

Fair Work in Europe!

Strategies against the Exploitation of Seasonal Workers in Agriculture

Report on the digital Conference on July 8, 2021



July 8, 2021, 10:00 am – 12:45 pm

DIGITAL
CONFERENCE

FAIR WORK IN EUROPE!

Grafik: Enrico Wagner

The free movement of workers is one of the most important fundamental freedoms of the European Union. It offers opportunities for workers who are willing to go where they can find job opportunities. Labour migration is a completely natural and necessary process in a large economic area such as the EU. Anyone who goes to another EU country to work there should be paid and treated in accordance with the provisions applicable in that country. However, developments over the past 10 and more years have shown that this principle is often undermined, especially in the case of seasonal workers in the agricultural sector.

The EU's fruit and vegetable sector is highly dependent on foreign labour. Germany, Italy and Sweden in particular employ a high number of immigrant seasonal workers in agriculture. Most of these come from Romania, Bulgaria and third countries. Their work is considered "systemically important", yet they are among the most exploited workers in the entire EU. Piecework wages often below the valid minimum wage, narrow living quarters and long working days characterize the work of many seasonal workers. In the Covid 19 pandemic, their precarious living and working conditions were aggravated again, not least due to far-reaching exemptions.

Although the EU commission developed new guidelines in 2020 to protect seasonal workers and announced further measures, seasonal workers continue to be amongst the most vulnerable workers in the EU.

Against this background, the DGB project "Network Fair Posting", the project Fair Mobility of the DGB and the FES organised a digital conference bringing together experts and a specialist audience. The aim was to exchange information about the situation of seasonal workers in some countries of destination and countries of origin, to discuss trade union strategies developed, to counter this and to explore changes on EU-level that could lead to an improvement of the current situation.

The conference took place within the framework of a project by the DGB-Bildungswerk on "Fair Posting in Europe", which is supported by the EU and in which the FES is involved as an associated partner.

After a brief welcome by the FES organizers, the conference's moderator Annelie Buntenbach from the Faire Mobility support network gives the floor to Anna Spånt Enbuske, who reports for the first



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country of destination, Sweden, on the experiences of the Swedish trade union Kommunal with seasonal workers.

She first addresses the issues with registrations of seasonal workers in Sweden, as there are only numbers of

workers from third countries, such as Thailand and Ukraine. Workers from EU member states, however, are rarely registered due to the EU's Freedom of Movement Act, resulting in a lack of reliable figures. This is problematic for workers who are poorly informed about their rights in the country. Information is sometimes deliberately withheld by employers. The lack of education is especially problematic for seasonal workers from third countries, who are skeptical of trade unions and sometimes consider them to be state-organized.

Many workers from third countries come through placement agencies from which they have received double contracts. Others have no - or only verbal - agreements, which make them particularly vulnerable to exploitation. Kommunal tries to protect workers from this and helps, for example, with negotiations if workers have received less payment than agreed. They also try to better inform seasonal workers about their rights in their mother tongue.

Anna Spånt Enbuske advocates for EU-wide cooperation and collaboration with government agencies, so that employers can be better monitored and forced to commit to better regulations, in terms of working and housing conditions.

Jean René Bilongo from the Italian agriculture workers' union FLAI CGIL reports on the conditions for migrant workers in Italy. The majority of seasonal workers there come from Romania, but there is also a large number of workers from third countries such as Albania, Morocco and Tunisia. The total number of seasonal workers is about 620,000, of which an estimated 180,000 are not registered. The workers face numerous problems: long working hours without breaks, miserable housing conditions with no running water and low wages. On top of that they have to deal with everyday discrimination and racism, as well as sexual harassment.



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In order to improve the completely unacceptable situation of seasonal workers, the FLAI CGIL works in several areas. On the one hand, it is politically active and tries, for example, to exert pressure on the

government through parliament and to improve the situation of the workers. On the other hand, it relies on the concept of “union at the corner”, with which it tries to keep the contact threshold low and to be accessible as easily as possible for seasonal workers. This involves being out on the workplaces in the fields, at accommodations and religious institutions. At the same time, the union also uses channels such as WhatsApp and Facebook to bring information material to the workers in the languages of the respective countries of origin. Apart from informing, educating and potentially improving the living situation of seasonal workers, the permanent presence of the FLAI CGIL also fulfills a very pragmatic function: Loneliness and the resulting psychological problems represent another problem in addition to exploitation by employers, contact with trade unionists is therefore all the more important for seasonal workers.

According to Jean René Bilongo, the presence of the seasonal workers and their trust in the union has had a positive effect. More and more workers are taking legal actions to fight exploitation with the support of the union.

The next expert, Benjamin Luig from the European Migrant Workers Union talks about the situation in Germany. The latest pre-COVID figures showed a total of 270,000 seasonal workers, of which one third



worked in agriculture. Although currently the majority of them come from Romania, Poland and Bulgaria, there is a shift towards third countries as countries of origin.

Benjamin Luig also reports problems such as non-existent employment contracts and unpaid overtime. Even with existing contracts, employers allow themselves a lot of flexibility, usually to the distress of the workers. The biggest challenge however, is the

exclusion from the social security net in Germany, since seasonal workers can be employed 102 days free from the social security this year (instead of 70 days as before the pandemic). In addition, there are high salary deductions for poor accommodation and health problems, e.g. due to work injuries or overwork. Although the pandemic has highlighted the importance of seasonal workers and attracted media and political attention, conditions have not improved. Seasonal workers were able to come to Germany, but were isolated even more by the “work quarantine” and had to expose themselves to a high health risk.

