

# Migrants in European agriculture: open season for exploitation

**In the fields, forests and vineyards of the Europe Union, exploitation and insecurity reign over seasonal migrant workers. European social partners are fighting for better working conditions, whilst unions are working to promote integration initiatives.**

**S**easonal agriculture workers in the European Union not only come from North Africa but also from Central and Eastern Europe – the new countries in an enlarged Europe. Recently, European social partners have concluded various agreements in a bid to improve the working conditions of these migrants, and unions are stepping up efforts to promote integration initiatives.

"Roles have been reversed to those in the 19th century." Agricultural workers, who occupied a relatively privileged position at the beginning of the industrial era, now form part of a sector characterised by "insecurity and poverty wages", a sector in which unions have "little hold". These are just some of the conclusions of a study commissioned by EFFAT, the European Federation of Food, Agriculture and Tourism Trade Unions.

Every year, the European Union's agricultural sector employs close to 4.5 million seasonal workers, almost 500,000 of whom come from countries outside the EU-15, according to the estimates of the Employers' Group of the Committee of Agricultural Organisations in the European Union, GEOPACOPA (which, however, also highlights the "clear lack of meaningful statistics"). In virtually all countries with the exception of Nordic countries, the number of seasonal workers is higher than the number of full-time workers.

Migrant workers travel from Central and Eastern Europe (mainly Poland, followed by Hungary and Rumania) to



*The majority of agricultural workers are in precarious employment.  
(Photo: Gamma)*

work in Germany and Austria, whilst in Southern European countries, such as Spain and Italy, they mostly travel from North Africa, and from Central Europe, yet this is to a lesser extent. In Greece, migrant workers come from bordering countries (Albania, Rumania and Bulgaria).

In addition to the "seasonal migrants", there are the third-country nationals legally residing in the EU who do seasonal work when between jobs or

during their holidays. These include foreign students and undocumented workers who stay in the country once the seasonal work is over; not to mention internal migrants on whom there are few reliable statistics.

In Germany, the agriculture and construction union IG Bau has expressed grave concern at the growing trend of permanent jobs being replaced by tem-

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porary contracts, particularly in tree nurseries and horticulture. (see article p. 6).

#### UNWRITTEN CONTRACT

"Salaries close to the legal minimum, inadequate health and safety conditions, approximate calculations of working hours (to the workers' detriment)", the working conditions of migrants in agriculture are particularly poor, underlines EFFAT.

Wages paid by the day or on a piece-work basis and verbal employment contracts are still common in some countries, such as the United Kingdom and Spain, according to GEOPA.

The often fixed-term employment contracts of seasonal workers can be concluded "from date to date" or for the duration of the work to be completed.

In Spain, 64% of agricultural workers are employed under fixed-term or other precarious contracts, according to workers' confederation CC.OO. In Belgium and the United Kingdom, daily contracts can be drawn up. In the UK, the employment contract is oral. In Spain, it can either be written or oral. In Belgium, seasonal workers come under the specific regime of "occasional seasonal workers", who can be employed for 45 days per year. Contracts are concluded for a single day. So if it rains the following day, the worker is not paid for it.

Concerning working hours, seasonal workers are supposed to have the same hours as the permanent workers. Yet the legal working week ranges from 35 hours in France to 40 hours in Greece, Austria, Germany, Finland, and Sweden.

The rules on overtime also vary greatly from one country to another. In principle, overtime should be remunerated by an increased rate of pay. But the

overtime rate varies between 25% and 100%, depending on the country.

#### FRAMEWORK AGREEMENT

European social partners, GEOPA-COPA (employers) and EFFAT (workers) signed a framework agreement in July 1997, proposing a maximum working time of 1827 hours per year, i.e. 39 hours a week, and four weeks paid annual leave. It proposes greater flexibility in how working hours are organised, which may translate into an increase in the number of days of paid leave.

According to this agreement, which will be evaluated in 2004, overtime must be compensated by an increased pay rate and/or time off in lieu, although the two parties in the agreement undertook to resort as little overtime as possible, with a view to promoting employment.

