



PERCEPTIONS

Policy Brief

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Vulnerability and exploitation of migrant workers in Italian agriculture

Alagie Jinkang, University of Bologna

Executive Summary

Many migrants leave their countries with the hope and perception to find decent job opportunities, security and welfare in Europe. Yet, more often than not, they become victims of agricultural exploitation in Italy due to *syndemic vulnerability*, where several risk factors reinforce each other and increase vulnerability to exploitation. Since 2015, these arrivals have led to a migration management crisis in Italy. Newly arrived migrants are faced with legal, educational, socio-economic, cultural and linguistic barriers and frequently suffer from labour exploitation, trauma, racism, discrimination, ghettoization, violence and abuse. Despite the legal instruments and interventions to combat migrants' agricultural exploitation in Italy, the phenomenon is highly tolerated throughout the peninsula. This brief presents the conditions that allow for migrants' labour exploitation and formulates six recommendations to tackle the issue.

Introduction

As the country of first entrance in the Schengen zone through the central Mediterranean route, Italy is a transit and host country for a significant number of highly vulnerable migrants. Due to their illegal entry, they are constrained first by the Italian Legislative Decree No. 286/1998, the so-called Consolidated Act on immigration and on the condition of the foreign person (Jinkang, 2020). Under the single asylum system, the Dublin regulation obligates them to exhaust their asylum procedures there (Orsini & Roos, 2017). Meanwhile, structural and institutional defaults within the Italian asylum system (such as poor service delivery, difficult living conditions, excessively long asylum process, lack of daily activities, etc.) gradually expose many to exploitative working contexts. Many are pushed to work in the agricultural sector usually finding themselves in the hands of illegal gang-masters and ruthless employers (Jinkang, 2020; 2021). Accordingly, we can observe *syndemic vulnerability* when two or more conditions are at play and interact synergistically to produce worse conditions (Singer, Bulled and Ostrach, 2012; Singer and Clair, 2003). This is why it is important to focus on long-standing upstream factors of migrant farm workers' vulnerability. These factors can be environmental, political, social, economic, legal and structural determinants of their wellbeing.

Migrants' labour exploitation in Italy is most evident in agriculture through the phenomenon of "Caporalato". As part of the "agro-mafia", "Caporalato" is the Italian term for illegal recruitment and labour exploitation in agriculture (article 603 bis as amended by Law No. 199/2016 Italian Criminal Code). Offenders can be employers, close or distant relations but also fellow migrant workers who function as ghetto administrators, intermediaries, sub-contractors and take care of logistics (Jinkang, 2021). The employment offered in these circumstances is without formal contracts, thus without guarantee for health, safety and social security. In combating agricultural exploitation of migrants (Law No. 199/2016 CC contrasting "caporalato"), Italian criminal law focuses on atypical working conditions which potentially affects workers' health and safety and injures their human dignity. By the law's standard and the numerous policy calls by key stakeholders (NGOs, CSOs, Trade Unions, Academics), migrant workers' deplorable conditions remain as a long-standing public security threat (i.e. causing gross human rights violence, organize crime, tax evasion, etc). Unfortunately, the lessons learnt from the COVID-19 pandemic call for immediate and real policy actions towards decent work (Sustainable Development Goal 8). After all, these are the essential workers.

This brief therefore addresses the question: **how does the Italian immigration system produce syndemic (in other words, multifaceted) vulnerability for migrant workers and what are the implications for their physical and mental health?** To answer this question and make evidence-based recommendations in the field of migrants' integration in Italy, this brief builds on the author's recent doctoral thesis

Key Issues:

- Italian law and Dublin regulation constrain migrants to stay in Italy under deplorable conditions of agricultural exploitation.
- Multifaceted vulnerability takes place in adverse environments where two or more conditions co-exist and interact synergistically to produce worse conditions.
- Migrants' labour exploitation in Italy is most evident in agriculture through the phenomenon of "Caporalato".
- For decades, migrants' labour exploitation remains as a public security threat without any tangible solution.

as well as the PERCEPTIONS project's desk and fieldwork results (Bayerl et al., 2020; García Carmona et al., 2021, Bermejo et al., 2021).

