



POLICY BRIEF

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Letizia Palumbo
Ca' Foscari University of Venice

Agri-food systems, migrant labour and exploitation in Southern and Northern Europe

EXECUTIVE SUMMARY

The employment of foreign workers is a structural component of the agri-food sector in Northern and Southern European Union (EU) countries. This migrant labour force, which is diversified by nationality, gender and legal administrative status, often experiences abusive and exploitative working conditions. This policy brief focuses on the links between the dynamics of the agri-food sector and temporary/seasonal migration in Southern and Northern European countries – especially, Spain, Italy, Germany, the Netherlands and Sweden – highlighting the key factors that breed exploitation. The brief concludes by proposing some recommendations to policy makers at both the EU and EU-member state levels regarding legal migration channels for third-country nationals and for actions in the areas of prevention, monitoring, assistance and complaints. These recommendations are intended to address exploitation through coordinated initiatives in different ambits, placing at the centre the recognition and protection of the rights of workers, especially migrant workers.

INTRODUCTION

Over recent years, increasing attention has been paid at both the European and national levels to substandard and exploitative working conditions (including cases of severe exploitation) of migrant workers in the agri-food sector. This attention has focused primarily on the exploitative working conditions of migrant farmworkers in Southern EU countries. However, as several studies have shown (see Palumbo, Corrado and Triandafyllidou, 2022), situations of exploitation and abuse occur also in the agri-food systems of Northern EU countries.

Indeed, in recent years, the functioning of the agri-food sector in many Southern and Northern EU

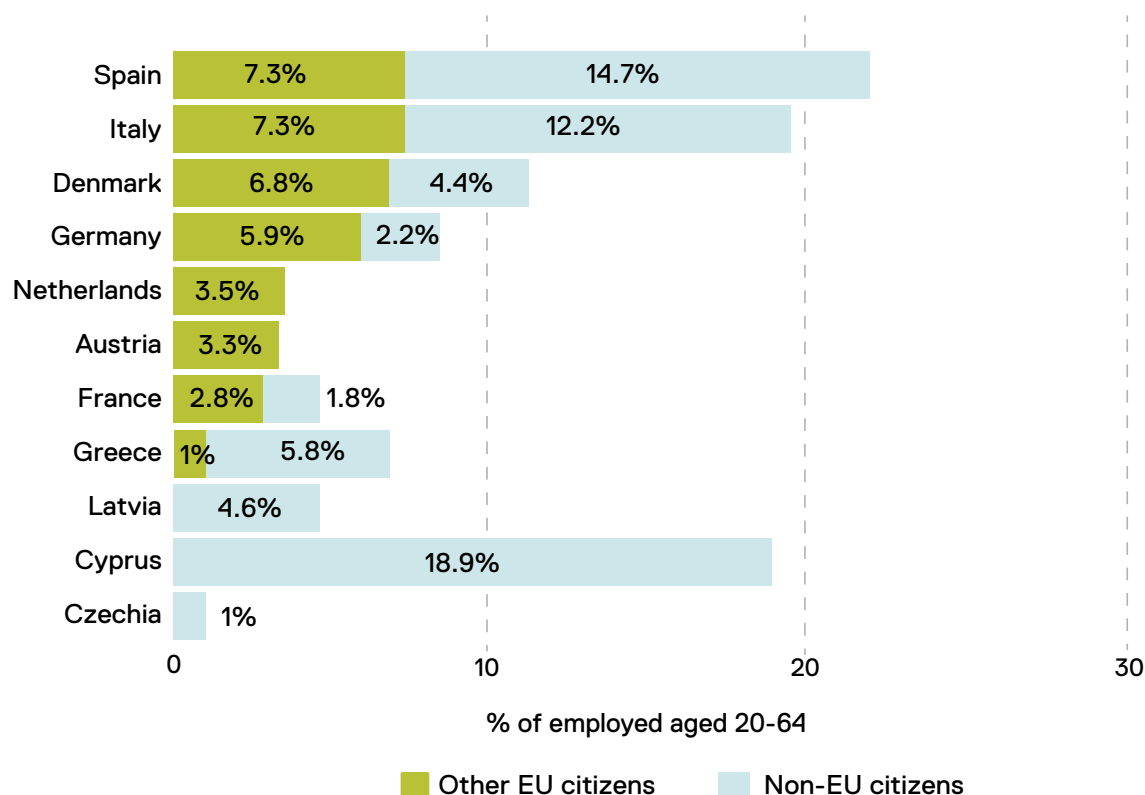
countries relies on the increasing employment of a migrant labour force, often in unprotected, irregular and exploitative conditions. This migrant workforce, which is ethnicized, racialized and gendered, is composed of labourers with different nationalities and legal status (including undocumented migrants, regular, seasonal third-country workers and EU citizen migrants).