## Migrant workers in Europe: less well off than the nationals

Europe's 30 million migrant workers are discriminated against when it comes to wages, contracts and working conditions.

According to the ILO, Europe is the region of the world that attracts the largest number of migrant workers and their families. Of the 120 million migrant workers (and their families) throughout the world, some 30 million live in Europe, 20 million in Africa, 18 million in North America, 12 million in Central and South America, 9 million in the Middle East and 7 million in Southwest Asia.

According to a Dublin-based European Foundation (\*) (whose research is based on European Commission and Eurostat data), 19 million migrants live in the 15 countries of the European Union, where they represent 5.1% of the population. Of these, 65% live in Germany, France and the United Kingdom. A third of the migrants come from other EU member states. Almost two thirds (60%) come from countries outside of the European Union, and their number in terms of a percentage of the EU population rose from 2.3% in 1985 to 3.4% in 1999.

Concerning the figures specifically related to workers, according to Eurostat, of the 7.46 million migrant workers employed in the EU-15 in 1996, a rise from 6.2 million in 1988; most were concentrated in France

and Germany (4.68 million in the two countries).

In Germany, most of these migrant workers come from Turkey, former Yugoslavia, and Italy. In France, they mainly come from Portugal, Algeria, and Morocco, while in the United Kingdom the majority come from Ireland. The Turks form the largest group of immigrant workers in Germany and the Netherlands. Workers from the former Yugoslavia are the largest group in Austria, and the second largest group in Switzerland and Sweden. Italians form the largest group of immigrant workers in Switzerland and Belgium. Moroccans form the second largest group in both Belgium and the Netherlands.

Often employed on temporary contracts, migrants are paid less and have poorer working conditions than national workers. Their participation in the labour market is lower (62%) than that of EU nationals (69%), as is their employment rate (52%, relative to 64%), except in Greece, Italy, and Spain, where the employment rate of non-nationals is greater. The unemployment rate among migrant workers was 16% in 2001, two times higher than the rate among national workers. The unemployment rate is even higher among migrant women. Migrants are most often employed in low-skilled jobs and labour-intensive sectors (cleaning, hotel and restaurant trade, etc.). In Spain, for example, 28% of migrants are in unskilled jobs compared to 14% of the active national population). The sectors

employing migrants in large numbers are distribution, the hotel and restaurant industry, or "other services"; they employ over 40% of the migrants in Denmark, and over 30% of those in the UK and Ireland. There is a larger proportion of fixed-term contracts among migrant workers (20% as opposed to 13% for national workers in 2001); and in many countries, a larger percentage is self-employed (13.8% of migrants in the UK versus 10.7% of the active national population).

In Spain, they are paid lower wages than nationals, and in the UK they are often victims of unjustified deductions from their payslips. In Belgium, Turkish migrants are paid up to 26% less than their Belgian colleagues, and women are paid 60% less. Their working conditions are generally poor: weekend work, work during holidays, night shifts (Germany), less health and safety protection (Spain), inappropriate training (UK), excessive working hours (UK), high rate of accidents at work (Austria, Spain, UK). In countries where the underground economy is highly developed, illegal migrants suffer very poor working conditions.

A.R.

(\*) "Migration and industrial relations", European Foundation for the Improvement of Living and Working Conditions, study published in May 2003.

## PIECEWORK WAGES

As far as pay is concerned, piecework rates still exist, although the most common form of remuneration is the hourly rate, which should be at least equal to the minimum or standard wage. Wages are calculated on a daily basis in Spain and on a monthly basis Portugal. In the United Kingdom, most seasonal workers are paid piecework rates. In Germany and Finland, piecework rates have to be calculated so that they are 20% higher than the minimum hourly rate for the same job.

Employers sometimes provide benefits in kind, such as food and lodging but these are often deducted from cash wages.

The hourly rate paid to seasonal workers varies greatly according to the task performed. According to GEOPA, during the second half of 2001, the gross hourly rate of an unskilled seasonal worker picking fruit or vegetables ranged from 2.30 euros in Portugal to 12.67 euros in Denmark; the rates in other countries were 3.50 (Greece), 4.60 (Spain), 5.40 (Germany), 6.65 (United Kingdom), 6.67 (France), and 7.21 euros (Austria).

