

## **Corporate Social Responsibility to Prevent Human Trafficking**

Immigrant workers in Italian agriculture - A Mapping

ISBN: 978-94-6240-108-2

*Rossana Cillo and Tania Toffanin*  
*March 2014*

The research was carried out by the Laboratorio di Ricerca Sociale – Laboratory for Social Research, Ca' Foscari University of Venice ([www.unive.it/laris](http://www.unive.it/laris)).

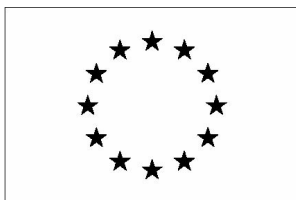
The following parts have been written by Rossana Cillo: Chapter 1; Section 2.1 of Chapter 2; Chapter 3; Section 4.3, 4.4 and 4.5 of Chapter 4.

The following parts have been written by Tania Toffanin: Section 2.2 of Chapter 2.

The following parts have been written by Rossana Cillo in collaboration with Giulia Di Fiore: Section 4.1 and 4.2 of Chapter 4.

Giulia Di Fiore interviewed the following stakeholders: IT06EOR, IT09EOR, IT10EOR, IT11EOR, IT14TU, IT16NGO, IT22LI.

Cover image: © conipiediperterra.com



With the financial support of the Prevention of and Fight against  
Crime Programme European Commission - Directorate-General  
Home Affairs

HOME/2011/ISEC/AG/THB/4000001962

© Rossana Cillo and Tania Toffanin 2014



## **About the authors**

### **Rossana Cillo**

Research Fellow at Ca' Foscari University of Venice and member of Laris (Laboratory for Social Research) and Cestudir (Centre for Human Rights Studies) in the same university. She carried out researches on: racial discriminations on workplaces, forced labour in Italy, immigrants workers and unions, underground economy.

rossana.cillo@unive.it

### **Tania Toffanin**

PhD in Labour Studies at the University of Milan (Italy), Research Fellow at Ca' Foscari University of Venice. Member of Laris (Laboratory for Social Research) and Cestudir (Centre for Human Rights Studies) in Ca' Foscari University of Venice.

Her research activity focuses on: analysis of working conditions and professions, unemployment and labour market composition, theoretical issues and empirical findings on the gendered division of labour.

tania.toffanin@unive.it



# Contents

<b>Acknowledgements</b>	7
<b>Acronyms</b>	9
<b>Chapter 1</b>	
<b>The Italian agriculture</b>	13
1.1 General description of the sector	13
1.2 Relevant actors involved	16
1.2.1 The companies' management	16
1.2.2 Affiliated companies and suppliers	17
1.2.3 Employers' organisations	17
1.2.4 Trade Unions	18
1.2.5 Labour inspectors and other potentially relevant state actors	18
1.2.6 Non-governmental organisations	19
<b>Chapter 2</b>	
<b>Regulation of the crime of Trafficking in Human Beings for labour exploitation</b>	21
2.1 Regulation of the crime of Trafficking in Human Beings for labour exploitation	21
2.1.1 How is Trafficking in Human Beings for labour exploitation prohibited under Italian law?	21
2.1.2 How is Trafficking in Human Beings for labour exploitation defined?	24
2.1.3 Legislation and regulation of liability of corporations in relation to Trafficking in Human Beings	27
2.1.4 Application of the legal framework	28
2.2 Regulation of the labour market	31
2.2.1 Minimum labour requirements guaranteed under labour law	32
2.2.2 Specific labour requirements guaranteed under sector specific regulations	34
2.2.3 Specific employment regulations concerning immigrants	37
2.2.4 Role of recruitment agencies in the specific sector	38
<b>Chapter 3</b>	
<b>Risk factors in agriculture</b>	41
3.1 Hiring process and recruitment	41
3.2 Workplace and employment	46
3.3 Other conditions imposed on labourers not directly linked to labour law	49
3.4 Business relationships: production in affiliated companies and by suppliers	51
<b>Chapter 4</b>	
<b>Existing preventive measures in Italian agriculture</b>	53
4.1 Preventive corporate measures within the company and in their business relationships	53
4.2 Preventive measures taken by employers' organisations in agriculture	56
4.3 Preventive measures taken by trade unions	58
4.4 Preventive measures taken by labour inspectors	60
4.5 Preventive measures taken by non-governmental organisations	62
<b>List of interviewees</b>	65
<b>Bibliography</b>	67
<b>Webliography</b>	73



## Acknowledgements

Many people were involved during the different phases of this research. We wish to thank all the people who agreed to be interviewed for this project for supporting us in the deepening of more recent features and tendencies of severe labour exploitation in the agricultural sector.

We would like to express our gratitude also to the two companies where the guide implementation has taken place: Apofruit Italia soc. coop. Agricola (Cesena) and Villafrut Srl (Verona). We thank also the stakeholders who discussed with us the results of both the research and the implementation guide: Ilaria Boldrin (Legambiente Veneto), Lucia Briamonte (INEA), Anna Ciaperoni (AIAB Italia), Luciano Esposito (INPS, Venezia), Ludovico Ferro (FAI CISL), Andrea Gambillara (FLAI CGIL Padova), Andrea Laverde (Emergency Marghera - Venezia), Roberta Montaguti (HR manager, Apofruit Italia soc. coop. Agricola), Marco Omizzolo (Legambiente Latina and ISTAT), Michele Pasini (Quality manager, Villafrut Srl).

We would thank also dr. Giulia Di Fiore, for the contribution given to the draft report and the field research in Lombardy, and dr. Aleksandra Mandic, for the translation.

Finally, last but not least, we would like to express our gratitude to prof. Pietro Basso and Fabio Perocco, Department of Philosophy and Cultural Heritage, Ca' Foscari University of Venice, for their support.





## Acronyms

AGCI-Agrital	Associazione Generale Cooperative Italiane – Settore Agro Ittico Alimentare <i>(Italian General Association of Cooperatives- Agro Fish Food Sector)</i>
AIAB	Associazione Italiana per l'Agricoltura Biologica <i>(Italian Association for Organic Agriculture)</i>
ADLCOBAS	Associazione per i Diritti dei Lavoratori - Confederazione dei Comitati di Base <i>(Association for the Rights of Workers - Confederation of Base Committees)</i>
ARCI	Associazione Ricreativa Culturale Italiana <i>(Italian Recreational and Cultural Association)</i>
ASGI	Associazione per gli Studi Giuridici sull'Immigrazione <i>(Association for Immigration Law Studies)</i>
AWU	Annual Work Units
CARIL	Comitato degli Alti Responsabili dell'Ispezione del Lavoro <i>(Senior Labour Inspection Committee)</i>
CIA	Confederazione Italiana Agricoltori <i>(Italian Farmers' Confederation)</i>
CIE	Centri di Identificazione ed Espulsione <i>(Identification and Expulsion Centres)</i>
CGIL	Confederazione Generale Italiana del Lavoro <i>(Italian General Confederation of Labour)</i>
CISL	Confederazione Italiana Sindacato Lavoratori <i>(Italian Confederation of Workers' Trade Unions)</i>
CeFAB	Centro di Formazione sull'Agricoltura Biologica <i>(Centre for Organic Farming Education)</i>
CLES	Comitati per il Lavoro e l'Emersione del Sommerso <i>(Committees for Labour and Emergence of Undeclared Work)</i>
CNEL	Consiglio Nazionale dell'Economia e del Lavoro <i>(National Council for Economics and Labour)</i>
Coldiretti	Confederazione Nazionale dei Coltivatori Diretti <i>(National Confederation of Farmers)</i>
Confagricoltura	Confederazione Generale dell'Agricoltura Italiana <i>(General Confederation of Italian Agriculture)</i>
Confartigianato	Confederazione Generale Italiana dell'Artigianato <i>(Italian General Confederation of Craft Trades)</i>
Confindustria	Confederazione Generale dell'Industria Italiana <i>(Confederation of Italian Industries)</i>

Confcommercio	Confederazione Generale Italiana delle Imprese, delle Attività Professionali e del Lavoro Autonomo <i>(Italian General Confederation of Enterprises, Professions and Self-Employment)</i>
Confcooperative	Confederazione Cooperative Italiane <i>(Italian Confederation of Cooperatives)</i>
COPAGRI	Confederazione Produttori Agricoli <i>(Confederation of Agricultural Producers)</i>
CSR	Corporate Social Responsibility
DURC	Documento Unico di Regolarità Contributiva <i>(Single social security contribution payment certificate)</i>
EC	European Commission
EFFAT	European Federation of Food, Agriculture and Tourism Trade Unions
ENAPRA	Ente Nazionale per la Ricerca e la Formazione in Agricoltura <i>(National Agency for Research and Training in Agriculture)</i>
EU	European Union
EWC	European Works Council
FAI CISL	Federazione Agricola Alimentare Ambientale Industriale - CISL <i>(Agro-Food Environment Industrial Federation of Cisl)</i>
FEDAGRI	Federazione Nazionale delle Cooperative Agricole ed Agroalimentari <i>(National Federation of Agricultural and Agri-Food Cooperatives)</i>
FGA CFDT	Fédération Générale Agroalimentaire - Confédération française démocratique du travail <i>(General Federation of Agrifood Unions - French Democratic Confederation of Labour)</i>
FILLEA CGIL	Federazione Italiana dei Lavoratori del Legno, dell'Edilizia, delle industrie Affini <i>(Italian Federation of Wood, Building and Allied Industries Workers)</i>
FLAI CGIL	Federazione Lavoratori AgroIndustria - CGIL <i>(Federation of Agro-Industrial Workers of CGIL)</i>
GDP	Gross Domestic Product
HICP	Harmonised Index of Consumer Prices
ILO	International Labour Organisation
INAIL	Istituto Nazionale per l'Assicurazione contro gli Infortuni sul Lavoro <i>(National Institute for Insurance Against Accidents at Work)</i>
INEA	Istituto Nazionale di Economia Agraria <i>(National Institute of Agricultural Economics Research)</i>
INIPA	Istituto Nazionale Istruzione Professionale Agricola <i>(National Institute of Agricultural Vocational Education)</i>
INPS	Istituto Nazionale della Previdenza Sociale <i>(National Social Security Institute)</i>
IOM	International Organisation of Migration

ISMEA	Istituto di servizi per il mercato agricolo alimentare <i>(Services Institute for the Agri-food Market)</i>
ISTAT	Istituto Nazionale di Statistica <i>(Italian National Institute of Statistics)</i>
Legacoop	Lega Nazionale delle Cooperative e Mutue <i>(National League of Co-operatives and Mutual Associations)</i>
NGO	Non-governmental organisation
OTD	Operaio a Tempo Determinato <i>(Temporary Worker)</i>
OTI	Operaio a Tempo Indeterminato <i>(Permanent Worker)</i>
SA8000	Social Accountability
SPI CGIL	Sindacato Pensionati Italiani – CGIL <i>(Italian Pensioners' Trade Union of CGIL)</i>
SPISAL	Servizio Prevenzione Igiene Sicurezza Ambienti di Lavoro <i>(Workplace Prevention, Hygiene and Safety Service)</i>
TCN	Third Country National
THB	Trafficking in Human Beings
UAA	Utilised Agricultural Area
UCI	Unione Coltivatori Italiani <i>(Italian Farmers' Union)</i>
UGTT	Union Générale Tunisienne du Travail <i>(Tunisian General Labour Union)</i>
UIL	Unione Italiana del Lavoro <i>(Italian Workers' Union)</i>
UILA	Unione Italiana Lavoratori Agroalimentari <i>(Italian Agrifood Workers' Union)</i>
UN	United Nations
USB	Unione Sindacale di Base <i>(Union of Base Trade Unions)</i>



# Chapter 1: The Italian agriculture

## 1.1 General description of the sector

Over the last decade, Italian agriculture has decreased in terms of percentage of Gross Domestic Product, employment and number of enterprises<sup>1</sup>, consolidating long-term restructuring processes, based on the concentration of land ownership and centralisation of capital. These restructuring processes stem from various elements: greater integration of the sector into the world market and the resulting increase in international competition, the introduction of technological innovations, «conversion to integrated, diversified, multi-functional production models, in part as a direct consequence of the evolving guidelines of the Common Agricultural Policy (Cap)»<sup>2</sup>.

In 2011 the total value of production by the agricultural sector was 49.2 billion Euros<sup>3</sup> and a value added of 25.9 billion Euros, equal to 1.74% of GDP<sup>4</sup>. Agricultural production can be broken down as follows: 53.3% agricultural crops (29.5% herbaceous crops, 3.7% forage crops and 20.1% woody crops), 33.1% livestock farming and 12.5% support activities for agriculture<sup>5</sup>. With regard to the geographical distribution of economic results, «it emerges that agriculture in the North of the country predominates over the other geographical macro-areas. Northern Italy accounts for 51.7% of production and 46% of value added, with just 26.9% of Italy's agricultural enterprises. In the North these enterprises account for 28.9% of employment and sustain 34.5% of total labour costs. The South, with 57.2% of enterprises, accounts for 33.3% of production and 38.4% of value added, while labour costs represent 44.6% of the national total»<sup>6</sup>.

Utilised agricultural area accounts for 43.2% of Italy's total surface area<sup>7</sup>. Over the last decade this percentage has decreased by 2.3% (from 18,766,895 hectares in 2000 to 17,081,089 hectares in 2010) as a result of growing urbanisation<sup>8</sup> and the abandonment of less productive land, especially in mountain areas<sup>9</sup>. The number of agricultural enterprises fell by 32.2%, from 2,396,274 in 2000 to 1,620,884 in 2010<sup>10</sup>. The result of these two trends is the significant increase in the average size of agricultural enterprises<sup>11</sup>, which has been accompanied by a decrease in the number of small and medium-sized enterprises (with less than 30 hectares) and by an increase in the number of large enterprises, particularly in the North<sup>12</sup>.

---

<sup>1</sup> ISTAT, *Caratteristiche strutturali delle aziende agricole. 6° Censimento Generale dell'Agricoltura*, ISTAT, Roma, 2010.

<sup>2</sup> ISTAT, *Rapporto annuale 2012. La situazione del paese*, ISTAT, Roma, 2012, pp. 96-97; Eurostat, *Europe in figures. Eurostat yearbook 2012*, Eurostat, Brussels, 2013, p. 380. ISTAT, *Caratteristiche strutturali delle aziende agricole. 6° Censimento Generale dell'Agricoltura*, ISTAT, Roma, 2010.

<sup>3</sup> INEA, *Annuario dell'agricoltura italiana 2011*, INEA, Roma, 2012, p. 21.

<sup>4</sup> Value at producer prices: ISTAT, *Annuario statistico italiano 2012*, ISTAT, Roma, 2012, p. 333.

<sup>5</sup> INEA, *Annuario dell'agricoltura italiana 2011*, op. cit., p. 21.

<sup>6</sup> ISTAT, *Annuario statistico italiano 2012*, op. cit., p. 346.

<sup>7</sup> Eurostat, *Europe in figures*, op. cit., p. 392.

<sup>8</sup> Which has led to the use of agricultural areas for urban, industrial and tertiary-sector purposes, especially in the North, which has a high rate of urbanisation.

<sup>9</sup> INEA, *Rapporto sullo stato dell'agricoltura 2012*, INEA, Roma, 2012, pp. 51-67.

<sup>10</sup> ISTAT, *Caratteristiche strutturali delle aziende agricole*, op. cit., p. 37.

<sup>11</sup> In 2000 UAA per individual enterprise was 5.5 hectares, rising to 7.9 hectares (+44.2%) in 2010. Cf. ISTAT, *Rapporto annuale 2012*, op. cit., p. 96.

<sup>12</sup> A particularly significant phenomenon is the decline in numbers of enterprises with a UAA of less than 5 hectares: over the last two decades this number has virtually halved. Cf. ISTAT, *Caratteristiche strutturali delle aziende agricole*, op. cit., p. 38.

In 2011 the agricultural sector employed 850,000 workers (29% of them are women), accounting for 3.7% of the total workforce. Almost half of these workers live in the South and Islands, 13.7% in the Centre and 36.5% in the North. With regard to employment status, 438,000 workers were independent, while 413,000 were employees. Most independent workers were self-employed (342,000) while most employees were agricultural workers, employed as blue-collars (384,000)<sup>13</sup>.

The predominance of individual, self-managed holdings is confirmed by national accounts data, which show that in 2010 agricultural enterprises employed 948,000 AWU, 183,000 in the form of employees: 80.7% of total days were worked in family enterprises, 3.7% by employees with permanent employment contracts, and 14.5% by employees with fixed-term employment contracts. The greater number of employees with fixed-term contracts is due to the seasonal nature of many crops, the high degree of labour flexibility in the sector<sup>14</sup>, and the reduction in costs owing to extremely low wages<sup>15</sup> and the greater profitability of enterprises which results<sup>16</sup>.

Immigrant workers constitute a structural, steadily growing component of the agricultural workforce (both as declared workers and as undeclared workers)<sup>17</sup>.

In 2011, 106,083 workers from EU countries and 126,754 workers from non-EU countries<sup>18</sup> were recorded, mainly with seasonal employment contracts (EU: 88.8%; non-EU: 68.2%)<sup>19</sup>. Most of them were employed in the North of Italy (57,801 EU workers and 50,883 non-EU workers)<sup>20</sup>. The sectors which employed the greatest number immigrant workers vary from region to region: agricultural workers from non-EU countries are found in large numbers in the livestock sector in Lombardy, Lazio and Emilia Romagna and in the tree-crop sector in Piedmont, while EU workers have a strong presence in the horticultural sector in the Veneto and Puglia regions and in the tree-crop sector in Piedmont, Emilia Romagna and Trentino Alto Adige<sup>21</sup>.

---

<sup>13</sup> INEA, *Annuario dell'agricoltura italiana 2011*, op. cit., pp. 155-157.

<sup>14</sup> ISTAT, *I risultati economici delle aziende agricole. Anno 2010*, ISTAT, Roma, 2012, p. 3.

<sup>15</sup> «Pay per working day was 63 Euros for workers with fixed-term employment contracts and 91 Euros for workers with permanent employment contracts», *Ib.*

<sup>16</sup> «Observing the distribution of agricultural enterprises by AWU class, a high concentration in the lowest class is noticed. Small enterprises, with less than one AWU, make up 72.8% of the total but account for a relatively low percentage of total output (19.5%), of revenue (19.3%) and value added (20.1%). In addition, they account for just 10.4% of dependent employment and 7.5% of labour costs», cf. ISTAT, *Annuario statistico italiano 2012*, op. cit., p. 355.

<sup>17</sup> This fact has also been confirmed by the interviewed companies. For example, the Mazzoni company, according to the various stages of production, employs between 900 and 1100 workers, mainly with seasonal contracts (85%). The immigrant employees are between 150 and 500 (IT03EMP). Also the Apofruit company has a high incidence of seasonal contracts: it has 150 permanent workers and 2.000-2500 seasonal workers. Approximately 15% of these are immigrants (IT04EMP).

<sup>18</sup> INEA, *Gli immigrati nell'agricoltura italiana*, INEA, Roma, 2009; INEA, *Indagine sull'impiego degli immigrati in agricoltura in Italia. 2010*, INEA, Roma, 2012; INEA, *Annuario dell'agricoltura italiana 2011*, op. cit., pp. 159-166.

<sup>19</sup> INEA, *Annuario dell'agricoltura italiana 2011*, op. cit., pp. 164-165.

<sup>20</sup> It should be pointed out that these figures refer to official data only, and are completely falsified by the significant presence of the underground economy and of undeclared work.

<sup>21</sup> INEA, *Annuario dell'agricoltura italiana 2011*, op. cit., pp. 162-163. Labour intensity, which is calculated according to the ratio of full-time equivalent units to the number of workers, also tends to vary by region and sector. «This value is on average just over 72% for EU citizens, with higher values in regions such as Piedmont and the Aosta Valley where livestock-rearing activities, which are particularly heavy in terms of workload/person, make use of this category of worker. In contrast, for non-EU citizens the ratio tends to be higher than 100% in all geographical areas of the country, with some exceptions (the provinces of Trento and Bolzano stand out). In general, the under-utilisation of foreign workers occurs in areas with high levels of production specialisation which require seasonal labour» (p. 161).

It is estimated that undeclared work constitutes approximately 25% of AWU employed in the sector<sup>22</sup>, or around 400,000 workers, 60,000 of whom are foreign. About 20% of workers from EU countries and 28% of those from non-EU countries do not have an employment contract. The regions with the highest percentage of undeclared work are Sicily and Sardinia (EU: 50.8%; non-EU: 62.1%) and the regions of the South (EU: 34%; non-EU: 46%), followed by the Centre (EU: 26.3%; non-EU: 16%) and the North (EU: 7.6%; non-EU: 10.6%)<sup>23</sup>.

This extensive, deep-rooted presence of undeclared work and the underground economy constitutes one of the factors underlying the widespread nature of severe labour exploitation in Italian agriculture. The Placido Rizzotto Foundation estimates that of the 400,000 workers without an employment contract «around 100,000 (most of them foreign) are forced to be involved in forms of blackmail and live in injurious conditions»<sup>24</sup>.

Undeclared work is closely linked to other two factors which constitute the precondition for severe labour exploitation: a) the need for ultra-flexible, easily dismissible labour, available according to the immediate demands of the production cycle and agricultural market trends; b) the need to reduce production costs as much as possible in order to cope with the global competition which agricultural producers increasingly have to face and the imposition of ever lower prices by large corporations in the retail and agri-food sectors to which products are supplied. Indeed, in the face of a steady rise in intermediate costs – as a result of increasing mechanisation in the sector, significant use of water and energy in the production process, the processing and commercialization of products, considerable purchases of inputs such as seeds, fertilisers and feed<sup>25</sup> – the reduction in labour costs through partially or totally illegal forms of employment<sup>26</sup> constitutes, in a certain way, a “forced” choice for individual producers<sup>27</sup>.

Another factor that makes immigrant labourers particularly vulnerable to severe labour exploitation, especially in Southern Italy, is the phenomenon of the gangmaster system, which forms a structural element of the sector. Closely connected with the gangmaster system is the rootedness of organised crime, which exists in every stage of the agricultural supply chain, from production to distribution, and throughout the country<sup>28</sup>. Both of these elements form an essential link in the typical chain of command and labour exploitation that characterizes the work organisation in agriculture which is industrialised and fully integrated into the global market; such work organisation makes it possible to manage the workforce literally on a “just-

---

<sup>22</sup> INEA, *Annuario dell'agricoltura italiana 2011*, op. cit., p. 157.

<sup>23</sup> INEA, *Annuario dell'agricoltura italiana 2011*, op. cit., pp. 164-165.

<sup>24</sup> FLAI CGIL, *Agromafie e caporalato. Le mappe delle aree a rischio caporalato e sfruttamento lavorativo in agricoltura*, available at: [www.flai.it/attachments/article/783/Scheda\\_Sintesi\\_Rapporto.pdf](http://www.flai.it/attachments/article/783/Scheda_Sintesi_Rapporto.pdf) (20.03.2013).

<sup>25</sup> Between 2009 and 2010 intermediate costs incurred by agricultural enterprises increased from 16,332 million Euros to 16,943 million Euros. Cf. ISTAT, *I risultati economici delle aziende agricole. Anno 2010*, op. cit., p. 3.

<sup>26</sup> According to INEA figures, 42.1% of non-EU workers and 40.4% of EU workers are paid wages below the minimum wage. In addition, phenomena such as «under-reporting days worked and working hours exceeding the number contractually agreed» are widespread. Cf. INEA, *Annuario dell'agricoltura italiana 2011*, op. cit., p. 161 and pp. 164-165.

<sup>27</sup> Magdoff F. *et al.*, *Hungry for Profit. The Agribusiness Threat to Farmers, Food, and the Environment*, Monthly Review Press, New York, 2000; Various Authors, *Travailleurs saisonniers dans l'agriculture européenne*, “Études rurales”, 182, 2009; Forum Civique Européen, *Le goût amer de nos fruits et légumes. L'exploitation des migrants dans l'agriculture intensive en Europe*, Limans Information et Commentaires, 2002; Renaut A., “Migrants in European Agriculture: Open Season for Exploitation”, *Trade Union World*, 7, 2003, pp. 1-5.

<sup>28</sup> FLAI CGIL, *Agromafie e caporalato*, op. cit.; Amnesty International, “*We wanted workers but we got humans instead*”: *Labour exploitation of agricultural migrant workers in Italy*, Amnesty International, London, 2012; CIA, *Cittadino agricoltore in sicurezza*, CIA, Roma, 2011; Pugliese E. (ed.), *Diritti violati. Indagine sulle condizioni di vita dei lavoratori in aree rurali del Sud Italia e sulle violazioni dei loro diritti umani e sociali*, Dedalus, Napoli, 2012; Radici, *Dossier Radici/Rosarno. Monitoraggio autunno/inverno 2010/2011*, Rete Radici, 2011; Radici, *Dossier Radici/Rosarno. Monitoraggio autunno/inverno 2011/2012*, Rete Radici, 2012.

in-time” basis, and represents an important instrument of social control over immigrant workers, imposing upon them the greatest degree of subordination and preventing them – through the use of physical violence – from making any claims<sup>29</sup>.

Last but not least, Italian immigration policy itself helps to create the basis for severe labour exploitation, as it produces clandestinity and places immigrant workers in a condition in which they are extremely vulnerable to blackmail by their employers<sup>30</sup>. Firstly, the strong tie between employment contracts and residence permits (which have the same duration as the employment contract) and accommodation makes the immigrant’s situation extremely precarious. Secondly, residence permits are issued or renewed only if so desired by the employer, who must guarantee adequate accommodation and bear the costs of repatriation of the worker. Thirdly, the increasingly harsh of immigration policies – culminating in the introduction of the crime of “illegally entering or staying in Italy” – have made the criminalisation of undocumented immigration their cornerstone, making it particularly difficult to gain access to “regularisation” procedures or appeal to the justice system as provided for by current legislation<sup>31</sup>.

## 1.2 Relevant actors involved

### 1.2.1 The companies’ management

The adoption of ethical codes and strategies marked by corporate social responsibility by agricultural and agri-food enterprises has been developing since 2001, following the recommendations of the EU regarding the principle of sustainable development in the economic, social and environmental sphere as a potential business approach<sup>32</sup>.

In Italy, SA8000 certification is extremely widespread and well established. It requires the adoption of policies and procedures aimed at protecting workers’ fundamental rights. In 2008 Italy had more SA8000-certified enterprises than any other country<sup>33</sup>, in part due to the promotion of a large scale adoption of the certification by the Tuscany Region through its FabricaEthica Project, by the Umbria Region and by the local governments of the most important Italian cities such as Ancona, Bari, Bologna, Lecce, Milan, Naples, Rome, Turin, Urbino and Venice<sup>34</sup>.

In the area of agricultural and agro-industrial production and retail supply chains, the main companies that have obtained SA8000 certification are Granarolo (dairy industry), Ferrero (food industry), Villafrut (production and supply of fruit and vegetables to supermarket chains) and Coop Italia (supermarket chain<sup>35</sup>).

---

<sup>29</sup> Borretti B., *Da Castel Volturno a Rosarno*, in Basso P. (ed.), *Razzismo di stato*, FrancoAngeli, Milano, 2010, pp. 493- 524.

<sup>30</sup> The link between the migration policies and the blackmailing condition of immigrant workers has been confirmed by different interviewees (IT08EOR, IT12TU, IT13TU, IT14TU, IT15NGO, IT17NGO, IT18NGO, IT19NGO, IT20LI, IT21LI).

<sup>31</sup> Cillo R., Perocco F., *Lavoro forzato e immigrati in Italia*, Cleup, Padova, 2012; Ferrero M., *Il “pacchetto sicurezza”*, in Basso P. (ed.), *Razzismo di stato*, op. cit., pp. 423-437.

<sup>32</sup> INEA, *Le esperienze italiane sulla responsabilità sociale nel settore agricolo e agroalimentare*, INEA, Roma, 2007; INEA, *Promuovere la responsabilità delle imprese agricole e agroalimentari*, INEA, Roma, 2007; INEA, *Percorsi di responsabilità sociale nei rapporti di filiera. L’ortofrutta e la zootecnia da carne*, INEA, Roma, 2010.

