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Migrant crop pickers in Italy and Spain

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Contents

| | |
|-------------------------------------------------------------------------|----|
| Introduction | 3 |
| Characteristics, dynamics and recruitment of migrant labourers in Italy | 4 |
| Characteristics, dynamics and recruitment of migrant labourers in Spain | 9 |
| Conclusions and recommendations | 13 |
| References | 18 |
| The Author | 23 |
| Imprint | 23 |

Introduction

In the Mediterranean basin, Spain and Italy are the two European countries with the greatest number of migrant workers in agriculture. This is due to the specific characteristics of the sector and the restructuring processes it has experienced since the mid-1980s. Meanwhile, the two countries have become a new destination for even more consistent migrations, especially from Africa and also from Eastern Europe. Over the last 15 years, increasingly severe living conditions and the exploitation of migrant labourers in the countryside have become the focus of civil society organizations and investigative journalists.

The agricultural systems of Spain and Italy share similar climatic-environmental conditions and they cultivate crops that are appropriate for the Mediterranean. Such production, with a long agrarian tradition, has experienced radical changes, beginning in the middle of the last century, as investment has modernized the sector, and this with the support of the Community Agricultural Policy^[1], which has contributed to the intensification, introducing relevant technological, varietal and organizational innovations. These processes have contributed to the transformation of the agriculture model based on the family farm – a model that used to prevail in the both countries, and which has been further affected by important social transformations (i.e., women's entry into the labour market, the reduction of other family members' work on the farm, and the processes of urbanization) and the consequent growth of wage labour. Local seasonal farm workers have progressively been replaced by foreign ones. In the phase of Post-Fordist transition, involving a «Mediterranean model of the migrations» (Baldwin-Edwards and Arango, 1999; King et al. 2000), the migrant workforce was predominantly African, but it has been periodically renewed by the recruitment of other national groups. Not only is this due to the transformation of migration dynamics, but also to specific bilateral temporary migration agreements or recruitment strategies of employers, be they formal or informal. The continuous substitution of labourers is undertaken in order to gain a competitive advantage in a context of growing international competition and of cost-cutting pressures within even more vertically-integrated chains: Migrant labourers are preferred due to their lower salaries, greater docility (due to precarious conditions), and the evasion of administrative and social security obligations.

The multiple crises of the last decade have also had some effect in transforming migrant labour in the two countries. The economic crisis has expelled migrants from manufacturing activities and the service economies of urban areas (where they often went after having worked in agriculture for years), forcing either a demotion to agriculture, relocation elsewhere, or a return to their countries of origin (Caruso, Corrado 2015). The crisis of forced migration has been of special concern to Italy (together with Greece and other Eastern EU

1 Italy was a founding member of the European Community in 1957 and has always benefitted from the CAP. Since the late 1970s, special EU policies addressed the development of Southern European regions (first, the Mezzogiorno in Italy and then Greece, Portugal and Spain). See Corrado 2016.

border countries); many asylum seekers or migrants with a temporary humanitarian right to stay in these countries have found employment in agriculture, due in part to a refugee dispersion strategy and the multiplication of refugee centres in rural and inland areas as promoted by national policies (Corrado, D' Agostino 2017; Dines, Rigo 2015).

Despite the consistently high labour demand in the agricultural sector, which today depends on migrant labour for its reproduction, the institutional and policy framework has problematic, albeit differential effects in the two countries. The restrictive security turn in migration policy has limited the availability of work permits, as well as their duration, something that affects EU and non-EU migrants differently. After the accession of Romania, Bulgaria and Poland to the European Union, migrant workers from these countries have progressively gained freedom of movement, which is not the case for non-EU migrants. However, neoliberal policy changes in European and national labour regulation have put in place new rules, which employers will have to observe if they want to work with temp agencies.

This paper will analyse the most salient aspects of migrant labour in agriculture, the dynamics of freedom of movement, and the conditions under which migratory labourers live in rural areas, as well as the politics and forms of institutional regulation at a national as well as a supranational level. Experiences with alternative systems of production, as well as labour laws and measures against the exploitation of migrant workers will also be analyzed in order to gauge their efficacy. Spain and Italy present similarities but many differences, too, which depend on the respective production flows, as well as on the political and institutional regulatory framework. The analysis of these specificities is important in order to highlight critical issues but also best practices and to formulate, above all, useful recommendations to promote migrant workers' rights.

Characteristics, dynamics and recruitment of migrant labourers in Italy

In Italy, it is not easy to name the number of foreign workers in agriculture, the reason being, above all, the existence of a black labour market, particularly in southern regions. Nevertheless, over the last few years, we have observed an important increase in the number of foreign workers employed in agriculture, in part because of a process of progressive regularization of irregular workers – and this, as we will further discuss, despite the persistence of exploitative practices and the evasion of administrative obligations by employers.