## INFORMAL RECRUITMENT

In addition to the precarious working conditions, migrant agricultural workers are, in some instances, recruited in a very informal manner, either directly by the employer or through an intermediary or by an organisation (sometimes criminal), particularly in the UK and Southern Italy.

Clandestine immigration and undeclared work do not, however, dominate the agricultural labour market. According to EFFAT, the agriculture labour market is more seriously affected by the downward pressure on the cost of agricultural labour. This pressure is felt most strongly by the foreigners regularly entering the EU with a tourist visa, whose salaries are notoriously lower than nationals' wages and wages of non-EU nationals with a work permit.

All agricultural employers in the EU are affected by labour shortages. According to GEOPA, "... national labour is not motivated by manual outdoor work. The lack of fitness of an increasingly urban population partly accounts for this loss of interest, but the small difference between low wages and unemployment benefits and other welfare allowances is undoubtedly a barrier to taking up jobs."

EFFAT attributes these shortages mainly to the rural exodus, which has reduced the "number of hands available locally" and has created the need to bring in labour. Yet the shortages are not reflected in the development of temporary employment agencies as the profit margins in this sector make such



*Migrant workers' accommodation provided by Spanish farmers.*  
(Photo: Gamma)

intermediaries too costly. Hence the emergence of "labour suppliers" who do not take their commission from the employer as temping agencies do but from the already low wages of the workers," says EFFAT, which describes seasonal work as "mercenary" (for paying intermediaries).

The intermediaries are generally permanent salaried employees or self-employed workers who offer teams of labourers. In the most extreme cases, they are controlled by criminal organisations employing virtually slave-like practices.

In the UK, some 70% of seasonal workers are supplied by "gang masters", who bill the farmers for their services and pay the agricultural workers directly. Their profits are chiefly derived from deductions made from the wages such as transport costs, food, and other administrative costs that, they claim, "weigh heavily" on their activity.

With the intensification of competition and pressure from the supermarkets, farming systems have gone from being a kind of local trade to a large-scale organisation connected to fraudulent migration networks supplying workers from Central and Eastern Europe, which leads to the exploitation of workers as a whole, particularly of migrant workers.

In Southern Italy, the "caporale" (petty officer system) is in charge of the local recruitment of the labourers, their transport, and exploitation. It is the "caporale" who bills the farmers and thus

sets the wages with no respect for collective agreements. In Bari (Pouilles), for example, the wages are 30 to 50% below the legal minimum. In addition, transport costs are deducted from these wages and in some instances, moral and physical pressure is exerted on the workers.

Given the pressure exerted by major distributors, the study commissioned by EFFAT recommends that the main contractors should be made responsible for their subcontractors and, to achieve this, cooperation should be organised between trade unions and consumer groups, and the various activities (from agri-food to distribution) should be grouped within the same union. EFFAT also wants to encourage "virtuous recruitment formulas", like those of employers' groups in France.

## INTEGRATION

In 2003, EFFAT launched a campaign to promote the social and trade union integration of seasonal workers, particularly of new migrants from candidate countries. In 2004, it will do a survey on the "best trade union practices". "It is the only suitable trade union response to possible attempts by employers to exploit migrant workers and social dumping," underlines Arnd Spahn, EFFAT's agriculture secretary.

These new migrants "go back home as soon as the season ends. This creates new problems as previously these work-

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ers settled in the host country with their families. Nowadays, employers do not give them the means to integrate. They cannot pay their taxes nor send their children to school. These workers also come to gather as much money as they can within a limited period of three to six months, and therefore they do not check the working hours. They work seven days a week, 16 to 18 hours a day," explains Mr Spahn. The result is more accidents at work, which is affecting an increasing number of workers lacking social protection.

Some of these migrants are undocumented workers, and EFFAT denounces the fact that "hiding behind these illegal workers are employers who are breaching the law and exploiting the dire situation of the workers to suit their own economic interests".

Undocumented workers are all the more difficult for unions to contact. In Denmark, the national union of general workers, SID (LO), trained its union representatives to improve contact between newcomers from Eastern Europe and permanent workers who speak the same language. "But the workers are afraid of losing their jobs; they confuse us with the police," says Peter Holm, of SID.