Although data cannot provide a comprehensive picture of the labour force in the agri-food sector due to high rates of temporary and undeclared work, official estimates reveal a significant increase in migrant workers in this labour market segment over recent years. Between 2011 and 2017, more than 1.3 million European nationals employed in agriculture in the EU countries left the sector. This exodus was partially counterbalanced by the entry of EU-citizen migrants and third-country migrant workers: in that period the number of EU migrants working in agriculture

increased by 36%, while the number of non-EU migrant workers increased by 31% (totaling 585,000 and 837,000 workers, respectively). As a result, throughout the EU there was an increase from 4.3% to

6.5% in the share that migrants (including both EU and non-EU foreign workers) represented out of the total number of people employed in this sector (Augère-Granier 2021; Kalantaryan et al. 2021).

Figure 1: Employment of non-nationals in the agricultural sectors of select EU countries



Source: Eurostat - Labour Force Survey extration

By performing different activities in the production of staple crops, fruit, horticulture, viticulture, animal husbandry, meat and dairy production (both in the processing and packaging phases), most migrant agri-food workers work long hours, are exposed to aggressive and toxic pesticide products, and endure tough weather conditions (summer heat and winter cold) for low pay. Moreover, many workers live in degrading accommodation, in some cases without access to basic services.

This policy brief focuses on the entanglements between agri-food sector dynamics and temporary/seasonal migration in Southern and Northern European countries – especially, Spain, Italy, Germany, the Netherlands and Sweden – identifying the key factors that breed exploitation. The brief concludes by highlighting what could be done to address these and to protect migrant workers.¹

¹ The brief condenses the findings of exhaustive [reports](#) commissioned by the Open Society European Policy Institute (OSEPI) and further developed in an article drafted by the author titled “Exploitation in the Agri-Food Sector in Europe: A Comparative Analysis of the Impact of Migration and Labour Regimes in Producing Migrants’ Vulnerabilities”, published in the [special issue “Migrant Labour in the Agri-food System in Europe” of European Journal of Migration and Law](#), 2022, edited by Letizia Palumbo, Alessandra Corrado and Anna Triandafyllidou (<https://brill.com/view/journals/emil/24/2/emil.24.issue-2.xml>).

THE CONTEXT: VALUE CHAIN DYNAMICS

Despite differences in migration history and agri-food production, in both Southern and Northern European countries, the increasing recourse to a migrant labour force has served to support the capitalist development and restructuring process of the agri-food sector. Indeed, continuous intensification, capitalization and innovation of agri-food production and processing has resulted in the recourse to a low-wage, flexible and exploitable migrant labour force to cope with market and price pressures from large retail groups. These dynamics have also been supported by relevant EU agricultural policies, including the [EU's Common Agricultural Policy \(CAP\)](#), that have promoted competitiveness in the global market. Through progressive reforms, the CAP – which is a common policy for all EU countries aimed at supporting farmers and agricultural productivity, and ensuring Europe's food security – has moved towards a stronger market orientation, contributing to fostering the concentration process in the food industry, and the expansion and centralization of power in large-scale retailing systems (Corrado et al. 2018).

In particular, the retail giants and international buying groups (IBGs) use their oligopolistic market power to impose prices and conditions on farmers. This leads to an unfair distribution of risks, costs and profits along supply chains. Therefore, the margin for farmers across Europe to increase prices on wholesale markets is limited.