<sup>33</sup> Social Accountability International, *10th Anniversary report*, SAI, New York, 2008, p. 24.

<sup>34</sup> Social Accountability International, *10th Anniversary report*, op. cit., p. 55-56. See also Iseal Alliance, *Tuscany Region (Italy) and the SA8000 Standard for Social Accountability*, Iseal Alliance, London, 2008.

<sup>35</sup> Coop Italia is the first European enterprise to have obtained SA8000 certification. Cf. Social Accountability International, *10th Anniversary report*, op. cit., p. 49.



Less widespread (having been introduced more recently) is GlobalG.A.P. Certification, aimed at farming enterprises which undertake to comply with the social and ethical values established by the ILO<sup>36</sup>. Similarly, “Marchio Qualità Lavoro” certification – which was introduced by AIAB and the trade union UILA – is not widespread. Enterprises with GlobalG.A.P. certification include ApoConerpo, Apofruit and CSO (fruit and vegetable processing and sales), B&B (floriculture), Sant’Orsola (forest fruits), Mele Val Venosta and Vog (apples), and Villafrut.

### 1.2.2 Affiliated companies and suppliers

According to data published by ISMEA, products in the agri-food supply chains may go through between 6 and 10 stages in the flow of goods from the producer to the consumer<sup>37</sup>. The “length” of agri-food supply chains makes it particularly difficult to pinpoint forms of severe labour exploitation, to such a point that they have been called by the press “chains of exploitation”. This “length” makes significant the experience of firms with SA8000, GlobalG.A.P. and Marchio Qualità Lavoro certifications – as they require that their suppliers respect their employees’ human rights<sup>38</sup> – and the experience of companies and employers organisations engaged in the introduction of short supply chains, as it occurs for example in the range of organic production (IT08EOR, IT21LI).

### 1.2.3 Employers’ organisations

The main employers’ organisations in the agricultural sector are Coldiretti (which historically was linked to the Christian Democracy Party), Confagricoltura (which traditionally represents the interests of large landowners, particularly in the South) and CIA (which is linked to parties on the centre-left). In addition to these organisations there are around 700 Producers’ Associations with a marginal political influence<sup>39</sup>.

Coldiretti, Confagricoltura and CIA play an important role in providing their members with guidelines in the field of business management, in particular with regard to Corporate Social Responsibility. Coldiretti and CIA are conducting two campaigns focusing on reporting and raising awareness of the infiltration of organised crime at all levels of the agri-food supply chain. In addition, CIA cooperates with the Association Libera, an important anti-Mafia association, providing its services to cooperatives which manage land confiscated from organised Mafia gangs. CIA’s campaign also stands on the issue of severe labour exploitation, while Coldiretti is concerned with it only marginally<sup>40</sup>.

---

<sup>36</sup> [www.aiab.it](http://www.aiab.it). (22.02.2013).

<sup>37</sup> The fruit and vegetable and cereal supply chains have up to 8 stages, the processed fruit and vegetable supply chain up to 6, the oil and beef supply chains up to 9, and the pork supply chain up to 10. Cf. Coldiretti, *Le filiere agroalimentari in Italia*, available at: [www.coldiretti.it/aree/documenti/filiere%20agroalimentari.ppt](http://www.coldiretti.it/aree/documenti/filiere%20agroalimentari.ppt) (22.02.2013).

<sup>38</sup> The quality manager at Villafrut, during the interview, stressed the importance of adhering to the principles of Corporate Social Responsibility – particularly in the field of labour – as a mechanism for selecting suppliers in order to compete on the international market (IT01EMP). The representative of the Mazzoni company as well has highlighted how the organized large-scale distribution imposes the adoption of different types of certifications («Our certification programme depends on requests made by organized large-scale distribution. There is this, let’s say, reverse supply chain in which the resounding example is Greenpeace, which insists on the problem of pesticide residues present in goods of German large-scale distribution, which in turn pretends from its suppliers, in particular from Italy, to respect these Greenpeace’s requests», IT03EMP).

<sup>39</sup> Olper A., Pretolani R., *I soggetti della politica agraria a livello nazionale e internazionale*, available at: <http://users.unimi.it/pretdepa/I%20soggetti%20delle%20politiche%20agroalimentari.pdf> (13.04.2013).

<sup>40</sup> CIA, *Cittadino agricoltore in sicurezza*, op. cit.; Eurispes, Coldiretti, *Agromafie. I rapporti sui crimini agroalimentari in Italia*, Eurispes, Roma, 2011.

## 1.2.4 Trade Unions

The three main confederate trade unions, CGIL, CISL and UIL, with specific sections for the sector (FLAI CGIL, FAI CISL and UILA) and the alternative unions (USB and ADLCOBAS)<sup>41</sup> are active in the sector. Despite they have to deal with the difficulty of reaching out to workers in what is an extremely fragmented production sector, unions play a key role in preventing severe labour exploitation and protecting workers.

Their action, which was once rather sporadic outside unionised workplaces<sup>42</sup>, has been stepped up and extended into areas in which there is a high presence of severe labour exploitation, especially since the tragic events of Rosarno and Castelvoturno. FLAI CGIL and FILLEA CGIL (the trade union of workers employed in the construction sector) have organised a national campaign concerning economic legality and the fight against the Mafia, which led to a draft law which in 2011 introduced the criminal offence of illicit hiring by gangmasters<sup>43</sup>. FLAI CGIL, in collaboration with local associations concerned with the phenomena of severe labour exploitation, has also launched several “outreach trade union” projects in order to get in touch with and provide support for immigrant workers<sup>44</sup>. In addition, through a European project conducted in partnership with Barilla (one of Italian most important food manufacturers), FAI CISL, FGA CFDT France and EFFAT, it promotes training on CSR issues for Barilla trade union representatives<sup>45</sup>.

## 1.2.5 Labour inspectors and other potentially relevant state actors

As our interviews confirmed, the widespread use of undeclared work – which takes in a broad spectrum of situations, from grey employment to severely exploited labour, from forced labour to quasi-slave labour – implies the relevance of the inspection activities of labour inspectors, INPS, INAIL, SPISAL, the Guardia di Finanza (Finance Police) and the Carabinieri police force. At the same time, however, it reveals the lack of commitment of the Italian State to fight and bring out the undeclared work. Indeed, policies aimed at transforming undeclared work into regular employment are not only ineffective and inadequate in relation to the widespread nature of the underground economy, but often appear to tolerate or even encourage the phenomenon. This approach can be seen in the frequent tax amnesties<sup>46</sup>, continual cuts to resources allocated to inspection activities -meaning cuts to staff<sup>47</sup>- and, with regard to agriculture, in the “Piano straordinario di

---

<sup>41</sup> Agri-food workers also belong to these categories. The most representative trade union, according to 2011 membership figures, is FLAI CGIL, with 281,912 members, followed by UILA, with 224,747 members, and FAI CISL, with 197,921 members. No figures are available for the alternative unions. Cf. <http://tesseramento.cgil.it>; <http://htm.cisl.it/tesseramento>; <http://www.uil.it/organizzazione/iscritti.htm> (13.04.2013).

<sup>42</sup> Medici Senza Frontiere, *I frutti dell'ipocrisia*, Sinnos, Roma, 2005, p. 4.

<sup>43</sup> Law No. 148/2011, “Misure volte alla penalizzazione del fenomeno d’intermediazione illecita di manodopera basata sullo sfruttamento dell’attività lavorativa”.

<sup>44</sup> FLAI CGIL, *Agromafie e caporalato*, op. cit.

<sup>45</sup> FAI CISL, *Responsabilità sociale d’impresa. Corso di formazione per i lavoratori del CAE del gruppo Barilla*, “Fai Note internazionali”, X, 2, 2012.

<sup>46</sup> A labour inspector has observed the counter-productive role of tax amnesties: «The amnesties of any type, tax amnesties, construction sanctions, and so on, represent however an act of weakness, an act that causes the violation of regulations, as then there is a solution in any case» (IT20LI).

<sup>47</sup> In 2011 «in Italy inspection activities were conducted by approximately 3,700 Ministry of Labour and Social Policies inspectors, including the Carabinieri police force in Inspection Units working at the Local Labour Departments, 1,500 INPS inspectors, 300 INAIL inspectors and a few dozen ENPALS inspectors, sometimes jointly, often independently. In 2010 their numbers were 5 per cent higher, falling as a result of retirement and a partial turnover freeze». The interviews have shown that inspection staff cuts are having serious repercussions on the oversight activity (IT13TU, IT20LI, IT21LI). Cf. Surace M., *Gli infortuni sul lavoro in Italia*, 06.03.2012, available at: [www.ilpost.it/2012/03/06/gli-infortuni-sul-lavoro-in-italia](http://www.ilpost.it/2012/03/06/gli-infortuni-sul-lavoro-in-italia) (13.05.2013).

vigilanza” (“Extraordinary Monitoring Plan”) approved by the Berlusconi government in 2010, following the revolt by agricultural workers in Rosarno. This plan, which is limited to «the areas of the South most sensitive to the problems of undeclared work in agriculture and construction»<sup>48</sup> underestimated the extent to which it is present in the agricultural sector of Northern Italy<sup>49</sup> and failed to take into consideration sectors in which severe labour exploitation is equally widespread and structural (such as domestic and care work).

### 1.2.6 Non-governmental organisations

A very large number of NGOs operate in Italy with projects and initiatives of various kinds to assist immigrant workers involved in severe labour exploitation<sup>50</sup>. Of these we would mention:

- Medici Senza Frontiere (Médecins sans Frontières): since 2003 it has get involved with several projects aimed at providing health care, by means of mobile clinics, to immigrant agricultural workers employed in the fields of the South. It was also the first organisation to publicly denounce the extensive conditions of severe exploitation in Italian agriculture<sup>51</sup>;
- the network of associations and social movements, including Fondazione Integra/Azione, Radici, Action, Centro Sociale ex Canapificio and SUD. Following the events of Rosarno, this network launched the “Rosarno dispute”, through which 200 immigrants who had fled Rosarno or hidden in the surrounding countryside after the wave of violence obtained a residence permit<sup>52</sup>.
- Emergency, which was committed to protecting the health of immigrants employed in agriculture with “Programma Italia” with health centres and mobile clinics in Cassibile and Vittoria (Sicily), Venosa, Montemilone and Palazzo San Gervasio (Basilicata), Rosarno and Gioia Tauro (Calabria) and Foggia (Puglia).

---

<sup>48</sup> Communiqué of the Council of Ministers No. 80 of 28 January 2010 ([www.governo.it](http://www.governo.it); 10.04.2013).

<sup>49</sup> La Rocca S., *Tratta, lavoro forzato e grave sfruttamento lavorativo: legislazioni e politiche poste a contrasto*, in Carchedi F. (ed.), *Schiavitù di ritorno*, Maggioli, Santarcangelo di Romagna, 2010, pp. 197-199.

<sup>50</sup> With regard to social measures to aid severely exploited workers, see Perocco F., Cillo R., *Il lavoro forzato tra gli immigrati*, in Zagato L., De Vido S. (eds.), *Il divieto di tortura e altri comportamenti inumani o degradanti nelle migrazioni*, Cedam, Padova, 2012, pp. 301-324.

<sup>51</sup> Medici Senza Frontiere, *I frutti dell'ipocrisia*, op. cit.; Medici Senza Frontiere, *Una stagione all'inferno*, Roma, 2008.

<sup>52</sup> Radici, *Dossier Radici/Rosarno. Monitoraggio autunno/inverno 2011/2012*, op. cit., pp. 7-9.



## **Chapter 2: Regulation of the crime of Trafficking in Human Beings for labour exploitation**

### **2.1 Regulation of the crime of Trafficking in Human Beings for labour exploitation**

#### **2.1.1 How is Trafficking in Human Beings for labour exploitation prohibited under Italian law?**

With regard to the implementation of international legislation to combat trafficking for the purposes of labour exploitation, Italy has ratified the main international conventions<sup>53</sup>:

- the ILO Convention No. 29 (Forced Labour Convention, 1930), ratified with Law No. 274/1934 (Official Gazette of the Italian Republic, 03.03.1934, No. 53);
- the United Nations 1956 Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, ratified with Law No. 1304/1957;
- the ILO Convention No. 105 (Abolition of Forced Labour Convention, 1957), ratified with Law No. 864/1967 (Official Gazette of the Italian Republic, 28.11.1970, No. 302);
- the ILO Convention No. 182 (Worst Forms of Child Labour Convention, 1999), ratified with Law No. 148 of 25.05.2000 (Official Gazette of the Italian Republic, 12.06.2000, No. 135);
- the UN Palermo Protocols (The Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, and the Protocol against the Smuggling of Migrants by Land, Sea and Air), ratified with Law No. 146/2006.

With regard to European legislation, to date Italy has not complied with all directives to combat trafficking and severe labour exploitation. Currently the situation is the following:

- *Posting Directive (Council Directive 1996/71) concerning the posting of workers in the framework of the provision of services.*

Italy has implemented this Directive with Legislative Decree No. 72/2000. As provided for by European legislation, posted workers are guaranteed the same conditions and protection provided by the law of the country in which the work is performed. With regard to minimum wage levels, as in Italy no legally established minimum wage exists, reference is made to national collective employment agreements in the various sectors of production<sup>54</sup>.

- *Council Directive 81/2004 on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, and who cooperate with the competent authorities.*

With regard to this Directive, the Italian legislation already contained a number of institutions designed to protect victims of trafficking considered to be at the forefront. Specifically, Article 18 of the Consolidated Law on Immigration (Legislative Decree No. 286/1998) makes provision for the regularisation of immigrants who are victims of trafficking or severe labour exploitation through two different intervention models: an intervention model dependable on

---

<sup>53</sup> Conti Nibali M., Alteri G., *La legislazione nazionale, comunitaria e internazionale per la lotta alla tratta e la tutela delle vittime*, in Fachile S. et al. (eds.), *La tratta di persone in Italia. Le norme di tutela delle vittime e di contrasto alla criminalità*, FrancoAngeli, Milano, 2008, pp. 126-142.

<sup>54</sup> Istituto Guglielmo Tagliacarne, *Il distacco dei lavoratori nell'Unione Europea. Vademecum ad uso degli ispettori del lavoro e delle imprese*, Report, 2010.

the judicial cooperation – as provided for by the Directive – and an intervention model in which the residence permit is granted on the grounds of social protection, with no obligation incumbent on the victim to report the crime. In addition it makes provision for trafficking victims to be placed in special assistance and social reintegration programmes (see Section 2.2)<sup>55</sup>.

With regard to measures that have not yet been implemented, we would mention the requests from the non-profit sector regarding the «introduction of a law relating to the “period of reflection” provided for by Directives 2004/81/EC and 2011/36 EC in order to guarantee potential trafficking victims the chance to recover and be truly free themselves of their exploiters without the possibility of expulsion orders being issued or executed during the period»<sup>56</sup>.

- *The Service Directive (Council Directive 2006/123) on services in the internal market.*

This Directive has been implemented in Italy with Legislative Decree No. 59/2012.

- *The Return Directive (Directive 2008/115/EC) on Common standards and Procedures in Member states for Returning Illegally Staying Third-Country Nationals.*

This Directive has been implemented with Decree Law No. 89/2011 and subsequent conversion into law with Law No. 129/2011. It was implemented later than the final date for compliance laid down (24 December 2010) because, according to the position originally held by the government in power at the time, the relevant national legislation did not require any modification. The modification, as several parties have pointed out, was incomplete and lacking in several respects<sup>57</sup>; specifically, it gave «a negative interpretation of the obligations which may be imposed under the repatriation directive in order to deal with the risk of absconding. [...] Indeed, while the directive assigns priority to voluntary repatriation and only where a risk of absconding exists it is possible to impose obligations according to a criterion of gradually increasing intensity, the Italian legislature, reversing this basic provision, recognises the existence of the risk of absconding whenever the requirements suggested by the directive might not be applied easily and immediately. [...] Thus, that which according to the spirit and letter of the directive is the exception – the imposition of obligations of gradually increasing intensity – in Italy becomes the rule»<sup>58</sup>.

In addition, implementation of the directive has increased the maximum period of administrative detention from 180 days to 18 months<sup>59</sup>, without in any case providing for the review of detention on application, as provided for by Article 15 of Directive No. 2008/115/EC, under which in the case of prolonged detention periods, reviews shall be carried out by a judicial authority.

---

<sup>55</sup> Cillo R., Perocco F., *Lavoro forzato e immigrati in Italia*, op. cit.; Mancini D., *La protezione sociale ex art. 18 del dlgs 286/1998 svincolata dallo status di cittadinanza: l'art. 6, comma 4 del decreto legge 300/2006*, available at: [www.filodiritto.com](http://www.filodiritto.com) (20.03.2013); Nicodemi F., *Soggetti beneficiari e modalità di protezione ai sensi dell'art. 18 del Testo Unico*, in Morozzo Della Rocca P. (ed.), *Immigrazione e cittadinanza*, Utet, Torino, 2008, pp. 205-216.

<sup>56</sup> ASGI, *Il manifesto ASGI per riformare la legislazione sull'immigrazione (2013)*, available at: [www.asgi.it](http://www.asgi.it) (10.04.2013), Section VIII, p. 2.

<sup>57</sup> Happacher C., *La 'direttiva rimpatri' e la sua recezione in Italia*, Firenze, 2012, available at: [www.altrodiritto.unifi.it](http://www.altrodiritto.unifi.it) (10.04.2013); Savio G., *La nuova disciplina delle espulsioni risultante dalla Legge 129/2011*, 30.08.2011, available at: [www.asgi.it](http://www.asgi.it) (10.04.2013).

<sup>58</sup> Savio G., *La nuova disciplina delle espulsioni risultante dalla Legge 129/2011*, 30.08.2011, op. cit., p. 7.

<sup>59</sup> The detention period in the Identification and Expulsion Centres (CIE) is 30 days, which can be extended to a maximum of 180 days. Detention may be further extended up to a maximum of 12 months if «it has not been possible to proceed with expulsion, despite all reasonable efforts being made, as a result of lack of cooperation on the part of the third-country national concerned or delays in obtaining the documentation necessary from the third country» (Article 14, paragraph 5, Consolidated Law on Immigration).

- *Council Directive 2009/50 on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment.*

Council Directive 2009/50/EC has been implemented with Legislative Decree No. 108/2012, which allows highly qualified workers to enter Italy independently of the system of “decreti flussi” (literally “flows decrees”, i.e. establishing immigration quotas)<sup>60</sup>. This legislation has introduced a new type of residence permit (the “EU Blue Card”) which, in the case of Italy, is issued by the chief of police following a “residence contract” being stipulated between the foreign worker and employer. The possibility of obtaining an EU Blue Card has also been extended to workers with technical vocational qualifications and high-skilled workers already staying in Italy, who can apply for the residence permit already in their possession to be converted to the new type of permit. Italian legislation also requires «a residual applicability clause, as and when compatible, of all of the provisions contained in Article 22 of the Testo Unico Immigrazione (Consolidated Law on Immigration), which governs residence permits for employment». This clause has increased the maximum length of any period of unemployment – during which the immigrant worker is issued with a “permit for job seeking purposes” and beyond which the EU Blue Card is withdrawn – from three months, as provided for originally by the Directive, to one year, in accordance with the provisions of Law No. 92/2012 (“Reform of the Labour Market”)<sup>61</sup>.

-*The Sanction Directive (Council Directive 2009/52/EC) providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals.*

This Directive has been implemented with Legislative Decree No. 109/2012 (the “Rosarno Law”), a year later than the time limit laid down and after the initiation of infringement proceedings by the European Commission. As has been pointed out by several parties<sup>62</sup>, it has been inadequately and partially implemented, as it was chosen to supplement existing legislation rather than pass a comprehensive law on the subject: this has resulted in a series of important measures lapsing, such as the provision of effective mechanisms for making it easier for workers to report their employers<sup>63</sup>.

Furthermore, despite the existence in Italian legislation of provisions which are more conducive to the issuing of residence permits to third-country nationals who are victims of “particular labour exploitation”, such as the “humanitarian procedure” provided for by Article 18 of the Consolidated Law on Immigration, the legislature has introduced more restrictive criteria, by making the issue of a residence permit conditional on collaboration on the victim’s part with criminal proceedings against the employer who has illicitly employed undocumented immigrant workers<sup>64</sup>. Also with regard to the circumstances which permit undocumented immigrant workers to be issued with residence permits, the legislature has chosen not to adhere to the provisions which are more favourable to foreigners contained in

---

<sup>60</sup> The “flow decree” is issued by the Government every year which sets the number of non-EU citizens who can enter Italy in order to obtain a residence permit issued for work purposes (as employees, seasonal workers or self-employment) as well as the number of residence permits for study purposes that can be converted into permits for work purposes.

<sup>61</sup> Prefettura di Firenze, Camera di Commercio di Firenze, *Le imprese e l’occupazione altamente qualificata*, Camera di Commercio di Firenze, Firenze, 2012, pp. 32-33.

<sup>62</sup> Amnesty International, “*We wanted workers but we got humans instead*”, London, 2012; ASGI, *Il manifesto ASGI per riformare la legislazione sull’immigrazione (2013)*, op. cit.; Ferroni F., *L’attuazione della Direttiva 2009/52/CE: prime osservazioni sullo schema di D. Lgs. n. 466*, “*Democrazia & Sicurezza*”, II, No. 2, 2012.

<sup>63</sup> Paggi M., *La nuova schiavitù degli immigrati vittime di grave sfruttamento: mezzi di tutela e problematiche applicative*, in Zagato L., De Vido S. (eds.), *Il divieto di tortura e altri comportamenti inumani o degradanti nelle migrazioni*, op. cit., p. 283.

<sup>64</sup> Amnesty International, “*We wanted workers but we got humans instead*”, op.cit.; ASGI, *Il manifesto ASGI per riformare la legislazione sull’immigrazione (2013)*, op. cit.

national legislation but rather to those which favour firms and employers, by taking paragraph 3 – as opposed to paragraph 2 – of Article 603-bis of the Criminal Code as the yardstick (“Illegal intermediation and exploitation of labour” – see Section 2.2)<sup>65</sup>. Moreover, it should be considered the fact that the «EC Directive 52/2009, in its Anglophone formulation, uses for “work giver” the term “employer” (literally who gives occupation) who, throughout international literature on the subject, defines in fact the employer, but with the much broader meaning than ours which, instead, identifies in the employer the enterprise in the strict sense»<sup>66</sup>.

Finally, Legislative Decree No. 109/2012 «fails to take any of the non-criminal measures against employers of undocumented immigrants recommended by European Union legislation, such as: exclusion from government subsidies, including European Union funding, exclusion from public procurement procedures, closure of factories or withdrawal of licences, and the obligation to pay undocumented immigrant workers any outstanding unpaid wages»<sup>67</sup>.

- *Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA.*

As of 6 April 2013, Italy had not implemented the Directive, which was the final date for compliance. To date no progress has been made regarding a specific bill which provides for the implementation of the Directive, after it had been presented to the Chamber of Deputies on 16 June 2011.

- *Directive 2011/98/EU on a single application procedure for a single permit for TCNs to reside and work in the territory of a Member State and on a common set of rights for third-country nationals legally residing in a Member State.*

This Directive has not yet been implemented. The final date for compliance is 25 December 2013. Trade unions and a number of important associations such as ASGI have urged that it be implemented, in consideration of the fact that parliamentary scrutiny of EU Directives takes a long time<sup>68</sup>.

### **2.1.2 How is Trafficking in Human Beings for labour exploitation defined?**

The Italian legal system does not provide a comprehensive, consistent definition of the crime of “trafficking in persons for the purpose of labour exploitation”<sup>69</sup>. Therefore in order to prosecute such a crime it is necessary to refer to legislation to counter the following crimes: trafficking, enslavement, reduction to servitude, illegal intermediation and labour exploitation. Nevertheless, in the field of Trafficking in Human Beings for labour exploitation, in addition to legislation deriving from the ratification of international conventions and European Directives, the main legal instruments are Article 18 of the Consolidated Law on Immigration (Legislative Decree No. 286/1998), Article 13 of Law No. 228/2003 (“Measures against

---

<sup>65</sup> Paggi M., *La nuova schiavitù degli immigrati vittime di grave sfruttamento: mezzi di tutela e problematiche applicative*, op. cit.; ASGI, *Osservazioni allo schema di Decreto Legislativo recante attuazione della Direttiva 2009/52/CE che introduce norme minime relative a sanzioni e a provvedimenti nei confronti di datori di lavoro che impiegano cittadini di paesi terzi il cui soggiorno è irregolare*, 2012, available at: [www.asgi.it](http://www.asgi.it) (10.04.2013).

<sup>66</sup> Cf. Esposito L., *Armi spuntate, nemici sbagliati*, “Corriere Immigrazione”, 09-06-2013.

<sup>67</sup> Amnesty International, “*We wanted workers but we got humans instead*”, op. cit., p. 18. See also ASGI, *Osservazioni allo schema di Decreto Legislativo recante attuazione della Direttiva 2009/52CE (...)*, op. cit.

<sup>68</sup> ASGI, *Il manifesto ASGI per riformare la legislazione sull’immigrazione (2013)*, op. cit.

<sup>69</sup> La Rocca S., *Tratta, lavoro forzato e grave sfruttamento lavorativo: legislazioni e politiche poste a contrasto*, op. cit., pp. 147-226; ASGI, *Il manifesto ASGI per riformare la legislazione sull’immigrazione (2013)*, op. cit.



human trafficking”) and Article 12 of Decree Law No. 138/2011 (“Illegal intermediation and labour exploitation”).

*Article 18 of the Consolidated Law on Immigration*

Although Article 18 does not contain a specific definition of the crime of Trafficking in Human Beings for labour exploitation, it does establish instruments for intervening in order to combat the phenomenon of trafficking and protect the rights of trafficking victims. It requires that the chief of police issue a residence permit for social protection purposes «to enable the foreigner to escape from the violence and conditioning inflicted by the criminal organisation and to take part in a social assistance and integration programme». This residence permit is granted for a period of six months and is renewable if the conditions which resulted in it continue to exist. It is issued when police operations, investigations by the judiciary or interventions on the part of the social services «as certain situations of violence against or severe exploitation of foreigners, and reveal concrete dangers to their safety, as a result of attempts to escape from the influence of an association dedicated to one of the above crimes or of statements made in the course of the preliminary investigation or judgement».

Article 18 is considered to contain some of the most advanced provisions on the matter, as they provide for the issue of a residence permit both on a “reward” basis (i.e. beginning from indications by the judicial authority that has heard the testimony of the trafficking victim) and a “humanitarian” basis (i.e. beginning with the attempt on the part of the trafficking victim to escape from the influence of criminal organisations). They also make provision for the trafficking victim to participate in a special “social assistance and integration programme», which is described in more detail in Section 4.5.

Initially these provisions were applied exclusively in cases of women who were trafficked for sexual exploitation purposes. However, since 2006 they have also been extended to cases of severe labour exploitation. Furthermore, in 2007, following new Member States joining the European Union, the application of social protection is no longer linked to citizenship status, enabling the social assistance and integration programmes set out under Article 18 to be extended to all EU citizens who find themselves «in a situation of grave and current danger» (Law No. 17/2007).

*Law No. 228/2003, “Measures against human trafficking”*

Human trafficking is a crime that has only recently been introduced into Italian legislation, with Law No. 228 of 11 August 2003.

This law supplements the instruments for protecting trafficking victims established by Article 18 of the Consolidated Law on Immigration: with Article 13 it has introduced a special assistance programme, for individuals reduced into slavery or servitude, which makes it possible to continue their protection programme by placing them in social assistance and integration programmes provided for by Article 18; with Article 12 it has set up a fund under the Department for Equal Opportunities for anti-trafficking measures, in order to finance social assistance and integration programmes.