Insights on migrants' vulnerability in Italy

The Italian General Confederation of Labour (CGIL) has described migrant labour exploitation as a criminal agricultural economy that is linked to the mafia (Observatory Placido Rizzotto, 2020). Today, it is a humanitarian tragedy which cuts across Italy from the south to the north (Caritas Italy, 2018; Omizzolo, 2016; Leogrande, 2008) in complicated and hardly administrable manners. Accordingly, this exploitation stems from "typical" southern European production system that feed off migrants' exploitation (Jinkang, 2020). Meanwhile, we can observe that while migrant farm workers' exploitation has been approached from a reductive criminal perspective, it is being managed as a humanitarian emergency since 2011 with mainly temporary measures. The problem is that Italian agricultural production depends on migrants' work force and exploitation. As a major exporter of up to 65% the value of EU-27 exported tomatoes (Ferrando, 2021), Italian purchasing power and annual agricultural yield could not maintain its high level without so-called 'low-skilled' labour from the Global South. Therefore, agricultural Italy witnesses an increase in the number of young, flexible and highly vulnerable migrant labour that is easily exploitable. In fact, in September 2017 at the Mid-Term Review of the EU Agenda for Migration, the European Commission mentioned undeclared work as a "pull factor" for irregular migration into the EU as a policy concern. Eventually, on 20 February 2020, the Inter-Institutional Committee of the EU on labour exploitation adopted a *National Action Plan* to tackle "Caporalato" and labour exploitation in agriculture. The Committee's aim is to prevent and tackle the phenomenon of labour exploitation. The initiative is co-chaired by the Italian Ministers of Labour and Social Policies (MLPS) and of Agriculture. Co-funded by the *Structural Reform Support Programme (2017-2020)* of European Union, the *Triennial Plan (2020-2022)* is the joint effort of International Labour Organisation (ILO) and European Commission. With this, a multi-institutional and wider approach is employed to address migrants' agricultural exploitation. To date, its impact remains to be seen. However, there is strong evidence that short-term project-programs are inadequate to efficiently combat a complex phenomenon like "Caporalato".

The case study at the agricultural ghetto of Campobello di Mazara, Trapani, confirmed that migrants face vulnerabilities as a direct result of Italian immigration policies (Jinkang, 2020; 2021). This is in line with PERCEPTIONS findings which show that migrants face, among many challenges and threats, excessive bureaucracy, ghettoisation, agricultural exploitation, discrimination, racism and crowded living conditions (Ben Brahim & Hendow, 2021). As such, policy actions need to address several risk factors which are innately structural and institutional and are socially, economically and politically interdependent. Root causes need to

Key Findings:

- Migrant agricultural workers in Italy suffer illegal employment and labour exploitation as a result of multifaceted vulnerability.
- Italian agricultural production depends on migrants' work force and exploitation

be tackled instead of attempting to treat the symptoms of the system. Therefore, the following paragraphs highlight key agencies of migrant syndemic (multifaceted) vulnerability for strategic policy orientation and action. Removing these barriers is the ultimate goal.

Criminalisation of irregular migration and employment of irregular migrants:

Italy's immigration policy, the Legislative Decree No. 286/1998 (Consolidated Act on immigration and on the condition of the foreign person) regulates migration and the employment of Third-country nationals (TCNs). This single text demonstrates the inconsistency of Italian immigration policy: the criminalisation of "irregular entry and stay" on the one hand, and the employment of irregular migrants (Italian Legislative Decree No. 286/1998, art. 22 para. 12 and 12 bis) on the other hand. As a result, due to the fear of being arrested (and/or deported), many migrants refrain from reporting their exploitation (no matter the degree). This suggests that the Italian policy approach that criminalises migrants in irregular situations is an obstacle to combating labour exploitation. Furthermore, migrants are unlikely to report exploitation without having a better job alternative.

The mafia and the underground economy of migrants' exploitation:

Up to 45% of agricultural workers are from outside the EU and up to 430.000 workers are exposed to the risk of irregular work (FLAI/CGIL, 2021). Meanwhile, 132.000 live and work in serious social vulnerability and under deplorable working conditions in Italy (Observatory Placido Rizzotto, 2020). Many have no protection and are severely underpaid (Jinkang, 2020). Typical examples include:

- sub-Saharan and central Africans recruited from ghettos or asylum camps to pick tomatoes, oranges and olives who are offered 3.5 euros or less for a piecework (i.e, work paid for according to the quantity produced) (Jinkang, 2020; 2021);
- Moroccans, Tunisians and Algerians working six or seven days a week under harsh conditions and without holidays (Caritas, 2018, 163-221);
- Kiwi pickers from India, Pakistan and Bangladesh working for up to 10 hours a day (Avallone, 2017);
- Albanians and Indians cultivating cereals (Caritas, 2018, 132-135) under conditions of contemporary slavery.