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THE POLICY PROBLEMS:

1. Inadequate temporary and seasonal migration schemes

In many Southern and Northern European countries, channels for the admission of seasonal workers, including bilateral agreements with third countries and quota systems for this category of workers, have been unable to meet the labour demand in agriculture. For example:

- In **Italy**, the number of workers to be admitted is defined in a yearly government decree (*Decreto Flussi*) setting annual quotas for different categories of workers (Law No. 40/1998). Yet, this entry mechanism, based on an employer-driven approach, has proven to be inefficient, hard to apply and exposed to abusive practices. Moreover, in the last decades, in the framework of the 2008 economic crisis and of increasing restrictive national policies on migration, the government has significantly reduced annual quotas for both seasonal and non-seasonal migrant workers, especially between 2012 and 2019 (Corrado and Caruso 2022).
- In **Spain**, the recruitment system for third-country migrant farmworkers, known as 'contracts at source' (*contratación en origen*), has experienced limited quotas since 2011 (as a consequence of the 2008 economic crisis), and mainly applies in the rural areas of Huelva and Lleida through bilateral agreements with Morocco, and recently also with Honduras and Ecuador. Moreover, this system has fostered a flexible, precarious, exploitable and especially feminized labour force (Helio 2017; Palumbo and Sciarba 2018).
- In **Germany**, according to the Employment Ordinance, which has been reformed with the transposition of the [EU Seasonal Workers Directive 2014/36/EU](#) in national legislation, the employment of third-country nationals as seasonal workers requires bilateral agreements. However, none of these were implemented before 2021, when the German seasonal pilot scheme was adopted, based on an agreement with Georgia for the recruitment of workers. Yet, this scheme failed: despite 80,000 applicants competing for 5,000 slots, less than 300 people started work in the fields in 2021 (Schneider and Götte 2022). The dire and exploitative living

and working conditions on some farms became a hot domestic media topic in the spring of 2021 and supposedly prevented most of the Georgian workers from eventually migrating to and working in Germany. A second agreement with a quota of 1,000 workers for the agricultural season of 2022 was established with Moldova.

- In the **Netherlands**, there is a 'single permit' combining a work visa and residence permit for which an employer or candidate can apply. However, administrative obstacles and related costs prevent employers from applying for the recruitment of third-country national seasonal workers, making this system de facto unused (Siegmann et al. 2022).

In addition to inadequate entry channels, characterized by difficult application processes and/or limited quotas, all these recruitment systems rely on an employer-driven mechanism linking the migrants' legal permission to work and reside in the host state to the employers' needs. At the same time, these systems provide seasonal workers with limited access to rights and protection, as there are no regular inspections or monitoring, there is no adequate

complaint mechanism, and if a worker complains they are most likely to lose their job and not be invited again. In addition, seasonal workers have no right to family reunification and have limited access to social rights, in particular to family benefits and unemployment benefits. This is in compliance with the Seasonal Workers Directive 2014/36/EU which provides the framework for seasonal labour migration in the European Union leaving, however, member states with wide discretionary powers over the implementation of the provisions concerning the rights and protection of seasonal workers.

In many European countries, seasonal migrant workers are allowed to change employers. However, the temporariness and precariousness of their legal status has a disciplinary effect on the behaviour of these workers, weakening their bargaining power and consequently making them vulnerable to exploitation.

- Even in **Sweden**, whose labour migration system has been defined as the 'most open labour migration regime among OECD countries' (OECD 2011), forms of exploitation of third-country seasonal farmworkers are also widespread.

Since 2008, the **Swedish labour migration regime** has required that migrants apply for a job posted by an employer/company in Sweden before requesting a work permit, which is issued on the condition that the terms of the offer respect standards set by collective agreements (Aliens Act 2005:716, Ch. 6, Art. 2). However, Sweden's labour migration scheme, which does not include bilateral agreements with third countries or quotas for migrant workers, can be construed as a factor driving – or at least enabling – demand for work with sub-standard and exploitative working conditions in agriculture (Iossa and Selberg 2022). This is due to the difficulties in enforcing labour standards, including wages, in non-unionized companies, which are common in the agri-food sector. It is worth underlining that the Swedish labour market is mostly regulated by collective agreements and through semi-mandatory legislation. This means that labour market parties by means of collective agreements can in some cases derogate from the law. Also, the Swedish model is characterized by the lack of legislation on minimum wages. Such a model relies on the idea that trade unions, through **collective bargaining and industrial actions**, are able to set and safeguard wage levels.

Therefore, in Sweden enforcement of labour and employment standards mostly relies on trade union monitoring on the application of collective agreements. If a company is not covered by a collective agreement and the employees are not unionized – as is often the case in the agri-food sector – it is difficult to ensure that work is not performed in substandard and exploitative conditions.

