SOWING INJUSTICE, HARVESTING DESPAIR:

ABUSE AND EXPLOITATION OF FOREIGN AGRICULTURAL WORKERS

THE ROLE OF INTERMEDIATION SCHEMES

EUROPEAN COORDINATION VIA CAMPESINA
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This publication is dedicated to Nicolas Duntze, peasant and Confédération Paysanne activist, who not only played a key role in shedding light on the issue of agricultural workforce exploitation, but contributed significantly to those struggles.

To this great man, this small farmer who left us too soon, taken away by a cancer that was probably not unrelated to agrotoxins. Trained at the Young Christian Workers (YCW) and influenced by Situationism and the anti-industrial movement, his political filiation was that of the working peasants and the "mountain" trend of the Conf'. Nicolas Duntze loved to use dialectics and was, for this reason, unable to think of exploitation and domination without emancipation and resistance. He has constantly analyzed the evolutions of corporate agriculture and peasant conditions by focusing on the transformations of the labour force endured by migrants within this vast laboratory of social regression that is industrial agriculture. More than just an incantation formula, his call "to build concrete convergences while leaving aside the spirit of the shopkeeper" is a political imperative. It has guided our reflection in the pages that follow.
This publication is the result of a collective project conceived and coordinated by the working group "Migration and Rural Wage Labour" within the European Coordination Via Campesina (ECVC).\(^1\)

Four ECVC member organisations have contributed most to this: Associazione Rurale Italiana – ARI (Italy), Confédération Paysanne (France), Fédération Nationale du Secteur Agricole – FNSA (Morocco) and Sindicato de Obreros del Campo – SOC (Spain). The project also benefited from the participation of university researchers from different countries with the financial support of the Guerrilla Foundation.

In response to the increasing commodification of agricultural and agri-food work, and in view of the worrying and unsustainable consequences of this development, it was urgent to shed light on the intermediation of labour in this sector of activity in southern Europe and the Mediterranean. Understanding the link between the different provision schemes and the exploitation of agricultural workers prompts us to think about alternatives and present ECVC proposals on this subject.

\(^1\) See textbox
In this sense, this publication is meant to convey information and share knowledge. This work is part of a broader process of studying and reflecting on these issues, but also a means of taking a stand and mobilizing future actions. Its reading should encourage the necessary convergence between actors defending human rights, workers' rights and peasants' rights, in order to promote a political project of food sovereignty that respects the People and all the workers of the world.

**INDUSTRIAL AGRICULTURE AND EXPLOITATION: INTRODUCTION**

Various forms of discrimination related to the employment and exploitation of seasonal migrant workers in areas of intensive agriculture in southern Europe have begun to be documented and to receive increasing media, activist and scientific attention, based on the events known as the "El-Ejido riots" in 2000. In this central part of the province of Almeria, in southern Spain, located in the heart of a vast region dedicated to intensive greenhouse production, some sixty migrant agricultural workers were attacked and injured during a three-day "pogrom" (attack against a minority) organised among the local population. This was in the wake of a vast "ratonnade" (or racially motivated attack) that occurred after the murder of a young Spanish woman by a troubled individual of Moroccan origin.

Other conflicts and mobilisations of various kinds broke out in the following years in various regions of intensive agriculture in Europe, particularly in the Mediterranean countries. For example, in July 2005 in Saint-Martin-de-la-Crau (Bouches-du-Rhône), some 300 Maghrebi seasonal workers under OMI seasonal contracts went on strike to demand full payment of their wages and better housing conditions. In January 2010, in Rosarno, Calabria, southern Italy, African migrants were injured during a gun attack on their way home from work.

The attack in Rosarno triggered a series of demonstrations and clashes between foreign seasonal workers employed in orange harvesting, the local population and the police. The following year, still in Italy but this time in Nardò, Puglia, a few hundred seasonal workers employed in tomato harvesting went on strike for two weeks to condemn the malpractices committed by their employers and labour intermediaries, as well as to demand better working conditions.

In 2013, in Nea-Manolada (Greece), a region with intensive strawberry production, a foreman opened fire and injured about 30 migrant workers who came to claim their back pay. This non-exhaustive list of racist abuse, as well as experiences of organising and mobilising foreign labour, illustrate the harshness, if not the violence, of social and labour relations that rule the daily lives of migrants employed in these enclaves of intensive globalised agricultural production.

In the post-war period and within the international framework of both the GATT (General Agreement on Tariffs and Trade) and later the World Trade Organisation, there has been a radical transformation of agriculture and production areas under the combined effect of a dynamic of land concentration "in the hands of ever fewer peasants, the establishment of monocultures on ever larger areas and territories, the
increasing control of supermarkets that set prices and pass on their logistical constraints to producers, and finally the exploitation of both natural resources and labour."

With regard to the final aspect, it should be noted that these regions require a very large supply of agricultural labour, particularly seasonal labour, and that the latter is often used by firms as the main adjustment value of production costs (Morice 2006), in a highly competitive economic environment governed by the rules of organised large-scale distribution.

Today, the use of low-cost workforces employed in extremely precarious conditions and most often composed of foreign workers (for complex reasons relating to migration policies and the disruption of the global liberal economic system) has gradually become a structural feature of the agricultural production system in different European countries and is not confined only to these countries.

Illustration1: transformation of agriculture and exploitation of labour

On the basis of this observation, we have often spoken of the "Californisation" of European and Mediterranean agriculture, referring to the "Californian model", an agricultural production system whose profitability is based in particular on the exploitation of migrant seasonal workers.

This system is based on four main elements: including the existence of specific programmes for the introduction of seasonal foreign workers, the presence of a pool of readily-available workers who are in very unstable situations (especially undocumented foreigners), the spatial and social (if not directly racial) segregation of workers and the presence of labour intermediaries.
The combination of these elements generates forms of "restricted employment", as Moulier-Boutang calls them, in which the administrative and socio-economic precariousness of workers, generally associated with a strong dependence on employment and the employer, as well as geographical and social isolation, constitute an obstacle to the union and political organization of these workers and thus to access the most basic rights.

Such a system ensures that employers have a flexible and available workforce while minimising its production and reproduction costs. This has harmful effects on the conditions in which employees live and work and on their access to social protection.

**WORKFORCE INTERMEDIATION AND EXPLOITATION**

We can affirm that, today, workforce intermediation is a structural feature of labour relations in the agricultural sector; its consolidation corresponding with the expansion of the agro-industry within the capitalist system, and, thus, of a deterioration in the living and working conditions of foreign workforces.
In addition, there is a gradual diversification of the various intermediation mechanisms, of which three main forms can be distinguished:

- Government schemes for the introduction of foreign workers (OMI/OFII contracts, contratación en origen, and flussi)
- Private intermediation schemes (Temporary employment agencies, international service provision, cooperatives)
- Informal intermediation schemes (Caporalato)

These different forms can coexist in the same territory and play a complementary role within the same labour force system.

**What are “workforce intermediation schemes”?**

| The term intermediation derives from the Latin inter (between, in the middle of) and mediare, medius (which is in the middle) |
| It refers to the presence and role of an intermediary to facilitate the matching of supply and demand and/or to connect several natural or legal persons with complementary interests in an economic, financial or commercial transaction. In the labour market, it refers to the presence of a third person or actor who is placed between the employer and the employee. |
| We speak of "scheme" in the sense that Foucault understands it, i.e. "a resolutely heterogeneous whole, comprising of speeches, institutions, architectural arrangements, regulatory decisions, laws, administrative measures, scientific statements, philosophical, moral, philanthropic proposals, in short: of what is said, as well as of what is not said" [Foucault 1994 (1977): 299]. |

While it is true that the absence of an intermediary does not necessarily coincide with good working conditions, it has been observed that the various intermediation systems have a particularly negative impact on workers, particularly with regard to respect for contract rights (pay slips, regular payments, overtime, etc.) and therefore access to social rights (sickness, unemployment insurance, retirement, etc.) and the renewal of residence permits.

In addition, the intermediary often performs a range of roles that go well beyond the professional context: provision of transport (from home to the workplace, but also from the country of origin to the country of destination), provision of accommodation and sometimes also meals.

All these functions constitute a source of income for the intermediary, but also a powerful element of labour control, through the construction of highly developed forms of dependence.

**WHAT IS IN THIS BROCHURE?**

This publication is divided into several parts. You will find:

**Technical documents** concerning different labour intermediation schemes in 4 Mediterranean countries (France, Italy, Spain and Morocco)

- Government schemes for the introduction of foreign workers, particularly of a seasonal nature
- Formal private intermediation schemes
- Informal/illegal private intermediation schemes
A history of the main mobilisations that have taken place in the countries mentioned concerning the working and living conditions of agricultural workers, in particular foreign migrant workers, with a focus on struggles involving more or less direct intermediation schemes.

A reflection on the subject of labour monitoring in France, in particular concerning the question of the international posting of workers.

Various extracts from fieldwork carried out by volunteers as part of the European exchange programme "Peasant Agriculture and Migrant Seasonal Workers", coordinated by the French trade union Confédération Paysanne and the association Echanges et Partenariats.

A comic strip that retraces the journey of a Moroccan worker in the Huelva region of Spain.

Finally, you will find our position and demand document with regard to the exploitation of workers and intermediation systems.
Bibliography and references


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Benedicte Michalon et Alain Morice (Dir.), Travailleurs saisonniers dans l’agriculture européenne [Dossier], Etudes rurales, 182, 2008.


La Via Campesina (LVC) is an international movement of peasants, small and medium producers, landless people and agricultural workers that brings together 182 organisations in 81 countries. It defends peasant agriculture as a preferred method of food production, while respecting the environment and people. La Via Campesina is at the origin of the concept of "food sovereignty", i.e. the right of peoples to define their agricultural and food policy and to control its production and distribution mechanisms.

The European Coordination Via Campesina (ECVC) brings together the 27 peasant and trade union organisations at European level that are part of LVC.

The working group "Migration and paid work in rural areas" was set up in 2006 within ECVC under the leadership of the Spanish trade union COAG. Two European days were organised in Seville and Murcia. Since 2008, the programme has been coordinated mainly by the Confédération Paysanne (France) with the support of the Associazione Rurale Italiana-ARI (Italy), the Autre Syndicat (Switzerland), the Confederação Nacional da Agricultura-CNA (Portugal) and the Sindicato de Obreros del Campo-SOC (Spain).

The racially motivated incidents in El Ejido (Almería) in 2000 broke the wall of silence in Europe about living and working conditions in greenhouses. In 2010, more very serious racist attacks took place in Rosarno (Calabria) against African seasonal workers. The SOC began to actively defend foreign seasonal workers in Andalusia, in coordination with other European organisations, such as CODETRAS (COllectif de DE défense des Rravailleurs Agricoles Saisonniers) in France. The Confédération Paysanne, with the help of volunteers, began to carry out field missions in several European countries. Two publications have been published, in 2011 and 2014/15, and a blog was set up at www.agricultures-migrations.org.

The working group organises meetings, issues regular publications and participates in various events, while forging alliances, making the voice of agricultural workers heard inside and outside LVC, and defining the peasant vision on the topics of migration, refugees and paid rural labour. This major undertaking is now of particular importance in view of the evolution of migration movements, causes and forms, as well as the destabilization of social and political balances in many countries on a global scale.
GOVERNMENTAL SCHEMES FOR WORKFORCE
INTRODUCTION

OMI/OFII CONTRACTS – France

"OMI/OFII contract" refers to a French scheme to introduce foreign labour to do seasonal work in the agricultural sector.

Origins and developments of the scheme

This scheme was created in 1946 and historically succeeded other public and private schemes that played the same role (sgi/card, smoa). It is linked to bilateral labour agreements signed with the issuing countries (e.g. France-Morocco agreement signed in 1963).
In 1974, key changes were made to the scheme with the abolition of the "permanisation" procedure, which historically allowed a seasonal worker to obtain a longer-term residence permit with the right to work. In 2007 a specific multi-year (3-year) residence permit was introduced; the "CST-TS" (Seasonal Work Temporary Residence Permit) entitling the holder to work for a maximum of 6 months per year, whereas previously the contracts could be up to 8 months long.

The holders agrees to maintain their habitual residence outside France, which has significant consequences in terms of the entitlement to social rights. The first contract, which lasts at least 3 months, must be approved by the Directorate (Regional Directorate for Enterprise, Competition, Consumer Affairs, Labour and Employment) following the employer's request for a work permit. It is used to issue the visa from the country of origin (via the French Office for Immigration and Integration OFII and then the Consulate). The request for a CST-TS is then made to the prefecture. The legality of the stay depends on the existence of an employment contract signed by the Directorate.

The workforce employed through this scheme historically came from Belgium and Italy (until the 1950s), then from Spain and Portugal (until the 1980s). Today, it is mainly from the Maghreb: 1,026 Tunisians in 2016 (a maximum quota of 2,500 workers is set by the bilateral agreement) and about 6,000 Moroccans. The number of seasonal workers introduced across all nationalities is currently around 10,000 compared to more than 120,000 in 1972 (although this figure includes many short contracts, particularly for grape harvests).

