



# ► Promising practices for fair recruitment

April 2021

## Italian National Action Plan to tackle labour exploitation, unlawful recruitment and forced labour in agriculture

### Key points

- New Law operationalized through a National Action Plan that contains 10 priority actions to protect workers from unlawful recruitment, with remedial action to victims where required
- Civil and penal liability of both recruiters and employers who employ workforce that was unlawfully recruited
- Fair recruitment as part of a global strategy to tackle labour exploitation and forced labour helps to mobilize the contribution of a wide number of actors
- An alliance between public and private providers of intermediation services operates in line with principles of fair recruitment
- Mobile units bring recruitment services in proximity of agricultural fields and displace “gangmasters”

### Focus

**FRI pillar:** Improving laws, policies and enforcement

**Sector:** Agriculture

**Country:** Italy

**Responsible organizations:** Ministry of Labour and Social Policies (MLSP), National Employment Service and Labour Inspectorate Service and Labour Inspectorate

## Description of the practice

Following the adoption of Law No 199 (of 2016) on labour exploitation in agriculture, the Italian government has developed and implemented – in three components – a National Action Plan (NAP) in which fair recruitment is a key area of the broader labour exploitation response. The first focuses on the analysis of the causes and effects of labour exploitation and unlawful recruitment in agriculture. The second is centred on emergency

interventions in the geographical areas most at risk of labour exploitation and unlawful recruitment, while the third component consists of the implementation of 10 priority actions to prevent and combat labour exploitation and unlawful recruitment, as well as protect and assist victims through a referral mechanism that leads to their socio-economic inclusion through decent work.

The labour intermediation related outputs include:

- Improved planning of agricultural labour force requirements, including the setting of seasonal migration flows of foreign workers;
- The analysis, with the contribution of the social partners, of the types of labour contracts available and their responsiveness to the requirements of the agricultural sector;
- Improved effectiveness, efficiency and equity of the employment services delivered by labour intermediaries (public and private) to agricultural workers and employers, including through an IT platform and mobile device Applications;
- Strengthened specialized services for workers in agriculture and mobile units to bring recruitment services in proximity of agricultural fields and displace “gangmasters”;
- Improved capacity of public institutions at national and regional levels to monitor the application of regulations on labour intermediation by private employment agencies;
- Cooperation between public employment services and licensed private employment service providers;
- An alliance between public and private providers of intermediation services that operates in line with the ILO’s fair recruitment principles and national legislation on labour intermediation.

## Proof of impact/progress

Unlawful recruitment was included as part of a global approach to labour exploitation in a national law that combines prevention and remedial measures to tackle labour exploitation, including sanctions and remedies, as well as civil and penal liability of both recruiters and employers that employ workforce that was unlawfully recruited (Law 199/2016). The provisions of Law No. 199 have been operationalized through a National Action Plan that contains 10 priority actions and implementation mechanisms to protect workers from unlawful recruitment practices, with remedial action to victims where required. Although the number of sentenced cases by courts has significantly increased after Law 199/2016 entered into force, the impact of the practice in terms of protecting workers from unlawful and unfair recruitment should be confirmed through an evaluation.



Meeting of the Inter-Institutional Commission on Labour Exploitation chaired by the Ministers of Labour and Social Policies.

## Other promising features

### Novelty/level of innovation

- A digital labour intermediation platform and telephone applications (Apps) to tackle unlawful recruitment;
- Provision of labour intermediation services in proximity of users (employment service staff go to the places of residence or work of agricultural workers rather than the other way round);
- Collaboration between countries of origin and of destination to prevent unlawful recruitment of migrant workers.

### Relevance

Fair recruitment as part of a global strategy to tackle labour exploitation and forced labour helps to catalyse the contribution of a wide number of actors and interventions.

### Sustainability

The practice is sustainable as it derives from law and policy and is now implemented nation-wide by public institutions in collaboration with private providers and with funds set aside from the budgets of national institutions.

### Efficiency

The inclusion of fair recruitment as key component of a broad strategy allows for the maximization of results with limited inputs, compared to the approaches that address fair recruitment as stand-alone issue.

### Five years of the Fair Recruitment Initiative

- ▶ This promising practice is part of a series, and results from a stocktaking exercise undertaken five years after the launch of the Fair Recruitment Initiative (FRI).
- ▶ The FRI aims to ensure that recruitment practices nationally and across borders are grounded in labour standards, developed through social dialogue, ensure gender equality. Specifically, they:
  1. Are transparent and effectively regulated, monitored, and enforced;
  2. Protect all workers' rights, including fundamental principles and rights at work (FPRW), and prevent human trafficking and forced labour; and
  3. Efficiently inform and respond to employment policies and labour market needs, including for recovery and resilience.

### Resources

[Three-year Plan to tackle labour exploitation and unlawful recruitment in agriculture.](#)

[Ministry of Labour and Social Policies – Labour Migration Portal.](#)

[ILO General Principles and Operational Guidelines for Fair Recruitment and Definition of Recruitment Fees and Related Costs \(GPOG\).](#)

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