Furthermore, even in the Swedish system, work permits for migrant agri-food workers are mainly temporary, causing their strong dependency on employers. In this scenario, the intertwining of the **Swedish autonomous model for labour market regulation** and the national employer-driven and 'open' regime for labour migration, contributes to a system that can lead to exploitation of migrant workers (Iossa and Selberg 2022).

2. Increased reliance on workers outside bilateral seasonal schemes

Due to inadequacies in the implementation of entry channels for seasonal foreign workers and/or their limited quotas, in all the above-mentioned Southern and Northern European countries (i.e. Italy, Spain, the Netherlands, Germany and Sweden) labour demand in the agri-food sector has also been offset by undocumented migrants, Eastern EU nationals (especially Romanians, Poles and Bulgarians), and regular non-EU migrants with a residence permit but not for seasonal work. These latter include, for instance, migrants with a student visa working on the fields in Germany, or beneficiaries of international protection and asylum seekers on the fields in Italy². In this scenario, the different situations of vulnerability in which migrants find themselves – for instance, with respect to legal status, nationality and gender – are translated into a variety of possibilities for their exploitation in the agri-food system.

The example of numerous, non-EU asylum seekers and beneficiaries under international protection in Italian agriculture is emblematic. Some scholars have talked about a process of ‘refugeezation of the agricultural workforce’ (Dines and Rigo 2015) to underline the significant and rising number of refugees and asylum seekers employed in Italian agriculture, particularly in seasonal cultivation. In this context, for asylum seekers especially, the interaction between the inadequate implementation of asylum procedures and the absence of appropriate reception and inclusion measures in the country have contributed to creating a condition of ‘hyper-precarity’ that fosters their exposure to the dynamics of exploitation.

However, it is worth highlighting that the dynamics of exploitation also involve EU migrant workers (particularly Poles, Romanians and Bulgarians) who represent, in all the examined Southern and Northern European countries, an important pillar of the agri-food sector. The ability of EU migrant workers to easily cross EU internal borders produces a ‘circular migration’ relying on temporary and precarious stays, and exposing these workers to irregular work and exploitation, especially through the involvement of temporary agency work (Siegmann et al. 2022; Corrado and Caruso 2022).

3. The recourse to posted work and temporary work agencies to compress labour and social rights

A further key factor that needs to be considered, in a general context of a labour market becoming increasingly flexible and unregulated, is the significant recourse to subcontracting and/or using posted work as a way to hire cheap labour, thereby compressing wages and employment protection. [Posted workers](#) are employees who are sent by their employers to carry out a service in another EU Member State on a temporary basis, in the context of a contract of services, an intra-group posting or a hiring out through a temporary agency. Posted workers remain employed by the sending company and are therefore subject to the law applicable to their employment contract, although core employment conditions, which are applied in accordance with the rules in place in the host Member State, apply in so far as they are more favourable than the protection offered by the employment law of the posting State.

However, in practice, difference in labour costs between Member States (especially with regard to pay levels and taxation and social security costs) are used by businesses to improve their competitiveness, driving down wages and employment protection. While there are situations involving evident unlawful practices, most practices of concern take place in a ‘grey zone’ twisting the law to profit from loopholes and ambiguities in the relevant EU and national law in the field of labour mobility and social rights. For instance, in the Netherlands, a common technique among businesses is to create companies or affiliates in Member States where labour costs are low, such as Poland, and then post workers to firms in the Netherlands (Siegmann et al. 2022). This provides employers with the opportunity to circumvent relevant national labour and social security regulations, compressing the rights of workers. This, in turn, fosters unfair competition and social dumping dynamics within the European internal market.

In general, therefore, the recourse to posted work and/or subcontracting, often with the involvement of temporary work agencies, put migrant workers in a condition of few guarantees or protections, keeping them in a position of constant ‘disposability’, and further undermining their bargaining power, which exposes them to abuses. Furthermore, subcontracting chains make monitoring and enforcement more difficult.

² In Italy, asylum seekers are entitled to work 60 days after they have submitted their application for international protection.

While in many of the examined EU countries, the exploitative practices by employment agencies in the agri-food system often involve EU migrant workers, there are also cases involving non-EU migrant workers, such as the case of Ukrainian farmworkers in Germany and the case of Thai migrant workers in the berry-picking industry in Northern Sweden (Iossa and Selberg 2022).