Ofii (formerly the National Immigration Office "Oni", then the International Migration Office "Omi", then the National Agency for the Reception of Foreigners and Migrants "Anaem") historically provided foreign labour for different types of crops (rice, beet etc.) while today only arboriculture, market gardening and viticulture are part of this activity.

**Recruitment and management of the workforce**

Most of the scheme operates according to a "nominative procedure", which generally involves a mechanism of co-opting by a peer already working with the applicant employer. Indeed, this system, apparently managed by the administration (Dirrecte/Ofii), which is therefore "public", is in fact based on a private recruitment system. Intermediaries can be basic employees who recruit a close relative or a team leader who makes it a business.

The initial contact is made most often by word of mouth between farmers (neighbourhood, role of employers' organisations) and the intermediation of (former) seasonal workers. In small structures, the relationship with the employer is more personalised than in large ones where team leaders act as intermediaries in recruitment, work organisation and non-work matters (on-site accommodation). Seasonal workers are generally renewed from year to year (long careers), unless individually or collectively sanctioned by the employer and/or team leader.

Theoretically, international transport is provided by the Ofii in return for the fee paid by the employer and recovered (illegally) from the employee's salary. But we are seeing more and more private transport systems, which is linked in particular to the proliferation of short contracts (3 months).

Seasonal workers are housed on the employer's premises. Housing remains an obligation for the employer, who therefore increasingly prefers other, less restrictive recruitment channels (International Service Provision/Temporary Work Agencies)

The salary in line with the French minimum wage: 10.03 €/hour and €1,521.22/month on the basis of 151.67 hours as of 1 January 2019).
Factors that promote exploitation and a disregard of rights

❖ Precariousness of the residence permit, which is strictly linked to an employment contract, a professional sector and a specific geographical region.
❖ Hiring and firing at the discretion of the employer or user companies in France.
❖ Lack of writing skills and little knowledge of the French administrative system: lack of recourse to the rights that are guaranteed to be applied on French territory.
❖ Absence of unionisation.
❖ Obligation to maintain habitual residence outside France, which has consequences on the benefit of social rights.
❖ Co-opting scheme underlying the recruitment process that creates loyalty obligations and can lead to a system of unlawful purchase/sale of contracts (up to €6,000 per contract).
❖ Accommodation on the farm gives rise to deductions from wages, facilitates the concealment of non-increased or unpaid overtime hours. It is also an instrument of control and a means of ensuring flexibility in the organisation of work.

Legal framework

Labour Code: article R313-18
Labour Code: articles R5221-23 to R5221-25
Labour Code: articles L8256-1 to L8256-8
Decree of 28 October 2016 establishing the list of documents to be provided for the exercise, by a foreign national, of an employed professional activity

For more information

http://www.ofii.fr

CONTRATACIÓN EN ORIGEN (RECRUITMENT IN THE COUNTRY OF ORIGIN) – SPAIN

Contratación en origen is a Spanish scheme which provides a seasonal supply of labour in agriculture.

Origins and developments of the system

Contratación en origen was given a legal status in 2000, although the legal construction of the scheme extended throughout the 1990s. It centred mainly around the idea of allowing the controlled supply of temporary foreign labour while at the same time combating illegal immigration.

Article 39 of the Ley de extranjería 4/2000 establishes the possibility of recruiting an annual quota of foreign workers, taking into account the employment situation of the area. A few months later, a new law (8/2000) limited access to contratos en origen to workers who neither resided nor were already in Spain, in order to
avoid *in situ* regularisations. Article 42 describes the Special Scheme for Seasonal Workers and states that residence and work permits are conditional; workers must be provided with sufficiently dignified and hygienic accommodation and public administrations must provide adequate social services for them to be granted.

As a result of this law, bilateral agreements "on the movement of persons, the reopening and regulation of migratory flows" have been signed with various countries of origin (Spain-Morocco Agreement, 25 June 2001). In 2003, the reform of the *Ley de extranjería* specified that seasonal job offers will be oriented as a priority towards countries with which Spain has signed flow regulation agreements, generally including a readmission component.

Changing status from seasonal worker to a worker with a one-year work permit was made possible by the reform of the *Ley de extranjería* in 2004 and again in 2009. Consequently, seasonal workers who have held 4 and then 2 seasonal work permits back-to-back may return home and apply for a residence permit irrespective of the employment situation in the area. In the province of Huelva, however, following this law, an information document was issued by the government's sub-delegation to explain that this new provision is not applicable in the agricultural sector, since the work and residence permit must be for a full year and be renewable, and that, generally speaking, in agricultural businesses no such positions are available. However, 9-month seasonal contracts are guaranteed on condition that the employee returns home.
Between 2000 and 2010, more than 90% of temporary contratos en origen were in the agricultural sector and more than half of the temporary authorisations were for the strawberry sector in the province of Huelva. In this region, recruitment is almost exclusively female. The vast majority of women recruited are between 25 and 45 years old. A large number of Romanian and Polish women were recruited through this channel between 2002 and 2008. Later, in 2006 and 2009, when Poland and Romania were no longer third countries, the seasonal workers from these countries continued to arrive, but mainly through temporary employment agencies. Since 2009, recruitment has only taken place in Morocco.

In 2006, funding was granted for the European project on "the ethical management of labour migration flows", known as Aeneas Cartaya, and this helped to develop the recruitment of Moroccan seasonal workers who were previously quite marginal in the province. In 2007, the project team established links with the Moroccan employment agency (ANAPEC), which also has funds to develop the employment of workforces abroad within the framework of the European Meda II project. This was propelled by a European rhetoric that is heavily influenced by global migration management and that pushes the idea that migration can be beneficial provided it is supervised (and in the case of unskilled labour migration,
that it remains temporary). Therefore, the mobilisation of Moroccan seasonal workers was, from 2007 onwards, subsidised by more than 6 million euros, used to finance transport, pre-selection, accommodation and management in Spain by intercultural mediators. In this context, the pre-selection process is carried out by Anapec.

In line with the fresh produce sector and in order to meet the European criteria for exemplary temporary migration leading to return at the end of the season, the agency decides, in a clearly discriminatory way, to recruit only women who have been married and have children under 14 years of age, which are the "attachment criteria that improve the rate of return" according to a representative from this agency. The introduction by Anapec of discriminatory criteria to control the mobility of its nationals in order to meet the interests of employers and the recruiting state is one example of the outsourcing of flow control policies to third countries. Other selection criteria include poverty, living in a disadvantaged area, having experience in a rural environment and having many children. In 2010, more than half of the contingent was composed of single women (single, widowed or divorced). In Huelva, this scheme recruited 10,000 seasonal workers from 2008 to 2010, a quota that was to be significantly reduced (2000 seasonal workers) during the economic crisis. In 2018, the contratos en origen scheme relaunched with the arrival of more than 15,000 Moroccan seasonal workers, a figure that seems to have been replicated this year.

Recruitment and management of the workforce
The quota is negotiated in each province within the Provincial Commission for Socio-professional Order during the agricultural seasons (or Mesa de Inmigración).

This commission is made up of 3 representatives of central, regional and local administrations. The agreement reached is approved by the Directorate General of Immigration of the central government,
which issues a number of residence and work permits that constitute the seasonal quota for the coming year. The administration processes the files and issues favourable or unfavourable decisions which it forwards to the Directorate General of Immigration. Within five days, the DGI forwards the decisions to the pre-selection body in the corresponding country (the employment service of the country of origin, for example in Morocco, Anapec) and establishes the date, place and methodology for the selection of workers with the appropriate authorities. Once the recruitment is finished, the selection committee provides the nominal list of the selected persons.

The authorisation is sent together with the employment contracts to the Consulate by the employer or employers’ organisations. Contracts must be signed by both parties. The Consulate General issues the visa within five days and incorporates a work permit into it. The visa becomes valid once the holder enters into Spain. This is verified by stamping the passport or travel document, and if the person enters from a Schengen State, they must present it within three days at any police station or oficina de extranjería. Visas for temporary jobs allow you to work in a specific geographical area and sector of activity and the length of the stay or residency is limited to the duration of the contract. The authorisation allows the worker to be immediately incorporated into the company and to be registered under the social security system. If the worker does not declare their visa, after one month the appropriate authority may cancel the authorisation. If the authorisation is valid for more than 6 months, the worker must request a foreigner’s identity card within one month of their arrival.
Transport is provided by the employers' organisations for the outward and return journeys. The contratos en origen also provide weekly transport for workers to do their shopping. It also obliges the employer provide the employee with guaranteed continuous work during the authorisation period, defined as at least 75% of full-time working hours which in Huelva in the agricultural sector has been set at 18 working days per month. In the Huelva Agricultural Collective Agreement, it is specified that the employer must provide accommodation and that it must be free of charge.

The planned working time is 6h30 of work per day with ½ hour break. The daily salary varies according to the harvests.

Factors that promote exploitation and a disregard of rights

- Discriminatory criteria for recruitment based on the marital and maternal profile of female workers, leading to the arrival of a disadvantaged and therefore particularly vulnerable group.
- Precariousness of the residence and work permit linked to an employment contract, a professional sector and a specific geographical area, which legally traps those who have extended contracts:
  - by the administrative practice of seeking the employer's agreement before authorising a relocation to another farm
  - by housing workers on farms and therefore controlling the mobility of seasonal workers outside the workplace
- Recruitment of a pool of Moroccan seasonal workers within a labour market that is highly diverse in terms of legal status, gender and national origin.
- Establishment on farms of a supplementary reserve of workers, allowing for very flexible use of available labour.
- The distinction between the active workforce and the many workers that are present facilitates competition between groups, which is accentuated by different managerial techniques and leads to a significant increase in efficiency.
- Non-compliance with labour law regarding the number of hours (too many hours or underemployment), general non-payment of overtime, absence of a day of rest, sometimes for an entire month.
There is no general correlation between the reality of the work carried out, pay slips and declarations. Imposition of a minimum performance requirement when this is prohibited by the collective agreement.

Dismissal and repatriation of workers in case of pregnancy. Hiring and firing at the employer's discretion.

Seasonal dismissals before the end of the season when the 2-week trial period in which dismissal is possible has been exceeded.

Isolation of seasonal workers due to housing on farms, wage withholding for charges, and in some cases indecent accommodation.

Lack of equipment for crop treatment. In the case of pesticide treatment, failure to comply with time buffers to work on the crops after treatment.

Tools and equipment not provided or charged for.

Ban on wearing gloves to protect against plant protection products.

Lack of command of the Spanish language: lack of recourse to the rights guaranteed to be applied in Spain, misinformation by intermediaries and translators employed by the institutions.

Absence of trade unionisation.

Ban on speaking during work, especially between men and women.

Punishment of workers (for example, in the event of underperformance or refusal of overtime) by deprivation of work for 2 or 3 days (punishment outlined in the collective agreement).

Failure to comply with the obligation under the contratos en origen to take temporary workers shopping at least once a week.

Numerous reports of passport retention and late delivery of final salary payments, pay slips and work certificates, given only upon boarding the bus to return home, to prevent the "escape" of seasonal workers.

Sexual harassment and abuse.

Legal framework

Ley Orgánica 4/2000, 11 January, on Rights and Freedoms for Non-nationals in Spain and their Social Integration (article 39)

For more information

http://extranjeros.mitramiss.gob.es
Emmanuelle Hellio « “They know that you’ll leave, like a dog moving on to the next bin”. Undocumented male and seasonal contracted female workers in agricultural labour market of Huelva, Spain. », Migration and agriculture, Alessandra Corrado, Carlos de Castro, Domenico Perrotta, Routledge, 2016.
Flussi is an Italian scheme for the introduction of foreign labour by quotas, part of which is generally reserved for seasonal work, be that agricultural or otherwise.

**Background and development of the scheme**
This scheme was introduced by Law No. 40/1998. Since then, on a regular basis (usually once a year), the government has set entry quotas for foreign workers to enter Italian territory for salaried and self-employed work. Quotas are sometimes reserved specifically for seasonal work (not just agricultural work). Quotas are also established by nationality. Priority is given to states that have agreements with Italy for the regulation of labour flows and readmission. Quotas have changed significantly over the years. In 2018, a quota of 18,000 entries was set for seasonal work.

**Recruitment and management of the workforce**
Each year, the government establishes quotas of foreigners who will be allowed to enter and work in Italy by decree, according to the identified labour needs. Quotas are sometimes reserved specifically for seasonal work (not just agricultural work).

An employer who wishes to hire foreign workers must prepare a nominative application. The Ministry of the Interior subsequently publishes a list of applications that have been accepted. The worker therefore obtains an entry visa and, once in Italy, a residence permit for a maximum period of nine months, the duration of which corresponds to the duration of the employment contract. At the end of the contract, the worker is required to return to his or her country. Any foreign national who has met this condition will be given priority for new seasonal contracts the following year. In some cases, part of the quota is reserved for persons who have already had seasonal contracts in previous years.

Successful decrees have often functioned as masked *sanatorie* (massive regularisations of undocumented migrants). Employers hiring unregulated individuals use this method to formalise a pre-existing employment relationship. When this is the case, the person then goes back to his or her country and returns to Italy, once the procedure has been completed.
Flussi works in very different ways across the different Italian regions. In some regions, the scheme is considered to be complex and poorly adapted to the rhythms of agricultural work, and therefore little used. It is not uncommon for farmers to use expressions such as "I asked for 20 workers to pick strawberries and they arrived for the wine grape harvest".