In 2015, according to the CREA (2017), the number of foreign workers in the primary sector in Italy was estimated at 405.000, in absolute numbers (up 5% compared to 2014, when their respective number grew by 28% compared to 2013). This means foreign workers make up 48% of the total workforce in agriculture (843.000 people, according to ISTAT). EU workers prevail (accounting for more than 211.000 people). An estimated 40% of migrant farm workers are in northern regions. Nevertheless, there are strong

differences at the regional level with respect to the types of work. In Southern Italy, where harvesting prevails, employment is irregular and seasonal; by contrast, in areas where stockbreeding dominates (especially in the north), labour relations are continuous and daily working hours tend to be long. Generally, non-EU workers are more numerous in the cultivation of trees and vegetables.

At a national level, the growing number of Eastern European migrant workers is a general phenomenon – even if there are differences at the regional level – and a consequence of EU enlargement. However, in some northern regions, the growth of EU workers corresponds to a reduction of non-EU workers, which entails a process of ethnic substitution. In southern regions, however, new EU workers replace the local labour force.

The foreign worker in agriculture tends to be male, young (around 30–39 years old), low skilled, generally employed in areas of low specialization requiring physical strength. Nevertheless, in some southern regions (Calabria, Puglia, Campania) and fields of work (processing and packaging operations), the employment of women is also relevant.

The greatest problems are significant underpayment, including piece work in fruit and vegetable picking operations (for instance in Calabria and Puglia), the declaration of fewer paid working days or hours than actually occurred, forms of intermediation (*caporalato*) and the notably difficult living conditions in areas with a strong presence of foreign workers (particularly those who are not European) during specific periods of fruit and vegetable harvesting.

Italy produces five million tons of tomatoes per year, and thus is the largest producer in Europe. Around one third of this production is concentrated in the province of Foggia (Puglia). The largest share of seasonal pickers, primarily from sub-Saharan Africa, live in informal slums in isolated rural areas. The recruitment system is based on informal intermediation, managed to a large extent by long-term migrants. However, what is traditionally referred to as *caporalato* covers a plurality of mechanisms that rely on the recruitment of friends, relatives and members of the same national community into the work team, connections with employers, and also housing and transportation (often at a cost of 5 euros). This is fundamental for getting to the fields, as there are no public services. So-called «landless co-operatives», on the other hand, contract harvest labour by employing teams of Eastern European workers, who they engage as «worker members», thus evading social security obligations, wages, and labour laws regarding working hours (Caruso 2016c; Pugliese, 2016; Perrotta, 2014).

The recruitment of Romanian labourers relies on temporary «services agencies», through which serious forms of exploitation are perpetuated, often alongside cases of blackmail and violence. Labourers are, in fact, paid on a per-piece basis, earning 3–4 Euros for every 300kg box of picked tomatoes, which implies a high work rate. Even if regular contracts are signed, a reduced number of working days is subsequently declared.

There is also extensive production of canned tomatoes in the area of Vulture-Alto Bradano in Basilicata, where employed workers are mainly African (Burkina Faso, Mali, Ghana,

Tunisia, Morocco are the most frequent countries of origin). These labourers often reside in abandoned farms in the countryside (in an area between Boreano, Venosa and Lavello) or in the centre of Palazzo San Gervasio. Here, where the harvest comes later, labourers arrive from Foggia, other southern areas, and also from the north (Bergamo, Ferrara, Mantua). This system of exploitation is an inevitable result of the ineffectiveness of the public recruitment system and the non-existence of policies covering the reception of seasonal workers, which would assure non-discriminating lodging and transport conditions, as well as policies addressing characteristics of the canned tomato supply chain. The CAP heavily subsidizes Italian canned tomatoes. The inefficiency of the supply chain organization, pressure by retailers, and lack of investment in the mechanization of harvesting operations, have rendered the use of migrant workers, who toil under exploitative conditions, the only solution for small tomato growers and processors in Southern Italy (Perrotta 2016). In addition, in the last two years, the presence of many refugees in this system has been recorded (Dine, Rigo 2015; Medu 2015).