The asylum and labour integration system in Italy: PERCEPTIONS stakeholders in Italy confirm that since 2015, anti-migratory policies and the government's approach to irregular migration make life difficult for migrants and practitioners alike. Crucial gaps still exist in the provision of immediate newcomer reception, orientation and subsequent longer-term integration services due to serious deficits of timely support, communication, empathy and solidarity. Practitioners in Italy confirm that the top-down decision-making produced conflicts between national and local governments. The so-called "Security law" (2018) abolished humanitarian protection and led to the shutting down of reception facilities driving thousands of migrants into irregularity. Because

- Migrants face multifaceted vulnerabilities as a direct result of Italian immigration policies.
- Italian policy approach that criminalises irregular migration and employment of irregular migrants discourages migrants from reporting their exploitation.
- Up to 132. 000 agricultural workers live and work in serious social vulnerability and severe suffering in Italy.
- Structural problems within the asylum and integration system including migrants' labour exploitation are being managed as a humanitarian emergency and with short-term project-programs.

documentation takes between 1 to 5 years or even more, refugees and asylum seekers face institutional oblivion in asylum camps. In fact, many critics have called for its abolition altogether. And whether or not we agree with these ideological critiques, they take us to the heart of the matter: migrants are in limbo between atypical contracts, irregular migratory status and eventually agricultural exploitation. Their need to maintain a permit of stay, bread and water, a roof over their heads, pushes them to vulnerable conditions which can be easily exploited.

Discrimination, racism and xenophobia: The legacy of discrimination, racism and xenophobia remain notable barriers to protection, integration and inclusion of migrants in Italy. While mostly acknowledged at individual and interpersonal levels, racism is a structural issue. The apparent legacy of racism, discrimination and structural construction of institutional vulnerability can be seen in punitive and xenophobic policies and practices against migrants (Jinkang, 2020). Practitioners in Italy confirm that since 2015 there has been increased anti-migration resistance, tensions and conflicts resulting in migrants frequently facing discrimination, racism, violence and abuse. These problems are intergenerational, interconnected and multidimensional and need to be addressed inside and outside of the immigration system.

Ghettoization of migrants: Agricultural ghettos are the result of a failing Italian integration and protection system. Migrants living in squalid living conditions have little or no chance to ask for legal redress (Jinkang, 2020; 2021). Agricultural ghettos serve as encampments void of basic services such as running water, electricity, toilets and kitchens. For immediate and constant labour supply, they are often clandestinely segregated from local Italians, forming a parallel society. Although enough of what happens in these shanty villages, tent cities and container houses has been reported, the phenomenon remains highly tolerated. As a result, migrants experience disillusion and continuous fatigue for the lack of progress. Gradually, ghettos also expose migrants to substance abuse (hard and soft drugs), prostitution, diseases and (future) pandemics. Consequently, migrants in these situations find it extremely difficult to keep a strong, healthy and purposeful life let alone support their families with remittances. Practitioners in Italy consider ghettos as a threat to migrants as well as public security.

Between absolute precarity and the ‘invisibility narrative’: The bad condition of migrant farmworkers, worsened by the economic crisis, the growing number of immigrants fleeing hunger, famine, wars and persecutions present a significant policy challenge. Many migrants are discriminated in the job market due to refusal of resident permit, lack of diploma or a recognition of one, language barriers, non-recognition of their skills and previous work experiences. Migrants’ agricultural exploitation is a result of structural and institutional faults that over time, accumulated to produce high vulnerability with severe physical, social and psychological health implications including persistent traumatic stress disorders. Meanwhile, rather than being considered as neglected, migrants’ segregated living conditions feed the popular narrative that they are ‘invisible’.

- The legacy of discrimination, racism and xenophobia remain notable barriers to protection, integration and inclusion of migrants in Italy.
- These problems are intergenerational, interconnected and multidimensional and need to be addressed inside and outside of immigration system.
- Structural and institutional faults, accumulated to produce multifaceted vulnerability for migrants.
- Deplorable living and working conditions lead to both short- and long-term negative biopsychological implications including trauma.

Physical, social and psychological implications of migrants' exploitation

The World Health Organisation defined health as the “state of complete physical, mental, and social well-being and not merely the absence of disease or infirmity”. However, the WHO’s 1986 definition consider health as “a resource for everyday life” and “not the objective of living” and as such “health is a positive concept emphasizing social and personal resources, as well as physical capacities”. In the light of this definition, some evident health implications of migrant workers multifaceted vulnerabilities and labour exploitation are the following:

