

Migrants in European agriculture – the new mercenaries?

The seasonal agricultural labourers working in the 15-member European Union come not only from North Africa but also from Central and Eastern Europe. In other words, the countries now joining the enlarged EU. The social partners at the European level have reached several agreements aimed at integrating these migrants and improving their working conditions.

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“It is the reverse of the situation in the nineteenth century.” The waged farmworker, seen as relatively privileged at the beginning of the industrial era, now seems to be in one of Europe’s worst-off trades. It is marked by “precarious and wretched pay conditions”, and unions “have little hold”. So says a study commissioned by the European Federation of Food, Agriculture and Tourism Trade Unions (EFFAT).¹

Agricultural wage-earners often do seasonal, manual, unskilled work, such as fruit and vegetable picking, harvesting, etc.

Each year, agriculture in the European Union (EU) takes on almost 4.5 million seasonal workers, of whom nearly 500,000 come from countries outside the (15-member) EU, estimates the European agricultural employers’ group GEOPA-COPA² (see tables). However, the group also points to the lack of precise, harmonized statistics on this subject. In most EU countries, except the Nordic ones, the number of seasonal agricultural workers exceeds the number of full-timers.

On the EU’s eastern frontiers, in Germany and Austria, these migrant workers come from Central and Eastern Europe (mainly Poland, and to a lesser extent Hungary and Romania), while further south, in Spain or Italy, they are chiefly from North Africa, but also from Central Europe. In Greece, the migrants come from the neigh-

bouring countries (Albania, Romania and Bulgaria). But in France, the migrants account for only 1 per cent of seasonal agricultural workers.

To these “seasonal migrants” must be added the permanently resident foreigners who perform seasonal work during periods of unemployment or holidays, foreign students and, finally, foreigners who have entered illegally and who do not exit again after the work is over. Not to mention the very poorly documented internal migration movements within these countries.

No written contract

“Wage conditions close to the legal minimum, dubious health and safety conditions, hours calculated only approximately and to the disadvantage of the employees” – working conditions for migrants in agriculture are particularly bad, the EFFAT study emphasizes.

Day or piece rates, as well as verbal employment contracts, are still used in some countries, notably the United Kingdom and Spain, according to GEOPA.

Seasonal workers’ employment contracts, often “fixed-term”, may be either between specified dates or simply for the duration of the work. In Spain, 64 per cent of agricultural workers are on fixed-term contracts or other precarious agreements,

Table 1. Non-EU seasonal agricultural workers – Year 2000

Country	Europeans	Non-Europeans	Total
Germany	250 000	–	250 000
Greece	108 000	12 000	120 000
Spain	1 000	28 000	29 000
Austria	28 421	–	28 421
Italy	23 810	1 058	24 868
France	2 700	4 400	7 100
Netherlands	1 000	4 000	5 000
Sweden	2 702	133	2 835
Finland	2 502	–	2 502
Denmark	50	–	50
Belgium	–	–	–
Portugal	?	?	?
Approx. total*	420 000	50 000	470 000

* To this must be added some 15 000 foreign students employed as seasonal workers each year in the UK.

Source: *Les travailleurs saisonniers dans l'agriculture européenne*, Groupe employeurs des organisations professionnelles agricoles de la Communauté européenne (GEOPA-COPA), June 2002.

Table 2. Waged employment in agriculture – Year 2000

Country	Number of employers	Number of permanent workers	Number of seasonal workers
Greece	292 626	10 607	1 352 073
France	141 256	217 939	979 885
Italy	246 758	92 654	817 035
Spain	100 000	130 000	679 000
Germany	50 000	198 000	297 500
Portugal	23 388	61 163	181 443
Netherlands	20 000	88 000	100 000
UK	78 000	112 300	51 308
Finland	15 000	4 900	41 500
Belgium	4 471	9 086	35 591
Austria	10 597	18 132	28 421
Sweden	28 000	28 000	20 000
Denmark	38 000	28 000	2 500
Approx. total	1 050 000	1 000 000	4 580 000

NB This table concerns workers in agricultural enterprises only – i.e. not in landscaping and forestry.