Temporary work agencies, informal brokerage (*caporalato*) and landless co-operatives are the forms of recruitment also practiced in Calabria, particularly in citrus harvest operations during the winter months. The working season for migrants in the Plain of Sybaris is particularly long – from November to July – due to the overlapping of several different crop harvests. The season starts with the harvesting of olives, oranges and clementines, pruning and grafting operations follow, and finally comes the peach and strawberry harvest. In the Plain of Sybaris, immigrants come predominantly from the Maghreb (Tunisia and Morocco) and from Eastern Europe (Romania, Bulgaria, and Ukraine), while very few immigrants come from sub-Saharan Africa. In recent years, the Plain has seen an increase in the number of South Asian immigrants, but these workers from the Indian Peninsula rarely take part in harvesting operations. There are also differences in pay between different groups of migrants, as well as between them and autochthonous workers, evidencing race-gender segregation in agriculture. The African workers receive, on average, 20–25 euros per day, those from Eastern Europe (in contrast to what happens in other areas, as we will see) also earn up to 35 euros, while autochthonous workers receive around 40 euros. The workday is generally 10–15 hours; piece rate work, paying 5 euros per box, is also common. Informal brokers (*caporali*) can retain up to 10 euros for their role in intermediation, transport and the provision of basic goods such as water. Women from Eastern Europe are paid 1,50–2,50 euros per hour (while men receive up to 3 euros) and work around eight hours a day. Some employers prefer to hire women-only teams: Their wages are lower, they are more consistent in their work activity, and they achieve higher work and production rates. Women leaving their children at home are often selected, because after

the harvest season they tend to return home. That said, women in the field are often victims of sexual abuse and violence (Corrado 2013; Osservatorio Placido Rizzotto 2015)^[2].

In Calabria, we find some of the most difficult conditions in an area of intensive orange production, the Plain of Rosarno, where in 2010 riots broke out between citrus pickers from sub-Saharan African and the local population, following another in a countless series of attacks on Africans by local youths. In response, the Italian government sent in the army, and 1,500 Sub-Saharan Africans were relocated to other regions (Corrado 2011). Both local growers and migrant agricultural labourers experience extreme vulnerability and difficult working conditions. Cost-cutting pressures are the result of a greater concentration at the commercial and distribution stages of production and to growing worldwide competition: Big commercial chains require large supply quantities and are heavily dependent on low prices and efficient delivery. Flexible pickers, mostly Sub-Saharan Africans, who have been informally recruited and who are working for a few days at a time, are necessary to reduce production costs and to meet so-called «just-in-time» demands of supermarkets (Garrapa 2016). These workers often have regular permits as asylum seekers or enjoy temporary international protection, or they are «rejected asylum seekers», who have appealed the rejection of their asylum application and are awaiting the outcome, or they are refugees, including minors, who have evaded identification procedures (Corrado, D'Agostino 2017). Many Africans arrive in Calabria after the end of the tomato harvest season in Puglia and Basilicata, and after the end of the citrus season they move on, either to Campania or to Sicily. They inhabit abandoned structures and slums in rural areas, or temporary camps, which were built by the Ministry of Interior after the 2010 riots, and which have progressively been transformed and enlarged through precarious construction undertaken by the migrants themselves. The cut in EU subsidies for fruit production, coupled with a decline in market price for low-quality oranges used by the juice industry – from 1400 lire per kilo in 1999 to 10–20 cents in 2010, to the current price of 5–6 cents – due to low-cost imports from Brazil and Spain, has further discouraged harvesting. Because of this crisis, many growers are now converting to higher-value produce, such as kiwi, and Eastern European women are largely employed to harvest this new product. Job opportunities for Africans have also been reduced due to the influx of labourers from Eastern Europe: In this situation, growers originally preferred Romanians, Bulgarian and Poles because they were willing to accept lower wages than Africans, which undermined the wages and working conditions the latter group had achieved in the meantime through resistance (De Bonis 2005). However, due to changes in Italian immigration laws in 2009, growers also came to prefer Eastern Europeans because by employing them they could avoid prosecution for the crime of aiding and abetting irregular immigration.

- 2** The difficult conditions under which migrant women work in agriculture, becoming victims of blackmail and violence, has also been documented for the Ragusano area in Sicily (Palumbo, Scieurba 2015; Piro, Sanò 2016). See also Lorenzo Tondo and Annie Kelly, «Raped, beaten, exploited: the 21st-century slavery propping up Sicilian farming», *The Guardian*, 12 March 2017.

Informal and irregular systems of recruitment are also present in the greenhouses of the Piana del Sele (Campania). Informal agents control virtually all aspects of a migrant labourer's life, from recruitment to obtaining a regular permit of residence. Flow decrees – the Italian programme for the recruitment of foreign seasonal workers – have often been used by local farmers and illegal brokers to defraud migrants and the state, while the *caporali* have played a fundamental role in providing the farmers with a cheap and vulnerable labour force. Here again, the migrant workforce, exposed to higher levels of casual employment than Italians, is segmented by nationality and gender. Male farm labourers from Morocco were a key actor in the first phase of agricultural development. But over the last 15 years, this group has suffered from competition with Romanian labourers, both men and women, who are willing to accept lower wages; also, in this case, wages for a day's work (7 hours) range from 27 to 33 Euros, whereas monthly pay (based on 20–24 days) ranges from 500 to 800 Euros, although some salaries may be higher because they are paid on a piece rate basis, which also implies a higher work rate (Avallone 2016).