In other regions flussi are better managed and are the subject of special agreements at a local level, such as in Piedmont, for example, where an agreement was signed to share workers between different agricultural companies and allocate the group of workers as best as possible according to the pace of harvests.

The provision of accommodation is mandatory for employers hiring through this channel.

Factors that promote exploitation and a disregard of rights
- The limitation of the work residency, as well as the injunction to return to the country of origin at the end of the contract fosters dependency and forms of submission to employers.
- In addition, the system has been subject to numerous misappropriations, including fraud against migrants (but also against the state). A typical scam involves an intermediary charging a prospective emigrant 5 to 6 thousand euros for an introduction to an employer. Once in Italy, the migrant is unable to contact the intermediary or company within the first 8 days of the employment relationship in order to validate his or her right to stay. The migrant is therefore undocumented and is usually contacted again to work informally. In other cases, companies collect the money and actually hire the worker, but after only a few days of work, they fire him or her.

Legal Framework
Testo unico delle disposizioni concernenti la disciplina dell'immigrazione e norme sulla condizione dello straniero, article 21
“Decreti flussi” published every year

For more information
http://www.interno.gov.it
Anselmo Botte, _Mannaggia la miseria. Storie di braccianti e caporali nella Piana del Sele_, Roma, Ediesse, 2009
TEMPORARY WORKING AGENCIES (ETT) – FRANCE/SPAIN

Temporary work agencies (ETTs) are companies that provide international labour services, particularly in the agricultural sector. The notion of “services” covers any self-employed economic activity referred to in Article 57 of the Treaty on the Functioning of the EU involving the provision of a service which is the subject of an economic counterpart. In France, the provision of services is provided for in the execution of activities of an industrial, commercial, craft, liberal or agricultural nature, carried out within the framework of a contract concluded between a service provider and a beneficiary, at a price agreed between them. It is by nature temporary and its purpose is to carry out a specific task according to specific means and know-how. It is carried out primarily in the context of subcontracting operations. The use of posting in the agricultural sector is mainly applied in two cases: the temporary increase in the activity of the company, or seasonal employment.

Origins and evolutions of the scheme
At European Union level, Directive 96/71/EC of 16 December 1996, known as the “posting” directive, aims to provide a legal framework for workers temporarily posted to another national territory by a company in another Member State of the Union. It outlines the principle that service providers must pay their posted employees according to the conditions of the country in which the work takes place, unless the conditions of the country of origin are more advantageous.

Posted workers must therefore receive the minimum wage of the host country. The qualifications, experience and salary related to this are not mentioned. Only the allowances and benefits specific to the post are considered to make up part of the minimum wage, with the exception of accommodation, food and travel expenses related to the role. This scheme requires social security contributions linked to the employment contract to be paid in the country of origin.

The "single permit" directive of the European Parliament and the Council of the European Union, which entered into force on 14 December 2011, simplifies the procedures for admitting third-country nationals to work and guarantees a common set of rights "on the basis of equal treatment" for those legally resident in a Member State.
On the other hand, it excludes from its scope employees with intra-group mobility, seasonal workers and posted workers. With regard specifically to the latter and as a minimum, the proposal of the European directive of 21 March 2012 aims to establish clear rules for cooperation at the relevant national authority level, to better monitor posting applications (to avoid the increased use of shell companies), to define the scope of supervision provided by the relevant national authorities, to improve the consideration of workers' rights through the introduction of joint liability for the payment of wages, and the processing of complaints.

European Parliament and Council Directive 2014/54/EU of 16 April 2014 introduces measures to facilitate the exercise of workers' rights in the context of the free movement of workers. This Directive makes it possible to clarify the definition of the posting concept, in order to increase legal certainty for posted workers and service providers, to introduce more ambitious standards and better inform workers and companies of their rights and obligations with regard to employment conditions, and to improve cooperation between national competent authorities in the field of posting.

More recently, the European Parliament and European Council Directive 2018/957/EU of 28 June 2018 looks at the posting of workers within the framework service provision. The text guarantees the protection of posted workers during their employment to freely provide services, by setting out mandatory working conditions and provisions to protect the health and safety of workers, which must be respected. Three new topics are included in the 96 Directive: remuneration and all its components (including bonuses and allowances) will apply to posted workers; accommodation conditions, and allowances or reimbursement of expenses to cover travel, accommodation and food expenses. Expenses incurred as a result of the posting must be reimbursed by the employer in accordance with the law of the State of origin. States have two years to transpose the text into national law, i.e. by 30 July 2020 at the latest.

Recruitment and workforce management
Recruitment is often done by co-opting and word-of-mouth within community or social networks or via advertisements on the internet. Some large companies have their own recruitment offices in the "host" country (Spain and Germany in particular) as well as teams of sales agents who lobby companies in the countries where the services are available. They do this to showcase the services offered, and to compile manpower requests.

Transport is the responsibility of the company and the workers are given accommodation either on the employer's premises, usually in a mobile home or caravan, or more recently, on campsite directly rented and paid for by the company.
Wages may vary depending on the countries concerned and working conditions.

Factors that drive exploitation and a disregard of rights
❖ Hiring and firing of labour at the discretion of the employer and user companies.
❖ No knowledge of the French language: no knowledge of the applicable legislation (host country versus country of availability), no access to the rights guaranteed on the national territory.
❖ Absence of trade unionisation.
❖ Forced movement: the average duration of agricultural mission contracts is 44 days.
❖ Several violations concerning undeclared work, concealment of activities, haggling, non-declaration of posting etc.
❖ Failure to declare accidents at work, and dismissal to the country of recruitment, whereas a declaration of an accident at work must be sent by the host company to the labour inspector of the place where the accident occurred.
❖ Non-compliance with legislation concerning remuneration (increase in overtime, payment of public holidays, etc.).
❖ Non-provision of equipment, in cases where temporary employees should not bear the financial burden of personal protective equipment.
❖ Exceeding legal working hours.
❖ Under-reporting of the number of days worked in recruiting countries.
❖ In some cases, poor housing conditions

Legal framework

Posted Workers Directive 96/71/EC
Directive 2014/54/EU
Directive 2018/957/EU

For more information


Background and development of the scheme
Since the post-war period, cooperatives have been formed to provide subcontracted services to other companies in several sectors, including cleaning, security, logistics, home help services, etc. In the agricultural sector, this is used in particular to pick fresh produce. This type of practice poses two main problems:

1) In some cases, illegal intermediation of labour is often hidden behind the legal provision of subcontracted services: cooperatives do not provide services but rather workers to the main company. This practice is illegal in Italy, as the supply of labour can only be carried out by temporary work agencies authorised by the Ministry of Labour.

2) In other cases, the cooperatives (which benefit from tax and legal incentives because of their solidarity-based and mutually beneficial aims) are in fact profit-making, and they use these incentives to evade taxes, scam workers and to reduce wages, negatively affecting working conditions.

In the agri-food and logistics sector, cooperatives are very often used to mask illegal labour intermediation using a service provision contract and/or to lower wages and worsen working conditions.

This happens, for example:
- In different wine production regions in central and northern Italy (Chianti; Moscato; Franciacorta)
- In the food industry, in particular in the slaughtering and meat processing sector, for example in the department of Modena, Emilia Romagna.
- In logistics, in particular in the warehouses and logistics centres of private transport companies, in some supermarket distribution companies and in some food processing companies.

Companies increasingly use the cooperative approach to outsource a growing part of their activities, which allows them to make significant savings on labour costs and to have a flexible workforce at their disposal. This results in barely-legal or illegal practices (subcontracting contracts that hide the supply of labour, a clear reduction in wages and a deterioration in working conditions).

Recruitment and workforce management
In many cases, a mediator formally creates a worker cooperative in which workers are members – not as employees but as partners. These workers are very often recruited by networks of people from the same country. The cooperative, however, does not convene meetings, does not elect a president (who is usually the founder or a nominee), and has no democratic structure.

It offers subcontracting services to other companies: it is paid (with invoices) for these services and in turn pays salaries to the "partners", usually using scams to pay them as little as possible. Sometimes the cooperative closes at the end of the season, declaring bankruptcy, to avoid inspections.

Transportation, housing and compensation conditions vary by region and by cooperative. Some of the workers employed by this system are migrant workers who have been in the country for a long time. Sometimes they are Italian workers. In other cases, cooperatives hire directly in countries of origin or they hire newly arrived migrants (e.g. asylum seekers).

Examples of this type of management can be found in the region of Canelli (Asti), in northern Italy, for the harvest: here, 3 rather stable, supposedly trusted cooperatives, managed by Macedonian workers living in the region, work all year round. If necessary, other cooperatives are established for the harvest and hire workers from Macedonia.
Factors that promote exploitation and a disregard of rights

- Very high dependence on the intermediary for the worker, both for access to work and for all aspects of daily life.
- Competition between workers of different nationalities and legal status who live in the same regions and compete for the same jobs, in a situation where there are more workers than necessary.
- The lack of an effective system of labour intermediation and public transport.
- In terms of the political construction of the local labour market, there has been a shift from pervasive irregularity in which workers had no residence permits, to a legal precariousness in legal terms, since many of them have in recent years had statuses linked to the right to asylum (refugees, subsidiary protection, asylum seekers).
Legal framework

Art. 1655 of the Civil Code
D. Lgs 276/2003
Loi Biagi (30/2003)

For more information

www.nuovocaporalato.it

Lisa Dorigatti, « Ridotte all'osso. Disintegrazione verticale e condizioni di lavoro nella filiera della carne », *Meridiana*, 93, 2018

Caporalato is an informal labour intermediation scheme that is widespread in the agricultural sector in Italy, especially in the southern regions within industrial farming areas that require large quantities of seasonal workers (e.g. industrial tomatoes, citrus fruits) but also a permanent workforce (e.g. greenhouse work).

**Origins and developments of the system**

The caporalato scheme is thought to have been born with the development of capitalist agriculture in Italy at the end of the 19th century. Examples of this can be found in the recruitment of seasonal agricultural workers for rice production in the Padana pianura or wheat harvesters in the Foggia plain in Apulia.

The evolution of this scheme has been conditioned by the transformation of Italian industrial agriculture, but also by the struggles of peasant and agricultural workers’ movements and by the regulation standards of the agricultural labour market. It was in 1907 that the first legislative provision against the caporalato was found in a law concerning rice cultivation. The 1919 Decree-Law No. 2214 introduced a general ban on labour mediation for profit, but was repealed in 1923 by one of the first decrees of the fascist government. This fascist government subsequently reintroduced...
the prohibition of the *caporalato* and opened 3 national offices for the management of agricultural labour migration.

Act No. 264 of 1949 affirms the state monopoly on the placement of workers, by making illegal both private labour mediation and the placement management by trade unions, something that *Federbraccianti* (agricultural workers' union) had begun to carry out after the end of the war in certain areas. In 1970, following new struggles by agricultural workers, Law 83 returned the management of agricultural placement to the trade union organisations through communal placement commissions, providing them with the tools to fight *caporalato* as well as financial aid to carry out this task. Law 608 from 1996 allowed agricultural companies to hire unskilled workers without going through public employment services, thus leading to the permanent disappearance of public employment in agriculture.

In 2003, Law 30/2003, known as the "Biagi Law", introduced the sanction of informal labour intermediation as an administrative offence (applicable to all employment sectors).

In 2011, following the first strike of foreign agricultural workers in Italy in Nardò (Puglia), a decree (art. 12 of the D.L. 13 August 2011, n. 138, introduced in Law 14 September 2011, n. 148) was introduced, stipulating the offence of "unlawful intermediation and labour exploitation".

Law 199 from 2016 confirms *caporalato* to be a criminal offence and introduced a sanction for employers for the exploitation of labour, including through intermediaries.

The *caporalato* is therefore currently considered a crime, punishable by imprisonment, and the sanctions concern both informal intermediaries and agricultural entrepreneurs who use this scheme. In recent years, it has also been the subject of numerous public information and denunciation campaigns by trade unions and NGOs, as well as books, articles and reports.

However, in many parts of southern Italy, informal mediation still holds a monopoly on the recruitment and organisation of the workforce. Since the 1980s, non-Italian *caporali* (illegal employers of low-paid agricultural workers), and workers, have gradually replaced Italian *caporali* and workers.

**Recruitment and workforce management**

Labour management by *caporali* varies according to region, type of farm operation and nationality of farm workers. Recruitment is often based on the "social networks" of migrants and *caporali*.

In the case of workers of African and North African origin, people who are already on Italian territory, in the same region or elsewhere, are generally recruited through informal networks.

Sometimes, workers are recruited in "ghettos" (more or less informal settlements in which migrants live during the harvest season), in neighbouring villages or, more recently, in accommodation centres for asylum seekers.
In the case of workers from Eastern Europe (Romanians and Bulgarians in particular), sometimes recruitment takes place directly in the countries of origin: they are taken to Italy for harvesting and then brought home when the work is finished.

In some areas the *caporalato* is a highly structured and hierarchical organisation, sometimes linked to local organised crime; in others it is less structured and takes the form of a labour management system in which migrants with better organisational and linguistic skills assume the position of intermediaries.