- Migrant agricultural workers face fatiguing and frustrating conditions due to the need to continually regularise their temporary resident status and seasonal work contracts.
- They are constantly faced with discrimination, xenophobia, and racism which affect their mental health.
- As a result of previous bad experiences (migration journey) and present frustrating situations, migrants experience both post-traumatic stress disorders (PTSD) and persistent trauma at individual and collective levels.
- Migrants frequently experience work-related violence, intimidation and maltreatments and suffer from work-related illnesses as well as injuries. Many have no health insurance or access to healthcare. Many also died of frequent fires in the ghettos, extreme climate and poor conditions, mafia brutality, etc.
- Their isolation from the host society without the most basic services affects health and wellbeing.
- Migrants in agricultural ghettos do not eat healthy and sleep poorly.
- Their long absence from counties of origin results in painful separations and divorces.
- High levels of dependency from the extended family (left behind) can lead to frustration especially when migrants cannot meet those demands. This can further lead to migrants' disillusionment after higher expectations of a “dreamland Europe” and the constant preoccupation to lose social prestige if returned home ‘poor’ or ‘unsuccessful’ after a considerable time.

Therefore, from both a public health and human rights perspectives, migrants' vulnerability and labour exploitation reduce the benefit of migration for migrants and host societies. Therefore, there is urgency to provide adequate and systematic protection for migrant workers as a matter of public security and decent work (Sustainable Development Goal 8).

- Labour exploitation of migrants reduces the benefits of migration as a whole.

Recommendations

Recommendation 1. In order to **adopt sustainable and systemic perspectives, migrants' vulnerability and labour exploitation need to be understood as structural and institutional defaults within the immigration system.** When we understand migrants' labour exploitation as a result of multifaceted vulnerability, we will begin to see different facets of the Italian migration management dilemma as a crisis of policy orientation and action.

Recommendation 2. **Asylum processes need to be accelerated.** Migrants pushed into irregular migratory status by previous policies should be regularised and long-term residence permits should be encouraged to avoid the long process of documentation and the interlinked consequences.

Recommendation 3. **Humanitarian protection should be guaranteed to all migrant workers in agriculture as essential workers,** regardless of migratory status. Adequate mechanisms should include economic inclusion and democratic participation.

Recommendation 4. Together with consumer awareness, **implementation of anti-exploitation laws** (art. 18; art. 22, par. 12 bis and art. 2 par. 12 of the Legislative Decree no. 286 of 1998 and conviction of crimes under Law no. 199/2016), which **monitor the working conditions of employees** (e.g. minimum wage, working hours, hygienic living conditions, access to healthcare and social security, safety at work, existence of an effective labour contract relationship) and **the supply chain**, are crucial.

Recommendation 5. There is a need to **recognize the skills, experiences and qualifications of migrants and provide them with opportunities for retraining, relearning, and improving skills.** For asylum seekers and refugees, this should start from the moment of arrival and can be implemented through job orientation, (vocational and university) education and internship opportunities for all.

Recommendation 6. Support and incentivize civic and political participation of essential workers in order to put them in positions to choose and make (not only suffer) decisions. **Proactive employer-employee relationship is thus needed through written contracts in languages that migrants understand in order to avoid "ghost employers".** This could also prevent unscrupulous employers from evading taxes and abusing European funds while denying migrant worker rights.

Key recommendations:

- There needs to be a multidimensional understanding of migrants' exploitation.
- Accelerate asylum processes and promote long-term regularization.
- Humanitarian protection should be provided to all migrant essential workers.
- Implement anti-exploitation policies, monitor working and living conditions of migrant workers.
- Recognise the skills and previous experiences of migrants and provide decent job opportunities.
- Promote active employee-employer relationship.

