.</b>	<b>Location</b>	<b>NO</b>	The location is not intended for housing, there are no facilities for leisure time activities in the area, there is no shop or any other facility. On top of all that, workers' barracks are bordered by a hazardous waste storage facility of unknown origin.
<b>7.</b>	<b>Cultural adequacy</b>	<b>NO</b>	Due to the unsuitability of the space designated for housing, this issue was not a matter of consideration nor is it possible to meet the conditions of cultural adequacy.