Source: *Les travailleurs saisonniers dans l'agriculture européenne*, Groupe employeurs des organisations professionnelles agricoles de la Communauté européenne (GEOPA-COPA), June 2002.

estimates the union federation Comisiones Obreras (CC.OO.). In Belgium and the UK, employment contracts can be by the day. In the UK, the contract is verbal. In Spain, it may or may not be in writing. In Belgium, there are specific regulations concerning “casual seasonal workers”, who may be employed for 45 days a year (95 days in fruit and vegetable production). The em-

ployment contract is for one day only. If it rains the next day, the worker is not taken back on for that day. In Austria, where the seasonal workers are all foreigners, the residence permit serves both as the work permit and as the employment contract.

As regards working hours, these are supposed to be the same for seasonal workers as for permanent employees.

However, the legal working week ranges from 35 hours in France to 40 in Greece, Austria, Germany, Finland and Sweden. In between come Denmark with 37 hours, the Netherlands and Belgium with 38 and the UK with 39. The collectively bargained week in Italy and Spain is 39 hours, as also under several agreements in Portugal, although the legal working week in these countries is 40 hours.

The rules on overtime pay vary greatly from one country to another. In principle, it is higher than the basic rate. But, depending on the country, overtime rates range from 25 per cent to 100 per cent more than basic. In Belgium, overtime is paid at higher rates only from the 50th hour onwards. In Finland and France, the percentage paid over and above basic is further increased from the eighth hour of overtime worked. And several countries calculate overtime on a daily basis (e.g. Portugal and Denmark).

Piece rates

Generally, paid leave cannot be taken by seasonal workers before the end of their employment contract. They therefore receive a compensatory payment which, according to the directive (European law) of 23 November 1993 on working times, should be at least equal to 8.33 per cent of wages in countries where annual leave is set at a minimum of 4 weeks. However, seasonal workers in Belgium do not receive an indemnity for paid leave and in Finland, workers must demonstrate that they have worked for at least 3 months before they are entitled to paid leave. In the Netherlands, seasonal workers aged below 23 do not receive the indemnity. Other indemnities are paid to seasonal workers in Austria, Italy and Denmark.

Turning to pay, piece rates are still used in some places, although the most widespread system is hourly rates, which must be at least equal to the minimum legal or contractual rate. In Spain, wages are calculated by the day. In Portugal, by the month. In the UK, the majority of seasonal workers are on piece rates. In Germany and Fin-

land, piece rates must be so calculated as to be at least 20 per cent higher than what would have been paid for the same volume of work under minimum hourly rates.

The employer sometimes provides benefits in kind, such as board and lodging, but these are often deducted from the cash wage.

Hourly rates for seasonal workers vary greatly, according to the type of work. According to GEOPA, the hourly wage of an unskilled seasonal worker employed in fruit or vegetable picking, in the second half of 2001, ranged from €2.30 in Portugal to €12.67 in Denmark, other rates being €3.50 (Greece), €4.60 (Spain), €5.40 (Germany), €6.65 (UK), €6.67 (France) and €7.21 (Austria).

Informal recruitment

Apart from their precarious working conditions, migrants in agriculture are sometimes the victims of highly informal recruitment practices, whether directly by the employer or via an intermediary person or organization. The forms that this takes may be more or less illegal, even criminal, notably in the UK and southern Italy.

However, clandestine immigration and undeclared work are not the predominant feature of the agricultural labour market. Its main characteristic is "downward pressure exerted by the economic circuit on agricultural labour costs", EFFAT emphasizes. This pressure is particularly great on foreigners who have entered legally on a tourist visa, and whose wages are notoriously lower than those both of the host country's nationals and of foreigners who have a work permit.