This law also provides a more precise definition of some of the most serious crimes connected with trafficking for labour exploitation purposes. Article 1, which replaces Article 600 of the Criminal Code, defines the crime as «reducing to or keeping in a state of slavery or servitude» and the respective punishment:

«Any individual who exercises powers over a person corresponding to those of rights of ownership or otherwise reduces a person to or keeps a person in a state of continued subjection, forcing that person to solicit or provide services of a work-related or sexual nature, or in any case that involves the exploitation of that person, is punishable with imprisonment

for eight to twenty years. A person is reduced to or kept in a state of subjection when such conduct involves violence, threats, deceit, abuse of power or taking advantage of a situation of physical or mental inferiority or a situation of poverty, or promising or giving sums of money or other benefits to anyone with authority over the person».

Article 2 replaces Article 601 of the Criminal Code and the parameter for the definition of the crime of “trafficking of persons”:

«Anyone who commits the crime of trafficking a person in the circumstances set out in Article 600, that is to say, for the purpose of committing the crimes specified in the first paragraph of this article, induces him/her, by means of deceit or forces him/her by means of violence, threats, abuse of power or by taking advantage of a situation of physical or mental inferiority or a situation of poverty, or by promising or giving sums or money or other benefits to anyone with authority over the person, to enter, stay in or leave the territory of the State or to move within its borders, is punishable with imprisonment for eight to twenty years».

Article 3 amends Article 602 of the Criminal Code, defining the crime of “purchase and sale of slaves” and the respective punishment:

«Anyone who, except for the cases set out in Article 601, purchases, sells or cedes a person in the circumstances set out in Article 600 is punishable with imprisonment for eight to twenty years. The punishment is increased by one third to one half if the victim is less than eighteen years of age or if the crimes referred to in the first paragraph are committed for the purpose of exploitation of prostitution or in order to impose the victim to organ removal».

#### *Article 12 of Decree Law No. 138/2011*

The importance of Article 12 of Decree Law No. 138/2011 is due essentially to two reasons: 1) it criminalises “illicit intermediation and exploitation of labour” (so-called *caporalato* or illicit hiring) with the introduction of Article 603-bis of the Criminal Code; 2) it sets out specific indicators to which reference can be made in order to identify cases of labour exploitation.

With regard to the first reason, up until this provision was introduced, the crime of illicit hiring/intermediation was punishable under Legislative Decree No. 276/2003, with the user and hirer obliged to pay a fine of 50 Euros for each worker employed and for each day worked, without any criminal consequences except in the case of exploitation of minors<sup>70</sup>.

Article 12, in contrast, unless a more serious crime is committed, introduces «imprisonment for five to eight years and a fine of 1,000 to 2,000 Euros for each worker recruited» for anyone «conducting an organised intermediation activity, recruiting labour or organising work characterised by exploitation, by means of violence, threats or intimidation, taking advantage of the state of need of necessity of the workers». In addition, anyone sentenced for crimes pursued by Article 600 (exclusively with regard to cases of labour exploitation) and Article 603-bis of the Criminal Code entails «the disqualification from management of legal persons or companies, as well as from entering into contracts, including piecework contracts, supplying works, goods or services related to the public administration, and related subcontracts. The conviction for the crimes set out in the first paragraph also entails the disqualification for a period of two years from benefits, loans, grants or subsidies from the State or other public bodies, including the European Union, in relation to the field of activity in which the exploitation took place».

---

<sup>70</sup> Scarcella A., *Per i caporali aggravante specifica e pene accessorie*, “Il quotidiano giuridico”, 24.08.2011.

With regard to the introduction of reference indicators for the purpose of identifying cases of labour exploitation, in relation to the crime of illicit intermediation activities, the second paragraph of Article 603-bis of the Criminal Code establishes that one or more of the following circumstances constitutes an indicator of exploitation:

- 1) systematic payment of workers in a manner which is manifestly dissimilar from national collective labour agreements or in any case disproportionate to the quantity and quality of the work done;
- 2) systematic violation of legislation concerning working hours, weekly rest periods, compulsory leave and holidays;
- 3) infringement of occupational safety and hygiene legislation which places workers' health or safety at risk;
- 4) forcing workers to particularly degrading working conditions, surveillance methods or housing situations.

Finally, the third paragraph of Article 603-bis of the Criminal Code establishes that the following «constitute specific aggravating circumstances and result in the punishment being increased by one third to one half:

- 1) the fact the number of workers recruited is higher than three;
- 2) the fact that one or more of the workers are minors of non-working age;
- 3) the fact of having committed the crime by exposing workers intermediated to situations of serious danger, having regard to the characteristics of the work to be performed and working conditions».

### **2.1.3 Legislation and regulation of liability of corporations in relation to Trafficking in Human Beings**

Concerning the legislation and regulation of liability of corporations in relation to Trafficking in Human Beings, there is no specific legislation to refer to. The main legislative instrument which regulates in general terms this field is the Legislative Decree No. 231/2001 (concerning the “Administrative liability of legal persons, companies and associations without legal personality, pursuant to Article 11 of Law No. 300 of 29 September 2000”)<sup>71</sup>.

The purpose of this law is «to make entities liable for offences (including criminal offences) which are committed in their interest or to their advantage and are made possible by deficiencies in the organisational and control structure of the entities themselves»<sup>72</sup>. Indeed, under Article 5, paragraph 1, «the entity is liable for crimes committed in their interest or to their advantage: a) by individuals who are directors, managers or directors of the entity or of one of its organisational units having financial and functional autonomy as well as by persons who exercise management and control of the same, including on a *de facto* basis; b) by persons under the direction or supervision of one of the persons referred to in point a)». The entity must adopt and effectively implement adequate organisation and management models

---

<sup>71</sup> This decree originates from the ratification of a number of international treaties, including: the EU Convention drawn up on the basis of Article K.3 of the Treaty on European Union, on the protection of the European Communities' financial interests (26/07/1995); the EU Convention drawn up on the basis of Article K.3 (2) (c) of the Treaty on European Union on the fight against corruption involving officials of the European Communities or officials of Member States of the European Union (26/05/1997); the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions (17/09/1997); Law of Ratification of International Treaties No. 300 of 29.09.2000 (delegating the government to regulate matters of administrative liability).

<sup>72</sup> Fondazione Unipolis, *Governance e responsabilità sociale. Analisi sull'applicazione dei Codici Etici d'impresa in Italia*, Fondazione Unipolis, Bologna, 2009.

for the prevention of such crimes and must be able to: «a) identify activities within the scope of which crimes may be committed; b) establish specific procedures governing the making and implementation of the entity's decisions in relation to the crimes to be prevented; c) identify ways of managing financial resources that are capable of preventing crimes from being committed; d) establish duties with regard to reporting to the board appointed to monitor the functioning of and compliance with the models; e) introduce a suitable disciplinary system to sanction any non-compliance with the measures indicated in the model» (Article 6, paragraph 2).

#### 2.1.4 Application of the legal framework

The absence in Italian legislation of a comprehensive, consistent definition of the crime of “trafficking in persons for the purpose of labour exploitation” is compounded by the fact that existing laws against other crimes, such as enslavement or illicit labour intermediation, also present evident limits in terms of their application.

The main limit of the legal system is connected to the legislative void between laws which make it possible to prosecute the above-mentioned crimes and laws against violations of labour law. This legislative void – which has remained, in spite of the possibilities offered by the aforementioned European Directives – has major repercussions in terms of the capacity to suppress such crimes and during legal proceedings: «indeed, it is rather difficult to be able to demonstrate violations covered by Articles 600, 601 and 602 of the Criminal Code, while with regard to offences committed in the context of undeclared work, administrative (not criminal) penalties apply, despite the fact that the people's rights as workers are violated»<sup>73</sup>. And also where criminal penalties have been introduced, such as in the case of “illicit intermediation and labour exploitation” (Article 12, Decree Law No. 138/2011), it is clear that the intervention of the legislature is lacking and has not focused on striking against the “chain of exploitation”: indeed, the framework of this legislation makes no provision for punishment of employers or enterprises which make use of the illicit intermediation of the gangmasters<sup>74</sup>. As regards the Legislative Decree No. 109/2012, which implemented the Sanction Directive, it should be taken into account that the regularization procedure happens after the employer's notification and that the employer is a figure with whom the undocumented immigrants enter rarely in contact, as the aspects that regard their employment are managed by the gangmaster<sup>75</sup>.

For these reasons, as can also be gathered from case studies of workers placed in social protection programmes as a result of severe labour exploitation, charges are very often based on other types of offence: labour law violations, or, in the case of particularly serious crimes – such as trafficking and extreme forms of labour exploitation – extortion (Criminal Code, Article 629), kidnapping for extortion purposes (Criminal Code, Article 630), abuse in the family (Criminal Code, Article 572), personal injury (Criminal Code, Article 582) or harassment (Criminal Code, Article 610)<sup>76</sup>.

---

<sup>73</sup> Cillo R., *La legislazione*, in Cillo R., Perocco F., *Lavoro forzato e immigrati in Italia*, op. cit., p. 43.

<sup>74</sup> Amnesty International, “*We wanted workers but we got humans instead*”, op. cit.; Pracchi C., *Legge contro il caporalato. Un'abile finta o una misura importante?*, available at: [www.articolotre.com](http://www.articolotre.com) (10.04.2013).

<sup>75</sup> Esposito L., *Legge Rosarno. Bella, peccato che non funzia*, “Corriere Immigrazione”, 07.10.2012. On this issue one of the interviewed labour inspectors has also expressed himself (IT21LI).

<sup>76</sup> Cillo R., *La legislazione*, op. cit.; La Rocca S., *Tratta, lavoro forzato e grave sfruttamento lavorativo: legislazioni e politiche poste a contrasto*, op. cit.; Nicodemi F., *Soggetti beneficiari e modalità di protezione ai sensi dell'art. 18 del Testo Unico*, op. cit.; Comitato di coordinamento delle azioni di governo contro la tratta, *Verso la costruzione di un Piano nazionale Anti-tratta*, Dipartimento dei diritti e per le pari opportunità, Roma, 2008.

In addition to these limitations, it is also necessary to consider the effects of the tightening of immigration policies – with the introduction of the crime of “illegally entering and staying” – and of the institutional campaign to criminalise undocumented immigration. These two factors have meant that for undocumented immigrant workers it has become extremely difficult to access existing protection instruments, with regard to both the fields of trafficking and severe labour exploitation area and the field of labour law.

Finally, over and above the evident limits of legislation against severe labour exploitation that have emerged in the implementation phase, in the face of a situation which is becoming progressively more serious<sup>77</sup>, it must be borne in mind, as ASGI points out, that:

«in recent years, in the light of the constant efforts of organisations offering protection and assistance for victims of trafficking and severe exploitation, a growing lack of interest in the matter has been witnessed on the part of institutions, along with a weakening of the system which instead contributes to preventing and countering instances of exploitation of undeclared immigration<sup>78</sup> (...) with a surprisingly modest number of investigative actions and consequent judicial measures aimed at protecting victims of situations of severe exploitation and to fighting the criminal organisations which carry out the systematic exploitation of foreign work-force»<sup>79</sup>.

#### *Case law*

The most significant proceedings relating to cases of trafficking for the purposes of severe labour exploitation and slavery-related offences include the Ital Edil<sup>80</sup> and Tecnova<sup>81</sup> cases. Both of these cases witnessed collective regularisation procedures for immigrant workers using existing legislation. The cases in question represent exemplary, innovative experiences, as they moved beyond the traditional individual dispute, constituting a precedent and paving new ways in terms of administrative procedures.

- *The case of Ital Edil*. In 2008-2009 Reggio Emilia witnessed the *collective regularisation in accordance with Article 18* of approximately seventy immigrant workers who were granted a residence permit as a result of severe labour exploitation<sup>82</sup>. The case was exemplary and innovative not only because of the collective nature of the regularisation process but also because it was the joint result of mobilisation of immigrant workers and local associations, which on the one hand brought to light the existence of a system of exploitation also in thriving businesses, characterised by a high quality of life, union presence and civic spirit, and on the other focused on collective regularisation in order to defend workers' dignity.

The association CittàMigrante<sup>83</sup>, together with the local social services, a law firm associated with ASGI, and other citizens' associations, played a leading role in this example of case law, which was organised around a dual procedure of *legal assistance* and *public condemnation*, which resulted in the emergence of a system of exploitation in the construction sector

---

<sup>77</sup> Paggi M., *La nuova schiavitù degli immigrati vittime di grave sfruttamento: mezzi di tutela e problematiche applicative*, op. cit.; Gjergji I., *L'ipersfruttamento dei lavoratori immigrati nella 'green economy' pugliese*, in Zagato L., De Vido S. (eds.), *Il divieto di tortura e altri comportamenti inumani o degradanti nelle migrazioni*, op. cit., pp. 287-300.

<sup>78</sup> ASGI, *La tolleranza della schiavitù in Italia deve cessare*, press release, 09.01.2010, available at: [www.asgi.it](http://www.asgi.it), (10.04.2013).

<sup>79</sup> ASGI, *Il manifesto ASGI per riformare la legislazione sull'immigrazione (2013)*, op. cit., p. 2.

<sup>80</sup> Perocco F., *Un esempio di intervento a Reggio Emilia*, in Cillo R., Perocco F., *Lavoro forzato e immigrati in Italia*, op. cit., pp. 57-65; Perocco F., Cillo R., *Il lavoro forzato tra gli immigrati*, op. cit.

<sup>81</sup> Gjergji I., *L'ipersfruttamento dei lavoratori immigrati nella 'green economy' pugliese*, op. cit.

<sup>82</sup> Perocco F., *Un esempio di intervento a Reggio Emilia*, op. cit., p. 63.

<sup>83</sup> The association CittàMigrante was born out of the experience of the Undocumented Workers' Committee. It runs an immigrant helpdesk and is the local focal point of the Regional Anti-discrimination Centre.

characterised by undeclared work, forged documents, wages no higher than 3-4 Euros an hour, punishing working hours, violent (Italian and foreign) gangmasters, blackmail (workers were threatened with being reported as undocumented labourers if they asked to be paid), death threats (by members of organised crime), physical segregation in the workplace, and debt.

The activity of the judiciary and law enforcement agencies, which was set in motion by reports and actions aimed at asserting the rights of the workers concerned, resulted in charges and arrests followed by trials. The main judicial thread saw around ten ItalEdil executives charged with criminal conspiracy to exploit irregular labour and forge documents; a second series of trials saw two executives of the same company charged with (and subsequently acquitted of) kidnapping, beating and pouring flammable liquid on an immigrant worker who asked to be paid for his work. The investigation brought to light two ways in which workers were recruited and exploited by construction firms forming part of a system of “boxes within boxes”: Moldovan workers hired in Moldova for 2-3 Euros an hour (with transport costs deducted, housed in inhuman conditions and tricked with regard to residence permits) employed on construction sites in Italy; North African workers without a residence permit forced to sign false employment contracts. The positive outcome of the case was due to the efforts of the above-mentioned parties, who were active throughout the entire process of exposing the situation of undeclared employment and protecting the workers and over the course of the trial, and who led the city of Reggio Emilia to bring a civil action against the employers following a request made by means of a popular petition against labour exploitation<sup>84</sup>.

- *The case of Tecnova*. Tecnova s.r.l. is a Spanish company which in recent years has operated in southern Puglia under contract for the temporary association of companies U.T.E., under the funding of Global Solar Fund, the Luxembourg-based investment fund, in which the Chinese multinational Suntech – in turn controlled by the China Development Bank – has an 85% controlling stake. As I. Gjergji explains, the company in question is «one of the many foreign companies which, “attracted” to Puglia by the substantial government incentives provided in the area of the “green economy”»<sup>85</sup>, have contributed to the transformation of thousands of hectares where until around ten years ago tomatoes and artichokes were grown into endless expanses of photovoltaic panels.

The Tecnova case came to light at the end of March 2011 as a result of the protests of immigrant workers employed by the company, who denounced non-payment of wages and the slave-like working conditions to which they were subjected<sup>86</sup>. Most of the workers involved in this story are from sub-Saharan Africa, and, before being employed by Tecnova, worked for years without an employment contract and under conditions of extreme exploitation in the southern countryside, in some cases alternating periods of work in agriculture to periods of work (here too without an employment contract) in industrial firms in Northern Italy.

Following the protests, the Lecce Public Prosecutor’s Office fast-tracked a number of investigations into irregularities on the part of Tecnova which were already under way and upheld the criminal charges filed by over 400 immigrant workers, which led to the arrest of 15 people with the charge of enslavement (the charge was dropped during the first instance of the trial proceedings<sup>87</sup>), extortion, aiding and abetting the status of irregular immigrant and aggravated fraud against the State.

---

<sup>84</sup> The petition asking the municipality to bring a civil action against the company was signed by 700 people and was sponsored by the association CittàMigrante as well as a large number of local organisations such as Libera, Emergency and the Comitato Provinciale Acqua Bene Comune.

<sup>85</sup> Gjergji I., *L’ipersfruttamento dei lavoratori immigrati nella ‘green economy’ pugliese*, op. cit., p. 291.

<sup>86</sup> Gjergji I., *L’ipersfruttamento dei lavoratori immigrati nella ‘green economy’ pugliese*, op. cit., p. 292.

The Public Prosecutor's Office, as requested by the workers themselves, also initiated procedures for obtaining residence permits for social protection purposes, in accordance with Article 13 of Law No. 228/2003 and Article 18 of the Consolidated Law on Immigration. This procedure, however, almost immediately came to a standstill, as it was not possible to satisfy all of the requirements demanded by this regularisation process: «The rules set out in Articles 13 and 18 immediately revealed all of their structural limitations before the facts of the specific case. [...] The real obstacle to granting residence permits to workers employed in slave-like conditions turned out to be the requirement that they participate in a social protection programme». Programmes operating in this area, in fact, made provision for a maximum of 25 people to be taken into protection: an impractical option, then, as was the subsequent proposal of «taking the workers into protection on a local basis»<sup>88</sup>, which does not provide housing or financial support but explicitly prohibits working on an undeclared basis during placement in the programme, «under penalty of expulsion from the programme and subsequent withdrawal of the residence permit»<sup>89</sup>.

Currently, only some of the workers concerned have succeeded in regularising their position. Global Solar Fund has paid some of their outstanding wages and claims for compensation are underway against Ohl Industrial SA and Proener Renovables SL, the other two companies in the temporary association of companies, deemed jointly and severally liable in respect of claims against Tecnova, which has been declared insolvent<sup>90</sup>.

## 2.2 Regulation of the labour market

In Italy, labour market regulation is based on the following sources: national laws passed by the Italian Parliament (both national laws and those designed to comply with European directives), and national collective labour agreements having legal effect.

Wages are regulated exclusively on the basis of national collective labour agreements, which have effect *erga omnes*, and on the basis of agreements between employers' and workers' representatives which do not undermine minimum standards<sup>91</sup>.

Labour legislation in Italy does not make provision for a minimum wage: minimum wages are set out in national collective labour agreements and apply to Italian and foreign workers, according to different economic sectors.

Italian labour law provides for the use of other forms of employment contracts, having discontinuity or fixed-term, most of which do not provide the opportunity to ask for income supports or any unemployment benefit – thus denying workers full maternity, sickness and pension benefits.

In the absence of national collective labour agreements, enterprises may use various types of non-standard employment contracts when hiring, often to reduce labour costs, such as job on-call, continuous and coordinated collaborations, occasional collaborations, casual work with voucher schemes and joint-venture agreements.

---

<sup>87</sup> As happens in most trial proceedings involving charges of enslavement (Article 600, Criminal Code), the charge is dropped as the question is raised as to whether workers have been coerced into being subjected to certain working conditions.

<sup>88</sup> Placement in social protection programmes requires immigrants to be provided with accommodation and financial assistance. These forms of support are not provided in local social protection programmes.

<sup>89</sup> Gjergji I., *L'ipersfruttamento dei lavoratori immigrati nella 'green economy' pugliese*, op. cit., pp. 294-295.

<sup>90</sup> Schirinzi M., *Tecnova: è ancora caos. Immigrati del fotovoltaico reclamano straordinari*, "LeccePrima", 5.12.2013; *Fotovoltaico. 438 gli immigrati sfruttati da Tecnova*, "LecceSette", 17.04.2013.

<sup>91</sup> The provisions of the national collective labour agreement are applied to workers hired with permanent or fixed-term employment contracts.

## 2.2.1 Minimum labour requirements guaranteed under labour law

Italian labour law ensures compliance with certain minimum standards, mainly based on Articles 35 and 36 of the Italian Constitution. However, these standards must be distinguished according to whether a respective national collective labour agreement exists for the sector concerned.

1) *Wages*: in the absence of a minimum hourly wage for all workers, wages are determined by national collective labour agreements. Article 36 of the Italian Constitution states that the remuneration of workers must be «in proportion to the quantity and quality» of their work «and in all cases sufficient to ensure them and their families a free and dignified existence». Under the “Agreement on the reform of contractual arrangements”, signed in 2009<sup>92</sup>, the structure of the collective bargaining is defined on two levels: a) the national collective labour agreement; b) the second-level collective bargaining. National collective labour agreements last three years with regard to the economic and legislative issues and are applied to all workers employed with permanent or fixed-term contracts. Changes in wages are based on a new forecasting index (which replaces the forecast inflation rate): the HICP<sup>93</sup>, which is calculated on a European-wide basis and used to compare inflation rates in EU Member States. In the private sector, adjustments to take into account the difference between planned and real inflation rates are regulated by national collective labour agreements, while in the public sector the Ministries agree with trade unions on financial resources to be earmarked for yearly wage increases (within the limits imposed by the Finance Law passed each year), which are in any case based on the HICP. Adjustments in order to recover the differences between planned and real inflation rates are made during the three-year period following the stipulation of the collective labour contract in force, after the evaluation of the pay trends across the public sector as a whole.

2) *Working time*: Article 36 of the Italian Constitution explicitly states that «the maximum working day is fixed by law» and that «workers have a right to a weekly rest day and paid annual holidays, and cannot waive this right». With Legislative Decree No. 66 of 2003, Italian Law implemented Council Directive 93/104/EC. Working time is regulated in all economic sectors, both public and private<sup>94</sup>. The standard working week is 40 hours for all workers, except for managing executives or other persons with autonomous decision-making powers. In 2003 the European Court of Justice ruled<sup>95</sup> that working time includes periods during which workers «are required to be present at the place determined by the employer and to be available to the employer in order to be able to provide their services immediately in case of need». The average length of the working week in any case must not exceed the threshold of 48 hours, including overtime. Overtime must not exceed 250 hours per year. Night work may not be imposed upon the following categories of workers: working mothers of children aged between one and three or, alternatively, the working father living with them; working mothers or working fathers who alone live with a child aged under 12, and workers who care for a

---

<sup>92</sup> Cf. the contents of the Agreement, available at: [www.cnel.it/application/xmanager/projects/cnel/attachments/shadow\\_schede\\_governo\\_parti\\_sociali/attachments/000/003/058/Accordo\\_2030-4-2009\\_20modellocontrattuale\\_publico\\_impiego.pdf](http://www.cnel.it/application/xmanager/projects/cnel/attachments/shadow_schede_governo_parti_sociali/attachments/000/003/058/Accordo_2030-4-2009_20modellocontrattuale_publico_impiego.pdf). (11.03.2013).

<sup>93</sup> See the description of the index applied by ISTAT, available at: [www.istat.it/en/archive/77379](http://www.istat.it/en/archive/77379) (13.02.2013).

<sup>94</sup> Except for workers employed on ships, flight personnel in civil aviation and mobile workers in passenger and/or goods transport. See Legislative Decree No. 66/2003, available at: [www.camera.it/parlam/leggi/deleghe/03066dl.htm](http://www.camera.it/parlam/leggi/deleghe/03066dl.htm) (13.02.2013).

<sup>95</sup> See the Judgment of the European Court of Justice on the reference for a preliminary ruling in Case C-151/02 *Landeshauptstadt Kiel v Norbert Jaeger*, available at: <http://eurlex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:62002J0151:EN:HTML> (13.02.2013).



disabled person<sup>96</sup>. Night work must be agreed with trade union organisations (company trade union representatives or local trade union organisations) which have signed the national collective labour agreement applied in the company. Night working hours may not be more than 8 hours average during the 24 hours and night workers must undergo specific health checks based on risks connected with their work. All workers are entitled to 11 hours of rest every 24 hours: this limit may not be reduced unilaterally by the employer or by an agreement included in the employment contract<sup>97</sup>. Holidays are a fundamental right. All workers are entitled to at least four weeks' paid holiday per year. The minimum holiday period is three weeks (two can be taken in a single period). Failure to take holidays cannot be compensated economically, except in the case of dismissal or resignation.

3) *Safety in the workplace*: workplace safety is a right which is safeguarded by the Italian Constitution. Article 32 states that «The Republic safeguards health as a fundamental right of the individual and as a collective interest, and guarantees free medical care to the indigent». Article 41 declares that «Private economic initiative is free. It cannot be conducted in conflict with public weal or in such manner that could damage safety, liberty, and human dignity». The employer is responsible to take all necessary measures in order to «protect the physical integrity and moral personality of the worker»<sup>98</sup>. Health and safety in the workplaces: the Italian legal system guarantees workers employed by firms the same protection, regardless of the type of employment contract which regulates their work. The issue of health and safety in the workplace has recently been covered by a Consolidated Act (Legislative Decree No. 81/2008)<sup>99</sup> and further developed by Legislative Decree No. 106/2009<sup>100</sup>. Current legislation places several obligations upon employers, including the following: drawing up a document for the purpose of evaluating work-related risks; appointing a doctor and officer responsible for health and safety in the workplace; designating the workers responsible for implementing emergency management measures; providing workers with all necessary, appropriate personal protective equipment; on consultation with the aforementioned doctor and officer, take appropriate measures so that only workers with adequate instructions and specific training may access areas which expose them to a serious, specific risk; requiring individual workers to observe current legislation as well as company measures concerning health and safety and the use of collective and personal protective equipment placed at their disposal. Obligations to safeguard working conditions also extend to all other firms involved in all stages of the production cycle.

4) *Sickness and injury*: National collective labour agreements usually establish the duration of the length of time for which workers' jobs are guaranteed as a result of sickness or injury. Workers<sup>101</sup> receive a daily benefit from the fourth day of absence by INPS or INAIL<sup>102</sup>. The benefit is 60% of their standard wages (it may rise to 75% after the ninetieth day in the case of illnesses or accidents occurred in the workplace) and it is paid to workers for a maximum of

<sup>96</sup> See the provisions of Law No. 104/1992.

<sup>97</sup> See Circular No. 8 of 3 March 2005 issued by the Ministry of Labour and Social Policies, available at: [www.lavoro.gov.it/NR/rdonlyres/C456637C-59A7-4C42-A485-57C8CF937D35/0/20050303\\_Circ\\_08.pdf](http://www.lavoro.gov.it/NR/rdonlyres/C456637C-59A7-4C42-A485-57C8CF937D35/0/20050303_Circ_08.pdf) (13.02.2013).

<sup>98</sup> Cf. Article 2087, Italian Civil Code.

<sup>99</sup> Compare the Consolidated Act, available at: [www.lavoro.gov.it/NR/rdonlyres/0D78BF49-8227-45BA-854F-064DE686809A/0/20080409\\_Dlgs\\_81.pdf](http://www.lavoro.gov.it/NR/rdonlyres/0D78BF49-8227-45BA-854F-064DE686809A/0/20080409_Dlgs_81.pdf). (21.03.2013).

<sup>100</sup> See Legislative Decree No. 106/2009, available at: [www.lavoro.gov.it/NR/rdonlyres/AEAE7E1E-B5F9-45E4-B474-57EBB7C80217/0/20090803\\_Dlgs\\_106.pdf](http://www.lavoro.gov.it/NR/rdonlyres/AEAE7E1E-B5F9-45E4-B474-57EBB7C80217/0/20090803_Dlgs_106.pdf) (13.02.2013).

<sup>101</sup> It refers to blue-collar workers because in many national collective labour agreements white-collar workers have a different treatment.

<sup>102</sup> INPS is responsible for the compensation of periods of sickness, while INAIL deals with accident compensations.