In addition to recruitment, the *caporali* are responsible for workers’ transport, management and occasionally accommodation. He or she negotiates wages and the general organisation of work; they receive payment from the employer and distribute this to workers, deducting a variable sum to cover their intermediation work and the other services they provide for workers (transport, accommodation, meals, etc.).

Transport arrangements vary from one region to another. In some areas, such as in the Foggia region (Puglia) or the Gioia Tauro plain (Calabria), the method of transport used is often uninsured vans or cars, in which the rear seats are replaced by benches so that more people can be transported. This type of transport is rather dangerous and accidents are common and sometimes fatal.

In several regions of southern Italy (around Foggia and Nardò in Puglia, Basilicata, the Gioia Tauro Plain in Calabria and the Campobello di Mazara area in Western Sicily) seasonal workers (especially those from sub-Saharan Africa and Eastern Europe) live in small and large "ghettos", i. e. hut, tents or abandoned farms or towns. In these places, they sometimes pay "rent" to the *caporali* or organise themselves independently.

These places are often far from towns and villages and lack public services, such as public transport, water and electricity supply. Services are provided informally and generally in exchange for money by the *caporali* themselves or by other migrants who live in these areas. Sanitary conditions are very precarious. Many, sometimes fatal, accidents have been reported due to gas tank explosions, fires in barracks or following interventions by law enforcement officials.
The salary is often "a cottimo" (rate per production): for example, 1 euro per box of oranges or olives or 3.50 euros per 300kg box of tomatoes for industry. In cases where pay is hourly, workers earn between 25 to 40 euros per day depending on the region and the type of crop. The cut taken by the caporali’s services must be deducted from the worker’s pay.

According to the Agromafie and Caporalato Observatory of the FLAI-CGIL, the number of workers working under the Caporalato scheme (incl. foreigners and Italians) is estimated to be around 400,000.

Factors that promote exploitation and a disregard of rights

❖ Very high dependence on the intermediary for the worker, both for access to work and for all aspects of daily life.
❖ Absolute non-compliance with labour law.
❖ The legal status of migrant workers employed via the caporalato, particularly non-European foreigners, is one of the strongest causes of precariousness. With regards to the evolution of the local labour market, there has been a shift from a widespread irregularity in which workers had no residence permit to a situation of legal insecurity, since many of them have had asylum status in recent years (refugees, subsidiary protection, asylum seekers).
❖ Residential segregation within ghettos makes it difficult for migrant workers to communicate with people living in urban centres, but also with trade unions, public services, etc.
❖ Competition between workers of different nationalities and legal statuses who live in the same regions and compete for the same jobs, in a situation where there are more workers than necessary.
❖ Dangers and accidents during transport and inside ghettos (several deaths).
Legal framework

14 February Law 2003 n. 30
D.L. 13 August 2011, n. 138
29 October Law 2016 n.199 “Disposizioni in materia di contrasto ai fenomeni del lavoro nero, dello sfruttamento del lavoro in agricoltura e di riallineamento retributivo nel settore agricolo”

For more information

Alessandro Leogrande, Uomini e caporali. Viaggio tra i nuovi schiavi nelle campagne del Sud, Milan, Mondadori, 2008

INFORMAL INTERMEDIATION – MOROCCO

This scheme concerns mainly the work of labour/transportation intermediaries who recruit and provide transport in vans and trucks to female workers in the strawberry and red fruit sectors in Morocco.

Background and development of the scheme

Intensive strawberry cultivation began to develop in Morocco in the late 1980s. Its origins are closely linked to the relocation of Spanish companies that exported the current production model from Huelva at that time.

Strawberry cultivation in Morocco is currently concentrated in the coastal area of north-west Morocco, in the Loukkos plain and northern Gharb Region, between the provinces of Larache and Kenitra, which corresponds to the irrigated areas developed during and after European colonisation. It produces 85% of the country’s strawberries.
Currently, Spanish export companies are the majority in this sector, although there is a growing presence of large European and American transnational groups that find Morocco’s north-west coast an excellent platform for exporting strawberries and other soft fruits to European markets. A significant number of Moroccan agricultural producers (and some industrialists) have joined the sector.

It is a type of agriculture in which medium and large farms predominate (60% of farms are over 20 hectares), due to the high amount of investment required, and in which agricultural producers depend on large exporting companies that provide packaging and marketing.

The strawberry production and export sector in the Loukkos area produces between 75,000 and 110,000 tonnes of strawberries per year, from an area of 3,500 hectares in 2017. More recently, the cultivation of other red fruits, such as raspberries or blueberries, has been introduced and is developing more and more. The harvested fruit is sent to about 23 packaging and freezing units in the region.

75% of recruitment in this region is carried out through an informal intermediation network. This is a scheme that appeared in the region with the development of strawberry cultivation in the late 1980s. It is very different from other recruitment systems used for other crops in the region where the use of the moqqaff, or daily markets for agricultural workers, is the predominant method, located in communal centres (Laouamra, Dleha, etc.) and on the outskirts of cities in regions like Larache.

**Recruitment and workforce management**

Intermediaries recruit workers in villages (douars) within a 60 km radius of the strawberry and other red fruit production areas. Most of these are labour/transportation intermediaries, who offer a dual service to employers: recruitment of workers and transport of staff. They provide a shuttle service that allows workers to travel daily between their homes and workplaces (there are also foremen, waqafs, who act as intermediaries, but these are few).

Only 25% to 30% of female workers have direct access to their jobs.

Intermediaries recruit workers from the same villages each season, which provides a degree of stability in the labour force for producers. This system allows them to access a large amount of labour and keep wages as low as possible. On the one hand, we avoid the daily negotiation that traditionally exists in the moqqaff system where wages rise during the high season. Intermediaries recruit young girls from villages in the non-irrigated area, far from strawberry fields, where there are no opportunities to work as workers. On the other hand, the fact that workers live at home reduces the labour costs that employers must pay (because they must otherwise provide a wage that allows them to pay rent or by providing housing) if recruiting a proletarianized labour force.

Under normal circumstances, the employer covers the intermediary’s cost of transporting the workforce. Most of the transport is carried out in large trucks with 50 to 80 standing workers, or in Mercedes 207 vans with up to 30 workers. Neither the comfort nor the safety of the workers are ensured and accidents (sometimes fatal) occur regularly.
Transport time is between half an hour and 2 hours per trip, which adds between 1 and 4 hours to the working day, depending on distance and road conditions.

This is a specific scheme that has developed due to the high demand for labour in strawberry and red fruit cultivation and the producers' desire to have enough readily available and cheap labour. Similar systems (which differ in how they work) can be found in other areas of intensive agriculture. For example, in the Chtouka plain, in the Souss Massa region, there are also labour/transportation intermediaries for fieldworkers. On the other hand, in Shtuka, this is done using the *moqqaff* and a significant number of intermediary supervisors, who are also often women.

Most of the workers live with their families or rent rooms in the villages of Dlelha or L'Aouamra. The absence of contracts and failure to declare to the CNSS (Moroccan Social Security Fund) is widespread on farms. Work is usually done on a daily rate. In the packing stations, there are, in different numbers, declared and contract workers and others who work undeclared.

For work in the fields, the hours vary from 8 and 10 hours a day. There is no fixed finish time. This varies depending on the amount of work to be done and the availability of transport.

In the fruit packaging and freezing stations: the work is carried out per tonne, i.e. according to the quantity of fruit to be packed. In high season: days can last up to 16 hours (even 17 to 18 hours/day in some cases), in low season: 7 to 8 hours/day.

The Moroccan labour code provides for a working time of 44 hours per week (2,288 hours/year) except for agriculture, where it can extend to 48 hours/week (2,496 hours/year). The maximum working day is 10 hours, but the Labour Code (art. 196) allows it to be extended by regulation, in the event of an increase in the workload. Additional hours must be paid as overtime.

Concerning wages, the SMAG (Guaranteed Minimum Agricultural Wage) is applied for work in the fields and the SMIG (Guaranteed Minimum Industrial Wage) for work in packaging and freezing stations. In July 2019, the SMAG was set at 73.21 dirham/day and the SMIG was 14.137 dirham/hour (1 euro was approximately 11 dirham in July 2019).

It should be noted that these types of minimum wage are not always respected by employers.

There are about 20,000 workers (Intermon oxfam, 2010) in Larache provinces and Kenitra, more than 90% of whom are women. Most of them are young women who are single and have a low level of education.

**Factors that promote exploitation and a disregard of rights**

- Workers' youth (work of minors (>15 years old) in the fields).
- Outsourcing recruitment and transport allows employers to unload responsibility for (poor) transport conditions and possible accidents (no written contract with carriers).
- Non-payment of all working hours (industry).
- Unfair dismissal.
- No payment for overtime, no night work bonus.
- Wages below the minimum wage levels.
- No declaration to the National Social Security Fund (CNSS).
- No remuneration for public holidays.
- No worksheet.
- Working days too long.
- Widespread emotional and sexual harassment.
Legal framework

Road transport of staff:
- Dahir No. 1.63.260 of 24 Jumada II 1383 (12 November 1963) on road transport by motor vehicles, as amended and complemented, in particular the provisions of paragraph (a) of the second subparagraph of Article 2.
- Law 52.05 on posting traffic regulations and the texts adopted for its application.
- Decree No. 2-80-122 of 5 Moharrem 1402 (3 November 1981) on private public passenger transport, as amended and complemented.
- Specifications relating to the transport of staff for hire or reward. Road transport and road safety departments. Ministry of Equipment and Transport
Intermediation:

For more information

INTERMEDIATION SCHEMES: THE IMPOSSIBLE EQUATION OF LABOUR INSPECTION IN FRANCE

In September 2004, two labour inspectors were coldly shot dead on a farm in Dordogne. This extreme tragedy symbolises the permanent tensions and daily difficulties of monitoring work in the fields. The increasing use of intermediation adds complexity in ensuring compliance with legislation. The International Service Provision can be responsible for very significant proportions of labour in some areas of agroindustrial production: 30% of seasonal work in Alentejo or Algarve (Portugal) is subcontracted, up to 80% of slaughterhouse staff in Lower Saxony (Germany) is employed as part of the posting scheme.

According to a labour inspector\(^2\), one of the main problems is detection ("where are the abusive situations?"), in particular when no declaration is made prior to workers being posted in the workplace. Workers are said to be "invisible", in particular because they are generally taken care of and housed by the service provider, regardless of which farm they work on, usually on camp sites or in independent houses. However, in some cases, the user company may assume responsibility for accommodation but is not obliged to do so.

Moreover, the inspection staff is not fit for purpose: in the Drôme, for example, there are 16 inspection officers for about 15,000 companies. In France as a whole, there are 2,200 inspection officers. The result is that in 2017, the OFII (French Office for Immigration and Integration) received only 45 reports for the agricultural sector, of which only 4 files were sent by the Labour Inspectorate\(^3\).

In particular, it is almost impossible to check:

- The illegal existence of "brokerage fees" (the amount that the worker must pay to the ETT in order to obtain a visa).
- How effectively social security contributions are paid in the country of origin.

In addition, testimonies indicate a chronic under-reporting of working days in France, which excludes workers from the right to unemployment benefits. The inspectors highlight the difficulties they encounter in obtaining supporting documents that are often falsified (false service contracts, false pay slips, false time statements). In fact, service provision is a permissible labour supply method which uses companies based abroad to bring in employees at a lower cost. When official reports are adequately followed up, criminal sanctions are increasingly replaced by administrative sanctions: one avoids going to court, and the file goes through the working director at the departmental or regional level. A financial sanction may then be put in place or a ban on using the OFII system may be implemented, which encourages the employer to turn to the ETTs.

A report on “posted workers” written in 2013 by a French parliamentarian explains: "because of the complexity of such a multifaceted phenomenon, involving various languages, legislation and administrative means, (...) (we doubt) that compliance with the law can be effectively monitored, including by the oldest structured and organised Member States in the field of labour inspection, unless considerable human means are used, disproportionate to the expected benefits and inconceivable in the current budgetary context.\(^4\)

\(^2\) Informal interview, 2016
\(^3\) Délégation Nationale à la Lutte contre la Fraude, Bilan statistique relatif aux sanctions administratives pour travail illégal, 2017
In response to this observation, proposals are being made, in particular in favour of the creation of a European Agency for the supervision of posted workers in Europe with the following tasks:

❖ The observation of the phenomenon and inter-State offences.
❖ Monitoring of national legislation.
❖ The formulation of proposals for improving European regulation.
❖ The improvement of the administrative information system between Member States.

**DEVELOPMENT OF LEGISLATION ON POSTED WORKERS IN FRANCE**


In particular, it will make it possible to:

❖ Improve standards to better inform workers and companies of their rights and obligations regarding employment conditions; improve cooperation between national authorities responsible for posting (two working days for urgent information requests and twenty-five days for non-urgent requests).
❖ To clarify the definition of the concept of posting in order to increase legal stability for posted workers and service providers.
❖ To define the responsibilities of the Member States by designating specific supervisory authorities to verify compliance with the rules.
❖ To establish a list of national control measures that may be applied by Member States to verify compliance with both Directive 96 and the implementing Directive.
❖ Improve respect of rights and the handling of complaints, by requiring the host and home Member State to ensure, with the help of trade unions and other interested third parties, that posted workers can lodge complaints and take legal and/or administrative action in the event of non-compliance with their rights.
❖ To ensure that administrative penalties and fines imposed on service providers by the supervisory authorities of one Member State can be enforced and recovered in another Member State. The penalties imposed must be effective, proportionate and dissuasive.