### TRAINING PASSPORT

EFFAT and GEOPA signed an agreement on training on 5 December 2002 regarding the creation of a European qualifications passport. Under this agreement, agricultural workers will be able, through "National Reference Centres", to present "qualifications and skills booklets" indicating their diplomas, training certificates and occupational skills". These booklets should be trans-

lated into at least two EU languages. "In the future, cross-border workers will find it easier to compare their qualifications with those in countries where they wish to work," underlines the president of EFFAT's agriculture section, Peter K. Holm. It will also benefit employers by "removing obstacles on the EU labour market" as well as constituting a means of "reducing unemployment".

EFFAT also intends to press EU member states to improve the living conditions of seasonal workers. In Germany's wine producing sector, workers "often sleep in their cars or in the vineyards" reports the IG BAU, which also censures the inadequacy of European regulation on this issue.

### HEALTH AND SAFETY

In the area of health and safety, agriculture is the most dangerous sector af-

## Spain: trade union information centres

Spanish workers' confederations CC.OO and UGT play an active role in supporting migrants, particularly through the information centres set up in the 1980s to assist migrants from the Maghreb and Sub-Saharan Africa.

The first CITEs (information centres for foreign workers) were set up by the CC.OO in 1986 in Catalonia to where a considerable number of Africans had come to work. In 1997, there were hundreds of CITEs throughout the country, and today, over 150 people, migrants and trade unionists, work in these centres<sup>1</sup>.

The CITEs cover three different activities: advice and support for migrants on labour legislation and administrative issues (work permits, accommodation, visas, social security and so on); information campaigns and multilingual periodicals (in 1996, the CC.OO organised a campaign on domestic workers); training for migrants (to learn Spanish, job seeking procedures, etc.) and awareness raising among groups who come into contact with migrants, such as public sector employees and the police. The information gathered by the CITEs (29,000 dossiers, 70,000 interviews in 1996) and the resulting database is also a major tool through which the various regional CITEs can share knowledge and experiences, helping them to respond more rapidly to the questions newcomers may have.

The UGT set up a network of centres (Centros – Guía de Inmigrantes y

Refugiados) in 1991, and it currently has 11 centres in regions with large immigrant populations. Where there are no UGT centres, the migrants can contact the social services of the local trade unions. The centres are designed to help migrants renew their residence or work permits, to guide them through the procedures for visas, the right of exile, and to provide information on all work related issues.

The UGT centres also produce brochures, sometimes multilingual, and assist migrants with official procedures and negotiations with the local authorities. Volunteers provide free Spanish classes and trade union representatives organise workshops on health and safety issues.

In 1995, the UGT centres had received some 7,600 migrants, and remarked that 70% of them were asking for principally legal information, and that 30% requested information of a social nature.

Concerning undocumented migrants, the Spanish unions advocate that they be regularised rather than deported. They see the regularisation of migrants and stricter control and penalisation of employers as the best way to combat clandestine work. They argue that this would benefit national workers as well as migrants, because regularising migrants would strengthen their position as negotiators vis-à-vis employers.

Finally, as regards to regulating migration flows, the Spanish unions are in favour of reuniting families but are not opposed to the quota system (and are pressing to be included in defining it so that more sectors can

be included).

The Spanish unions' attempts to organise migrants (illegal migrants included) have had varying results. Many migrants fear that joining a union is synonymous with unemployment. They would rather "work more hours, receive lower pay, and do the hardest jobs and shifts, because at least that way they have work", explains a CC.OO representative. Nonetheless, there has been some success, such as in the agricultural sector of Murcia and Almeria, where 80% of the CC.OO's members are Moroccan.

## Illegal immigration: cooperation between Spanish and Moroccan unions

The ICFTU-affiliates CC.OO (Spanish workers' confederation) and the, Moroccan trade union confederation UMT, along with the Moroccan Workers' Union (UMT), the Democratic Confederation of Workers (CDT), the Moroccan General Workers' Union (UGTM), - the Peace and Solidarity Foundation and the Association of Moroccan Migrant Workers in Spain (ATIME) met in January 2003 to devise a strategy for cooperation on immigration issues.