180 days per calendar year. For the first three days of absence for sickness or injury the remuneration is covered by employers. Workers must notify the employer in a timely and formal way the date of the beginning and duration of the event which led to their absence. In addition, they must observe the times of the day during which medical examinations at home may take place.

5) *Maternity and parental leave*: According to Italian law, women must not work during the two months before and the three months following the birth of their child. This period may vary according to objective circumstances relating to the health of the worker, or subjective circumstances relating to individual choices of the mother. No later than two months prior to the presumed date of birth, the worker must provide the employer with an application for the maternity benefit with a maternity certificate. With regard to the maternity leave, after the birth of the child, the worker must submit the birth certificate or a self-declaration to INPS and the employer. In addition to compulsory maternity leave, Italian law provides for optional leave for each child up in the first eight years of life: this may not exceed 10 months (11 months if the father takes parental leave for a period of time of at least three months). During the compulsory and optional maternity leave, paternity and other leaves or rest periods, workers are entitled to keep their job.

Since the pregnancy is confirmed until the first birthday of the child, the mother is prohibited from doing night work. Compulsory and optional leaves, daily rest periods, paternity leaves and leaves to care for sick children are valid and counted for the pension. Compulsory leaves are paid 80% of the worker's average daily pay, while optional parental leaves are paid 30% of the average daily pay, less additional monthly portions of salary and bonuses<sup>103</sup>.

## 2.2.2 Specific labour requirements guaranteed under sector specific regulations

The regulation of the employment relationship in agricultural sector differs from other sectors, as a result of the structural seasonality of the labour process. There are many national collective labour agreements applied in the sector, according to different agricultural products and also the main features of the enterprise (size, position in the value chain)<sup>104</sup>. There are also regional agreements and over 100 provincial agreements. In addition in some enterprises there are plant-level agreements. The most common labour agreements in agricultural sector are: National Collective Labour Agreement of Agricultural and Nursery Workers, the Provincial Labour Contracts and the National Collective Labour Agreement of Cooperatives and Agricultural Consortia, and in some cases other national collective labour agreements<sup>105</sup>.

### 1) *Types of contract*

a) Workers with permanent employment contracts (OTD): workers hired with an open-ended employment contract of unspecified duration;

b) Workers with fixed-term employment contracts (OTD): workers hired for short-term work, often based on seasonal production or to replace other workers; workers hired for several seasonal jobs or phases of production which do not cover all 12 months of the year; workers who are employed for more than 180 days a year in a single, ongoing employment relationship. Workers with fixed-term employment contracts - who have worked for 180 days

<sup>103</sup> See Article 34 of Legislative Decree No. 151/2001, available at: [www.governo.it/Presidenza/USRI/magistrature/norme/dlvo151\\_2001\\_n.pdf](http://www.governo.it/Presidenza/USRI/magistrature/norme/dlvo151_2001_n.pdf). (13.02.2013).

<sup>104</sup> In many cases the employer decides the type of national collective labour agreement to apply. So the national collective labour agreement is mainly chosen on the basis of the economic convenience, converging in the reduction of the labour cost.

<sup>105</sup> All collective agreements applied in agriculture can be found at [www.cnel.it/371?shadow\\_schede\\_contratto\\_corrente\\_settore=Agricoltura](http://www.cnel.it/371?shadow_schede_contratto_corrente_settore=Agricoltura). (13.02.2013).

during the 12 months following the day they were hired - are entitled to convert their contract into a permanent contract. There are, however, significant exceptions to this right, as it does not apply to the following categories: workers with fixed-term employment contracts offering only a minimum of 100 days of work; workers hired with fixed-term employment contracts with a duration of more than 180 days of work to be completed in a single, ongoing employment relationship; workers hired to replace absent workers<sup>106</sup>;

c) Equivalent workers: share-farmers and share-croppers. The former cultivate the land owned by others on a share-farming basis, under a commercial contract. The latter work the land (without exceeding 119 days a year) on the basis of a particular employment relationship which obliges the grantor to pay the social security contributions;

d) Smallholders: they work for less than 104 days in a year. They may increase their working activity and be hired as fixed-term workers for less than 51 days in a year;

e) Workers employed with the voucher scheme: Decree Law No. 112/2008 extends the use of voucher scheme also for the casual labour in the agricultural sector<sup>107</sup>. It regards two specific spheres: seasonal labour provided by pensioners and students (aged fewer than 25) and all working activity done by all workers, regardless of their age, who are temporarily employed in enterprises with a yearly profit less than 7,000 Euros. Workers may provide casual labour only if they do not earn more than 5,000 Euros after taxation (6,600 Euros pre-tax) for one or more employers over the year. Employers and workers must register at INPS. The employer purchases vouchers with a nominal value of 10 Euros which include: contributions to INPS for self-employed workers (13%); statutory accident insurance contributions to INAIL (7%) and an additional payment to INPS for management of the service (5%). Thus the worker receives €7.50 for each voucher, corresponding to one hour of work: it is paid on a cumulative basis by the employer upon termination of the employment relationship<sup>108</sup>. The aim of the Italian legislators in extending casual labour to agricultural sector was to regularise the undeclared work. However, the voucher scheme has produced relevant damages for the workers because of the lacking of a national collective labour agreement (and all minimum labour standard included) and the impossibility to apply for any social shock absorber after the termination of the employment contract<sup>109</sup>.

Given the high visibility of the agricultural employment, the workforce is monitored through specific lists drawn up on the basis of employers' declarations. Employers must send to INPS the list of the names of each permanent employee and the days worked by all them four times a year, every three months. This list must include, for each worker, separately: personal details, specific tasks, exact number of days worked, days paid and monthly wages used to the counting of social security contributions. Then INPS draws up a yearly list which is published

---

<sup>106</sup> To be able to exercise this right, workers must make an express written request to their employer within 6 months of completing 180 days of work. Workers must attest that they have worked with continuity and ask for the transformation of their employment contract. Cf. Article 23, National Collective Labour Agreement of Agricultural and Nursery Workers.

<sup>107</sup> The text of Decree Law No. 112/2008 is available at: [www.normattiva.it/uri-res/N2Ls?urn:nir:stato:decreto.legge:2008-06-25;112-art38-com3!vig=](http://www.normattiva.it/uri-res/N2Ls?urn:nir:stato:decreto.legge:2008-06-25;112-art38-com3!vig=). (13.02.2013).

<sup>108</sup> Casual workers are entitled to the accident insurance (INAIL) but they cannot receive any sickness, maternity, or unemployment benefit or family income support. Cf. Toffanin T., *Voucher scheme for seasonal work in agriculture, Italy*, in Eurofound, 2009, available at: [www.eurofound.europa.eu/areas/labourmarket/tackling/cases/it012.htm](http://www.eurofound.europa.eu/areas/labourmarket/tackling/cases/it012.htm). (15.02.2013).

<sup>109</sup> CGIL, CISL and UIL asked the Monti government to modify Article 11 of Bill No. 3249 (which subsequently became Law No. 92/2012 on labour market reform) designed to extend the use of the voucher scheme in agriculture to any type of enterprise, overcoming the previously imposed restrictions which limited the use of vouchers to small farmers with an annual income of less than 7,000 Euros. The liberalisation of the voucher system, in fact, would have eliminated any social security entitlements accrued during seasonal work for agricultural workers. The text of the informal hearing is available at: [www.senato.it/senato/browse/3670?procedura\\_commissione=3099](http://www.senato.it/senato/browse/3670?procedura_commissione=3099). (21.02.2013).

online so that workers can verify the veracity of employers' declarations<sup>110</sup>. The list published by INPS certifies how many days they have worked and it is valid for the counting of social security contributions and is therefore helpful in determining income support benefits (in the case of unemployment).

## 2) *Income support*

The seasonality of agricultural production means that unemployment benefits are widely used. There are two types of income support:

a) Permanent employees (OTI) are entitled to an income support based on a Wage Guarantee Fund for agricultural workers<sup>111</sup>, a specific allowance for employees of agricultural enterprises temporarily laid off as a result of unseasonal weather or other causes not directly attributable to employers or workers. In order to be eligible for this benefit, employees must have worked at least 181 days during the year affected by the layoff<sup>112</sup>. The benefit is also claimable by workers employed in cooperatives both members and employees and is 80% of the average daily pay (also counted for social security contributions), based on the month preceding the temporary layoff. The benefit is paid to workers by INPS for a maximum of 90 days during the year. Workers with permanent employment contracts may also claim unemployment benefit if they work intermittently. They are eligible for the benefit if they have worked for at least two years in the agricultural sector and have accrued at least 102 days of contributions over the last two years. The benefit is paid for a maximum of 180 days and it amounts to 30% of present earnings;

b) Workers with fixed-term employment contracts (OTD) are eligible for two specific types of unemployment benefit. The first is called "con requisiti ridotti", a benefit with short-term requirements. To be eligible, workers must have worked for at least 78 days during the 12 months before applying for the benefit or have accrued at least 102 days of contributions. The second is specific for the agricultural sector, and requires workers to have accrued at least 102 days of contributions during the two-year period (including the year to which the benefit refers and to the previous year, including also any figurative contributions for periods or compulsory maternity leave or parental leave).

In both cases workers must have accrued at least two years of social security contributions, the equivalent of two years in the special lists drawn up by INPS or one year to which the benefit refers and at least one week of contributions covered by the unemployment insurance for non-agricultural workers, referred to working periods prior to the two-year period preceding the claim. This latter type of unemployment benefit has a full coverage while the income support amounts to 40% of the standard wage. The unemployment benefit for agricultural workers is not payable to non-EU workers who are hired with a residence permit issued for seasonal work. Unemployment benefit for agricultural workers must be claimed by 31 March of each year following the period in which the claimant has been unemployed.

## 3) *Sickness*

Workers with permanent employment contracts may claim the sickness benefit if they have accrued at least 51 days of work during the year prior to the illness (including works employed with permanent employment contracts) or during the same year but before they fell ill. Workers with permanent employment contracts have the same treatment of workers employed in other sectors. However, the benefit covers a higher percentage of income, from

---

<sup>110</sup> Trade unions state that not all workers can see the on line publication made by INPS because of the lack of a pc or the ability to manage it.

<sup>111</sup> See the content of the law instituting the fund for the agricultural sector, Law no. 457 of 8 August 1972, available at: [www.normattiva.it/uri-res/N2Ls?urn:nir:stato:legge:1972-08-08;457@originale](http://www.normattiva.it/uri-res/N2Ls?urn:nir:stato:legge:1972-08-08;457@originale). (21.02.2013).

<sup>112</sup> Days not worked are included in the calculation of the 181 days (maternity and sick leave, accidents).

75% up to 100% of daily wages as set by the national collective labour agreement<sup>113</sup>. Agricultural workers are eligible for benefits paid from a supplemental health insurance fund, which is financed by employers' contributions (51.65 Euros per year for workers with permanent employment contracts and 0.34 Euros per day for workers with fixed-term employment contracts)<sup>114</sup>.

#### 4) *Maternity and parental leave*

Agricultural workers with fixed-term employment contracts (OTD) are eligible for maternity and parental leave. However, there are a number of limitations. Specifically, in order to apply for parental leaves during the child's first year workers must have accrued at least 51 days of work in the agricultural sector (during the year prior to the event). The benefit also covers any leave taken over the following year. Parental leaves taken between the first and third year of the child require the workers to be employed and must therefore be registered in the lists of agricultural workers and have accrued 51 days of work in agriculture during the year prior to application for parental leave and in any case before the period of leave.

#### 5) *Conventions*

Article 28 of the National Collective Labour Agreement of Agricultural and Nursery Workers provides for specific hiring programmes for workers with fixed-term employment contracts to be hired for all of the seasonal activities carried out within the same enterprise. These programmes are established through yearly, seasonal, monthly and weekly work schedules which must indicate hiring and employment times involving the seasonal workforce. The schedules are discussed by trade unions and employers' associations and then they are submitted to the local Job Centres for approval by the commissions which deal with labour issues<sup>115</sup>.

### **2.2.3 Specific employment regulations concerning immigrants**

The seasonality of agricultural sector means that there are peaks of intense work for which the hiring of immigrant workers is crucial. Italian law provides for specific legislation concerning temporary or seasonal work which distinguishes between EU and non-EU workers.

1) *EU workers*: EU workers are required to register on the list of temporary residents at the registry office of their municipality of residence, bringing a copy of their most recent payslip, the receipt detailing social security contributions paid to INPS by their employer, their employment contract and the certificate attesting that the employer has sent the "Unificato LAV" form (containing the worker's details to the Job Centre). This procedure allows workers to work in Italy for up to one year, without any further application for an entry such as visa and/or residence permit.

2) *Non-EU workers*: Legislative Decree No. 286/1998 and the implementing Regulation of 1999 regulate the entry of non-EU citizens into Italy for work reasons. With the "Decreto

---

<sup>113</sup> See the provisions of the National Collective Labour Agreement for the Agricultural Sector, available at: [www.cnel.it/371?shadow\\_schede\\_contratto\\_corrente\\_settore=Agricoltura](http://www.cnel.it/371?shadow_schede_contratto_corrente_settore=Agricoltura). (18.02.2013).

<sup>114</sup> With regard to the Supplementary Health Insurance Fund for Agricultural and Nursery Workers, see [www.fislafl.it](http://www.fislafl.it), while for the Supplementary Health Insurance Fund for Agricultural Cooperative Workers and Employees in the Forestry Sector see [www.filcoopsanitario.it](http://www.filcoopsanitario.it) (18.02.2013).

<sup>115</sup> Cf. Article 28, National Collective Labour Agreement for Agricultural and Nursery Workers, available at: [www.cnel.it/application/xmanager/projects/cnel/attachments/shadow\\_schede\\_contratto\\_corrente\\_attachment/files/000/554/340/13256.pdf](http://www.cnel.it/application/xmanager/projects/cnel/attachments/shadow_schede_contratto_corrente_attachment/files/000/554/340/13256.pdf) (13.02.2013).

Flussi”, every year the Italian Government establishes immigration quotas for both seasonal workers and workers’ countries of origin.

On 15 February 2013 the Official Gazette of the Italian Republic published the decree which established a quota of 30,000 foreign citizens for seasonal work<sup>116</sup>. Hiring requests are submitted exclusively online via the Ministry of the Interior’s website by Italian or foreign employers regularly residing in Italy or by employers’ associations on behalf of their members. Employers must specify the name of the worker if they know the worker they wish to hire while if employers are not directly acquainted with the worker, they make a numerical request for one or more workers registered on the lists under the bilateral agreements between Italy and other countries. Workers must obtain the authorisation and entry visa and then sign the “residence contract” at One-stop-shops for immigration<sup>117</sup>, which is responsible for communicating the beginning of the employment relationship. Residence permits for seasonal work last from twenty days to nine months (with validity starting from the date on which the residence contract is signed). Workers may change employer or sector but must only perform seasonal work.

The multi-year residence permit for seasonal work is regulated by Presidential Decree No. 334 of 18 October 2004<sup>118</sup>. It enables foreign citizens who have come in Italy for at least two consecutive years with a residence permit for seasonal work to obtain a three-year residence permit for seasonal work. Employers’ associations or trade unions may request the authorisation to One-stop-shops for immigration in order to apply for a multi-year residence permit for work purposes. This authorisation enables workers to obtain an entry visa and go to the One-stop-shops for immigration within eight days to sign the residence contract. Immigration laws require the contract to contain a guarantee by the employer that accommodation offered respects the minimum standards mandatory for public residential housing. Employers providing accommodation at their own expense may withhold a third of the worker’s monthly wages<sup>119</sup>.

#### **2.2.4 Role of recruitment agencies in the specific sector**

*Recruitment agencies:* a) under Law No. 276/2003 private employment agencies for temporary and permanent staffing may also operate in the agricultural sector<sup>120</sup>; b) labour intermediation services; c) recruitment and selection services.

All recruitment agencies must be authorised by the Ministry of Labour and Social Policies to provide services to match labour supply and demand. They must be registered into the electronic register of authorised employment agencies held by the Ministry of Labour and Social Policies. A number of people interviewed (union representatives, lawyers and

---

<sup>116</sup> The quotas regard citizens from the following countries: Albania, Algeria, Bosnia-Herzegovina, Croatia, Egypt, the Philippines, Gambia, Ghana, India, Kosovo, Macedonia, Morocco, Mauritius, Moldova, Montenegro, Niger, Nigeria, Pakistan, Senegal, Serbia, Sri Lanka, Ukraine and Tunisia. Within this quota, 5,000 places are allocated to third-country nationals who require the employer must submit a specific request for authorisation with a duration of several years. For the exact regulations governing the quota system, see the full text of the Decree is available at: [www.interno.gov.it/mininterno/export/sites/default/it/assets/files/25/2013\\_03\\_19\\_Decreto\\_Flussi\\_stagionali\\_2013.pdf](http://www.interno.gov.it/mininterno/export/sites/default/it/assets/files/25/2013_03_19_Decreto_Flussi_stagionali_2013.pdf). (21.02.2013).

<sup>117</sup> Regarding the functions of the One-stop-shops for immigration see [www.interno.gov.it/mininterno/site/it/temi/immigrazione/sottotema005.html](http://www.interno.gov.it/mininterno/site/it/temi/immigrazione/sottotema005.html). (21.02.2013).

<sup>118</sup> See the text of Presidential Decree No. 334 of 18 October 2004 at [www.asgi.it/public/parser\\_download/save/dpr.334.2004.pdf](http://www.asgi.it/public/parser_download/save/dpr.334.2004.pdf). (21.02.2013).

<sup>119</sup> See the text of Decree Law No. 289/2002 at [www.camera.it/parlam/leggi/021891.htm](http://www.camera.it/parlam/leggi/021891.htm) and the text of Law No. 222/2002 at [www.camera.it/parlam/leggi/022221.htm](http://www.camera.it/parlam/leggi/022221.htm). (21.02.2013). The minimum accommodation standards which the employer must guarantee the employee have never been defined by Italian law.

<sup>120</sup> See the procedure set out in INPS Circular No. 23 of 8 February 2005, available at: [www.inps.it/circolari/Circolare%20numero%2023%20del%208-2-2005.htm](http://www.inps.it/circolari/Circolare%20numero%2023%20del%208-2-2005.htm) (21.02.2013).

employment consultants) observed that these agencies are involved only marginally in agricultural labour intermediation because of the low remuneration deriving from the service offered due to the high variability in the number of workers to be recruited following the needs of the agricultural sector.

*Posting*: the posting of workers in agriculture is not yet widespread but it is developing<sup>121</sup>. The posting of foreign workers in Italy is regulated by Legislative Decree No. 72/2000<sup>122</sup>, by Decree Law No. 276/2003<sup>123</sup> and by the Circular issued by the Ministry of Labour and Social Policies (Circular No. 3/2004 of 15 January 2004)<sup>124</sup>. Italian law provides for posted workers by a company located in another European Union Member State the «same working conditions» existing in the laws, regulations, administrative provisions and national collective labour agreements applied to autochthonous workers employed in the same sector and doing the same tasks<sup>125</sup>. During their staying in Italy, therefore, posted workers are protected by legislation concerning the following issues: maximum work periods and minimum rest periods; the minimum period of yearly paid holidays; minimum rates of pay; possible hiring out of workers by temporary employment agencies; health, safety and hygiene in the workplace; protective measures with regard to working conditions and employment of pregnant workers, children and young people; equality of treatment between men and women and other provisions related to non-discrimination issues<sup>126</sup>.

The Italian law has not yet set a maximum length of time for posting workers which depends on the interests of the posting company, and can therefore vary significantly according to the type of company, the manufacturing or service offered<sup>127</sup>. The posting of workers allows companies operating in Italy to avoid the obligations of numerical quotas established by the “Flows Decree”. The triangular employment relationship – due to the fact that, even though they work in Italy, posted workers maintain their formal employment contract with the company located in their country of origin or abroad – undermines the faculty of posted workers to exercise their rights. In 2009 Italian trade unions claimed for a greater commitment of the European Commission to strengthen the principle of non-discrimination for posted workers<sup>128</sup>.

---

<sup>121</sup> As shown by the discussion concerning the issue discussed by FAI CISL in 2010, available at: [www.fai.cisl.it/default.asp?cod=&t=125&dett=2426&pag=0](http://www.fai.cisl.it/default.asp?cod=&t=125&dett=2426&pag=0). (21.02.2013).

<sup>122</sup> Legislative Decree No. 72 of 25 February 2000, available at: [www.camera.it/parlam/leggi/deleghe/00072.dl.htm](http://www.camera.it/parlam/leggi/deleghe/00072.dl.htm). (22.02.2013).

<sup>123</sup> See legislation concerning the issue of posted workers, in Article 30 of Legislative Decree No. 276 of 10 September 2003 and subsequent amendments, on the Ministry of Labour and Social Policies website, at [www.lavoro.gov.it/NR/rdonlyres/ADF61963-C03C-4FDE-B8DD-1F5906942112/0/20030910\\_DLGS\\_276.pdf](http://www.lavoro.gov.it/NR/rdonlyres/ADF61963-C03C-4FDE-B8DD-1F5906942112/0/20030910_DLGS_276.pdf) (27.02.2013).

<sup>124</sup> See the text of Circular No. 3 of 15 January 2004, Ministry of Labour and Social Policies, available at: [www.lavoro.gov.it/NR/rdonlyres/1BCB4F04-1995-45D9-85C5-7AC96E130741/0/20040115\\_Circ\\_03.pdf](http://www.lavoro.gov.it/NR/rdonlyres/1BCB4F04-1995-45D9-85C5-7AC96E130741/0/20040115_Circ_03.pdf) (27.02.2013).

<sup>125</sup> See Article 3 of Legislative Decree No. 72 of 25 February 2000.

<sup>126</sup> The guarantees in question are those provided for by Article 3 of Council Directive 96/71/EC of the European Parliament and of the Council of 16 December 1996 concerning the posting of workers in the framework of the provision of services, available at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:1997:018:0001:0006:IT:PDF>. (27.02.2013).

<sup>127</sup> See Circular No. 3 of 15 January 2004, Ministry of Labour and Social Policies.

<sup>128</sup> The request put forward by the Italian unions regards proposals for amendment of Directive 96/71/EC of the European Parliament and of the Council of 16 December 1996 concerning the posting of workers in the framework of the provision of services. See the note at [www.uil.it/contrattazione/direttiva-distacchi.pdf](http://www.uil.it/contrattazione/direttiva-distacchi.pdf). (27.02.2013)

*Recruitment through forms of illegal hiring*: The exploitation of the workforce – especially immigrant workers – in agriculture has traditionally taken place through the intermediation of both autochthonous and foreign gangmasters significantly existing in Italy.

In 2011 was introduced the crime of “Illegal intermediation and labour exploitation”: the law provision is included in Article 12 of Decree Law No. 138<sup>129</sup> of 13 August 2011 which amended the provisions already set out in the Article 603 of the Italian Criminal Code. The Italian government’s decision was reached in the face of repeated episodes of exploitation in economic sectors highly characterised by the intensive use of immigrant labour<sup>130</sup>. The abuses discovered in agriculture, in addition to the worst forms of labour exploitation, are: enslavement, slave trafficking and trade, sale and purchase of workers then reduced to slavery<sup>131</sup>. The *Primo rapporto su agromafie e caporalato* surveyed over 80 particularly critical areas of Italy: 36 of them are marked by a high risk of labour exploitation, with no distinction among Italian regions. The report estimated that approximately 400,000 workers are forced to suffer harassments and frauds, such as unpaid wages, unfulfilled employment contracts and withheld documents. Other estimates provided in the same report indicate that the *caporalato* (illegal hiring) system in agriculture produced around 420 million Euros per year in unpaid contributions, in addition to income withheld to workers which amounts approximately to 50% of contractual wages.

This specific form of labour recruitment is chosen by employers essentially for two reasons: the large reduction in labour costs ensured by the partial or total non-application of standards set out in national collective labour agreements for the agricultural sector, which produces various forms of exploitation through to the enslavement, and the chance to draw upon a pool of labour which is always and immediately available to the need of the production cycle, saving both financial resources and time in applying formalised selection procedures.

---

<sup>129</sup> See the text of the Decree Law at [www.lavoro.gov.it/NR/rdonlyres/CFB96332-F040-438F-B17C-CD6AB24ED844/0/Artt603bise603tercpdf.pdf](http://www.lavoro.gov.it/NR/rdonlyres/CFB96332-F040-438F-B17C-CD6AB24ED844/0/Artt603bise603tercpdf.pdf). (27.02.2013)

<sup>130</sup> Radici, *Dossier Radici/Rosarno. Monitoraggio autunno/inverno 2011/2012*, op.cit.; Osservatorio Placido Rizzotto (ed.), *Primo rapporto su agromafie e caporalato*, Ediesse, Roma, 2012.

<sup>131</sup> According to FLAI CGIL, *Primo rapporto su agromafie e caporalato*, op. cit., in Italy, between January and November 2012, 435 people were arrested for violations of the Criminal Code concerning cases of workers reduced to or kept in conditions of slavery or servitude.



## Chapter 3: Risk factors in agriculture

### 3.1 Hiring process and recruitment

In the agricultural sector many risk factors can be observed which may give rise to situations of severe labour exploitation during the recruiting and hiring phase. Most of these factors are mainly attributable to three causes: a) the increasing restrictions on legally entering Italy for work imposed by immigration policy; b) the increasing casualization of employment relationships, exacerbated by the economic crisis; c) the racial segmentation of the labour market.

As already explained in Part I, Italian immigration policy situates immigrant workers in a situation where they are extremely dependent on and vulnerable to blackmail by employers. The possibility of the initiation of the bureaucratic procedure to authorise the entry is left exclusively to the employer: the current law (Law No. 189/02) entitles only employers to apply for a residence permit for immigrants, who do not have this power and are thus not considered as legal subjects.

The vulnerability to blackmail starts from the hiring phase and continues for the entire duration of the employment relationship, as Law No. 189/02, with the introduction of the “residence contract”, has made the right to reside in Italy inseparably tied to three conditions which must all be met simultaneously: having an employment contract, having a residence permit, and having accommodation which meets specific parameters (and thus registration at the local registry office). This legislation, which came into force in 2005, also requires employers to ensure that accommodation is available for immigrant workers and the repatriation costs as well, and requires workers to be in their country of origin when the procedure of applying for a residence permit begins.

In this regard three problematic aspects may be noted: a) the introduction of the “residence contract” means that the immigrants regular residency on Italian soil depends on the will of the employer; b) the introduction of this legislation, which places the onus on employers, and the lengthy bureaucratic process, discourage legal hiring; c) the precarious status of immigrant workers is exacerbated by the fact that Law No. 189/02 provides that the duration of the residence permit (and as a result the exercise of the social rights attached to it) coincides with the duration of the employment contract<sup>132</sup>.

With regard to the agricultural sector, a large number of case studies show that current legislation makes the position of immigrant workers vulnerable and exposed to blackmail on the part of employers, and leads workers to accept non-standard working conditions – regardless of their administrative status. Several studies and reports have in fact highlighted that situations of this kind can be observed among undocumented workers (who hope to regularise their position), among documented workers (who are afraid of losing their job and, as a result, their residence permit) and among seasonal workers (who are afraid of jeopardising the renewal of their residence permit for the following year)<sup>133</sup>. With regard to

<sup>132</sup> Amnesty International, “*We wanted workers but we got humans instead*”, op. cit.; Basso P., Perocco F. (eds.), *Gli immigrati in Europa*, FrancoAngeli, Milano, 2003; Basso P. (ed.), *Razzismo di stato*, op. cit.; Piccirilli C., *La discriminazione verso i cittadini stranieri nei luoghi di lavoro: diritto comunitario e ordinamento interno*, in Ires-Cgil, *Immigrazione e sindacato*, Ediesse, Roma, 2003, pp. 61-84.