In the past year, the union has initiated the alliance “Initiative Fair Farm Work”, in which various advice centers, trade unions such as IG BAU, but also pastoral care for workers and church actors have come together. They conduct field campaigns, addressing aspects such as social isolation and providing information in the workers' mother tongue. Hotlines and digital services are also increasingly being offered.

Benjamin Luig also rates the new agricultural reform positively, which for the first time includes not only ecological but also social criteria. Subsidies can be withdrawn from the companies if they fail to comply with the legal standards

In order to improve the situation of seasonal workers, the work of trade unions in the countries of origin is at least as important as in the target countries. For the countries of origin, Mirela Caravan from the Romanian trade union federation BNS and contact person for the project “Network Fair Posting”, first reports from Romania.

The Romanian diaspora is the fifth largest in the world, the vast majority of whom live or work in the member states of the EU, around one million of them in Italy and around 600,000 in Germany. This

mass emigration, both seasonal and permanent, means on the one hand that the population of Romania continues to shrink and, on the other hand, that local employers are desperately looking for workers. One of the consequences of this is the paradoxical situation that numerous seasonal workers from third countries such as Vietnam are now working in Romania itself. Thus, BNS does not only stand up for seasonal workers who leave the country, but also for seasonal workers who come to Romania. Also against the massive resistance from Romanian employers, as Mirela Caravan reports.



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Advice offices that inform and support Romanian seasonal workers on site and before they leave the country are essential for the work of the federation. They also rely on international cooperation with partner projects, including with the DGB project Fair Mobility and other stakeholders. In addition, there are live events, for example on Facebook, in pandemic times, where seasonal workers can ask questions and receive further information..

The corona pandemic has exacerbated the already precarious situation of many seasonal workers. Due to border closings, many could not leave the country and lost their jobs abroad. At the same time, due to massive demand for seasonal workers, among others in Germany, special permits were issued for Romanians in sectors such as agriculture and care. The associated media attention benefited the seasonal workers and unions. For example, the BNS now meets monthly with the Romanian Ministry of Labour.

Valentina Vasilyonova of the Bulgarian Federation of Independent Agricultural Trade Unions FNZS and president of the European umbrella organization EFFAT describes a similar situation.



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In addition to 800,000 Bulgarians permanently working abroad, there are around 400,000 seasonal Bulgarian workers who are mainly employed in Italy, Spain and Germany. The corona pandemic hit them hard too. In a veritable exodus, hundreds of thousands of Bulgarians returned home and registered as unemployed. This is a very problematic situation

for the many families who are dependent on the money sent back home. After a few months, however, the situation relaxed again and many seasonal workers were able to take up new or old jobs abroad. For the FNSZ, too, the most important task is to inform seasonal workers about their rights and opportunities before they leave the country, the most important channels for this are the Internet and traditional media.

According to Valentina Vasilyonova, despite all problems, a lot is moving in the right direction. Thanks to the political pressure from the FNSZ, Bulgaria is becoming more and more committed to its seasonal workers.

In the last session of the conference, Arnd Spahn from the European Federation of Food, Agriculture and Tourism Food Unions, EFFAT, gives an overview of the problem at European level. He has been Political Secretary for Agriculture there for many years.

In order to improve the conditions for cross-border workers in the European Union, some guidelines have already been implemented. These oblige member states to develop a system by 2025 in which all seasonal agricultural workers receive a written contract with all the important details about the employment relationship. This is particularly essential for the social security of employees

Arnd Spahn advocates for more inclusion and integration of seasonal workers. They should be given the opportunity to settle with their families where they work and have equal access to state services. He calls for equal treatment of seasonal and domestic workers in general who do the same work and provide the same results ("equal pay for equal work in the same place").



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The support of trade union work by the state is important so that they can continue to encourage, inform and also accommodate seasonal workers. EU-wide advice centers for seasonal workers and other mobile workers should be made possible through EU funding. Concepts such as an EU social security card and number for every EU-citizen need to be discussed as well.

Although there is certainly support from the EU Commission, there are still problems with the agricultural sectors at national level, as they show no interest in social aspects. More control mechanisms and binding EU measures are therefore needed.

The contributions and discussions during the conference showed that informing and educating seasonal workers is one of the most important aspects in the work for all unions. Many seasonal workers do not know their rights and are sometimes deliberately left in the dark by their employers. This is why permanent and direct contact with the workers is essential for trade unions.

Since the problem is impossible to solve only at national level, successful cooperation such as between Romanian advisory offices and the German Trade Union Confederation is particularly welcome. Since there seems to be a fundamental willingness to change at the European level, it must be possible in the future to exert even more political pressure on the respective agricultural sectors of the countries of destination, be it through binding EU measures or legal means on the ground. At the same time, advice through trade unions was called for, in order to help seasonal workers in agriculture to claim and assert their rights.

In the conference it became evident that the problems in the respective countries of origin and destination differ in detail, but are fundamentally very similar. All in all, the event showed once again how important it is for trade unions and all those who are committed to good and equal working conditions to engage in a regular exchange at a transnational level.



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With financial support from the European Union