A.R.

(1) Cf "Trade unions and migrant workers, examples from the United States, South Africa and Spain", by Marcus Kahmann, ETUI (European Trade Union Institute), discussion and working paper, February 2002.

ter construction, without taking account of all the work-related accidents that are not declared or are not registered as such. According to a Polish trade union, 50% of accidents at work in Poland take place in agriculture, and many involve children.

Employees' unions also insist on the need to train seasonal workers in this area, including language training so that health and safety instructions can be understood. They also recommend more inspections of small farming operations. European employers' and workers' representatives have published safety guides for handling machines used in forestry and those used for handling pesticides.

EFFAT has been pressing for a specific directive on health and safety in agriculture for several years, and managed to ensure that health and safety at work features amongst the conditions for

granting aid, in the reform of the EU Common Agricultural Policy (CAP).

#### OUT OF REACH

Trade unions are still left with the problem of how to develop a relationship with these migrants. Occasional workers are largely out of the unions' reach, especially when they form part of work teams with feudal or mafia-type relations with their employers.

Yet organising migrants has proved possible in some sectors. In Murcia and Almeria, for example, the CC.OO reports that 80% of its members are Moroccan. In Sweden, the public-sector workers' union Kommunal (LO) decided to make direct contact with migrants as they leave the ferries, providing them with information. Such work is often rewarded in the long run. Finally, in Finland, the information points set up by

Finnish and Estonian unions (see article below) have encouraged Estonian workers to contact the unions in their country on their return home. ●

ANNE RENAUT

(1) EFFAT: *Le travail au noir dans l'agriculture*, study carried out by the Office européen de conseil, recherche et formation en relations sociales, covering six countries: Germany, United Kingdom, Netherlands, Spain, France, and Italy (Brussels, 1997).

(2) GEOPA- COPA: Seasonal workers in European agriculture (Brussels, June 2002).

(3) Recommendation framework agreement on the improvement of paid employment in agriculture in the Member States of the European Union, signed in Brussels by GEOPA-COPA and EFFAT, 24 July 1997.

(4) European agreement on vocational training in agriculture signed between GEOPA-COPA and EFFAT, 5 December 2002.

## Finland: information centres for Estonian workers

**Finnish and Estonian trade unions open information centres for migrant workers in Finland, so that they exercise their entitlement to the same rights as Finnish workers.**

Estonians form the second largest migrant community in Finland after the Russians. Almost 8,000 work permits were granted to Estonian workers in 2002, a figure that may double in 2003, given that close to 7,000 permits have already been granted during the first half of the year. The workers are usually low-skilled and often work part-time or are employed on fixed term contracts to work in construction, metallurgy, transport, or even fruit (berry) picking.

The prime motivation for Estonians is financial: in Finland, a road transport worker earns 10 to 12 euros an hour, whilst the minimum wage in Estonia is only 13 euros per month.

According to Finnish law, migrant workers are entitled to the same rights and working conditions as their Finnish counterparts. "These rights are generally respected in the construction and transport sectors but not in agriculture, where the contracts are generally fixed-term and there are often problems. Many workers are exploited because they are unprotected, they are not aware of their rights," explains Kaili Kaurson, president of the women's committee of the Estonian trade union confederation EAKL.

To tackle this problem, the Finnish confederation SAK, the Finnish union of salaried employees TU, and EAKL have opened information and advice centres in Finland.



(Photo: Gamma)

The chief aim of these information centres, which also organise meetings between Finnish and Estonian trade unionists and seminars on topics related to the labour markets of the two countries, is to avoid the emergence of a two-track labour market. It also aims to improve the status of foreigners working legally in Finland.

The migrants can find information at the centres about accommodation, work permits, the tax system, the steps involved in seeking employment, or about the services offered by trade unions. "It is useful to know, for example, that the collective agreements in

Finland also cover migrant workers, unlike in Estonia, where this is not the case," points out Ms Kaurson.

As far as organising migrant workers is concerned, the unions recognise that they "are not interested in joining a union as they only come to work for limited periods".