<sup>133</sup> Amnesty International, “*We wanted workers but we got humans instead*”, op. cit.; Borretti B., *Da Castel Volturno a Rosarno*, op. cit.; Botte A., *Mannaggia la miseria. Storie di braccianti stranieri e caporali nella Piana del Sele*, Ediesse, Roma, 2009; Gatti F., *Bilal. Il mio viaggio da infiltrato nel mercato dei nuovi schiavi*, Rizzoli, Milano, 2007; Leogrande A., *Uomini e caporali. Viaggio tra i nuovi schiavi nelle campagne del Sud*,

this issue, the interviewee with the NGO ARCI Caserta has underlined that the position of the undocumented immigrants is the most vulnerable, as the blackmail connected to the residence permit «deprives of significance the legal recourses against the employers, who know very well that immigrant workers cannot proceed with the complaint because of an expulsion order that they would obtain addressing themselves to the authorities» (IT17NGO).

Other results derived from these policies are frauds due to the buying and selling of residence permits (IT16NGO, IT17NGO, IT19NGO). It was found that in the Southern regions, after the launch of the yearly Flows Decree, the employers were proceeding with the number of practices for seasonal permits which were higher than the real necessities. As a consequence immigrants who intend to work in Italy may pay for the issue of the entry visas even 4-5.000 Euros. The obtaining of the visa, however, does not provide a procedure of regularization and in this way «you create pockets of undocumented immigrants who become victims of exploitation» and accepting any working condition just to pay off their debts took out to start the procedure for obtaining the residence permit (IT17NGO). Even in the Northern regions there have been detected cases of buying and selling of residence permits. Workers of the “Cooperativa Lotta contro l’Emarginazione/Cooperative Combating the marginalization”<sup>134</sup> interviewed have revealed cases of immigrants with regular employment contracts but with fake residence permits: «Technically the hiring procedure is correct, with the payment of social security contributions, but indeed you have a situation of irregularity, meaning that the person has not a residence permit. We have checked with the labour inspectorate that there are workers who have fake residence permits (in the case of the logistic sector 80 out of 120) and receive a regular salary. You just need to use a fake residence permit so that nothing of this can come out. There is a mechanism of irregular hiring: if the labour inspectorate starts checking everything, than the irregularity emerges, if it just controls the hiring procedure, then the risk is that INPS (the social security service) does not control the residence permit facilitating all that» (IT16NGO).

The condition of immigrant workers is also influenced by the deregulation of the labour market that has occurred over the last two decades and has accelerated as a result of the economic crisis. In the case of the agricultural sector, the precariousness is encouraged and aggravated by the characteristics of the production cycle and tasks assigned to immigrants. Indeed, Italian agriculture has undergone a process of modernisation which has led to rising levels of productivity and labour intensity, particularly in the sector of fruit and vegetable production. The introduction of major technological innovations – such as greenhouse cultivation – has led to a “continuous cycle” of production, overcoming the limitations imposed by the sector’s natural seasonal nature and leading to an *expansion* of working periods to the whole year round. These innovations have also given rise to *highly fragmented, discontinuous* working times, due to production cycles repeating over the course of the year (in the case of greenhouse cultivation) and the concentration of a large part of working activities in the harvest phase. The redistribution of working times and the almost total control of large-scale retail over the sale of the produce (prices and delivery times) have had specific

---

Mondadori, Milano, 2008; Limoccia L. et al., *Vite bruciate di terra. Donne e immigrati. Storie, testimonianze, proposte contro il caporalato e l’illegalità*, Edizioni Gruppo Abele, Torino, 1997; Mangano A., *Gli africani salveranno l’Italia*, Rizzoli, Milano, 2010; Medici Senza Frontiere, *I frutti dell’ipocrisia*, op. cit.; Medici Senza Frontiere, *Una stagione all’inferno*, Report, Roma, 2008; Oim-Italia, *Praesidium V. Rapporto sulla situazione dei migranti presenti nella provincia di Caserta e nell’area di Castelvoturno*, Report, Roma, 2010; Pugliese E. (ed.), *Diritti violati*, op. cit.; Radici, *Dossier Radici/Rosarno. Monitoraggio autunno/inverno 2010/2011*, op. cit.; Radici, *Dossier Radici/Rosarno. Monitoraggio autunno/inverno 2011/2012*, op. cit.; Rovelli M., *Servi. Il paese sommerso dei clandestini al lavoro*, Feltrinelli, Milano, 2010.

<sup>134</sup> “Cooperativa Lotta contro l’Emarginazione/Cooperative Combating the marginalization” is a NGO that operates in Lombardy and it is a holder of the projects related to the art. 18 (cf. 2.1.2).

consequences for the labour market: high demand of labour concentrated in few weeks or even days, alternating with long periods of extremely low demand<sup>135</sup>.

Thus the extreme flexibility demands made by the current work organisation in intensive agriculture are often met in different ways: through declared employment, with fixed-term contracts, of immigrant workers who have residence permits for employment or residence permits for seasonal work; through undeclared employment of undocumented, underdocumented or documented immigrant workers, in conditions which – especially in the first case – can produce severe labour exploitation, as was pointed out by a labour inspector who was interviewed:

«Agriculture is not the only seasonal sector of production – take tourism, for example. What becomes a problem in agriculture is the extent and a certain tendency not to consider declared employment indispensable. Sometimes you're faced with good-faith cases because I have 100 pear trees, I need just 10 friends [...] for 2 days, 3 days, not longer. Clearly in the face of situations like this multiplied by "n" you understand that little attention is paid to the legality of that working activity. I said that it's understandable, not that it's justified, because as long as there are rules they should be respected» (IT20LI)<sup>136</sup>.

There is also a third aspect: the mechanisms of concentration and selection of the work force, typical of the labour market, which make the agricultural sector, despite the harsh working conditions, concerned to a high availability of work force.

On the one hand agriculture has represented and continues to represent a *transit sector* for a significant share of immigrant workers: a large number of newly-arrived immigrants have initially entered and continue to enter the agricultural sector before moving towards the industrial or service sectors in search of better conditions. Moreover this phenomenon is currently being witnessed in reverse, as many already-settled immigrants who worked in industry, in construction and in the service sector have lost their jobs and have begun working as agricultural labourers once again, giving rise to the "ruralisation" of immigration<sup>137</sup>.

On the other hand the placing of the immigrant work force in conditions of severe competition has increased *processes of substitution* of workers: those already in employment for the longest time, more settled, more organised, more unionised (and thus more likely to demand better working conditions and job stability to obtain regularisation – like North African and other African immigrants, for example), are replaced with more recently arrived workers, less rooted, less integrated, and therefore more easily forced to accept worse conditions. On many occasions workers from Eastern Europe have been employed (as they combine seasonal work in agriculture with temporary and circular migration), in particular from the new EU Member

---

<sup>135</sup> To take an example mentioned by Berlan, cherry production requires around 1,000 hours of labour per hectare per year. Of these 1,000 hours, 950 are concentrated in the cherry harvest season, which lasts about 15 days, while the remaining 50 hours are spread over 350 days. See Berlan J.-P., *La longue histoire du modèle californien*, in Forum Civique Européen, *Le goût amer des nos fruits et légumes. L'exploitation des migrants dans l'agriculture intensive en Europe*, Information et Commentaires, Limans, 2002, pp. 15-22.

<sup>136</sup> The link between the flexibility required by the organisation of work and the use of forms of work based on the severe labour exploitation has been highlighted also by the interviewed IT09EOR and IT16NGO. In particular, it has been highlighted that «the seasonality that characterizes the sector is a factor that exposes to a possible labour exploitation as it makes that, in many cases the companies use the manpower under different contracts, often underpaid and without an employment contract» (IT09EOR).

<sup>137</sup> See Pugliese E. (ed.), *Diritti violati*, op. cit.; Radici, *Dossier Radici/Rosarno. Monitoraggio autunno/inverno 2010/2011*, op. cit. This coexistence in agriculture of newly arrived immigrants and "returning immigrants" has been confirmed by the interview to the operator of ARCI Caserta, who explained that among the undocumented immigrants employed in the rural areas in Campania there was a significant increase in number of Tunisians escaping from their own country because of the recent events and of Egyptians, coming especially from Lombardy, who have lost their jobs and resident permits (IT17NGO).

States (Romania and Bulgaria), as their illicit hiring poses less problems to employers as they do not require a residence permit<sup>138</sup>.

*The phenomenon of the gangmaster system (and violence)*

As several studies have shown, the gangmaster system constitutes the main system for managing work force in the southern countryside. This form of management is tightly connected to the requirements of the production process: the *caporale* or gangmaster has the task of “selecting” labourers on behalf of agricultural employers according to their specific requirements. This selection takes place in various ways:

1) The gangmaster usually goes daily to the “*mercati delle braccia*” (“labourer markets”) found in town and village squares and bars and chooses who to take to work in the fields<sup>139</sup>. This system became established in the Sixties in the Southern countryside, where it is still very widespread; it has now begun to appear in the countryside of the northern regions, as emerged during the interview with a labour inspector (IT20LI) and from a recent survey conducted by FLAI CGIL over 80 “epicentres” at risk of illicit hiring through the gangmaster system throughout Italy<sup>140</sup>. This system involves both immigrant and autochthonous labourers, and both Italian and foreign gangmasters<sup>141</sup>;

2) Beside to this “traditional” means of hiring, in recent years a system that has been labelled the management of veritable “labour camps” has become established, capable of matching the labour requirements of agricultural enterprises on a “just-in-time” basis, as evidenced during some inquiries on the gangmaster system in the Puglia region:

«The gangmaster now takes the labourers he requires directly from the poorest areas of Europe, loads them onto buses and brings them to rural buildings cut off from the rest of the world and patrolled in a military manner. “The camp was patrolled by armed guards”, highlights more than one charge. Thus the gangmaster turns his labourers into battery chickens, into slaves to be sent to one field on Monday, to another on Tuesday, and yet ton another one on Wednesday... He is no longer a mere intermediary. He becomes the sterile manager of a “labour camp” which is more or less organised, in which minimum rights and all forms of reasonableness are suppressed. In which labourers are reduced to slavery, and their bodies to a form of “bare life” to be seized, manipulated, violated, subdued, repressed. In filling up with these “camps” beyond the rule of law, the agricultural lands of the Tavoliere area have not returned to a past lost in the mists of time. On the contrary, they have been

---

<sup>138</sup> INEA Puglia, *Indagine sull'impiego degli immigrati in agricoltura in Italia. Annuario 2009. Relazione sulla Puglia*, INEA, Roma, 2010; Leogrande A., *Uomini e caporali*, op. cit.; Radici, *Dossier Radici/Rosarno. Monitoraggio autunno/inverno 2010/2011*, op. cit. Concerning their working conditions, the interviews showed how they do not differ substantially from those of undocumented immigrants (IT08EOR, IT17NGO). The representative of AIAB at national level (IT08EOR) conducted a specific research on the employment of immigrant women in agriculture coming mainly from Eastern European countries and has found that they mostly work in the same contexts (also because they often have their children with them). On the contrary men tend to move among different Italian regions for the harvest of different agricultural products, having a sort of circular migration as a consequence. Both IT08EOR and IT17NGO have underlined how the new EU immigrants are subjected to exploitation and violence, including those sexual against the women, who often «suffer working relationships set on the base of sexual favours» (IT17NGO).

<sup>139</sup> See, for example, the recent investigative report by Mastandrea A., *Le piazze degli schiavi*, “il Manifesto”, 01.05.2013.

<sup>140</sup> For a map of high-risk areas, see Osservatorio Placido Rizzotto (ed.), *Agromafie e caporalato*. op. cit., pp. 91-229.

<sup>141</sup> A. Leogrande, *Uomini e caporali*, op. cit., pp. 71-72. With regard to the relationship between the gangmaster system and Italian labourers, see also Leo A., *Il caporalato dalle origini a oggi*, in Limoccia L. et al., *Vite bruciate di terra*, op. cit., pp. 21-33.

catapulted into the bloodiest state of postmodernity, they have seen themselves plunged into an almost totalitarian degree of exploitation of that “bare life”»<sup>142</sup>.

In the “management” of labour through the gangmaster system, recourse to violence is not a marginal or occasional phenomenon. If anything it is a structural element, which on the one hand makes it possible to control and subjugate immigrant workers to the greatest possible degree, and on the other discourages individual and collective action against exploitation<sup>143</sup>. Research into this issue has provided first-hand accounts by male and female workers who have been subjected to harassment and abuse of every kind at the hands of the gangmasters and organised crime (which is present at every level and the most important junctures in the management of agricultural production activities)<sup>144</sup>, ranging from physical segregation to seizure of documents, from theft of wages to sexual violence against immigrant women<sup>145</sup>. This gender dimension of violence has also been observed by the representative of the national offices of AIAB (IT08EOR): taking up the complaints of the most engaged components of trade unions and Catholic church, the interviewee has explained how the female workers coming from Eastern European countries employed in the farmlands of Puglia and Sicily are often forced by both gangmasters and employers to suffer violence and to prostitute themselves.

The book *Uomini e caporali* describes the return of the “caporalato” or gangmaster system and reconstructs the case of the murder of approximately 80 Polish farm labourers illicitly employed in the countryside of the Puglia region (only some of whose mangled bodies were found)<sup>146</sup>.

Horrible details regarding the gangmaster system and the condition of agricultural labourers in Puglia, especially in Foggia, emerge from Parliamentary Question No. 168 of 29.04.2009, which states, based on police investigations, that «the gangmasters show no signs of humanity towards their slaves, but rather are willing to beat them, torment them, even kill them even just as ‘an example’ for the others; gangmasters do not tolerate any type of reaction on the part of the exploited, as the latter must execute, always, and in silence, acts of oppression on behalf of their superiors; the “slaves” may even have to bring the gangmaster a woman so that they can sexually abuse them in exchange for a day of work».

The judgment of 26 March 2009 the Court of Appeal of Bari, which recognised for the first time in Italy the crime of enslavement for labour purposes, was linked to an investigation into labour exploitation in the province of Foggia which found that the labourers – who were supervised, punished and abused by armed gangmasters – were paid 2 Euros an hour.

The research led by Omizzolo in Agro Pontino has highlighted situations of severe exploitation in the fields around Sabaudia and Terracina – so severe that the term “relation of total subjugation” has been used: working time was 13-14 hours a day, wages ranged between 2.50 and 3.50 Euros an hour (excluding the gangmaster’s cut), employers were called “padroni” (masters), and cases in which labourers in precarious health conditions were assaulted by their employers and dismissed were the order of the day<sup>147</sup>.

---

<sup>142</sup> A. Leogrande, *Uomini e caporali*, op. cit., p. 72.

<sup>143</sup> Borretti B., *Da Castel Volturno a Rosarno*, op. cit.

<sup>144</sup> CIA, *Cittadino agricoltore in sicurezza. Criminalità e sicurezza delle imprese agricole e dei cittadini*, CIA, Roma, 2011.

<sup>145</sup> Ciaperoni A., *Immigrate in agricoltura. Identikit, chi sono, da dove provengono, che cosa fanno*, “Bioagricoltura”, 129, September/October 2011; Leogrande A., *Uomini e caporali*, op. cit.; Gatti F., *Bilal*, op. cit.

<sup>146</sup> Leogrande A., *Uomini e caporali*, op. cit.; Basso P., *L’immigrazione in Italia e in Europa: cause, caratteristiche, funzioni, prospettive*, in Zagato L. (ed.), *Introduzione ai diritti di cittadinanza*, Ed. Cafoscarina, Venezia, 2009, pp. 137-164.

## 3.2 Workplace and employment

An analysis of working conditions in Italian agriculture indicates the presence of several factors which increase the risk for severe labour exploitation, which can essentially be categorised as the following: working times, wages, health and safety in the workplace.

### *Working times*

As already mentioned, the fragmentation and discontinuity of the working time in agriculture is dealt with by some agricultural enterprises through the use of irregularly-hired immigrant and autochthonous work force<sup>148</sup>. This means that, especially during the harvest stage, many violations of legislation concerning working hours occur.

Many studies<sup>149</sup>, especially those focusing on undeclared workers employed in agriculture in the South, have shown that during the harvest season hours of work range between 10 and 12-14 hours a day. In some cases enterprises employ workers for 6 or 7 days a week, while in other cases only for extremely short periods and in an intermittent way<sup>150</sup>.

Rete Radici, which has examined the condition of immigrant workers employed in the Rosarno citrus plantations, has pointed out that the agricultural model is based on low levels of investment in technological innovation, which is made possible by the massive use of «a real reserve army of undeclared or semi-undeclared work force, to be used only at specific moments, such as public holidays, production peaks, extreme rainfall events, malfunctioning machinery or “just-in-time” supermarket orders»<sup>151</sup>.

The lengthening of the working day is, however, a common phenomenon even among those who have an employment contract, as a study by INEA, highlights: working hours exceeding the norm are common in all agricultural sectors, also in the regions of the North, where the underground economy is proportionally smaller than it is in regions of the South and where greater investments in labour-saving technologies are found:

«In the case of the more traditionally seasonal activities (viticulture and fruit farming) the hiring period is essentially from 1 July to 31 October for the fruit harvest and from 1 September to 31 October for the grape harvest. [...] In total, the number of days of work is around one hundred, during which working hours frequently extend above and beyond 8 hours a day. In other major production sectors (cereals, floriculture and forestry), labour provided by immigrants is consistently seasonal in nature. [...] Daily hours of work are “officially” 6.5 hours for 5 or 6 days a week; during the summer the number of hours worked may rise to 8-12 hours a day but, in the case of declared contracts, they are paid as overtime or a “compensation” is applied to periods in which there is less work. [...] Livestock enterprises in particular tend to employ immigrant workers on a continuous, year-round basis [...] given the impossibility of finding autochthonous workers willing to perform the very

---

<sup>147</sup> Omizzolo M., *The Sikh community in the province of Latina (Italy). Exploitation, discrimination, violence*, “Review of Agrarian Studies”, 3, 1, 2013; Omizzolo M., *La formazione dello spazio sociale transurbano e il caso della comunità sikh della provincia di Latina*, in Colloca C., Corrado A. (eds.), *La globalizzazione delle campagne. Migranti e società rurali nel Sud Italia*, FrancoAngeli, Milano, 2013, pp. 159-171.; Omizzolo M., *I Sikh a Latina. Una storia trentennale di lavoro agricolo*, “Libertà Civili”, 5/10, 2010, pp. 108-115.

<sup>148</sup> On this matter see Limoccia L. et al., *Vite bruciate di terra*, op. cit., which highlights the continuity over the decades of working conditions based on forms of severe exploitation: conditions which once involved in particular the autochthonous female work force and today involve the immigrant work force.

<sup>149</sup> For the bibliography of reference, see note No 133.

<sup>150</sup> A 2005 survey by Medici Senza Frontiere, corroborated by more recent studies such as the one conducted by Radici, found that in Basilicata, Calabria, Campania, Puglia and Sicily over 50% of seasonal labourers work up to 3 days per week. Cf. Medici Senza Frontiere, *I frutti dell'ipocrisia*, op. cit.; Radici, *Dossier Radici/Rosarno. Monitoraggio autunno/inverno 2011/2012*, op. cit., p. 54.

<sup>151</sup> Radici, *Dossier Radici/Rosarno. Monitoraggio autunno/inverno 2010/2011*, op. cit., p. 41.

heavy labour involved and undertake tasks which often extend beyond 8 hours a day: in the specific case of mountain pasture enterprises, during the summer season, the working day is often in excess of 12 hours»<sup>152</sup>.

### *Wages*

As our interviews also confirmed, widespread low wage levels constitutes one of the fundamental aspects of severe labour exploitation and one of the most common violations found in agriculture<sup>153</sup>.

Many studies have shown that undeclared workers employed in the fields of South and Central Italy are paid between 2.50 and 3.50 Euros an hour, far below wage levels established by national collective agreements. In Puglia INEA's regional department found that «88.9% of wages are not paid in accordance with national employment agreements. While these are around 48 Euros a day, those not paid according to the agreements do not exceed 30 Euros, except in sporadic cases. It should be pointed out that as a result of the global economic crisis many employers – some in good faith and others taking advantage of the opportunity – have reduced the number of declared days as well as wages paid to workers»<sup>154</sup>.

This situation, endemic in the South, was also found in some areas of the Northern regions. From the interview made with a FLAI CGIL trade union representative from the province of Brescia (Lombardy) emerges that during the grape harvest season in the areas near Franciacorta workers from Eastern Europe are employed, not trafficked, but exploited by cooperatives through the gangmasters who pay them 3-4 Euros per hour. A group of these workers addressed themselves for the first time to FLAI CGIL in 2005 and up to now there are workers who turn to trade union's operators to report «that they have been working for very low wages and for many years in these cooperatives, that deduct from their salaries the costs for the hotel, bus, etc.» (IT14TU).

A very common form of payment, closely correlated to phenomena of severe labour exploitation, is the “day wage”. As it is fixed, it enables hourly labour costs to be reduced considerably by increasing the hours of work.

Another form of pay correlated to severe exploitation and one which is steadily expanding<sup>155</sup>, is piecework. Workers, for example, receive 3 Euros for picking a 300-kilo crate of tomatoes or 50 cents for a 20-kilo crate of oranges. In Puglia, for instance, it was found that an immigrant workers are paid between 4 and 6 Euros for filling a 350-kg crate of tomatoes; in Rosarno in 2009 they were paid 2.50 Euros per crate of tomatoes (workers were able to fill six or seven crates a day). This form of pay involves workers in their own self-exploitation, as it means increased work rates, more highly concentrated work periods and longer working days<sup>156</sup>. With regard to workers with an employment contract, it should be pointed out that

---

<sup>152</sup> INEA Piemonte, *Relazione sull'impiego di immigrati extracomunitari nel settore agricolo. Regione: Piemonte. Anno: 2009*, INEA, Roma, 2011, pp. 9-10.

<sup>153</sup> In an interview, a labour inspector stressed that «among the objective factors that make it possible to unequivocally identify a situation of exploitation, the first is the wage, which may be extremely low, perhaps for a length of working day which goes beyond the number of working hours possible. Unfortunately these are phenomena based on ever greater need, they are extremely difficult to identify since until a situation of conflict is created the victim of exploitation must choose between nothing and very little and so chooses to keep quiet. The only cases in which it is possible to enter into these scenarios, which are extremely elusive and not confined to the world of agriculture, is when a conflict arises between employer, intermediary and worker because agreements are not respected or because not even the minimal wages agreed for the work are paid» (IT20LI).

<sup>154</sup> INEA Puglia, *Indagine sull'impiego degli immigrati in agricoltura in Italia*. op. cit., p. 33.

<sup>155</sup> In the area of Piana di Rosarno, piecework, which regarded 10.4% of labourers in 2010, rose by 37.4%. Cf. Radici, *Dossier Radici/Rosarno. Monitoraggio autunno/inverno 2011/2012*, op. cit., p. 54.

<sup>156</sup> Borretti B., *Da Castel Volturno a Rosarno*. op. cit.

piecework wages are expressly provided for by a number of local bargaining agreements, such as in the provinces of Lecce (Puglia) and Trapani (Sicily).

These low wages are combined with discontinuous, intermittent forms of employment, leading to the creation of a class of working poor who earn 300-350 Euros a month. Starvation wages, then, which in some cases become even lower as very often gangmasters deduct amounts from labourers' wages to pay for transports to the fields, or else they are retained by employers who become untraceable once the harvest is finished.

It should also be considered that immigrant workers employed without an employment contract do not receive any form of indirect wage (for example insurance coverage in case of illness or injury, paid annual leave, unemployment benefits, etc.). On the contrary, in recent years, the inspection bodies have found «phenomena of frauds to the detriment of the national welfare system (realized mainly through the structuring of false employment relations in agriculture)» closely linked to the system of the exploitation of manpower made of undocumented immigrants: «The system is very simple, effective and profitable. The false day labourer pays crooked farms to be registered as employee, in this way the labourer gets the contributions paid (they are very cheap in agriculture) through which he acquires the right to the unemployment benefits, pension and other benefits. The cost-benefit ratio is chilling: for every Euro collected in contributions of this type, INPS allocates 20 Euros in services. Those who work in the fields, however, are irregular workers, foreign workers, often undocumented, underpaid and without rights. Every year, the INPS inspection service revokes something like 70.000 false labour contracts in agriculture. In the 3-year period 2009/2011 there have been recovered 700 millions of Euros in benefits delivered to fictitious agricultural labour»<sup>157</sup>.

Finally, mention should also be made of the increased use of “occasional casual labour” (or “voucher scheme”)<sup>158</sup>, especially in a number of regions in the North such as Veneto and Emilia Romagna<sup>159</sup>. This form of employment is very often improperly used in place of fixed-term or permanent contracts in a similar manner to piecework. In this regard, a union representative pointed out that: «The voucher in some respects resembles “piecework”: you're paid as much as you work, with whether you are called being fully at the employer's discretion»<sup>160</sup>.

According to a trade unionist interviewed the spreading in vouchers has led to the extension even among native-born workers of forms of exploitation: «With the vouchers you make person working without a good retribution and in this case the exploitation goes beyond the classic borders: a part from immigrants, it involves Italian workers as well. In agriturisms we have found that people have been employed with the voucher, when actually these people, these girls, these students, are working on Friday, Saturday and Sunday for 40 weeks a year. This is a permanent employment relationship, it is not an “occasional casual labour” relationship. Here we have the exploitation, contributions evasion, wage evasion, evasion of social security contributions» (IT13TU).

---

<sup>157</sup> Cf. Esposito L., *Armi spuntate, nemici sbagliati*, “Corriere Immigrazione”, 09-06-2013. Also interviews IT20LI e IT21LI confirmed this phenomenon.

<sup>158</sup> Occasional casual work was introduced with Law No. 30/2003. Recourse to this form of employment in agriculture, in the area of seasonal and non-seasonal activity, was initially confined to students and pensioners but was subsequently extended further with the approval of the 2010 Finance Act (Law No. 191/2009).

<sup>159</sup> Bertazzon L., *Il lavoro in agricoltura: tra l'impiego di manodopera stagionale immigrata e il consolidamento del lavoro occasionale accessorio*, VenetoLavoro, Venezia, 2011, pp. 49-51.

<sup>160</sup> Alba A., *Crisi, boom del lavoro a «cottimo»*. *Raddoppiato l'uso dei «voucher»*. *Preoccupati i sindacati*, “Corriere del Veneto”, 24/06/2012.



### *Health and safety in the workplace*

In 2011 the incidence of accidents and fatal accidents occurred in the agricultural sector on the total number of accidents occurred in all sectors was lower for employed immigrants than for the total work force<sup>161</sup>. It should be remembered, however, as INAIL points out, that accidents which happen to undeclared workers are not reported, except in particularly serious cases: «in most of these cases, apart from the most serious or fatal ones, failure to report the accident is almost taken for granted as a result of the irregular nature of the employment relationship, even though INAIL in any case guarantees undeclared workers the same benefits by applying the principle of automatic entitlement to benefits»<sup>162</sup>. This means that in practice immigrants in the agricultural sector experience a higher-than-average proportion of occupational illnesses, accidents and fatalities<sup>163</sup>.

For an overview of the health conditions of illicitly-hired immigrants, it is helpful to refer to the (albeit out-of-date) survey conducted in 2004 by Medici Senza Frontiere, based on the monitoring of 770 immigrants (704 men and 66 women) in five regions of the South (Basilicata, Calabria, Campania, Puglia and Sicily)<sup>164</sup>. Just 5.6% of the immigrants who went to the organisation's mobile clinics could be diagnosed as being in "a good state of health". A large number of diseases linked to "infectious" (50.9%) and "non-infectious" (49.1%) aetiological agents, the former linked to environmental factors and poor health and hygiene conditions, and the latter above all to serious injuries (joint injuries, skin lesions and eye injuries), repetitive micro-trauma (in particular "ergonomic", conditions due to being forced to maintain the same position and extreme working conditions) and chronic or acute intoxication from pesticides.