In Northern Italy, temporary agency workers irregularly posted from Romania and Poland were reported to be exploited by the Labour Inspectorate of Treviso. Migrant workers employed in Italian fields and vineyards were cheated regarding their work hours and they did not receive the minimum wage as established by collective agreements. Also, in September 2014, a similar situation was reported during the Flai-Cgil campaign against the exploitation of workers in the agricultural sector. In Piedmont – the number of Italian, EU and non-EU workers employed in this field at times exceeded 70,000, and about 20,000 of these were foreigners, among them 5,500 Romanians, 2,300 Albanians followed by Moroccans, Poles, Indians and Bulgarians. Cuneo, with almost 11,000, foreign workers has the highest percentage among Italian communities – and this represents over 50% of all agricultural workers there (Archain 2017).

According to the analyses offered in many studies on the recruitment of seasonal workers in Italy, which were carried out over the last years, there is a relevant gap between formal regulation and on-the-ground practices (López-Sala et al. 2016). Many reports blame the Italian legal system for the recruitment of seasonal workers, as it seems to favour informal agents, resulting in exploitation and other irregular practices. The reason? The «long and bureaucratic» processes required to obtain a Nulla Osta (up to nine months after the request) or the failure to legalize seasonal workers after their arrival, as employers usually prefer hiring them irregularly for much less than at the legal salary (IOM 2010; Amnesty International 2012a, 2012b).

Characteristics, dynamics and recruitment of migrant labourers in Spain

In Spain, as in Italy, the quantification of foreign workers in agriculture can be based on different indicators. In 2015, Servicios Públicos de Empleo recorded 1.096.498 contracts for foreigners in agriculture, breeding and hunting (representing 41% of the total). It is important, however, to consider that year-round workers may have several contracts. The highest levels of occupation in agriculture are to be found in three regions. One is formed by the provinces of Murcia, Alicante, Albacete and Almería in the south of the country; another is between Barcelona and the Catalan provinces of Tarragona and Girona; and a third is represented by flows of migratory workers between Valencia, Alicante, Castellón and Barcelona (Observatorio de las Ocupaciones 2014). Thousands of immigrants in these areas migrate in a circular pattern bound together by temporal and spatial connections between the most important harvesting events (Viruela – Torres Pérez 2015, p. 49). In the case of Andalusia, this circular migration is related to the winter harvest of olives in the province of Jaen and the spring harvest of strawberries in the province of Huelva, while in the case of Almería, continuous-cycle production in greenhouses requires a limited number of seasonal workers, while a permanent workforce is necessary nearly all year round.

In Spain, more so than in Italy, there exists a proportional relationship between the reduction in the number of agricultural workers and an increased influx of migrants, which grew in the years of the crisis (2008–2013) from 19,1% to the 24% of the total work force in agriculture. In Andalusia this tendency was most pronounced: In the provinces of Almería, Jaen and Huelva the resilience and growth of the agricultural sector resulted in an increase (almost a doubling) of contracts for migrant workers. Such is the case of Huelva, where during the period of highest workforce recruitment – the seasonal strawberry harvest – in March 2015, 47.768 contracts were issued (in March 2007 there were 21.657), more than half of which were signed by women from Eastern Europe. The increasing incidence of migrant labour in Andalusian agriculture, even during the years of economic crisis, can also be gleaned by simply looking at the number of workers enrolled in Reass (47.768 contracts): In the province of Almería, in 2008, 18.800 migrant workers were registered for a total of 68.200 contracts (representing 27,5%); in 2013, of about 80.000 workers enrolled, around 32.022 were foreign (40%), 26.220 of which non-EU and, to a large extent, Moroccan (Caruso, Corrado 2015).

If in the 1980s and 1990s, the development of intensive agriculture relied on migrant workers, predominantly employed in an irregular manner through informal networks, then, since the 2000s, work relations were formalized in the shape of mechanisms that aim to serve the needs of a very flexible industry – an industry that had become increasingly specialized (Castellanos and Pedreño, 2001; Ortiz, 2013).