For the moment, the union card of a worker who is a member of an Estonian union is not valid in Finland but the EAKL intends to start working on this issue now, particularly since "some Estonian workers contact us on their return from Finland, after having been helped out by the unions there", she explains.

"One positive aspect for us is that the Finnish government also intends to set up information centres for migrants. We were the pioneers..." announces Ms Kaurson proudly. ●

ANNE RENAUT

# Polish seasonal agricultural workers in the German countryside

**E**very year, hundreds of thousands of Poles travel from their home country to work in the German countryside. Any romantic images of grape picking in the fields and retiring to drink ones harvest away under the setting sun are quickly replaced by a reality of low pay, poor accommodation and sanitary conditions and low job security for many workers.

Henry Skazry's monthly salary is 500 Euros (\$604 USD) for his work in Germany's vineyards which translates into about Euros 5,60 (\$6.77 USD) per hour. Henry, together with 41 other Polish seasonal workers, has come to work at a vineyard in the Hessen region of Germany for 3 weeks, leaving behind his regular job as an accountant in Coseł, Poland. Whilst this opportunity means that in Germany, he can earn in 9 days what he would earn in 1 month at home, his poor salary and that of those who earn much less than him "is a sign of stagnating wage levels for migrant workers in the sector," says Dr. Sabine Graf head of European and agriculture policy at the German trade union IG-BAU. As the trade union for workers in the building, agriculture and environmental sectors, IG-BAU is campaigning for better protection of seasonal agricultural workers, not least since the attractiveness for workers from Eastern Eu-

rope to come to countries like Germany can result in severe exploitation.

The German trade union is concerned about the trend towards replacing permanent jobs with seasonal work says President Hans- Joachim Wilms. This trend is most acute in horticulture and tree nurseries.

Out of a total of 275,000 seasonal employment contracts registered in Germany in 2002, 244,000 were with agricultural workers from Poland, swelling from the previous figure of 78,500 in 1991. The increase in numbers has not necessarily been accompanied by an improvement in pay and conditions for the workers in the fields. Lacking union representation, these workers do not enjoy the protection of the collective agreement for the sector, which itself has not been renegotiated since 1990. For this very reason, seasonal workers may appear more attractive than their permanent counterparts yet receive the unwanted bonus of poor pay since there is no legal minimum wage.

In its inspections, the IG- BAU trade union finds itself in a similar quandary to that in which many other unions are caught. "We travelled around the cherry plantations of Potsdam (Eastern Germany) and were greeted by workers who claimed that they were being treated very well and received good pay.

However when we scratched a bit deeper, we found out that these Polish cherry pickers were receiving 40 Eurocents per kilogram picked which is about 2 Euros (or \$2.40 USD) an hour" continues Dr. Sabine Graf. "That's among the very lowest wages for horticulture in the region. Polish seasonal agricultural workers are paid piecemeal which is prohibited by existing collective agreements. IG- BAU is pressing for a minimum wage for seasonal workers of 1,500 Euros per month for seasonal migrant workers.

As well as concentrating on wages, IG-BAU is also committed to improving the housing conditions of seasonal agricultural workers. One example relates to a spot check conducted in Rheingau, South Western Germany. "We found 8 Polish workers tightly housed in a container. It was filthy and stinking, the floor was black with dirt and it lacked basic sanitary facilities," says IG-BAU General Secretary Veit Wilhelmy. "The reality however is that many seasonal agricultural workers don't have proper accommodation at all," he continues. "They are more likely to be found sleeping in cars, barns or cellars without toilets or access to water". The union says that there are no comprehensive guidelines for accommodation and is pressing the German government to intro-

## A bilingual information guide for Polish seasonal workers in Germany

In August 2003, German and Polish agricultural workers' unions – the IG BAU (Germany) and ZZPR (Poland) – published a bilingual information guide (Informacje dla pracowników sezonowych zatrudnionych w Niemczech / Informationen für polnische Saisonarbeitskräfte in Deutschland) for Polish workers employed as seasonal labourers in Germany (1).