### **3.3 Other conditions imposed on labourers not directly linked to labour law**

The systematic violation agricultural workers' labour rights is almost always accompanied by an equally systematic violation of their human and social rights: first and foremost the right to housing. Finding accommodation, in fact, is one of the main difficulties facing seasonal immigrant workers<sup>165</sup>. The situation is different in the North and in the South: especially in the

---

<sup>161</sup> With regard to the number of workers with INAIL accident insurance coverage, non-fatal accidents in agriculture constituted 6.4% of total non-fatal accidents, while fatal accidents constituted 12.5%. With regard to immigrant workers with INAIL accident insurance coverage, non-fatal accidents in agriculture represented 5% of the total, while for fatal accidents the figure was 10.1%. Cf. INAIL, *Rapporto annuale 2011*, INAIL, Roma, 2012, pp. 13-19.

<sup>162</sup> INAIL, *Rapporto annuale 2011*, op. cit., p. 2.

<sup>163</sup> The interviews showed how in some cases the undeclared immigrant workers, in case of injury, may become aware of the conditions of severe exploitation suffered and start speaking out against their own exploiters: «The person becomes aware of his situation of non-protection at the moment when injury happens. Somehow, the whole mechanism blows up, even what we could call the "confidence" in the employer and the co-responsibility. So sometimes he takes the opportunity to speak out about his own situation of exploitation. [...] When the agreements are modified, the person feels less protected, is more afraid and realizes to live this situation of exploitation. The injury is the element that somehow breaks the contract with the employer, as the person becomes aware that a serious of things that have been told to him are not real and from that moment he feels abandoned. It was also the trigger for some complaints» (IT16NGO).

<sup>164</sup> The enquiry in question, despite being published in 2005, is the most extensive study that has been conducted both in geographical terms and sample size. Subsequent studies by Medici Senza Frontiere, Amnesty International and the IOM have essentially confirmed the picture painted by this initial study. Cf. Amnesty International, *"Volevamo braccia e sono arrivati uomini"*, op. cit.; Medici Senza Frontiere, *Una stagione all'inferno*, op. cit.; Oim-Italia, *Praesidium V.*, op. cit.

<sup>165</sup> Various Authors, *Sotto la soglia. Indagine conoscitiva sul disagio abitativo degli immigrati presenti nell'Italia Meridionale*, Ministero della Solidarietà Sociale (Ministry for Social Solidarity), Roma, 2008; Oim-Italia, *Praesidium V.*, op. cit.

South housing problems run deep and wide, although there is no lack of cases in the North, as a study by INEA Piemonte shows:

«In general, regarding workers with legal, permanent employment contracts, the employer will house them in rural buildings of their own property, specially renovated and refitted for the purpose. If this is not possible a sort of “compensation” calculated in Euros is paid directly into their pay packets. [...] Rather more precarious, however, are the conditions experienced by immigrants called to work for short or very short periods during the wine or fruit harvests. As far as can be told, in these cases, too, accommodation is generally paid for by employers. However the accommodation found for workers is often makeshift and it is not infrequent for immigrants to make do with sleeping in a car, in barns or in farmyards, or stay with fellow countrymen also employed in agriculture or other sectors»<sup>166</sup>.

In the countryside of the South immigrant workers are very often forced into precarious, deprived accommodation, as shown by Medici Senza Frontiere in 2005 and confirmed by a recent enquiry by the Ministry of Social Solidarity:

«The immigrants however live in dwellings, apartments or single rooms located in semi-central or outlying areas, in run-down central areas, in agricultural/rural areas, in any case in buildings which do not guarantee acceptable living conditions, often lacking basic facilities and expensive in any case. [...] In addition, the enquiry found that undeclared rent is widespread: only 62% have a contract. The situation can be summarised by stating that the imbalance between supply and demand is such that with regard to the former the absence of basic services and facilities can be considered independent variables»<sup>167</sup>.

This imbalance between supply and demand means that seasonal workers often live in overcrowded accommodation, which do not always have toilets, electricity or running water. It is not unusual for them to sleep directly in the fields, in makeshift shelters made out of recycled materials, or in stables provided by employers, together with the animals they tend<sup>168</sup>. The IOM study conducted in Castelvoturno and Villa Literno, as part of the “Praesidium” project, led the authors to speak – in an evocative sense – of “slavery” in relation to the conditions of Indians, Bangladeshis and Pakistanis employed in buffalo rearing. In addition to long, exhausting working hours, these workers were forced to live in the stables with the animals, suffering serious health problems. The study also highlighted the inhuman conditions in which immigrants – many of them Egyptian – employed in strawberry production in Parete lived, forced to sleep in shelters made out of plastic and recycled material in the fields where they worked (without running water or electricity). From the interview to the official of ARCI Caserta, a NGO working in these areas, it has emerged that often the stables or the accommodation where immigrants are forced to live are isolated, scattered over the farmland and very far from city centres: in this way for the workers it is almost impossible to meet other immigrants, as well as for the trade unions and the associations it becomes almost impossible to reach these workers, except in case of specific warnings (IT17NGO).

It should also be borne in mind that denying immigrant workers the right to adequate accommodation further exacerbates their health conditions. In this regard the study by Medici Senza Frontiere spoke explicitly of “diseases of poverty” to refer to all of those conditions that are caused by extremely bad hygiene and housing conditions. It also exposed widespread

---

<sup>166</sup> INEA Piemonte, *Relazione sull'impiego di immigrati extracomunitari nel settore agricolo*, op. cit., pp. 13-14.

<sup>167</sup> Various Authors, *Sotto la soglia*, op. cit., p. 13.

<sup>168</sup> Oim-Italia, *Praesidium V*, op. cit.

malnutrition, which further exacerbates the health conditions of labourers, and the impossibility of accessing adequate medical treatment as a result of their isolation.

In addition, it should be noted that dependency on the employer for accommodation means that many immigrants choose to overlook in the event of serious violations of labour legislation to avoid losing both their job and their house.

According to one of the interviewees in fact: «People are managed in every aspect of their lives. An extremely tight bond is built, so the employer becomes the only point of reference, that somehow in this territory ensures all, the work, the housing. Somehow he has a function of benefactor, the person who resolves all the problems. This is the mechanism with which the person is even more tied finding even less resources, because he comes out from situations in which the rights were even less guaranteed» (IT16NGO).

### **3.4 Business relationships: production in affiliated companies and by suppliers**

In relations between enterprises and in the supply chain context it is possible to identify factors which increase the risk of severe labour exploitation. This was also confirmed by our interview with the quality manager of the Villafrut - Iseppi Group, a company which organises and controls supplies of fruit and vegetables to the main European supermarket chains.

It is particularly interesting to cite the case of Coca Cola and the production of soft drinks for the Italian market made with concentrated orange juice from Rosarno (Calabria). The denunciation came from Coldiretti and was brought to international public attention by the British magazine “The Ecologist”<sup>169</sup>. It was revealed that the entire supply chain – and not just individual business owners – earned vast profits from exploitation throughout the entire supply chain: Coca Cola forced Calabrian citrus growers to sell their oranges at below cost price (0.07 Euros per kilo), i.e. at a price which forced them to choose between working at a loss or reducing labour costs as much as possible<sup>170</sup>. Coldiretti also denounced the fact that the orange harvest was performed by immigrant workers who were implicated in forms of severe labour exploitation: wages of 25 Euros a day, accommodation in dilapidated houses and makeshift dwellings, and extremely precarious health conditions.

Another area which gives rise to risks of severe labour exploitation, but which has received attention only recently, is the outsourcing of a number of production phases, especially during the harvest, when labour demand is higher<sup>171</sup>. One of the interviewees, a trade unionist, has pointed out how throughout the subcontracting system it is possible to reduce the costs of production, acting primarily on labour costs. To this purpose he took as example a case revealed in Emilia Romagna: «Nowadays a thousand of seedlings are paid 12 Euros by the client to the contractor. Consider that to produce them it is necessary to employ 4 workers for one day. These are paying off 12 Euros. How much will ever get the worker?» (IT12TU).

The interview to the representative of an entrepreneurial organisation of Northern Italy has showed how in these years of economic crisis the companies and cooperatives are searching

---

<sup>169</sup> Wasley A., *Coca Cola challenged over orange harvest linked to ‘exploitation and squalor’*, “The Ecologist”, 24.02.2012; Tortora F., *Agricoltori sfruttati e prezzi bassi del succo. Accuse alla Coca Cola per le arance calabresi*, “Corriere della Sera”, 24.02.2012.

<sup>170</sup> To this purpose the representative of an employers’ organisation has been speaking about «a mistake... made on misery» and «a suicide for the companies», as these are agreements signed by «companies that cannot say no to the imposed conditions» and therefore «accept to be exploited and enter in the chain of the exploitation» (IT05EOR).

<sup>171</sup> The risk factors related to the increasing recourse to outsourcing have been cited also in the interviews of a representative of employers’ organisations (IT10EOR) and of a labour inspector (IT21LI).

however to cut the costs, focusing on flexible employments with less guarantees, albeit within limits imposed by law: «There is a situation of crisis: despite the crisis in the agricultural sector is not like in other sectors, this does not mean that there is a period of prosperity. From a formal point of view, we are trying to find contracts that, at least at the initial phase of hiring of the employee, allow to have more flexible employment of the new hired [...] or apprenticeship contracts. This, however, within the law» (IT10EOR).

Even in the South enterprises began to outsource a number of processes to cooperatives hiring immigrant workers as “member workers” in order to get round contractual obligations while appearing legitimate in the event of inspections. CGIL compared the function of these cooperatives to a new form of “caporalato” or gangmaster system:

«In the Piana di Sibari (Calabria) area, the gangmaster system is hidden behind quasi-legal forms, which at CGIL they call “landless cooperatives”, in the sense that they only consist of labourers. The owner is Italian or foreign and is the true gangmaster who forms the work teams. [...] The cooperative offers companies a low-cost service, reducing daily wages, and keeps workers under the threat of blackmail in three ways (...) In order to hire them they seize their documents, residence permits and passports, so that if they find work with other cooperatives they cannot change; the second form of blackmail concerns accommodation, because undeclared rented accommodation is found through the employer, who is himself the owner of the rented house or he is a friend of the owner; the third form of blackmail regards transport for getting to work, since the immigrants get around on foot»<sup>172</sup>.

The use of international employment agencies or of companies based particularly in Eastern Europe, which provide labour on a posting basis, has also become more common<sup>173</sup>. One of the interviewed trade unionists explained that this phenomenon began also in the regions of Northern Italy: «It is a phenomenon that is occurring also here in Veneto. What is happening? The factory farm “x” subcontracts the harvesting of strawberries to the Romanian company. The teams of workers stay there a month, harvest strawberries and then they come back home. They do not have means for defending their rights, they do not have access to protection instruments, they are not entitled to unemployment benefits, and so on. The company pays invoice to the Romanian company, it doesn’t pay workers directly. These workers earn much less, are more competitive than our agricultural workers. Here’s where you can have pockets of exploitation» (IT13TU).

The union FAI CISL, in this regard, has denounced the phenomenon, affirming that it can become «a fertile breeding ground for illegality, as the gangmaster system manages the workers posted in concert with the international agencies»<sup>174</sup>.

---

<sup>172</sup> Redattore Sociale, *Il nuovo caporalato delle “cooperative senza terra”: solo braccia*, “Redattore Sociale”, 04.01.2012.

<sup>173</sup> Ciuti I., *Siena: immigrati sfruttati dalle coop*, “La Repubblica”, 07.07.2012; Devole R., *Prospettive di tutela degli immigrati nel settore agricolo*, in Caritas/Migrantes, *Dossier statistico immigrazione 2012*, Idos, Roma, 2012, pp. 260-263; Ministero del Lavoro e delle Politiche Sociali, *Rapporto annuale sull’attività di vigilanza in materia di lavoro e previdenziale. Anno 2012*, Roma, 2012; Riccio L., *Sfruttamento nei campi: succede anche al Nord*, “Corriere Immigrazione”, 20.08.2012.

<sup>174</sup> FAI CISL, *Effat. Progetto sui lavoratori distaccati in agricoltura*, available at: [www.fai.cisl.it](http://www.fai.cisl.it) (20.03.2013).

## Chapter 4: Existing preventive measures in Italian agriculture

### 4.1 Preventive corporate measures within the company and in their business relationships

Italian agricultural and agro-industrial enterprises direct their strategies of Corporate Social Responsibility according to the Green Paper on “Promoting a European framework for Corporate Social Responsibility”, presented in 2001 by the Commission of the European Communities<sup>175</sup>. They also refer to the “Sixth Environment Action Programme of the European Community”<sup>176</sup>, which has introduced a definition of sustainable development which in part goes beyond the perspective of a mere environmental policy (pursued by the previous programme) to take in a broader EU strategy with regard to sustainability issues which aims at «the optimal balance of economic, social and environmental objectives»<sup>177</sup>.

With regard to national legislation, an important guiding principle concerning Corporate Social Responsibility is provided by Article 41 of the Italian Constitution which establishes that free economic enterprise «may not be carried out against the common good or in such a manner that could damage safety, liberty and human dignity».

The matter has been further regulated in the sphere of prevention and suppression with the approval of Legislative Decree No. 231/2001 (concerning the “Administrative liability of legal persons, companies and associations without legal personality, pursuant to Article 11 of Law No. 300 of 29 September 2000”), already presented in the paragraph 2.1.2.

Italian enterprises must also refer to the “2012-2014 National Action Plan on Corporate Social Responsibility” drawn up by the Ministry of Labour and Social Policies and the Ministry of Economic Development. It aims to disseminate a culture of CSR among businesses, citizens and local communities, including through supporting measures such as incentives, awards and administrative simplification. It also aims to contribute to strengthening “market incentives” for CSR (private-sector demand, public-sector demand through procurement, improving access to capital and credit) and dialogue between for-profit enterprises and social enterprises and Third-sector organisations, active citizenship and civil society. Finally, it aims to foster transparency and the divulgation of economic, financial. Social and environmental information and to foster CSR through internationally-recognised instruments and international cooperation<sup>178</sup>.

---

<sup>175</sup> The Green Paper sets out the EU’s commitment to place itself within the framework of initiatives by international organisations. ILO standards, including the abolition of forced labour, constitute a fundamental aspect of Corporate Social Responsibility, which sets out the possibility of reconciling the protection of human rights and social development with competitiveness. Cf. Commission of the European Communities, *Green Paper. Promoting a European framework for Corporate Social Responsibility*, Brussels, 2001, [http://eur-lex.europa.eu/LexUriServ/site/en/com/2001/com2001\\_0366en01.pdf](http://eur-lex.europa.eu/LexUriServ/site/en/com/2001/com2001_0366en01.pdf).

<sup>176</sup> Decision No. 1600/2002/EC of the European Parliament and of the Council of 22 July 2002 laying down the Sixth Community Environment Action Programme. Cf. <http://db.formez.it/fontinor.nsf/0/b9637b048ee3946cc125712a00527c38?OpenDocument> (13.04.2013).

<sup>177</sup> Commission of the European Communities, *Environment 2010: our future, our choice. Sixth Environment Action Programme*, 2001, p. 70, <http://db.formez.it/fontinor.nsf/0/b9637b048ee3946cc125712a00527c38?OpenDocument> (13.04.2013)

<sup>178</sup> Ministero del Lavoro e delle Politiche Sociali, Ministero dello Sviluppo Economico, *Piano d’azione nazionale sulla responsabilità sociale d’impresa 2012-2014*, 2013, pp. 3-6. The interviews revealed a strong expectations towards the promotion of Corporate Social Responsibility by the Italian state. In particular, it has been suggested an action of promotion of the commercialization of goods subjected to certifications based on respect of human rights and on labour legislation (IT09EOR, IT17NGO), or the extension of DURC (Single

Despite the existence of legislation and policies designed to foster the spread of CSR, the INEA does not deny that for Italy's agricultural enterprises it is difficult to put this process into practice, first of all because the vast majority of enterprises are small and medium-sized, often family-run, and operate with a short-term perspective<sup>179</sup>. Another obstacle, particularly in the sector of fruit and vegetable production, is the power which large-scale retailers wield over suppliers, who are driven to use undeclared work in order to reduce costs<sup>180</sup>. It must also be considered that obtaining certification has costs which are often difficult for small and medium-sized enterprises to bear, especially in the current economic situation<sup>181</sup>.

Against this background, then, Corporate Social Responsibility takes on even greater importance. As emerged during the interviews, such initiatives are in practice delegated, once more, to good practices stemming from personal or corporate initiative<sup>182</sup>. Large-scale retail can provide an important stimulus at this juncture, by adopting socially responsible behaviour and selecting primary producers and manufacturers who adopt equivalent instruments as their suppliers, such as in the case of Coop Italia<sup>183</sup>, a cooperative that works in the field of the large scale retailing in Italy. On the one hand it carries out the awareness activity on respect of human and labour rights and the constant monitoring (via audit) of companies in the supply chain of branded products Coop<sup>184</sup>. On the other hand it carries out specific activities of promotion and information within the stores as well as in dedicated initiatives with the involvement of volunteer members and workers. Starting from the publication of the first report of Medici Senza Frontiere on the situation of immigrant day labourers in the Southern Italy, Coop has put much effort on the issue of working conditions within its own agricultural

---

Insurance Contribution Payment Certificate) to the whole agricultural sector (it is a document that is required from the companies that participate in public tenders) (IT13TU).

<sup>179</sup> INEA, *Le esperienze italiane sulla responsabilità sociale nel settore agricolo e agroalimentare*, op. cit. Also the representative of the company Mazzoni has revealed that for small and medium-sized enterprises it is particularly difficult to adopt the CSR policies underlying that often employers are not able to cope also with legal obligations due to a number of structural problems (less organisational capacity, high costs, excessive taxation, strong competition...) (IT03EMP). Concerning the lack of respect of the legislation in force, the HR manager of Apofruit has underlined that this constitutes a factor of unfair competition (IT04EMP).

<sup>180</sup> INEA, *Percorsi di responsabilità sociale nei rapporti di filiera. L'ortofrutta e la zootecnia da carne*, op. cit., p. 90.

<sup>181</sup> According to the quality manager of the Iseppi Group, measures such as tax breaks could be an excellent incentive for adopting Corporate Social Responsibility protocols (IT01EMP). Other interviewees, however, have underlined that a measure of this kind is quite arguable (IT03EMP, IT06EOR, IT07EOR, IT09EOR, IT10EOR), since it would mean to pass the idea that «the rights are convertible into cash» (IT09EOR), the rules may also not be applied and that the company that respects the law is worthy of being rewarded, when in fact it has only done its duty (IT07EOR, IT20LI). The representative of an entrepreneurial association has also underlined that: «the agricultural sector is already widely incentivized (...) within the rural development plan there already exist measures that, although not related to tax relieves, incentivize the companies to insert standards related also to the quality of work (...) the possession of quality standards supplemental to the minimum requirements entitles to a higher score in the rankings that allows the access to EU funding system» (IT10EOR).

<sup>182</sup> With regard to inadequate inspections designed to prevent illegal activities on the part of agricultural enterprises, the quality manager of the Iseppi Group said: «If I have to be controversial, in these matters the State here is absent (...) in agricultural enterprises you always hear them say: 'We've never seen them, they've never come to check'. Everything is left to the enterprise's autonomous decisions, so if the company has the intelligence to understand it, if it has the know-how, it does it. Otherwise that one time every five years if somebody arrives for an inspection all hell breaks loose» (IT01EMP). Even the HR manager of Apofruit, the representative of Mazzoni company and a labour inspector pointed out that the surveillance activity is very poor and that many small companies prefer not to get their documents in order, knowing that the risk of a control is very low (IT03EMP, IT04EMP, IT21LI).

<sup>183</sup> INEA, *Percorsi di responsabilità sociale nei rapporti di filiera*, op. cit., p. 91. This information was also confirmed by the interview with the quality manager of the Iseppi Group.

<sup>184</sup> In some cases Coop Italia has put pressures on the enterprises that produce products not of Coop brand in order to adopt behaviours that respect workers' rights (IT02EMP).

production chain. According to what is reported in the Corporate Annual Report of 2012: «This field has experienced some improvements also in the productions that are more at risk: for example, in the case of Calabrian supply chain of clementines, progresses have been made in complying with security norms. Despite everything, however, there still remain some critical situations, sometimes also particularly serious: in a couple of companies in the tomato supply chain there have been found some unacceptable episodes of “gangmaster system”. In both cases Coop Italia has asked and obtained the suspension of the supply. Moreover, since 2011 Coop Italia has asked to all suppliers of the products Coop to send, on annual basis, the anti-mafia certificate attesting the non-existence of reasons for prohibition or suspension of the activity within the meaning of the Law 575/1965 and subsequent amendments. The totality of suppliers of Coop brand based in Italy responded positively to the invitation, sending the required certifications»<sup>185</sup>.

### *Certifications adopted in Italy*

Some Italian firms have adopted both international certifications and certifications issued by bodies operating exclusively at the national level as Corporate Social Responsibility instruments. In both cases companies must meet requirements which are related more to protection against labour exploitation than to human trafficking *per se*.

International certifications in Italy include SA8000 and the GRASP Module<sup>186</sup>. National certifications used are: “Valore Sociale”, “Marchio Qualità Lavoro”, “Bilancio Sociale” and “Codice Etico Aziendale”.

The SA8000 standard is particularly common in Italy, thanks in part to incentives provided by a number of regions, such as Tuscany, which subsidises 50% of the costs borne by enterprises to obtain the certification<sup>187</sup>. Statistics on certification in 2011 continue to place Italy among the leading countries and the most recent certification trends confirm a constant increase in the number of SA8000 certification in Italy, with an increase of 9.5% between 2011 and 2012<sup>188</sup>.

The GRASP Module is less common, having been introduced more recently. Under the Italian interpretation, «The enterprise shall ensure that the self-declaration is understood by all workers. If there are people who do not speak Italian correctly or have difficulty understanding Italian (e.g. foreign or illiterate workers), the enterprise must produce a copy of the self-declaration translated into a language understood by the workers (e.g. Indians - English) or in any case help them to understand it and its contents»<sup>189</sup>.

The “Valore Sociale” quality mark was proposed in 2007. Enterprises ascertained to have been directly or indirectly involved in violations of the rights of female and male workers are explicitly barred from obtaining the quality mark. “Valore Sociale” is based on compliance with «regional, national, European and international legislation, with applicable regulations and current practices in the matter of human rights, [the organisation] must neither be involved in nor profit from crimes against human beings [...] from activities which violate or which may lead to violations of human rights»<sup>190</sup>. “Valore Sociale” has extended the definition of protection and prevention of exploited labour, stating that only enterprises which

<sup>185</sup> Coop Adriatica, *Bilancio Sociale 2012*, 2012, available at: [www.e-coop.it/documents/11812/58755/Bilancio+di+sostenibilit%C3%A0%202012/7c9882a4-179d-40b3-9a54-2f83f04bb4da](http://www.e-coop.it/documents/11812/58755/Bilancio+di+sostenibilit%C3%A0%202012/7c9882a4-179d-40b3-9a54-2f83f04bb4da) (15.07.2013), p. 81.

<sup>186</sup> GRASP is a voluntary module which focuses on evaluating social risks in agricultural enterprises. It is based on and completes the chapter regarding worker health and safety contained in the GLOBALG.A.P. standard.

<sup>187</sup> Cisl, *Responsabilità sociale d'impresa e sindacato*, first training course module, 2004, p. 7, available at: [www.centrostudi.cisl.it/Public/Upload/file/pdf/Atti%20Seminari/Responsabilit%C3%A0%20Sociale%20Impres a.pdf](http://www.centrostudi.cisl.it/Public/Upload/file/pdf/Atti%20Seminari/Responsabilit%C3%A0%20Sociale%20Impres a.pdf) (13.5.2013).

<sup>188</sup> Social Accountability International, *2011 Annual Report*, available at: [www.sa-intl.org/index.cfm?fuseaction=Page.ViewPage&PageID=1419](http://www.sa-intl.org/index.cfm?fuseaction=Page.ViewPage&PageID=1419) (13.04.2013).

<sup>189</sup> TÜV SÜD group, *GLOBALG.A.P. Risk Assessment on Social Practice (GRASP). Modulo GRASP – Interpretazione per l'Italia*, 2011, p. 2, available at: [www.globalgap.org](http://www.globalgap.org) (13.04.2013).

refuse to employ «forced or compulsory labour» and all «other contemporary forms of slavery». The same attention to compliance with the founding principles of “Valore Sociale” is required throughout the whole supply chain, and in commercial relations channels which guarantee compliance with these values are favoured<sup>191</sup>.

“Qualità Lavoro” is an ethical and social quality mark introduced in 2007 by the trade union UILA and the employers’ association AIAB. It is targeted at organic agricultural enterprises which assume the responsibility of complying with ILO values<sup>192</sup>. The promoters of the initiative «shall also undertake to demand reward mechanisms, on the social security and taxation front, for those firms which choose to engage in processes aimed at placing value on labour and bringing to light the avoidance of social security contributions»<sup>193</sup>.

Social Accountability Reports or Sustainability Reports are voluntary reporting tools which provide information on the social, economic and environmental performance of a firm which are usually not found in economic and financial reports. They are drawn up in accordance with Global Reporting Initiative (GRI) standards, strongly backed by the UN Environment Programme, which refers to international regulations concerning human and labour rights<sup>194</sup>.

The Company Code of Ethics, the other face of Social Accountability, sets out the ethical and social responsibilities with which the company has chosen to comply. Its purpose for enterprises is to prevent irresponsible or illegal conduct of the part of managers, employees and suppliers. In addition, it provides for internal penalties for violations of the Code of Ethics<sup>195</sup>.

## 4.2 Preventive measures taken by employers’ organisations in agriculture

The main employers’ organisations in Italy promote awareness of Corporate Social Responsibility among their own members mainly through their own training institutions. These institutions organise *ad hoc* courses and seminars, update employees of the organisations and provide online self-learning courses. In some cases these initiatives are organised jointly with employers’ organisations in other categories, such as Confartigianato, Confindustria and Confcommercio. The main initiatives implemented by individual organisations are analysed below.

CIA takes its stand against severe labour exploitation by urging enterprises to join the associations, as the advisory services which they provide enable them «not to incur – even in good faith – serious violations of labour law»<sup>196</sup>. In 2011 it published its sixth report on safety and legality in agriculture, with the aim of raising awareness of the phenomenon of the infiltration of the different levels of the agri-food supply chain by organised crime. In this analysis of the agro-mafia phenomenon, CIA included human trafficking among Mafia-related crime<sup>197</sup>. Of CIA’s various collaborations, mention should be made of the following two: with the National Anti-Mafia Directorate, which since 2003 has operated a specific service for combating crime in the countryside; the collaboration with “Associazione Libera, nomi e numeri contro le mafie”, which manages land confiscated from Mafia organisations.

---

<sup>190</sup> Cf. *Standard Valore Sociale*, pp. 6-9, available at: [www.respet.info/files/documenti/altro/Std\\_Gen\\_VS\\_Ed00\\_Rev00.pdf](http://www.respet.info/files/documenti/altro/Std_Gen_VS_Ed00_Rev00.pdf) (13.04.2013)

<sup>191</sup> Cf. *Standard Valore Sociale*, p. 13, available at: [www.respet.info/files/documenti/altro/Std\\_Gen\\_VS\\_Ed00\\_Rev00.pdf](http://www.respet.info/files/documenti/altro/Std_Gen_VS_Ed00_Rev00.pdf) (13.04.2013).

<sup>192</sup> See the association’s website at [www.aiab.it](http://www.aiab.it).

<sup>193</sup> UILA AIAB, *Accordo per il riconoscimento del marchio “Qualità Lavoro” per aziende agricole biologiche*, p.1, available at: [www.uila.it/Notizie/accordo%20UILA-AIAB%20marchio.doc](http://www.uila.it/Notizie/accordo%20UILA-AIAB%20marchio.doc) (13.04.2013).

<sup>194</sup> Cf. [www.unep.org](http://www.unep.org) (13.04.2013).

<sup>195</sup> See the website [www.bilanciosociale.it](http://www.bilanciosociale.it) under Codice Etico (Code of Ethics) (13.04.2013).

<sup>196</sup> CIA, *Cittadino agricoltore in sicurezza*, op. cit., p. 58.