Agricultural employers throughout the EU complain of labour shortages, which GEOPA puts down to "a lack of motivation for outdoor work within the national labour force, low physical fitness within increasingly urbanized populations, and the narrow difference between the low wages and unemployment benefits and other types of social assistance, which constitutes an obstacle to a return to work".³

In EFFAT's view, this labour shortage is due mainly to the exodus from the countryside, which has "reduced the number of hands available locally" and has made it necessary to import labour. But this shortage does not lead to the development of temping agencies, because the sector's profit margins make such middlemen prohibitively expensive. This is the reason for the emergence of "labour trafficking schemes, whose operators take their commission not from the enterprise, as in the case of temps, but from the already weak incomes of the wage-earners themselves", criticizes EFFAT, which calls this seasonal work "mercenary" (i.e. in hock to the middlemen, and based on tough, thankless work for a poverty wage).

In general, the middleman is a permanent employee or a self-employed worker who offers gangs of labourers. The most extreme cases involve mafia-style organizations which practice virtual slavery.

In the UK, about 70 per cent of the seasonal workers are supplied by "gangmasters" who bill the farmers for their services and pay the agricultural workers directly. Their profits come for the most part from pay deductions for transport, food and the administrative costs which, according to them, they have to "bear". With growing competition and pressure from the supermarkets, the system has shifted "from a form of local artisanry to a more extensive organization", linked to fraudulent networks for migration from Central and Eastern Europe. This leads to exploitation of the workforce, particularly the foreigners.⁴

In southern Italy, the *caporale* is in charge of recruiting workers locally and transporting them to the workplace, a system known as *caporalismo*. He is the one who bills the farmers and who therefore sets wage rates, blithely ignoring any collective agreements. Thus, in Bari (Puglia), wages are 30 to 50 per cent lower than the legal minimum. Moreover, there are deductions from pay for transport costs, and physical and moral pressure is sometimes exercised.

In view of the pressures brought to bear by the big retailers, the EFFAT study suggests that those who place orders for produce should be made responsible for their subcontractors. This should be achieved by launching cooperation between trade unions and consumers' associations, or by organizing workers in the whole sector (from food and agriculture to big retailing) within the same union.⁵ EFFAT also wants to encourage "decent" forms of labour recruitment, such as the groupings of employers in France.

Campaign

En 2003, EFFAT launched a campaign in favour of the social and trade union "integration" of these seasonal workers, particularly the new migrants from the countries that are candidates for membership of the EU. "This is the only appropriate response by trade unions to any attempts by the employers to exploit migrant workers and abuse social dumping", EFFAT stresses.

The new migrants "return to their countries of origin at the end of the season", explains Arnd Spahn, EFFAT's Secretary for the agricultural sector. "This is creating fresh problems because these people used to settle down in the host country with their families. Today, the employers do not give them the means to integrate. So they cannot pay taxes or send their children to school. The problem is also that these workers come over to earn as much as possible within a limited timespan, say 3, 4 or 6 months. So they don't worry about long hours. They work seven days a week, 16 to 18 hours a day." Hence their higher accident rates - and these workers are not covered by any social security scheme.

As part of its campaign EFFAT intends, during 2003, to survey "best practice" on the integration of migrants in European agriculture and, in 2004, to take European officials round to meet seasonal workers.

Some migrants are undocumented, and EFFAT is also calling for "extra efforts" to eliminate illegal work, because "hidden

behind these illegal workers are employers who are acting illegally and abusing workers' plight solely for the employers' own economic interests".

Framework agreement

The European social partners GEOPA-COPA (employers) and EFFAT (workers) are also planning during 2003 to review progress on their July 1997 framework agreement, which proposes a maximum working time of 1,827 hours a year, or 39 hours per week, and 4 weeks' annual paid leave. This working time can be organized in a very flexible way, thus permitting an increase in the number of paid days off.

Under the agreement, overtime should be compensated by additional pay and/or by time off in lieu, although the signatories commit themselves to use overtime as little as possible "in order to promote employment". The agreement also specifies minimum rest periods.