4. Gendered Discrimination and Exploitation

[Prevailing gender norms aggravate the dynamics of exploitation of women workers](#), especially migrant women workers, in the agri-food sector in many European countries. For instance, migrant women farmworkers often receive lower wages than male farmworkers and tend to be more involved in irregular work.

The burden of social reproduction responsibilities is a key factor that increases the vulnerability of women farmworkers, especially migrant women, to exploitation. For instance, in the Netherlands, Polish female farmworkers, in charge of family responsibilities and reproductive activities, often have difficulties escaping their employers' demands (Palumbo and Corrado 2020b). The fear of losing their jobs, and thus being unable to support their children financially, prevents these women from reporting labour rights violations, and results in them accepting exploitative conditions. Similar dynamics can be found in Italy and Spain. In the latter country, family responsibilities in the home country have formally become elements used as a guarantee of the recruitment of a flexible, disciplinable and feminized labour force through the so-called "contracts at source" model (Hellio 2016). In this system, preference has always been given to those women workers who have young children in the country of origin as such a profile guarantees a high return rate of workers to their country of origin at the end of the season, and a dependency on employers.

In circumstances of strong marginalization and dependency on employers or intermediaries, the labour exploitation of women is frequently accompanied by sexual blackmail and abuse (Palumbo and Sciarba 2018). These dynamics for instance take place in the rural areas of Italy, where migrant women farmworkers are often victims of sexual abuse by local employers or illegal intermediaries (so-called 'caporali').

RECENT ACTIONS TAKEN BY EUROPEAN MEMBER STATES AND THE EU

While the Covid-19 pandemic has put the spotlight on the essential character of farm work and the importance of the agri-food sector overall, it has also highlighted, and simultaneously exacerbated, the conditions and dynamics of exploitation in the agri-food sector.

European countries such as Germany, the Netherlands, Sweden, Italy and Spain, have responded to this mainly by implementing reparative short-term legislative and policy measures to alleviate the effects of the pandemic on migrants' situations of vulnerability and working conditions, without addressing their root causes. The case of the 2020 Italian regularization scheme for undocumented migrant workers in the agricultural and domestic work sectors is emblematic in this regard. This scheme, which clearly failed, [had significant inadequacies that have affected its impact](#), and resulted in a limited number of regularized migrants, revealing the limitations of temporary, selective, emergency-based and excessively bureaucratic measures – notably when it comes to addressing the exploitation of migrant workers.

Although it is true that, especially in the last two years, for instance, Italy and Spain have adopted some important initiatives for the enforcement of labour rights in the agri-food sector, including strengthened labour inspections in rural areas, and that Spain has taken some tentative steps towards more longer-term solutions, as in the case of measures for the regularization of young, third-country nationals (Corrado and Caruso 2022), the question of a profound and structural change in migration policies and in social policies has nonetheless remained unaddressed.

In general, in all the examined EU countries, nothing has been done to fundamentally change migration policies and legislation. Little has been done in terms of structural intervention supporting, for example, the effective implementation of specific provisions concerning the protection of the rights of migrant workers and their access to adequate housing and transport.

At the EU level, the adoption in 2021 of a conditionality mechanism in the Common Agricultural Policy (CAP) (i.e. making CAP payments conditional on demonstrating respect for labour standards), and the negotiations for the adoption of a [Directive on Minimum Wage](#) and a [Directive on corporate sustainability due diligence](#), constitute important steps towards a more rights-compliant and sustainable agri-food system.

RECOMMENDATIONS

In light of these considerations, what seems to be most needed is to implement coordinated actions aimed at addressing diverse but related issues such as migration policies, labour and social rights policies, value chain dynamics, agricultural policies, and gender justice, in order to address the root causes of a socio-economic system in which value is unfairly distributed and rights of workers, especially migrant workers, are undermined.

We therefore propose to EU and national policy makers that they implement the following coordinated initiatives in order to tackle structural factors that facilitate and foster exploitation in the agri-food sector:

TO EU POLICY MAKERS

1. Legal Migration Channels for Third-Country Nationals

- Bolster the effective implementation of the [Single Permit Directive \(2011/98/EU\)](#) – which establishes a simplified application procedure and one single permit for both the right to work and stay in the EU – by supporting, for instance, the implementation of the equal treatment provisions covering all categories of third-country nationals, including low-skilled workers.
- Develop and improve legal and safe channels for low- and medium-skilled third-country workers, and promote their long-term inclusion in the EU labour market, including through legal migration pilot projects coordinated by the European Commission.
- Encourage member states to provide seasonal workers with pathways to long-term resident

status after consecutive years of seasonal work.