<sup>197</sup> CIA, *Cittadino agricoltore in sicurezza*, op. cit., p. 27.



The purpose of the collaboration protocol signed with Libera is to provide assistance for young people's social cooperatives in their specific agricultural activity, to identify new forms of collaboration in order to increase levels of legality and safety in the world of the countryside, and to call for initiatives designed to educate school and university students with regard to legality<sup>198</sup>.

AIAB promotes environmental and social sustainability and is committed to promoting Social Agriculture<sup>199</sup>, which is characterised by the placement or therapeutic recovery of socially vulnerable, disadvantaged individuals. Through CeFAB it organises courses on general legislation and the basic scientific techniques of organic farming and encourages the adoption of practices focused on CSR through the mark "Qualità Lavoro" (cfr. 4.1)<sup>200</sup>. It collaborates with the international movement Via Campesina, which is inspired by sustainable, socially fair production and consumption models<sup>201</sup>. AIAB is the entrepreneurial organisation which engaged mostly in reporting serious labour exploitation of immigrants, both through campaigns addressed to its members and to wider community, and through the action of its member companies, which in many areas are an example of legality (IT08EOR)<sup>202</sup>. It has also carried out initiatives aimed at recognizing immigrant workers' rights: it joined immigrant workers in the strike of March 1<sup>st</sup> 2010 and it actively took part, close to trade unions and NGOs, in the campaigns of pressure on the Government in order to adopt the Directive 52/2009<sup>203</sup>.

Confagricoltura has adopted a Code of Ethics<sup>204</sup>. The document sets out its commitment to guaranteeing working conditions which respect individual dignity, free from discriminatory or prejudicial behaviour against the individual, including acts of psychological violence. In its contracts with its own suppliers, Confagricoltura includes a termination clause in the event of serious or repeated violations of the principles contained in its Code of Ethics. It also provides for a Supervisory Committee to which any employee who believes that he/she has been discriminated against on the grounds of age, sex, sexual preference, race, nationality, state of health, political views or religious beliefs. This committee has also the task of «fostering and monitoring knowledge and the implementation of the Code of Ethics inside and outside the organisation»<sup>205</sup>. In the section on criminal association (2.9) it explicitly prohibits criminal association for the purpose of undocumented immigration. ENAPRA<sup>206</sup>, which was founded by Confagricoltura in 1959 and has regional centres throughout Italy, offers courses, including a number of courses regarding occupational safety for all those who work in the agricultural sector (business owners, technicians, professionals, trainers, teachers, etc.).

Coldiretti, with its one and a half million members, is the main organisation of agricultural enterprises owners in Italy and Europe<sup>207</sup>. INIPA<sup>208</sup> is the institute to which Coldiretti refers both for training and for its own Code of Ethics, focusing on principles of business

<sup>198</sup> CIA, *Cittadino agricoltore in sicurezza*, op. cit., p. 97.

<sup>199</sup> For example through the AIAB project entitled "Compro bio. Compro etico. Promozione e marketing dei prodotti della bio agricoltura sociale per un consumo responsabile" ("I buy organic. I buy ethical. Promoting and marketing of organic social farming").

<sup>200</sup> Cf. [www.aiab.it/index.php?option=com\\_content&view=category&layout=blog&id=128&Itemid=256](http://www.aiab.it/index.php?option=com_content&view=category&layout=blog&id=128&Itemid=256).

<sup>201</sup> One of the most important initiatives is its participation in the International Day of Peasants' Struggles, on 17 April.

<sup>202</sup> During the interview it has emerged that some of AIAB's associated companies «have been subjected to attacks, especially in the areas where Camorra is rooted», as «they were engaged in the front line against the existing situation of exploitation» (IT08EOR).

<sup>203</sup> See [www.aiab.it/index.php?option=com\\_content&view=article&id=497:bionews-25-febbraio-n-11&catid=122:bionews&Itemid=239](http://www.aiab.it/index.php?option=com_content&view=article&id=497:bionews-25-febbraio-n-11&catid=122:bionews&Itemid=239) (13.07.2013).

<sup>204</sup> CGAI, *Codice Etico*, 2010, available at: [www.confagricoltura.it/ita/confagricoltura/codice-etico-di-confagricoltura\\_44.php](http://www.confagricoltura.it/ita/confagricoltura/codice-etico-di-confagricoltura_44.php) (13.04.2013).

<sup>205</sup> CGAI, *Codice Etico*, 2010, p. 14.

<sup>206</sup> Cf. [www.enapra.it/enapra/tabid/74/Default.aspx](http://www.enapra.it/enapra/tabid/74/Default.aspx) (13.04.2013).

<sup>207</sup> Cf. [www2.coldiretti.it/chisiamo/Pagine/default.aspx](http://www2.coldiretti.it/chisiamo/Pagine/default.aspx) (13.04.2013).

transparency and workers' welfare. The document makes provision for expulsion from the organisation as punishment for members who do not comply with its regulations<sup>209</sup>.

UCI is an association representing the agricultural sector which protects farmers, large and small agricultural enterprises and producers' associations. It is based on values of solidarity, cooperation and respect for the balance between society and nature<sup>210</sup>.

Copagri<sup>211</sup>, a coordinating body for professional organisations, lists among the urgent measures to adopt in the fruit and vegetable growing industry the need to avoid unfair competition measures, with explicit reference to the cost of labour<sup>212</sup>.

Agrinsieme, founded in 2013, is a new organisation which groups together enterprises and cooperatives belonging to CIA, Confagricoltura and Alleanza delle cooperative italiane (Alliance of Italian Cooperatives, which in turn includes AGCI-Agrital, FEDAGRI-Confcooperative and Legacoop Agroalimentare). Its stated goals include spreading tools for cooperation between the various stakeholders in the agri-food, agro-industrial and retail supply chains<sup>213</sup>. It will be interesting to observe how this new actor tackles the issue of Corporate Social Responsibility, specifically in relation to whether it adopts measures to prevent human trafficking for labour purposes and what these measures will be.

Beyond the different level of awareness shown by various associations, it should be noted that even within the individual associations there are different levels of awareness. The interventions listed above involves in fact only the national branches of different entrepreneurial organisations. In some cases, at regional and provincial level we have revealed instead a lack of attention towards severe labour exploitation. During the interviews some representatives of entrepreneurial organisations have declared the non-involvement in this phenomenon of their own section members (IT05EOR, IT06EOR, IT07EOR), reducing its meaning in a phenomenon of «unfair competition» (IT07EOR) and highlighting that the agricultural labour relation presents a factor of closeness between the employer and the employee, implying as well that in this resides a guarantee of protection from exploitation (IT06EOR)<sup>214</sup>.

### 4.3 Preventive measures taken by trade unions

Trade unions act on several levels to combat severe labour exploitation. The main channel through which they act is the national collective bargaining. Nevertheless, trade union action in this area is essentially precluded by several factors: 1) severely exploited workers are largely in the underground economy; 2) the extreme fragmentation of agricultural production and the small size of most agricultural enterprises, making them difficult for union action to reach; 3) a certain slowness of trade unions to take action in the areas of highest risk; 4) the lack of effectiveness of union action in the face of a system of exploitation which indirectly

---

<sup>208</sup> Inipa is «a non-profit organisation, speaking up for values connected with the advancement of the individual and the enterprise in the agri-food sphere». Cf. [www.coldiretti.it/organismi/INIPA/area%20formazione/inipa\\_chisiamo.asp](http://www.coldiretti.it/organismi/INIPA/area%20formazione/inipa_chisiamo.asp) (13.04.2013).

<sup>209</sup> Coldiretti, *Codice Etico*, Inipa, Roma, 2008.

<sup>210</sup> See [www.uci.it](http://www.uci.it) (13.04.2013).

<sup>211</sup> Copagri was established as a coordinating agency for professional organisations in 1991, becoming a confederation in 1995. See the Copagri website at [www.copagri.it](http://www.copagri.it).

<sup>212</sup> Cf. [www.copagri.it/public/documentazione/doc20110803175513.pdf](http://www.copagri.it/public/documentazione/doc20110803175513.pdf).

<sup>213</sup> Cf. <http://agronotizie.imagelinenetwork.com/agricoltura-economia-politica/2013/01/10/agrinsieme-per-multi-ma-non-per-tutti/17119>.

<sup>214</sup> «Normally, the relationship between employer and employee is a quite relaxed and calm relationship also because of a closeness, the wage earner shares the manual work with the employer (...) then I think that in the middle there can also exist situations of exploitation» (IT06EOR).

uses the State's support though restrictive immigration policies and a lack of commitment to fight the underground economy.

The urgent need to tackle these difficulties – made even greater by the deteriorating of the working conditions in agriculture – has meant that unions' action has become broader. For example: 1) a campaign which led the Government to introduce specific criminal laws against illicit labour intermediation based on the exploitation of labour (cf. Section 2.1.2); 2) a number of information and awareness-raising campaigns concerning the conditions of immigrant labourers; 3) stepping up monitoring activities conducted by union representatives at plant-level; 4) launching projects to support severely exploited workers in collaboration with associations, NGOs and local institutions<sup>215</sup>.

The “Stop caporalato” campaign, which was launched in 2011 by FLAI GCIL and FILLEA CGIL<sup>216</sup>, was of crucial importance in bringing about the introduction of Article 12 of Decree Law No. 138/2011, which has made the illicit labour intermediation a criminal offence; the campaign also constituted a significant moment of pressure on the Government, leading to the transposition of European Directive No. 52/2009 with Legislative Decree No. 109/2012 (the “Rosarno Law”). The campaign developed through initiatives across Italy, particularly in regions where the phenomenon of the undeclared work is most deeply rooted, through «demonstrations, assemblies with workers, campers, stands, media campaigns, a presence at the “mercati delle braccia” (labourer markets) with the involvement of local institutions and all associations committed in various capacities to defending workers and immigrant citizens»<sup>217</sup>.

Monitoring activities by union representatives have been intensified through two specific projects: “Camper dei diritti” and “Oro rosso”. The “Camper dei diritti” (“Camper for rights”) project was launched in 2007 by FLAI CGIL, inspired by the idea of the street clinics held by Medici Senza Frontiere (cf. Section 4.5). Through this form of “outreach union activity”, FLAI CGIL sought to meet immigrant labourers in the areas most affected by cases of severe labour exploitation, reaching them in gathering places such as squares, pubs and neighbourhoods with a high immigrant presence. The purpose of these actions is to inform immigrant workers about their rights through leaflets in several languages and providing protection in contractual, social security, legal and health issues<sup>218</sup>.

The campaign “Oro rosso – Dal reality alla realtà”, launched in 2009 by FLAI CGIL and CGIL, established a presence of trade union representatives in the Puglia countryside. From 2-12 August 2009, 40 trade unionists came from all Italian regions and 40 trade unionists from the Puglia region visited the fields daily in order to conduct «an action to protect and inform workers about their rights»<sup>219</sup>.

In 2013 FLAI CGIL, in collaboration with CGIL, launched the campaign “No piazza degli schiavi – Un altro mercato del lavoro in agricoltura è possibile”. The main claims of this campaign were related to the creation of a new working plan which would provide for: 1) the establishment of «an institutional coordination in public bodies – local municipalities, INPS (the National Social Security Institute) and Job Centres for managing employment placement, through an effective placement (employment and re-employment) programme regulating

---

<sup>215</sup> This section presents the European project which grew out of the partnership between the Barilla Group, FAI CISL, FGA CFDT France and EFFAT. Cases of cooperation between unions and third-sector organisations are presented in Section 4.5.

<sup>216</sup> FLAI CGIL and FILLEA CGIL are the categories which represent, respectively, workers in the agro-industrial sector and construction workers unionised by CGIL, Italy's largest trade union.

<sup>217</sup> Cf. [www.stopcaporalato.it](http://www.stopcaporalato.it) (13.04.2013).

<sup>218</sup> Cf. [www.cgilcaserta.it/news/55-camper-dei-diritti.html](http://www.cgilcaserta.it/news/55-camper-dei-diritti.html), <http://camperdeidiritti.wordpress.com/il-camper/> (13.04.2013).

<sup>219</sup> Cf. [www.cgil.it/DettaglioDocumento.aspx?ID=12171](http://www.cgil.it/DettaglioDocumento.aspx?ID=12171) (13.04.2013).

labour supply and demand, also with regard to problems for immigrant workers; 2) an efficient, integrated, flexible transport service for workers to be established at the regional level; 3) a reward mechanism (funding, tax exemption for social security benefits and tax relief) for enterprises who employ them»<sup>220</sup>.

Finally, FLAI CGIL has recently signed an agreement with the Tunisian UGTT trade union to provide protection to the Tunisian workers who immigrate to Italy to work in the agricultural sector. Five information points will be opened, of which two in Tunisia and three in Campania, the Italian region that records the largest number of Tunisian labourers.

With regard to activities in collaboration with other social actors, we would mention the European project “Responsabilità sociale d’impresa. Strumento d’innovazione e competitività dell’industria alimentare” (“Corporate Social Responsibility as a tool for innovation and competitiveness in the food industry”), in which the Barilla Group, FAI CISL, FGA CFDT France and EFFAT took part. During this project, at the specific request of worker members of the Barilla EWC<sup>221</sup>, FAI CISL<sup>222</sup> organised a training course on Corporate Social Responsibility applied to the food industry and to company culture. The aim of the project was to «improve information and consultation within the Barilla Group, by developing the skills of EWC delegates, in order to understand the strategies of a leading company in sustainability (...) The training was devised to provide them with skills to increase their capacity to manage sustainability and CSR policies as a tool for business and social cohesion»<sup>223</sup>.

#### 4.4 Preventive measures taken by labour inspectors

According to the literature and our interviews it emerges that there are no policies for inspection bodies which are geared in preventing and combating trafficking for the purpose of severe labour exploitation.

The action of labour inspectors is concerned, instead, with policies to combat undeclared work and the underground economy, the application of which – if it occurred in a systematic manner and were sustained by adequate funding, as was underlined during the interviews – might have a positive effect on preventing trafficking for labour exploitation purposes.

The importance of actions to fight the underground economy is also acknowledged in the Guidelines of the Directorate-General for Inspection Activities of the Ministry of Labour and Social Policies: «The definition of a targeted, comprehensive strategy is, therefore, essential if undeclared work has to be opposed effectively: indeed, this is the main sector in which inspection activities are conducted, specifically, to curb tax evasion and social security avoidance, to guarantee the protection of workers’ occupational health and safety as well as prevent frequent recourse to undeclared immigrant labour. The use of undocumented immigrants to perform undeclared work, in particular, often reveals itself to be an authentic survival strategy and is a matter of permanent attention also at European level. People concerned are particularly vulnerable as they have violated immigration regulations and so if the authorities intervene they risk being repatriated: this condition of need creates a state of

<sup>220</sup> CGIL, *Lavoro agricolo: FLAI CGIL, un collocamento pubblico contro l’illegalità*, press release, 21.02.2013.

<sup>221</sup> The European Work Council of Barilla, one of the largest Italian multinationals in the agro-industrial sector, was established in 2000. It is made up of 21 workers’ representatives: 9 from Italy, 5 from Germany, 3 from France, 1 from Greece and 3 from Sweden. 15 of them are Barilla employees and 6 are union representatives. Cf. FAI CISL, *Responsabilità sociale d’impresa. Corso di formazione per i lavoratori del CAE del gruppo Barilla*, op. cit., p. 3.

<sup>222</sup> FAI CISL is the federation for the agro-industrial sector of CISL, Italy’s second-largest trade union in terms of member numbers.

<sup>223</sup> Cf. FAI CISL, *Responsabilità sociale d’impresa*, op. cit., p. 25.

subjection such that undocumented immigrants can be employed in conditions which would not be accepted by other workers so easily»<sup>224</sup>.

Within the scope of this intervention, relevance should be given to the action performed by the aforementioned Directorate-General for Inspection Activities of the Ministry of Labour and Social Policies and, at the local level, by CARIL, two bodies introduced following approval of Legislative Decree No. 124/2004 “On the rationalisation of inspection duties related to social security and labour”. The Directorate-General for Inspection Activities is responsible for steering, planning and monitoring the inspection activities of the peripheral bodies of the Ministry, including action to combat severe labour exploitation, while CARIL coordinates Regional and Provincial Labour Directorates and Local Health Authorities in relation to inspections, particularly in the construction sector.

At the provincial level, at the Local Labour Departments, the CLES<sup>225</sup> operate. They are bodies made up of 16 members appointed by the Prefect<sup>226</sup> whose task is to evaluate the regularisation plans submitted by individual firms and make any modifications necessary for the purpose of full regularisation.

At the operational level, a particularly useful instrument for identifying cases of irregularly-hired labour is the DURC, introduced by Law No. 266/2002. Companies are obliged to produce this document in order to certify that social security contributions have been regularly paid, in accordance with legislative and contractual obligations, to INPS, INAIL and the Construction Workers’ Fund. Initially, only construction firms awarded public works or services contracts were asked to provide the DURC; it was subsequently made compulsory also for private-sector contracts by Legislative Decree No. 276/2003.

It should be noted as well the establishment by INPS of a specific task force of inspectors contrasting the frauds relative to fictitious registration of labourers in agriculture, in particular in the Southern regions<sup>227</sup> (cf. 3.2). This activity, although not directly aimed at combating the labour exploitation, allows however the inspection bodies to intercept this phenomenon and to initiate enforcement actions in collaboration with the competent authorities (IT21LI).

With regard to the training of staff of inspection bodies, no specific provisions exist in relation to severe labour exploitation. However, in the occasion of introduction of new rules concerning offences related to serious labour exploitation (Article 12 of Decree Law No. 138/2011 and the Legislative Decree No. 109/2012, which implemented the Sanction Directive), training workshops were organized in order to deal with this phenomenon (IT21LI). Then, should be mentioned other temporary experiences, limited to individual sectors of inspection bodies or to individual regions, which may be replicated on a broader scale. One of these derives from the “Cooperation agreement between Provincial Commands of the Finance Police and Provincial Labour Departments on combating crime connected with labour exploitation and irregular hiring of workers”, which concerns the development of specific training for military personnel of the Finance Police in labour and social security issues<sup>228</sup>.

---

<sup>224</sup> Cf. Direzione generale per l’Attività Ispettiva del Ministero del Lavoro e delle Politiche Sociali, *Linea guida del Ministero del Lavoro e delle Politiche Sociali. Documento di programmazione dell’attività di vigilanza per l’anno 2013*, Ministero del Lavoro e delle Politiche Sociali, Roma, 2013.

<sup>225</sup> The CLES committees were instituted in accordance with Decree Law No. 210/2002, converted into law by Law No. 266/2002.

<sup>226</sup> Eight are appointed by trade unions and the most representative employers’ associations, while eight are appointed by the Ministry of Labour and Social Policies, the Ministry of the Environment, INPS, INAIL, the Local Health Authority, the Municipal and Regional Government and the Prefecture.

<sup>227</sup> Cf. INPS, *Rapporto annuale 2009*, INPS, Roma, 2009, available at: [www.inps.it/docallegati/mig/doc/informazione/rapporto\\_annuale/inps\\_rappannuale09.pdf](http://www.inps.it/docallegati/mig/doc/informazione/rapporto_annuale/inps_rappannuale09.pdf) (15.07.2013), pp. 87-94.

<sup>228</sup> Cf. Direzione generale per l’Attività Ispettiva del Ministero del Lavoro e delle Politiche Sociali, Comando Generale della Guardia di Finanza, *Convenzione per la cooperazione fra comandi provinciali della Guardia di*

Another experience stems from the 2008-2009 FREED project which offered a number of training seminars designed to «improve practical inspection skills in order to monitor workplaces where there is greater likelihood of encountering human trafficking victims» and the creation of a «sustainable national network incorporating public administration, local social services, trade unions, local labour inspectorates, NGOs, specialised police forces and the judiciary bodies, with the aim of drawing up shared indicators for identifying victims of trafficking and exploitation and implementing social protection measures targeted specifically for victims of forced labour»<sup>229</sup>.

It is also reported the experience of the Cooperativa Lotta contro l'Emarginazione, in the Lombardy region, on projects related to the art. 18 (cf. 2.1.2). This NGO, within the limits of the protocol with the local institutions, has organized training courses for labour inspectors, trade unionists, doctors and emergency nurses, aimed at providing all the necessary tools to detect cases of trafficking and giving intervention in support of the victims. It also collaborates with the Public Prosecutor's office of Milan, where it has been established a crown prosecution office exclusively dealing with cases of severe labour exploitation (IT16NGO).

#### 4.5 Preventive measures taken by non-governmental organisations

Italian NGOs have implemented many different projects and initiatives in support of severely exploited immigrant workers. The main areas of action are: legal aid in obtaining residence permits issued for humanitarian protection, political asylum or employment purposes; health and access to health services; guidance and assistance in seeking employment and accommodation; legal advice; meals and clothes distribution; shelter services; psychological support for female victims of human trafficking; Italian language courses; promotion of immigrants' associations and civic participation and information campaigns targeted at citizens<sup>230</sup>.

In addition to the concrete content of the measures, two types of project and initiative can be distinguished:

a) a relatively small core of measures providing for specific assistance and social/employment re-integration programmes targeted at severely exploited workers, coming under the category of projects financed using funding provided for by national anti-trafficking legislation (under

---

*Finanza e Direzioni provinciali del lavoro nel contrasto ai fenomeni di criminalità connessi allo sfruttamento del lavoro e all'occupazione illegale di lavoratori*, Ministero del Lavoro e delle Politiche Sociali, Prot. 25/SEGR/0018228/MA008.A001, 26.10.2010, available at: [www.cnel.it/application/xmanager/projects/cnel/attachments/shadow\\_documentazioni\\_attachment/file\\_allegatos/000/144/060/convenzione8novembre2010.pdf](http://www.cnel.it/application/xmanager/projects/cnel/attachments/shadow_documentazioni_attachment/file_allegatos/000/144/060/convenzione8novembre2010.pdf) (12.05.2013).

<sup>229</sup> The FREED project, coordinated by the Department for Equal Opportunities, involved a broad group of partners, including the ILO, Romania's National Agency against Trafficking in Persons, Poland's National Labour Inspectorate, Portugal's General Labour Inspectorate, and in Italy: the Directorate-General for Inspection Activities, CNEL, the General Command of the Carabinieri - International Cooperation Department; the CGIL, CISL, UIL, UGL SEI trade unions; the Province of Genoa, the Province of Lecce, the Municipality of Venice; and the following associations and cooperatives: Cooperativa Sociale Dedalus, Donne In Movimento, Cooperativa Lotta contro l'emarginazione, Associazione On the Road and Associazione Parsec. Cf. Dipartimento per le Pari Opportunità, *Azione transnazionale ed intersettoriale per il contrasto della tratta a scopo di grave sfruttamento lavorativo. Identificazione e assistenza delle vittime – FREED*, Project presentation, available at: [www.lavoro.gov.it/NR/rdonlyres/9B956EEE-4D03-45B5-89C9-A82777956DAB/0/FREED\\_IT\\_A.pdf](http://www.lavoro.gov.it/NR/rdonlyres/9B956EEE-4D03-45B5-89C9-A82777956DAB/0/FREED_IT_A.pdf) (13.05.2013).

<sup>230</sup> A list of actions by NGOs and trade unions to monitor services aimed at immigrant workers in the regions of Campania, Puglia and Sicily has been compiled by the International Organisation for Migration and published in Oim, "Stagione amara". *Rapporto sul sistema di ingresso per lavoro stagionale e sulle condizioni dei migranti impiegati in agricoltura in Campania, Sicilia e Puglia*, Oim, Roma, 2010.

Article 18 of the Consolidated Law on Immigration and Article 13 of Law No. 228/2003, as described in Section 2.1.2)<sup>231</sup>;

b) a very large number of measures deriving from services provided by NGOs and the third sector in general which do not make provisions for specific forms of support in cases of severe labour exploitation yet which may be useful for the regularisation and stabilisation (such as services for the immigrant population as a whole) or at least alleviating situations of severe deprivation and poverty (such as services for the most marginalised sectors of both the autochthonous and immigrant population).

Measures stemming from anti-trafficking legislation are included in projects targeting various forms of trafficking and exploitation and are therefore generally non-specific; they are mainly local in scope and their duration is linked to projects financed by the Department for Equal Opportunities through annual application procedures and by local authorities. They almost always involve various local actors (the Province, the Municipal Administration, voluntary associations, third-sector cooperatives, health services) and agreements with institutions such as the Region, the Police, the Prefecture, the Unions, Hospitals or the Finance Police. At the organisational level two types of measures can be distinguished: the first implies that the local authority manages and implements the programme with the collaboration of non-profit organisations as providers of specific services (acceptance, training, etc.) and the second implies that the non-profit organisation implements the programme and the local authority is responsible for the monitoring activities and the assessment. As a general rule these measures are marked by a multi-agency assistance relationship, for placing workers on individual protection programmes which usually involves most of the following aspects: information about legislation about assistance and protection; legal support and regularisation (residence permit, national health card and employment record card); placement in sheltered housing or shelters; support services; health care; psychological and relational support; drawing up a programme for social and employment inclusion, access to vocational training courses and Italian language training<sup>232</sup>.

Regarding measures which are not included among projects funded by specific policies in support of human trafficking victims, the best known are those in the health area. One of the most active organisations in this area, beside Medici Senza Frontiere (see Section 1.2.6), is Emergency: since 2011 it has been working with mobile clinics in the countryside of the Basilicata, Calabria, Campania, Puglia and Sicily regions and has performed over 11,000 free medical check-ups<sup>233</sup>. In some cases these measures are implemented as part of projects agreed with Local Health Authorities, with patients requiring specialist medical examinations

---

<sup>231</sup> Carchedi F. (ed.), *Schiavitù di ritorno*, op. cit.; Ciarrocchi R. A., Minguzzi P., *Sfruttamento lavorativo e nuove migrazioni*, FrancoAngeli, Milano, 2008; Cillo R., Perocco F., *Lavoro forzato e immigrati in Italia*, op. cit.; Oliva D. (ed.), *La tratta di persone in Italia. La valutazione delle politiche, degli interventi, dei servizi*, FrancoAngeli, Milano, 2008; Prina F. (ed.), *La tratta di persone in Italia. Il sistema degli interventi a favore delle vittime*, FrancoAngeli, Milano, 2007.

<sup>232</sup> Over the past decades an extensive network of social services provided by public and non-profit organisations has formed in Italy in the area of drug addictions severe marginalisation and social exclusion, which has achieved significant results in supporting people in need and in methods of social work. Out of this experience during the 2000s an integrated system of policies and measures for victims of trafficking for sexual exploitation purposes – characterised by: the taking of individuals into protection, provision of assistance and protection, actions for social and labour inclusion and employment, an approach of social work network, and welfare mix – has arisen which has begun to broaden its scope thanks to the innovations introduced by national calls of the Department for Equal Opportunities. Actions and services supporting individuals involved in forced labour have largely adopted procedures used in the field of drug addition, sexual exploitation and street prostitution. Cf. Perocco F., Cillo R., *Il lavoro forzato tra gli immigrati*, op. cit.

<sup>233</sup> Cf. [www.emergency.it](http://www.emergency.it) (10.04.2013).

or treatment being sent to their healthcare facilities. In addition to this innovative experience, “stable” clinics are run by other NGOs, such as the Caritas centres in Castelvoturno (Campania) and San Severo (Puglia).

In the housing area, other important projects include: “Villaggio della solidarietà” (Village of solidarity) in Parete (Campania) promoted by ARCI Caserta, the Chamber of Labour of CGIL in Caserta, SPI CGIL, the association “Nero e non solo!”, the Mosque of San Marcellino and the Municipality of Parete. The “Villaggio della solidarietà” has started after that ARCI received reports concerning serious housing and living conditions that immigrant workers employed in the farmlands of Parete have been going through. In addition to meal services, the project also provides information services concerning regularisation and medical and legal assistance, with a shelter service provided in public buildings during the summer. It also considers the organisations of some recreational activities with local associations (for example soccer matches) in order to promote the socialization with the native-born population and therefore a greater integration (IT17NGO).