Law 2014-790 "Fighting against unfair social competition" (Savary) adopted in France on 10 July 2014, strengthened checks and sanctions against companies that abuse posted workers and introduced the principle of "joint and shared liability", making it possible to prosecute the user company in the event of fraud (undeclared workers, underpayment of wages and so on). The advance posting declaration must be annexed to the single staff register of the company hosting posted employees. The law also forces the supplier to be vigilant with regard to compliance with labour law and the remuneration of posted workers. If there are issues with payments, they are jointly liable with the employer for the payment of the remuneration, allowances and expenses due. Finally, the law compiles a "black list" of companies convicted of offences constituting illegal employment, which may then be denied public aid for a period of 5 years.

With the Macron law n° 2015-990 of 6 August 2015 for growth, activity and equal economic opportunities, the State services are now equipped with administrative sanction tools giving them greater coercive

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5 In the event of non-payment of the minimum wage to an employee, or failure to respect the mandatory rest period, fines of up to €2000 per posted worker may be imposed, and even up to €4000 in the event of a repeat offence.
powers, particularly if the ETT has no legal representative in France, if it has not made a prior declaration on posting (now possible online) or if it does not have a bank guarantee registered with the Banque de France.

Section 5: Combating illegal international service provision

❖ When a labour inspectorate control officer notices a serious breach of this obligation, relating to the SMIC (minimum wage), daily rest, weekly rest, maximum daily working time or maximum weekly working time, or a breach by the employer or his representative, he shall instruct the employer in writing to resolve the situation within a period fixed by decree in the Conseil d'État.

❖ If the employer fails to resolve said situation within the given time frame, the appropriate administrative authority may, as soon as it becomes aware of a report from a labour inspectorate control officer to record this failure, and considering the repetition or seriousness of the failure, order by reasoned decision that the employer suspend the service provision for a period not exceeding one month.

❖ When deciding the amount of the fine, the administrative authority shall take into account the circumstances and gravity of the breach, the conduct of the offender and his resources and charges. The fine is less than or equal to €10,000 per employee affected by the breach.

❖ In the law of 27 June 1973 on collective accommodation, a paragraph has been inserted, worded as follows: "When a place is used to accommodate workers, this should immediately be declared to the labour inspectorate of the place where this accommodation is located."

❖ Labour inspection control officers may enter any premises assigned to the accommodation of workers, after having received the authorisation of the person or persons occupying it (Art. L. 8113-2-1).

Act No. 2016-1088 of 8 August 2016 on work, the modernisation of social dialogue and the protection of professional careers:

Title VI aims to strengthen the fight against illegal posting

❖ "The conditions under which the contracting authority or supplier is required to transmit, by electronic means, the declaration referred to in the second paragraph of this document, shall be determined by decree of the Conseil d'Etat adopted after consulting the National Commission on Information Technology and Freedoms".

❖ Before the start of the posting, the contracting authority shall check that each of the direct or indirect subcontractors of its contracting partners has sent a declaration, prior to the posting, to the labour inspectorate of the place where the service begins and has appointed a representative of the company on the national territory, responsible for ensuring liaison with the inspection agents.

❖ When a posted employee is the victim of a work accident, a declaration is sent to the labour inspectorate of the place where the accident occurred (Art. L. 1262-4-4-4.).

❖ Any labour inspectorate or similar inspector referred to in the last paragraph of Article L. 8112-1 who has not received, at the end of the 48-hour period from the beginning of an employee's posting, the necessary posting declaration may order, by reasoned decision and in line with the gravity of the failure, that service provisions be suspended for a period not exceeding one month (Article L. 1263-4-1.)
THE "PEASANT AGRICULTURE AND SEASONAL MIGRANT WORKERS" PROJECT  
(Confédération Paysanne et Echanges et Partenariats)

Changes in the migratory flows of people working in agriculture, increased violation of their rights in production areas where there are sometimes tens of thousands of workers and the emergence of different types of protests (legal actions, strikes, etc.) calls for concerted trade union action and community-based work at the European level. The seasonal nature of the labour, the "invisibility" of these workers, and the voluntary competition between workers, make this work difficult. For the Confédération Paysanne and the members of La Via Campesina it is obvious that the struggle for the peasants’ right to income is synonymous with the struggle for the respect of the rights of land workers. We refuse to base agricultural product prices on wage squeeze, deteriorating working conditions and the promotion of servitude in agriculture.

That is why the Confédération Paysanne and the international solidarity association Échanges et Partenariats (Paris) have launched an international work programme based on exchanges, meetings and training of farmers and seasonal agricultural workers. Since 2006, dozens of volunteers have gone to meet farmers and workers from Germany, Spain, Italy, Morocco, Poland, Palestine, Belgium, the United Kingdom, Portugal and Romania.

Below are some examples of the work being carried out.

http://echanges-partenariats.org  
http://www.agricultures-migrations.org

Canelli, Piedmont: 780 hectares of vineyards (more than half of the cultivated area) managed by about 500 small and medium-sized estates. The appellations for wine from this region are among the most famous in Italy: Asti spumante, Moscato d'Asti, Barbera d'Asti, Barbera del Monferrato, Dolcetto d'Asti. Some properties now belong to large companies, including major insurers such as Generali, who buy land to secure their guarantee funds.

Currently, most of the agricultural workers employed in these vineyards are of Macedonian origin. (...) There are about fifteen such cooperatives in Canelli, almost all (except one) run by Macedonians, three of which are well-known and stable. The others are more hidden and open and close down from one year to the next. Farmers are no longer the employers, but customers of the cooperative that they use according to their needs: the cooperative provides them with a billed service and takes care of everything. In theory, to avoid illegal labour bargaining, cooperatives must provide all means of production and also be present in the field to effectively exercise their responsibility as employers... Requirements that are difficult to apply when a cooperative of 120 worker-members provides more than 30 different customers, sometimes with only one worker on the spot.

“Since the 1990s, the economy and space of the Huelva region have been organised around the production of red fruits for export - strawberries in particular, but also raspberries, blackberries and blueberries. Today, for strawberries alone, there are 7,000 hectares of greenhouses and more than 300,000 tonnes of strawberries exported each year. However, in order to be able to produce at the lowest prices and be competitive in terms of exports, the region has depended, since the 2000s, on the periodic import of a flexible and low-priced migrant labour force, now mainly from Morocco. As José Antonio Brazo Regalado, head of the SAT in Huelva, points out, this production is therefore rooted in a precarious labour force, which in turn is based on triple discrimination: being a worker, being a woman and being a migrant.

On June 19, the demonstration organised by the SAT brought together more than 2000 people, including many women gathered at the head of the march and alternating between different feminist slogans, in favour of opening borders and against sexual violence. In addition to the SAT, the 8M movement was also present in numbers and many people who were simply in solidarity after the recent condemnations. The demonstration also brought together several Spanish and Moroccan female workers. Proof of the cascading damage of patriarchy, several Moroccan women walked with their faces hidden by a scarf so that they could not be recognised by their families. At least one of them was disowned by her husband (who stayed in Morocco) after images were broadcast showing her denouncing the sexual violence she had suffered”

Nathan Seiller-Mann, “Women in Huelva mobilise against social and sexual exploitation in strawberry fields”, mission in Spain with the Confédération Paysanne and the Sindacato de Obreros del Campo, 2018
“They work in the vineyards during the day and sleep in the street at night. For some years now, Spaniards of Sahrawi origin - among others - have been coming to the wine-growing seasons in the Libourne and Médoc regions of Gironde. While they had a stable professional and social situation in Spain, they were among the first victims of the economic crisis and decided to come and carry out agricultural work in south-western France. Last year, more than a hundred of them, employed by service providers, slept in squats or on the street. At the beginning of the summer, following reports from the municipalities, they had to evacuate their makeshift camps twice, under a motorway bridge in Arveyres, and then from buildings belonging to a subsidiary of the SNCF. Today, these seasonal workers are beginning to return to the region without any accommodation arrangements having been made, despite the mobilisation of several associations, in particular the League for Human Rights (1), which is increasing its inquiries of public authorities. (....) At the beginning of March, a group of associations and trade unions mobilised and joined forces under the name of the Libourne Collective for Seasonal Workers. Once again, it is a matter of reminding the various stakeholders involved of their responsibilities and obligations. Indeed, local authorities are directly involved in the maintenance of public order, economic development and social action. As for employers and vineyard owners, their responsibilities take on a moral dimension - seasonal workers come to work for them - and, from a purely rational, economic approach, workers will be all the more productive if they have decent housing. Finally, liability is also a legal matter since the law on unfair competition adopted in July 2014 provides for "vigilance" by the ordering party regarding the housing conditions of employees of a subcontractor company. ”

*Mikele Dumaz, “Another season under the bridge?”, mission in France with the Confédération Paysanne, 2015*
To learn more, below is a selection of articles put together by volunteers who work around the issue of workforce mediation:

Cindy Thommerel, « Si tu n'es pas content, rentre chez toi ! », 2014.
Testimonials from food industry employees recruited by subcontractors in Germany.

On service provision in Portugal

On Spanish ETT

https://www.cairn.info/revue-plein-droit-2008-3-page-30.htm
On intermediation in Southern Italy

https://www.cairn.info/revue-plein-droit-2008-3-page-34.htm
On contratos en origen in Andalusia.

On the recruitment of Eastern European workers by 'traditional' temporary employment agencies in Lincolnshire and Cambridgeshire, England

On agricultural worker cooperatives in Canelli, Italy.

Mikèle Dumaz, « Ces travailleurs saisonniers que nous ne verrons pas », 2015.
On accommodation problems with OFII contracts in Lot-et-Garonne.
Mikèle Dumaz, « Migrants saisonniers in agriculture : « bouffée d'oxygène » pour les employeurs, droits étouffés pour les travailleurs », 2015
On the recruitment of Polish and Moroccan workers under OFII contracts in Lot-et-Garonne

Mikèle Dumaz, « Encore une saison sous les ponts », 2015
On Spanish seasonal workers in Gironde recruited by ETT.

Nathan Seiller-Mann, « Les femmes de Huelva se mobilisent contre l'exploitation sociale et sexuelle dans les champs de fraises », 2018
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<th>Source</th>
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<td><a href="http://volontaires.echanges-partenariats.org/2018/06/21/les-femmes-de-huelva-se-mobilisent-contre-le-exploitation-sociale-et-sexuelle-dans-les-champs-de-fraises/">http://volontaires.echanges-partenariats.org/2018/06/21/les-femmes-de-huelva-se-mobilisent-contre-le-exploitation-sociale-et-sexuelle-dans-les-champs-de-fraises/</a></td>
<td>On the struggle of Moroccan women workers under contratos en origen</td>
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<td>On the organisation of competition between workers by Palestinian intermediaries for Israeli bosses</td>
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<td>Account of a recruitment process organised by a national Romanian employment agency (ANOFM) with the EURES network.</td>
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<td>About an ETT who recruits seasonal workers from Romania in l'Alentejo and places other Thai workers brought to Portugal by Israeli ETTs</td>
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MOBILISATIONS OF MIGRANT AGRICULTURAL WORKERS IN ITALY

Mobilisations in the agricultural labour market in Italy date back at least to the end of the 19th century and have concerned different Italian regions, depending on the transformations of agricultural production and the migratory movements of seasonal workers (rice field workers in the Padana plain, Capitanata harvesters in Apulia, citrus fruit pickers in Calabria, etc.).

In the agricultural sector, we have seen the alternation of different forms of proposals and alliances from informal private recruiters (caporali), agricultural workers’ trade union organisations -that have tried to impose “class placement”- and other forms of labour market control by the State -which has tried to impose “public placement”.

Today, with the exception of a few thousand seasonal workers recruited through flussi, informal networks hold the monopoly of the mediation of agricultural labour, more or less illegal, which are made up of agencies and cooperatives of various forms.

Demonstration after the death of Sejkine Traore, shot dead by the police in the San Ferdinando shantytown, Calabria, 8 June 2016. Nadia Lucisano
It was from the late 1980s that the issues of seasonal work and labour intermediation began to be more specifically about foreign workers.

On 25 August 1989 in Villa Literno (Caserta, Campania) a South African asylum seeker, Jerry Essan Masslo, was killed in a robbery at the abandoned farm where he lived. Masslo, who worked as an agricultural worker for the tomato harvest, had previously condemned, on an Italian television channel, the exploitation and racism he had experienced, as well as the caporalato system. His death led to a major mobilisation, probably the first in Italy to denounce racism and the exploitation of foreign workers: on 20 September there was a strike by foreign farm workers in the Volturno plain (Caserta), followed on 7 October by an anti-racist demonstration in Rome in which 150,000 people participated.