Some 244,000 seasonal contracts were concluded with Polish workers in 2002. It should however be noted in this context that some workers sign several contracts a year and that seasonal work is limited to 90 days per person per year.

The guide covers basic areas of legis-

lation including work contracts, employers' legal obligations in terms of sick pay, the German social security system, holiday pay, salaries and taxes, prescriptions for medical complaints, contract termination procedures, and the minimum regulations employers must comply with in terms of accommodation.

It explains how trade unions can assist their members, making particular reference to representation at industrial tribunals in the event of conflicts with an employer during the season. It also provides a list of the addresses and telephone numbers of the regional trade unions.

In June 2003, IG BAU published the first issue of a biannual magazine

atndworker for seasonal workers in which it reiterates its demands for a minimum wage of 1500 euros a month for seasonal workers, a forty-hour week, regulations on overtime, work on Sundays and public holidays, and decent accommodation.

The growth in the number of Polish workers employed in the German agriculture sector since the Nineties has fostered cooperation between the IG BAU and ZZPR, both of which are affiliated to the European Federation of Trade Unions in Food, Agriculture, Tourism and Allied Branches, EFFAT.

A.R.

(1)Source: Eiro, October 2003

duce measures to ensure that seasonal migrant workers are no longer exposed to poor living conditions.

IG-BAU is also quick to highlight the situation of woman workers in Germany who make up about 40% of the total of seasonal agricultural labour.

"We see cases of sexual harassment, committed by employers however the victims don't want to lodge a complaint. It is a complete grey area that we unions have a difficulty in tackling". ●

BARBARA KWATENG

## France: centres for long-term seasonal work

**Unions and employers' representatives have embarked on creating of seasonal work centres to assist and train seasonal and migrant workers.**

**W**e have to find a way to stop the employment of clandestine foreign workers, hired through networks working under the guise of Spanish or Portuguese temping agencies," explains Bertille Genthial, assistant general secretary of agri-food union SGA-CFDT in Hérault.

Some 35,000 seasonal contracts are officially drawn up every year in Hérault; most of the workers hired are from the Maghreb or Eastern Europe.

To better assist and guide these workers, French workers' confederations CFDT and Force Ouvrière joined forces with employers' and local authority representatives to open a seasonal work centre near Béziers in July 2003, which covers 19 communes. A similar centre is currently being set up in the neighbouring "department" or region of Gard.

The centre informs seasonal workers of their rights. It also offers information on current employment legislation in force, the options in terms of legal recourse as well as on training opportunities because "the first problem employers refer to is the workers' skills and qualifications," says Ms Genthial. The centre also provides seasonal workers with all the useful addresses and telephone numbers they may need to find accommodation, for example, or to make themselves legal.

### LONG-TERM SEASONAL WORK

At the same time, the centre also provides information on the labour and training opportunities available to employers or people setting up in business.

"This centre is founded on the versatility of the hotel and restaurant trade

and the farming trade. The idea is to contact seasonal hostel workers whose contracts have ended and to offer them another job in agriculture," explains Ms Genthial. "We want to offer continuous employment, at the same time as being versatile and respecting the workers' skills."

The switch from one sector to the other is not always easy but job rotation is common practice within the agricultural sector itself. For example, seasonal workers who have finished their job in a cooperative winery may continue working for the wine grower in the vineyards. "This is how we manage to create lasting seasonal employment," she points out, highlighting that by working with groups of employers "we have even managed to create permanent employment contracts."

It is a good way of enabling seasonal workers to settle in the same geographical area, thereby giving them a chance to find employment opportunities and training. Employers also benefit, as it makes their search for employees easier.

The same social partners have also opened a building to lodge employees during the hotel season, near the popular holiday resort, Cap D'Agde.