- Strengthen the protection of seasonal workers by encouraging member states not to apply the restrictions to equal treatment in Article 23(2) of the [Seasonal Workers Directive 2014/36/EU](#) to waive the labour market test obligation (Art. 15(6) of the Seasonal Workers Directive) seasonal workers more than one change of employer.
- Amend the Seasonal Workers Directive so that it also applies to undocumented migrants already in an EU member state.

2. Prevention, Monitoring and Complaints

- Adopt, as a [recent study commissioned by the European Parliament suggested](#), a new EU Directive on labour protections for irregular migrant workers in the EU, to identify and clarify the labour rights of irregular migrant workers under EU legislation.
- Support actions to regulate, license and monitor recruitment agencies (including those based in third countries), for instance through the [European Labour Authority](#) (ELA).
- Support the implementation of effective labour complaints mechanisms for all workers, irrespective of their contractual and immigration status, by channeling relevant EU funds to facilitate trade union support and legal assistance for workers.
- Encourage and support member states to implement measures to improve the working and living conditions of agri-food labourers, including through the EU recovery funds.
- Address gender-based discrimination and abuse in the agri-food sector by supporting interventions – for instance under the [EU Gender Equality Strategy \(2020-2025\)](#) – to support all actors in supply chains to adopt gender-sensitive policies in their business models.
- Bolster, as part of the EU green transition, alternative food systems, short chains and community supported agriculture, which should meet the objective of healthy, sustainable and accessible food provision as well as ensure fair working conditions.

TO POLICY MAKERS OF EU MEMBER STATES

1. Legal Migration Channels for Third-Country Nationals

- Develop national legal and safe channels for low- and medium-skilled third-country workers, which allow them to enter to look for a job and facilitate their social and labour inclusion in the longer term.
- Introduce and promote individual regularization schemes (*ad personam*) for undocumented migrant workers aimed at supporting their social and labour inclusion.
- Ensure seasonal migrant workers have the right to change employers and full access to social rights, and facilitate their access to permanent employment contracts.

2. Prevention and Monitoring Actions

- Increase the quantity and quality of labour inspections to monitor compliance with decent standard working conditions, by including an increase in resources to the National Labour Inspectorate, and the use of experts in legal, linguistic and cultural mediation, and gender related issues.
- Adopt actions to support the effective implementation and monitoring of the social conditionality mechanism in the European Common Agricultural Policy (CAP) at the national level.
- Introduce stricter regulation, monitoring and penalties of temporary work agencies.
- Support and implement measures to provide agri-food workers with adequate accommodation, access to transportation, and basic social welfare services. Special attention should be devoted to gender-related issues, such as child care and related necessary services.
- Introduce measures to support the adoption of gender-sensitive policies in the business models of all actors in supply chains (from farmers to big retailers).

3. Assistance and Complaint actions

- Promote safe reporting and effective complaint mechanisms for all workers, ensuring that undocumented migrants can report a violation of their rights without risking deportation.
- Enhance information on workers' rights and access to justice and remedies through qualified legal counselling to exploited workers and supporting free legal assistance.
- Adopt actions to support exploited workers to recover unpaid wages, over-time and holiday pay, irrespective of the initiation of criminal proceedings.
- Ensure assistance to victims of labour exploitation and – in case of undocumented migrant workers – the issuing of a residence permit, independently of their cooperation with relevant authorities in criminal proceedings. In this system, local NGOs and trade unions should be assigned a key role in the identification and support of victims.
- Encourage all relevant national and local actors to actively cooperate, through the creation of networks and referral mechanisms, to assist victims and support their full social and labour inclusion, promoting individualized programs that are defined with the active involvement of victims and considering their different situations of vulnerability and related desires and needs (including the need for accommodation and for finding a non-exploitative job).

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About the author

Letizia Palumbo is Senior Research Fellow at the Ca' Foscari University of Venice, Italy, where she is leading research on human trafficking within the Horizon 2020 VULNER project. Her research interests include human trafficking, gender and migration, labour exploitation and human rights.

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