Despite the seriousness of this incident and the extent of the mobilisations it triggered, the issue of exploitation of migrant workers in agriculture was then ignored for almost 20 years. During this period, the main protests in the field of migration concerned the implementation of laws regulating migratory flows (in particular the Turco-Napolitano law of 1998 and the Bossi-Fini law of 2002).

One of the main organisations to mobilise regarding the exploitation of agricultural workers is, particularly since the mid-2000s, the Flai-Cgil (Federation of Agricultural Industry Workers of the Italian General Confederation of Labour). On 21 October 2006, it launched, together with other organisations, a demonstration in Foggia, Puglia, under the slogan “No to undeclared work, dignity at work”. This mobilisation took place shortly after the discovery of about a hundred Polish farm workers employed in tomato harvesting under conditions close to slavery. An investigation was also opened to determine the causes of the deaths of at least 4 workers in this area.

In the same year, Flai-Cgil organised a strike and demonstration of agricultural workers – most of whom were of Moroccan origin – in the Sele plain (Salerno, Campania). The caporalato and scams against agricultural workers from the decreti flussi were among the violations reported during this rally. From 2009, it launched the public whistle-blowing campaign “Oro rosso” (Red Gold), which focused on informal work, the exploitation of workers and the caporalato in the tomato production area.

A few years later, attention shifted to Calabria, particularly in the Rosarno region, a citrus fruit production area characterised by conditions of extreme exploitation of migrant workers. In December 2008, two migrant workers were injured by gunfire in Rosarno, one of them seriously. As a result of this event, about 350 foreigners, employed in agriculture in the region, gathered to protest in an abandoned factory.

Two years on, in 2010, a similar situation occurred in the same region but this time it led to much larger mobilisations. One evening in January, on their way home from work, two African migrants were shot with an air rifle and consequently injured in the attack. Following this event, a series of demonstrations and riots broke out over several days between seasonal migrants employed in orange harvesting, the local population and the police. It was named the "Rosarno revolt". These riots received extensive media coverage and represented a turning point in the history of migrant struggles in Italy, which would lead to numerous mobilisations of various forms.

In March 2011, a delegation of farmers' and trade union organisations from the European Coordination Via Campesina (ECVC), including ARI (Associazione Rurale Italiana), SOC (Sindicato de Obreros del campo) and the Confédération Paysanne, carried out a mission to Calabria to document the situation one year after the Rosarno riots. At the same time, locally, the Sos Rosarno association began to take shape. It endeavours to unite peasants, migrant workers and activists from the Gioia Tauro plain in Calabria, on the basis of the principles of peasant agriculture, to oppose the exploitation of foreign workers and the
subordinate position of peasants in the agri-food system. Today, Sos Rosarno is a member of the Italian Rural Association and is active in ECVC.

ARI – Associazione Rurale Italiana

ARI is a farmers' association and member of La Via Campesina, which fights for the defence and development of agricultural production models that respect the environment and people.

In this sense, ARI actively supports the struggles of agricultural workers in Italy. For more than ten years, it has been involved in action research projects and has contributed to many mobilisations and initiatives on this subject.

In July and August 2011 in Nardò, Puglia, a few hundred seasonal workers employed in tomato harvesting went on strike for 15 days to denounce the violations committed by their employers and by labour intermediaries. This campaign has gained a certain amount of media attention, thanks in part to the emergence of the figure of Yvan Sagnet, a Cameroonian student who came to work for the tomato harvest to finance his studies and became the leader and one of the symbols of this struggle.

The Nardò strike, which remains to date the largest strike initiated by migrant agricultural workers in Italy, has had significant media but also legislative repercussions: focussing on the demand for onerous employment contracts and opposition to the caporalato system, it has facilitated the process of drafting a law that has raised the caporalato's status from administrative offence to a crime, punishable today by 1 to 6 years in prison and a fine of €500-1000 for each worker without a contract.

In the summer of the same year, a network was created under the name of "Campagne in lotta" (countryside in struggle), with the objective of carrying out forms of social and political intervention within the "ghettos" and to support the mobilisation of foreign agricultural workers all over Italy. The network is active in the ghettos in different Italian regions and is at the origin of many mobilisations, and is particularly active in Puglia and Calabria.

This wave of mobilisations gradually spread to different territories, including northern Italy. During the summer harvest season in 2013 and 2014, for example, there were two demonstrations in the Saluzzo region of Piedmont, which mainly concerned the unsuitable living conditions of seasonal migrants in makeshift camps.

From 2015, the Unione Sindacale di Base (USB) began trade union activity in various areas related to the exploitation of workers in agriculture, notably in Basilicata, then in Calabria and Puglia, and more recently in Piedmont. This organisation is at the origin of many public demonstrations, some of which have been highly publicised.

USB's actions aim not only to counter the caporalato as a form of intermediation, but also to denounce the functioning of the agri-food sector as a whole and the precariousness of foreign workers through the regulation of migration flows.

Among other things, USB proposed a return to public service placement in the agricultural sector.
Over the years, many organisations and cooperatives based on the Sos Rosarno model have emerged. These structures are fighting against the caporalato through the construction of “alternative” production and distribution chains of agricultural products. In 2015, about twenty of these organisations joined the Fuori Mercato network (“outside the market”), around a common project of economic exchanges and solidarity and with the ambition of creating an "alternative to the market".

On 18 April 2016, Flai-Cgil organised a demonstration in Latina, attended by about 2000 people, most of whom were Indian workers employed in agriculture under conditions of serious exploitation. The aim was to expose the caporalato, the Mafia infiltration into agriculture, and the working and living conditions of these workers.

On August 25, 2016, 400 farm workers, at the request of the Campagne in lotta network, blocked the tomato processing companies Princes e Futuragri, near Foggia, for more than 6 hours. This mobilisation raises the question of the role of the industrial production chain in the exploitation of foreign workers in agriculture.

In recent years, events and mobilisations have continued in several regions.
In June 2018 USB organized a demonstration in Reggio Calabria following the murder of agricultural worker and trade union activist Soumaila Sacko.

In July 2018, a demonstration was also organised in Cuneo (Piedmont) by USB, ARI, Comitato Antirazzista Saluzzese and Carovane migranti.

Between August 8 and 9, 2018, three demonstrations took place in Foggia, one organised by Campagne in lotta, the other by the confederate unions, and another by USB. A few days earlier, 16 farm workers died in two road accidents while travelling piled up on vans suspected of being driven by caporali.

On September 22, 2018 USB organised a second national assembly of agricultural workers in Foggia (after the Venosa assembly in 2016) and launched a platform for advocacy to fight against exploitation in agriculture.
In the winter of 2018-19, new mobilisations took place in Rosarno during the citrus fruit harvesting season, particularly in connection with recurring attempts to dismantle migrant camps. USB and other organisations created a "Committee for the re-use of empty houses in the Gioia Tauro Plain".

Despite all these mobilisations, it must be noted that working conditions in the Italian agricultural sector remain extremely precarious, even disastrous in some regions, particularly for migrant workers... The struggle continues!

For more information

http://www.assorurale.it
http://www.fuorimercato.com
www.usb.it
In France, one of the most important struggles concerning the exploitation of seasonal foreign workers has specifically targeted the intermediation system of Omi contracts. It took place in the Bouches du Rhône, an intensive agricultural region in the south of France where a large part of the seasonal workforce has been recruited through this scheme since the 1970s.

The main protagonist of this struggle is CODETRAS, a collective created in 2002 by individuals and organizations involved in defending the rights of foreign agricultural seasonal workers, including the CGT and CFDT trade unions and a network of social workers from the "Rural Support Points", who receive seasonal workers through reception centres to facilitate their access to social rights. Over the years, many organisations have joined the struggle, including other trade unions (Fédération Syndicale Unitaire, Confédération Paysanne), human rights associations (Ligue des Droits Humains/League for Human Rights) and migrant rights groups (Association de Soutien aux Travailleurs Immigrés/Association for the Support of Immigrant Workers, Mouvement contre le Racisme et pour l’Amitié entre les Peuples/Movement against Racism and for Friendship between Peoples, Comité Inter Mouvements Auprès De Évacués, Espace Accueil aux Étrangers/Inter Movement Committee for Evacuated People, Space for Foreigners), solidarity associations and international cooperations (FCE, Nafadj/Pays d’Arles), anti-globalisation activists (Association pour la Taxation des Transactions financières et pour l’Action Citoyenne/Association for the Taxation of Financial Transactions and for Citizen Action - ATTAC) and researchers.

The CODETRAS collective gave itself three essential objectives: to understand and raise awareness surrounding all the facets of OMI contracts being used as a system of hyper-exploitation of foreign workers; to contribute to the defence of the victims of this scheme and to support those who fight it; and based on these realities, to challenge the utilitarianism that determines migration policies, in particular those of the European Union.

The collective's main demand was not to abolish the OMI contracts as such, but rather to reclassify any seasonal contract of more than 3 months into an permanent work contract with the joint issue of a renewable residence permit to any holder of a permanent contract.
Codetras' action has gradually shifted towards a legal approach, with the objective of providing technical expertise and a paid workforce to trade unions and associations; to move things forward through legal action.

This initiative is divided into two main parts: in one, Codetras supports and accompanies employees in disputes with their employers, the Préfecture and the Caisse de sécurité sociale agricole (MSA) on an individual basis. In the other, and as from 2005, Codetras has been involved in a series of more collective and political actions, mainly concerning the legalisation of seasonal workers.

The Aït Baloua case and OMI Regulation Operation (Régul'OMI)

In 2005, a few days before his return to Morocco, Baloua Aït Baloua learned that his boss, for whom he had worked for more than 20 years, had just sold his farm. Knowing that he would not be able to find a contract from Morocco, he filed a complaint against his employer and requested that his contract be reclassified as a permanent contract, arguing first and foremost that his actual working time corresponded approximately to the legal working time of an employee employed on a permanent contract.

He also reported the non-payment of overtime (or the non-addition of certain declared hours), the exceeding of the maximum legal weekly working time, the non-compliance with days of rest, the non-recognition of his experience and qualifications as well as the payment of legal hours at a rate lower than the minimum wage (SMIC). This case reached the French State Council, which repealed the prefect's refusal to grant him a residence permit even though for more than 20 years he had worked as a seasonal worker in France without ever leaving the country for more than four months, and systematically had his contracts extended to 8 months per year.

CODETRAS would use this victory as jurisprudence to systematise administrative litigation against the Bouches-du-Rhône prefecture in the case of seasonal workers under long-term contracts. As early as February 2007, information about how other seasonal workers could, like Mr. Aït Baloua, obtain a residence permit even though for more than 20 years he had worked as a seasonal worker in France without ever leaving the country for more than four months, and systematically had his contracts extended to 8 months per year.

Through an operation known as Régul'OMI, around 1200 OMI seasonal workers were legalised and obtained employee residence permits.

Referral to the High Authority to Combat Discrimination and Promote Equality (HALDE)

At the same time, CODETRAS decided to refer a complaint to the HALDE concerning the long-standing discrimination against these "long-term seasonal workers".

The HALDE recognised the discriminatory nature of this status, in particular with regard to Article 14 of the ECHR (European Court of Human Rights) in conjunction with Article 8. It is indeed by misappropriating the purpose of the seasonal "OMI" contracts that workers of Moroccan and Tunisian nationality have been maintained under a very unfavourable legal status, even though they could have been recognised as permanent employees, with the legal benefits that followed in terms of labour law, social protection, the right of residence and the right to respect for private and family life.
The HALDE therefore recommended that the ministers concerned review the situation of seasonal foreign workers in view of issuing a residence permit and that the Bouches-du-Rhône FDSEA (French umbrella organisation charged with the regional representation of agricultural holders' unions) alerts farmers to practices that could lead to discrimination against foreign agricultural workers.

Despite these victories, CODETRAS' work is gradually being exhausted in the face of new challenges. The waiver that allowed seasonal contracts to be extended from 6 to 8 months, on which part of the legal argument for regularising workers was based, was overruled by Act No. 2006-911 of 24 July 2006 on immigration and integration, known as the Sarkozy II Act.

In addition, in the face of increased conflict and growing demands from Moroccan seasonal workers under OMI contracts, employers are beginning to turn to other recruitment methods, in particular through the transnational provision of services provided by temporary employment agencies, usually from Spain.

However, this experience of collective struggle has left its mark on people's minds, and continues to offer the conditions for reaction and support, as was recently the case in the Bouches-du-Rhône region in the lawsuit brought by Moroccan workers against the Spanish temp agency Laboral Terra. In its mode, CODETRAS remains a reference for any mobilisations to come.

For the Confédération Paysanne, the challenge is to expand this kind of space and alliance between small farmers, social movement organisations, and vulnerable individuals or populations on the ground, to shake up the logic and policies at the root of labour exploitation.

For more information

THE FNSA. ONGOING MOBILISATION TO CONFRONT THE EXPLOITATION OF AGRICULTURAL WORKERS

The advent of the Green Morocco Plan in 2008 resulted in a considerable influx of national and foreign (mainly European) investments supported by generous public aid. This strategy, which focuses on industrial export agriculture, has been accompanied by an increase in the agricultural labour force, mainly composed of young female workers.

This abundant and poor workforce is recruited to work on strawberry, tomato and other vegetable farms for export to Europe.