References

Literature

- Avallone, G. (2017). *Sfruttamento e resistenze: Migrazioni e agricoltura in Europa, Italia, Piana del Sele*. Ombre Corte, Verona.
- Caritas Italiana (2018). *Vite Sottocosto. 2° Rapporto Presidio*. Aracne.
- Craig G. et. al. (2015). *Vulnerability, Exploitation and Migrants: Insecure Work in a Globalised Economy*. Springer.
- CGIL-FLAI-Osservatorio Placido Rizzotto (eds.), (2018). *Agromafie e Caporalato. Quarto Rapporto*, Ediesse, Rome.
- Charter of Fundamental Rights of the European Union, OJ C 326 of 26.10.2012, p. 391. Consolidated version of the Treaty on European Union, OJ C 326 of 26.10.2012, p. 13.
- Dal Lago, A. (2004). *Non persone – L'esclusione dei migranti nella società globale*. Feltrinelli: Milano.
- Ferrando, T. (2021). Gangmastering passata: multi-territoriality of the food system and the legal construction of cheap labour behind the globalised Italian tomato. *FIU L. Review*. 521. DOI <https://doi.org/10.25148/LAWREV.14.3.8>.
- ILO Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143).
- ILO (2020). *Monitor 2nd Edition: COVID-19 and the world of work*. https://www.ilo.org/wcmsp5/groups/public/@dgreports/@dcomm/documents/briefingnote/wcms_740877.pdf, last accessed 13 February 2022.
- Jinkang, A. (2020). *Contemporary Slavery: The Exploitation of Migrants in Italian Agriculture*. Doctoral dissertation. Retrieved from <https://roderic.uv.es/bitstream/handle/10550/75415/PHD%20THESIS%20ALAGIE%20JINKANG%2018-06-2020.pdf?sequence=1>, last accessed 13 February 2022.
- Jinkang, A. (2021). *Il Caporalato in Sicilia: (In)contro un nuovo schiavismo*. In S. Greco & G. Tumminelli, *Migrazioni in Sicilia 2020* (pp. 90-104). Mimesis Edizioni, Milano-Udine.
- Leogrande, A. (2008). *Uomini e caporali. Viaggio tra gli schiavi delle campagne del Sud*. Mondadori, Milano.
- Legislative Decree 25.7.1998, No. 286 on "Consolidated Act of Provisions concerning immigration and the condition of third country nationals. Retrieved from https://ec.europa.eu/migrant-integration/library-document/legislative-decree-2571998-no-286-consolidated-act-provisions-concerning_en, last accessed 13 February 2022.
- Orsini, G. & Roos C. (2017). *EU hotspots, relocation and absconded migrants in Italy. How to save Schengen within a failing Dublin system?* Policy Brief n° 2017/03, Brussels: Institute for European Studies Vrije Universiteit Brussel.
- Omizzolo, M. (2016). *La quinta mafia*. Radici Future: Bari.
- Official Gazette, (4 November 2016). *Disposizioni in materia di contrasto ai fenomeni del lavoro nero, dello sfruttamento del lavoro in agricoltura e di riallineamento retributivo nel settore agricolo*, Gazzetta Ufficiale. Retrieved from: <http://www.gazzettaufficiale.it/eli/id/2016/11/3/16G00213/sg>, last accessed 13 February 2022.
- Singer, M. & Clair, S. (2014). *Syndemics and public health: reconceptualizing disease in bio-social context. Med Anthropol Quarterly*; 17: 423–41.
- Willen, S. S.; Knipper, M., Abadía-Barrero, E. C. & Davidovitch, N. (2017). *Syndemic vulnerability and the right to health. Lancet*; 389: 964-77. DOI: [https://doi.org/10.1016/S0140-6736\(17\)30261-1](https://doi.org/10.1016/S0140-6736(17)30261-1)

Websites

www.perceptions.eu

<https://www.gazzettaufficiale.it/eli/id/2018/12/18/18G00162/sg>

<https://www.flai.it/osservatoriopr/>

sustainabledevelopment.un.org/

<https://www.antislavery.org/slavery-today/modern-slavery/>

<https://www.freetheslaves.net/about-slavery/slavery-today/>

<https://freedomfund.org/>

<http://www.ismu.org>

<https://www.ohchr.org/EN/Issues/Slavery/SRSlavery/Pages/SRSlaveryIndex.aspx>

<https://www.who.int/teams/health-promotion/enhanced-wellbeing/first-global-conference>

<https://integrazionemigranti.gov.it/it-it/Ricerca-news/Dettaglio-news/id/1888/Tavolo-Caporalato-il-punto-sul-Piano-Triennale-contro-lo-sfruttamento-in-agricoltura->

Deliverables

Ben Brahim, N., & Rogoz, M. (2020). Deliverable D2.3 Analysis of policies and policy recommendations. PERCEPTIONS H2020 Project No. 833870.

Ben Brahim, N., Hendow, M., (2021). Deliverable 3.4 Summary report on research with policymakers and CSOs. PERCEPTIONS H2020 Project No. 833870.

Ben Brahim, N., Hendow, M., (2022). Deliverable 3.6. Summary report on research with policymakers and CSOs. PERCEPTIONS H2020 Project No. 833870.

Bermejo, R., Carrasco, S., (2021). Deliverable 3.5. Multi-perspective Research Report. PERCEPTIONS H2020 Project No. 833870.

García Carmona, M., García Quero, F., Guardiola, J., Ollero Perán, J., Rhys Edwards, J., Whitworth, B., Moya Fernández, P. (2021). Deliverable 3.2 Stakeholder survey summary report. PERCEPTIONSH2020 Project No. 833870.

Contacts

Office@perceptions.eu

alagie.jinkang@unibo.it



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