Skills passport

On training, EFFAT and GEOPA signed on 5 December 2002 another agreement on the creation of a European "skills passport".⁶ Thus, agricultural workers will be able to apply to "national reference centres" for a "booklet of vocational qualifications and skills" showing their diplomas, certificates and job skills. These booklets must be translated into at least two EU languages. "In future, cross-border workers will find it easier to compare their qualifications with those under the systems in the countries where they wish to work", emphasizes Peter K. Holm, the President of EFFAT's agricultural sector. The employers, for their part, see this as a means of "eliminating obstacles to an EU labour market" and "reducing unemployment".

EFFAT also intends to press member states to improve living accommodation for seasonal workers. In Germany's wine sector, "people often sleep in a car in the

middle of the vineyards", reports the German agricultural workers' union IG BAU, which criticizes Europe's "very limited" regulation of this matter.

Safety

As regards health and safety, agriculture is Europe's second most dangerous sector after construction – without counting the work accidents that are not declared or recorded as such. In Poland, a trade union reports that 50 per cent of work accidents happen in agriculture, and that many children are involved.

So the wage-earning workers' unions insist on the need to train seasonal workers in this respect, particularly as regards language, and to step up inspections of smaller farms. EFFAT has also been calling, for many years now, for a separate directive on health and safety in agriculture, which would derive from the framework health and safety directive of 1989.

EFFAT and GEOPA organized a joint seminar on these issues in November 2003. Up to now, GEOPA had been refusing to discuss these matters until ILO Convention No. 184 on Safety and Health in Agriculture was up and running.⁷ This Convention was adopted in June 2001 and came into force in September 2003. Slovakia was the first country to ratify it, in June 2002, followed by the Republic of Moldova and Finland.

In the context of the reform of the EU's Common Agricultural Policy (CAP), EFFAT supports the European Commission's proposal to make assistance to farmers conditional upon workplace safety, including the safety of those employed on a temporary basis. EFFAT also proposed that the absence of illegal labour should also be made a condition for aid, as a kind of sanction against undeclared work.

The employers' and workers' representatives have drawn up safety guides⁸ for the use of machinery in forestry and for pesticide use. EFFAT would like to publish further guides, on agricultural machinery and on gardening.

Beyond reach

For the unions, the remaining problem is how to get in touch with these migrants. “The unions have only a marginal impact on the most exploited segments of agricultural wage-earners.”⁹ Moreover, “casual workers are to a large extent beyond the unions’ reach, particularly when they are in *work teams* where relationships are sometimes feudal, or even mafia-style (East Anglia, southern Italy, Spain and, to a lesser extent, the south of France)”.

So EFFAT is counting on its 2003-2004 campaign to reach, or even to unionize, seasonal workers. It also backs the idea of seasonal or mobile union contact points, such as exist in Cyprus and Poland.

Notes

¹ EFFAT: *Le travail au noir dans l’agriculture* (Brussels, 1997) – a study conducted, with the support of the European Commission, in six countries: Germany, UK, Netherlands, Spain, France and Italy. Also published in English as *Undeclared Work in Agriculture*. Quotations here are translated from the French edition.

² GEOPA- COPA: *Les travailleurs saisonniers dans l’agriculture européenne* (Brussels, June 2002).

³ *ibid.*, p. 5.

⁴ EFFAT, *op. cit.*

⁵ *ibid.*, p. 59.

⁶ European Agreement on Vocational Training in Agriculture, signed between GEOPA-COPA and EFFAT, Brussels, 5 December 2002.

⁷ The text of this Convention is available on the ILO website at <http://www.ilo.org/ilolex/english/convdisp1.htm>

⁸ EFFAT and GEOPA-COPA texts published by the European Commission: *Safety Manual for Forestry Work* (Brussels, 1998) and *Instructions for Spray Operators* (Brussels, 1997).

⁹ EFFAT, *op. cit.*, p. 46.