Intermediaries are responsible for recruiting and collecting workers from ‘Douars’, or places where men and women gather to offer their services (these stations are calledIMAOUQAF). The intermediation offered by these labour suppliers is a tool used by the agricultural employers to hide the employment relationship, avoid the unionisation of workers and get around the requirements of the applicable Labour Code.

This wave of investment is driven by increased profits at the expense of the dignity and well-being of workers.

The employer’s slogan "less expenses and more profits" results in increased exploitation and poorer working conditions. Low wages, intensive working hours, truck transport accidents (often tragic), multiple harassment, unfair dismissals, lack of hygiene, of occupational safety and social security coverage, all form part of the plight of workers on agricultural farms in Morocco, and are consequences of the agricultural model imposed by the “free trade” philosophy.

Faced with this situation, the FNSA is mobilising and calling on the Moroccan government and state to assume their responsibilities and demand the respect for labour rights and ensure the protection of workers against the exploitation of agricultural investors.

Every year, the FNSA organizes sit-ins in front of the Parliament and the Ministries of Employment and Agriculture to denounce the actions of agricultural employers and demand the respect of the rights of agricultural workers. Through its provincial and regional sections, the FNSA monitors the situation, receives workers' demands and decides on appropriate activist actions.

In Agadir, an FNSA activist in charge of the Duroc company's trade union office carried out a sit-in for more than 4 months to protest against her unlawful dismissal. In the same area, another agricultural company laid off about ten female workers. Their struggle, supported by the FNSA, allowed them to get their jobs back.
Frequent accidents related to the transport of workers is a burning issue at the moment in Morocco. Lately, they have caused the death of about twenty female workers. In the regions concerned, FNSA sections intervene to denounce contempt directed at victims and defend their rights, through protests, visits to families and through collaboration with human rights associations.

The FNSA maintains its capacity to mobilise through the organisation of workers and their training. In 2016, it adopted a strategic plan that structures its struggle.

The FNSA has long been monitoring the incidents in Huelva involving Moroccan workers harvesting strawberries and will soon strengthen its trade union work with these seasonal workers by collaborating with the SOC/SAT. This collaboration will result in an ongoing training and awareness programme.

ORGANISATION AND STRUGGLE OF AGRICULTURAL WORKERS IN ANDALUSIA. RECRUITMENT SYSTEMS

The exploitation of agricultural workers in the south of the peninsula has deep historical roots. It began with the appropriation and concentration of land during the conquest of Al-Andalus by the northern feudal kingdoms and was consolidated with the formation of the Spanish absolutist state. The liberal agricultural reforms of the 19th century accentuated the creation of latifundismo - a system of great landed estates - and the concentration of land. Land deprivation, endemic unemployment, poverty wages and working and social conditions of marginalisation and hyper-exploitation have given rise to fierce Andalusian peasant struggles, which only ceased at the end of the Spanish Civil War, with the brutal Francoist-era crackdown. In the 1970s, the situation in the Andalusian countryside had barely changed. There were few landowners and many people were totally dependent on their seasonal land worker wages for their livelihood. Mechanisation had caused seasonal workers to be out of work for longer than usual and seasonal or permanent emigration was not sufficient to resolve the situation. At the end of the dictatorship, agricultural workers began to organise themselves, with the 1976 constitution in Antequera of the Agricultural Workers' Trade Union (Sindicato Obrero Campesino SOC) to demand collective agreements for
the agricultural seasons, unemployment insurance and in essence agricultural reform and the distribution of the land. Through numerous strikes, mobilisations and land occupations, the SOC achieved significant progress in the defence of labour rights, and social progress through the launch of agricultural workers' cooperatives such as those of Marinaleda or Pedrera, which have given thousands of agricultural workers jobs. Forty years later, the outlook has changed only marginally. Land concentration is even more pronounced than before, despite an agrarian reform that is more theoretical than effective, crop mechanisation has increased further with high rates of precariousness and exploitation of labour remaining high.

Huge areas of intensive industrial cultivation have been developed, employing migrant workers of very diverse origins who are highly vulnerable to the stranglehold of the foreign system. In this sector, there is an increase in corporate concentration and the control of multinational companies that monopolise and control land, resources and marketing opportunities. Dependency on the employer, deplorable working conditions and the impossibility of making a living from work still characterise the daily lives of the most precarious seasonal workers there are: agricultural workers. Illiteracy among them is at alarming levels, their average incomes are the lowest of all productive sectors and the marginalisation they experience from the public authorities is almost absolute.

The unofficial recruitment schemes for agricultural workers that unfortunately still exist today in many provinces of Andalusia have been historically condemned and opposed. One of them is for the employer to recruit day labourers from established locations and "choose" them as if they were a market, taking advantage of their needs and vulnerability. There is also the so-called "manijero" system (a kind of agricultural foreman) who recruits teams, puts them at the service of the contractor and keeps part of their salary and subjects the worker to very poor transport and accommodation conditions, as part of a mafia-type operation. Intermediation by private companies (ETT) was made legal in the 1990s and contratación en origen was promoted from the turn of the century onwards. All these mechanisms have the same purpose: preventing work from being stable, hindering organisation and contact with trade unions and subjecting the worker to the will of the contractor.

The province of Almería, with more than 35,000 hectares of greenhouses and more than 150,000 farm workers working in fields or packaging warehouses, has witnessed great struggles and mobilisations for labour rights, social rights and calls against the stigma imposed on foreigners as well as against racism and social and institutional violence.

During the 1990s, thousands of Moroccan and sub-Saharan workers obtained, through occupations, demonstrations and a self-managed strike, the regularisation of their legal situation (residence and work permits, family reunification), improvements in labour law and measures against arbitrary expulsions and in favour of social integration.
Migrants have become unionised and at the same time have formed their own associations and federations, and also developed commercial activities. The establishment of the arraigo (rooting) procedure as a permanent regularisation mechanism, although manipulated and restricted by the administration, has allowed many people to have papers. The struggle for regularisation was central because it was the mechanism that allowed access to more stable contracts and autonomy to escape daily recruitment or the power of intermediaries.

However, as the agro-industrial production system imposed increasingly lower prices on producers, they needed to break down all forms of organisation and protest that could lead to an increase in labour costs. In 2000, the murder of a woman living in Almeria by a young Moroccan man led the local press, the municipal elite and economic power groups to escalate an uprising against the Moroccan population that lasted several days. This racist riot caused costly material damage (for which the attackers went entirely unpunished) and a huge social divide that was consolidated into a blanket of political and social silence that lasted for more than ten years. In this context, the SOC was organised in Almería and has since become the main instrument of organisation and self-defence for seasonal workers, the vast majority of whom are migrants. Following the riot, a major strike in El Ejido and surrounding villages brought the violence to an end and brought contractors and administrations to the negotiating table. This meeting resulted in the signing of an agreement that guaranteed re-housing, repairs and social and housing policies for the immigrant population.

In the face of non-compliance with this commitment, more than 500 workers occupied the premises of Almería’s trade unions, followed by a major demonstration on 1 May and an action within the Government’s Sub-Delegation. All this succeeded in securing compensation to the affected Moroccan workers and led the way to migrants’ demands for legalisation. As a result of this struggle, multiple occupations and other struggles throughout the state succeeded in securing a legal status for thousands of people. The occupations of the Church of San José and the University of Almería were the most important in the region.

In 2005, a demonstration with more than 5,000 workers marched through the streets of Almería demanding that the procedure for "normalizing" their legal situation implemented by the government be made more flexible, which, in combination with multiple rallies and actions, guaranteed the obtainment of legal status for thousands of workers, the vast majority of them agricultural. Since the 2007 economic crisis, the priority of workers' struggles in agriculture has refocused on employment, access to a decent income, protection against mass layoffs, and the proper payment of everyday working hours.
There were also years of struggle against recruitment in the country of origin, a system that broke the union organisation system and put workers in good standing in the same vulnerable conditions as undocumented workers. Major struggles by Senegalese workers in the Pulpí area and Moroccans in the Berja area have been victorious. However, the very perversion of the system implied a non-renewal of the contracts of combative workers returning to their countries of origin. The SOC has carried out a major campaign to denounce this form of seasonal labour recruitment, in an area where agricultural activity extends almost all year round. As a result, recruitment in the country of origin has ceased to be used in this region for many years.

In 2011, a trade union report on the latter stated that workers remain in Andalusia most of the time, but they are not granted the same rights as others on the pretext that they live in another country. “There must be a requirement that as part of this procedure, in addition to accommodation, the contractor must guarantee work and cover the cost of travel to and from the site. [...] Unemployment contributions should also be applied and mechanisms established for workers to receive benefits in their country of origin or to accumulate the periods contributed so that they can be included in future benefits, in the case of obtaining an annual residence permit, which they can legally obtain after two seasons. We consider that the current situation violates our constitutional principles of equality under the law. Finally, consideration should be given to certain exceptional circumstances that would relieve the worker of his/her obligation to return to his/her country at the end of the six months, such as illness, pregnancy, marriage with a resident person, among other situations.”

In the 2000s, SOC, together with other organisations, also carried out work to monitor the strawberry season in Huelva, where local labour and settled migrants were replaced by Romanian, Senegalese and Moroccan women, most of whom were hired in their country of origin. Despite the complaints and actions carried out, the situation of exploitation through labour and harassment continues to this day, based mainly on the isolation and vulnerability to which the contratación en origen subjects more than 15,000 Moroccan seasonal workers.

On June 17, 2018, more than 2,000 women marched through the streets of Huelva in support of seasonal strawberry workers. A few weeks earlier, some of these workers had filed complaints of sexual abuse and harassment against their superiors, which shed light on all the labour and human rights violations that these contract workers have suffered for years. This protest, launched by SOC-SAT alongside feminist groups and other alternative trade unions such as the CGT and the CNT, elicited the solidarity of European and Moroccan organisations and was supported by dozens of rallies throughout Spain, from Barcelona to Bilbao and Tenerife, mainly organised by the feminist movement. The historic day of the feminist strike on 8 March included among its objectives, to highlight the alarming situations experienced by women workers, and particularly those at the greatest risk of social exclusion, such as agricultural workers or other women migrants in an irregular
administrative situation. They are particularly vulnerable to sexual violence insofar as the complaint itself may result in the opening of a sanction procedure by the responsible administrative body because of their irregular situation or even lead to their arrest and subsequent deportation.

On the strength of these mobilisations, the SOC resumed its trade union campaigns during the strawberry and soft fruit season, making multiple visits to the homes of Moroccan seasonal workers, distributing information leaflets on labour law, alerting the press and filing complaints with the labour inspection service. Migrant and local women workers have formed a trade union section from which information, organisation and their struggle are beginning to spread between workers in the area’s major companies.

The trade unionists of the SOC travelled to Morocco to meet with the trade unionists of the FNSA and other organisations, in order to implement a plan for trade union collaboration and follow-up between the two countries. In Almeria, unofficial recruitment methods and “manijeros” systems still persist marginally, but large companies, which own more and more hectares and provide the bulk of production, are increasingly using temporary employment agencies and are even trying to reintroduce recruitment in the country of origin. ETTs are used to post seasonal workers to other European countries during low season periods.

The SOC is constantly mobilising against these intermediation systems and fights for the stabilisation of contracts, equal application of the law for all and the unionisation and organisation of all workers. Thanks to its presence and continuous mobilisation in the workplace, the hundreds of complaints and lawsuits won by its consulting firm, the commercial pressure campaigns targeted at European consumers, and its training and organisation plans for more than twenty trade union sections, the SOC-SAT is resisting and making progress in defending the labour and social rights of agricultural workers.
At least 2,000 women marched on June 17, 2018 in the streets of Huelva, a town in south-eastern Spain known for its intensive monoculture of greenhouse strawberries, in support of female seasonal workers - especially Moroccan women - who filed complaints of sexual assault on several farms in the region. These seasonal workers are mostly recruited through a foreign labour introduction scheme known as contratacion en origen (recruitment in the country of origin).

The call to join the demonstration was issued by the SOC-SAT (Andalusian Workers’ Union), a member of ECVC, along with feminist associations to protest against various kinds of abuses against seasonal workers. Several women have filed complaints against their employers. Read the full story in this comic strip.
HUELVA, ANDALUSIA, SOUTHERN SPAIN. THE REGION IS KNOWN FOR THE DONANA NATURAL PARK, FOR ITS POLLUTING INDUSTRIES, BUT ABOVE ALL FOR ITS INTENSIVE GREENHOUSE AGRICULTURE THAT FORMS AN ENORMOUS “SEA OF PLASTIC.”

JUNE 17, 2018, A DEMONSTRATION SWEEPS THE CITY OF HUELVA.

IN THE FRONT, YOU CAN SEE MOROCCAN WOMEN.

IN NO TIME, MEDIA COVERAGE ABOUT THE CONDITIONS OF THESE WOMEN WORKERS MULTIPLIED.


WE WILL LAUNCH THE RECRUITMENT CAMPAIGN FOR HUELVA. WE HAVE BEEN ASKED FOR 10,000 WOMEN...

GENTLEMEN...

WE ALREADY HAVE A GOOD POOL OF “REPEATERS” THAT WE CAN CALL ON AGAIN. THEY ALL READY KNOW THE WORK WELL.