Spain does not have a substantial seasonal workers programme. Rather, there are highly supervised, decentralized hiring programmes for the agricultural sector that have been

designed at a local level, and which are supported by a complex and flexible legislative and institutional framework under Spanish Immigration and Labour laws, and by bilateral migration agreements (see López-Sala, 2015; López-Sala et al. 2016).^[3] Recruitment of seasonal migrant workers in their countries of origin (what is called *contatacion en origen*) was articulated throughout the years under the «quota policy», in the standard work immigration system (known as *Régimen General* in Spanish) and the FNAAC (Framework National Agreement on Seasonal Workers for Agriculture Campaigns). This agreement created a formal channel for a consensual, flexible decision-making process involving several public and private actors. Since the end of 1990s, provinces in southern and north-eastern Spain, such as Huelva, Lleida (Díaz et al. 2013) or Almería (Pumares and Jolivet 2014; Dolz 2010) started hiring workers in their countries of origin for the agriculture sector (Aznar-Sánchez and Sánchez-Picón 2010; Jurado 2009; Pedreño 1999; 2003; García and Pedreño 2002; Hoggart and Mendoza 1999; Gertel and Sippel 2014). The final decision on where to hire what workers was left to the employers (Redondo 2010, 2011; Moreno 2009; Gordo 2009; Gordo et al. 2013; Gualda 2012; Torres et al. 2013).

In Spain, over 90% of the recruited workforce is concentrated in Huelva. The most advanced European district of strawberry production has developed in the province of Huelva during the last twenty years: Here, 260.000 tons of strawberries are produced annually, which represents 35% of total European production. If the autumn work of planting requires a thousand workers, harvesting needs at least 60.000. With the enlargement of EU in 2007, women from Eastern European countries (Poland, Romania, Bulgaria) were replaced for some years by female workers recruited in rural Morocco, with the essential prerequisite that these women had minor-age children to care for at home – as a guarantee that they would return home after the harvest had ended (González and Reynés 2011). The preference for hiring women, especially in the strawberry sector, comes from the perception that female workers are more obedient, competent and possess better qualities for work of this kind (Hellio 2014 2016; Moreno 2012; Reigada 2012; Mannon et al. 2012; Redondo and Miedes 2007). So far, labour conflicts have been simply «resolved» by recruiting new workers (Hellio 2016).

With the economic crisis in 2011, the government changed the quotas for *contratacion en origen* in an attempt to make local unemployed workers return to the fields of Huelva. But

- 3** Bilateral agreements establish the procedures to recruit seasonal workers and outline the protocol to be followed. The aim is to guarantee the participation of the authorities of the countries of origin, which will have to receive the job offers and pre-select the candidates (ANAPEC – National Agency for Promotion of Employment and Skills in Morocco, SENA – Servicio Nacional de Aprendizaje – in Colombia, the National Office for Labour Migration – OMF in Romania), as well as the compulsory creation of a binational committee, including representatives of the Ministry of Labour and Spanish trade unions, to supervise the selection process. Spanish agricultural business organizations (or their representatives) and local agencies are involved in the recruitment or supervision processes in the countries of origin. These agreements also establish a procedure to facilitate the issuing of visas and work permits. (Ferrero and López-Sala 2009 and 2011; López-Sala et al. 2016).

the recruitment of local workers did not succeed due to their inexperience, and many quickly left because of the difficult working conditions (Huelva Acoge 2011). When the programme was revived, 37% of the 57.694 contracts for the 2014 harvest went to Romanian labourers, who thus became, once again, the largest group, followed by Moroccan women as the second largest (see Caruso 2016c; López-Sala and Montijano 2014; López-Sala et al. 2016). The recruitment of female workers from Eastern Europe is justified by the fact that there are few conflicts and by the existence of a presumed cultural affinity (Caruso 2016b).

Formal recruitment does not necessarily guarantee better labour conditions than employment gained through informal brokerage: On the contrary, seasonal recruitment programmes aim to control and channel – rather than protect – migrant labour (Hellio 2016). As established by Spanish immigration legislation, workers recruited within these programmes can receive work permits for up to 9 months a year. After the permit expires, they are required to return to their country of origin. To certify their return, they have to register at the Spanish consular office that issued their visa within one month after it expired. Failing to do so will cause the refusal of later applications for work permits under the programme. On the other hand, workers respecting these obligations will be given priority regarding future job offers. However, employers can hire specific individuals again the following year through hiring by name. When an individual worker is contracted «by name», he or she is directly included in the programme without having to go through the selection process once again, however, his contract will be with a specific employer. This process has generated forms of circular migration, since it facilitates the temporary and repeated mobility of workers over several years. This model of migrant labour regulation has been criticized by the trade unions, as well as by academics, and this for two main reasons: First, employers often fail to comply with existing regulations and agreements regarding seasonal work and will disregard labour rights; second, by increasing barriers to migration and offering few opportunities for non-EU labourers to work legally in Spain (as in other EU countries), migrants have become more vulnerable and more dependent on employers or intermediaries in charge of their recruitment (Papadopulos and Fresna 2016; Hellio 2016; Reigada 2016).