In the area of employment, it should be mentioned the project made by “Terra di Lavoro e Dignità” promoted by ARCI Caserta, the Chamber of Labour of CGIL in Caserta, SPI CGIL and the association “Nero e non solo!”. This project, which began in 2011, has launched an agricultural enterprise on land confiscated to the Camorra, employing immigrant workers with legal employment contracts on permanent basis<sup>234</sup>.

In Calabria “Sos Rosarno”, Joint Purchasing Groups, the Associations Finis Terrae and Africalabria, the Brigade di Solidarietà Attiva (“Active Solidarity Brigades”) and FLAI CGIL have promoted the campaign “Ingaggiarmi contro il lavoro nero” targeting local producers to promote legal hiring of immigrant labourers<sup>235</sup>.

We should also cite the actions of Cooperativa Lotta contro Emarginazione, aimed at increasing knowledge and awareness about those issues among Italian people: meetings and public debates, involving cooperatives’ operators and judges; modules of specific trainings for students and university professors of the faculties of Law, which also involves people trafficked for severe labour exploitation; partnerships with immigrant associations, which provides for the distribution of information materials in foreign languages (IT16NGO).

---

<sup>234</sup> From the “Nero e non solo!” website: «The anti-Mafia camps and workshops are indissolubly linked to lands confiscated from organised crime are the natural consequence of the philosophy underlying their confiscation: returning assets to the community, making them alive, enlivening them for actions promoting democracy and social justice». Cf. [www.neroenonsolo.it](http://www.neroenonsolo.it) (10.04.2013).

<sup>235</sup> Pugliese E. (ed.), *Diritti violati*, op. cit., pp. 148-149.



## List of interviewees

<b>Employers/ companies</b>			<b>Interviewee</b>
	IT01EMP	Villafrut Srl	Quality Manager
	IT02EMP	Coop Italia	Social compliance responsible
	IT03EMP	Vivai Mazzoni SpA	Quality manager
	IT04EMP	Apofruit Italia soc. coop. Agricola	HR manager
<b>Employers organisations</b>			
	IT05EOR	CIA Veneto	President
	IT06EOR	CIA Lombardia	Member of Inac Patronage
	IT07EOR	Confagricoltura Veneto	President
	IT08EOR	AIAB Italia	“Social agriculture” responsible
	IT09EOR	AIAB Lombardia	Member of Regional committee
	IT10EOR	Confcooperative Brescia	Agriculture responsible
	IT11EOR	Copagri Brescia	President
<b>Trade Unions</b>			
	IT12TU	FLAI CGIL Cesena and Emilia-Romagna (Sector: Agriculture)	Regional secretary Provincial secretary
	IT13TU	FAI CISL Veneto (Sector: Agriculture)	Regional secretary
	IT14TU	FLAI CGIL Brescia (Sector: Agriculture)	Provincial secretary
<b>NGOs</b>			
	IT15NGO	Rumori Sinistri	Operator
	IT16NGO	Cooperativa Lotta contro l'Emarginazione	Project “Tratta” coordinator
	IT17NGO	ARCI Caserta	Operator
	IT18NGO	In Migrazione; Legambiente	Operator
	IT19NGO	Consiglio delle Associazioni Straniere di Verona	President
<b>Labour Inspectors</b>			
	IT20LI	INAIL Venezia	Labour inspector
	IT21LI	INPS Venezia	Labour inspector
	IT22LI	Ispettorato del Lavoro Brescia	Labour inspector

Interviews were conducted between April and July 2013.



## Bibliography

- Alba A., *Crisi, boom del lavoro a «cottimo». Raddoppiato l'uso dei «voucher». Preoccupati i sindacati*, "Corriere del Veneto", 24/06/2012.
- Amnesty International, "We wanted workers but we got humans instead": *Labour exploitation of agricultural migrant workers in Italy*, Amnesty International, London, 2012.
- ASGI, *Il manifesto ASGI per riformare la legislazione sull'immigrazione (2013)*, available at: [www.asgi.it](http://www.asgi.it) (10.04.2013).
- ASGI, *La tolleranza della schiavitù in Italia deve cessare*, press release, 09.01.2010, available at: [www.asgi.it](http://www.asgi.it), (10.04.2013).
- ASGI, *Osservazioni allo schema di Decreto Legislativo recante attuazione della Direttiva 2009/52/CE che introduce norme minime relative a sanzioni e a provvedimenti nei confronti di datori di lavoro che impiegano cittadini di paesi terzi il cui soggiorno è irregolare*, 2012, available at: [www.asgi.it](http://www.asgi.it) (10.04.2013).
- Basso P., Perocco F. (eds.), *Gli immigrati in Europa*, FrancoAngeli, Milano, 2003.
- Basso P., *L'immigrazione in Italia e in Europa: cause, caratteristiche, funzioni, prospettive*, in Zagato L. (ed.), *Introduzione ai diritti di cittadinanza*, Ed. Cafoscarina, Venezia, 2009, pp. 137-164.
- Basso P. (ed.), *Razzismo di stato*, FrancoAngeli, Milano, 2010.
- Berlan J.-P., *La longue histoire du modèle californien*, in Forum Civique Européen, *Le goût amer des non fruits et légumes. L'exploitation des migrants dans l'agriculture intensive en Europe*, Information et Commentaires, Limans, 2002, pp. 15-22.
- Bertazzon L., *Il lavoro in agricoltura: tra l'impiego di manodopera stagionale immigrata e il consolidamento del lavoro occasionale accessorio*, VenetoLavoro, Venezia, 2011.
- Borretti B., *Da Castel Volturno a Rosarno*, in Basso P. (ed.), *Razzismo di stato*, FrancoAngeli, Milano, 2010, pp. 493- 524.
- Botte A., *Mannaggia la miseria. Storie di braccianti stranieri e caporali nella Piana del Sele*, Ediesse, Roma, 2009.
- Carchedi F. (ed.), *Schiavitù di ritorno*, Maggioli, Santarcangelo di Romagna, 2010.
- Caritas/Migrantes, *Dossier statistico immigrazione 2012*, Idos, Roma, 2012.
- CGAI, *Codice Etico*, 2010, available at: [www.confagricoltura.it/ita/confagricoltura/codice-etico-di-confagricoltura\\_44.php](http://www.confagricoltura.it/ita/confagricoltura/codice-etico-di-confagricoltura_44.php) (13.04.2013).
- CGIL, *Lavoro agricolo: FLAI CGIL, un collocamento pubblico contro l'illegalità*, press release, 21.02.2013.
- CIA, *Cittadino agricoltore in sicurezza. Criminalità e sicurezza delle imprese agricole e dei cittadini*, CIA, Roma, 2011.
- Ciaperoni A., *Immigrate in agricoltura. Identikit, chi sono, da dove provengono, che cosa fanno*, "Bioagricoltura", 129, September/October 2011.

- Ciarrocchi R. A., Minguzzi P., *Sfruttamento lavorativo e nuove migrazioni*, FrancoAngeli, Milano, 2008.
- Cillo R., Perocco F., *Lavoro forzato e immigrati in Italia*, Cleup, Padova, 2012.
- Cisl, *Responsabilità sociale d'impresa e sindacato*, 2004, available at: [www.centrostudi.cisl.it/Public/UpLoad/file/pdf/Atti%20Seminari/Responsabilit%C3%A0%20Sociale%20Imp%20resa.pdf](http://www.centrostudi.cisl.it/Public/UpLoad/file/pdf/Atti%20Seminari/Responsabilit%C3%A0%20Sociale%20Imp%20resa.pdf) (13.5.2013).
- Ciuti I., *Siena: immigrati sfruttati dalle coop*, "La Repubblica", 07.07.2012.
- Coldiretti, *Codice Etico*, Inipa, Roma, 2008.
- Coldiretti, *Le filiere agroalimentari in Italia*, available at: [www.coldiretti.it/aree/documenti/filiere%20agroalimentari.ppt](http://www.coldiretti.it/aree/documenti/filiere%20agroalimentari.ppt). (22.02.2013).
- Colloca C., Corrado A. (eds.), *La globalizzazione delle campagne. Migranti e società rurali nel Sud Italia*, FrancoAngeli, Milano, 2013.
- Commission of the European Communities, *Green Paper. Promoting a European framework for Corporate Social Responsibility*, Brussels, 2001, available at: [http://eur-lex.europa.eu/LexUriServ/site/en/com/2001/com2001\\_0366en01.pdf](http://eur-lex.europa.eu/LexUriServ/site/en/com/2001/com2001_0366en01.pdf) (13.04.2013).
- Commission of the European Communities, *Environment 2010: our future, our choice. Sixth Environment Action Programme*, 2001, <http://db.formez.it/fontinor.nsf/0/b9637b048ee3946cc125712a00527c38?OpenDocument> (13.04.2013)
- Comitato di coordinamento delle azioni di governo contro la tratta, *Verso la costruzione di un Piano nazionale Anti-tratta*, Dipartimento dei diritti e per le pari opportunità, Roma, 2008.
- Conti Nibali M., Alteri G., *La legislazione nazionale, comunitaria e internazionale per la lotta alla tratta e la tutela delle vittime*, in Fachile S. et al. (eds.), *La tratta di persone in Italia. Le norme di tutela delle vittime e di contrasto alla criminalità*, FrancoAngeli, Milano, 2008, pp. 126-142.
- Coop Adriatica, *Bilancio Sociale 2012*, 2012, available at: [www.e-coop.it/documents/11812/58755/Bilancio+di+sostenibilit%C3%A0%202012/7c9882a4-179d-40b3-9a54-2f83f04bb4da](http://www.e-coop.it/documents/11812/58755/Bilancio+di+sostenibilit%C3%A0%202012/7c9882a4-179d-40b3-9a54-2f83f04bb4da) (15.07.2013).
- Devole R., *Prospettive di tutela degli immigrati nel settore agricolo*, in Caritas/Migrantes, *Dossier statistico immigrazione 2012*, Idos, Roma, 2012, pp. 260-263.
- Dipartimento per le Pari Opportunità, *Azione transnazionale ed intersettoriale per il contrasto della tratta a scopo di grave sfruttamento lavorativo. Identificazione e assistenza delle vittime – FREED*, Project presentation, available at: [www.lavoro.gov.it/NR/rdonlyres/9B956EEE-4D03-45B5-89C9-A82777956DAB/0/FREED\\_ITA.pdf](http://www.lavoro.gov.it/NR/rdonlyres/9B956EEE-4D03-45B5-89C9-A82777956DAB/0/FREED_ITA.pdf) (13.05.2013).
- Direzione generale per l'Attività Ispettiva del Ministero del Lavoro e delle Politiche Sociali, *Linea guida del Ministero del Lavoro e delle Politiche Sociali. Documento di programmazione dell'attività di vigilanza per l'anno 2013*, Ministero del Lavoro e delle Politiche Sociali, Roma, 2013.
- Direzione generale per l'Attività Ispettiva del Ministero del Lavoro e delle Politiche Sociali, Comando Generale della Guardia di Finanza, *Convenzione per la cooperazione fra comandi provinciali della Guardia di Finanza e Direzioni provinciali del lavoro nel contrasto ai fenomeni di criminalità connessi allo sfruttamento del lavoro e all'occupazione illegale di lavoratori*, Ministero del Lavoro e delle Politiche Sociali,

- Prot. 25/SEGR/0018228/MA008.A001, 26.10.2010, available at: [www.cnel.it](http://www.cnel.it) (12.05.2013).
- Esposito L., *Armi spuntate, nemici sbagliati*, “Corriere Immigrazione”, 09-06-2013.
- Esposito L., *Legge Rosarno. Bella, peccato che non funzia*, “Corriere Immigrazione”, 07.10.2012.
- Eurispes, Coldiretti, *Agromafie. I rapporti sui crimini agroalimentari in Italia*, Eurispes, Roma, 2011.
- Eurostat, *Europe in figures. Eurostat yearbook 2012*, Eurostat, Brussels, 2013.
- Fachile S. et al. (eds.), *La tratta di persone in Italia. Le norme di tutela delle vittime e di contrasto alla criminalità*, FrancoAngeli, Milano, 2008.
- FAI CISL, *Effat. Progetto sui lavoratori distaccati in agricoltura*, available at: [www.fai.cisl.it](http://www.fai.cisl.it) (20.03.2013).
- FAI CISL, *Responsabilità sociale d'impresa. Corso di formazione per i lavoratori del CAE del gruppo Barilla*, “Fai Note Internazionali”, X, 2, 2012.
- Ferrero M., *Il “pacchetto sicurezza”*, in Basso P. (ed.), *Razzismo di stato*, FrancoAngeli, Milano, 2010, pp. 423-437.
- Ferroni F., *L'attuazione della Direttiva 2009/52/CE: prime osservazioni sullo schema di D. Lgs. n. 466*, “Democrazia & Sicurezza”, II, No. 2, 2012.
- FLAI CGIL, *Agromafie e caporalato. Le mappe delle aree a rischio caporalato e sfruttamento lavorativo in agricoltura*, available at: [www.flai.it/attachments/article/783/Scheda\\_Sintesi\\_Rapporto.pdf](http://www.flai.it/attachments/article/783/Scheda_Sintesi_Rapporto.pdf) (20.03.2013).
- FLAI CGIL, Osservatorio Placido Rizzotto (ed.), *Primo rapporto su agromafie e caporalato*, Ediesse, Roma, 2012.
- Fondazione Unipolis, *Governance e responsabilità sociale. Analisi sull'applicazione dei Codici Etici d'impresa in Italia*, Fondazione Unipolis, Bologna, 2009.
- Forum Civique Européen, *Le goût amer de nos fruits et légumes. L'exploitation des migrants dans l'agriculture intensive en Europe*, Limans Information et Commentaires, 2002.
- Gatti F., *Bilal. Il mio viaggio da infiltrato nel mercato dei nuovi schiavi*, Rizzoli, Milano, 2007.
- Gjergji I., *L'ipersfruttamento dei lavoratori immigrati nella ‘green economy’ pugliese*, in Zagato L., De Vido S. (eds.), *Il divieto di tortura e altri comportamenti inumani o degradanti nelle migrazioni*, Cedam, Padova, 2012, pp. 287-300.
- Happacher C., *La ‘direttiva rimpatri’ e la sua recezione in Italia*, Firenze, 2012, available at: [www.altrodiritto.unifi.it](http://www.altrodiritto.unifi.it) (10.04.2013).
- INAIL, *Rapporto annuale 2011*, INAIL, Roma, 2012.
- INEA, *Annuario dell'agricoltura italiana 2011*, INEA, Roma, 2012.
- INEA, *Gli immigrati nell'agricoltura italiana*, INEA, Roma, 2009.
- INEA, *Indagine sull'impiego degli immigrati in agricoltura in Italia. 2010*, INEA, Roma, 2012.
- INEA, *Le esperienze italiane sulla responsabilità sociale nel settore agricolo e agroalimentare*, INEA, Roma, 2007.

- INEA, *Percorsi di responsabilità sociale nei rapporti di filiera. L'ortofrutta e la zootecnia da carne*, INEA, Roma, 2010.
- INEA Piemonte, *Relazione sull'impiego di immigrati extracomunitari nel settore agricolo. Regione: Piemonte. Anno: 2009*, INEA, Roma, 2011.
- INEA, *Promuovere la responsabilità delle imprese agricole e agroalimentari*, INEA, Roma, 2007.
- INEA Puglia, *Indagine sull'impiego degli immigrati in agricoltura in Italia. Annuario 2009. Relazione sulla Puglia*, INEA, Roma, 2010.
- INEA, *Rapporto sullo stato dell'agricoltura 2012*, INEA, Roma, 2012.
- INPS, *Rapporto annuale 2009*, INPS, Roma, 2009.
- Iseal Alliance, *Tuscany Region (Italy) and the SA8000 Standard for Social Accountability*, Iseal Alliance, London, 2008.
- ISTAT, *Annuario statistico italiano 2012*, ISTAT, Roma, 2012.
- ISTAT, *Caratteristiche strutturali delle aziende agricole. 6° Censimento Generale dell'Agricoltura*, ISTAT, Roma, 2010.
- ISTAT, *I risultati economici delle aziende agricole. Anno 2010*, ISTAT, Roma, 2012.
- ISTAT, *Rapporto annuale 2012. La situazione del paese*, ISTAT, Roma, 2012.
- Istituto Guglielmo Tagliacarne, *Il distacco dei lavoratori nell'Unione Europea. Vademecum ad uso degli ispettori del lavoro e delle imprese*, Report, 2010.
- La Rocca S., *Tratta, lavoro forzato e grave sfruttamento lavorativo: legislazioni e politiche poste a contrasto*, in Carchedi F. (ed.), *Schiavitù di ritorno*, Maggioli, Santarcangelo di Romagna, 2010, pp. 147-214.
- Leo A., *Il caporalato dalle origini a oggi*, in Limoccia L. et al., *Vite bruciate di terra. Donne e immigrati. Storie, testimonianze, proposte contro il caporalato e l'illegalità*, Edizioni Gruppo Abele, Torino, 1997, pp. 21-33.
- Leogrande A., *Uomini e caporali. Viaggio tra i nuovi schiavi nelle campagne del Sud*, Mondadori, Milano, 2008.
- Limoccia L. et al., *Vite bruciate di terra. Donne e immigrati. Storie, testimonianze, proposte contro il caporalato e l'illegalità*, Edizioni Gruppo Abele, Torino, 1997.
- Magdoff F. et al., *Hungry for Profit. The Agribusiness Threat to Farmers, Food, and the Environment*, Monthly Review Press, New York, 2000.
- Mancini D., *La protezione sociale ex art. 18 del dlgs 286/1998 svincolata dallo status di cittadinanza: l'art. 6, comma 4 del decreto legge 300/2006*, available at: [www.filodiritto.com](http://www.filodiritto.com) (20.03.2013).
- Mangano A., *Gli africani salveranno l'Italia*, Rizzoli, Milano, 2010.
- Mastandrea A., *Le piazze degli schiavi, "il Manifesto"*, 01.05.2013.
- Medici Senza Frontiere, *I frutti dell'ipocrisia*, Sinnos, Roma, 2005.
- Medici Senza Frontiere, *Una stagione all'inferno*, Roma, 2008.
- Ministero del Lavoro e delle Politiche Sociali, *Rapporto annuale sull'attività di vigilanza in materia di lavoro e previdenziale. Anno 2012*, Roma, 2012.

- Ministero del Lavoro e delle Politiche Sociali e Ministero dello Sviluppo Economico, *Piano d'azione nazionale sulla responsabilità sociale d'impresa 2012-2014*, 2013.
- Morozzo Della Rocca P. (ed.), *Immigrazione e cittadinanza*, Utet, Torino, 2008.
- Nicodemi F., *Soggetti beneficiari e modalità di protezione ai sensi dell'art. 18 del Testo Unico*, in Morozzo Della Rocca P. (ed.), *Immigrazione e cittadinanza*, Utet, Torino, 2008, pp. 205-216.
- Oim-Italia, *Praesidium V. Rapporto sulla situazione dei migranti presenti nella provincia di Caserta e nell'area di Castelvoturno*, Report, Roma, 2010.
- Oim-Italia, *"Stagione amara". Rapporto sul sistema di ingresso per lavoro stagionale e sulle condizioni dei migranti impiegati in agricoltura in Campania, Sicilia e Puglia*, Oim, Roma, 2010.
- Oliva D. (ed.), *La tratta di persone in Italia. La valutazione delle politiche, degli interventi, dei servizi*, FrancoAngeli, Milano, 2008.
- Olper A., Pretolani R., *I soggetti della politica agraria a livello nazionale e internazionale*, <http://users.unimi.it/pretdepa/1%20soggetti%20delle%20politiche%20agroalimentari.pdf> (13.04.2013).
- Omizzolo M., *The Sikh community in the province of Latina (Italy). Exploitation, discrimination, violence*, "Review of Agrarian Studies", 3, 1, 2013.
- Omizzolo M., *La formazione dello spazio sociale transurbano e il caso della comunità sikh della provincia di Latina*, in Colloca C., Corrado A. (eds.), *La globalizzazione delle campagne. Migranti e società rurali nel Sud Italia*, FrancoAngeli, Milano, 2013, pp. 159-171.
- Omizzolo M., *I Sikh a Latina. Una storia trentennale di lavoro agricolo*, "Libertà Civili", 5/10, 2010, pp. 108-115.
- Paggi M., *La nuova schiavitù degli immigrati vittime di grave sfruttamento: mezzi di tutela e problematiche applicative*, in Zagato L., De Vido S. (eds.), *Il divieto di tortura e altri comportamenti inumani o degradanti nelle migrazioni*, Cedam, Padova, 2012, pp. 263-285.
- Perocco F., Cillo R., *Il lavoro forzato tra gli immigrati*, in Zagato L., De Vido S. (eds.), *Il divieto di tortura e altri comportamenti inumani o degradanti nelle migrazioni*, Cedam, Padova, 2012, pp. 301-324.
- Piccirilli C., *La discriminazione verso i cittadini stranieri nei luoghi di lavoro: diritto comunitario e ordinamento interno*, in Ires-Cgil, *Immigrazione e sindacato*, Ediesse, Roma, 2003, pp. 61-84.
- Prina F. (ed.), *La tratta di persone in Italia. Il sistema degli interventi a favore delle vittime*, FrancoAngeli, Milano, 2007.
- Pracchi C., *Legge contro il caporalato. Un'abile finta o una misura importante?*, available at: [www.articolotre.com](http://www.articolotre.com) (10.04.2013).
- Prefettura di Firenze, Camera di Commercio di Firenze, *Le imprese e l'occupazione altamente qualificata*, Camera di Commercio di Firenze, Firenze, 2012.
- Pugliese E. (ed.), *Diritti violati. Indagine sulle condizioni di vita dei lavoratori in aree rurali del Sud Italia e sulle violazioni dei loro diritti umani e sociali*, Dedalus, Napoli, 2012.

- Radici, *Dossier Radici/Rosarno. Monitoraggio autunno/inverno 2010/2011*, Rete Radici, 2011.
- Radici, *Dossier Radici/Rosarno. Monitoraggio autunno/inverno 2011/2012*, Rete Radici, 2012.
- Redattore Sociale, *Il nuovo caporalato delle “cooperative senza terra”: solo braccia*, “Redattore Sociale”, 04.01.2012.
- Renaut A., “Migrants in European Agriculture: Open Season for Exploitation”, *Trade Union World*, 7, 2003, pp. 1-5.
- Rovelli M., *Servi. Il paese sommerso dei clandestini al lavoro*, Feltrinelli, Milano, 2010.
- Savio G., *La nuova disciplina delle espulsioni risultante dalla Legge 129/2011*, 30.08.2011, available at: [www.asgi.it](http://www.asgi.it) (10.04.2013).
- Scarcella A., *Per i caporali aggravante specifica e pene accessorie*, “Il quotidiano giuridico”, 24.08.2011.
- Schirinzi M., *Tecnova: è ancora caos. Immigrati del fotovoltaico reclamano straordinari*, “LeccePrima”, 5.12.2013.
- Social Accountability International, *2011 Annual Report*, available at: [www.sai-intl.org/index.cfm?fuseaction=Page.ViewPage&PageID=1419](http://www.sai-intl.org/index.cfm?fuseaction=Page.ViewPage&PageID=1419) (13.04.2013).
- Social Accountability International, *10th Anniversary report*, SAI, New York, 2008.
- Surace M., *Gli infortuni sul lavoro in Italia*, 06.03.2012, available at: [www.ilpost.it/2012/03/06/gli-infortuni-sul-lavoro-in-italia](http://www.ilpost.it/2012/03/06/gli-infortuni-sul-lavoro-in-italia) (13.5.2013).
- Toffanin T., *Voucher scheme for seasonal work in agriculture, Italy*, in Eurofound, 2009, available at: [www.eurofound.europa.eu/areas/labourmarket/tackling/cases/it012.htm](http://www.eurofound.europa.eu/areas/labourmarket/tackling/cases/it012.htm) (15.02.2013).
- Tortora F., *Agricoltori sfruttati e prezzi bassi del succo. Accuse alla Coca Cola per le arance calabresi*, “Corriere della Sera”, 24.02.2012.
- TÜV SÜD group, *GLOBALG.A.P. Risk Assessment on Social Practice (GRASP). Modulo GRASP – Interpretazione per l’Italia*, 2011, available at: [www.globalgap.org](http://www.globalgap.org) (13.04.2013).
- UILA AIAB, *Accordo per il riconoscimento del marchio “Qualità Lavoro” per aziende agricole biologiche*, available at: [www.uila.it/Notizie/accordo%20UILA-AIAB%20marchio.doc](http://www.uila.it/Notizie/accordo%20UILA-AIAB%20marchio.doc) (13.04.2013).
- Various Authors, *Sotto la soglia. Indagine conoscitiva sul disagio abitativo degli immigrati presenti nell’Italia Meridionale*, Ministero della Solidarietà Sociale (Ministry for Social Solidarity), Roma, 2008.
- Various Authors, *Travailleurs saisonniers dans l’agriculture européenne*, “Études rurales”, 182, 2009.
- Wasley A., *Coca Cola challenged over orange harvest linked to ‘exploitation and squalor’*, “The Ecologist”, 24.02.2012.
- Zagato L., De Vido S. (eds.), *Il divieto di tortura e altri comportamenti inumani o degradanti nelle migrazioni*, Cedam, Padova, 2012.
- Zagato L. (ed.), *Introduzione ai diritti di cittadinanza*, Ed. Cafoscarina, Venezia, 2009.



## Webliography

AIAB	<a href="http://www.aiab.it">www.aiab.it</a>
Bilancio Sociale	<a href="http://www.bilanciosociale.it">www.bilanciosociale.it</a>
Camera dei Deputati	<a href="http://www.camera.it">www.camera.it</a>
Centro per l'Impresa Etica e Responsabile	<a href="http://www.respet.it">www.respet.it</a>
CIA	<a href="http://www.cia.it">www.cia.it</a>
CGIL	<a href="http://www.cgil.it">www.cgil.it</a>
CISL	<a href="http://www.cisl.it">www.cisl.it</a>
CNEL	<a href="http://www.cnel.it">www.cnel.it</a>
Coldiretti	<a href="http://www.coldiretti.it">www.coldiretti.it</a>
Confagricoltura	<a href="http://www.confagricoltura.it">www.confagricoltura.it</a>
COPAGRI	<a href="http://www.copagri.it">www.copagri.it</a>
Emergency	<a href="http://www.emergency.it">www.emergency.it</a>
ENAPRA	<a href="http://www.enapra.it">www.enapra.it</a>
European Union Law	<a href="http://eurlex.europa.eu">eurlex.europa.eu</a>
FAI CISL	<a href="http://www.faicisl.it">www.faicisl.it</a>
FLAI CGIL	<a href="http://www.flai.it">www.flai.it</a>
GlobalG.A.P.	<a href="http://www.globalgap.org">www.globalgap.org</a>
Governo Italiano	<a href="http://www.governo.it">www.governo.it</a>
INAIL	<a href="http://www.inail.it">www.inail.it</a>
INEA	<a href="http://www.inea.it">www.inea.it</a>
INPS	<a href="http://www.inps.it">www.inps.it</a>
ISTAT	<a href="http://www.istat.it">www.istat.it</a>
Ministero del Lavoro e delle Politiche Sociali	<a href="http://www.lavoro.gov.it">www.lavoro.gov.it</a>
Ministero dell'Interno	<a href="http://www.interno.gov.it">www.interno.gov.it</a>
Nero e non solo! Onlus	<a href="http://www.neroenonsolo.it">www.neroenonsolo.it</a>
Normattiva	<a href="http://www.normattiva.it">www.normattiva.it</a>
Senato della Repubblica	<a href="http://www.senato.it">www.senato.it</a>
“Stop caporalato”	<a href="http://www.stopcaporalato.it">www.stopcaporalato.it</a>
UIL	<a href="http://www.uil.it">www.uil.it</a>
UILA	<a href="http://www.uila.it">www.uila.it</a>
United Nations Environment Programme	<a href="http://www.unep.org">www.unep.org</a>