YES, HOWEVER, WE WILL STILL NEED MORE.

WE NO LONGER HAVE ANY EUROPEAN SUBSIDES TO SUPPORT AND ASSIST THESE WOMEN. MANY CANNOT READ AND HAVE NEVER LEFT THEIR VILLAGE...
"Well, those who have already done a season will help the new ones. We must start recruiting right away."

"KHALIT! Come quickly! There is the meeting about Spain."

"The conditions are the same as usual; rural women, poor, sometimes divorced or widowed..."

"...with children under 14 to take care of. Here you have the papers to fill out. Can you read?"

"No."

"So, Fatma, 28 years old..."

"He is 4. His father doesn't support us. I live with my brother and his wife."

"And me, too tall to work in greenhouses!"

"They say I'm too fat for the job!"

"And you say you work in the fields... let me see your hands?"

"Divorced with a child, how old is he?"

Local Anapec agency, Beni-Mellal.
PORT OF TANSAI, THREE WEEKS LATER.

SO, WHEN DO THEY GIVE US BACK OUR PASSPORTS?

OH, JUST AS WE'RE GOING THROUGH CUSTOMS, NOT BEFORE! WE SHOULDN'T JUST WANDER ABOUT WITH OUR BEAUTIFUL EUROPEAN VISAS!

DON'T BE SCARED... IS THIS YOUR FIRST TIME TRAVELLING?

WE'RE LIKE YOU, WE ARE ALL IN THE SAME BOAT! WE ALL HAVE CHILDREN!

THAT'S HOW THEY DO IT, TO MAKE SURE WE'LL GO BACK TO MOROCCO!

OBVIOUSLY IT'S HARD TO LEAVE YOUR KIDS

YES... AND THE FIRST TIME I LEFT MY CHILD... I'M SO SAD!

PORT OF TARIFA, SPAIN, ONE HOUR LATER

37 EUROS A DAY, ASMA! CAN YOU IMAGINE WHAT THAT IS IN DIRHAMS? I HOPE TO COME BACK WITH A LOT OF MONEY!

YOU'VE ALREADY DONE IT?

I HESITATED BEFORE TAKING THE JOB... SOME SAY THAT WOMEN WHO WORK IN SPAIN BECOME...

YES, THIS IS MY 4TH SEASON.

LET THEM SAY WHATSOEVER!

IT'S JEALOUSY; MY HUSBAND COULDN'T STAND ME EARNING MORE THAN HIM... NOW WE ARE DIVORCED, I GO WHERE I WANT!

ALL OF THOSE ARE STRAWBERRIES?

YES... EVERYTHING YOU SEE... WELCOME TO THE "PUEBLOS PESEROS", FATIMA!
A FEW DAYS LATER...

YES, BUT IT'S SO HOT IN THE GREENHOUSES!

DON'T DRINK THAT WATER... IT'S NOT SAFE!

ARE YOU ALL RIGHT, FATIMA?

I NEED TWO PEOPLE FOR PACKAGING!
COME ON! I'M NOT PAYING YOU TO REST!

SO WE'RE NOT DONE FOR THE DAY, THEN? NOT YET!

OOOH, I CAN'T FEEL MY BACK!

WELL... THAT WASN'T WHAT I EXPECTED.

FATIMA, YOU'RE FIRST IN THE SHOWER TONIGHT, DID YOU FORGET? HURRY NOW!
THE NEXT DAY, A DAY OFF.

COME ON! I'VE BORROWED A FEW EURO, WE'RE GOING TO TOWN. DON'T BE SCARED!

CAN YOU HURRY UP? WE'RE HUNGRY TOO!

HEY, IT'S NOT HER FAULT IF THERE'S ONLY ONE BAG BOTTLE!

THE NEXT DAY, A DAY OFF.

COME ON! I'VE BORROWED A FEW EURO, WE'RE GOING TO TOWN. DON'T BE SCARED!

CAN YOU TAKE US TO THE VILLAGE?

OF Course, my SISTER... FOR THE USUAL RATE.

THE NEXT DAY, A DAY OFF.

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THE NEXT DAY, A DAY O
HELLO? WAIT, I’LL PUT YOU THROUGH TO MY COLLEAGUE WHO SPEAKS ARABIC.

IT’S THE WORKERS FROM ‘FRESA FELIZ 2000’. THEY HAD A MEETING AND THEY WANT TO SEE US… IT SEEMS SERIOUS.

THE STRAWBERRY SEASON IS COMING TO AN END. YOU WILL SOON BE RETURNING HOME TO MOROCCO. WHAT PROBLEMS DO YOU HAVE?

I DON’T UNDERSTAND! I HAVE MUCH LESS MONEY THAN I EXPECTED!

IS THAT YOUR PAYSLIP? LET’S SEE…

THE BOSS’ WIFE EXPLAINED IT TO ME, BUT I DON’T UNDERSTAND.

WELL OF COURSE, FROM YOUR SALARY OF 777 EUROS YOU HAVE TO TAKE OFF:

- 110 EUROS FOR RENT
- 70 EUROS ADVANCE FROM THE START OF THE SUMMER
- 50 EUROS FOR THE BOOTS AND OVERALLS
- 55 EUROS FOR THE PANTS
- 45 EUROS FOR THE SHOES
- 20 EUROS FOR THE ANIMALS
- 15 EUROS FOR GAS

HE TOUCHES US, HE WANTS TO SLEEP WITH US.

THE ‘OFFICER’ HE INSULTS US! HE SHOUTS ALL THE TIME.

IF WE DON’T OBEY, HE DOESN’T GIVE US WORK.

THAT’S BAD, BUT IT GETS WORSE!

HE CAME IN MY ROOM AND SAID “I’M SLEEPING WITH YOU” AND BECAUSE I RESISTED, HE FORCED ME TO WORK FOR TWO DAYS.

SHE CAME IN MY ROOM AND SAID “I’M SLEEPING WITH YOU” AND BECAUSE I RESISTED, HE FORCED ME TO WORK FOR TWO DAYS.

THERE ARE DAYS WHEN WE ONLY WORK 3 OR 4 HOURS BEFORE HE TELLS US TO STOP! WE CAN’T EARN ENOUGH.

WHEN HE’S NOT HAPPY, HE THREATENS TO SEND US BACK TO MOROCCO.

SHE CAME IN MY ROOM AND SAID “I’M SLEEPING WITH YOU” AND BECAUSE I RESISTED, HE FORCED ME TO WORK FOR TWO DAYS.

SHE CAME IN MY ROOM AND SAID “I’M SLEEPING WITH YOU” AND BECAUSE I RESISTED, HE FORCED ME TO WORK FOR TWO DAYS.
June 1, 2016. The complaint is filed. An unplanned demonstration is held in front of the company, when the Civil Guard arrives.

In the following days, the return shuttle busses are organised. The workers are asked to leave early.

Fatma leaves. Asma and around 12 other women are determined to testify and decide to stay in Spain, hidden in a remote village in Huelva.

They are paid their approximate wages on the bus and Fatma gets back on the boat without knowing what will become of the complaint.

June 4. Oscar Seina, Secretary of the SAT trade union, appears before the press.

Today we must denounce slavery, exploitation, which has taken place here with complete impunity. It happens year after year, and they can’t defend themselves. This is a violation of human rights and they are asking us to do something. No body listens to or sees these workers. To the rest of the world, they are faceless individuals... in a democratic state, this is not acceptable!

There are many articles and reports in the press... A dozen or so women gave anonymous interviews. He has humiliated and dishonoured us...

I can’t go back to Morocco. My husband’s family will kill me.

We must tell the truth, and we will return to Morocco with our heads held high.

The demonstration, called for by a feminist platform, takes place on the same day in all of the large towns and cities in Spain, bringing together various feminist associations.

*Work, yes, but with rights* without labor slavery nor sexual harassment
MOROCCO, JANUARY 2019

MUMMY, WILL YOU GO BACK TO EUROPE?

I HOPE SO, MY SON.

IT'S POINTLESS COMING BACK!

FATIMA... NO! THERE IS NO WORK FOR YOU.

"WE DON'T LIKE GIRLS WHO TELL TALES. IF YOU WANTED TO GO BACK THERE TO WORK, YOU SHOULDN'T HAVE REPORTED ANYTHING. WE CAN FIND SOMEONE ELSE! WE RECRUIT 15,719 WOMEN EVERY YEAR. YOU'RE NOT GOING. TOUGH LUCK FOR YOU!"

SOUTH OF FRANCE, FEBRUARY 2019

MUM! LOOK! LOOK!

STRAWBERRIES? ALREADY? LET'S SEE...

THEY'RE CHEAP... LET'S GET SOME!
In an increasingly globalised countryside, the agro-industrial production model, the result of a capitalist system of generalised competition orchestrated by multinational companies, continues to grow, with harmful consequences both environmentally and socially. This production system is based in particular on the exploitation of precarious, flexible and mobile workers, used as an adjustment variable to generate more and more profit. To recruit them, companies use different labour intermediation schemes. This responds not only to the difficulties of recruiting and managing large quotas of workers, but also to an increasing desire on the part of companies to be unaccountable for, or to subcontract, the management of human resources.

Among the different intermediation systems used, some are managed by States themselves, some by private employment agencies, while others are partially or completely informal. These systems increase worker exploitation and vulnerability and are at the root of physical, moral and psychological abuse. This is a denial of the fundamental rights of workers in general and migrant workers and their families in particular. In this context, the situation is even more alarming for women and minors.

Demonstration (Huelva, June 2018) to support female Moroccan seasonal workers reporting sexual assaults. SOC-SAT
Intermediation generates, through various mechanisms, a deterioration in the working and living conditions of agricultural workers through the establishment of a relationship of dependence on employers and/or intermediaries. European migration regimes are one of the main levers which cause the precariousness of migrant workers by creating either a captive legal status or a lack of. In the case of government schemes for the introduction of seasonal workers, international posting of workers or the illegalisation of workers, intermediaries prevent the benefit of the social and contingency rights of the country of work (unemployment, retirement, protection against occupational risks, family reunification, etc.).

In addition, in cases where the intermediary also provides other services (such as housing, food, transport), there is a significant deterioration in living conditions and remuneration (the cost of "services offered" is often deducted from wages).

More generally, in some regions, we find major violations, such as the enslavement of workers.

Faced with these findings:

**We denounce**

- The introduction and posting of foreign workers promoted by the European Union, which generates total dependence on employers, excludes workers from the access to social (but also civil, political and economic) rights and increases their vulnerability and exploitation.
- The work of certain private intermediation agencies, in particular those practising worker posting within the Union, which play on the disparities created by States and lead to a deterioration in working and living conditions.
- All forms of informal or illegal for-profit mediation that are detrimental to workers, amounting to bargaining and modern slavery.
- Utilitarian migration policies that discriminate against and exploit foreign workers, leading to the conversion of many agricultural regions into no-rights zones.
- States that benefit economically from labour introduction schemes and the development of posted work while maintaining a pool of undocumented labour unlawfully.
- The willingness of States to make asylum seekers available to employers, who are particularly vulnerable and precarious because of their situation of waiting and dependence.
We ask for

❖ The implementation of placement policies managed by public services that guarantee agricultural workers rights in terms of employment stability and equality.
❖ The firm prohibition of any unlawful intermediation practice and the legal and penal prosecution of the intermediaries who practice it and the employers engaging in it.
❖ The provision of adapted and dignified housing for seasonal workers.
❖ The recognition of residency rights for all agricultural workers, including seasonal workers.
❖ The obligation for the employer to provide any person working for him or her, including through subcontracting, with information prepared by trade union organisations – in the language of the workers – among others by posting it in all workplaces.
❖ The guarantee for workers to be able to fully exercise their trade union rights.
❖ The participation and convergence of all social forces and organisations, including grass roots organisations and confederal trade unions, in the defence of agricultural workers’ rights and in the fight against any system of intermediation and exploitation.
❖ The introduction into the CAP (European Common Agricultural Policy) of the principle of social conditionality, consisting of making agricultural aid conditional on respecting the fundamental rights of agricultural workers (labour law, social rights) throughout the food chain (production, processing and marketing).
❖ Condemnation of any form of criminalisation of migrants and the organisations/persons, public or private, that support them.
❖ The implementation and respect by all States of international declarations and conventions, in particular the Universal Declaration of Human Rights, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the Declaration on the Rights of Peasants and Other People Working in Rural Areas.

We are fighting for

❖ For alternatives to the agro-industrial model to be based on a peasant economy that ensures food sovereignty.
❖ For alternative solutions to the production, distribution and consumption of agricultural products based on the principles of food sovereignty and agroecology.
❖ For a decent right to income for peasants and all land workers, which ensures them – and their families – a dignified life.
❖ For the respect of human rights on a principle of equality for all.
❖ For the freedom of movement, work and residence for all.

WE CALL FOR A MOBILISATION CAMPAIGN
AGAINST THESE SYSTEMS THAT GENERATE DISCRIMINATION, EXPLOITATION AND SUFFERING
AND
FOR THE RESPECT OF THE RIGHTS OF LAND WORKERS
FOR PEASANT FARMING THAT IS RESPECTFUL
OF THE ENVIRONMENT AND PEOPLE
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November 2019