In Huelva as in other areas so-called *manijeros* and Temporary Employment Agencies, called *Empresas de trabajo temporal* or ETT, also play an important role (regulated by Law No. 14/1994), and their scope of activities has been enlarged by labour law reforms enacted in 2010 and 2012 (Caruso 2015). A *manijero* is an established immigrant who recruits groups of labourers, thus playing the role of broker. He also controls and regulates working hours, without any respect towards the hours and wage fixed by contract.

Manijeros and ETTs are very important for reducing the labour costs, which constitute more than half of the final cost in strawberry production. Actual hours and wages are often not recorded – to minimize risk in case of controls. There are also Romanian agencies that come directly with their own teams from Romania, and they work on the basis of the salary levels established by law in their country, that is, for less than half of what the daily salary is by contract. Often, such agencies are phantom companies with nothing but a mailing

address in Romania, and their actual backers are Spanish ETTs that want to sign as many work contracts as possible (Caruso 2016c).

The region surrounding Valencia is Europe's largest area for orange production, growing around three million tonnes per year. During the winter months thousands of «collidor» – as the pickers of citrus fruit are called – are employed on more than 160.000 hectares of citrus orchards. Here, again, a mayor role is played by the ETTs. In the fourth quarter of 2014, during the citrus harvest, trade unions have calculated that out of 201.987 signed contracts, 117.774 have been signed by ETTs, involving around 61.380 workers and with an average of 1.92 contracts per worker for the quarter, and with 1,181 migrant workers that have more than 11 seasonal contracts (Ccoo 2015). Even where ETTs act as agents, the transport, brokerage fees and work organization costs will have to be defrayed by the labourers, just like in the most informal recruiting systems; respectively, wages are very low and official contributions do not correspond to established regulations (Garrapa 2016).

Many local workers have quit agriculture for employment that is less taxing, but also because work contracts have become increasingly unreliable, according to many, because so many migrant workers have entered the labour market. However the employers and ETTs themselves are responsible for the process of substitution, privileging the hiring of EU migrant workers over that of domestic workers – and those migrant workers are then organized in teams that are strictly separated from other migrant groups. The Romanians arrived in the Valencia area not through institutional channels, but through private agencies. Also, the harvest there is organized by a buyer and not by the producer, who surrenders the crops to the *corredors*, that is, the middlemen. They buy the product «on the plant» and contract an ETT, which, however, does not directly organize the work team but engages a *manijero* to do it. Workers are paid on a piece-rate or on a daily basis, depending on the quantity of fruits; in case of great quantities the daily salary is fixed, while the work team is reduced (Caruso 2016c).

In Murcia ETTs have taken over the function previously provided by the *furgonetero* (the person in charge of recruiting and transporting, and who often also monitors the day labourers), and before him by the *enganchadores* (recruiters), thus integrating it into the workplace and division of labour. ETTs continue to use the *furgoneteros* in their role as go-between and overseer. The ETTs, for their part, handle all the administrative aspects of the relationship: drawing up contracts, payroll, registration with social security, etc. In the region of Murcia the importance of temporary employment agencies has continued to grow over recent years, rising from 67.3% of all occupational contracts in the agricultural sector in 2006 to 85.9% in 2014. ETTs have become the most important player for the supply of day labourers to the agrifood industry, moving workers across the whole region and nearby provinces such as Albacete, Almeria and Alicante. They have played a fundamental role, not only in the ethnic segmentation of the agrifood labour force, but also in the increased use of temp work and the recruitment and rotation of foreign workers. The greater seasonality and rotation in hiring foreigners means greater job insecurity (Gadea et al. 2106).

ETTs can provide services to agricultural firms in other European countries, as well as services to migrant workers themselves. In Murcia, Terra Fecundis is the most important job service company in the agricultural sector. But Terra Fecundis is much more than a temp agency. «On the one hand, unlike other companies, it not only hires temporary workers out to farms or processing warehouses, but also maintains a large number of labourers on permanent part-time contracts who, like boxes of fruit, can be moved around the European countryside in a few hours, ready to be consumed» (Gadea et al. 2016, p. 89). Terra Fecundis not only supplies workers to agricultural firms but also organizes and co-ordinates multiple aspects of mobility, from transportation or accommodation in agricultural enclaves to those linked to living conditions of the migrants themselves (legal representation in immigration matters, money transfer services, financial support for air travel and even the selling of homes in countries of origin, etc.) (Mesini 2014).

This new kind of labour market go-between uses European directives on the free movement of workers and national differences in labour regulations to build an infrastructure for supplying a cheap and docile workforce. The supply of workers through ETTs makes it possible to evade national labour regulations, however it is also the driving force behind a continuous process of ethnic replacement. In France's intensive agriculture, for example, workers from Southern Europe or from Morocco and Tunisia have been replaced by workers from the new member states or from Latin America (Mesini 2014).