Working with the same aim in mind, the CFDT's national agricultural federation and employers' representative have published a booklet for seasonal workers called "Bienvenue en agriculture" (Welcome to Agriculture), with information sheets on hiring procedures, employment contracts, working hours, payslips, health and safety, social security, unemployment benefits and a list of the main jobs. The regional unions also offer different versions of this guide, adapted to local realities. ●

ANNE RENAUT

### Charter of Rights

Affiliates of the IUF (International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Associations), agree that the situation of "vulnerable and exploited migrant workers in the sector depresses standards for workers as a whole and must be addressed through union action at a variety of levels". As part of this, IUF affiliates are together developing a Charter of Rights for seasonal agricultural workers. Agreed in principle at the IUF's congress of agricultural unions in 2002, the content of the Charter of Rights was developed at a workshop hosted by IG-Bau and the IUF in Berlin with input from unions from the Ukraine, France, and South Africa and other countries. The Charter will provide the foundation for the International Labour Organisation's discussions on seasonal agricultural workers.

Stating that "no worker is an illegal worker", the Charter maintains that migrant workers have "the right to decent work and equal treatment" and "equal pay and working conditions in line with those of nationals of the host country, including those benefits derived from collective bargaining and trade union membership". The IUF Charter also states that migrant workers should be free "from physical or psychological violence and harassment, inhumane treatment and arbitrary deportation".

Other sections of the Charter stipulate that no discrimination should be tolerated on the grounds of sex, race, marital status or religion for example. Safe and healthy working conditions should be ensured and workers should not be exposed to forced deductions from wages. A central facet of the Charter is that migrant workers, seasonal or otherwise, should have a right to adequate accommodation and sanitation, access to education for their children and can get to medical services, social security and justice, and access to accurate information in their home countries and host countries in the relevant language.

# Fighting discrimination, promoting integration: trade union action plans

**In July 2001, the ICFTU adopted an action plan to "combat racism and xenophobia", with special emphasis on migrants. Two years later, it welcomes the adoption of the UN Convention on the protection of all migrant workers, as the ETUC wages its campaign for the integration of migrants.**

**"A** major breakthrough", were the words with which the ICFTU hailed the adoption of the United Nations Convention on the protection of all migrant workers and their families. The ICFTU does not, however, hide its concern at the fact that none of the principal immigrant "receiving" countries of North America and Europe have so far ratified the convention.

Indeed, migrant workers are among the most vulnerable and the most exploited in the world. They are often victims of discrimination, and are forced to work under unacceptable conditions for poverty wages. The abuses range from the near slave-like situation of domestic employees in several countries to the violations of their rights in factories, farms and service sectors.

This Convention on migrant workers is therefore designed to protect them from exploitation and abuse, as well as to guarantee their rights to union representation, freedom of expression and political freedom. It constitutes, along with ILO Conventions 97 and 143, a legal base for the rights of migrant workers at international level.

## DISCRIMINATION

"Discrimination against migrants continues to be very difficult to root out," said ICFTU General Secretary Guy Ryder in April 2003 whilst insisting that migrants must be protected by international labour conventions (prohibition of forced labour and child labour; non-discrimination; freedom of association and collective bargaining, etc.).

The number of illegal migrants is constantly rising, thus boosting the development of human trafficking. Mr Ryder implored that they be "treated humanely", and urged unions to fight for their regularisation and against their expulsion.

In July 2001, the ICFTU adopted an action plan to "combat racism and xenophobia" (\*), which urges governments to:

- ratify and implement the UN Convention on the Elimination of All Forms of Racial Discrimination (1965);
- ensure equality of treatment for peoples of colour, ethnic minorities, indigenous peoples, migrants and refugees as regards to access to social



services and provisions (health, housing, education, etc.);

- grant political rights for migrants and refugees;
- provide free language training for migrants and refugees, with special attention to women, together with a

training allowance;

- set clear targets for the appointment of people of colour and indigenous peoples to senior levels of the civil and public services and the judiciary.

The trade unions' commitments in the area of migration include:

- urging government to legalise undocumented workers;
- waging a lobbying campaign to push for legislation to protect people working in the shadow economy;
- to work with migrant communities to provide support and legal assistance for documented workers;
- to undertake special campaigns to organise migrant workers, especially undocumented workers;
- to play an active role in the shaping of immigration and migration policies to protect the interests of the workers and their families;
- to ensure that countries sending and receiving migrant labour work together to protect and defend the rights of migrant workers.

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(\*) <http://www.icftu.org/displaydocument.asp?Index=991213176>.

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