For migrants with different origins, such as Romanians and Moroccans, agriculture has been an important gateway for entering a foreign labour market. However, over the years, their condition has changed a lot, as can be seen in Almeria, for example, where intensive horticultural greenhouse production has developed to its extreme in terms of density, scale, environmental side effects and social implications. Here, the living and working conditions of the two groups of workers, Romanians and Moroccans, differ considerably. Moroccans have remained largely dependent on the agricultural sector; factors such as missing papers, their insecure legal status and lower level of formal education have forced them into inferior positions (Pumares and Jolivel 2014).

Conclusions and recommendations

When migrant agricultural labourers are posted to jobs or seasonally employed, they are increasingly subject to exploitative working conditions. Following are some conclusions and recommendations.

Developments in the agrifood sector, which has become more vertically integrated and experiences greater international competition, put pressure on employers to cut costs. This has a direct and dramatic impact on workers' wages and on their working conditions. The continuous substitution of farm workers with new ones according to criteria based on race and gender is a strategy used by employers to quench resistance and conflict and to reduce cost and intensify work.

A restrictive migration policy, together with a complicated, inefficient and bureaucratic system for admitting seasonal workers from abroad, as well as low quotas for entering the country and difficulties with renewing work permits, are all factors that encourage irregular immigration or asylum applications by people, who want to enter the country to work. Irregular migrants and asylum seekers are at great risk of being severely exploitation when working in agriculture.

However, seasonal agricultural workers often also experience difficult working and living conditions because of a lack of housing and transport services. In 2006, in the province of Foggia (Italy), the Regional Government tried to establish a housing system for seasonal workers through local co-operatives, called «*alberghi diffusi per i lavoratori stagionali.*» Yet cost cutting and delays meant that many such accommodations where converted for other uses (such as housing asylum seekers), and the isolated locations in the countryside, with no transportation available, meant that migrant farm workers had little incentive to stay there. This model was replaced by «emergency measures», and in 2015, three million euros were spent for setting up a camp of tents for 250 people (the number of seasonal farm workers for the tomato harvest is estimated to be around 7500). This camp remained unoccupied during the entire summer season, as migrant farm workers preferred to stay in their existing ghettos, which are dispersed throughout the countryside.

Forms of circular migration that depend either on temporary employment agencies (in the case of workers from EU countries) or on bilateral recruitment programmes and selection by employers (in the case of non-EU workers) do little to enforce workers' rights or improve their working and living conditions.

Considering all these factors, the following recommendations can be made:

- **Raising public awareness.** EU citizens should be made aware of the various forms, in which workers are being exploited when they migrate either within or into the EU, and, as stated by the European Union Agency for Fundamental Rights (2015, p. 15), efforts should be stepped up «to promote a climate of zero tolerance of exploitation of such workers».
- **Law enforcement and social inclusion of migrant workers.** Existing regulations should be enforced in order to promote the rights of agricultural workers. In Italy, the so-called «Rosarno Law» (109/2012), enacted after the riots of 2010, was meant to implement Directive 2009/52/CE (for the sanctioning of employers). «The main innovations concerned the introduction of aggravating circumstances, if three or more workers are hired irregularly, if the workers are minors below the employable age, or in the case of irregular exploitative employment, the introduction of a monetary fine against the employer equal to the cost of repatriating the employee, and the establishment of a humanitarian residency permit for victims of severe exploitation who are willing to testify and co-operate in the penal proceedings. However, there are several critical issues with the Italian adoption of the Directive, relating especially to the partial adoption of the administrative and financial sanctions and the applicability of these only where the crime is confirmed (and not merely on the basis of an adminis-

trative confirmation as set out in the directive). Other issues include the non-adoption of punitive measures towards subcontractors, the lack of an unambiguous and comprehensive definition of workplace exploitation, the lack of established support mechanisms for the migrant worker and the ineffectiveness of measures designed to make reporting crimes easier. A final issue is the non-adoption of the obligation to provide information to migrant labourers, as well as the difficulty of carrying out controls and inspections nationwide. The directive is applicable only to workers who lack a residency permit, so the tools introduced to protect migrant labourers – such as, for example, the chance to obtain a temporary residency permit if they are victims of severe exploitation – are rarely employed. The law, following as it does the twin paths of «punitive repression» (the crime of enslavement, illegal intermediation and workplace exploitation) and the protection of labourers, which is in any case contingent upon being victims of a crime, is completely incapable of capturing the complexity of the productive relationships and transformations which now characterize agricultural labour, and of effectively contrasting the spread of workplace exploitation. So Directive 52/2009/CE has had a completely minimal impact on the agricultural sector, yet despite this a chance was missed to adopt the limited innovations incorporated within the same, such as fines and administrative sanctions to finance the reconstruction of the production chain, the introduction of joint liability for employers and recruiters, and other provisions that would facilitate the recovery of unpaid wages.» (MEDU 2015; see also Di Martino, Rigo 2015).

On 4 November 2016, Lawno. 199 («Provisions to counter the phenomena of undeclared employment, of exploitative labour in agriculture and the realignment of wages in the agricultural sector») came into force in Italy. The main amendments introduced aimed at countering the so-called «gangmaster system» (caporalato). They include: the redefinition of the criminal offence of «unlawful employment agencies and labour exploitation» – (here the provision provides sanctions such as imprisonment from between one and six years and a fine ranging from 500 to 1,000 euros for each worker recruited); putting a company in trusteeship while «gangmasters» are prosecuted; the recognition of mitigating circumstances for those who co-operate with the authorities; mandatory confiscation of property to cover costs and damages; and the mandatory arrest of those who operate unlawful employment agencies and exploit workers using violence and threats.

The aim of the new law is to strengthen the so-called «Quality Agricultural Work Network», which the Ministry of Agriculture set up in 2015, in order to fight the exploitation of migrant workers and offer them assistance. However, implementation has been slow and there are still a number of issues to resolve with farmers' organizations, trade unions, non-governmental organizations and with the migrant farm workers themselves. The logistical problem of seasonal workers' mobility – which is one of the reasons, why illegal employment agencies operate – may be solved through agreements between the Network and organizations authorized to transport people. A number of actors can participate in the Network, for example local institutions, employment agencies, employers' organizations, trade unions etc. (CREA 2017).

More controls for agencies that recruit seasonal workers need to be put into place. Housing policy needs to overcome the present isolation and separation between locals and seasonal agricultural workers. Finally, interventions are needed to prevent that migrant workers become victims of harsh working conditions, and to guarantee that they have the same rights and duties as other citizens.

- **Unionism.** The European dimension of unionism has to be strengthened, notably by establishing processes of collective bargaining, because only then will migrant workers enjoy the same level of protection, of rights and of employment conditions as resident workers.
- **Monitoring.** There is a need for systematic monitoring, in order to collect data on the numbers of posted and seasonal workers, of the types of employment and of the working conditions. For this existing sources need to be integrated.
- **Certification of ethical production.** Standards have to be introduced for certifying certain products or services as «exploitation free», and alternative, ethical forms of production need to be promoted. After the 2010 riots of African labourers in Rosarno (Calabria), Italy instigated a process of co-operation among consumers and producers, which lead to the creation of *Sos Rosarno*, an association bringing together local small agricultural producers, anti-racist and environmental activists and migrant farm workers. Today *Sos Rosarno* sells its products to around 400 *Gas* (Solidarity Purchase Groups) in Italy and to social centres in different cities (Oliveri 2015). Over the last few years, other social justice projects have been organized to combat the exploitation of workers in intensive fruit and vegetable production and to support migrant workers and involve them in new ethical and ecological forms of production. In addition to *Sos Rosarno*, there are *SfruttaZero*, *Funky Tomato* and *Contadinazioni*. The respect of workers' rights has to become part of a fair consumer-producer relationship.
- **Information.** Information campaigns have to target specific groups in specific contexts. To achieve this representative organizations have to be contacted, and information campaigns need to have a specific audience in mind. In addition, there is also a need to provide information for employers.
- **Migration rights.** It is fundamental to promote circular migration, that is, to offer better possibilities for entering a country legally. The system for the recruitment of seasonal workers and for the issuing of work permits needs to be simplified, family reunification has to be facilitated, and there is a need for job training, better access to resources (land, credit) and access to housing that is integrated with local communities.
- **Migrants and local development.** Migrants should not be considered as nothing but workers who stay for a limited time. Settling them in rural areas, which suffer from overaging and depopulation, can be a strategy to a) prevent social marginalization, leading to savings in welfare expenditure; b) strengthen local services, and extend their range; c) enrich the areas culturally, economically and socially; d) revitalize areas characterized by small-scale farming and handcraft; e) maintain control of the

areas. All of these aspects were identified by the decentralized Protection System for Asylum Seekers and Refugees (SPRAR) in Italy. However, since the North African exodus that followed the «Arab spring», a network of extraordinary emergency centres for asylum seekers has been set up. In some cases, this poses severe problems, as centres are precarious and overcrowded. Many asylum seekers, therefore, leave these centres and try to find illegal employment in agriculture.

Academics and policymakers are observing the new migration processes involving rural areas, and they are trying to identify positive effects such as social innovation and development in the hope that a win-win situation may arise. However, to achieve this, it is crucial to promote the regularization of migrants and to provide them with conditions that will enable them to live and thrive.

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